

“NO-CONTACT”
AS A CONDITION OF BOND OR SENTENCE IN A CRIMINAL CASE

1) *A condition of “no-contact” as part of a defendant’s bond may, and most likely will, be ordered by the Judge on a violent crime arrest.*

* The “no-contact order” is in effect for the ENTIRE LENGTH OF THE CRIMINAL CASE or until the victim requests that it be removed and then it is only removed on the approval of the District Attorney and the Judge handling the case. It is a common fallacy that the “no-contact” will automatically be removed at the first appearance in court or after 30 days. THIS IS NOT TRUE.

*“No-contact” means that a defendant is not to call, write, have a third party contact, or themselves physically contact the victim or any other party the Judge orders the defendant have “no-contact” with.

*A condition of “no-contact” may be part of the disposition or sentence in a case.

*“No-contact may include the children of the defendant and victim.

2) *The “no-contact” can be REMOVED only when the victim comes into the District Attorney’s office and fills out a request to remove the condition of “no-contact.”*

*After a request by the victim, the process takes APPROXIMATELY 10 DAYS. There is still no guarantee that either the District Attorney or the Judge will approve it. (It may take even longer if the crime is a felony.)

*The request to remove the “no-contact” must be filled out at the District Attorney’s Office. (Interpreters are available for any language at the District Attorney’s office through AT&T’s language line.)

*Please encourage a victim to call the Victim/Witness program in the District Attorney’s office for more information at # 303-441-3700.

3) *What can the victim do if the defendant violates the “no-contact” order?*

A. WHEN THE “NO-CONTACT” IS PART OF A BOND CONDITION:

*Call the police immediately and report the violation of the “no-contact.”

*Go to the Boulder County District Attorney's office and speak with a Victim/Witness advocate to fill out a statement about the violation of the "no-contact."

*Document alleged violations of the "no-contact" (keep letters, use the *57 option to trace phone calls, etc.).

B. WHEN THE "NO-CONTACT" IS A CONDITION OF A DISPOSITION OR SENTENCE (FINAL JUDGEMENT IN A CRIMINAL CASE):

*Violations of the "no-contact" – once it is a condition of the resolution in a criminal case – go to the Boulder District Attorney's office. The victim can fill out a voluntary statement about the violation for the District Attorney to review.

*The police CAN NOT make an arrest on a violation of a "no-contact" order as part of Probation, Deferred sentence, or any final disposition. They could only arrest if a new crime is being committed or if a warrant has been issued because of a request from the District Attorney's office upon receiving a written statement by the victim concerning the violation.

4) What are some of the main differences between a "no-contact" and a Temporary (TRO) or a Permanent Restraining Order (PRO)?

*A TRO or PRO is an order by a Judge obtained by a victim/plaintiff restraining a party from the victim/plaintiff, their address, work, school, or any other place requested and granted by the Judge. The plaintiff carries this order on them at all times and it is clear order for the police to arrest if there has been a violation.

*A "no-contact" is ordered by the court in a criminal case and *is often not as quickly enforced* as a PRO or TRO. It is much more often subject to interpretation when issues such as residence, distance, and children arise. Once a "no-contact" is part of a resolution to a case, the police do not have the authority to arrest on a violation of the "no-contact" unless the District Attorney files a motion with the courts. This motion to includes a statement by the victim, and requests that a Judge issue a warrant for the defendant for violation of the conditions of the sentence (in this case a violation of the "no-contact" condition.)