

# Criminal No-Contact Orders

improving pre-trial safety in New Jersey

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13,433

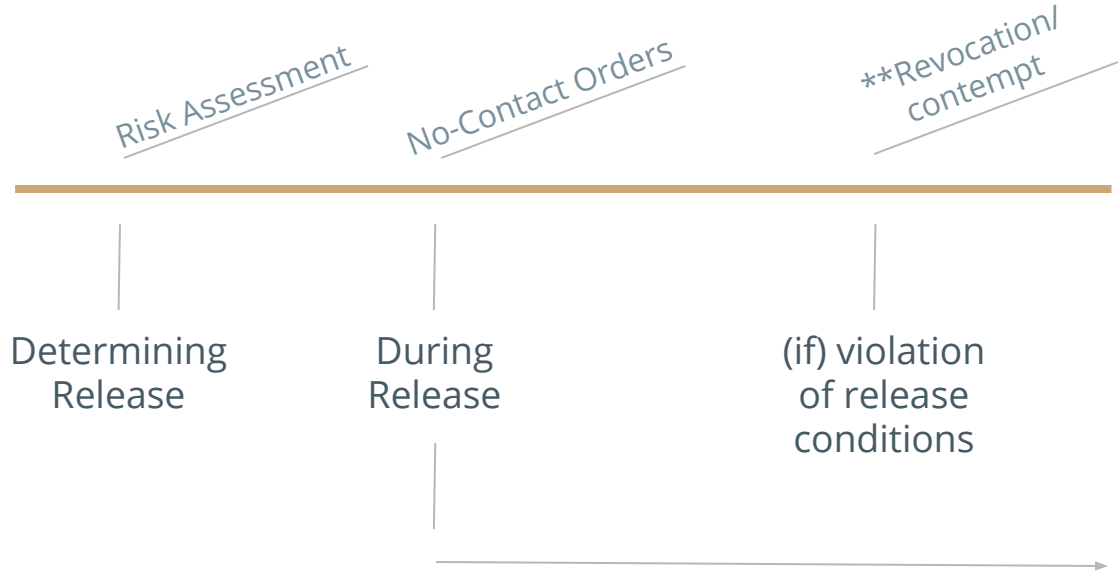
In 2016, there were 13,433 criminal domestic violence filings in New Jersey.

# Pre-Trial Safety

Partners' Pre-Trial Safety Project seeks to reduce domestic violence-related homicides and to safeguard victims and their children after an abuser has been arrested.

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# Pre-Trial Safety



# Criminal No-Contact Orders

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*No-Contact Orders*

Criminal no-contact orders are protective orders to ensure victim safety and monitor offender behavior. They are ordered at a defendant's initial appearance as a (default) pre-trial release condition, and are enforced throughout the duration of pretrial release, in the time leading up to the trial.

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# Witness Intimidation

“Witness intimidation can, and often does, result in failure to report crimes, refusal to speak with investigators, recantation of statements previously given, and refusal to testify at trial. Some victims will testify in favor of the defendant--actively opposing the prosecution’s case and claiming that they lied to the police or were coerced by police into falsely implicating the defendant.”

# Criminal VS Civil Protection Orders

- Ability to initiate the order (who seeks the order?)
  - Time frame for issuance of the order
  - Flexibility and scope of the order
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# Issues with Criminal NCOs

## Victim Agency

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- Lack of communication and consultation with victims
- Limited scope of NCOs restrictive and often harmful to victims

## Enforcement

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- Lack of trans-agency communication for effective enforcement
- Vague consequences



# Model Policies



- Two types of NCOs
- Victim can provide input on type of NCO sought
- Copies of NCO provided to both parties
- NCO entered into statewide database within one business day
- Modifications at any time
- Violation is a crime (up to 1 year in jail)



- Copies of NCO provided to both parties
- Victim can file a motion to lift or modify the NCO
- Violation of NCO can constitute contempt



New Jersey Courts

Independence • Integrity • Fairness • Quality Service

- No requirement that the victim in a criminal proceeding be notified of a domestic assault NCO (DANCO); practice of notifying the victim is not uniform
  - Poor interagency communication (communication of DANCO to law enforcement)
  - No procedure to request a hearing to modify or lift a DANCO
  - No set procedure to report violations
  - Consequences of violating an NCO unclear
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# Pre-Trial Safety





economic hardships, child care/  
support

witness intimidation, difficulty  
reporting violations

3 murders  
since 2017

51% of DV  
defendants  
rearrested  
pending trial

44% of victims in  
civil cases dismiss  
TRO or fail to show  
for FRO hearing

43.66% of criminal  
DV cases dismissed  
or downgraded



How can we use no-contact  
orders more efficiently?



Princeton  
Internships in  
Civic  
Service

*Special thanks to Trish Perlmutter '85  
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