

**SPENCER COUNTY PROSECUTING ATTORNEY'S OFFICE**  
**POLICY CONCERNING NO CONTACT ORDERS**  
**EFFECTIVE 7/20/2015**

**Purpose**

The Spencer County Prosecutor's Office has established this policy to better protect victims of crime and to facilitate the efficient handling and processing of No Contact Orders. The policy also seeks to insure that victims of certain crimes such as crimes of domestic or family violence, invasion of privacy and sex crimes who seek to drop No Contact Orders do so only after being fully informed of the risks to their safety and after having developed a safety plan for dealing with future episodes of violence.

**When No Contact Orders Will Be Sought**

It shall be the policy of the Spencer County Prosecutor's Office to automatically request and file No Contact Orders on behalf of victims in all cases filed involving crimes of violence (including domestic or family violence), stalking, invasion of privacy, or sex crimes. Additionally, in all criminal cases where there is an alleged crime victim it shall be the policy of the Prosecutor's Office to notify victims of the right to a No Contact Order by providing them with a standard Victim Packet. In those cases, a No Contact Order will be processed only upon the request of the victim. If the victim does not respond to a request for information or states in writing that he/she does not desire a No Contact Order then no further action will be taken by the Prosecutor's Office with respect to a No Contact Order.

**Staff Responsibilities**

The Victim Assistance Coordinator within the Prosecutor's Office will be responsible for making contact with all victims and preparing the No Contact Orders for filing at or before the Defendant's initial hearing. Pursuant to the Spencer Circuit Court Bond Schedule Order, all persons arrested on charges of **resisting law enforcement, battery related to domestic or family violence, stalking, invasion of privacy, or strangulation** will not be allowed to post bond until 24 hours after book-in. A condition of bond in all such cases is that the person is to have no contact with any and all alleged victims of the offense(s) and no contact is to be indicated as a bond condition on the Cash Bond Agreement signed by the person when posting bond. Staff members who log in case reports or prepare criminal charges for filing shall be responsible for making sure the Victim Assistance Coordinator is aware of all criminal cases in which charges are being filed where there is an alleged victim.

**Rescinding of No Contact Orders**

Frequently, victims of crime (particularly crimes of domestic or family violence) will contact the Prosecutor's Office asking that a No Contact Order in effect be rescinded. Experience and research has shown that in domestic violence cases the victim may have various reasons for making such a request. Reasons can include

economic pressures, intimidation or pressure from the perpetrator or perpetrator's family, learned helplessness and fear of retribution. The policy statement that follows concerning rescinding of No Contact Orders shall apply in the following circumstances: All criminal cases where a person is charged with **battery related to domestic or family violence, stalking, invasion of privacy, strangulation or a sex crime.**

It shall be the policy of the Spencer County Prosecutor's Office with respect to the cases identified above that a victim who requests a No Contact Order be rescinded must first complete and sign a written request form to be provided by the Victim Assistance Coordinator. Once the request form has been completed, the victim will be provided information and referred to the *Choice Program: Be Safe...Stay Safe* through Crisis Connection, Inc. The Spencer County Prosecutor's Office will not forward a request to rescind a No Contact Order to the Court in these instances until receiving verification that the victim has completed the safety program. There shall be no cost to the victim for participating in this program and the Prosecutor's Office shall not require any victim to incur any monetary expense as a condition for rescinding a No Contact Order or otherwise receiving assistance from the Victim Assistance Coordinator.

### **"No Drop" Policy**

It shall be the policy of the Spencer County Prosecutor's Office that crimes of **battery related to domestic or family violence, stalking, invasion of privacy, strangulation or sex crimes** will not be dismissed merely because a victim requests that "charges be dropped" or states that they do not want to "press charges." Experience and research show that hinging prosecution of such cases upon the victim's expressed desire does a disservice to victims and society as the worst offenders are the most able to manipulate and/or intimidate their victims into requesting that charges be dropped.

Victims will be informed that they do not have the authority or ability to "drop charges." This authority rests with the Prosecuting Attorney or his/her designated deputies. Charging decisions and plea agreements will be based upon the available evidence as well as the history and background of the defendant. Instances may arise where there is insufficient evidence to sustain a conviction and a charge may be amended or dismissed, however recantation by the victim alone shall not be grounds for dismissal.

Defendants charged with crimes of domestic or family violence shall be referred to a Batterer Intervention Program or other appropriate counseling as a condition of their sentence in any plea agreement or Pre-Trial Diversion Agreement.



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7/17/15  
Date