

Why is it important to report a violation of a pre-trial release condition?

Any violation, including a simple phone call or text message, can indicate an escalation of the situation and could mean your safety is at risk.

It is recommended that you report any violation because it will assist the court in holding the defendant accountable. It is also important for you to have a safety plan for you and your family. The following resources can assist you in reporting a violation and creating a safety plan.

Local Programs Available for Safety Planning Support

New England Learning Center for Women in Transition (NELCWIT)

24/7 Hotline: 413-772-0806

www.nelcwit.org

Safe Passage

413-586-5066

www.safepass.org

Center for Women and Community (CWC)

24/7 Hotline: 413-545-0800

<http://www.umass.edu/cwc/>



Contacts to Report a Violation

Northwestern District Attorney

David E. Sullivan's Office:

413-586-9225 (Northampton)

413-774-3186 (Greenfield)

www.northwesternda.org

Probation Departments:

Northampton District Court Probation

413-584-7400

Eastern Hampshire (Belchertown)

District Court Probation

413-323-4056

Greenfield District Court Probation

413-774-5533

Orange District Court Probation

978-544-8277

Hampshire Superior Court Probation

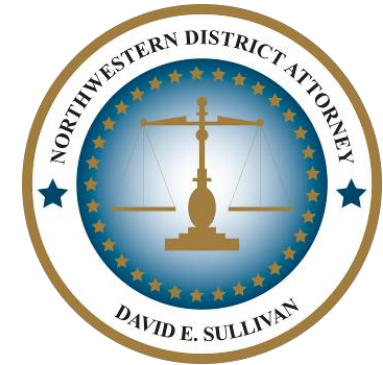
413-584-5810

Franklin Superior Court Probation

413-774-5535

This project is supported by Grant No. 2009-WE-AX-0055 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Understanding Pre-trial Release Conditions



A Guide for Victims/Survivors of Domestic & Sexual Violence



Pre-trial Release Conditions play an important role in keeping victims/survivors safe and holding offenders accountable.

Prepared by:

Domestic Violence and Sexual Assault Unit
The Office of Northwestern District Attorney
David E. Sullivan

Updated 2021

Victims of domestic and sexual violence often feel afraid when the offender is arrested, brought to court and then released from custody, sometimes just hours after the incident. When an offender is released, he/she may be placed on pre-trial release conditions which can help to protect you. This brochure will help you to better understand this process.

What is a pre-trial release condition?

While a case is pending in court, the law allows the judge to order the defendant to do or not do certain things. Here are some of the conditions the judge may impose:

- have no contact with you including in person contact, phone or text messages, e-mail, and contact made online or through social media
- stay away from you and your residence and work
- have no contact and stay away from your children or witnesses in the case
- stay away from certain streets, addresses, or towns
- do not drink alcohol or take illegal drugs
- attend an alcohol or drug treatment program
- be monitored by a GPS bracelet
- do not possess a firearm or other weapons
- live with a designated person, such as a parent, who will supervise him/her
- maintain or seek employment
- comply with a curfew
- undergo medical, psychological or psychiatric treatment
- report to a probation officer on a regular basis

Who is in charge of making sure the defendant obeys the conditions?

If a defendant is released on pre-trial release conditions, it is the job of the Probation Department to monitor the defendant to determine whether he/she is obeying the conditions that were ordered by the judge.

What happens to the defendant if he/she violates a pre-trial release condition?

The defendant will be brought into court and go before a judge. The judge may set additional pre-trial release conditions or cash bail, or the judge may revoke the defendant's bail and order him/her held in custody pending trial.

What can you do if you know the defendant violated a pre-trial release condition?

Violation of a pre-trial release condition is not a crime. Therefore, you should call the Probation Department and the Victim Witness Advocate at the District Attorney's Office assigned to the case rather than the police. You will need to provide as much specific information as possible. The District Attorney's Office and the Probation Department will work together to bring the matter before a judge. A hearing will be held to prove that the defendant violated the conditions. You may be asked to provide a written statement and/or testify at the hearing. Alternatively, if a third party witnessed the violation, he/she could report it on your behalf.

What is the difference between pre-trial release conditions and conditions of a civil restraining order?

Pre-trial Release Conditions:

- are set on criminal cases
- are set at the request of the District Attorney's Office
- only apply as long as the criminal case is open
- are only punishable by a change of bail status

Civil Restraining Order (c. 209A/258E) Conditions:

- are set on separate civil cases
- are requested by the victim/plaintiff by filing an application for an order
- can continue even after the criminal case is resolved
- can cause the defendant to be arrested and charged with a new crime if they are violated

What can you do if you know the defendant violated both a pre-trial release condition and a restraining order?

For this situation, you should call the police. For violating the restraining order, the defendant can be arrested and charged with a new crime. The arrest itself will also trigger a hearing in court about the defendant's violation of a pre-trial release condition. You should also call the District Attorney's Office and speak with the Victim/Witness Advocate assigned to the case.