

Chief Judge Directive 17-07

Concerning Requests to Modify Protection Orders in Criminal Cases

- I. Purpose: to clarify the Court's obligation when a request to modify a protection order has been made by a victim or witness in a criminal case.

- II. Reason for the Directive: Pursuant to C.R.S. 18-1-1001, a mandatory protection order enters against any person accused of a crime. That protection order prohibits the accused from harassing, molesting, intimidating, retaliating against or tampering with any victim or witness of the offense. The protection order is in effect from the first advisement until final disposition of the action. The protection order can only be modified, if the Court deems appropriate, at the request of the defendant or the district attorney. (See C.R.S. 18-1-1001(3)) At one time, the Office of the District Attorney routinely processed requests by victims or witnesses to modify protection orders. Over time that process has changed and now these requests for modification from victims/witnesses have come straight to the Courts--without review or input from the Office of the District Attorney. This is not the proper procedure, is not authorized by statute and utilizes the time of Court staff for something that is not their responsibility.

- III. Directive: Going forward, if the Court receives a request from a victim or protected witness in a case to modify or abolish a protection order issued pursuant to C.R.S. 18-1-1001, the Court will reject the filing and direct the person who is making the request to contact the Office of the District Attorney. It will then be in the discretion of the Office of the District Attorney to place the request on the Court's docket. If a hearing is set, the hearing should be set at a date and time when the prosecuting attorney is available to state the position of the Office of the District Attorney. If a hearing is set, it is the responsibility of the Office of the District Attorney to notify the requestor of the date and time of the hearing. It will be the court clerk's responsibility to notify the defendant of the date and time of the hearing.

Signed in Salida, Colorado on April 27, 2017.

/s/ Patrick W. Murphy

Chief Judge, 11th Judicial District