



NEWARK POLICE DEPARTMENT GENERAL ORDER



SUBJECT: DRUG OFFENDER RESTRAINING ORDER (DORO)		GENERAL ORDER NO. 02-04
SUPERCEDES: G.O. 02-04 (05/16/02)	DATED: SEPTEMBER 30, 2004	SECTION CODE: K 15

This Order consists of the following numbered sections:

- I. INTRODUCTION**
- II. POLICY**
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I. INTRODUCTION

- A. The enactment of the Drug Offender Restraining Order Act of 1999 (Chapter 334, Laws of 1999), enacted as N.J.S.A. 2C:35-54. et. seq.) has necessitated amended procedures for law enforcement and the judicial branch with regard to the initial processing of certain criminal complaints and defendants.
- B. The Act, commonly known as D.O.R.O., mandates that a court issue a restraining order prohibiting any person, including a juvenile, charged with or convicted of any offense that involves the manufacturing, distributing, selling or possessing with intent to distribute a controlled dangerous substance or the unlawful possession or use of an assault firearm as defined in subsection w. of N.J.S.A. 2C:39-1, from entering any premises, residence, business establishment, location or specified area including all buildings and all appurtenant land, within 500 feet in which the criminal offense occurred or is alleged to have occurred or within 500 feet of a location that is affected by the criminal offense with which the person is charged.
- C. Once issued, D.O.R.O.'s are valid for a period of two years, unless adjudicated or downgraded.

II. POLICY

It is the policy of the Newark Police Department that any Department member who charges any adult, with a third violation of any offense, involving the manufacture, distribution, sale or possession with the intent to distribute a controlled dangerous substance (2C:35-3 through 2C: 35-15), or any offense involving the unlawful possession or use of an assault firearm as defined in subsection w. of N.J.S.A., 2C:39-1, shall apply for a Drug Restraining Order in accordance with the Drug Restraining Order Act of 1999, S 1697 as amended.



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III. PURPOSE

The purpose of this order is to establish policy and procedure for officers, enabling them to comply with the mandates set forth in the Drug Offender Restraining Order Act. In addition, this policy is to establish a procedure for the issuance, enforcement and tracking of Drug Offender Restraining Orders.

IV. DEFINITION OF TERMS

- A. **Certification of Offense Location and Application for Drug Restraining Order** – The initial form, completed by the arresting officer/s, shall serve as both an application to the court of jurisdiction for a restraining order and verification of the exact location where the offense took place. A map of the area should be included with the certification to assist the presiding judge in determining the exact area the person will be barred from.
- B. **Person** – Any person charged with or convicted of a criminal offense or any juvenile charged with delinquency or adjudicated delinquent for an act, which, if committed by an adult, would be a criminal offense.
- C. **Place** – Any premises, residence, business establishment, location or specified area including all buildings and all appurtenant land, in which or at which a criminal offense occurred or is alleged to have occurred or is affected by the criminal offense with which the prisoner is charged. Place does not include public rail, bus or air transportation lines or limited access highways which do not allow pedestrian access.
- D. **Criminal Offense** – For the purpose of this general order means or includes:
 - 1. N.J.S. 2C:35-3
 - 2. N.J.S. 2C:35-4
 - 3. N.J.S. 2C:35-4.1
 - 4. N.J.S. 2C:35-5
 - 5. N.J.S. 2C:35-5.2
 - 6. N.J.S. 2C:35-5.3
 - 7. N.J.S. 2C:35-6
 - 8. N.J.S. 2C:35-7



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9. N.J.S. 2C:35-7.1
10. N.J.S. 2C:35-8
11. N.J.S. 2C:35-9
12. PL 1997, c.185 (C.2C:35-4.1)
13. Sections 3 or 5 of P.L. 1997, c.194 (C.2C:35-5.2 or C.2C:35-5.3)
14. P.L. 1987, c.101 (C.2C:35-7)
15. P.L. 1997, c.327 (C.2C:35-7.1)
16. The unlawful possession or use of an assault firearm as defined in subsection w. of N.J.S. 2C:39-1.

V. TARGET LOCATIONS

- A. North District
 1. Baxter Terrace (Public Housing)
 2. Dickerson St and 5th St.
 - B. South District
 1. Felix Fuld (Public Housing)
 2. Seth Boyden (Public Housing)
 3. Chadwick Ave and Clinton Ave
 4. 2 Osborne Terrace
 - C. East District
 1. Pennington Court (Public Housing)
 2. Riverview Court (Public Housing)
 - D. West District
 1. Oscar Miles (Public Housing)
 2. Bradley Court (Public Housing)
- *** NOTE: Target Locations may change as needed.



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VI. RESPONSIBILITIES

A. All Commands

1. Commands shall ensure that the charges meet the criteria for a Drug Offender Restraining Order and that all the necessary reports are included in the arrest package.
2. A copy of all active **Certification of Offense Location and Application for Drug Restraining Orders**, received from the COMSTAT Unit, shall be maintained in the Command.
3. Maps depicting a 500' radius of all selected target locations for District Commands shall be maintained in the applicable Commands. (Appendix B).
4. Copies of all **Certification of Offense Location and Application for Drug Restraining Orders** shall be entered into playbooks on a daily basis. This information shall include the name of the offender, description and the date the Order was issued. A map of the target location shall be included in all playbooks.
5. An adequate amount of **Certification of Offense Location and Application for Drug Restraining Order** forms and target location maps shall be available to all personnel at District Commands.
6. All vacated orders shall be removed from playbooks and from behind the front desk.
7. Commands shall submit as part of their monthly, quarterly, and annual reports, the number of Drug Offender Restraining Orders that were issued and that are in effect.

B. Arresting Officer

1. Initial Arrest and Application
 - a. When an adult is arrested and a Drug Offender Restraining Order is requested, the arresting officer shall process the arrest through normal procedures. In addition, the officer must complete the **Certification of Offense Location and Application for Drug Restraining Order. (Appendix A)**
 - b. A map of the surrounding area, where the defendant was arrested, shall be attached by the arresting officer/s so the presiding judge can determine the exact location where the defendant will be barred from frequenting.



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- c. Upon completion of this form, the arresting officer shall instruct the defendant to print and sign his / her name in the space provided at the bottom of the page.
- d. If the defendant refuses to sign, "Refused to Sign" shall be noted under the space provided for the signature.
- e. Because the Municipal Courts have decided to hear D.O.R.O. requests before the Municipal Court Judge setting bail at arraignment, all requests for D.O.R.O.'s will require the charges be placed on a CDR-2 (Warrant).
- f. A copy of this form shall be presented to the defendant at this time.
- g. The arresting officer shall note, in the space indicated on the form, that the defendant has been served with a copy of the D.O.R.O. application.
- h. If the defendant refuses the application, the officer shall note, "Refused" in the appropriate area.
- i. All relevant reports pertaining to the arrest shall be prepared in accordance with existing Department procedure and policy. (Ex: 802, 800, 795, 152 etc.)

2. **Violations of D.O.R.O.'s**

- a. Before making an arrest for violation of the Drug Offender Restraining Order, the arresting officer/s **shall** verify the validity of the Order, by reviewing the copy maintained at the District Command level, and by verifying same, through the D.O.R.O. computer database, located at Records Management (x 6155).
- b. The arresting officer(s) shall ensure that the defendant is within the target area, by identifying on the D.O.R.O. the exact area the defendant is barred from, including restrictions and special considerations, levied by the Court.
- c. D.O.R.O. violators shall be charged with **Criminal Contempt, N.J.S.A.2C:29-9A.**
- d. All relevant reports pertaining to the arrest shall be prepared in accordance with existing Department procedure and policy, which will include (Ex: 802, 800, 795, 152 etc.) reports pertaining to the arrest, along with CDR Warrants for the Contempt charge and a copy of the D.O.R.O.



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- e. All D.O.R.O. violations shall be considered "NO BAIL".

C. Prisoner Processing Division

1. The prisoner shall be processed through normal procedures, however the charges must be placed on a CDR-2 (Warrant) and will not be bailed out telephonically. All DORO requests will result in the prisoner being sent before the Municipal Court Judge for arraignment. D.O.R.O.'s are a condition of Bail. Personnel shall not contact an on call judge to set Bail on prisoners where D.O.R.O.'s are requested.
2. All paperwork (802, 795, 800, etc.) including the Certification of Offense Location and Application for Drug Offender Restraining Order shall be placed in a separate out basket marked D.O.R.O.
3. The contents of this basket shall be delivered to the Newark Municipal Court Administrative Office, Room 207, by the Court Liaison officer, when preparing arrest paperwork for the morning court run.
4. All D.O.R.O. applications and supporting paperwork, must be identified as D.O.R.O.'s, in order for Prosecutor's Office personnel to handle accordingly. In order to accomplish this, a rubber ink stamp with "DORO" shall be obtained and the arrest report, incident report and CDR shall be stamped.
5. If the arrestee is unable to make bail, all paperwork shall be forwarded, with the arrestee, to the County Jail.
6. A copy of the D.O.R.O. shall be forwarded to the Newark Police Records Management Division and to the ComStat Unit.
7. A copy of the D.O.R.O. shall be retained for future reference.
8. All violations of D.O.R.O.'s shall be identified as such, and included in the Prosecutor's basket, with all paperwork associated with the arrest included in this package. (Ex: 802, 800, 795, CDR, copy of D.O.R.O. etc.)

D. Essex County Courts, Central Judicial Process Section

1. The Municipal Court Judge setting Bail, or the Essex County Courts, Central Judicial Process Section (CJP), presiding Judge, can either issue the D.O.R.O. or modify its contents. In the event that charges are downgraded, the D.O.R.O. will not be issued and the request will be voided at that time.



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2. The Essex County Prosecutor's Office shall fax a weekly synopsis sheet, which includes all signed D.O.R.O.'s, as well as all requests that have been rejected, to the Records Management Division at 973-733-8802, and the Chief's Office at 973-733-3981.

E. Records Management Division

1. The Records Management Division shall be the central depository for all the Drug Offender Restraining Orders. In addition, they shall have the following responsibilities:
2. Upon receipt of the D.O.R.O. application from the Prisoner Processing Division, the information shall be entered into the D.O.R.O. database.
3. The D.O.R.O. database shall be updated on a weekly basis, upon receipt of the D.O.R.O. synopsis sheet, indicating that the D.O.R.O. was issued, or removed from the database because it was rejected, whichever applies.
4. A separate logbook for Drug Offender Restraining Orders shall be maintained, containing the same information as the database.
5. A computer database for all Drug Offender Restraining Orders shall be maintained that can be accessed 24 hours a day by calling extensions 6155, 6156 and 6157.
6. Monthly, Quarterly and Annual reports shall include the number of Drug Offender Restraining Orders that are in effect.
7. The Drug Offender Restraining Order (D.O.R.O.) database shall be checked on all arrests and record checks.

F. COMSTAT UNIT

1. The COMSTAT UNIT shall record all D.O.R.O.'s received from the Prisoner Processing Division, in a database within their Command.
2. On a weekly basis, D.O.R.O.'s shall be picked up from the Records Management Division, confirming issuance.
3. Copies of the confirmed D.O.R.O.'s shall be brought to the morning meeting and distributed to all Commands.
4. D.O.R.O.'s shall be actively tracked by location and presented on a weekly basis at COMSTAT.



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VII. VACATED ORDERS

- A. The downgrading of charges will be handled in accordance with the D.O.R.O. Act of 1999.
- B. If the initial charges are downgraded to the Superior Court CJP level, the Drug Offenders Restraining Order shall be vacated.
- C. The Superior Court Central Judicial Process Section (CJP) shall notify the Essex County Prosecutor's Office, who in turn shall notify the Newark Police Department of any downgrades.

VIII. TRAINING

The Police Academy shall incorporate this order into the Bi-Annual training program, Academy of Supervision, and into the Basic Police Officer training course.


IX. RESPONSIBILITY FOR COMPLIANCE

Command and Supervisory personnel are responsible for understanding and compliance with this Order and shall ensure that subordinate personnel thoroughly understand the tenets of this order. All Commands as well as the Safe City Task Force shall ensure Crime Control Officers maintain updated statistics for subsequent COMSTAT presentations.

X. EFFECT OF THIS ORDER

All previous Orders that are inconsistent with this order are repealed.

By Order of:



Anthony F. Ambrose III
Police Director

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