



# NEWARK POLICE DIVISION GENERAL ORDER



<b>SUBJECT:</b> <b>DOMESTIC VIOLENCE POLICY</b>	<b>GENERAL ORDER NO.</b> <b>95-01</b>
<b>SUPERSEDES:</b> <b>G.O. 95-01 (Dated 07/21/23)</b>	<b>DATED:</b> <b>February 13, 2025</b>

**THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:**

- I. POLICY**
- II. PURPOSE**
- III. RATIONALE**
- IV. DEFINITION OF TERMS**
- V. DOMESTIC VIOLENCE LIAISON OFFICER (DVLO)**
- VI. RESPONSIBILITY OF DIVISION MEMBERS RESPONDING TO A DOMESTIC VIOLENCE INCIDENT**
- VII. PROCEDURE FOR STRANGULATION INCIDENTS**
- VIII. ARREST RESPONSIBILITIES**
- IX. PROCEDURE FOR THE SEIZURE OF WEAPONS**
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- XI. DOMESTIC VIOLENCE INCIDENTS INVOLVING A POLICE OFFICER**
- XII. PROCEDURE AFTER SEIZURE OF WEAPONS IN A DOMESTIC VIOLENCE INCIDENT**
- XIII. EXECUTION OF THE NEW JERSEY DOMESTIC VIOLENCE SUPPLEMENTARY OFFENSE REPORT**
- XIV. STATE OF NEW JERSEY VICTIM / WITNESS NOTIFICATION FORM**
- XV. STATE OF NJ DOMESTIC VIOLENCE CIVIL COMPLAINT (TRO)**
- XVI. PROCEDURES FOR PROCESSING DOMESTIC VIOLENCE RESTRAINING ORDERS**
- XVII. DOMESTIC VIOLENCE VICTIM ASSISTANCE AND REFERRAL**
- XVIII. RE-CODING OF A DOMESTIC VIOLENCE CALL FOR SERVICE**
- XIX. EFFECT**
- XX. COMPLIANCE**



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## I. POLICY

It is the policy of the Newark Police Division that Domestic Violence will not be tolerated or excused, and that the Division will undertake any or all actions bestowed upon it by law, to afford domestic violence victims protection from physical violence by their offenders.

Therefore, it shall be incumbent upon all Police Officers to enforce all laws that allow for police intervention in a domestic violence situation, with the purpose of relieving immediate physical violence, or the threat of physical violence against any person.

By responding expeditiously to all acts of Domestic Violence, the Police Division will emphatically communicate to domestic violence offenders its zero tolerance policy for such criminal behavior.

## II. PURPOSE

The purpose of this order is to ensure that all Division personnel are cognizant of their responsibilities under N.J.S.A 2C:25-17 (The Prevention of Domestic Violence Act). In addition, this order shall provide direction and guidance to police personnel regarding the enforcement of the law, and the necessary administrative requirements when a police officer takes action under this statute.

## III. RATIONALE

Domestic violence is a serious crime against humanity. Thousands of persons are regularly beaten, tortured, and even killed by their spouses or cohabitants. Domestic violence is translucent, afflicting persons of all social, racial and economic backgrounds, causing damage to individual families and society as a whole.

The Newark Police Division is committed to strictly enforcing all domestic violence laws and affording all domestic violence victims their rights and protection under the law.

## IV. DEFINTION OF TERMS

A. Domestic Violence – The occurrence of one or more of the following acts inflicted by an adult or emancipated minor, upon a person protected by the Prevention of Domestic Violence Act:

- |    |                         |                |
|----|-------------------------|----------------|
| 1. | Homicide                | N.J.S. 2C:11-1 |
| 2. | Assault                 | N.J.S. 2C:12-1 |
| 3. | Terroristic Threats     | N.J.S. 2C:12-3 |
| 4. | Kidnapping              | N.J.S. 2C:13-1 |
| 5. | Criminal Restraint      | N.J.S. 2C:13-2 |
| 6. | False Imprisonment      | N.J.S. 2C:13-3 |
| 7. | Sexual Assault          | N.J.S. 2C:14-2 |
| 8. | Criminal Sexual Contact | N.J.S. 2C:14-3 |



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9. Lewdness N.J.S. 2C:14-4
10. Criminal Mischief N.J.S. 2C:17-3
11. Burglary N.J.S. 2C:18-2
12. Criminal Trespass N.J.S. 2C:18-3
13. Harassment N.J.S. 2C:33-4
14. Stalking N.J.S. 2C:12-10
15. Criminal Coercion N.J.S. 2C:13-5
16. Robbery N.J.S. 2C:15-1
17. Contempt of a DV Order N.J.S. 2C:29-9
18. Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991" N.J.S. 2C:25-17
19. Cyber-Harassment N.J.S. 2C:33-4.1

B. **Victim of Domestic Violence** – A person protected by the Prevention of Domestic Violence Act, which includes any person:

1. Who is eighteen (18) years of age or older, or
2. Who is an emancipated minor, and
3. Who has been subjected to domestic violence by:
  - a. A spouse,
  - b. A former spouse,
  - c. Any other person who is a present or former household member,
  - d. A person (regardless of age), with whom the victim has a child in common, or anticipates having a child in common (if one of the parties is pregnant), or
  - e. A person with whom the victim has a present or a past dating relationship.

There is no distinction made in the definition of victim by sex, age, physical, or psychological condition. Furthermore, domestic violence may occur between two (2) persons of the same sex.

C. **Domestic Violence Suspect** – A person who is suspected of having committed a Domestic Violence Offense and:

- a. One who is eighteen (18) years of age or older, or
- b. One who is an emancipated minor

D. **Emancipated Minor** – A person who is under eighteen (18) years of age, and:

1. Has been married, or
2. Has entered military service, or
3. Has a child or is pregnant, or
4. Has been previously declared by a court or an administrative agency to be emancipated.



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- E. **Household Member** – Generally, this means a person who resides in the same house or premises. Household would include not only traditional family-oriented households, but also roommates, dormitory suite and shared rental arrangements, involving adults or emancipated minors of the same or opposite sex.

An overnight or weekend guest would not be considered a household member because the person is not residing at the location.

When determining if an individual is a household member, the officer should consider such relevant factors as:

1. The length of time since the two (2) persons resided together,
2. If the person receives mail at the address or has a driver's license or other official document listing that address as his or her address.

- F. **Dating Relationship** – A dating relationship is an intentionally broad and discretionary term that applies to traditional and same sex relationships.

- G. **State of New Jersey Domestic Violence Civil Complaint (TRO)** - A Domestic Violence Civil Complaint is also known as a Temporary Restraining Order (TRO). A form that is executed when requested by a victim of an alleged domestic violence incident and approved by a Municipal or Superior Court Judge. The order prohibits the defendant named within from personal contact with the victim until directed otherwise by a judge, during a court hearing. A TRO can be obtained without a domestic violence criminal complaint, and a domestic violence criminal complaint can be filed without a TRO, or both may be filed.

- H. **State of New Jersey Domestic Violence Supplementary Offense Report (DV1)** – A New Jersey State form that must be completed on every domestic violence criminal complaint and/or every domestic violence civil complaint.

- I. **State of New Jersey Victim / Witness Notification Form** – A New Jersey State form that must be completed on every domestic violence criminal complaint and/or every domestic violence civil complaint. This form informs the victim of the CRIME VICTIM'S BILL OF RIGHTS, and allows the victim or a witness to be notified when the arrested party is released from custody.

- J. **NPD – Strangulation Report** – An Administrative Report that all Newark Police personnel must complete when taking a domestic violence complaint, which involves the strangulation of a victim. (Attachment A)



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K. **NPD - Domestic Violence Response Team (DVRT) Intervention Awareness Form** – An Administrative Report that all Newark Police personnel must complete when taking a domestic violence complaint, which allows the victim to speak with a trained civilian volunteer, who can offer information and support in a time of crisis. This form indicates whether a DVRT volunteer responded to speak with the victim, or another option was chosen by the victim at the time. (Attachment B).

L. **NPD - Temporary Restraining Order Administrative Report** - An Administrative Report that all Newark Police personnel must complete when taking a domestic violence complaint, which indicates that the officer advised the victim of the right to contact a judge and obtain a Temporary Restraining Order. This form, which is signed by the victim, indicates whether the victim accepted or denied that right. (Attachment C).

## V. **DOMESTIC VIOLENCE LIAISON OFFICER (DVLO)**

- A. Domestic Violence is an area of the law that evolves and changes rapidly and requires the utmost sensitivity when working with victims. Whether it is the addition of newly designated domestic violence crimes or the implementation of new technology (such as eTRO, proper domestic violence response, and processing) is contingent upon awareness.
- B. To ensure that the Newark Police Division maintains knowledge of legislative changes, technological advancements, potential changes to policy and procedure, and employs best practices, the Domestic Violence Liaison Officer (DVLO) shall be the point person for domestic violence.
- C. The responsibilities of the Domestic Violence Liaison Officer (DVLO) include but are not limited to:
- Serve as the Police Division's in-house expert on how to respond to domestic violence;
  - Work collaboratively with the Essex County DVRT Coordinator to ensure access and utilization of the DVRT Program;
  - Regularly review and ensure adherence to policies regarding language access, dual arrest, violations of civil restraining orders, criminal no-contact orders, officers' response to subpoenas, and others related to domestic violence;
  - Represent the Newark Police Division at meetings with the County Prosecutor, local domestic violence programs, submitting a report following each meeting to the SVD Commander detailing what was discussed;
  - Represent the Newark Police Division at the Essex County Domestic Violence Working Group meetings, and submit a report following each meeting to the SVD Commander detailing what was discussed;
  - Regularly review and monitor the agency's service of eTROs and documenting any issues or deficiencies found in a report to the SVD commander;



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- Ensuring patrol officers are issuing summons for DV offenses properly and following up to make sure that all are completed and correct;
- Review DV reports to ensure this General Order is being followed and identify any victims/offenders, affected parties, or others who may need follow-up from social services and make referrals in accordance with General Order 25-01 "Referrals to the Office of Violence Prevention & Trauma Recovery";
- Ensure the Newark Police Division's DV informational pamphlets are up-to-date and available to the public;
- Identify repeat victims/offenders for referrals;
- Ensuring DV statistics are shared with the Office of Violence Prevention and Trauma Recovery to identify repeat victims and/or offenders so services can be offered;
- Identify any specialized training regarding Domestic Violence that enhances the Newark Police Division's response and service to domestic violence. Training requests shall follow the Newark Police Division's established chain of command.

## **VI. RESPONSIBILITY OF DIVISION MEMBERS RESPONDING TO A DOMESTIC VIOLENCE INCIDENT**

- A. Upon notification of a domestic violence incident in progress, police officers assigned to the call shall respond as quickly and safely as possible. Police officers utilizing an emergency police vehicle shall operate overhead emergency lights and sirens when responding to such calls.
- B. Upon arriving at the scene of an alleged domestic violence incident, the primary duty of police officers is to protect the victim and enforce any violation of law.
  1. Officers shall eliminate the immediate threat of further violence or injury by separating the parties involved.
  2. Officers shall ascertain the extent of physical injuries to either party, and where appropriate, render immediate first aid, and summon trained medical emergency personnel.
  3. Officers shall arrange for the victim to be transported to the Beth Israel Rape Crisis Treatment Center for examination and treatment if there is an allegation of sexual assault.
- C. Read and disseminate to the victim, the rights granted them under the Prevention of Domestic Violence Act, 2C:25-23. Explain in simple terms if necessary.
- D. Contact the Special Victims Division, and Child Protection and Permanency Agency, if there is an allegation of child abuse and/or child endangerment.



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E. Conduct a preliminary investigation which shall include the following:

1. To identify the aggressor. Advise of Miranda Warning if applicable.
2. Interview the parties separately.
3. Interview any witnesses.
4. The Crime Scene Unit shall collect all physical evidence, and photograph any physical injuries.
5. Assist the victim with any immediate needs and or requests, and file all the required reports. (i.e., requests for Temporary Restraining Orders, and requests to speak to a member of the Domestic Violence Response Team).
6. Advise and refer the victim regarding any available victim services in the community.

Emergency shelter may be obtained by calling the Women's Referral Center at (800) 322.8092, or the NJ Department of Community Affairs, Division of Women at (609) 292.8840, or the Essex County Office of Victim/Witness Advocacy at (973) 621.4707.

7. Escort the victim to the location of social service providers if necessary.
8. Facilitate contact with relatives and friends who may assist the persons involved.
9. Escort the victim to Family Court, if necessary, during court business hours.
10. Officers that respond to a Domestic Violence Incident where the perpetrator is not on scene and probable cause exists for the issuance of a complaint, the following procedure shall be adhered to:
  - a. Officers **shall**, in addition to completing the applicable domestic violence reports (i.e. DP1-802, e-TRO, Victim Notification, etc.), complete a CDR-1 (summons) for the following offenses:
    - Simple Assault
    - Criminal Mischief
    - Harassment

**NOTE:** For all summonses, as many identifiers as possible should be used, but at a minimum three (3) (ex: birthdate, address, driver's license #, social security #, SBI#, etc.). All summons numbers **MUST** be listed in the incident report.





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11. Officers shall ensure there are no active restraining orders by checking the Domestic Violence Registry. Injuries or complaints of pain that are reported must be detailed/described in the Incident Report (DP1:802).
12. Officers are strictly prohibited from discouraging victims from filing complaints. Allegations of Domestic Violence shall be documented without exception by completing an Incident Report (802) and all other applicable reports.

## **VII. PROCEDURE FOR STRANGULATION INCIDENTS**

- A. When a police officer receives information that a victim has been strangled in a domestic violence incident, a Strangulation Report (attachment A) shall be completed.
- B. A victim of strangulation does not always immediately display external injuries, therefore victims of strangulation should be encouraged to be transported to a hospital for medical assistance.
- C. In instances of strangulations, photographs shall be taken of the victim. This can be achieved by requesting the Crime Scene Unit respond to the incident, from the officer's mobile device, or with a digital camera. The photographs should be emailed to the Special Victims Division general email address ([specialvictimsdivision@ci.newark.nj.us](mailto:specialvictimsdivision@ci.newark.nj.us)).
- D. The Strangulation Report shall be forwarded to the Special Victims Division email address with all other required domestic violence paperwork.
- E. All victims reporting an incident of domestic violence strangulation between 0830 and 1530 hours Monday through Friday shall be transported to the Essex County Family Justice Center - 60 Nelson Place, 2<sup>nd</sup> Floor. The Essex County Family Justice Center Newark Police Liaison will handle the incident.
- F. The Essex County Family Justice Center Newark Police Liaison shall ensure literature is provided to precincts.
- G. The Commander of the Special Victims Division shall track all strangulation incidents, include statistical data in the monthly report, and provide the data to the Essex County Family Justice Center upon request.

## **VIII. ARREST RESPONSIBILITIES**

- A. A police officer must arrest the offender and sign a criminal complaint when probable cause exists to believe that domestic violence has occurred if:
  1. Victim exhibits signs of injury caused by an act of domestic violence;
  2. A Warrant is in effect;





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3. There is probable cause to believe that a contempt order (N.J.S. 2C: 29-9) has been violated;
4. There is probable cause to believe that a weapon, as defined in N.J.S. 2C: 39-1, has been involved in the commission of an act of domestic violence.

A police officer may arrest the offender and sign a criminal complaint, where there is probable cause to believe that an act of domestic violence has occurred, but where none of the conditions from section VII, subsection A apply.

## **IX. PROCEDURE FOR THE SEIZURE OF WEAPONS**

- A. Police officers summoned to a domestic violence call, having probable cause to believe that a domestic violence offense has occurred, shall upon seeing or learning that a weapon is present on the premises, seize any weapon that the officer reasonably believes would expose the victim to risk of serious bodily injury.
  1. Where probable cause exists to believe that a weapon of any type - firearm, knife, club, etc. – was used by the assailant, or threatened to have been used; the police officer should seize the weapon as evidence, and arrest the assailant.
  2. If the weapon is not in plain view, or within the area of arrest which the officer may search as an incident to lawful arrest, the officer can:
    - a. Obtain permission to search the dwelling by obtaining written consent to search.
    - b. Obtain a search warrant to conduct a search of the premises when no permission to search is authorized. The officer should secure the dwelling or premises, and contact the on-call Assistant County Prosecutor, via the Communications Division, for assistance in obtaining a search warrant.
- B. Along with the seizure of weapons, under N.J.S.A. 2C:25-21 officers are required to seize any firearms purchaser identification card(s), and/or permit(s) to purchase a handgun, issued to the person accused of an act of domestic violence.
- C. All items confiscated shall be inventoried, stored, and recorded, in accordance with Section XI (Procedure After Seizure of Weapons in a Domestic Violence Case) of this order.
- D. When a search warrant is granted pursuant to a Domestic Violence Restraining Order all Newark Police Division personnel shall complete a Domestic Violence Seizure Report Form (Attachment D). This form must be filled out regardless of whether or not items were seized. The form must be emailed to the following email addresses within twenty-four (24) hours of said search.



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1. [Esx-dv-lawenforcement.mbx@njcourts.gov](mailto:Esx-dv-lawenforcement.mbx@njcourts.gov)
2. [DVROreturn@njecpo.org](mailto:DVROreturn@njecpo.org)

## **X. PROVISION RELATED TO THE PURCHASE OF FIREARMS**

- A. Pursuant to N.J.S.A 2C:39-7, persons convicted in this state or elsewhere, of Stalking (2C:12-12), or a crime involving domestic violence (as defined in 2C:25-19), are prohibited from possessing a weapon.
- B. Pursuant to N.J.S.A 2C:58-3, no handgun purchase permit, or firearms purchaser identification card shall be issued to any person:
  1. Convicted of any crime or disorderly persons offense involving an act of domestic violence (as defined in 2C:25-19).
  2. Subject to a restraining order issued pursuant to the Prevention of Domestic Violence Act, prohibiting the person from possessing any firearm during the period the restraining order is in effect, or for two (2) years, whichever is greater.
  3. Whose firearm is seized pursuant to the Prevention of Domestic Violence Act, and whose firearm has not been returned by the proper authorities.
- C. Any person convicted in the State of New Jersey or elsewhere, of disorderly persons offense involving domestic violence, whether or not armed with, or having in his or her possession a weapon; who purchases, owns, possesses, or controls a firearm, is guilty of a third-degree crime.

## **XI. DOMESTIC VIOLENCE INCIDENTS INVOLVING A POLICE OFFICER**

When a situation arises that a Police Officer is involved in a domestic violence incident within the confines of the City of Newark, the responding police officer(s) shall follow the procedures established in General Order 99-1, titled "Duties and Responsibilities in the Handling of Domestic Violence Offenses Involving Police Officers".

## **XII. PROCEDURE AFTER SEIZURE OF WEAPONS IN A DOMESTIC VIOLENCE INCIDENT**

- A. All weapons seized by Newark Police personnel, whether as evidence, contraband, or for safekeeping, shall be inventoried on a Newark Police Property Report (DP1:152), and stored according to standard Newark Police Division policy. **Weapons seized for safekeeping shall not be engraved by Newark Police personnel under any circumstance.**



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## **Procedure**

Where a County Prosecutor has determined that it is not practical to safely store weapons seized in domestic violence cases at the County Prosecutor's Office facility, the Prosecutor may authorize the storage of these weapons at the local police departments that seized the weapons.

**NOTE: If a weapon is seized from a police officer, the Office of Professional Standards (OPS) shall execute the below delineated procedure. If a weapon is seized from a civilian, the Special Victims Division (SVD) shall execute the below delineated procedure.**

In such cases, the following procedure shall be adhered to:

1. Weapons seized by local police in a domestic violence incident must safely be secured in the local agency's property room promptly after seizure.
  2. The local police department must designate an officer or officers, who shall be responsible for ensuring the proper documents are forwarded to the County Prosecutor's Office as set forth below, and function as a point of contact for communications regarding the weapons.
  3. The local police department must forward to the County Prosecutor, within 24 hours of the weapons seizure, a written inventory of all weapons, including any available serial numbers.
  4. The local police department must forward to the Essex County Prosecutor's Domestic Violence Unit within 7 days of the domestic violence incident, any criminal and arrest reports, disorderly, or domestic violence complaints, restraining order issued, any seized firearms documentation available (firearms purchaser identification card, permit to purchase a handgun, permit to carry a handgun, etc.), and any other relevant document.
- B. Under no circumstances shall any weapons seized during a domestic violence incident be returned by any member of the Newark Police Division to the owner, without prior written authorization from the Essex County Prosecutor's Office, or an order of the Superior Court.

## **Firearms-Related Consequences Following a Conviction**

1. A defendant convicted of a Domestic Violence crime or offense is prohibited from purchasing, owning, possessing, or controlling a firearm, and from receiving/retaining a firearm's purchaser identification card or purchase permit. Defendant must surrender, or law enforcement may seize any such permits, which will be deemed immediately revoked.



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2. Within five (5) days of the court's order, the defendant may sell any surrendered firearms to a licensed retail dealer. The dealer will obtain the firearm from the law enforcement agency to which it was surrendered.

Law enforcement will give the defendant a receipt listing the date of the surrender, defendant's name, items surrendered (serial #, manufacturer, and model of firearm). If defendant does not sell it, law enforcement may dispose of the firearm per N.J.S.A. 2C: 64-6, ten (10) business days from when the court order was issued.

3. Any restraining order the court issues will bar the defendant from purchasing, owning, possessing, or controlling a firearm, and from receiving a firearm's purchaser identification card, or purchase permit for **TWO (2) YEARS**, or the **LENGTH OF THE RESTRAINING ORDER**, whichever is greater.

## **XIII. EXECUTION OF THE STATE OF NEW JERSEY DOMESTIC VIOLENCE SUPPLEMENTARY OFFENSE REPORT**

- A. It shall be the responsibility of Division members who respond to a domestic violence call for service, to complete a State of New Jersey Supplementary Domestic Violence Report for each victim of a domestic violence incident.

## **XIV. STATE OF NEW JERSEY VICTIM / WITNESS NOTIFICATION FORM**

The State of New Jersey Victim / Witness Notification Form is mandated by the Prevention of Domestic Violence Act. The Victim/Witness Notification Form shall always be completed by the officer whenever an alleged act of domestic violence occurs.

The form provides space for the victim's signature, and a Personal Identification Number (PIN) to be used when the suspect is released, the date, case number, and several check-off boxes, indicating among other things, whether or not the victim desires a Temporary Restraining Order at the time. Officers shall ensure that the victim understands and signs the form.

Routing of the Victim/Witness Notification Form:

1. Division members shall disseminate to all victims of domestic violence the pink copy of the Victim/Witness Notification Form which is written in both English and Spanish.
2. Additional copies of the Victim/Witness Notification Form shall be affixed to the rest of the investigative package, along with original copies of all other reports, and forwarded to the Special Victims Division.



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## XV. STATE OF NEW JERSEY DOMESTIC VIOLENCE CIVIL COMPLAINT (TRO)

- A. Division members shall inform victims of domestic violence of their right to obtain a Temporary Restraining Order (TRO), as provided in NJSA 2C: 25-23. If the victim wishes to exercise their right to apply for a TRO, the responding officer shall assist the victim in applying for the TRO as outlined below.

The victim may file:

1. A domestic violence civil complaint alleging the defendant committed an act of domestic violence, asking the court for a temporary restraining court order; or
  2. A criminal complaint alleging the defendant committed a criminal act: or
  3. Both of the above.
- B. Jurisdiction for filing domestic violence civil complaints by the victim depends upon the time of day, the day of week, and holidays:
1. TRO's are issued at Essex County Superior Court/Family Court Division located at 212 Washington St. The following procedures shall be adhered to when assisting a victim/complainant with obtaining a TRO.
    - a. If a domestic violence incident leads to the issuance of a complaint-warrant (arrest) or complaint-summons (i.e., harassment, criminal mischief, simple assault) the TRO must be handled at the same time as the complaint. Personnel handling the assignment, shall contact a Municipal Court Judge, (even during Superior Court hours, M-F, 0830-1600 hours);
    - b. During court hours, if no criminal complaint is issued, the victim can **contact Family Court by telephone** to initiate a TRO, #973.776.9300, extension 57210. Officers shall provide the telephone number where applicable. Same shall be noted on the *Incident Report, (DPI:802)* and on the standard *Division TRO acceptance/refusal form*.
      - i. Victims/complainants can apply telephonically for a TRO in the county where they live, where the defendant lives, where the incident took place or where they are seeking shelter;
      - ii. The Family Division in each vicinage will have a telephone number posted on their web page for victims to contact the court to apply for a TRO;
      - iii. If a victim requests assistance, officers shall assist accordingly.



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- c. During court hours, if the victim prefers to obtain a TRO in-person, and there is NO criminal complaint issued, the victim shall be escorted to Family Court, (212 Washington St.). **Complainants shall be escorted by officers to room 1215.** If the complainant wishes to respond on their own, officers shall ensure to provide the room number. Same shall be documented on the Incident Report (DP1:802) and TRO acceptance/refusal form;
  - d. If a domestic violence incident occurs outside of regular court business hours, (M-F, 0830-1600 hours), officers shall assist a victim in obtaining a TRO via 'on-call' Judge regardless if there is a criminal complaint issued.
  - e. **Under NO circumstances shall a victim/complainant be referred or encouraged to apply for a TRO at Family Court the next business day.** Any language to discourage or persuade a victim to respond to Family Court at another time and date is strictly forbidden.
  - f. The hearing for the Final Restraining Order (FRO) *must be scheduled within ten (10) business days* of the entry of the TRO. All supervisors must verify the return date for the FRO when reviewing the completed TRO application.
2. Law enforcement agencies may initiate a TRO request where:
- a. The alleged act of domestic violence occurred, or
  - b. Where the defendant resides, or
  - c. Where the victim resides, or
  - d. Where the victim is sheltered.
3. Jurisdiction for filing a domestic violence criminal complaint by the victim:
- a. Jurisdiction to file a criminal complaint against the defendant, is where the alleged act occurred; this can be done twenty-four (24) hours a day, seven (7) days a week. The criminal complaint shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred.
  - b. Jurisdiction for Contempt under N.J.S.A. 2C:29-9, is the municipality where the Contempt occurred. The Contempt complaint shall also be forwarded to the court that issued the violated order.
- NOTE: Law enforcement personnel shall accompany the defendant (or go without the defendant, if necessary) to the scene of a Domestic Violence incident, or any other location where the judge has determined reasonable cause to believe there are weapons, to ensure that the defendant does not gain access to the weapon and that the weapon is properly surrendered.



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## **XVI. PROCEDURES FOR PROCESSING DOMESTIC VIOLENCE RESTRAINING ORDERS**

New Jersey Restraining Orders (RO) are processed via the web-based *New Jersey Courts system*. Upon entering the 'Portal Home Page', personnel shall click on the '*Electronic Temporary Restraining Order System*', (*eTRO*) tab.

### **A. Communications Division:**

1. Communications Division floor supervisors shall access the eTRO system on a daily basis, two (2) times per day, *0700-hour and 1900-hour intervals*.
  - a. Supervisors shall ensure **any** pending RO's are entered into the dispatch queue as a '**444 code**', '**Service of Restraining Orders**'.
    - i. The '*444 code*' shall include all pertinent information to serve the RO, including the type of RO, defendant's name, all known addresses for the defendant, docket number, and any other relevant information to assist in serving the RO;
    - ii. Restraining Orders to be served will include TROs, FROs ATRs (Amended Temporary Restraining Orders and CTRs (Continuance Orders- TROs indefinitely extended due to lack of service), etc.;
    - iii. Supervisors shall ensure to access all applicable pending RO's in the 'Select Service Status' tab, (*e.g.* 'Could not be served/unsuccessful' tab, etc.).
    - iv. All RO's must have a *minimum of two (2) attempts to serve*. Supervisors shall ensure to check and verify attempts to serve via the eTRO system, Computer Aided Dispatch (via 444 code) and Records Management System, (via Continuation Reports, DP1:795);
      - a. There is no specific time frame for service attempts, however only making one failed attempt should be avoided for each restraining order;
    - v. Supervisors shall ensure all '444 codes' are dispatched in accordance with 'Priority Four' status per General Order 96-09, '*Calls for Service Management System*';
    - vi. This directive includes **any out-of-state RO's or orders of protection**.
  - b. **Restraining Order dispositions.** The following disposition codes shall be utilized anytime a Restraining Order is attempted to be served:
    - i. **917 code** – Restraining Order Served;
    - ii. **971 code** – Restraining Order Unable to be Served.
2. The **commander of the Communications Division** shall ensure all Communications supervisors are properly trained in all facets of the New Jersey Court system regarding the processing of RO's.





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- a. The **commander of the Communications Division** shall ensure supervisors under their charge are accessing the eTRO system twice per day, 0700- and 1900-hour intervals
- b. The **commander of the Communications Division** shall also ensure that RO's are being entered into the Communications dispatch queue and dispatched according to this policy.

### B. Operations Bureau/Precincts:

1. *Any officer(s) dispatched to a '444 code' shall adhere to the following protocols:*
  - a. Respond to the precinct and access the New Jersey Court/eTRO system. Officers shall obtain two (2) copies of the restraining order;
    - i. If an attempt to serve has already occurred, a hard copy of the RO should be available at the respective precinct. First attempts must be printed from eTRO system;
  - b. Officer(s) shall then respond to the defendant's address with the two (2) copies. Additional known addresses shall be canvassed for the defendant if unsuccessful at the initial residence;
    - i. One copy will be served on the defendant. Officers shall not use a 'substitute service' of the restraining order, (e.g. provide a copy to someone other than the defendant).;
    - ii. The second copy shall be maintained by the officer(s) as proof of service. Second copy shall be hand-delivered to the officer's desk supervisor;
    - iii. Responding officer(s) shall ensure to complete the handwritten portion of the restraining order and ensure the defendant signs both copies accordingly;
  - c. Officer(s) serving a RO shall read the conditions of the court order to the defendant if the defendant is present.
    - i. The defendant shall be ordered to vacate the premises where that is a part of the order. If the court order instructs the defendant to vacate a premises, they shall do so even if the defendant is the rightful owner;
    - ii. Officer(s) shall give the defendant a reasonable amount of time to gather personal belongings unless the court order specifies time limits. The officers shall remain with the defendant as he or she gathers belongings pursuant to the terms of the court order;
    - iii. Arrest the defendant if required by the RO or if the defendant refuses to comply with the order.



# NEWARK POLICE DIVISION GENERAL ORDER



- d. Upon completion of the service assignment, (successfully or unsuccessfully) **officer(s)** shall **access eTRO and update the system accordingly** indicating whether the service was successful or unsuccessful.
  - i. **If successfully served on the defendant, (917 code)** officers shall email the signed copies to [Esx-dv-lawenforcement.mbx@njcourts.gov](mailto:Esx-dv-lawenforcement.mbx@njcourts.gov).
    - a. Upon successful email, signed hard copies shall be discarded via shredder or other suitable manner of completed destruction;
  - ii. If the service was unsuccessful, (**971 code**) officer(s) shall provide an explanation in eTRO as to why the defendant could not be served;
  - iii. For Newark Police Division generated domestic violence assignments, officers shall complete and submit a Continuation Report, DP1:795 to include all pertinent information from the RO and whether the attempt to serve was successful or unsuccessful;
  - iv. For any assignments without a documented reported incident or FOA RO's, officer(s) shall complete and submit an Administrative Report, DP1:1001 via Records Management System;
2. For any **Division generated TROs**, officer(s) shall ensure to generate a '*police action - 444 code*' and follow the tenets of *section B.1.* above when serving same;
  - a. If a TRO is denied by a Municipal Court Judge, the denial and Complaint/TRO must still be entered into eTRO and forwarded to the Family Division Court by the end of the officer's tour;
  - b. Officers shall indicate in the "Comments" section of the TRO specifically why the TRO was denied by the Judge.
3. Any **out-of-state Restraining Order/order of protection** shall be recognized as valid and enforced as if it were from New Jersey courts. Out-of-state orders shall be enforced in this state even if:
  - a. the victim would not otherwise be eligible for a restraining order or order of protection in this state;
  - b. the out-of-state order grants the applicant more relief than the victim would have received under New Jersey law;
  - c. Officers shall advise their immediate supervisor when notified of any out-of-state orders, and generate a '*police action - 444 code*'. The officer(s) shall read and follow all instructions on the court order and attempt to serve the order accordingly.
    - i. Responding officers shall contact the out-of-state jurisdiction and notify same as to the results of the service;



# NEWARK POLICE DIVISION GENERAL ORDER



- ii. Complete any necessary information on the court order and return same via email or facsimile;
  - iii. Officers shall complete and submit an Administrative Report, DP1:1001 via Records Management System indicating the results of the service. All pertinent information from the order shall be included in the report.
- 4. **Supervisors** shall ensure all personnel under their charge are adhering to the tenets of this policy, including all procedures related to the service and processing of restraining orders per *NJ Code of Criminal Justice 2C:25-28*.
  - a. **Desk supervisors** shall ensure all hard copy restraining orders are filed and readily available at their respective precincts accordingly;
  - b. Consistent with this policy, **Desk supervisors** shall ensure officers enter all necessary information into the eTRO system when serving/attempting to serve any restraining orders;
  - c. Desk supervisors shall ensure that any Precinct walk-ins with restraining orders are assigned a '444 code' and dispatched promptly;
- 5. **Precinct Commanders** shall ensure all personnel under their charge are properly trained in the New Jersey Court/eTRO system.
  - a. **Precinct Commanders** shall ensure their respective precincts are equipped with a proper storage location for pending TROs. Pending TROs must be readily available for supervisors and officers to access in order to serve same.

## C. Special Victims Division:

- 1. The **Special Victims Division Domestic Violence Liaison Officer (DVLO)** shall be responsible for auditing the Police Division's response to the service of all restraining Orders by examining a random number of events each month for compliance.
  - a. The **DVLO shall:**
    - i. The **DVLO** shall provide the results of audits to the Special Victims Division Commander for appropriate follow up with corrections (if necessary), weekly meetings, and Comstat;
    - ii. Review of the New Jersey Court/eTRO system in order to ensure all Restraining Orders are being dispatched for service via '444 code';
    - iii. Ensure service attempts are being made by patrol units. This shall include cross-checking information from CAD data (444 codes), eTRO records and Continuation Reports, DP1:795s;
      - a. **Note:** There is no specific time frame for service attempts, however only making one failed attempt should be avoided for each restraining order;



# NEWARK POLICE DIVISION

## GENERAL ORDER



- iv. Ensure patrol officers are properly submitting data into the eTRO system according to service attempts;
- v. When necessary, assist patrol in the service of restraining orders (possibly making service attempts with patrol officers and/or Special Victims personnel);
- vi. Coordinate with Family Court personnel regarding the Police Division's response to serving restraining orders;
  - b. The purpose of this contact with Family Court is to ensure the division is responsive to the mandates of the Court;
  - c. The DVLO will be a point of contact to the Family Court should any concerns arise, or revisions occur to the process of serving restraining orders;
- vii. Ensure notification to the **commander of the Special Victims Division** if deficiencies are discovered in the processing of restraining orders.

### **XVII. DOMESTIC VIOLENCE VICTIM ASSISTANCE AND REFERRAL**

- A. Officers and detectives assigned to investigate incidents of domestic violence shall advise victims that they may seek a temporary restraining order, and should they choose to seek one, they shall assist the victim in obtaining one.
- B. Officers shall indicate in their Incident Report, and the NPD Temporary Restraining Order Administrative Report, if the victim wanted or refused a temporary restraining order.
- C. If a victim needs shelter, counseling, or further referrals, the officer can contact either:
  - 1. The Essex County/Safe House: (973) 459-2154
  - 2. New Jersey 24 Hour Hotline: (800) 572-7233
  - 3. National 24 Hour Hotline: (800) 799-7233
  - 4. Essex County Family Justice Center: (973) 230-7229 – Ext 200 (8:30 AM – 4:30 PM)
  - 5. Shani Baraka Women's Resource Center: (973) 757-7377
- D. The following services are provided by the Essex County Prosecutor's Office of Victim / Witness Advocacy:
  - 1. Crisis Intervention
  - 2. Referral to social service programs
  - 3. Information about the criminal justice system
  - 4. Information on the status and disposition of cases



# NEWARK POLICE DIVISION GENERAL ORDER



5. Transportation
6. Child care
7. Assistance in applying for compensation for financial losses through a restitution request.
8. Property return assistance.
9. Court accompaniment.
10. Employer, school, landlord, and creditor intercession services.
11. Provide a separate and secure waiting area in the courthouse.
12. Assistance with victim impact statements.
13. Assistance with document replacement.

E. In cases of sexual assault, the Special Victim's Division investigator shall advise the victim of the following:

1. Upon request, the victim has the right to obtain an approved serological test for Acquired Immunodeficiency Syndrome (AIDS), or infection with the Human Immunodeficiency Virus (HIV), or other related virus identified as a probable causative agent of AIDS.
2. Upon request, the victim has the right to obtain a court order requiring the offender to submit to an approved serological test for Acquired Immunodeficiency Syndrome (AIDS), or infection with the Human Immunodeficiency Virus (HIV), or other related virus identified as a probable causative agent of AIDS in the event that the offender is indicted, formally charged, or convicted.
3. The victim has a right to be notified of the offender's test results.

## **XVIII. RECODING OF A DOMESTIC VIOLENCE CALL FOR SERVICE**

Whenever an officer responds to a call for service and/or complaint regarding a domestic violence incident, where the officer reasonably believes, that based on the circumstances and information available to him/her at the time, the assignment should be recoded; said officer shall ensure notification of the field supervisor is made via the dispatcher.

- A. The dispatcher shall ensure that a field supervisor, and Command Post (if available at the time), are dispatched to the location.
- B. The responding supervisor shall then assess the situation based on the facts available at the time, and shall advise the dispatcher of any appropriate code change if necessary.

## **XIX. EFFECT**

This General Order shall become effective immediately upon its issuance. Any prior General Order or Memoranda, which is contrary to the tenets of this General Order is hereby immediately rescinded.



# NEWARK POLICE DIVISION GENERAL ORDER



## XX. COMPLIANCE

All Newark Police Division personnel shall be responsible for compliance with this General Order.

By Order of:

  
EMANUEL MIRANDA, SR.  
PUBLIC SAFETY DIRECTOR

EM/CS/JG

c: Leonardo Carrillo, Deputy Police Director  
Sharonda Morris, Chief of Police

Attachments:

- A – NPD DV Strangulation Report
- B – NPD DV Response Team Awareness Form
- C – NPD DV TRO Advisement Form
- D – Domestic Violence Seizure Report & Form





## Newark Police Division Non-Fatal Strangulation/Smothering Report

VICTIM'S NAME (LAST, FIRST)	AGE	DATE OF BIRTH	RACE	CASE # <b>C</b>
DESCRIBE WHERE INCIDENT OCCURRED:				
DESCRIBE PRIOR INCIDENTS OF INTIMIDATION, THREATS, DOMESTIC VIOLENCE, STRANGULATION, SMOTHERING, ETC.:				
LIST WITNESS INFORMATION:			IS THE VICTIM PREGNANT? <input type="checkbox"/> -YES <input type="checkbox"/> -NO	

### STRANGULATION / SMOTHERING METHOD

CHOKEHOLD MANEUVER:	<input type="checkbox"/> -RIGHT HAND	<input type="checkbox"/> -LEFT HAND	<input type="checkbox"/> -BOTH HANDS	<input type="checkbox"/> -RIGHT ARM	<input type="checkbox"/> -LEFT ARM	<input type="checkbox"/> -RIGHT KNEE/FOOT	<input type="checkbox"/> -LEFT KNEE/FOOT	<input type="checkbox"/> -UNKNOWN
<input type="checkbox"/> -LIGATURE (Describe: Belt, Cord, Rope, Etc...):								
<input type="checkbox"/> -SMOTHERING (Describe: Pillow, Hand, Etc...):								

### VICTIM'S DESCRIPTION OF THE DURATION OF STRANGULATION / SMOTHERING

SECONDS	MINUTES	<input type="checkbox"/> -CANNOT RECALL
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### VICTIM'S DESCRIPTION OF INTENSITY OF STRANGULATION

SUSPECT'S GRIP (1-LOWEST TO 10-HIGHEST): ☐-CONTINUOUS PRESSURE ☐-INCREASING PRESSURE

LEVEL OF PAIN DESCRIBED BY THE VICTIM (1-LOWEST TO 10-HIGHEST):

# OF STRANGULATION ATTEMPTS: # OF METHODS USED TO STRANGLE/SMOTHER:

HOW WAS VICTIM APPROACHED?: ☐-FRONT ☐-BEHIND ☐-RIGHT ☐-LEFT

COULD THE VICTIM BREATHE? ☐-YES ☐-NO

COULD THE VICTIM TALK? ☐-YES ☐-NO

COULD THE VICTIM SCREAM? ☐-YES ☐-NO

WAS THE VICTIM SMOTHERED DURING INCIDENT? ☐-YES ☐-NO

WAS THE VICTIM PHYSICALLY SHAKEN DURING INCIDENT? ☐-YES ☐-NO

WAS THE VICTIM RESTRAINED WHILE BEING STRANGLED? ☐-YES ☐-NO

HOW RESTRAINED?:

DESCRIBE VICTIM'S Demeanor:

WAS THE VICTIM'S HEAD POUNDED AGAINST ANY OBJECT? ☐-NO ☐-YES, OBJECT:

DESCRIBE VICTIM'S Demeanor:

HOW OR WHY DID THE SUSPECT STOP?

### VICTIM'S INJURIES (check all that apply)

BREATHING CHANGES	VOICE OR VISION CHANGES	SWALLOWING CHANGES	SKIN	OTHER
<input type="checkbox"/> -DIFFICULTY BREATHING <input type="checkbox"/> -UNABLE TO BREATHE	<input type="checkbox"/> -LOSS OF VOICE <input type="checkbox"/> -COUGHING <input type="checkbox"/> -UNABLE TO SPEAK <input type="checkbox"/> -CHANGES TO VISION	<input type="checkbox"/> -TROUBLE SWALLOWING <input type="checkbox"/> -PAINFUL TO SWALLOW <input type="checkbox"/> -THROAT PAIN <input type="checkbox"/> -NAUSEA/VOMITING <input type="checkbox"/> -DROOLING	<input type="checkbox"/> -BRUISED <input type="checkbox"/> -REDNESS <input type="checkbox"/> -FINGERNAIL MARKS <input type="checkbox"/> -LIGATURE MARKS <input type="checkbox"/> -SCRATCHED	<input type="checkbox"/> -DIZZY / FAINTING <input type="checkbox"/> -DEFECATION <input type="checkbox"/> -HEADACHES <input type="checkbox"/> -HEARING LOSS <input type="checkbox"/> -LOSS OF CONSCIOUSNESS <input type="checkbox"/> -URINATION
OTHER CONDITIONS NOT LISTED:				

FORWARD THIS REPORT TO SPECIAL VICTIMS WITH ALL OTHER DOMESTIC VIOLENCE REPORTS

SIGNATURE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_ RANK: \_\_\_\_\_



POLICE DIVISION

ADMINISTRATIVE SUBMISSION

NEWARK, NJ

TO:

DATE:

FROM:

FILE REF: PTL 2

SUBJECT: DOMESTIC VIOLENCE RESPONSE TEAM (DVRT)  
INTERVENTION AWARENESS FORM

Sir:

I hereby submit the following:

Event # <b>P</b>	Case # <b>C</b>	Arrest # <b>A</b>
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The City of Newark offers the services of a Domestic Violence Response Team (D.V.R.T). Team members are civilian volunteers who have been specifically trained to provide victims of domestic violence with the necessary information and support at the time of the crisis.

All discussions in regard to the domestic violence offense will remain confidential. Team members are bound by law (N.J.S.A.2A:84A-22.13-22.16) to protect the confidentiality of information relayed to them by victims of domestic violence with certain statutory and case law exceptions. This means that no written record of the conversation will be kept. What is discussed stays between the victim and the DVRT member. Exceptions to this privilege will arise under circumstances of child abuse; which must be reported to Department of Child Protection & Permanency (DCP&P) or when a victim threatens imminent harm to themselves (suicide) or another (homicide), volunteers are legally obligated to report these exceptions to law enforcement immediately.

Please check one:

- ☐ Yes, the DVRT volunteer responded to the designated service location.
- ☐ No, the victim declined DVRT services.
- ☐ No, the DVRT volunteer did not respond. However the victim was provided the following emergency contact information:

**Shani Baraka Women's Resource Center 973-757-7377**

**National 24 Hour Hotline 800-799-7233**

**New Jersey 24 Hour Hotline 800-572-7233**

**Essex County 24 Hour Hotline 973-759-2154**

**Essex County Family Justice Center 973-230-7229 Ext. 200 or 213 (8:30 am-4:00 pm)**

- ☐ No, the following exception precluded DVRT intervention:

Victim's Name

Date

DVRT Member (First Name-ID#)

Date

Officer's Name - ID#

Date

Supervisor's Name - ID#

Date

POLICE DIVISION

ADMINISTRATIVE SUBMISSION

NEWARK, NJ

TO:

DATE:

FROM:

FILE REF: **PTL 1-8**

SUBJECT: **DOMESTIC VIOLENCE INCIDENT – CC# C**  
**TEMPORARY RESTRAINING ORDER ADVISEMENT FORM**

Sir:

The following person has been advised of his/her domestic violence rights and the availability of obtaining a temporary restraining order at this time by contacting a judge.

DATE	TIME	VICTIM'S NAME (LAST, FIRST)
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- ☐ - Victim refused police assistance in seeking a Temporary Restraining Order at this time.
- ☐ - Victim accepts police assistance and wishes to obtain a Temporary Restraining Order.
- ☐ - Victim was transported to 212 Washington Street/Superior Court to obtain a Temporary Restraining Order on \_\_\_\_\_ at \_\_\_\_\_
- ☐ - Victim initially accepted police assistance in seeking a Temporary Restraining Order, but later declined assistance prior to issuance of the Restraining Order (state reason in comments).

Victim's Signature

Witness Signature

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*(THIS AREA TO BE COMPLETED BY POLICE OFFICER OBTAINING RESTRAINING ORDER)*

ON-CALL JUDGE'S NAME <b>Hon.</b>	TELEPHONE NUMBER	TIME CALLED
-------------------------------------	------------------	-------------

CONTACTED AT (TIME)	JUDGE RETURNED CALL AT (TIME)	VOICEMAIL MESSAGE LEFT AT (TIME)
---------------------	-------------------------------	----------------------------------

- ☐ - Judge did not answer/respond.
- ☐ - Temporary Restraining Order issued at \_\_\_\_\_ hours.

Comments

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SIGNATURE:

SUPERIOR RECEIVING REPORT

SIGNATURE:

DATE:

POL-1001 (Rev. 03/00)

RANK:

## DOMESTIC VIOLENCE SEIZURE REPORT & FORM

MUST BE SENT VIA EMAIL WITHIN 24 HOURS OF SEARCH TO: [ESE-DV-LAWENFORCEMENT.MBX@NJCOURTS.GOV](mailto:ESE-DV-LAWENFORCEMENT.MBX@NJCOURTS.GOV) & [DVROReturn@NJECPO.ORG](mailto:DVROReturn@NJECPO.ORG)

### REPORTING AGENCY INFORMATION

Seizing Agency: \_\_\_\_\_ Case #: \_\_\_\_\_  
Seizing Officer: \_\_\_\_\_  
(LAST) (FIRST) (MI) (BADGE NUMBER)  
Bureau/Section/Unit: \_\_\_\_\_  
TRO # FV \_\_\_\_\_ FRO # FV \_\_\_\_\_  
Date of Seizure: \_\_\_\_\_ Issuing Judge: \_\_\_\_\_  
Location of Seizure: \_\_\_\_\_  
(STREET) (MUNICIPALITY) (COUNTY)

### DEFENDANT'S INFORMATION

Name: \_\_\_\_\_  
(LAST) (FIRST) (MI)  
Address: \_\_\_\_\_  
(STREET) (CITY) (STATE) (ZIP)  
Check if Defendant is LEO Yes ☐ No ☐ Agency: \_\_\_\_\_  
DOB: \_\_\_\_\_ Social Security #: \_\_\_\_\_  
SBI #: \_\_\_\_\_ SPN #: \_\_\_\_\_  
Home Telephone #: \_\_\_\_\_ Cell Telephone #: \_\_\_\_\_

### SEIZED ITEM/S

Firearm/s Seized Yes ☐ No ☐ If Yes, list below:

Make	Model	Serial #	Description

For other items seized attached Property/Inventory Yes ☐ No ☐

IF APPLICABLE: Firearms ID Yes ☐ No ☐ Agency: \_\_\_\_\_

As the officer by whom this warrant was executed, I hereby swear that the above inventory contains a true, detailed, and complete account of the property taken under the warrant.

Officer (Print & Sign)

Badge Number