



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: Domestic Violence Policy For Employees	GENERAL ORDER NO. 19-07
SUPERSEDES: New Related Policies & General Orders: <i>General Order 95-01, Domestic Violence Policy;</i> <i>General Order 97-10, Duties & Responsibilities of Investigative Sections in Domestic Violence Offenses and Centralized Data Repository;</i> <i>General Order 05-01, Domestic Violence Response Team;</i> <i>General Order 99-1, Duties & Responsibilities in the Handling of Domestic Violence Offenses Involving Police Officers.</i>	DATED: December 6, 2019

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I. Purpose

The purpose of this policy is to announce the Newark Police Division's adherence to the State of New Jersey Domestic Violence Policy for Public Employers, which has been released by the New Jersey Civil Service Commission, (CSC). The New Jersey Domestic Violence Policy for Public Employers was enacted to set forth uniform domestic violence procedures for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. Specifically, the policy mandates procedures and actions when a public employee is involved in a domestic violence situation. The purpose of the policy is also to encourage employees who are victims of domestic violence to seek assistance from their human resource officers and provide a standard for human resource officers to follow when responding to employees.

II. Policy

It is the Policy of the Newark Police Division to fully cooperate and implement all of the recommended policy directives of the State of New Jersey Domestic Violence Policy for Public Employers.

III. Responsibility for Compliance

All Division members are responsible for complying with this General Order. Command and supervisory officers shall ensure that subordinates are aware of, understand and comply with this General Order. All Division members are subject to discipline for violations of the contents of this General Order.

IV. Definitions

The following terms are defined solely for the purpose of the State of New Jersey Domestic Violence Policy for Public Employers. Newark Police Division members shall remain guided by the *New Jersey Prevention of Domestic Violence Act* and *General Order 95-01, Domestic Violence Policy* when being assigned to, or having involvement with any domestic violence incident.

A. **Domestic Violence:** Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or a person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following:

- Physical violence;
- Injury;
- Intimidation;
- Sexual violence or abuse;
- Emotional and/or psychological intimidation;
- Verbal abuse;
- Threats;



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- Harassment; Cyber harassment;
 - Stalking
 - Economic abuse or control;
 - Damaging property to intimidate and control;
 - Strangulation;
 - Abuse of animals or pets.
- B. **Abuser/Perpetrator:** An individual who commits or threatens to commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking or threatening the victim, disturbing someone's peace or destroying someone's property.
- C. **Human Resource Officers (HRO):** An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.
- D. **Intimate Partner:** Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.
- E. **Temporary Restraining Order (TRO):** A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs can also prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.
- F. **Victim:** A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: 1.) a person with whom the victim has a child in common, 2.) a person with whom the victim anticipates having a child in common, if one of the parties is pregnant, and a person with whom the victim has had a dating relationship.
- G. **Workplace-Related Incident:** Incidents of domestic violence, sexual violence, dating violence and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered



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to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work related travel.

All New Jersey public employees are covered under this policy. A State of New Jersey public employer is any state, county, municipality, school district or other political subdivision thereof, and any agency, authority or instrumentality of the foregoing. Casual/seasonal employees, interns, volunteers and temporary employees of any public employer at any workplace location are also covered under this policy.

- H. **Division member:** Any member of the Newark Police Division, sworn or unsworn, regardless of Division rank.

V. Responsibility of Employers to Designate a Human Resources Officer

The policy mandates that all public employers designate an HRO to assist employees who are victims of domestic violence. The Newark Police Division shall incorporate the Human Resources Section as the designated unit for this policy directive. Correspondence shall be addressed to HRO Valerie Gholston-Key at GholstonV@ci.newark.nj.us, or 973.877.9344 or 973.877.9334.

The policy mandates a secondary HRO in the event the primary HRO is unavailable. The secondary HRO for the Police Division shall be the Executive Officer of the Special Victim's Division. The Executive Officer shall be contacted via city email, or 973.733.7273.

The designated HROs must receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

VI. Domestic Violence Reporting Procedures

- A. Division members who are the victims of domestic violence are encouraged to seek immediate assistance from the designated HRO.
- B. Division members shall ensure the domestic violence matter is reported consistent with the New Jersey Prevention of Domestic Violence Act of 1991.
- C. Division members who have knowledge of a domestic violence situation, or witness a domestic violence incident with a fellow Division member shall adhere to the tenets, requirements and mandates of *General Order 99-1, "Duties & Responsibilities in the Handling of Domestic Violence Incidents Involving Police Officers"*, specifically:
 - 1. Section IV: Communications Division/911 Call Center;
 - 2. Section V: Responsibilities of Police Officers;
 - 3. Section VI: Responsibilities of Supervisors;
 - 4. Section VII: Office of Professional Standards.



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- D. Division members who have knowledge of a domestic violence situation shall cause notification to the designated HRO.
- E. Designated Human Resource Officer:
 - 1. Shall immediately respond to a Division member upon request and provide a safe and confidential location to allow the member to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
 - 2. Shall determine whether there is an imminent and emergent need to contact Police Division and emergency medical services.
 - a. All confirmed incidents of domestic violence per the New Jersey Prevention of Domestic Violence Act shall be reported.
 - 3. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or affected employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
 - 4. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-.
 - 5. In cases where domestic violence involved the sexual touching or sexual assault between Division employees, the HRO shall cause immediate notification to the NPD Special Victim's Division and city's Equal Employment Opportunity office.
 - a. The victim shall be provided all appropriate services including the Sexual Assault Response Team.
 - 6. Maintain the confidentiality of the Division member and all parties involved, to the extent practical and appropriate to the circumstances.
 - 7. Upon the Division member's consent, the Division member may provide the HRO with copies of any TRO's, FRO's and/or civil restraint agreements that pertain to restraints in the work place, and ensure that the Police Division is made aware of the names of individuals who are prohibited from appearing at any NPD premises where the Division member works. All copies of TROs and FROs shall be kept in a secure, confidential personnel file.

VII. Confidentiality Policy:

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law.



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The confidentiality policy shall not prevent disclosure of an incident where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing Division member. The HRO shall provide advanced notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the Division member with the name and title of the person to whom they intend to provide the employee's information, and shall explain the necessity and purpose regarding the disclosure.

The State of New Jersey Domestic Violence Policy for Public Employers shall not supersede applicable laws, standard operating procedures, internal affairs policies or the New Jersey Attorney General Guidelines that impose a duty to report any instance of domestic violence.

VIII. Confidentiality of Employee Records

To ensure confidentiality and accuracy of information, the designated HRO shall keep all documents and reports associated with a domestic violence incident in a confidential personnel file separate from the employee's other personnel records. These domestic violence records shall not be considered government records available for public access under the Open Public Records Act, See N.J.S.A. 47:1A-10.

IX. The New Jersey Security and Financial Empowerment Act

The New Jersey Security and Financial Empowerment Act, N.J.S.A 34:11C-1, (NJ SAFE) is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as per N.J.S.A. 2C:25-19 and N.J.S.A. 3):4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse domestic partner, civil union partner or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purposes of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner or civil union partner, as they relate to an incident of domestic or sexual violence:

- A. Seeking medical attention;
- B. Obtaining services from a victim services organization;
- C. Obtaining psychological or other counseling;



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- D. Participating in safety planning, temporarily or permanently relocating or taking other actions to increase safety;
- E. Seeking legal assistance or remedies to ensure health and safety of the victim; or
- F. Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

X. Domestic Violence Action Plan

The Police Division is required to develop an action plan to identify, respond to and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a. As such, the Police Division shall:

1. Designate an HRO, and a secondary HRO (in the primary's absence) who shall comply with all tenets, requirements and mandates of this Order.
 - a. The Training Division shall ensure that HRO's receive the proper training in all facets of the State of New Jersey Domestic Violence Policy for Public Employers.
2. Shall provide work accommodations as necessary, as a Division member may experience temporary difficulty fulfilling job responsibilities.
3. Upon the approval of the Public Safety Director, provide reasonable accommodations to ensure a Division member's safety, which may include, but not be limited to the following:
 - a. Implementation of safety measures;
 - b. Transfer or re-assignment;
 - c. Modified work schedule;
 - d. Change in work telephone number or work station;
 - e. Assistance in documenting the violence occurring in the workplace;
 - f. Any other accommodation so approved by the Public Safety Director.
4. Advise the Division member of information concerning the NJ SAFE Act, Family and Medical Leave Act, (FMLA), Family Leave Act, (FLA), Temporary Disability Insurance, (TDI) or Americans with Disabilities Act, (ADA) or other reasonable flexible leave options when an employee, his or her child, parent, spouse, domestic partner, civil union partner or other relationships as defined in applicable statutes is a victim of domestic violence.
5. Commit to adherence to the provisions of the NJ SAFE Act, including that the Police Division will not retaliate against, terminate or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to the HRO of the status or if the HRO has reason to believe an employee is a victim of domestic violence.



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6. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE Act. And advise any Division member to contact their collective bargaining unit representative and EEO in the event they believe the adverse action is a violation of their collective bargaining agreement, The Conscientious Employees Protection Act (CEPA) or the New Jersey Law Against Discrimination, and corresponding policies.
7. All Division members shall familiarize themselves with the tenets, requirements and mandates of this policy.

XI. Effect of this Order

This Order is effective immediately upon it being signed and issued (promulgated) by the Public Safety Director. Any previous Orders, Memoranda, Directives, or portions thereof, that conflict with this Order are hereby rescinded.

BY ORDER OF

**ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR**

AFA:BO/jjc

c: Darnell Henry, Chief of Police

Attachments: State of NJ Domestic Violence Policy For Public Employers
NJ SAFE Act
NJ Family Leave Act