

The New Jersey Domestic Violence Act

Domestic violence is likely not a topic that you would think would be of major importance to a college campus community, but this past year I have personally seen at least four separate on-campus incidents that also led to the arrest of one or more of the parties involved. But by staying informed of the law, you can help to protect yourself and prevent such a situation from occurring to you.

What is domestic violence?

There are two factors one has to think about when deciding whether a criminal act falls under the category known as domestic violence. The first is the type of offense, and the second is the ages of and relationship between the individuals involved in the offense:

- 1) The criminal offenses that have the potential to be considered a "domestic violence offense" include any of the following 14 offenses: homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, lewdness, criminal sexual contact, criminal mischief, burglary, criminal trespass, harassment, or stalking.
- 2) Any of the above listed offenses may constitute domestic violence when the victim is:
 - 18 years old 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 or former household member**, or;
 - who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a child in common, or **with whom the victim has had a dating relationship**. The victim in the dating relationship may be below the age of 18, but the domestic violence assailant must be over the age of 18 or emancipated at the time of the offense.

Why is this important to you as an on-campus resident?

The items I have bolded above are the ones most relevant to a college community. This is because the most common situations where I have seen a member of the college community be charged with a domestic violence related offense is in incidents that occurred between those in dating relationships and in incidents that occurred between roommates (household members).

Remember, according to the above rules, individuals in a dating relationship do not actually have to live together for the assailant to be charged with a domestic violence offense, nor does the actual offense have to take place indoors or at a residence. For example, the law considers communication that is "likely to cause annoyance or alarm" as a form of harassment, and so this can occur even without physical contact between the parties involved (e.g. the communication could be in the form of harassing telephone calls or emails). Moreover, an act of

domestic violence can occur between (college) roommates who are not dating and who are not related to each other.

Mandatory Arrest Situations

Another fact to keep in mind is that police are required to effect an arrest under the domestic violence laws if at least one of the parties involved was either injured or complains of pain – even if they have no sign of physical injury – or if a weapon was involved in the offense, or if an arrest warrant existed on anyone involved, or if there was a violation of an existing restraining order. These are situations where police have limited discretion in how to resolve the matter.

All of us at the NJIT Department of Public want you to have a safe and successful year, and it is our hope that by informing you of the law, you will be able to do just that. If you have any questions or concerns about the issues discussed here, always feel free to reach out to me directly at bodas@adm.njit.edu.

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