

(b) Whenever possible, the parole officer shall contact the local law enforcement authorities and district parole office to request assistance before engaging in any use of force.

(c) In situations where a violation of law is suspected, but no imminent danger is present, the parole officer shall immediately contact the local law enforcement authorities and the parole officer's supervisor.

(d) Non-deadly force may be used upon or toward persons other than inmates and parolees only under the following circumstances:

1. To protect self or others against the use of unlawful force;
2. To protect self or others against death or serious bodily harm;
3. To thwart the commission of a crime involving or threatening bodily harm or damage to property;
4. To prevent a suicide or attempted suicide;
5. To prevent an escape, or flight from arrest for a crime; and/or
6. To effect an arrest for any offense or crime.

(e) Deadly force may be used against persons other than inmates and parolees when the parole officer reasonably believes that the person presents an imminent threat of death or serious bodily harm.

10A:72-4.8 Use of mechanical restraints

(a) Authorization for the use of mechanical restraints, except handcuffs, shall be obtained from a supervisor with the title of Assistant District Parole Supervisor or above. If the safety of the parole officer or security is jeopardized, the parole officer, by reason of his or her experience and best judgment, may use mechanical restraints when authorization can not be obtained.

(b) Mechanical restraints may be used on parolees, inmates, and lawfully confined persons in the following instances:

1. When transporting or awaiting transport in custody;
2. When the person's history, behavior, present emotional state or current medical advice indicates the likelihood that bodily injury, damage to property or escape will occur;
3. To prevent self-inflicted injury or injury to others; or
4. To prevent property damage.

(c) At no time shall a person be left without proper supervision while in restraints.

(d) Mechanical restraints shall not be used as punishment, or in any way that causes unnecessary physical discomfort, inflicts unnecessary physical pain, or unnecessarily restricts blood circulation or breathing.

(e) Mechanical restraints shall be removed promptly when the reason for use has ceased to exist or has sufficiently abated.

10A:72-4.9 Use of chemical agents; storage

(a) Only Board approved chemical agents shall be used by parole officers.

(b) Whenever chemical agents are used as a means of control the parole officer shall comply with the reporting procedure in N.J.A.C. 10A:72-4.12.

(c) A parole officer is not permitted to carry or use chemical agents unless he or she has received appropriate training and annual retraining in the use and effects of these chemical agents.

(d) After each instance of use, individuals who have been exposed to chemical agents will be provided with medical examination and treatment when necessary.

(e) Chemical agents shall be safely stored, legibly labeled to show the chemical name and expiration date, and properly inventoried to insure security and an adequate unexpired supply.

Amended by R.2004 d.446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

In (a), substituted "Board" for "Department of Corrections".

10A:72-4.10 Training

(a) All parole officers shall annually receive training in proper methods and techniques of using force and in the legal aspects of using force.

(b) Training in proper methods and techniques of using force shall be provided as part of the Basic Course for Parole Officers provided at a Police Training Commission approved training facility and shall be repeated annually.

Amended by R.2004 d.446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

In (b), substituted "a Police Training Commission approved training facility" for "the Correctional Staff Training Academy of the New Jersey Department of Corrections".

10A:72-4.11 Motor vehicle pursuits prohibited

Parole officers shall not become involved in motor vehicle pursuits.

10A:72-4.12 Reports

(a) The parole officer shall immediately contact his or her supervisor and shall write a special report when the

parole officer participated in or witnessed an incident in which:

1. A firearm was discharged outside of the firing range;
2. A use of force resulted in death or serious bodily injury; or
3. A suspect alleged that a serious bodily injury had been inflicted.

(b) The report shall contain the following information:

1. A description of the events leading up to the use of force;
2. A description of the incident;
3. The type of force used;
4. The reason for employing force;
5. A list of all participants and witnesses to the incident;
6. A description of the injuries suffered, if any, and medical treatment given; and
7. Other relevant facts or comments about the incident or conduct of employees, parolees, inmates, witnesses or the public.

(c) The parole officer's supervisor shall fax, as soon as possible, all special reports to the Special Investigations Unit of the Board and the Director, Division of Parole for review.

(d) The Director, Division of Parole, or designee shall immediately advise the Chairperson and Executive Director of the Board of the following:

1. A description of the incident;
2. The persons involved;
3. The action taken; and
4. A current assessment of the situation.

(e) In emergency situations, the parole officer's supervisor or designee shall immediately notify the Director, Division of Parole or designee.

(f) Within three working days following the incident in which force was used, the District Parole Supervisor or designee shall prepare and submit INCIDENT REPORT—DIVISION OF PAROLE along with a copy of the written report from the staff member(s) to the Director, Division of Parole.

(g) Follow-up reports will be submitted to those persons listed in (f) above.

Amended by R.2004 d.446, effective December 6, 2004.
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

In (d), inserted "Chairperson and Executive Director of the Board " following "shall immediately advise"; in (e), deleted "Chief of Staff " following "shall immediately notify"; in (f), substituted "three" for "10" preceding "working days".

10A:72-4.13 Penalties for violation

(a) Parole officer or parole staff member action which does not conform to the provisions of this subchapter and any procedures implemented in connection with this subchapter may result in the following:

1. Disciplinary action pursuant to N.J.A.C. 4A:2;
2. Personal, civil or criminal liability;
3. Denial of indemnification; and/or
4. Refusal by the Office of the Attorney General to represent the parole officer or parole staff member.

(b) Decisions regarding (a)3 and 4 above will be made by the Attorney General after an investigation of the facts of the case.

SUBCHAPTER 5. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF-DUTY

10A:72-5.1 Authorized off-duty firearm, ammunition and holsters

(a) Parole officers shall be authorized only one firearm for off-duty use.

(b) Prior to being permitted to carry a firearm off-duty, parole officers shall meet the following requirements:

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the Police Training Commission (P.T.C.) approved Basic Course for Parole Officers; and
2. Have been sworn as peace officers by taking the oath of office and completing the OATH OF OFFICE form.

(c) The firearm intended for use off-duty shall have been obtained and registered pursuant to State and local laws of the State in which the employee lives. Parole officers shall not loan or improperly transfer personal firearms.

(d) The firearm to be carried off-duty shall be approved and authorized by the Chairperson in consultation with the Director, Division of Parole.

(e) Ammunition for the off-duty firearm shall be approved and authorized by the Chairperson in consultation with the Director, Division of Parole.