

## CHAPTER 95

## SECURITY AND CONTROL

## Authority

N.J.S.A. 2A:4A-60, 2C:39-6a(9), 47:1A-2, 52:17B-170e(14) and (22), 52:17B-174 and Executive Order No. 9(1963).

## Source and Effective Date

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See: 32 N.J.R. 1744(a), 32 N.J.R. 2909(c).

## Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 95, Security and Control, expires on February 3, 2006. See: 37 N.J.R. 3564(a).

## Chapter Historical Note

Chapter 95, Security and Control, was adopted as R.2000 d.329, effective August 7, 2000. See: Source and Effective Date.

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 13:95-1.1 Purpose and scope

(a) The purpose of this chapter is to establish policies and procedures regarding the use of force by juvenile corrections officers employed in the New Jersey Juvenile Justice Commission's secure facilities, secure facility satellite units and Stabilization and Reintegration Program (Boot Camp), both on duty and off duty. Policies and procedures regarding the use of force by juvenile corrections officers in juvenile parole officer and Internal Affairs' investigator titles are set forth in N.J.A.C. 13:96 and 97, respectively.

(b) This chapter shall be applicable to juvenile corrections officers employed in the New Jersey Juvenile Justice Commission's secure facilities, secure facility satellite units and Stabilization and Reintegration Program (Boot Camp), in the following titles: Director of Custody Operations 1, Juvenile Justice Commission; Director of Custody Operations 2, Juvenile Justice Commission; Correction Captain, Juvenile Justice; Correction Lieutenant, Juvenile Justice; Correction Sergeant, Juvenile Justice; Senior Correction Officer, Juvenile Justice; and Correction Officer Recruit, Juvenile Justice.

## 13:95-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Center Control" means the unit which coordinates the security and communication functions within a secure juvenile facility.

"Chemical agent" means an aerosol spray which may be used to gain control of individuals who resist arrest or for the purpose of self-defense against an attack.

"Commission" means the New Jersey Juvenile Justice Commission.

"Deadly force" means force which is intended to cause, or is likely to cause, death or serious bodily harm.

"Deputy Executive Director" means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.

"Director of Custody Operations" means the Director of Custody Operations employed at each secure facility of the New Jersey Juvenile Justice Commission responsible for supervising the custody work force.

"Director of Operations" means the Director of Operations responsible for the overall operation and supervision of the secure and non-secure facilities of the New Jersey Juvenile Justice Commission.

“Executive Director” means the Executive Director of the New Jersey Juvenile Justice Commission.

“Internal Affairs Unit” means the unit responsible for conducting investigations within the Commission at the direction of the Executive Director.

“Juvenile corrections officer” means, for purposes of this chapter only, persons employed in the following titles utilized by the Commission, who have been sworn as peace officers:

1. Director of Custody Operations 1, Juvenile Justice Commission;
2. Director of Custody Operations 2, Juvenile Justice Commission;
3. Correction Captain, Juvenile Justice;
4. Correction Lieutenant, Juvenile Justice;
5. Correction Sergeant, Juvenile Justice;
6. Senior Correction Officer, Juvenile Justice; and
7. Correction Officer Recruit, Juvenile Justice.

“Juvenile inmate” means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the New Jersey Juvenile Justice Commission. For the purpose of this chapter, “juvenile inmate” shall only refer to those individuals residing in a New Jersey Juvenile Justice Commission facility.

“Mechanical restraints” means restraining devices such as, but not limited to, handcuffs, flex cuffs, leg irons and belly chains.

“Non-deadly force” means force which is not likely to cause death or serious bodily harm.

“Police Training Commission” or “PTC” means the agency established in the Department of Law and Public Safety by the provisions of N.J.S.A. 52:17B-70 et seq., to, among other things, review and approve the development of an educational and training curriculum, including firearms instruction, for law enforcement officers.

“Roving patrol” means observation of a facility by making rounds, on foot or in a vehicle, of the outer perimeter at specific intervals.

“Secure facility satellite unit” means a Juvenile Justice Commission secure unit located apart from the main secure facility and administered by Superintendent of the main secure facility.

“Shift supervisor” means the juvenile corrections officer responsible for the maintenance of security during a tour of duty in a secure juvenile facility, secure facility satellite unit or boot camp.

“Superintendent” means the chief executive officer of any State secure juvenile facility in the New Jersey Juvenile Justice Commission.

### 13:95-1.3 Oath of office form

An oath of office form shall be reproduced by each facility from originals that are available by contacting the Juvenile Justice Commission’s Office of Training.

### 13:95-1.4 Confidentiality of information

All information contained in the master lists or reports maintained or submitted by employees of the Commission pursuant to the requirements of this chapter shall be confidential and such master lists and reports shall not be subject to public inspection or copying pursuant to the “Right to Know Law,” N.J.S.A. 47:1A-1 et seq.

## SUBCHAPTER 2. USE OF FORCE WHILE ON DUTY

### 13:95-2.1 Juvenile corrections officers authorized to carry firearms while on duty

(a) Prior to being permitted to carry a firearm on duty, juvenile corrections officers shall:

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the PTC-approved Basic Course for State Juvenile Corrections Officers, or have taken and completed an equivalent PTC-approved course for State or county corrections officers to substitute for this requirement;
2. Have taken and successfully completed the basic firearms training course approved by the PTC; and
3. Have been sworn as a peace officer by taking the oath of office and completing the Commission’s oath of office form.

### 13:95-2.2 Firearms training, qualification and requalification

(a) As required by N.J.S.A. 2C:39-1 et seq., all juvenile corrections officers shall be initially trained and shall qualify in the use and handling of approved on-duty firearms.

(b) A juvenile corrections officer shall requalify in accordance with the New Jersey Attorney General’s Semi Annual Qualification and Requalification Standards for New Jersey Law Enforcement.

(c) Only those juvenile corrections officers who achieve and maintain the required level of proficiency during range qualification and requalification shall be authorized to possess firearms while on duty.

(d) Once a juvenile corrections officer has qualified on his or her approved firearm, the juvenile correction officer shall receive the official State of New Jersey Firearms Unit Weapons Card. A juvenile corrections officer shall be required to carry the weapons card, the official badge and the photo identification card of the New Jersey Juvenile Justice Commission while on duty.

(e) Each Director of Custody Operations, or his or her designee, shall be responsible for preparing and maintaining a current master list of each juvenile corrections officer authorized to carry a firearm.

1. The master list shall be maintained by the Director of Custody Operations, or his or her designee, to indicate the juvenile corrections officer's firearms qualification date, the qualification expiration date, and the authorized on-duty firearm's model name and serial number.

2. Each time a juvenile corrections officer is issued a firearm in accordance with this section, the Director of Custody Operations, or his or her designee, shall be responsible for comparing the firearms qualification date, the qualification expiration date, and the firearm model name contained on the master list against the juvenile corrections officer's State of New Jersey Firearms Unit Weapons Card.

(f) Each Director of Custody Operations, or his or her designee, shall be responsible for preparing and maintaining a current master list of each Juvenile Justice Commission on-duty firearm assigned to a juvenile corrections officer.

1. The master list shall indicate the name of the juvenile corrections officer receiving the firearm, the make, model number and serial number of the firearm, the date the firearm is issued and the date the firearm is returned to the facility's arsenal.

### 13:95-2.3 On-duty firearm

(a) A juvenile corrections officer shall be responsible for his or her on-duty firearm at all times.

(b) A juvenile corrections officer shall not draw or exhibit his or her firearm except for one of the following circumstances:

1. For maintenance of the firearm;
2. To secure the firearm;
3. When commanded by the firearms staff during training exercises, range practice, qualification or requalification with the firearm; or
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of the juvenile corrections officer's duties.

(c) A juvenile corrections officer, if required to carry a firearm while on duty shall carry his or her on-duty firearm

on his or her person at all times unless otherwise instructed by his or her immediate supervisor. The firearm shall:

1. Remain in the holster while in a rest room; and
2. Not be left in an unauthorized location except under unusual or special circumstances, such as when a juvenile corrections officer removes his or her on-duty firearm and another authorized staff member is unavailable to take custody of the firearm. Under an unusual or special circumstance, every effort shall be made to secrete the firearm within a locked compartment. If an unusual or special circumstance arises, the juvenile corrections officer shall document the circumstance in writing to his or her immediate supervisor.

(d) A juvenile corrections officer entering any residential or secure facility of the New Jersey Juvenile Justice Commission shall store his or her firearm at the main secure facility or at an approved New Jersey Juvenile Justice Commission authorized weapons storage unit.

(e) When a juvenile corrections officer has a reasonable belief or knows that his or her authorized firearm and/or ammunition has been lost or stolen, the juvenile corrections officer shall immediately report this fact to the local law enforcement authority and to the Director of Custody Operations, or his or her designee.

(f) When a juvenile corrections officer has a reasonable belief or knows that a State of New Jersey Firearms Unit Weapons Card, official photo identification card or badge of the New Jersey Juvenile Justice Commission has been lost or stolen, the juvenile corrections officer shall notify the local law enforcement authority and the Director of Custody Operations, or his or her designee, as soon as practicable.

(g) A juvenile corrections officer shall not carry his or her on-duty and off-duty firearms simultaneously.

(h) While on duty, a juvenile corrections officer shall be authorized to carry only his or her on-duty firearm.

### 13:95-2.4 Use of force

(a) In any case when a juvenile corrections officer uses force while on duty, the juvenile corrections officer shall only use force that is objectively reasonable under the totality of the circumstances as known by the juvenile corrections officer at the time the officer uses force.

(b) A juvenile corrections officer may use the amount of force reasonably and imminently necessary to accomplish the law enforcement objective. If a juvenile inmate resists, the juvenile corrections officer may increase the degree of force as reasonably necessary to accomplish the law enforcement objective, but as soon as the juvenile inmate submits, the juvenile corrections officer shall reduce the degree of force used.

**13:95-2.5 Non-deadly force; when justified**

(a) The New Jersey Juvenile Justice Commission justifies the use of non-deadly force against juvenile inmates 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 prevent damage to property;
4. To prevent escape;
5. To prevent or quell a riot or disturbance;
6. To prevent a suicide or attempted suicide; or
7. To enforce facility regulations where expressly permitted by the New Jersey Juvenile Justice Commission or in situations where a juvenile corrections officer with the rank of Sergeant or above reasonably believes that the juvenile inmate's failure to comply constitutes an immediate threat to facility security or personal safety.

(b) Non-deadly force includes the use of chemical agents, batons, mechanical restraints and other weapons which are not likely to cause death or serious injury.

**13:95-2.6 Deadly force; when justified**

(a) Deadly force may be used against persons on order of the:

1. Executive Director;
2. Deputy Executive Director;
3. Director of Operations;
4. Superintendent; or
5. Director of Custody Operations.

(b) A juvenile corrections officer may use deadly force against a juvenile inmate when the juvenile corrections officer reasonably believes that a lesser degree of force will be ineffective and the juvenile inmate presents an imminent threat of deadly force or serious bodily harm to the juvenile corrections officer or a third party.

(c) Deadly force may be used in the following situations:

1. When a juvenile corrections officer reasonably believes that deadly force is imminently necessary to protect himself or herself against the use of unlawful force which the juvenile corrections officer believes may result in death or serious bodily harm;

2. When a juvenile corrections officer reasonably believes that deadly force is imminently necessary to protect another against the use of unlawful force which the juvenile corrections officer believes may result in death or serious bodily harm. However, deadly force is not justifiable if the juvenile corrections officer can otherwise secure the complete safety of the protected person; or

3. When a juvenile corrections officer reasonably believes that deadly force is imminently necessary to prevent or stop a juvenile inmate from committing or continuing a criminal offense which would endanger human life or inflict serious bodily harm upon another person.

(d) In accordance with the perimeter/roving patrol policies of each secure facility, deadly force shall not be utilized to prevent an escape, except as set forth in (a) through (c) above.

(e) Where feasible, before discharging a firearm, a juvenile corrections officer shall attempt to identify himself or herself as an officer and state his or her intent to shoot.

(f) Warning shots are not authorized by the New Jersey Attorney General and are prohibited by the New Jersey Juvenile Justice Commission.

(g) A juvenile corrections officer shall not discharge a firearm if there is a substantial risk of injury to innocent persons.

(h) Pursuits in a motor vehicle are prohibited.

(i) A juvenile corrections officer involved in a foot pursuit shall not fire his or her firearm at an individual or a moving vehicle, except as a last resort to prevent imminent death or serious injury to the juvenile corrections officer or another person where deadly force would otherwise be justified.

(j) Whenever feasible, a juvenile corrections officer shall contact Center Control to request assistance before engaging in any use of force that reasonably could result in serious bodily injury.

(k) Written post orders from each secure facility, secure facility satellite unit and the Stabilization and Reintegration Program (Boot Camp) shall govern the use of deadly force by juvenile corrections officers.

**13:95-2.7 Use of force against persons other than juvenile inmates; duties outside security perimeter**

(a) While engaged in roving patrol or other duty outside a secure facility's security perimeter, reasonable force may be used against persons other than juvenile inmates when a juvenile corrections officer observes what the juvenile corrections officer believes to be a violation of the law and when there is also imminent peril of damage to or destruction of property or bodily harm to any individual.

(b) Whenever feasible, a juvenile corrections officer shall contact Center Control 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, a juvenile corrections officer shall immediately contact Center Control.

(d) Non-deadly force may be used upon or toward persons other than a juvenile inmate 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 damage to or loss of property, bodily harm or a breach of the peace;
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 a juvenile inmate when a juvenile corrections officer reasonably believes that the person presents an imminent threat of death or serious bodily harm.

(f) A juvenile corrections officer shall not discharge a firearm if there is substantial risk of injury to innocent persons.

### 13:95-2.8 Reports

(a) A juvenile corrections officer shall immediately contact his or her shift supervisor, or his or her designee, and prepare a Juvenile Justice Commission Use of Force Report form when the juvenile corrections 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;
3. An individual alleged that a serious bodily injury had been inflicted; and/or
4. Any other incidents as required by the Superintendent or Director of Custody Operations.

(b) The Juvenile Justice Commission Use of Force Report form 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(s) 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, participants or witnesses.

(c) The shift supervisor shall forward, as soon as practicable, but within 24 hours of the occurrence, all completed Juvenile Justice Commission Use of Force Report forms to the Director of Custody Operations for review. The Director of Custody Operations shall forward these completed forms to the Superintendent. The Superintendent, or his or her designee, shall forward a copy of the Juvenile Justice Commission Use of Force Report form to the Office to the Executive Director and to the Internal Affairs Unit in the New Jersey Juvenile Justice Commission for further review and investigation.

(d) Immediately upon receipt of notification that an incident as set forth at (a) above has occurred, the Superintendent, or his or her designee, shall advise the Executive Director, or his or her designee, 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.

### 13:95-2.9 Use of mechanical restraints

(a) On authorization of the shift supervisor, mechanical restraints may be used in the following instances:

1. When transporting a juvenile inmate from place to place;
2. When the juvenile inmate's history, disciplinary record, behavior or present emotional state indicates the likelihood that bodily injury to any person, damage to property or escape by the juvenile inmate will occur; or
3. On current medical advice, to prevent the juvenile inmate from attempting suicide, self-inflicted injury or injury to others.

(b) Mechanical restraints shall not be used as punishment, or in any way that causes undue physical discomfort, inflicts physical pain or restricts the blood circulation or breathing of the juvenile inmate.

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

(d) A juvenile inmate in restraints shall be under continuous observation by a juvenile corrections officer(s).

#### **13:95-2.10 Use of chemical agents; storage**

(a) Only New Jersey Juvenile Justice Commission-approved chemical agents shall be used by juvenile corrections officers in accordance with this chapter.

(b) A juvenile corrections officer shall not be permitted to carry or use chemical agents unless he or she has received appropriate training and semiannual retraining in chemical agent use and effects.

(c) After each instance of use, individuals who have been exposed to chemical agents shall be referred to the medical staff for any necessary examination and treatment.

(d) Whenever a juvenile corrections officer uses a chemical agent, the officer shall complete the Juvenile Justice Commission Use of Force Report form and forward it in accordance with N.J.A.C. 13:95-2.8(c).

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

#### **13:95-2.11 Training**

(a) Training in the proper methods and techniques of using force and in the legal aspect of using force shall be provided as part of the Police Training Commission's approved Basic Course for Juvenile Corrections Officers or an equivalent course substituted in accordance with N.J.A.C. 13:95-2.1(a)1.

(b) All juvenile corrections officers and the Directors of Custody Operations shall receive semiannual training in the proper methods and techniques of using force and in the legal aspects of using force. In addition to semiannual training, retraining may be repeated as needed. Such training shall be provided by the New Jersey Juvenile Justice Commission's Office of Training.

#### **13:95-2.12 Penalties for violation**

(a) A juvenile corrections officer's action that does not conform to the provisions of this chapter and any procedures implemented in connection with this chapter 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 juvenile corrections officer.

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

#### **13:95-2.13 Secure facility, secure facility satellite unit and boot camp post orders and procedures**

(a) Each secure facility, secure facility satellite unit and boot camp shall develop and maintain written post orders and procedures consistent with this subchapter.

(b) All new and revised post orders and procedures developed in accordance with this subchapter shall be submitted to the Executive Director, or his or her designee, for approval before implementation.

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### **SUBCHAPTER 3. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF DUTY**

#### **13:95-3.1 Personnel authorized to carry firearms while off duty**

(a) Firearms may be carried off duty only by juvenile corrections officers holding the rank of Senior Correction Officer, Juvenile Justice, and higher who:

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the PTC-approved Basic Course for Juvenile Corrections Officers or have successfully completed an equivalent PTC-approved course for State or county correction officers to substitute for this requirement;
2. Have qualified in the use and handling of approved off-duty firearms at a PTC-approved firearms training course; and
3. Have been sworn as a peace officer by taking the oath of office and completing the Commission's oath of office form.

#### **13:95-3.2 Authorized off-duty firearms, ammunition and holsters**

(a) The Executive Director shall develop, in consultation with firearms experts, a list specifying the types of firearms and ammunition that shall be authorized by the Juvenile Justice Commission for use by off-duty juvenile corrections officers who train and qualify pursuant to N.J.A.C. 13:95-3.5. The list of authorized firearms and ammunition shall be reviewed annually and modified as appropriate by the Executive Director. The Juvenile Justice Commission's Office of Training shall distribute the current list of authorized firearms and ammunition to the Commission's Deputy Executive Director, Director of Operations and Directors of Custody Operations.

(b) Eligible juvenile corrections officers who are trained and meet qualification specifications shall be permitted only one firearm authorized for off-duty use.

(c) A firearm intended for use as an off-duty weapon shall have been obtained and registered pursuant to state and local laws of the state in which the juvenile corrections officer lives. A juvenile corrections officer may not lend or improperly transfer personal firearms.

(d) Only shoulder, waist and ankle holsters are approved for off-duty use. Holsters shall hold the firearm firmly when inverted and have no internal clips. Off-duty firearms shall be carried in approved holsters on the body. No purse holsters or holstered firearms in purses are approved.

(e) The waist holster is the only holster approved for use while qualifying with the off-duty firearm.

(f) A juvenile corrections officer who elects to use a shoulder or ankle holster for off-duty use shall demonstrate proficiency in the use of that holster during firearms requalification but need not qualify while using the holster.

(g) The juvenile corrections officer shall be responsible for assuming the cost of the firearm, ammunition, holsters and for maintaining his or her firearm in a safe, secure and serviceable condition.

### 13:95-3.3 Off-duty firearm

(a) A juvenile corrections officer shall be responsible for his or her authorized off-duty firearm at all times.

(b) A juvenile corrections officer shall not draw or exhibit his or her firearm, except for one of the following circumstances:

1. For maintenance of the firearm;
2. To secure the firearm;
3. When commanded by the firearms staff during training exercises, range practice, qualification, or requalification with the firearm; or
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in conformance with this subchapter.

### 13:95-3.4 Firearm instructors

(a) As established by the New Jersey Department of Law and Public Safety, Division of Criminal Justice, only those persons who have successfully completed a PTC-approved firearms instruction course and are PTC-certified as Firearm Instructors shall instruct in the New Jersey Juvenile Justice Commission Firearms Training Program at the Division of Criminal Justice/Juvenile Justice Commission Satellite Training Academy.

(b) As established by the New Jersey Department of Law and Public Safety, Division of Criminal Justice, all firearms training instructors engaged by the New Jersey Juvenile Justice Commission for semiannual and requalification firearms training shall be certified by the PTC.

### 13:95-3.5 Firearms training, qualification and requalification

(a) All juvenile corrections officers authorized by the New Jersey Juvenile Justice Commission to carry firearms off-duty shall be initially trained and shall qualify in the use and handling of approved off-duty firearms.

(b) All juvenile corrections officers who carry off duty firearms shall requalify semiannually on a range approved by the New Jersey Juvenile Justice Commission.

(c) Only those juvenile corrections officers who achieve and maintain the required level of proficiency during range qualification and requalification shall be authorized to possess firearms while off duty.

(d) Once a juvenile corrections officer has qualified on his or her approved personal off-duty firearm, he or she shall receive the official State of New Jersey Firearms Unit Weapons Card. The off-duty firearm he or she carries shall be the same one identified on the off-duty weapons card. Authorized juvenile corrections officers shall be required to carry their off-duty weapons card, and the official badge and photo identification card of the New Jersey Juvenile Justice Commission at all times while carrying their off-duty firearm.

(e) The Director of Custody Operations, or his or her designee, at each secure facility, secure facility satellite unit and boot camp shall be responsible for preparing and maintaining a current master list of each juvenile corrections officer authorized to carry an off-duty firearm.

1. The master list shall indicate the juvenile corrections officer's firearms qualification date, the qualification expiration date, model name, number, and serial number of the authorized off-duty firearm.

2. Each time the juvenile corrections officer registers a firearm, the Director of Custody Operations, or his or her designee, shall be responsible for comparing the firearms qualification date, the qualification expiration date, the firearm model name and number, and firearm serial number contained on the master list against the State of New Jersey Firearms Unit Weapons Card accompanying the personal firearm.

(f) Should a personal firearm become unusable, stolen or unserviceable and the juvenile corrections officer selects a personal off-duty firearm different from the one originally qualified for use, he or she shall requalify on the different firearm before the weapon can be used. This qualification

may be completed prior to the next semiannual qualification period.

(g) Should the juvenile corrections officer wish to change his or her authorized personal off-duty firearm as a matter of preference, the juvenile corrections officer shall notify the New Jersey Juvenile Justice Commission's Office of Training in writing to arrange for qualification in the use and handling of his or her authorized personal off-duty firearm at the following address:

New Jersey Juvenile Justice Commission  
Office of Training  
Johnstone Campus  
Tramburg Building  
PO Box 534  
Bordentown, New Jersey 08505-0534

### 13:95-3.6 Storage of personal firearms while on duty

(a) A juvenile corrections officer entering secure facility grounds while armed with an off-duty firearm shall proceed directly to the weapons collection station of the facility. The off-duty firearm shall be turned in fully loaded, in its holster, attached to the State of New Jersey Firearms Unit Weapons Card. No loose or additional ammunition shall be brought into the secure facility or carried onto Commission property.

(b) A juvenile corrections officer shall present his or her official photo identification card of the New Jersey Juvenile Justice Commission when checking the firearm out of the weapons collection station.

(c) Juvenile corrections officers are prohibited from storing off-duty weapons or ammunition in their personal vehicles while on property of the New Jersey Juvenile Justice Commission.

(d) A juvenile corrections officer entering a Commission residential facility shall store his or her firearm at the Commission's approved authorized weapons storage unit.

(e) Personal firearms shall be checked in and out on a juvenile corrections officer's own time. It is the juvenile corrections officer's responsibility to allow sufficient time for this procedure so that he or she will be on time to work.

(f) Under no circumstances shall a juvenile corrections officer carry a personally owned firearm into a secure or residential facility beyond the weapons collection station. Personally owned firearms shall not be carried or used while on duty except when authorized by the Superintendent and approved by the Executive Director. In those instances, only firearms approved by the Commission may be used by qualified juvenile corrections officers.

### 13:95-3.7 Use of force while off duty

(a) Although N.J.S.A. 52:17B-174d authorizes a juvenile corrections officer to exercise law enforcement powers, no juvenile corrections officer is required to exercise those powers or to carry firearms during off-duty hours.

(b) A juvenile corrections officer, while off duty, shall not become involved with routine law enforcement duties as they apply to local law enforcement agencies. When a juvenile corrections officer observes what he or she believes to be a violation of the law, he or she should take note of vehicle description(s), license plate number(s), identifying characteristics of person(s) involved and other relevant information and report such information to the local law enforcement agency having jurisdiction. The juvenile corrections officer shall notify the Director of Custody Operations in writing that such action was taken. Juvenile corrections officers shall not stop or detain vehicles or persons. Pursuit in a motor vehicle is prohibited.

(c) In cases where a juvenile corrections officer has passed the qualifying firearms examination and does elect to carry a firearm off duty, the utmost discretion shall be exercised by the juvenile corrections officer to determine when and under what conditions to use force. Whenever he or she believes that possible criminal action is taking place and that a reasonable alternative to the use of force exists, the juvenile corrections officer shall take the action which is calculated to be the least dangerous or harmful to persons or property.

(d) Any use of force while off duty shall be in accordance with the requirements of this chapter.

(e) A juvenile corrections officer shall be deemed to have acted within the scope of his or her employment, or in the law enforcement interest of the State of New Jersey, if he or she exercises police powers in accordance with the provisions of this chapter and the post orders and procedures consistent with this subchapter.

### 13:95-3.8 Use of non-deadly force while off duty

(a) Whenever non-deadly force is used off duty, a reasonable amount of force under the circumstances shall be used.

(b) Non-deadly force may be used off duty by authorized persons when it is reasonably believed to be immediately necessary:

1. To protect self or others against the unlawful use of force;
2. To protect self and/or others against death or serious bodily harm;
3. To prevent a suicide or attempted suicide;
4. To thwart the commission of a crime involving or threatening damage to or loss of property, bodily harm or a breach of the peace;

5. To prevent an escape; or

6. To effect an arrest for any offense or crime under the laws of the State of New Jersey subject to (c) below.

(c) The use of non-deadly force to effect an arrest is only justifiable if:

1. A juvenile corrections officer makes known his or her identity and the purpose of the arrest;

2. A juvenile corrections officer reasonably believes that his or her identity and purpose are otherwise known by, or can reasonably be made known to, the person to be arrested; or

3. When the arrest is made under a warrant and the warrant is valid or reasonably believed by the juvenile corrections officer to be valid.

### 13:95-3.9 Use of deadly force while off duty

(a) Deadly force includes, but is not limited to, the use of firearms and other lethal weapons.

(b) Deadly force may be used in the following situations:

1. When a juvenile corrections officer reasonably believes that deadly force is imminently necessary to protect himself or herself against the use of unlawful force which he or she believes may result in death or serious bodily harm;

2. When a juvenile corrections officer reasonably believes that deadly force is imminently necessary to protect another against the use of unlawful force which he or she believes may result in death or serious bodily harm. However, deadly force is not justifiable if the juvenile corrections officer can otherwise secure the complete safety of the protected person;

3. When a juvenile corrections officer reasonably believes that deadly force is imminently necessary to prevent or stop the suspect from committing or continuing a criminal offense which would endanger human life or inflict serious bodily harm upon another person; and

4. When a juvenile corrections officer has reasonable belief to conclude that the suspect will pose an imminent threat of death or serious bodily harm to human life should the juvenile corrections officer not take immediate action by deadly force to effect an arrest.

(c) Where feasible, before using a firearm, a juvenile corrections officer shall attempt to identify himself or herself as an officer and state his or her intent to shoot.

(d) Warning shots are not authorized by the New Jersey Attorney General and are prohibited by the New Jersey Juvenile Justice Commission.

(e) A juvenile corrections officer shall not discharge a firearm if there is a substantial risk of injury to an innocent person.

### 13:95-3.10 Unauthorized use of personal weapons while off duty

(a) A juvenile corrections officer shall not be authorized to carry an off-duty firearm in the following instances:

1. Where N.J.S.A. 2C:39-7 (Persons Convicted of Certain Crimes) is applicable;

2. When a juvenile corrections officer has been suspended from duty for any violation by the Superintendent or a higher official of the New Jersey Juvenile Justice Commission;

3. When there are pending charges or an ongoing investigation of alleged incidents involving the misuse of a firearm;

4. In accordance with domestic violence laws set forth at N.J.S.A. 2C:25-17 through 33;

5. When otherwise prohibited by law or regulation; or

6. In any other situation where the Superintendent or the Director of Custody Operations, or their designee, may exercise their authority to withdraw off-duty firearms privileges, subject to the review of the Executive Director of the New Jersey Juvenile Justice Commission.

(b) In any of the instances in (a) above, the State of New Jersey Firearms Unit Weapons Card shall be turned in to the Superintendent or Director of Custody Operations, or their designees.

### 13:95-3.11 Possession of firearms within a casino or casino simulcasting facility

Pursuant to N.J.A.C. 19:45-1.13, a juvenile corrections officer shall not possess or be permitted to possess a firearm within a casino or casino simulcasting facility.

### 13:95-3.12 Reporting incidents

(a) Whenever a juvenile corrections officer believes that his or her off-duty firearm and/or ammunition has been lost or stolen, the juvenile corrections officer shall report this fact to the local law enforcement authority and to the secure facility Center Control immediately upon learning that the firearm and/or ammunition is missing.

(b) A juvenile corrections officer shall notify the local law enforcement authority and the Superintendent or Director of Custody Operations, or their designees, as soon as practicable, whenever he or she believes that his or her New Jersey Firearms Unit Weapons Card, official photo identification card or New Jersey Juvenile Justice Commission badge has been lost or stolen.

(c) Except as provided in N.J.A.C. 13:95-3.3(b), a juvenile corrections officer shall immediately and without exception report to the local law enforcement authority and the secure facility Superintendent or Director of Custody Operations, or their designees:

1. Any incident where the juvenile corrections officer displayed, drew or fired his or her off-duty firearm;
2. Any incident or injury which occurred from the use of the juvenile corrections officer's off-duty firearm; or
3. When an off-duty firearm discharge results in injury or death. In such instance, the juvenile corrections officer shall immediately notify the local police or law enforcement agency with local jurisdiction to assist in securing and safeguarding the scene. The juvenile corrections officer shall then remain at the scene or criminal investigatory agency headquarters unless otherwise directed by that agency. The juvenile corrections officer shall protect his or her weapon for submission to the investigatory agency for examination and ballistic tests.

(d) Within 24 hours of the occurrence of any incident as described in this section, the juvenile corrections officer shall complete a report on the Juvenile Justice Commission Use of Force Report form to the Director of Custody Operations, detailing the incident and identifying particulars of the incident. The Director of Custody Operations, or his or her designee, shall then forward the report for review to the Executive Director, and to the Internal Affairs Unit in the New Jersey Juvenile Justice Commission.

(e) The juvenile corrections officer shall, within three days, report to the secure facility Superintendent or Director of Custody Operations, or their designees, in writing whenever a registered authorized off-duty firearm has been sold or is no longer in use.

#### **13:95-3.13 Penalties for violation**

(a) A juvenile corrections officer's action which does not conform to the provisions of this chapter and any post orders and procedures implemented in connection with this chapter 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 officer.

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

#### **13:95-3.14 Post orders and procedures**

(a) Each secure facility, secure facility satellite unit and boot camp shall develop and maintain written post orders and procedures consistent with this subchapter.

(b) All new and revised post orders and procedures developed in accordance with this subchapter shall be submitted to the Executive Director, or his or her designee, for approval before implementation.