

"Probable cause" means reasonable ground(s) of suspicion, supported by circumstances sufficiently strong to warrant a cautious person to believe that criminal activity is taking place.

"Reasonable suspicion" means a belief that an action is necessary based upon specific and articulable facts that, taken together with rational inferences from those facts, reasonably support a conclusion such as that a condition of parole has been or is being violated by a parolee.

"Serious bodily harm" means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Unlawful force" means force, including confinement, which is employed without the consent of the person against whom it is directed and the use of which is not permitted by law.

"Warrant" means a writ or precept from an authority in pursuance of law, directing the performance of a specified act, and addressed to a peace officer or person competent to perform the act.

"Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury.

Case Notes

Parole officer had reasonable suspicion that there was contraband in plainly visible brown paper bag in defendant's bedroom, and therefore search of bag did not violate constitutional guarantees against unreasonable searches and seizures, where defendant said she was going to retrieve court documents from bedroom, became nervous as officer approached bedroom, and lied by saying her sister's baby was not inside, an where officer saw crumpled brown paper bag which she knew was a common container for illegal drugs. *State v. Maples*, 346 A.2d 408.

10A:72-1.4 Forms

(a) The following forms related to the Division of Parole shall be reproduced from originals that are available by contacting the Standards Development Unit, New Jersey Department of Corrections:

1. 156-I OATH OF OFFICE;
2. 172-I CONTINUITY OF EVIDENCE—URINE SPECIMEN.

(b) The following forms related to the Division of Parole shall be reproduced from originals that are available by contacting the Division of Parole:

1. F-19 CHRONOLOGICAL SUPERVISION REPORT;
2. 844-II INCIDENT REPORT—DIVISION OF PAROLE.

10A:72-1.5 Procedures

(a) The Director, Division of Parole, or designee shall be responsible for developing written procedures consistent with this chapter.

(b) All written procedures shall be forwarded to the Chief of Staff, New Jersey Department of Corrections, for review and approval on or before February 15 of each year.

(c) Written procedures developed in accordance with this chapter shall be made available to all parole officers and parole staff members.

SUBCHAPTERS 2 THROUGH 3. (RESERVED)

SUBCHAPTER 4. USE OF FORCE WHILE ON-DUTY

10A:72-4.1 Parole officers authorized to carry firearms while on duty

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

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 at the Correctional Staff Training Academy of the New Jersey Department of Corrections; and
2. Have been sworn as peace officers by taking the oath of office and completing Form 156-I OATH OF OFFICE.

10A:72-4.2 Firearms training, qualification and requalification

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

(b) Parole officers shall requalify annually on a range approved by the New Jersey Department of Corrections.

(c) Only those parole officers who achieve and maintain a minimum score of 80 percent during range qualification and requalification shall be authorized to possess firearms while on-duty and off-duty.

(d) Once a parole officer has qualified on his or her approved firearm, the parole officer shall receive the official State of New Jersey, Firearms Unit Weapons Card. Parole officers shall be required to carry the weapons card, the official badge and photo identification card of the New Jersey Department of Corrections while on duty.

(e) Each Division of Parole district office supervisor or his or her designee shall be responsible for preparing and maintaining a current master list of each parole officer authorized to carry a firearm.

1. The master list shall be maintained by the Director, Division of Parole, or designee to indicate the parole officer's firearm qualification date (new or expired), model name and number, and serial number of the authorized firearm.

2. Each time the parole officer registers a firearm with the Director, Division of Parole, or designee, the Director, Division of Parole, or designee, is responsible for comparing the firearm qualification date, 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 firearms.

10A:72-4.3 On-duty firearm

(a) The authorized on-duty firearm shall be the responsibility of the parole officer at all times.

(b) The parole 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 parole officer's duties.

(c) A parole officer 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 a motor vehicle or other unauthorized location except under unusual or special circumstances, such as when a parole officer must remove his or her on-duty firearm and another authorized Division of Parole 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 the locked trunk or other locked compartment of the parole officer's motor vehicle.

(d) When off-duty, the parole officer shall be authorized to carry his or her on-duty firearm, baton and chemical agent to and from work.

(e) The parole officer may elect to carry his or her on-duty firearm as his or her sole authorized off-duty firearm.

(f) The parole officer entering any residential or correctional facility of the Department of Corrections shall store his or her firearm at the main correctional facility or at an approved Department of Corrections authorized weapons storage unit.

(g) When an authorized firearm is believed to have been lost or stolen, the parole officer shall report this fact to the local law enforcement authorities and to the Director, Division of Parole or designee of the New Jersey Department of Corrections within three hours from the time the parole officer is aware that the firearm is missing.

(h) When a State of New Jersey, Firearms Unit Weapons Cards, official photo identification card or badge of the New Jersey Department of Corrections is believed to have been lost or stolen, the parole officer shall notify the local law enforcement authorities and the Director, Division of Parole, or designee as soon as practicable.

10A:72-4.4 Use of force

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

(b) A parole officer may use the amount of force reasonably necessary to accomplish the law enforcement objective. If the suspect resists, the parole officer may increase the degree of force as necessary to accomplish the law enforcement objective but as soon as the suspect submits, the parole officer shall reduce the degree of force used.

10A:72-4.5 Non-deadly force; when justified

(a) The Department justifies the use of non-deadly force against persons 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 disturbance;
6. To prevent a suicide or attempted suicide;
7. To enforce conditions of parole; or
8. In situations where a supervisor with the title of Assistant District Parole Supervisor or above believes that failure to comply constitutes an imminent threat to security or safety.

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