

CHAPTER 96
JUVENILE PAROLE AND
TRANSITIONAL SERVICES

Authority

N.J.S.A. 2A:4A-44d(5), 2A:4A-60, 2C:39-6a(9), 47:1A-1, 52:17B-170e(14) and (19) to (22), 52:17B-171, 52:17B-174, 52:17B-175a and 52:17B-176a(10).

Source and Effective Date

R.2010 d.001, effective December 1, 2009.
See: 41 N.J.R. 2771(a), 42 N.J.R. 73(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 96, Juvenile Parole and Transitional Services, expires on December 1, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 96, Aftercare and Parole Services, was adopted as R.2000 d.330, effective August 7, 2000. See: 32 N.J.R. 1750(a), 32 N.J.R. 2915(a).

Chapter 96, Aftercare and Parole Services, was readopted as Chapter 96, Juvenile Parole and Transitional Services, by R.2006 d.50, effective January 4, 2006. See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).

Subchapter 2, Use of Force While on Duty, was repealed, and Subchapter 2, Residence Plan and Supervision, was adopted as new rules; Subchapter 3, Use Of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Force, was adopted as new rules; and Subchapter 4, Use of Firearms While On-Duty and Use of Personal Firearms While Off-Duty, Subchapter 5 (Reserved), Subchapter 6, Search and Urine Monitoring of Juvenile Parolees, Subchapter 7, Contraband and Disposition of Contraband, and Subchapter 8, Transportation of Juvenile Parolees and Juveniles, were adopted as new rules by R.2006 d.50, effective February 6, 2006. See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).

Chapter 96, Juvenile Parole and Transitional Services, was readopted as R.2010 d.001, effective December 1, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:96-1.1 Purpose and scope

(a) The purpose of this chapter is to establish:

1. Uniform requirements for the supervision of juvenile parolees, including procedures for approving a juvenile parolee's residence;

2. Policies and procedures in connection with the Office of Juvenile Parole and Transitional Services regarding the use of force by juvenile parole officers, both on-duty and off-duty;

3. Policies and procedures regarding juvenile parole officers' use of firearms, both on-duty and off-duty;

4. Procedures governing the search and urine monitoring of juvenile parolees;

5. Procedures for the seizure and processing of contraband taken from a juvenile parolee by a juvenile parole officer; and

6. Rules governing the transportation of juveniles and juvenile parolees under authority of the Office of Juvenile Parole and Transitional Services.

(b) This chapter shall be applicable to juvenile parole officers employed by the New Jersey Juvenile Justice Commission's Office of Juvenile Parole and Transitional Services in the following titles: Senior Parole Officer, Juvenile Justice; Senior Parole Officer, Juvenile Justice, Bilingual in Spanish/English; Parole Officer Recruit, Juvenile Justice; and Parole Officer Recruit, Juvenile Justice, Bilingual in Spanish/English.

Amended by R.2006 d.50, effective February 6, 2006.

See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).

Rewrote (a); in (b), substituted "Juvenile Parole and Transitional Services" for "Aftercare and Parole Services."

13:96-1.2 Definitions

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

"Assistant Director of Juvenile Parole and Transitional Services" means the Assistant Director of the Commission's Office of Juvenile Parole and Transitional Services.

"Assistant District Parole Supervisor, Juvenile Justice" means the Assistant District Parole Supervisor who supervises juvenile parole officers within the Regional Juvenile Parole and Transitional Services Office.

"Board" means the New Jersey State Parole Board.

"Central Communications Unit" means the centralized communication center within the New Jersey Department of Corrections which coordinates certain functions of the Commission's Office of Juvenile Parole and Transitional Services on a 24 hour, seven days a week basis.

"Chemical agent" means an aerosol spray that 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 that is intended to cause, or is likely to cause, death or serious bodily harm.

"Deputy Executive Director" means the Deputy Executive Director of the Commission.

"Director of Juvenile Parole and Transitional Services" means the Director of the Commission's Office of Transitional and Parole Services responsible for the supervision of juvenile parole officers employed by the Commission's Office of Juvenile Parole and Transitional Services.

"Director of Operations" means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission's secure facilities.

"Executive Director" means the Executive Director of the Commission.

"Facility" means a facility of the Commission used to house, train or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.

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

"Juvenile parolee" means an adjudicated delinquent who is subject to the jurisdiction of the New Jersey State Parole Board, and who has been released on parole, and/or post-incarceration supervision, or any individual released from another State juvenile secure facility who resides in New Jersey under the terms of the Interstate Compact for Juveniles. For the purposes of this chapter, juvenile parolee includes any individual, regardless of age, who is completing a term of parole or post-incarceration supervision pursuant to an adjudication of delinquency.

"Juvenile parole officer" means juvenile corrections officers employed by the Commission with the following titles and who have been sworn as peace officers:

1. Assistant District Parole Supervisor, Juvenile Justice;
2. Senior Parole Officer, Juvenile Justice;
3. Senior Parole Officer, Juvenile Justice, Bilingual in Spanish/English;
4. Parole Officer Recruit, Juvenile Justice; and
5. Parole Officer Recruit, Juvenile Justice, Bilingual in Spanish/English.

"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.

“Office of Juvenile Parole and Transitional Services” means the office within the Commission which is charged with the preparation for release and supervision of those juvenile offenders who are paroled by the New Jersey State Parole Board, and the supervision of the juvenile parolees from other states who have been accepted under the terms of the Interstate Compact for Juveniles.

“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.

“Post-incarceration supervision” means that term of supervision, defined in the New Jersey Code of Juvenile Justice at N.J.S.A. 2A:4A-44d(5), which is equivalent to one third of the term of incarceration imposed, and commences upon release from incarceration or parole, whichever is later.

“Regional Supervisor” means the supervisor of the Regional Juvenile Parole and Transitional Services Office.

Amended by R.2006 d.50, effective February 6, 2006.
See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).

Rewrote definitions “Assistant Director of Aftercare and Parole Services,” “Assistant District Parole Supervisor, Juvenile Justice,” “Central Communications Unit,” “Chemical agent,” “Deadly force,” “Deputy Executive Director,” “Director of Aftercare and Parole Services,” “Director of Operations,” “Executive Director,” “Juvenile,” “Juvenile parolee,” “Juvenile Parole Officer,” “Office of Aftercare and Parole Services” and “Regional Aftercare and Parole Services Supervisor”; added definitions “Board” and “Facility”; deleted definition “Internal Affairs Unit.”

13:96-1.3 Oath of office form

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

Amended by R.2006 d.50, effective February 6, 2006.
See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).
Deleted “Juvenile Justice.”

13:96-1.4 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 Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Amended by R.2006 d.50, effective February 6, 2006.
See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).
Substituted “Open Public Records Act,” for “ ‘Right to Know Law,’ ”.

SUBCHAPTER 2. RESIDENCE PLAN AND SUPERVISION

13:96-2.1 Investigation of community release

(a) Prior to release to supervision by the Office of Juvenile Parole and Transitional Services, a juvenile must have a residence plan that has been approved by the New Jersey State Parole Board.

1. A proposed residence plan shall be initiated by the Commission facility or program to which the juvenile is assigned and submitted to the appropriate Regional Parole Office.

(b) Upon the proposed parole residence plan being provided to the appropriate Regional Parole Office, the Assistant District Parole Supervisor shall assign a juvenile parole officer to investigate the plan.

(c) The purpose of the investigation is to ensure that the juvenile has a suitable residence upon his or her release to the community.

(d) The juvenile parole officer assigned to complete the investigation shall:

1. Verify, in person, that the residence location is a valid address;

2. Verify, in person, that the host person or family is willing to provide housing and food for the juvenile;

3. Determine that acceptance of the juvenile in the residence would not be a violation of any law, rule or regulation which would prohibit the juvenile from residing at the proposed residence;

4. Determine whether the host person or family is willing to cooperate with juvenile parole supervision;

5. Determine whether the host person or family is willing to comply with the juvenile parole officer’s law enforcement authority and to comply with any search initiated pursuant to N.J.A.C. 13:96-6;

6. Advise, in writing, all interested law enforcement authorities of the proposed parole residence plan;

7. Prepare a written report which shall include:

i. Recommendations for special conditions that the juvenile parole officer believes will assist the juvenile parolee in making a successful reintegration into the community; and

ii. The juvenile parole officer’s recommendation as to the suitability of the juvenile residing at the proposed parole residence; and

8. Submit the written report to the New Jersey State Parole Board.

13:96-2.2 Juvenile parole supervision status

(a) Each juvenile parolee shall be assigned a level of supervision appropriate to maintain public safety, reduce the likelihood of recidivism and to ensure the juvenile parolee's positive reintegration into the community.

(b) The assigned juvenile parole officer, in coordination with his or her immediate supervisor, shall, at the first visit reporting session, determine the level of parole supervision for each juvenile parolee, unless otherwise specified by a Board panel or the Board.

(c) The assigned juvenile parole officer shall immediately review instances of non-compliance of a recurring or serious nature with established conditions of parole with the immediate supervisor.

1. Upon review, if it is determined by the supervisor that the juvenile parolee is in non-compliance with parole conditions, the supervisor shall take appropriate remedial action commensurate with the seriousness of the violation(s).

2. Upon review by the assigned juvenile parole officer and his or her immediate supervisor, positive and constructive improvements in the juvenile parolee's adjustment to juvenile parole supervision may result in less restrictive levels of parole supervision or a recommendation for discharge from parole supervision pursuant to N.J.A.C. 10A:71-6.9. Thereafter, the level of parole supervision shall be periodically evaluated.

13:96-2.3 Juvenile parole case notes and case plan

(a) All contacts or events concerning the supervision of the juvenile parolee shall be recorded as case notes entered into the juvenile parole officer's electronic casebook.

(b) Case notes shall accurately and completely reflect progress made by the juvenile parolee towards reintegration into the community, and the juvenile parole officer's efforts to assist the juvenile parolee in that progress consistent with a formal case plan.

1. Case notes shall address all issues material to the reintegration including, but not limited to, education and vocational training, physical and mental health, counseling, job opportunities, and public safety.

13:96-2.4 Violations of juvenile parole

(a) Whenever the juvenile parole officer has a reasonable belief that the juvenile parolee has violated the conditions of parole, the juvenile parolee shall receive immediate remedial counseling. If the violation is of a serious or persistent nature, the juvenile parole officer shall promptly review the juvenile parolee's case with his or her supervisor for the purpose of determining an appropriate response. Such review shall include an assessment of the juvenile parolee's risk to public safety and current rehabilitative needs.

(b) The response to a violation of a condition of parole shall be proportional to the risk to the community posed by the juvenile parolee, the severity of the violation, and the potential for long term positive outcomes. Responses may include, but not be limited to, the following:

1. An adjustment to the juvenile parolee's reporting status;

2. The imposition of any special condition(s) that will reduce the likelihood of recurrence of criminal or delinquent behavior; or

3. The imposition of a special condition such as, but not limited to:

i. Assignment to and successful completion of an out-patient substance abuse treatment program or any other recommended treatment program;

ii. Assignment to and successful completion of an electronic monitoring or other monitored release program;

iii. Assignment to and successful completion of a day reporting center program;

iv. Assignment to and successful completion of a residential community-based treatment program;

v. Assignment to and successful completion of a structured educational or vocational program; or

vi. Direction to specific employment or vocational opportunities.

(c) When responses provided for in (b) above have been ordered, but either the juvenile parolee has refused to abide by them, or it has been determined that they are not succeeding in deterring the juvenile parolee from violating conditions of parole, the Assistant District Parole Supervisor shall direct that revocation procedures be initiated pursuant to N.J.A.C. 10A:71-7.1 and 7.2.

SUBCHAPTER 3. USE OF FORCE**13:96-3.1 Juvenile parole officer authority**

(a) Juvenile parole officers are authorized to use appropriate means to enforce Commission rules, regulations and related law enforcement objectives. Such means include, but are not limited to:

1. "Constructive authority," which means authority that does not involve actual physical contact with the individual, but involves the use of the juvenile parole officer's authority to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures and warnings; and