

CHAPTER 97

OFFICE OF INVESTIGATIONS

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

R.2000 d.331, effective August 7, 2000.
See: 32 N.J.R. 1756(a), 32 N.J.R. 2920(a).

Executive Order No. 66(1978) Expiration Date

Chapter 97, Office of Investigations, expires on August 7, 2005.

Chapter Historical Note

Chapter 97, Internal Affairs Unit, was adopted as R.2000 d.331, effective August 7, 2000. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:97-1.1 Purpose and scope

(a) The purpose of this chapter is to establish policies and procedures regarding the use of force by the Office of Investigations' investigators, both on-duty and off-duty. Policies and procedures regarding the use of force by juvenile corrections officers employed in the Commission's secure facilities and the Life Skills and Leadership Academy are set forth in N.J.A.C. 13:95. Policies and procedures regarding the use of force by juvenile parole officers are set forth in N.J.A.C. 13:96.

(b) This chapter shall be applicable to investigators employed by the Office of Investigations of the New Jersey Juvenile Justice Commission, in the following titles: Chief Investigator, Secured Facilities; Assistant Chief Investigator, Secured Facilities; Principal Investigator, Secured Facilities; Senior Investigator, Secured Facilities; and Investigator, Secured Facilities.

Amended by R.2005 d.10, effective January 3, 2005.
See: 36 N.J.R. 2165(a), 37 N.J.R. 85(a).

Rewrote the section.

13:97-1.2 Definitions

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

"Adjudicated juvenile" means a committed juvenile, juvenile parolee or a juvenile probationer as defined in this section.

"Assistant Chief Investigator, Secured Facilities" means the Commission employee who is second in command of the Office of Investigations and reports directly to the Chief Investigator.

"Central Communications Unit" means the centralized communication center within the New Jersey Department of Corrections which coordinates certain functions of the Commission's Internal Affairs Unit on a 24-hour, seven-days-a-week basis.

"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.

"Chief Investigator, Secured Facilities" means the Chief Investigator of the Office of Investigations in the New Jersey Juvenile Justice Commission who heads the office and is responsible for conducting investigations within the Commission at the direction of the Executive Director.

"Commission" means the New Jersey Juvenile Justice Commission.

“Committed juvenile” 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, “committed juvenile” shall only refer to those individuals residing in a New Jersey Juvenile Justice Commission facility.

“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.

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

“Investigator” means juvenile corrections officers employed in the following titles utilized by the Commission, who have been sworn as peace officers:

1. Chief Investigator, Secured Facilities;
2. Assistant Chief Investigator, Secured Facilities;
3. Principal Investigator, Secured Facilities;
4. Senior Investigator, Secured Facilities; and
5. Investigator, Secured Facilities.

“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 Juvenile Compacts for the Supervision of Parolees and Probationers. 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 probationer” means an individual who has been adjudicated delinquent and sentenced by a judge of the Superior Court of New Jersey to a term of probation with the condition that he or she participate in a New Jersey Juvenile Justice Commission community-based residential or day program. For the purpose of this chapter, “juvenile probationer” shall only refer to those individuals enrolled in a New Jersey Juvenile Justice Commission program.

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

“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.

Amended by R.2005 d.10, effective January 3, 2005.

See: 36 N.J.R. 2165(a), 37 N.J.R. 85(a).

Rewrote the section.

13:97-1.3 Oath of office form

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

13:97-1.4 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

13:97-2.1 Investigators authorized to carry firearms while on duty

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

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the PTC-approved Basic Course for Investigators, 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. Shall have been sworn as a peace officer by taking the oath of office and completing the Commission’s Oath of Office form.

13:97-2.2 Firearms training, qualification and requalification

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

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