

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;
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of the custody staff member's duties; or
5. When circumstances create a reasonable belief that display of a firearm as an element of constructive authority will help establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure custody staff safety.

(c) A custody staff member, 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 a motor vehicle or other unauthorized location except under unusual or special circumstances, such as when a custody staff member must remove 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.

(d) The custody staff member 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.

(e) When an authorized firearm is believed to have been lost or stolen, the custody staff member shall report this fact to the local law enforcement authorities and to the New Jersey Department of Corrections within three hours from the time the custody staff member is aware that the firearm is missing.

(f) When a State of New Jersey, Firearms Unit Weapons Card, official photo identification card or badge of the New Jersey Department of Corrections is believed to have been lost or stolen, the custody staff member shall notify the local law enforcement authorities and the Director of Custody Operations, Unit Chief, or their designee as soon as practicable.

Recodified from N.J.A.C. 10A:3-3.3 and amended by R.2002 d. 171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Substituted "custody staff member" for "correction officer" throughout; added (b)5. Former N.J.A.C. 10A:3-4.3, Off-duty firearm, recodified to N.J.A.C. 10A:3-4.6.

#### **10A:3-4.4 Personnel authorized to carry firearms while off-duty**

(a) Firearms may be carried off-duty only by Department:

1. Custody staff holding the rank of Senior Correction Officer and higher who meet the following requirements:

i. Have taken and successfully completed the Police Training Commission (P.T.C.) approved basic course for State correction officers as set forth in N.J.S.A. 52:17B-66 et seq. (The Department of Corrections shall allow completion of an equivalent P.T.C. approved course for county correction officers to substitute for this requirement.);

ii. Have qualified in the use and handling of approved off-duty firearms at the firearms training course of the Corrections Staff Training Academy (CSTA), New Jersey Department of Corrections; and

iii. Have been sworn as a peace officer by taking the Oath of Office and completing Form 156-I Oath of Office; and

2. Administrative staff authorized by the Commissioner or designee who have taken and successfully completed the firearms training course at the Corrections Staff Training Academy (CSTA), New Jersey Department of Corrections.

Amended by R.1987 d.515, effective December 7, 1987.

See: 19 N.J.R. 1717(a), 19 N.J.R. 2302(a).

Added Superintendents and Assistant Superintendents.

New Rule, R.1988 d.107, effective March 7, 1988.

See: 20 N.J.R. 42(a), 20 N.J.R. 532(a).

Repealed text from old rule and inserted new.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1991 d.503, effective October 7, 1991.

See: 23 N.J.R. 1259(a), 23 N.J.R. 3031(b).

Administrative title changes made and correction of an internal N.J.S.A. citation.

Amended by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Substantially amended section.

Amended by R.2002 d.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (a), inserted "N.J.A.C." following "provided by" in the introductory paragraph, substituted "Commissioner or designee" for "Chief of Staff" and deleted "Thomas M. Cooper" preceding "Corrections" in 2. Recodified from N.J.A.C. 10A:3-4.1 and amended by R.2002 d. 171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (a), rewrote the introductory paragraph, substituted "custody staff" for "correction officer" in 1, deleted "Thomas M. Cooper" preceding "Corrections Staff" throughout. Former N.J.A.C. 10A:3-4.4, Firearm instructors, recodified to N.J.A.C. 10A:3-4.7.

#### **10A:3-4.5 Authorized off-duty firearms, ammunition, holsters and security**

(a) Eligible employees who are trained and meet qualification specifications shall be permitted to have a maximum of two authorized firearms for off-duty use. An eligible employee shall be authorized to carry only one such firearm at a time on his or her person while off-duty.

(b) A firearm intended for use as an off-duty weapon must have been obtained and registered pursuant to State and local laws of the State in which the employee lives. Employees may not loan or improperly transfer personal firearms.

(c) Only off-duty firearm makes and models approved and authorized by the New Jersey Department of Corrections may be carried while off-duty.

(d) Trigger locking devices that are approved by the Department of Corrections shall be used, in accordance with this section and the operating instructions and standards provided by the manufacturer of the trigger locking device(s).

(e) Ammunition for the off-duty firearm(s) shall be approved and authorized by the New Jersey Department of Corrections.

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

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

(h) Personnel who elect 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.

(i) The employee shall be responsible for assuming the cost of the firearm(s), ammunition, holsters, and trigger locking device(s) and for maintaining his or her firearm(s) in a safe, secure and serviceable condition.

(j) An employee who knows or reasonably should know that a minor is likely to gain access to a loaded off-duty firearm or Departmentally issued firearm at a premises under the employee's control shall:

1. Store the off-duty firearm in a securely locked box or container; and
2. Secure the off-duty firearm with a trigger locking device(s) that is approved by the Department of Corrections.

Amended by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Substantially amended section.

Recodified from N.J.A.C. 10A:3-4.2 and amended by R.2002 d. 171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Rewrote section. Former N.J.A.C. 10A:3-4.5, Firearms training, qualification and requalification, recodified to N.J.A.C. 10A:3-4.8.

Amended by R.2004 d.90, effective March 1, 2004.

See: 35 N.J.R. 496(a), 36 N.J.R. 1192(b).

Added new (d); recodified existing (d) through (i) as (e) through (j); in (i), inserted "trigger locking devices" following "holsters" and rewrote (j).

#### 10A:3-4.6 Off-duty firearm

(a) The authorized off-duty firearm shall be the responsibility of the employee at all times.

(b) The employee 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.

Recodified from N.J.A.C. 10A:3-4.3 by R.2002 d. 171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Former N.J.A.C. 10A:3-4.6, Storage of personal firearms while on-duty, recodified to N.J.A.C. 10A:3-4.9.

#### 10A:3-4.7 Firearm instructors

(a) As established by the New Jersey Division of Criminal Justice requirement, only those persons who have successfully completed a Police Training Commission (P.T.C.) approved firearms instruction course and are P.T.C. certified as Firearm Instructors shall instruct in the Department of Corrections Firearms Training Program at the Corrections Staff Training Academy (C.S.T.A.).

(b) As established by the New Jersey Division of Criminal Justice, all firearms training instructors engaged by the Department of Corrections for annual and requalification firearms training shall satisfy at least one of the following requirements:

1. Be certified by the P.T.C.;
2. Possess training equivalent to the P.T.C. approval firearms instructor course and are able to demonstrate a knowledge of and skill with a firearm; or
3. Have successfully completed some other recognized firearms instructor course as determined by the Commissioner of the Department of Corrections.

Recodified from 10A:3-4.3 by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Substantially amended (a); and added (b). Former rule recodified to N.J.A.C. 10A:3-4.5.

Recodified from N.J.A.C. 10A:3-4.4 and amended by R.2002 d. 171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Former N.J.A.C. 10A:3-4.7, Use of force while off-duty, recodified to N.J.A.C. 10A:3-3.6.

**10A:3-4.8 Off-duty firearms training, qualification and requalification**

(a) All personnel authorized by the DOC to carry firearms off-duty must be initially trained and shall qualify in the use and handling of approved off-duty firearms.

(b) Department of Corrections personnel who carry off-duty firearms shall requalify annually on a range approved by the New Jersey Department of Corrections.