

training and semi-annual retraining in chemical or natural agent use and effects.

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

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

(f) No chemical or natural agent shall be used by a custody staff member, except for those expressly approved and issued by the Commission.

### 13:95-3.10 Training

(a) Training in proper methods and techniques of using force and in the lawful and appropriate use of force shall be provided as part of the Basic Course for Juvenile Correction Officers provided by the Commission's Office of Training or equivalent.

(b) All security and custodial personnel shall receive semi-annual training in proper methods and techniques of using force and in the lawful and appropriate use of force. In addition to semi-annual training, retraining may be repeated as needed.

### 13:95-3.11 Penalties for violation

(a) Custody staff action that does not conform to the provisions of this subchapter and any internal management procedures implemented in connection with this subchapter 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 custody staff 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.

### 13:95-3.12 Secure facility internal management procedures

(a) Each secure facility shall prepare suitable written post orders and internal management procedures to govern the use of force and storage of chemical agents, consistent with this subchapter.

(b) All written post orders and internal management procedures developed in accordance with this subchapter shall be submitted to the Executive Director or designee for approval before implementation.

## SUBCHAPTER 4. USE OF FIREARMS WHILE ON-DUTY AND USE OF PERSONAL FIREARMS WHILE OFF-DUTY

### 13:95-4.1 Custody staff members authorized to carry firearms while on-duty

(a) Prior to being permitted to carry a firearm on-duty, custody staff members shall:

1. Have taken and successfully completed the Police Training Commission (PTC) approved basic course for State juvenile correction officers as set forth in N.J.S.A. 52:17B-66 et seq.;
2. Have taken and successfully completed the firearms training course at the Commission's Office of Training; and
3. Have been sworn as peace officers by taking the oath of office.

### 13:95-4.2 On-duty firearms training, qualification and re-qualification

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

(b) Custody staff members shall requalify in accordance with the New Jersey Attorney General's Semi-Annual Qualification and Re-qualification Standards for New Jersey Law Enforcement.

(c) Only those custody staff members who achieve and maintain the required level of proficiency during range qualification and re-qualification shall be authorized to possess firearms while on-duty.

(d) Once a custody staff member has qualified on his or her Commission approved firearm, the custody staff member shall receive the official State of New Jersey, Firearms Unit Weapons Card. Custody staff members shall be required to carry the weapons card, the official badge and photo identification card of the Commission while on-duty.

(e) The Director of Custody Operations, or designee, at each secure facility shall be responsible for preparing and maintaining a current list of each custody staff member authorized to carry a firearm, from a Commission-wide master list provided for that purpose by the Commission's Office of Training.

1. The master list shall be maintained by the Director of Custody Operations or designee to indicate the custody staff member's firearm qualification date (new or expired).

2. In the event that a custody staff member is assigned to a post that requires the issuance of a firearm for that custody staff member's exclusive use while on-duty, the Director of Custody Operations or his or her designee shall

maintain a list that indicates the custody staff member's issued firearm, model name and number, and serial number of the firearm.

### 13:95-4.3 On-duty firearm

(a) The authorized on-duty firearm shall be the responsibility of the custody staff member at all times.

(b) The custody staff member 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 re-qualification with the firearm, or by a supervisor for purposes of inspection;
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, together with Commission approved chemical or natural agent spray, on his or her person at all times unless otherwise instructed by a superior. 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 when necessary, 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. When necessary, a firearm may be stored in a Commission approved vehicle lock box.

(d) The custody staff member entering any facility of the Commission either shall temporarily transfer custody of his or her firearm to an authorized custody staff member, or shall store his or her firearm at the main secure facility, at a Commission authorized weapons storage unit or secure it in a Commission approved vehicle lock box.

1. Except when firearms are issued under the provisions of N.J.A.C. 13:95-3.4(c), custody staff members are prohibited from carrying a firearm into any Commission facility beyond any posted weapons prohibited area, and into any area routinely dedicated for use by juveniles, including but not limited to areas for sleeping, living, eating, recreation, training, and education.

(e) When an authorized firearm is believed to have been lost or stolen, or is otherwise missing, the custody staff mem-

ber shall immediately report this fact to local law enforcement authorities and to the Center Control supervisor at the secure facility to which he or she is assigned.

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

(g) Pursuant to N.J.S.A. 2C:58-15, a custody staff member who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the custody staff member's control shall:

1. Store the firearm in a securely locked box or container; and
2. Secure the duty firearm with a Commission approved trigger locking device.

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In the introductory paragraph of (d), substituted the second occurrence of "secure" for "secrete".

### 13:95-4.4 Personnel authorized to carry firearms while off-duty

(a) Firearms may be carried off-duty only by custody staff members holding the rank of Senior Correction Officer, Juvenile Justice and higher who:

1. Have taken and successfully completed the Police Training Commission (PTC) approved basic course for State juvenile correction officers as set forth in N.J.S.A. 52:17B-66 et seq.;
2. Have qualified in the use and handling of approved off-duty firearms at the firearms training course of the Commission's Office of Training; and
3. Have been sworn as a peace officer by taking the oath of office.

### 13:95-4.5 Authorized off-duty firearms, ammunition, holsters and security

(a) Eligible custody staff members who are trained and meet qualification specifications shall be permitted to possess and carry one authorized firearm for off-duty use.

(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 custody staff member lives. Custody staff members may not loan or improperly transfer personal firearms.

(c) Only off-duty firearm makes and models approved and authorized by the Commission may be carried while off-duty.

(d) Ammunition for an off-duty firearm shall be approved and authorized by the Commission.