

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) through (22), 52:17B-171, 52:17B-174, 52:17B-175a and 52:17B-176a(10).

Source and Effective Date

R.2006 d.50, effective January 4, 2006.
See: 37 N.J.R. 3606(a), 38 N.J.R. 1047(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 96, Juvenile Parole and Transitional Services, expires on July 2, 2011. See: 41 N.J.R. 2771(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: Source and Effective Date. See, also, section annotations.

Subchapter 2, Use of Force While on Duty, was repealed, and Subchapter 2, Residence Plan and Supervision, was adopted as new rules; Subchapter 3, Use Of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Force, was adopted as new rules; and Subchapter 4, Use of Firearms While On-Duty and Use of Personal Firearms While Off-Duty,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 TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:96-1.1 Purpose and scope
- 13:96-1.2 Definitions
- 13:96-1.3 Oath of office form
- 13:96-1.4 Confidentiality of information

SUBCHAPTER 2. RESIDENCE PLAN AND SUPERVISION

- 13:96-2.1 Investigation of community release
- 13:96-2.2 Juvenile parole supervision status
- 13:96-2.3 Juvenile parole case notes and case plan
- 13:96-2.4 Violations of juvenile parole

SUBCHAPTER 3. USE OF FORCE

- 13:96-3.1 Juvenile parole officer authority
- 13:96-3.2 Use of force
- 13:96-3.3 Non-deadly force; when justified
- 13:96-3.4 Deadly force; when justified and when restricted
- 13:96-3.5 Use of force while off-duty
- 13:96-3.6 Reports
- 13:96-3.7 Use of mechanical restraints
- 13:96-3.8 Use of chemical or natural agents; storage

- 13:96-3.9 Training
- 13:96-3.10 Penalties for violation
- 13:96-3.11 Internal management procedures

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

- 13:96-4.1 Juvenile parole officers authorized to carry firearms while on-duty
- 13:96-4.2 On-duty firearms training, qualification and requalification
- 13:96-4.3 On-duty firearm
- 13:96-4.4 Personnel authorized to carry firearms while off-duty
- 13:96-4.5 Authorized off-duty firearms, ammunition, holsters and security
- 13:96-4.6 Off-duty firearm
- 13:96-4.7 Firearm instructors
- 13:96-4.8 Off-duty firearms training, qualification and requalification
- 13:96-4.9 Storage of off-duty firearms while on Commission property
- 13:96-4.10 Unauthorized use of personal weapons while off-duty
- 13:96-4.11 Possession of firearms within a casino or casino simulating facility
- 13:96-4.12 Reporting incidents
- 13:96-4.13 Penalties for violation
- 13:96-4.14 Post orders and procedures

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. SEARCH AND URINE MONITORING OF JUVENILE PAROLEES

- 13:96-6.1 Search of parolees; when authorized; scope
- 13:96-6.2 (Reserved)
- 13:96-6.3 Search of a juvenile parolee's residence; when authorized
- 13:96-6.4 Search of a motor vehicle; when authorized
- 13:96-6.5 Search of objects in a motor vehicle
- 13:96-6.6 Reports
- 13:96-6.7 Testing for prohibited substances
- 13:96-6.8 Collection, storage and analysis of specimens

SUBCHAPTER 7. CONTRABAND AND DISPOSITION OF CONTRABAND

- 13:96-7.1 Procedures for handling contraband upon discovery

SUBCHAPTER 8. TRANSPORTATION OF JUVENILE PAROLEES AND JUVENILES

- 13:96-8.1 Use of State-owned vehicles required
- 13:96-8.2 Transport of juvenile parolees and juveniles in custody
- 13:96-8.3 Emergencies
- 13:96-8.4 Medical transportation

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.

2. "Physical contact," which means routine or procedural contact with an individual necessary to effectively accomplish a legitimate law enforcement objective. Examples of physical contact include, but are not limited to, holding an individual's arm while escorting the individual, handcuffing an individual, maneuvering or securing an individual for a search, and guiding the individual into a vehicle.

(b) Juvenile parole officers are encouraged to interrupt the flow of events to help ensure that a fellow juvenile parole officer does not resort to employing an inappropriate or excessive use of force.

(c) A juvenile parole officer is required to report all situations in which inappropriate or excessive force is used by anyone against a juvenile.

13:96-3.2 Use of force

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

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

13:96-3.3 Non-deadly force; when justified

(a) A juvenile parole officer may use 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 riot or disturbance;
6. To prevent a suicide or attempted suicide;
7. To effect an arrest for any offense or crime under the laws of the State of New Jersey, subject to the provisions of (c) below; or
8. In situations where a supervisor with the title of Assistant District Parole Supervisor or above believes that an imminent threat to safety or security exists.

(b) Non-deadly force includes, but is not limited to, the use of the following:

1. "Physical force" which means contact with an individual beyond that which is generally utilized to effect a law enforcement objective. Physical force is employed when necessary to overcome an individual's physical resistance to the exertion of the juvenile parole officer's authority, or to protect persons or property. Examples of physical force include, but are not limited to, wrestling a resisting individual to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation; and

2. "Mechanical force" which means the use of some device or substance, other than a firearm, to overcome an individual's resistance to the exertion of the juvenile parole officer's authority. Examples of mechanical force include, but are not limited to, the use of a baton or other object, canine physical contact with an individual, or use of a chemical or natural agent spray.

(c) The use of non-deadly force to effect an arrest is only justifiable if:

1. A juvenile parole officer makes known his or her identity and the purpose of the arrest;
2. A juvenile parole officer reasonably believes that his or her identity and purpose are otherwise known by, or can reasonably be made known to, the person to be arrested; or
3. When the arrest is made under a warrant and the warrant is valid or reasonably believed by the juvenile parole officer to be valid.

13:96-3.4 Deadly force; when justified and when restricted

(a) Deadly force includes, but is not limited to, the use of firearms and other lethal weapons.

(b) Deadly force may be used as described herein under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq., and in accordance with any applicable guidelines issued by the Attorney General under the following circumstances:

1. When the juvenile parole officer reasonably believes that deadly force is immediately necessary to protect the juvenile parole officer or another person from imminent danger of death or serious bodily harm.
 - i. Deadly force is not justifiable if the juvenile parole officer can otherwise secure his or her complete safety or the complete safety of the protected person.
2. Under no circumstances shall prevention of an escape of a juvenile constitute independent grounds justifying use of deadly force.

(c) Where feasible, before using a firearm, the juvenile parole officer shall attempt to identify himself or herself as a juvenile parole officer and state his or her intent to shoot. A

juvenile parole officer shall not discharge a firearm as a signal for help or as a warning shot.

(d) The juvenile parole officer shall not discharge a firearm if there is a substantial risk of injury to innocent persons.

(e) A juvenile parole officer shall not engage in any vehicle pursuit. A juvenile parole officer shall not fire his or her firearm from a moving vehicle or at the driver or occupant of a moving vehicle or engage in any vehicle contact action, such as ramming, unless the juvenile parole officer reasonably believes that:

1. There exists an imminent danger of death or serious bodily harm to the juvenile parole officer or another person; and
2. No other means are available at that time to avert or eliminate the danger.

(f) A juvenile parole officer shall not fire a weapon solely to disable a moving vehicle.

(g) Whenever feasible, the juvenile parole officer shall contact central communications to request assistance before engaging in any use of force that reasonably could result in serious bodily harm.

(h) A juvenile parole officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, a juvenile parole officer shall not resort to the use of deadly force if the juvenile parole officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement objective at no increased risk to the juvenile parole officer or another person.

(i) A juvenile parole officer shall not use deadly force to subdue persons whose actions are only destructive to property.

(j) Deadly force shall not be used against persons whose conduct is injurious only to themselves.

(k) The discharge of any projectile from a firearm is considered to be deadly force, including less lethal means such as, but not limited to, bean bag ammunition or rubber bullets. For that reason, these and similar less lethal means of deadly force can only be used when a juvenile parole officer reasonably believes such action is immediately necessary to protect the juvenile parole officer or another person from imminent danger of death or serious bodily harm.

13:96-3.5 Use of force while off-duty

(a) Although N.J.S.A. 52:17B-174(d) authorizes juvenile parole officers to exercise law enforcement powers, juvenile parole officers are not required to exercise those powers or to carry firearms during off-duty hours.

(b) Juvenile parole officers, while off-duty, should not become involved with routine law enforcement duties that are under the jurisdiction of local law enforcement agencies. When a juvenile parole officer observes what he or she believes to be a violation of the law, he or she should take note of the vehicle description, license plate numbers, identifying characteristics of persons involved and other relevant information, and report such information to the local law enforcement agency having jurisdiction and to the Director of Juvenile Parole and Transitional Services. Juvenile parole officers should avoid stopping or detaining vehicles or persons.

(c) The utmost discretion shall be exercised by the juvenile parole officer to determine when and under what conditions to use force. Whenever he or she believes that possible criminal action is taking place and that a reasonable alternative to use of force exists, the juvenile parole officer must take the action which is calculated to be least dangerous or harmful to persons or property.

(d) A juvenile parole officer shall be deemed to have acted within the scope of his or her employment or in the law enforcement interest of the State of New Jersey if he or she exercises police powers in accordance with the provisions of this subchapter and orders promulgated in connection therewith.

13:96-3.6 Reports

(a) A juvenile parole officer shall immediately contact the Director of Juvenile Parole and Transitional Services or designee and shall complete a P301 Use of Force Report when he or she participated in, or witnessed, any incident in which:

1. A firearm was discharged outside of the firing range;
2. Physical force, mechanical force or deadly force is used;
3. An individual alleges that serious bodily harm has been inflicted; or
4. Such a report is required by the Director of Juvenile Parole and Transitional Services.

(b) The P301 Use of Force Report shall contain the following information:

1. A description of the events leading up to the use of force;
2. A description of the incident;
3. The type of force used;
4. The reason(s) for employing force;
5. A list of all participants and witnesses to the incident;
6. A description of the injuries suffered, if any, and medical treatment given; and

7. Other relevant facts or comments about the incident or conduct of the juvenile parole officers and others.

(c) The Director of Juvenile Parole and Transitional Services shall forward all reports to the Executive Director or designee.

13:96-3.7 Use of mechanical restraints

(a) Mechanical restraints may be used in the following instances:

1. When transporting an individual from one place to another;
2. When the individual's history, disciplinary record, behavior or present emotional state indicates a likelihood that bodily injury to any person, damage to property or escape by the individual may occur; or
3. To prevent an individual from attempting suicide, self-inflicted injury, or injury to others.

(b) Mechanical restraints shall not be used as punishment, or in any way that causes undue physical discomfort, inflicts physical pain or restricts the blood circulation or breathing of the individual.

(c) Mechanical restraints shall be removed promptly when the reason for their initial use has ceased to exist or has sufficiently abated.

(d) An individual in restraints shall be under continuous observation by a juvenile parole officer.

13:96-3.8 Use of chemical or natural agents; storage

(a) Chemical or natural agents shall not be used within a Commission facility, except when appropriate to avoid having to use deadly force.

(b) Whenever chemical or natural agents are used other than in a Commission facility as a means of control, juvenile parole officers shall comply with the reporting procedures set forth in N.J.A.C. 13:96-3.6.

(c) A juvenile parole officer is not permitted to carry or use chemical or natural agents unless he or she has received appropriate 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 juvenile parole officer, except for those expressly approved and issued by the Commission.

13:96-3.9 Training

(a) Training in proper methods and techniques of using force and in the legal aspect of using force shall be provided as part of the Police Training Commission's approved Basic Course for Juvenile Parole Officers provided by the Commission's Office of Training.

(b) Juvenile parole officers 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.

13:96-3.10 Penalties for violation

(a) Office of Juvenile Parole and Transitional Services staff action that does not conform to the provisions of this subchapter and 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 juvenile parole 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.

13:96-3.11 Internal management procedures

(a) The Office of Juvenile Parole and Transitional Services shall prepare and maintain written management procedures to govern the use of force and storage of chemical agents, consistent with this subchapter.

(b) All such 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

13:96-4.1 Juvenile parole officers authorized to carry firearms while on-duty

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

1. Have taken and successfully completed the Police Training Commission (PTC) approved Basic Course for Juvenile Parole 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.

13:96-4.2 On-duty firearms training, qualification and requalification

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

(b) Juvenile parole officers shall requalify in accordance with the New Jersey Attorney General's Semi-Annual Qualification and Requalification Standards for New Jersey Law Enforcement.

(c) Only those juvenile parole officers who achieve and maintain the required level of proficiency during range qualification and requalification shall be authorized to possess firearms while on-duty.

(d) Once a juvenile parole officer has qualified on his or her Commission approved firearm, the juvenile parole officer shall receive the official State of New Jersey, Firearms Unit Weapons Card. Juvenile parole officers 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 Juvenile Parole and Transitional Services or designee shall be responsible for preparing and maintaining a current list of each juvenile parole officer authorized to carry a firearm, from a Commission-wide master list provided for that purpose by the Office of Training.

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

13:96-4.3 On-duty firearm

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

1. Only waist holsters shall be used for on-duty firearms. A holster must hold the firearm firmly when inverted and have no internal clips.

2. The waist holster is the only holster approved for use while qualifying with the on-duty firearm.

(b) The juvenile 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 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 juvenile parole officer'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 personal safety.

(c) A juvenile parole officer, if required to carry a firearm while on-duty, shall carry both his or her on-duty firearm and his or her baton, 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 except when necessary, such as when a juvenile parole officer 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 juvenile parole officer entering any facility of the Commission either shall temporarily transfer custody of his or her firearm to an authorized juvenile parole officer, store his or her firearm at the main secure facility or at a Commission authorized weapons storage unit or secrete it in a Commission approved vehicle lock box.

1. Juvenile parole officers 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 or ammunition is believed to have been lost or stolen, or is otherwise missing, the juvenile parole officer shall immediately report this fact to the local law enforcement authorities and to his or her supervisor, and the supervisor shall then notify both the Regional Supervisor and the Office of the Director of Juvenile Parole and Transitional Services.

(f) When a State of New Jersey, Firearms Unit Weapons Card, official photo identification card or badge of the