

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the Police Training Commission (P.T.C.) approved Basic Course for Parole Officers; and

2. Have been sworn as a peace officer by taking the oath of office and completing the oath of office form.

Amended by R.2004 d.446, effective December 6, 2004.
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).
Rewrote the section.

10A:72-4.2 Firearms training, qualification and requalification

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

(b) Parole officers shall requalify semiannually on a range approved by the Police Training Commission.

(c) Only those parole officers who achieve and maintain a minimum score of 80 percent during range qualification and requalification shall be authorized to possess firearms while on-duty and off-duty.

(d) Once a parole officer has qualified with his or her approved firearm, the parole officer shall be required to carry the official State issued badge and photo identification card while on duty.

(e) The Director, Division of Parole, or designee shall maintain a current master list of all parole officers authorized to carry a firearm. The list shall include each parole officer's firearm qualification dates (new or expired), the model name and number of each parole officer's authorized firearm(s) and the serial number of the authorized firearm(s).

Amended by R.2004 d.446, effective December 6, 2004.
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).
Rewrote the section.

10A:72-4.3 On-duty firearm

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

(b) The 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
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of the parole officer's duties.

(c) A parole officer 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 parole officer must remove his or her on-duty firearm and another authorized Division of Parole 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 the locked trunk or other locked compartment of the parole officer's motor vehicle.

(d) When off-duty, the parole officer shall be authorized to carry his or her on-duty firearm, baton and chemical agent to and from work.

(e) The parole officer may elect to carry his or her on-duty firearm as his or her sole authorized off-duty firearm.

(f) The parole officer 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.

(g) The parole officer entering any county correctional facility shall store his or her firearm in the designated area at the county correctional facility or at an approved Board authorized weapons storage unit.

(h) When an authorized firearm is believed to have been lost or stolen, the parole officer shall report this fact to the local law enforcement authorities and to the Director, Division of Parole, his or her designee or the designee of the Chairperson within three hours from the time the parole officer is aware that the firearm is missing.

(i) When an official State issued photo identification card or badge is believed to have been lost or stolen, the parole officer shall notify the local law enforcement authorities and the Director, Division of Parole, his or her designee or the designee of the Chairperson within 24 hours from the time the parole officer is aware that the State issued official photo identification card or badge is missing.

(j) The authorized on-duty firearm shall not be utilized by a parole officer in the performance of any secondary employment.

Amended by R.2004 d.446, effective December 6, 2004.
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).
Rewrote the section.

10A:72-4.4 Use of force

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

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

10A:72-4.5 Non-deadly force; when justified

(a) The use of non-deadly force against persons is deemed justified 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 disturbance;
6. To prevent a suicide or attempted suicide;
7. To enforce conditions of parole; or
8. To effectuate a lawful arrest.

Amended by R.2004 d.466, effective December 6, 2004.
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).
Rewrote (a); deleted (b).

10A:72-4.6 Deadly force; when authorized

(a) The parole officer may use deadly force against persons when the parole officer reasonably believes that a lesser degree of force will be ineffective, and the person(s) presents an imminent threat of deadly force or serious bodily harm to the parole officer or a third party.

(b) Deadly force may be used in the following situations under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq.:

1. When the parole officer reasonably believes that deadly force is imminently necessary to protect himself or herself against the use of unlawful force which the parole officer believes may result in death or serious bodily harm;

2. When the parole officer reasonably believes that deadly force is imminently necessary to protect another against the use of unlawful force which the parole officer believes may result in death or serious bodily harm. However, deadly force is not justifiable if the parole officer can otherwise secure the complete safety of the protected person;

3. When the parole officer reasonably believes that deadly force is immediately necessary to prevent or stop the suspect from committing or continuing a criminal offense which would endanger human life or inflict serious bodily harm upon another person unless the commission or the consummation of the crime is prevented;

4. When the parole officer is authorized to use deadly force to effect an arrest or to prevent the escape of a fleeing suspect if the parole officer has probable cause to believe that the suspect will pose an immediate threat of death or serious bodily harm to human life should the parole officer not take immediate action; and

5. Where the parole officer reasonably believes that deadly force is immediately necessary to prevent the escape of a person committed to a correctional facility for the detention of persons charged with, or convicted of an offense, provided that the parole officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons.

(c) Deadly force includes, but is not limited to, the use of hand guns and other lethal weapons.

(d) Where feasible, before using a firearm, the parole officer shall attempt to identify himself or herself as an officer and state his or her intent to shoot. Warning shots are not authorized.

(e) The parole officer shall not fire his or her firearm from, or at, a moving vehicle, nor engage in any vehicle contact action such as ramming, except as a last resort to prevent imminent death or serious injury to the parole officer or another person where deadly force would otherwise be justified.

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

(g) Whenever feasible, the parole officer shall contact the local law enforcement authorities and district parole office to request assistance before engaging in any use of force that reasonably could result in serious bodily injury.

Amended by R.2004 d.446, effective December 6, 2004.
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).
Deleted (a); recodified former (b) to (h) as (a) to (g).

10A:72-4.7 Use of force against persons other than parolees and inmates

(a) Appropriate force may be used against persons other than parolees and inmates when the parole officer observes what the parole officer believes to be a violation of the law, and when there is also imminent peril of bodily harm to any individual or destruction of property.