

CHAPTER 96**AFTERCARE AND PAROLE SERVICES****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

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In accordance with N.J.S.A. 52:14B-5.1c, Chapter 96, Aftercare and Parole Services, expires on February 3, 2006. See: 37 N.J.R. 3606(a).

Chapter Historical Note

Chapter 96, Aftercare and Parole Services, was adopted as R.2000 d.330, effective August 7, 2000. See: Source and Effective Date.

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. USE OF FORCE WHILE ON DUTY

- 13:96-2.1 Juvenile parole officers authorized to carry firearms while on-duty
- 13:96-2.2 Firearms training, qualification and requalification
- 13:96-2.3 On-duty firearm
- 13:96-2.4 Use of force
- 13:96-2.5 Non-deadly force; when justified
- 13:96-2.6 Deadly force; when justified
- 13:96-2.7 Use of force against persons other than juvenile parolees and juvenile inmates
- 13:96-2.8 Reports
- 13:96-2.9 Use of mechanical restraints
- 13:96-2.10 Use of chemical agents; storage
- 13:96-2.11 Training
- 13:96-2.12 Penalties for violation
- 13:96-2.13 Aftercare and Parole Services procedures

SUBCHAPTER 3. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF DUTY

- 13:96-3.1 Personnel authorized to carry firearms while off duty
- 13:96-3.2 Authorized off-duty firearms, ammunition and holsters
- 13:96-3.3 Off-duty firearm
- 13:96-3.4 Firearm instructors
- 13:96-3.5 Firearms training, qualification and requalification
- 13:96-3.6 Use of force while off duty
- 13:96-3.7 Use of non-deadly force while off duty
- 13:96-3.8 Use of deadly force while off duty
- 13:96-3.9 Unauthorized use of personal weapons while off duty
- 13:96-3.10 Possession of firearms within a casino or casino simulcasting facility
- 13:96-3.11 Reporting incidents
- 13:96-3.12 Penalties for violation
- 13:96-3.13 Procedures

SUBCHAPTER 1. GENERAL PROVISIONS**13:96-1.1 Purpose and scope**

(a) The purpose of this chapter is to establish policies and procedures regarding the use of force by juvenile parole officers, 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, secure facility satellite units and Stabilization and Reintegration Program (Boot Camp) are set forth in N.J.A.C. 13:95. Policies and procedures regarding the use of force by internal affairs investigators employed in the Commission's Internal Affairs Unit are set forth in N.J.A.C. 13:97.

(b) This chapter shall be applicable to juvenile parole officers employed by the New Jersey Juvenile Justice Commission's Office of Aftercare and Parole 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.

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 Aftercare and Parole Services" means the Assistant Director of the Office of Aftercare and Parole Services in the New Jersey Juvenile Justice Commission.

"Assistant District Parole Supervisor, Juvenile Justice" means the Assistant District Parole Supervisor who supervises juvenile parole officers within the Regional Aftercare and Parole Services Office.

"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 Aftercare and Parole Services 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.

"Commission" means the New Jersey Juvenile Justice Commission.

"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.

“Director of Aftercare and Parole Services” means the Director of the Office of Aftercare and Parole Services in the New Jersey Juvenile Justice Commission responsible for the supervision of juvenile parole officers employed by the Commission’s Office of Aftercare and Parole Services.

“Director of Operations” means the Director of Operations responsible for the overall operation and supervision of the secure and non-secure facilities of the New Jersey Juvenile Justice Commission.

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

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

“Juvenile inmate” 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, “juvenile inmate” shall only refer to those individuals residing in a New Jersey Juvenile Justice 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 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 parole officer” means juvenile corrections officers with the following New Jersey Juvenile Justice Commission, Office of Aftercare and Parole Services’ titles 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.

“Non-deadly force” means force which is not likely to cause death or serious bodily harm.

“Office of Aftercare and Parole Services” means the office within the New Jersey Juvenile Justice Commission which is charged with the preparation for release and supervision of those juvenile offenders who are paroled by the New Jersey State Parole Board, and the supervision of the juvenile parolees from other states who have been accepted under the terms of the Juvenile Compacts for the Supervision of Parolees and Probationers.

“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.

“Post-incarceration supervision” means that term of supervision, defined in the New Jersey Code of Juvenile Justice at N.J.S.A. 2A:4A-44d(5), which is equivalent to one third of the term of incarceration imposed, and commences upon release from incarceration or parole, whichever is later.

“Regional Aftercare and Parole Services Supervisor” means the supervisor of the Regional Aftercare and Parole Services Office.

13:96-1.3 Oath of office form

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

13:96-1.4 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

13:96-2.1 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. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the PTC-approved Basic Course for Juvenile Parole Officers or have taken and completed an equivalent PTC approved course for State or county parole officers to substitute for this requirement;

2. Have taken and successfully completed the basic firearms training course approved by the PTC; and

3. Have been sworn as a peace officer by taking the oath of office and completing the Commission's oath of office form.

13:96-2.2 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) A juvenile parole officer 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 approved firearm, the juvenile parole officer shall receive the official State of New Jersey Firearms Unit Weapons Card. The juvenile parole officer shall be required to carry the weapons card, the official badge and the photo identification card of the New Jersey Juvenile Justice Commission while on duty.

(e) Each Regional Aftercare and Parole Services Supervisor, or his or her designee, shall be responsible for preparing and maintaining a current list of each juvenile parole officer under his or her supervision authorized to carry an on-duty firearm. As revisions are made, a current list shall be forwarded to the Director of Aftercare and Parole Services.

1. The master list shall be maintained by the Director of Aftercare and Parole Services, or his or her designee, to indicate the juvenile parole officer's firearm qualification date, the qualification expiration date, and the authorized on-duty firearm's model name, number, and serial number.

2. Each time a juvenile parole officer registers a firearm in accordance with this section, the Director of Aftercare and Parole Services, or his or her designee, shall be responsible for comparing the firearms qualification date, the qualification expiration date, firearm model name, number, and firearm serial number contained on the master list against the juvenile parole officer's State of New Jersey Firearms Unit Weapons Card accompanying the firearm.

(f) The Director of Aftercare and Parole Services, or his or her designee, shall be responsible for preparing and maintaining a current master list of each Juvenile Justice

Commission on-duty firearm assigned to a juvenile parole officer.

1. The master list shall indicate the name of the juvenile parole officer receiving the firearm, the make, model number and serial number of the firearm, the date the firearm was issued and the date the firearm is returned to the Juvenile Justice Commission.

13:96-2.3 On-duty firearm

(a) A juvenile parole officer shall be responsible for his or her on-duty firearm at all times.

(b) A 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
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.

(c) A juvenile parole officer, 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 restroom; and
2. Not be left in an unauthorized location except under unusual or special circumstances, 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. Under an unusual or special circumstance, every effort shall be made to secrete the firearm within a locked compartment. If an unusual or special circumstance arises, the juvenile parole officer shall document the circumstance in writing to his or her immediate supervisor.

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

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

(f) A juvenile parole officer entering any residential or secure facility of the New Jersey Juvenile Justice Commission shall store his or her firearm at the main secure facility or at an approved New Jersey Juvenile Justice Commission authorized weapons storage unit.

(g) When a juvenile parole officer has a reasonable belief or knows that his or her authorized firearm and/or ammunition has been lost or stolen, the juvenile parole officer shall immediately report this fact to the local law enforcement authority and to the Director of Aftercare and Parole Services, or his or her designee.

(h) When a juvenile parole officer has a reasonable belief or knows that a State of New Jersey Firearms Unit Weapons Card, official photo identification card or badge of the New Jersey Juvenile Justice Commission has been lost or stolen, the juvenile parole officer shall notify the local law enforcement authority and the Director of Aftercare and Parole Services, or his or her designee, as soon as practicable.

(i) A juvenile parole officer shall not carry his or her on-duty and off-duty firearms simultaneously.

13:96-2.4 Use of force

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

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

13:96-2.5 Non-deadly force; when justified

(a) The New Jersey Juvenile Justice Commission justifies the use of non-deadly force against juvenile parolees 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 enforce conditions of parole in situations where a supervisor with the title of Assistant District Parole Supervisor or above believes that failure to comply constitutes an imminent threat to the security or safety of the Office of Aftercare and Parole Services staff, the juvenile parolee or the public.

(b) Non-deadly force includes the use of chemical agents, batons, mechanical restraints and other weapons which are not likely to cause death or serious injury.

13:96-2.6 Deadly force; when justified

(a) Deadly force may be used against persons on order of the:

1. Executive Director; or
2. Deputy Executive Director.

(b) A juvenile parole officer may use deadly force against juvenile parolees when the juvenile parole officer reasonably believes that a lesser degree of force will be ineffective and the juvenile parolee(s) presents an imminent threat of deadly force or serious bodily harm to the juvenile parole officer or a third party.

(c) Deadly force may be used in the following situations:

1. When a juvenile parole officer reasonably believes that deadly force is imminently necessary to protect himself or herself against the use of unlawful force which the juvenile parole officer believes may result in death or serious bodily harm;
2. When a juvenile parole officer reasonably believes that deadly force is imminently necessary to protect another against the use of unlawful force which the juvenile parole officer believes may result in death or serious bodily harm. However, deadly force is not justifiable if the juvenile parole officer can otherwise secure the complete safety of the protected person; and
3. When a juvenile parole officer reasonably believes that deadly force is imminently necessary to prevent or stop a juvenile parolee from committing or continuing a criminal offense which would endanger human life or inflict serious bodily harm upon another person.

(d) Deadly force shall not be used to prevent an escape, except as set forth in (a) through (c) above.

(e) Where feasible, before discharging a firearm, a juvenile parole officer shall attempt to identify himself or herself as an officer and state his or her intent to shoot.

(f) Warning shots are not authorized by the New Jersey Attorney General and are prohibited by the New Jersey Juvenile Justice Commission.

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

(h) Pursuits in motor vehicles are prohibited.

(i) A juvenile parole officer involved in a foot pursuit shall not fire his or her firearm at an individual or a moving vehicle, except as a last resort to prevent imminent death or serious injury to the juvenile parole officer or another person where deadly force would otherwise be justified.

(j) Whenever feasible, a juvenile parole officer shall contact the local law enforcement authority, and the Aftercare and Parole Services Regional Supervisor or the Central Communications Unit to request assistance before engaging in any use of force that reasonably could result in serious bodily injury.

(k) Written procedures from the Office of Aftercare and Parole Services shall govern the use of deadly force by juvenile parole officers.

13:96-2.7 Use of force against persons other than juvenile parolees and juvenile inmates

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

(b) Whenever feasible, before engaging in any use of force, a juvenile parole officer shall contact one or more of the following to request assistance:

1. The Central Communications Unit;
2. The local law enforcement authority;
3. The local District Office, Division of Parole, Department of Corrections; or
4. The Regional Aftercare and Parole Services Supervisor.

(c) In situations where a violation of law is suspected, but no imminent danger is present, a juvenile parole officer shall immediately contact the local law enforcement authority and the juvenile parole officer's regional supervisor.

(d) Non-deadly force may be used upon or toward persons other than juvenile parolees and juvenile inmates 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 thwart the commission of a crime involving or threatening damage to or loss of property, bodily harm or a breach of the peace;
4. To prevent a suicide or attempted suicide;
5. To prevent an escape, or flight from arrest for a crime; and/or

6. To effect an arrest for any offense or crime.

(e) Deadly force may be used against persons other than juvenile parolees and juvenile inmates when a juvenile parole officer reasonably believes that the person presents an imminent threat of death or serious bodily harm.

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

13:96-2.8 Reports

(a) A juvenile parole officer shall immediately contact his or her Regional Aftercare and Parole Services Supervisor, or his or her designee, and prepare a Juvenile Justice Commission Use of Force Report form when the juvenile parole officer participated in, or witnessed, an incident in which:

1. A firearm was discharged outside of the firing range;
2. A use of force resulted in death or serious bodily injury;
3. An individual alleged that a serious bodily injury had been inflicted; and/or
4. Any other incidents as required of a specific juvenile parole officer on a case-by-case basis by the Director of the Office of Aftercare and Parole Services.

(b) The Juvenile Justice Commission Use of Force Report form 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 employees, juvenile parolees, juvenile inmates, witnesses or the public.

(c) The juvenile parole officer's Regional Supervisor shall forward, as soon as practicable but within 24 hours of the occurrence, all completed Juvenile Justice Use of Force Report forms to the Director of Aftercare and Parole Services and the Juvenile Justice Commission's Internal Affairs Unit for review and investigation.

(d) Immediately upon receipt of notification that an incident as set forth in (a) above has occurred, the Director of Aftercare and Parole Services, or his or her designee, shall

advise the Executive Director, or his or her designee, of the following:

1. A description of the incident;
2. The persons involved;
3. The action taken; and
4. A current assessment of the situation.

13:96-2.9 Use of mechanical restraints

(a) Authorization for the use of mechanical restraints, except handcuffs, shall be obtained from a supervisor with the title of Assistant District Parole Supervisor or above. If the safety of the juvenile parole officer is jeopardized, the juvenile parole officer, by reason of his or her experience and best judgment, may use mechanical restraints other than handcuffs when authorization cannot be obtained.

(b) Mechanical restraints may be used on juvenile parolees and juvenile inmates in the following instances:

1. When transporting or awaiting transport in custody;
2. When the individual's history, disciplinary record, behavior or present emotional state indicates the likelihood that bodily injury to any person, damage to property or escape by the individual will occur; or
3. On current medical advice, to prevent the individual from attempting suicide, self-inflicted injury or injury to others.

(c) 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.

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

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

13:96-2.10 Use of chemical agents; storage

(a) Only New Jersey Juvenile Justice Commission approved chemical agents shall be used by juvenile parole officers in accordance with this chapter.

(b) A juvenile parole officer shall not be permitted to carry or use chemical agents unless he or she has received appropriate training and semi-annual retraining in chemical agent use and effects.

(c) After each instance of use, an individual(s) who has been exposed to chemical agents shall be provided with a medical examination and treatment.

(d) Whenever a juvenile parole officer uses a chemical agent, the juvenile parole officer shall complete the Juvenile Justice Commission Use of Force Report form and forward it in accordance with N.J.A.C. 13:96-2.8(c).

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

13:96-2.11 Training

(a) Training in the proper methods and techniques of using force and in the legal aspects of using force shall be provided as part of the Police Training Commission's approved Basic Course for Juvenile Parole Officers or an equivalent course substituted in accordance with N.J.A.C. 13:96-2.1(a)1.

(b) All juvenile parole officers and Assistant District Parole Supervisors, shall receive semiannual training in the proper methods and techniques of using force and in the legal aspects of using force. In addition to semiannual training, retraining may be repeated as needed. Such training shall be provided by the New Jersey Juvenile Justice Commission Office of Training.

13:96-2.12 Penalties for violation

(a) A juvenile parole officer's action that does not conform to the provisions of this chapter and any procedures implemented in connection with this chapter 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.

13:96-2.13 Aftercare and Parole Services procedures

(a) The Director of Aftercare and Parole Services, or his or her designee, shall develop and maintain written procedures consistent with this subchapter.

(b) All new and revised procedures developed in accordance with this subchapter shall be submitted to Executive Director, or his or her designee, for approval before implementation.

SUBCHAPTER 3. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF DUTY

13:96-3.1 Personnel authorized to carry firearms while off duty

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

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the PTC-approved Basic Course for Juvenile Parole Officers, or have successfully completed an equivalent PTC-approved course for State or county parole officers to substitute for this requirement;
2. Have qualified in the use and handling of approved off-duty firearms at a PTC-approved firearms training course; and
3. Have been sworn as a peace officer by taking the oath of office and completing the Commission's oath of office form.

13:96-3.2 Authorized off-duty firearms, ammunition and holsters

(a) The Executive Director shall develop, in consultation with firearms experts, a list specifying the types of firearms and ammunition that shall be authorized by the Juvenile Justice Commission for use by off-duty juvenile parole officers who train and qualify pursuant to N.J.A.C. 13:96-3.5. The list of authorized firearms and ammunition shall be reviewed annually and modified as appropriate by the Executive Director. The Juvenile Justice Commission's Office of Training shall distribute the current list of authorized firearms and ammunition to the Commission's Deputy Executive Director and Director of Aftercare and Parole Services.

(b) Eligible juvenile parole officers who are trained and meet qualification specifications shall be permitted only one firearm authorized for off-duty use.

(c) A firearm intended for use as an off-duty weapon shall have been obtained and registered pursuant to state and local laws of the state in which the juvenile parole officer lives. A juvenile parole officer shall not loan or improperly transfer personal firearms.

(d) The off-duty firearm shall be carried on the body in a shoulder, waist or ankle holster.

(e) Holsters shall hold the firearm firmly when inverted and have no internal clips.

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

(g) A juvenile parole officer who elects to use a shoulder or ankle holster for off-duty use shall demonstrate proficien-

cy in the use of that holster during firearms requalification but need not qualify while using the holster.

(h) No purse holsters or holstered firearms in purses are approved.

(i) When a firearm other than a New Jersey Juvenile Justice Commission issued duty firearm is selected for off-duty use, the juvenile parole officer shall be responsible for assuming the cost of the firearm, ammunition, holster and for maintaining his or her firearm in a safe, secure and serviceable condition.

13:96-3.3 Off-duty firearm

(a) A juvenile parole officer shall be responsible for his or her authorized off-duty firearm at all times.

(b) A juvenile parole officer shall not be authorized to carry his or her off-duty firearm to, from, and during work unless the juvenile parole officer elects to carry his or her authorized off-duty firearm as his or her sole authorized off-duty firearm.

(c) 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
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in conformance with this chapter.

13:96-3.4 Firearm instructors

(a) As established by the New Jersey Department of Law and Public Safety, Division of Criminal Justice, only those persons who have successfully completed a PTC-approved firearms instruction course and are PTC-certified as Firearm Instructors shall instruct in the New Jersey Juvenile Justice Commission Firearms Training Program at the Division of Criminal Justice/Juvenile Justice Commission Satellite Training Academy.

(b) As established by the New Jersey Department of Law and Public Safety, Division of Criminal Justice, all firearms training instructors engaged by the New Jersey Juvenile Justice Commission for semi-annual and requalification firearms training shall be certified by the PTC.

13:96-3.5 Firearms training, qualification and requalification

(a) All juvenile parole officers authorized by the New Jersey Juvenile Justice Commission to carry firearms off

duty shall be initially trained and shall qualify in the use and handling of approved off-duty firearms.

(b) All juvenile parole officers who carry off-duty firearms shall requalify semi-annually on a range approved by the New Jersey Juvenile Justice Commission.

(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 off duty.

(d) Once a juvenile parole officer has qualified on his or her approved personal off-duty firearm, he or she shall receive the official State of New Jersey Firearms Unit Weapons Card. The off-duty firearm he or she carries shall be the same one identified on the off-duty weapons card. Authorized juvenile parole officers shall be required to carry their off-duty weapons card, and the official badge and photo identification card of the New Jersey Juvenile Justice Commission at all times while carrying their off-duty firearm.

(e) Each Regional Aftercare and Parole Services Supervisor, or his or her designee, shall be responsible for preparing and maintaining a current list of each juvenile parole officer under his or her supervision authorized to carry an off-duty firearm. As revisions are made, a current list shall be forwarded to the Director of Aftercare and Parole Services.

1. The master list shall be maintained by the Director of Aftercare and Parole Services, or his or her designee, to indicate the juvenile parole officer's firearms qualification date, the qualification expiration date, and the authorized off-duty firearm's model name, number, and serial number.

2. Each time the juvenile parole officer registers a firearm in accordance with this section, the Director of Aftercare and Parole Services, or his or her designee, shall be responsible for comparing the firearms qualification date, the qualification expiration date, and the firearm model name, number, and firearm serial number contained on the master list against the State of New Jersey Firearms Unit Weapons Card accompanying the personal firearm.

(f) Should a personal firearm become unusable, stolen or unserviceable and the juvenile parole officer selects a personal off-duty firearm different from the one originally qualified for use, he or she shall requalify on the different firearm before the weapon can be used. This qualification may be completed prior to the next semi-annual qualification period.

(g) Should the juvenile parole officer wish to change his or her authorized personal off-duty firearm as a matter of preference, the juvenile parole officer shall notify the New Jersey Juvenile Justice Commission's Office of Training in writing to arrange for qualification in the use and handling of his or her authorized personnel off-duty firearm prior to carrying same at the following address:

New Jersey Juvenile Justice Commission
Office of Training
Johnstone Campus
Tramburg Building
PO Box 534
Bordentown, New Jersey 08505-0534

13:96-3.6 Use of force while off duty

(a) Although N.J.S.A. 52:17B-174d authorizes a juvenile parole officer to exercise law enforcement powers, no juvenile parole officer is required to exercise those powers or to carry firearms during off-duty hours.

(b) Juvenile parole officers, while off duty, shall not become involved with routine law enforcement duties as they apply to local law enforcement agencies. When a juvenile parole officer observes what he or she believes to be a violation of the law, the juvenile parole officer should take note of vehicle description(s), license plate number(s), identifying characteristics of persons involved and other relevant information and report such information to the local law enforcement agency having jurisdiction. The juvenile parole officer shall notify the appropriate Regional Aftercare and Parole Services Supervisor and the Director of Aftercare and Parole Services in writing that such action was taken. Juvenile parole officers shall not stop or detain vehicles or persons. Pursuit in a motor vehicle is prohibited.

(c) In cases where a juvenile parole officer has passed the qualifying firearms examination and does elect to carry a firearm off duty, 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 force exists, the juvenile parole officer shall take the action which is calculated to be the least dangerous or harmful to persons or property.

(d) Any use of force while off duty shall be in accordance with the requirements of this chapter.

(e) 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 chapter and Aftercare and Parole Services procedures consistent with this subchapter.

13:96-3.7 Use of non-deadly force while off duty

(a) Whenever non-deadly force is used off duty, a reasonable amount of force under the circumstances shall be used.

(b) Non-deadly force may be used off duty when a juvenile parole officer reasonably believes it to be immediately necessary:

1. To protect self or others against the unlawful use of force;

2. To protect self and/or others against death or serious bodily harm;
3. To prevent a suicide or attempted suicide;
4. To thwart the commission of a crime involving or threatening damage to or loss of property, bodily harm or a breach of the peace;
5. To prevent an escape; or
6. To effect an arrest for any offense or crime under the laws of the State of New Jersey subject to (c) below.

(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.

13:96-3.8 Use of deadly force while off duty

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

(b) Deadly force may be used in the following situations:

1. When a juvenile parole officer reasonably believes that deadly force is imminently necessary to protect himself or herself against the use of unlawful force which he or she believes may result in death or serious bodily harm;
2. When a juvenile parole officer reasonably believes that deadly force is imminently necessary to protect another against the use of unlawful force which he or she believes may result in death or serious bodily harm. However, deadly force is not justifiable if the juvenile parole officer can otherwise secure the complete safety of the protected person;
3. When a juvenile parole officer reasonably believes that deadly force is imminently 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; and
4. When a juvenile parole officer has reasonable belief to conclude that the suspect will pose an imminent threat of death or serious bodily harm to human life should the juvenile parole officer not take immediate action by deadly force to effect an arrest.

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

(d) Warning shots are not authorized by the Attorney General and are prohibited by the New Jersey Juvenile Justice Commission.

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

13:96-3.9 Unauthorized use of personal weapons while off duty

(a) A juvenile parole officer shall not be authorized to carry an off-duty firearm in the following instances:

1. Where N.J.S.A. 2C:39-7 (Persons Convicted of Certain Crimes) is applicable;
2. When the Director of Aftercare and Parole Services, or a higher official of the New Jersey Juvenile Justice Commission has suspended the juvenile parole officer from duty for any violation;
3. When there are pending charges or an ongoing investigation of alleged incidents involving the misuse of a firearm;
4. In accordance with domestic violence laws at N.J.S.A. 2C:25-17 through 33;
5. When otherwise prohibited by law or regulation; or
6. On a case-by-case basis, in any other situation involving a specific juvenile parole officer, where the Director of Aftercare and Parole Services, or his or her designee, may exercise his or her authority to withdraw off-duty firearm privileges, subject to the review of the Executive Director of the New Jersey Juvenile Justice Commission.

(b) In any of the instances in (a) above, the State of New Jersey Firearms Unit Weapons Card shall be turned in to the Director of Aftercare and Parole Services, or his or her designee.

13:96-3.10 Possession of firearms within a casino or casino simulcasting facility

Pursuant to N.J.A.C. 19:45-1.13, a juvenile parole officer shall not possess or be permitted to possess a firearm within a casino or casino simulcasting facility.

13:96-3.11 Reporting incidents

(a) Whenever a juvenile parole officer believes that his or her off-duty firearm and/or ammunition has been lost or stolen, the juvenile parole officer shall report this fact immediately to the local law enforcement authority and to the Director of Aftercare and Parole Services immediately upon learning that the firearm is missing.

(b) A juvenile parole officer shall notify the local law enforcement authority and the Director of Aftercare and Parole Services, or his or her designee, as soon as practicable, whenever he or she believes that his or her New Jersey

Firearms Unit Weapons Card, official photo identification card or New Jersey Juvenile Justice Commission badge has been lost or stolen.

(c) Except as provided in N.J.A.C. 13:96-3.3(c), a juvenile parole officer shall immediately and without exception report to the local law enforcement authority and the Director of Aftercare and Parole Services, or his or her designee:

1. Any incident where the juvenile parole officer displayed, drew or fired his or her off-duty firearm;
2. Any incident or injury which occurred from the use of the juvenile parole officer's off-duty firearm; or
3. When an off-duty firearm discharge results in injury or death. In such instance, the juvenile parole officer shall immediately notify the local police or law enforcement agency with local jurisdiction to assist in securing and safeguarding the scene. The juvenile parole officer shall then remain at the scene or criminal investigatory agency headquarters unless otherwise directed by that agency. The juvenile parole officer shall protect his or her weapon for submission to the investigatory agency for examination and ballistic tests.

(d) The juvenile parole officer shall immediately report in writing, to the Director of Aftercare and Parole, or his or her designee, the incident and identifying particulars of the incident. The Director of Aftercare and Parole Services shall then forward the report for review to the Executive Director, and the Central Office Internal Affairs Unit.

(e) A juvenile parole officer shall, within three days, report to the Director of Aftercare and Parole Services, or his or her designee, in writing whenever a registered authorized off-duty firearm has been sold or is no longer in use.

13:96-3.12 Penalties for violation

(a) A juvenile parole officer's actions which do not conform to the provisions of this chapter and any procedures implemented in connection with this chapter 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 officer.

(b) Decisions regarding (a)3 and 4 above will be made by the Attorney General after reviewing the facts of the case.

13:96-3.13 Procedures

(a) The Director of the Office of Aftercare and Parole Services shall develop and maintain written procedures consistent with this subchapter.

(b) All new and revised procedures developed in accordance with this subchapter shall be submitted to the Executive Director, or his or her designee, for approval before implementation.