

CHAPTER 97**OFFICE OF INVESTIGATIONS****Authority**

N.J.S.A. 2A:4A-60, 2C:39-6a(9), 47:1A-1, 52:17B-170e(14) and (22), and 52:17B-174.

Source and Effective Date

R.2006 d.51, effective January 4, 2006.
See: 37 N.J.R. 3615(a), 38 N.J.R. 1054(a).

Chapter Expiration Date:

Chapter 97, Office of Investigations, expires on January 4, 2011.

Chapter Historical Note

Chapter 97, Internal Affairs Unit, was adopted as R.2000 d.331, effective August 7, 2000. See: 32 N.J.R. 1756(a), 32 N.J.R. 2920(a).

Chapter 97, Office of Investigations, was readopted by R.2006 d.51, effective January 4, 2006. Subchapter 2, Use of Force While On Duty, was repealed, and Subchapter 2, Use of Force, was adopted as new rules; and Subchapter 3, Use of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Firearms While On-Duty and Use of Personal Firearms While Off-Duty, was adopted as new rules by R.2006 d.51, effective February 6, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**13:97-1.1 Purpose and scope**

(a) The purpose of this chapter is to establish policies and procedures:

1. In connection with the Office of Investigations regarding the use of force by investigators, both on-duty and off-duty; and
2. Regarding investigators' use of firearms, both on-duty and off-duty.

(b) This chapter shall be applicable to investigators employed by the Office of Investigations of the New Jersey Juvenile Justice Commission, in the following titles: Chief Investigator, Secured Facilities; Assistant Chief Investigator, Secured Facilities; Principal Investigator, Secured Facilities; Senior Investigator, Secured Facilities; and Investigator, Secured Facilities.

Amended by R.2005 d.10, effective January 3, 2005.

See: 36 N.J.R. 2165(a), 37 N.J.R. 85(a).

Rewrote the section.

Amended by R.2006 d.51, effective February 6, 2006.

See: 37 N.J.R. 3615(a), 38 N.J.R. 1054(a).

Rewrote (a).

13:97-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Adjudicated juvenile” means a committed juvenile, juvenile parolee or a juvenile probationer as defined in this section.

“Assistant Chief Investigator, Secured Facilities” means the Commission employee who is second in command of the Office of Investigations and reports directly to the Chief Investigator.

“Central Communications Unit” means the centralized communication center within the New Jersey Department of Corrections that coordinates certain functions of the Commission's Office of Investigations 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.

“Chief Investigator,” means the Chief Investigator of the Commission’s Office of Investigations responsible for conducting investigations at the direction of the Executive Director.

“Commission” means the New Jersey Juvenile Justice Commission.

“Committed juvenile” 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, “committed juvenile” shall only refer to those individuals residing in a New Jersey Juvenile Justice Commission facility.

“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 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.

“Investigator” means juvenile corrections officers employed in the following titles utilized by the Commission, who have been sworn as peace officers:

1. Chief Investigator, Secured Facilities;
2. Assistant Chief Investigator, Secured Facilities;
3. Principal Investigator, Secured Facilities;
4. Senior Investigator, Secured Facilities; and
5. Investigator, Secured Facilities.

“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 probationer” means an individual who has been adjudicated delinquent and sentenced by a judge of the Superior Court of New Jersey to a term of probation with the

condition that he or she participate in a Commission community-based residential or day program. For the purpose of this chapter, “juvenile probationer” shall only refer to those individuals enrolled in a Commission program.

“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 Investigations” means the unit within the Commission responsible for conducting internal investigations.

“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.

Amended by R.2005 d.10, effective January 3, 2005.
See: 36 N.J.R. 2165(a), 37 N.J.R. 85(a).

Rewrote the section.

Amended by R.2006 d.51, effective February 6, 2006.
See: 37 N.J.R. 3615(a), 38 N.J.R.1054(a).

Rewrote definitions “Central Communications Unit,” “Chemical agent,” “Chief Investigator, Secured Facilities,” “Deadly force,” “Deputy Executive Director,” “Executive Director,” “Juvenile parolee,” “Juvenile probationer” and “Office of Investigations”; added definitions “Director of Operations” and “Facility.”

13:97-1.3 Oath of office form

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

Amended by R.2006 d.51, effective February 6, 2006.
See: 37 N.J.R. 3615(a), 38 N.J.R. 1054(a).
Deleted “Juvenile Justice.”

13:97-1.4 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 Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Amended by R.2006 d.51, effective February 6, 2006.
See: 37 N.J.R. 3615(a), 38 N.J.R. 1054(a).

Substituted “Open Public Records Act,” for “ ‘Right to Know Law,’ ”.

SUBCHAPTER 2. USE OF FORCE

13:97-2.1 Investigator authority

(a) Investigators are authorized to use appropriate means to enforce Commission rules, regulations and related law