

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

Office of Investigations

Proposed Amendments: N.J.A.C. 13:97-1.1, 1.2, 2.6, 2.13, 3.2, 3.5, 3.7 and 3.14

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Peter C. Harvey, Attorney General and Chair; Markus Green, Attorney General's Designee.

Authority: N.J.S.A. 52:17B-170e(14) and (22); 52:17B-174; 2C:39-6a(9); and 47:1A-5; Executive Order No. 9 (Gov. Richard J. Hughes, September 30, 1963); and N.J.S.A. 2A:4A-60.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-182.

Submit written comments by July 2, 2004 to:

Lynn T. Lucas, Supervisor
Policy Unit
Juvenile Justice Commission
PO Box 107
Trenton, NJ 06625-0107

The agency proposal follows:

Summary

Since the rules at N.J.A.C. 13:97 were adopted in August 2000 (see 32 N.J.R. 1756(a) and 2920(a)), the New Jersey Juvenile Justice Commission has made several administrative changes resulting in the need to amend the rules at N.J.A.C. 13:97. As an initial matter, the Commission's Internal Affairs Unit has been renamed and is now known as the Office of Investigations. All references to the "Internal Affairs Unit" in the rule have been replaced with the new name of the organizational unit, the "Office of

Investigations.”

In addition, the Commission has added two law enforcement titles to the list of investigators employed in the Office of Investigations who are authorized to exercise law enforcement powers: Chief Investigator, Secured Facilities and Assistant Chief Investigator, Secured Facilities. The Chief Investigator, Secured Facilities manages the Office of Investigations and is responsible for conducting investigations for the Commission at the direction of the Executive Director. That title has replaced the former “Chief Investigator” title which was a non-law enforcement title. The Assistant Chief Investigator, Secured Facilities, is second in command of the Office of Investigations and reports directly to the Chief Investigator, Secured Facilities. The rules are being amended to reflect those changes. For instance, the definition of “Investigator” at N.J.A.C. 13:97-1.2 is being amended to add “Chief Investigator, Secured Facilities” and “Assistant Chief Investigator, Secured Facilities” to the list of investigators subject to these rules.

Further, all references to “secure facility satellite unit and Stabilization and Reintegration Program (Boot Camp)” have been replaced by the “Life Skills and Leadership Academy.” The Stabilization and Reintegration Program was re-named in September 2003 to more accurately describe the Commission’s mission, philosophy and the nature of the Academy’s programming.

The term “juvenile inmate” has been replaced by the term “committed juvenile.” This change is intended to distinguish between “adult inmates” and “juvenile offenders” who have been committed by the Family Court to a term of incarceration under the custody of the New Jersey Juvenile Justice Commission.

The Commission's Office of Training has been relocated from its original location in Bordentown, New Jersey, to a new facility in Sea Girt, New Jersey. The new address is set forth at N.J.A.C. 13:97-3.5(g) in order for investigators to correspond with the Office of Training.

The proposal is not subject to the calendar requirements of N.J.S.A. 52:14B-3(4) and N.J.A.C. 1:30-3-3(a) because the agency is providing a 60 day comment period.

Social Impact

There will be no significant social impact as a result of the proposed amendments. Two Commission law enforcement administrator titles have been added to the list of New Jersey Juvenile Justice Commission investigators, increasing the number of law enforcement titles subject to these rules from three to five. Additional amendments are technical in nature. The reference to the term "juvenile inmate" has been changed to "committed juvenile" throughout the chapter in order to more accurately reflect the juvenile offender's legal status.

Economic Impact

The proposed amendments will not result in any new economic impact because additional funding is not necessary to implement these amendments. The cost of meeting and maintaining the requirements established by these amendments will be met by the Commission through the budgetary process with monies allocated by the State.

Federal Standards Statement

The proposed amendments are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry in New Jersey.

Jobs Impact

The proposed amendments will not result in an increase or decrease in the number of jobs in New Jersey.

Regulatory Flexibility Statement

The proposed amendments do not impose reporting, recordkeeping or compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility is not required. The proposed amendments impact employees of the New Jersey Juvenile Justice Commission and governmental entities responsible for the enforcement of the rules and have no effect on small businesses.

Smart Growth Impact

The proposed amendments are not anticipated to have an impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan as defined under Executive Order No. 4(2002).

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 97

[INTERNAL AFFAIRS UNIT] OFFICE OF INVESTIGATIONS

13:97-1.1 Purpose and scope

(a) The purpose of this chapter is to establish policies and procedures regarding the use of force by [Internal Affairs] the Office of Investigations' investigators, 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 and Stabilization and Reintegration Program (Boot Camp)] and the Life Skills and Leadership Academy are set forth in N.J.A.C. 13:95. Policies and procedures regarding the use of force by juvenile parole officers are set forth in N.J.A.C. 13:96.

(b) This chapter shall be applicable to investigators employed by the [Internal Affairs Unit] 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.

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 [juvenile inmate] 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.

...

"Chief Investigator, Secured Facilities" means the Chief Investigator of the [Internal Affairs Unit] Office of Investigations in the New Jersey Juvenile Justice Commission who heads the office and is responsible for conducting investigations within the Commission at the direction of the Executive Director.

...

“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.

...

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

“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;

Recodify existing 1. - 3. as 3. - 5. (No change in text.)

[“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.] ...

“Office of Investigations” means the unit responsible for conducting investigations within the Commission at the direction of the Executive Director.

...

13:96-2.6 Deadly force; when justified

(a) - (j) (No change.)

(k) Written procedures from the [Internal Affairs Unit] Office of Investigations shall govern the use of deadly force by investigators.

13:97-2.13 [Internal Affairs Unit] Office of Investigations procedures

(a) The [Internal Affairs Unit] Office of Investigations shall develop and maintain written procedures consistent with this subchapter.

(b) (No change.)

13:97-3.2 Authorized off-duty firearms, ammunition and holsters

(a) The Executive [~~director~~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 investigators who train and qualify pursuant to N.J.A.C. 13:97-3.5. 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 Chief Investigator, Secured Facilities.

(b) - (g) (No change.)

13:97-3.5 Firearms training, qualification and requalification

(a) - (f) (No change.)

(g) Should an investigator wish to change his or her authorized personal off-duty firearm as a matter of preference, the investigator 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 personal 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]

Juvenile Justice Commission Training Academy

National Guards Training Center

P. O. Box 381

Sea Girt Avenue

Sea Girt, New Jersey 08750

13:97-3.7 Use of force while off duty

(a) - (d) (No change.)

(e) An investigator 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 the procedures of the [Internal Affairs unit] Office of Investigations consistent with this chapter.

13:97-3.14 Procedures

(a) The [Internal Affairs Unit] Office of Investigations shall develop and maintain written procedures consistent with this subchapter.

(b) (No change.)

Peter C. Harvey
Attorney General
Chair, Juvenile Justice Commission
Executive Board

By: Markus Green
Attorney General's Designee

Date: