

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

Juvenile Parole and Transitional Services

Proposed Readoption with Amendments. N.J.A.C. 13:96

Proposed Repeals: N.J.A.C.13:96-2 and 3

Proposed New Rules: N.J.A.C. 13:96-2 through 8

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 (19) to (22), 52:17B-174, 2C:39-6a(9),. 47:1A-1, N.J.S.A. 2A:4A- 44d(5), 2A:4A-60, 52:17B-171, 52:17B-175a and 52:17B-176a(10).

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

Proposal Number: PRN 2005-330 .

Comments with respect to this proposal must be received on or before November 18, 2005 and must be submitted in writing. One copy must be directed to following addresses, as indicated:

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The agency proposal follows:

Summary

N.J.A.C. 13:96, currently headed “Aftercare and Parole Services,” is scheduled to expire on August 7, 2005. The expiration date has been extended to February 3, 2006 pursuant to N.J.S.A. 52:14B-5.1c by the filing of this proposal. The Juvenile Justice Commission (Commission) has reviewed the rules and has determined that they continue to be necessary, reasonable and proper for the purpose for which they were originally promulgated. However, the Commission has determined that the rules should be reorganized and that additional new rules are necessary.

The existing chapter is limited to use of force and firearms. These provisions have been reorganized and updated to conform to the Attorney General’s Use of Force Policy (April 1985, as revised June 2000). In addition, the Commission proposes to add new subchapters that address a number of other operational areas. These include the supervision of juvenile parolees, searches and drug testing, contraband and its seizure, and transportation. Also proposed are a number of technical amendments to the rules’ general provisions.

Since N.J.A.C. 13:96 was originally adopted effective August 7, 2000, the Office of Aftercare and Juvenile Parole was renamed the Office of Juvenile Parole and Transitional Services. The Commission proposes to amend the chapter heading to “Juvenile Parole and Transitional Services” and to amend references in N.J.A.C. 13:96

accordingly.

The Commission is the New Jersey agency exclusively responsible for providing juvenile corrections and parole services. In carrying out its responsibilities, the Commission seeks to maintain a safe and respectful environment for the youth under its supervision, while at the same time delivering effective educational and rehabilitative services individually tailored to each juvenile under its care. Its mission involves major educational and social service elements that are integrated into all of its programs and institutions, including programs under the Office of Juvenile Parole and Transitional Services. Juvenile parole officers maintain close contact with the juveniles under their charge, assisting them to mainstream back into high school, find employment and connect with appropriate counseling and related services. At the same time, juvenile parole officers are sworn peace officers, who from time to time may be called upon to stop a fugitive or make an arrest. Accordingly, juvenile parole officers are armed, and are subject to the Attorney General's Use of Force Policy, which are applicable to all State law enforcement personnel.

The proposed amendments are being promulgated to conform Juvenile Parole and Transitional Services rules to the Attorney General's Use of Force Policy (April 1985, as revised June 2000). Except for contextual and other minor changes, they are substantively identical to rules being proposed by the Commission for its Secure Facilities, under N.J.A.C. 13:95, and Office of Investigations, under N.J.A.C. 13:97, published elsewhere in this issue of the New Jersey Register.

A subchapter-by-subchapter description follows.

Subchapter 1 contains general provisions covering purpose, scope, definitions, oath of office form and confidentiality of information. The Commission proposes an amendment to the purpose in N.J.A.C. 13:96-1.1 to reflect the addition of the proposed new rules. The confidentiality section, N.J.A.C. 13:96-1.4, has been amended to cite to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Numerous technical amendments are proposed to definitions and other provisions for reasons of context or grammar, and to reflect the name change of the Office of Juvenile Parole and Transitional Services.

Some amendments to the definitions appearing in N.J.A.C. 13:96-1.2 have been made either for clarification, to reflect reorganizations within the Commission or to provide flexibility to Commission management.

A definition for “facility” has been added to clarify that for the purpose of the rule, the term applies to places that house juveniles, but not to Commission administrative and operational offices.

The definition “Director of Operations” has been changed to reflect that the position no longer involves oversight of non-secure facilities and also to clarify that the actual in-house title of the manager serving in the position may be other than Director of Operations. In the recent past, the in-house title of the appropriate manager was “Director of Resident Care” and currently is “Director of Secure Care.”

The word “inmate” has been deleted from the definition of “juvenile inmate” as harmful, in furtherance of the Commission’s policy to avoid stigmatizing juvenile offenders unnecessarily.

The definition of “juvenile parole officer” has been amended to incorporate into the definition the fact that they are employed by the Commission.

The Commission proposes to repeal existing Subchapter 2 on use of force while on duty and existing Subchapter 3 on use of personal firearms and use of force while off duty. These rules are not in conformance with the most recent Attorney General’s Use of Force Policy (April 1985, as revised June 2000). They have been replaced by new Subchapters 3 and 4.

Proposed new Subchapter 2 contains rules concerning a residence plan and supervision. The proposed new rules require that each juvenile parolee under supervision of the Commission have a residence plan approved by the New Jersey State Parole Board, establishes requirements for such plans, and sets out general requirements for the supervision of juvenile parolees.

Proposed Subchapters 3 and 4 contain rules governing, respectively, use of force and firearms applicable to Commission investigators. These two subchapters contain substantive provisions that are substantially the same as those in existing Subchapters 2 and 3 with two important differences.

Firstly, they are structured so that one subchapter, proposed Subchapter 3, addresses all use of force issues, both for on-duty investigators and for off-duty investigators, while the other, Subchapter 4, addresses all firearms issues, again for both on-duty and off-duty investigators. The Commission believes this is a much clearer presentation than exists in the existing rule, in which Subchapter 2 sets out all on-duty rules for both use of force and firearms and Subchapter 3 does the same thing for off-

duty investigators.

More importantly, the existing rules do not reflect progressive use of force requirements set out in the June 2000 revisions to the 1985 Attorney General's Use of Force Policy and the proposed rules correct this. The revisions in the Attorney General's Policy strongly emphasize the importance of using only the minimum force necessary to a given situation, beginning with "constructive authority," meaning the exercise of authority that does not involve actual physical contact with an individual.

The Commission believes that control over and elimination of excessive use of force is especially relevant to juvenile corrections and has included within the proposed rules a requirement that a juvenile parole officer report all situations where excessive force is used by anyone against a juvenile. See proposed N.J.A.C. 13:96-3.1(c). In the same vein, under the proposed rules, deadly force is not permitted to thwart an escape and bringing weapons into Commission facilities is not allowed.

Subchapter 5 is reserved.

Proposed new Subchapter 6 contains rules on search and urine monitoring of juvenile parolees. A juvenile parole officer is authorized to search a juvenile parolee when he or she has a reasonable suspicion to believe that the search will produce contraband or evidence indicating that the juvenile parolee has violated or is violating a condition of parole. Invasive searches, such as strip searches and body cavity searches, are prohibited. In addition, a juvenile parole officer is authorized to search the residence of a juvenile parolee, or parts of another person's property being used as the approved residence of the juvenile parolee, as well as a motor vehicle owned or

operated by a juvenile, when there is a reasonable suspicion to believe that evidence of a violation of a condition of parole would be found, or that contraband is located in the residence or motor vehicle. Except for emergency situations, a supervisor's approval is required before such a search can be undertaken.

Proposed new Subchapter 7 contains rules on contraband and disposition of contraband. Criminal contraband seized from a juvenile is required to be turned over to local law enforcement authorities. A complete and accurate record of a contraband seizure must be kept, including the type, amount and disposition of the contraband, and precautions must to be taken to assure a valid chain of custody with respect to seized items.

Proposed new Subchapter 8 contains rules for the transportation of juvenile parolees and juveniles. These rules require the use of State vehicles for required transports, establish specifications for such vehicles and establish minimum security requirements. The subchapter also addresses medical transports, requiring ambulatory juveniles and juvenile parolees to be transported in regular state owned vehicles; ambulances are permitted only for emergencies involving non-ambulatory patients.

Because the Commission has provided a 60 day comment period on the notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3 (a) 5.

Social Impact

The rules proposed for readoption with amendments and proposed repeals and new rules will have a positive social impact. Incarcerated juveniles are not merely underage adult inmates. Rather, they are troubled children, often with unique educational, vocational and social needs. It is a major challenge to design rehabilitative programs that address these needs, a challenge that continues when working with juveniles in post-release parole. An effective juvenile parole officer spends much of his or her time working with parolees to address educational, social service and job needs.

The rules proposed for readoption with amendments and proposed repeals and new rules take the special needs of juveniles into consideration, while at the same time addressing the safety and security of the community. The proposed amendments to N.J.A.C. 13:96 incorporate the Attorney General's Use of Force Policy, which was the product of the collective efforts and judgment of the New Jersey Use of Force Advisory Committee. It is the State of New Jersey's policy that law enforcement officers will use only that force which is objectively reasonable and necessary, and that in using force, the utmost restraint will be used. The amendments to N.J.A.C. 13:96 follow these guidelines.

In addition, the rules also restrict the use of force in certain situations in consideration of the juvenile population. For example, deadly force may not be used to thwart an escape, and juvenile parole officers may not undertake invasive searches, such as strip and body cavity searches. Non-invasive searches of juveniles are permitted only for cause, but non-emergency searches of a juvenile parolee's residence or a motor vehicle owned or operated by a juvenile parolee need supervisor approval.

By balancing legitimate security and law enforcement concerns with restraint necessary and appropriate to a juvenile population, the rules proposed for readoption with amendments, repeals and new rules have a positive social impact.

Economic Impact

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

Federal Standards Statement

The rules proposed for readoption with amendments, proposed repeals and new rules are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The New Jersey Juvenile Justice Commission does not anticipate that the rules proposed for readoption with amendments, proposed repeals and new rules will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments, proposed repeals and new rules will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The rules proposed for readoption with amendments, proposed repeals and new rules do not impose reporting, record keeping or other 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 analysis is not required. The rules proposed for readoption with amendments, proposed repeals and new rules impact juveniles incarcerated in secure facilities of, and employees of, the New Jersey Juvenile Justice Commission, and have no effect on small businesses.

Smart Growth Impact

The Juvenile Justice Commission does not anticipate that the rules proposed for readoption with amendments, proposed repeals and new rules will have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:96.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:96-2 and 3.

Full text of the proposed amendments and new rules follows (additions indicated in

boldface thus; deletions indicated in brackets [thus]:

CHAPTER 96

[AFTERCARE AND] JUVENILE PAROLE AND TRANSITIONAL SERVICES

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.];

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 [Aftercare and] 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.

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] Juvenile Parole and Transitional Services" means the Assistant Director of the Commission's Office of [Aftercare and] Juvenile Parole and Transitional 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] 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 [Aftercare and] Juvenile Parole and Transitional Services on a 24 hour, seven days a week basis.

"Chemical agent" means an aerosol spray [which] 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 [which] 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 [New Jersey Juvenile Justice] Commission.

"Director of [Aftercare and] Juvenile Parole and Transitional Services" means the Director of the Commission's Office of Transitional 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] Juvenile Parole and Transitional Services.

"Director of Operations" means the [Director of Operations] responsible 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 and [non-secure] facilities [of the New Jersey Juvenile Justice Commission].

"Executive Director" means the Executive Director of the [New Jersey Juvenile Justice] 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.

["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] Interstate Compact[s] for [the Supervision of Parolees and Probationers] 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 [New Jersey Juvenile Justice Commission, Office of

Aftercare and Parole Services"] titles and who have been sworn as peace officers:

1.-5 (No change).

"Office of [Aftercare and Parole] Juvenile Parole and Transitional [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] Interstate Compact[s] for [the Supervision of Parolees and Probationers] Juveniles.

"Regional [Aftercare and Parole Services] Supervisor" means the supervisor of the Regional [Aftercare and] Juvenile Parole and Transitional 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,"] Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

SUBCHAPTER 2. RESIDENCE PLAN AND SUPERVISION

13:96-2.1 Investigation of community release

(a) Prior to release to supervision by the Office of Juvenile Parole and Transitional Services, a juvenile must have a residence plan that has been approved by the New Jersey State Parole Board.

1. A proposed residence plan shall be initiated by the Commission facility or program to which the juvenile is assigned and submitted to the appropriate Regional Parole Office.

(b) Upon the proposed parole residence plan being provided to the appropriate Regional Parole Office, the Assistant District Parole Supervisor shall assign a juvenile parole officer to investigate the plan.

(c) The purpose of the investigation is to ensure that the juvenile has a suitable residence upon his or her release to the community.

(d) The juvenile parole officer assigned to complete the investigation shall:

1. Verify, in person, that the residence location is a valid address;
2. Verify, in person, that the host person or family is willing to provide housing and food for the juvenile;
3. Determine that acceptance of the juvenile in the residence would not be a violation of any law, rule or regulation which would prohibit the juvenile from residing at the proposed residence;
4. Determine whether the host person or family is willing to cooperate with

juvenile parole supervision;

5. Determine whether the host person or family is willing to comply with the juvenile parole officer's law enforcement authority and to comply with any search initiated pursuant to N.J.A.C. 13:96-6;

6. Advise, in writing, all interested law enforcement authorities of the proposed parole residence plan;

7. Prepare a written report which shall include:

i. Recommendations for special conditions that the juvenile parole officer believes will assist the juvenile parolee in making a successful reintegration into the community; and

ii. The juvenile parole officer's recommendation as to the suitability of the juvenile residing at the proposed parole residence; and

8. Submit the written report to the New Jersey State Parole Board.

13:96-2.2 Juvenile parole supervision status

(a) Each juvenile parolee shall be assigned a level of supervision appropriate to maintain public safety, reduce the likelihood of recidivism and to ensure the juvenile parolee's positive reintegration into the community.

(b) The assigned juvenile parole officer, in coordination with his or her immediate supervisor, shall, at the first visit reporting session, determine the level of parole supervision for each juvenile parolee, unless otherwise specified by a Board panel or the Board.

(c) The assigned juvenile parole officer shall immediately review instances of non-compliance of a recurring or serious nature with established conditions of parole with the immediate supervisor.

1. Upon review, if it is determined by the supervisor that the juvenile parolee is in non-compliance with parole conditions, the supervisor shall take appropriate remedial action commensurate with the seriousness of the violation(s).

2. Upon review by the assigned juvenile parole officer and his or her immediate supervisor, positive and constructive improvements in the juvenile parolee's adjustment to juvenile parole supervision may result in less restrictive levels of parole supervision or a recommendation for discharge from parole supervision pursuant to N.J.A.C. 10A:71-6.9. Thereafter, the level of parole supervision shall be periodically evaluated.

13:96-2.3 Juvenile parole case notes and case plan

(a) All contacts or events concerning the supervision of the juvenile parolee shall be recorded as case notes entered into the juvenile parole officer's electronic casebook.

(b) Case notes shall accurately and completely reflect progress made by the juvenile parolee towards reintegration into the community, and the juvenile parole officer's efforts to assist the juvenile parolee in that progress consistent with a formal case plan.

1. Case notes shall address all issues material to the reintegration including, but not limited to, education and vocational training, physical and mental health, counseling, job opportunities, and public safety.

13:96-2.4 Violations of juvenile parole

(a) Whenever the juvenile parole officer has a reasonable belief that the juvenile parolee has violated the conditions of parole, the juvenile parolee shall receive immediate remedial counseling. If the violation is of a serious or persistent nature, the juvenile parole officer shall promptly review the juvenile parolee's case with his or her supervisor for the purpose of determining an appropriate response. Such review shall include an assessment of the juvenile parolee's risk to public safety and current rehabilitative needs.

(b) The response to a violation of a condition of parole shall be proportional to the risk to the community posed by the juvenile parolee, the severity of the violation, and the potential for long term positive outcomes. Responses may include, but not be limited to, the following:

1. An adjustment to the juvenile parolee's reporting status;
2. The imposition of any special condition(s) that will reduce the likelihood of recurrence of criminal or delinquent behavior; or
3. The imposition of a special condition such as, but not limited to:
 - i. Assignment to and successful completion of an out-patient substance abuse treatment program or any other recommended treatment program;
 - ii. Assignment to and successful completion of an electronic monitoring or other monitored release program;
 - iii. Assignment to and successful completion of a day reporting center program;

iv. Assignment to and successful completion of a residential community-based treatment program;

v. Assignment to and successful completion of a structured educational or vocational program; or

vi. Direction to specific employment or vocational opportunities.

(c) When responses provided for above have been ordered, but either the juvenile parolee has refused to abide by them, or it has been determined that they are not succeeding in deterring the juvenile parolee from violating conditions of parole, the Assistant District Parole Supervisor shall direct that revocation procedures be initiated pursuant to N.J.A.C. 10A:71-7.1 and 7.2.

SUBCHAPTER 3. USE OF FORCE

13:96-3.1 Juvenile parole officer authority

(a) Juvenile parole officers are authorized to use appropriate means to enforce Commission rules, regulations and related law enforcement objectives. Such means include, but are not limited to:

1. "Constructive authority," which means authority that does not involve actual physical contact with the individual, but involves the use of the juvenile parole officer's authority to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures and warnings; and

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 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 Commission is believed to have been lost or stolen, or is otherwise missing, the juvenile parole officer shall notify the local law enforcement authorities and 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, as soon as practicable.

(g) Pursuant to N.J.S.A. 2C:58-15, an investigator who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the investigator's control shall:

1. Store the firearm in a securely locked box or container; and
2. Secure the firearm with a Commission approved trigger locking device.

13:96-4.4 Personnel authorized to carry firearms while off-duty

(a) Firearms may be carried off-duty by juvenile parole officers who:

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 qualified in the use and handling of approved off-duty firearms at the

firearms training course of the Commission's Office of Training; and

3. Have been sworn as a peace officer by taking the oath of office.

13:96-4.5 Authorized off-duty firearms, ammunition, holsters and security

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

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

(c) Trigger locking devices that are approved by the Commission shall be used, in accordance with this section and the operating instructions and standards provided by the manufacturers of the trigger locking devices.

(d) Only off-duty firearm makes and models approved and authorized by the Commission may be carried while off-duty.

(e) Ammunition for the off-duty firearm(s) shall be approved and authorized by the Commission.

(f) Only shoulder and waist holsters shall be used for off-duty use. A holster must hold the firearm firmly when inverted and have no internal clips. An off-duty firearm shall be carried in the approved holster on the body. No purse holsters or holstered firearms in purses are approved.

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

(h) Personnel who elect to use a shoulder holster for off-duty use shall demonstrate proficiency in the use of that holster during firearms requalification but need not qualify while using the holster.

(i) The juvenile parole officer shall be responsible for assuming the cost of the off-duty firearm, ammunition, holsters and for maintaining his or her firearm in a safe, secure and serviceable condition.

(j) Pursuant to N.J.S.A. 2C:58-15, a juvenile parole officer who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the juvenile parole officer's control shall:

1. Store the off-duty firearm in a securely locked box or container; and
2. Secure the off-duty firearm with a Commission approved trigger locking device.

13:96-4.6 Off-duty firearm

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

(b) The juvenile parole officer shall not draw or exhibit his or her off-duty 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.

13:96-4.7 Firearm instructors

(a) Only those persons who have successfully completed a Police Training Commission (PTC.) approved firearms instruction course and are PTC certified as Firearm Instructors shall instruct in the Firearms Training Program at the Commission's Office of Training.

(b) All firearms training instructors engaged by the Commission for semi-annual and requalification firearms training shall satisfy at least one of the following requirements:

1. Be certified by the PTC;

2. Possess training equivalent to the PTC approval firearms instructor course and are able to demonstrate a knowledge of and skill with a firearm; or

3. Have successfully completed some other recognized firearms instructor course as determined by the Executive Director.

13:96-4.8 Off-duty firearms training, qualification and requalification

(a) All personnel authorized by the Commission to carry firearms off-duty must be initially trained and shall qualify in the use and handling of approved off-duty firearms.

(b) Juvenile parole officers who carry off-duty firearms shall requalify semi-annually on a range approved by the 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 carry firearms while off-duty.

(d) Once an individual 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 must be identified on the off-duty weapons card. Authorized personnel shall be required to carry their off-duty weapons card, the official badge and photo identification card of the Commission at all times while carrying their off-duty firearm.

(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 an off-duty firearm, from a Commission-wide master list provided for that purpose by the Office of Training.

1. The master list shall indicate the juvenile parole officer's firearms qualification date (new or expired), model name and number, and serial number of the authorized off-duty firearm.

2. Each time the juvenile parole officer registers a firearm, the Director of Juvenile Parole and Transitional Services, or designee, is responsible for comparing the firearms qualification date, firearm model name and 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 must requalify on the different firearm before it 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 Commission's Office of Training to arrange for qualification in the use and handling of his or her authorized personal off-duty firearm.

13:96-4.9 Storage of off-duty firearms while on Commission property

(a) A juvenile parole officer entering a Commission facility's grounds while armed with an off-duty firearm must proceed directly to the weapons collection station of the facility. The off-duty firearm shall be turned in fully loaded, in its holster, with the State of New Jersey, Firearms Unit Weapons Card with any extra loaded magazines or speedloaders .

(b) The juvenile parole officer must present his or her official photo identification card of the Commission when checking the firearm and authorized ammunition out of the weapons collection station.

(c) Juvenile parole officers are prohibited from storing off-duty weapons or ammunition in their personal vehicles while on Commission property.

(d) Juvenile parole officers reporting to a secure facility satellite unit must store their firearms at the main secure facility or an approved authorized weapons storage unit.

(e) Under no circumstances may any Commission employee carry a personally

owned firearm into a weapons prohibited area of any Commission facility, or into any area routinely dedicated for use by juveniles, including but not limited to areas for sleeping, living, eating, recreation, training, and education. Personally owned firearms shall not be carried or used while on-duty except when authorized by the Director of Juvenile Parole and Transitional Services. In those instances, only firearms approved by the Commission may be used by qualified juvenile parole officers.

13:96-4.10 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 a juvenile parole officer has been suspended from duty for any violation by the Director of Juvenile Parole and Transitional Services or a higher official of the Commission;
3. When there are pending charges or ongoing investigations of alleged incidents involving the misuse of a firearm;
4. When otherwise prohibited by law or regulation; or
5. Any other situation where the Director of Juvenile Parole and Transitional Services or designee may exercise their authority to withdraw off-duty firearms privileges, subject to the review of the Deputy Executive Director, or Executive Director.

(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 Juvenile Parole and Transitional

Services, or designee.

13:96-4.11 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.

13:96-4.12 Reporting incidents

(a) When a juvenile parole officer believes, or has reason to believe, that an authorized off-duty firearm or ammunition is lost, stolen, or is otherwise missing, the juvenile parole officer shall immediately report this fact to the local law enforcement authorities and his or her immediate supervisor, and the supervisor shall then notify the Regional Supervisor and the Office of the Director of Juvenile Parole and Transitional Services.

(b) As soon as practicable, when a State of New Jersey, Firearms Unit Weapons Card, official photo identification card or badge of the Commission is believed to have been lost or stolen, or is otherwise missing, the juvenile parole officer shall notify the local law enforcement authorities and his or her immediate supervisor, and the supervisor shall then notify the Regional Supervisor and the Office of the Director of Juvenile Parole and Transitional Services.

(c) Except as outlined in N.J.A.C. 13:96-4.6(b)1 through 3, the juvenile parole officer shall immediately and without exception report to the local law enforcement authorities and to Director of Juvenile Parole and Transitional Services or designee the occurrence

of any of the following:

1. Any incident where the juvenile parole officer displayed, drew or fired his or her off- duty firearm; or

2. Any incident or injury which occurred from the use of the juvenile parole officer's firearm.

(d) No later than the next working day after any incident as described in this section, the juvenile parole officer shall report in writing to Director of Juvenile Parole and Transitional Services or designee the incident and identifying particulars of the incident. The Director of Juvenile Parole and Transitional Services or designee shall then forward the report for review to the Executive Director or designee .

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

13:96-4.13 Penalties for violation

(a) Juvenile parole officer actions which do not conform to the provisions of this subchapter and any post orders or 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 will be made by the Attorney General after reviewing the facts of the case.

13:96-4.14 Post orders and procedures

(a) The Office of Juvenile Parole and Transitional Services shall prepare and maintain written management procedures consistent with this subchapter.

(b) All such written management procedures developed in accordance with this subchapter shall be submitted to the Executive Director or designee for approval before implementation.

SUBCHAPTER 5. (Reserved)

SUBCHAPTER 6. SEARCH AND URINE MONITORING OF JUVENILE PAROLEES

13:96-6.1 Search of parolees; when authorized; scope

(a) A juvenile parolee may be subject to a protective frisk at any time.

(b) A search of juvenile parolee may be conducted by a juvenile parole officer at any time when that juvenile parole officer has a reasonable suspicion to believe that the search of the juvenile parolee will produce contraband or evidence indicating that the juvenile parolee has violated or is violating a condition of parole.

(c) A search of a juvenile parolee shall be carried out in a reasonable manner and

shall be reasonably related to the purpose of parole and the professional responsibilities of the juvenile parole officer.

(d) A search of a juvenile parolee shall be conducted while the juvenile parolee is fully clothed and shall include, but is not limited to, the touching of the juvenile parolee's body through clothing, a thorough examination into pockets, cuffs and seams, the touching of the parolee's hair, and all personal property within the juvenile parolee's immediate control.

(e) A search of a juvenile parolee may be conducted by a juvenile parole officer of either gender.

(f) A juvenile parole officer shall not be authorized to conduct a strip or body cavity search of a juvenile parolee.

(g) A juvenile parolee shall be searched prior to being transported pursuant to N.J.A.C. 13:96-8.

13:96-6.2 (Reserved)

13:96-6.3 Search of a juvenile parolee's residence; when authorized

(a) A juvenile parole officer may conduct a search of a juvenile parolee's residence when:

1. There is a reasonable suspicion to believe that evidence of a violation of a condition of parole would be found in the residence, or contraband, which includes any item that the juvenile parolee cannot possess under the conditions of parole, is located

in the residence; and

2. Either an Assistant District Parole Supervisor or above provides prior approval for the search, or circumstances exist which require immediate action without prior approval from a supervisor.

(b) Where the residence is jointly owned or shared by a juvenile parolee and another person(s), the juvenile parole officer:

1. May search all objects that appear to be owned or possessed by the juvenile parolee;

2. May search any area of the residence or objects that are jointly shared by both the juvenile parolee and the other person, even if such other person(s) objects to the search; and

3. Shall not search any area that is exclusively under the control of the other person(s), unless that person(s) provides written voluntary consent to the search.

(c) A juvenile parole officer shall not enter the home of a third party to search for a juvenile parolee without having a search warrant unless:

1. The juvenile parole officer has reasonable suspicion that the juvenile parolee named in the parole warrant is in the home of the third party at that time; and

2. The juvenile parole officer obtains written voluntary consent from an adult resident.

13:96-6.4 Search of a motor vehicle; when authorized

(a) A juvenile parole officer may conduct a search of a motor vehicle owned and/or

operated by a juvenile parolee when there is a reasonable suspicion to believe that:

1. Evidence of a violation of a condition of parole would be found in the motor vehicle or contraband which includes any item that the juvenile parolee cannot possess under the conditions of parole is located in the vehicle; and

2. Either an Assistant District Parole Supervisor or above provides prior approval for the search, or circumstances exist which require immediate action without prior approval from a supervisor.

(b) A juvenile parole officer shall not conduct a search of a motor vehicle when the juvenile parolee is a passenger in a motor vehicle that is owned and driven by another person unless the owner or operator of the motor vehicle provides written voluntary consent to the search.

13:96-6.5 Search of objects in a motor vehicle

(a) In an authorized motor vehicle search, a juvenile parole officer:

1. May search all objects that appear to be owned or possessed by the juvenile parolee;

2. May search all objects that are jointly shared by both the juvenile parolee and other person(s) in the motor vehicle even if that person(s) objects to the search; and

3. Shall not search any object that is exclusively owned or possessed by another person(s) in the motor vehicle unless the other person(s) provides written voluntary consent to the search.

13:96-6.6 Reports

(a) A juvenile parole officer shall make a written report of any incident in which a search of a juvenile parolee, residence or vehicle was conducted, and shall submit such report to the Assistant District Parole Supervisor by the close of business on the day following the incident being reported.

(b) The report shall contain the following information, plus any other additional information relevant or material to the incident being reported:

1. A description of the events leading up to the search;
2. The facts upon which the juvenile parole officer based his or her reasonable suspicion, or other basis for the search;
3. A description and the disposition of any items, articles, or materials determined to be contraband found as a result of the search; and
4. Any other relevant facts or comments about the search.

13:96-6.7 Testing for prohibited substances

As a general condition of parole, testing shall be conducted for the purpose of deterring the use of, or to detect the presence of, any substance not authorized for possession or use by the juvenile parolee.

13:96-6.8 Collection, storage and analysis of specimens

(a) Testing for prohibited substances shall be conducted on-site by juvenile parole officers, or other staff who have been trained to perform the test being administered.

(b) Test specimens shall be handled and when necessary, sealed, stored, and transported in accordance with the instructions/standards provided by the manufacturer of the test.

(c) Testing shall be conducted using methods deemed reliable by the Board.

(d) If the initial test result is positive, the specimen shall be subject to a confirmation test of equal or greater sensitivity than the initial test.

(e) The juvenile parolee shall not be considered in violation of juvenile parole condition for refusal to provide a specimen or failing to comply with an order to submit a specimen unless that juvenile parolee has been given a reasonable physical opportunity to comply with such order.

1. For the purposes of urine testing, a reasonable physical opportunity shall constitute a two hour period from the time of the initial order.

2. The juvenile parolee shall not be deemed to have complied with the order to submit a specimen unless he or she provides a specimen in the presence of the juvenile parole officer, juvenile parole staff member or authorized treatment staff member.

(f) For initial on-site and confirmatory on-site testing of a urine specimen, the labeled specimen shall be tested and handled in accordance with the instructions/standards provided by the manufacturer of the on-site test.

(g) All testing shall be accomplished in a professional and dignified manner with maximum courtesy and respect being given to the juvenile parolee.

SUBCHAPTER 7. CONTRABAND AND DISPOSITION OF CONTRABAND

13:96-7.1 Procedures for handling contraband upon discovery

(a) A juvenile parole officer shall immediately seize any item, article or material that is contraband pursuant to N.J.A.C. 13:95-6 for juveniles or pursuant to N.J.A.C. 13:96-6.3 for juvenile parolees.

(b) The juvenile parole officer making a seizure of contraband from a juvenile parolee shall submit any criminal contraband to local law enforcement authorities.

(c) The juvenile parole officer making a seizure of contraband from a juvenile shall do so in accordance with the applicable provisions of N.J.A.C.13:95-6.

(d) A complete and accurate record of any incident involving the seizure of contraband, including the type, amount and disposition of the contraband, shall be entered into the appropriate electronic case notes in the electronic case file.

(e) Precautions shall be taken to assure the continuity of possession of contraband in accordance with accepted legal procedures.

SUBCHAPTER 8. TRANSPORTATION OF JUVENILE PAROLEES AND JUVENILES

13:96-8.1 Use of State-owned vehicles required

(a) Juveniles and parolees shall be transported in State-owned vehicles.

(b) When transporting juvenile parolees or juveniles, the juvenile parole officer

shall carry in his or her possession a valid drivers license.

13:96-8.2 Transport of juvenile parolees and juveniles in custody

(a) State-owned vehicles used to transport juvenile parolees and juveniles in custody shall be four-door sedans or wagons, or vans, and shall be equipped with standard police issue equipment, including protective screening devices to separate juvenile parolees and juveniles from the driver.

(b) Opening devices on the doors and windows of rear seating areas of State-owned vehicles used to transport juvenile parolees and juveniles shall be inoperable for occupants of those areas.

1. The locking mechanisms for the doors to rear seating areas shall be operable from outside the vehicle only when the front doors to the vehicle are open.

(c) Vehicles used to transport juvenile parolees and juveniles in custody shall be thoroughly searched for contraband by transporting juvenile parole officers before and after being used.

(d) Juvenile parole officers transporting juvenile parolees or juveniles shall be provided with necessary mechanical restraints which shall be used in accordance with N.J.A.C 13:96-3.7.

(e) Juvenile parole officers transporting juvenile parolees and juveniles in custody shall be armed with Commission authorized weapons and ammunition. Any use of force shall be governed by N.J.A.C. 13:96-3.

(f) When transporting juvenile parolees and juveniles in custody, the ratio of

transporting juvenile parole officers to juvenile parolees or juveniles shall be two juvenile parole officers for one juvenile parolee or juvenile, two juvenile parole officers for two juvenile parolees or juveniles, and three juvenile parole officers for three juvenile parolees or juveniles.

(g) Searches of juvenile parolees and juveniles being transported shall be conducted in accordance with N.J.A.C. 13:96-6.

(h) Juvenile parolees and juveniles shall be carefully guarded during transport to prevent escape and receipt of contraband.

(i) No communication between the juvenile parolees and juveniles being transported and the public shall be permitted at any time during transport.

(j) A juvenile parolee's and juvenile's special requests during transport not related to the purpose of the trip shall not be honored.

13:96-8.3 Emergencies

(a) The juvenile parole officer shall immediately notify the Central Communications Unit of the New Jersey Department of Corrections if an emergency arises during the transportation of a juvenile parolee or juvenile.

(b) If time or other considerations make it impossible to contact the Central Communications Unit, the juvenile parole officer shall notify local police authorities.

13:96-8.4 Medical transportation

(a) In emergency situations when a non-ambulatory juvenile parolee or juvenile in custody is in need of hospitalization or treatment, the juvenile parolee or juvenile shall be transported by ambulance, or by a State-owned vehicle if an ambulance is unavailable. A State-owned vehicle shall be used to transport an ambulatory juvenile parolee or juvenile who is in need of hospitalization or treatment.

(b) When a parolee or juvenile in custody is transported by ambulance, the juvenile parole officer shall accompany the parolee or juvenile in the ambulance and another juvenile parole officer shall follow the ambulance in a backup car.

(c) The use of mechanical restraints and equipment when transporting a parolee or juvenile in custody for hospitalization or treatment shall be governed by N.J.A.C. 13:96-3.7 and the nature of the illness or injury.