

### **Criteria for Granting Juvenile Parole**

Pursuant to N.J.S.A. 2A:4A-44(d)(2), a juvenile shall be granted parole “when it appears that the juvenile has made substantial progress toward positive behavioral adjustment and rehabilitative goals” as articulated by the Parole Release Panel. To effectuate this standard of parole, the Commission promulgated rules at N.J.A.C. 13:96 that detail the Commission’s Juvenile Release System. Subchapter 2 of N.J.A.C. 13:96 outlines the factors used in determining projected parole dates, as well as the review of progress toward goals set by the Parole Release Panel and internal Commission review committees.

The Commission has posted the entirety of N.J.A.C. 13:96, Juvenile Parole and Transitional Services, for reference.

**NEW JERSEY JUVENILE JUSTICE COMMISSION**

**N.J.A.C. Title 13, Law and Public Safety**

**Chapter 96. Juvenile Justice Commission**

**Juvenile Parole and Transitional Services**

**Effective: November 18, 2021**

**New rules: Subchapter 2, Juvenile Release System; Subchapter 2A, Parole Release Panel; Subchapter 3, Conditions of Parole; and Subchapter 4, Revocation of Parole, effective December 20, 2021.**

**Expires: November 18, 2028**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**13:96-1.1 Purpose and scope**

(a) The purposes of this chapter are to establish:

1. A comprehensive system governing the release of juveniles on parole;
2. Uniform requirements governing conditions of juvenile parole, the supervision of juvenile parolees, and the revocation of juvenile parole;
3. Policies and procedures in connection with the Office of Juvenile Parole and Transitional Services (JP&TS) regarding the use of force by juvenile parole officers, both on-duty and off-duty;
4. Policies and procedures regarding juvenile parole officers' use of firearms, both on-duty and off-duty;

5. Procedures governing the search and urine monitoring of juvenile parolees;
6. Procedures for the seizure and processing of contraband taken from a juvenile parolee by a juvenile parole officer; and
7. Procedures 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 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 Juvenile Parole and Transitional Services" means the Assistant Director of the Commission's Office of Juvenile Parole and Transitional Services.

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

"Behavioral rating" means the rating assigned to a juvenile (A, B, C) based on a standardized, multi-disciplinary assessment of the juvenile's behavior, interaction with peers and staff, and efforts to participate in rehabilitative programming.

"Board" means the New Jersey State Parole Board.

"Category 1 juvenile" means the classification status for a juvenile who, pursuant to N.J.S.A. 30:4-27.1 et seq., due to offense record or mental health concerns, shall be referred for a prerelease evaluation to determine whether involuntary civil commitment is appropriate.

"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 Juvenile Parole and Transitional Services on a 24 hour, seven days a week basis.

"Certified parole date" or "CPD" means the release date determined by the Panel.

"Chairman" means the Chairman of the New Jersey State Parole Board.

"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.

"Classification Manager" means the Manager of the Commission's Office of Central Classification, Intake and Release.

"Commission" means the New Jersey Juvenile Justice Commission.

"Conditions of parole" means conditions of parole and of post-incarceration supervision, as follows:

1. The general conditions set forth at N.J.A.C. 13:96-3.2;
2. Special conditions as developed by JP&TS, approved by the committee, and subject to review and approval of the Panel prior to release from custody; and

3. Special conditions imposed by JP&TS and subject to final approval by the Panel while a juvenile is on parole or post-incarceration supervision under the provisions of N.J.A.C. 13:96-3.2(c) and 3.3(b).

"Custody level" means the numerical classification status (for example, level 1, 2, 3) assigned to a juvenile, determined using an objective scoring system, and reflecting the degree of supervision provided by the facilities housing juveniles within that custody level, from least (1) to most (3).

"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 Juvenile Parole and Transitional Services" or "Director" means the Director of the Commission's Office of Juvenile Parole and Transitional Services (JP&TS) responsible for the supervision of juvenile parole officers employed by the Commission's Office of Juvenile Parole and Transitional Services.

"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.

"Hearing officer" means the Commission's impartial attorney, licensed in New Jersey, who conducts parole revocation hearings pursuant to N.J.A.C. 13:96-4.5(a).

"Initial projected parole date" or "IPPD" means the date representing two-thirds of a juvenile's term, minus jail credits or other credits earned while in a county juvenile detention facility or county jail.

"Juvenile" means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission. For the purpose of this chapter, "juvenile" shall only refer to those individuals residing in a Commission facility.

"Juvenile parolee" means an adjudicated delinquent who has been released on parole and/or post-incarceration supervision, or any individual released from a juvenile facility in another state and 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 parole officer" means sworn peace officers employed by the Commission with the following titles:

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.

"Max date" means the date on which a juvenile's judicially determined term of commitment has been satisfied, which includes time in custody and time on parole, but does not include any time on post-incarceration supervision.

"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 Juvenile Parole and Transitional Services" means the office within the Commission that is charged with the preparation for release and supervision of juvenile parolees, including those from other states who have been accepted under the terms of the Interstate Compact for Juveniles, the implementation of conditions of parole, and the initiation of parole revocation.

"Panel" means the panel established pursuant to N.J.S.A. 2A:4A-44.b(2) and comprised of at least two members from the Commission designated by the Executive Director and one member from the Board designated by its Chairman.

"Panel Chair" is a member of the Panel assigned by the Executive Director to oversee the Panel's functions.

"Panel on-call" means a Panel member, or his or her designee, assigned by the Executive Director, to be available to receive notice of a juvenile's arrest on a parole violation, as provided for at N.J.A.C. 13:96-4.4(a).

"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" or "PI supervision" means a term of supervision determined to be necessary to effectuate the juvenile's rehabilitation and reintegration into society, which commences upon release from incarceration or parole, whichever is later.

"Projected parole date" or "PPD" means the date, calculated on any given day, that the juvenile is expected to be released, after accounting for days subtracted from, or added to, the IPPD or SPPD, and assuming the juvenile's custody level and behavioral rating remain the same.

"Regional supervisor" means the supervisor of the Regional Office of Juvenile Parole and Transitional Services.

"Review committee" or "the committee" means the internal Commission committee or committees established pursuant to N.J.A.C. 13:96-2.2.

"Revocation hearing" is the administrative hearing process to determine if a juvenile parolee alleged to have seriously or persistently violated conditions of parole shall be returned to custody within a Commission facility or shall be continued on parole under JP&TS supervision.

"Secure facility" means any Commission facility that houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

"Subsequent projected parole date" or "SPPD" means the date representing two-thirds of a juvenile's remaining term when the resident has been returned to custody for violating conditions of parole supervision.



### **13:96-1.3 Oath of office form**

An oath of office form shall be reproduced from originals that are available by contacting the 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 Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

## **SUBCHAPTER 2. JUVENILE RELEASE SYSTEM**

### **13:96-2.1 Factors affecting parole release dates**

(a) In accordance with the provisions of N.J.S.A. 2A:4A-44, and consistent with the provisions of this section, the Executive Director shall implement a standardized juvenile release system designed to incentivize positive behavior and participation in rehabilitative programming among juveniles, and which shall contain, at a minimum, the following elements:

1. An IPPD, which is two-thirds of a juvenile's term, minus jail credits or other credits earned while in a county juvenile detention facility or county jail, and, if applicable, an SPPD, which is two-thirds of a juvenile's remaining term for any juvenile returned to custody for violating conditions of parole supervision.
2. A system that automatically subtracts days from or adds days to the IPPD or SPPD which may decrease the PPD to as little as 33.33 percent of the term of commitment and

increase the PPD to as much as 100 percent of the term of commitment, less any other jail credits awarded by the court, as follows:

- i. Upon initial intake at reception, days shall begin to be subtracted from, or added to, the IPPD or SPPD, and shall range from a maximum of one day subtracted from the IPPD or SPPD for every day in custody for juveniles at the lowest custody level and highest behavioral rating, to a maximum of one day added to the IPPD or SPPD for juveniles at the highest custody level and lowest behavioral rating, as follows:

<b>Juvenile's Custody Level and Behavioral Rating</b>	<b>Days Subtracted from the IPPD or SPPD Per Day Served in Custody</b>
While Awaiting Initial Classification Assignment	
1A, 2.1A, 1.2A	-1.0
1B, 2.1B, 1.2B	-0.75
1C, 2.1C, 1.2C	-0.5
2A	-0.25
2B	0
2C	+0.25
3A	+0.5
3B	+0.75
3C	+1.0

- ii. Five days shall be added to the IPPD or SPPD for the following violations set forth at N.J.A.C. 13:101-4.1: J101, J201A, J201C, J201B, J202, J204, J301, J401, J501, J502, J601, J703, and J704.
3. In addition to (a)2 above, the review committee may recommend discretionary release credits that may further decrease time served as follows:
- i. Subject to the review and approval of the Panel provided for pursuant to N.J.A.C. 13:96-2A, up to six days of discretionary juvenile release credits may be subtracted from the IPPD or SPPD on a quarterly basis by the review committee. The only factors to be considered by the review committee when recommending discretionary juvenile release credits are the extent and nature of the juvenile's:
    - (A) Engagement in rehabilitative and educational programming;
    - (B) Progress toward completing goals identified in his or her case action plan;  
and
    - (C) Behavior while in custody.
  - (b) If a juvenile is approved for parole by the Panel prior to serving one-third of the term of commitment for any crime of the first, second, or third degree, including any extended term, or one-fourth of the term of commitment for any other crime, the Commission shall seek the final approval of the sentencing court no later than 45 days prior to the PPD.
  - (c) Juveniles shall be informed of the juvenile release system during the intake process and during facility orientation, and a description of the system shall be included in all resident

handbooks provided to juveniles. Resident handbooks shall be reviewed annually and updated, as needed.

### **13:96-2.2 Review committee**

(a) The Executive Director shall establish one or more multi-disciplinary standing review committees and shall appoint the Chair of each such committee.

(b) A review committee shall:

1. Undertake quarterly reviews of a juvenile's release status. The juvenile shall be present for such review and have an opportunity to address the review committee;
2. Make recommendations regarding a juvenile's quarterly allocation of discretionary juvenile release credits provided for at N.J.A.C. 13:96-2.1(a)2i;
3. Notify a juvenile of his or her PPD;
4. Make recommendations regarding a juvenile's CPD and conditions of parole; and
5. Make recommendations regarding a juvenile's term of PI supervision.

(c) Review committee quarterly recommendations shall be in writing, signed by all members present, and shall be forwarded by the committee chair to the Panel by the end of the next business day.

(d) Within three business days of receipt, the Panel shall then return the recommendations as approved or modified, articulating the reasons for the Panel's decision and areas for the juvenile to improve upon, when appropriate, to the committee chair and forward to the Classification Manager, or his or her designee.

1. Within five business days of receipt, the Classification Manager, or his or her designee, shall forward a copy to the juvenile and place the original of the approved recommendations in the juvenile's classification file.

### **13:96-2.3 Finalizing the projected parole date**

(a) For category 1 juveniles, days shall no longer be subtracted from the IPPD or SPPD once the juvenile is within 100 days of the PPD, in order to effectuate the provisions at N.J.S.A. 30:4-27 prior to release; for all other juveniles, days shall no longer be subtracted from the IPPD or SPPD once the juvenile is within 40 days of the PPD.

1. No later than five days after reaching the 100-day or 40-day mark, as applicable, the Classification Manager, or his or her designee, shall send written notification of the PPD to the Panel.

(b) A juvenile's PPD date shall never fall later than his or her max date.

### **13:96-2.4 PI supervision; release**

(a) For juveniles whose release dates do not provide for at least six months of parole supervision, the committee may recommend to the Panel that a juvenile serve a term of PI supervision of up to six months, when the committee determines that PI supervision is necessary to effectuate the juvenile's rehabilitation and reintegration into society.

(b) When it is determined that a term of PI supervision is necessary, the term of PI supervision shall commence upon the juvenile's release from custody or parole, whichever is later. The term of PI supervision shall be served in the community and under legal custody of the Commission.

PI supervision shall terminate at the end of its stated term, unless vacated at an earlier date by the Panel.

(c) The term of PI supervision may be extended for up to an additional six months when the Panel determines that continuation of PI supervision is necessary to effectuate the juvenile's rehabilitation and reintegration into society.

1. If the juvenile parole officer determines that continuation of PI supervision is necessary to effectuate the juvenile's rehabilitation and reintegration into society, no later than 15 days prior to release from PI supervision, the juvenile parole officer shall provide a written recommendation to the Executive Director, or his or her designee, to extend PI supervision, who, upon approval, shall forward the recommendation to the Panel within three business days of receipt.

2. The Panel shall review the written recommendation to determine whether PI supervision shall be extended and provide a written decision to the Classification Manager, or his or her designee, the Director, or his or her designee, and the juvenile parolee within five business days of receipt.

(d) Under no circumstances shall a juvenile parolee's term of PI supervision exceed a period of one year.

(e) The Panel may vacate the remainder of a juvenile parolee's PI supervision upon the written recommendation of the Director when the juvenile parolee has made a satisfactory adjustment in the community and continued PI supervision is no longer required.

## **SUBCHAPTER 2A. PAROLE RELEASE PANEL**

### **13:96-2A.1 Parole release panel; panel meetings**

(a) There shall be established within the Commission, a Parole Release Panel (the Panel), which shall carry out the responsibilities set forth in this chapter.

(b) The Panel shall consist of at least two members designated by the Executive Director, and one member designated by the Chairman.

1. The Panel Chair shall ensure that an assigned Panel on-call is available at all times.
2. The Panel shall hold regular meetings at least once each month, in accordance with an annual schedule issued by the Panel Chair and shall hold special meetings at such other times as the Panel Chair deems necessary to carry out its business.
  - i. At least three business days prior to a regular meeting, and at least 24 hours before a special meeting, the Panel Chair shall ensure a written meeting agenda is issued and distributed to all Panel members.
3. Any decisions concerning parole made by the Panel shall be by unanimous written vote signed by each member present.
  - i. Should the Panel be unable to reach a unanimous decision, each individual vote shall be recorded and signed by each member present and shall be forwarded by the Panel Chair to the Executive Director, or his or her designee, and the Chairman.

## **13:96-2A.2 Authority of parole release panel**

(a) The Panel's responsibilities shall include, but are not limited to:

1. Certifying the parole release date, pursuant to N.J.A.C. 13:96-3.1. The juvenile shall be present for any meeting of the Panel where such certification is under consideration and have an opportunity to address the Panel;
2. Reviewing and approving proposed certificates of parole submitted by the review committee and issuing certificates of parole, pursuant to N.J.A.C. 13:96-3.1;
3. Reviewing and making determinations regarding recommendations for special conditions of parole proposed by the review committee, pursuant to N.J.A.C. 13:96-3.2(b);
4. Modifying and removing special conditions of parole imposed pursuant to N.J.A.C. 13:96-3.2(c) when such action is requested by the Director;
5. Reviewing and making determinations regarding review committee recommendations to impose a term of PI supervision, pursuant to N.J.A.C. 13:96-2.4(a), and the Executive Director's, or his or her designee's, recommendations to extend PI supervision pursuant to N.J.A.C. 13:96-2.4(b);
6. Reviewing and making recommendations to vacate a term of PI supervision upon the written recommendation of the Director, when the juvenile has made satisfactory adjustments in the community while under supervision and continued supervision is otherwise no longer required pursuant to N.J.A.C. 13:96-2.4(d);



7. Undertaking preliminary probable cause reviews, initiating revocation proceedings, and issuing conditions of parole, pursuant to N.J.A.C. 13:96-4.3;
8. Scheduling revocation hearings, pursuant to N.J.A.C. 13:96-4.3(a)1iii; and
9. Making parole revocation decisions and issuing revocation hearing Notices of Decision, pursuant to N.J.A.C. 13:96-4.9.

### **13:96-2A.3 Reports**

(a) On or before the 4th day of each month, the Panel Chair shall provide to the Classification Manager a written summary of Panel proceedings for the prior calendar month.

1. Upon request, the Classification Manager shall make all such summaries and reports available to the Executive Director and Chairman.

## **SUBCHAPTER 3. CONDITIONS OF PAROLE**

### **13:96-3.1 Certificate of parole**

(a) Prior to release of a juvenile on parole, the review committee shall propose a written certificate of parole, subject to review and approval by the Panel.

1. Such certificate of parole shall include the CPD and all conditions of parole imposed prior to release.

(b) Upon approval by the Panel, the certificate of parole shall be delivered to the juvenile by the Director, or his or her designee.

1. At the time of such delivery, all conditions of parole shall be explained to the juvenile.
2. The juvenile shall be required to sign the certificate of parole prior to release.
3. If the juvenile refuses to sign the certificate of parole, the juvenile's release date shall be suspended until the juvenile signs the certificate or reaches his or her max date, whichever is earlier, and the Director, or his or her designee, shall notify the Panel.

### **13:96-3.2 Conditions of parole**

(a) A juvenile granted parole shall comply with the following general conditions of parole:

1. Obey all laws and ordinances;
2. Report in person to the Assistant District Parole Supervisor, or his or her designee, or designated representative of the Commission, immediately after the juvenile is released on parole from the facility, unless the juvenile has been given other written instructions by a designated representative of the Commission;

3. Notify the assigned juvenile parole officer no later than the next business day after any arrest, after being served with or receiving a complaint or summons, or after accepting any pre-trial release;
4. Refrain from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., or the provisions of similar Federal or state statutes;
5. Notify the assigned juvenile parole officer, no later than the next business day, upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation;
6. Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court;

7. Reside at a residence approved by the assigned juvenile parole officer. Absence from the approved residence overnight without the written approval of the assigned juvenile parole officer may constitute a failure to reside at the approved residence;
8. Obtain the written approval of the assigned juvenile parole officer prior to any change of residence. Absence from the approved residence for 24 hours or more without the written approval of the assigned juvenile parole officer may constitute a change of residence for the purpose of this condition;
9. Obtain written approval prior to leaving the state of the approved residence for any purpose. If the juvenile is leaving the state for a period of less than 24 hours, written permission of the assigned juvenile parole officer shall be required. If the juvenile is leaving the state for a period of greater than 24 hours, written permission by the supervising juvenile parole officer, assistant district parole supervisor, or designated representative shall be required;
10. Refrain from owning or possessing any firearm, as defined at N.J.S.A. 2C:39-1(f), for any purpose;
11. Refrain from owning or possessing any weapon enumerated at N.J.S.A. 2C:39-1.r;
12. Refrain from the purchase, use, possession, distribution, or administration of any narcotic drug, controlled dangerous substance, or controlled substance analog as defined at N.J.S.A. 2C:35-2; imitation controlled dangerous substance or imitation controlled substance analog as defined at N.J.S.A. 2C:35-11; or any paraphernalia as defined at N.J.S.A. 2C:36-1 related to such substances, except when the substances have been prescribed by a physician;

13. Make payment of any assessment, fine, penalty, lab fee, or restitution imposed by the sentencing court in accordance with a reasonable schedule specified by the assistant district parole supervisor, or his or her designee;
14. Register with the appropriate law enforcement agency and, upon a change of address, re-register with the appropriate law enforcement agency if the juvenile parolee is subject to N.J.S.A. 2C:7-2;
15. Waive extradition to the State of New Jersey from any jurisdiction in which the juvenile parolee is apprehended and detained for violation of parole and not to contest any effort by any jurisdiction to return the juvenile parolee to the State of New Jersey;
16. Submit to drug or alcohol testing at any time as directed by the assigned juvenile parole officer;
17. Refrain from operating a motor vehicle without a valid driver's license or a valid learner's permit in accordance with the rules governing learner's permits;
18. Notify the assigned juvenile parole officer no later than the next business day of any change in employment status;
19. Submit to a warrantless search of the juvenile parolee's person, place of residence, vehicle, or other real or personal property within the juvenile parolee's control, and permit confiscation of any contraband, when a juvenile parole officer has a reasonable, articulable basis to believe the search will produce contraband or evidence that a condition of supervision has been violated, is being violated, or is about to be violated, and permit the confiscation of any contraband; and

20. Attend school on a full-time basis, if the juvenile parolee is under 16 years of age.

(b) When the review committee deems it to be in the rehabilitative interest of the juvenile, the review committee may propose, and the Panel may approve and impose, special conditions of parole that are tailored to the individual needs of the juvenile, and that are the least restrictive alternatives necessary to promote the successful return of the juvenile to the community.

1. The Panel may, giving due regard to a victim, impose a special condition that the juvenile parolee have no contact with the victim, which special condition may include, but need not be limited to, restraining the juvenile parolee from entering the victim's residence, place of employment, business, or school, and from harassing or stalking the victim or victim's relatives in any way.

2. A juvenile parolee shall not be required to enter or complete a residential community release program, residential treatment program, or other out-of-home placement as a condition of parole unless it is determined that the condition is necessary to protect the safety of the juvenile parolee.

(c) While the juvenile parolee is on parole, the Director, or his or her designee, may impose special conditions, subject to final approval of the Panel, in lieu of initiating parole revocation proceedings when the special conditions are deemed to be in the rehabilitative or reentry needs of a juvenile parolee. These special conditions shall constitute the least restrictive alternatives necessary to promote the successful continuation of the juvenile parolee in the community.

(d) Notice of the special conditions of parole provided for at (c) above shall be by written notice given to the juvenile parolee by the Director, or his or her designee, immediately upon imposition.

(e) Any special condition imposed in accordance with (c) above shall be deemed to be effective on the date of imposition and shall remain in effect until modified or vacated by the Director, or his or her designee, or the Panel.

(f) A special condition imposed in accordance with (c) above may be modified or vacated by the Director, or his or her designee, when such action is deemed to be in the rehabilitative interests of the juvenile parolee.

(g) When a special condition is added, a copy of the written notice provided for at (d) above shall be forwarded to the Classification Manager and Panel within three days.

### **13:96-3.3 Conditions of PI supervision**

(a) When the review committee deems it to be in the rehabilitative interest of the juvenile, the review committee may propose, and the Panel may approve and impose, special conditions of PI supervision that are tailored to the individual needs of the juvenile, and that are the least restrictive alternatives necessary to promote the successful return of the juvenile to the community.

(b) When deemed to be in the rehabilitative interests of the juvenile, the Director, or his or her designee, may impose special conditions while a juvenile is on post-incarceration supervision, that are tailored to the individual needs of the juvenile and that are the least restrictive alternatives necessary to promote the juvenile's success in the community, subject to final approval by the Panel.

(c) Juvenile parolees under PI supervision shall not be required to enter a residential program as a condition of PI supervision.

(d) Conditions of PI supervision may be modified by the Panel, when such action is deemed to be in the rehabilitative interests of the juvenile parolee.

(e) Juvenile parolees shall not be returned to custody for failure to comply with conditions of PI supervision.

#### **13:96-3.4 Modification or removal of special conditions of parole**

(a) Upon release, a juvenile parolee may, at any time, apply for modification or removal of a special condition of parole imposed pursuant to N.J.A.C. 13:96-3.2(b) or (c) by submitting a request in writing with any supporting documentation to his or her juvenile parole officer.

(b) The juvenile parole officer shall transmit such request and supporting documentation to the Director, or his or her designee, who shall forward it to the Panel.

1. The juvenile parolee may submit additional written comments regarding the request to the Director, or his or her designee, who shall forward them to the Panel; provided, however, that any such comments to be considered must be received by the Director, or his or her designee, within five days of the original request.

2. The Panel shall consider such request and notify the Director, or his or her designee, of its decision within five days of receipt of the juvenile parolee's request and its supporting documentation and comments.

(c) The Director, or his or her designee, shall notify the juvenile parolee in writing of any modification or removal of a condition of parole approved by the Panel. A written record of such modification or removal shall be placed in the juvenile parolee's case file and within the classification file within five business days of the decision.



## **SUBCHAPTER 4. REVOCATION OF PAROLE**

### **13:96-4.1 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 parole officer shall immediately provide remedial counseling to the juvenile parolee. If the juvenile parole officer believes the violation is of a serious or persistent nature, he or she shall promptly review the juvenile parolee's case with his or her supervisor. Such review shall include an assessment of whether the juvenile parolee's current behavior represents a risk to public safety, the juvenile parolee's current rehabilitative needs, and the course of action, if any, to recommend to the Director and to the Panel in response to a violation of a condition of parole.

(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's behavior and the severity of the violation. Responses may include, but are not 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 the recurrence of criminal or delinquent behavior;
3. The imposition of a special condition, such as, but not limited to, assignment to and successful completion of:
  - i. An out-patient substance abuse treatment program or any other recommended treatment program;
  - ii. An electronic monitoring or other monitored release program;

- iii. A day reporting center program;
  - iv. A residential community-based treatment program, only if it is necessary to protect the safety of the juvenile parolee; or
  - v. An educational, vocational, or employment program; or
4. The commencement of revocation proceedings.

(c) The Director, or his or her designee, shall forward requests for the imposition of a special condition in writing to the Panel, and the Panel shall respond in writing within three days.

**13:96-4.2 Commencement of revocation proceedings; issuance of warrants**

(a) Whenever the juvenile parole officer, in consultation with his or her supervisor pursuant to N.J.A.C. 13:96-4.1, has determined to recommend revocation to the Director and the Panel, the juvenile parole officer shall file a report with the Director requesting the commencement of revocation proceedings and the issuance of a parole violation warrant. The Director, or the Director's supervisory level designee, must review and approve the request.

(b) Subject to the general oversight of the Executive Director, the Director, and the Director's supervisory level designees, are authorized to issue parole warrants.

(c) If a current parole warrant has not otherwise been issued, a parole warrant shall be issued and filed against a juvenile parolee whenever the juvenile parolee is sentenced to a custodial term of incarceration as a result of an adjudication or conviction while on parole.

**13:96-4.3 Preliminary review; revocation hearing timelines; incarceration pending revocation proceedings**

(a) When a juvenile parolee is taken into custody on a parole violation warrant, the Director, or his or her designee, shall immediately notify the Panel on-call.

1. No later than six hours following notification, the Panel shall undertake a preliminary review to determine whether there is probable cause to believe the juvenile parolee has seriously or persistently violated the conditions of parole and whether there is objective and credible evidence that the juvenile parolee poses an immediate and substantial danger to public safety warranting incarceration pending revocation proceedings. The Panel shall prepare a written explanation to support its decision.

i. If the Panel determines there is no probable cause to believe the juvenile parolee has seriously or persistently violated the conditions of parole, the juvenile parolee shall be immediately returned to the community under JP&TS supervision.

ii. If the Panel determines there is probable cause to believe the juvenile parolee has seriously or persistently violated the conditions of parole, but that the juvenile parolee does not pose an immediate and substantial danger to public safety, the juvenile parolee shall be returned to the community under JP&TS supervision pending a revocation hearing. The Panel may impose, in writing, additional special conditions pending the revocation hearing. The Panel shall direct in writing that the warrant be withdrawn and refer the matter to the hearing officer, who shall conduct a revocation hearing within 21 days.

iii. If the Panel determines there is probable cause to believe the juvenile parolee has seriously or persistently violated the conditions of parole and the Panel determines by objective and credible evidence that the juvenile parolee poses an immediate and substantial danger to public safety, the Panel shall order the juvenile parolee to be incarcerated in an appropriate JJC facility pending revocation proceedings. If the juvenile parolee is incarcerated pending revocation proceedings, the Panel shall immediately refer the matter to the hearing officer, who shall conduct a revocation hearing within 72 hours of the juvenile parolee's incarceration. Upon request of counsel for the juvenile parolee, the hearing officer shall adjourn the hearing for not more than 72 hours. Subsequent adjournments may be granted upon request of the juvenile parolee for good cause shown.

#### **13:96-4.4 Hearing officer determinations; parole revocation decisions**

(a) When conducting revocation hearings, the hearing officer shall determine whether there is clear and convincing evidence that:

1. The juvenile parolee has seriously or persistently violated the conditions of parole;
2. The juvenile parolee poses a substantial danger to public safety and no form of community-based supervision would alleviate that danger; and
3. Revocation is consistent with the provisions of Section 2 of P.L. 1982, c. 77 (N.J.S.A. 2A:4A-21).

(b) The Panel shall not revoke parole unless the hearing officer determines that all three of the criteria at (a) above are met.

### **13:96-4.5 Designation of parole revocation hearing officer; videoconference**

- (a) Revocation hearings shall be conducted by a hearing officer.
- (b) Revocation hearings may be conducted by videoconference when requested by a party and approved by the hearing officer.

### **13:96-4.6 Notice of revocation hearing**

- (a) The Panel shall email notice of a revocation hearing to the hearing officer.
- (b) Notice to the juvenile parolee shall be by personal service to the institution where the juvenile parolee is housed or to the juvenile parolee's address of record.
  - 1. Such notice shall inform the juvenile parolee of the purpose of the hearing; the alleged violation(s) of conditions of parole; the time, date, place, and circumstances of the alleged violation(s); the possible action(s) that may be taken as a result of revocation proceedings; and the following rights to which the juvenile parolee shall be entitled at the revocation hearing:
    - i. The right to appear and speak on his or her own behalf and to be aided by an interpreter, if such aid is determined to be necessary by the hearing officer;
    - ii. The right to counsel, as provided at N.J.A.C. 13:96-4.7;
    - iii. The right to remain silent;
    - iv. The right to present witnesses to testify on his or her behalf as to matters relevant to the alleged violation(s) of parole;

- v. The right to confront and cross-examine adverse witnesses, unless the hearing officer determines based on evidence presented that such witnesses would be subjected to risk or harm;
- vi. The right to present documentary evidence and any other relevant material or information; and
- vii. For incarcerated juvenile parolees, the right to request adjournments, as provided at N.J.A.C. 13:96-4.3(a)1iii.

#### **13:96-4.7 Juvenile's right to counsel**

In all cases, the juvenile parolee shall be represented by counsel. Such counsel shall include, but shall not be limited to, private counsel at the juvenile parolee's expense or a public defender from the New Jersey Office of the Public Defender.

#### **13:96-4.8 Record of the revocation hearing**

(a) The hearing officer shall record the revocation hearing by an electronic recording device. If the electronic recording device is not operational, the hearing shall proceed only upon the juvenile parolee waiving the electronic recording of the hearing. The waiver shall be in writing, signed by the juvenile parolee and the juvenile parolee's counsel, and shall be made a part of the juvenile parolee's record. If the juvenile parolee does not wish to proceed without the electronic recording of the hearing, the hearing shall be rescheduled within three days.

(b) The hearing officer shall, within 48 hours of the revocation hearing for incarcerated juvenile parolees and within 72 hours for juvenile parolees who are not incarcerated:

1. Prepare a written summary, which shall summarize the revocation hearing, evidence offered, and credibility determinations, and contain the hearing officer's decision as to whether the alleged violation(s) has been substantiated by clear and convincing evidence and the reasons therefor, pursuant to N.J.A.C. 13:96-4.4(a); and
2. Forward copies of the hearing summary to:
  - i. The Panel;
  - ii. The juvenile parolee;
  - iii. The juvenile parolee's counsel;
  - iv. The Director, or his or her designee; and
  - v. The Classification Manager, or his or her designee.

**13:96-4.9 Revocation hearing; notice of decision**

(a) Within 72 hours of receiving the hearing officer's decision, the Panel shall review the hearing officer's decision and make a determination on whether to revoke parole. The Panel shall:

1. Issue a written notice of the Panel's decision on whether to revoke parole to the juvenile parolee and to the juvenile parolee's counsel; and
2. Forward copies of the notice of the Panel's decision to the Director, or his or her designee, and to the Classification Manager, or his or her designee.

(b) Such notice of decision shall include the following information:

1. The decision of the Panel on whether to revoke parole;
2. The reasons for the Panel's decision and the facts relied upon;

3. The SPPD, if applicable;
4. The date of warrant and date of custody with the adjusted max date, if applicable; and
5. Any current pending delinquent or criminal charges, identifying, in each case, the authority issuing the charge, if applicable.

## **SUBCHAPTER 5. RESIDENCE PLAN AND SUPERVISION**

### **13:96-5.1 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 Panel.

1. A proposed residence plan shall be initiated by the appropriate Regional Parole Office.

(b) 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 perform the following tasks:

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. 13:96-9;
6. Advise, in writing, all interested law enforcement authorities of the proposed parole residence plan;
7. Prepare a written report, which shall include 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 through the review committee to the Panel.

### **13:96-5.2 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) 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.

### **13:96-5.3 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.

### **13:96-5.4 (Reserved)**

## **SUBCHAPTER 6. USE OF FORCE**

### **13:96-6.1 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.

### **13:96-6.2 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.

### **13:96-6.3 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 of (c) 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.

**13:96-6.4 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.

### **13:96-6.5 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.



### **13:96-6.6 Reports**

(a) A juvenile parole officer shall immediately contact the Director of Juvenile Parole and Transitional Services or designee and shall complete a JJ-001 Form, Incident 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 JJ-001 Form, Incident Report shall include 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.

### **13:96-6.7 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.

### **13:96-6.8 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.

### **13:96-6.9 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.

### **13:96-6.10 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.

### **13:96-6.11 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 7. USE OF FIREARMS WHILE ON-DUTY AND USE OF PERSONAL FIREARMS WHILE OFF-DUTY**

### **13:96-7.1 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.

**13:96-7.2 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.

### **13:96-7.3 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, 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 firearm in a securely locked box or container; and
2. Secure the firearm with a Commission approved trigger locking device.

#### **13:96-7.4 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.

#### **13:96-7.5 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.

### **13:96-7.6 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.

### **13:96-7.7 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.

### **13:96-7.8 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.

### **13:96-7.9 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.

### **13:96-7.10 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.

### **13:96-7.11 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.

### **13:96-7.12 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.

### **13:96-7.13 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.

### **13:96-7.14 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 8. (RESERVED)**

### **13:96-8 (Reserved)**

## **SUBCHAPTER 9. SEARCH AND URINE MONITORING OF JUVENILE PAROLEES**

### **13:96-9.1 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.

**13:96-9.2 (Reserved)**

**13:96-9.3 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.

#### **13:96-9.4 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.

### **13:96-9.5 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.

### **13:96-9.6 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.

### **13:96-9.7 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.

### **13:96-9.8 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 10. CONTRABAND AND DISPOSITION OF CONTRABAND**

### **13:96-10.1 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 11. TRANSPORTATION OF JUVENILE PAROLEES AND JUVENILES**

### **13:96-11.1 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.

### **13:96-11.2 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.

### **13:96-11.3 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.

### **13:96-11.4 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.