

NEW JERSEY FIREARMS LEGISLATIVE CHANGES AND SCOTUS DECISION: OFFICER TRAINING IS PARAMOUNT

The United States Supreme Court decision in [N.Y. State Rifle & Pistol Association v. Bruen](#) has significantly broadened the parameters in which New Jersey residents may legally carry a firearm. Furthermore, [recently enacted legislation](#) also governs the sale of firearms and requires training concerning firearms I.D. cards, permits to purchase a handgun, and more. Likely, new legislation regulating permits to carry may be enacted soon.¹ However, law enforcement agency leaders must take the necessary steps to guide their officers to protect themselves and others when handling a call for service involving a person legally carrying a firearm while also exploring other considerations concerning these recent changes.

Permits to Carry – Training Considerations for the Law Enforcement Leader:

- Provide officers with information on what a valid permit to carry looks like.
- Ensure officers understand what restrictions if any, address admittance to certain public areas or spaces by a person possessing a handgun and a permit to carry. If such restrictions exist, agency leaders should consult with their County Attorney to ensure that a county ordinance or other law supports any weapons prohibition.
- Include in the agency training program what steps an officer should take when responding to a private business that displays a "No Firearms Permitted" sign but a person who has a permit to carry has entered the store in defiance of this prohibition.
- Ensure officers understand that the law concerning the use of force by a civilian is clearly different than that of a sworn officer. Officers may respond to incidents where force has been utilized by a civilian legally possessing a firearm. Many officers may not be accustomed to handling situations involving a civilian lawfully armed with a firearm. Ensure officers are familiar with N.J.S. [2C:3-4](#) (Use of force in self-protection), N.J.S. [2C:3-6](#) (Use of force in defense of premises or personal property), [Chapter 2C:39](#), and [Chapter 2C:58](#).
- Develop roll call training discussions and training programs **now** that address how an officer can safely and effectively handle a situation involving a person lawfully carrying a concealed firearm or possibly even an openly carried firearm:
 1. Provide a written document outlining the current permit to carry regulations in the State of New Jersey and adjust the document as any legislative changes occur.
 2. Ensuring that officers operate within the confines of the laws of the State of New Jersey and do not attempt to become creative in applying the laws unfairly to persons who may be legally allowed to carry a firearm. Officers mustn't permit their personal feelings regarding civilians carrying firearms to guide their decision-making when handling these situations.
 3. Provide specific training and policy guidance concerning the [New Jersey Extreme Risk Protection Order Act](#). Enroll officers in the Live Webinar, [Violence Prevention & Risk Considerations for Officers When Interacting with Mental Health Consumers](#). This course helps officers understand what actions they may take when dealing with a person experiencing a mental health crisis who may have access to a weapon.

4. Ensure officers know the content of specific training courses persons have completed as part of the firearms permit process. It is important that officers are aware of what specific information persons have been told during their training courses so that officers may better utilize this information during their encounters with such persons.
5. Develop role-play scenarios or discussions on how an officer can best respond to a report that a person is armed with a firearm while understanding that it may likely be that the person possesses a permit to carry the firearm. A review of N.J.S. [2C:39-2](#) (Presumptions) may be helpful, which states, in part, "...it shall be presumed that he does not possess such a license or permit or has not registered or given the required notice until he establishes the contrary."
6. Since encounters with persons legally permitted to carry a firearm are new to New Jersey, examples of police encounters with individuals who have possessed a permit to carry from other states can help guide discussions in the development of training programs specific to New Jersey:
 - Have officers watch a video between [An Open Carry Advocate and a Law Enforcement Officer](#) and apply New Jersey law and relevant case law to the training discussion.
 - Review and discuss how these matters could be safely, legally, and effectively handled in New Jersey:
 - [Northup v. City of Toledo Police Department, 6th U.S. Court of Appeals, May 2015](#) (911 call reporting a man walking his dog and openly carrying a firearm).
 - [U.S. v. Robinson, 4th U.S. Circuit Court of Appeals, January 2017](#) (911 call that a man was observed loading a handgun and placing it in his pocket).
 - [U.S. v. Black, 4th Circuit Court of Appeals, February 2013](#) (Person in a group that officers stopped in a "high-crime area" advised officers he was legally carrying a firearm. The officer seized the firearm and proceeded to search other members of the group).
7. Ensure officers are well aware of the landmark United States Supreme Court Case, [Terry v. Ohio, 392 U.S. 1 \(1968\)](#), and what significance such parameters may help guide an officer when dispatched to a call of a "person carrying a gun on their hip." Officers will likely be dispatched to incidents involving a report of a person armed with a weapon who may legally have a permit for that weapon and a permit to carry it. Even though it may be learned that the person was legally permitted to have the weapon and committed no crime, it is imperative that the officer document every event and preserve any and all records in the event the officer's actions are later questioned. Such examples include:
 - Preserve all 911, radio, dispatch recordings, and any recorded media.
 - Interview witnesses and memorialize their account of why they were concerned or feared for their safety.
 - Document any specific circumstances that may have provided a reasonable suspicion that criminal activity may have occurred. Such examples may include a high-crime area, recent criminal activity, known intelligence, attempts to conceal a weapon or other item, unusual movements, and more.

Public Relations Considerations

- Law Enforcement Agency Leaders should work towards educating their community members on how to best respond to an officer when they legally possess a firearm for the safety of themselves and the officer.

Civilian Firearm Training

- Some law enforcement officers may desire to help educate private citizens in properly handling firearms, especially those officers certified as Firearms Instructors. Some considerations for the Law Enforcement Agency Leader when officers express an interest in conducting firearms training for civilians:
- Have a specific agency policy governing outside employment that requires the approval of the Chief of Police. When such employment, including self-employment, involves firearms instruction:
 1. Clearly mandate that the officer is prohibited from using any and all departmental equipment, supplies, and facilities.
 2. Remind the officer of their oath and the requirement to adhere to reporting crimes, unlawful possession of prohibited firearms, or suspicious activity that the officer may encounter.
 3. Reinforce to officers the appropriate use of NCIC and other internal systems so that they are not running queries on private clients.

If you have any questions, please contact one of our Law Enforcement Consultants, at lawenforcementteam@jamontgomery.com for assistance!

¹Doneya, T. (2022, September 29). *New Jersey Senate President Signals Concealed Carry Reform is on the Way*. Retrieved from WHY?: <https://whyy.org/articles/new-jersey-senate-concealed-carry-gun-reform/>