

Arm us, probation officers ask

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Two state lawmakers pledged yesterday to push for legislation to transfer the state's 2,000 probation officers from the judiciary to the executive branch if the state's top judge doesn't reverse a recent decision that forbids probation officers from having law enforcement powers.

"Respectfully, I think the judiciary is wrong on this one," Assemblywoman Linda Greenstein (D-Mercer) said during a Statehouse news conference.

Assemblyman Richard Merkt (R-Morris) said: "If the Supreme Court won't do what's right, it's my hope the Legislature will."

If the transfer occurred, the governor and the Legislature could change the rules and give law enforcement powers to probation officers.

Both lawmakers called on the judiciary to reconsider an order issued last month that bans probation officers from performing law enforcement duties, including making arrests, conducting searches or seizures and transporting prisoners.

Instead, probation officers now must ask police to accompany them if they visit the home or neighborhood of an ex-offender. Greenstein said she hopes after Chief Justice Deborah Poritz retires next month, her replacement may reconsider the new probation policy.

Although probation officers have not been allowed to carry firearms since 1974, they believe the new constraints make them less effective and jeopardize the public. In a letter this week to Poritz, George Christie, president of the Probation Association of New Jersey, called for the court to appoint a special master to hold hearings on probation services in the state.

Winnie Comfort, a judiciary spokeswoman, said "some of the issues raised are worth further discussion," although she did not elaborate on them. However, she added that court administrator Philip Carchman said he has no intention of rescinding the order.

"The directive was designed specifically to address safety needs of probation officers in the field," she said. The new rules require probation officers who face a dangerous confrontation to either summon police or avoid the situation.

Christie said 34 states allow probation officers to carry firearms, including Delaware, Pennsylvania and New York.

"We're going backwards," he said. "We can't depend on police officers to be with us 24/7."

Daniel Bergen, president of the Passaic County Probation Association, said he has made more than 1,000 arrests during his 11 years as a probation officer, and the public is safer as a result. He accused the court of "reckless disregard for public safety."

