

# INSIGHT

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## Probation Officers: NJ Supreme Court Decision Threatens Public Safety

**Association will seek federal court ruling in  
Community Safety Act case**

The following is a press release from the Probation Association of New Jersey.

(TRENTON) – In response to today's New Jersey Supreme Court decision to strike down a state law authorizing probation officers to be expertly trained and armed, probation officials said they plan to appeal the decision in federal court.

The decision in *Williams v. The State of New Jersey* invalidated the Probation Officer Community Safety Act, which was under intense litigation since becoming law in January 2002. The law, contested by the Judiciary, allows trained probation officers to carry handguns when carrying out their duties in dangerous neighborhoods.

George Christie, president of the Probation Association of New Jersey (PANJ), said the group is disappointed with the decision, but not surprised that the court ruled in its own favor.

"Probation officers face constant threats of bodily harm from the people they oversee," Christie said. (Continued on page two)

## REGISTER TO VOTE

by George P. Christie, President

This is the greatest country in the world in which we are provided with many freedoms including the right to vote. I heard a disturbing report today stating that only 23% of government employees register to vote. While that figure may not be totally accurate, I believe that too few of our state workers exercise their right to vote.

In the next state election we may have to look at legislators who would dare to hurt your pension and benefits. After all it wasn't the state worker who failed to fully fund the pensions for ten years. The state workers always paid their share into the system. It was, however, the state workers who took zero raises for one year during this contract period to help the state meet its budgetary goals.

New Jersey's Probation Officers and their supervisors are hard working individuals who often go above and beyond. Many caseloads are double the size that they should be and there is increased work in all areas assigned to the officers. We haven't failed the state but the state has been failing us by not fully funding the pensions.

So my statement to all of you is to register and be ready to vote for the candidates that will defend you and your hard work. Select candidates who will protect your pension and benefits that you have earned through hard work.

**(Community Safety Act from page one)** "In Essex County, probation officers had guns put to their heads and barely escaped with their lives. Factor into the mix the rise in gang violence and activity statewide and the situation becomes even more dire.

"That New Jersey's Supreme Court denies these officers the right to protect themselves is a disgrace, an outrage," Christie said, noting that the court building itself is protected by barriers outside and armed police and canine patrols inside. "Every day we deal face to face with the very people from whom the justices are shielded. Although we didn't agree with the trial court's decision either, at least the lower court acknowledged the dangerous conditions under which probation officers work." Christie added that probation officers are peace officers in approximately 40 states and permitted to carry firearms in 31 states. New Jersey-based federal probation officers were permitted to carry weapons after federal judges agreed that the dangerous nature of their duties warrants a measure of protection.

David Fox, attorney for PANJ, called Wednesday's decision "a narrowly considered opinion" that disregards the safety of New Jersey's citizens and probation officers alike.

"The Supreme Court simply rubber stamped the Appellate Court's decision and didn't even address the real issue," Fox said. "This decision betrays the public interest and improperly steps on the toes of the Legislature. This is a complete abdication of the proper role of an independent court."

Fox said PANJ will appeal the decision on the federal level. Meantime, he said PANJ is pushing to have probation officers moved under the same jurisdiction as parole officer.

According to Christie, New Jersey has nearly 3,000 probation officers to oversee approximately 130,000 adults and 20,000 juveniles on probation. Currently there are 30,000 bench warrants for probation violators.

Under the contested law, Probation Officer Community Safety Units would be made up of five assigned probation officers per county with a minimum of 200 officers statewide. These designated probation officers would undergo a training course, instruction on firearm use and qualify annually to use a revolver or similar

permitted firearm. In addition, completion of a basic course of self-defense training will be mandatory for those serving in the Community Safety Unit.

## **DO OVER, STATE TAKEOVER**

By Brad Fairchild, Southern Regional Vice President, Supervisory Unit

*"If at first you don't succeed, try, try again"*

The battle over the 2007 state budget has revealed the following facts—that New Jersey does not need 567 municipalities, 618 school districts, or 212 fire districts. One more statistic is painfully obvious to the state's 2,800 Probation Officers — that New Jersey no longer needs 15 judicial vicinages.

The reason that the cost of government in New Jersey is out of control, resulting in the highest property taxes in the nation, is that all the hundreds of layers of government hold on to the "holy grail of Home Rule". The result of Home Rule is duplication of services, skyrocketing administrative costs, and empire building. No one is guiltier of applying this outdated doctrine than the Courts.

PANJ had high expectations after unification in 1995 but since has become frustrated by the lack of state oversight regarding the behavior of some vicinages. PANJ believes that we are less a unified state system and more a loose confederacy of "sovereign states" that operate independently and too often without regard to standards of conduct regarding personnel policy and an extreme degree of variance in implementing court programs.

The wide difference in how judicial programs are administered has gone from the bizarre to the absurd. One vicinage has been nationally recognized for an innovative activist Probation program that includes Probation Officers riding along with Police Officers at non-traditional hours, thus providing protection for Probation Officers and providing communities an increased level of supervision for many serious offenders. Another vicinage, however, has recently disciplined a Probation Officer for identifying a client, while on his break, that had an active warrant. Management has yet to indicate what exactly this Officer did wrong!

Call me crazy but is this any way to run a railroad, an empire, or a "unified" judiciary?

The area of personnel policy is the most glaring example of a system out of control. Some vicinages have progressive managers who have inspired their personnel with vision and wisdom. There are also a few vicinages, however, who appear to regard universality accepted modern day concepts like 'progressive discipline' with disdain and contempt. What else can explain how some vicinages utilize informal coaching for the same infractions for which a selected few impose major suspensions? Vengeance and spite have regrettably replaced logic and reason. The management philosophy applied in those vicinages is sadly, "the only thing we have to offer is fear itself".

What is the answer to this sad state of affairs? *Let's have a second state takeover!* Consolidate and reorganize 15 vicinages into three or four regions which would enable the state judiciary to make statewide wide implementation of policy a reality and reduce costs because services would no longer be duplicated in 15 separate power centers.

Our message to the state judiciary is simple. Take over your court system and put an end to the present dissolution and decay of fragmentation and empire building. Put a stop to punitive managers whose idea of personnel management is banging the table, wagging their finger, and demanding blind and unquestioning obedience. We want this Judiciary to enter the modern age and end the empire era. Let the healing begin!

### **PANJ Members Do the Judging for the Special Olympics**

by Tom Malaniak

Members from the Warren-line Officers dedicated a Sunday to promote volunteering for the Special Olympics. On May 11<sup>th</sup> members, Tim Donovan, Maritza Ahmed, Trudy Steinhardt, Andrew Knaap, and Christopher Burmood donated a day to judge who came across finish line first for the Special Olympics at Hackettstown High School. Ed Ruf, a volunteer from the Special Olympics, kept the heats going and instructed the PANJ volunteers about the time keeping. The enthusiasm of the athletes would make this a Sunday to remember and a day to pledge to return.

Area Director Betty Lunn for the Special Olympics writes to PANJ, "I went thinking I was giving

help to someone with a handicap and instead I got so much from the experience." There are many frequent events across New Jersey throughout the year. Contact the Special Olympics in your area, become a volunteer today, and you'll agree with Betty.

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