

# Probation officers plea for protection

By Robert G. Seidenstein

One year after the New Jersey Supreme Court ruled unconstitutional a bill that would allow several hundred probation officers to carry handguns, the Administrative Office of the Courts (AOC) and the union representing the officers are still battling over safety issues.

This time the battleground is the Public Employment Relations Commission (PERC). A PERC hearing officer has made preliminary findings that the AOC has dealt inadequately with probation officers' safety when it comes to their required inspections of the residences of people on probation.

Specifically, the hearing officer concluded, "The absence of safety protocols poses substantial and potential dangers to adult and juvenile probation officers who are carrying out home inspections."

The hearing officer also found the AOC must negotiate with the officers'

bargaining unit, the Probation Association of New Jersey (PANJ), whether self-defense equipment such as pepper spray and protective vests should be provided for the home inspections.

In August, an official directive from the administrative director of the courts, Judge Philip S. Carchman, said home inspections should be conducted within 90 days of the assignment of a new probationer to a specific officer. The directive says the inspection should be made of the probationer's sleeping area and all common areas of the home, and that officers should look for illegal substances and the presence, for example, gang graffiti.

It also says at least two probation officers must be involved in a home inspection.

In its unfair-practice complaint, PANJ asked that home inspections not be required for safety reasons.

Hearing officer Don Horowitz declined to suspend those inspections.

PERC is expected to issue an opinion soon on the hearing officer's report, which noted that at least two probation officers in the Camden vicinage requested police accompany them on home inspections. One of the officers, a 68-year-old woman, was reprimanded for declining to perform the inspections without police being present, the report pointed out.

## Negotiations

The hearing officer also noted no negotiations were conducted between the judiciary and PANJ before Carchman issued his directive.

Probation officers have long maintained they have a dangerous job; the judiciary has countered they're not law enforcement officers, but agents of the courts supervising court-imposed sentences.

PANJ lobbied hard for the right to carry handguns over the objections of the judiciary. The legislature enacted a

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law allowing some officers to carry handguns, but the judiciary never implemented it, saying it had a constitutional right under the separation-of-powers doctrine to supervise its own employees. The Supreme Court ruled in favor the judiciary.

Benjamin Benson of Fox & Fox in Livingston argued for PANJ before the hearing officer. Elaine D. Dietrich, counsel to the administrative director of the courts, represented the judiciary.

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