



## Probation Association of New Jersey

*Serving New Jersey Since 1904*

*An affiliate of the American Probation and Parole Association*

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September 13, 2006

Chief Justice Deborah Poritz  
Administrative Office of the Courts  
Richard J. Hughes Justice Building  
P.O. Box 037  
Trenton, NJ 08625

Dear Chief Justice Poritz:

As the president of the Probation Association of New Jersey (PANJ), my colleagues and I have been reviewing Directive #14-06 regarding "Probation Field Supervision and Safety Standards" as approved by the New Jersey Supreme Court on June 9, 2006 and disseminated by Judge Philip S. Carchman on August 3, 2006. While we appreciate the recurring theme of probation officer safety, we do not believe that the Directive will accomplish this objective.

Contrary to public statements by court representatives, probation officers do not supervise first time, non-violent offenders, nor do they merely write presentence reports or collect fines. Because of plea bargaining agreements, many repeat offenders with extensive prior criminal records are given probation sentences including those who have failed to complete a previous probationary sentence.

This Directive will not make a probation officer any safer than they are today. In fact, a vast majority of states across America have recognized that minimizing probation officers as strictly social workers is an inadequate approach for protecting communities and citizens. Probation officers would be safer through improved self-defense training as well as having the proper equipment necessary to protect themselves and the public. These objectives were major components of legislation endorsed by PANJ, the Probation Officer Community Safety Act (Public Law 2001, Chapter 362), which was ultimately ruled unconstitutional by the New Jersey Supreme Court.

The court's position on this Directive has effectively stripped probation officers of the authority to search and seize, to make arrests and to transport prisoners even in the presence of criminal behavior. The statute (see attached) that empowered probation officers was created by legislators who strongly believed that the role of the probation officer is to protect the public from being victimized by probationers.

Furthermore, we are extremely disappointed that the Judiciary failed to include PANJ in the planning and drafting of this important Directive. Involving probation officers who actually work in the streets and communities of our state would have provided a valuable and insightful perspective.

We also strongly believe that a special master should be appointed by the court to take testimony from probation officers and community correction experts in New Jersey and nation to issue a comprehensive report on community supervision services in this state. At present, New Jersey probation is very ineffective with the highest rate of absconders in the nation and the high rate of repeat violent offenders. A special master can revisit the probation system which would be a step in the right direction.

Given our grave concern with this Directive, please be aware that we have filed an unfair labor practice claim with the Public Employees Relations Commission to protest this short-sighted document (see attached).

In seeking to improve the proposed "Probation Field and Supervision Safety Standards," we have highlighted specific problems with the proposal that should be considered and provided to Judge Carchman, the Director of the Administrative Office of the Courts. After carefully reviewing Directive #14-06, our specific concerns with portions of it are as follows:

**STANDARD 1** - As proposed, we agree that home visits should be made within the first 30 days of being placed on probation to obtain important information such as who resides at the home, are there dogs, is the neighborhood safe, and are probationers adhering to their curfews. Since probationers should be working during normal business and school hours, probation hours need to be flexible. There is inconsistency around the state since some vicinages use traditional hours with no weekend work and no evening work other than late reporting to the office. *All vicinages should be ordered to comply with a statewide policy ordering non-traditional hours to complete these home visits.*

**STANDARD 2** - We concur that a home inspection that includes sleeping and common areas is necessary within the first 90 days of probation to uncover any contraband or even weapons. *These inspections should be part of a statewide plan and should always require police officers to be present to confiscate the contraband and make the arrest.*

PANJ is also extremely concerned, however, that Probation Officers will not be properly trained to conduct home investigations. We have not been given the opportunity to review the curriculum for the proposed new training and we know the NOVA training previously offered is inadequate for preparing probation officers for this new requirement.

In many high crime areas of the state, there will be a need for a minimum of three probation officers to conduct these investigations. Because two officers should never violate the principal of maintaining visual contact while inspecting sleeping areas, a third officer should be stationed at the front door with phone communication so they can observe any possible hostile and dangerous activity on the street in front of or around the house.

*A proper search plan needs to outline and delineate how police officers are brought incorporated in the program. We must keep in mind that we make several hundred thousand home visits a year which will requires hundreds of thousands of police man-hours to accomplish.*

**STANDARD 3 and STANDARD 13** - Search and seizures should not be conducted by probation officers without a police officer present to take charge of contraband and to make the arrest and transport the probationer. If a probationer is going to be searched in the field or at the home as a result of suspicious activity, there will not be time to draft a search plan or a police officer may not be available. Under the present Directive, if a probation officer sees contraband or a weapon in the possession of one of his probationers he/she is to leave the location and call his supervisor. The process of developing a search plan and then calling police is too drawn-out of a good community supervision process. This destroys the element of surprise and could leave open the possibility of a probationer continuing to commit more criminal offenses.

Standards state that probation supervision contacts should be conducted with at least two officers however; home inspections should call for at least three officers unless police officers are present. Three probation officers are necessary to secure the entrance while two officers move into the sleeping area. In the event of trouble, the officer at the door can leave and summon assistance.

*Safety standards needs to outline how police and probation officers can coordinate their efforts and take into consideration the additional police man-hours needed to work with probation. The search and seizure process is cumbersome in its present form and needs more discussion to become workable. Management should coordinate with the police departments throughout the state and advise them of Directive #14-06 and what impact this directive will have on the local police workforce.*

**STANDARD 4** – The Directive states that probation officers shall not make arrests or detain probationers without law enforcement. We must keep in mind that probationers have murdered at least four police officers in recent years in New Jersey and threatened others. *A proper plan should develop the police cooperation and ensure that at least two police officers are made available to arrest a probationer with a warrant or one accused of a new offense.*

**STANDARD 5 and STANDARD 6** – As suggested in the Directive, probation officers should know where he/she is going in the field and know the area and an itinerary should be completed prior to going on the field visit. This is particularly important when going to dangerous neighborhoods that have a high volume of crime. *The probation-police partnership needs to be explicitly outlined so that detailed information can be shared and the home visit can be as beneficial as possible.*

**STANDARD 7, STANDARD 8 and STANDARD 11-** We agree that the officers should have a field kit, proper equipment such as body armor and pepper spray, and appropriate training needed to conduct home visits. Standard 11 calls for many things and stresses field safety and awareness of your surroundings however; it is unclear as to what training probation officers will be given and how each situation will be handled.

Probation officers in thirty-four states are armed in the course of their work including in states where the judiciary is responsible for probation. Training probation officers and properly equipping them is currently a strong and consistent trend throughout the nation. Trained probation officers who are able to meet all threats is a major plus for public safety.

***In revising the proposed Directive, more needs to be explained as to how probation officers will be trained in self-defense and provided with proper equipment. Self-defense training needs to be detailed and provided before sending officers into to field. Coordination with a police officer when the probation officer needs protection also must be coordinated.***

We have enclosed some statistical information regarding community supervision services and probationers in New Jersey. We hope that you take this information into consideration when re-working the "Probation Field Supervision and Safety Standards."

In closing, we reiterate that this Directive, which was developed without input from the probation officers union and without any plan of action with the hundreds of police departments, is doomed to fail because it is incomplete. We again urge the Court to appoint a special master to review probation in New Jersey and take testimony from experts in community corrections.

As always, feel free to contact me regarding this Directive or regarding the undertaking of probation services throughout New Jersey. Thank you in advance for your time and consideration.

Sincerely,

George P. Christie  
President

cc: Phillip S Carchman, J.A.D.  
Assignment Judges  
Chief Probation Officers

Attachments (3)