



# Probation Association of New Jersey

*Serving New Jersey Since 1904*

*An affiliate of the American Probation and Parole Association*

United Professional Center, Building Two

617 Union Avenue, Brielle, NJ 08730

Phone: (732) 223-1799 • Fax: (732) 223-8363

Website: [www.panj.org](http://www.panj.org)

John C. Morton, MPA  
Business Manager

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## **PRESIDENTIAL NEWS LETTER**

January, 2004

### **THE PROBATION OFFICER COMMUNITY SAFETY ACT RULED UNCONSTITUTIONAL (P.L., Chapter 362)**

by  
George P. Christie

During Christmas week Superior Court Judge Sapp-Peterson of the Mercer County Superior Court issued her ruling on the lawsuit filed by her boss (Judge Williams) claiming that the law is unconstitutional. This law which required the proper training of all Probation Officers and the arming of a minimum of 200 Probation Officers statewide will continue on hold until PANJ's appeal is heard. In her decision Judge Sapp-Peterson never said the law was bad or inappropriate. She merely ruled on the narrow issue of separation of powers in state government. She ruled that one state agency in the Executive Branch had no right to tell the Judicial Branch how to conduct operations. Under the laws of New Jersey all law enforcement personnel come under the jurisdiction of the Attorney General. The Judge ruled this law would allow the AG to oversee the activities of the Probation Officers who work for the Judiciary.

The reason why Judge Sapp-Peterson looked only at the narrow issue of separation of powers is because she did not want to deal with whether or not the law was appropriate and beneficial to the citizens of New Jersey. The fact of the matter is that the law is good for the people of this state and for Probation Officers. It is a law that our legislators considered very carefully over the past several years before deciding to pass it in both the State Senate and General Assembly. It is a law that the Governor signed on January 7, 2001 despite the protest of the Chief Justice of the New Jersey Supreme Court.

The issues ignored by Judge Sapp-Peterson were the driving forces behind the passage of the law. First, Judge Sapp-Peterson ignored the fact that probation caseloads are far too high and the people being supervised are becoming increasingly more dangerous. Approximately half of the 100,000 plus probationers are felons who have the ability and often continue to victimize the law-abiding citizens of this state. Probation Officers struggle with caseloads of 200 or higher and are overwhelmed with paperwork. They find it difficult to get away from their desks to properly supervise offenders or look for the ones who have absconded.

Second, Judge Sapp-Peterson ignored the fact that about one in every three probationers in New Jersey are missing and have active bench warrants. No one seems to be accepting responsibility for these warrants and no one is actively attempting to arrest these people. Usually probation warrants are served after the probationer has committed a new and sometimes deadly offense. In recent months we have had case after case of people missing from probation committing murder or rape. The sad thing is that these probation absconders are usually in the same town and area that they were when sentenced. Probation Officers are not trained, equipped, or even permitted to seek out these criminals.

Third, Judge Sapp-Peterson failed to see that the Chief Justice of the New Jersey Supreme Court lobbied against the bill for years and lost her bid to stop it from being signed into law. Judge Sapp-Peterson failed to see that Chief Justice Debra Poritz (another person Judge Sapp-Peterson answers to) was using her own court to undo what she failed to accomplish while this law was in the legislative process. Perhaps Judge Sapp-Peterson was just following marching orders.

Finally, Judge Sapp-Peterson failed to see what our legislators and Governor saw. This law is not about one branch of government trying to take some alleged power from another branch of government. It is about community safety and the protection of our citizens and safety for the Probation Officers who have sworn to protect the citizens. The Judge simply missed the point of the law and in doing so condemned more law-abiding citizens to suffer at the hands of these criminals who display total contempt for the Judiciary and the laws of our state.

PANJ applauded the efforts of the Legislature to improve probation services by entering reforms into law, reforms the Judiciary had failed to act on for its officers and for the public. All 1800 Probation Officers and all 800 of the Professional Supervisors in the Judiciary find Judge Sapp-Peterson's decision to be a sad day for the people of New Jersey.

### **PAY RAISES FOR JANUARY 2004**

by  
George P. Christie

In January 2004 our members will be receiving substantial pay increases thanks to the efforts of our negotiation committee and Attorney David I. Fox, Esq. All of our members will receive a 2.5% pay increase plus their usual 4.15% performance increase if they are not at the maximum. All those in the case related band at maximum pay will receive an additional increase which brings the top salary of a Senior Probation Officer to \$71,000 and a Master Probation Officer to \$75,000. Supervisors at the top of their range will receive the 2.5% increase plus an additional \$500.00 bringing the salaries at maximum to \$81,603 for a Court Services Supervisor II and \$84,328 for a Court Services Supervisor III.

Additionally all Senior Probation Officer promotions will be granted to people with 5 years experience after meeting the competencies as a Probation Officer instead of 7 years and it will be accompanied with a 5% increase in pay.