

TRENTONIAN EDITORIAL: A malfunctioning probation system

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By The Trentonian Staff

The administrators of the state's courts say the Probation Association of New Jersey is exaggerating when it says the probation system is a malfunctioning mess. But if anything, the association, which represents the probation officers on the front lines of the system, is understating matters.

The numbers — detailed by the Trentonian — make the Probation Association's case in stark, dramatic — you could say shocking — terms.

Some 19,000-plus offenders on probation have vanished and have had warrants outstanding for more than 60 days for their arrests as “absconders.” More than 9,000 were arrested last fiscal year for committing new offenses while on probation. Meanwhile, tens of millions of dollars in court-ordered restitution to crime victims and court-imposed fines go uncollected.

These alarming numbers are largely the result of problematical realities not easily rectified — unworkably large caseloads for probation officers, the usual budgetary restraints and, not least, an offender “clientele” whose strong suit is not, self-evidently, personal or civic responsibility.

The probation system is supervised by the state Supreme Court's bureaucratic arm, the Administrative Office of the Courts (AOC). The judiciary naively views the probation officers as social workers. The probation officers, who don't have the luxury of indulging in such fiction, see themselves as law enforcement offices — but unarmed law enforcement officers who work in dangerous neighborhoods with no means of protecting themselves and with no powers of arrest.

This ridiculous state of affairs is in no small measure how the state arrived at the numbers we just cited. The probation officers are pressing for a referendum that would — if approved — transfer them out of the judiciary to the executive branch's Department of Corrections. Probation officers would be consolidated with parole officers, who do have law enforcement training and authority.

In many states, including nearby Pennsylvania and Delaware, probation officers have full law enforcement training and authority. So a transfer, although hardly a panacea, would hardly be an untested experiment, either.

Legislative measures setting up the referendum and putting the issue before the voters should be enacted without further delay — and voters should give their assent. A public vote is necessary to overcome a Supreme Court edict in its own behalf declaring that the elected legislative and executive branches of government have no authority over the key public safety issue of probation.

An important side benefit of the transfer out of the judiciary is , as the Probation Association's president, George Christie says, that it would put "more good guys" on the streets in a difficult time of city police layoffs. But the principal argument for the change is that it would give probation officers the means to look out for their own safety and would bolster enforcement of the probation system.

Probation is an essential, economical alternative to the state's billion-dollar-a-year prison system, which has annual costs of up to \$50,000 per inmate, more than a year's tuition at Princeton.

As in too many areas of life, it's the struggling residents of city neighborhoods who bear the brunt of a malfunctioning probation system that can't enforce its own programs and results in thousands of convicted offenders, in effect, being turned loose in the community.

The Administrative Office of the Courts is surely correct in saying the transfer of the probation officers out of the judiciary would involve complications. The probation system also does pre-sentencing investigations and reports for judges and enforces the state's child-support collection system, among other duties. But these details could be ironed out in follow-up legislation and regulations if the referendum won the voters' nod.

The judicial overseers of the current system say a transfer and law-enforcement powers for probation officers would require that their pay be boosted to equal parole officers, at a cost of tens of millions of tax dollars, and this on top of law enforcement training costs.

If so, so be it. Is state government so efficiently run that offsetting economies couldn't be found elsewhere if looked for seriously? Probation officers are not paper-shuffling, turf-protecting bureaucrats. They are people on the very front lines of law enforcement. Their concerns should be accommodated, not ignored or lightly dismissed as they have been.

The status quo is not acceptable. To go on pretending that it is to further encourage a mockery of the criminal justice system and thereby invite the further erosion of public safety.