

N.J. considers arming probation officers

Tuesday, July 17, 2007

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TRENTON Probation officers should have a broad power to arrest in order to put "more eyes and ears on the streets," legislators and law enforcement officials said Monday.

But the change would require both the Legislature and the voters to approve moving the state's 2,800 probation officers and supervisors from under the state judiciary which, in a recent Supreme Court decision, halted their effort to carry firearms.

"In this day and age, it only makes sense to put more sworn police officers on the streets," said Tony Weiners, president-elect of the New Jersey Policemen's Benevolent Association (PBA), representing 33,000 law enforcement officers.

A proposed bill package would ask voters to approve a Constitutional change to move probation officers under the State Parole board, in the executive branch of government. The Legislature could then vote to give probation officers police powers.

"We have a problem that common sense tells me can be resolved," said Assembly Judiciary Committee Chairwoman Linda Greenstein, D-Middlesex. "It is being looked at as a social work job. They are in very dangerous situations."

An April 2006 Supreme Court decision prohibited the Legislature from deciding probation officers' duties, holding that it was the authority of the Judiciary.

The case stemmed from a challenge to a 2001 measure that gave probation officers police powers, including the ability to carry a firearm.

This time, legislators and probation officials say firearms are not part of the plan.

"We haven't asked for firearms," said Probation Association of New Jersey President George Christie. "That would be up to the Parole Board chairman."

The New Jersey Supreme Court decision said the judiciary was responsible for setting probation officers' duties, and the new law violated the separation of powers doctrine. It also held that probation officers are not law enforcement officers, but impartial agents of the Judiciary.

Eleven states grant arrest powers to adult probation officers; nine states grant law enforcement powers to juvenile probation officers.

Assembly Law and Public Safety Chairman Gordon Johnson said the move in New Jersey would not only protect the officers but citizens.

"It will allow them to protect our streets and cities," said Johnson, D-Bergen.

Judges typically sentence offenders to probation for lesser crimes, for a term of up to five years. Parole is sentenced to an offender after a prison term is served.

Assembly Resolution 266 would allow a ballot question to transfer probation functions from the Judiciary to the State Parole Board.

Assembly Bill 4458 would transfer the functions, and Assembly Bill 4360 would give probation officers police powers.