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Series: Rethinking probation

Dangerous neglect

Probation is failing its first job - to watch the criminals

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Trooper Scott Gonzalez spotted the black pickup racing by and responded by the book. He gave chase, he called for backup, and he made no move to force a confrontation.

A few minutes later, he was dead. His killer, Samuel Shipps, was a schizophrenic with a history of violence. After leading Gonzalez to a rural dead end off a Warren County road, he turned his pickup around, smashed the trooper's cruiser head-on, and fired several shotgun blasts as Gonzalez was pressed against his seat by an inflated air bag.

Investigators swarmed over the area within minutes, searching for clues. Their conclusion was simple: Gonzalez did nothing wrong. He was gunned down by a madman.

But Shipps was a dangerous man with a long criminal record, and the authorities knew it. He was supposed to be under close watch by the probation system.

"You blame yourself"

Across town, Ken Breiten picked up the morning paper the day after the Gonzalez murder, and his heart sank.

A young probation officer on the job for just six months, Breiten was assigned Shipps' case. He was supposed to make sure that Shipps was taking the medication that kept his psychosis in check, that he stayed away from drugs and alcohol, and that he attended counseling sessions. Shipps was doing none of that, and Breiten knew it.

"You blame yourself," Breiten says. "It was going through my head: What did I do with him? How many times did I see him?"

Breiten is one of 452 probation officers charged with keeping an eye on an army of 67,000 adult criminals. Another 200 officers supervised 14,000 juveniles.

About 20 percent of these probationers are convicted of violent crimes, while drug offenders and thieves make up the bulk of the rest.

In theory, probation is a tough-love contract between a judge and a criminal: The convict is spared a prison sentence, and in return agrees to conditions set by a judge, typically to attend drug treatment sessions, get a job, report regularly and pay fines.

The reality is something very different. Probation officers are overwhelmed with cases, and often have no treatment to offer. Their starting salaries are lower than toll collectors', and they spend most of their time doing paperwork in the office - leaving criminals free to roam.

In the weeks before the Gonzalez shooting in October 1997, Shipps had been breaking virtually all the rules set down for him. At age 29, he had been in and out of jails and mental hospitals for years, and was on probation for aggravated assault.

A month before the shooting, mental health workers warned Breiten that Shipps had

stopped taking his medication and was skipping counseling sessions. Had Breiten picked up a phone to contact Shipps' family, he would have learned that Shipps was drinking and using drugs again, too.

"He was picking fights all the time - I was afraid of him when he drank," said his father, Samuel Shipps, a retired school custodian.

"I know what Sammy did was wrong. But they should have been watching him closer."

For Breiten, that wasn't easy. Shipps was one of 240 probationers on his caseload. After the murder, the state director of probation services called Breiten and told him it wasn't his fault. It was that staggering caseload.

Still, Breiten remains haunted by the case. Should he have called Shipps into court for breaking the rules? Should he have gotten in a car and tracked him down? Should he have talked to Shipps' family, or to his mental health counselors?

What he did was draft a letter, and drop it in the mail. He never heard back. "Someone should feel responsible," Breiten says. "A guy is dead."

The system is at fault

Placing the blame at Breiten's feet would miss the mark by a long shot. The probation system is the culprit. It didn't give Breiten the tools he needs to do his job, and it has only begun to embrace innovations that have helped cause crime rates to plummet in Boston and a few other communities across the country.

In New Jersey, probation is an arm of the courts. It's run through the Administrative Office of the Courts, which is controlled by the state Supreme Court. The AOC works much like other Cabinet departments - its budget request is drawn up in consultation with the Governor's office, and is then approved by the Legislature.

Each branch of government can claim a share the blame for probation's shortcomings. Here's a look at the symptoms:

* Each year, police make 24,000 arrests of probationers for new crimes in New Jersey. It works out to one arrest every 22 minutes. No one keeps track of what portion are violent crimes.

* In the past five years, 23,000 criminals on probation in New Jersey have gone AWOL. That is an army of criminals living among us, flouting the law without penalty.

* The state spends just \$430 a year to supervise each adult probationer. That means probation officers must handle an average of 150 criminals each. Breiten's caseload of 240 gave him 10 minutes a week for each probationer - if he skipped lunch.

* Orders for drug treatment are routinely ignored. Roughly 32,000 probationers are ordered into drug treatment, but fewer than 10,000 receive professional care at licensed clinics.

The drug testing regimen is weak as well. Because of a shortage of funds, the average probationer is tested less than once a year. Top managers of probation want to triple testing funds next year, and say even that will only make the system "minimally adequate."

Wilentz's challenge

It wasn't supposed to turn out this way. Former Chief Justice Robert Wilentz understood this problem, and pushed for a state takeover of county courts and probation offices so that the state could raise the quality of justice from top to bottom. Regarding probation, he said, "We don't want probation officers with caseloads so big they can't supervise their cases."

Progress has been excruciatingly slow. The state took over county probation offices in 1995, and the adult caseload has shrunk by an average of just 1 percent per

year. Spending on probation - \$99 million this year - is lagging far behind other departments, growing at about one-third the rate overall state spending. Wilentz's challenge remains unmet.

Meanwhile, probation has been caught up in a problem that is not of its own making - the shortage of drug treatment, which has grown more acute as hospitals have closed unprofitable treatment wings. In 1993, licensed drug treatment centers admitted 68,000 patients. By last year, the number had dropped to 54,000, according to the Department of Health. Probationers compete for those spots, and are left waiting along with everyone else.

These problems are not unique to New Jersey. In fact, there are encouraging rumblings of reform here. Passaic and Essex counties are innovating, as will be discussed later in this series. And top managers in the AOC have a strategy in place to copy the techniques used so effectively to reduce crime in Boston.

They want smaller caseloads, and they want their officers out on the street, in the schools and churches, and in the homes of probationers. They want to get all addicts into treatment. They want to transform themselves, just as leading police agencies have done.

"The police were probably the part of the criminal justice system you'd least expect to innovate, and to change their culture. Yet they're doing it the most," says Bill Burrell, chief of supervision services.

For now, probation limps along, staggering under its caseload. In Warren County, the frustration over the Gonzalez killing is palpable.

"If he (Samuel Shipps) had his medication, that trooper would be alive today," said John Laky, the county prosecutor.

"Probation has gone downhill. No one wants to provide money to properly supervise the criminals. And no one wants to put them in jail because of the expense and overcrowding. This system is in chaos.

NOTES: [About these editorials](#)

PHOTO CAPTION: A state trooper wipes his eyes during the funeral of trooper Scott Gonzalez in Orange in 1997.

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