

Justices compromised safety of parole officers

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There were two distinct and competing principles at stake in Wednesday's state Supreme Court ruling that forbids state probation officers from carrying handguns while tracking down criminals who have skipped parole.

The first, the basis for the high court's decision, is the constitutional guarantee that all three branches of government shall remain separate — in translation, that probation officers, as employees of an impartial judiciary, answer to no one but the judiciary itself. Because the judiciary does not classify parole officers as law enforcement, the court reasoned they are not entitled to carry handguns.

The second, ignored by the justices, is that probation officers work in a dangerous and potentially lethal environment in which protection not only makes every bit of sense but ought to be encouraged at every turn.

Abstract theory — and judicial leaders' desire to control their own turf — in this case trumped the facts on the ground.

The result is a threat to public safety.

Probation officers supervise men and women who have been released from prison or sentenced to probation. Officers are routinely asked to find those probationers who don't report in, as ordered by the courts. That search can put probation officers on the heels of some of society's most dangerous offenders. It also leads probation officers into some of the most crime-ridden neighborhoods in New Jersey.

A state law passed in 2002 took notice of those risks and created a unit of at least 200 probation officers authorized to carry handguns. The law addressed several very practical on-the-job concerns.

Too bad it riled the bench.

The lawsuit to overturn the state law was filed, oddly enough, by the state judiciary on behalf of itself. The Supreme Court, as had an appeals court before it, ruled on what was in effect its own lawsuit.

The finding was incestuous and predictable.

Earlier, the appeals court recommended that officers in precarious situations either travel in pairs or ask for a police escort — suggestions that don't ensure an officer's safety (two unarmed men are no safer than one, and the police escort isn't assured) and don't account for the unexpected. The high court offered no better alternatives. Why not?

Federal probation officers are authorized to carry handguns when conditions in the field make it advisable. If so, why can't New Jersey's follow suit? The argument for permitting firearms is not to convert the probation officer into a policeman but to protect the probation officer's life.

Surely that is a worthy end.

Remember, of the 100,000 men and women on probation in New Jersey, about 30,000 are missing, and many of them likely are in hiding. Likewise, it is perfectly sensible to conclude that a percentage of those on the lam present real and immediate threats to other people — and especially court officers whose visits could lead to further incarceration.

"Because the act fatally compromises the independence of the judiciary, and hopelessly blurs the line between the role of our courts and law enforcement, we have no choice but to declare the act unconstitutional," wrote Justice Barry Albin.

Baloney. What would happen if an unarmed probation officer was "fatally compromised" in the field? What would the court say then?

'Tis a shame.

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