

Probation officers want new boss

Measure would give them police powers

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New Jersey probation officers, whose bid to carry firearms was thwarted by their bosses on the Supreme Court, have teamed up with lawmakers in an effort to move control of their agency to the executive branch with the hope of gaining police powers.

Legislators recently introduced a bill to put a question on the ballot to authorize a change in the state constitution transferring Probation Services from the judiciary to the state Parole Board.

Parole Board officers have law enforcement duties, including the ability to make arrests and conduct searches. Probation officers do not.

Judges typically sentence offenders convicted of lesser crimes to probation in lieu of prison and they rely on probation officers to ensure the offenders follow strict guidelines on their behavior. Parole is similar but involves supervised release after an offender serves a prison sentence.

"The rise in gang violence and the increasing numbers of probationers because of plea bargaining has created a probation system that is not working at its greatest potential," Probation Association of New Jersey President George Christie said yesterday during a Statehouse news conference announcing the legislation.

One bill (ACR266) would authorize the ballot question and two companion bills (A4458 and A4360) would move probation officers to the Parole Board and give them police powers. With the Legislature expected to remain in recess until after the November election, the question could not be put to voters before November 2008.

Assemblyman Richard Merkt (R-Morris), a co-sponsor of the bills, said: "We want to make sure these people (probation officers) are properly trained and properly protected." He said that while those on probation and those on parole are handled differently, "they're all known offenders, and as far as I'm concerned we have to err on the side of safety."

Judiciary spokeswoman Winnie Comfort declined to discuss the bills.

"We haven't taken a position on the bills," she said. "There's a Supreme Court opinion that spoke to probation officers as arms of law enforcement: They are not."

That ruling came last year when the court struck down a 2002 law creating a special unit of 200 armed probation officers. In it, the Supreme Court reiterated its decades-old position that probation officers are impartial agents of the courts and may not carry firearms, make arrests or join police fraternal associations.

Christie said the court has failed to recognize that probation officers could help in the fight against gangs and terrorists, noting that 33 states currently have probation and parole in the same agency.

"Police powers would ensure that there are more eyes and ears on the streets that have the authority to step in and arrest a probationer who is blatantly breaking the law," he said.