

Probation officers will protest 'You're not cops' court order

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Directive prohibits arrests and other law enforcement functions

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BY JOE DONOHUE

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The state judiciary today is expected to issue an order prohibiting probation officers from making arrests and performing other law enforcement duties. New Jersey probation officers say they will rally tomorrow in Passaic County to protest it.

The directive from court administrator Philip Carchman, dated today, was issued in advance to probation officials. It implements new rules intended to "increase the presence of probation officers in the field as they supervise offenders in the community while ensuring the safety of the probation officer."

George Christie, president of the Probation Association of New Jersey, which represents 2,000 probation officers in the state, said the order effectively prohibits probation officers from making arrests, conducting search and seizure operations or transporting prisoners unless they are accompanied by a police officer.

"The end result is people are going to die," said Christie. "Our chief justice says we're social workers. That's the extent of our role. That is not consistent with the rest of the country."

Winnie Comfort, a spokeswoman for the courts, said the directive is consistent with prior rulings prohibiting probation officers from carrying firearms.

"We do not want probation officers in harm's way. Their safety must be ensured," Comfort said. She said probation officers can assist by identifying a probationer who should be apprehended but must allow police to make the actual arrest.

"Probation officers are not law enforcement officers; they are an arm of the court," Comfort said. "Despite the many efforts of (the probation association) to have probation officers portrayed as or to become law enforcement officers, they are not."

In January 2002, lawmakers enacted a bill authorizing a unit of at least 200 probation officers who would have been allowed to carry firearms and arrest probation violators. A representative of the state courts quickly filed a lawsuit contending probation officers are part of the judicial branch and must be impartial.

In May, the state Supreme Court ruled the law unconstitutionally infringed on its power to supervise its own employees and struck it down.

Christie said probation officers will hold a noon rally at the Passaic County Courthouse tomorrow to signal their concern over the latest directive. They plan to put their handcuffs in a box that will be delivered to Chief Justice Deborah Poritz.

"There are many people on probation who are very dangerous offenders and they continue to victimize the public," Christie said. He said probation officers currently supervise 100,000 adults and 14,000 juveniles.

Staff writer Robert Schwaneberg contributed to this report.