

On January 12th NJ Appellate Court Hears Probation Officers' Appeal for Guns

On January 7, 2002, The Probation Officer Community Safety Act was signed into law by Governor DiFrancesco. This legislation gives Probation Officers the ability, the training and tools to carry out their sworn duty to the community. The Act enables Probation Officers to carry firearms, make arrests, detain offenders, and transport prisoners in their custody. This legislation made a commitment to the public, for safer neighborhoods and schools. It called for the training and arming of minimally 200 Probation Officers statewide.

In April 2002, Judge Richard Williams, Administrative Director of the New Jersey Judiciary, filed suit in Mercer County Superior Court for a Declaratory Judgment, claiming the law is unconstitutional. Superior Court ruled in favor of *themselves*; citing the law as unconstitutional and subsequently refused to implement it. On January 12, 2005 at 11 AM the Appellate Court in Morris County Courthouse will hear Probation's appeal.

The Judiciary of the State of NJ refuses to recognize the need for this important legislation and the positive impact it will have on its citizens. There are approximately 30,000 people on probation that are wanted on bench warrants. This situation is unacceptable to Probation Officers and the New Jersey community. Probation is asking for the means to track down these dangerous criminals and bring them to justice. Probation Officers have made a commitment to the people of New Jersey, and they are demanding the courts in the State of New Jersey to do the same.

In addition to public safety, the safety of the officers is also a great concern to the Probation Association of New Jersey. The New Jersey Legislature also continues to recognize the need for increased efforts in the area of community and officer safety, and as a result Assemblyman Frank Blee of Atlantic County has sponsored A3045. If passed A3045 will transfer Probation Officers and their Supervisors out of the Judiciary and into the Department of Corrections, which will enable Probation to carry out their sworn duty to the public utilizing the proper tools and training.