

Presidential Newsletter

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PANJ Supports Community Safety Law;
Has Responded to Constitutional Challenge

BY

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The Administrative Director of the Courts filed a lawsuit in the Superior Court of Mercer County to have the Probation Officer Community Safety Act declared unconstitutional. The Act will be vigorously defended by the Probation Association of New Jersey and other statewide associations.

The Probation Association of New Jersey (PANJ) was a key advocate for the Probation Officer Community Safety Act, which became law on January 7, 2002. (P.L. 2001, Chapter 362). PANJ is the professional association and union for all Probation Officers and their supervisors in New Jersey, representing approximately 2,700 employees in the Judiciary. The New Jersey Administrative Office of the Courts has failed and refused to enforce the law!

Probation Officers are public servants who supervise criminals and juveniles convicted of such crimes as robbery, aggravated assault, and sexual assault. They also provide investigations ordered by the court, mediate disputes, and perform other functions. These duties send them into dangerous situations as they try to enforce a "prison without walls" monitoring approximately 150,000 individuals, most on active supervision but some with warrants for their arrest.

The Act makes our streets safer by creating Probation Community Safety Units in each county. All Probation Officers will have additional self-defense training, and those in the Community Safety Units have enhanced law enforcement powers and equipment including firearms. These units are now empowered to arrest the thousands of criminals for whom the court has issued warrants. This law has the support of the NJ State PBA, the State Troopers Fraternal Association, the Firemen's Mutual Benevolent Association, and the Friends of Amanda Foundation. It gives Probation Officers self-defense abilities similar to most other states. With the exception of Judicial employees, everyone who supervises criminals in this state, including Federal Probation Officers and Parole Officers, are already armed.

An action brought by the Administrative Director of the Courts seeks to have the entire law declared unconstitutional. By having law enforcement powers, the Director claims that Probation Officers fall under the dual supervision of the Supreme Court and the Attorney General. A Complaint for Declaratory Judgement has been filed.

PANJ is actively intervening to maintain the constitutionality of this law, which is beneficial to the public and was passed by their elected representatives. The Attorney General would be no more involved with Probation Officers than they would with local police departments. PANJ had hoped that the Director and his staff would have looked at this law with us to work out our differences logically, but this challenge resulted instead.

On May 28, 2002, Judge Linda Feinberg conducted a conference call between the attorneys for the Judiciary, the Attorney General, and PANJ. It was decided that the Director must amend his complaint to list the Judiciary as the Plaintiff and the Co-Presidents of the Senate and the Speaker of the Assembly as the Defendants. There is already an order allowing PANJ to intervene in this matter, so it is not necessary for PANJ to be named as a defendant. The attorney for PANJ, David Fox, announced that he will very likely be filing a motion to have all Superior Court Judges recused from hearing this matter. Also, PANJ will file a motion to have the Act enforced until this litigation is resolved. PANJ is of the opinion that it is impossible to obtain a fair hearing from our employer in this matter and it may be necessary to divert this case to a completely impartial arbiter. Should PANJ prevail at such a hearing, it is probable that the Chief Justice will order the Director to appeal this matter to the Supreme Court, where it will also be extremely difficult to obtain a fair hearing. It is PANJ's position that

most of the Supreme Court has already made their opinion of the law known through their legislative representative.

Members of PANJ believe that this law was an important step for us to obtain new respect and dignity for our important role. Defending this law is crucial to the existence of PANJ and all labor organizations in the Judiciary, for if this law is eliminated all of our legal rights as employees could be lost. Every Probation Officer and supervisor will benefit from having law enforcement recognition, because this will be eventually connected to better compensation and working conditions. Any Probation Officer or supervisor could be transferred into the Probation Division at any time. Probation Officers in this state are entitled to the same protections as those performing the same function in this state and others. This is a crucial issue for PANJ, and it is time for a show of unity and solidarity. It is PANJ's mission to defend and improve the rights of each member of this organization.