

INSIGHT

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2007 It Was A Very Dangerous Year

By Brad Fairchild – First Vice President, Supervisory Unit

During 2007 Probation Officers and Supervisors witnessed numerous dangerous incidents which directly threatened the safety of many of our members. This information really tells us what we already know, which is that working in the Judiciary has become a very dangerous profession. Although the Judiciary has previously proclaimed that we supervise primarily non violent first offenders the facts disprove this terrible fairy tale.

In total there were 39 total incidents reported across the state. There were 17 reported cases that were office related and 22 incidents occurred in the performance of field work. What is significant is that 11 of the incidents involved acts of violence and 10 incidents included threats of violence.

Among the direct acts of violence were active probationers committing homicides, a gangland style homicide committed just outside a courthouse, and shootings of probationers near their homes. Other incidents included officers directly exposed to a physical attack in a Jail interview room and exposed to a fight while supervising juveniles at a remote federal prison program.

The verbal threats of violence involved numerous phone calls and messages that threatened to kill and/or harm court staff.

PANJ is well aware that we live in a dangerous time and servicing our client population has become an often perilous responsibility. What PANJ also believes, however, is that we are ill equipped to meet this challenge and the failure to properly train and equip our Probation Officers may have tragic consequences in the future. (Continued on page 2)

Out of the Gate - PANJ Priorities Become Reality

By Amy Dempster, Princeton Public Affairs Group

The start of the 213th legislative session began on January 8, 2008 with every member of the General Assembly and the Senate sworn into office. Overall, thirty new legislators took the oath of office in the Assembly and Senate combined; ten additional members of the Senate have moved up from the Assembly.

The loss of many of the members resulted in a tumultuous end to the previous legislative session. While many of the major issues facing the state were signed into law by Governor Jon Corzine including the new school funding formula and abolishment of the death penalty quite a few bills have been reintroduced this session. Many of the bills that are of utmost importance to Probation Officers have been introduced this session and one has already been approved by the General Assembly and the Senate.

PANJ is actively working to garner legislative and state support for issues that are most critical for the members of the association; including A201 which authorizes Probation Officers to exercise police powers, A203 which transfers all probation functions and employees to the Bureau of Probation in State Parole Board, and ACR147 which proposes a constitutional amendment authorizing the transfer of probation functions from the Judiciary to the State Parole Board.

In an effort to reduce unnecessary state costs and to break the cycle of drug and substance abuse that often leads to criminal activity the General Assembly and the Senate gave final legislative approval to legislation sponsored by Assembly Majority Leader Bonnie Watson Coleman and Senators John Adler and Shirley Turner that would make changes to the State's Drug Court program to allow more drug offenders to seek treatment for addiction. (to pg.2)

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In 2008 we will repeat our tracking of dangerous incidents and report our findings to the Judiciary. We will refine our information collection and divide the incidents into moderate and high risk/direct threat categories.

We would ask PANJ members to file both the PANJ forms and the Judiciary Incident report forms. We know some members fear retaliation by management for reporting any activity that may be viewed as a negative reflection on a local vicinage. In such cases, supervisory members should contact me and I will file the Judiciary report. Contact Dorothy Robinson for the line unit.

This process does involve taking time to complete paperwork but it's imperative that we do our profession and fellow probation professionals this valuable service. Let's make 2008 a safer year and we can begin by reporting the incidents that could harm our members and ourselves.

Out of the Gate, from page 1

The Drug Court bill, would implement the recommendations of the New Jersey Commission to Review Criminal Sentencing to amend the special probation statute that governs drug courts. Specifically, the bill would amend the special probation statute to expand eligibility for the program, authorize outpatient treatment under certain circumstances, and permit courts to reduce drug enforcement and demand reduction (DEDR) fines under certain circumstances.

The bill makes four changes to the current law. First, it would amend eligibility criteria to clarify that there are two tracks to getting into the special probation program and to bar a person from drug court where they have two or more convictions for a 1st, 2nd, or 3rd degree crime if at least one of the prior convictions is a 1st or 2nd degree crime, but allow them to participate if that person has two or more prior 3rd degree convictions, subject to the prosecutor's veto.

Second, the bill would amend treatment conditions to eliminate the requirement that a person who receives special probation be sentenced to a period of inpatient treatment for six months and replaces it with judicial discretion to determine whether placement should be residential or nonresidential after a substance abuse evaluation.

Third, the bill would amend discharge provisions to provide for early discharge from the 5-year special probation term if the person makes exemplary progress in the course of treatment, upon recommendation of the supervising probation officer or court's own motion if the person: 1) has satisfactorily

completed the treatment program; 2) has served at least two years of special probation; 3) did not commit a substantial violation of special probation within the preceding 12 months; and 4) is not likely to relapse or commit an offense if probation supervision and related services are discontinued. Finally, the bill would amend penalty provisions to allow the court to reduce the DEDR fines by 50% if the offender completes the program and, in cases where the collection of the penalty will cause extreme financial hardship, reduce it by up to another 50%. The bill passed the Senate the General Assembly with overwhelming margins and awaits the Governor's signature.

PORTRAIT OF CSS II BRAD FAIRCHILD

by Stuart Martinsen, State Recording Secretary

At the November 2007 PANJ-EF Conference, Cumberland Court Services Supervisor Brad Fairchild was recognized as the John Augustus "Father of Probation" award recipient. This award was given in acknowledgment of his active role as a state PANJ official and for his exemplary professionalism. The significance of this honor speaks also of Brad's contribution of 27 years of dedicated service to the Judiciary.

Mr. Fairchild grew up in Salem County, New Jersey and attended Bridgeton High School. He graduated from Lynchburg College in Virginia in 1978 with a degree in Political Science. Later he obtained his Masters in Public Administration at Rutgers in 1992. He has also enjoyed working many years with children and has been both a longtime coach and taught CCD classes.

Upon his receiving the John Augustus Award at the PANJ-EF Conference, Brad's son, Vincent, who is now 15, stood alongside him. Brad's wife, Sheila, was a social worker for the Public Defender's Office and had passed away in 2005 due to heart failure. Brad described his wife as having had an unwavering sense of compassion for people who struggled with life's misfortunes.

Professionally, Brad started his career in 1980 as a Probation Officer. He was State Child Placement Review Coordinator at the AOC and later returned to adult and juvenile supervision as a supervisor. He enjoys being able to go home at the end of the day having felt that he helped a juvenile achieve a level of

success and he considers this a significant accomplishment.

Brad is now the PANJ Supervisory First Vice President, and a member of the State Health and Safety Committee, Legal and Legislative Committees. Brad describes his involvement in PANJ as an honor and privilege. He believes that there is nothing as motivational as working to improve the profession of his peers.

Further, Brad strongly believes that the Judiciary should seek to consolidate vicinages into several regions which would serve the public interest, save on funding, and would be major step in eliminating the parochial interests of some vicinages.

One of Brad's esteemed mentors was the late John Neufeld, former Chief of Training at the AOC, with whom he worked at the AOC from 1986 through 1990. He credits John with having an important influence on both his career and personal life.

A colleague of Brad's, Roberta Sandrow-Scull, a CSS2 in the Atlantic Vicinage, related that she has known him for 22 years. They first became friends at a training seminar in the mid 1980's. She describes him as sincere, caring, and modest. She states that when Brad aligns himself with a purpose or person, you can be sure he will be focused and his motives plain to understand. In her words he has been a dedicated father, husband, and friend.

Another colleague, PPO Richard Fuller of the Cumberland Vicinage, describes Brad as a good friend of many years. He also describes Brad as having been a good husband and father. He indicates that Brad has dedicated himself to PANJ and believes in it as a labor union. Rich stated that Brad has a poster from the 1990 Polish efforts (Solidarity) which fought to achieve union solidarity in that embattled country. Rich said that Brad reaches out to people and also has a realistic concept of what a union should be and he picks his battles wisely. He also stated that Brad is very protective of staff and has been very active in health and safety labor concerns.

SPO Melissa Parks, also of the Cumberland vicinage, stated that Brad was her supervisor at one time and was always available for guidance. She described Brad as compassionate and considers his work with Juveniles as not just "cases" or statistics. He has never lost the true intention of trying to help rehabilitate people. She said he is the best person she has ever worked with because "he is always in your corner with support". She said she is thankful for his positive guidance in her career.

PANJ President George P. Christie describes Brad as a major contributor to PANJ and to the Supervisor's unit in general. He states that Brad has also been recognized for his significant efforts on

behalf of PANJ's legal and legislative concerns.

Brad is a role model for all PANJ members. Many of us in this association admire him for his dealing with personal losses and how he has remained professional through it all. He exemplifies courtesy, professionalism and intelligence. PANJ is honored to have him serve in our leadership as we all benefit from his many contributions.

Wise tales and old Sayings for Labor and Management

By Cornelius Elsasser

Previous Vice President of the Supervisor Unit

Wise tales and old sayings do they still have meaning in today's world and especially would they help to improve our Labor and Management relationship? List:

1. A house divided will not stand
2. Treat others as how you would like to be treated
3. Tale of the Emperor's new clothes
4. Tale of the mouse who removed the thorn from the lion's paw
5. My way or the highway
6. One should be careful what you wish for
7. Tale of the boy who continually called wolf
8. To give is to receive
9. One earns respect, one can not force it or demand it
10. One will catch more flies with honey than with vinegar
11. If you build it they will come
12. A picture is worth a thousand words
13. An honest day's pay for an honest day's work
14. Winning is all that counts, how you play the game doesn't matter
15. The end justifies the means
16. It takes two to tango
17. What is good for the goose is good for the gander
18. What goes around comes around

I'm sure if one reflects on the above list we may be better able to strengthen our house as well as treat each other with more respect and dignity. In addition, this list most likely would triple if each of us thought about our life and those who may influence us in a positive way. I do not profess to be an expert in the area of Labor/Management relations. However, I have survived and helped to make changes over the past 40 years in which I have worked for the Judiciary in one job or another as well as having served as Vice President of the Supervisors Unit of the Probation Association of New Jersey the past 5 years. I would suggest that both Labor and Management commit to a

New Years resolution to forge better communications between the parties and build upon the recent meeting with Chief Justice Stuart Rabner.

Changes within government have often been slow. Unfortunately, some have been very good while others have been very bad. Technology is very important in this changing world. Yet if we each took a close look at it, we might realize we and future generations have lost the ability or desire to communicate directly in a face to face setting. Young people today as well as us old timers have become engrossed in the use of cell phones, e-mails, ipods, and text messaging, etc. How has this impacted or increased the problems we encounter today? I no longer am dealing with you directly; I'm dealing with you through technical equipment.

As a supervisor and for a short time an assistant manager, I have been blessed by many truly dedicated individuals over the years. I never feared being out of the office or on vacation because I believed and trusted those under me in doing the work or being called upon could make a decision. In order to feel this way it was important that these individuals were properly trained and given the opportunity to function without me in an environment in which a mistake didn't have to always bring a fear of punishment. I never felt I had to be the only one with an answer. I would attempt to show them that when they looked good, I looked good and ultimately management looked good. In reality, is this not the way things normally work?

As I approach retirement, I would challenge those in leadership whether they are in management or with labor, to come to grips with the above if we truly want to rebuild and strengthen our house. We also realize we have all become married to statistics; Judges, managers, supervisors and staff. I again feel we lost some the heart and soul of our jobs to this end. The Judiciary prides itself in its logo- independence, integrity, fairness, and quality service. These words are well defined and hopefully apply to not only those we serve but to those in our organization who are providing this service.

There is no question that we have grown and one may conclude that is why we are faced with more discipline cases and grievances. However, these issues and problems were present 40 years ago. We as Labor and Management may have missed the boat on this having in many situations created an us vs. them mentality in which the ability to reconcile issues has not only led to heavy expenditures on both sides but a attitude of we won't or can't trust each other.

Many of these situations rest on the shoulders of both leaderships. If those at the lowest level of the organization are to be held accountable then those and mid and higher management must be held accountable.

If I'm a person who sets up others for failure and only sees others in a negative light, that's where I'm going to be in the end. My article should not be seen as preaching, lecturing or pointing a finger. Each of us can only truly evaluate ones self. One could write a paper on each of these wise tales and old sayings, I will not. I will stress to those behind me both in management and labor that they have their work cut out and a torch to carry. Hopefully, the dialogue recently opened and a commitment to those items listed will help to bridge the river of mistrust and low morale. In the end we either meet our goals or end in failure.

I thank you for taking the time to read this and I extend my thanks to many of those on both sides who have helped to make my career such a rewarding adventure.

Adios Amigo Mr. Benson

By Peter A. Tortoreto

Benjamin Benson Esq. a highly regarded attorney from Fox and Fox, has left the firm to accept a position as a corporate attorney with Mercedes Benz of North America. David Fox has announced that Lynsey Johnson Esq. will resume a majority of Ben's work with PANJ.

Ben has worked with the firm going on five years and has won some very interesting cases for PANJ. Some of his best work was the briefs he filed with PERC. Ben won the right for PANJ to arbitrate the stipend for **Bilingual Probation Officers** in New Jersey. PERC ruled that PANJ could negotiate the stipends associated with the extra duties and appropriate balancing of work assignments for the Bilingual PO. Of course the AOC fought us at every juncture but the briefs authored and filed by Ben were skillful, meticulous and brilliant.

Another notable case that was assigned to Ben from Dave Fox was the brief on the **Unfair Labor Practice associated with Safety Directive 14-06**. Ben successfully argued the matter before PERC Examiner Don Horowitz. Horowitz issued his decision on the spot and the order was effective immediately that the AOC must negotiate the terms and conditions of safety as it applies to the implementation of the directive.

Probably the most interesting case and most immediate was the **Unfair Labor Practice Charge filed against the Judiciary/Camden**. In early February PERC issued its complaint against the Judiciary/Camden Vicinage setting a Trial date of May 19, 2008. Ben acted as co-counsel to the legendary Mr. David I. Fox who was brilliant in his oral arguments prior to the issuance of the complaint. A complaint issued by PERC in labor circles is the equivalent to an indictment in the criminal courts.

We are anticipating Lynsey Johnson Esq. and other Professional, skillful and resourceful associates of Fox and Fox to step up for PANJ and carry the torch of continued excellence by providing brilliant legal advice to assist our labor leaders and membership. In the mean time we are thankful and proud to have the opportunity to work with Benjamin Benson. *Bueno Suerte Nuestro Amigo.*

Contract Negotiations Begin

By Peter A. Tortoreto

Leap Year Day February 29, 2008 was the first day of preliminary contract negotiations with the Judiciary for the Case Related Professional Unit within PANJ. Although preliminary, these talks dubbed "meet and greet" allowed the parties to see one another and for an exchange of PANJ proposals with the Judiciary. The PANJ negotiation team consists of one representative from each vicinage in an effort to be as inclusive as possible.

The Team is led by veteran Attorney David I. Fox and Daniel Zirrih who has partnership status with this highly regarded Law Firm from Livingston, Essex County. Both David and Dan have been working with PANJ for years and this firm has been successful in negotiating all PANJ contracts to a conclusion from the beginning of Judicial Unification.

During the past three years of the current contract, PANJ has been gathering proposals for the successor contract as these issues arise. PANJ President George P. Christie has detailed notes during this period in which have been shared with the Legal Committee and Negotiations Committee prior to drafting the PANJ proposals. There really are no surprises in our concerns. Many of the same issues have surfaced. **Just to mention a few:** More **Master Probation Officers** and a better selection process are areas of major concern left over from past disappointments. **Beeper pay** and a more consistent and fair procedure for payment is also a priority especially in the area of Family Court. This is certainly not limited to one Division. Probation will see an expansion of the Drug Court Unit as well as emergent Bail Duty in the Criminal Division Both use beeper and electronic devices in after hour assignments. These after hour assignments are often in the middle of the night and cause major disruptions in our officer's personal lives not to mention sleep habits.

PANJ is taking an approach that we are not bound by the blunders of a major Labor Union which has consented to give backs in the area of Health Care and employee contributions toward this benefit. As you may be aware Judicial Managers already are making contributions of 1.5% toward their medical coverage.

Probation Officers duties are related to public

safety and issues affecting our members like **Health and Safety** must be addressed properly and thoroughly. Training is a safety issue and the issuance/lack of protective vests is also of serious concern to us. Other serious issues must be addressed such as the emergence of MRSA in the county jails and holding cells. MRSA is a serious communicable skin infection for which no cure exists. Our Officers frequently visit our county jails and do interviews in the holding cells in which their safety should be of paramount concern.

There are many areas in which need to be addressed during this round of contract negotiations. **Discipline and Grievance** procedures need to include fair and impartial hearing officers as well as consistency of application throughout the state. **Respect and Dignity** is an article in which must be adhered in order to maintain our professional status. **Better Communication at the Vicinage Level Step 2** is an area in which needs great improvement. PANJ will strive to advance the value of the contract for our members.

Thank you, PIPC

By John Morton, Chairman, PIPC

Did you know that all communications from PANJ are reviewed for professionalism prior to their release? That's the job of the Public Information and Publications Committee of PANJ. Every flyer, newsletter, statement of position, and submissions to the website are viewed by PIPC and screened prior to publication.

This is the work that goes on behind the scenes. The membership never sees this effort but it is constantly occurring. The time is here to say thank you to those who perform this important task.

PIPC Special Committee:

Stuart Martinsen
Thea Condry
Ellen Cribben

PIPC Committee Members

Peter Tortoreto
Neil Elsasser
George Christie, *ex-officio* member

PIPC Past Members

Gavin Cummings
Kristie Drummond
Dave Yennior

And to our PANJ office staff who distributed all the submissions to the members: Fran Hopps and Lisa Place; thank you too.

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PANJ
12th ANNUAL GOLF OUTING
MAY 12, 2008

Mercer Oaks Golf Course
785 Village Drive West
West Windsor
10AM Shotgun Start

(Time has been changed)

Cost \$115 includes coffee, golf, meals, prizes, and souvenir golf shirt.

Proceeds go to PANJ-EF

Hole Sponsorships \$100