



# Probation Association of New Jersey

*Serving New Jersey Since 1904*

*An affiliate of the American Probation and Parole Association*

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## PRESIDENTIAL NEWSLETTER

DATE: March 15, 2005

### Master Probation Officer and On Call Pay Committee by George P. Christie

As a result of the contract recently ratified by the Case-Related Members, the Committee has been formed to review these two important issues. The Committee consists of four members from PANJ (George P. Christie; Dorothy Robinson, Bergen; Kevin Farley, Mercer; and Dwight Covaleskie, Burlington). The four members from the Judiciary are Jack McCarthy, Director of Trial Court Services; Joseph Orlando, Esq., Chief of Employee Relations; Gregory Edwards, Trial Court Administrator, Middlesex; and James Castagnoli, Trial Court Administrator, Cumberland.

The Committee met on January 26, 2005 and is scheduled to meet again on March 8, 2005. The issues which need to be addressed as to the Master Probation Officer position revolve around the identification of duties. When we come to an agreement on the kinds of jobs that a Master Probation Officer should do, we can then expect to have those jobs filled by officers who will be advanced to the Master title.

As to the on call pay, the Committee has discussed some of PANJ's concerns. PANJ would like to see changes to the on call situation where people would be given more credit for just being on call, and where people on call would get a minimum amount of time for a call. The management team has been open minded and willing to continue the dialog.

### Contract Pay Dates

As you all know, the case-related contract was ratified by the members in an 86% affirmative vote. The Administrative Office of the Courts has given us the dates you can expect to see increases.

The 2% pay increase will be in your pay check on March 24, 2005.

The retro check will be issued to you on April 15, 2005.

## **Probation Officer Community Safety Act Rejected by the Appellate Court by George P. Christie**

On January 12, 2005 the Appellate Court heard arguments as to why the lower court ruling should be overturned. David I. Fox, Esq. (Fox and Fox LLP) representing the Probation Officers, and Andrea Sullivan (Greenbaum, Rowe, Smith and Davis) representing the State of New Jersey, both argued that the law which would train and arm some Probation Officers was constitutional. Cynthia M. Jacob, Esq. (Collier, Jacob and Mills) argued on behalf of the Judiciary that the lower court decision should stand.

On February 18, 2005, the Appellate Court issued their decision that supported the lower court. It concluded that the lower court was correct to find the law unconstitutional and that the law interfered with the Judiciary's ability to administrate properly. Attorney David I. Fox and attorneys representing the State of New Jersey will be appealing the matter to the New Jersey Supreme Court where the Chief Justice has decided to recuse herself.

This issue involves the safety of our Probation Officers and gives them an ability to protect themselves and the public. The Legislature and the Governor of this state believe that Probation Officers should be part of the law enforcement community. They believed that the people serving probation sentences are becoming more dangerous and that the Probation Officer must be better trained and equipped to perform his or her duties safely. The Legislature understood that there are over 30,000 people missing from adult probation and that they often continue to commit serious crimes. They understood that people serving probation sentences are likely to continue to offend and be incarcerated in over 40 percent of the cases.

David I. Fox and Andrea Sullivan have repeatedly explained that there are laws that the Legislature has enacted in the past which dictate how Probation Officers will perform their duties and that those laws were never challenged by the Judiciary. The Judiciary is legislating from the bench in this case and exposing themselves to a good deal of criticism from the media.

An editorial from the Home News Tribune dated February 23, 2005 indicated that Probation Officers looking for probationers who do not report puts "Probation Officers on the heels of society's most dangerous offenders. It also leads Probation Officers into some of the worst neighborhoods in New Jersey." The editorial continues to say that the Court would like Probation Officers to go out in pairs when there is a precarious situation or they can call the police for assistance. However, these suggestions do not guarantee the officers safety (two unarmed officers are no safer than one, and a police escort is not assured), and don't count on the unexpected. The report stated that there are 30,000 missing probationers who can pose a real threat to other people and to Probation Officers. "The Court sounded inflexible in their language, and that's a shame."