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PROBATION STRATEGIES FOR THE
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1982 JUDICIAL CONFERENCE PLANNING COMMITTEE
FINAL REPORT

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PROBATION STRATEGIES FOR THE FUTURE:
A BLUEPRINT FOR CHANGE

July 8, 1982

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RULE 9:1. GOALS

9:1-1. SCOPE

THE RULES IN PART IX GOVERN THE ADMINISTRATION AND
MANAGEMENT OF ALL PROBATION SERVICES.

Commentary

This document sets forth in objective and comprehensive fashion the rules which will regulate the administration and operation of all probation services. It serves to communicate to staff, the courts and the public the mission, goals, responsibilities, administration and organization of probation.

9:1-2. MISSION

THERE SHALL BE A UNIFIED PROBATION SERVICE IN NEW JERSEY TO ASSIST THE COURTS IN THE ADMINISTRATION OF JUSTICE AND TO SERVE THE CITIZENS BY PROTECTING AND PROMOTING THE WELFARE AND INTERESTS OF THE COMMUNITY.

Sources

Final Report on Unification of Probation, Subcommittee #5

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 6, p. 1-2

Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, pp. 93-94, 137

New Jersey Probation Study, Probation Subcommittee, pp. vi, III-4 to 6

New Jersey Probation Services: Final Report, National Center for State Courts, pp. x, xxiii

9:1-3. GOALS

THE GOALS OF PROBATION SHALL BE-

- (A) TO ASSIST THE COURTS ARRIVE AT JUST DECISIONS BY PROVIDING ACCURATE AND RELEVANT INFORMATION.

Commentary

Re Goals Section

One observation that has been made over and over again about probation in New Jersey is that it suffers from having no clearly articulated goals. This has resulted in role confusion among employees, a lack of direction and purpose for policy and an overall ambivalence within the service.¹

Accordingly goals for supervision were recommended by the local advisory committees.² In addition, the Final Report on Operating Standards and Guidelines for Probation recommended that the Supreme Court adopt a formal mission statement which would be fleshed out in goals by the Administrative Office of the Courts.³

In view of these needs for clarifying the purposes of probation and providing a foundation upon which all other Rules are built, the following goals are hereby promulgated.

Re Goal (a)

One of the goals of the Judiciary is to provide just determinations of cases coming before its courts.⁴ If the determinations are to be just, judges must know, among other things, the background and present circumstances of the cases.⁵

These cases almost always present delicate and complex human situations. Sensitive and informed judicial decision-making involving the disposition of juvenile and adult offenders, juveniles in need of supervision, spouses contesting child support, alimony and/or custody of children is critical not only to the quality of justice but for the present and future welfare of the parties and the public.

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-aaa, bbb; New Jersey Probation Study, Probation Subcommittee, pp. 111-1, 5, 6; New Jersey Probation Services: Final Report, National Center for State Courts, pp. 19-22; Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, pp. 93-94.

² Report on the Post-dispositional Role of Probation, Subcommittee #2, pp. 7-8.

³ Final Report on Operating Standards and Guidelines for Probation, supra, Standards Nos. 6 and 7, p. 1-2.

⁴ R. 1:1-2.

⁵ Vanderwart v. Dept. of Civil Service, 19 N.J. 341, 351 (1955); State v. Kunz, 55 N.J. 128, 132 (1969); State in Interest of D.G.W., 70 N.J. 488, 503 (1976); and State v. Leckis, 79 N.J. Super. 479, 487 (1963).

For judicial decision-making to be just, more than mere information is required. First, the information presented to judges must be accurate. Errors of fact or of interpretation have brought many cases into the appellate process. There should be no errors of fact or of inference.

Second, the information must be relevant. Collection of extraneous information wastes scarce resources and diverts attention from central issues. The presence of extraneous information also evidences a lack of clear purpose in the investigative process.

Accordingly the presentation of information to the courts must come from procedures and personnel characterized by the utmost standards of skill and integrity.⁶

Probation has performed the judiciary's investigations since probation was created in New Jersey.⁷ The subcommittee reports unanimously agree that this service should continue to be a probation function in support of the administration of justice⁸ as does the Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey.⁹

⁶ ibid.

⁷ L. 1900, C. 102, § 3.

⁸ Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 13-18; Final Report on Operating Standards and Guidelines for Probation, supra, Chapter III.

⁹ Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137.

Sources

Final Report on Standards for Placement on Probation, Subcommittee #7

Standards and Goals for the New Jersey Criminal Justice System: Final Report, Governor's Adult and Juvenile Justice Advisory Committee, Standard 10.10 (Adult Justice System) and Standard 5.13 (Juvenile Justice System)

Standards Relating to Pretrial Release, American Bar Association, Standard 4.5 (b)

Standards Relating to Probation, American Bar Association, Standard 6.3

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standard 4.6

9:1-3 GOALS (CONT'D)

(B) TO ENABLE THE COURTS TO ENFORCE THEIR ORDERS

- (1) BY ACTIVELY SEEKING COMPLIANCE WITH ALL ORDERS (INCLUDING COLLECTIONS) AND
- (2) BY INFORMING THE COURTS IN CASES OF NON-COMPLIANCE.

Commentary

This rule is based upon a goal endorsed unanimously by all local advisory committees and recommended by the Subcommittee on the Post-dispositional Role of Probation. Their goal for probation supervision read, "To maintain control of probationers and to ensure that orders of the court are enforced."¹

Probation, however, enables the courts to enforce court orders for several groups of persons other than probationers. Two examples are persons in diversionary programs (e.g., Pretrial Intervention, juveniles under continuance or referred to Juvenile Conference Committees) and persons paying support and maintenance for children and/or spouses.²

The courts make three general kinds of orders that are supervised by probation: (1) restrictions upon freedoms (e.g., reduced mobility, urine monitoring), (2) habilitative services (e.g., vocational training program, alcohol counseling), and (3) monetary requirements (e.g., support and alimony, penalty assessments, fines and restitution).

Probation provides a variety of methods in seeking compliance with these orders. Restrictions upon freedoms require contact in the office and at persons' homes or jobs. This sometimes involves surveillance or attempts to locate persons in the community. In addition, habilitative services are provided directly by probation or indirectly upon referral. Persons receiving these services are monitored for attendance and progress. Monetary requirements are audited by establishing schedules for payment and monitoring timely compliance with those schedules.

When persons do not comply with one or more features of their orders, probation may inform the courts. Only judges have the authority to enforce their orders when persons fail to comply.³ Probation carries out those orders so long as persons basically comply. However, when persons under court order substantially fail to comply and fail to benefit from probation's assistance in abiding by those orders, probation refers these cases to the courts for enforcement. The method of enforcement is then appropriately a matter of judicial discretion under law.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Recommendation V.A.1.

² See Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 2, p. 11-5; Guideline No. 3, p. 11-8; Guideline No. 2, p. 11-11; Guideline No. 1, p. V-1; Guideline No. 2, p. V-3; and Guideline No. 4, p. V-4.

³ R. 3:21-7; 4:79-9; 5:6-4; 7:4-6(e).

Sources

Final Report on Standards for Placement on Probation, Subcommittee #7

Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendations 7, 12

Standards and Goals for the New Jersey Criminal Justice System: Final Report, Governor's Adult and Juvenile Justice Advisory Committee, Standards 10.11 and 10.12 (Adult Justice System) and Standards 5.15 and 5.19 (Juvenile Justice System)

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standard 8.2

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standards 3141-3144

Manual of Standards for Juvenile Probation and Aftercare Services, Commission Accreditation for Corrections, A.C.A., Standard 7185

9:1-3. GOALS (CONT'D)

- (c) TO HELP PERSONS AND FAMILIES UNDER THE SUPERVISION OF PROBATION
- (1) MAKE POSITIVE PERSONAL AND SOCIAL ADJUSTMENTS
 - (2) REDUCE THEIR LIKELIHOOD OF COMMITTING NEW CRIMES
 - (3) REDUCE THEIR LIKELIHOOD OF RETURNING TO COURTS.

Commentary

"Probation in general and, a fortiori, restitution as a condition thereof are regarded as rehabilitative in nature."¹ This remark of former Chief Justice Hughes focuses attention on the helping role that has always been central to probation. The service originally limited to persons formally placed on probation has been extended to other persons under court control (e.g., juveniles and adults in diversionary programs such as Juvenile Conference Committees, Pre-trial Intervention and Domestic Relations Intake).

Probation's relationship with these persons is an assertive one that points to a better way of living. These "positive personal and social adjustments" include enabling persons to live more fully the best of their personality and character, making a better living for themselves and their families, becoming integrated into their communities, contributing to the welfare of the state and taking responsibility for their lives.²

Probation must provide services itself or upon referral to enable persons to make these changes. The power of the court is instrumental in creating motivation to change. However, this catalyst must be complemented by both probation's capacity for offering realistic and genuine opportunities and aids for change and clients' possibility for change.

When people make these personal and social adjustments they are less likely to perpetrate crimes or offenses, break local ordinances, or commit status offenses. In addition, successful adjustments will reduce reappearances in courts for other matters such as family disputes. Altogether burdens upon society's tax dollars and well-being will hereby be reduced.

Therefore, we want to prevent people from coming to the court not only because we want them to live responsibly within the law, but because we want to reduce the economic costs of maintaining an expensive justice system.

¹ State v. Harris, 70 N.J. 586, 592 (1976).

² Godfrey v. McGann, 37 N.J. 28, 34-35 (1962); State v. Moretti, 50 N.J. Super. 223, 231 and 244 (App. Div. 1958).

This broad goal clearly encompasses the more specific goal recommended by the Subcommittee on the Post-dispositional Role of Probation which reads, "To rehabilitate offenders through service delivery and collection of restitution."³ This recommendation was based on a unanimous vote of support by the local advisory committee.⁴

One goal frequently identified with probation is punishment. The Subcommittee on the Post-dispositional Role of Probation asked the local advisory committees whether punishment should be a goal of probation. Two-thirds of the committees rejected punishment as a goal and the subcommittee agreed this goal should be rejected.⁵ Substantial support for this position is provided by case law. There is little doubt that probation involves punitive features (e.g., there are restrictions on mobility, imposition of certain obligations, etc.). However, this is not to say that the goal of probation is to punish. It merely emphasizes, as the Supreme Court has written, "Probation has an inherent sting, and restrictions upon the freedom of the probationer are realistically punitive in quality."⁶

³ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Recommendation V.A. 2.

⁴ Id., pp. 7, 13; Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 3-4, 6-7; Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Chapters II and IV.

⁵ Final Report of the Subcommittee on the Post-dispositional Role of Probation, supra, p. 7.

⁶ In Re: Ruth M. Buehrer et al, 59 N.J. 501, 509 (1967). See also State v. Bollinger, 169 N.J. Super. 553, 562-563 (Law Div. 1979).

9:1-3 GOALS (CONT'D)

- (D) TO REDUCE CRIME, DELINQUENCY AND OTHER CAUSES FOR APPEARANCE IN COURTS BY COOPERATING WITH OTHER AGENCIES IN DEVELOPING APPROPRIATE PROGRAMS OF PREVENTION.

Commentary

Probation services gains much wisdom from its activities. It learns about human behavior, community problems, community dynamics and resources available in the communities. All of this information must be applied not only to respond to existing social problems that come to the courts, but to help develop broader responses that will prevent such behaviors in the future.

Prevention is a responsibility shared by all branches and levels of government. All must collaborate and pool their information, resources and vision to reduce crime, delinquency and the other social problems which bring persons to the courts.

Sources

R. 5:9-12

Manual of Standards for Adult Probation and Parole Field Services, Commission Accreditation for Corrections, A.C.A., Standard 3035

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, Standard 7031

Community Crime Prevention, National Advisory Commission on Criminal Justice Standards and Goals, passim

9:1-3 GOALS (CONT'D)

- (E) TO ENHANCE THE WELL-BEING OF PERSONS COMING WITHIN PROBATION'S RESPONSIBILITY WHO HAVE BEEN VICTIMIZED BY CRIME, DELINQUENCY, ABANDONMENT, DESERTION, ABUSE OR NEGLECT.

Commentary

Many different kinds of victims receive services from probation that seek to enhance their welfare. While probation is not in a position to deliver comprehensive enabling services to victims (e.g., rehabilitation from injury), it does and should provide services within its expertise and resources.

Victims of crime and delinquency are presently benefited from restitution collected and disbursed by probation. Further, penalty assessments are collected for the Violent Crimes Compensation Board. These monies are subsequently awarded to eligible victims of crime and delinquency. Crime victims also have opportunity for input into judicial decision-making through presentence reports.

Victims of family disruption are aided by a number of means, too. For example, probation collects and enforces orders for child support and alimony. It also conducts custody investigations, seeking the welfare of the children involved. Some departments also staff Child Review Boards. In many instances probation discovers through these activities instances of abuse and neglect of children. Upon discovery probation can make appropriate referrals to prosecutors and/or the Division of Youth and Family Services.

All in all, probation seeks to help victims and the limits of its ability to help are not clearly defined. However, that probation seeks the well-being of victims cannot be disputed.

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standards Nos. 1 and 2, p. 11-7; Section E, pp. 11-14 to 17; Standard No. 9, p. V-2; Standard No. 3, p. V-4; and Guideline No. 4, p. V-4

9:1-3. GOALS (CONT'D)

(F) TO PROVIDE ALTERNATIVES TO TRADITIONAL COURT PROCESSING FOR APPROPRIATE PERSONS.

Commentary

Probation was created to provide an alternative to incarceration on the basis that incarceration was not always the most appropriate sentence. The philosophy of the time held that youthful and/or first offenders should not typically be incarcerated since they could be assisted by less restrictive means and the negative impact of incarceration could be avoided. In fact, the joint resolution that gave impetus to the emergence of probation in New Jersey observed, "It appears that the inflexibility of our penal laws in an important factor in the reinforcement and perpetuation of the criminal class."¹ Therefore, incarcerating persons was viewed as being not merely inappropriate for some defendants--the practice was actually counterproductive.

That focus on probation as an alternative to traditional means of sentencing criminal offenders has been extended to other classes of persons before the courts. The spirit of creating alternatives to traditional ways of processing cases is at the core of probation philosophy. Accordingly, the focus on probation as an alternative to custodial sentences has been extended to many other types of persons coming before the court. Juveniles in need of supervision or who have committed delinquent acts may be handled by several services short of full court processing. Juvenile Conference Committees and Pre-Adjudication Conference are two prominent examples administered by Juvenile Intake. Adult offenders may qualify for supervisory treatment or Pretrial Intervention programs. In addition, some domestic relations and neighborhood disputes are mediated by probation staff before reaching full attention.

There are two objectives common to all these alternative programs. The first is to relieve litigants and defendants of some of the rigors and costs of full court processing. Completion of most court processes is demanding on the emotional, physical and economic well-being for most persons undergoing them.

A second common purpose is to relieve congestion and backlog of cases. This relief permits the courts and related justice actors (e.g., prosecutors and defense attorneys) to expedite processing of cases that require more scrutiny, care and deliberation. It is also a more efficient means of spending tax dollars.

Other objectives apply only to defendants in criminal and delinquency matters. The first is to take persons when they are most able to benefit from rehabilitative services and motivate them to correct their behavior and develop improved living skills so as to commit no future offenses. Rather than locking them up and complicating individuals' needs, defendants presenting a possibility for growth and development are given energetic support rather than obstacles. The second purpose for this class of persons is to ameliorate the stigma of conviction and bearing a record. This is one of the obstacles that alternative programs seek

¹ Joint Resolution No. 3, approved March 25, 1895.

to avoid. The last objective for criminal defendants is to avoid counterproductive, ineffective or unwarranted prosecution.

All of these alternatives are pursued only insofar as they do not present inordinate risks to public safety and welfare. Rather, they seek to find better ways to resolve offenses and disputes that are more efficient, inexpensive and effective.

Source

Final Report on the Predispositional Role of Probation, Subcommittee #1, passim

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Chapter 11

Final Report on Standards for Placement on Probation, Subcommittee #7, pp. 1-9

Report, Supreme Court Committee on Pretrial Intervention, p. 1

Guidelines for Operation of Pretrial Intervention in New Jersey, Guideline 1

State v. Rice, 137 N.J. Super, 593, 602 (Law Div. 1975), aff'd. 148 N.J. Super. 145 (1977)

N.J.S.A. 2A:4-61; 2C:43-12; 24:21-27

R. 3:28

State v. Leonardis, 71 N.J. 85, 89-90 (1976)

State v. Leonardis, 73 N.J. 360 (1977)

Standards and Goals for the New Jersey Criminal Justice System:
Final Report, Governor's Adult and Juvenile Justice Advisory Committee,
Standards 1.7 to 1.13 (Juvenile Justice)

Standards Relating to Probation, American Bar Association, Standard 6.3

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standards 3.1 and 8.2

Courts, National Advisory Commission on Criminal Justice Standards and Goals, Standards 2.1 and 2.2

9:1-4. APPROACHES

PROBATION SHALL PURSUE ITS GOALS IN THE FOLLOWING WAYS:

- (A) RESPECT AND TREAT WITH DIGNITY ALL PERSONNEL, CLIENTS AND THE PUBLIC.

Commentary

Re Approaches Section

The style with which any public or private agency conducts its operations has an impact on its ability to achieve its goals. When agencies pursue tasks that are primarily legal and moral in nature, their manners are even more visible to the persons they serve. Any hint of incoherence between an agency's statements of purpose and actual performance lessens its effectiveness.

Matters of approaches are usually implicit or assumed. This leaves style open to interpretation and variation among personnel. Since method has a major impact on success for probation, it cannot be left to inferences, implications or assumptions.

The Final Report on the Post-dispositional Role of Probation recognized the need for explicit policy along these lines. Recommendation V.B of the report proposed that all personnel policies and practices, including recruitment, training and deployment of staff, be based upon and consistent with the goals of probation.¹

These rules of administration, then, are built upon both the goals and the approaches herein set forth. All probation policy and practice shall be consistent with both the goals and the approaches.

Re Approach (a)

Many cases that come before the courts involve a failure of persons to respect one another or to treat one another with dignity. In addition, there are many instances in which matters of respect and dignity are violated in the way probation and other judicial personnel treat one another. If the courts would have persons learn to respect and treat one another with dignity, then the Judiciary must set the example in its treatment of all personnel, clients and the public.

Respect of persons and treatment of persons with dignity are not merely philosophical concepts. The following examples illustrate what is required of relationships between and among supervisors, subordinates, peers, judges, clients, victims and the public:

1. To work with persons without prejudice or discrimination. All of the provisions for Civil Rights contained in Article 1, par. 5 of the New Jersey Constitution and in Chapter 10 of N.J.S.A. are included within the meaning of discrimination.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #6, p. 8.

2. To be courteous.
3. To tell the truth.
4. To consider all persons to be capable of rational choice and deciding for themselves their beliefs and conduct, to allow them, to the maximum feasible extent, to make the choices that will determine what happens to them.
5. To respond to persons by taking seriously the choices they make.²
6. To take seriously all suggestions for improving performance provided by staff.

² Items 4 and 5 rely heavily upon Herbert Morris, "Persons and Punishment," pp. 572-585 in Philosophy of Law, edited by Joel Feinberg and Hyman Gross (Encino, California: Dickenson Publishing Company, Inc., 1975).

Sources

Code of Ethics, New Jersey Probation Practices Manual, pp. 8-12

Code of Judicial Conduct

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standard 3152

Manual of Standards for Juvenile Probation and Aftercare Services,
Commission on Accreditation for Corrections, A.C.A., Standard 7180

9:1-4. APPROACHES (CONT'D)

(B) FULFILL ALL RESPONSIBILITIES EFFECTIVELY AND EFFICIENTLY.

Commentary

One major issue raised by the local advisory committees was the effectiveness of current probation services. The committees found many probation services to be deficient.¹

Efficiency was a central issue in the work of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey. This committee concluded, "The overall assessment of Probation services in New Jersey is that the inefficiencies uncovered in this study are clearly the result of a poorly defined organization structure, the absence of service goals, the lack of staff planning, and a general absence of professional management."²

To fulfill all responsibilities effectively requires setting forth standards of outcome and evaluating outcome accordingly. Therefore standards for performance must be established and performance must be evaluated according to those standards. Activities and styles which prove ineffective shall be abandoned or transformed and effective activities and styles shall be supported. All probation services can then be pursued in ways that maximize effectiveness.

To fulfill all responsibilities efficiently requires avoiding duplication, clarifying responsibilities and goals, performing tasks timely, grouping similar tasks together, delivering services uniformly and cost-effectively, maintaining control of clients through all stages of court jurisdiction, supervising staff effectively and motivating staff to excel in all they do. The key benefits of efficiency will include savings in scarce tax dollars, timely delivery of uniform services and improved motivation and performance by personnel.

¹ Four or more counties were found to be deficient in the delivery of the following services: Pretrial Intervention, Conditional Discharge, Juvenile Intake, Neighborhood Dispute Resolution, Pretrial Release, Juvenile Restitution, Child Custody and Best Interest Investigations, and supervision of all probationers except juveniles. Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 5,7,9,11,14,16 & 17; Final Report on the Post-dispositional Role of Probation, Subcommittee #2, pp. 3-4. See further, Final Report on Unification of Probation, Subcommittee #5, pp. 1-2.

² Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 97.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 2, p. 1-3, and Guideline No. 2, p. 1-12

New Jersey Probation Study, Probation Subcommittee, passim

New Jersey Probation Services: Final Report, National Center for State Courts, passim

9:1-4 APPROACHES (CONT'D)

- (c) ENCOURAGE AND SUPPORT INNOVATIVE PROGRAMS AND SERVICES TO CREATIVELY MEET THE NEEDS OF THE COURTS AND THE COMMUNITY.

Commentary

The enormity of the responsibilities presented to probation requires the most creative, innovative, proactive, bold and open-minded style possible. When we discover that existing policy and programs either fail to meet existing needs or are counterproductive, something new must be created to replace the old.

Without risks there is little growth or discovery. The mode of "not rocking the boat" must be replaced by courageous and responsible risk taking.

The creativity and input of staff, clients and the public are essential. All good ideas deserve attention and possible action. This style replaces the too frequent suppression of creativity among probation personnel.

Therefore creative ideas of staff should be encouraged, not repressed. Experimental pilot projects should be pursued boldly and with confidence, not relegated to bookshelves. Administrators should take responsible risks, not preserve the status quo. Structures for input from clients and the public should be created. Dialogue among all parties should be pursued to identify needs and develop creative responses thereto.

Sources

Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Recommendations II.E and IV.A and B. See also Appendix B

Standards Relating to Probation, American Bar Association, Standard 6.3

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standard 10.2

RULE 9:2. FUNCTIONS

9:2-1. INFORMATION SERVICES

PROBATION SHALL PROVIDE INFORMATION SERVICES INCLUDING THE COLLECTION, EVALUATION AND PRESENTATION OF INFORMATION TO COURTS IN SUPPORT OF JUDICIAL DECISION-MAKING.

Commentary

Since its origin in New Jersey in 1900, probation has been collecting and reporting information to the courts on persons appearing before them. The local advisory committees have concluded that providing information to the courts to support judicial decision-making is an appropriate role for probation.¹ The Subcommittee on the Predispositional Role of Probation concluded that these services are essential to the effective functioning of the courts and must continue to be provided by probation.² The Efficiency Committee and the National Center for State Courts also stated that services which provide information about persons to support judicial decision-making should be continued.³ The Subcommittee on Probation also endorsed the providing of information (diagnostic) services to the courts by probation.⁴

Information services consist of the collection, analysis and reporting to the courts of information which would otherwise be unavailable. Provided in a timely fashion and verified by field contact, such accurate and relevant information greatly enhances the decision-making process.

Information services are provided to support decisions in the areas of pretrial release, Pretrial Intervention, Juvenile Intake, sentencing of adults, disposition of juvenile matters, custody of children, support and financial matters.

¹ Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 13-18.

² Ibid.

³ Final Report of the Supreme Court Committee on Efficiency the Operation of the Courts of New Jersey, p. 137; Final Report: New Jersey Probation Services, National Center for State Courts, p. 82.

⁴ New Jersey Probation Study, Probation Subcommittee, pp. IV-2,3.

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Chapter III

9:2-2. SUPERVISION SERVICES

PROBATION SHALL PROVIDE SUPERVISION SERVICES WHICH INCLUDE ENFORCING COURT ORDERS, MONITORING BEHAVIOR AND PROVIDING SERVICES TO PERSONS UNDER THE SUPERVISION OF THE PROBATION OFFICE.

Commentary

The most well known of probation's functions is the supervision of persons under the court's control. Since the origin of probation in New Jersey, supervision services have been provided for offenders and others before the court.

The local committees endorsed the continuation of supervision in general.¹ The Subcommittee on the Post-dispositional Role of Probation recommended that probation provide supervision services and that the goals of probation supervision be (1) control of probationers and enforcement of orders, (2) rehabilitation of offenders, and (3) deterrence of new offenses.²

Supervision services provide the mechanism to carry out orders of the courts. Supervision has three major components: enforcing compliance with court orders, monitoring of client behavior and delivering enabling services which address problems or needs of individuals under supervision. The objectives are to increase socially acceptable behavior and enhance community safety.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, pp. 2, 3.

² Id., p. 7.

Sources

Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137

New Jersey Probation Study, Subcommittee on Probation, p. VI-2

Final Report: New Jersey Probation Services, National Center for State Courts, p. 82

9:2-3. COMPLIANCE SERVICES

PROBATION SHALL PROVIDE COMPLIANCE SERVICES WHICH MAINTAIN CONTROL OVER INDIVIDUALS UNDER THE JURISDICTION OF THE PROBATION OFFICE, MONITOR COMPLIANCE WITH COURT ORDERS AND INITIATE PROCEEDINGS TO BRING NON-COMPLIANCE TO THE ATTENTION OF THE COURTS.

Commentary

There are many persons under court jurisdiction for fulfillment of certain responsibilities who are not under supervision. In order to maintain control over these persons and to ensure compliance with court orders, some mechanism must be provided. As the service arm of the court, the probation office shall provide compliance services to meet this need.

The local vicinage committees provided strong support for this function of probation¹ as did Subcommittee #s 1 and 2.² The Committee on Efficiency and the National Center for State Courts both state that probation should provide services which maintain control over persons and assure compliance with court orders.³

Compliance services include: pretrial release, support and other financial orders and reciprocal support orders from other states and jurisdictions.

¹ Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 13-14; Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p.2.

² Final Report on the Predispositional Role of Probation, supra, p.14; Final Report on the Post-dispositional Role of Probation, supra, p.2.

³ Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p.137; Final Report: New Jersey Probation Services, National Center for State Courts, p.82.

9:2-4. DIVERSIONARY SERVICES

PROBATION SHALL PROVIDE DIVERSIONARY SERVICES AS PART OF THE PROCESS OF IDENTIFYING, DIVERTING AND SUPERVISING APPROPRIATE PERSONS.

Commentary

Diversionary services provide alternatives to traditional case processing provided by probation in response to needs in juvenile and adult areas. Juvenile and domestic relations intake, Pretrial Intervention and matrimonial mediation are examples. The philosophy holds that there are certain persons who could benefit from the provision of early rehabilitative services and for whom the full extent of court processing would not be necessary. Involvement in all of the stages of court processing has certain consequences which would be counterproductive for these selected persons. Diversion lessens the involvement of these persons in the court system and the corresponding intrusion of the system into their lives.

The local committees supported diversion as a function of probation as did Subcommittee #1.¹ It also fits well into the criteria of the Committee on Efficiency and the National Center for State Courts, that probation should provide services to persons under court control and maintain control to ensure that orders are carried out.²

¹ Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 5-12, 21.

² Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137; Final Report: New Jersey Probation Services, National Center for State Courts, p. 82.

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Chapter II

RULE 9:3 ACCOUNTABILITY

9:3-1. RESPONSIBILITY TO THE PUBLIC

THE PUBLIC HAS THE RIGHT TO EXPECT THAT THE PROBATION SERVICE, WITHIN ITS RESPONSIBILITIES, WILL-

- (A) INCREASE PUBLIC CONFIDENCE IN THE FAIRNESS AND JUSTICE OF JUDICIAL DETERMINATIONS;
- (B) MAKE COMMUNITIES SAFER;
- (C) PROTECT CITIZENS' RIGHTS;
- (D) PROVIDE ECONOMICAL ALTERNATIVES TO INCARCERATION FOR APPROPRIATE INDIVIDUALS;
- (E) REDUCE THE DEPENDENCE OF FAMILIES UPON PUBLIC ASSISTANCE;
- (F) PROVIDE VICTIMS WITH THE OPPORTUNITY TO HAVE INPUT INTO THE SENTENCING PROCESS;
- (G) COLLECT MONIES FROM OFFENDERS TO PROVIDE FINANCIAL ASSISTANCE TO VICTIMS; AND
- (H) PROVIDE OFFENDERS THE OPPORTUNITY TO PERFORM COMMUNITY SERVICE SO THAT THE COMMUNITY MAY BENEFIT BY THEIR SERVICE.

Commentary

The public owns a share in probation services and has a right to expect that certain services will be provided with definite results. The probation system is designed to serve not only the courts and those placed under its supervision. It must also further the welfare of society as well as each citizen.

In keeping with this, probation shall increase public confidence in judicial determinations by providing accurate and relevant information to the courts and by monitoring compliance with court orders, informing the courts in cases of delinquency.

Probation shall design and provide services that make communities safer places to live. This will be done in part by supervising probationers and persons who are enrolled in diversionary programs such as Pre-trial Intervention. Probation shall also continue to undertake other programs that will reduce the likelihood of further criminal or offensive behavior.

Probation must protect citizens' rights through the collection of monies such as penalties for the Violent Crimes Compensation Board, restitution for victims or child support. It shall also protect the rights of all parties who are processed through the court system so as not to diminish the fairness and justice of judicial determinations.

Probation shall provide economical alternatives to incarceration for appropriate individuals. Many juvenile and adult offenders do not necessitate institutional sentences, especially when they can be safely supervised in the community. Probation shall identify persons who may be supervised in the community and thereby avoid the greater financial costs of incarceration.

Probation shall reduce the dependence of families upon public assistance through the collection of support monies, referral to appropriate counseling agencies and enforcement of court orders.

Probation shall provide victims an opportunity to have input into the sentencing process. This will be accomplished by contacting victims for statements to be included in the court reports. Probation shall provide financial assistance to victims by collecting monies stipulated by statute or court order.

Probation shall develop community service opportunities for those offenders who are ordered to perform community service work. Community service allows the offender an opportunity to repay the community for the damage that was done which in turn reduces the financial costs to the citizens of the community.

See related R. 9:1-2.

Sources

Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Recommendation V.A

Final Report on the Child Support Enforcement Role of Probation, Subcommittee #3, passim

Final Report on State and Local Public Participation in Probation, Subcommittee #4, p. 7

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 4, p. 1-5

Final Report, Committee on Efficiency in the Operation of the Courts, pp. 137, 141

New Jersey Probation Services: Final Report, National Center for State Courts, pp. 81-83, 89

9:3-2. EVALUATION

UNIFORM STANDARDS AND PROCEDURES FOR EVALUATING
OVERALL SYSTEM PERFORMANCE AS WELL AS INDIVIDUAL
PROGRAM PERFORMANCE SHALL BE DEVELOPED.

Commentary

Evaluation is a critical factor in measuring and improving performance of probation services. As the Subcommittee on Operating Standards and Guidelines recommends, "Evaluation systems should be established to adequately determine the quality of services provided to the community."¹

Therefore, both the overall system and individual programs shall be evaluated. System evaluation measures performance of the entire organization in achieving its goals and objectives. In a program evaluation, the object of measurement is the effectiveness of a particular program in the achievement of an immediate objective.

Mechanisms for evaluation shall monitor compliance with standards, operational performance, program effectiveness and overall efficiency. All aspects of probation programming shall be evaluated. Administrators will thereby know how well the probation service is achieving its goals and objectives and where corrective action is necessary.

The Administrative Office of the Courts shall develop standards and procedures for evaluation as part of its overall administrative responsibilities. Chief Probation Officers shall carry out evaluation of local programs and system performance.

Evaluation information will be submitted to the state Advisory Board and the local advisory committees so that they can recommend changes in the probation system by analyzing the information generated through evaluation.

¹ Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Recommendation #2, p. 1-aa.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guidelines Nos. 5 and 6, pp. 1-6, 7

Final Report on Standards for Placement on Probation, Subcommittee #7, passim

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendations 8, 12 and 22

New Jersey Probation Study, Probation Subcommittee, p. v.

Final Report of the Supreme Court on Efficiency in the Operation of the Courts of New Jersey, pp. 137-141

Standards Relating to Probation, American Bar Association, Standard 6. 2 (ii)

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standard 15.5

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3096

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7088

9:3-3. RESEARCH AND DEVELOPMENT

A PERMANENT RESEARCH AND DEVELOPMENT PROGRAM SHALL BE ESTABLISHED TO IDENTIFY IMPEDIMENTS TO ACHIEVING PROBATION'S GOALS AND TO DEVELOP PROBLEM SOLVING STRATEGIES.

Commentary

As the report of Subcommittee #6 stated, "Research, planning and evaluation are key elements in a comprehensive and systematic management strategy."¹ Research is critical because it assists the probation service to refine and further develop goals, objectives and plans for the future. Controlled experiments, social scientific surveys, policy analysis and many other forms of research will help probation achieve its goals.

Significant changes in probation services should be supported by research that shows public safety to be undiminished and probation operations to be unimpaired. New programs should be initiated on a trial basis to permit scientific evaluation before being expanded statewide.

Research findings shall be published and distributed. Their publication helps avoid duplication of effort elsewhere and provides a sharing of knowledge and experience throughout the state's probation service.

Probation's capacity for research and development shall be enhanced by drawing on the state's academic community. Accordingly the Judiciary shall encourage responsible outside social scientists, educators and other researchers to participate in a comprehensive program of research and development.

See related R. 9:5-6.

¹ Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 5, p. 1-6.

Sources

Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, pp. 139-141

New Jersey Probation Study, Probation Subcommittee, pp. VII-1 to 3

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendations 18, 20 and 22

9:3-4. PUBLIC INFORMATION PROGRAM

PROBATION SHALL HAVE A STATE-LEVEL PUBLIC INFORMATION PROGRAM THAT INFORMS THE PUBLIC ABOUT PROBATION'S GOALS, ACTIVITIES AND PERFORMANCE, AND SHALL PUBLISH AN ANNUAL REPORT AS PART OF THE ADMINISTRATIVE DIRECTOR'S JUDICIAL REPORT TO THE SUPREME COURT.

Commentary

Community outreach efforts shall be promoted since an informed public is both desirable and necessary. The public information program shall make known, both to the public and to other justice agencies, the probation service's goals, objectives, activities and achievements. It shall also provide general information about probation and specific commentary about newsworthy events that promote increased understanding and support among the members of government and the community. The program shall operate in conjunction with the office of Judicial Information Services.

It shall include, but not be limited to, the following activities: news releases, letters to the editor, press notices, feature stories, public service announcements, talk shows, speaking engagements and community relations efforts. It shall also contact the following kinds of community groups: professional associations, civil, fraternal and religious organizations.

The public information program will be available to county probation offices and local administrators shall be encouraged to contribute newsworthy information for public dissemination.

The information released shall conform to all laws and rules of confidentiality so as to protect clients and staff.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 1, p. 1-5

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard #3037

RULE 9:4, PROBATION STAFF

9:4-1. PROFESSIONALISM

THE PROBATION OFFICER IS A CAREER PROFESSIONAL WHOSE DEDICATION TO SERVING THE JUDICIARY AND THE COMMUNITY IS VITAL TO ACHIEVING THE GOALS OF PROBATION. THEREFORE THE SUPREME COURT SHALL ESTABLISH AND MAINTAIN -

- (A) A PERSONNEL MERIT SYSTEM WITH CAREER ADVANCEMENT;
- (B) CONTINUING EDUCATION AND TRAINING PROGRAMS;
- (C) OPPORTUNITIES FOR INPUT INTO THE DEVELOPMENT AND REVIEW OF POLICIES AND PRACTICES; AND
- (D) A CODE OF ETHICS.

Commentary

The Supreme Court recognizes that if the services required to meet probation's goals are to be provided, professional personnel are vital. The probation service cannot function unless probation officers are dedicated to service, perform required tasks skillfully and pursue their activities in ways consistent with the goals and approaches of the probation service.

The importance of probation officers was emphasized by the local advisory committees especially through the Subcommittee on Unification. Recommendation eight of the subcommittee, which was unanimously endorsed by the local committees, observed, "Too often, probation staff view their jobs as potentially deadend employment. A system must be devised to give true career promise to probation."¹ Therefore the subcommittee recommended, "Career development in probation must be enhanced." The subcommittee's second recommendation, upon the endorsement of eight local committees and the opposition of none, proposed the establishment of a merit personnel system and the abandonment of Civil Service.² Consult the personnel section of these Rules for further information on the merit system.³

Education and training programs are essential for honing the skills probation officers bring to the job. These resources for staff development are also emphasized by the Report on Unification with the unanimous endorsement of the local advisory committees.⁴ In addition, 82% of probation staff surveyed reported that more emphasis should be placed on providing training and education for the probation staff.⁵ Accordingly, consult R. 9:4-5 to find these concerns fully mandated.

¹ Final Report on Unification of Probation, Subcommittee #5, p. 9.

² Ibid.

³ R. 9:5.

⁴ Final Report on Unification of Probation, supra, pp. 9-10.

⁵ Id., Appendix C, p. 3.

The probation service shall create an environment in which probation officers are encouraged to provide input into the development of policies and practices. This shall include feedback that identifies individual and structural failures to adhere to probation's goals, approaches or code of ethics.

The input of probation officers into the development of policies and programs is desirable for several reasons. First, it is an effective way of drawing upon their imagination and creativity consistent with the approved approaches of the service. Second, it is proper for persons whose responsibilities will be affected by certain policies to have an opportunity to evaluate those policies. This ensures that all points of view are entertained throughout the process of developing policies. This illustrates one means of carrying out the principle of respecting persons by involving them in decisions that affect them. This principle has the endorsement of the Report on Operating Standards and Guidelines for probation which recommended, "Operation of the probation service should include input from those in its employ."⁶ Accordingly, consult R. 4:2 thru 4:4 which mandate several mechanisms for feedback and input.

The code of ethics is the only component of this rule that is not mandated elsewhere in these rules. While there is no discussion of a code of ethics in the subcommittee reports, it is clear that a code of ethics is essential to elucidate operationally some of the requirements of staff behavior.⁷ Not only does this give administrators criteria for evaluation, but it directs staff in the daily performance of their duties within a framework that is clearly known to them.

See related R. 9:4-2, 3, 4; 9:5.

⁶ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 8, p. 1-8. See also Standards Nos. 7 and 4, p. 1-8. See also New Jersey Probation Study, Subcommittee on Probation, pp. VI-15, 16; Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7010; Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3017.

⁷ See Code of Ethics, New Jersey Probation Practices Manual, pp. 8-12; Community Crime Prevention, National Advisory Commission on Criminal Justice Standards and Goals, Standard 10.1.

Sources

Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Recommendation V.B

Final Report on Unification of Probation, Subcommittee #5, Recommendation #8

Standards and Goals for the New Jersey Criminal Justice System: Final Report, Governor's Adult and Juvenile Justice Advisory Committee, Standard 5.20 (Juvenile Justice System)

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standard 10.4

9:4-2. PROFESSIONAL DEVELOPMENT COMMITTEE

A STATE-LEVEL COMMITTEE OF FIELD STAFF SHALL BE ESTABLISHED-

- (A) TO REVIEW PROGRAMS AND NEEDS FOR EDUCATION AND TRAINING;
- (B) TO RECOMMEND SPECIFIC POLICIES AND ACTIONS TO ENHANCE THE PROFESSIONALISM AND QUALITY OF THE PROBATION SERVICE;
- (C) TO RECOMMEND STAFF PERSONNEL TO SEMINARS, WORKSHOPS AND CONFERENCES;
- (D) TO DEVELOP STANDARDS FOR PARTICIPATION OF PROBATION PERSONNEL IN GRADUATE EDUCATION PROGRAMS;
- (E) TO MAKE RECOMMENDATIONS REGARDING SPECIFIC OPERATIONAL PROBLEMS; AND
- (F) TO TAKE ON SUCH OTHER ADVISORY AND PARTICIPATORY FUNCTIONS AS THE ADMINISTRATIVE DIRECTOR OF THE COURTS MAY DELEGATE.

THE COMMITTEE SHALL BE COMPOSED OF ADMINISTRATORS, SUPERVISORS, LINE OFFICERS, PARAPROFESSIONALS AND OTHER PROFESSIONALS FROM REPRESENTATIVE PROBATION OFFICES AND SHALL BE APPOINTED BY THE CHIEF JUSTICE ON RECOMMENDATION OF THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

This rule is founded upon the principle set forth in section (c) of R. 9:4-1 which provides for staff input into the development of programs and policies. The present rule focuses on the need for field staff to contribute in a special way to the development of statewide policies, programs and resources designed to enhance professionalism.

However, the rule does not limit the roles of this committee to issues of professional development alone. Section (d), in effect, broadens the scope of the committee to potentially include all aspects of probation operations. Therefore, while the rule first and foremost guarantees that field staff shall have input into statewide discussions of professional development, it shall not be limited to that focus so long as the primary purposes are fulfilled.

The rule provides further that a cross-section of field staff shall be included. This implies that no single level of personnel may dominate the membership but that all levels from paraprofessionals on up shall have equal representation. The rule provides finally that all kinds of counties shall be represented: large, medium and small; rural, suburban and urban; north, central and south. It does not require that every county be represented, although each may be.

The Chief of Probation Training and Staff Development of the Administrative Office of the Courts may serve as chairperson of this committee.

See related R. 9:4-1.

9:4-3. PARTICIPATION

RECOGNIZING THE IMPORTANCE OF PROFESSIONAL PROBATION PERSONNEL, THE JUDICIARY SHALL ENCOURAGE THEIR INPUT INTO THE DEVELOPMENT OF POLICIES AND THEIR PARTICIPATION IN ACTIVITIES, INCLUDING THE FOLLOWING:

- (A) COLLECTIVE BARGAINING ON ECONOMIC AND NON-ECONOMIC TERMS AND CONDITIONS OF EMPLOYMENT;
- (B) APPROVED OUTSIDE EMPLOYMENT;
- (C) IDENTIFICATION OF SYSTEM DEFECTS AND FAILURES TO ACHIEVE GOALS;
- (D) EMPLOYMENT IN OTHER POSITIONS IN THE JUDICIARY THROUGH LEAVES OF ABSENCE WITHOUT THE LOSS OF EARNED SERVICE CREDITS;
- (E) DEVELOPMENT OF LOCAL AND STATE POLICY AND PROGRAMS;
- (F) EFFECTIVE AND RELEVANT TRAINING.

Commentary

This rule identifies some of the opportunities of which professional staff shall be encouraged to avail themselves. The Judiciary recognizes that if professionals are to grow and take responsibility for the quality of the probation service, these and other opportunities must be not only available-- staff must be encouraged to make the most of them.

Section (a) gives officers an active role in constructing the working environment, reward system and expectations of employment. Part (b) encourages staff to obtain outside employment which will improve their professional development as well as share their expertise in other social service or educational contexts.

Section (c) invites staff to identify any defects and failures to achieve probation's goals. This may include personnel, policies and practices which fail to lead to accomplishment of goals or fail to behave consistently with the approaches.

If probation services is to make the best use of its professional staff, there will be times when it is appropriate for a person to be temporarily employed in other areas of the Judiciary. Clause (d) provides that staff may take jobs in other areas of the Judiciary under leaves of absence. Further, it provides for doing so without penalty (e.g., loss of earned credits). This will also provide more incentives and opportunities for personnel to advance their professionalism and careers.

Part (e) extends the principle of staff feedback and input to the development of local and state probation policies and practices. The last section encourages probation officers to demand and receive training that is effective and relevant. They shall identify areas for training, receive instruction and evaluate it. This will help ensure that training develops the skills and expertise needed to improve achievement of probation's goals.

See related R. 9:4-1; 9:5.

Sources

Final Report on Unification of Probation, Subcommittee #5, Recommendation 8

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 11, p. 1-2; Standard No. 11, p. 1-4; Standards Nos. 7 & 4, p. 1-8; and Standard No. 1, p. 1-18.

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standards 3017, 3068

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standards 7060, 7061, 7063

9:4-4. INTERACTION WITH JUDGES

EACH PROBATION OFFICE, IN COLLABORATION WITH LOCAL JUDGES, SHALL ESTABLISH AND MAINTAIN A FORMAL MECHANISM APPROVED BY THE ADMINISTRATIVE DIRECTOR FOR ONGOING DIALOGUE BETWEEN PROBATION OFFICERS AND JUDGES.

Commentary

The symbiotic relationship between judges and probation officers is illustrated in the following observation by the Supreme Court; "The effectiveness of a probation report would be totally destroyed if the judges who rely thereon do not have implicit confidence in the character and ability of the person preparing it."¹ Not only is the effectiveness of judges partially dependent upon the quality of work performed by probation officers, but the effectiveness of probation officers is partially dependent upon the nature of the support and interaction they enjoy with judges.

Probation officers interact with many judges on a daily basis on a case by case basis. Frequent conferences occur to discuss matters such as dispositions, sentences, violations of probation, warrants, large arrearages in complicated support/alimony cases, custody and visitation problems, etc. Indeed, judges and probation officers are interdependent and function as a team.

If judges and probation officers are to sustain their interdependence effectively, they must understand each other's expectations, roles, responsibilities, constraints and working conditions. Further, a spirit of collegiality and collaboration must prevail. Absent mutual understanding and good will, bad feelings and alienation will create an environment in which progress toward goals is impeded.

Judges and probation officers need each other and must work together to develop affirmative and collaborative working styles. Officers need the support of judges on many areas of enforcement. Judges need officers for assistance in arriving at decisions.

The mechanism that each county establishes should involve probation personnel from all levels and judges from all courts serviced by probation. Local needs and resources will determine the nature of each mechanism. Common themes, however, shall include regular opportunities for communication, clarification of roles and responsibilities, development of policy, feedback and evaluation of performance, and joint exploration of ways to improve the administration of justice.

Only the highest standards of performance shall be acceptable in probation and on the bench. Judges and officers are responsible for helping each other identify deficiencies and correct them. For example, judges may need to call corrective attention to inadequacies in reports they receive. Similarly, officers may need to call remedial attention to defective dispositions.

¹ Vanderwart v. Civil Service, 19 N.J. 341,351 (1955).

9:4-5. COMPREHENSIVE STAFF TRAINING AND DEVELOPMENT PROGRAM

A COMPREHENSIVE STAFF TRAINING AND DEVELOPMENT PROGRAM SHALL BE ESTABLISHED AND MAINTAINED CONSISTING OF THE FOLLOWING:

- (A) A PROBATION TRAINING COLLEGE WHICH PROVIDES ORIENTATION FOR ALL NEW STAFF AND CONTINUING EDUCATION FOR ALL PROBATION STAFF, INCLUDING PROBATION EXECUTIVES.

Commentary

One of the major recommendations of the Subcommittee on Operating Standards and Guidelines for Probation provides for the establishment of a Probation Training College.¹ The College will provide orientation training for all new probation staff, continuing education for all levels of probation personnel and a special training program for probation executives.

Orientation training will consist of a 15 day mandatory introduction to probation and development of basic skills necessary for entry level Probation officers. Probation officers shall complete this orientation course before being assigned to field operations.

The continuing education program will be provided to all probation staff where approved by the supervisor. The Child Support Enforcement Program will consist of specialized training courses, seminars, workshops and attendance at conferences in specific interest areas.

The training program for probation executives will provide training for persons in the administrative track. It shall provide orientation for new managers and follow-up with continuing education in administrative skills.

The costs of training programs provided by the Probation Training College will be shared by the state and counties. Costs will be prorated on a per diem basis for each participant.

Chief Probation Officers shall be informed of the registration fees in advance of the training in accordance with N.J.S.A. 2A:168-8.

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 5, p. 1-14.

Sources

Final Report on Unification of Probation, Subcommittee #5, Recommendation #7

New Jersey Probation Services: Final Report, National Center for State Courts, p. 6, Recommendation 4

Standards Relating to Probation, American Bar Association, Standard 6.6

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standard 3066

Manual of Standards for Juvenile Probation and Aftercare Services,
Commission on Accreditation for Corrections, A.C.A., Standards
7059, 7060

9:4-5. COMPREHENSIVE STAFF TRAINING (CONT'D)

- (B) THE REQUIREMENT THAT EACH PROBATION OFFICER COMPLETE ALL TRAINING MANDATED BY THE SUPREME COURT.

Commentary

The Supreme Court mandated four training courses on November 12, 1973. First, all new probation officers were required to complete orientation training before they could receive permanent appointment in the probation officer title. The court also required each officer to complete a course entitled "Skills and Methods in Probation Practice" within one year of their employment. These courses were mandated for all probation officers.

The other two courses mandated by the Supreme Court apply to special groups. The first, a training program for probation supervisors, must be completed before an officer may be permanently appointed to a supervisory position. The second group for which training was mandated was officers doing group counseling. They were required to complete Basic Guided Group Interaction training course.

Other courses have been recommended to the Supreme Court for similar mandate and are awaiting action. Those courses are-

1. Juvenile and Domestic Relations Pre-Judicial Conference Training. This course would be required of all staff assigned to Juvenile and Domestic Relations Intake units.
2. Child Support Enforcement Investigators Orientation Training. This course would be required of all investigators assigned to child support enforcement (Title IV-D).
3. Child Custody Investigation Training. All officers assigned to child custody investigations for the Chancery Division would be required to complete this course.
4. Alcohol Counseling. Every officer supervising caseloads with high percentages of alcoholics would have to complete this course.
5. Basic Counseling Skills. Like Skills and Methods, this course would be required of every probation officer within their first year of employment.

By mandating training courses the Supreme Court seeks to ensure that its probation personnel will be trained in up-to-date techniques in case management, administration, supervision and other necessary specialized skills. Within their administrative responsibilities, Chief Probation Officers shall permit officers to attend all required training.

Sources

- Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 2, p. 1-16
- New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 4

9:4-5. COMPREHENSIVE STAFF TRAINING (CONT'D)

- (c) A CERTIFICATION PROGRAM FOR THE CAREER DEVELOPMENT OF PROBATION STAFF ESTABLISHED BY THE CHIEF JUSTICE UPON RECOMMENDATION OF THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

Until the 1960's, probation practices in New Jersey depended largely on practical experience to train new probation officers. With the development of optional and then mandated training programs, the Judiciary began identifying specific core information and designated approaches for delivering probation services. To improve the ability of probation officers to manage their workloads by ensuring that they have been provided with up-to-date and necessary skills, the Administrative Office of the Courts shall develop a certification process for professional staff. Certification will provide that officers have taken and successfully achieved a level of proficiency in the necessary areas of probation work. Certification will be required for all individuals before being assigned new responsibilities or receiving promotional advancement.

Requirements for certification will be established by the Chief Justice upon review and recommendations by the state-level Advisory Board and the Administrative Director of the Courts.

Sources

Final Report on Unification of Probation, Subcommittee #5, Recommendation 8

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 4

9:4-5. COMPREHENSIVE STAFF TRAINING (CONT'D)

- (D) THE REQUIREMENT THAT ALL PROFESSIONAL AND PARAPROFESSIONAL PROBATION STAFF COMPLETE A MINIMUM OF FORTY HOURS OF APPROVED TRAINING PER YEAR BEGINNING JULY 1, 1983.

Commentary

Each professional and paraprofessional staff member shall complete a minimum of forty (40) hours of approved training per year. This forty hours can be completed by attending approved seminars, workshops and conferences. Completion of at least six (6) credits per year in an approved graduate education program will satisfy this requirement.¹

The basic goal of this requirement is to ensure that the Supreme Court has well-trained professional staff who are always improving their knowledge and skills. It also seeks to enable staff to keep abreast of important developments relevant to probation services, sustain morale and develop motivation.

¹ Final Report on Operating Standards and Guidelines, Subcommittee #6, Standard No. 7, p. 1-14.

Sources

Final Report on Unification of Probation, Subcommittee #5, Recommendation 8

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 7, p. 1-14; Guideline No. 2, p. 1-16

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 4

9:4-5. COMPREHENSIVE STAFF TRAINING (CONT'D)

- (E) THE DESIGNATION BY THE CHIEF PROBATION OFFICER OF A PROFESSIONAL STAFF PERSON WHO SHALL COORDINATE TRAINING IN EACH PROBATION OFFICE.

Commentary

A training coordinator shall be designated for each probation office by the Chief Probation Officer to ensure communication and cooperation between the Administrative Office of the Courts and the local probation office. Additionally, the training coordinator shall identify and develop community resources such as colleges and universities for local training needs.

In addition to registering probation staff in various training programs, the coordinator shall maintain local training records and develop a local training program for meeting the special needs of the probation office. This function is necessary to complement the offerings of the statewide training program.

Finally, the training coordinator will work in conjunction with the staff of the Volunteers-in-Probation program to provide a comprehensive training program for the volunteers.

See related R. 9:7-5(c).

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 5, p. 1-14

RULE 9:5. PERSONNEL

9:5-1. JUDICIAL MERIT PERSONNEL SYSTEM

PROBATION OFFICERS HIRED AFTER JULY 1, 1983, SHALL BE APPOINTED IN ACCORDANCE WITH THE JUDICIAL PERSONNEL MERIT SYSTEM ADOPTED PURSUANT TO R. 1:34-4. THE DEPARTMENT OF CIVIL SERVICE SHALL IMPLEMENT THROUGH TITLE 11 THE PERSONNEL MERIT STANDARDS ADOPTED BY THE SUPREME COURT.

Commentary

The Judiciary needs to gain control over both its administrative functions and its personnel if it is to assure that whatever policies and operational standards emerge from its mission and goals are in fact implemented effectively.¹ The existing Civil Service system has not efficaciously addressed the needs of the Judiciary, the probation service, or their employees. Serious delays in offering entrance and promotional examinations have undermined continuity of employment and supervisory authority to carry out assigned tasks effectively. For example, promotions of probation staff under the current Civil Service system are not related to evaluations of job performance. In addition, existing Civil Service policies for cross-county transfers and structure of job classification do not provide for efficient deployment of staff and meaningful career paths based on employee skills.²

The Supreme Court has determined that probation officers are judicial employees functioning as part of a state probation service.³ Therefore, by virtue of its constitutional authority to "make rules governing the administration of all courts in the state," the court is capable of immediately establishing merit system standards to be implemented by Civil Service through Title 11 in the interim.⁴

When the question of Civil Service was posed to the local advisory committees none of them disagreed that the Judiciary should abolish use of the system as the mechanism for its personnel practices.⁵ The Subcommittee on Unification of Probation recommends abandoning Civil Service and establishing an independent merit system within the Judiciary for its personnel policies and practices effective January 1, 1985.⁶ These recommendations require a statutory change to become effective.

¹ New Jersey Probation Services: Final Report, National Center for State Courts, p. 81.

² Ibid., pp. 76-78.

³ In Re: Salaries for Probation Officers of Bergen County, 58 N.J. (1971); Passaic County Probation Officers' Association v. The County of Passaic, 73 N.J. 247 (1975).

⁴ N. J. Const. (1947), Art. VI, § 11, par. 3.

⁵ Final Report on Unification, Subcommittee #5, Appendix C.

⁶ Ibid., Recommendation #2.

See related R. 9:3-1.

Sources

New Jersey Probation Study, Probation Subcommittee, Recommendation #4

New Jersey Probation Services: Final Report, National Center for State Courts, pp. 83-84

9:5-2. ELEMENTS OF THE JUDICIAL PERSONNEL MERIT SYSTEM

THE JUDICIAL PERSONNEL MERIT SYSTEM SHALL INCLUDE A PROMOTIONAL POLICY, A TRANSFER POLICY AND AN ESTABLISHED COMPENSATION SCHEDULE BASED ON JOB PERFORMANCE AND EVALUATION PROCEDURES, ACCORDING TO A DUAL TRACK CAREER LINE. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DEVELOP AND ISSUE A WRITTEN MANUAL OUTLINING ALL PERSONNEL POLICIES AND A CODE OF ETHICS.

Commentary

The Judiciary shall develop uniform personnel practices to improve its control over elements such as evaluation of job performance, entrance requirements, promotion and training to the degree that professional development is enhanced and service delivery improved.¹

All policies regarding recruitment, selection, appointment, development, promotion, transfer, layoff, classification, compensation, separation, discipline, dismissal, appeal hearing and provision for the welfare and rights of court employees shall seek to secure and retain the most qualified employees to provide services effectively and efficiently.² The elements of the system shall be designed such that evaluation of job performance will be specific to duties and will become an integral part of career advancement commensurate with experience, education and expertise.³ The recommendations of the Subcommittee on Unification of Probation and the Subcommittee on Operating Standards and Guidelines for Probation emphasize the need for performance measures, staff career development and meaningful compensation.⁴

The Subcommittee on Operating Standards and Guidelines for Probation recognized the need to develop two career service tracks. One track would provide an avenue for advancement in direct service delivery for persons particularly skilled and interested in that area. The other track provides an administrative route for persons who possess executive and administrative skills and interests.⁵ A well implemented system as outlined will improve competence and promote quality service delivery.

The Supreme Court, as the employer of judicial personnel, shall adopt a manual informing employees of their individual employment rights, expected performance and desired behavior.

See related R. 9:4-1.

¹ Final Report on Unification of Probation, Subcommittee #5, Recommendations 2 and 8; New Jersey Probation Services: Final Report, National Center for State Courts, p. 71.

² Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 14, p. 1-12; Guideline No. 18, p. 1-16.

³ Final Report on Unification of Probation, supra, Recommendation 2.

⁴ Ibid., Recommendation 8; Final Report on Operating Standards and Guidelines for Probation, supra, Guideline No. 16, p. 1-14.

⁵ Ibid., Standards Nos. 3 and 4, p. 1-15.

See related R. 9:4-1.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-14 to 16

New Jersey Probation Study, Probation Subcommittee, pp. IV-7, 8

Manual of Standards for Adult Probation and Parole Field Services, A.C.A., Standard 3045

New Jersey Probation Services: Final Report, National Center for State Courts, pp. 84 and 107

9:5-3. PERSONNEL PERFORMANCE GOALS

THE CHIEF PROBATION OFFICERS, SELECTED PROBATION STAFF AND THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL PERIODICALLY REVIEW THE JUDICIAL PERSONNEL MERIT SYSTEM TO ENSURE THAT IT REWARDS PERFORMANCE CONSONANT WITH THE GOALS AND APPROACHES OF THE PROBATION SERVICE.

Commentary

The Subcommittee on Unification of Probation recognized that personnel policies are a "complex, sensitive issue." The subcommittee therefore concluded, "Any changes in personnel practice must be taken only after careful planning and testing to insure that the new system provides adequate employee protection while also advancing the quality of professional services."¹ In addition, the National Center for State Courts found that the lack of participation of probation specialists in the development of job specifications contributed to the inadequacy of Civil Service personnel practices.² Therefore an ongoing capacity for review by all levels of personnel and the Administrative Office of the Courts is necessary.

The Judicial Personnel Merit System shall be administered in accord with the goals and approaches of the probation service as herein set forth. The system shall be based largely on employee performance measures and individual expertise.³ Practitioners working at all levels of the service shall periodically review the system in order to develop staff confidence in the system.

In order to ensure periodic review by staff and the Administrative Office of the Courts a "blue ribbon judicial merit commission," recommended by the Subcommittee on Unification of Probation,⁴ shall be established. The commission shall ensure that the merit system is rewarding individuals who perform admirably in the accomplishment of probation's goal.

See related R. 9:1-3; 9:1-4; 9:3-1(c); 9:3-3; and 9:4-2.

¹ Final Report on Unification of Probation, Subcommittee #5, Recommendation 2.

² New Jersey Probation Services: Final Report, National Center for State Courts, p. 76.

³ Final Report on Unification of Probation, supra; see also R. 9:4-2.

⁴ Ibid.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 6, p. 1-2; Guideline No. 19, p. 1-17

9:5-4. PROBATION OFFICER APPOINTMENT

PROBATION OFFICERS SHALL BE APPOINTED BY THE ASSIGNMENT JUDGE UPON APPLICATION OF THE CHIEF PROBATION OFFICER.

Commentary

Since Assignment Judges are responsible for local judicial administration¹, they shall be the appointing authority for all probation officers within their vicinages.² The Chief Probation Officer, as the office supervisor, shall recommend qualified candidates who are available for appointment.³ All appointments shall be made in accordance with The Judicial Personnel Merit System established by the Supreme Court pursuant to R. 1:34-4.

¹ R. 1:33-3.

² R. 1:34-4.

³ N.J.S.A. 2A:168-5

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-1 and 1-12

9:5-5. LABOR RELATIONS

THE SUPREME COURT SHALL PROMULGATE A UNIFORM LABOR RELATIONS POLICY FOR ALL PROBATION EMPLOYEES. THE ADMINISTRATIVE DIRECTOR SHALL ASSUME ADMINISTRATIVE RESPONSIBILITIES FOR IMPLEMENTATION OF SUCH POLICY.

Commentary

The Supreme Court sought to establish some statewide uniformity in labor relations policy for probation when it designated the Assistant Director for Probation Services to represent the Judiciary in all negotiations. Nevertheless, the very nature of the environment in which negotiations occur has resulted in disparate benefits among and within the twenty-one county probation offices. Some of the environmental factors impeding greater uniformity are these: twenty-eight separate and distinct probation officer bargaining units, administration by the judicial branch of government of a service currently funded by another branch at the county level,¹ the lack of a full-time judicial labor relations staff to examine and administer labor policy, the Judiciary's independence of statutory labor policy and the authority vested in the Public Employment Relations Commission to resolve labor disputes.² All of these have presented obstacles to uniformly treat matters of employee discipline, resolution of grievances and economic benefits.

"The solution to this problem appears to lie in the area of leadership and negotiation."³ By virtue of the constitutional authority, the Supreme Court is empowered to make rules governing the administration of the courts. Therein lies the authority for leadership through the promulgation of a uniform labor relations policy for probation's employees. Recognizing the need for additional study of judicial labor relations the Chief Justice has appointed a Labor Relations Task Force and charged the members with the following mandates:

1. Assess the state of judicial labor relations as it is presently conducted.
2. Explore in depth basic issues and problems which must be considered in determining the nature and scope of judicial labor relations.
3. Consider the legitimate interests of those likely to be affected by the actions the Judiciary may take in the labor relations field.

¹ New Jersey Probation Study, Probation Subcommittee, p. 111-15.

² Passaic County Probation Officers' Association v. The County of Passaic, 73 N.J. 247 (1975).

³ New Jersey Probation Study, Probation Subcommittee, p. 111-15.

4. Recommend goals to be sought by the Judiciary with respect to its labor relations and the policies, programs and strategies to implement and achieve them.⁴

Upon the completion of the work of the Task Force and the adoption of any or all of its recommendations, the Administrative Director of the Courts shall be responsible for implementing the Judiciary's labor policy.⁵

⁴ Chief Justice Robert N. Wilentz, letter to prospective Task Force members, November 12, 1980.

⁵ R. 1:33-2.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-18

New Jersey Probation Study, Probation Subcommittee, Recommendation 9; see also p. 111-15

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 19

9:5-6. PROBATION SERVICES DIVISION

A PROBATION SERVICES DIVISION IN THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL BE ESTABLISHED-

- (A) TO CONDUCT RESEARCH AND EVALUATION;
- (B) TO ADMINISTER TRAINING;
- (C) TO DEVELOP SPECIAL PROGRAMS;
- (D) TO PROVIDE TECHNICAL ASSISTANCE; AND
- (E) TO MONITOR COMPLIANCE WITH JUDICIAL POLICIES, STANDARDS AND GUIDELINES FOR LOCAL DEPARTMENT OPERATION.

Commentary

The Subcommittee on Unification of Probation asked the local advisory committees to consider the issue of enhancing probation services staff in the Administrative Office of the Courts to carry out the responsibilities of research, evaluation, development of programs and standards, compliance audits and staff training. The committees favored enhancing the role for the Administrative Office of the Courts as part of the scheme for unification.¹ The National Center for State Courts observed that if the Supreme Court intends to successfully implement and effectively monitor compliance with uniform standards, the Court must take greater direct control of the probation system.²

In order to act upon these recommendations and observations, the probation services division must be expanded, and additional professional and support staff funded.³ This staff, responsible to the Assistant Administrative Director for Probation, shall identify and correct costly dysfunctional operations, help local administrators solve management problems through technical assistance and issue reports to Local Advisory Boards, Assignment Judges, Chief Probation Officers, the State Advisory Board and the Administrative Director of the Courts regarding each office's compliance with service standards.

A field audit section within this division shall be established. The audit section shall include seven teams of three members. These professionals shall be specially selected and trained in the substance of probation practices, administration, field service delivery, the process of auditing, research and evaluation and staff development.

¹ Final Report on Unification of Probation, Subcommittee #5, Appendix C.

² New Jersey Probation Services: Final Report, National Center for State Courts, p. 71.

³ New Jersey Probation Study, Probation Subcommittee, p. 111-13; Final Report on Unification of Probation, Subcommittee #5, Recommendation 7.

To help create a natural linkage between the Administrative Office of the Courts and line operations in the probation offices, the Administrative Office of the Courts shall establish internships and recruit the highest quality people to carry out its mandate.

See related R. 9:3-2; 9:3-3; and 9:4-5.

Sources

Final Report on Unification of Probation, Subcommittee #5, p. Recommendation 7

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-2, 1-11, 1-17, Recommendation 1-aa

New Jersey Probation Study, Probation Subcommittee, pp. vii, viii, 111-12, 13

New Jersey Probation Services: Final Report, National Center for State Courts, pp. 85, 86, 90, 99

RULE 9:6. ORGANIZATION

9:6-1. PROBATION OFFICES

THERE SHALL BE A PROBATION OFFICE IN EACH COUNTY TO SERVE THE COURTS AND THE COMMUNITY AS PART OF THE STATEWIDE PROBATION SYSTEM.

Commentary

Delivery of services by probation offices must be readily available to the local courts and community on a 24 hour basis.¹ To accomplish this objective, each county shall have a probation office to service its courts and community.

In those instances where special services are required, they may be established on a county-wide or multi-county basis² as part of the statewide probation system.³ This policy permits better deployment of limited resources by allowing smaller county probation offices to share those services that may not be used frequently enough to justify their independent existence.

¹ Passaic County Probation Officers Association v. The County of Passaic, 73 N.J. 247 (1975).

² Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 6, p. 1-3.

³ In Re: Salaries for Probation Officers of Bergen County, 58 N.J. 422 (1971).

Source

Report of the National Advisory Committee for Juvenile Justice, O.J.J.D.P., Standards for the Administration of Juvenile Justice, Standard 4.31

9:6-2. ORGANIZATIONAL PLAN

THE CHIEF JUSTICE, UPON RECOMMENDATION OF THE ADMINISTRATIVE DIRECTOR OF THE COURTS, SHALL APPROVE THE TABLE OF ORGANIZATION FOR EACH PROBATION OFFICE.

Commentary

In the past organizational structures of probation offices have assumed a variety of forms for a number of different reasons. Very often services available to the courts and the community in one county were not available in another. Standardizing the organization of probation offices along functional lines permits comparative and systematic analysis of probation office organization, clear lines of authority and responsibility, better communication, sharing of specialized knowledge, building of effective management teams¹ and the monitoring of the flow of information and uninterrupted supervision of cases as they move from each unit of the probation process to the next.² The separation of functions also prevents conflict between the objectives of supervision, investigation, administration and support enforcement.

Based upon the recommendations of the various local advisory committees which identified what services probation should provide,³ the report of the Committee on Efficiency which organized those services into three divisions⁴ and the report by the Subcommittee on the Child Support Enforcement Role of Probation which identified a fourth division,⁵ probation offices should initially be organized as follows:

- (a) Preadjudication Division. Responsible for all preadjudication work such as pretrial release investigations, pretrial intervention/conditional discharge investigations, juvenile and domestic relations intake, presentence investigations, predisposition investigations and custody/best interest investigations;
- (b) Case Management Division. Responsible for all supervisory work such as pretrial intervention/conditional discharge supervision, adult probationer supervision, juvenile delinquent and JINS supervision, domestic relations adult supervision and "Carter/Krol" case supervision;
- (c) Administrative Division. Responsible for research and evaluation, statistics, management information, personnel and training, and staff development;

¹ New Jersey Probation Study, Probation Subcommittee, pp. VI-4, 5.

² New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 17. See also p. 95.

³ Final Report on the Pre-dispositional Role of Probation, Subcommittee #1, passim.

⁴ Final Report of the Supreme Court Committee of Efficiency in the Operation of the Courts of New Jersey, pp. 138, 139.

⁵ Report on the Child Support Enforcement Role of Probation, supra, Recommendation #7.

- (d) Financial Service Division. Responsible for collections, accounting, and check dissemination; accounting for payment history of support orders, restitution, fines and penalties.

This rule shall not preclude the development of alternative tables of organization provided they can be justified on the basis that the modified table of organization will address unique local problems or practical needs that the functional divisions will not alleviate.

To ensure that needs of the court and the community are sufficiently serviced, each organizational plan for county probation offices shall be approved by the Chief Justice. Upon approval of the local Assignment Judge, county probation offices may expand the scope of services delivered as long as the table of organization is not altered.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-2, 1-3, 1-7, 1-11

Standards Relating to Probation, American Bar Association, Standard 6.3

9:6-3. STATE-LEVEL ADVISORY BOARD

THERE SHALL BE A STATE-LEVEL ADVISORY BOARD TO RECOMMEND POLICIES, ADVISE THE SUPREME COURT REGARDING THE ADEQUACY OF PLANS AND BUDGETS OF EACH PROBATION OFFICE, REPORT ANNUALLY TO THE SUPREME COURT AS TO THE EFFECTIVENESS OF THE SERVICES PROVIDED AND ASSUME ANY OTHER RESPONSIBILITIES AS THE SUPREME COURT MAY DELEGATE. THE CHIEF JUSTICE SHALL APPOINT TO THE BOARD COMMUNITY MEMBERS AND CRIMINAL JUSTICE PRACTITIONERS. THE ADMINISTRATIVE DIRECTOR SHALL BE A MEMBER OF THE BOARD AND SERVE AS ITS SECRETARY.

Commentary

The Chief Justice acknowledged the need for greater involvement of the public in determining the role probation should assume to service community needs when he set in motion preparation for the 1982 Judicial Conference on Probation.¹ He did so by creating a planning structure that included significant representation of the community. This is consistent with a broader purpose of involving the community in many aspects of the courts which have previously been closed to public participation.

The local advisory committees appointed by the Chief Justice concluded that the present role of the public in the review of probation practices should be enhanced.² They recommended that a state-level Advisory Board should be established composed of laypersons and criminal justice practitioners. The Chief Justice shall accordingly establish the board and appoint its members.

The board shall be responsible for advising the Supreme Court regarding matters of policy in the operation of probation.³ Its mandate shall also include reviewing the adequacy of resources required to meet service standards, overseeing the responsibilities, functions and recommendations of the local advisory boards, and performing any other advisory tasks the Supreme Court may delegate.

Involvement of citizens in the review of important issues affecting probation increases the public's awareness of complex, system-wide problems which face probation and the courts and provides the public with a forum to voice its concerns regarding the future direction of probation services. "Crime prevention is the task of the community as a whole and all parts of the criminal justice system can benefit from the special knowledge and points of view of those outside it."⁴

¹ Final Report on State and Local Participation in Probation, Subcommittee #4, p. 3.

² Id., Appendix, p. 5.

³ Id., p. 14.

⁴ The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in A Free Society (Washington, D.C.: U.S. Government Printing Office, 1967), p. 280.

The local advisory committees determined that the board's membership should consist of no fewer than nine nor more eighteen members.⁵ Each member shall be appointed to a term of three years. These terms shall be staggered so that new members will be appointed each year, bringing a fresh perspective and current public opinion.

Consistent with court policy, the Chief Justice shall be the appointing authority and the Administrative Director shall serve as secretary to the board.

See related R. 9:6-6-(e), (f).

⁵ Final Report on State and Local Participation in Probation, supra, p. 17.

Sources

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendations 4 and 5

Criminal Justice System, National Advisory Commission on Criminal Justice Standards and Goals, Standard 1.5

RULE 9:7. OPERATIONS

9:7-1. ANNUAL PLAN

EACH CHIEF PROBATION OFFICER SHALL SUBMIT TO THE ASSIGNMENT JUDGE AN ANNUAL PLAN OF OPERATION BY AUGUST OF EACH YEAR AND A BUDGET TO IMPLEMENT THE PLAN AS SOON THEREAFTER AS IS FEASIBLE. THE PLAN SHALL INCLUDE ACTIVITIES TO ACHIEVE BOTH STATE AND LOCAL GOALS FOR THE PROBATION SERVICE.

Commentary

The organization and management of probation in New Jersey has in the past reflected the local nature of its operations. While it is necessary to be responsive to local needs, it is likewise necessary to do so in a systematic, planned fashion. Probation offices have traditionally not stated their goals and priorities and as such have not been held accountable to any significant degree.

The Efficiency Committee, the Probation Subcommittee and the National Center for State Courts all call for development of statewide and local goals for probation together with objectives which translate the goals into activities.¹ For these to be most useful, there must be a vehicle to communicate them to staff, the court and the community. Such a vehicle is the annual plan² which describes how the budget and resources will be used to achieve the goals of the agency. It presents the goals, objectives and priorities of the probation office, the programs and activities designed to implement them, changes to be made and a mechanism for evaluating performance.

The annual plan provides the ability to make ongoing assessments of short and long-term performance to compare different agencies to one another. The plan can be the basic tool for accountability, establishing with some clarity and specificity the purpose, approaches and performance of the probation office. The plan will contain both implicit and explicit policy statements and will enable these to be evaluated.

The annual plan is the responsibility of the Chief Probation Officers and a copy of the plan is to be submitted to the Assistant Administrative Director for Probation in the Administrative Office of the Courts.

¹ Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, pp. 93, 137; New Jersey Probation Study, Probation Subcommittee, p. III-6; New Jersey Probation Services: Final Report, National Center for State Courts, pp. x-xiii and Recommendations 1, 8 and 12.

² Subcommittee #6, p. 1-7.

Sources

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standards 7005, 7007, 7008, and 7009

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standards 3009,
3014, 3015 and 3030

9.7-2. INVESTIGATIONS

(A) EACH PROBATION OFFICE SHALL PROVIDE THE COURTS WITH INFORMATION, UTILIZING UNIFORM FORMATS, FOR THE FOLLOWING:

- (1) PRETRIAL RELEASE REPORTS;
- (2) PRETRIAL INTERVENTION REPORTS;
- (3) PRESENTENCE REPORTS (ADULTS);
- (4) PREDISPOSITIONAL REPORTS (JUVENILE);
- (5) CHILD CUSTODY REPORTS;
- (6) FINANCIAL INVESTIGATION REPORTS; AND
- (7) JUVENILE RESTITUTION REPORTS.

Commentary

The courts are charged with making many and varied decisions about persons appearing before them. These decisions are complex and have far-reaching consequences and thus must be carefully wrought. The elements of the decision-making process must be high in quality, reliability and relevancy.

Due to the nature of the court system, the judges must rely on others to gather and present information to them. This is done in the adversarial system by attorneys appearing on behalf of their clients. The courts have determined a further need for objective, unbiased information to support their decisions in addition to that provided by the adversaries.

The courts have such a resource in the probation service. Information is gathered, analyzed and presented to the courts objectively and promptly. This has been a function of probation since its inception in New Jersey and the local advisory committees were unanimous in their support for this function of probation.¹ Subcommittees #s 1 and 6 supported the investigative role of probation² and Subcommittee #6 further elaborated on the need for quality, uniformity and objectivity in investigative reports.³

The Supreme Court has also recognized these needs in reference to investigative reports and has mandated the use of standard report formats which address the needs of judicial decision making.

¹ Final Report on the Predispositional Role of Probation, Subcommittee #1, pp. 14-16.

² Id., Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Chapter III.

³ Final Report on Operating Standards and Guidelines for Probation, supra, p. III-1.

Sources

Final Report on the Predispositional Role of Probation, Subcommittee #1, p. 15

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. III-1

9:7-2. INVESTIGATIONS (CONT'D)

(B) INFORMATION COLLECTED AT ANY STAGE OF CASE PROCESSING SHALL BE AVAILABLE TO PROBATION STAFF AT SUBSEQUENT STAGES.

Commentary

The different investigations required by the courts frequently contain the same basic information and utilize the same sources. To make most the efficient use of resources, information which is collected by one probation staff member should be available to the next person working on that particular case. For example, information gathered for the pretrial release decision should be readily available to pretrial intervention staff and later to the writer of the presentence report. In this manner, information would not be collected again, thereby eliminating duplication of efforts.

It is important that information provided by the client which is substantively related to questions of guilt or innocence be kept confidential. The remainder of the needed information such as background and current information on job, home, education and prior court involvement can be shared internally without jeopardizing confidentiality.

The local vicinage committees provided a number of recommendations intended to improve the efficiency of the investigative process.¹ Subcommittee #6 prepared very specific standards and recommendations aimed at improving the efficiency and effectiveness of the investigative process. Many of these focused on improved access to information that has already been collected.²

In discussing its proposed organizational structure for the probation offices, the Subcommittee on Probation noted the increased efficiency of organizing functionally and also the benefits of sharing information which accrue when person performing the same tasks are grouped together (e.g., an investigation unit that performs all investigative tasks).³

¹ Final Report on the Predispositional Role of Probation, Subcommittee #1, p. 15.

² Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Chapter III.

³ New Jersey Probation Study, Probation Subcommittee, p. VI-5.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. III-1

9:7-3. SUPERVISION

- (A) EACH PROBATION OFFICE SHALL PROVIDE SUPERVISION SERVICES FOR THE FOLLOWING CATEGORIES OF PERSONS:
- (1) ADULT CRIMINAL OFFENDERS;
 - (2) ADULT PETTY OFFENDERS;
 - (3) PRETRIAL RELEASE CASES;
 - (4) DIVERSION CASES (JUVENILE INTAKE, PRETRIAL INTERVENTION AND SUPERVISORY TREATMENT);
 - (5) JUVENILE DELINQUENTS;
 - (6) JUVENILES IN NEED OF SUPERVISION;
 - (7) QUASI-CRIMINAL OFFENDERS (CHILD SUPPORT);
 - (8) MOTOR VEHICLE OFFENDERS (TITLE 39); AND
 - (9) PSYCHIATRIC HOSPITAL RELEASEES.

Commentary

Probation, as the service arm of the courts, provides supervision services to a wide variety of persons who are under court jurisdiction and need services. Many different kinds of persons are assigned to probation for supervision. They come from several different courts (Municipal, Superior and Juvenile and Domestic Relations), are at varied stages of court processing (diversion and post-disposition) and present a wide variety of problems (criminal, juvenile, family). Nevertheless, a determination has been made that they are in need of supervision by probation.

In considering the supervision role of probation, the local advisory committees found that persons in categories one to five listed above were appropriately supervised by probation, be they before¹ or after² disposition. There was no clear consensus that the persons in the other categories should be supervised by probation. Subcommittee #2 recommended that Juveniles in Need of Supervision, quasi-criminal offenders, motor vehicle offenders and psychiatric hospital releasees be reviewed to determine whether they should continue to be supervised by probation.³

In discussion at the Judicial Conference it was agreed that Juveniles in Need of Supervision should continue to be supervised by probation.⁴ It was concluded further that psychiatric hospital releasees should be supervised by probation only if staff receive specialized training or staff with special skills (e.g., psychiatric social workers) are hired. With respect to motor vehicle offenders and quasi-criminal offenders, the Judicial Conference found that these classes of offenders should be carefully reviewed to find a means to remove them from the jurisdiction of probation.

¹ Final Report on the Predispositional Role of Probation, Subcommittee #1, p. 21.

² Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p. 1.

³ Id., p. 2.

⁴ A strong minority held that JINS should be removed altogether from probation.

In reviewing the operation of the probation system, the Committee on Efficiency and the National Center for State Courts suggested that probation should supervise persons if (a) they require control to ensure that the court's order is enforced or (b) they are under the court's jurisdiction and require services to protect the community.⁵

⁵ Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137; New Jersey Probation Services: Final Report, National Center for State Courts, p. 82.

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. IV-1

9:7-3. SUPERVISION (CONT'D)

(B) SUPERVISION SHALL INCLUDE-

- (1) ENFORCEMENT OF COURT ORDERS;
- (2) MONITORING OF CLIENTS; AND
- (3) DELIVERY OF AND REFERRAL TO SERVICES.

Commentary

Supervision services involve the following three types of tasks:¹

1. Enforcing Court Orders. This entails taking an active role in attempting to secure compliance with conditions of court orders. Enforcement entails an assertive role in carrying out the order of the court, not just noting non-compliance without taking some positive action to correct it.
2. Monitoring of Clients. This denotes contacting clients in both the field and the office to keep abreast of their activities in relation to the requirements of the court order and supervision goals.
3. Providing Services. Probation officers deliver services to clients directly or via referral. The intent is to alleviate current problems and deal with potential ones before they reach crisis proportions.

In its report on the Post-dispositional Role of Probation, Subcommittee #2 recommended a third goal for probation supervision, that of deterrence. The effects of the three component tasks of supervision will accomplish the deterrent purpose of supervision.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, pp. 1-11; Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. IV-a to c; Final Report on Standards for Placement on Probation, Subcommittee #7, pp. 1-9.

Sources

Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p. 5

Final Report on the Operating Standards and Guidelines for Probation, Subcommittee #6, p. IV-3

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standards 7165-7167

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standards 3112-3127

9:7-3. SUPERVISION (CONT'D)

- (c) ALL CASES UNDER PROBATION SUPERVISION SHALL BE CLASSIFIED IN ORDER-
- (1) TO SET PRIORITIES FOR SUPERVISION;
 - (2) TO DETERMINE LEVELS OR INTENSITY OF SUPERVISION; AND
 - (3) TO ENSURE THE USE OF APPROPRIATE SUPERVISION STRATEGIES.

Commentary

All cases under the supervision of the probation service do not require the same level or type of supervision. It is well documented that treating all cases in the same way fosters inefficiency. It is also a luxury which cannot currently be afforded. Scarce resources must be placed where they are most urgently needed in accordance with a rational plan, not accident or whim. Without a classification plan the most visible rather than the most needy cases attract the resources. Staff develop independent priorities rather than following departmental priorities. The result is a hodgepodge and confusion rather than a well ordered system of determining priorities which can be matched to capacities and balanced with resources. This situation was addressed by the local vicinage committees when reviewing supervision.¹

Some means must be utilized to establish priorities for supervision. Classification is the method recommended by the local advisory committees and Subcommittees #'s 2, 6 and 7.²

Classification is the process by which clients are evaluated based on criteria important to the supervision of a particular client group. Those criteria guide systematic decisions about the level or amount and type of supervision appropriate for a given individual. Classification policies are established by the probation offices and probation officers will set a classification level for each individual based on that policy.

For example, adult criminal offenders can be classified on the risk they pose of committing a new offense and on the problems or needs they present. Juvenile offenders are typically classified only on needs. Child support payments or other financial collections can be classified on the likelihood of receiving full payment.

Classification allows staff to set priorities among cases, assign levels of supervision, fix the frequency of contact and determine strategies which are appropriate for particular clients. This approach ensures that the client receives as much or as little supervision as is required commensurate with the goals of probation and the characteristics of the client. This allows for a much more rational and efficient use of resources.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p. 3.

² Ibid., p. 8; Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. IV-3; Final Report on Standards for Placement on Probation, Subcommittee #7, p. 8.

Sources

New Jersey Probation Study, Probation Subcommittee, pp. VI-8, 9

Manual of Standards for Juvenile Probation and Aftercare Services,
Commission on Accreditation for Corrections, A.C.A., Standards
7162, 7163

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standard 3117

9:7-3. SUPERVISION (CONT'D)

- (D) THE SUPERVISION OF ALL CASES UNDER THE JURISDICTION OF THE PROBATION OFFICE SHALL UTILIZE A PROCESS OF SYSTEMATIC CASE MANAGEMENT. THIS INCLUDES SETTING BEHAVIORAL OBJECTIVES, ALLOCATING RESOURCES TO ASSIST IN MEETING THE OBJECTIVES AND PERIODICALLY REVIEWING CASE PROGRESS ACCORDING TO STANDARDIZED TIME TABLES.

Commentary

The supervision of clients by probation staff has been such that each probation officer has been left to his or her own discretion and best judgement in determining the specifics of supervising persons. This has resulted in broad and disturbing disparities in the type, level and quality of supervision across the state. The local advisory committees expressed a lack of confidence in both the sufficiency of most supervision services and the substance of those services.¹ Subcommittee #5 also noted the disparity and substandard level of some services. This subcommittee recommended equalizing and upgrading local services.²

A systematic case management process provides a number of benefits to address the shortcomings of supervision services. First, it enables the agency to establish coherence between the goals of supervision, the staff and available outside resources and the characteristics of the client group. Second it provides a rational process for the client and the probation officer to develop a case plan which is related to an individual's problems or needs and which clearly states the expectations for the period of supervision. Third, it is achievement oriented, focusing on the outcomes of supervision, not just the activities. Finally, it generates an ongoing focus on accountability at all levels by providing useful and accurate information on the supervision process which can be effectively supervised.

The central element to systematic case management is the case plan which provides a framework for the client and the probation officer to use in working on problems or needs in moving toward the goals of supervision. The case plan states clear and specific behavioral expectations-by what date who will be responsible for what actions. The written case plan is a dynamic document since it is reviewed and updated periodically to reflect the current state of the case.

Case management addresses some of the qualitative issues in supervision. It looks at how well supervision is being done. It is enhanced by classification which, by setting priorities and standards for frequency of contact, addresses quantitative issues as well.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p. 3 and Appendix A, p. 3.

² Final Report on the Unification of Probation, Subcommittee #5, pp. 1, 8.

Sources

Final Report on Post-dispositional Role of Probation, Subcommittee #2,
p. 5

Final Report on Operating Standards and Guidelines for Probation,
Subcommittee #6, p. IV-3

Manual of Standards for Juvenile Probation and Aftercare Services,
Commission on Accreditation for Corrections, A.C.A., Standards,
7155-7165

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standard 3116

9:7-4 COLLECTIONS

- (A) THE PROBATION OFFICE SHALL COLLECT, MONITOR AND ENFORCE ALL COURT ORDERS FOR PAYMENT OF MONIES FOR CHILD SUPPORT, PENALTIES, FINES AND RESTITUTION AS PROVIDED BY STATUTE.

Commentary

Court orders provide for the payment of fines, restitution, penalties, alimony and child support¹ through probation offices. The local advisory committees support the role of probation in the collections area² and Subcommittee #'s 2, 3 and 6 also recommend continued performance of this function by probation.³

This presents the need for several functions to be performed on behalf of the court. First, a mechanism is needed to collect, process and disburse the funds. Second, a means is needed to monitor payment and perform enforcement tasks short of court action. Finally, there must be a method of initiating court action to compel payment in cases of non-compliance. These three functions are not irrevocably joined, yet efficiency and effectiveness appear to dictate a very close relationship.

See also R. 9:7-4(b).

¹ N.J.S.A. 2C:43-3.1; 2C:46-4a; 2A:168-11g.

² Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p. 2; Final Report on the Support Enforcement Role of Probation, Subcommittee #3, pp. 5, 6.

³ Ibid.; see also, Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. V-1.

Sources

Final Report on the Support Enforcement Role of Probation, Subcommittee #3, passim

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. V-1

New Jersey Probation Services: Final Report, National Center for State Courts, p. 99

9:7-4. COLLECTIONS

- (B) THE FINANCIAL DIVISION OF THE PROBATION OFFICE SHALL HANDLE THE ACCOUNTING AND DISBURSEMENT OF ALL MONIES COLLECTED AND SHALL BE HEADED BY A BUSINESS MANAGER WHO REPORTS DIRECTLY TO THE CHIEF PROBATION OFFICER.

Commentary

By law, the probation office collects, processes and disburses millions of dollars in court ordered payments each year. It is hardly arguable that the most effective and efficient means of performing this function should be utilized. Since the primary orientation of most probation staff is social services rather than finance and accounting, it is not appropriate to integrate the handling of huge sums of money with the delivery of social services any more than is required by law, policy or expediency.

The local vicinage committees noted some of the problems of having collection activities closely integrated with the more traditional probation services.¹ The Efficiency Committee, its Subcommittee on Probation and the National Center for State Courts all acknowledge the problems of combining collections with other services which are so significantly different.²

In order to address the difficulties, a separate financial services division shall be established in each probation office. It will be headed by a business manager who is trained in finance and accounting. The business manager will report directly to the Chief Probation Officer. This will enable financial services to be organized and operated in the most efficient fashion, freed from some of the constraints posed by integration with other probation services. Staff will be accountants, bookkeepers and clerks. Enforcement activities will be performed by staff in the case management division.

See related R. 9:6-2.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Appendix A, p. 9; Final Report on the Support Enforcement Role of Probation, Subcommittee #3, p. 5.

² Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 95; New Jersey Probation Study, Probation Subcommittee, p. viii; New Jersey Probation Services: Final Report, National Center for State Courts, pp. xxvi, 99.

9:7-5. SPECIAL SERVICES

- (A) THE PROBATION OFFICE SHALL PROVIDE SPECIAL SERVICES AS REQUIRED BY ADMINISTRATIVE POLICY AND BY THE NEEDS OF THE COMMUNITY, CLIENTS AND COURTS.

Commentary

The needs of the courts, clients and communities vary dramatically across the state. In addition, the courts are presented with a wide range of human problems and circumstances within each county. This diversity presents a challenge to probation's ability to meet its goals since these special needs frequently require services that have not traditionally been provided by probation. Accordingly, probation will respond effectively only when those needs are identified, acknowledged and responded to by establishing special services. This requires probation offices to be innovative, creative and flexible.

Not all offices need nor can support all special services that may emerge around the state. Special services are designed primarily to address local needs. However, special services may be implemented regionally or state-wide, depending on needs and resources.

Special services address client needs (e.g. drug or alcohol counseling services, employment counselling), court needs (e.g., pretrial intervention, juvenile intake) and community needs (e.g., education and prevention programs) individually and in combination.

The probation office should take an active role in seeking out resources and support for special services from foundations, grant agencies and private business.

Source

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 11-1 to 3

9:7-5. SPECIAL SERVICES (CONT'D)

- (B) EACH PROBATION OFFICE SHALL ESTABLISH AND OPERATE A VOLUNTEERS-IN-PROBATION PROGRAM TO PROVIDE CITIZEN VOLUNTEERS TO ASSIST PROBATION STAFF AND ENHANCE PROBATION PROGRAMS.

Commentary

As a community based service, the probation office should establish and maintain strong links to the community. Volunteers-In-Probation provide such a linkage and provide additional benefits as well.¹

Volunteers are a valuable resource for enhancing probation services. They augment the professional staff, increase the capacity of the office and add new or different skills. Volunteers have varied backgrounds and experiences which can be utilized in many ways. They have skills that may be beyond the scope of probation to offer on a conventional basis.

Additionally, volunteers provide a rich source of information for informing the public. They can provide accurate, positive and timely information to the community about probation. Just as important, they bring information to the probation office about the community: its needs, attitudes and resources. This will help probation staff organize and deliver services in a manner more responsive to the public. Volunteers may also be able to mobilize community resources and support for probation and its programs.

¹ Final Report on State and Local Public Participation in Probation, pp. 6,7; Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 140; New Jersey Probation Services: Final Report, National Center for State Courts, pp. 104-106.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-5

Final Report of the Supreme Court on Efficiency in Operation of the Courts of New Jersey, p. 140

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7105

Manual of Standards for Adult Probation and Parole Services, Commission on Accreditation for Corrections, A.C.A., Standard 3040

9:7-5. SPECIAL SERVICES (CONT'D)

- (c) EACH VOLUNTEERS-IN-PROBATION PROGRAM SHALL BE SUPERVISED BY A PROBATION OFFICER ASSIGNED FULL-TIME TO THE PROGRAM. EXCEPTIONS TO THIS SHALL REQUIRE APPROVAL OF THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

EACH PROGRAM SHALL PROVIDE ORIENTATION AND IN-SERVICE TRAINING TO VOUNTEERS.

Commentary

If a volunteer program is to be successful the probation office must devote full-time attention to the activities of the program. The tasks which are critical to making effective use of volunteers (e.g., recruitment, screening, training and supervising) never cease. A high turnover rate illustrates the need for actively sustaining the program by performing the tasks listed above. Full-time staff also facilitates communication between volunteers and professional staff, reducing problems and promoting understanding of each group's respective roles and responsibilities. The assignment of a full-time person to the program also sends a message that this is a serious effort and that it is worthy of more than just cursory or token investment.

In order to maximize the benefit of volunteers, they must be given training to orient them to their position. They must gain an understanding of the structure within which they will operate, of the goals of their efforts and of the tasks, responsibilities and authority of their position. They also begin to refine the skills they bring to this service. Training also helps to realistically define the expectations of the volunteers. In-service training serves to maintain interest and to provide additional skills.

Sources

Manual of Standards for Juvenile Probation and Aftercare Services,
Commission on Accreditation for Corrections, A.C.A., Standard
7105 to 7109

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standard
3040

9:7-6. LOCAL ADMINISTRATION

- (A) THE CHIEF PROBATION OFFICER SHALL BE RESPONSIBLE FOR THE ADMINISTRATION, OPERATION AND EVALUATION OF THE PROBATION SERVICE AT THE LOCAL LEVEL.

Commentary

There is a need to have one administrator to whom everyone in the agency is accountable. The Chief Probation Officer must be able to answer for the probation office, control its operations, act on its behalf and represent it to the courts and the community.

The Chief Probation Officer shall be the chief executive officer of a probation office.¹ The responsibility for all that the probation office does or fails to do rests squarely on the Chief Probation Officers. This responsibility cannot be delegated.

All aspects of the local probation operation are under the ultimate control and direction of the Chief Probation Officer, although daily operating responsibilities will be delegated to staff. The Chief Probation Officer is responsible for developing a statement of goals consistent with state goals; developing policies and procedures to implement those goals, formulating operating objectives, monitoring operations and evaluating performance.

For reporting responsibilities see R. 9:7-6(b).

¹ N.J.S.A. 2A:168-7.

Sources

Final Report on Unification of Probation, Subcommittee #5, p. 8

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-1, 1-2

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7003

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3007

9:7-6. LOCAL ADMINISTRATION (CONT'D)

- (B) THE CHIEF PROBATION OFFICER SHALL BE RESPONSIBLE TO THE ASSIGNMENT JUDGE FOR MATTERS OF LOCAL POLICY AND ADMINISTRATION.

AT THE DIRECTION OF THE ASSIGNMENT JUDGE, THE TRIAL COURT ADMINISTRATOR MAY REPRESENT THE CHIEF PROBATION OFFICER IN ALL ADMINISTRATIVE MATTERS DEALING WITH THE COUNTY GOVERNMENT.

Commentary

The structure of the court system in New Jersey provides for a bifurcated structure of responsibility. On the one hand the Chief Justice¹ and the Administrative Director of the Courts,² as the Chief Justice's designee, have statewide administrative responsibility for the courts and support services including probation. On the other hand the Assignment Judge is "responsible for the administration of the courts in the county for which he is the Assignment Judge."³

Subcommittee #5 noted this dual structure of accountability and recommended that it continue in order to provide responsiveness to local needs and at the same time provide the uniform and acceptable level and quality of services to clients and communities statewide.⁴ The National Center for State Courts also clearly stated that the dual reporting responsibility of the Chief Probation Officer to the court executive component and the Administrative Office of the Courts was necessary and proper.⁵

Such a dual reporting structure requires a clear and specific delineation of areas of responsibility in order to be most effective. The Assignment Judge shall determine local policy and administrative matters including budget and fiscal control, personnel systems management, management information systems, facilities and allocation of resources.

The Administrative Director of the Courts shall be responsible for state-level policy matters and programmatic issues. These include types of services provided, procedures and processes to be utilized in service delivery and minimum standards for organization and performance.

¹ N.J. Const. (1947), Art. IV, § VII.

² R. 1:33-2.

³ R. 1:33-3(a).

⁴ Final Report on Unification of Probation, Subcommittee #5, p. 8.

⁵ Final Report: New Jersey Probation Services, National Center for State Courts, pp. 82-87.

Sources

Final Report on Unification of Probation, Subcommittee #5,
p. 8

Final Report on Operating Standards and Guidelines for Probation,
Subcommittee #6, p. 1-bb

New Jersey Probation Services: Final Report, National Center
for State Courts, pp. 87, 89

New Jersey Probation Study, Probation Subcommittee, pp. III-7 to 12

9:7-6. LOCAL ADMINISTRATION (CONT'D)

- (c) THE CHIEF PROBATION OFFICER SHALL BE RESPONSIBLE FOR DEVELOPING AND MAINTAINING AN OPERATIONS MANUAL GOVERNING POLICY AND PROCEDURE FOR ALL LOCAL ASPECTS OF PROBATION SERVICES.

Commentary

One major deficiency pointed out by the Subcommittee on Probation as the result of its field work was the lack of a comprehensive operations manual.¹ The lack of such a manual leads to unfettered discretion in procedures and ad hoc policy and decision-making. This results in widely divergent procedures, disparate levels of service and inconsistent quality within a probation office.

An operations manual that sets forth policies and procedures in specific detail begins to address this issue. The manual has all local policies in writing in a single reference document for all staff.

As the administrator of the probation office, the Chief Probation Officer is responsible for the development and maintenance of the operations manual.

¹ New Jersey Probation Study, Probation Subcommittee, p. VI-11.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-8

New Jersey Probation Services: Final Report, National Center for State Courts, p. 107

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7014

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3022

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9:7-6. LOCAL ADMINISTRATION (CONT'D)

- (D) EVERY PROBATION OFFICE SHALL PREPARE AND ISSUE AN ANNUAL REPORT IN A FORMAT TO BE APPROVED BY THE SUPREME COURT.

Commentary

The probation service has a responsibility to advise the public as to its mission, goals and objectives as well as the programs and activities it pursues to accomplish them.¹ The annual report is a means of conveying that information to the public and others in an accurate and timely fashion.

By providing information to the community, probation establishes a basis for gaining its cooperation. Advising the public of probation's work also generates support and resources for probation services.

The annual report provides a means for assessing and evaluating the performance of the office, both currently and over the long term. Use of an approved report format will ensure that needed information is included in a form which is accessible and facilitates comparison.

See related R. 9:3-1.

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-7.

Sources

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7032

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3030

9:7-6. LOCAL ADMINISTRATION (CONT'D)

- (E) ADVISORY COMMITTEES SHALL BE ESTABLISHED AT THE COUNTY LEVEL TO PROVIDE ADVICE AND GUIDANCE TO THE PROBATION OFFICES. THE COMMITTEES SHALL BE COMPOSED OF CRIMINAL JUSTICE PROFESSIONALS AND COMMUNITY MEMBERS APPOINTED BY THE CHIEF JUSTICE UPON RECOMMENDATION OF THE ASSIGNMENT JUDGE. THE LOCAL PROBATION LIAISON JUDGE SHALL CHAIR THE COMMITTEE AND THE LOCAL CHIEF PROBATION OFFICER SHALL SERVE AS SECRETARY.

Commentary

While probation has always been a community-based service charged with protecting and providing services to the citizens, it has seldom received formal input from the community.¹ The Subcommittee on State and Local Public Participation stated that the question was not whether the public should have input into the probation service but how to accomplish this effectively.²

The local advisory committee shall be the vehicle for providing the advice at the local level. It serves in an advisory role, reflecting the community's point of view for policy making. When priorities are determined, the committee can provide specific counsel as to what the public feels is important for a particular probation office.

The committee is composed of both citizens and criminal justice practitioners, providing a blend of perspectives, experience and concerns. The committee shall be representative of major criminal justice agencies and groups of citizens in the county.

The local advisory committee may serve a number of functions in addition to advising on local policy.³ By virtue of the position of its members in the community, they can develop resources and coordinate services to enhance the delivery of probation services.

Examples of functions are--

1. Resource Development. Location and mobilization of resources, both people and organizations, to provide services and assist probation staff. Volunteers-In-Probation is one example.

2. Program Building. Development of programs in the community designed to meet needs of probation clients in new, innovative and creative ways. Community members would focus on cooperative efforts between existing agencies.

¹ Final Report on State and Local Public Participation in Probation, Subcommittee #4, p. 2.

² Id., p. 4.

³ Final Report on State and Local Public Participation in Probation, supra, p. 7.

3. Service Coordination. Identifying existing local services, making information available to service users and generally providing a link between services and clients to make maximum use of available resources.

4. Community Service. Locating sites for community service, monitoring performance, maintaining cooperative relationships and providing public support and information.

5. Annual Plan. Assisting the Chief Probation Officer in the development of the annual plan and budget, with an emphasis on providing the input of the community as to priorities, goals and local policy.

See related R. 9:6-4; 9:7-6(f).

9:7-6. LOCAL ADMINISTRATION (CONT'D)

- (F) THE STATE ADVISORY BOARD SHALL REVIEW THE ROLE AND OPERATIONS OF THE LOCAL ADVISORY COMMITTEES AFTER A PERIOD OF TWO YEARS TO DETERMINE THE NEED TO CONTINUE, MODIFY OR DISBAND THE LOCAL COMMITTEES.

Commentary

Local advisory committees for probation constitute a creative experiment which offers much promise. During their initial period of existence, the state advisory board should review the operation of the local committees with a view toward making them more effective. Where indicated, changes shall be made to improve operations.

The local committees are intended to be effective means for the community to have a say in the operation of local probation offices and should not become a rubber stamp. Flexibility in the structure and operation of the committees will allow them to evolve as circumstances require, maintaining the effectiveness, usefulness and impact of community participation in probation.

See related R. 9:6-4; 9:7-6(e).

Source

Final Report on State and Local Participation in Probation, Subcommittee #4, passim

9:7-6. LOCAL ADMINISTRATION (CONT'D)

- (G) ALL PROBATION OFFICES SHALL PROVIDE FOR REGULAR INVOLVEMENT OF STAFF IN THE DEVELOPMENT, IMPLEMENTATION AND EVALUATION OF DEPARTMENTAL POLICIES, PROGRAMS AND PROCEDURES.

Commentary

Involvement of line, supervisory and administrative personnel in a collaborative effort to develop, implement and evaluate the activities of the probation office draws on the strengths of all involved to the betterment of the ultimate result. Such an approach gives clear lines of communication on current office needs and circumstances at all levels, provides feedback on performance and effectiveness, facilitates understanding of goals and objectives and fosters a sense of ownership of the policies and practices of the office. Involving staff in such programs fosters positive contribution and draws on the creativity and knowledge of the staff.¹

This style of management can also serve to relieve some of the intensive pressure on the top administrative staff by drawing on greater resources and not relegating the burden of developing, implementing and evaluating policy and programs to a single person or unit. Such a program will develop a proactive operating style and get away from crisis management.

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-2, 8, & 9; New Jersey Probation Study, Probation Subcommittee, p. VI-16.

Sources

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7010

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3017

9:7-7. BUDGETING

- (A) PROBATION OFFICES SHALL PREPARE AND SUBMIT A BUDGET REQUEST FOR EACH YEAR IN ACCORDANCE WITH THE POLICIES, PROCEDURES AND INSTRUCTIONS OF THE JURISDICTION OF WHICH IT IS A PART.

Commentary

Financing of probation services at the local level is provided for in county budgets. As part of the larger judicial operation, probation must be incorporated in a comprehensive local judicial budget that is presented annually to each Board of Chosen Freeholders. Therefore, the format and procedures to be followed must conform to those adopted by the counties for general use.

"The budget shall be prepared and presented in accord with standard financial policies and procedures."¹ The annual budget request should be detailed as is necessary to convey the needs of the probation office for the oncoming budget year and shall be subdivided into necessary appropriations, justification, workload trends, projected future needs and program requirements.²

Adopted budgets are more than simply financial statements. They include implicit and explicit judicial policies and provide the framework for office operations for the next year. Because of their extremely important operational impact, the budget should provide "a logical, systematic and comprehensive presentation of the goals of the probation department, resources to be applied and the benefits to be obtained."³

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 1, p. 1-9.

² Id., Standard No. 5, p. 1-9.

³ Id., Guideline No. 9, p. 1-9.

Source

Final Report on Unification of Probation, Subcommittee #5, Recommendations 1, 3, 4

9:7-7. BUDGETING (CONT'D)

- (B) PROBATION OFFICE BUDGET REQUESTS SHALL RECEIVE ADVICE AND REVIEW FROM THE LOCAL ADVISORY COMMITTEES AND REVIEW BY THE ADMINISTRATIVE OFFICE OF THE COURTS BEFORE SUBMISSION TO THE ASSIGNMENT JUDGE FOR APPROVAL.

Commentary

While the preparation of the budget is ultimately the responsibility of the Chief Probation Officer,¹ the process for planning and developing it should elicit input from the public who can then support its adoption. Outside assistance and comments are a valuable tool when submitting the budget request before an appropriations authority. Furthermore, many of the programs and services rendered by the probation office are designed specifically for the community and the public should have an opportunity to provide feedback to probation on its services.

Subcommittee #4 has indicated that advice and review in the budgetary process is an appropriate role for the local advisory committees and the state-level Advisory Board as well.² The individuals appointed to these advisory bodies represent the criminal justice system, public officials, educators, social service professionals, clergy and other representatives of the public that probation serves. Their insight, suggestions, recommendations for new programs and coordination of services will be of value to Chief Probation Officers in determining their budget needs.

The Administrative Office of the Courts, as the oversight and coordinating agency for probation, shall develop standards for budgets and shall provide direct assistance to the Chief Probation Officers.³ After initial stages of budget preparation a draft of the budget request shall be forwarded to the Administrative Office of the Courts for review prior to submitting the final probation office request to the Assignment Judge for approval and inclusion in the comprehensive, local judicial budget.

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 9 and Standard No. 2, p. 1-9.

² Final Report on State and Local Public Participation in Probation, Subcommittee #4, p. 7.

³ Final Report on Operating Standards and Guidelines for Probation, supra, p. 1-9.

Source

Final Report on Unification of Probation, Subcommittee #5, Recommendation 1

9:7-7. BUDGETING

- (c) PROBATION OFFICES SHALL PRESENT THEIR BUDGET REQUESTS TO THE ADMINISTRATIVE OFFICE OF THE COURTS ON FORMS APPROVED BY THE ADMINISTRATIVE DIRECTOR.

Commentary

The use of uniform budgeting and accounting procedures will make the budget process clearer and easier to conduct. While the counties have been and continue to use different budget formats, the Judiciary must be able to make rational comparisons on a statewide and cross-county basis. While use of standard forms for the county and other forms for the state will initially pose additional workload for probation, achievement of the goal of a single budgetary process and forms will lead to improved management of the probation system, as well as individual offices.

The "Manual for Preparation of Budget Requests" that was distributed at the Judicial Conference held in September, 1972, and was presented to the Chief Probation Officers on January 23, 1980, meets the needs described above and shall be used until amended.

9:7-8. WORK LOAD STANDARDS

- (A) THE PROBATION OFFICE SHALL ALLOCATE WORK AND RESOURCES BASED ON A SYSTEM OF WEIGHTED WORK LOAD STANDARDS WHICH SHALL BE APPROVED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

In the probation service, assigning work and accounting for its performance has been and continues to be based solely on numbers of tasks or cases. This practice flies in the face of current knowledge that not all tasks of a similar type demand the same time to perform. Disparate work loads have resulted even when caseloads have equal numbers of cases or tasks. Further, by failing to deal with differential needs of supervision cases we treat everyone the same. This results in intruding too much in some lives and not giving sufficient attention to others. Similarly, some investigations require more attention than others. To give less than adequate attention is to fail to do an adequate job.

A system of weighted work load standards has been recommended to address this.¹ Subcommittee #7 stated, "There must be a discriminate allocation of resources based on the effort required"² (emphasis added). Standards provide a means for gauging the actual time required by types of cases or tasks and then assign work based on the actual work load or time demands to meet accepted standards of performance. By assigning a point value to a unit of work, a total score for work load can be calculated. The total measures time rather than cases and ensures that actual work load is being measured.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #2, p. 4; Final Report on Unification of Probation, Subcommittee #5, p. 7; Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-4; Final Report of the Supreme Court Committee on Efficiency in the Operation of New Jersey Courts, p. 140; New Jersey Probation Study, Subcommittee on Probation, pp. IV-8, 9.

² Final Report on Standards for Placement on Probation, Subcommittee #7, p. 9.

Sources

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7151

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3113

9:7-8. WORK LOAD STANDARDS

- (B) THE DEVELOPMENT OF BUDGETS AND STAFFING PATTERNS FOR THE PROBATION OFFICES SHALL BE BASED ON APPROVED WORK LOAD STANDARDS.

Commentary

In reporting the experiences of its field visits to four probation offices, the National Center for State Courts discussed the variation in staffing patterns from county to county which lacked any perceivable relationship to work load. Similarly, they found no connection between work load and budgeting.¹

This reflects the situation across the state where the basis for development of budgets and deployment of staff varies from one probation office to the next. The relationship between budget, staffing and workload is tenuous at best and nonexistent at worst. This is not sound budgeting and leads to inequities and inefficiency.

Subcommittee #6 proposed that all budgeting in the probation service be done on the basis of work load.² The weighted work load system provides a rational and systematic basis on which to budget and deploy staff. By combining information on work load volume with the known capacity of workers and minimum performance standards, the administration will be able to state with accuracy and certainty what level of staffing will be needed to get the job done. It also enables the Chief Probation Officer to state with some confidence what will not get done if resources are cut.

¹ New Jersey Probation Study: Final Report, National Center for State Courts, p. 32.

² Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-4, 9.

Source

Final Report on Unification of Probation, Subcommittee #5, p.7

9:7-9. RECORDS MANAGEMENT

EACH PROBATION OFFICE SHALL HAVE A PLAN TO CONTROL THE MANAGEMENT OF RECORDS AND FILES IN ACCORDANCE WITH APPLICABLE STATUTES, COURT RULES AND ADMINISTRATIVE POLICY.

Commentary

Accurate and timely records and files are crucial to planning implementation and evaluation of operations. Information must be readily available if it is to be utilized to support the management of the agency. A comprehensive records management policy will ensure that information is accurate, current and accessible, improving the level and quality of service available to the courts, clients and the community.

A records retention schedule will enable the office to periodically cull out records which can be destroyed, reducing the need for file space. Uniformity of files and records will ensure that the same information will be found in the same place in all cases. Good records management will improve access to information, encouraging the use of documentation in preparation of reports such as investigative reports and violation of probation reports. Comprehensive records and files will also facilitate research.

Finally, records and files of the probation office are confidential legal documents and their use must be controlled as provided for by law and court rule.¹

¹ R. 1:38, 3:28; 4:79-8(d); 5:10-7(a).

Source

New Jersey Probation Services: Final Report, National Center for State Courts, pp. 95-96

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7075

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3082

9:7-10. INFORMATION SYSTEMS

- (A) ALL PROBATION OFFICES SHALL BE SUPPORTED BY A UNIFIED AND INTEGRATED SET OF INFORMATION SYSTEMS AT BOTH THE STATE AND COUNTY LEVELS THAT PROVIDE ACCURATE AND UNIFORM MANAGEMENT INFORMATION, RECORDS AND STATISTICS. INFORMATION SYSTEM SHALL COMPLY WITH STATE-WIDE STANDARDS AND SHALL BE APPROVED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

Decision making at all levels of the probation service should be consistent, coherent and systematic. This requires comprehensive and relevant information which is readily available to administrators. Basic administrative and managerial functions such as planning, monitoring, public information and evaluation require information.

These needs for information can be satisfied by an integrated and unified set of information systems. Staff at the administrative, supervisory and line levels benefits from such information systems.

Examples of uses include-

Administration - Total number, type and origin of cases, characteristics of the aggregate caseload, services delivered, referrals made, department workload and staffing requirements, payments received and amounts of arrearages.

Supervision - Number, type and identity of cases under supervision, caseload and workload of individual staff, supervision strategies in use, status of investigations and due dates, termination dates and other specific classification and case management data on aggregate and individual caseloads.

Line - Total, individual and comparative workloads, classification and case planning data, reclassification and termination due dates, supervision strategy and referral information, special conditions of probation, fine and restitution information and statistical reporting information.

Information should be integrated into the decision-making and policy development processes. Information systems provide the access to the information. Uniformity of the systems will ensure comparability and compatibility, enabling the probation service to begin to address the long-term statewide needs of probation, the courts and the community.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-6

New Jersey Probation Study, Probation Subcommittee, pp. V-1 to 3

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standards 7081, 7088

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standards 3089-3093, 3096

9:7-10. INFORMATION SYSTEMS (CONT'D)

- (B) INFORMATION SYSTEMS SHALL BE AUTOMATED UNLESS A PROBATION OFFICE IS ABLE TO DOCUMENT THAT A MANUAL SYSTEM WILL MEET LOCAL AND THE ADMINISTRATIVE OFFICE OF THE COURTS' INFORMATION NEEDS. USE OF A MANUAL SYSTEM MUST BE APPROVED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

Automation of information systems renders the information readily available and makes analysis of the information a simple task, especially when automated systems are compared with existing manual systems. Readily available information will increase the likelihood that information will be used to support decisions and that better decisions will accordingly be made.

Automated processing will save money as computers can process information quickly and efficiently. Computers can avoid duplication of effort required when similar tasks have to be repeated on a routine basis to generate needed information.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-6

New Jersey Probation Study, Probation Subcommittee, pp. V-1 to 3

9:7-10. INFORMATION SYSTEMS (CONT'D)

- (c) THE PROBATION OFFICES AND THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL COLLECT, COMPILE AND DISSEMINATE STATISTICS AND RECORDS IN A UNIFORM MANNER AS PRESCRIBED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

Accurate and relevant statistics and records provide baseline data and ongoing performance data which enable administrators to compare and evaluate what is occurring over time. This sort of information is critical to the preparation of budgets, allocation of staff, planning, evaluation and overall accountability. Providing for a uniform method of recording and disseminating, such information assures the capability for comparing probation officers' needs and performance as well as planning on a systems basis.

Probation officers will be called upon to provide summary information on operations to the Assignment Judge, Trial Court Administrator, the Administrative Office of the Courts, the local advisory committee and the state Advisory Board. This can most effectively be done with uniform and consistent statistical reports. This approach also enhances the ability of the probation service at the local and state levels to cooperate with other agencies in joint planning and program efforts.

See related R. 9:7-1; 9:7-6(d).

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, pp. 1-6 to 9

New Jersey Probation Study, Probation Subcommittee, pp. V-1 to 3

Manual of Standards for Juvenile Probation and Aftercare Services, Commission of Accreditation for Corrections, A.C.A., Standard 7086

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3094

N.J.S.A. 2A:12-3(f)

9:7-11. VIOLATIONS OF PROBATION

ALL CHARGES OF VIOLATION OF PROBATION SHALL BE PROCESSED IN ACCORDANCE WITH STANDARDS APPROVED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

The preparation and processing of charges of violation of probation should be consistent, fair and just statewide. Subcommittee #2 recommended that uniform standards and guidelines on all violation procedures should be promulgated and monitored.¹ The National Center for State Courts noted shortcomings in this area and recommended research to develop standards for charging probationers with violation of probation.²

There shall be, then, a uniform policy and set of procedures to guide probation officers in matters such as these:

1. Grounds for a violation of probation;
2. Tests of proof which must be met;
3. Options short of court that are available or should be pursued;
4. Sanction that is sought;
5. The purpose to be served by the violation; and
6. Respective roles and responsibilities of Probation Officers and judges.

The policy should particularly address standards for violations in instances of new criminal charges, non-compliance with standard conditions and non-compliance with special conditions. Some consensus should be reached on the rationale for special conditions and the consequences of non-compliance.

Procedurally, the policy must provide at least the following:

1. Notice to the probationer;
2. Access to records to be used;
3. Right to confront and cross-examine witnesses;
4. Right to counsel; and
5. Written notice of the findings.

¹ Final Report on the Post-dispositional Role of Probation, Subcommittee #6, Recommendation 11.D. See also p. 4 for discussion of the problem.

² New Jersey Probation Services: Final Report, National Center for State Courts, p. 109.

³ Gagnon v. Scarpelli, 411 U.S. 778 (1973). See also Morrissey v. Brewer, 408 U.S. 471 (1972).

Efforts should be directed at developing alternative means for handling less serious charges of violation outside of court, perhaps in an administrative setting.

RULE 9:8. ADMINISTRATION

9:8-1. COMPREHENSIVE SERVICES

PROBATION SERVICES SHALL BE PROVIDED IN A UNIFORM, COMPREHENSIVE AND SYSTEMATIC FASHION THROUGHOUT THE STATE.

Commentary

The Committee on Efficiency, the Judicial Conference Planning Committee, the topical subcommittees and the local advisory committees were appointed to address certain known deficiencies within the New Jersey probation system. These deficiencies included disparities of service delivery, lack of service goals, inadequate management, fragmented administration, inefficient office location and limited research and evaluation.

The Efficiency Committee report on probation makes the following statement in addressing the fragmentation that has developed over the years in the probation system: "The variations in the administration of Probation Services have prohibited the implementation on uniform statewide procedures and guidelines to achieve standardization within the system."¹

In order to correct these specific deficiencies and to promote an effective and efficient probation service there shall be uniformity by having, to the maximum extent feasible, the same programs, policies, procedures, guidelines, forms, standards and tasks in each county probation office. Probation services shall be comprehensive by meeting all needs of the court and by providing needed areas of service delivery. Finally, probation offices shall function systematically by having each Chief Probation Officer (1) view probation as a system composed of parts that are interrelated and (2) develop appropriate practices, procedures and other changes cognizant of their impact on other parts of probation operations and other agencies of the criminal justice system. Also each county probation office shall coordinate programs and activities so that control is maintained over all who come within its jurisdiction.

¹ Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 138.

Sources

Final Report on State and Local Public Participation in Probation, Subcommittee #4, pp. 1-2

Final Report on Unification of Probation, Subcommittee #5, pp. 1-2

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-aaa

Final Report on the Post-dispositional Role of Probation, Subcommittee #2, Recommendation II-D

9:8-2. PLANNING

THE ADMINISTRATIVE DIRECTOR OF THE COURTS SHALL DEVELOP AN ANNUAL PROPOSAL FOR PROBATION CONTAINING SHORT-RANGE MEASURABLE OBJECTIVES AND LONG-RANGE PLANS.

Commentary

Planning improves the chances that probation will produce the best possible results over time. The first element of planning will be preparing short-range objectives that can be measured. Examples include reduction of recidivism by a given percentage, collecting a certain additional percentage of dollars for child support and restructuring the composition of Juvenile Conference Committees so that they come closer by a certain percentage to the composition provided for by R. 5:10-2(b). Without such specific targets probation will suffer from lack of direction and fail to develop a sense of urgency.

The second element will develop long-range plans over a period of several years. This complements the short-term focus of the measurable objectives by placing them in a broader context of long-range goals. These objectives and plans shall be geared toward achieving the goals of probation and increasing the consistency of style with the approaches set forth in these rules.

Comprehensive planning is dependent on comprehensive research and evaluation as well as imaginative allocations of time and resources in view of objectives. It is also dependent on general information about social dynamics such as economy, education, racial/ethnic relations, health, employment, sources of revenue and changing public attitudes. Planning must be flexible as it anticipates the future from an ever changing present.

The planning process shall cooperate in every possible way with federal, regional, state, county and municipal agencies as well as private organizations serving the public interest. Citizen counsel shall be obtained from the local and state advisory bodies and probation personnel shall have a voice through the professional development committee.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Guideline No. 5, pp. 1-6, 7

New Jersey Probation Study, Probation Subcommittee, ,pp. VII-1 to 3

Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Standard 10.1

Criminal Justice System, National Advisory Commission on Criminal Justice Standards and Goals, Standards 1.1 to 1.5

Manual of Standards for Adult Probation and Parole Field Services,
Commission on Accreditation for Corrections, A.C.A., Standards
3097-3102

Manual of Standards for Juvenile Probation and Aftercare Services,
Commission on Accreditation for Corrections, A.C.A., Standards 7089-
7094

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9:8-3. POLICY DIRECTIVES

WITH THE APPROVAL OF THE SUPREME COURT, THE ADMINISTRATIVE DIRECTOR OF THE COURTS SHALL ISSUE POLICY DIRECTIVES TO BE IMPLEMENTED BY EACH CHIEF PROBATION OFFICER.

Commentary

The New Jersey Constitution empowers the Supreme Court with "plenary authority with respect to all matters touching the administration of the court system in New Jersey."¹ Also, the Supreme Court recognizes the Chief Justice as the administrative head of all courts in the State of New Jersey² and specifies that the Administrative Director of the Courts is generally responsible for the enforcement of the rules, policies and directives of the Supreme Court and the Chief Justice.³ This procedure allows for implementation and enforcement of uniform policy which is critical for providing effective and efficient services.

¹ N. J. Const. (1947), Art. VI, § VII.

² R. 1:33-1.

³ R. 1:33-2.

Source

Report on Operating Standards and Guidelines for Probation,
Subcommittee #6, p. 5.

9:8-4. APPOINTMENT OF CHIEF PROBATION OFFICERS

THE CHIEF JUSTICE SHALL APPOINT THE CHIEF PROBATION OFFICER WITH THE ADVICE OF THE LOCAL ASSIGNMENT JUDGE.

Commentary

The Chief Probation Officer is the primary program administrator for probation at the local level. The Committee on Efficiency stated that "The nature of services performed by Probation and the direct responsibility of the Chief Justice for service delivery require that appointment of this position be made at the state level."¹

Subcommittees 5 and 6 also recommended appointment of the Chief Probation Officer by the Chief Justice, with the advice² of the local Assignment Judge.³

Minimum standards and qualifications shall be established for the position of Chief Probation Officer and incorporated into the Judicial Personnel Merit System. All Chief Probation Officer appointments shall be made in accordance with those standards.

See related R. 9:7-6(b); 9:8-5.

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- ¹ Final Report of the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137.
- ² A minority position taken at the Judicial Conference supports appointment of the Chief Probation Officer upon recommendation of the Assignment Judge.
- ³ Final Report on Unification of Probation, Subcommittee #5, Recommendation 5, p. 8; Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Recommendation 13, p. 1-cc.

9:8-5. REPORTING RESPONSIBILITY

THE CHIEF PROBATION OFFICERS SHALL BE RESPONSIBLE TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS FOR PROGRAMMATIC AND POLICY MATTERS.

Commentary

Probation offices deliver their services locally. However, the probation offices are within a larger umbrella of a unified state judicial system under the superintendence and control of the Chief Justice and the Supreme Court. Therefore, proper linkages must be developed concerning the services and priorities of a single probation office, other probation offices within a vicinage and all probation offices across the state.

Just as the delivery of services affects both a local area and the states, there should be both local and state responsibility for those services. As the Subcommittee on Unification or probation recommended, Chief Probation Officers, as the primary program administrators of the probation offices, shall be accountable to both the Assignment Judges (local responsibility) and the Administrative Director of the Courts (state responsibility).¹

This structure will advance the interests of uniform and coherent policy statewide while preserving local control for matters appropriately determined locally. It ensures responsiveness to both state and local needs.

¹ Final Report on Unification of Probation, Subcommittee #5, Recommendation 5

Sources

Final Report on the Supreme Court Committee on Efficiency in the Operation of the Courts of New Jersey, p. 137

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 5

9:8-6. ASSISTANT ADMINISTRATIVE DIRECTOR

THE ADMINISTRATIVE DIRECTOR OF THE COURTS SHALL APPOINT AN ASSISTANT ADMINISTRATIVE DIRECTOR FOR PROBATION-

- (A) TO RECOMMEND GOALS AND OBJECTIVES AND MEASURES TO EVALUATE THEM;
- (B) TO MONITOR FIELD OPERATIONS AND PROGRAMS THROUGH FIELD AUDITS;
- (C) TO REVIEW AND RECOMMEND APPROVAL/DISAPPROVAL OF THE PLANS FOR EACH PROBATION OFFICE;
- (D) TO COORDINATE THE OPERATIONS OF THE VOLUNTEERS-IN-PROBATION PROGRAMS;
- (E) TO BE RESPONSIBLE FOR THE ACTIVITIES OF THE PROBATION SERVICES DIVISION AND ITS STAFF; AND
- (F) TO ASSUME OTHER DUTIES AND RESPONSIBILITIES AS THE ADMINISTRATIVE DIRECTOR OF THE COURTS REQUIRES.

Commentary

The Administrative Director of the Courts requires assistance to carry out those responsibilities that relate to the probation service. There must be one individual who is responsible for statewide coordination of all programmatic aspects of service delivery. The Assistant Administrative Director for Probation will have this responsibility.

Specific responsibilities will include recommending goals and objectives and measures to evaluate them. Although general goals are established in R. 9:1, specific objectives and measures of evaluation must be developed to determine if probation offices are in fact achieving those goals.¹ Recommendations on goals, objectives and evaluation measures will be made to the state-level Advisory Board and the Administrative Director of the Courts.

Monitoring compliance with set standards shall be accomplished by field audit teams who will conduct regularly scheduled and special audits of probation offices. The supervision of the field audit teams shall be the responsibility of the Assistant Administrative Director for Probation. The information generated from the field audits will be analyzed for utilization in the recommendations on each probation office's annual plan.

The Assistant Administrative Director shall also be responsible for the staff and activities of the probation services division which includes probation training, information systems, support enforcement, development of special programs, research, evaluation and other services.

See related R. 9:5-6; 9:8-7.

¹ R. 9:8-2.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-11

New Jersey Probation Services: Final Report, National Center
for State Courts, p. 83

Final Report on Unification of Probation, Subcommittee #5, p.8

Final Report on State and Local Public Participation in Probation,
Subcommittee #4, p. 17

Final Report on Operating Standards and Guidelines for Probation,
Subcommittee #6, passim

9:8-7. ADMINISTRATIVE MANUAL

AN ADMINISTRATIVE MANUAL WHOSE POLICIES, PROCEDURES, RULES, AND REGULATIONS SHALL BE BINDING ON ALL MEMBERS OF THE PROBATION SERVICE SHALL BE DEVELOPED AND MAINTAINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS. A COMMITTEE WHICH SHALL INCLUDE CHIEF PROBATION OFFICERS AND PROBATION OFFICERS APPOINTED BY THE SUPREME COURT SHALL PARTICIPATE IN THE DEVELOPMENT OF THIS MANUAL. THE ASSISTANT ADMINISTRATIVE DIRECTOR FOR PROBATION SHALL CHAIR THE COMMITTEE OF CHIEF PROBATION OFFICERS.

Commentary

The probation service must have a single, comprehensive document containing established policies, procedures, rules and regulations to ensure the quality and consistency of all operations. Therefore, an administrative manual shall be developed and maintained. The manual shall incorporate all court rules, case law, administrative directives, and statutes pertinent to probation services. It shall also contain all binding policies, procedures, rules, regulations and the code of ethics.

Effective management resources is enhanced when all personnel have access to and an understanding of organizational activities. Therefore, the manual shall be disseminated to all members of the probation service.

The manual shall be produced by the Administrative Office of the Courts in cooperation with the committee. The manual shall be reviewed by and advice solicited from the professional development committee. Further, it shall ultimately be submitted to the state-level Advisory Board for review and approval. Upon completion of the review process, the Advisory Board shall recommend adoption of the manual of the Supreme Court.

The manual shall be updated regularly by means of the same process employed to produce the initial edition. All revisions, additions or deletions of law, policy, procedure, rules or regulations shall be made in a timely fashion so that the document shall remain current.

See related R. 9:4-2; 9:6-4.

Sources

Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, Standard No. 3, p. 1-1

Manual of Standards for the Administration of Correctional Agencies, Commission on Accreditation for Corrections, A.C.A., Standard 85

Manual of Standards for Adult Probation Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3022

Final Report on the Support Enforcement Role of Probation,
Subcommittee #3, Addendum, p. 2

New Jersey Probation Services: Final Report, National Center
for State Courts, p. 1

9:8-8. PROCESS, FORM

PROBATION FORMS NECESSARY TO IMPLEMENT THESE RULES SHALL BE PRESCRIBED BY THE ADMINISTRATIVE DIRECTOR OF THE COURTS.

Commentary

In order to minimize inconsistencies and maximize efficient and effective service delivery it will be necessary to periodically implement uniform forms of process for statewide use. Existing court rules vest this authority in the Administrative Director of the Courts on approval of the Supreme Court.¹

Uniform forms of process are crucial to the development of a cohesive, efficient and effective probation service. This is particularly true for purposes of evaluating programs in terms of addressing service goals.

Uniform forms shall include intrastate and interstate transfers, information required for the State Parole Board and Department of Corrections, Title IV-D regulations, standard conditions of probation for juveniles and adults, Spanish translations of all uniform forms and any other area designated by statute, court rules or policy.

¹ R. 1:32-3.

Source

New Jersey Probation Services: Final Report, National Center for State Courts, p. 96

9:8-9. ADMINISTRATIVE MEETINGS

THE ASSISTANT ADMINISTRATIVE DIRECTOR FOR PROBATION SHALL HOLD REGULAR MEETINGS WITH ADMINISTRATIVE PERSONNEL FOR REVIEW, DEVELOPMENT AND REFINEMENT OF POLICIES AND SERVICES.

Commentary

Administrative meetings are an integral part of the communication process that is vital to an effective and efficient probation system. Regularly scheduled meetings of administrators (e.g., Chief Probation Officers, Administrative Analysts, Financial Division heads, project directors, etc.) to discuss judicial priorities and policies will serve to expedite implementation processes, establish regular channels for open dialogue and foster increased understanding of the decision-making process. Such meetings also give local administrators the opportunity to frequently provide input and receive feedback on a regular basis regarding pertinent matters of probation policy and the impact of such matters on local probation operation.

Prepared agendas and recorded minutes shall be components of all administrative meetings.

Source

Manual of Standards for the Administration of Correctional Agencies, Commission on Accreditation for Corrections, A.C.A., Standard 84

9:8-10. COOPERATION WITH RELATED AGENCIES

PROBATION SHALL COOPERATE WITH OTHER CRIMINAL JUSTICE AND RELATED AGENCIES ON A CONTINUING BASIS TO COORDINATE PROGRAMS, UNDERTAKE JOINT PLANNING AND IMPLEMENT AND EVALUATE PROGRAMS AND PLANS.

Commentary

Ongoing cooperation with related agencies helps ensure that the goals of probation will be met. Relationships must be developed with these groups to make sure that offenders will have maximum opportunity to avail themselves of services. Probation staff shall make a concerted effort to educate, problem solve and share information with these groups so as to eliminate barriers that might impede service delivery.¹

Probation shall seek out and cooperate with persons and groups such as the following: school officials, public and private mental health agencies, public and private drug abuse programs, state and local police, Division of Youth and Family Services, Department of Corrections, county law enforcement personnel, youth shelters, county detention centers, county correction centers, shelters for battered women, community groups, employment agencies, business groups, public and private criminal justice educators, practitioners, and researchers.

Although public and private cooperation in the delivery of probation services has been limited, the local advisory committees observed that enhancing public participation leads to additional resources, provides additional community support, allows costs to be cut, provides services otherwise not available and offers assistance in performing functions.²

¹ Final Report on Operating Standards and Guidelines for Probation, Subcommittee #6, p. 1-5.

² Final Report on State and Local Public Participation in Probation, Subcommittee #4, Appendix A, p. 3.

Sources

New Jersey Probation Services: Final Report, National Center for State Courts, Recommendation 10

Manual of Standards for the Administration of Correctional Agencies, Commission on Accreditation for Corrections, A.C.A., Standard 84

Manual of Standards for Juvenile Probation and Aftercare Services, Commission on Accreditation for Corrections, A.C.A., Standard 7231

Manual of Standards for Adult Probation and Parole Field Services, Commission on Accreditation for Corrections, A.C.A., Standard 3208

9:8-11. CLIENTS' RIGHTS

EFFECTIVE JULY 1, 1983, ALL PERSONS PLACED UNDER THE SUPERVISION OF THE PROBATION OFFICE SHALL BE PROVIDED WITH A "STATEMENT OF CLIENTS' RIGHTS."

Commentary

The probation office shall provide each person placed under court-ordered supervision with a written document entitled "Statement of Clients' Rights." The statement shall include all those rights that are provided by law such as the right to petition the court for discharge from probation at any time (N.J.S.A. 2C:45-2a), the right to receive a written copy of the terms/conditions of probation (N.J.S.A. 2C:45-1d) and the right to petition the court for a modification of any conditions(s) at any time (N.J.S.A. 2C:45-6). Furthermore, the statement shall include all administrative rights that currently exist as well as those to be provided hereafter.

The statement of clients' rights will also include a mechanism for local and state redress of complaints.

Source

Manual of Standards for the Administration of Correctional Agencies, Commission on Accreditation for Corrections, A.C.A., Standards 37, 38, 39 and 40