

Probation Officers= Membership in Law Enforcement Organizations (Fraternal Order of Police [FOP]/Policemen= Benevolent Association [PBA])

Directive #6-97
(Supersedes Directive #9-94)
Issued by:

April 28, 1997
James J. Ciancia
Administrative Director

On July 8, 1994, the Supreme Court issued its Administrative Ruling Ato maintain its policy prohibiting probation officers from becoming members of law enforcement organizations, in particular the FOP and the PBA.@ The Court-s decision rested on the fundamental difference between probation and police organizations. AProbation is an integral part of the judiciary; everything that probation does it does as an arm of the judiciary . . . Given the nature and functions of probation, it must be as impartial as the rest of the judiciary, totally so and scrupulously so.@ The Court stated that Apolice and police organizations represent one interest: law enforcement. Separation of . . . [the judiciary and law enforcement] is essential to the impartiality of the probation function and to the integrity of the judiciary.@

On December 7, 1994, the Administrative Director issued Directive #9-94 prohibiting new membership in the FOP/PBA by probation officers, and requiring resignation by existing members. Enforcement of Directive #9-94 was suspended pending resolution of federal litigation. The United States Supreme Court recently declined to grant the Probation Association of New Jersey-s petition for certiorari regarding our Supreme Court-s decision to uphold the ban on FOP/PBA membership. Accordingly, the Court-s 1994 Administrative ruling should now be enforced. That is, probation officers may not join the FOP or PBA. Existing membership may not be renewed and must be terminated by June 30, 1997.

To ensure full compliance with this Supreme Court policy, the Trial Court Administrators will provide every probation officer in each division with a copy of this Directive. Each probation officer will acknowledge receipt of the Directive in writing. New probation officers will be given a copy of the Directive along with their benefits package and will be required to acknowledge receipt in writing. While each probation officer belonging to the FOP or PBA has an individual obligation to terminate that relationship by June 30, 1997, the Trial Court Administrators are responsible for ensuring compliance. The Trial Court Administrators will inform the AOC of any failure to comply, which failure will result in disciplinary action.

EDITOR-S NOTE

No change has been made to the original text.