

## **DIRECTIVE # 14-06**

[Questions or comments may be  
directed to 609-292-1589.]

**TO:** ASSIGNMENT JUDGES  
TRIAL COURT ADMINISTRATORS  
VICINAGE CHIEF PROBATION OFFICERS

**FROM:** PHILIP S. CARCHMAN, J.A.D.

**SUBJ:** PROBATION FIELD SUPERVISION AND SAFETY STANDARDS

**DATE:** AUGUST 3, 2006

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This Directive promulgates the attached *Probation Field Supervision and Safety Standards*, approved by the Supreme Court on June 9, 2006. These Standards, developed by the Conference of Chief Probation Officers, provide clear direction to probation officers in conducting field contacts. Field contacts include home inspections, home visits and, with law enforcement presence, field searches, seizures, and arrests. The Standards represent a combination of the practices at the national level with the best practices in New Jersey and reflect the Court's perspectives on arrests as enunciated in Williams v. State of New Jersey (formally captioned as In re P.L. 2001, Chapter 362), 186 N.J. 368 (2006). These Standards are also consistent with the emerging development of partnerships between Probation and law enforcement, in particular as to the law enforcement functions that are ancillary to Probation supervision, e.g., searches, seizures, and arrests.

The intent of these Standards is to increase the presence of Probation Officers in the field as they supervise offenders in the community while ensuring the safety of the Probation Officer. As noted throughout the document, the safety of the Probation Officer is of paramount interest in the course of work in the field.

These Standards apply only to Probation Officers, not to Officers of the Intensive Supervision or Juvenile Intensive Supervision Programs (ISP/JISP). A separate set of standards paralleling these standards but tailored to ISP/JISP will be issued at a later date. Additionally, a separate set of safety standards is being developed for contact-related activities within the Probation Office.

These Standards are effective immediately. **By September 18, 2006, please submit to me a brief implementation plan describing any steps you will need to take to bring your vicinage into compliance with these standards.**

Questions regarding them may be directed to Robert Sebastian, Assistant Director, Probation Services Division, at 609-292-1589.

P.S.C.

Attachment (Standards)

cc: Chief Justice Deborah T. Poritz  
Theodore J. Fetter, Deputy Administrative Director  
AOC Directors and Assistant Directors  
Gayle Maher, Chief, Juvenile Supervision  
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## **PROBATION FIELD SUPERVISION AND SAFETY STANDARDS**

### **I. PROBATION SUPERVISION POLICY STATEMENT**

**Probation enforces court orders and conditions of probation while employing prevention, intervention and rehabilitative strategies. As such, probation supervision benefits the community by reducing recidivism and ensuring offender accountability. Effective community supervision requires first-hand knowledge of an offender's environment, family and the surrounding neighborhood. Supervision is not limited to regular judiciary work hours; rather it is flexible and varied, including nights and weekends, and it requires that Officers gain access into a probationer's residence. Probation Officer safety is paramount as these supervision activities are conducted. Safety can be greatly enhanced by the use of protocols that emphasize awareness, prevention, protection and training.**

Substantial contact by Probation Officers with probationers where they live in the community enhances the opportunity to achieve positive outcomes in Probation. The Standards set forth in this document define the role of Probation Officers in the community and provide guidelines for such field work to be performed safely. Implementation of these standards will result in more Officers spending more time in the community and a concomitant need to increase their awareness of the measures available to ensure their safety.

N.J.S.A. 2C:45-3(a)(2) provides the statutory authority for the arrest of probationers for failure to comply with a condition of probation or for committing another offense. Nevertheless, the standards set forth herein specifically limit the exercise of the power to arrest by providing that Probation Officers shall not themselves effect an arrest by physically taking a probationer into custody, but rather must have a law enforcement officer conduct any such arrest and transportation of the probationer. Further, while Probation Officers are authorized to conduct warrantless searches and seizures in accordance with the Standard Conditions of Adult Probation authorized by N.J.S.A. 2C:45-1 and approved by the Supreme Court, the standards provide that Probation Officers shall not conduct search and seizure activities in the field without the presence and support of law enforcement officers.

Included below are general standards relating to field and office supervision, which involves home visits, home inspections, searches and seizures, and arrests followed by specific safety standards relating to home visits.

## **II. STANDARDS RELATING TO FIELD AND OFFICE SUPERVISION**

**Standard 1** A home visit shall be conducted within the 30-day intake period and again thereafter as indicated by the probationer's supervision level. A home visit is defined as entry into the common living areas of the residence. Home visits are conducted during reasonable hours established by the Probation Division. Note: Home visits must be conducted in teams as detailed below in Section III. Safety Standards Relating to Home Visits, Standard 5.

During the initial intake period, the "home visit" is utilized to verify the exact street location of the residence and to verify that the probationer resides there. A case note summarizing the visit should be entered into CAPS. The case note should also include other pertinent information that might be useful in determining safety strategies for subsequent home visits, such as who else resides in the residence or whether there are dogs present. In the event a probationer does not have a permanent residence, the Probation Officer needs to verify and document in the case notes the temporary living arrangement.

The home visit enables Probation Officers to verify the residence and get an initial "picture" of the probationer's lifestyle and to utilize this information when working with that individual. For example, the Officer can assess the type of relationship among the family members; whether the probationer seems to live above his/her apparent means; whether dependants are adequately supported; and whether there is evidence of substance abuse/domestic abuse in the home. A home visit is briefer and less intrusive than the home inspection described in Standard 2.

During supervision, the home visit enables the Probation Officer to gather and verify information to determine compliance with the standard and special conditions of probation, for example, if the probationer is home when he/she is supposed to be working or in school; if the probationer is not home by curfew; or if the probationer appears to be under the influence of alcohol or drugs when the Officer arrives.

If the probationer or the probationer's parent/guardian is present and affirmatively denies the Probation Officer access to the residence, the Officer should leave. After consultation with the supervisor, a decision will be made whether to schedule an office visit to reiterate the home visit/inspection requirement, whether to file a violation of probation, or whether to bring the matter to the attention of the court.

Officers should be alert to evidence of violence or neglect. Mental health issues, substance abuse and violence are underlying factors that may compromise the safety of vulnerable individuals who reside in the home. Officers should be familiar with hotline numbers such as Child Abuse Reporting Hotline, the Domestic Violence Hotline or other important referral/resource numbers for the state or local area.

If the Officer witnesses an act of domestic violence, the Officer should contact and advise the police. If the Officer suspects child abuse, the Officer must report it to DYFS by calling the DYFS Child Abuse Hotline. If the Officer becomes aware of domestic violence in the home, the Officer should provide the victim with the number of the Domestic Violence Hotline. This must be done in a private manner, without the knowledge of the perpetrator.

**Standard 2** A home inspection should be conducted within the first 90 days of the initial supervision phase. A home inspection is a planned visit that gains access into the residence for the purpose of visually inspecting the probationer's sleeping area along with all of the common areas of the home. Home inspections are conducted during reasonable hours established by the Probation Division.

A home inspection is conducted by at least two Probation Officers. Officers should be observant for indicators in plain view that may indicate the probationer's noncompliance with the conditions of probation, such as the presence of gang graffiti, illegal substances or contraband. Subsequent home inspections should be considered if the supervision level requires close monitoring based on the probationer's offense history or non-compliance.

**Standard 3** Probation Officers may conduct field searches and seizures only with law enforcement presence, supervisor approval, and appropriate training. Probation Officers may conduct a search of the probationer or probationer's belongings in the Probation Office if the probationer already has passed through a primary detection device (e.g., magnetometer, security wand, x-ray scanner) at the entrance of the reporting site.

On February 1, 1993, the New Jersey Supreme Court approved the revised Standard Conditions for Adults on Probation. The fifth standard condition reads as follows:

You shall submit at any time to a search conducted by a probation officer, without a warrant, of your person, place of residence, vehicle, or other personal property.

On September 27, 1995, the New Jersey Supreme Court approved the revised Standard Conditions of Family Probation that allowed a similar search condition to be imposed as an additional special condition of juvenile supervision in cases where it is deemed appropriate and necessary.

The intrusive nature of a search can have unpredictable consequences. The need to work in partnership with law enforcement is essential to enhance Probation Officer safety. Therefore law enforcement presence is required before engaging in any search and seizure in the field.

A probation search must be under the immediate and personal supervision of a Probation Officer. The role of law enforcement will be to provide security of the premises, to prevent third party interference, and to take custody of any contraband seized during the search that constitutes grounds for the probationer to be charged with a criminal or delinquency offense. In such instance, law enforcement officers would arrest and transport the offender.

A Probation Officer must consult with his or her supervisor prior to conducting a planned search with law enforcement officers. A Probation Officer must have reasonable suspicion that a search is necessary to enforce the underlying court order. Such reasonable suspicion must be based on reliable facts or information, together with rational inferences from those facts that lead the Probation Officer to believe that a violation has occurred. Reasonable suspicion is grounded in the totality of the circumstances based on information, observation, training and experience.

In most circumstances, the Probation Officer must prepare a written search plan for discussion with his or her supervisor and prior approval. If urgent circumstances make it impractical to complete a search plan or obtain prior supervisor approval in writing, the Probation Officer should summon law enforcement and then notify his or her supervisor to obtain approval at the earliest opportunity. Urgent circumstances exist if it is reasonably foreseeable that delay will result in danger to any individual or to the public.

If Probation Officers observe illegal items or dangerous weapons during a contact, they should always consider their own safety first. Officers should utilize pre-arranged code words to alert each other to the presence of such items, leave the premises as soon as possible and go to a safe location (preferably back to their vehicle). If there is danger to any individual or to the public, Officers should contact the police immediately. Otherwise they should consult their supervisor to determine whether to return to the residence with law enforcement to conduct a planned search.

In the Probation Office, the Probation Officer may conduct a search of the probationer or the probationer's belongings, if primary detection devices (e.g., magnetometer, security wand, x-ray scanner) are in place at the entrance of the reporting site, the Officer has reasonable suspicion that the probationer might present a danger or possess contraband, and, in the Officer's assessment, it is safe to do so. The use of primary detection devices will decrease the potential for contraband to be brought into the Probation Office. However, these primary detection devices are not able to detect certain items -- for example, drugs, bottles or plastic -- particularly when such items are hidden on the probationer's person. When making such an assessment regarding safety, Officers should take into consideration such factors as: the history/demeanor of the probationer; the physical arrangement of the office area; whether there are two or more Probation Officers present; whether there is a law enforcement presence; whether the Probation Officer(s) feels confident in his or her ability to handle the situation based on training and experience.

Whenever possible, Probation Office searches should be conducted in an area that is well positioned, away from other probationers and the general public, and which affords some degree of privacy without being isolated.

**Standard 4** Probation Officers shall not take into custody or arrest offenders. Rather, the Probation Officer must have a law enforcement officer effectuate the arrest. The Probation Officer shall notify his or her supervisor in advance of the arrest or, in urgent circumstances, at the earliest opportunity thereafter. Handcuffs shall not be issued to or carried by Probation Officers.

N.J.S.A. 2C:45-3 provides the statutory authority for the arrest of individuals under probation supervision for violation of a condition of probation or for committing a new offense. However, the physical effectuation of an arrest raises substantial safety issues and therefore shall be exercised only by a law enforcement officer. Arrest and custody functions require thorough training and coordination between Probation and law enforcement. However, there may be situations in which a Probation Officer detains a cooperative probationer until law enforcement arrives to effectuate the arrest. In other words, the Probation Officer may request that the probationer wait voluntarily for the arrival of law enforcement. If the probationer is resistant or refuses to wait, then the Officer should not attempt to use force or otherwise restrain the probationer.

### **III. SAFETY STANDARDS RELATING TO HOME VISITS**

The purpose of these standards is to guide Probation Officers and any other staff regarding personal safety during a field contact, such as a home visit during probation supervision or for a custody/parenting time investigation, or other related field assignment. However, the following standards notwithstanding, Officer safety is always the paramount consideration and good judgment must be used all times to ensure that safety.

**Standard 5** Preparation for the initial home visit must begin as soon as the Officer gets the case or assignment.

As the Probation Officer reviews pertinent documents for case planning -- police reports, PDR/PSI, treatment evaluations, prior case notes, etc. -- the Officer should also be alert for safety factors that might affect the home contact. For example: is the probationer or subject known to be violent or have mental health issues? Did the probationer have/use weapons? Is there evidence of violence in the home, perhaps domestic violence? Who else lives in the home and

are they on probation/parole? Are there dogs at the address? While not a guarantee, the time to address dogs, guns, or persons in the home is before the home contact!

During Intake, the probationer and other individuals who reside in the residence should be advised that home visits/inspections will be conducted and may be either scheduled or unannounced; that Officers conduct field contacts in teams; that searches (if authorized) and drug testing may occur during these contacts, and that law enforcement officers may accompany probation during these activities. The Probation Officer must clarify these issues with the probationer prior to the home visit.

Prior to going into the field, Officers should know the exact location and should consult a map, if necessary. Internet maps may be helpful, and often provide driving directions that denote one-way streets. Officers should have information about the type of dwelling they are going to. Is it a multi-family or single-family house? Is it an apartment house? Officers should not simply rely on a house or apartment number, but should get a description of where the probationer's door is in relation to the dwelling. Especially on the first contact, Officers should gather information about the neighborhood. Is it a high crime area? Is there known criminal activity in and around the dwelling? If possible, the Officer should speak to someone (prior Officer/agency/police) who may have been in the dwelling and can provide information about the layout.

**Standard 6** A written field itinerary is a multipurpose tool that the Officer must complete and submit to the supervisor prior to field activity. Officers must contact a supervisor after the final evening contact to “clear the field.”

A specific written itinerary assists the Officer in organizing field activities and enhances the Officer's safety. At a minimum, an Officer should contact the on-call supervisor if there is any appreciable deviation from the itinerary. Depending on circumstances, a supervisor, after reviewing the itinerary, may require more frequent communication at assigned intervals as the Officer works through the itinerary. After the final evening contact (or as required), the supervisor must be contacted to assure that the Officer safely finished the itinerary and is headed home. This procedure is referred to as “clearing the field”. In the event an Officer does not contact the supervisor at the conclusion of the contacts, the supervisor should take appropriate steps, contact the Vicinage Chief Probation Officer, and initiate local protocol.

**Standard 7** Prior to going into the field, Officers must have available a “field kit” containing equipment necessary to conduct safe and efficient field activities.

The list of field kit equipment should include at a minimum flashlights, cell phones (or two-way radios), first aid kit, forms, maps, and hotline numbers. Prior to going into the field, the



Officer should conduct an equipment check to make sure the appropriate equipment is available and in working condition.

OC spray or “Pepper Spray” is available for defensive purposes to Probation Officers with regularly assigned field responsibilities in accordance with Administrative Directive # 07-05. In order to receive a Judiciary-issued pepper spray canister, Probation Officers are required to complete a one-day training, which includes a one-time exposure to the spray. Officers who are certified to carry OC spray should carry the spray in a manner that would make it readily available should the need to use it arise.

Protective vests are available for fieldwork when needed. Probation Officers should wear a protective vest when participating in police/probation initiatives and during planned search activities. Officers who are issued personal protective vests should make sure they are maintained in accordance with the manufacturer’s guidelines.

**Standard 8 Field Officers must complete Officer Safety Training, Aerosol Defense Training, and other training as appropriate.**

Officer Safety Training is a multi-day program that consists of awareness, prevention and de-escalation techniques, including verbal skills and office and field strategies. Officers must also complete training before utilizing any specialized safety equipment. Any Officer who may be directly exposed to blood or other bodily fluids (e.g., urine testing) or who is handling drug or alcohol cases shall be provided the opportunity to participate in the Hepatitis B shot program sponsored and paid for by the Judiciary. Those who do not desire to participate must sign a statement indicating that the program was offered but participation declined.

**Standard 9 Field contacts are to be conducted using State vehicles for transportation if available, unless otherwise approved by management.**

Prior to going into the field, an Officer should make sure that:

- (a) The registration and insurance cards are in the vehicle;
- (b) There is sufficient fuel in the vehicle and that there is a gas card;
- (c) The jack and spare tire are in the vehicle;
- (d) There are instructions/phone numbers in the vehicle for use in the event of a breakdown or accident;
- (e) There are no items left in the vehicle from any previous field use, e.g., a Probation Officer’s belongings, paperwork; and
- (f) There are no other safety problems or concerns regarding the vehicle.

**Standard 10 Probation Officers while on official business must carry the official credential package, which includes photo-identification and numbered identification badge.**

This identification should be readily available to be shown to probationers/family at the home contact. It must be carried separate from other identification.

Staff must protect their identification and credential package from theft/loss. Any loss must be reported to the Vicinage Chief Probation Officer or Probation Division Manager or designee no later than the next working day. The Officer must also file a police report. Any loss of credentials due to employee negligence will result in replacement of credentials at the employee's expense.

When an individual leaves the employment of the Judiciary, the identification card, badge, and case must be returned to the office of the Division Manager/Vicinage Chief Probation Officer or Assistant Director for Probation before receiving the final paycheck.

**Standard 11 Officers must always be aware of activity in the surrounding area as well as in the probationer's home. If at any time an Officer reasonably perceives a significant risk to safety, the Officer is to withdraw immediately to a safe location and contact a supervisor.**

Although groups of people do not necessarily imply a threat, Officers should weigh this factor when approaching a house or apartment. For example, are people lingering around who appear to be drinking or acting in a threatening manner? Officers should take notice of fences, gates, debris or entanglements that could impede a quick exit. Care should be taken to park the car in a manner that would prevent being blocked in. No visible items should be left in the car.

When approaching the house or apartment, Officers should utilize all their senses. Is there a sound of people running around inside? Is there shouting coming from the dwelling? Is there a smell of smoke, marijuana or other strong odors that could alert to drug use or manufacturing? Officers should look for other potential problems like cameras, wires or other traps. The area should be scanned for evidence of dogs.

The Officer should introduce himself/herself and initiate the conversation. ID's should be presented. Statistics show that Officer safety is enhanced when fieldwork is conducted in teams. However, Officers also should be aware that the presence of two or more Officers may be intimidating to some individuals and could escalate a situation. Officers should be respectful of the probationer/family at all times and should present a calm and professional demeanor.

Officers should be alert for signs of escalation particularly when the discussion is volatile in nature (e.g., non-compliance, positive drug tests). Whenever possible, discussion of VOP charges and other non-compliance should be scheduled or continued in the Probation Office.

On occasion, Officers may encounter confrontational situations in the course of performing their duties. When confrontations do arise, Probation Officer safety is paramount. It is the responsibility of all Officers, when presented with a situation involving the threat of physical confrontation, to take appropriate measures to de-escalate the situation in order to avoid any threat of serious physical injury or death. They must be alert to the possibility of disengagement as a means to enhance their safety and the safety of others. Disengagement and/or retreat should always be considered as a first option in a confrontation. In such situations the Officer, whenever possible, should seek assistance from local police or other law enforcement authorities. However, in unavoidable situations, Probation Officers may have to use physical force, including OC spray, in instances of justifiable self-defense or for the protection of others.

If an Officer witnesses an act of domestic violence, the Officer should contact the police. When an Officer becomes aware of domestic violence in the home, the Officer should provide the victim with the number of the Domestic Violence Hotline. This must be done in a private manner, without the knowledge of the perpetrator.

If Probation Officers observe illegal items or dangerous weapons during a contact, they should always consider their own safety first. Officers should use pre-arranged code words to alert each other to the presence of such items, leave the premises as soon as possible and go to a safe location (preferably back to their vehicle). If there is danger to any individual or to the public, Officers should contact the police immediately. Otherwise the Officers should consult their supervisor to determine whether to return to the residence with law enforcement to conduct a planned search pursuant to Standard 3.

When contacting the police, Probation Officers should be prepared to provide the police with such information as the nature of their contact, the address, the probationer or subject's name/description, the number/identity of other persons in the home, the time, location and description of the items. This type of information will assist the police in making a determination on how best to proceed.

At the conclusion of a routine contact, Officers should remain alert and aware of the surroundings as they return to their vehicle. Officers should drive to a safe location where they can discuss the contact or make notes. It is good practice, on the first home contact, to make a sketch/note regarding the entrance or floor plan of the dwelling.

Officers must dress appropriately for the field, thereby maintaining professionalism while enhancing safety by allowing Officers to move freely and steadily. Officers should wear attire that does not call attention to themselves or otherwise increase their chance of becoming a

victim. For example, they should avoid wearing elaborate or expensive jewelry; purses and wallets should not be carried in the field but rather should be locked in the trunk.

When in the field, Officers should be alert to the clothing of any and all individuals in the vicinity in terms of indications of possible gang activity, that is, clothing of a particular color or type that may suggest affiliation with a gang.

**Standard 12 Whenever an Officer is involved in a workplace violence or security incident a New Jersey Judiciary Incident Report Form must be completed and submitted in accordance with the Judiciary Policy and Procedures on Workplace Violence.**

If Officers are involved in incidents such as accidents, assaults or dog attacks, the first consideration must be the safety and well being of the Officers. Therefore in such situations the Officer must seek medical or law enforcement assistance. Once the situation has been stabilized, the Officer must notify his or her supervisor or manager. Whenever an Officer is involved in or becomes aware of physical force being used to threaten, injure or damage property; of harassment or threats communicated in person, by letter, telephone or electronic medium; of verbal, non-verbal or physical behavior that is threatening, intimidating or harassing to the Officer, an incident report must be prepared in accordance with the Judiciary Workplace Violence Policy. That policy, issued by then Administrative Director Richard J. Williams on August 2, 1999, defines “workplace” as including any field location at which a Judiciary employee is engaged in work activity. The policy requires that the manager prepare and submit a report on the proper form to the Workplace Violence Liaison, who in turn will forward it to the Court Access Services Unit in the AOC.

**Standard 13 All probation supervision contacts must be conducted in teams of at least two Officers unless otherwise approved by the supervisor.**

Team members should discuss safety tactics and techniques prior to going into the field, such as utilizing the “cover/contact” method, which assigns one Officer the role of interviewer while the other Officer or Officers remain alert for people, animals and/or objects that may pose a problem. Ideally, the cover Officer should carry the field kit, OC spray and telephone/radio. The team should have pre-arranged code words that would signal the presence of a danger, including the signal to leave, if necessary.

The itinerary should be discussed among the field team members, including the reason for the contact and any special considerations regarding a probationer, dwelling, family member, dogs or other potential problem situations. The team discussion should include whether it is a routine contact or whether the Officer will use this contact to serve a VOP or discuss other non-

compliance. Although Officers always should be alert and ready even in “routine” contacts, preparing for possible problems is a good preventive defense.

It is good practice for Probation Officers when not in collaborative probation/police initiatives to begin their itinerary either by stopping at the local police department or telephoning the police department to advise they will be in the area making field contacts. This not only alerts the police to the Officer’s presence in the locale, but also provides the opportunity for the Officer to obtain current information regarding the probationer or regarding activities in the area. In some situations, Officers may request law enforcement to provide support and protection.

Having current information regarding safety issues specific to the community enables supervisors and Officers to make informed decisions regarding the scheduling and performing of field activities. The Vicinage Chief Probation Officer thus will establish a liaison with local law enforcement in order to obtain and share such information.

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