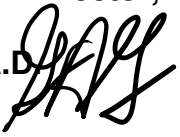


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TO: Assignment Judges **Directive #22-20**
Trial Court Administrators **[Supersedes Directive # 14-06]**
Vicinage Chief Probation Officers
Family Division Managers
Cara Kurtz, Program Director, Intensive Supervision Program

FROM: Glenn A. Grant, J.A.D. 

SUBJECT: Directive # 22-20
Probation Field Supervision and Safety Standards Updates

DATE: October 16, 2020

This Directive promulgates updates to the attached Field Supervision and Safety Standards, as approved by the Supreme Court. These Standards provide clear direction to probation and court services officers, in conducting field contacts. Field contacts include home assessments, home visits and home inspections.

Updates to the Directive include the expansion of applicability to ISP/JISP and Family Division officers; enhancing the purpose of home assessments and home visits, as a vehicle to increase knowledge of client needs; and the use of language reflecting client-based approaches and methods. The previously included standard on field searches was removed and will be addressed separately. As noted throughout the document, the safety of officers is of paramount importance, in the course of work in the field. The intent of these Standards continues to be to increase the presence of probation officers in the field, as they work with clients on long-term behavior change and to foster community engagement.

The Field Supervision and Safety Standards document has been reviewed and endorsed by the Probation Division Managers Conference, the Family Division Managers Conference, the Management Committee of Administrative Council, the Administrative Council, the Management and Operations Committee and the Judicial Council.

These Standards are effective immediately. Please contact Brenda Beacham, Assistant Director, Office of Probation Services, with any questions.

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Attachment

cc: Chief Justice Stuart Rabner
Steven D. Bonville Chief of Staff
AOC Directors and Assistant Directors
Melaney Payne, Special Assistant to the Director
Ann Marie Fleury, Special Assistant to the Director
Jessica Lewis Kelly, Special Assistant to the Director
Cornell Williamson, Regional Manager, ISP Central
Sonia Valentin, Regional Manager, ISP North
Ajisa Campbell, Regional Manager, ISP South
Harriett Dickerson, Assistant Chief, Office of Probation Services
Stacey Gerard, Assistant Chief, Office of Probation Services

PROBATION FIELD SUPERVISION AND SAFETY STANDARDS (Revisions Promulgated by Directive # 22-20)

I. POLICY STATEMENT

The purpose of this policy is to provide assistance to the Probation and Family Divisions by providing guidelines for field supervision and safety standards. For the purposes of this policy, the term Officer shall include: Probation Supervision Officers, Family Officers, Adult Intensive Supervision Officers, and Juvenile Intensive Supervision Officers. Officers within the New Jersey Judiciary are required to conduct field visits. Probation works with clients on positive behavioral change and long-term desistance through prevention, intervention, and rehabilitative strategies. Officers provide field supervision to enhance these strategies. Effective community supervision requires first-hand knowledge of factors such as the client's family and the surrounding neighborhood. In addition, Officers also prepare reports as it relates to litigation and child safety. These reports focus on descriptive information that provide the courts information regarding safety and help in Judicial decision making. Field 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 client's residence. Officer safety is paramount as these activities are conducted. Safety can be greatly enhanced using protocols that emphasize awareness, prevention, protection, and training.

The Standards set forth in this document define the role of 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 clients on probation 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 client into custody, but rather must have a law enforcement officer conduct any such arrest and transportation of the individual.

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

II. STANDARDS RELATING TO FIELD AND OFFICE SUPERVISION

Standard 1 Officers shall conduct a home assessment within the first 45 days of receiving the case. The home assessment is defined as entry into the

common living area of the residence and is used to gather pertinent information from the client that will assist in completing the risk and needs assessment. Interaction with family and/or those who reside with the client is recommended, to gain further insight into the client's needs. For example, the Officer can assess the type of relationship among the family members; whether the client seems to live above his/her apparent means; whether dependents are adequately supported; and whether there is evidence of substance use and/or domestic abuse in the home. Home assessments are also to confirm where the client resides. During the home assessment the entire residence is to be viewed if accessible. Officers should be observant for indicators in plain view such as the presence of gang graffiti, illegal substances, or contraband. Family Division Officers may also conduct a planned home assessment for the purpose of preparing a Child Custody and Parenting Time Investigating Report. Home assessments are conducted during hours established by the Probation and Family Divisions. A home assessment is conducted by at least two Officers.

Pursuant to Directive #01-02, Family officers will need to gather a factual description of the home where the child will be visiting. A criminal record check of both parties should be completed prior to scheduling the home assessment with the parties. A description of the home based on observations during the home inspection include child appropriate safety precautions, working smoke alarms, child safety locks, window guards, stair gates, etc. Officers will gather information relating to the number of household occupants, their relationship to the child, animals present, health issues for the child, sleeping quarters for the child, childcare arrangements, and transportation arrangements (if applicable).

A case note summarizing the home assessment should be entered into case management system being utilized by the officer. 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 client does not have a permanent residence, the Officer needs to verify and document in the case notes the temporary living arrangement.

The home assessment is utilized to verify the exact street location of the residence and to verify that the client resides there. A case note summarizing the visit should be entered into case management system being utilized by the officer. 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 client does not have a permanent residence, the Officer needs to verify and document in the case notes the temporary living arrangement.

Standard 2 Officers shall conduct a home visit based on the client's risk and needs assessment and established guidelines. A home visit is defined as

meeting a client at their residence to enhance knowledge of a client's needs and barriers to positive behavioral change. Interaction with family and/or those who reside with the client is recommended to gain further insight into the client's needs.

Reasons a home visits should be conducted include, but are not limited to:

- A client has difficulty getting to the reporting site,
- Establishing a rapport with the client by meeting the client in a more relaxed environment
- A client has missed scheduled office visits
- Change in client's behavior
- To have continuous insight of the client's living environment
- Assist in identifying needed resource referrals

During supervision, the home visit enables the Officer to gather and verify information to determine what interventions would assist the client in making positive changes in thinking and behavior, which in turn leads to long term desistance from offending behaviors, thus improving overall public safety. For example, if the client is home when he/she is supposed to be working or in school; if the client is not home by curfew; or if the client appears to be under the influence of alcohol or drugs when the Officer arrives.

If the client or the client's parent/guardian is present and affirmatively denies the 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 field visit 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 the 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 disengage from the client, leave the area, and contact/advise the police. If the Officer suspects child abuse, the Officer must report it to DCPP by calling the DCPP 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 confidential and private manner, without the knowledge of the perpetrator.

Standard 3 Probation Officers shall not take into custody or arrest clients. Rather, the Probation Officer must have a law enforcement officer effectuate the arrest. The 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.

Pursuant to *Williams v. State of New Jersey*, 868 A.2d 1034 (N.J. Super. Ct. App. Div. 2005), probation officers are not law enforcement or first responders. Therefore, officers shall not make arrests nor detain a client on probation pending the arrival of law enforcement. However, the Officer may request that the client wait voluntarily for the arrival of law enforcement. If the client is resistant or refuses to wait, then the Officer should not attempt to use force or otherwise restrain the client.

III. SAFETY STANDARDS RELATING TO HOME VISITS

The purpose of these standards is to guide 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 4 If a home inspection/visit is required, preparations must begin as soon as the Officer gets the case or assignment.

As the 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 client or litigant known to be violent or have mental health issues? Did the client 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 the Orientation phase of supervision, the client 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; Officers conduct field contacts in teams; drug testing may occur during these contacts, and law enforcement officers may accompany probation during these activities. The Officer must clarify these issues with the client prior to the home visit.

Prior to going into the field, Officers should know the exact location and should consult a map or GPS, if necessary. Internet maps and mobile applications may be helpful, and often provide driving directions that denote one-way streets. Officers should have information about the type of dwelling, such as if it is a multi-family or single-family house, or an apartment complex. Officers should not simply rely on a house or apartment number but should get a description of where the client'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 5 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 back to the office. 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/Division Manager, and initiate local protocol.

Standard 6 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; GPS/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 Officers with regularly assigned field responsibilities in accordance with Administrative Directive # 07-05. In order to receive a Judiciary-issued pepper spray canister, 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 issued for fieldwork and are to be worn by all officers in accordance with the Protective Vest Policy. Officers who are issued personal protective vests should make sure they are maintained in accordance with the manufacturer’s guidelines.

Standard 7 Field Officers must complete Safety Awareness Training, Aerosol Defense Training, and other training as appropriate.

Safety Awareness Training is a multi-day program that consists of awareness, prevention and de-escalation techniques, including verbal skills, and office and field strategies. After completion of the initial Safety Awareness Training, officers shall be required to participate in a refresher training every five (5) years. 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 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.

Standard 8 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 9 Field 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 clients/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 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 10 Officers must always be aware of activity in the surrounding area as well as in the client'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 client/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 a violation of probation, other non-compliance, and/or initial thoughts relating to a Child Custody and Parenting Time Investigation Report should be continued in the office.

On occasion, Officers may encounter confrontational situations in the course of performing their duties. When confrontations do arise, 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. Officers 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, 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 confidential, private manner, without the knowledge of the perpetrator.

If 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. Officers should also notify the on-call supervisor.

When contacting the police, Officers should be prepared to provide the police with such information as to the nature of their contact, the address, the client 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 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 11 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 incidents be immediately reported to the JIRS system. An employee may also report an incident to their workplace violence liaison or to the Court and Judicial Security Unit.

Standard 12 All client 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 client, 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 Violation of Probation 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 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 client 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/ Division Manager thus will establish a liaison with local law enforcement in order to obtain and share such information.