



Human Rights Defense Center

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Private Prisons: Parole and Probation

A growing trend in the private prison industry is the encroachment of for-profit companies in the area of community supervision, including parole and probation.

While no state parole systems have been privatized, a number of parole agencies use electronic monitoring services provided by private companies. The largest such company, B.I., Inc., which also provides electronic monitoring for immigrants awaiting hearings under a contract with ICE, is a subsidiary of GEO Group, the nation's second-largest private prison firm.

A number of other companies offer full-scale probation services, including Judicial Correction Services (JCS) and Sentinel Offender Services. JCS provides probation services to more than 100 Alabama courts, as well as court systems in Georgia, Florida and Mississippi. Other private probation companies include Georgia Probation Services and CSRA Probation Services.

Under their business model, these firms, which primarily operate in the Southern states, provide supervision for probationers and collect court fees, restitution and other costs, and also impose their own fees. The costs are typically borne by those on probation, not by the court system or government agency with which the companies contract.

There have been many reported abuses as a result of this business model, including for-profit probation companies having people jailed simply because they cannot pay their fees, or seeking to have their probation extended so they can continue to pay, or in some cases demanding fees even after people have completed their term of probation.

Private probation companies have an incentive to maximize their revenue through fee collection rather than help offenders successfully complete their probation and reduce recidivism rates.

“The privatization of misdemeanor probation has placed unprecedented law enforcement authority in the hands of for-profit companies that act essentially as collection agencies,” the Southern Center for Human Rights stated in a July 2008 report.

An increasing number of lawsuits have challenged abuses by private probation companies, with mixed results.

Please reply to Tennessee office:
5331 Mt. View Road #130, Antioch, TN 37013
Phone: 615.495.6568 • Fax: 866.735.7136
afriedmann@prisonlegalnews.org
www.humanrightsdefensecenter.org

On July 11, 2012, Shelby County, Alabama Circuit Court Judge Hub Harrington entered an order in a lawsuit that essentially took control over a municipal court due to an “institutional, egregious and undisputed pattern and practice of Constitutional and statutory violations,” which he wrote “could reasonably be characterized as the operation of a debtors’ prison” and constituted a “judicially sanctioned extortion racket.” The suit alleged abuses by JCS, which contracted with the City of Childersburg to provide probation and fee collection services.

On September 16, 2013, a Georgia superior court issued a combined ruling in multiple lawsuits seeking injunctive relief and damages against Sentinel Offender Services; the suits claimed the company had “unlawfully collected excessive supervision fees and employed other procedures to obtain money from probationers.” On appeal, Georgia’s Supreme Court declined to rule on the constitutionality of private probation services in a November 2014 opinion, but held that people who were victimized by probation companies could seek recovery of their losses.

Despite the problems with for-profit probation, court systems continue to contract with private probation companies, partly due to budget constraints which make them appear to be a fiscally attractive option. For example, Sentinel was recently awarded a contract by the Los Angeles County Sheriff’s Department, valued at \$7 million, to monitor up to 1,000 offenders.