

## PRIVATE PROBATION

# The Return of Debtors' Prisons

The “End of Debtors’ Prison Act of 2016” can protect our justice system and the poor from the damaging influence of private, for-profit probation companies. The Southern Poverty Law Center, which works to protect low-income people from these predatory companies, endorses this legislation introduced by U.S. Rep. Mark Takano of California.

### **What is “pay-only” private probation?**

In some municipal courts, when somebody cannot immediately pay a fine for a traffic ticket or other minor offense, the court refers that person to a private probation company to establish a payment plan. If they can’t pay, the company threatens to send them to court, often resulting in jail time for violating “probation.”

### **Do people really go to jail for debt?**

Yes. For example, Harriet Cleveland, a Montgomery, Alabama grandmother, was jailed for missing payments, even though she had paid more than she originally owed. Many others forgo basic necessities to avoid jail.

### **Are debtors’ prisons still legal in the United States?**

Debtors’ prisons were abolished almost 200 years ago. The U.S. Supreme Court ruled in 1983 that it was unconstitutional to send people to prison because they are too poor to pay.

### **Do these companies provide traditional probation services?**

No. In reality, they are simply debt collectors for the court.

### **Why is this happening?**

Courts are pressured to collect more fines and fees to fund themselves and sometimes to generate revenue for the municipality. Private probation companies typically do not charge courts for their services. They profit by charging offenders a monthly fee. Hundreds of thousands of people fined in more than 1,000 courts are paying such fees. Private probation companies in Georgia collected an estimated \$40 million in fees in 2012.<sup>1</sup>

### **What is unfair about this system?**

It’s creating a two-tiered justice system – one for people who can pay and another for those who can’t. Low-income people are forced to pay their fines plus a for-profit company’s fee under threat of jail. Many are trapped in a cycle of debt and pay far more than their original fine.

### **What is the SPLC doing to address this issue?**

SPLC is working to end this practice. For example, in Alabama, for-profit probation company Judicial Correction Services (JCS), left the state in 2015 after the SPLC filed a federal lawsuit alleging the company violated federal racketeering laws by extorting money from Alabamians by threatening them with jail. JCS once had contracts with more than 100 local governments in the state.

*The private probation problem persists throughout the United States. Efforts including the “End of Debtors’ Prisons Act of 2016” are needed to help stop this harmful and costly practice.*

<sup>1</sup> Human Rights Watch, *Profiting from Probation*, [www.hrw.org/report/2014/02/05/profitting-probation/americas-offender-funded-probation-industry](http://www.hrw.org/report/2014/02/05/profitting-probation/americas-offender-funded-probation-industry), accessed Jan. 10, 2016.