

News**Poor Offenders Pay High Price When Probation Turns on Profit****Critics say charging offenders for supervision piles costs on those who struggle to pay for the service**Adam Geller
Sharon Cohen
AP National Writers

MURFREESBORO, Tennessee (AP) — When Steven Gibbs couldn't afford the fees demanded by the company supervising his probation, he wound up in jail. When Gibbs — who had been arrested for driving on a suspended license — failed a drug test the company charged him to take, he was jailed again.

"Half the time I'm scared to go outside the door," said Gibbs, 61, a former construction worker who lives in a \$200-a-week motel room because his disability pay and wife's fast-food wages don't leave enough for a deposit on an apartment.

"I don't trust none of them anymore," he said, in late January. The company continued charging Gibbs fees until last week, when a judge agreed to put him on a new plan, supervised instead by the court, to pay down fines he owes the county.

Here in Rutherford County and in more than 1,000 courts in about a dozen states, probation for misdemeanors is a profit-making — and increasingly contentious — venture. While those with cash to pay fines of-

ten avoid supervision, poor offenders can be snared in debt and punishment. The practice has sparked widening debate and numerous lawsuits demanding change.

"The unfortunate part of our judicial system is once you get caught up in it, it's like a rat wheel you can never get out of because of some of the fines and the probation," says the local sheriff, Robert Arnold.

A federal judge recently barred Rutherford County from jailing people solely for non-payment, citing a 1983 Supreme Court decision that courts must consider people's indigence. The mayor has recommended the county take over the job.

For-profit probation is praised as a way to



In this Jan. 27, 2016 photo, Rachael Hamm sits in her cell at the Rutherford County Adult Detention Center in Murfreesboro, Tenn. Rutherford County courts are using a private probation company, which profits by collecting monthly probation fees and fees for drug-testing and other services. The county is being sued for using the private company because critics say it is not fair to trap those on probation in a cycle of debt. Hamm says she struggles to take care of her two children because of the probation fees she has to pay.

overlooks nearly 9 million Americans on probation, nearly half for misdemeanors or small-

Services, disputes the criticism.

"There is no intent, practice, behavior or pol-

“You don't criminalize poverty. If you turn the courthouse into a profit center, this is what you get

uphold justice and improve collection of fines while saving money for governments. Critics, though, call it unfair, saying probation funded entirely by charging offenders piles costs on people who can't pay and jails them for offenses as innocuous as traffic tickets.

er infractions.

Many cities and counties have outsourced supervision of lesser offenders who can't immediately pay to companies, who charge supervision fees averaging \$40 to \$45 a month. Most collect court-imposed fines. They also charge for orientation, drug tests

icity that in any way promotes the exploitation of any participant, regardless of financial position," he wrote, responding to questions from The Associated Press.

People can show financial hardship, and courts can sentence them to alternatives such as community service, Queen says. But probation matches those guilty of offenses like domestic violence or drunken driving with court-ordered counseling, he says.

Privatized probation lets government focus resources on felons while saving taxpayers millions of dollars, says John Prescott, president of the Community Cor-

rections Association of Georgia, an industry group, in a written response to questions.

But in Harpersville, Alabama, the probation company harassed people they knew couldn't pay, including a mentally disabled man who'd been involuntarily committed several times by a probate judge, Harrington says.

"They jailed him and were extorting money from his family to let him out ... and the only income he had was Social Security disability," he says.

Some industry veterans question the extent of abuses.

"I just don't know that they're as widespread as they're made out to be," says Dale Allen, chief probation officer in Clarke County, Georgia. Allen has worked for both public and for-profit probation operators. Some people simply want to escape fines, he says.

Many governments contracting with probation companies are in a financial bind, says Chris Albin-Lackey, author of a 2014 Human Rights Watch report on for-profit supervision. But judges and companies too often fail to consider offenders' ability to pay, he says.

"You see a lot of cases where people are trying to explain to their probation officer why they honestly cannot afford to pay," he says, "and essentially the response from the probation officer is, 'I don't want to hear that. You don't pay that, I'm going to throw you in jail.'"

At The Journey Home,

an outreach center for Murfreesboro's homeless, director Scott Foster is used to seeing regulars arrested for public intoxication or trespassing. Most wind up on probation, and often in jail.

Marguerita Scroggins, who lives in the woods but uses the center's mailing address, says after her arrest last fall for possession of a crack pipe, she brought a jar with \$3 in change to the probation company. The officer, who wanted \$45 each week for fees and fines, told her they didn't take cash. Scroggins' only income is a \$744 monthly disability check.

"You tell the judge you couldn't pay but that you're trying to do better, you're trying to make ends meet, and so they basically start your probation over again," Foster says. "So essentially, for our very indigent folks, we've almost set up a debtor's prison here in 21st century suburban America."

A few blocks away, Charlie Barker, arrives at the probation office before it opens. At 35, he's been on probation for 12 years.

Eight arrests for driving on a suspended license and another for drug possession, each brought more probation, fines and fees. Barker used to work construction. But driving to work got him rearrested, he said.

Barker says when his mother gets a tax refund, he plans to pay the last \$500 he owes.

But he wonders if he'll have to keep paying for drug tests or supervision fees until probation expires in September.



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