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Standards in the Privatization of Probation Services

A Statutory Analysis

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Privatization of probation services has increased nationwide in at least 10 states. When private probation initially began in the 1970s, there were few regulatory requirements for the supervision of misdemeanor offenders. The authors present the history of private probation and a review of statutory requirements for private probation companies providing supervision in several states. Missouri statutory requirements are compared with those of other states providing such services. The authors examine contractual agreements between the government and private entities, private probation officer training, education, salaries, private probationer supervision costs, and standards for private agencies providing ancillary treatment services. Analysis found statutes to lack standardization both between and within some states. Although some state statutes address private probation operations and contracts adequately, the authors question whether existing statutory guidelines in other jurisdictions are sufficient for operation of private probation supervision agencies and recommend more specific standards governing the use of private probation.

Keywords: *private probation standards; private probation statutes; probation privatization*

More than 4 million people are on probation supervision in the United States. Of that number, 40% have committed a misdemeanor or other petty offense, and 60% are on probation for a felony crime. Many states have turned to or are currently considering private agencies to supervise low-risk offenders. Approximately 10 states use private agencies to assist with probation supervision. In at least 10 states, private agencies have the primary responsibility to supervise misdemeanor and low-risk clients on court-ordered probation (Reynolds, 2000; Sparrow, 2001).

Although there has been resistance by state probation personnel to this shift, state budgets have not been able to keep pace with the burgeoning probation populations and clients currently on community supervision. The increase in probationers has caused an overall increase in caseload size, with each officer responsible for supervising more offenders. This has caused officers to devote less time to each client, reducing the quality of supervision. Private agencies attempt to reduce the overall number of clients by specializing in the

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supervision of misdemeanor offenders. According to one source, private agencies that supervise misdemeanor clients have an average caseload size of active clients of between 200 and 250 offenders (Leznoff, 1998).

An extensive review of the literature revealed that private probation is an area surprisingly void of study. Unlike with private prisons, we found only a handful of studies documenting probation transition efforts from state to private probation (Courtright, 1995; Kassebaum et al., 1978; Leznoff, 1998; Lindquist, 1980; Sparrow, 2001) and a smaller number of empirical studies (Berry & Anderson, 2001). Although the federal government has made funds available for the transition process (Office of Juvenile Justice & Delinquency Prevention, 1989), commitment to the continued use of private agencies for probation supervision has its roots in state codes and statutes defining such an arrangement.

This research examined Missouri statutes that address private probation guidelines and compared them (where applicable) with states that authorize private probation. Alabama, Arkansas, Florida, Georgia, Utah, and Tennessee were the comparison states because they represent different ideas of private probation administration and sanctioning. Because the amount of detail within the statutes varied enormously, we were unable to provide a comprehensive comparison. In this article, we fully discuss Missouri private probation statutes in the contracts between the government and private entities, private probation officer training, education, salaries, private probationer supervision costs, and ancillary treatment services.

History of Private Probation

Probation supervision was traditionally provided by the government for offenders who had been placed under state supervision for felony and misdemeanor offenses, and in about half of all states, parolees were also supervised. Although the government has ultimate responsibility for the supervision of pretrial detainees and convicted persons, contracts and subcontracts with private not-for-profit organizations and halfway houses began in the late 19th century to help ease the burden of incarceration costs. Forms of residential community supervision were the early forerunners of a wider variety of nonresidential, contemporary forms of private partnerships, such as providing substance abuse counseling, employment, and mental health services. The concept of using private partnerships was further developed in the mid-1970s through a federal study awarded by the National Institute of Law Enforcement and Criminal Justice as a part of the Law Enforcement Assistance Administration (Kassebaum et al., 1978). This research examined the variations in private correctional arrangements that existed in five states and found them to be more “quasi-public” in that they received public funds, but their employees did not have civil service protections (Kassebaum et al., 1978, p. 8).

In the 1970s, some states began to question whether their budgets could sustain the number of probation and parole officers needed to supervise the growing number of offenders in the community. Florida was actually the first state to begin private probation in 1975 with the Salvation Army Misdemeanor Probation, and the very next year passed a statute authorizing the Salvation Army or other approved entity to supervise court-ordered misdemeanor probationers (Lindquist, 1980). Other states such as Missouri, Colorado, and Tennessee began discussing this idea in the early 1980s. In 1989, the Missouri General Assembly proposed and passed Chapter 559.600 of the Revised Statutes of Missouri (RSMo) allowing for the

supervision of misdemeanor offenders by private entities (RSMo 559.600-559.615). In that same year, Section F of the Tennessee Criminal Sentencing Reform Act “provided the legal basis for private organizations to offer supervised probation services” (Berry & Anderson, 2001, p. 121). With the passage of the bill and the statutory regulations in place, states began contracting with private agencies to augment and in some areas replace the Board of Probation and Parole for supervision of misdemeanor offenders. Essentially, private companies supervised misdemeanor probationers, and state probation officers continued to supervise felony probationers. Utah had 13 licensed providers and Missouri had 36 private agencies operating within the state (Sparrow, 2001).

Contracting Between the Government and Private Entities

Other states were faced with budgetary constraints and questioned how the supervision of misdemeanor and municipal offenders would be handled. For example, Georgia statutorily allowed the use of private organizations beginning in 1991 (Official Code of Georgia Annotated [OCGA] § 42-8-102 to 108 § 42-8-3) as contracted by the chief judge in any county on the express, written approval of the governing authority of that county. A formal contract is required to provide services. The sample contract provided by the state of Georgia under County and Municipal Probation Advisory Council rule 503-1-21 of the Georgia Code is 15 pages long and outlines the scope of services and responsibilities of the contractor, the obligations of the court or governing authority, and the representations and warranties of contractor indemnity, insurance, and bonding obligations of the contractor. Specific requirements for indemnification and insurance coverage for private contractors were also outlined. Georgia’s use of private agencies is for supervising misdemeanor offenders, much like Missouri’s. The requirements for providing services as outlined in the Probation Services Agreement include details of officer qualifications and training; the type and frequency of reports provided to the assigning courts; the reporting of all fees, court costs, restitution and fines collected on a monthly basis; and the scope of services to be provided.

Tennessee codes makes it unlawful for judges, judges’ family members, and governmental employees to have any direct or indirect interest in an agency that provides supervision or to receive anything of value from the providing agency (Tennessee Code § 40-35-302 [H] [i] [ii]). When a judge, a state employee, or a public employee is benefiting from the probation agency, the appearance of conflict of interest is extreme. Without the prohibition of this type of collusion, there will be some who choose to use the political prowess of others for personal gain.

A case in point was in 2000, when a member of the Georgia Board of Pardons and Paroles received monies from a private probation agency in an attempt to influence pending legislation that would benefit the private agency. He claimed that the money received was for unrelated legal work but was eventually convicted on public corruption charges (Warren, 2004a, 2004b). To prevent conflicts like the one in Georgia from happening, Arkansas and Tennessee both require surety bonds in the amounts of \$50,000 and \$25,000, respectively, for a private agency to be allowed to conduct supervision (Arkansas Code § 16-17-127 [b] [1]; Tennessee Code § 40-35-302 [C] [ii]). If the agency is approved to provide services, the court and the agency then enter into a contractual agreement for those services.

Missouri Private Probation Contracts

Missouri statutes allowed circuit and associate circuit judges a choice to contract with private entities to provide supervision services for offenders placed on probation for class A, B, and C misdemeanors (RSMo 559.600). Each private organization wishing to provide services to the courts must make application to provide services with the circuit judge. Although the courts are charged with approving agencies for supervision, there are also qualifications and factors that the courts must consider. One of these factors is that the private agency must prove the financial ability to operate a probation office. Proving this ability fluctuates between courts. Although some courts may require that the provider show tax records and financial statements, other courts base their decisions on their personal knowledge of the individuals who own and operate the entity. RSMo 559.609 points out that the courts must also consider the length of time the agency owner, staff, or both have operated in the probation field; their experience in supervising various types of probationers; and any other factors the courts deem appropriate. These factors may but do not necessarily include the fees to be charged, the methods of reporting and tracking of offenders, and the duties the agency will undertake in the operation of the services. Contracts are required to include the offenses for which offenders will be supervised as well as the duties of the contracting agency (RSMo 559.602).

In Missouri, there are no statewide guidelines for approval of an agency. The guidelines are developed within each court. One major consideration outlined in RSMo 559.615 is that

No judge, nor any person related within the third degree of consanguinity or affinity to a judge or any other county elected official with direct court supervision responsibilities, may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services. (RSMo 559.615)

There are no requirements in Missouri's statutes to provide any verification of fees collected, nor are there any educational requirements in place for staff. This is an area that is deficient in the overall operation requirements of private agencies. At such time as the applications have been reviewed, the contract is granted, and copies of the agreement, contract, and duties have been forwarded to the Board of Probation and Parole, the state is then allowed to withdraw. Although the Board of Probation and Parole must be informed that there are private agencies in operation, they have no statutory authority of oversight of any private agency. The only restrictions seem to be that the courts must approve the agencies that will be used and that there may not be a relationship between the company and a judge in Missouri. Once approved, contracts are issued for a term of 3 years. The court has the right to terminate the contract for cause before its expiration date (RSMo 559.612).

Because of the inconsistencies in the way contracts are accepted in Missouri, some areas of the state have an abundance of private probation agencies, and other areas of the state do not and must continue to rely on the state to supervise misdemeanor offenders. More recently, amendments have been added to the statute in Missouri that allows judicial circuits and municipalities to operate their own probation departments and charge the offenders for the supervision (RSMo 559.607).

Private Probation Officer Training, Education, and Salaries

In county-level or state-level probation departments, the chief probation officer is appointed and probation officers are hired under predetermined minimum employment standards. Most probation officers must possess a bachelor's degree, but some states allow a combination of education and experience as a substitute for the bachelor's degree. Some jurisdictions may also require psychological evaluations and drug screenings (Alarid, Cromwell, & del Carmen, in press). Preservice training before the job begins has become standardized for county and state probation officers. All states require probation officers to continue training, most typically 40 hr per year (Camp, Camp, & May, 2003).

Selection and Training

How do state requirements compare with private probation requirements? We found that some states provided specific requirements for ongoing training and education of private probation officers, whereas some states were deficient in requirements. On review of Missouri statutes, we found that agencies choosing to act as providers of probation supervision have to meet the area courts' requirements but are not required to hire personnel who have completed any specific level of education. Any agency who wishes to hire individuals with a high school or even lower level of education may do so. The judges in the various courts responsible for approving the providers have the final word on which providers are used and do tend to review the staffing patterns of the agency, but there are no statutory requirements for education levels.

Georgia, on the other hand, requires through its statutes that private probation officers must be at least 21 years of age and "must have completed a standard 2-year college course" (OCGA § 42-8-102 G). The requirements also include 40 hr of orientation on employment and a minimum of 20 hr of continuing education per year. The state of Georgia also requires that private probation providers hire at least one individual, who has the responsibility for supervision of officers and employees, having at least 5 years of experience in correction, parole, or probation services (OCGA § 42-8-105 3).

The state of Utah also requires that an individual acting as a private probation officer become licensed and have a baccalaureate degree in an area that is approved by its licensing board or have a combination of training and education determined appropriate (Utah Statutes, § 58-50-5). Tennessee has similar requirements for both the chief executive officer of the company and the employees responsible for providing supervision (Tennessee Code § 40-35-302 [B] [i] [ii]). Georgia, Arkansas, Utah, and Tennessee also require criminal background checks on all those acting as private probation officers. Two of those states specifically prohibit a person who has been convicted of a felony to be employed as a private probation officer (OCGA § 42-8-102 [a]; Arkansas Code § 2, §§ 16-17-127).

Salary and Pay Rates

The U.S. Department of Labor reported that the median annual earnings of probation officers was \$38,360 (U.S. Department of Labor, 2005). Salary comparison charts reveal that in 2002, probation officers across the country earned a beginning salary of \$29,852,

with an average of \$43,735, and topping out at \$62,093 for experienced probation officers (Camp et al., 2003). Salaries of state probation officers are paid by taxes and in half of all states are supplemented by fees paid by probationers. For example, the state of Texas has been charging probationers fees for supervision since the early 1980s. Missouri instituted this practice during the 2005 legislative session.

In contrast to states, salaries for private probation officers are not funded by tax dollars. We found that salaries varied between agencies with the same amount of latitude that any private employer has in setting pay scales. For example, a review of three private companies in Missouri revealed annual starting salaries for probation officers in 2005 to be between \$25,000 and \$27,000. Compare this with the starting salary of \$24,132 in 2002 at the Missouri Board of Probation and Parole (Camp et al., 2003; Missouri State Office of Administration, Division of Personnel, 2004). The starting salary for a Florida probation officer trainee was \$28,116.92, with an increase to \$30,928.66 for a certified probation officer in 2003 (*Florida Corrections Commission Meeting Minutes*, 2003). Given that private agencies do not rely on taxes to pay officer salary and wages, private agencies rely on the probationer's paying a supervision fee to remain solvent. It is this topic to which we now turn.

Probationer Supervision Costs

Financial considerations and budgetary constraints played a major part in the privatization of probation supervision services. As we examine the costs of supervision, it is necessary to review the allowed costs under the statutes. The Missouri legislature found it appropriate to place into law the requirement that "neither the State of Missouri nor any county of the state shall be required to pay any part of the cost of probation and rehabilitation services provided to misdemeanor offenders" (RSMo 559.604). In doing so, the rate of supervision fee was set at \$30 to \$50 per month. Acknowledging that there were some individuals for whom even \$30 per month would cause a hardship, the statute also allows the court to exempt a person from paying the cost of the supervision if they meet specific exemption factors. As a result of the concerns of area courts, many private probation supervision providers charge fees that are less than the statutory amounts, usually \$20 to \$25 per month, whether so ordered by the courts or not (Northland Dependency Services, LLC, 1992a).

According to Sparrow (2001), the average cost in Georgia for supervision is \$360 to \$456 per year. As in Missouri, in Georgia all fees are paid by probationers. Georgia requires private probation supervision entities to include the procedures for handling indigent offenders within their contracts to provide services, but Missouri does not list that as a requirement of contractual obligations. Some Missouri courts do, however, specify in the Request for Bids that the issue of fees for indigent offenders be addressed in the proposal and contract.

Fee Collection Rates

Even at reduced rates, in Missouri there has never been a 100% payment rate. In an article comparing probation supervision by three separate private contractors, fee rates ranged from \$35 to \$50 per month, and collection rates were 90% for a multistate company called BI, 75% for Intervention, Inc., and 70% for the Salvation Army (Krauth & Linke, 1998).

One Missouri agency, NDS, had a collection rate of 82% of all fees. An empirical study of misdemeanor offenders on private probation supervision found that unemployed and sporadically employed clients were more likely to be terminated from the program than clients who were employed while on supervision (Berry & Anderson, 2001).

The issue of sliding scale fees and forcing an indigent offender to pay probation fees becomes a focal point of concern. Although the statutes do not address this issue, the courts often do. As with state probation, the delineation between willful failure to pay fees and an inability to pay fees is necessary whenever lack of payment is cited as a violation of the terms of probation. A feasibility study for implementation of probation supervisory fees from the state of Wyoming addressed this issue and found that of those clients who did not pay the state-mandated fee for supervision, only 6% of clients were extended for nonpayment of fees and only 0.3% were revoked for nonpayment of fees (Green, Hoppmann, & Franken, n.d.). There are no exact figures for Missouri regarding the number of cases suspended or revoked for nonpayment of fees. In Missouri, there are no statutory requirements for a sliding fee scale of any kind to be used. In addition, fee collection is a purview of the private entities, with no requirement of private agencies to report collection statistics.

In practice, however, some agencies do not file a violation report solely for nonpayment of fees but will include nonpayment with other violations. It is important to consider ability and willingness to pay when addressing the issue within a violation report. Some Missouri courts will address the issue of nonpayment of fees in violation hearings, going so far as to require the offender to pay the fees immediately, and others will require that the fees be waived by the agency because of the offender's indigent status. Often, the supervision agency will address the nonpayment issue with the courts in advance of providing services so that all the parties involved know what is expected.

When probationers get behind in monthly payments, many stop attending regularly scheduled appointments with the probation officer. This compounds the problem with additional violations. Defendants who show up for court and probation meetings are able to openly address indigence and failure-to-pay challenges. For example, defendants could be allowed to complete community service hours in lieu of the fine and may be given assistance in locating employment.

The state of Alabama outlines in its statutes that any person placed on probation or parole is required to pay a monthly fee of \$30.00 for their state supervision. Section 15-22-2 (a) requires the payments be made by the 5th day of each month and that by agreement between the probationer and his or her employer, that amount may be deducted from paychecks and sent to the state by the employer. Exemptions are allowed for undue hardship on a case-by-case basis, but if the probationer is 2 or more months in arrears this shall be sufficient grounds for revocation of the probation or parole (Code of Alabama § 15-22-2).

At least one Missouri agency reviews the financial ability to pay issues with the defendant before filing a violation report for failing to pay fees and will file a violation report only if the failure to pay is part of a larger area of concerns and/or is willful rather than a result of an inability to pay. This seems to be the case with other private agencies (Krauth & Linke, 1998). Florida statutes clarify that "the fees the entity charges for court-ordered services and its procedures, if any, for handling indigent offenders" must be included in the contractual agreement between the courts and the private companies (Florida State Statutes §948.15, 2004).

Part of the cost of doing business in this area is acknowledging that not all defendants can pay even a portion of their fees, and so there will be a less than 100% collection rate. Overall, it appears that the private agencies do take a defendant's financial status into account before the filing of a violation report. It is also noted that offenders are not denied the opportunity to be placed on probation strictly because of their financial inability to pay.

Company Liability Insurance

Fiscal considerations also include professional liability insurance for the probation officers and the company. Professional liability insurance includes errors and omissions coverage, sexual harassment protection, and general liability coverage. Liability insurance is necessary to protect the organization against lawsuits filed by probationers for misconduct or perceived errors on the part of the probation officers. For example, if a probationer under private supervision for an alcohol-related traffic offense commits a vehicular homicide while under the influence of alcohol or drugs and if the probation officer has not adequately addressed alcohol or drug treatment, the victim or family of the victim may be able to hold the private agency accountable for not addressing the alcohol problem. Insurance is also necessary to protect against the wrongdoing of an officer in such situations as sexual harassment.

Georgia statutes require that probation providers "maintain no less than \$1 million coverage in general liability insurance" (OCGA § 42-8-108 [1]). Georgia's indemnity and insurance coverage requirements are \$1 million per person per occurrence for general liability coverage and a general aggregate of \$3 million per occurrence. Georgia also requires commercial business automobile liability insurance on all agencies. In contrast, we found that Missouri does not statutorily require liability insurance. Private agencies that do not carry insurance are thus quite vulnerable to lawsuits. Some private companies may underestimate the amount of insurance they need to reduce their premiums (Maghan, 1991).

Providing Treatment Services

Private agencies that provide treatment services to probationers are perhaps the most common arrangement of probation partnerships that assist in making county-level and state probation agencies more efficient. The flexibility and choices allow governmental probation departments more control over service quality because contracts can be modified or not renewed if the private agency is not performing adequately (Courtright, 1995). Public probation agencies may also realize a cost savings by using contracted services rather than providing the service themselves. The American Probation and Parole Association (APPA) recognized that private providers can "serve to assist an organization in addressing documented needs and achieving its missions" (APPA, 2001). The APPA also recognized the potential for creative innovations and correctional technology through use of private agencies.

Privatizing ancillary treatment services to assist offenders in meeting the special conditions of probation varies by state. Some states, such as Georgia, forbid private probation agencies to own or employ mutual employees in any program providing ancillary services like driving-under-the-influence or alcohol or drug use risk reduction programs. Although the private probation provider is required to address the alcohol problem as ordered by the court, that agency is not permitted to require the probationer to use a *specific* alcohol or drug program. OCGA § 42-8-104 (2) states,

No private corporation, enterprise, or agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall not prohibit furnishing any probation, upon request, with the names of certified DUI Alcohol or Drug Use Risk Reduction Program. Any person violating this paragraph shall be guilty of a misdemeanor.

Utah Licensing Act Rules R156-50 has been revised to prohibit the provision of drug, tobacco, and/or alcohol rehabilitation services, as well as providing education and/or rehabilitation services and private probation services, to the same offender (Utah Rule R156-50-502 [4]; Utah Division of Administrative Rules, 2004).

Missouri Treatment Services

A review of private treatment agencies in the Kansas City, Missouri, area revealed that agencies tended to offer educational and treatment services to assist clients in successful completion of probation conditions. Two issues are of primary concern. First, individuals may be approved as providers without having to demonstrate through the use of employment recommendations, licensure, or certification that they are qualified to provide the service (the state does not require this). Educational and treatment services may be related to financial management, anger control, theft prevention, drug and alcohol abuse education, driver improvement programs, solicitation prevention, house arrest or electronic monitoring services, community service monitoring, drug testing, restitution collection, ignition interlock, and substance abuse treatment services, such as the Substance Abuse Traffic Offender Program (SATOP).

Our second concern is the potential for conflict of interest and ethical issues. Although the Missouri Department of Mental Health has a regulatory prohibition against SATOP providers who also provide probation services requiring a client to use both services through their own company, there are no statutory or regulatory prohibitions regarding the provision of multiple services in other treatment areas (Missouri Department of Mental Health, 2003). This opens the door for private probation agencies to require clients to use their ancillary services for services that are mandated as a part of the client's probation. This is an area that requires the highest of ethical standards and consideration. When an agency offers multiple services for the use of clients, the requirement that the client use only those services of one agency constitutes a conflict of interest and is different than creating the option to use that agency or another similar service provider. Whether the requirement is stated outright or is hinted at, if the offender might feel that he or she must use the services at that agency or face a possible violation of probation, the client's freedom of choice to use services that may be more cost effective or convenient is removed. Some private agencies in Missouri allow the client to complete the special conditions required at any facility that best suits the client's needs (Northland Dependency Services, LLC, 1992b).

Probation officers, whether employed by a state or a private agency, act as "the eyes and the ears of the court" and are therefore considered to be officers of the court. In the realm of probation, that includes always being above reproach in their personal actions, in maintaining the highest of ethical standards in all regards, and acting in a manner consistent with a law enforcement official. In short, this means that officers are responsible for alerting the court to clients' actions in as short a time possible. The use of compliance reports and

violation reports attests to the importance of this role. The issuance of violation reports to the courts for noncompliance also falls within the category of acting as the eyes and ears of the court. When clients have violated the conditions of probation, they are to be held accountable for their actions. The use of reports refers not only to the violations that may occur, but to the successes as well. Because probation is used for the rehabilitation of the offender, each offender must be rewarded for his or her positive actions as well as held accountable for the negative behaviors.

Conclusion

As privatization of correctional services continues to grow, the expansion of concerns will grow as well. For example, in the interest of saving money and without standards in place, it is possible that private providers might compromise public safety by increasing caseload size, minimizing the number of probationer contacts, or overlooking violations. In the short run, this would be a reason to have state minimum standards and at the same time be able to respond to local issues in some form of partnership for organizing the delivery of private probation services (James & Bottomley, 1994).

Through a statutory review of Missouri private probation guidelines, our research found that Missouri had no statewide standardized guidelines for private agency approval, no requirements to provide any verification of fees collected, and an absence of educational and training requirements for private probation staff. Private probation agencies in Missouri are not required to carry insurance, and the current standards in place leaves the opportunity for wide discretion, inconsistencies, and possible conflicts of interest with treatment services provided by probation agencies. Other comparison states lacked standardization in offering private probation services.

Most private probation agencies supervise misdemeanor and municipal offenders at the present time. We predict that budgetary constraints in some states may well push felony offenders into the realm of the private provider as well. One of the concerns that accompanies this move is the potential for increased burnout and stress related to the increased paperwork and supervision of felony caseloads (Slate, Wells, & Johnson, 2003). Most recently, Missouri House Bill No. 178 was introduced, which allows municipalities and circuit divisions to employ qualified persons as probation officers and to charge fees for the supervision as with other private agencies. The 43rd Circuit Courts, which encompass five counties in the western part of the state, have already formed an office of Court Supervision Programs and have begun supervising probationers out of those courts. We believe that other courts in Missouri (and perhaps around the nation) will be closely watching the 43rd Circuit Courts and their new court services program to see how the circuit does at taking over probation supervision. Other circuit courts across Missouri may opt to provide their own supervision.

In addition, Missouri House Bill 875 allows the Board of Probation and Parole to charge a supervision fee up to the amount of \$60 per month for supervision. This fee imposition may affect the ability of the State Department of Corrections to continue supervision of felons. With additional money in its operating budget from offender monthly fees, there could be a growth in state probation and parole officers to allow for supervision of more individuals. Future research in this area may wish to focus on a comparison of private and state probation officers in the areas of stress, turnover rates, and career paths.

Regardless of which direction private probation goes, a need exists for more stringent and statewide regulatory requirements for the supervision of offenders. Enhanced personnel training and educational and agency reporting requirements would likely reassure the public and the courts that offenders are being appropriately monitored. Private probation agencies should be required to have formally stated goals and should be evaluated as to whether they met those goals (Courtright, 1995). Missouri and other states considering implementing changes may wish to examine requirements and regulations in states such as Georgia, Utah, Colorado, and Tennessee not only for personnel but for expectations of probationers.

Standardization of basic probation conditions, and to a lesser degree requirements for completing special educational courses by probationers, would level the field for probationers regardless of what court placed the individual under supervision. Financial obligations that require probationers to pay supervision fees, whether the supervision is provided by the state or private agencies, could make it possible to ensure enough probation officers, could effectively monitor probationers, and could make unemployed clients more employable (Berry & Anderson, 2001). The requirement of restitution to the victim, whether monetary or through service work, allows the offender to repay the victim for the harm caused. The repayment of the victim also allows the victim to minimize his or her losses. Community service work encourages the offender to make reparation to the community as well. If the ultimate goal of probation supervision, whether private or public, is to keep the offender from reoffending, ensure the safety of the community, and require the offender to make restitution to the victim, these areas would be addressed within the above guidelines.

If we address the problems and challenges faced by those on probation in a holistic manner, addressing not only education, but literacy, job training, employment opportunities, and substance abuse treatment issues, we will have a better chance of keeping offenders from returning to crime and out of the criminal justice system. When we require offenders to make reparation to the community as a whole and to the victim in particular, we then begin to see community concerns about safety decrease and the reintegration of the offender begin in earnest.

Probation supervision as a joint effort between state and private agencies could provide more extensive services with the cost at least partially borne by probationers. Both entities supervising offenders with identical requirements and expectations would allow for both rehabilitation and retributive sanctions to occur. Mandating a set fee for supervision and ensuring that all agencies charge at least the lower limits of the fee structure would also even the requirements of supervision. If the fees were set and enforced, there would be a lower likelihood of agency competition for monetary compensation and more focus on the actual services provided. A concerted joint effort could lower costs, encourage rehabilitation, mandate restitution, and increase community safety. In standardizing such guidelines and practices, we should be wary of big business and political lobbyists who may influence legislators in a way that supports company profits over the interest of the client or of the general public.

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