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New Lawsuit Against Private Probation Companies, Giles County, Tenn. Alleges Extortion, Unconstitutional Practices

Giles County, Tenn. – Today, Civil Rights Corps, Hughes Socol Piers Resnick & Dym, Ltd., and Attorney Kyle Mothershead filed a federal class action lawsuit brought by five named plaintiffs against two private probation companies, their employees, and Giles County, Tenn. challenging their policies of extorting money from impoverished misdemeanor probationers and violating the plaintiffs’ constitutional and statutory rights.

The lawsuit states that Giles County contracted with PSI Probation, LLC (“PSI”) and Community Probation Services, LLC (“CPS”) to run a “user funded” probation system in which the companies’ sole source of income and profit is from the fees paid to them by the people they supervise on probation. The companies determine probation conditions and decide when a person has violated those conditions. They determine how much a person must pay and how often she must make those payments. The companies seek arrest and citation warrants, recommend jail time, testify during probation-revocation hearings, and make every other discretionary decision related to probation cases.

“Misdemeanor probation should not be run at the expense of the poor and as revenue streams for the county and private companies,” **said Civil Rights Corps Attorney Jonas Wang.** “The private companies are essentially debt collectors for the county. This ‘user-funded’ scheme creates a creature previously unknown to American law: a probation officer with an inherent conflict of interest because the company relies on the same people it supervises to turn a profit.”

Most of the people the companies supervise are required to report to and pay the companies only because they are too poor to pay their court debts in full; if they could pay their court debts, their probation would be unsupervised. Because the plaintiffs cannot afford the payments, they incur additional fees, are forced to take invasive and humiliating drug tests, and must comply with onerous conditions of probation. They face arrest, revocation, and extension of supervision if they do not comply with any of the company’s demands.

“This is our two-tiered justice system at its finest – rich people can buy their way off probation, while poor people charged with petty offenses get squeezed for every penny,” **said Attorney Kyle Mothershead.** “Probation is not supposed to keep people down.”

This “user-funded” system gives the companies enormous discretion and power over impoverished probationers’ liberty. The result is a system that traps poor people in a cycle of debt, government surveillance, and humiliating drug tests in which the private probation officers observe probationers urinating. Probationers are subjected to arrests, jailing, and more debt, all while generating immense profit for the companies. These practices violate due process, equal protection, and the Fourth Amendment, and constitute extortion under the Racketeer Influenced and Corrupt Organizations Act (“RICO”).

Lawyers with Civil Rights Corps previously challenged nearly identical policies in nearby Rutherford County, Tenn., where a different private probation company—PCC, Inc.—conspired with Rutherford County to extort money from impoverished misdemeanor probationers as part of a similar for-profit, user-funded probation system. That lawsuit led to PCC, Inc. ending its private probation operations nationwide and recently resulted in an historic settlement, including \$14.3 million in compensation to the company’s victims and an agreement by Rutherford County to never again contract with a user-funded, for-profit probation company, to waive court debts for indigent probationers, and to end the use of money bail to detain misdemeanor probationers prior to probation-revocation hearings.

"Giles County has allowed two for-profit companies to transform the County’s probation system into a machine for generating profit on the backs of Giles County’s most impoverished residents," **said Matthew Piers of Hughes Socol Piers Resnick & Dym, Ltd.** "The County’s contracts with these companies serve only to generate and extort income through coercive and unlawful means, devastating the lives of hundreds of residents of Giles County every year."

Desperate to avoid jail, all of the named plaintiffs in this case have forgone basic necessities—including food, clothing, utilities, medication, and hygiene products—to pay the companies, and have endured other extreme hardships. One plaintiff, Ms. McNeil, survives on disability payments. Although she told CPS repeatedly that she could not afford the payments and had no way to get to her probation meetings, her probation officer insisted that she report in person. She sometimes walked a mile with her oxygen tank to report because she was terrified that she would be jailed if she did not show up and pay whenever the company required her to do so.

Another plaintiff was given two weeks to pay more than \$1,000 and was told that if she didn’t make the payment, she would have to spend 60 days in jail.

A third plaintiff lives with her mother, who is also a plaintiff in the case, and four children in a mobile home outside of Giles County. She is on probation with CPS, and her mother is on probation with PSI. Both are struggling to find work, and neither can afford the payments required.

The fifth plaintiff was on probation with CPS. Her probation officer threatened her with arrest, jailing, and revocation of probation if she did not make payments, so she sold personal belongings so that she could pay the company and get off of supervised probation.

To read the full complaint and more information about the case, [click here](#).

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