

PRIVATE PROBATION IN GEORGIA:
THE STUDY OF A CONTROVERSIAL INDUSTRY

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ABSTRACT

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Private probation is one of Georgia's most unique service industries in that private companies provide the traditional governmental function of supervising offenders who have been placed on probation by the courts. As such, the private probation industry interweaves criminal justice with for-profit business, a thorny combination.

Since the "official" emergence of private probation in the state of Georgia in 1991, probation businesses have been viewed at different times as either savior or villain. This paper provides a comprehensive analysis of the issues surrounding this highly controversial industry.

Notwithstanding the thorns and controversy, Georgia's private probation industry is robust. The Southern Center for Human Rights reports that 80% of misdemeanor probationers are supervised by private companies in Georgia. A 2014 report by the Human Rights Watch estimated that private probation businesses in Georgia generated over \$40 million in revenues. It is noteworthy that Georgia leads the nation in the total number of adult probationers. According to the U.S. Bureau of Justice Statistics, in 2014 Georgia had almost four times as many people on probation per 100,000 than the national average. (Georgia's 6,161 versus the nation's average of 1,568)

The paper is divided into three parts: history, literature review, and recommendations.

Part One evaluates the private probation system in Georgia by studying four of its histories: *political*, *economic*, *legislative*, and *regulatory*. The *political history* of private probation explores, among other things, the ripe environment in Georgia that led to private probation's development and growth there. This section also delves into a dark era highlighted by a state official serving a prison sentence. Next, we explore the *economic history* of private probation from two different angles, the first from the public benefit perspective. This element includes original research into the financial benefits of private probation, if any, for governmental bodies. The second angle focuses on the economic history from the business-side. By gathering and analyzing data, we study the impact various factors, such as overhead costs, collection rates, lawsuits, and negative press, have had on the industry. Next, private probation's *legislative history* is traced by establishing the legal development of the industry. And finally, the *regulatory history* of private probation demonstrates Georgia's hit and misses in its efforts to appropriately monitor the industry.

Part Two of the paper provides a narrative review of existing relevant literature on issues surrounding the private probation industry in Georgia.

And Part Three formulates, based upon the research and findings, specific recommendations for the industry, including the possible barriers to each.

Keywords: criminal justice, privatized misdemeanor probation, business ethics, Georgia law