



Missouri's Privatized Probation System Fosters Recidivism

Missouri uses private probation agencies, whose fees and conduct are not regulated by the State, for individuals under supervision for misdemeanors.

Definition of terms: Probation/supervision (an alternative to serving time in jail); Fines (owed money imposed as a penalty for a crime); Fees (for court and services likely unrelated to a crime); "Offender-Funded Probation" -- a term used to describe the private probation business because the cost is paid by the person under supervision rather than the courts.

- Many Missouri counties use private probation agencies whose fees and staff qualifications are not regulated by the State.
- Privatized probation systems are most burdensome and punitive for those who cannot afford its costs.
- Private probation agencies may charge a variety of administrative fees.
- Drug tests, mandated education, and treatment programs cost individuals under supervision thousands of dollars.
- Individuals under supervision are re-incarcerated when they cannot pay fees, including private probation and administrative fees and fees for minor traffic offenses, thereby creating a "defacto debtors prison system."
- For-profit probation companies have no incentive to provide meaningful re-entry services such as finding housing, employment, or mental health services, because they cannot charge a fee for these services.
- Lack of rehabilitation services fosters conditions for increased recidivism.
- Supervision requirements, including community service, can make it impossible for individuals under supervision to maintain employment.
- Parents are not eligible for federal or state benefits (SNAP, Medicaid, etc.) if they violate even a single minor term of supervision.

What are the benefits if Missouri eliminates privatized probation for misdemeanors?

- The probation/supervision system is put under the oversight of the state and subject to statewide standards.
- A debtors' prison cycle is broken because unregulated fees will not be charged to poor people.
- Individuals under supervision may be eligible for additional support and re-entry services that the private probation agencies have no incentive to provide.
- Counties are relieved of having to hold a hearing or imprison a probationer who cannot pay a fine or fee set by a for-profit company. 30% of state and federal prison admissions are due to "technical violations" (violations of specific terms and conditions of parole), including payment violations.

What do we now know about the impact of fees on recidivism?

- Studies show that imposing criminal fees is correlated with higher recidivism rates and declines in overall public safety.
- In 2020, Ramsey County, Minnesota eliminated all probation/supervision fees. The move has helped both the department and the people they supervise.
- Only three states do not authorize probation/supervision fees: Alaska, California and Oregon.

Learn More:

1. <https://stoprecidivism.org/blog/why-are-more-states-than-ever-passing-laws-for-no-cash-bail-and-pretrial-detention/>
2. Understanding the State of Privatized Probation: Literature Review for Empower MO by Shelby Davis
3. https://www.ted.com/talks/robin_steinberg_what_if_we_ended_the_injustice_of_bail?language=en
4. [Presentation-Still behind Bars: Criminal Legal Reform by Shawntelle Fisher 4/22](#)
5. [Set Up to Fail: The Impact of Offender Funded Private Probation on the Poor. Human Rights Watch Report, February 20, 2018](#)
6. <https://finesandfeesjusticecenter.org/content/uploads/2022/05/Probation-and-Parole-Fees-Survey-Final-2022-.pdf>
7. Tyler Giles, The (Non)Economics of Criminal Fines and Fees (2021) available at <https://sites.google.com/view/tylergiles/research?authuser=0> working paper (finding that a new fee of \$200 on all misdemeanor convictions in Milwaukee, WI increased the overall likelihood of re-offense within two years)
8. https://www.ramseycounty.us/sites/default/files/Departments/Public%20Health/CHA/Crime%20-%20Incarceration%20and%20Legal%20Supervision%20of%20Adults_final.pdf