



# POSITION PAPER PRIVATE SECTOR PARTNERSHIP WITH PROBATION, PAROLE AND CORRECTIONS VIS A VIS CONTRACTING OUT

## Summary of the Issue

There has traditionally existed a tacit partnership between private sector human service providers and the public entities and employees of probation, parole and corrections. Criminal justice system practitioners generally have viewed as necessary and valuable the many resources that experienced, qualified and screened private sector providers offer. Vocational training, re-entry training, job placement, mental health services, alcohol and drug treatment, outreach, youth alternatives, community service work and Big Brother/Sister programs are but some of the private sector programs that have positively touched the lives of many of the adult criminal and juvenile offender/dependent populations under the purview of probation, parole and correctional officers and juvenile institutional counselors.

Criminal justice system practitioners, by law and by policy, have very specific official and often mandated responsibilities which include the preparation of Superior and Municipal Court detention, jurisdictional, presentence and dispositional reports, and the in-custody control and out of custody surveillance, redirection, supervision and rehabilitation of the offender. These practitioners are accountable directly to the courts and to other state and county officials and are a formal part of the criminal justice system designed to serve and to ultimately protect the public. After the police, prosecutor and defense attorney complete their roles with the offender, probation, parole and correctional officers and juvenile institutional counselors continue to work with the offender and in a very real sense are the glue that links the various elements of the criminal justice system together. In carrying out their many official responsibilities, they are often the catalysts who bring together the offender and the private sector provider for resource assistance. Traditionally, private sector providers have acknowledged the expertise of these practitioners in their unique roles. This meaningful partnership historically has worked well.

The California Probation, Parole and Correctional Association believes that there should be a tacit partnership between private sector providers and the public entities and employees in the criminal justice system. We support, encourage and advocate for well qualified and screened private sector programs which are resources to existing probation, parole and correctional programs and services. We support and encourage private sector programs which provide viable alternatives to state incarceration. However, we strongly oppose private sector programs which seek to replace existing public sector programs and services in probation, parole and corrections. Probation, parole and correctional officers and juvenile institutional counselors are given specified law enforcement powers by state statute with direct accountability to the courts which the private sector does not have and should not have. Probation, parole and correctional officers and juvenile institutional counselors are also mandated by state statute to complete specified in-service professional training which is neither available nor appropriate to the private sector in most instances. However, criminal justice system public entities and employees are often hard pressed to prove what practitioners in this field know and believe; that probation, parole and correctional officers and institutional counselors are the appropriate and trained experts in their field.

Current state statues prohibit anyone but the chief probation officer from operating juvenile camps and ranches. To delete, modify or otherwise change these existing statues we believe would undermine the intent of these public sector programs and would create potential civil liability for the public entity and employee. For similar reasons, we are in opposition to private sector proposals to run county jails and/or state prisons. We have great reservations about the wisdom of allowing the private sector to make a profit off criminal and juvenile ward/dependent populations. We have reservations about the ability of the private sector to demonstrate the quality control and accountability to the courts and other state officials which is now built in by law in the public sector. We have concerns about the low cost projections made by some private sector providers followed by rapidly rising costs once these programs are implemented.

### **Position**

CPPCA supports qualified, private sector programs and services which are resources to existing public sector criminal justice system programs and services. CPPCA supports community based private sector programs which provide viable alternatives to local or state incarceration. CPPCA opposes legislation to contract out any existing probation, parole and correctional programs or services to the private sector.

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