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Federal Court Approves Settlement in Giles County Probation Lawsuit

The settlement ends exploitative probation practices in Giles County and requires \$2 million in damages and fees

TENNESSEE – Today, a federal judge approved the final Settlement Agreement and Consent Decree in [*McNeil et al. v. Community Probation Services, LLC et al.*](#). This decision comes after the Giles County Commissioners voted unanimously in May 2021 to approve the agreement between the Plaintiffs, Giles County, and the Giles County Sheriff.

“I want people with authority to recognize that they shouldn’t prey on people just because they can’t afford it. They were taking food out of our mouths. And then they violated me just because I couldn’t pay,” said **Victor Gray**, one of the named plaintiffs in this case. “I’m so blessed to help people who are in the same position as me now.”

The agreement, which goes into effect today, will prohibit the County from funding its probation system using fees paid by people under its supervision. The County must also compensate people who were harmed by the County’s exploitative practices. The County will pay \$2 million total in damages and attorney’s fees, including \$1.68 million to almost 4,000 class members. Individual class members will receive an initial check of up to \$518.

“For years, Giles County and these private companies profited off the backs of some of the poorest members of the community, including people who survived solely on disability checks and who struggled to pay for necessities like diapers and groceries,” said **Elizabeth Rossi**, lead counsel for the Plaintiffs and Director of Strategic Initiatives at Civil Rights Corps. “We are pleased that this agreement will end those practices and will compensate class members for some of the harms they suffered.”

Additionally, the County has agreed to waive approximately \$6.5 million in outstanding misdemeanor court debts. “The debt waiver requirement will free so many people from the burden of making payments they can’t afford, and will also clear the way for individuals to reinstate their driver’s licenses, which were suspended due to nonpayment of debt they can’t afford,” said **Kyle Mothershead** of Relentless Advocacy, PLLC.



To ensure that people living in poverty are not being punished for their inability to pay fines and fees, the settlement will also end pay-only probation, prohibit the County from collecting money from people who survive on government assistance and meet other criteria of indigence, and require the County to recall outstanding misdemeanor probation warrants. If the County chooses to supervise people on misdemeanor probation, the agreement will constrain the County's ability to require drug tests and to enforce other onerous conditions.

"I missed out on a lot the year I was on probation: My grandbaby's birthday, my family, and a lot of joy. It's hard to describe the amount of pressure I was under. I got no help. I won't forget living week to week. I didn't have lights. I had to leave work early just to report to probation on time. I really struggled," **Mr. Gray** said.

"The six named Plaintiffs who represented the classes in this case deserve tremendous credit for the outcome of this litigation. For over three years, they exposed themselves to publicity and potential retaliation, and revealed personal details about their lives and finances in pursuit of justice. We are so honored to have represented them," said **Kate Schwartz**, Partner at Hughes Socol Piers Resnick & Dym, Ltd.

"I wanted them to stop being cruel to people. They were cruel to people," said **Karen McNeil**, one of the named plaintiffs in this case. "That's why I said 'yes, I will go with this case.'"

This case challenged Giles County's unconstitutional private probation system, including its contracts with CPS and PSI through which the County paid the companies nothing and, instead, the companies made all of their money from the fees paid by people on misdemeanor probation. When those individuals couldn't pay, they were revoked and extended, incurred more fees, were forced to submit to humiliating drug tests, and faced other onerous conditions that were monitored by the companies – which had every incentive to find people in violation. This system drained poorer communities of their already limited resources, and was costly to the County – a system where everyone in Giles County was losing.

In 2018, Civil Rights Corps joined Hughes Socol Piers Resnick & Dym, Ltd., Kyle Mothershead of Relentless Advocacy, PLLC, and Barrett Johnston Martin & Garrison to file a federal class action lawsuit on behalf of several named plaintiffs and a class of similarly situated people to challenge the County's and companies' practices.

"Barrett Johnston is proud of the result in this case, and pleased that the groundbreaking claims and extensive litigation will result in a more just system for the people of nearby Giles County," said **David Garrison**, a named Partner at Barrett Johnson Martin & Garrison LLC in Nashville TN.



Before a settlement was reached, both PSI and CPS left the county, ending supervised probation in Giles County. The approval of the settlement today ensures that a user-funded probation system will never return – a step towards ending the criminalization of poverty.

"I'm glad they stopped torturing people like us just because we're poor," **Ms. McNeil** said.

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