



DAWSON STATE JAIL | THE CASE FOR CLOSURE

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During the 83rd Legislative Session, lawmakers will have to choose between terminating private state jail contracts for facilities we do not need, or providing adequately for our children's health and education. The choice is simple.

In recent years, states facing similar choices have downsized or closed prisons. Since 2011, 17 states have closed 28,000 beds. These states continue to see crime rates decline. Nationally, violent crime has declined by more than 20% from 2000 to 2010 while property crime declined by more than 18% during the same period. The ability of state lawmakers to close prisons is due to a decline in state prison populations, with changes in policy and practice having contributed to these declines. From 2004 through 2009, at least 36 states enacted policy and administrative reforms that ranged from codifying graduated sanctions for parole violators to relaxing mandatory minimum sentences. Modifications in administrative practice also contribute to reducing state prison populations. In recent years, state officials looking to manage correctional populations have increased parole release rates and scaled back returns to prison for parole violationsⁱ.

The adoption of new policies and practices may have contributed to the stabilization of Texas' prison population and may have accounted for a modest decline. The state jail population declined by 15 percent from 2007 to 2012, while the overall state prison population declined by 0.2%. Violent crime declined in Texas by nearly 12% from 2007 to 2010, while property crime declined by more than 8% during the same period. Due to excess capacity, Texas officials announced closure of the Central Unit in Sugarland in 2011, and expect to finally close the prison in July of 2013ⁱⁱ. Additional opportunities for closure may be available in 2013 with declines in the state prison population.

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State Jail System

of Criminal Justice (TDCJ) owns jails and contracts with private five state jail facilities, including During 2012, these prison facilities duals with state jail felonies. Of to state jails last year, 35% were violent drug offense while 49% ow level property offenseⁱⁱⁱ.
xas State Jail System expanded with the express purpose of convicted of state jail felonies Penal Code^{iv}. State jails also iting transfer to prisons in the rison. State jails are managed house people convicted of low- g offenses. The original intent acilities was to expand in-prison ograms for nonviolent offenders'. Public Policy Foundation (TPPF), us has largely disappeared, and

il (DSJ) is a privately operated wntown Dallas. The state jail is ections Corporation of America d in 1997 as a part of Texas' state nakers expanded prison capacity system beginning in 1993. During yfficials established a new felony ate jail felonies that consisted of vel offenses including drug and ldividuals convicted of state jail ed at prison facilities with a state

nder facility that has a capacity arly 1,400 women and over 800 d in the DSJ in 2011^{ix}. Dawson from 141 counties in Texas. As

was perhaps never fully implemented. In 2003, state jail rehabilitation programs were terminated due to "funding constraints."^{vii}

TPPF also reported that 99.7 percent of persons with state jail offenses are directly sentenced to a term of 6 to 24 months in a state jail facility. According to reports, state jails cost substantially less than prison facilities at a cost of \$30.73 per day compared with \$44.12 to \$49.56 per day for prisons. Dawson is among five privately run state jails and average costs to incarcerate persons in these facilities were projected at \$29.69 per day. Costs for private jails, however, do not include health care or fixed costs associated with overall operation and TPPF acknowledges that, for state jails, "the cost savings once thought possible are barely realized, if any still exist."^{viii}

The cost to incarcerate prisoners at Dawson State Jail is estimated at \$24 million per year. In 2011, TDCJ officials estimated that closing Central Unit could save as much as \$25 million a year, mostly in fixed costs such as staffing and utilities.

of November 2012, the counties with the highest number of persons sentenced to Dawson were Tarrant (399), Dallas (377), McLennan (101), Smith (93), Harris (65) and Grayson (65)^x.

Accountability at the Dawson State Jail

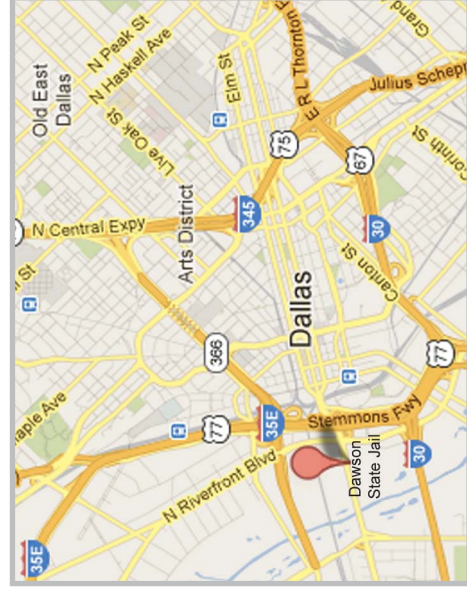
In recent years there have been reports of horrible conditions involving medical care and inadequate staffing levels. According to reports by CBS News DFW, DSJ has experienced seven deaths since 2004^{xi}. Since 2010 these deaths include 30-year old Ashleigh Shae Parks, 45 year-old Pam Weatherby, 50 year-old Shebaa Green, and four day old Gracie Miller, born to her incarcerated mother, Autumn, in a toilet with no medical personnel present. In working to address concerns over conditions, the private services at Dawson raise issues of accountability. Specifically, in response to the provision of medical care CCA officials informed the media that health care services are provided by the University of Texas Medical Branch under contract with TDCJ. However, the state's prison agency is obligated to regulate the private prisons with which it contracts. CCA is required to make sure prisoners at Dawson can access the case UTMB provides – the issue in many of the deaths at Dawson.

Reductions in State Jail Population

Changes in state policy may have contributed to population reductions at state jail facilities from the TDCJ, the state jail population has declined by 15 percent from 2007 to 2012 from to just over 11,700 in 2012. The number of persons incarcerated for low level drug offenses from 2007 through 2012, while persons convicted of nonviolent property offenses decreased by 2007 through 2012, while persons convicted of state jail felonies to serve up to two years as a revocation from community supervision. Persons with state jail felonies can serve "up from (1 year for manufacture/delivery of a controlled substance) in state jail before serving a sentence; Individuals can be sentenced up to five years on a community supervision sentence; extend the probation sentence for an additional five years. Policy changes that may have declines include a 2011 reform that authorized persons sentenced to state jail to earn a term in good time by completing treatment, vocational, or educational programs^{xvi}. Other decreasing their use of up front sentences prior to the start of community supervision an for probation revocations.

Deaths at the Dawson State Jail

- Investigative reports in 2012 of a premature baby, Gracie Miller, being born at the Dawson State Jail. Records, no medically trained staff attendance during the child's birth was determined to be in violation of regulations^{xvii}.
- State records show that inmate incarcerated at Dawson State Jail having trouble breathing." hours after being transferred where she was diagnosed with Ms. Green died in August 2012. Death was complications of a respiratory infection.
- Internal CCA documents show security, at the time of 4 Weatherby's death, reportedly "did not follow proper protocol to call a medical professional of the offender vomiting staff arriving on the facility supervisor recommended" supervisor on July 15, 2010



Location of Dawson State Jail in Dallas, Texas

Opportunities Created by Excess Capacity

Lawmakers should consider opportunities created by terminating the Dawson State Jail contract. The closure of prisons, including Texas' Central Unit Facility in 2011, has created prospects for economic development and the repurposing of prison facilities in an effort to strengthen communities.

In New York, lawmakers have worked to repurpose closed prisons for other uses. New York Governor Andrew Cuomo stated in his 2011 address to the state Legislature that "an incarceration program is not an employment program."^{xvii} That same year, New York closed seven

of 67 correctional facilities, taking 3,800 beds off line. During 2012, discussions were underway to use some of the closed facilities for new retail development, wildlife sanctuary, and manufacturing facilities.

When prison operations at the Texas' Central Unit are completely terminated, the General Land Office will move to sell the shuttered facility. During 2011, local officials suggested the 326 acres where the 102-year-old state prison Central Unit stands could be turned into an industrial and business park to increase tax revenue^{xviii}. Dawson is located on prime real estate in downtown Dallas – the State could expect a similar return on selling the land.

Recommendations

Texas is among several states that have closed prisons in recent years without compromising public safety. Other states include Kentucky, Florida, North Carolina, and Louisiana. Policymakers have an opportunity to continue to move Texas in the right direction by terminating the contract for the Dawson State Jail.

Texas lawmakers will make hard decisions related to criminal justice policy in 2013. Closing the Dawson State Jail offers an opening to adopt strategies that emphasize opportunity instead of punishment as a guiding theme in public safety. Even prior to the fiscal crisis, Texas lawmakers and correctional officials had become increasingly interested in evidence-based policies targeted at effective public safety outcomes. Consensus among elected officials, practitioners, and the community has created a political environment that prioritizes in-prison treatment, the implementation

of graduated sanction for people on probation and parole who violate conditions of supervision, and the enhancement of reentry strategies.

To further these objectives, we recommend:

1. The Texas Department of Criminal Justice should not renew its contract with Corrections Corporation of America for the Dawson State Jail when the facility's contract is up for renewal on August 31st, 2013.
2. State appropriators should zero out funding for the Dawson State Jail, and sell the property. This step would save the state money in contracting costs and could provide revenue for other pressing criminal justice needs.
3. Rather than prioritize incarceration for state jail felonies, the state should use a more robust form of community supervision for those convicted of state jail felonies to further reduce the state jail population.

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