
Date: August 16, 2017

City of Tulsa Takes Steps to Reform City Jail Services

- The City of Tulsa is reforming city jail services.
- The City plans to open its own lock-up facility for municipal inmates, eliminating the need to send arrestees for municipal charges to Tulsa County's David L. Moss Justice Center.
- The City of Tulsa has also entered into an inter-local agreement with Okmulgee County Criminal Justice Authority (OCCJA) to house Tulsa municipal inmates at the Okmulgee jail. The City is exploring similar agreements with other area jails.
- By opting for a new solution for municipal jail services, the City has a lower daily rate for municipal inmates versus the current \$69 daily rate imposed by Tulsa County.
- With the City restructuring municipal jail services and adding jail diversion programs, such as the Sobering Center (Public Inebriate Alternative), the option of bringing municipal jail services in-house is the most efficient use of taxpayers' money and allows for criminal justice reforms to be implemented more quickly.

Tulsa Lock-Up Facility and Okmulgee County Agreement

- Unlike surrounding municipalities, Tulsa does not have a city lock-up facility for individuals who are arrested with municipal charges, such as driving without a license or insurance.
- By opening a lock-up facility, the City can hold inmates up to 10 days. If an inmate needs to be housed for a longer period of time, the inmate would be transported to Okmulgee County Jail.
- The OCCJA will transport Tulsa municipal inmates to and from Okmulgee County Jail and house them at a rate of \$48 each day.
- Individuals arrested on state and federal charges within Tulsa City limits will still be taken to David L. Moss.
- The City plans to utilize the current Court Holding Facility at the City of Tulsa Police-Courts Building for the new lock-up facility and hire 16 detention officers and two-sworn Tulsa Police Department supervisors to manage the facility.
 - The City's repossession of the holding facility was specifically contemplated in the now-expired 2009 agreement, which allowed Tulsa County to use the facility, free of charge, on a temporary basis.
- By opening a lock-up facility, the Tulsa Police Department will be able to book municipal inmates into a City facility, making way for efficiencies across City departments and throughout the municipal courts system.
 - For example: With the Tulsa Police Department and Tulsa Municipal Courts setup on the same content records management system, the City expects municipal court dates will occur at a faster rate.
 - With expedited booking, TPD will also have the ability to get officers back in the field more quickly instead of dealing with lengthy administrative proceedings.

Background

- The City of Tulsa and Tulsa County have been in negotiations for years (spanning several mayoral administrations) regarding the rate to house City of Tulsa municipal inmates at David L. Moss Criminal Justice Center.
 - Currently, the City of Tulsa pays \$69 per inmate, each day, for inmates with municipal charges only. The County has also demanded that the City pay for inmates held on both municipal and state charges.
- When Mayor G.T. Bynum was sworn into office on Dec. 5, 2016, the Administration and City staff immediately began working with Tulsa County officials on a variety of solutions as it relates to Tulsa municipal inmate rates.
- One of the major contentions throughout the negotiation process was that Tulsa County was never able to provide figures on the true cost of housing a municipal inmate. The City also believed the Tulsa County Criminal Justice Authority should hire a Financial Administrator to keep specific track of costs at the jail.
- Since December, the City proposed multiple options that would have increased the City of Tulsa's costs dramatically, while ensuring strong financial oversight. Unfortunately, after eight months of good-faith negotiations, significant differences remained.
 - The unilateral resolution adopted by Tulsa County on Aug. 7 will double the amount the City is currently paying by charging the City \$69 per inmate, each day, for inmates with municipal charges as well as inmates with municipal and state charges. The County proposal also removed the oversight of a Financial Administrator from the jail.
- During negotiations, the City evaluated a variety of options that could save Tulsa taxpayers' money and make City jail services more efficient. In the end, the City was able to reach an agreement with an area facility that could offer the same service as Tulsa County for a much lower price.

What is the OCCJA?

The Okmulgee County Criminal Justice Authority (OCCJA) is a Title 60 trust, whose mission is to provide jail services to its beneficiary – Okmulgee County – and to house inmates from other jurisdictions as needed and desired to support its operations. The OCCJA operates the Okmulgee County Jail and its brand new \$7.1 million annex for the Okmulgee County Governmental Building Authority.

The OCCJA's Executive Director, Sam McCoy, is a certified PREA auditor, who has worked in the Corrections profession for over thirty-five years. He has guided a number of institutions through both ACA and PREA accreditation. He has served as Auditor and Chief Auditor since June of 2004. Mr. McCoy holds a Master of Sciences Degree in Criminal Justice and is the author of the "Professional Corrections Officer Manual" and the "Professional Detention Officer Manual." His publication, "The Corrections Officers Handbook," was endorsed by the International Association of Corrections Officers in 2003.

Why do we need an agreement with the OCCJA if we are opening our own lockup facility?

The City of Tulsa's lockup facility is designed to hold up to 30 prisoners, for up to ten days each, pursuant to state standards. The agreement with OCCJA will be used for overflow capacity and for the occasional municipal sentence longer than ten days.

What are the terms of the City's agreement with the OCCJA?

The OCCJA will accept the City of Tulsa's municipal (only) prisoners at a cost of \$48 per prisoner per day.

Will Tulsa Police officers have to drive everyone they arrest to Okmulgee?

No. The inter-local agreement provides that the OCCJA will provide transport to and from the facility, up to twice daily, at the IRS mileage rate per trip (rather than per prisoner). Municipal inmates would be held in the City's lockup facility pending transport to Okmulgee, and they would be returned to the City lockup when they are released from the Okmulgee jail.

How does the OCCJA's rate compare to the rate imposed by the Tulsa County Board of County Commissioners?

The OCCJA will receive \$48 per municipal inmate, per day. If the OCCJA took all municipal inmates, which average about 25 per day, the total annual cost to the City would be \$438,000 (compared to the City's current \$650,000 budget for this purpose). OCCJA will also charge the standard IRS mileage reimbursement rate (\$0.535 per mile), per trip, not per prisoner. At 38 miles, this would result in a transport charge of about \$20 per trip.

By contrast, Tulsa County imposes a rate of \$69 per day, and it seeks to apply its rate not just to municipal inmates, but also to inmates held on *mixed* municipal and state charges, which drives up the number of inmate days considerably. State law requires counties to house prisoners held on state charges. Beyond this calculation, one County Commissioner has proposed charging the City a flat rate of up to \$4 million per year. At 25 inmates per day, this would result in a rate of \$438 per day (twice as much as a luxury suite at the Mayo Hotel).

What about the county-wide .25% sales tax to operate the City-County jail? Isn't the City paying twice?

Many, including former Mayors, argue that voters approved a true City-County jail *system* when we approved the sales tax in 1995, and that City facilities and services, which are an integral part of the overall system, were intended to be the entirety of the City's contribution.

There is substantial evidence to support that. That's the way it was initially operated, when the City and County agreed to a contract for the City to pay \$1 to incarcerate municipal inmates, but providing for other City contributions to the overall City-County jail system, such as the County's free use of the city holding facility in the Police-Courts building and other City services.

Tulsa County Commissioners now say that arrangement was not fair to other Tulsa County municipalities, which have their own lockup facilities, and which deal with municipal charges before bringing prisoners to David L. Moss on state charges only. While some may argue this will result in paying twice to incarcerate City of Tulsa inmates, the truth is we would be paying even more if we agree to the County's rate, and the definition of municipal prisoner unilaterally imposed by Tulsa County Commissioners. By taking this approach, we will also be taking back our contributions to the City-County jail system, namely the third floor of the Police-Courts building.

The .25% sales tax to operate the jail was also passed to more effectively house county, state, and federal prisoners – services the City of Tulsa will still rely upon for those we arrest with more

significant charges. The approach we are announcing will not impact requirements for the David L. Moss facility to house these prisoners – the need will still exist, and the sales tax passed in 1995 will continue to help meet that need.

We are now using a full-scale jail facility as a short-term (less than 10-day) municipal lockup. The requirements for a jail are much more extensive and much more *expensive* than the requirements for a 10-day municipal lockup.

Are operating funds in place?

There is an adopted budget of \$650,000 in place for paying the County's contract rate of \$69 per day, for municipal-only prisoners. Paying that rate for *mixed* municipal *and* state charges, as imposed by County Commissioners, would require a budget amendment. Similarly, operating our own lockup facility will require additional operating funding during fiscal year 2017-18, but less than we would have needed to pay the costs unilaterally assessed by the County.

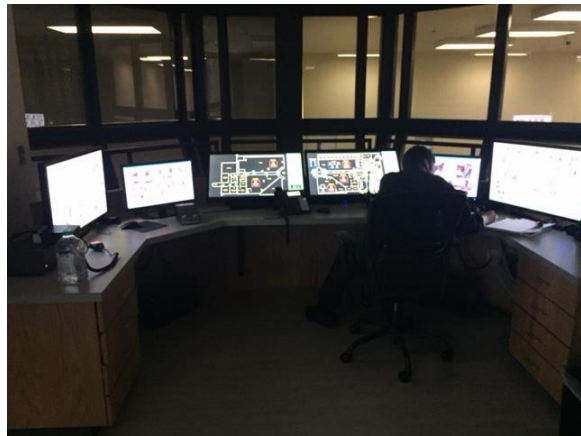
How can the City of Tulsa enter into a contract for jail services with a different county?

State law provides that "any county, city or town is hereby authorized to contract, in accordance with the Inter-local Cooperation Act, with any other county, city or town for incarceration of prisoners awaiting trial or serving a sentence, so long as the jail facility where said prisoners are to be held is in compliance with the standards established by (state law)."

The Inter-local Cooperation Act provides that "any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform...." "Public Agency" includes "each and every public trust of this state regardless of whether the beneficiary of such trust is a municipality, a county, or the State of Oklahoma...."

About the Okmulgee County Jail

The Okmulgee County Jail was built and is operated according to Oklahoma state jail standards. The OCCJA also has a contract with federal marshals to house federal inmates, which imposes its own set of additional standards. Just this year, the OCCJA opened a brand new, \$7.1 million annex.



###