

# Memorandum



CITY OF DALLAS

DATE April 22, 2022

TO Honorable Mayor and Members of the City Council

SUBJECT **April 27, 2022 Council Agenda Item #40; 22-902: Criminal Justice Center Memorandum of Agreement**

The purpose of this memorandum is to update the City Council on the status of the Criminal Justice Memorandum of Agreement (MOA) with Dallas County and the upcoming agenda item on April 27, 2022.

## **Background**

On November 22, 1978, the City of Dallas contracted with Dallas County to utilize the county jail to process and maintain city jail prisoners. The MOA has been amended four times with the last amendment in 1997. In addition, two Office of the City Auditor Audit Reports were conducted in 2002 and 2009. Both reports recommended modifications to the agreement and led to discussions at that time without finalization.

In late 2018, the City and Dallas County resumed negotiations to reevaluate the terms of the contract. The City's objective was to increase transparency of costs included in the cost methodology, eliminate confusing and difficult to understand language, update the terms to reflect current operations, and incorporate recommendations from the City Auditor. In September 2020, due to the ongoing negotiations with the County, the Dallas City Council approved monthly payments from October 1, 2020 through March 31, 2021. No payments have been made to the County for jail services since March 31, 2021.

City and County staff have come to an agreeable Amendment No. 5 that will include changes such as adjustments to the cost methodology and adds an avenue to address contract issues and operational issues through a City/County Coordinating Committee and dispute/resolution process.

## **Next Steps**

On April 27, 2022, the City Council will be asked to ratify payments for jail services from April 1, 2021 through April 30, 2022 in the amount of \$10,286,365.90 and approve Amendment No. 5 to the Criminal Justice Center Memorandum of Agreement, which makes Amendment No. 4 null and void. This action also seeks authorization for future payments for jail services from May 1, 2022 through September 30, 2022 in the amount of \$3,476,851.05.

For reference, included is the Public Safety Committee briefing from Monday, April 11, 2022, which provides details on the proposed amendment. Please contact Gloria López Carter, Director of Court & Detention Services at [g.carter@dallascityhall.com](mailto:g.carter@dallascityhall.com) if you have any questions or concerns.

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Memorandum of Agreement**



Jon Fortune  
Deputy City Manager  
**[Attachment]**

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney  
Mark Swann, City Auditor  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager  
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager  
Robert Perez, Interim Assistant City Manager  
Carl Simpson, Interim Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Genesis Gavino, Chief of Staff/Office of Resilience  
Directors and Assistant Directors



**City of Dallas**

# **Jail Contract with Dallas County**

**Public Safety Committee  
April 11, 2022**

Gloria López Carter, Director  
Daisy Fast, Assistant Director  
Court and Detention Services  
City of Dallas

# Presentation Overview



- Purpose
- Background
- Objective
- Accomplishments
- Next Steps



# Purpose



- To provide an update on the status of jail contract negotiations with Dallas County



# Background



- In the late 1970's, Dallas County offered cities in the County the opportunity to share in the development of a new Criminal Justice Center.
- The City of Dallas sought this opportunity as a cost sharing effort and to maximize efficiencies related to processing and maintaining City prisoners.
- In November 1978, the City and Dallas County entered into a Memorandum of Agreement (MoA) with Dallas County, which included provisions such as:
  - Processing and maintaining City prisoners
  - Financing the full cost of facilities for the exclusive use of the City in the amount of \$9,995,000
  - A 15% interest in the sale price of the land and a pro-rata share of the first stage buildings



# Background



- Amendments to the Original MoA:
  - Amendment #1: 1982 – Clarified payment terms
  - Amendment #2: 1984 – Further clarified terms, determined costs would be reviewed by auditor
  - Amendment #3: 1985 – Defined “City Prisoner”, established fees and max number of “City Prisoners”
  - Amendment #4: 1997 – Changed cost methodology, required City/County to review every 3 years
  - Draft Amendment #5 (this amendment): 2018 – Began discussions to reevaluate the terms of the contract
- The Office of the City Auditor reviewed the MoA in 2002 and 2009
  - Several recommendations from both audits are included in proposed changes



# Objective



- Increase transparency of costs included in the methodology
- Eliminate confusing and difficult to understand amendment language
- Update terms to reflect current operations
- Incorporate recommendations from City Auditor



# Accomplishments



## Cost Methodology

- Adds a true-up clause to reflect actual operating expenditures
- Modifies apportioned costs for Sheriff's Office
- Modifies direct and indirect costs
- Provides restructured County reports related to number of City prisoners
- Clarifies City Prisoner definition



# Accomplishments



## Jail Operations

- Items included to address Dallas Police Department's concerns:
  - Incorporates language related to medical clearance and magistrate staff levels
  - Redefines the City's designated space
    - Adds maintenance and housekeeping requirements
  - Adds requirement to streamline prisoner processing during the book-in/intake process



# Accomplishments



## Jail Operations

- Establishes a Coordinating Committee
  - Comprised of County and City designees
  - Shall meet at least quarterly to discuss:
    - contract performance
    - operational issues
    - contract revision recommendations
- Establishes a dispute resolution process
  - Comprised of Senior Representatives from County and City
  - Escalation to City Manager and County Administrator



# MoA Recommendations



## Current vs Proposed Summary

Topic	Current	Proposed
Direct Costs	9 cost centers	8 cost centers
Indirect Costs	Yes	Modified
Apportioned Costs	Yes	Modified
Jail Operations, Coordinating Committee and Dispute Resolution	No	Yes



# Next Steps



- Council Action
  - Agenda Item scheduled for April 27, 2022
  - Ratifies payment for services provided from April 1, 2021 through April 30, 2022
  - Authorizes Amendment #5
  - Authorizes payment for services using the new methodology from May 1, 2022 through September 30, 2022.





**City of Dallas**

# **Jail Contract with Dallas County**

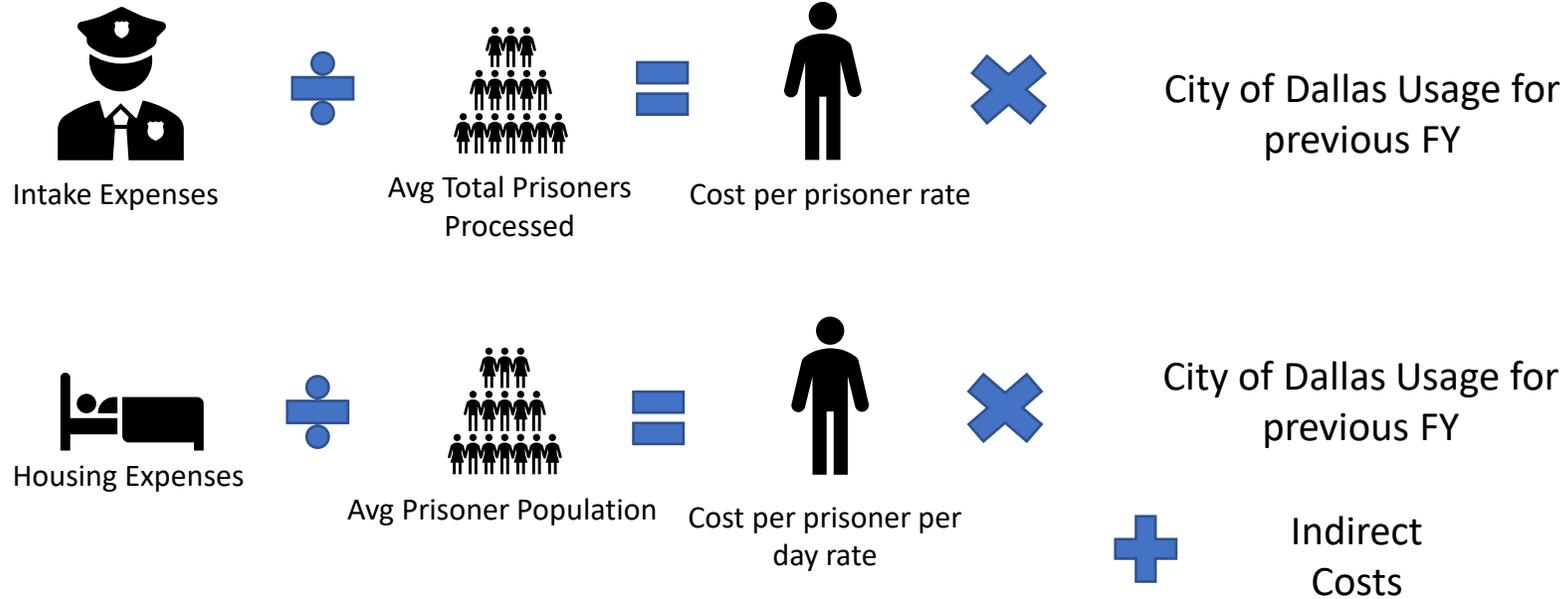
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April 11, 2022**

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# Appendix



## Cost Methodology



**Estimated Contract Total  
\$7.8M - \$8.4M**



# Appendix

