

Citizens League  
545 Mobil Oil Building  
Minneapolis, Minnesota 55402  
Phone: 338-0791

2102  
APPROVED: BOARD OF DIRECTORS  
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### STATEMENT

TO: Citizens League Board of Directors  
FROM: Legislative Action Committee, Greer Lockhart, Chairman  
SUBJECT: Merger of Minneapolis and Hennepin County Jails

#### Introduction

The Citizens League in a report issued July 13, 1966, recommended that the 1967 Legislature merge the Minneapolis and Hennepin County Jails, that extensive remodeling of the present jails be stopped, and that a new combined jail be built. The report pointed out serious physical inadequacies and unnecessary duplication of effort in the two jails, located side-by-side on the fifth floor of the City-County Courthouse.

A bill for merger of the jails died in the press of end-of-session business, but the Legislature empowered the Hennepin County Board to issue \$14 million in bonds for a new building for courts and related facilities, which will include a new county jail.

#### Findings and Conclusions

An urgent need exists for merging the Minneapolis and Hennepin County Jails at the earliest possible date, before the new jail is built and without waiting for the 1969 Legislature to meet. Specifically, we find prompt action is needed for the following reasons:

1. The Hennepin County Board is proceeding with preliminary planning for its new county courts building, including a new county jail. Remodeling of the present jails has been stopped. Construction is expected to be under way before the 1969 Legislature meets. It is of critical importance that the new jail be planned to accommodate both Minneapolis and Hennepin County prisoners. Without merger of the jails it would be most difficult for the architect of the new building to plan an adequate jail.

The Minneapolis City Jail in many respects is in greater need of replacement than the Hennepin County Jail, but no one is talking of Minneapolis building a new jail on its own. In fact, as far as we can tell, there is no disagreement among Minneapolis and Hennepin County officials that merger of the jails is needed. Top staff personnel in city and county government are planning to undertake merger conversations in December. They will urgently need the policy support of their respective governing boards. If Minneapolis would merge its jail with the County jail now, this would formally establish the policy and enable the County to plan a complete jail. Merger of the jails now, before the new building is ready, would not require capital expenditures for remodeling existing quarters.

2. Immediate merger of the jails on the fifth floor of the City-County Court-house would alleviate a major problem which has developed only recently in the Minneapolis City Jail. The City Jail is designed and staffed primarily as an overnight lockup for prisoners, pending a hearing in Hennepin County Municipal Court after which they are released or bound over to District Court and transferred to the Hennepin County Jail. Within the last two years a substantial number of accused felons have been kept in the City Jail for extended periods of time rather than being transferred to the County Jail. Currently, the City Jail regularly has about 10 to 15 accused felons staying two or three weeks or longer, according to the City Jailer. Accused felons are transferred to the County Jail after they have been bound over to District Court.

The reason for accused felons remaining in the City Jail for extended periods of time is that almost all of them today are demanding preliminary hearings in Municipal Court, with defense lawyers often requesting two weeks or so to prepare for these hearings. After hearings, several motions sometimes are made before defendants are bound over to District Court. Recent Supreme Court rulings have had the effect of encouraging more activity in the lower court.

Until a defendant is bound over to District Court, he remains in the City Jail. City Jail beds, unlike County Jail beds, have no mattresses. Unlike the County Jail, only sketchy meal service is provided. From a security standpoint the County Jail is much better equipped to handle accused felons than the City Jail.

3. The great amount of unnecessary duplication of services between the two jails could be eliminated now. These include, for example, duplicate booking and identification, crime laboratories, women's sections, men's sections, elevators and library service.
4. It is possible to merge the jails without waiting for action of the Legislature by using the Joint Powers Act. In November, 1961, George Scott, Hennepin County Attorney, gave an opinion to County Auditor Robert F. Fitzsimmons that the jails could be merged under the Joint Powers Act. The Joint Powers Act (Minnesota Statute 471.59) reads as follows:

"Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The term governmental unit as used in this section includes every city, village, borough, county, town and school district and other political subdivision."

In his opinion Mr. Scott stated as follows:

"As the City of Minneapolis, County of Hennepin, and the Municipal Building Commission are governmental units, each of which are granted powers with respect to the maintenance and operation of jails or the quarters used as a jail, it would appear the suggestion contained in your letter could by negotiation between the above municipal bodies result in a combining of the county and city jails."

The Municipal Building Commission is a four-member body created under state law which is charged with the maintenance and operation of the present City Hall-County Courthouse.

Recommendations

1. We recommend that Minneapolis and Hennepin County negotiate a Joint Powers Act agreement to merge the City Jail and the County Jail at the earliest possible date.
2. We recommend that the agreement provide as follows:
  - a. Hennepin County would assume responsibility for administration of the merged jail, with staffing primarily by sheriff's deputies, who currently staff the County Jail. Some of the employees in the Minneapolis City Jail, particularly the matrons, could be transferred to Hennepin County employment, with a guarantee that they would not lose their various employee benefits, such as pensions. The City Jail has a staff of six matrons while the County Jail has only one.
  - b. Booking and identification of prisoners could be handled either by the Minneapolis Police Department under contract with the County, or by sheriff's deputies. Currently sheriff's deputies handle booking and identification for prisoners brought to the County Jail, but the Minneapolis Police Department has developed far more extensive facilities for booking and identification for the City Jail.
  - c. Cost of keeping prisoners accused of misdemeanors and ordinance violations, whose cases will finally be disposed of in Hennepin County Municipal Court, should be assessed to the municipality where the alleged violation occurred. This is consistent with the practice of returning revenue from fines levied in Municipal Court to the municipality where the violation occurred. Cost of keeping prisoners accused of gross misdemeanors and felonies, whose cases potentially will be disposed of in Hennepin County District Court, should be a general County obligation. Revenue from fines levied by District Court is given to the County treasury.
  - d. Official personnel would have access to the jail 24 hours a day.
3. Nothing in the above recommendations should be construed as diminishing the need for the 1969 Legislature to make the merger permanent by statute. We recommended in our report of July 13, 1966, that the Legislature merge the Jails under the County Board, and that the Minneapolis Workhouse also be transferred to the County and be placed under the County Board.