On August 25, 2018, the Hennepin County Sheriff’s Office conducted a One-Day Snapshot effort to study socioeconomic indicators of inmates in the Hennepin County Adult Detention Center (“Jail”). Out of the 692 inmates in custody that day, 643 responded to the self-reported questionnaire. More than 70 percent report their household income is less than $30,000 annually. Ninety-two percent have less than a college education. Seventy-one percent are in Jail for a non-violent charge, and 88 percent report being unable to afford their court-ordered bail.

One-Day Snapshot Study: The Hennepin County Criminal Justice System Disproportionately Afflicts the Working Poor

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The majority of Jail inmates earn less than one third of their fellow Minnesota residents.

![Figure 1](image)

Dangerous, violent offenders should be behind bars, but incarceration is not necessarily the best tool to put non-violent offenders back on the road to productive, law-abiding lives.

The cost of unnecessary incarcerations and misuse of our jails can be devastating, and not just to the arrestees. Detention has a significant human and social cost. Days, weeks, months spent in a jail cell leads to loss of income, if not loss of a job, family upheaval, and enormous emotional cost. People with money, or access to money, regardless of their charge, can post bail. The enormous consequences of incarceration fall disproportionately on the working poor—those who can least afford them—by further disrupting employment and housing arrangements, dividing family support systems, and leaving children at risk.

The majority of those housed in the jail report lower levels of income and education compared to the majority of Hennepin county residents. Additionally, a high number indicate a lack of stable housing, and are under or unemployed. More than 80 percent of those surveyed on this day have been previously arrested, indicating a cycle of arrests and time in custody for this population.

Filling our jails and prisons is not making people safer except in one respect—when you remove violent offenders from the community, violent crime goes down. Yet, the majority (71 percent) of inmates captured in the study had been detained on non-violent charges.
**Study Findings**

643 out of 692 inmates in custody on August 25, 2018 responded to the self-reported questionnaire.

- **520** had a disruption to their employment
- **75.4%** of inmates earn less than $30,000 annually
- **57%** live in unstable housing
- **60%** are unmarried, and have at least one child, often under 18
- **1,000** children with a parent in custody

**Methodology:** On August 25, 2018, HCSO personnel asked jail inmates to voluntarily participate in a survey on their socioeconomic background. Of the 692 inmates in custody, 643 responded (92.9 percent participation rate). The subject group was 90 percent male and 10 percent female. The Jail is a pre-trial facility, meaning everyone there has been arrested, but not yet found guilty of a crime. The socio-economic data collected and summarized here is all self-reported. Jail records were not collected from correctional facilities outside of the HCSO Jail. Bail information was provided by both the Jail and the Fourth Judicial Court.

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1 This includes staying with another person or family because of hardship, living in a non-permanent location like a shelter, a car or on the street.
643 out of 692 inmates in custody on August 25, 2018 responded to the self-reported questionnaire.

**Study Findings**

- **88%** cannot pay their bail. 45 percent could not pay their bail during at least one other previous arrest.
- **2 months** post-study, 47 inmates paid their bail.
- More than half had spent a month or more in jail, all had at least one previous arrest.
- **34%** of arrests in 2018 were for probable cause. 48.5 percent of these resulted in formal charges.
- **19%** used a bonding company, paying a nonrefundable fee of $1,000+ to the bondsman.

**Figure 2**

- Violent felonies: 29%
- Non-violent felonies or lesser charges: 71% (all blue)

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2 When individuals are arrested and booked into jail and require a bail set, the bail is set by the court.
3 78% had a bail of $10,000 or more.
Operational Reforms to Minimize or Eliminate Disparities

Example: “Garrett,” an 18-year old from Minneapolis was arrested in 2017 for “Probable Cause Identity Theft.” He was booked into the Jail on Friday, September 1 and stayed through the Labor Day weekend, when he was released on Tuesday, September 5 at 5:30 p.m. “Garrett” was unnecessarily held in custody for approximately five days before his release or a hearing on a charge. Yet no charges were ever brought against “Garrett.” Operational reforms should be carefully considered to ensure that “Garrett,” and others like him, would: 1) more immediately receive a first appearance hearing before a judge, who could evaluate the charges; or 2) get booked and immediately released pending charges or a court hearing.

The convenience of the system (hours of operations, standardized and lengthy processes and presumptions) operates at a very great cost to the individuals in the jail. The poorest of our society are most affected. Our criminal justice system often continues a cycle of incarceration for many who need never have been booked into the Jail.

1. **First Appearance:** Nearly half of the jail population is waiting to have their first court appearance scheduled because they have yet to be formally charged. Hennepin County courts operate Monday through Friday, 8:00 a.m. to 4:00 p.m., but the large majority of inmates are booked outside those hours, adding unnecessary delays to the inmate median length of stay of 20.1 days. Adding a four hour second court shift twice per week for first appearances would significantly reduce the time inmates remain in custody at the Jail. A pilot program for second shifts could be operated by retired judges, magistrates, law student clerks, and pro bono counsel.

2. **Bail Reform:** When bail amounts are out of reach for nearly 90 percent of inmates, it means they are unable to return to jobs, families, and homes for extended periods of time waiting to be formally charged. States such as Louisiana, Illinois, and Washington D.C. made significant changes to their bail system by either reducing mandatory bail amounts, changing bail assessment tools, or eliminating bail altogether. These reforms reduced their jail populations. Bail reform efforts in Hennepin County should focus on the original purpose of bail: guaranteeing against the risk of failure to appear.

3. **Shifting the Presumption of Incarceration:** In 2017, New Jersey changed its laws, and now presumes that arrestees will **not be held in custody** unless: 1) they are alleged to have committed a violent crime defined in statute; or 2) prosecutors and police specifically assume the burden of proving at a hearing conducted within 48 hours of the arrest, that the threat and/or risk warrants incarceration. As a result, New Jersey’s county jail population has dropped 19 percent.

By considering the merits of reform, Hennepin County and the broader criminal justice system will relieve some of the burdens on the working poor that cannot wait for the speed of government systems and processes to fix themselves.

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1 According to a study by the Vera Institute, 450,000 presumptively innocent individuals are held in jails nationwide simply because they cannot afford their bail
2 “Louisiana’s 2017 Criminal Justice Reforms,” by Terry Schuster, March 2018
3 Bail Reform; by Kim Geiger, Tribune News Service, June 2017
4 “35 States Reform Criminal Justice Policies Through Justice Reinvestment,” by The Pew Charitable Trusts, July 2018
5 “System Analysis Jail Population Drivers and Trends,” by John Stanoch & Lucy Wieland, 2018, contains recommendations, some of which have taken 20 years to implement