

Michigan Joint Task Force on Jail and Pretrial Incarceration – Meeting #2
Kirkbride Hall, Traverse City
August 23, 2019

On Friday, August 23, the Michigan Joint Task Force on Jail and Pretrial Incarceration met in Traverse City to review national research on jail and pretrial detention. The Task Force heard presentations from:

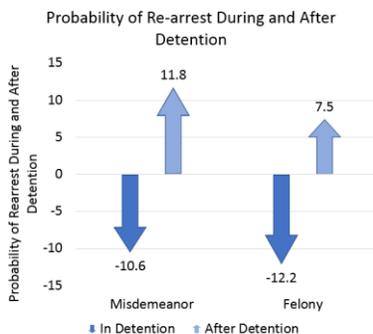
- **Tim Schnacke**, *Executive Director of the Center for Legal and Evidence-based Practices*, on the history and constitutional principles of bail;
- **Andrea Woods**, *staff attorney with the American Civil Liberties Union*, on trends in court decisions related to pretrial detention and release conditions; and
- **Jennifer Copp**, *Director of the Jail Research and Policy Institute at Florida State University*, on research about the effectiveness of jail and jail alternatives.

The Task Force has been directed by Executive Order to make recommendations by January 2020 that ensure Michigan’s laws and practices better align with constitutional principles and the best research in the field to improve public safety and reduce jail incarceration.

Studies summarized at the Task Force meeting suggest that many common practices assumed to improve public safety may not be effective at improving pretrial outcomes or reducing recidivism. While there are immediate temporary incapacitation effects those interventions come with some longer-term negative outcomes, including increased likelihood of future arrest and employment instability.

Key takeaways from the research presentations:

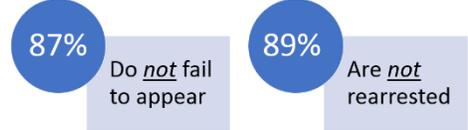
The research suggests that pretrial detention may increase recidivism.



Multiple studies have found that while pretrial detention reduces rearrests in the short-term, this reduction is offset by increased recidivism after the cases are resolved. [A 2016 study](#), for example, found that those detained pretrial for misdemeanor charges were 12% more likely to be rearrested and those detained pretrial for felony charges were 7.5% more likely to be rearrested over the following two years compared to similar defendants who were not detained pretrial.

The use of money bond and drug testing do not appear to improve pretrial outcomes.

Research consistently shows that the large majority of released defendants show up to court and are not rearrested during the pretrial period. Randomized control trials have found pretrial drug testing to be ineffective at improving court appearance and public safety. Studies on money bail have found that secured bond (money paid upfront in order to get out of jail) is no more effective than unsecured bond (paying only upon failure to appear in court). The most effective intervention to improve court appearances, according to multiple studies, is sending court date reminders.



Pretrial failure is rare.

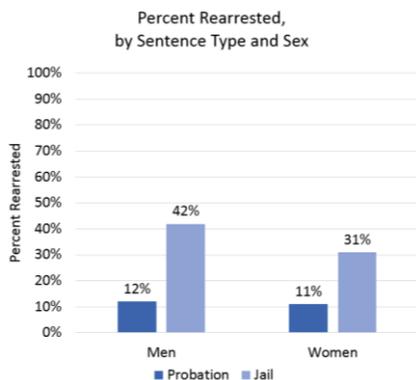
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Protection orders reduce domestic violence re-victimization.



Studies have found that protection orders reduce physical abuse among domestic violence victims. Victim advocacy, outreach, shelter, and safety planning services also reduce re-victimization.

Those sentenced to jail time reoffend at higher levels than similar people sentenced to probation.



Lower-level crimes are typically punished with jail time or a probation sentence. [A 2018 study](#) tracking a sample of nearly 16,000 cases found that those sentenced to jail experienced a much higher rate of recidivism compared with similar individuals sentenced to probation. 12% of men and 11% of women sentenced to probation were rearrested within 2 years compared to 42% of men and 31% of women who were sentenced to jail.

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The full research presentation and list of citations can be found here:

<https://courts.michigan.gov/micjreform>

For general inquiries, please contact JailsTaskForce@courts.mi.gov. For press inquiries, please contact Kmacpherson@pewtrusts.org.