

**Michigan Joint Task Force on Jail and Pretrial Incarceration – Meeting #3**  
**Grand Rapids Community College, Grand Rapids, MI**  
**September 20, 2019**

At the third meeting of the Michigan Joint Task Force on Jail and Pretrial Incarceration, staff presented data analysis on Michigan arrests, court processing, and jail populations to better understand who is going into jail, how long they are staying and why. Data was collected from Michigan State Police, the State Court Administrative Office, and a large sample of jails representing all regions of the state. Key takeaways from the presentation include:

**Significant number of arrests for low-level crimes**

Arrest events were dominated by misdemeanors and court order violations.

Top 10 Offenses for which Arrest Events Occurred, 2018	Count
Failure to Appear	29,295
Assault & Battery/Simple Assault	28,264
Operating Under the Influence of Alcohol*	21,410
Marijuana – Possess	14,419
Retail Fraud Theft 3rd Degree	9,096
Probation Violation	8,472
Contempt of Court	6,803
Obstructing Justice	5,443
Disorderly Conduct	4,036
Retail Fraud Theft 2nd Degree	3,706

Despite arrest numbers falling in the last decade, tens of thousands of Michiganders are still arrested for low-level charges like marijuana possession and shoplifting. Administrative court process violations are also among the most common reasons for arrest, including things like failure to appear in court, contempt of court, obstructing justice, and probation violations. Failure to appear in court was

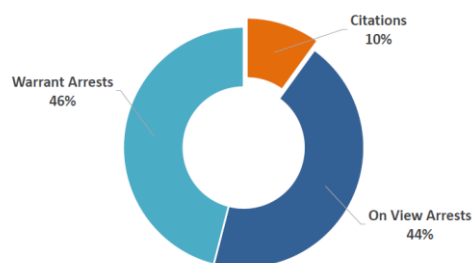
the most common thing people were arrested for last year.

In 2008, people 25 or younger were arrested in far higher numbers than anyone else, double the arrest numbers for next two age categories. But by 2018, their arrest numbers were nearly cut in half. That decline accounts for nearly all of the statewide decline in arrests over the last decade. Police are arresting or citing far fewer young people than they used to. The most significant drops are seen in crimes like drunk driving and minor in possession of alcohol. Masked by the overall decline in arrests, however, are increases in arrests for heroin and meth possession.

**Not many citations used in comparison to arrests**

Officers issue fewer citations in lieu of arrest than they have in past years. Between 2008 and 2018, the number of citations dropped 42 percent. Nearly all low-level crimes are handled with an arrest rather than the use of an “appearance ticket” with a court date. In 2018, a citation or summons to appear in court was used in place of an arrest in only 10% of arrest events. The others were split evenly between custodial arrests made with and without a warrant.

Citations made up 10 percent of all arrest events in 2018.



There are a lot of offenses that, by statute, aren’t eligible for citations. Officers wouldn’t have discretion in those cases about whether to issue a citation. However, even with offenses where officers have discretion to issue a citation, they’re only choosing to do so some of the time.

## Majority of jail admissions are for misdemeanors; Many for traffic and probation violations

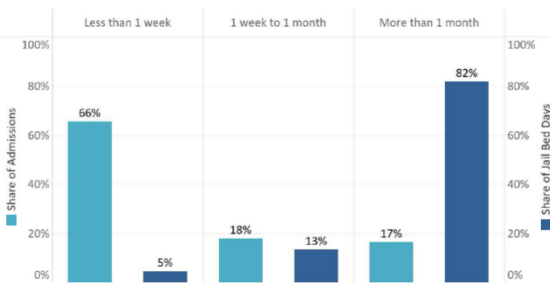
The most serious offense at jail admission varied by race and gender.

Most Serious Charge at Jail Admission	Total	White Men	Black Men	White Women	Black Women
Operating Under the Influence	14%	18%	9%	18%	9%
Assault	11%	10%	11%	9%	13%
Driving Without Valid License	9%	6%	12%	6%	15%
Theft	8%	6%	7%	13%	17%
Possession or Use of Controlled Substance	8%	9%	8%	10%	5%

In a look at the top ten offenses for which people are admitted to Michigan jails, the most were for drunk driving at 15% of jail admissions. Four different charges that each make up about thousands of total admissions included driving without a valid license, theft, drug possession, and probation violations.

## Large number of people lives disrupted, small number drive jail pops

Less than one fifth of admissions contributed over 80 percent of jail bed days.



On the other hand, 17% of people admitted to jail stayed longer than a month and accounted for nearly all of the jail space occupied between 2016 and 2018. That small group had an outsized impact on Michigan’s high jail populations.

Policymakers in Michigan who want to address the costs and collateral harms of jail incarceration therefore have two separate problems to face:

1. The large number of people whose lives are disrupted by short jail stays, and
2. The relatively small number whose long stays drive up jail bed use.

###

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](mailto:JailsTaskForce@courts.mi.gov). For press inquiries, please contact [Kmacpherson@pewtrusts.org](mailto:Kmacpherson@pewtrusts.org).

### Jails vs. Prisons

Jails are high-traffic facilities, locally operated by Sheriffs and supported by county budgets. Prisons are operated and paid for by the state. People held in state prisons are convicted of felonies and other more serious crimes called “high-court misdemeanors,” while those held in county jails could be:

- Serving a felony sentence of less than a year
- Serving a sentence for a misdemeanor or local ordinance violation
- Awaiting trial
- Held for a probation violation
- Or held on behalf of another authority like the Michigan Department of Corrections or the US Marshals.

Sixty-six percent of people admitted to jail were in and out in less than a week. That represents a couple hundred thousand jail admissions, but they only took up 5% of the jail space occupied between 2016 and 2018. A lot of individual lives were affected, but it didn’t cause many jail beds to be filled for many days.