

Michigan Joint Task Force on Jail and Pretrial Incarceration

October 9, 2019

Volume 1, Number 3

Third Task Force Meeting

The Michigan Joint Task Force on Jail and Pretrial Incarceration hosted its third meeting on Friday, September 20, 2019 at Grand Rapids Community College. The Pew Charitable Trusts presented a data analysis of Michigan arrest trends, court processing, and jail populations to understand who is in jail, how long they are staying, and why. Data was analyzed from the Michigan State Police, the State Court Administrative Office, and a representative sample of jails throughout the state.

Preliminary Data Analysis

Arrest rates declined over the past decade: The total number of arrests in Michigan decreased by 22 percent between 2008 and 2018. Fewer alcohol-related arrests, including drunk driving, were primarily responsible for this reduction, especially for younger individuals. The decrease in arrests for individuals aged 25 years and younger, for example, decreased by 46 percent between 2008 and 2018. Despite comprising a relatively small portion of the total arrests, Michigan did see a significant increase in the percentage of defendants arrested for possession of methamphetamine and heroin, narcotic equipment violations, probation violations, and contempt of court.

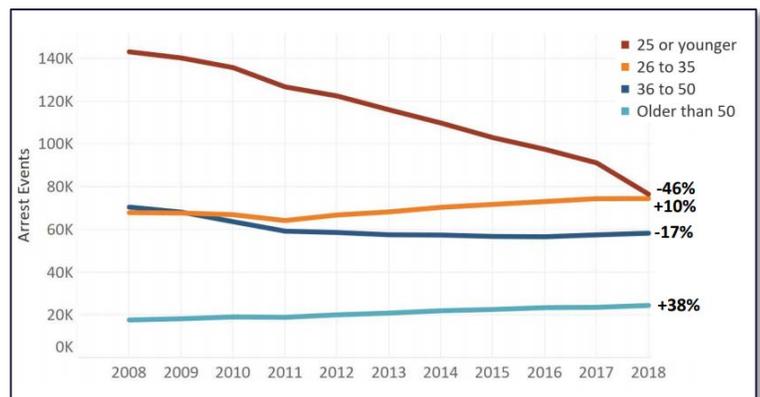


Figure 1: Arrest trends by age, 2008 to 2018.

Charge at Arrest	Number
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

Figure 2: Most frequent arrest charges, 2018

According to Michigan State Police data, the majority of arrests are for misdemeanor and court order violations: Although less frequent than in 2008, failing to appear in court, assault and battery, drunk driving, possession of marijuana, and retail fraud 3rd degree were the most common arrests in 2018. Other common reasons for an arrest include probation violations, contempt of court, and obstruction of justice.

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Law enforcement use custodial arrests more frequently than appearance citations: Subject to certain exceptions, law enforcement officers have statutory authority to issue appearance citations rather than taking an individual to jail when charged with an offense punishable by 93 days in jail or less. The frequency in which law enforcement issued appearance citations decreased by 42 percent since 2008 and, as of 2018, were only used in approximately 10 percent of all arrest events tracked by the Michigan State Police (not including most traffic offenses).

The majority of criminal cases are misdemeanors and rarely proceed to trial: Similar to arrest trends, 86 percent of all criminal cases filed in district courts in 2018 were for misdemeanor offenses. A misdemeanor is a criminal offense punishable by no more than one year in jail. 44 percent of cases filed in district court in 2018 were dismissed, 56 percent resulted in a guilty plea, and only 1 percent proceeded to trial. In circuit court, 10 percent of cases were dismissed, 87 percent resulted in a guilty plea, and 3 percent proceeded to trial.

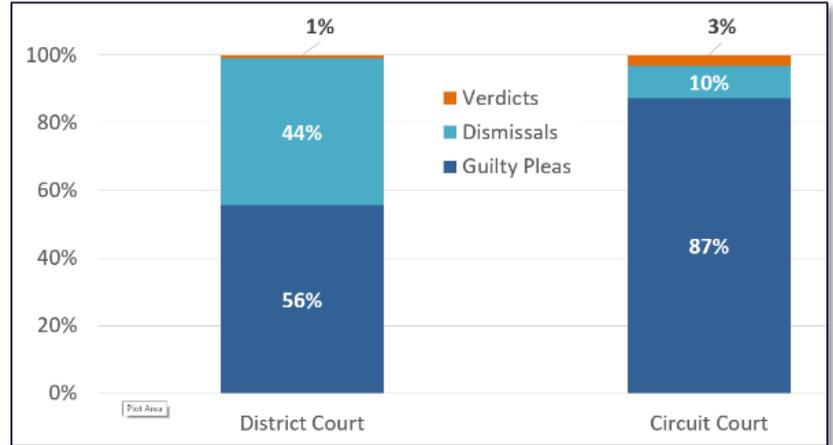


Figure 3: Criminal case dispositions, 2018

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%

Figure 4: Percent of jail admissions by charge for race and gender groups, 2016 to 2018.

Black men and women are overrepresented in jail admissions: Based on a representative sampling of county jail data between 2016 and 2018, black men comprised only 6 percent of the total county population but 26 percent of all jail admissions. Conversely, white women comprised nearly 41 percent of the county population but only 15 percent of total jail admissions. The reasons for jail admission also varied by race. Large percentages of white men and women went to jail for drunk driving while large percentages of black men and women went to jail for driving without a valid license.

Jails vs. Prisons

Prisons are managed by the Michigan Department of Corrections (MDOC) and hold individuals serving more than a one-year sentence for a felony or high court misdemeanor conviction.

Jails, in contrast, are high-traffic institutions operated by local sheriffs and funded through county budgets. Individuals in jail might be:

- Serving less than a one-year sentence for a felony or misdemeanor conviction.
- Pending trial.
- Awaiting a probation violation.
- Held for another agency such as the MDOC or United States Marshals Service.

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Jails affect many individuals, but only a small portion of defendants are driving jail populations:

66 percent of individuals admitted to jail between 2016 and 2018 were released within a week of admission. Despite constituting over 215,000 jail admissions, these individuals only occupied approximately 5 percent of jail space between 2016 and 2018. On the other hand, 17 percent of individuals admitted to jail during this time period spent more than a month in custody and occupied approximately 82 percent of all jail space. These findings suggest that policies aimed at mitigating the cost and impact of jail incarceration should address: (1) the large number of individuals and their families affected by a relatively short jail stay, and (2) the small number of individuals who drive jail bed use through prolonged periods of incarceration.

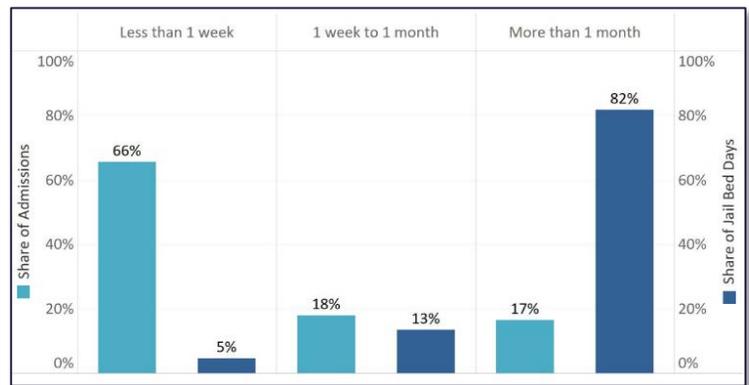


Figure 5: Jail bed use by length of stay, 2016 to 2018.



Figure 6: SMI in jails by county size

Wayne State University Center for Behavioral Health and Justice: Dr. Sheryl Kubiak and Dr. Erin Comartin studied the prevalence of mental health and substance misuse in Michigan's jail population, finding that approximately 23 percent of individuals in Michigan's jails in 2017 identified as likely having a Serious Mental Illness (SMI). Rural jails reflected higher proportions of SMI than metropolitan or urban jails. Furthermore, their study determined individuals with SMI spent more days in jail on average and were more likely to be sentenced to jail or prison compared to individuals without SMI.

Task Force in the News

[Data Dump Points Task Force Towards Areas of Potential Change When It Comes to State's Jails, WKAR News \(September 20, 2019\)](#)

[Report: Misdemeanors burdening MI criminal justice system, WOOD TV 8 \(September 20, 2019\)](#)

[Michigan jails filled with unlicensed drivers, people who miss court date, Bridge Magazine \(September 20, 2019\)](#)



Michigan Joint Task Force on Jail and Pretrial Incarceration

Upcoming Task Force Meetings



Related Events

Justice and Safety in Wayne County Forum

Hudson-Webber Foundation

October 17, 2019

4:00 p.m. – 6:00 p.m.

Wayne State University Law School

471 W. Palmer Avenue, Room 1545

Detroit, MI 48202

[More information and registration](#) (free)

Task Force Meeting #4

Friday, October 18, 2019

Business Meeting: 9:30 a.m. – 12:30 p.m.

Public Testimony: 1:30 p.m. – 4:00 p.m.

Wayne State University Law School

Spencer M. Patrich Auditorium

471 W Palmer St

Detroit, MI 48202

Task Force Meeting #5

Tuesday, November 19, 2019

Business Meeting: 10:30 a.m. – 12:30 p.m.

Public Testimony: 1:30 p.m. – 4:00 p.m.

Michigan Senate- Boji Tower

Senate Hearing Room – Ground Floor

124 W Allegan St

Lansing, MI 48933

Task Force Meeting #6

Thursday, January 9, 2020

Business Meeting: 9:30 a.m. – 11:00 a.m.

Michigan Senate- Boji Tower

Senate Hearing Room – Ground Floor

124 W Allegan St

Lansing, MI 48933



Contact the Task Force

Need additional information, have questions, or want to offer testimony?

E-mail the Task Force at:

JailsTaskForce@courts.mi.gov

or visit:

www.courts.mi.gov/micjreform

References

View presentation materials, review meeting minutes, and listen to audio recordings of the third task force meeting by following the links below or by visiting our website: www.courts.mi.gov/micjreform

- [Pew Charitable Trusts: Arrest, Jail, and Court Data](#)
- [Mental Health and Substance Misuse in Michigan's Jail Population](#)
- [Draft Meeting Minutes](#)
- [VIDEO: Morning Session](#)
- [AUDIO: Afternoon Session](#)