

Michigan Joint Task Force on Jail and Pretrial Incarceration

September 17, 2019 | Volume 1, Number 2

Key Takeaways

- Pretrial detention might increase recidivism.
- Protection orders reduce domestic violence re-victimization.
- Defendants sentenced to jail reoffend at higher rates than defendants sentenced to probation.
- Money bail and drug testing do not appear to improve pretrial outcomes.

Second Task Force Meeting

More than 100 individuals from across the state attended the Michigan Joint Task Force on Jail and Pretrial Incarceration's second meeting on Friday, August 23, 2019, in Traverse City, MI. The task force heard three presentations in the morning about the history and constitutional principles of bail (Tim Schnacke, Executive Director for Legal and Evidence-based Practices); the trends in pretrial litigation (Andrea Woods, Staff Attorney, American Civil Liberties Union); and research about the effectiveness of jail and jail alternatives (Dr. Jennifer Coop, Director of Jail and Policy Institute, Florida State University).

The task force also received approximately two and a half hours of public testimony from more than 25 Michigan residents. Individuals can continue to testify at future meetings or submit written testimony to JailsTaskForce@courts.mi.gov.

Effectiveness of Jail and Jail Alternatives

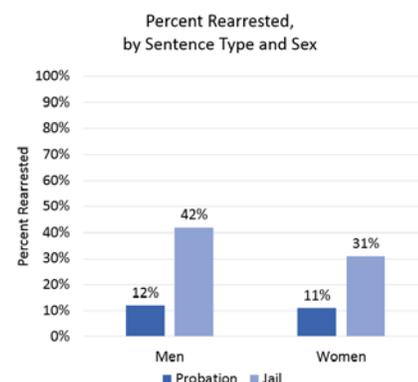
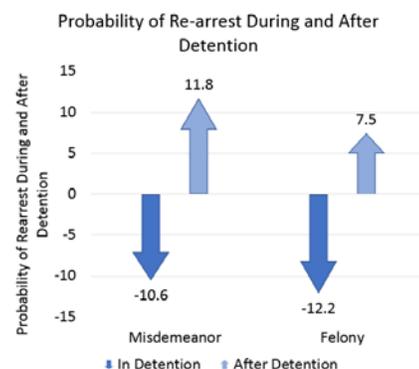
Pretrial detention might increase recidivism: A 2017 study found that misdemeanor and felony defendants detained pretrial were 12 percent and 7.5 percent, respectively, more likely to be arrested post-disposition than their counterparts released on bail.¹

Protection orders reduce domestic violence revictimization: Studies found women with protection orders are less likely to experience contacts, injuries, abuse-related medical cases; physical, psychological, and emotional abuse, and threats. Victim advocacy, outreach, shelter, and safety planning services can also reduce revictimization.²

Defendants sentenced to jail reoffend at higher rates than similar defendants sentenced to probation: 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 defendants sentenced to probation. Twelve percent of men and 11 percent of women sentenced to probation were rearrested within 2 years compared to 42 percent of men and 31 percent of women who were sentenced to jail.³

Money bail and drug testing do not appear to improve pretrial outcomes: Research shows the large majority of defendants released before trial show up to court and are not rearrested during the pendency of their case.⁴ Randomized

control trials found pretrial drug testing ineffective at improving court appearance and public safety.⁵ Studies on money bail found secured bond (money paid before release from jail) is no more effective than unsecured bond (paying only upon failure to appear in court).⁶ The most effective intervention to improve court appearance, according to multiple studies, is sending court date reminders.⁷



87%

Do *not* fail to appear

89%

Are *not* rearrested

Task Force Presenters



Tim Schnacke, Executive Director of the Center for Legal and Evidence-based Practices



Andrea Woods, Staff Attorney, American Civil Liberties Union



Jennifer Copp, Ph.D., Director of the Jail and Policy Institute, Florida State University

Watch a video of the morning presentations located [here](#) and the afternoon testimony [here](#).

Michigan Joint Task Force on Jail and Pretrial Incarceration

Task Force in the News

Task Force Geared to Reduce Michigan Jail Populations Stops in Traverse City, MI News 26 (August 23, 2019)

Halvorsen, Community Gathers as Task Force on Jail Policies Seek Solutions, Up North Live (August 23, 2019)

Galloway, Michigan Joint Task Force on Jail and Pretrial Incarceration Meets in Traverse City, 9&10 News (August 23, 2019)

Roelofs, What's Behind the Population Boom in Rural Michigan Jails?, Bridge Magazine (August 23, 2019)

Upcoming Task Force Meetings

Task Force Meeting #3

Friday, September 20, 2019

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

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

Grand Rapids Community College

Raider Grille

122 Lyon St NE

Grand Rapids, MI 49503

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 Us

Need additional information, have questions, or want to offer testimony? E-mail us at JailsTaskForce@courts.mi.gov or visit www.courts.mi.gov/micjreform.

References

1. Leslie, E., & Pope, N. G. (2017). The unintended impact of pretrial detention on case outcomes: Evidence from New York City arraignments. *The Journal of Law and Economics*, 60(3), 529-557.
2. Holt, V. L., Kernic, M. A., Lumley, T., Wolf, M. E., & Rivara, F. P. (2002). Civil protection orders and risk of subsequent police-reported violence. *Journal of the American Medical Association*, (288): 589-594.; Holt, V. L., Kernic, M. A., Wolf, M. E., & Rivara, F. P. (2003). Do protection orders affect the likelihood of future partner violence and injury? *American Journal of Preventative Medicine*, 24(1), 16-21.
3. Caudy, M., Tillyer, M.S., & Tillyer, R. (2018). Jail versus probation: A gender specific test of differential effectiveness and moderators of sanction effects. *Criminal Justice and Behavior*, 45(7): 949-968.
4. Stevenson, M. (2018). Assessing risk assessment in action. *Minnesota Law Review*, 103, 303-384.
5. Goldkamp, J.S. & Jones, P. R. (1992). Pretrial drug-testing experiments in Milwaukee and Prince George's County: The context of implementation. *Journal of Research in Crime and Delinquency*, 29(4): 430-465.; Toborg, M. A., Bellassai, J. P., Yezer, A. M., & Trost, R. P. (1989).
6. Brooker, C. M. B., Jones, M. R., & Schnacke, T. R. (2014). *The Jefferson County Bail Project: Impact study found better cost effectiveness for unsecured recognizance bonds over cash and surety bonds*. Rockville, MD: Pretrial Justice Institute.; Jones, M. R. (2013). *Unsecured bonds: The as effective and most efficient pretrial release option*. Rockville, MD: Pretrial Justice Institute.; Ouss, A., & Stevenson, M. (2019). Evaluating the impacts of eliminating prosecutorial requests for cash bail. *George Mason Legal Studies Research Paper No. LS*, 19-08.