

Administrative Jail Release

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WAYNE STATE
School of Social Work
Center for Behavioral Health and Justice

Since 1991, administrative jail release (AJR) has been regularly utilized to address jail overcrowding by accelerating the release process for some individuals in the Wayne County Jail. **At the start of the COVID-19 pandemic, criteria for AJR was expanded in order to decrease transmission in the jail facilities and to prioritize individuals with serious medical conditions that would be more vulnerable to contracting the virus.** A committee of stakeholders including judges, prosecutors, attorneys representing detainees at large¹, and jail medical staff was formed at the start of pandemic to review releases. The expanded AJR criteria included:

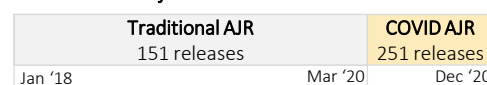
- **Charges:** The committee considered those with misdemeanors and non-serious felonies, excluded capital cases and serious felonies. As the pandemic intensified, more serious felonies were considered for AJR.
- **Health conditions:** The committee aligned with Centers for Disease Control and Prevention as they changed over the course of the pandemic (ex., pregnancy, diabetes, advanced age, respiratory issues, cancer, HIV).
- **Reentry conditions:** The committee ensured that individuals with behavioral health needs had housing and access to resources for reentry.

Administrative jail release data and outcomes

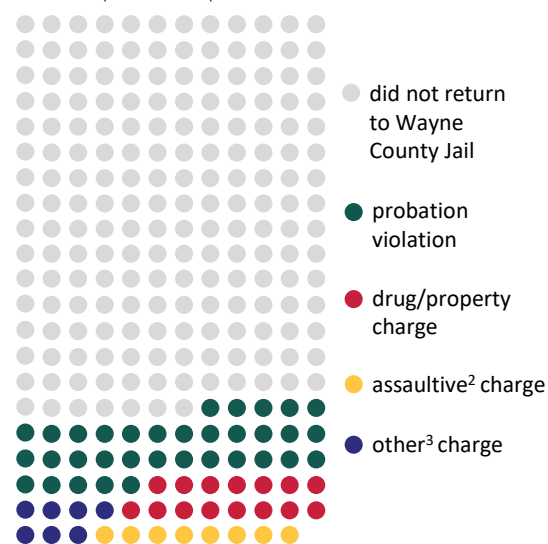
Staff at the Center for Behavioral Health and Justice (CBHJ) and the Wayne State University Criminology & Criminal Justice department evaluated AJR practices at Wayne County Jail using data from **61,762 bookings** between **January 2018 - December of 2020**.

- A total of 402 AJRs were found in the data: 251 during the pandemic and 151 prior to the pandemic.
- Over both AJR periods, **individuals granted AJR were more likely to be older** (39 years old vs. 35 years old), **White** (47% vs. 26%), and a **mental health consumer** (32% vs. 16%) compared to those not granted AJR.
- **During the pandemic, AJRs were granted to more people of color** (59%) than prior to the pandemic (43%).
- The CBHJ created a scale to quantify cumulative risk of recidivism among groups in the jail. The scale included data on age, current booking offense severity, and number of prior felonies and misdemeanors and ranged from 0 (least risk) to 8 (highest risk).
 - **Traditional AJRs had an average score of 3.9, while COVID AJRs scored 4.7 on average.**
 - The average score for COVID AJR rebookings was 5.3.
- Of the 251 COVID-19 AJRs, **26% returned to the Wayne County Jail, with only eight individuals (3%) returning on an assaultive² charge** through June of 2021. Thirty-four individuals (14%) reentered the jail on a probation violation, 15 (6%) on a drug or property charge, eight (3%) on an assaultive charge², and seven (3%) on other³ charges.

Administrative jail release over time



Rebooking among individuals granted administrative early release during COVID-19 through June 2021. Each dot represents one person released on COVID AJR.



Key findings and recommendations

- **Only 3% of individuals** released on COVID AJR returned to the Wayne County Jail on an **assaultive charge** despite expanded release criteria.
- **Collaboration** between judges, prosecutors, attorneys¹ and medical staff **was critical to share information** and discuss available resources for successful releases.
- Expanded criteria **increased early release options for people of color**.
- The Wayne County Jail should explore implementing a **systematic** and **objective** process for equitable continuation and expansion of the use of AJR.



[Read the full report](#)

¹Some attorneys who participated in the COVID-AJR group represent a class of "all past, present, and future detainees" in the Wayne County Jail, as defined by the plaintiff group in Wayne County Jail Inmates v. Wayne County Sheriff, 1971. Defense attorneys of record (representing individual detainees) were not included in case reviews.

²Assaultive charges include assault, assault & battery, assault with a dangerous weapon, criminal sexual conduct, domestic violence, home invasion, homicide, unarmed robbery.

³Other charges include failure to appear, ordinance violations, etc.