

Trends in Michigan Marijuana Offenses

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Summary

- Marijuana convictions make up on average 2.8% of all convictions in recent years.
- Marijuana convictions are disproportionately male, non-Hispanic black, and young.
- Marijuana convicts reoffend at similar rates to other convicts but with fewer felony offenses.
- 84.2% of marijuana offenders would still have a conviction history after expungement.

Recent years have witnessed a number of changes with regard to the legal status of marijuana in Michigan. In 2008, the use of cannabis for medical purposes was legalized by the Michigan Compassionate Care Initiative. While Ann Arbor had decriminalized marijuana possession in 1972, many additional municipalities also adopted decriminalization statutes between 2012 and 2015 to reclassify minor possession of marijuana from a criminal offense to a civil infraction subject to a small fine. In 2018, the Michigan Regulation and Taxation of Marijuana Act legalized recreational use with commercial dispensaries expected in early 2020.

Criminal Offenses in MI, 1997-2018

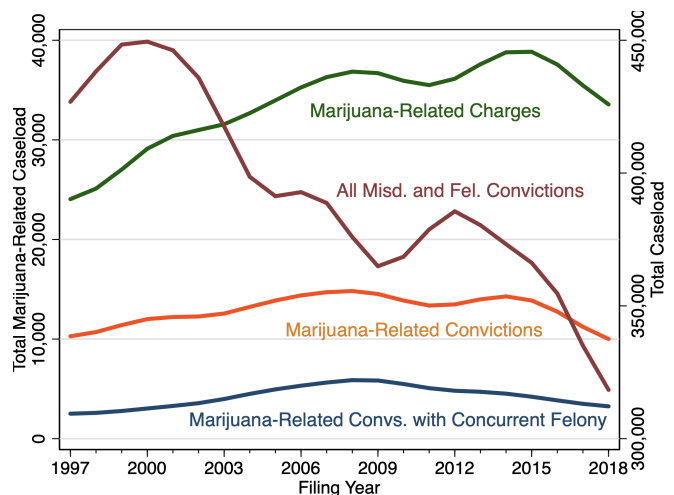
Figure 1 plots the annual number of marijuana-related charges, marijuana-related convictions, marijuana-related convictions with a non-marijuana concurrent felony, and the total criminal caseload in Michigan from 1997 to 2018. 38.4% of marijuana charges resulted in a criminal conviction, although the ratio has declined over time as charges have grown at a faster rate than convictions. 12.6% of charges were associated with a marijuana-related convictions that had a non-marijuana concurrent felony-level convicted offense.

Leading up to the adoption of medical marijuana legalization, there was growth in the marijuana-related criminal caseload. Charges and convictions increased by 62.7% and 54.9% respectively from 1997

to 2007. The total criminal justice caseload (including non-marijuana related offenses), however, declined during this same period by 15.2%.

After the passage of the Michigan Compassionate Care Initiative, marijuana charges and convictions remained flat or declined through 2012. Since 2013, marijuana-related convictions have resumed declining such that by 2018 the total number of convictions was just 55.9% of the 2013 levels. Whether caseload rates will continue to decline after the legalization of recreational use will depend on how usage rates and behavior evolve in response to legal access.

Figure 1: MI Criminal Caseload, 1997-2018



Note: Trends calculated using administrative data from the MI State Court Administrative Office's Judicial Data Warehouse. This data covers the majority of the state's population, but is missing some coverage (e.g., Berrien county and Grand Rapids).

Defendant Characteristics

Table 1 at the bottom of this page presents the demographic characteristics (sex, race/ethnicity, and age) of recently convicted (2013-2018) defendants in the Michigan marijuana criminal caseload and the Michigan criminal caseload overall, as well as Michigan residents as a whole.

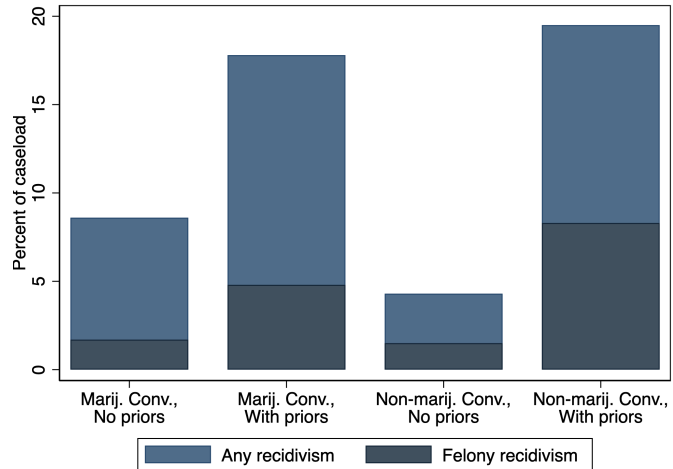
The Michigan criminal caseload is more likely to be male (75.0%), non-Hispanic, black (22.0%), and younger (median age of 31.4) relative to the general population. The subset of offenders who have been convicted of marijuana-related offenses is even less similar to the general population. A greater share of this population is male (83.4%) and non-Hispanic, black (28.6%) with a median age of 26.6 years at the time of filing. A large number of defendants do not have a recorded race in the administrative court records, which raises uncertainty about the true demographic distribution of the criminal caseload.

Recidivism and Expungement Policy

Figure 2 documents recidivism rates among individuals convicted of criminal offenses in Michigan between 2013 and 2018. Regardless of conviction type, those without a prior criminal record show the lowest rates of reoffending within 1 year (8.6% for marijuana convicts, 4.6% for other convicts). Those with a prior history of contact with the Michigan criminal justice system exhibit much higher rates of reoffending (17.8% for marijuana convicts, 19.5% for other convicts). Non-marijuana convicts (first-time offender or not) have the largest portion of recidivism falling into felony-level offenses.

In addition, 34.9% and 42.3% of recidivism among first-time and repeat non-marijuana offenders were at the felony-level. A number of jurisdictions have considered or have adopted automatic expungement after recreational marijuana has been legalized. In Michigan, 85,804 individuals have been convicted of marijuana-related crimes since 2012. These convictions were divided

Figure 2: Recidivism after 1 Year



Note: Recidivism rates calculated using administrative data from the MI State Court Administrative Office's Judicial Data Warehouse.

between non-felony and felony marijuana offenses (59.0%, 41.0%). Because reoffending rates are high in the criminal caseload, only 15.8% have no other history of convictions. That said, 44.8% have no other felony conviction on record. What share of the population will benefit from a clean criminal record through automatic expungement will depend on how this policy option is pursued in Michigan, if at all.

Table 1: Recently Convicted Defendants and Current Population Traits in Michigan

Demographic Characteristic	Marijuana Caseload	Criminal Caseload	Population, 2018
Male	83.4%	75.0%	49.2%
White, non-Hispanic	43.3%	42.8%	79.3%
Black, non-Hispanic	28.6%	22.0%	14.1%
Hispanic	0.6%	0.6%	5.2%
Other Race/Ethnicity	0.4%	0.5%	2.4%
Race Unknown	27.1%	34.0%	—
Median Age	26.6*	31.4*	39.5

Notes: Table content calculated using administrative data from the MI State Court Administrative Office's Judicial Data Warehouse. The sample in the first two columns include defendants convicted of criminal charges between 2013 and 2018. The final column is measured using data from the U.S. Census Bureau.

*Measured at filing date.