Effect of Pretrial Detention in Oregon: Testimony to the Senate and House Judiciary Committees

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Effect of Pretrial Detention in Oregon

Testimony to the Senate and House Judiciary Committees

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May 29, 2019
Background

- Justice reinvestment (HB 3194)
  - Aim: Reduce the use of prison

- One possible avenue is *pretrial detention*
  - Defendants detained when viewed as…
    1. Imminent threat to public safety, or
    2. Poses a serious flight risk

- Prior studies suggest *pretrial detention* can increase prison use in other jurisdictions

- Requires an answer to the question…
  *What is the relationship between pretrial detention and sentencing outcomes in Oregon?*
Research Question / Analysis

Two examinations:

1. Effect of being detained through disposition (i.e., fully detained)
2. Effect of days spent in detention

Data from:

• Courts and DOC data from nine Oregon counties

Eligibility criteria:

• Convicted cases from 2016 through 2017
• Final sample size = 3,390

Outcome:

• Sentenced to incarceration (jail or prison) vs probation
• Sentence length
Research Question / Analysis

Controlled for:

- Demographics
- *Criminal history*
- *Prior probation failures*
- Final plea type
- County of conviction
- *Crime type of conviction*
- Attorney type
- *Charge count*
- *FTA conviction history*
- Prior prison/jail commitments

Analysis:

- Propensity score modeling – AKA: Analyzed “statistical twin”
- Regression – statistically controls for other factors
Descriptives

- **Demographics**
  - Male 75%
  - NonWhite 24%
  - Average age at disposition: 35 yo (SD: 11 years)

- **Index crime type (most serious)**
  - Property 65%
  - Drug related 19%
  - Driving 9%
  - Person/Sex 4%

- **At least one prior prison commitment** 28%

- **Detained**
  - Average days detained: 5 days (SD: 4 days)
  - Length of stay 30 days or more: 47%

- **Sentenced to any incarceration** 39%
  - Sentenced to prison: 34%
  - Avg prison sentence length: 22 months (SD: 17 mo)

\( n = 3,390 \)
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Main Findings

Controlling for all other measures, fully detained defendants are…

- 2.1 times more likely to receive any incarceration
- 46% more likely to receive jail versus probation
- 2.4 times more likely to receive prison versus probation
Effects of Pretrial Detention in relation to Risk to Reoffend

- Low: Released 0.22, Detained 0.43
- Medium: Released 0.36, Detained 0.60
- High: Released 0.48, Detained 0.71
Effects of Days Spent in Pretrial Detention

Equates to 0.2% increase in chances of incarceration per day detained
All else equal, being fully detained...

• doubles the chances of receiving prison.
  • increases probability the longer a person is detained.

• yields little sentence length differences than those released.
  • More than 30 days detained = longer prison sentences
Implications / Recommendations

Counties should continue to explore ways to reduce pretrial detention

• Be more selective in holding defendants over 30 days

• Examining different pretrial risk assessments

Prioritize research is on understanding decisions to detain
Examining the Effect of Pretrial Detention on Oregon Sentencing

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