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

Christopher M. Campbell  
*Portland State University, cmc22@pdx.edu*

Ryan M. Labrecque  
*Portland State University, rml@pdx.edu*

Follow this and additional works at: [https://pdxscholar.library.pdx.edu/ccj_fac](https://pdxscholar.library.pdx.edu/ccj_fac)

Part of the *Criminology Commons*

*Let us know how access to this document benefits you.*

**Citation Details**

This Presentation is brought to you for free and open access. It has been accepted for inclusion in Criminology and Criminal Justice Faculty Publications and Presentations by an authorized administrator of PDXScholar. Please contact us if we can make this document more accessible: pdxscholar@pdx.edu.
Effect of Pretrial Detention in Oregon

Testimony to the Senate and House Judiciary Committees

Christopher M. Campbell, PhD
&
Ryan M. Labrecque, PhD

Portland State University
Criminal Justice Policy Research Institute

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
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**
  - Sentenced to prison 34%
  - Avg prison sentence length 22 months (SD: 17 mo)
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**: 46%
  - 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)
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
Conclusion

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

Testimony to the Senate and House Judiciary Committees

Christopher Campbell, PhD
Phone: (503) 725-9896
Email: ccampbell@pdx.edu

Ryan Labrecque, PhD
Email: ryan.labrecque@pdx.edu