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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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&

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*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

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

- **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)

Descriptives

n = 3,390

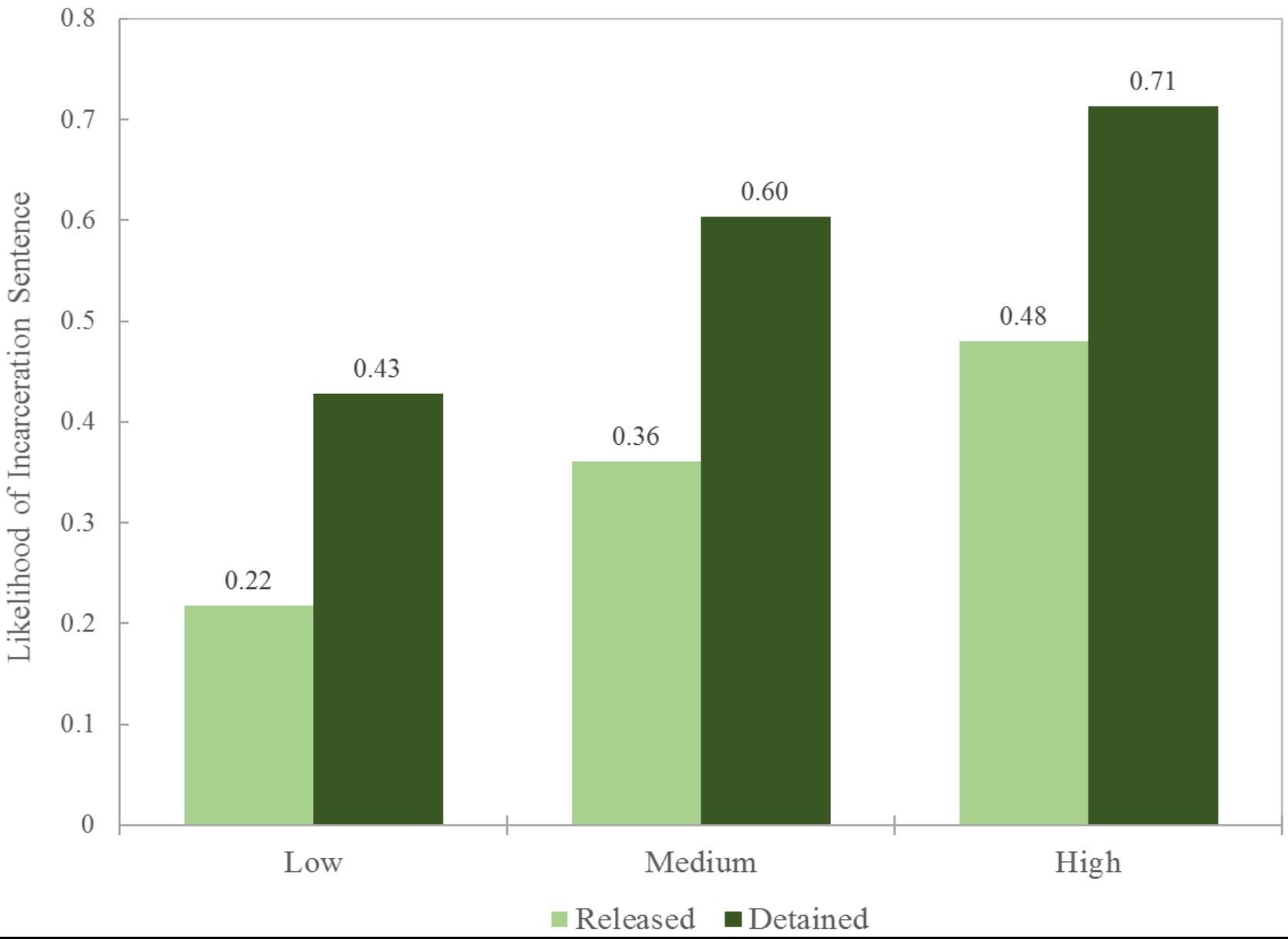
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Main Findings

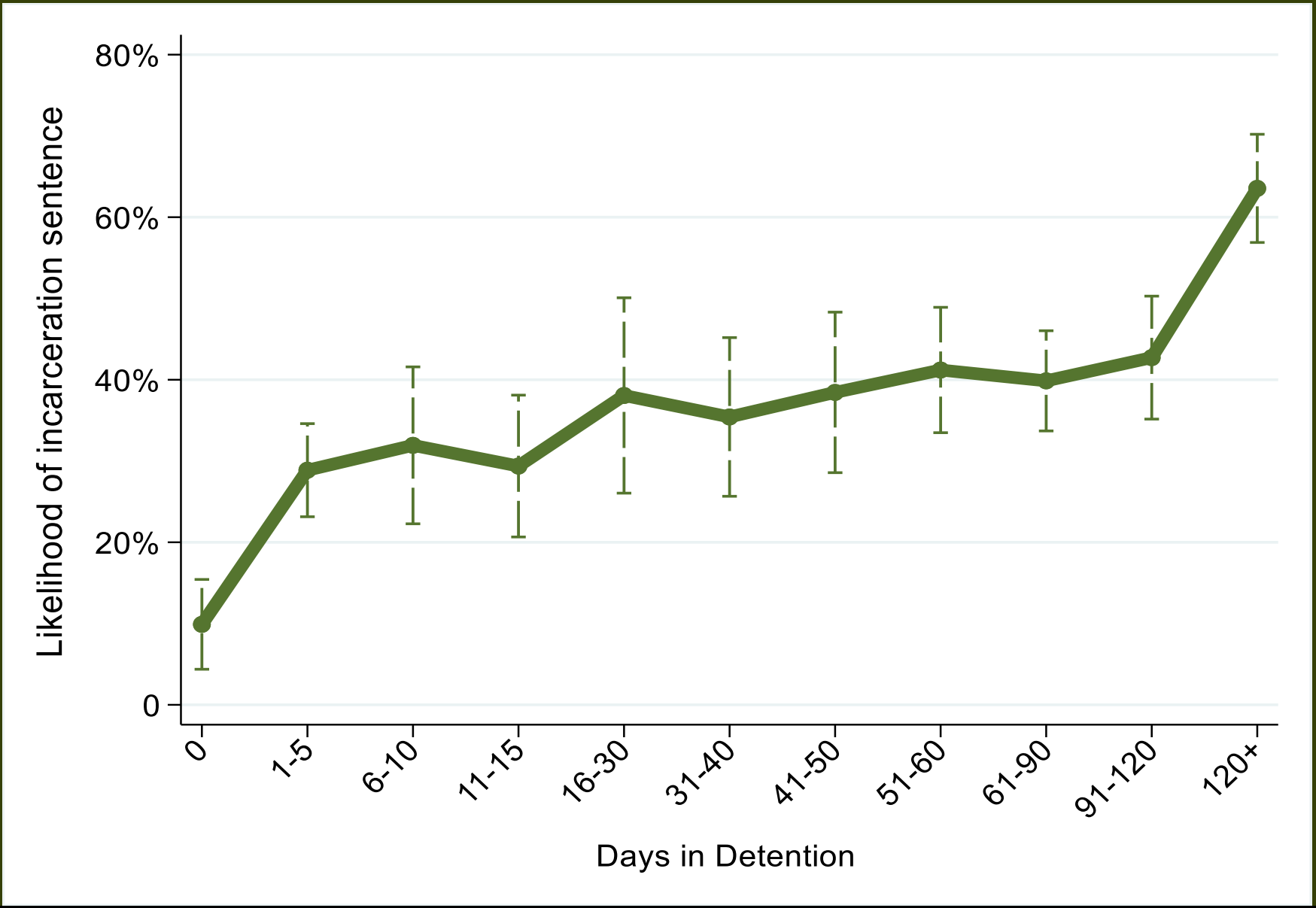
Controlling for all other measures, fully detained defendants are...

- 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



Effects of Days Spent in Pretrial Detention



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

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