



THE HIDDEN COST OF PRETRIAL DETENTION



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Justice System Planning and Information (JSPI) provides analytical support to Maricopa County justice system stakeholders to advance the effectiveness and efficiency of the criminal justice system.

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RISK-NEEDS-RESPONSIVITY MODEL

Three principles of the RNR model:

- **RISK PRINCIPLE:** Identifies *who* should be treated;
- **NEEDS PRINCIPLE:** Identifies *what* should be treated; and
- **RESPONSIVITY PRINCIPLE:** Identifies *how* to provide treatment.

RISK-NEEDS-RESPONSIVITY MODEL			
RISK PRINCIPLE	<p>Intensity of treatment should match offender risk level.</p> <p>Targeting <i>MODERATE-TO-HIGH</i> risk offenders reduces recidivism.¹</p> <p>Targeting <i>LOW RISK</i> offenders can increase recidivism.²</p>		
NEEDS PRINCIPLE	<p>Interventions should target the central eight criminogenic risk/needs factors:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> ▪ Criminal history ▪ Anti-social personality ▪ Anti-social attitudes and values ▪ Anti-social associates </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> ▪ Family dysfunction ▪ Poor self-control or problem solving skills ▪ Substance abuse ▪ Lack of employment or employability skills </td> </tr> </table> <p>Recidivism reduction is maximized when multiple criminogenic needs are targeted.</p>	<ul style="list-style-type: none"> ▪ Criminal history ▪ Anti-social personality ▪ Anti-social attitudes and values ▪ Anti-social associates 	<ul style="list-style-type: none"> ▪ Family dysfunction ▪ Poor self-control or problem solving skills ▪ Substance abuse ▪ Lack of employment or employability skills
<ul style="list-style-type: none"> ▪ Criminal history ▪ Anti-social personality ▪ Anti-social attitudes and values ▪ Anti-social associates 	<ul style="list-style-type: none"> ▪ Family dysfunction ▪ Poor self-control or problem solving skills ▪ Substance abuse ▪ Lack of employment or employability skills 		
RESPONSIVITY PRINCIPLE	<p>Treatment is most effective if it:</p> <ul style="list-style-type: none"> ▪ Employs a cognitive-behavioral approach. ▪ Tailors treatment to the specific learning style and attributes of the offender. 		

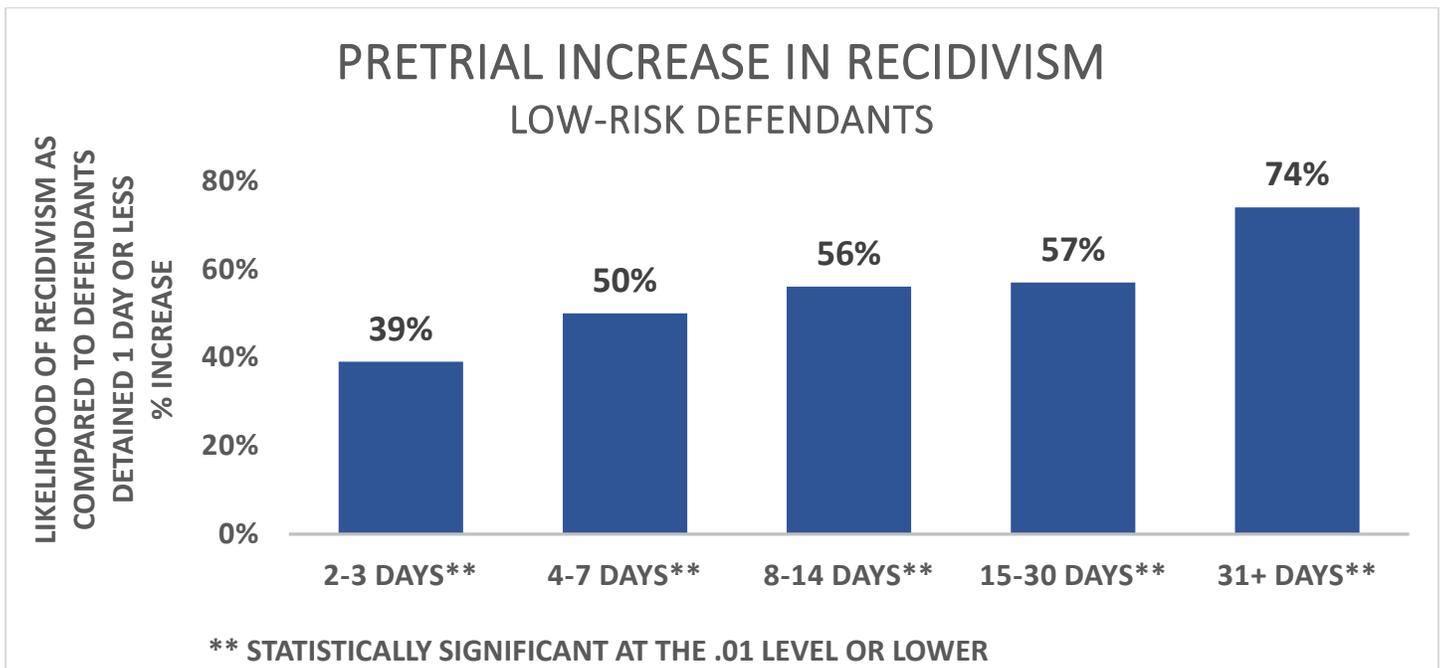
¹ Andrews, 2007; Andrews & Bonta, 2007; Andrews, Bonta, & Wormith, 2006; Andrews & Dowden, 2007; Andrews, Dowden, & Gendreau, 1999; Bonta, 2007; Dowden, 1998; Gendreau, Goggin, & Little, 1996; Lipsey & Cullen, 2007; Smith, Gendreau & Swartz, 2009.

² Andrews & Bonta, 2007; Bonta, Wallace-Capretta, & Rooney, 2000; Cullen & Gendreau, 2000; Gendreau, Goggin, Cullen, & Andrews, 2001; Lowenkamp & Latessa, 2004; Lowenkamp, Latessa, & Holsinger, 2006.

THE HIDDEN COST OF PRETRIAL DETENTION LOWENKAMP ET AL.,

- ❖ Detaining low risk defendants, even just for a few days, is strongly correlated with higher rates of new criminal activity.
- ❖ Compared to pretrial low risk defendants detained for 1 day, low risk defendants detained:
 - 2-3 days were 39% more likely to recidivate before trial
 - 4-7 days were 50% more likely to recidivate before trial
 - 8-14 days were 56% more likely to recidivate before trial
 - 15-30 days were 57% more likely to recidivate before trial
 - 31+ days were 74% more likely to recidivate before trial

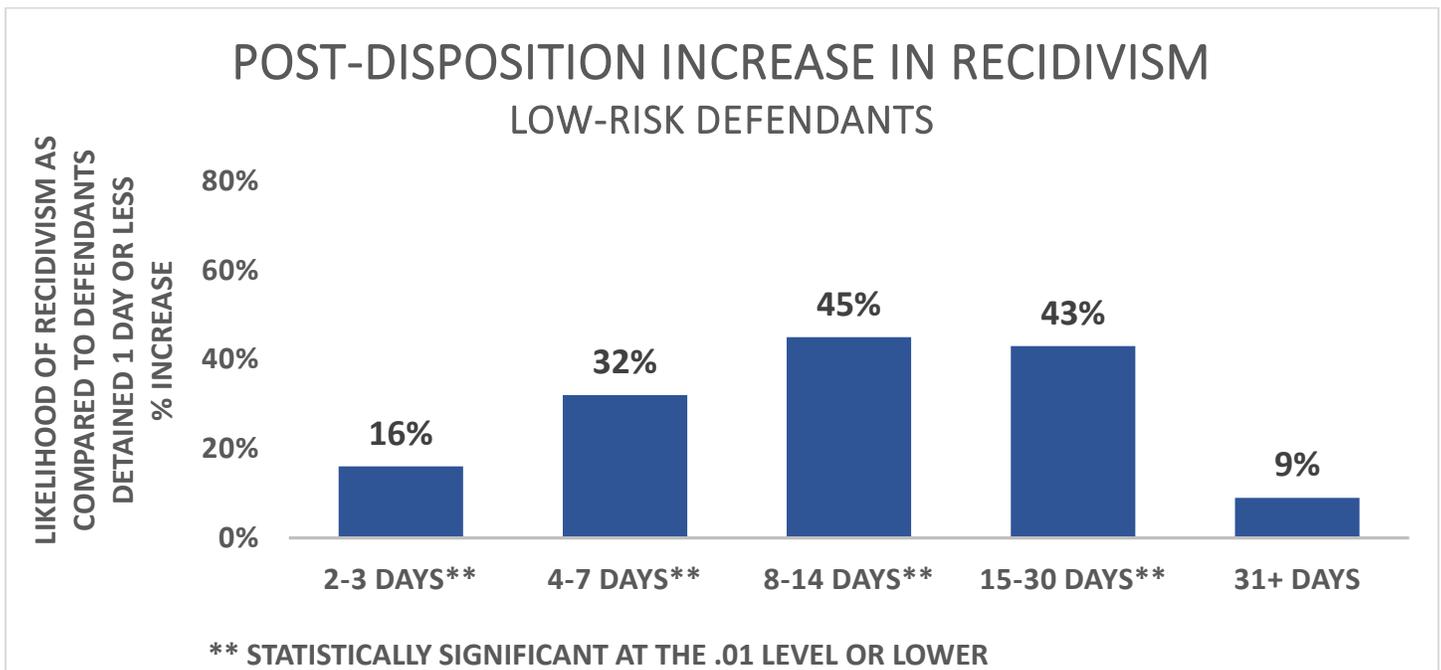
PRETRIAL NCA			
		Exp b (95% CI)	p-value
Low Risk	2 to 3 Days	1.39 (1.27, 1.52)	0.00
	4 to 7 Days	1.50 (1.30, 1.72)	0.00
	8 to 14 Days	1.56 (1.33, 1.85)	0.00
	15 to 30 Days	1.57 (1.26, 1.95)	0.00
	31+ Days	1.74 (1.39, 2.18)	0.00



THE HIDDEN COST OF PRETRIAL DETENTION LOWENKAMP ET AL.,

- ❖ As length of pretrial detention increases up to 30 days, the 12 month post-disposition recidivism rate for low risk defendants also increases.
- ❖ Compared to pretrial low risk defendants detained for 1 day, low risk defendants detained:
 - 2-3 days were 16% more likely to recidivate within 12 months post-disposition
 - 4-7 days were 32% more likely to recidivate within 12 months post-disposition
 - 8-14 days were 45% more likely to recidivate within 12 months post-disposition
 - 15-30 days were 43% more likely to recidivate within 12 months post-disposition
 - 31+ days = no statistically significant difference (p = 0.11)

POST-DISPOSITION NCA			
		Exp b (95% CI)	p-value
Low Risk	2 to 3 Days	1.16 (1.10, 1.23)	0.00
	4 to 7 Days	1.32 (1.21, 1.43)	0.00
	8 to 14 Days	1.45 (1.33, 1.59)	0.00
	15 to 30 Days	1.43 (1.28, 1.61)	0.00
	31+ Days	1.09 (0.98, 1.21)	0.11



MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

- ❖ Examined pretrial low risk offenders released in 2014.
- ❖ Recidivism was defined as being rebooked in MCSO jail within 365 days of release.
- ❖ There was no statistically significant difference in recidivism between individuals detained for 1 day vs. 2-3 days ($p = 0.76$).

Rebooked within 365 days				
		B (RSE)	Exp b (95% CI)	p-value
Low Risk	2 to 3 Days	-0.05 (0.15)	0.95 (0.71, 1.29)	0.76
* Reference = 1 day				

MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

- ❖ Conducted multivariate propensity score matching to develop balanced matched sample.
 - Matched on: proxy score, age, gender, ethnicity, felony charge, drug charge
 - Matched sample: 2,728

MATCHING OUTCOMES					
	Unmatched Data		Matched Data		
	Reference	Comparison	Reference	Comparison	<i>t</i> or <i>x</i>²
	\bar{x} or %	\bar{x} or %	\bar{x} or %	\bar{x} or %	p-value
Proxy Score 0	0.21	0.15	0.21	0.21	0.83
Proxy Score 1	0.35	0.32	0.35	0.33	0.83
Proxy Score 2	0.45	0.53	0.45	0.46	0.83
Age	38	40	38	38	0.65
Male	0.60	0.65	0.60	0.61	0.67
Hispanic	0.23	0.19	0.23	0.24	0.09
African American	0.13	0.16	0.13	0.12	0.09
White	0.57	0.59	0.57	0.59	0.09
Other	0.07	0.06	0.07	0.05	0.09
Target Felony	0.51	0.65	0.51	0.53	0.47
Target Drug	0.16	0.21	0.16	0.15	0.71

MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

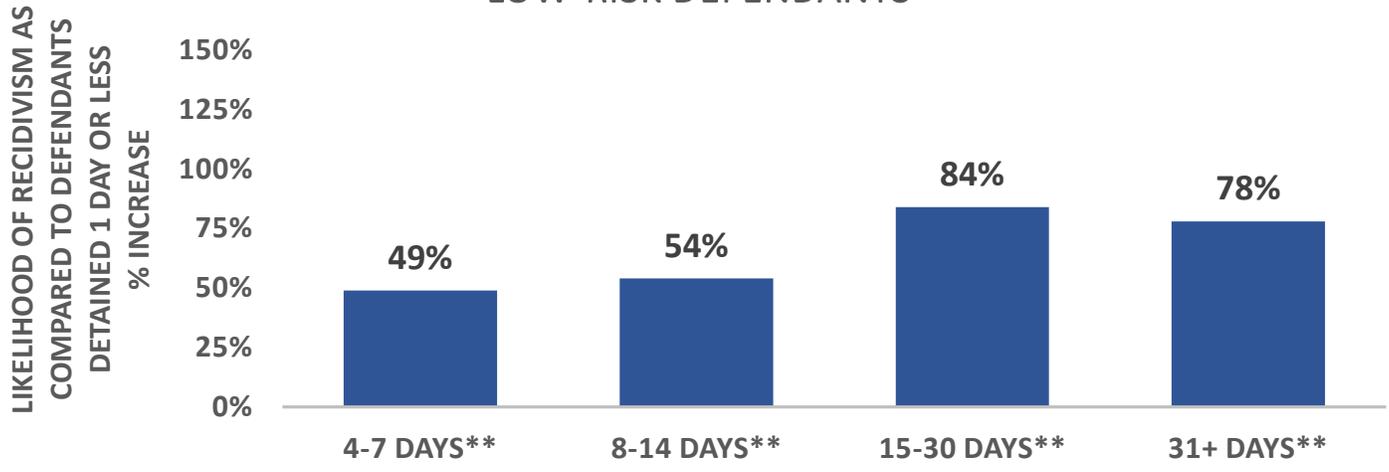
LOW RISK PRETRIAL DEFENDANTS

- ❖ Equivalent pretrial low risk defendants detained 4 or more days had greater odds of new criminal activity.

- ❖ Compared to pretrial low risk defendants detained 1-3 days, individuals detained:
 - 4-7 days were 49% more likely to recidivate within 12 months of release
 - 8-14 days were 54% more likely to recidivate within 12 months of release
 - 15-30 days were 84% more likely to recidivate within 12 months of release
 - 31+ days were 78% more likely to recidivate within 12 months of release

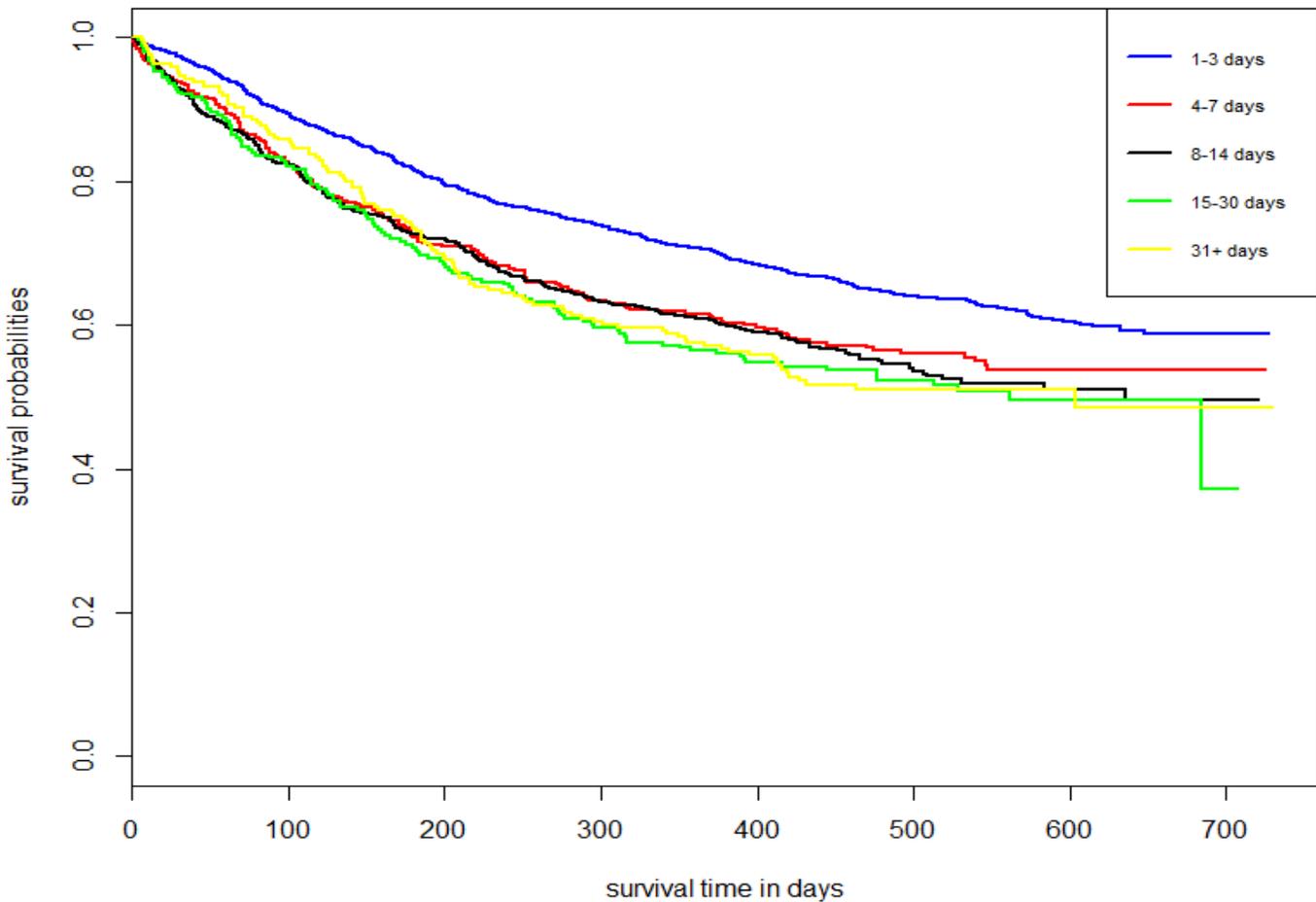
Rebooked within 365 days				
		B (RSE)	Exp b (95% CI)	p-value
Low Risk	4 to 7 Days	0.40 (0.12)	1.49 (1.18, 1.89)	0.00
	8 to 14 Days	0.43 (0.11)	1.54 (1.24, 1.92)	0.00
	15 to 30 Days	0.61 (0.14)	1.84 (1.40, 2.43)	0.00
	31 or more Days	0.58 (0.14)	1.78 (1.35, 2.36)	0.00
	Proxy Score 1	0.33 (0.12)	1.39 (1.10, 1.75)	0.01
	Proxy Score 2	0.48 (0.11)	1.61 (1.30, 2.00)	0.00
* Reference 1-3 days				

INCREASE IN RECIDIVISM LOW-RISK DEFENDANTS



** STATISTICALLY SIGNIFICANT AT THE .01 LEVEL OR LOWER

LOW RISK SURVIVAL



MARICOPA COUNTY: THE HIDDEN COST OF PRETRIAL DETENTION

CONCLUSIONS

- ❖ Low risk pretrial defendants detained 1-3 days have similar recidivism outcomes.
- ❖ Low risk pretrial defendants detained four or more days have increased odds of recidivism.
 - Individuals detained:
 - 4-7 days were 49% more likely to recidivate within 12 months of release
 - 8-14 days were 54% more likely to recidivate within 12 months of release
 - 15-30 days were 84% more likely to recidivate within 12 months of release
 - 31+ days were 78% more likely to recidivate within 12 months of release
- ❖ As expected, survival curves indicate that individuals detained 1-3 days are significantly less likely to reoffend when compared to individuals detained four or more days.

