

# Pretrial Release and Detention Advisory Group

## Impacts of Pretrial Detention

Oct. 19, 2016



Institute for Municipal & Regional Policy  
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# Context:

- to investigate the ability of CT's current pretrial justice system to justly and fairly maximize:
  - public safety
  - appearance in court
  - release of bailable defendants

# Trends in pre-trial detention

- increasing since low of 3,111 in May 2016
- October 1, 2016: 3,311 pretrial detainees
- OPM suspects that average length of pretrial detention has been increasing
  - from 91.1 days (April) to 95.6 days (October)
  - layoffs and staff transfers at CSSD's Jail Re-Interview Program

Source: OPM Monthly Indicators Report, October 2016:

[http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/monthlyindicators/monthlyindicatorsreport\\_oct\\_2016\\_final.pdf](http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/monthlyindicators/monthlyindicatorsreport_oct_2016_final.pdf)

# Impacts of Pretrial Detention

- Public Safety:
  - Individual: Incapacitation vs. Release
  - Aggregate: impact on family, neighborhood, community
- Appearance in court
- Justice and fairness:
  - Financial impact
  - Conviction and sentencing
  - Children and families
  - Health
- Public costs

# Public safety: Incapacitation vs. Release

- detaining someone for as little as 2-3 days significantly increases likelihood that they will reoffend
  - low-risk Ds held 2-3 days are 40% more likely to reoffend than those held less than 24h
  - low-risk Ds held 8-14 days are 51% more likely to reoffend than those held less than 24h

Source: Christopher T. Lowenkamp *et al*, *The Hidden Costs of Pretrial Detention* (Arnold Foundation, November 2013)

# Appearance in court

- for low-risk Ds, detention for >24h tends to increase likelihood of FTA
  - low-risk Ds held 2-3 days are also 22% more likely to FTA
  - low-risk Ds held 15-30d are also 41% more likely to FTA

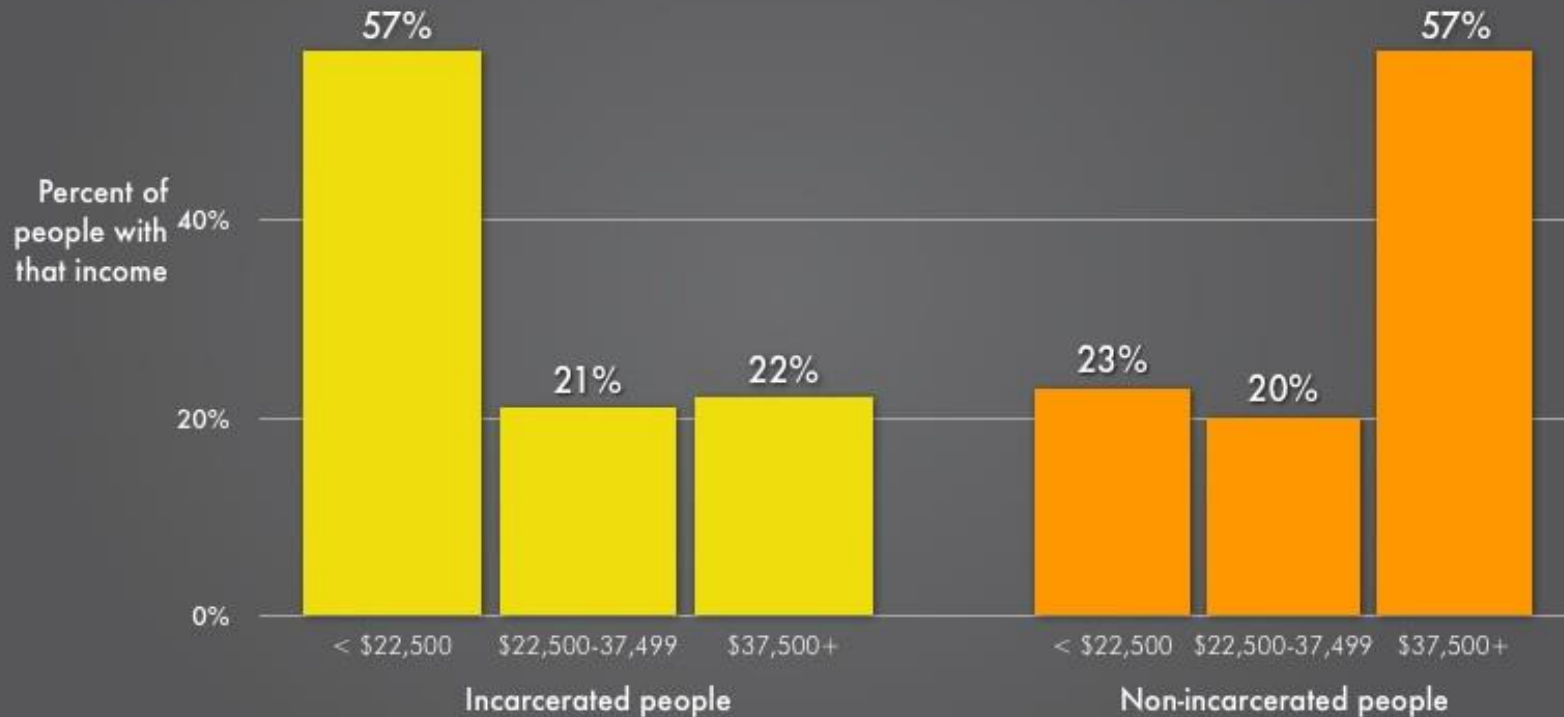
Source: Christopher T. Lowenkamp *et al*, *The Hidden Costs of Pretrial Detention* (Arnold Foundation, November 2013)

# Justice and fairness: Financial impact

- Most people who are arrested are poor
  - nationally, about 80% of criminal accused are represented by public defenders
  - percentage in CT?
    - Source: Eve Brensike Primus, *Procedural Obstacles to Reviewing Ineffective Assistance of Counsel Claims in State and Federal Postconviction Proceedings*, 24 *Crim. Just.* (American Bar Association, 2009)

# Financial impact

Distribution of annual incomes for incarcerated men prior to incarceration and non-incarcerated men, ages 27-42



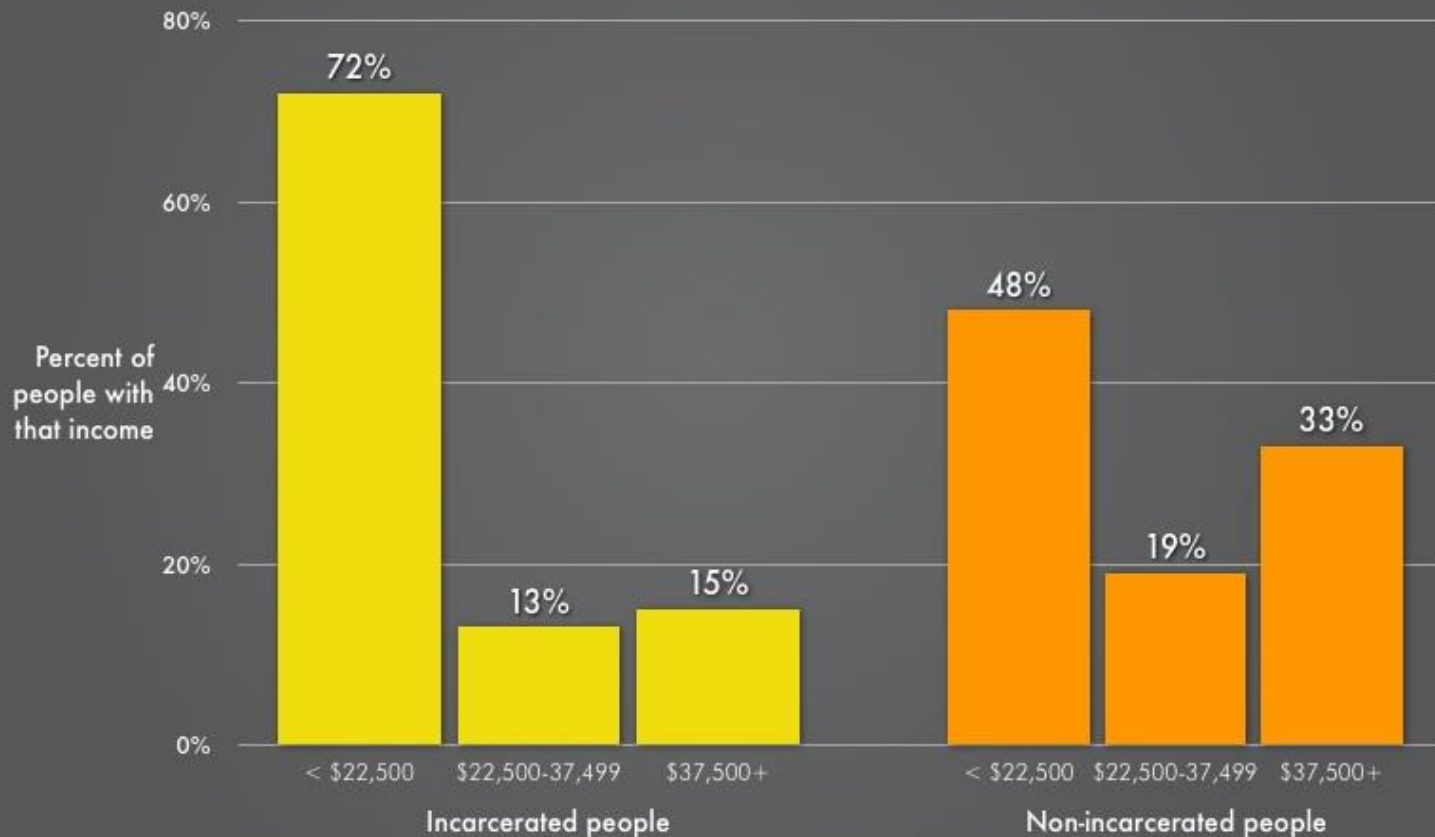
Source: Compiled by the Prison Policy Initiative from the Bureau of Justice Statistics Survey of Inmates in State Correctional Facilities, 2004 and the American Community Survey Integrated Public Use Microdata Series, 2004 and then adjusted for inflation to 2014 dollars. See methodology at <http://www.prisonpolicy.org/reports/income.html>.

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# Financial impact

Distribution of annual incomes for incarcerated women prior to incarceration and non-incarcerated women, ages 27-42



Source: Compiled by the Prison Policy Initiative from the Bureau of Justice Statistics Survey of Inmates in State Correctional Facilities, 2004 and the American Community Survey Integrated Public Use Microdata Series, 2004 and then adjusted for inflation to 2014 dollars. See methodology at <http://www.prisonpolicy.org/reports/income.html>.

# Financial impact

- 86% of Americans have <\$10K in savings
  - 21% of Americans don't have savings accounts
  - 28% report savings account with 0 balance
  - 9% report savings account with minimum balance
  - 13% have savings accounts with <\$1,000
  - 10%: \$1,000-5,000
  - 5%: \$5,000-10,000
  - 14%: >\$10,000

Source: Google/GOBankingrates survey, *62% of Americans have under \$1,000 in savings, Survey Finds* (October 5, 2015) <https://www.gobankingrates.com/savings-account/62-percent-americans-under-1000-savings-survey-finds/>

# Financial impact

## Bond ranges for pretrial detainees, Oct. 1, 2016:

Bond amount	Number of detainees	Percentage
<\$20,000	649	18.9%
\$20,000 to <\$50,000	571	16.6%
\$50,000 to <\$100,000	699	21.7%
\$100,000 or higher	1,513	44.1%
Total	3,432	100.0%

Source: OPM Monthly Indicators Report, October 2016

# Financial impact of pretrial detention

- job loss
- 65% of families with an incarcerated family member are unable to meet family's basic needs
  - 49% struggle to meet basic food needs
  - 48% struggle to meet basic housing needs
- 18% of families of incarcerated person face eviction
  - Source: Saneta deVuono-Powell et al, *Who Pays? The True Cost of Incarceration on Families* (Ella Baker Center, Oakland, CA: 2015).

# Justice and Fairness: Conviction and sentencing

- difficulty communicating with counsel, gathering evidence, locating witnesses
- pressure to plead guilty even if innocent

# Conviction and sentencing

- When criminal accused are detained pending trial, they:
  - are more likely to be sentenced to incarceration:
    - low-risk Ds are 5.41x more likely to receive a prison sentence than those who are released pending trial
    - moderate-risk Ds are 4x more likely
    - high-risk Ds are 3x more likely
  - receive longer sentences:
    - 2.2x (moderate- & high-risk) to 3.5x (low-risk) longer
    - Source: Christopher T. Lowenkamp et al, *Investigating the Impact of Pretrial Detention on Sentencing Outcomes* (Arnold Foundation, November 2013)

# Children and families

- Approximately 58.3% of detainees (1,459 of 2,501) held at HCC, NHCC and BCC reported any dependents
  - median number of dependents: 1.5
    - Source: DOC data as of June 1, 2016

# Children and families

- Most incarcerated people have children:
  - 52% of state prisoners and 63% of fed prisoners have minor children
  - 51.2% of male state prisoners and 61.7% of female state prisoners have children
    - 22% of these children were age 4 or younger
    - average number of children: 2
  - 2.3% of all US children have an incarcerated parent:
    - 6.7% of African-American children, 2.4% of Hispanic children, and 0.9% of white non-Hispanic children

Source: L.E. Glaze & L.M. Maruschak, Bureau of Justice Statistics Special Report: *Parents in Prison and their Minor Children*, NCJ 222984 (2010)



# Children and families

- Most incarcerated parents are responsible for their children:
  - lived with children in month before arrest: 47% of male state prisoners, 64% of female state prisoners
  - more than 75% of incarcerated mothers who lived w their kids had been single parents at time of arrest.
    - 17% of incarcerated fathers had been single parents at time of arrest.
  - 18% of incarcerated fathers and 14% of incarcerated mothers lived in 2-parent household
  - most parents in state prison (54% fathers, 52% mothers) provided primary financial support for their kids

Source: Glaze & Maruschak (2010)

# Children and families

## What happens to children whose parent is detained?

Current caregiver of minor children of parents in state prison, 2004.

Caregiver	Father detained	Mother detained
Other parent	88%	37%
Grandparent	13%	45%
Other relatives	5%	23%
Foster home	2%	11%
Friends, others	2%	8%

Detail may sum to more than 100% because some prisoners had multiple children with multiple caregivers.

Source: Glaze & Maruschak (2010) (Table 8)

# Children and families

- New Britain courthouse survey: 45 parents of 108 children
  - average 2.4 children each. Median age: 6.5 years.
  - 50.6% of the children lived with the caregiver at time of arrest
  - 93% of caregivers provided support for children
    - Source: Conway, J.M., Provencher, A.J., and Keays, A. *Needs created in children's daily lives by the arrest of a caregiver*, Justice Policy Journal (forthcoming 2017)
    - Sample: caregivers arraigned at New Britain Courthouse who were represented by CT Public Defender Services and held in lockup, who agreed to be interviewed.

# Percent of Children (N = 108) Who Had Been Receiving Support from Detained Caregiver in the Month Prior to Caregiver's Arrest

Type of Support	Percent
Financial support	87.0
Listening or helping with personal problems	86.4*
Helping at least once a week with homework/projects	86.4*
Talking with teachers, coaches, etc.	81.4*
Transportation at least once a week	79.6
Watching the child at least once a week	74.1
Government assistance	59.3
Care at least once a week for medical or special needs	25.0

\* Percentages include only children age 6 older.

Source: Conway *et al* (forthcoming 2017)

# Children and families

- 93% of caregivers provided support for children
  - 86.3% of male caregivers and 96.4% of female caregivers reported providing at least three kinds of support
  - 100% of those living with child provided at least three kinds of support, while 77% of those not living with the child did

• Source: Conway, J.M., Provencher, A.J., and Keays, A. *Needs created in children's daily lives by the arrest of a caregiver*, Justice Policy Journal (forthcoming 2017)

# Children and families

- nonresidential fathers' support of children:
  - low-income nonresidential fathers report high levels of involvement with their children
    - share meals, bathe, diaper, dress, read to, play with, talk/listen to, take to activities, help with homework
  - across nearly all measures of involvement, black nonresidential fathers tend to report higher levels of involvement than white or Latino nonresidential fathers
  - low-income fathers pay more in in-kind support (gifts) as do low-income fathers who pay formal child support

Sources: Jo Jones & William Mosher, *Fathers' Involvement with their Children: United States, 2006-2010* (71 National Health Statistics Reports, December 20, 2013); J.B. Kane et al, *How Much In-Kind Support Do Low-Income Nonresident Fathers Provide? A Mixed-Method Analysis*, 77 *J. Marriage & Family* 591 (2015)

# Children and families

- Losses to children from caregiver's arrest:
  - loss of financial support, government benefits
  - stress and emotional trauma from sudden loss of a parent
  - financial cost to families associated with detention: travel, phone calls, bail
  - child care: disruption in caregivers, child care expenses, disruption of non-arrested parent's employment
  - custody.

- Source: Conway, J.M., Provencher, A.J., and Keays, A. *Needs created in children's daily lives by the arrest of a caregiver*, Justice Policy Journal (forthcoming 2017)

# Health

- Anticipated short-term stay → recreational and reentry programs, health treatment inferior to those in state prisons
- Mental health:
  - people in jail suffer serious psychiatric illness at 4-6x rate in general population, but jails typically offer little or no mental-health treatment
  - suicide is the leading cause of death in jails

Source: Noonan *et al*, USDOJ, Bureau of Justice Statistics, *Mortality in Local Jails and State Prisons, 2000-2013*, Statistical Tables 1 (August 2015); Harvard Law School Criminal Justice Policy Program, *Moving Beyond Money: A Primer on Bail Reform* (October 2016)



# Public costs

- Marginal cost of keeping inmates in Brigeport, Hartford or New Haven CC: \$56/day.
  - \$56/day x 95 days = \$5,320 per person detained who could have been safely released
  - if the 649 inmates who are detained on bonds less than \$20,000 had been released, savings:  
**\$36,344/day** or **\$13,265,560/year**

Source: Data collected by IMRP for Pew-MacArthur Results First cost-benefit analysis (October 2016)