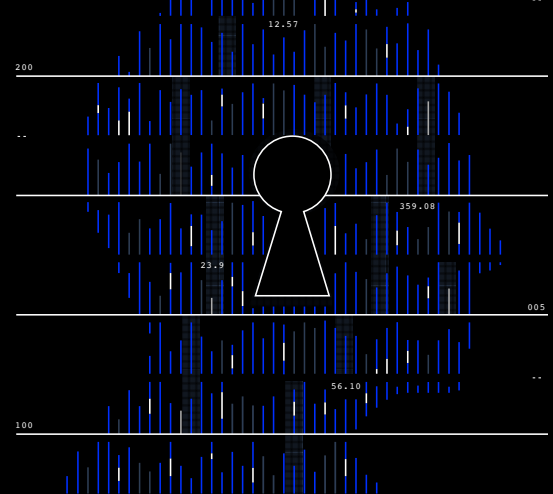


# THE HIDDEN COSTS OF PRETRIAL DETENTION REVISITED



## THE ISSUE

Any time a person is arrested and accused of committing a crime, a judge must decide: Should this individual be quickly released back into the community, or will they be detained in jail to await the next stage of case processing? Many people facing charges are incarcerated during this pretrial stage for months or even years, oftentimes simply because they do not have sufficient funds to pay cash bail. Some are released to fight their case from outside of jail. According to the Prison Policy Initiative, an estimated 445,000 people presumed innocent are held pretrial in jails across the country on any given day, representing 67% of jail populations.

A new study, [“The Hidden Costs of Pretrial Detention Revisited,”](#) shows that holding a person in jail for any amount of time before trial is associated with harm during the pretrial stage and may not guarantee the safeguards that many people assume detention provides.

## THE STUDY

Researched and written by Core Correctional Solutions with support from Arnold Ventures, the study builds upon a [2013 analysis](#) that offered similar findings. This time, however, researchers went back to the topic with more data — information from nearly 1.5 million people booked into jail in Kentucky between 2009 and 2018 — and more rigorous statistical analyses. While the 2013 study concluded that detention exceeding three days didn’t provide a significant deterrent effect on failure to appear or rearrest, the new study finds that any amount of time spent in custody pretrial does not appear to have a consistent public benefit.

## THE KEY FINDINGS

- Pretrial detention — for any length of time — ***is associated with a higher likelihood of arrest for a new crime before case disposition***
- Pretrial detention — for any length of time — ***is not consistently associated with likelihood of appearing for court.***
- Pretrial detention ***is associated with an increased likelihood of being convicted and receiving a longer sentence compared to those who were released pretrial.***

## RESEARCHERS’ RECOMMENDATIONS

- Jail time should generally be avoided during the pretrial phase. This is not to say that those who pose a serious threat to public safety should be released but rather that jail should generally be treated as the exception.
- Judges, prosecutors, and the public, need to be educated about how pretrial detention can hurt individuals and undermine community safety.
- It is important to offer resources to justice-involved individuals during the pretrial phase. Research has consistently demonstrated that a service-delivery approach to criminal justice—one that emphasizes treatment and support—is far more effective than one based on punishment.

## CONCLUSION

The costly option of routinely detaining individuals prior to trial does not appear to result in increased community safety or improved court appearance rates.