Examining the Effect of Pretrial Detention on Oregon Sentencing

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Background

- Status of pretrial detention in Oregon
  - Justice reinvestment
    - Reduce prison sentences
    - Possible reform of pretrial detention
      - Need to know relationship between pretrial detention and sentence type
What is known about pretrial detention and sentencing?

- Lowenkamp et al. (2013)
  - $N = 153,407$ Kentucky defendants — regression models
  - **Found: Detention increases** odds of conviction & longer sentences

- Sacks & Ackerman (2014)
  - $N = 634$ New Jersey *felony* defendants — regression models
  - **Found: Detention has no effect on conviction, but increased likelihood of longer sentences**

- Leslie & Pope (2017)
  - $N = 973,815$ New York defendants — regression models
  - **Found: Detention increases** odds of conviction & longer sentences

- Oleson et al. (2017)
  - $N = 90,037$ Federal defendants — hierarchical regression models
  - **Found: Detention increases** odds of conviction & longer sentences

- Dobbie et al. (2018)
  - $N = 172,407$ Philadelphia & $N = 65,820$ Miami defendants — regression
  - **Found: Detention increases** odds of conviction
Research Question / Analysis Planned

RQ: What is the effect of pretrial detention on sentence type?

Data: Courts and DOC data from 9 Oregon counties

Eligibility Criteria:
• Convicted cases from 2016 through 2017
• Final sample size after removing problem cases = 3,428

Outcome:
• Sentence to prison or probation

Independent:
• Demographics
• Criminal history
• Prior probation failures
• Final plea type
• County of conviction
• Crime type of conviction
• Attorney type
• Charge count at conviction
• FTA conviction history
• Prior prison/jail commitments

Analysis:
• Propensity score matching – AKA: Analyzed “statistical twin”
## Descriptives

- **n = 3,428**

### Demographics
- Male: 75.2%
- NonWhite: 24.1%
- Average age at disposition: 35yo (SD: 10.9)

### Instant crime type
- Driving: 9.2%
- Drug related: 19%
- Person/Sex: 3.6%
- Property: 64.4%
- Other: 3.8%
- Convicted on 2+ charges: 14.4%

### Had multiple custody cycles: 45.8%

### Detained: 45.5%
- Length of stay < 10 days: 34.6%

### Sentenced to any incarceration: 39.2%
- Length of stay < 10 days: 34.6%
Post-Match Regression – Effects of Pretrial Detention

Detained were 2.4 times more likely to be incarcerated
Still more work to be done… these are preliminary results

All else equal, pretrial detention has the potential to significantly increase likelihood of incarceration sentence

Yet to come:
• Different analyses (various PSM approaches)
• Sentence length
• Length of stay for pretrial detention
• Subgroups – e.g., differences between men and women
• Upward and downward departures
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What is known about pretrial detention and sentencing?

- Lowenkamp et al. (2013)
  - Impact of pretrial detention on sentencing decisions in Kentucky
  - $N = 153,407$ defendants — multivariate regression models
  - Found: Detained defendants more likely to be sentenced and to receive longer sentences

- Leslie & Pope (2017)
  - Impact of pretrial detention on sentencing decisions in New York City
  - $N = 973,815$ defendants — multivariate regression models
  - Found: Detained defendants more likely to be sentenced and to receive longer sentences
What is known about pretrial detention and sentencing?

- Oleson et al. (2017)
  - Impact of pretrial detention on sentencing decisions in federal system
  - $N = 90,037$ defendants — hierarchical regression models
  - **Found:** Detained defendants more likely to be sentenced and to receive longer sentences

- Dobbie et al. (2018)
  - Impact of pretrial detention in Pennsylvania and Florida
  - $N = 172,407$ from Philadelphia and $N = 65,820$ from Miami
  - Multivariate regression models
  - **Found:** Pretrial detention increases the probability of conviction, primarily through an increase in guilty pleas
What is known about pretrial detention and sentencing?

- Sacks & Ackerman (2014)
  - Impact of pretrial detention on sentencing decisions in New Jersey
  - $N = 634$ felony defendants — multivariate regression models
  - Found: Detained defendants not more likely to be sentenced, but more likely to receive longer sentences

- Heaton et al. (2017)
  - Impact of pretrial detention on sentencing decisions in Texas
  - $N = 380,689$ misdemeanor defendants — multivariate regression models
  - Found: Detained defendants 25% more likely to plead guilty and 43% more likely to be sentenced to jail
What is known about pretrial detention and sentencing?

- Gupta et al. (2016)
  - Impact of cash bail on sentencing decisions in Pennsylvania
  - N = 203,188 from Philadelphia and N = 57,145 from Pittsburgh
  - Multivariate regression models
  - Found: Assignment of money bail leads to a 12% increase in conviction