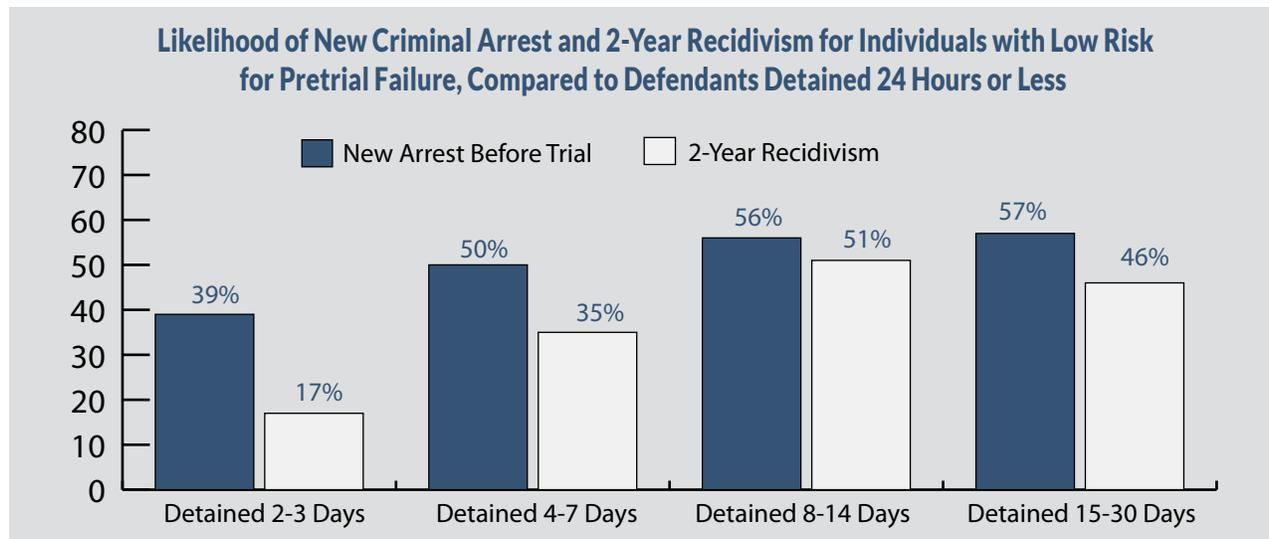




Longer Pretrial Detention for Defendants with Low Risk of Pretrial Failure Linked to Increased Arrest

A study recently published by the Laura and John Arnold Foundation found that individuals assessed to have low risk of pretrial failure¹ and who were detained for more than 24 hours after arrest had an increased likelihood of new criminal activity² before trial and after the conclusion of their case. The study reviewed 66,014 cases of individuals released before trial, and found that low-risk defendants detained for 2-3 days were 39% more likely to be arrested for new criminal activity during the pretrial period compared to those detained for less than 24 hours. This effect increased to 50% for individuals held 4-7 days, 56% for those held 8-14 days, and 57% for those held 15-30 days. Similarly, in the period following case conclusion, the likelihood of two-year recidivism increased by 17% for those detained for 2-3 days, 35% for 4-7 days, 51% for 8-14 days, and 46% for 15-30 days. Similar patterns were observed among individuals with moderate risk for pretrial failure, for both the pretrial period and the two years following case conclusion. Authors noted that, while not demonstrating causation, these findings suggest that using risk assessments in the pretrial period has the potential to increase community safety.



Sources:

Lowenkamp, C. T., VanNostrand, M., and Holsinger, A. (2013). *The hidden costs of pretrial detention*. Houston: Laura and John Arnold Foundation.

Laura and John Arnold Foundation. (2013). *Pretrial criminal justice research*. LJAF Research Summary. Houston: Author.

Notes:

¹ Risk level (low, moderate, or high) was determined using the Kentucky Pretrial Risk Assessment, a research-based, validated tool. The tool assessed the risk of pretrial failure, which was defined as failure to appear in court and new criminal activity.

² "New criminal activity" is a measure of arrests for new alleged criminal activity during the period of pretrial release and at 12 and 24 months after case conclusion. This measure was also referred to as "recidivism" when assessing arrests in the two years after case conclusion.

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