

A preliminary review of the literature revealed three recent studies that provide consistent evidence of the negative effects of pretrial detention on criminal justice and behavioral outcomes for both misdemeanor and felony defendants:

1. An Experiment in Bail Reform: Examining the Impact of the Brooklyn Supervised Release Program
Hahn (2016)

Center for Court Innovation study: Evaluation study of the Brooklyn Supervised Release Program, which targets serious misdemeanor defendants for pre-trial release. Study found that program participants were significantly less likely than the comparison group to be convicted at sentencing and/or to receive a jail sentence.

2. Investigating the Impact of Pretrial Detention on Sentencing Outcomes
Lowenkamp et al. (2013)

Arnold Foundation-funded study: Outcome study based on a large sample of felony and misdemeanor defendants booked into a Kentucky jail over the course of a year. Study found that defendants detained for the entire pretrial period are substantially and significantly more likely to be sentenced to jail or prison and receive longer sentences, with the largest effects among low-risk defendants.

3. The Adverse Effects of Pretrial Detention for Prison Social Order
Toman (2018)

Journal study: Outcome study based on a large, national survey of state and federal prison inmates, examining the impact of pretrial detention on prison misconduct. Study found that the amount time spent in pretrial status in jail modestly but significantly increases the likelihood of later misconduct in prison.