

OPM - Criminal Justice Policy & Planning Division

Recidivism among pre-trial detainees

Highlights

During 2014, 15,416 men and women were admitted to CT DOC facilities as pre-trial detainees. Only one-third of these individuals transitioned, directly, into sentenced prisoners. Two-thirds of pre-trial admittees – 10,355 people – left jail having been released at court or after meeting their bond requirements.

In the 36-months following their pre-trial releases, 58% of the 10,355-person cohort were readmitted to a DOC facility.

Pre-trial detainees who bonded out from prison exhibited higher recidivism rates (62%) compared to those who were released at court (57%). In both groups, most were readmitted following a new arrest.

Higher recidivism was correlated with youth. At the 36-month mark, men recidivated at higher rates than women.

A history of prior admissions to the DOC, or a sentence history – was the best predictor of recidivism among all the factors that were considered.

The seriousness of prior sentence-offense did not appear to be a significant in terms of recidivism. 74% of people who'd time for violent felonies returned to prison within 3 years. Among people whose most serious offense was drug-related, 69% returned within 3 years.

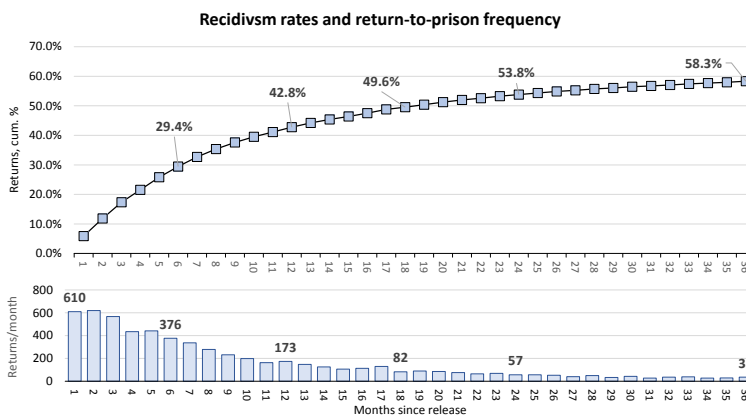
Within the cohort of 10,355, 3-year recidivism rates ranged from 43% to 78%. Prior involvements with the DOC, and the extent of that involvement, was closely correlated with high return-to-prison rates.

Recidivism among pre-trial detainees in 2014

OPM's Criminal Justice Research Unit is statutorily required to produce annual reports on recidivism among Connecticut prisoners. Typically, we calculate four measures of recidivism 1) new arrests 2) new convictions 3) returns-to-prison for any reason, and 4) returns-to-incarceration to begin a new prison sentence. In a typical year, OPM produces its analysis on the 3-year period following a sentenced offender's release from prison.

In the past, OPM analyzed recidivism among sentenced offenders following their release or discharge from prison. In this year's report we investigate recidivism among persons who were released from jail as pre-trial detainees. A separate OPM analysis revealed that almost 80% of the people admitted to CT DOC facilities annually are admitted as pre-trial detainees, and 50% of people leaving CT DOC facilities, annually, have pre-trial status.

During 2014, 15,416 people entered CT DOC facilities as pre-trial detainees. Only one third of these people (4,951) were remained in jail until they were convicted and sentenced to a term of incarceration. The remaining people (10,355) were released from jail because they either a) paid their bonds, or b) were released at court.



Within three years of their releases from jail, 58% of the 10,355 former pre-trial detainees had been readmitted to a CT DOC facility; 29.4% returned to CT DOC custody within 6 months.

This study explores recidivism among pre-trial detainees through a single measure: returns-to-prison. Unlike sentenced prisoners, whose release from prison marks the end of an arrest-to-conviction-to-incarceration process, pre-trial detainees find themselves either at, or near, the beginning this process. For many pre-trial detainees, conviction is not certain and even after a conviction, the prospect of a prison sentence is not a certainty. As a consequence, tracking returns-to-prison provides the most simple and straight-forward measure available to identify patterns and quantify the behavior of a relatively large, and often overlooked, segment of the state's incarcerated population.

Prisons and jails in CT

Connecticut is one of six states in the nation with a unified prison system. In most states, jails – which house inmates awaiting trial – are operated by county-level government while prisons – which are generally reserved for sentenced prisoners – are run at the state level. In unified systems, prisons and jails are both under the jurisdiction of the state and inmates are composed of both pre-trial detainees and sentenced prisoners.

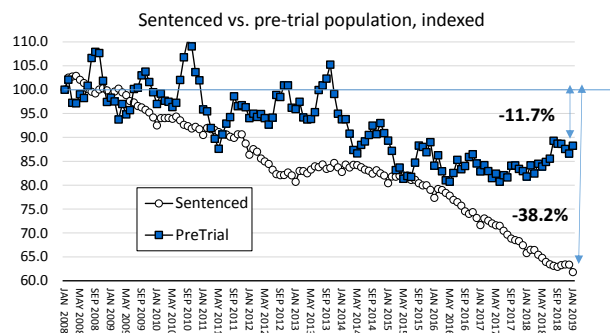
In CT, pre-trial detainees, who make up only small percentage arrestees, are incarcerated because they cannot meet their bond requirements. The majority of people arrested each month in CT are released by the police on Promise-to-Appear (PTA) summonses. With a PTA, the accused agrees to appear at court on a designated date. The police may also set a bond in lieu of a PTA. If the defendant can meet that bond they are released at the police station. If the bond cannot be paid, the defendant is held for an interview with a Bail Commissioner from the Judicial Branch.

During their interviews, Bail Commissioners review arrest charges and employ a risk assessment screen to set new release conditions. If a defendant cannot meet these conditions, they are transported to the local court lock-up to await arraignment. At arraignment, the judge may choose to follow the Bail Commissioner's recommendation or set their own conditions for release. Defendants who cannot meet their bonds are transferred to the Department of Correction to await trial. According to the CT UCR data, there were 107,945 arrests in 2014. During the year, 15,416 people were admitted to the CT DOC on pre-trial status.

It is frequently asserted that every pre-trial detainee in CT is incarcerated because of an inability to meet their bond. The anecdotal evidence, however, suggests that the situation is much more nuanced and that other factors are also at play. Jail credit reflects time that a defendant spends in jail on pre-trial status that will be credited against a future prison sentence. It likely that jail credit is one reason some pre-trial detainees opt not to post bond even when they can meet their bond obligations. Jail credit allows some defendants to begin serving *de facto* sentence time in advance of an almost-certain, impending conviction.

Over the last decade, Connecticut's prison system has contracted dramatically. At its peak, in February 2008, CT prisons and jails held almost 20,000 prisoners. Currently, the prison count is hovering in the 13,000-inmate range.

An analysis by OPM revealed that over 90% of the contraction CT's prison system over the last decade was realized by reductions in the size of the state's sentenced population. Indexing changes in the size of the sentenced population against the pre-trial population from January 2008 through January 2019 revealed that while the sentenced population declined by 38.2%, the state's pre-trial population was reduced by only 11.7%.



Over time, these distinct contraction rates have altered the character of the state's incarcerated population. In 2008, there were 3.9 sentenced prisoners for every pre-trial detainee. By the beginning of 2019, that ratio had dropped to 2.7 sentenced prisoners per pre-trial detainee. As they have become a more significant component of the total prison population, the pre-trial population requires much more study and attention.

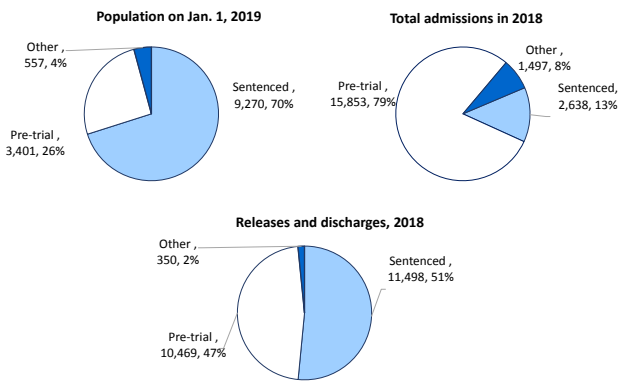
The pre-trial inmates in the DOC

Because the CT DOC's pre-trial population is considerably smaller than the state's sentenced population, pre-trial detainees have often been overlooked in discussions related to prison population management. Within the CT DOC, jails are commonly viewed as an incidental to the Department's main mission, i.e., custody and control over the sentenced prison population. The size of the pre-trial population is also often viewed as a factor that is almost entirely dependent on the courts and beyond DOC influence or control.

One small example the DOC's seeming ambivalence to the pre-trial detainee population is reflected in a long-standing disinterest in producing a distinct, daily report of the pre-trial prisoner count. In its summary reports, the DOC often groups pre-trial detainees together with other categories of inmates like special parole remandees and inmates held by the DOC for other jurisdictions and agencies.

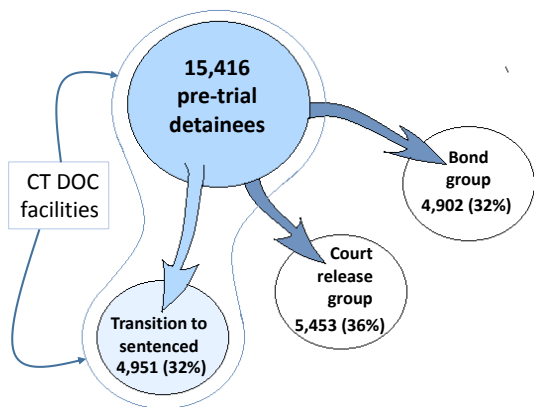
In January 2019, sentenced prisoners accounted for 70% of the inmate population in DOC facilities. Pre-trial detainees accounted for only 26% of the count. The remaining 4% of inmates were either 1) special parole remandees 2) offenders under temporary holds from other jurisdictions, or 3) persons held on civil, not criminal, charges.

What these figures do not reveal is the outsized impact that pre-trial detainees have on system-wide operations. Although they only occupied only a quarter of DOC beds, pre-trial detainees accounted for almost 80% of admissions to DOC facilities during 2018. During the same year, 47% of the people released from a DOC facility did so while on pre-trial status.



Pre-trial outcomes

In 2014, 15,416 people were admitted to the CT DOC because they were unable to post bond or chose not to post bond. The reader should note that this figure excludes special parolees who were remanded to prison having been charged with new crimes. There were three outcomes for 99% of pre-trial admittees. They either a) bonded out from jail b) were released at court, or c) transitioned to sentenced-prisoner status after being convicted and sentenced to a term of incarceration.



When the prior admissions to the DOC were evaluated for the three pre-trial groups, the group that transitioned from pre-trial to sentenced inmate status was more likely to have an extensive background involving the CT DOC. Among the sentenced group, only 18% had no prior DOC admissions compared to 38% for the bond group and 36% of the court release group.

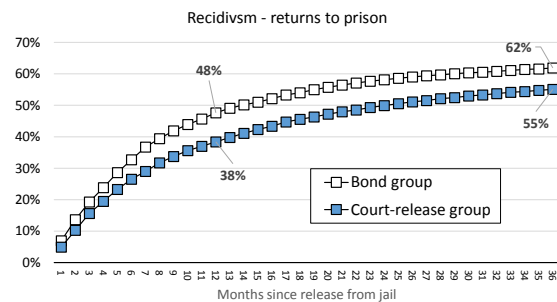
Prior DOC admit history, pre-trial detainees

	Bond group	Court-release group	Transition to sentenced
No prior DOC admits	1,882	1,989	903
1 to 3 prior DOC admits	1,420	1,655	1,493
4 to 12 prior DOC admits	1,264	1,356	1,956
13 or more prior admits	336	453	709
total	4,902	5,453	5,061
No prior DOC admits	38%	36%	18%
1 to 3 prior DOC admits	29%	30%	30%
4 to 12 prior DOC admits	26%	25%	39%
13 or more prior admits	7%	8%	14%

Recidivism rates

This year's analysis tracked returns-to-prison by 10,355 people who were admitted to the DOC as pre-trial detainees and subsequently released, on bond or at court while still awaiting trial.

This analysis disaggregates the 10,355 person cohort to demonstrate that subgroups within the total cohort exhibited significant differences in their patterns of recidivation. Pre-trial detainees who bonded out from jail, for example, had moderately higher recidivism rates than persons who were released at court.



Although 58% of the entire 10,355-person pre-trial cohort were readmitted to prison within three years, the subgroup that bonded out of jail recidivated at a 62% rate. For the group that was released at court, only 55% were readmitted to the DOC within the same period.

At the 12-month mark, almost half of the bond-release group (48%) had been re-admitted to the CT DOC. This compared with only a 38% return rate for persons who were released at court. This difference in recidivism rates is significant although the reasons for the discrepancy is not immediately clear. Combined, 43% of the entire cohort were returned to prison within three years.

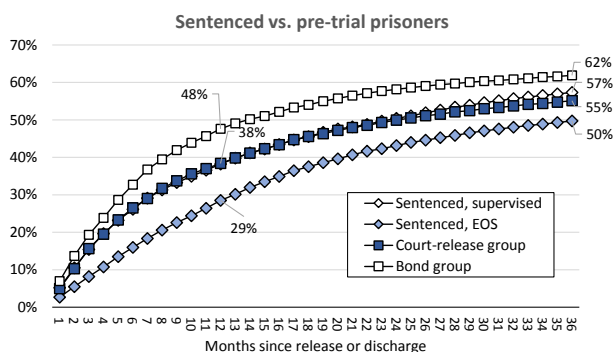
It appears that a higher percentage of the bond group returned to prison to serve a prison sentence. This may explain much of the difference between the bond group and the court-release group.

Pretrial vs. sentenced

Since OPM typically produces recidivism studies for sentenced offenders, it seemed reasonable to compare the 3-year return-to-prison rates of the 2014 pretrial cohort against a cohort of sentenced offenders who were released or discharged from prison in 2014.

For the purposes of this analysis, a cohort of 11,183 sentenced prisoners who left prison in 2014 was separated in two groups. The first group was composed of offenders who were released to some form of DOC-community supervision. The second group of prisoners was discharged from prison at the completion of their sentence without DOC supervision. In DOC jargon, prisoners that are discharged with no DOC supervision to are said to EOS, an acronym for end-of-sentence.

The chart below plots 3-year recidivism rates for a) the pre-trial detainees who bonded out from jail b) pre-trial detainees who were released at court c) sentenced prisoners who were released with DOC community supervision, and d) sentenced prisoners who were discharged EOS.



In this comparison, the pre-trial bond-release group maintained continued to exhibit highest recidivism rate (62%) among all groups.

Return-to-prison rates

Time	Bond group	Court-release group	Sentenced, supervised	Sentenced, EOS
6 months	33%	26%	26%	16%
12 months	48%	38%	38%	29%
18 months	54%	46%	46%	38%
24 months	58%	50%	50%	43%
36 months	62%	55%	57%	50%
Cohort	4,902	5,453	5,538	5,595

Interestingly, the group composed of sentenced offenders who left prison without supervision (EOS) had the lowest recidivism rate. While this may surprise some who believe that a lack of post-incarceration supervision is a recipe for recidivism, unsupervised offenders appear to do better because they cannot be returned to prison through the remand process. Almost the entire difference in return-to-prison rates among sentenced prisoners can be explained by remands to prison.

The fact that recidivism rates of pre-trial detainees and sentenced prisoners are closely clustered reflects the similarities of the people that compose both groups. Among members the 2014 pre-trial cohort, over 60% (6,484 people) been admitted to the DOC at least once before; 80% had been admitted more than once. In fact, the average person a prior incarceration with the DOC had been admitted to prison over five times.

In the past, OPM analysis has revealed that the typical sentenced prisoner released or discharged from a DOC facility has been admitted to prison several times in the past and a significant portion of both the pre-trial and the sentenced populations have experienced multiple incarcerations.

Reason for first return to prison

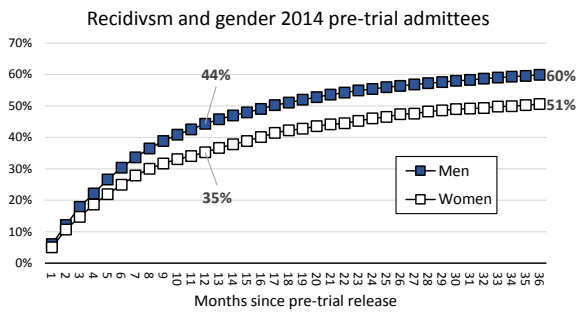
Time	Bond group	Court-release group	Sentenced, supervised	Sentenced, EOS
Cohort size	4,902	5,453	5,631	5,552
Returning-to prison	3,040	3,009	3,227	2,759
...on new charges	75%	88%	42%	91%
...to begin a sentence	25%	12%	5%	9%
...remanded	0%	0%	52%	0%
...other	0%	0%	1%	0%

The table, above, contains information on the reasons why different cohorts returned to prison. Two items are noteworthy. First, the bond group was the highest of all groups to return to begin a prison sentence. This undoubtedly contributed to the overall 62% recidivism rate for the group. Second, over 50% of the supervised-sentenced prisoners returned as a result of a remand.

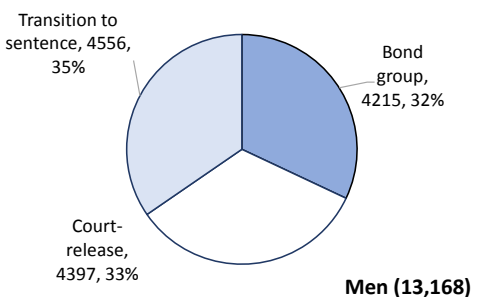
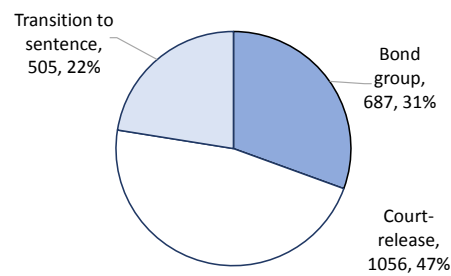
In effect, the table illustrates how the remand process – in addition to behavior - can act as a significant driver in future recidivism.

Recidivism and gender

Among sentenced prisoners, men generally recidivate at a higher rate than women. The same dynamic appears to be at play among pre-trial prisoners as well. For pre-trial men, 60% were returned to prison within three years. Women, in comparison, had a 51% recidivism rate.



The data reveals some significant differences on pre-trial outcomes between male and female pre-trial detainees. While the percentage of persons making bond was roughly the same for both men and women, female pre-trial detainees were 40% more likely to be released at court than males. Male pre-trial detainees were also 50% more likely to transition into sentenced prisoners than their female counterparts.



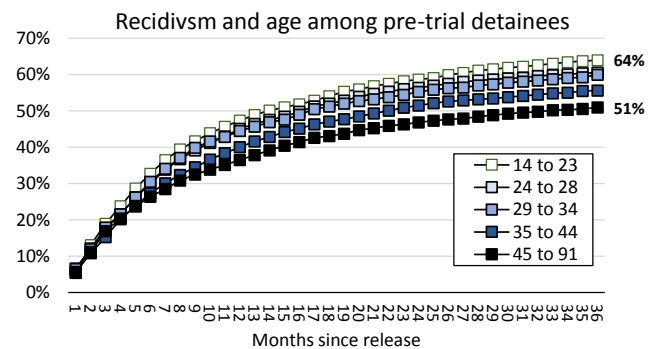
Although women were more likely to be released at court and less likely to pick up a prison sentence, those that returned to prison did so for the same reasons that men did. Over 80% of pre-trial detainees who bonded out of prison, or were released from court, were returned to jail facing new charges.

First return to prison, gender

	Women	Men
Bond, court release cohort	1743	8612
Returning w/in 3 years	882	5158
3-year return rate	51%	60%
...on new charges	729	4160
...to begin a sentence	152	984
...other	1	14
...on new charges	83%	81%
...to begin a sentence	17%	19%
...other	0%	0%

Recidivism and age

The relationship between an offender's youth and the risk of recidivism has been well established among sentenced offenders. We observe the same phenomenon among pretrial detainees.



The 2014 pre-trial cohort was grouped into age quintiles to evaluate recidivism as a function of age.

Return rate and age of detainee

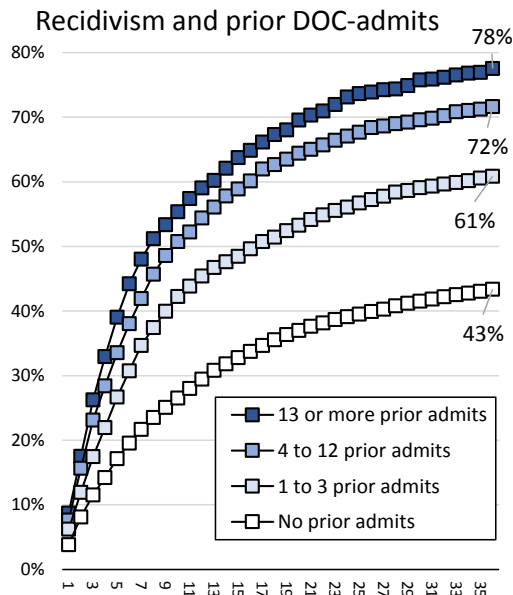
	14 to 23	24 to 28	29 to 34	35 to 44	45 to 91
Cohort	2,281	2,036	1,979	1,983	2,076
6 month	33%	30%	31%	27%	26%
12 month	47%	45%	44%	40%	36%
24 month	59%	56%	55%	51%	47%
36 month	64%	61%	60%	56%	51%

We discovered the highest recidivism rate – 64% - among the youngest quintile (14 to 23). This outcome was anticipated. Not surprisingly, pre-trial detainees in the oldest quintile (45 to 91), returned to prison at the lowest rates, 51%.

Recidivism and prior admits

The past is often the best predictor of the future. With ex-prisoners, OPM has observed that the higher the number of touches an offender has had with the prison system, the higher the likelihood they will reappear in the system.

OPM examined recidivism among the 2014 pre-trial cohort, grouping cohort members according to the prior admissions to a DOC facility. The results, although not unexpected, were quite dramatic.



The analysis revealed a 35% difference in recidivism rates between people with no prior admits and those with 13 or more admits.

Recidivism rates and prior DOC admit history

	No prior DOC record	1st to 3rd DOC admit	4th to 12th DOC admit	13 or more admits
2014 cohort	3,871	3,075	2,620	789
2014 cohort, %	37%	30%	25%	8%
Recidivism rate				
...6-month	20%	31%	38%	44%
...12-month	29%	45%	54%	59%
...18-month	36%	51%	63%	67%
...24-month	39%	56%	67%	73%
...36-month	43%	61%	72%	78%

Glaringly, the 6-month recidivism rate for the group with 13-or-more admits was higher than the 3-year recidivism rate for persons who had never been admitted to a DOC facility.

A similar pattern was observed when the cohort was examined through the prism of the prior, prison-sentence histories.

Sentence history

Recidivism rates among the pre-trial cohort were highly correlated with the number of prior sentences that a person had served before their 2014 admission. The reader might note that the number of people who had never served a sentence with the CT DOC was significantly larger than the number of people that had never been admitted to a CT DOC facility.

Recidivism rates and prior sentence history

	No prior sentence	1 to 2 prior sentences	3 to 9 sentences	10 or more sentences
2014 cohort	5766	1638	2191	760
2014 cohort, %	56%	16%	21%	7%
Recidivism rate				
...6-month	23%	33%	38%	47%
...12-month	34%	51%	54%	61%
...18-month	40%	58%	62%	69%
...24-month	44%	63%	67%	74%
...36-month	48%	66%	72%	79%

The data reveals that a detainee's prior incarceration history is a strong predictor of high recidivism. Among the 5,766 people with no sentence history, 48% were returned to prison within 3 years. Of the 1,638 cohort members who had served one or two sentences in the past, the three-year, return-to-prison rate was 68%.

The prisoners who had served a prison sentence in the past were assigned to groups according to an offense matrix based on their most serious, sentence offense. The table below lists recidivism rates for people whose most serious offense was either a) felony violence b) a sex crime c) burglary d) a weapons offense e) drug offenses, or e) public order offenses.

Recidivism by prior sentence offense

	Felony violence	Sex crimes	Burglary	Weapons	Drug related	Public order
Persons	579	178	364	260	547	241
Recidivism						
...6 mos.	40%	33%	42%	40%	34%	35%
...12 mos.	56%	51%	57%	55%	54%	50%
...24 mos.	69%	64%	71%	66%	66%	65%
...36 mos.	74%	68%	76%	70%	69%	70%

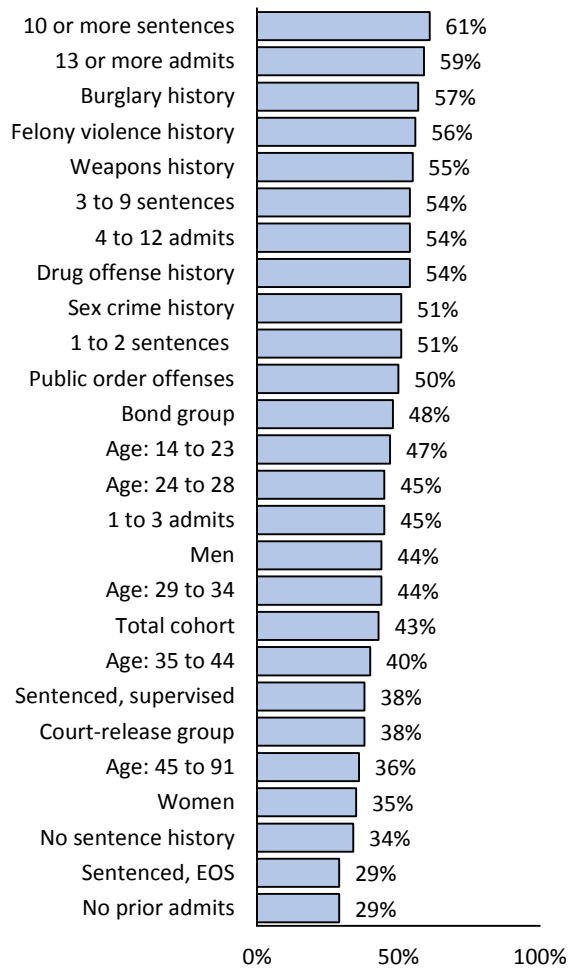
The 3-year recidivism rates for all offense types were quite closely clustered, ranging from 68% -for persons who had served time for a sex crime- to 76%, for offenders who had served time for a burglary offense. The range of offender-types captured here and the tight clustering of recidivism rates indicates some of the limitation associated with relying on a single measure of recidivism.

A range of recidivism rates

This report attempt, in a short space, to add some new data to inform on-going discussions concerning the pre-trial population in Connecticut.

The following two charts illustrate the range of return-to-prison rates based on analyses of several sub-groups within the 10,355 person pre-trial cohort.

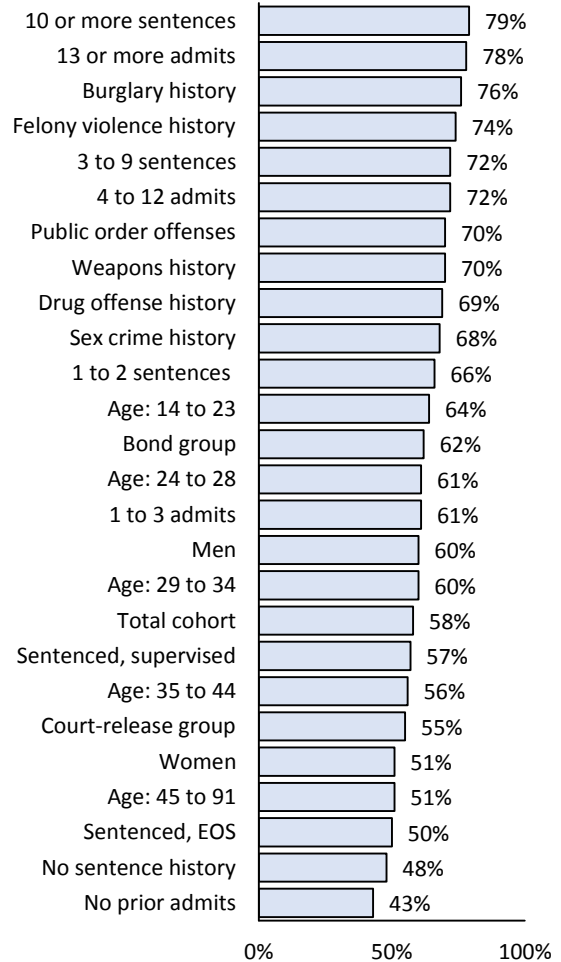
12-month recidivism rate



At the 12-month mark, return to prison rates ranged from 29% for persons with no prior record with the CT DOC to 61% for people that had served 10 prior sentences with the CT DOC.

Surprisingly, a cohort of sentenced prisoners who discharged from prison (EOS), had 12-month recidivism rates as low as pre-trial detainees with no prior admits.

36-month recidivism rate



The order of recidivism rates at the 36-month mark is remarkably consistent with the return-to-prison rates at 12 months. At the 36-month mark, recidivism rates ranged from 43% to 79%.

This report was produced by the Research Unit in the Criminal Justice Policy & Planning Division at the **Connecticut Office of Policy and Management.**

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This report is available on-line at the OPM-CJPPD website. All questions, comments and suggestions should be directed to the Research Unit at CJPPD.