Incarcerating the Masses

Pretrial Detention: Issues Befalling the Legally Innocent

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Status of Incarcerated Population in US

Sentenced  Unconvicted

The Imprisoned Population

World Prison Brief
U.S. Jail Population

- **Sentenced, 25%**
- **Pretrial, 75%**

Prison Policy Initiative, 2020

Pretrial is the “front door” to mass incarceration

**The Role of Risk Assessment Tools to Pretrial Reforms**
Evidence-Based Practices

Which are at **HIGH RISK** and in need of **incapacitation**?

versus

Which of these are **LOW RISK** and thus suitable for **diversion**?

Risk Tools as Models

Statistical models of prediction

Using data from groups of past offenders

And tracking their recidivism outcomes

Risk Assessment as a predictive technology
Violent acts
Mental disorders
Age 7-8

Common Risk Factors

VIOLENT ACTS

Past supervision failure
Past arrests
Mental disorders

Education level

Criminal friends/family

Finances
Employment
Wages
Grades
School suspension
A jurisdiction adopts a tool. Then what?

A Typical Assessment Process on the Ground
re: Individual's Risk

Risk Bins
Potential Benefits to Predictive Technology

- Reduce detention rates
- Reduce reliance upon bail
- Mitigate human biases

Challenges Ahead

- Accuracy Rates
- Demographic Equity
Risk Assessment

Decisions by police

Choices by prosecutors / judges

Perpetuating **BIASED(?)** decisions by other criminal justice actors?

Heavy reliance on criminal history

Risk Bins

Low

Moderate

High
For further information

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- Articles with more detailed explanations and citations to resource materials are available at my SSRN home page: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=827096