

# Pretrial Juvenile Detention

BY **E. JASON BARON, DUKE UNIVERSITY; BRIAN JACOB, GERALD R. FORD SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MICHIGAN; AND JOSEPH P. RYAN, SCHOOL OF SOCIAL WORK, UNIVERSITY OF MICHIGAN**

**P**retrial juvenile detention is a crucial phase early in the juvenile justice process. It is the point at which a court decides whether to confine a youth pending a court hearing. Each year, more than 200,000 youths are admitted to detention facilities in the United States, and approximately 16,000 are held in detention on any given night. Roughly one-fourth of individuals involved with the juvenile justice system in 2019 spent time at a juvenile detention center (JDC) before their court dates, with an average length of stay of 27 days. The criteria for determining whether a juvenile should be detained prior to his or her court hearing are at the discretion of individual court referees and vary widely. Although many juveniles in detention were arrested for a violent offense, a slight majority of them were arrested for other offenses, including drug and property crimes.

The high rate of detention and the racial disparities in its use have contributed to an ongoing debate regarding its effectiveness. Critics argue that detention can disrupt defendants' education and community ties, fostering

disengagement with school and furthering criminality. Proponents argue that detention for certain offenses ensures that youths will show up to their court dates and is necessary for public safety, because those awaiting trial and not detained could commit other crimes before their court dates. As with the adult criminal justice system, these debates are currently taking place in several jurisdictions across the country, with many of them exploring alternatives to pretrial detention, such as home detention, supervised evening programs, shelters, and electronic monitoring.

Despite the prevalence of detention and the widespread debates surrounding its practice, little is known about its consequences. Although high-quality studies have examined the impact of pretrial detention in adult criminal justice systems, to the best of our knowledge no study has examined the effects for juveniles. Most research involving juveniles has focused on the effects of posttrial incarceration instead. However, incarceration and pretrial detention are quite distinct practices. Juveniles in detention are presumed innocent unless and until they are found guilty



Editor, **JEFFREY MIRON**, Harvard University and Cato Institute.

in court. Further, while the purpose of a detention center is to temporarily confine juveniles as their cases are being handled in court, posttrial placements in correctional facilities are substantially longer and are for youth who have been convicted and sentenced to confinement. Also, the adult and juvenile criminal justice systems differ in that in the adult system, pretrial decisions are primarily made by bail judges, whereas in the juvenile system, decisions are much less formal and are typically made by police officers and court referees.

Our research provides the first examination of how pretrial juvenile detention influences youths' outcomes later in life. To examine that influence, we match public school records in Michigan to juvenile petition and detention records. The outcomes we examine include high school graduation as well as adult crime, which we obtain through a match to data on adult arrests, convictions, and incarcerations in the state's adult criminal justice system. Our research design compares the outcomes of individuals who, in a given academic year, had a similar type of juvenile offense, were in the same grade and school district, are of the same sex and race or ethnicity, and had a similar history of educational and juvenile justice outcomes, but one group was detained before the hearing while the other group was either released to their parents or placed in home detention.

We show that pretrial detention has large, negative effects on youths' outcomes later in life. Specifically, we find that pretrial juvenile detention leads to a decline of 11 percentage points (38 percent) in the probability of graduating from high school. We also find that detention increases the probability that a youth will be arrested as an adult by 11 percentage points (27 percent). This probability is larger for felony offenses (40 percent) than for misdemeanor offenses (24 percent). Although we find increases in the probability of arrest for all major types of crime, our results are largest for violent crimes. We also show that detention leads to large increases in the probability of being convicted and incarcerated as an adult.

To examine the potential mechanisms driving the large negative impacts of pretrial juvenile detention, we take advantage of detailed educational records that allow us to observe how key educational inputs and outcomes change before and after a juvenile detention spell. Interestingly, we rule out that students drop out immediately following JDC

placement. We find that students placed in a JDC before trial are more likely to remain enrolled in school in the year following JDC placement than otherwise observationally equivalent peers who were not placed. However, we find evidence that placement is clearly disruptive to students' schooling. In the years following detention, students who were placed are more likely to switch schools during the academic year, be retained in their grade level, receive special education services, and be chronically absent (defined as missing more than 10 percent of school days during the academic year). We suspect that such disruption to schooling is an important mechanism. We also rule out other potential mechanisms. For instance, we find no evidence that the negative effects of detention operate through effects on case outcomes (e.g., whether the youth was found guilty).

While a complete cost-benefit analysis of pretrial detention is beyond the scope of our research, the large costs of detention due to reductions in high school graduation and increases in adult crime, as well as the monetary costs of detaining youth, suggest the benefits from detention would have to be quite large to justify its use. One purported benefit of detention is that it ensures juveniles show up to their court hearing. We find that detention reduces the likelihood that youths miss their court hearings by 0.4 percentage points. However, the prevalence of this outcome is small (the average for nondetained juveniles is 2.2 percent), which suggests any benefit from this channel is likely to be small.

The other potential benefit of pretrial detention is its ability to increase public safety by preventing the juvenile from committing further offenses before the court hearing. We are unable to explore this issue because of data limitations. However, recent research in the adult criminal justice system has concluded that while pretrial detention necessarily reduces criminal activity during the time the person is detained, that effect is offset by increased criminal activity after the defendant is released and the case is disposed—which leads to no net effect of pretrial detention on criminal activity over a longer period. Compared with the adult system, the length of detention in the juvenile system is substantially shorter. Approximately one-third of youths in our sample were detained for less than a week, whereas the average lengths of pretrial detention in the

adult system range from 50 to 250 days, depending on the offense type. Although these facts are suggestive of potentially small effects on public safety, we leave it to future research to rigorously investigate this question.

## NOTE

This research brief is based on E. Jason Baron, Brian Jacob, and Joseph P. Ryan, “Pretrial Juvenile Detention,” *Journal of Public Economics* 217 (January 2023): 104798.



The views expressed in this paper are those of the author(s) and should not be attributed to the Cato Institute, its trustees, its Sponsors, or any other person or organization. Nothing in this paper should be construed as an attempt to aid or hinder the passage of any bill before Congress. Copyright © 2023 Cato Institute. This work by the Cato Institute is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.