

Our Position

Women's Voices Raised supports Missouri's efforts to reduce the number of people in pretrial detention (people placed in jail before having had a trial) which improves the quality of life of individuals and their communities. As a means of meeting these goals, we support fully funding evidence-based diversion programs and social services programs.

Our Reasons

Harm Caused by Pretrial Detention

- "More than 400,000 people in the [United States] are currently being detained pretrial, in other words, they are awaiting trial and still legally innocent."¹ The annual cost exceeds \$13.6 billion.²
- Currently "78% of the approximately 9800 people in Missouri jails have not been convicted of a crime."³ Many will remain in jail for over a year before going to trial.
- There are significant racial disparities in the use of pretrial detention. Black and brown individuals are more likely to be held in pretrial detention than white individuals.⁴
- Pretrial detention increases recidivism: One study suggested that "spending more than 7 days in pretrial detention was associated with an increased probability of a new arrest and new violent arrest earlier when compared to spending 1 day or less in pretrial detention."⁵
- Pretrial detention erodes individuals' physical and psychological well-being and causes people to lose their jobs, housing, education, and family relationships.⁶
- Individuals who are not in jail have more access to counsel and witnesses and are better equipped to prove their innocence. Those in jail may experience unpredictable and delayed

¹ https://www.prisonpolicy.org/research/pretrial_detention/

² https://www.prisonpolicy.org/research/pretrial_detention/#:~:text=More%20than%20400%2C000%20people%20in,nearly%20quadrupled%20since%20the%201980s.

³ <https://www.prisonpolicy.org/profiles/MO.html#:~:text=After%20the%20Dobbs'%20decision%2C%20striking.Why%20isn't%20it?>

⁴ <https://www.stlouis-mo.gov/government/departments/mayor/initiatives/resilience/equity/justice/court-reform/pretrial-detention.cfm#:~:text=Black%20residents%20are%20held%20in,as%20often%20as%20white%20residents.&text=A%20score%20of%20100%20represents,no%20racial%20disparities%20in%20outcomes.>

https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/#:~:text=Most%20of%20these%20studies%20ind.receive%20financial%20conditions%20of%20release.

⁵ Does Jail Contribute to Individuals Churning in and Out of the Criminal Legal System? A Quasiexperimental Evaluation of Pretrial Detention on Time Until New Arrest, Ian A. Silver, Jason Walker, Matthew DeMichele, and Ryan M. Labrecque, July, 2023

⁶ The Difference a Day Makes: How Spending Even One Day in Jail Can Have Devastating Consequences <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/projects/pretrial-detention/#:~:text=Pretrial%20detention%20also%20significantly%20and,of%20future%20criminal%20legal%20system>

attorney visits. Low income arrestees have less access to hiring private attorneys, so class disparities are exacerbated by overuse of pretrial detention.

- People in pretrial detention may be subject to poor jail conditions, such as lack of medical care, violence, lack of sanitation and illegal drugs, and are more likely to plead guilty.^{7,8}

Diversion programs and social services programs decrease pretrial detention.

Diversion programs and social service programs offer an alternative to mass incarceration by addressing the root causes of crime, providing community-based services, and reducing the likelihood that an individual will have continued contact with the criminal legal system.

Positive Effects of Diversion Programs

- “Diversion” programs divert people from the criminal legal system. Diversion targets underlying problems that contribute to criminal behavior, such as poverty, substance use, and mental health challenges. Diversion can occur before police involvement, through police or prosecutor referral, or through referral to problem-solving courts, like drug court or mental health court, that require completion and sometimes require entry of a plea.⁷
- Offenders who participate in pretrial diversion programs have positive outcomes when compared with eligible offenders who decline to enter the programs. One study showed that offenders in pretrial diversion programs are more likely to be in the community than in jail or treatment centers twelve months after the initial crime.⁸
- The study also found that offenders in the diversion programs spent less time in prison than eligible offenders who did not participate. Compared with traditional criminal justice procedures, diversion programs also lead to positive mental health, substance abuse, and treatment outcomes for offenders.⁹
- Offenders in diversion programs avoid criminal convictions and sentences and are better able to obtain gainful employment.¹⁰ This enables participants to become productive members of society.
- Diversion programs can significantly decrease recidivism rates, reducing the likelihood that participants will reoffend.¹¹

⁷ <https://empowermissouri.org/diversion-programs/>

⁸ Broner, N., Maryl, D.W., and Landsberg, G. (2005). Outcomes of mandated and nonmandated New York City jail diversion for offenders with alcohol, drug, and mental disorders. *The Prison Journal* 85(18). doi: 10.1177/0032885504274289 as cited in Pretrial Diversion Programs, Research Summary (BJA Bureau of Justice Assistance, U.S. Dept of Justice), Catherine Camilletti, Ph.D. (Oct. 25 2010).

⁹ *Id.*

¹⁰ Zlatic, J.M., Wilkerson, D.C., and McAllister, S.M. (2010). Pretrial diversion: The overlooked pretrial services evidence-based practice. *Federal Probation* 74(1), as cited in Pretrial Diversion Programs.

¹¹

Positive effects of social services programs, such as the Missouri State Public Defender’s Holistic Defense Services (HDS) program, can provide for the human needs of their clients, which, in turn, may, for example, lead the court to release them from jail prior to trial or impose a lower sentence.

- An independent research group “found that HDS involvement on a case helps to decrease unnecessary pretrial detention.”¹²
- Independent research also showed that HDS involvement reduced the occurrence and length of prison sentences.¹³
- HDS involvement has led to significant cost savings for the state of Missouri.¹⁴
- HDS seeks to minimize costs to the state for jail time costs by directly addressing extra-legal factors that inhibit the likelihood of pretrial release, such as unstable housing, lack of employment, or mental health and substance use treatment needs, and increase the stability of the clients to thrive in their communities.

Our advocacy points

Increase state funding for diversion and social services programs for people who might otherwise be put in pretrial detention.

Make funding for diversion and social services programs contingent on developing, maintaining and reporting concrete measurable steps to ensure racial equity.

¹²HDS program evaluation in Appendix B is available here:
<https://publicdefender.mo.gov/wp-content/uploads/2024/10/FY2024-MSPD-Annual-Report.pdf>

¹³ *Id.*

¹⁴ *Id.*