



Missouri Sentencing Advisory Commission

NOTE:

SMART SENTENCING INVOLVES USING THE LATEST IN STATISTICS, INFORMATION, RESEARCH FINDINGS AND EVIDENCED-BASED PRACTICE TO MAKE INFORMED DECISIONS ABOUT HOW TO PUNISH CRIMINAL BEHAVIOR.

THE SENTENCING ADVISORY COMMISSION HAS LAUNCHED THIS PERIODIC BULLETIN TO KEEP JUDICIAL DECISION MAKERS CURRENT AS TO THE LATEST INFORMATION RELATED TO SENTENCING PRACTICES AND THEIR IMPACTS. THE BULLETIN IS BEING DISTRIBUTED TO JUDGES, PROSECUTORS, PUBLIC DEFENDERS, PROBATION OFFICERS AND THE PUBLIC VIA EMAIL AND ON THE SAC WEB SITE AT WWW.MOSAC.MO.GOV.

COMMENTS AND SUGGESTIONS ARE WELCOME AND SHOULD BE SENT TO SMART.SENTENCING@COURTS.MO.GOV.

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Is dedicated to supporting public safety, fairness and effectiveness in criminal sentencing.

SMART SENTENCING

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BIENNIAL REPORT HIGHLIGHTS: WIDE DISPARITY IN SENTENCING OF NONVIOLENT OFFENDERS; RECOMMENDED SENTENCES RESULT IN LOWER RECIDIVISM

Missouri counties vary considerably in their use of prison for punishing nonviolent offenders, according to The Missouri Sentencing Advisory Commission's 2009 Biennial Report. In addition, rates of re-offending are much higher for those sent to prison than for those sentenced to regular or enhanced probation supervision in the community, particularly for nonviolent offenses.

The 2009 report, required by law to be produced every two years, contains data analysis about many aspects of Missouri sentencing. The purpose of this bulletin is to highlight some key findings of the most recent report.

• Recidivism Rates and the System of Recommended Sentences

The report shows that public safety – the Sentencing Advisory Commission's primary goal – has

been enhanced through a system of recommended sentences that forms the basis for providing pre-sentence information to courts and attorneys in sentencing assessment reports (SARs).

The recidivism data support the imposition of sentences that agree with the recommendations:

When the recommended sentence is probation and the actual sentence is also probation, which occurs in 77 percent of probation recommended sentencing, the recidivism rates are low. When the recommended sentence is probation and the actual sentence is prison then the recidivism rates are much higher, whether measured by new incarcerations or new convictions and the rates are similar to the recidivism rates for prison sentences. When the actual sentence is probation and the recommended sentence is prison, which occurs in 31

percent of prison recommended sentencing, the recidivism rates are also high (2009 biennial report, page 44).

The recidivism data also support the use of probation for nonviolent felony offenders with limited prior criminal history. For offenders with no more than three prior unrelated felony convictions or one prior prison stay, recidivism rates for offenders sentenced to probation generally are lower than for those offenders sentenced to prison. For offenders with no prior felony convictions, the recidivism rates of those sentenced to probation are substantially less than those sentenced to prison.

The use of this information at sentencing assists courts in determining the sentence likely to have the lowest risk of future incarceration. For example, an offender convicted of second-degree burglary with one or two prior unrelated felony convictions has a recidivism rate of 56.9 percent two years after release from a prison sentence; by contrast, a similar offender sentenced to probation or community structured supervision has a recidivism rate of 40.9 percent. The report includes two-year recidivism rates for felony offenders sentenced to prison, shock/treatment and probation for 140 major offenses by level of prior criminal history.

As the report notes, the recommended sentences – which

are derived from actual sentencing practices – are accompanied by a risk analysis that is shown to be superior to using only prior criminal history in predicting recidivism rates of offenders. When the recommended sentence and the risk score are combined, the result is a presumptive sentence that strongly reflects both the severity of the offense and an individual's risk of re-offending.

About 85 percent of Missouri's judges agree with the appropriateness of the recommended sentences, according to the 2009 survey of judges and attorneys conducted for the commission by Dr. Karl Kunkel of Missouri State University.

• A Study of Sentencing Disparity

The report tracks sentencing data circuit-by-circuit and county-by-county. For example:

Prison sentences as a percentage of all sentences.

The range is from 48.8 percent for circuit 18 (Cooper and Pettis counties) down to 10.8 percent for circuit 2 (Adair, Knox and Lewis). The average percentage is 25.6 percent. St. Louis City (23.8 percent), St. Louis County (20.3 percent) and Jackson County (22.0 percent) are slightly below the state average (2009 biennial report, page 14).

The following tables reproduced from the report lists for each county the number of offenders

incarcerated on June 30, 2009; the percent of the county's share of the inmate population whose offenses were nonviolent; and the county's crime and conviction rates. These data show that, while the statewide average of individuals incarcerated for nonviolent offenses is 50.3 percent, the percent of nonviolent offenders incarcerated from an individual county ranges as high as 80 percent.

While slightly more than half of those in prison are there for nonviolent offenses, an examination of these data shows something startling: Heavy use of prison for nonviolent offenders will increase a county's crime rate because of the effect of prison on increasing recidivism rates.

None of the 10 counties with the highest nonviolent crime and conviction rates per 100,000 residents (which includes Greene and Jackson counties and St. Louis city) is among the 10 counties with the highest nonviolent incarceration rates.

The 2009 biennial report is available in its entirety on the commission's Web site at www.mosac.mo.gov. It was prepared by the research staff of the Department of Corrections, directed by David Oldfield, in collaboration with the Board of Probation and Parole, and the Judiciary, through the Office of State Courts Administrator.

Nonviolent Offenders as a Pct. of all Offenders , Crime and Conviction Rate, Incarceration Rate *
Incarcerated on June 30, 2009

County Rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses	Percent with Nonviolent Offenses Ranking	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent Crime & Conviction Rate per 100,000 ** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking
Adair, 2	78	62.8%	47	1,209	57	118	78
Andrew, 5	37	64.9%	44	844	91	72	102
Atchison, 4	16	62.5%	50	543	108	181	37
Audrain, 12	176	61.4%	59	1,154	62	208	25
Barry, 39	163	59.5%	71	1,432	36	129	63
Barton, 28	61	63.9%	45	1,153	63	207	27
Bates, 27	53	50.9%	99	1,350	46	359	5
Benton, 30	82	69.5%	25	1,135	64	125	70
Bollinger, 32	42	73.8%	9	714	98	97	88
Boone, 13	1,004	56.7%	79	1,938	18	123	72
Buchanan, 5	722	68.0%	28	2,536	6	224	13
Butler, 36	277	66.1%	37	2,473	7	217	16
Caldwell, 43	53	79.2%	3	872	90	172	42
Callaway, 13	237	59.1%	73	2,089	15	401	2
Camden, 26	254	60.6%	64	1,591	29	209	24
Cape Girardeau, 32	406	65.0%	43	2,305	9	138	60
Carroll, 8	62	53.2%	92	580	107	165	47
Carter, 37	27	40.7%	110	532	110	223	14
Cass, 17	239	59.4%	72	1,280	51	164	48
Cedar, 28	66	69.7%	24	1,035	71	181	38
Chariton, 9	45	60.0%	68	401	114	168	45
Christian, 38	206	62.6%	48	1,003	78	127	66
Clark, 1	39	66.7%	34	605	105	67	104
Clay, 7	645	53.0%	94	1,409	40	129	64
Clinton, 43	83	57.8%	76	1,120	65	163	50
Cole, 19	359	56.0%	81	1,722	25	89	92
Cooper, 18	111	60.4%	65	1,654	27	160	52
Crawford, 42	188	65.4%	39	1,770	23	159	53
Dade, 28	23	65.2%	40	735	96	216	19
Dallas, 30	75	68.0%	29	1,161	61	84	95
Daviess, 43	78	74.4%	8	764	94	212	22
Dekalb, 43	88	51.1%	97	622	103	373	3
Dent, 42	113	60.2%	67	1,175	58	99	87
Douglas, 44	56	62.5%	51	1,362	44	46	110
Dunklin, 35	420	55.5%	85	1,941	17	165	46
Franklin, 20	246	56.5%	80	1,421	37	112	82
Gasconade, 20	44	63.6%	46	1,408	41	188	34
Gentry, 4	23	65.2%	41	654	101	146	56
Greene, 31	1,362	49.3%	105	3,407	2	122	73
Grundy, 3	46	60.9%	62	1,287	50	111	83
Harrison, 3	49	71.4%	17	1,097	67	128	65
Henry, 27	139	59.7%	70	1,784	22	234	12
Hickory, 30	33	72.7%	13	920	83	114	80
Holt, 4	24	79.2%	4	1,175	59	92	90
Howard, 14	64	67.2%	33	535	109	33	113
Howell, 37	125	66.4%	36	2,278	11	297	8
Iron, 42	71	57.7%	78	772	93	49	108
Jackson, 16	3,658	27.5%	115	3,068	4	60	105
Jasper, 29	517	53.6%	91	2,834	5	107	84
Jefferson, 23	484	51.0%	98	1,678	26	416	1
Johnson, 17	185	61.6%	56	1,455	35	289	9
Knox, 2	8	50.0%	101	1,509	31	178	40
Laclede, 26	250	71.2%	19	1,936	19	211	23
Lafayette, 15	345	73.6%	10	1,259	54	127	68
Lawrence, 39	206	55.8%	83	1,838	21	180	39
Lewis, 2	35	71.4%	18	1,057	69	307	7
Lincoln, 45	228	71.1%	20	1,026	74	358	6
Linn, 9	40	77.5%	5	1,004	77	119	76

* Nonviolent includes Drugs, DWI and other nonviolent offenses.

** Average of property crime reported and felony convictions expressed as a rate per 100,000 population on July 1, 2008

*** Number of offenders incarcerated for a nonviolent offense expressed as a rate per 100,000 population on July 1, 2008

**Nonviolent Offenders as a Pct. of all Offenders , Crime and Conviction Rate, Incarceration Rate *
Incarcerated on June 30, 2009**

County Rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent	Percent	Nonviolent	Nonviolent	Nonviolent	Nonviolent
		with Nonviolent Offenses	with Nonviolent Offenses Ranking	Crime & Conviction Rate per 100,000 **	Crime & Conviction Rate per 100,000 ** Ranking	Crime & Conviction Rate per 100,000 ***	Crime & Conviction Rate per 100,000 *** Ranking
Livingston, 43	140	72.9%	12	434	113	119	77
Macon, 41	59	55.9%	82	890	85	90	91
Madison, 24	67	53.7%	90	1,029	73	141	59
Maries, 25	16	62.5%	52	668	100	113	81
Marion, 10	194	66.5%	35	3,254	3	131	62
McDonald, 40	112	50.9%	100	1,379	42	25	114
Mercer, 3	24	45.8%	107	608	104	196	32
Miller, 26	180	71.7%	16	1,223	55	169	44
Mississippi, 33	171	51.5%	96	1,337	47	79	99
Moniteau, 26	55	67.3%	32	832	92	59	106
Monroe, 10	47	70.2%	22	1,264	53	72	101
Montgomery, 12	93	62.4%	54	1,170	60	217	17
Morgan, 26	78	67.9%	31	1,300	49	161	51
New Madrid, 34	250	55.2%	86	653	102	22	115
Newton, 40	171	62.6%	49	1,536	30	104	85
Nodaway, 4	71	70.4%	21	1,216	56	183	36
Oregon, 37	36	72.2%	14	526	111	78	100
Osage, 20	34	61.8%	55	881	87	45	112
Ozark, 44	33	48.5%	106	1,102	66	142	58
Pemiscot, 34	253	49.8%	103	1,954	16	88	93
Perry, 32	83	60.2%	66	942	82	190	33
Pettis, 18	273	65.6%	38	2,396	8	212	20
Phelps, 25	175	53.1%	93	2,119	13	126	69
Pike, 45	109	61.5%	58	999	79	152	55
Platte, 6	249	49.8%	104	1,415	39	142	57
Polk, 30	120	76.7%	6	1,331	48	84	96
Pulaski, 25	159	43.4%	108	1,276	52	127	67
Putnam, 3	20	60.0%	69	489	112	164	49
Ralls, 10	38	57.9%	75	1,043	70	220	15
Randolph, 14	285	79.3%	2	1,483	34	53	107
Ray, 8	159	73.6%	11	1,084	68	216	18
Reynolds, 42	15	40.0%	111	592	106	83	98
Ripley, 36	63	65.1%	42	1,502	32	171	43
Saline, 15	245	71.8%	15	1,500	33	125	71
Schuyler, 1	8	37.5%	113	292	115	49	109
Scotland, 1	20	80.0%	1	724	97	88	94
Scott, 33	278	60.8%	63	1,862	20	138	61
Shannon, 37	20	40.0%	112	687	99	250	10
Shelby, 41	39	61.5%	57	890	86	122	74
St. Charles, 11	1,160	61.0%	61	1,353	45	240	11
St. Clair, 27	38	52.6%	95	1,420	38	84	97
Ste. Genevieve, 24	62	61.3%	60	873	89	199	30
St. Francois, 24	474	55.7%	84	1,618	28	174	41
St. Louis City, 22	4,688	34.3%	114	5,063	1	208	26
St. Louis Cnty, 21	3,274	41.4%	109	2,101	14	202	28
Stoddard, 35	159	68.6%	26	1,024	75	100	86
Stone, 39	154	53.9%	89	1,375	43	71	103
Sullivan, 9	25	68.0%	30	969	80	199	31
Taney, 38	273	59.0%	74	2,290	10	186	35
Texas, 25	91	68.1%	27	909	84	122	75
Vernon, 28	90	57.8%	77	2,254	12	115	79
Warren, 12	218	74.8%	7	1,738	24	202	29
Washington, 24	196	55.1%	87	880	88	212	21
Wayne, 42	77	70.1%	23	1,015	76	45	111
Webster, 30	120	62.5%	53	955	81	155	54
Worth, 4	2	50.0%	102	740	95	95	89
Wright, 44	71	54.9%	88	1,034	72	367	4
Statewide	30,380	50.3%		2,090		125	

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