

Missouri Sentencing Advisory Commission

Recommended Sentencing

Biennial Report 2009

As required by Section 558.019.6, RSMo.



December 10, 2009

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PREFACE

The Sentencing Advisory Commission is pleased to report on the continuing success of the system of the Recommended Sentences that the Commission introduced in June 2004. This is our third statutorily required report under Section 558.019.6(5) RSMo.

In cooperation with the Department of Corrections (DOC), the Commission has completed its annual review of the recommended sentences and has maintained regular meetings of commission members and professional staff members of the Department of Corrections and the Office of the State Courts Administrator. During 2009 the Commission began a Smart Sentencing bulletin that is being distributed to the courts, prosecutors, public defenders and DOC field staff. To date there have been five bulletins.

The Biennial Report provides studies of sentencing compliance from the quarterly monitoring of the DOC sentencing assessment reports, analysis of sentencing disparity and capital punishment as required by statute and additional one-off studies. The 2009 Biennial Report includes a study of recidivism related to the recommended sentences, a recidivism based validation of the Commission's risk assessment tool and a study of sentencing and the recommended sentence model.

COMMISSION PROGRESS REPORT ON THE RECOMMENDED SENTENCES

1. Changes to the Recommended Sentences

The Commission's Recommended Sentences were first published in June 2004 and implemented during 2005. At the end of the 2009 legislative session the Commission reviewed the compliance statistics and approved changes to two mitigating sentences:

- i) Violent Class A High Severity Mitigating from CSS to 10 years
- ii) Sex & Child Abuse Class A High Severity from CSS to 10 years

The Commission also added to the list of mitigating and aggravating factors when the score of the Commission's risk assessment was either GOOD (low risk) or BELOW AVERAGE or POOR (high risk). Because the validation study of the risk assessment indicated that the assessment was predictive of future criminal behavior the Commission and the Department of Corrections approved a change to the USER GUIDE and the sentencing assessment report to indicate that when an offender was scored GOOD the recommended sentence would be the mitigating sentence and when the offender scored BELOW AVERAGE or POOR the recommended sentence would be the aggravating sentence. The validation study is included in this report.

The average sentence analysis by Missouri charge code upon which the offense severity is calculated is included as Appendix A and the 2009 Recommended Sentence Matrices are included as Appendix B.

2. Court use of the Recommended Sentences

Since the statewide implementation of the Board of Probation and Parole's Sentencing Assessment Report (SAR) in November 2005 the Recommended Sentences have been included in all pre-sentence assessments requested by the courts. To the end of June 2009 there have been over 23,000 SARs requested by the courts.

SAR Requests

| | |
|--------|--------------------|
| FY2005 | 476 |
| FY2006 | 5,098 |
| FY2007 | 6,327 |
| FY2008 | 6,054 |
| FY2009 | 5,618 |
| | <hr/> 23,573 <hr/> |

There has been a modest reduction in the time taken complete the SAR by the probation and parole officer compared to the time taken to complete the old Pre-Sentence Investigation (PSI). The SAR is a shorter, more structured report.

PSI and SARS requests from January 2005 to June 2009

Average Completion time

| | |
|-----|---------|
| PSI | 42 days |
| SAR | 37 days |

In the year following the introduction of the SAR there was an increase in the rate at which pre-sentence assessments were requested by the courts compared to the year prior to the introduction of the SAR (FY05). In FY09 the percentage of sentences where an assessment was requested has fallen to 20.7% of sentences.

Pre-Sentence Assessments and New Felony Sentences

| | SARs/ PSI | Sentences | Percent of Sentence |
|--------|--------------|-----------|------------------------|
| FY2005 | 6,285 | 25,598 | 24.6% |
| FY2006 | 7,030 | 26,470 | 26.6% |
| FY2007 | 6,413 | 26,102 | 24.6% |
| FY2008 | 6,057 | 26,693 | 22.7% |
| FY2009 | 5,613 | 27,164 | 20.7% |

3. Court Compliance with the Recommended Sentences

The court compliance with the Recommended Sentences is based upon the actual sentences of offenders received by the DOC following a court request for a SAR. By the end of June, 2009 there were 15,347 completed SARs with the actual sentence handed down by the courts.

Compliance with the Recommended Presumptive Sentence is 87.7% with the Recommended Sentence range from Mitigating to Aggravating.

Compliance with the Recommended Sentence

June 2009

| | |
|---------------------------------|-------|
| Below Mitigating | 5.5% |
| From Mitigating to Presumptive | 10.7% |
| Matches Presumptive | 71.3% |
| From Presumptive to Aggravating | 5.7% |
| Above Aggravating | 6.8% |

The overall picture indicates that the actual sentence is sometimes more severe than the recommended presumptive sentence. For all offenses there are 2.4% fewer probation/CSS sentences than recommended and 2.0% more prison sentences than recommended.

Presumptive Recommended Sentence and Actual Sentence

| Disposition | Recommended Presumptive Sentence | | Actual Sentence | | Difference % |
|------------------|----------------------------------|--------|-----------------|--------|--------------|
| | # | % | # | % | |
| Probation or CSS | 10,914 | 71.1% | 10,544 | 68.7% | -2.4% |
| Shk/Trt | 1,868 | 12.2% | 1,927 | 12.6% | 0.4% |
| Prison | 2,565 | 16.7% | 2,876 | 18.7% | 2.0% |
| Total | 15,347 | 100.0% | 15,347 | 100.0% | 0.0% |

The analysis by offense group indicates that violent and sex offenses are more likely to receive a more severe sentence than the recommended presumptive sentence.

- Violent offenses: Prison sentences are 4.9% higher
- Sex offenses: Prison sentences are 7.5% higher
- For Drugs, DWI and Non-violent offenses the differences are from 3.4% to -4.4%.

**Presumptive Recommended Sentence and Actual Sentence
By Offense Group**

| | Recommended Presumptive Sentence | Actual Sentence | Difference |
|------------------------------|----------------------------------|-----------------|------------|
| <u>Violent</u> | | | |
| Probation or CSS | 53.6% | 46.0% | -7.6% |
| 120day Shock | 10.0% | 12.8% | 2.7% |
| Prison | 36.4% | 41.3% | 4.9% |
| Total | 100.0% | 100.0% | 0.0% |
| <u>Sex & Child Abuse</u> | | | |
| Probation or CSS | 48.6% | 42.7% | -6.0% |
| 120day Shock | 6.2% | 4.6% | -1.5% |
| Prison | 45.2% | 52.7% | 7.5% |
| Total | 100.0% | 100.0% | 0.0% |
| <u>Non-Violent</u> | | | |
| Probation or CSS | 79.4% | 76.0% | -3.5% |
| 120day Shock | 10.0% | 10.1% | 0.1% |
| Prison | 10.6% | 14.0% | 3.4% |
| Total | 100.0% | 100.0% | 0.0% |
| <u>Drug</u> | | | |
| Probation or CSS | 76.6% | 76.3% | -0.3% |
| 120day Shock | 13.7% | 13.0% | -0.8% |
| Prison | 9.7% | 10.8% | 1.1% |
| Total | 100.0% | 100.0% | 0.0% |
| <u>DWI</u> | | | |
| Probation or CSS | 60.1% | 60.8% | 0.8% |
| 120day Shock | 20.3% | 23.9% | 3.7% |
| Prison | 19.6% | 15.2% | -4.4% |
| Total | 100.0% | 100.0% | 0.0% |

4. Compliance and the Recommended Mitigating, Presumptive and Aggravating Range

The recommended sentence is more than just the Presumptive sentence. In the SAR the court are also given a mitigating and aggravating sentence. The following analysis compares the actual sentence to the range from Mitigating to Aggravating. The decision whether an actual sentence is within the range or outside the range is based upon the disposition when the recommended sentence was probation, CSS or Shock/Treatment. If the recommended sentence was a prison sentence then the compliance decision is based upon whether the actual prison sentence was within or outside the recommended sentence range.

The overall picture is that 87.7% of sentences are within the Mitigating to Aggravating range. There were 5.5% below the mitigating sentence and 6.8% above the aggravating sentence. When the actual sentence was prison the compliance percent is much lower (49.3%) and 48.19% of sentences were over the Recommended Aggravating sentence.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

(Only for User Guide 2007-2009 - October 15, 2007 to present)

| Actual Sentence | Below Mitigating | | Within the range of Mitigating to Aggravating | | Above Aggravating | | Total | |
|-----------------|------------------|-------|---|-------|-------------------|-------|-------|--------|
| | # | % | # | % | # | % | # | % |
| Prison | 19 | 2.6% | 365 | 49.3% | 356 | 48.1% | 740 | 100.0% |
| 120day Shock | 46 | 13.4% | 261 | 76.1% | 36 | 10.5% | 343 | 100.0% |
| Probation/CSS | 252 | 5.4% | 4411 | 94.6% | 0 | 0.0% | 4663 | 100.0% |
| Total | 317 | 5.5% | 5037 | 87.7% | 392 | 6.8% | 5746 | 100.0% |

A prison sentence can be above the aggravating sentence because either the recommended aggravating sentence was a non-custodial sentence (probation, CSS or SHK/TRT) or the sentence was longer then the aggravating sentence. From the results of the SARs to June 2009 33.4% are over the aggravating sentence because the recommended aggravating sentence was non-custodial and 66.6% because the prison sentence was longer than the aggravating sentence. The average difference between the aggravating sentence and the actual sentence is 3.8 years. For violent and sex offenses the difference is about 4.9 years and for nonviolent offenses the difference is 1.2 years.

ACTUAL SENTENCE ABOVE THE RECOMMENDED AGGRAVATING SENTENCE

| Offense Group | Recommended Aggravating Sentence | | | Percent Not Prison | Average Aggravating Sentence | Average Actual Sentence |
|---------------|----------------------------------|-----------------|-------|--------------------|------------------------------|-------------------------|
| | Probation or CSS or Shk/Trt | Prison Sentence | Total | | | |
| Violent | - | 105 | 105 | 0.0% | 10.0 | 14.8 |
| Sex | - | 60 | 60 | 0.0% | 9.1 | 14.1 |
| Non-Violent | 69 | 37 | 106 | 65.1% | 4.2 | 5.8 |
| Drug | 49 | 29 | 78 | 62.8% | 5.7 | 8.2 |
| DWI | 13 | 30 | 43 | 30.2% | 3.8 | 6.3 |
| Total | 131 | 261 | 392 | 33.4% | 7.8 | 11.6 |

The analysis by prior criminal history level indicates that 46.2% of level II sentences received a prison sentence when no prison sentence was recommended and the difference between the actual and recommended aggravating prison sentence is greater for offenders in Levels I and II than for offenders with multiple prison incarcerations.

ACTUAL SENTENCE ABOVE THE RECOMMENDED AGGRAVATING SENTENCE

| Prior Criminal History Level | Recommended Aggravating Sentence | | | Percent Not Prison | Average Aggravating Sentence | Average Actual Sentence |
|------------------------------|----------------------------------|-----------------|-------|--------------------|------------------------------|-------------------------|
| | Probation or CSS/Shk Trt | Prison Sentence | Total | | | |
| 1 | 80 | 86 | 166 | 48.2% | 9.5 | 14.7 |
| 2 | 42 | 49 | 91 | 46.2% | 7.7 | 11.5 |
| 3 | 9 | 77 | 86 | 10.5% | 5.9 | 9.4 |
| 4 | 0 | 28 | 28 | 0.0% | 7.2 | 9.4 |
| 5 | 0 | 21 | 21 | 0.0% | 8.3 | 10.6 |
| Total | 131 | 261 | 392 | 33.4% | 7.8 | 11.6 |

The analysis by felony class indicates that for Class D offenses many prison sentences are over the aggravating sentence because most of the recommended sentences are non-custodial. For Class A felonies the difference in sentence length is substantial (7.5 years).

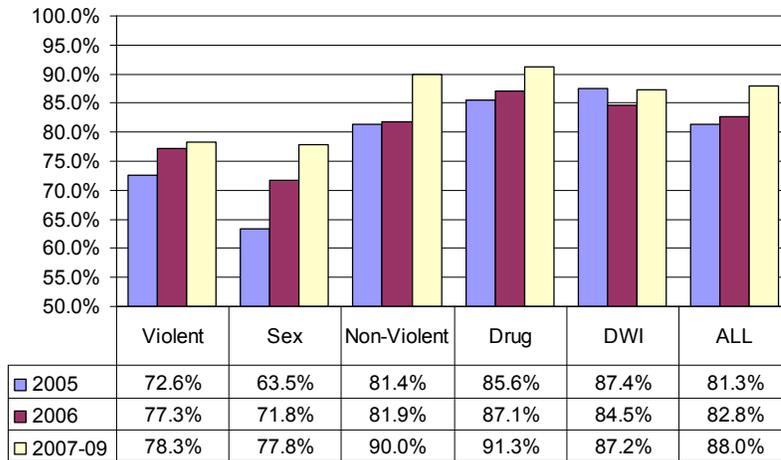
ACTUAL SENTENCE ABOVE THE RECOMMENDED AGGRAVATING SENTENCE

| Felony Class | Recommended Aggravating Sentence | | | Percent Not Prison | Average Aggravating Sentence | Average Actual Sentence |
|--------------|----------------------------------|-----------------|-------|--------------------|------------------------------|-------------------------|
| | Probation or CSS/Shk Trt | Prison Sentence | Total | | | |
| Unclassed | 0 | 5 | 5 | 0.0% | 7.0 | 23.0 |
| A | 4 | 61 | 65 | 6.2% | 17.9 | 25.4 |
| B | 28 | 60 | 88 | 31.8% | 7.5 | 10.9 |
| C | 65 | 114 | 179 | 36.3% | 3.5 | 5.6 |
| D | 34 | 21 | 55 | 61.8% | 2.3 | 3.8 |
| Total | 131 | 261 | 392 | 33.4% | 7.8 | 11.6 |

5. Compliance by Offense Group for FY05 and FY06 and FY07-FY09

The overall compliance with the Recommended Sentence range (from Mitigating to Aggravating) increased, partly as a result of the changes to the recommended sentences matrix in the 2006 and 2007 User Guides and partly because of greater court compliance. In the first year of the recommended sentences in 2005, 81.3% of the sentences for which the courts requested a SAR were within the recommended sentence range. In 2006 the Commission issued a new User Guide that amended some recommended sentences and the compliance rate increased to 82.8%. After the 2007 amended to the recommended sentencing, the compliance rate based upon the sentencing for which SARs have been requested has increased to 88.0%. The compliance has increased for all offense groups with exception of DWI offenses.

**Compliance by Offense Group
2005 vs. 2006 vs. 2007-09
Recommended Sentencing Matrix**



Compliance by Offense Group for 2005 vs. 2006 vs. 2007-09 Recommended Sentencing Matrices

| Offense Group | | Below | | Within | | Above | |
|--------------------|--------------|------------|-------------|--------------|--------------|-------------|--------------|
| | | # | % | # | % | # | % |
| Violent | 2005 | 48 | 6.9% | 504 | 72.6% | 142 | 20.5% |
| | 2006 | 35 | 5.4% | 497 | 77.3% | 111 | 17.3% |
| | 2007 | 42 | 6.2% | 531 | 78.3% | 105 | 15.5% |
| | Total | 125 | 6.2% | 1532 | 76.0% | 358 | 17.8% |
| Sex | 2005 | 7 | 2.2% | 198 | 63.5% | 107 | 34.3% |
| | 2006 | 7 | 2.6% | 191 | 71.8% | 68 | 25.6% |
| | 2007 | 18 | 5.1% | 274 | 77.8% | 60 | 17.0% |
| | Total | 32 | 3.4% | 663 | 71.3% | 235 | 25.3% |
| Non-Violent | 2005 | 98 | 5.1% | 1562 | 81.4% | 260 | 13.5% |
| | 2006 | 61 | 4.1% | 1228 | 81.9% | 211 | 14.1% |
| | 2007 | 94 | 4.7% | 1800 | 90.0% | 106 | 5.3% |
| | Total | 253 | 4.7% | 4590 | 84.7% | 577 | 10.6% |
| Drug | 2005 | 87 | 4.4% | 1674 | 85.6% | 195 | 10.0% |
| | 2006 | 71 | 4.4% | 1395 | 87.1% | 136 | 8.5% |
| | 2007 | 105 | 5.0% | 1920 | 91.3% | 77 | 3.7% |
| | Total | 263 | 4.6% | 4989 | 88.1% | 408 | 7.2% |
| DWI | 2005 | 23 | 4.7% | 432 | 87.4% | 39 | 7.9% |
| | 2006 | 20 | 3.8% | 443 | 84.5% | 61 | 11.6% |
| | 2007 | 32 | 5.5% | 510 | 87.2% | 43 | 7.4% |
| | Total | 75 | 4.7% | 1385 | 86.4% | 143 | 8.9% |
| ALL | 2005 | 263 | 4.9% | 4370 | 81.3% | 743 | 13.8% |
| | 2006 | 194 | 4.3% | 3754 | 82.8% | 587 | 12.9% |
| | 2007 | 291 | 5.1% | 5035 | 88.1% | 391 | 6.8% |
| | Total | 748 | 4.8% | 13159 | 84.2% | 1721 | 11.0% |

6. Compliance and the Prior Criminal History Level

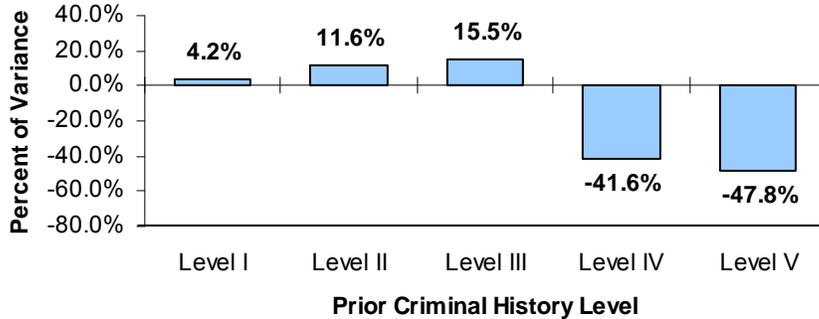
The recommended sentences increase the severity of the sentence with an increase of the prior criminal history. The SAR data indicates that actual sentencing does reflect an increase in the prior criminal history, particularly the percent prison disposition.

ACTUAL SENTENCES BY OFFENSE GROUP AND PRIOR CRIMINAL HISTORY
Completed SARs and Offenders received by the DOC, May 2005 to June 2009

| Offense Group | Prior Criminal History | | | | |
|------------------------------|--|---|--|--|---|
| | Level 1 No felonies & no more than 3 misd | Level 2 No prison & 1 or 2 felonies | Level 3 One prison or 3 felonies | Level 4 Two prison or 4 felonies | Level 5 3 or more prison or 5 or more felonies |
| <i>Violent</i> | | | | | |
| Percent of PCHL | 61.6% | 15.8% | 13.8% | 4.3% | 4.5% |
| Percent Prison Disposition | 30.2% | 45.0% | 65.3% | 71.8% | 76.7% |
| Average Sentence | 11.0 | 12.1 | 12.2 | 15.1 | 16.9 |
| <i>Sex & Child Abuse</i> | | | | | |
| Percent of PCHL | 67.5% | 15.1% | 10.7% | 4.4% | 2.2% |
| Percent Prison Disposition | 45.7% | 59.1% | 71.1% | 80.0% | 80.0% |
| Average Sentence | 11.0 | 12.1 | 13.7 | 9.7 | 19.9 |
| <i>NonViolent</i> | | | | | |
| Percent of PCHL | 56.5% | 18.4% | 12.5% | 6.2% | 6.5% |
| Percent Prison Disposition | 4.6% | 12.7% | 26.3% | 40.7% | 50.1% |
| Average Sentence | 4.2 | 4.1 | 4.3 | 4.4 | 5.2 |
| <i>Drug</i> | | | | | |
| Percent of PCHL | 56.5% | 20.1% | 13.9% | 4.9% | 4.7% |
| Percent Prison Disposition | 2.6% | 10.7% | 23.5% | 37.5% | 44.4% |
| Average Sentence | 7.0 | 6.5 | 6.1 | 7.0 | 7.3 |
| <i>DWI</i> | | | | | |
| Percent of PCHL | 44.0% | 27.9% | 16.9% | 5.8% | 5.4% |
| Percent Prison Disposition | 3.9% | 11.5% | 31.0% | 39.1% | 51.8% |
| Average Sentence | 3.4 | 4.7 | 4.7 | 5.5 | 5.0 |
| <i>All Offense Groups</i> | | | | | |
| Percent of PCHL | 56.5% | 19.5% | 13.5% | 5.3% | 5.2% |
| Percent Prison Disposition | 10.3% | 17.3% | 33.1% | 44.6% | 52.2% |
| Average Sentence | 9.3 | 8.2 | 7.8 | 7.5 | 8.3 |

Compliance, however, varies significantly by the prior criminal history level. Offenders with many prior convictions and incarcerations are likely to receive a more lenient sentence than the recommended presumptive sentence. Offenders with a level 3 history are most likely to be sentenced more severely than the presumptive recommended sentence.

**The Difference between
Percent of Offenders who receive a Prison Sentence and
Percent of Offenders who are Recommended a Prison Sentence**



**Difference Between Presumptive Recommended Sentence and Actual Sentence
By Criminal History Level**

| Sentence Type by Level | Recommended Presumptive Sentence | | Actual Sentence | | Difference in % |
|-------------------------|----------------------------------|---------------|-----------------|---------------|-----------------|
| | # SARs | % | # SARs | % | |
| <i>Level I</i> | | | | | |
| Probation or CSS | 8035 | 92.6% | 7154 | 82.5% | -10.2% |
| 120day Shock | 108 | 1.2% | 626 | 7.2% | 6.0% |
| Prison | 531 | 6.1% | 894 | 10.3% | 4.2% |
| Total | 8674 | 100.0% | 8674 | 100.0% | 0.0% |
| <i>Level II</i> | | | | | |
| Probation or CSS | 2636 | 88.3% | 1957 | 65.6% | -22.7% |
| 120day Shock | 180 | 6.0% | 512 | 17.2% | 11.1% |
| Prison | 169 | 5.7% | 516 | 17.3% | 11.6% |
| Total | 2985 | 100.0% | 2985 | 100.0% | 0.0% |
| <i>Level III</i> | | | | | |
| Probation or CSS | 242 | 11.7% | 974 | 47.0% | 35.3% |
| 120day Shock | 1467 | 70.7% | 413 | 19.9% | -50.8% |
| Prison | 365 | 17.6% | 687 | 33.1% | 15.5% |
| Total | 2074 | 100.0% | 2074 | 100.0% | 0.0% |
| <i>Level IV</i> | | | | | |
| Probation or CSS | 0 | 0.0% | 256 | 31.4% | 31.4% |
| 120day Shock | 112 | 13.8% | 195 | 24.0% | 10.2% |
| Prison | 702 | 86.2% | 363 | 44.6% | -41.6% |
| Total | 814 | 100.0% | 814 | 100.0% | 0.0% |
| <i>Level V</i> | | | | | |
| Probation or CSS | 0 | 0.0% | 200 | 25.1% | 25.1% |
| 120day Shock | 0 | 0.0% | 181 | 22.7% | 22.7% |
| Prison | 797 | 100.0% | 416 | 52.2% | -47.8% |
| Total | 797 | 100.0% | 797 | 100.0% | 0.0% |

7. Compliance By Sentencing County

Although the metro areas have a lower compliance than the first class counties and the rural counties, all the metro areas compliance are continuing to increase. Jackson County and St. Louis City, with an increase in SAR request, are sentencing above range is below 10%.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE BY REGIONS

| Circuits | Below Mitigating | | Within the range of Mitigating to Aggravating | | Above Aggravating | | Total | |
|------------------|------------------|-------|---|-------|-------------------|-------|-------|--------|
| | # | % | # | % | # | % | # | % |
| Jackson County | 69 | 10.9% | 509 | 80.4% | 55 | 8.7% | 633 | 100.0% |
| St. Louis County | 29 | 5.3% | 438 | 79.5% | 84 | 15.2% | 551 | 100.0% |
| St. Louis City | 76 | 11.9% | 506 | 79.2% | 57 | 8.9% | 639 | 100.0% |
| Metro | 174 | 9.5% | 1453 | 79.7% | 196 | 10.8% | 1823 | 100.0% |
| First Class | 380 | 4.2% | 7675 | 85.1% | 962 | 10.7% | 9017 | 100.0% |
| Rural | 204 | 4.5% | 3746 | 83.1% | 557 | 12.4% | 4507 | 100.0% |
| Total | 758 | 4.9% | 12874 | 83.9% | 1715 | 11.2% | 15347 | 100.0% |

Circuits by Region:

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

8. Which Courts are requesting sentencing assessments (SARs)?

Overall 20.7% of new sentences have a requested a pre-sentence assessment but the rate at which assessments are requested varies greatly around the state. Some counties typically request an assessment for all convictions/guilty pleas while other counties rarely request an assessment or only for serious offenses. The data is a comparison of all new sentences received by the DOC in Fiscal Year 2009 and the number of the requested assessments in Fiscal Year 2009 by sentencing county

Counties that usually request an assessment (50% of the time or more) include, in descending order, Harrison, Atchison, Nodaway, Buchanan, Mercer, Callaway, Jasper, Holt, Schuyler, Clark, Lewis, and Bollinger. The metro areas, Jackson, St Charles, and the St. Louis metro area (City and County), are among the counties that have a low (7.6% to 18.7%) request rate for assessments. The median is 20.7%.

Utilization of Sentencing Assessments For New Sentencing

| County | FY09 New Felony Sentences | FY09 P&P Assessment Request | Percent of New Felony Sentences | County | FY09 New Felony Sentences | FY09 P&P Assessment Request | Percent of New Felony Sentences |
|----------------|---------------------------|-----------------------------|---------------------------------|----------------|---------------------------|-----------------------------|---------------------------------|
| Adair | 122 | 39 | 32.0% | Livingston | 139 | 52 | 37.4% |
| Andrew | 34 | 16 | 47.1% | Macon | 65 | 6 | 9.2% |
| Atchison | 19 | 17 | 89.5% | Madison | 66 | 5 | 7.6% |
| Audrain | 214 | 19 | 8.9% | Marion | 31 | 2 | 6.5% |
| Barry | 170 | 20 | 11.8% | Marion | 140 | 9 | 6.4% |
| Barton | 78 | 8 | 10.3% | Mcdonald | 139 | 5 | 3.6% |
| Bates | 93 | 2 | 2.2% | Mercer | 18 | 11 | 61.1% |
| Benton | 71 | 5 | 7.0% | Miller | 184 | 4 | 2.2% |
| Bollinger | 20 | 10 | 50.0% | Mississippi | 135 | 28 | 20.7% |
| Boone | 696 | 331 | 47.6% | Moniteau | 53 | 9 | 17.0% |
| Buchanan | 583 | 393 | 67.4% | Monroe | 38 | 1 | 2.6% |
| Butler | 216 | 28 | 13.0% | Montgomery | 130 | 15 | 11.5% |
| Caldwell | 51 | 12 | 23.5% | Morgan | 100 | 5 | 5.0% |
| Callaway | 161 | 95 | 59.0% | New Madrid | 225 | 15 | 6.7% |
| Camden | 255 | 20 | 7.8% | Newton | 192 | 49 | 25.5% |
| Cape Girardeau | 338 | 163 | 48.2% | Nodaway | 70 | 49 | 70.0% |
| Carroll | 40 | 2 | 5.0% | Oregon | 30 | 3 | 10.0% |
| Carter | 26 | 3 | 11.5% | Osage | 19 | 4 | 21.1% |
| Cass | 273 | 25 | 9.2% | Ozark | 34 | 7 | 20.6% |
| Cedar | 72 | 11 | 15.3% | Pemiscot | 233 | 34 | 14.6% |
| Chariton | 34 | 9 | 26.5% | Perry | 112 | 51 | 45.5% |
| Christian | 338 | 75 | 22.2% | Pettis | 200 | 31 | 15.5% |
| Clark | 30 | 16 | 53.3% | Phelps | 264 | 22 | 8.3% |
| Clay | 457 | 172 | 37.6% | Pike | 126 | 9 | 7.1% |
| Clinton | 66 | 21 | 31.8% | Platte | 204 | 29 | 14.2% |
| Cole | 417 | 154 | 36.9% | Polk | 146 | 12 | 8.2% |
| Cooper | 118 | 5 | 4.2% | Pulaski | 154 | 19 | 12.3% |
| Crawford | 200 | 47 | 23.5% | Putnam | 25 | 11 | 44.0% |
| Dade | 31 | 2 | 6.5% | Ralls | 21 | 2 | 9.5% |
| Dallas | 101 | 1 | 1.0% | Randolph | 282 | 50 | 17.7% |
| Davies | 77 | 33 | 42.9% | Ray | 145 | 6 | 4.1% |
| Dekalb | 74 | 16 | 21.6% | Reynolds | 18 | - | 0.0% |
| Dent | 74 | 13 | 17.6% | Ripley | 67 | 6 | 9.0% |
| Douglas | 39 | 5 | 12.8% | Saline | 122 | 20 | 16.4% |
| Dunklin | 415 | 41 | 9.9% | Schuyler | 11 | 6 | 54.5% |
| Franklin | 451 | 153 | 33.9% | Scotland | 21 | 6 | 28.6% |
| Gasconade | 59 | 20 | 33.9% | Scott | 310 | 20 | 6.5% |
| Gentry | 30 | 11 | 36.7% | Shannon | 52 | 3 | 5.8% |
| Greene | 1,280 | 393 | 30.7% | Shelby | 25 | 3 | 12.0% |
| Grundy | 49 | 16 | 32.7% | St. Charles | 1,160 | 202 | 17.4% |
| Harrison | 43 | 45 | 104.7% | St. Clair | 35 | 13 | 37.1% |
| Henry | 137 | 9 | 6.6% | St. Genevieve | 91 | 7 | 7.7% |
| Hickory | 32 | 3 | 9.4% | St. Francois | 345 | 44 | 12.8% |
| Holt | 34 | 19 | 55.9% | St. Louis City | 3,255 | 457 | 14.0% |
| Howard | 46 | 12 | 26.1% | St. Louis Cnty | 3,036 | 230 | 7.6% |
| Howell | 133 | 12 | 9.0% | Stoddard | 215 | 29 | 13.5% |
| Iron | 57 | 7 | 12.3% | Stone | 174 | 15 | 8.6% |
| Jackson | 2,600 | 487 | 18.7% | Sullivan | 44 | 1 | 2.3% |
| Jasper | 381 | 221 | 58.0% | Taney | 334 | 118 | 35.3% |
| Jefferson | 693 | 344 | 49.6% | Texas | 95 | 9 | 9.5% |
| Johnson | 179 | 84 | 46.9% | Vernon | 75 | 8 | 10.7% |
| Knox | 11 | 1 | 9.1% | Warren | 236 | 23 | 9.7% |
| Laclede | 175 | 21 | 12.0% | Washington | 147 | 11 | 7.5% |
| Lafayette | 300 | 26 | 8.7% | Wayne | 69 | 1 | 1.4% |
| Lawrence | 216 | 23 | 10.6% | Webster | 83 | 2 | 2.4% |
| Lewis | 65 | 34 | 52.3% | Worth | 7 | 2 | 28.6% |
| Lincoln | 283 | 47 | 16.6% | Wright | 114 | 3 | 2.6% |
| Linn | 46 | 2 | 4.3% | Total | 27,164 | 5,613 | 20.7% |

9. Assessments by type of Offender

Most assessments are for new sentencing of offenders who were not under supervision at the time of the offense. For offenders on probation or parole with new sentences the percent who have a court requested assessment is lower. In almost 55% of drug court cases the courts request a report from Probation and Parole. For drug courts, deferred prosecution assessments were included.

New Sentenced in FY2009 and Court Requests for Investigations

| Status of Offender | Felony Sentences | P&P Investigations | Percent Requested |
|----------------------|------------------|--------------------|-------------------|
| Drug Court | 1,125 | 618 | 54.9% |
| New Court Commitment | 5,731 | 2,484 | 43.3% |
| Probation | 18,142 | 4,898 | 27.0% |
| Parole | 2,686 | 1,127 | 42.0% |
| Total | 27,684 | 9,127 | 33.0% |

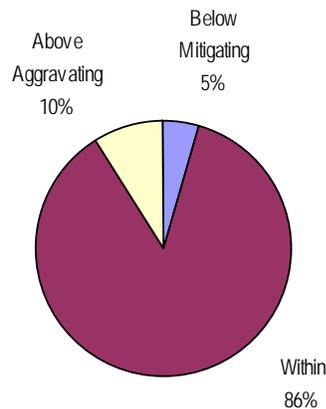
10. Plea Agreements

Plea agreements are made in 47% of sentencing for which SARs have been requested. The compliance rate is higher for the cases when there is a plea agreement.

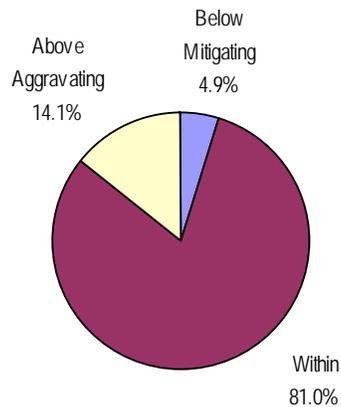
**Actual Sentence compared to the Recommended Sentence
SARs completed May 2005 to June 2009**

| Plea Agreement | Below Mitigating | Within | Above Aggravating | Total | Percent |
|-----------------|------------------|----------------|-------------------|-------|---------|
| Yes | 321 4.8% | 5774 86.4% | 585 8.8% | 6680 | 47% |
| No or Not Known | 372 4.9% | 6152 81.0% | 1069 14.1% | 7593 | 53% |
| All | 693 4.9% | 11926 83.6% | 1654 11.6% | 14273 | 100% |

Plea Agreement: Yes



Plea Agreement: No or Not Known



A STUDY OF SENTENCING DISPARITY

The study covers three topics: Sentencing in Missouri compared to other states, differences in sentencing by circuit courts and differences in sentencing between different racial groups.

Sentencing and Time Served in Missouri compared to Other States in the US.

The National Corrections Reporting Program (NCRP) published by the Bureau of Justice Statistics for 2003 indicated that offenders in Missouri serve about five months longer in prison than the national average; however, as a percent of sentence time served, Missouri is similar to the national average (46.8%). From DOC records and the NCRP report for 1993, 2000 and 2003, it is apparent that that time served has increased not only in Missouri but also in other states over the last ten years but that the increase has slowed since 2000. The 2003 national data from the NCRP is the latest available at the time of the preparation of this report.

Average Sentence and Time Served to First Release (1993 to 2003)

| | All State Prisons | | | Missouri | | |
|------|----------------------|--------------------|-------------------------|----------------------|--------------------|-------------------------|
| | Max. Sentence (mths) | Time Served (mths) | Percent Sentence Served | Max. Sentence (mths) | Time Served (mths) | Percent Sentence Served |
| 1993 | 66.0 | 21.0 | 31.8% | 68.0 | 23.0 | 34.4% |
| 2000 | 65.0 | 28.0 | 43.1% | 72.0 | 31.0 | 43.3% |
| 2003 | 62.0 | 29.0 | 46.8% | 72.9 | 33.8 | 46.4% |

Source: NCRP reports (BJS) and DOC records

For many offenses, the average sentence and time served in Missouri is higher than in other states but there could be differences in definitions between BJS and the Missouri DOC in the data collections. Offenders with violent offenses serve a higher percent of sentence in Missouri than in other state prisons but offenders with non-violent and drug offenses serve a lower percent of sentence than in other state prisons.

Average sentence and Time Served to First Release By NCIC Offense (2003)

| | All State Prisons | | | Missouri | | |
|-------------------------------------|----------------------|--------------------|-------------------------|----------------------|--------------------|-------------------------|
| | Max. Sentence (mths) | Time Served (mths) | Percent Sentence Served | Max. Sentence (mths) | Time Served (mths) | Percent Sentence Served |
| <i>Violent Offenses</i> | 83 | 48 | 58% | 119 | 73 | 61% |
| Homicide | 166 | 94 | 57% | 202 | 130 | 64% |
| Rape | 124 | 82 | 66% | 158 | 124 | 78% |
| Robbery | 95 | 54 | 57% | 157 | 91 | 58% |
| Assault | 55 | 31 | 56% | 78 | 43 | 55% |
| <i>Property Offenses</i> | 53 | 23 | 43% | 56 | 21 | 38% |
| Burglarly | 68 | 29 | 43% | 65 | 26 | 41% |
| Larceny | 42 | 18 | 43% | 55 | 21 | 38% |
| Autotheft | 40 | 19 | 48% | 57 | 24 | 43% |
| Fraud | 44 | 17 | 39% | 46 | 13 | 29% |
| Stolen Property | 45 | 20 | 44% | 52 | 19 | 36% |
| <i>Drug Offenses</i> | 61 | 23 | 38% | 72 | 26 | 36% |
| Possession | 54 | 18 | 33% | 49 | 14 | 29% |
| Trafficking | 68 | 26 | 38% | 100 | 40 | 40% |
| <i>Public Order Offenses</i> | 43 | 19 | 44% | 41 | 14 | 33% |
| Weapons | 43 | 22 | 51% | 72 | 35 | 49% |
| DWI | 44 | 16 | 36% | 43 | 16 | 38% |
| All Offenses | 62 | 29 | 47% | 73 | 34 | 46% |

Sentencing Differences Between Courts

When circuits are compared by sentence disposition or by average prison sentence there are wide variations in sentencing practice. Using the sentence data compiled by the Department of Corrections for FY09, the 45 Missouri circuit courts have been ranked using three measures:

1 Prison sentences as a percentage of all sentences

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

2 Shock and Treatment as a percentage of Prison and Shock and Treatment Sentences

The range is from 58.8% for circuit 2 (Adair, Knox, and Lewis counties) down to 10.6% for circuit 44 (Douglas, Ozark, and Wright counties). The average percentage is 29.0%. Jackson County (35.3%) is in the second quartile and St. Louis City (27.5%) is in the third quartile and St. Louis County (21.4%) is in the fourth quartile.

3. Average Prison Sentences

St. Louis City has the highest average prison sentence (9.0 years) and Circuit 41 (Macon and Shelby), Circuit 1 (Clark, Schuyler, and Scotland), Circuit 39 (Barry, Lawrence, and Stone), Circuit 37 (Carter, Howell, Oregon, and Shannon), and Circuit 30 (Benton, Dallas, Hickory, Polk, and Webster) has the lowest average sentence (4.5 years).

Although these rankings indicate that sentencing standards appear very different between courts, small numbers may add to variability and there may be differences in the level of crime, the type of crime and in the prior criminal history of the offender population. For example, St. Louis City has a higher percentage of violent crime than other circuits and that would explain the high average prison sentence in St. Louis City. The high volume of crime in St. Louis may explain the low proportion of sentences that result in a prison sentence.

To account for some of the underlying factors, the data has been aggregated into three types of circuit court based upon the size of the resident population and sentencing has been compared for similar offense groups. This analysis is presented after the circuit court ranking charts.

Prison Sentences as a Percentage of all Dispositions in FY09 by Circuit
Ranked by Percentage in Descending Order.

| Circuits Court | Counties | Prison Sentences | Prison Sentences as a Percentage of all Dispositions |
|----------------|---|------------------|--|
| 18 | Cooper, Pettis | 145 | 48.7% |
| 5 | Andrew, Buchanan | 286 | 45.8% |
| 13 | Boone, Callaway | 363 | 43.1% |
| 29 | Jasper | 177 | 41.0% |
| 7 | Clay | 176 | 38.0% |
| 19 | Cole | 124 | 34.7% |
| 43 | Caldwell, Clinton, Daviess, DeKalb, Livingston | 117 | 33.9% |
| 33 | Mississippi, Scott | 133 | 33.2% |
| 6 | Platte | 64 | 33.0% |
| 44 | Douglas, Ozark, Wright | 59 | 33.0% |
| 32 | Bollinger, Cape Girardeau, Perry | 155 | 32.9% |
| 24 | Madison, St. Francois, Ste. Genevieve, Washington | 215 | 32.5% |
| 15 | Lafayette, Saline | 130 | 31.0% |
| 36 | Butler, Ripley | 87 | 29.9% |
| 37 | Carter, Howell, Oregon, Shannon | 70 | 28.7% |
| 10 | Marion, Monroe, Ralls | 55 | 28.6% |
| 17 | Cass, Johnson | 118 | 28.6% |
| 11 | St. Charles | 336 | 26.8% |
| 35 | Dunklin, Stoddard | 165 | 26.0% |
| 45 | Lincoln, Pike | 112 | 25.8% |
| 14 | Howard, Randolph | 67 | 25.3% |
| 26 | Camden, Laclede, Miller, Moniteau, Morgan | 191 | 24.1% |
| 34 | New Madrid, Pemiscot | 113 | 24.0% |
| 40 | McDonald, Newton | 82 | 23.9% |
| 30 | Benton, Dallas, Hickory, Polk, Webster | 103 | 23.9% |
| 22 | St. Louis City | 800 | 23.8% |
| 23 | Jefferson | 144 | 22.4% |
| 38 | Christian, Taney | 148 | 22.3% |
| 16 | Jackson | 655 | 22.0% |
| 25 | Maries, Phelps, Pulaski, Texas | 109 | 21.8% |
| 39 | Barry, Lawrence, Stone | 127 | 21.5% |
| 3 | Grundy, Harrison, Mercer, Putnam | 33 | 21.3% |
| 1 | Clark, Schuyler, Scotland | 10 | 21.3% |
| 31 | Greene | 267 | 20.9% |
| 21 | St. Louis County | 638 | 20.3% |
| 8 | Carroll, Ray | 33 | 19.5% |
| 12 | Audrain, Montgomery, Warren | 118 | 19.4% |
| 4 | Atchison, Gentry, Holt, Nodaway, Worth | 33 | 18.6% |
| 41 | Macon, Shelby | 21 | 18.6% |
| 42 | Crawford, Dent, Iron, Reynolds, Wayne | 78 | 18.5% |
| 20 | Franklin, Gasconade, Osage | 102 | 18.3% |
| 27 | Bates, Henry, St. Clair | 48 | 17.5% |
| 9 | Chariton, Linn, Sullivan | 19 | 15.2% |
| 28 | Barton, Cedar, Dade, Vernon | 34 | 15.0% |
| 2 | Adair, Knox, Lewis | 19 | 10.8% |

Statewide Average 25.6%

**120 Day & LT Drug Sentences as a Percentage of
All Prison Sentences and 120 Day Sentences in FY09 by Circuit**
Ranked by Percentage in Descending Order.

| Circuits Court | Counties | 120D/LT Sentences | 120 Day & LT Drug Sentences as a Percentage of all Prison Sentences and 120 day Sentences |
|----------------|---|-------------------|---|
| 2 | Adair, Knox, Lewis | 24 | 55.8% |
| 12 | Audrain, Montgomery, Warren | 124 | 51.2% |
| 35 | Dunklin, Stoddard | 169 | 50.6% |
| 42 | Crawford, Dent, Iron, Reynolds, Wayne | 78 | 50.0% |
| 8 | Carroll, Ray | 30 | 47.6% |
| 14 | Howard, Randolph | 57 | 46.0% |
| 1 | Clark, Schuyler, Scotland | 8 | 44.4% |
| 10 | Marion, Monroe, Ralls | 44 | 44.4% |
| 4 | Atchison, Gentry, Holt, Nodaway, Worth | 25 | 43.1% |
| 28 | Barton, Cedar, Dade, Vernon | 24 | 41.4% |
| 23 | Jefferson | 83 | 36.6% |
| 16 | Jackson | 357 | 35.3% |
| 45 | Lincoln, Pike | 61 | 35.3% |
| 40 | McDonald, Newton | 44 | 34.9% |
| 34 | New Madrid, Pemiscot | 60 | 34.7% |
| 15 | Lafayette, Saline | 66 | 33.7% |
| 27 | Bates, Henry, St. Clair | 23 | 32.4% |
| 9 | Chariton, Linn, Sullivan | 9 | 32.1% |
| 3 | Grundy, Harrison, Mercer, Putnam | 15 | 31.3% |
| 38 | Christian, Taney | 62 | 29.5% |
| 20 | Franklin, Gasconade, Osage | 40 | 28.2% |
| 39 | Barry, Lawrence, Stone | 49 | 27.8% |
| 41 | Macon, Shelby | 8 | 27.6% |
| 22 | St. Louis City | 304 | 27.5% |
| 30 | Benton, Dallas, Hickory, Polk, Webster | 39 | 27.5% |
| 31 | Greene | 101 | 27.4% |
| 43 | Caldwell, Clinton, Daviess, DeKalb, Livingston | 40 | 25.5% |
| 29 | Jasper | 60 | 25.3% |
| 19 | Cole | 41 | 24.8% |
| 17 | Cass, Johnson | 39 | 24.8% |
| 11 | St. Charles | 111 | 24.8% |
| 7 | Clay | 57 | 24.5% |
| 13 | Boone, Callaway | 113 | 23.7% |
| 26 | Camden, Laclède, Miller, Moniteau, Morgan | 58 | 23.3% |
| 32 | Bollinger, Cape Girardeau, Perry | 47 | 23.3% |
| 25 | Maries, Phelps, Pulaski, Texas | 33 | 23.2% |
| 33 | Mississippi, Scott | 37 | 21.8% |
| 21 | St. Louis County | 174 | 21.4% |
| 5 | Andrew, Buchanan | 65 | 18.5% |
| 24 | Madison, St. Francois, Ste. Genevieve, Washington | 45 | 17.3% |
| 36 | Butler, Ripley | 16 | 15.5% |
| 18 | Cooper, Pettis | 23 | 13.7% |
| 37 | Carter, Howell, Oregon, Shannon | 11 | 13.6% |
| 6 | Platte | 9 | 12.3% |
| 44 | Douglas, Ozark, Wright | 7 | 10.6% |

Statewide Average 29.0%

Average Prison Sentences in Years in FY09 by Circuit
Ranked by Average Prison Sentence in Descending Order.

| Circuits Court | Counties | Prison Sentences | Average Prison Sentence (yrs.) |
|----------------|---|------------------|--------------------------------|
| 22 | St. Louis City | 800 | 9.0 |
| 16 | Jackson | 655 | 7.7 |
| 14 | Howard, Randolph | 67 | 7.3 |
| 31 | Greene | 267 | 7.3 |
| 21 | St. Louis County | 638 | 7.1 |
| 42 | Crawford, Dent, Iron, Reynolds, Wayne | 78 | 7.1 |
| 25 | Maries, Phelps, Pulaski, Texas | 109 | 7.0 |
| 24 | Madison, St. Francois, Ste. Genevieve, Washington | 215 | 6.9 |
| 8 | Carroll, Ray | 33 | 6.9 |
| 12 | Audrain, Montgomery, Warren | 118 | 6.9 |
| 11 | St. Charles | 336 | 6.8 |
| 34 | New Madrid, Pemiscot | 113 | 6.7 |
| 20 | Franklin, Gasconade, Osage | 102 | 6.7 |
| 23 | Jefferson | 144 | 6.6 |
| 27 | Bates, Henry, St. Clair | 48 | 6.6 |
| 35 | Dunklin, Stoddard | 165 | 6.5 |
| 28 | Barton, Cedar, Dade, Vernon | 34 | 6.4 |
| 6 | Platte | 64 | 6.4 |
| 15 | Lafayette, Saline | 130 | 6.2 |
| 45 | Lincoln, Pike | 112 | 6.0 |
| 17 | Cass, Johnson | 118 | 5.9 |
| 3 | Grundy, Harrison, Mercer, Putnam | 33 | 5.9 |
| 40 | McDonald, Newton | 82 | 5.8 |
| 38 | Christian, Taney | 148 | 5.7 |
| 10 | Marion, Monroe, Ralls | 55 | 5.7 |
| 9 | Chariton, Linn, Sullivan | 19 | 5.7 |
| 36 | Butler, Ripley | 87 | 5.7 |
| 5 | Andrew, Buchanan | 286 | 5.7 |
| 13 | Boone, Callaway | 363 | 5.5 |
| 2 | Adair, Knox, Lewis | 19 | 5.5 |
| 29 | Jasper | 177 | 5.5 |
| 32 | Bollinger, Cape Girardeau, Perry | 155 | 5.4 |
| 4 | Atchison, Gentry, Holt, Nodaway, Worth | 33 | 5.4 |
| 7 | Clay | 176 | 5.4 |
| 43 | Caldwell, Clinton, Daviess, DeKalb, Livingston | 117 | 5.3 |
| 26 | Camden, Laclede, Miller, Moniteau, Morgan | 191 | 5.3 |
| 44 | Douglas, Ozark, Wright | 59 | 5.3 |
| 33 | Mississippi, Scott | 133 | 5.1 |
| 18 | Cooper, Pettis | 145 | 4.9 |
| 19 | Cole | 124 | 4.8 |
| 41 | Macon, Shelby | 21 | 4.5 |
| 1 | Clark, Schuyler, Scotland | 10 | 4.5 |
| 39 | Barry, Lawrence, Stone | 127 | 4.5 |
| 37 | Carter, Howell, Oregon, Shannon | 70 | 4.5 |
| 30 | Benton, Dallas, Hickory, Polk, Webster | 103 | 4.5 |

Statewide Average 6.6

Prison Sentences as a Percentage of all Dispositions in FY09 by County
Ranking is in Descending Order

| Ranking | County Name | Circuit Court | Prison Sentences | As a Percent of All Dispositions | Ranking | County Name | Circuit Court | Prison Sentences | As a Percent of All Dispositions |
|---------|----------------|---------------|------------------|----------------------------------|--------------------------|----------------|---------------|------------------|----------------------------------|
| 109 | Adair | 2 | 12 | 11.1% | 23 | Livingston | 43 | 36 | 33.0% |
| 7 | Andrew | 5 | 12 | 41.4% | 107 | Macon | 41 | 10 | 11.8% |
| 98 | Atchison | 4 | 4 | 16.0% | 44 | Madison | 24 | 18 | 26.9% |
| 61 | Audrain | 12 | 50 | 22.6% | 93 | Maries | 25 | 3 | 17.6% |
| 53 | Barry | 39 | 48 | 24.5% | 26 | Marion | 10 | 43 | 32.6% |
| 107 | Barton | 28 | 6 | 11.8% | 89 | McDonald | 40 | 24 | 18.3% |
| 104 | Bates | 27 | 13 | 14.9% | 90 | Mercer | 3 | 4 | 18.2% |
| 27 | Benton | 30 | 22 | 32.4% | 80 | Miller | 26 | 41 | 19.7% |
| 56 | Bollinger | 32 | 6 | 24.0% | 6 | Mississippi | 33 | 54 | 41.9% |
| 4 | Boone | 13 | 294 | 44.7% | 28 | Moniteau | 26 | 19 | 32.2% |
| 3 | Buchanan | 5 | 274 | 46.1% | 62 | Monroe | 10 | 7 | 22.6% |
| 31 | Butler | 36 | 75 | 31.6% | 65 | Montgomery | 12 | 24 | 22.2% |
| 72 | Caldwell | 43 | 8 | 21.1% | 96 | Morgan | 26 | 20 | 16.8% |
| 15 | Callaway | 13 | 67 | 36.4% | 82 | New Madrid | 34 | 47 | 19.7% |
| 59 | Camden | 26 | 55 | 23.5% | 48 | Newton | 40 | 58 | 26.1% |
| 14 | Cape Girardeau | 32 | 120 | 36.9% | 84 | Nodaway | 4 | 16 | 19.0% |
| 87 | Carroll | 8 | 8 | 18.6% | 55 | Oregon | 37 | 8 | 24.2% |
| 16 | Carter | 37 | 8 | 36.4% | 13 | Osage | 20 | 9 | 37.5% |
| 34 | Cass | 17 | 70 | 29.5% | 85 | Ozark | 44 | 7 | 18.9% |
| 101 | Cedar | 28 | 11 | 15.5% | 36 | Pemiscot | 34 | 67 | 28.9% |
| 54 | Chariton | 9 | 9 | 24.3% | 57 | Perry | 32 | 29 | 24.0% |
| 86 | Christian | 38 | 58 | 18.6% | 1 | Pettis | 18 | 113 | 56.5% |
| 51 | Clark | 1 | 7 | 25.0% | 68 | Phelps | 25 | 55 | 21.8% |
| 12 | Clay | 7 | 176 | 38.0% | 69 | Pike | 45 | 29 | 21.6% |
| 44 | Clinton | 43 | 18 | 26.9% | 21 | Platte | 6 | 66 | 33.5% |
| 20 | Cole | 19 | 124 | 34.7% | 103 | Polk | 30 | 20 | 15.2% |
| 24 | Cooper | 18 | 32 | 33.0% | 73 | Pulaski | 25 | 33 | 20.8% |
| 81 | Crawford | 42 | 37 | 19.7% | 112 | Putnam | 3 | 2 | 8.7% |
| 77 | Dade | 28 | 6 | 20.0% | 77 | Ralls | 10 | 6 | 20.0% |
| 39 | Dallas | 30 | 26 | 28.3% | 50 | Randolph | 14 | 56 | 25.3% |
| 17 | Daviess | 43 | 25 | 36.2% | 79 | Ray | 8 | 25 | 19.8% |
| 2 | Dekalb | 43 | 30 | 49.2% | 114 | Reynolds | 42 | 0 | 0.0% |
| 92 | Dent | 42 | 15 | 18.1% | 73 | Ripley | 36 | 11 | 20.8% |
| 33 | Douglas | 44 | 18 | 31.0% | 18 | Saline | 15 | 54 | 36.0% |
| 38 | Dunklin | 35 | 122 | 28.3% | 114 | Schuyler | 1 | 0 | 0.0% |
| 99 | Franklin | 20 | 77 | 15.9% | 5 | Scotland | 1 | 4 | 44.4% |
| 32 | Gasconade | 20 | 15 | 31.3% | 35 | Scott | 33 | 79 | 29.0% |
| 90 | Gentry | 4 | 4 | 18.2% | 94 | Shannon | 37 | 7 | 17.5% |
| 66 | Greene | 31 | 289 | 22.2% | 9 | Shelby | 41 | 11 | 39.3% |
| 70 | Grundy | 3 | 11 | 21.6% | 46 | St. Charles | 11 | 334 | 26.7% |
| 41 | Harrison | 3 | 16 | 28.1% | 42 | St. Clair | 27 | 12 | 27.9% |
| 95 | Henry | 27 | 25 | 16.9% | 51 | Ste. Genevieve | 24 | 23 | 25.0% |
| 11 | Hickory | 30 | 16 | 38.1% | 19 | St. Francois | 24 | 124 | 35.4% |
| 97 | Holt | 4 | 6 | 16.2% | 58 | St. Louis City | 22 | 794 | 23.7% |
| 60 | Howard | 14 | 10 | 23.3% | 75 | St. Louis Cnty | 21 | 646 | 20.5% |
| 29 | Howell | 37 | 48 | 32.0% | 71 | Stoddard | 35 | 43 | 21.1% |
| 47 | Iron | 42 | 16 | 26.7% | 88 | Stone | 39 | 31 | 18.6% |
| 67 | Jackson | 16 | 653 | 22.0% | 113 | Sullivan | 9 | 3 | 7.5% |
| 8 | Jasper | 29 | 176 | 40.8% | 76 | Taney | 38 | 68 | 20.3% |
| 63 | Jefferson | 23 | 144 | 22.4% | 49 | Texas | 25 | 18 | 25.7% |
| 43 | Johnson | 17 | 48 | 27.3% | 100 | Vernon | 28 | 12 | 15.8% |
| 111 | Knox | 2 | 1 | 9.1% | 102 | Warren | 12 | 43 | 15.4% |
| 25 | Laclede | 26 | 58 | 33.0% | 29 | Washington | 24 | 48 | 32.0% |
| 37 | Lafayette | 15 | 77 | 28.3% | 105 | Wayne | 42 | 10 | 13.7% |
| 64 | Lawrence | 39 | 48 | 22.3% | 83 | Webster | 30 | 19 | 19.6% |
| 110 | Lewis | 2 | 6 | 10.0% | 22 | Worth | 4 | 3 | 33.3% |
| 40 | Lincoln | 45 | 84 | 28.2% | 10 | Wright | 44 | 33 | 38.8% |
| 106 | Linn | 9 | 6 | 12.8% | | | | | |
| | | | | | Statewide Average | | | | |
| | | | | | 25.6% | | | | |

**120 Day & LT Drug Sentences as a Percentage of
All Prison Sentences and 120 Day Sentences in FY09 by County**
Ranking is in Descending Order

| Ranking | County Name | Circuit Court | 120D/LT Sentences | As a Percent of Prison+120D/LT | Ranking | County Name | Circuit Court | 120D/LT Sentences | As a Percent of Prison+120D/LT |
|---------|----------------|---------------|-------------------|--------------------------------|---------|--------------------------|---------------|-------------------|--------------------------------|
| 11 | Adair | 2 | 13 | 52.0% | 99 | Livingston | 43 | 6 | 14.3% |
| 110 | Andrew | 5 | 1 | 7.7% | 26 | Macon | 41 | 7 | 41.2% |
| 87 | Atchison | 4 | 1 | 20.0% | 84 | Madison | 24 | 5 | 21.7% |
| 21 | Audrain | 12 | 43 | 46.2% | 71 | Maries | 25 | 1 | 25.0% |
| 93 | Barry | 39 | 9 | 15.8% | 28 | Marion | 10 | 29 | 40.3% |
| 9 | Barton | 28 | 7 | 53.8% | 19 | McDonald | 40 | 21 | 46.7% |
| 50 | Bates | 27 | 6 | 31.6% | 43 | Mercer | 3 | 2 | 33.3% |
| 57 | Benton | 30 | 9 | 29.0% | 88 | Miller | 26 | 10 | 19.6% |
| 29 | Bollinger | 32 | 4 | 40.0% | 91 | Mississippi | 33 | 12 | 18.2% |
| 83 | Boone | 13 | 84 | 22.2% | 33 | Moniteau | 26 | 12 | 38.7% |
| 89 | Buchanan | 5 | 64 | 18.9% | 37 | Monroe | 10 | 4 | 36.4% |
| 94 | Butler | 36 | 14 | 15.7% | 25 | Montgomery | 12 | 17 | 41.5% |
| 7 | Caldwell | 43 | 10 | 55.6% | 103 | Morgan | 26 | 3 | 13.0% |
| 55 | Callaway | 13 | 29 | 30.2% | 34 | New Madrid | 34 | 29 | 38.2% |
| 82 | Camden | 26 | 16 | 22.5% | 61 | Newton | 40 | 23 | 28.4% |
| 71 | Cape Girardeau | 32 | 40 | 25.0% | 13 | Nodaway | 4 | 16 | 50.0% |
| 5 | Carroll | 8 | 11 | 57.9% | 65 | Oregon | 37 | 3 | 27.3% |
| 106 | Carter | 37 | 1 | 11.1% | 71 | Osage | 20 | 3 | 25.0% |
| 68 | Cass | 17 | 24 | 25.5% | 37 | Ozark | 44 | 4 | 36.4% |
| 96 | Cedar | 28 | 2 | 15.4% | 49 | Pemiscot | 34 | 31 | 31.6% |
| 52 | Chariton | 9 | 4 | 30.8% | 107 | Perry | 32 | 3 | 9.4% |
| 32 | Christian | 38 | 37 | 38.9% | 109 | Pettis | 18 | 10 | 8.1% |
| 24 | Clark | 1 | 5 | 41.7% | 80 | Phelps | 25 | 17 | 23.6% |
| 76 | Clay | 7 | 57 | 24.5% | 17 | Pike | 45 | 26 | 47.3% |
| 52 | Clinton | 43 | 8 | 30.8% | 105 | Platte | 6 | 9 | 12.0% |
| 75 | Cole | 19 | 41 | 24.8% | 59 | Polk | 30 | 8 | 28.6% |
| 58 | Cooper | 18 | 13 | 28.9% | 96 | Pulaski | 25 | 6 | 15.4% |
| 8 | Crawford | 42 | 45 | 54.9% | 43 | Putnam | 3 | 1 | 33.3% |
| 9 | Dade | 28 | 7 | 53.8% | 2 | Ralls | 10 | 11 | 64.7% |
| 90 | Dallas | 30 | 6 | 18.8% | 18 | Randolph | 14 | 50 | 47.2% |
| 59 | Daviess | 43 | 10 | 28.6% | 22 | Ray | 8 | 19 | 43.2% |
| 92 | Dekalb | 43 | 6 | 16.7% | 111 | Reynolds | 42 | 0 | 0.0% |
| 20 | Dent | 42 | 13 | 46.4% | 96 | Ripley | 36 | 2 | 15.4% |
| 99 | Douglas | 44 | 3 | 14.3% | 56 | Saline | 15 | 23 | 29.9% |
| 12 | Dunklin | 35 | 126 | 50.8% | 111 | Schuyler | 1 | 0 | 0.0% |
| 51 | Franklin | 20 | 35 | 31.3% | 43 | Scotland | 1 | 2 | 33.3% |
| 86 | Gasconade | 20 | 4 | 21.1% | 77 | Scott | 33 | 25 | 24.0% |
| 13 | Gentry | 4 | 4 | 50.0% | 111 | Shannon | 37 | 0 | 0.0% |
| 67 | Greene | 31 | 103 | 26.3% | 108 | Shelby | 41 | 1 | 8.3% |
| 42 | Grundy | 3 | 6 | 35.3% | 74 | St. Charles | 11 | 111 | 24.9% |
| 65 | Harrison | 3 | 6 | 27.3% | 43 | St. Clair | 27 | 6 | 33.3% |
| 47 | Henry | 27 | 12 | 32.4% | 62 | Ste. Genevieve | 24 | 9 | 28.1% |
| 78 | Hickory | 30 | 5 | 23.8% | 95 | St. Francois | 24 | 23 | 15.6% |
| 29 | Holt | 4 | 4 | 40.0% | 63 | St. Louis City | 22 | 303 | 27.6% |
| 26 | Howard | 14 | 7 | 41.2% | 85 | St. Louis Cnty | 21 | 174 | 21.2% |
| 104 | Howell | 37 | 7 | 12.7% | 13 | Stoddard | 35 | 43 | 50.0% |
| 23 | Iron | 42 | 12 | 42.9% | 40 | Stone | 39 | 17 | 35.4% |
| 41 | Jackson | 16 | 357 | 35.3% | 6 | Sullivan | 9 | 4 | 57.1% |
| 69 | Jasper | 29 | 60 | 25.4% | 70 | Taney | 38 | 23 | 25.3% |
| 36 | Jefferson | 23 | 83 | 36.6% | 52 | Texas | 25 | 8 | 30.8% |
| 78 | Johnson | 17 | 15 | 23.8% | 29 | Vernon | 28 | 8 | 40.0% |
| 1 | Knox | 2 | 2 | 66.7% | 4 | Warren | 12 | 65 | 60.2% |
| 81 | Laclede | 26 | 17 | 22.7% | 99 | Washington | 24 | 8 | 14.3% |
| 39 | Lafayette | 15 | 43 | 35.8% | 16 | Wayne | 42 | 9 | 47.4% |
| 48 | Lawrence | 39 | 23 | 32.4% | 35 | Webster | 30 | 11 | 36.7% |
| 3 | Lewis | 2 | 10 | 62.5% | 111 | Worth | 4 | 0 | 0.0% |
| 64 | Lincoln | 45 | 32 | 27.6% | 111 | Wright | 44 | 0 | 0.0% |
| 99 | Linn | 9 | 1 | 14.3% | | Statewide Average | | | 29.0% |

Average Prison Sentences in Years in FY09 by County
Ranking is in Descending Order

| Ranking | County Name | Circuit Court | Prison Sentences | Average Prison Sentence (yrs.) | Ranking | County Name | Circuit Court | Prison Sentences | Average Prison Sentence (yrs.) |
|---------|----------------|---------------|------------------|--------------------------------|--------------------------|----------------|---------------|------------------|--------------------------------|
| 77 | Adair | 2 | 12 | 5.1 | 14 | Livingston | 43 | 36 | 7.5 |
| 99 | Andrew | 5 | 12 | 4.1 | 92 | Macon | 41 | 10 | 4.4 |
| 71 | Atchison | 4 | 4 | 5.3 | 25 | Madison | 24 | 18 | 6.9 |
| 46 | Audrain | 12 | 50 | 6.0 | 16 | Maries | 25 | 3 | 7.3 |
| 78 | Barry | 39 | 48 | 4.9 | 60 | Marion | 10 | 43 | 5.7 |
| 4 | Barton | 28 | 6 | 9.5 | 20 | McDonald | 40 | 24 | 7.1 |
| 37 | Bates | 27 | 13 | 6.5 | 55 | Mercer | 3 | 4 | 5.8 |
| 89 | Benton | 30 | 22 | 4.5 | 81 | Miller | 26 | 41 | 4.8 |
| 88 | Bollinger | 32 | 6 | 4.5 | 79 | Mississippi | 33 | 54 | 4.8 |
| 61 | Boone | 13 | 294 | 5.6 | 51 | Moniteau | 26 | 19 | 5.9 |
| 57 | Buchanan | 5 | 274 | 5.7 | 68 | Monroe | 10 | 7 | 5.3 |
| 50 | Butler | 36 | 75 | 6.0 | 8 | Montgomery | 12 | 24 | 8.4 |
| 71 | Caldwell | 43 | 8 | 5.3 | 67 | Morgan | 26 | 20 | 5.4 |
| 70 | Callaway | 13 | 67 | 5.3 | 13 | New Madrid | 34 | 47 | 7.5 |
| 96 | Camden | 26 | 55 | 4.3 | 73 | Newton | 40 | 58 | 5.2 |
| 59 | Cape Girardeau | 32 | 120 | 5.7 | 43 | Nodaway | 4 | 16 | 6.3 |
| 9 | Carroll | 8 | 8 | 8.0 | 95 | Oregon | 37 | 8 | 4.4 |
| 7 | Carter | 37 | 8 | 8.5 | 25 | Osage | 20 | 9 | 6.9 |
| 62 | Cass | 17 | 70 | 5.6 | 1 | Ozark | 44 | 7 | 11.3 |
| 48 | Cedar | 28 | 11 | 6.0 | 47 | Pemiscot | 34 | 67 | 6.0 |
| 10 | Chariton | 9 | 9 | 7.8 | 87 | Perry | 32 | 29 | 4.6 |
| 64 | Christian | 38 | 58 | 5.5 | 75 | Pettis | 18 | 113 | 5.2 |
| 68 | Clark | 1 | 7 | 5.3 | 28 | Phelps | 25 | 55 | 6.8 |
| 65 | Clay | 7 | 176 | 5.4 | 53 | Pike | 45 | 29 | 5.9 |
| 107 | Clinton | 43 | 18 | 3.7 | 40 | Platte | 6 | 66 | 6.4 |
| 80 | Cole | 19 | 124 | 4.8 | 92 | Polk | 30 | 20 | 4.4 |
| 103 | Cooper | 18 | 32 | 3.9 | 19 | Pulaski | 25 | 33 | 7.1 |
| 18 | Crawford | 42 | 37 | 7.2 | 108 | Putnam | 3 | 2 | 3.5 |
| 85 | Dade | 28 | 6 | 4.7 | 29 | Ralls | 10 | 6 | 6.8 |
| 111 | Dallas | 30 | 26 | 3.4 | 34 | Randolph | 14 | 56 | 6.6 |
| 100 | Daviess | 43 | 25 | 4.1 | 36 | Ray | 8 | 25 | 6.5 |
| 82 | Dekalb | 43 | 30 | 4.8 | 114 | Reynolds | 42 | 0 | 0.0 |
| 3 | Dent | 42 | 15 | 10.5 | 105 | Ripley | 36 | 11 | 3.9 |
| 83 | Douglas | 44 | 18 | 4.8 | 38 | Saline | 15 | 54 | 6.4 |
| 31 | Dunklin | 35 | 122 | 6.8 | 114 | Schuyler | 1 | 0 | 0.0 |
| 44 | Franklin | 20 | 77 | 6.2 | 112 | Scotland | 1 | 4 | 3.3 |
| 6 | Gasconade | 20 | 15 | 8.7 | 66 | Scott | 33 | 79 | 5.4 |
| 108 | Gentry | 4 | 4 | 3.5 | 91 | Shannon | 37 | 7 | 4.4 |
| 17 | Greene | 31 | 289 | 7.2 | 86 | Shelby | 41 | 11 | 4.6 |
| 102 | Grundy | 3 | 11 | 4.0 | 30 | St. Charles | 11 | 334 | 6.8 |
| 12 | Harrison | 3 | 16 | 7.5 | 52 | St. Clair | 27 | 12 | 5.9 |
| 27 | Henry | 27 | 25 | 6.8 | 39 | Ste. Genevieve | 24 | 23 | 6.4 |
| 103 | Hickory | 30 | 16 | 3.9 | 21 | St. Francois | 24 | 124 | 7.1 |
| 76 | Holt | 4 | 6 | 5.2 | 5 | St. Louis City | 22 | 794 | 9.0 |
| 2 | Howard | 14 | 10 | 11.1 | 22 | St. Louis Cnty | 21 | 646 | 7.1 |
| 106 | Howell | 37 | 48 | 3.8 | 56 | Stoddard | 35 | 43 | 5.7 |
| 84 | Iron | 42 | 16 | 4.8 | 101 | Stone | 39 | 31 | 4.0 |
| 11 | Jackson | 16 | 653 | 7.7 | 97 | Sullivan | 9 | 3 | 4.3 |
| 63 | Jasper | 29 | 176 | 5.5 | 58 | Taney | 38 | 68 | 5.7 |
| 33 | Jefferson | 23 | 144 | 6.6 | 15 | Texas | 25 | 18 | 7.4 |
| 42 | Johnson | 17 | 48 | 6.3 | 54 | Vernon | 28 | 12 | 5.8 |
| 113 | Knox | 2 | 1 | 2.0 | 23 | Warren | 12 | 43 | 7.0 |
| 41 | Laclede | 26 | 58 | 6.3 | 32 | Washington | 24 | 48 | 6.7 |
| 49 | Lafayette | 15 | 77 | 6.0 | 74 | Wayne | 42 | 10 | 5.2 |
| 94 | Lawrence | 39 | 48 | 4.4 | 35 | Webster | 30 | 19 | 6.6 |
| 24 | Lewis | 2 | 6 | 7.0 | 97 | Worth | 4 | 3 | 4.3 |
| 45 | Lincoln | 45 | 84 | 6.1 | 89 | Wright | 44 | 33 | 4.5 |
| 108 | Linn | 9 | 6 | 3.5 | | | | | |
| | | | | | Statewide Average | | | | |
| | | | | | 6.6 | | | | |

**Nonviolent Offenders as Percent of All Incarcerated Offenders
Incarcerated on June 30, 2009
Ranked in Descending Order**

| Circuit Court | Counties | Incarcerated | |
|-------------------------|---|--------------|-------|
| 14 | Howard, Randolph | 349 | 77.1% |
| 15 | Lafayette, Saline | 592 | 72.8% |
| 30 | Benton, Dallas, Hickory, Polk, Webster | 431 | 69.4% |
| 4 | Atchison, Gentry, Holt, Nodaway, Worth | 137 | 69.3% |
| 9 | Chariton, Linn, Sullivan | 108 | 68.5% |
| 12 | Audrain, Montgomery, Warren | 488 | 68.0% |
| 5 | Andrew, Buchanan | 760 | 68.0% |
| 8 | Carroll, Ray | 220 | 67.7% |
| 45 | Lincoln, Pike | 336 | 67.6% |
| 26 | Camden, Laclede, Miller, Moniteau, Morgan | 814 | 67.3% |
| 43 | Caldwell, Clinton, Daviess, DeKalb, Livingston | 441 | 66.9% |
| 10 | Marion, Monroe, Ralls | 276 | 66.3% |
| 1 | Clark, Schuyler, Scotland | 76 | 65.8% |
| 36 | Butler, Ripley | 341 | 65.7% |
| 32 | Bollinger, Cape Girardeau, Perry | 528 | 65.3% |
| 18 | Cooper, Pettis | 382 | 64.4% |
| 28 | Barton, Cedar, Dade, Vernon | 240 | 63.8% |
| 2 | Adair, Knox, Lewis | 125 | 63.2% |
| 42 | Crawford, Dent, Iron, Reynolds, Wayne | 464 | 62.5% |
| 3 | Grundy, Harrison, Mercer, Putnam | 141 | 62.4% |
| 37 | Carter, Howell, Oregon, Shannon | 208 | 61.5% |
| 11 | St. Charles | 1,162 | 61.0% |
| 38 | Christian, Taney | 495 | 61.0% |
| 17 | Cass, Johnson | 426 | 60.1% |
| 35 | Dunklin, Stoddard | 577 | 58.9% |
| 41 | Macon, Shelby | 97 | 58.8% |
| 40 | McDonald, Newton | 283 | 58.0% |
| 33 | Mississippi, Scott | 447 | 57.5% |
| 13 | Boone, Callaway | 1,244 | 57.1% |
| 20 | Franklin, Gasconade, Osage | 319 | 57.1% |
| 44 | Douglas, Ozark, Wright | 159 | 56.6% |
| 19 | Cole | 361 | 56.5% |
| 39 | Barry, Lawrence, Stone | 519 | 56.5% |
| 27 | Bates, Henry, St. Clair | 225 | 56.0% |
| 24 | Madison, St. Francois, Ste. Genevieve, Washington | 804 | 55.6% |
| 25 | Maries, Phelps, Pulaski, Texas | 443 | 53.7% |
| 29 | Jasper | 517 | 53.4% |
| 7 | Clay | 645 | 53.0% |
| 34 | New Madrid, Pemiscot | 502 | 52.4% |
| 23 | Jefferson | 487 | 51.1% |
| 31 | Greene | 1,347 | 49.0% |
| 6 | Platte | 247 | 49.0% |
| 21 | St. Louis County | 3,234 | 41.5% |
| 22 | St. Louis City | 4,723 | 34.2% |
| 16 | Jackson | 3,660 | 27.5% |
| Total Prison Population | | 30,380 | |

One expected result of the Missouri’s truth in sentencing law enacted in 1994 was an increase in the number of incarcerated offenders convicted of violent offenses. In June 2009 the percentage of the incarcerated population convicted of nonviolent offenses was 50% which was the same percentage in June 1994 and since 1994 there has been a doubling of the incarcerated population. An indication, therefore, of the overuse of prison could be the high percentage of incarcerated offenders sentenced by counties for nonviolent offenses. The violent/nonviolent split may, however, be the result of differing crime rates for violent and nonviolent offenses so the county analysis overleaf shows the crime and conviction rates for nonviolent offenses and the incarceration rates for nonviolent offenses.

An Example of Interpretation

Greene is a county that has a low percentage of nonviolent offenses, high rates of nonviolent crime but low incarceration rates for nonviolent offenses. Lincoln is a county with a high percentage of incarcerated nonviolent offenders, average rates of nonviolent crime but high incarceration rates for nonviolent offenses

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

| Ranking | County, Circuit | Incarcerated | Percent Nonviolent | Nonviolent Crime & Conviction Rate per 100000 ** | Nonviolent Crime & Conviction Ranking | Nonviolent Incarceration Rate per 100000 *** | Nonviolent Incarceration Ranking |
|---------|--------------------|--------------|--------------------|--|---------------------------------------|--|----------------------------------|
| 47 | Adair, 2 | 96 | 62.8% | 1,209 | 57 | 118 | 78 |
| 44 | Andrew, 5 | 17 | 64.9% | 844 | 91 | 72 | 102 |
| 50 | Atchison, 4 | 21 | 62.5% | 543 | 108 | 181 | 37 |
| 59 | Audrain, 12 | 171 | 61.4% | 1,154 | 62 | 208 | 25 |
| 71 | Barry, 39 | 148 | 59.5% | 1,432 | 36 | 129 | 63 |
| 45 | Barton, 28 | 45 | 63.9% | 1,153 | 63 | 207 | 27 |
| 99 | Bates, 27 | 74 | 50.9% | 1,350 | 46 | 359 | 5 |
| 25 | Benton, 30 | 46 | 69.5% | 1,135 | 64 | 125 | 70 |
| 9 | Bollinger, 32 | 19 | 73.8% | 714 | 98 | 97 | 88 |
| 79 | Boone, 13 | 363 | 56.7% | 1,938 | 18 | 123 | 72 |
| 28 | Buchanan, 5 | 321 | 68.0% | 2,536 | 6 | 224 | 13 |
| 37 | Butler, 36 | 162 | 66.1% | 2,473 | 7 | 217 | 16 |
| 3 | Caldwell, 43 | 30 | 79.2% | 872 | 90 | 172 | 42 |
| 73 | Callaway, 13 | 117 | 59.1% | 2,089 | 15 | 401 | 2 |
| 64 | Camden, 26 | 179 | 60.6% | 1,591 | 29 | 209 | 24 |
| 43 | Cape Girardeau, 32 | 205 | 65.0% | 2,305 | 9 | 138 | 60 |
| 92 | Carroll, 8 | 35 | 53.2% | 580 | 107 | 165 | 47 |
| 110 | Carter, 37 | 14 | 40.7% | 532 | 110 | 223 | 14 |
| 72 | Cass, 17 | 167 | 59.4% | 1,280 | 51 | 164 | 48 |
| 24 | Cedar, 28 | 60 | 69.7% | 1,035 | 71 | 181 | 38 |
| 68 | Chariton, 9 | 28 | 60.0% | 401 | 114 | 168 | 45 |
| 48 | Christian, 38 | 253 | 62.6% | 1,003 | 78 | 127 | 66 |
| 34 | Clark, 1 | 21 | 66.7% | 605 | 105 | 67 | 104 |
| 94 | Clay, 7 | 287 | 53.0% | 1,409 | 40 | 129 | 64 |
| 76 | Clinton, 43 | 49 | 57.8% | 1,120 | 65 | 163 | 50 |
| 81 | Cole, 19 | 233 | 56.0% | 1,722 | 25 | 89 | 92 |
| 65 | Cooper, 18 | 65 | 60.4% | 1,654 | 27 | 160 | 52 |
| 39 | Crawford, 42 | 151 | 65.4% | 1,770 | 23 | 159 | 53 |
| 40 | Dade, 28 | 24 | 65.2% | 735 | 96 | 216 | 19 |
| 29 | Dallas, 30 | 66 | 68.0% | 1,161 | 61 | 84 | 95 |
| 8 | Daviess, 43 | 44 | 74.4% | 764 | 94 | 212 | 22 |
| 97 | Dekalb, 43 | 31 | 51.1% | 622 | 103 | 373 | 3 |
| 67 | Dent, 42 | 68 | 60.2% | 1,175 | 58 | 99 | 87 |
| 51 | Douglas, 44 | 40 | 62.5% | 1,362 | 44 | 46 | 110 |
| 85 | Dunklin, 35 | 309 | 55.5% | 1,941 | 17 | 165 | 46 |
| 80 | Franklin, 20 | 407 | 56.5% | 1,421 | 37 | 112 | 82 |
| 46 | Gasconade, 20 | 33 | 63.6% | 1,408 | 41 | 188 | 34 |
| 41 | Gentry, 4 | 18 | 65.2% | 654 | 101 | 146 | 56 |
| 105 | Greene, 31 | 1012 | 49.3% | 3,407 | 2 | 122 | 73 |
| 62 | Grundy, 3 | 40 | 60.9% | 1,287 | 50 | 111 | 83 |
| 17 | Harrison, 3 | 41 | 71.4% | 1,097 | 67 | 128 | 65 |
| 70 | Henry, 27 | 123 | 59.7% | 1,784 | 22 | 234 | 12 |
| 13 | Hickory, 30 | 26 | 72.7% | 920 | 83 | 114 | 80 |
| 4 | Holt, 4 | 31 | 79.2% | 1,175 | 59 | 92 | 90 |
| 33 | Howard, 14 | 33 | 67.2% | 535 | 109 | 33 | 113 |
| 36 | Howell, 37 | 102 | 66.4% | 2,278 | 11 | 297 | 8 |
| 78 | Iron, 42 | 44 | 57.7% | 772 | 93 | 49 | 108 |
| 115 | Jackson, 16 | 2321 | 27.5% | 3,068 | 4 | 60 | 105 |
| 91 | Jasper, 29 | 255 | 53.6% | 2,834 | 5 | 107 | 84 |
| 98 | Jefferson, 23 | 500 | 51.0% | 1,678 | 26 | 416 | 1 |
| 56 | Johnson, 17 | 128 | 61.6% | 1,455 | 35 | 289 | 9 |
| 101 | Knox, 2 | 10 | 50.0% | 1,509 | 31 | 178 | 40 |
| 19 | Laclede, 26 | 118 | 71.2% | 1,936 | 19 | 211 | 23 |
| 10 | Lafayette, 15 | 195 | 73.6% | 1,259 | 54 | 127 | 68 |
| 83 | Lawrence, 39 | 167 | 55.8% | 1,838 | 21 | 180 | 39 |
| 18 | Lewis, 2 | 54 | 71.4% | 1,057 | 69 | 307 | 7 |
| 20 | Lincoln, 45 | 214 | 71.1% | 1,026 | 74 | 358 | 6 |
| 5 | Linn, 9 | 41 | 77.5% | 1,004 | 77 | 119 | 76 |

* Nonviolent includes Drugs, DWI and other nonviolent offenses. Sex and child abuse offenses are excluded.

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

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

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

| Ranking | County, Circuit | Incarcerated | Percent Nonviolent | Nonviolent | Nonviolent | Nonviolent | Nonviolent |
|--------------------------|--------------------|--------------|--------------------|---------------------------------------|----------------------------|-----------------------------------|-----------------------|
| | | | | Crime & Conviction Rate per 100000 ** | Crime & Conviction Ranking | Incarceration Rate per 100000 *** | Incarceration Ranking |
| 12 | Livingston, 43 | 73 | 72.9% | 434 | 113 | 119 | 77 |
| 82 | Macon, 41 | 75 | 55.9% | 890 | 85 | 90 | 91 |
| 90 | Madison, 24 | 49 | 53.7% | 1,029 | 73 | 141 | 59 |
| 52 | Maries, 25 | 14 | 62.5% | 668 | 100 | 113 | 81 |
| 35 | Marion, 10 | 89 | 66.5% | 3,254 | 3 | 131 | 62 |
| 100 | McDonald, 40 | 107 | 50.9% | 1,379 | 42 | 25 | 114 |
| 107 | Mercer, 3 | 18 | 45.8% | 608 | 104 | 196 | 32 |
| 16 | Miller, 26 | 167 | 71.7% | 1,223 | 55 | 169 | 44 |
| 96 | Mississippi, 33 | 75 | 51.5% | 1,337 | 47 | 79 | 99 |
| 32 | Moniteau, 26 | 40 | 67.3% | 832 | 92 | 59 | 106 |
| 22 | Monroe, 10 | 24 | 70.2% | 1,264 | 53 | 72 | 101 |
| 54 | Montgomery, 12 | 84 | 62.4% | 1,170 | 60 | 217 | 17 |
| 31 | Morgan, 26 | 99 | 67.9% | 1,300 | 49 | 161 | 51 |
| 86 | New Madrid, 34 | 192 | 55.2% | 653 | 102 | 22 | 115 |
| 49 | Newton, 40 | 164 | 62.6% | 1,536 | 30 | 104 | 85 |
| 21 | Nodaway, 4 | 68 | 70.4% | 1,216 | 56 | 183 | 36 |
| 14 | Oregon, 37 | 25 | 72.2% | 526 | 111 | 78 | 100 |
| 55 | Osage, 20 | 15 | 61.8% | 881 | 87 | 45 | 112 |
| 106 | Ozark, 44 | 30 | 48.5% | 1,102 | 66 | 142 | 58 |
| 103 | Pemiscot, 34 | 165 | 49.8% | 1,954 | 16 | 88 | 93 |
| 66 | Perry, 32 | 92 | 60.2% | 942 | 82 | 190 | 33 |
| 38 | Pettis, 18 | 87 | 65.6% | 2,396 | 8 | 212 | 20 |
| 93 | Phelps, 25 | 197 | 53.1% | 2,119 | 13 | 126 | 69 |
| 58 | Pike, 45 | 105 | 61.5% | 999 | 79 | 152 | 55 |
| 104 | Platte, 6 | 131 | 49.8% | 1,415 | 39 | 142 | 57 |
| 6 | Polk, 30 | 112 | 76.7% | 1,331 | 48 | 84 | 96 |
| 108 | Pulaski, 25 | 126 | 43.4% | 1,276 | 52 | 127 | 67 |
| 69 | Putnam, 3 | 21 | 60.0% | 489 | 112 | 164 | 49 |
| 75 | Ralls, 10 | 24 | 57.9% | 1,043 | 70 | 220 | 15 |
| 2 | Randolph, 14 | 165 | 79.3% | 1,483 | 34 | 53 | 107 |
| 11 | Ray, 8 | 101 | 73.6% | 1,084 | 68 | 216 | 18 |
| 111 | Reynolds, 42 | 18 | 40.0% | 592 | 106 | 83 | 98 |
| 42 | Ripley, 36 | 42 | 65.1% | 1,502 | 32 | 171 | 43 |
| 15 | Saline, 15 | 96 | 71.8% | 1,500 | 33 | 125 | 71 |
| 113 | Schuyler, 1 | 9 | 37.5% | 292 | 115 | 49 | 109 |
| 1 | Scotland, 1 | 5 | 80.0% | 724 | 97 | 88 | 94 |
| 63 | Scott, 33 | 193 | 60.8% | 1,862 | 20 | 138 | 61 |
| 112 | Shannon, 37 | 33 | 40.0% | 687 | 99 | 250 | 10 |
| 57 | Shelby, 41 | 17 | 61.5% | 890 | 86 | 122 | 74 |
| 61 | St. Charles, 11 | 918 | 61.0% | 1,353 | 45 | 240 | 11 |
| 95 | St. Clair, 27 | 31 | 52.6% | 1,420 | 38 | 84 | 97 |
| 84 | Ste. Genevieve, 24 | 69 | 55.7% | 1,618 | 28 | 174 | 41 |
| 114 | St. Francois, 24 | 226 | 34.3% | 5,063 | 1 | 208 | 26 |
| 109 | St. Louis City, 22 | 2557 | 41.4% | 2,101 | 14 | 202 | 28 |
| 60 | St. Louis Cnty, 21 | 2511 | 61.3% | 873 | 89 | 199 | 30 |
| 26 | Stoddard, 35 | 161 | 68.6% | 1,024 | 75 | 100 | 86 |
| 89 | Stone, 39 | 136 | 53.9% | 1,375 | 43 | 71 | 103 |
| 30 | Sullivan, 9 | 37 | 68.0% | 969 | 80 | 199 | 31 |
| 74 | Taney, 38 | 267 | 59.0% | 2,290 | 10 | 186 | 35 |
| 27 | Texas, 25 | 52 | 68.1% | 909 | 84 | 122 | 75 |
| 77 | Vernon, 28 | 64 | 57.8% | 2,254 | 12 | 115 | 79 |
| 7 | Warren, 12 | 236 | 74.8% | 1,738 | 24 | 202 | 29 |
| 87 | Washington, 24 | 102 | 55.1% | 880 | 88 | 212 | 21 |
| 23 | Wayne, 42 | 63 | 70.1% | 1,015 | 76 | 45 | 111 |
| 53 | Webster, 30 | 78 | 62.5% | 955 | 81 | 155 | 54 |
| 102 | Worth, 4 | 6 | 50.0% | 740 | 95 | 95 | 89 |
| 88 | Wright, 44 | 52 | 54.9% | 1,034 | 72 | 367 | 4 |
| Statewide Average | | | 50.3% | 2,090 | | 125 | |

Comparing sentencing when grouped into three geographical areas based upon size of population (Metropolitan, Other First Class Counties and Rural) indicates that the greatest differences are between the metropolitan areas and the rest of the state. The metropolitan areas have the highest prison sentences but the lowest percentage of prison sentences. Rural counties have higher percentages of probation and shock and treatment sentences than first class counties. Within the metro areas Jackson County has the highest percent of shock and treatment sentences but all three metro counties have similar prison percentages.

**New Sentencing and DOC Commitment, FY09
All Offenses**

| Circuits | Sentences | Percent Disposition | | | Ave. Sentence (yrs) |
|----------------|-----------|---------------------|-----------------|--------|---------------------|
| | | Probation | Shock/Treatment | Prison | |
| Jackson Cnty | 2,976 | 66.0 | 12.0 | 22.0 | 7.7 |
| St Louis Cnty | 3,145 | 74.2 | 5.5 | 20.3 | 7.1 |
| St. Louis City | 3,362 | 67.2 | 9.0 | 23.8 | 9.0 |
| Metro | 9,483 | 69.1 | 8.8 | 22.1 | 8.0 |
| First Class | 8,322 | 60.0 | 9.9 | 30.1 | 6.0 |
| Rural | 9,859 | 62.3 | 12.5 | 25.2 | 5.9 |
| Total | 27,664 | 64.0 | 10.4 | 25.6 | 6.6 |

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 4

Comparing the three geographical areas for similar offenses reduces the disparity in prison sentences but the differences in sentence disposition remain. The metro areas have the lowest percent of sentences receiving prison sentences. This is true for drugs, DWI and other non-violent offenses. For violent offenses there is a much greater similarity in sentencing. For Class A, B and C felony violent offenses there is very little difference in disposition or prison sentence between the metropolitan counties and the other counties. For Class D violent offenses there is a difference.

**New Sentencing and DOC Commitment, FY09
By Offense Group**

| Circuits | Sentences | Percent Disposition | | | Ave. Sentence (yrs) |
|--------------------|---------------|---------------------|---------------------|-------------|---------------------------|
| | | Probation | Shock/ Treatment | Prison | |
| <i>Violent</i> | | | | | |
| Jackson Cnty | 606 | 38.0 | 16.3 | 45.7 | 10.8 |
| St Louis Cnty | 379 | 44.6 | 7.4 | 48.0 | 11.3 |
| St. Louis City | 523 | 34.6 | 7.5 | 57.9 | 12.5 |
| Metro | 1,508 | 38.5 | 11.0 | 50.5 | 11.6 |
| First Class | 850 | 41.9 | 10.4 | 47.8 | 9.8 |
| Rural | 1,083 | 48.8 | 11.8 | 39.3 | 8.3 |
| Total Violent | 3,441 | 42.6 | 11.1 | 46.3 | 10.3 |
| <i>Sex</i> | | | | | |
| Jackson Cnty | 85 | 31.8 | 8.2 | 60.0 | 13.3 |
| St Louis Cnty | 84 | 40.5 | 4.8 | 54.8 | 11.0 |
| St. Louis City | 86 | 31.4 | 5.8 | 62.8 | 14.5 |
| Metro | 255 | 34.5 | 6.3 | 59.2 | 13.0 |
| First Class | 336 | 31.8 | 6.0 | 62.2 | 10.1 |
| Rural | 419 | 28.2 | 16.5 | 55.4 | 9.2 |
| Total Sex | 1,010 | 31.0 | 10.4 | 58.6 | 10.5 |
| <i>Drugs</i> | | | | | |
| Jackson Cnty | 1,134 | 86.1 | 7.1 | 6.9 | 4.7 |
| St Louis Cnty | 753 | 81.0 | 6.8 | 12.2 | 4.8 |
| St. Louis City | 1,338 | 75.3 | 11.3 | 13.4 | 7.0 |
| Metro | 3,225 | 80.4 | 8.7 | 10.8 | 5.9 |
| First Class | 2,812 | 67.8 | 9.9 | 22.3 | 5.5 |
| Rural | 3,063 | 66.6 | 12.7 | 20.7 | 6.0 |
| Total Drugs | 9,100 | 71.9 | 10.4 | 17.7 | 5.8 |
| <i>DWI</i> | | | | | |
| Jackson Cnty | 111 | 65.8 | 21.6 | 12.6 | 3.1 |
| St Louis Cnty | 48 | 68.8 | 10.4 | 20.8 | 3.5 |
| St. Louis City | 2 | 50.0 | 50.0 | - | - |
| Metro | 161 | 66.5 | 18.6 | 14.9 | 3.3 |
| First Class | 512 | 65.2 | 17.0 | 17.8 | 3.0 |
| Rural | 489 | 66.3 | 17.4 | 16.4 | 3.2 |
| Total DWI | 1,162 | 65.8 | 17.4 | 16.8 | 3.1 |
| <i>Non-Violent</i> | | | | | |
| Jackson Cnty | 1,040 | 63.3 | 14.1 | 22.6 | 4.2 |
| St Louis Cnty | 1,881 | 79.1 | 4.6 | 16.4 | 4.8 |
| St. Louis City | 1,413 | 73.7 | 7.6 | 18.7 | 5.3 |
| Metro | 4,334 | 73.5 | 7.9 | 18.6 | 4.8 |
| First Class | 3,812 | 60.1 | 9.2 | 30.7 | 4.4 |
| Rural | 4,805 | 65.2 | 11.7 | 23.1 | 4.5 |
| Total Non-Violent | 12,951 | 66.5 | 9.7 | 23.8 | 4.5 |
| Total | 27,664 | 64.0 | 10.4 | 25.6 | 6.6 |

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44

New Sentencing and DOC Commitment, FY09
Violent Offenses by Felony Class

| Circuits | Sentences | Percent Disposition | | | Ave. Sentence (yrs) |
|------------------|-----------|---------------------|---------------------|--------|---------------------|
| | | Probation | Shock/ Treatment | Prison | |
| <i>Class A</i> | | | | | |
| Jackson Cnty | 155 | 23.2 | 9.7 | 67.1 | 17.3 |
| St Louis Cnty | 101 | 20.8 | 3.0 | 76.2 | 17.1 |
| St. Louis City | 167 | 10.8 | 3.6 | 85.6 | 17.5 |
| Metro | 423 | 17.7 | 5.7 | 76.6 | 17.3 |
| First Class | 135 | 8.1 | 5.9 | 85.9 | 18.8 |
| Rural | 78 | 16.7 | 5.1 | 78.2 | 20.8 |
| Total Class A | 636 | 15.6 | 5.7 | 78.8 | 18.1 |
| <i>Class B</i> | | | | | |
| Jackson Cnty | 168 | 36.9 | 20.8 | 42.3 | 8.2 |
| St Louis Cnty | 114 | 43.9 | 12.3 | 43.9 | 8.4 |
| St. Louis City | 154 | 33.1 | 11.7 | 55.2 | 8.7 |
| Metro | 436 | 37.4 | 15.4 | 47.2 | 8.5 |
| First Class | 158 | 33.5 | 10.1 | 56.3 | 9.1 |
| Rural | 154 | 32.5 | 13.0 | 54.5 | 8.3 |
| Total Class B | 748 | 35.6 | 13.8 | 50.7 | 8.6 |
| <i>Class C</i> | | | | | |
| Jackson Cnty | 242 | 49.2 | 18.6 | 32.2 | 4.9 |
| St Louis Cnty | 145 | 63.4 | 7.6 | 29.0 | 5.0 |
| St. Louis City | 161 | 64.6 | 8.1 | 27.3 | 5.1 |
| Metro | 548 | 57.5 | 12.6 | 29.9 | 5.0 |
| First Class | 493 | 53.3 | 11.8 | 34.9 | 4.8 |
| Rural | 786 | 56.9 | 13.0 | 30.2 | 4.9 |
| Total Class C | 1,827 | 56.1 | 12.5 | 31.4 | 4.9 |
| <i>Class D</i> | | | | | |
| Jackson Cnty | 2 | 50.0 | - | 50.0 | 4.0 |
| St Louis Cnty | 3 | 100.0 | - | - | - |
| St. Louis City | 3 | 100.0 | - | - | - |
| Metro | 8 | 87.5 | - | 12.5 | 4.0 |
| First Class | 34 | 58.8 | 5.9 | 35.3 | 3.2 |
| Rural | 22 | 36.4 | 4.5 | 59.1 | 3.5 |
| Total Class D | 64 | 54.7 | 4.7 | 40.6 | 3.4 |
| <i>Unclassed</i> | | | | | |
| Jackson Cnty | - | - | - | - | - |
| St Louis Cnty | - | - | - | - | - |
| St. Louis City | - | - | - | - | - |
| Metro | - | - | - | - | - |
| First Class | - | - | - | - | - |
| Rural | - | - | - | - | - |
| Total Unclassed | - | - | - | - | - |
| Total | 3,275 | 43.5 | 11.3 | 45.2 | 10.3 |

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,

New Sentencing and DOC Commitment, FY09
Sex Offenses by Felony Class

| Circuits | Sentences | Percent Disposition | | | Ave. Sentence (yrs) |
|------------------|-----------|---------------------|---------------------|--------|---------------------|
| | | Probation | Shock/ Treatment | Prison | |
| <i>Class A</i> | | | | | |
| Jackson Cnty | 10 | - | - | 100.0 | 20.3 |
| St Louis Cnty | 1 | - | - | 100.0 | 18.0 |
| St. Louis City | 5 | - | - | 100.0 | 21.4 |
| Metro | 16 | - | - | 100.0 | 20.5 |
| First Class | 5 | 20.0 | 20.0 | 60.0 | 11.7 |
| Rural | 6 | - | - | 100.0 | 17.2 |
| Total Class A | 27 | 3.7 | 3.7 | 92.6 | 18.6 |
| <i>Class B</i> | | | | | |
| Jackson Cnty | 13 | 30.8 | 30.8 | 38.5 | 8.0 |
| St Louis Cnty | 3 | 66.7 | 33.3 | - | - |
| St. Louis City | 6 | 33.3 | - | 66.7 | 9.3 |
| Metro | 22 | 36.4 | 22.7 | 40.9 | 8.6 |
| First Class | 38 | 21.1 | 5.3 | 73.7 | 8.2 |
| Rural | 62 | 25.8 | 16.1 | 58.1 | 8.0 |
| Total Class B | 122 | 26.2 | 13.9 | 59.8 | 8.2 |
| <i>Class C</i> | | | | | |
| Jackson Cnty | 19 | 52.6 | 10.5 | 36.8 | 5.1 |
| St Louis Cnty | 31 | 58.1 | 9.7 | 32.3 | 4.8 |
| St. Louis City | 29 | 72.4 | 10.3 | 17.2 | 6.2 |
| Metro | 79 | 62.0 | 10.1 | 27.8 | 5.2 |
| First Class | 115 | 43.5 | 7.8 | 48.7 | 5.4 |
| Rural | 178 | 29.2 | 22.5 | 48.3 | 5.4 |
| Total Class C | 372 | 40.6 | 15.3 | 44.1 | 5.4 |
| <i>Class D</i> | | | | | |
| Jackson Cnty | 10 | 60.0 | 10.0 | 30.0 | 3.0 |
| St Louis Cnty | 19 | 57.9 | - | 42.1 | 3.5 |
| St. Louis City | 6 | 33.3 | 16.7 | 50.0 | 3.0 |
| Metro | 35 | 54.3 | 5.7 | 40.0 | 3.3 |
| First Class | 55 | 60.0 | 5.5 | 34.5 | 2.9 |
| Rural | 64 | 50.0 | 14.1 | 35.9 | 2.9 |
| Total Class D | 154 | 54.5 | 9.1 | 36.4 | 3.0 |
| <i>Unclassed</i> | | | | | |
| Jackson Cnty | 32 | 21.9 | - | 78.1 | 15.5 |
| St Louis Cnty | 27 | 7.4 | - | 92.6 | 16.0 |
| St. Louis City | 35 | 5.7 | - | 94.3 | 16.8 |
| Metro | 94 | 11.7 | - | 88.3 | 16.2 |
| First Class | 101 | 8.9 | 2.0 | 89.1 | 15.3 |
| Rural | 93 | 16.1 | 4.3 | 79.6 | 15.7 |
| Total Unclassed | 288 | 12.2 | 2.1 | 85.8 | 15.7 |
| Total | 963 | 31.5 | 9.9 | 58.7 | 10.6 |

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,

Sentencing Disparity by Race

The most significant indicator of sentencing disparity by race is the incarceration rate in relation to the respective populations of Blacks, Hispanics and Other Races. The Missouri incarceration rate for Blacks is over 5.5 times that of Other Races and nationally the Black rate is over 6.5 times the White incarceration rate. The incarceration rate for Hispanics in Missouri is lower than for Other Races and is only half the national rate for Hispanics, in contrast to the national statistics where Hispanics are incarcerated at a rate nearly three times that of Other Races

Incarceration Rates By Race, June 2009 (US 2007)

Rate per 100,000 resident population

| | Females | | Males | |
|---------------------|----------|-----|----------|-------|
| | Missouri | US | Missouri | US |
| African-American | 185 | 150 | 3,445 | 3,138 |
| Hispanic | 58 | 79 | 563 | 1,259 |
| White & Other Races | 71 | 50 | 625 | 481 |
| Total | 83 | 68 | 947 | 943 |

Source: DOC and BJS Prisoners in 2007, page 4

There are many factors, including socio-economic factors, that play an important part in explaining the differences in incarceration rates between racial and ethnic groups. The analysis the Commission has conducted attempts to identify the relative impacts of severity of offense, prior criminal history and time served in Missouri.

Using the sentencing data for FY09, the comparison between the four racial or ethnic groups indicates that Blacks have the highest average prison sentence, 7.9 years compared to an average of 5.9 years for Whites. The aggregate data also indicates that Hispanics have the highest percentage of prison sentences (34.8%) and Whites have the highest percentage of probation sentences (64.5). 'Other' includes Native Americans and Asian and Pacific Islanders.

New Sentencing and DOC Commitment in FY09 by Race

All Offenses

| Race/ Hispanic | Sentences | Percent Disposition | | | | Average Prison Sentence (yrs) |
|-------------------|-----------|---------------------|---------------------|--------|---------------------------|--|
| | | Probation | Shock/ Treatment | Prison | Percent of Sentence | |
| Black | 8,958 | 63.2 | 9.5 | 27.2 | 100.0 | 7.9 |
| Hispanic | 497 | 55.1 | 10.1 | 34.8 | 100.0 | 6.0 |
| White | 18,062 | 64.5 | 10.9 | 24.5 | 100.0 | 5.9 |
| Other | 147 | 67.3 | 8.2 | 24.5 | 100.0 | 5.8 |
| Total | 27,664 | 64.0 | 10.4 | 25.6 | 100.0 | 6.6 |

i. Severity of Offense

The disparity in average prison sentences between races could be explained by differences in the types of offense committed by the different races. Calculating the sentencing indicators by race for each offense group (violent, sex, nonviolent, drugs and DWI) will indicate whether differences in the types of offense are important. For DWI offenses there is little difference in average sentencing between Blacks and Whites but for the other offense types there still are still differences in average sentencing. The differences are, however, much reduced when the racial comparison is made by offense type and felony class.

New Sentencing and DOC Commitment in FY09 by Race

Drug Offenses

| Race/ Hispanic | Sentences | Percent Disposition | | | | Average Prison Sentence (yrs) |
|-------------------|-----------|---------------------|---------------------|--------|---------------------------|--|
| | | Probation | Shock/ Treatment | Prison | Percent of Sentence | |
| Black | 3,166 | 69.2 | 11.8 | 19.0 | 100.0 | 6.6 |
| Hispanic | 167 | 64.7 | 11.4 | 24.0 | 100.0 | 4.9 |
| White | 5,726 | 73.6 | 9.6 | 16.9 | 100.0 | 5.3 |
| Other | 41 | 73.2 | 9.8 | 17.1 | 100.0 | 4.6 |
| Total | 9,100 | 71.9 | 10.4 | 17.7 | 100.0 | 5.8 |

New Sentencing and DOC Commitment in FY09 by Race

DWI Offenses

| Race/ Hispanic | Sentences | Percent Disposition | | | | Average Prison Sentence (yrs) |
|-------------------|-----------|---------------------|---------------------|--------|---------------------------|--|
| | | Probation | Shock/ Treatment | Prison | Percent of Sentence | |
| Black | 92 | 58.7 | 22.8 | 18.5 | 100.0 | 3.0 |
| Hispanic | 21 | 61.9 | 14.3 | 23.8 | 100.0 | 2.4 |
| White | 1,039 | 66.5 | 17.0 | 16.5 | 100.0 | 3.1 |
| Other | 10 | 70.0 | 10.0 | 20.0 | 100.0 | 3.0 |
| Total | 1,162 | 65.8 | 17.4 | 16.8 | 100.0 | 3.1 |

New Sentencing and DOC Commitment in FY09 by Race

Non-Violent Offenses

| Race/ Hispanic | Sentences | Percent Disposition | | | | Average Prison Sentence (yrs) |
|-------------------|-----------|---------------------|---------------------|--------|---------------------------|--|
| | | Probation | Shock/ Treatment | Prison | Percent of Sentence | |
| Black | 3,935 | 71.3 | 7.6 | 21.1 | 100.0 | 4.8 |
| Hispanic | 207 | 59.4 | 8.7 | 31.9 | 100.0 | 3.9 |
| White | 8,748 | 64.4 | 10.7 | 24.9 | 100.0 | 4.5 |
| Other | 61 | 70.5 | 6.6 | 23.0 | 100.0 | 3.9 |
| Total | 12,951 | 66.5 | 9.7 | 23.8 | 100.0 | 4.5 |

**New Sentencing and DOC Commitment in FY09 by Race
Sex Offenses**

| Felony Class | Race/Hispanic | Sentences | Percent Disposition | | | | Average Prison Sentence (yrs) |
|--------------|---------------|-----------|---------------------|-----------------|--------|---------------------|-------------------------------|
| | | | Probation | Shock/Treatment | Prison | Percent of Sentence | |
| A | Black | 13 | 0.0 | 0.0 | 100.0 | 100.0 | 21.0 |
| | Hispanic | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | White | 15 | 6.7 | 6.7 | 86.7 | 100.0 | 15.2 |
| | Other | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Total | 28 | 3.6 | 3.6 | 92.9 | 100.0 | 18.1 |
| B | Black | 16 | 25.0 | 31.3 | 43.8 | 100.0 | 8.4 |
| | Hispanic | 4 | 25.0 | 0.0 | 75.0 | 100.0 | 8.3 |
| | White | 114 | 28.1 | 11.4 | 60.5 | 100.0 | 8.2 |
| | Other | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Total | 134 | 27.6 | 13.4 | 59.0 | 100.0 | 8.2 |
| C | Black | 96 | 50.0 | 8.3 | 41.7 | 100.0 | 5.6 |
| | Hispanic | 16 | 43.8 | 18.8 | 37.5 | 100.0 | 4.8 |
| | White | 277 | 35.0 | 18.4 | 46.6 | 100.0 | 5.6 |
| | Other | 5 | 80.0 | 0.0 | 20.0 | 100.0 | 7.0 |
| | Total | 394 | 39.6 | 15.7 | 44.7 | 100.0 | 5.6 |
| D | Black | 33 | 60.6 | 6.1 | 33.3 | 100.0 | 3.3 |
| | Hispanic | 1 | 100.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | White | 120 | 51.7 | 10.0 | 38.3 | 100.0 | 3.2 |
| | Other | 3 | 33.3 | 0.0 | 66.7 | 100.0 | 2.0 |
| | Total | 157 | 53.5 | 8.9 | 37.6 | 100.0 | 3.1 |
| Unclassified | Black | 84 | 14.3 | 0.0 | 85.7 | 100.0 | 16.3 |
| | Hispanic | 7 | 14.3 | 0.0 | 85.7 | 100.0 | 13.2 |
| | White | 202 | 10.9 | 4.5 | 84.7 | 100.0 | 15.4 |
| | Other | 4 | 0.0 | 25.0 | 75.0 | 100.0 | 14.0 |
| | Total | 297 | 11.8 | 3.4 | 84.8 | 100.0 | 15.6 |
| Total | | 1,010 | 31.0 | 10.4 | 58.6 | 100.0 | 10.5 |

The analysis by offense type and felony class has only been completed for sex , child abuse and violent offense groups because those offense groups include a wide range of offenses from Class D to Class A. An example of sentencing between the races being reversed is for Class A violent offenses where the average prison sentence is 16.4 years for Blacks and 19.2 years for Whites (page 28). Not all differences between the races are explained by the offense group and the felony class. For unclassified sex offenses (forcible rape/forcible sodomy/statutory rape 1st degree/statutory sodomy 1st degree) the average prison sentence for Whites (15.4 years) is less than the average prison sentence for Blacks (16.3 years). For Class C violent offenses Whites are more likely to receive probation than Blacks (50.4% Whites, 58.4% Blacks).

**New Sentencing and DOC Commitment in FY09 by Race
Violent Offenses**

| Felony Class | Race/Hispanic | Sentences | Percent Disposition | | | | Average Prison Sentence (yrs) |
|--------------|---------------|-----------|---------------------|-----------------|--------|---------------------|-------------------------------|
| | | | Probation | Shock/Treatment | Prison | Percent of Sentence | |
| A | Black | 472 | 16.1 | 4.7 | 79.2 | 100.0 | 16.4 |
| | Hispanic | 16 | 12.5 | 0.0 | 87.5 | 100.0 | 15.5 |
| | White | 213 | 16.4 | 7.5 | 76.1 | 100.0 | 19.2 |
| | Other | 4 | 25.0 | 0.0 | 75.0 | 100.0 | 15.0 |
| | Total | 705 | 16.2 | 5.4 | 78.4 | 100.0 | 17.2 |
| B | Black | 454 | 33.5 | 13.4 | 53.1 | 100.0 | 8.7 |
| | Hispanic | 15 | 33.3 | 13.3 | 53.3 | 100.0 | 10.1 |
| | White | 332 | 37.3 | 14.8 | 47.9 | 100.0 | 8.9 |
| | Other | 2 | 100.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Total | 803 | 35.2 | 13.9 | 50.8 | 100.0 | 8.8 |
| C | Black | 577 | 50.4 | 10.7 | 38.8 | 100.0 | 5.6 |
| | Hispanic | 43 | 30.2 | 11.6 | 58.1 | 100.0 | 5.4 |
| | White | 1,229 | 58.4 | 13.0 | 28.6 | 100.0 | 5.0 |
| | Other | 17 | 64.7 | 11.8 | 23.5 | 100.0 | 5.0 |
| | Total | 1,866 | 55.4 | 12.3 | 32.4 | 100.0 | 5.2 |
| D | Black | 20 | 40.0 | 0.0 | 60.0 | 100.0 | 3.6 |
| | Hispanic | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | White | 47 | 57.4 | 6.4 | 36.2 | 100.0 | 3.6 |
| | Other | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Total | 67 | 52.2 | 4.5 | 43.3 | 100.0 | 3.6 |
| Unclassified | Black | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Hispanic | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | White | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Other | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| | Total | - | 0.0 | 0.0 | 0.0 | 100.0 | 0.0 |
| Total | | 3,441 | 42.6 | 11.1 | 46.3 | 100.0 | 10.3 |

ii. Prior Criminal History

Blacks have the highest percentage of offenders with prior felony convictions (Levels 2-5). At each level of prior criminal history, however, Blacks have a longer average prison sentence and a higher percentage of offenders with a prison sentence. The differences between Blacks and Whites are greatest for Level II and Level III. For Level II the average prison sentence for Blacks is 1.8 years longer than for Whites and for Level III the difference is 2.5 years.

Prior Criminal History and Racial/Ethnic Origin, FY09 sentencing

Dispositions

| Race/ | Prior Criminal History Level | | | | | |
|----------|------------------------------|----------|-----------|----------|---------|--------|
| | Level I | Level II | Level III | Level IV | Level V | Total |
| Hispanic | | | | | | |
| Black | 4,146 | 1,866 | 1,535 | 834 | 577 | 8,958 |
| Hispanic | 349 | 64 | 62 | 13 | 9 | 497 |
| White | 9,621 | 3,294 | 2,664 | 1,466 | 1,017 | 18,062 |
| Other | 101 | 15 | 18 | 10 | 3 | 147 |
| Total | 14,217 | 5,239 | 4,279 | 2,323 | 1,606 | 27,664 |

Percentages

| Race/ | Prior Criminal History Level | | | | | |
|----------|------------------------------|----------|-----------|----------|---------|--------|
| | Level I | Level II | Level III | Level IV | Level V | Total |
| Hispanic | | | | | | |
| Black | 46.3% | 20.8% | 17.1% | 9.3% | 6.4% | 100.0% |
| Hispanic | 70.2% | 12.9% | 12.5% | 2.6% | 1.8% | 100.0% |
| White | 53.3% | 18.2% | 14.7% | 8.1% | 5.6% | 100.0% |
| Other | 68.7% | 10.2% | 12.2% | 6.8% | 2.0% | 100.0% |
| Total | 51.4% | 18.9% | 15.5% | 8.4% | 5.8% | 100.0% |

Average Prison Sentences (Years), FY09 sentencing

| Race/ | Prior Criminal History Level | | | | | |
|----------|------------------------------|----------|-----------|----------|---------|-------|
| | Level I | Level II | Level III | Level IV | Level V | Total |
| Hispanic | | | | | | |
| Black | 9.1 | 7.4 | 7.7 | 7.5 | 7.1 | 7.9 |
| Hispanic | 6.5 | 5.8 | 4.5 | 5.0 | 5.5 | 6.0 |
| White | 7.4 | 5.6 | 5.2 | 5.4 | 5.7 | 5.9 |
| Other | 7.4 | 3.3 | 5.9 | 5.1 | - | 5.8 |
| Total | 8.0 | 6.2 | 6.0 | 6.1 | 6.1 | 6.6 |

Prison sentences as a percent of all dispositions, FY09 sentencing

| Race/ | Prior Criminal History Level | | | | | |
|----------|------------------------------|----------|-----------|----------|---------|-------|
| | Level I | Level II | Level III | Level IV | Level V | Total |
| Hispanic | | | | | | |
| Black | 6.7% | 5.7% | 7.2% | 4.4% | 3.2% | 27.2% |
| Hispanic | 21.1% | 5.2% | 5.6% | 2.0% | 0.8% | 34.8% |
| White | 5.4% | 5.1% | 6.7% | 4.2% | 3.2% | 24.5% |
| Other | 9.5% | 4.8% | 5.4% | 4.8% | 0.0% | 24.5% |
| Total | 6.1% | 5.3% | 6.8% | 4.2% | 3.1% | 25.6% |

Including the severity of the offense into the analysis for Level I offenders increases the disparity in sentencing between Blacks and Whites for Violent offenses (45.7% prison for Blacks compared to 22.8% for Whites) and Drugs (5.0% prison for Blacks compared to 3.3% for Whites). It reduces the disparity for Sex offenses (Blacks 41.5% , Whites 52.8%) and Nonviolent offenses (Blacks 6.7%, Whites 8.2%). DWI sentencing is similar.

Prison as a Percent of All Sentences and Average Prison Sentence for Offenders with Level I Prior Criminal History by Offense, FY09

| Offense Group Race/Hispanic | Level I Sentences | Percent Prison Sentences | Average Prison Sentences (years) |
|--------------------------------|----------------------|--------------------------------|---|
| <i>Violent</i> | | | |
| Black | 774 | 45.7% | 11.0 |
| Hispanic | 45 | 60.0% | 10.8 |
| White | 1,081 | 22.8% | 10.6 |
| Other | 19 | 31.6% | 10.0 |
| Total Violent | 1,919 | 33.0% | 10.8 |
| <i>Sex</i> | | | |
| Black | 118 | 41.5% | 11.9 |
| Hispanic | 26 | 53.8% | 8.6 |
| White | 458 | 52.8% | 10.6 |
| Other | 8 | 37.5% | 9.0 |
| Total Sex | 610 | 50.5% | 10.7 |
| <i>Non-Violent</i> | | | |
| Black | 1,871 | 6.7% | 4.2 |
| Hispanic | 145 | 23.4% | 3.6 |
| White | 4,293 | 8.2% | 4.1 |
| Other | 40 | 10.0% | 3.8 |
| Total Non-Violent | 6,349 | 8.1% | 4.1 |
| <i>Drug</i> | | | |
| Black | 1,347 | 5.0% | 6.9 |
| Hispanic | 120 | 22.5% | 5.2 |
| White | 3,232 | 3.3% | 5.1 |
| Other | 26 | 3.8% | 2.0 |
| Total Drug | 4,725 | 4.3% | 5.7 |
| <i>DWI</i> | | | |
| Black | 36 | 5.6% | 3.5 |
| Hispanic | 13 | 23.1% | 2.0 |
| White | 557 | 6.5% | 2.8 |
| Other | 8 | 0.0% | 0.0 |
| Total DWI | 614 | 6.7% | 2.8 |
| Total Sentences | 14,217 | 12.0% | 8.0 |

Time Served Disparity by Race

The previous analysis examined variations in sentencing by race but the disparity that results in Blacks having a much higher incarceration rate than other races could also be the result of the release practices of the Missouri Board of Probation and Parole. For offenders sentenced to a prison sentence the Board of Probation and Parole has the discretionary responsibility to determine the release date, subject to statutory restrictions on minimum prison time and the statute that defines conditional release.

In FY09 the Department of Corrections released 5,282 offenders to the first release in their commitment. The average time served was 36.7 months and that comprised 48.5%

of the aggregate sentence. Blacks served significantly more time than Whites (48.9 months compared to 31.4 months) in part because Blacks on average were sentenced to longer sentences (90.8 months compared to 69.0 months). As a percent of sentence Blacks also served longer than Whites (53.8% compared to 45.4%).

Time Served, First Release in Commitment for Term Sentence Released in FY09

| Race/Hispanic | Releases | Avg Sentence (mths) | Time Served (mths) | Percent of Sent. Served |
|---------------|----------|---------------------|--------------------|-------------------------|
| Black | 1,651 | 90.8 | 48.9 | 53.8 |
| Hispanic | 142 | 62.9 | 26.3 | 41.7 |
| White | 3,450 | 69.0 | 31.4 | 45.4 |
| Other Races | 39 | 60.8 | 28.8 | 47.4 |
| Total | 5,282 | 75.6 | 36.7 | 48.5 |

The analysis by offense group does not reduce the difference in the percent of sentence served between Blacks and Whites for four of the five offense groups. The exception is for Sex and Child Abuse offenses, where the majority of offenders are released on or after the conditional release date.

Time Served, First Release in Commitment for Term Sentence Released in FY09 By Offense Group

| Race/Hispanic | Releases | Avg Sentence (mths) | Time Served (mths) | Percent of Sent. Served |
|------------------------------|----------|---------------------|--------------------|-------------------------|
| <i>Drugs</i> | | | | |
| Black | 475 | 80.2 | 28.5 | 35.5 |
| Hispanic | 46 | 68.3 | 19.8 | 29.0 |
| White | 770 | 69.0 | 19.8 | 28.7 |
| Other Races | 7 | 58.6 | 19.8 | 33.9 |
| Total | 1,298 | 73.0 | 23.0 | 31.5 |
| <i>DWI</i> | | | | |
| Black | 21 | 49.0 | 21.0 | 42.9 |
| Hispanic | 4 | 44.0 | 21.0 | 47.6 |
| White | 251 | 47.4 | 17.7 | 37.4 |
| Other Races | 5 | 60.6 | 24.4 | 40.3 |
| Total | 281 | 47.7 | 18.2 | 38.1 |
| <i>Nonviolent</i> | | | | |
| Black | 574 | 57.4 | 24.4 | 42.6 |
| Hispanic | 49 | 39.5 | 10.4 | 26.2 |
| White | 1,509 | 54.1 | 18.8 | 34.8 |
| Other Races | 15 | 49.1 | 20.5 | 41.7 |
| Total | 2,147 | 54.6 | 20.1 | 36.8 |
| <i>Sex & Child Abuse</i> | | | | |
| Black | 93 | 126.3 | 94.1 | 74.6 |
| Hispanic | 15 | 87.9 | 66.6 | 75.7 |
| White | 374 | 95.1 | 69.3 | 72.9 |
| Other Races | 4 | 50.0 | 42.5 | 85.0 |
| Total | 486 | 100.4 | 73.8 | 73.4 |
| <i>Violent</i> | | | | |
| Black | 488 | 135.6 | 90.1 | 66.5 |
| Hispanic | 28 | 84.3 | 43.8 | 51.9 |
| White | 546 | 102.3 | 62.6 | 61.2 |
| Other Races | 8 | 90.5 | 48.3 | 53.4 |
| Total | 1,070 | 116.9 | 74.5 | 63.8 |
| All Offenses | 5,282 | 75.6 | 36.7 | 48.5 |

Board release decisions are based upon a parole hearing and a guideline release date that is determined by a salient factor risk assessment. The salient factor risk score includes measures of prior criminal history, institutional adjustment and other factors that have been tested to be correlated with recidivism. The salient factor risk score is race neutral. The final test for disparity in time served by the Board of Probation and Parole is, therefore, to measure the compliance by the Board with the guideline release dates for each of the races.

**Presumptive Release Dates and Guideline Dates
Parole Board Hearings in FY09**

| Race/Hispanic | Hearings | Avg Sentence (mths) | Presump. Stay (mths) | Presump. Percent Served | Guideline /MMPT (mths) | Percent Guideline /MMPT | Over Guideline Percent |
|---------------|----------|---------------------|----------------------|-------------------------|------------------------|-------------------------|------------------------|
| Black | 1,961 | 81.9 | 41.7 | 50.9 | 38.1 | 46.5 | 4.4 |
| Hispanic | 135 | 73.5 | 34.6 | 47.1 | 27.3 | 37.2 | 9.9 |
| White | 3,830 | 64.3 | 27.7 | 43.0 | 23.4 | 36.4 | 6.6 |
| Other Races | 43 | 60.1 | 29.3 | 48.8 | 21.8 | 36.4 | 12.4 |
| Total | 5,969 | 70.3 | 32.4 | 46.1 | 28.3 | 40.3 | 5.8 |

For all offenders with a salient factor based guideline release date and released in FY09 the average guideline time served was 28.3 months and the actual time served was 46.1 months. Reasons for the longer than guideline stay include statutory minimum prison terms. Black offenders served an average of 14.0 months longer than Whites in actual time and an average 14.7 months in guideline time. A measure of Board compliance is percent of release dates that are over the guideline range. Comparing the percentages of Blacks to Whites indicates that the over guideline percent is higher for Whites (6.6%) than for Blacks (4.4%). The longer time served by Blacks can, therefore, be attributed to higher risk factors by Blacks. The risk factors include prior criminal history, institutional adjustment, substance abuse, education, age and vocational skills.

DEATH PENALTY SENTENCING

The study analyzes recent trends in prison admissions for murder, including sentences that require the death penalty, and provides measures that identify racial and geographic disparity in the application of capital punishment.

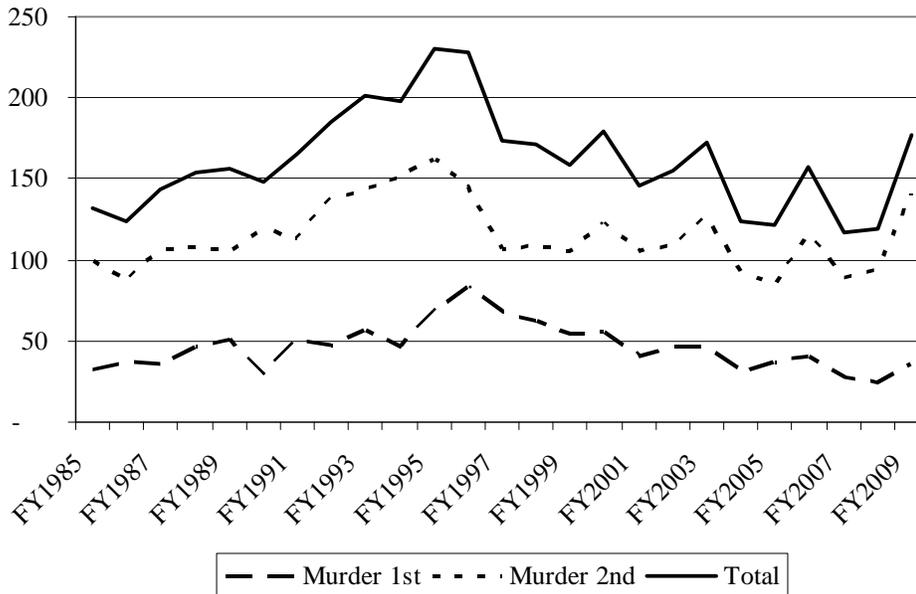
Sentencing for Murder (565 RSMo.)

The death sentence for murder was re-imposed in Missouri in 1977 as capital murder and the authorized sentences were the death penalty or life with no parole for 50 years. In October 1984 Capital Murder was replaced by Murder 1st degree and the authorized sentences were the death penalty or life without parole. Prior to October 1984 Murder 1st degree had an authorized sentence of life with parole eligibility. The death penalty analysis for Murder 1st degree includes sentences of capital murder but excludes sentences of Murder 1st degree for offenses committed prior to October 1984. The sentencing data used in this review uses the first sentencing decision. Following appeals against the death penalty the original decision may be later reversed.

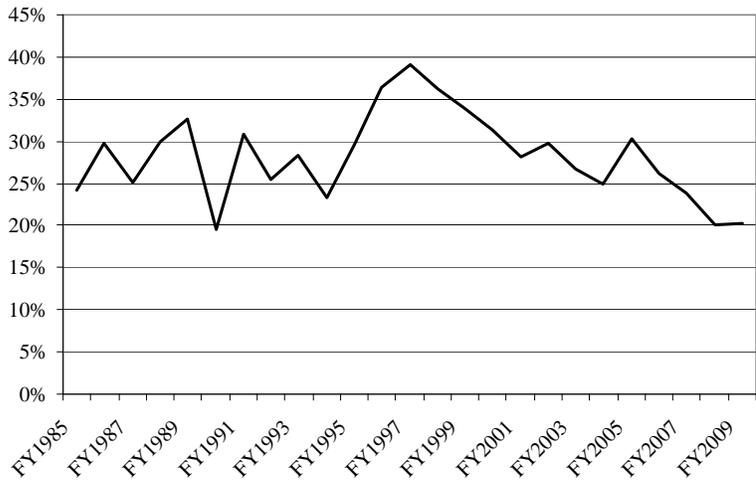
Admissions for Murder

Until FY09 prison admissions for Murder were declining, a trend starting in FY95. The increase in FY09 was sizable and may indicate higher future levels of homicide and other violent crimes. In FY95 there were 230 admissions for Murder and 177 in FY09.

Admissions for Murder 1st and 2nd Degree



Murder 1st Degree as Percent of all Murder Admissions



Murder 1st degree admissions as a percent of all murder conviction has continued to decline since the spike in FY97 when it accounted for 38% of murder admissions. In FY09 the percentage was 20%.

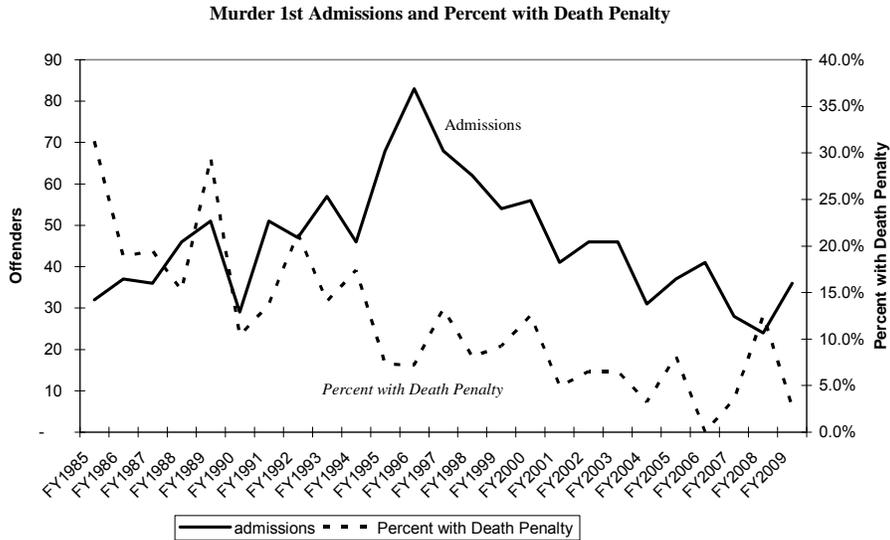
Offenders Received for Murder 1 and Murder 2

| | Murder 1st | Murder 2nd | Total | Percent Murder I |
|--------|------------|------------|-------|------------------|
| FY1985 | 32 | 100 | 132 | 24% |
| FY1986 | 37 | 87 | 124 | 30% |
| FY1987 | 36 | 107 | 143 | 25% |
| FY1988 | 46 | 108 | 154 | 30% |
| FY1989 | 51 | 105 | 156 | 33% |
| FY1990 | 29 | 119 | 148 | 20% |
| FY1991 | 51 | 114 | 165 | 31% |
| FY1992 | 47 | 138 | 185 | 25% |
| FY1993 | 57 | 144 | 201 | 28% |
| FY1994 | 46 | 152 | 198 | 23% |
| FY1995 | 68 | 162 | 230 | 30% |
| FY1996 | 83 | 145 | 228 | 36% |
| FY1997 | 68 | 106 | 174 | 39% |
| FY1998 | 62 | 109 | 171 | 36% |
| FY1999 | 54 | 105 | 159 | 34% |
| FY2000 | 56 | 123 | 179 | 31% |
| FY2001 | 41 | 105 | 146 | 28% |
| FY2002 | 46 | 109 | 155 | 30% |
| FY2003 | 46 | 126 | 172 | 27% |
| FY2004 | 31 | 93 | 124 | 25% |
| FY2005 | 37 | 85 | 122 | 30% |
| FY2006 | 41 | 116 | 157 | 26% |
| FY2007 | 28 | 89 | 117 | 24% |
| FY2008 | 24 | 95 | 119 | 20% |
| FY2009 | 36 | 141 | 177 | 20% |
| Total | 1,153 | 2,883 | 4,036 | 29% |

The application of the death penalty

In January 2006 a decision by a US District Court on the constitutionality of Missouri’s method of execution placed a moratorium on executions. The 8th Circuit Courts of Appeals vacated that decision in June 2008. The last execution in Missouri at the time of this review (September 2009) was in May 20, 2009.

Although the percentage of offenders convicted of Murder 1st degree and sentenced to death has fluctuated from year to year, the trend since the middle 1980s has generally been downwards. In FY2006 there were no offenders received by the DOC with the death penalty and in the following three years to June 30, 2009 there have been only been five offenders sentenced to death received by the DOC.



Offenders Received for Murder 1st Degree and Executions (FY85-FY09)

| | Life NP | Death Penalty | Total | Percent DP | Executions |
|--------------|--------------|---------------|--------------|--------------|------------|
| FY1985 | 22 | 10 | 32 | 31.3% | |
| FY1986 | 30 | 7 | 37 | 18.9% | |
| FY1987 | 29 | 7 | 36 | 19.4% | |
| FY1988 | 39 | 7 | 46 | 15.2% | |
| FY1989 | 36 | 15 | 51 | 29.4% | 1 |
| FY1990 | 26 | 3 | 29 | 10.3% | 3 |
| FY1991 | 44 | 7 | 51 | 13.7% | 1 |
| FY1992 | 37 | 10 | 47 | 21.3% | 1 |
| FY1993 | 49 | 8 | 57 | 14.0% | 2 |
| FY1994 | 38 | 8 | 46 | 17.4% | 3 |
| FY1995 | 63 | 5 | 68 | 7.4% | 2 |
| FY1996 | 77 | 6 | 83 | 7.2% | 6 |
| FY1997 | 59 | 9 | 68 | 13.2% | 5 |
| FY1998 | 57 | 5 | 62 | 8.1% | 8 |
| FY1999 | 49 | 5 | 54 | 9.3% | 8 |
| FY2000 | 49 | 7 | 56 | 12.5% | 3 |
| FY2001 | 39 | 2 | 41 | 4.9% | 7 |
| FY2002 | 43 | 3 | 46 | 6.5% | 7 |
| FY2003 | 43 | 3 | 46 | 6.5% | 3 |
| FY2004 | 30 | 1 | 31 | 3.2% | 2 |
| FY2005 | 34 | 3 | 37 | 8.1% | 3 |
| FY2006 | 41 | - | 41 | 0.0% | 2 |
| FY2007 | 27 | 1 | 28 | 3.6% | - |
| FY2008 | 21 | 3 | 24 | 12.5% | - |
| FY2009 | 35 | 1 | 36 | 2.8% | 1 |
| Total | 1,017 | 136 | 1,153 | 11.8% | 68 |

Is there racial disparity in the application of the death penalty?

Commitment rates for murder indicate that Blacks are eleven times more likely to be convicted of murder than Other Races.

Average Annual Murder Commitment Rates per 100,000 population

| | FY85-FY97 | FY98-FY09 | FY09 |
|-------------|-----------|-----------|------|
| Black | 17.1 | 13.1 | 15.8 |
| Other Races | 1.6 | 1.3 | 1.4 |
| Total | 3.5 | 2.7 | 3.1 |

Commitment rate is:

Annual admissions for murder/Missouri population *100,000

Missouri Population: US Bureau of Census 1990, 2000, 2008

The indicators used to measure racial disparity in the application of the death penalty are:

- The percent of offenders convicted of Murder I that receive the death penalty
- The percent of offenders who are convicted of Murder who are sentenced to Murder 1st.

The two measures indicate that Other Races are more likely to more likely to be convicted of Murder 1st and to receive the death penalty than Blacks. From FY85 to FY97 11.6% of Blacks convicted of Murder 1st degree received the death sentence compared to 20.4% of Other Races. In the period FY98-FY09 4.4% of Blacks convicted of Murder 1st degree received the death sentence compared to 9.5% of Other Races. Although the percent of offenders receiving the death sentence has declined the difference between Other Races and Blacks has increased as a ratio from 1.75 to 2.15. Since FY98 Other Races convicted of Murder 1st degree are more than twice as likely to receive the death sentence than Blacks.

**Murder 1st as percent of Murder sentences and
Death Penalty sentences as a Percent of Murder 1st Degree Sentences By Race**

| | Blacks | | | | | Other Races | | | | |
|---------|------------|------------|---------------|----------------------------|--------------------------|-------------|------------|---------------|----------------------------|--------------------------|
| | All Murder | Murder 1st | Death Penalty | Murder 1 as Pct. Of Murder | DP as Pct. Of Murder 1st | All Murder | Murder 1st | Death Penalty | Murder 1 as Pct. Of Murder | DP as Pct. Of Murder 1st |
| FY85-97 | 1,307 | 352 | 41 | 26.9% | 11.6% | 931 | 299 | 61 | 32.1% | 20.4% |
| FY98-09 | 1,020 | 271 | 12 | 26.6% | 4.4% | 778 | 231 | 22 | 29.7% | 9.5% |
| FY09 | 107 | 23 | - | 21.5% | 0.0% | 70 | 13 | 1 | 18.6% | 7.7% |

Is there a geographical disparity in death penalty cases?

The metro areas have the lowest percent of Murder 1st degree offenders and sentenced to death but St. Louis County is much more similar to the rural counties. First class counties impose the death sentence most often.

Death Penalty Sentencing By Court Circuit- FY85-FY97

| | All Murder | Murder 1st | Death Penalty | Murder 1 as Pct. Of Murder | DP as Pct. Of Murder 1st |
|------------------|------------|------------|---------------|----------------------------|--------------------------|
| St. Louis City | 515 | 117 | 11 | 22.7% | 9.4% |
| St. Louis County | 300 | 91 | 14 | 30.3% | 15.4% |
| Jackson County | 676 | 211 | 18 | 31.2% | 8.5% |
| Metro total | 1,491 | 419 | 43 | 28.1% | 10.3% |
| First Class | 375 | 138 | 41 | 36.8% | 29.7% |
| Rural | 372 | 94 | 18 | 25.3% | 19.1% |
| Total | 2,238 | 651 | 102 | 29.1% | 15.7% |

Since FY98 only one offender has been sentenced to death in St. Louis and none in Jackson County. St. Louis County has the highest percentage sentenced to death (20.3%).

Death Penalty Sentencing By Court Circuit- FY98-FY09

| | All Murder | Murder 1st | Death Penalty | Murder 1 as Pct. Of Murder | DP as Pct. Of Murder 1st |
|------------------|------------|------------|---------------|----------------------------|--------------------------|
| St. Louis City | 477 | 87 | 1 | 18.2% | 1.1% |
| St. Louis County | 201 | 59 | 12 | 29.4% | 20.3% |
| Jackson County | 414 | 137 | - | 33.1% | 0.0% |
| Metro total | 1,092 | 283 | 13 | 25.9% | 4.6% |
| First Class | 369 | 103 | 12 | 27.9% | 11.7% |
| Rural | 337 | 116 | 9 | 34.4% | 7.8% |
| Total | 1,798 | 502 | 34 | 27.9% | 6.8% |

Is there a racial disparity by sentencing county in death penalty cases?

During the period FY98-FY09 no geographic area sentenced a higher proportion of Blacks to the death sentence than Other Races. Because of the smaller numbers sentenced the death since FY98 compared to FY85-FY97 there is more randomness in the variation of rates. The metro areas sentenced 3.6% of Blacks to death compared to 8.6% of Other Races. First class counties sentenced equally (12%).

Death Penalty Sentencing By Court Circuit and Race- FY98-FY09

| | Blacks | | | | | Other Races | | | | |
|------------------|------------|------------|---------------|----------------------------|--------------------------|-------------|------------|---------------|----------------------------|--------------------------|
| | All Murder | Murder 1st | Death Penalty | Murder 1 as Pct. Of Murder | DP as Pct. Of Murder 1st | All Murder | Murder 1st | Death Penalty | Murder 1 as Pct. Of Murder | DP as Pct. Of Murder 1st |
| St. Louis City | 349 | 57 | - | 16.3% | 0.0% | 128 | 30 | 1 | 23.4% | 3.3% |
| St. Louis County | 149 | 42 | 8 | 28.2% | 19.0% | 52 | 17 | 4 | 32.7% | 23.5% |
| Jackson County | 370 | 126 | - | 34.1% | 0.0% | 44 | 11 | - | 25.0% | 0.0% |
| Metro total | 868 | 225 | 8 | 25.9% | 3.6% | 224 | 58 | 5 | 25.9% | 8.6% |
| First Class | 101 | 26 | 3 | 25.7% | 11.5% | 268 | 77 | 9 | 28.7% | 11.7% |
| Rural | 51 | 20 | 1 | 39.2% | 5.0% | 286 | 96 | 8 | 33.6% | 8.3% |
| Total | 1,020 | 271 | 12 | 26.6% | 4.4% | 778 | 231 | 22 | 29.7% | 9.5% |

RECIDIVISM AND THE SYSTEM OF RECOMMENDED SENTENCES

The Sentencing Commission is aware that a prison sentence is not always the sentence that has the best chance of success in reducing future recidivism. Prison can reinforce criminal behavior and permanently damage family, social and employment connections. Identifying alternative non-prison sentences that enable community rehabilitation to occur is an important responsibility for the Commission. The following Commission study of recidivism measures how well the Missouri Recommended Sentences reflect the risk of an offender recidivating and explores instances when a non-custodial sentence may be the low risk sentence.

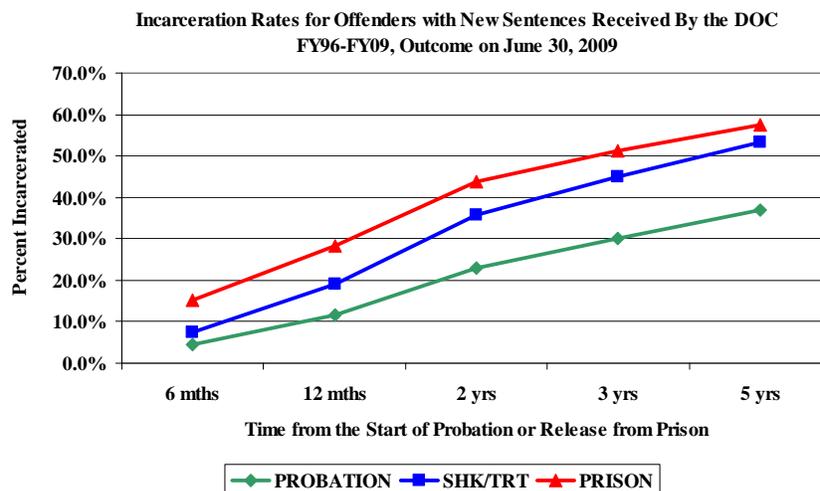
The study uses data from the Department of Corrections of offenders received for a new felony offense between July 1995 and June 2009. Two measures of recidivism are calculated:

- The first incarceration following the start of a new probation or a release from prison. The incarceration may be for a technical violation while on probation or parole or for a new sentence.
- The first new conviction following the start of a new probation or a release from prison. The new conviction may be a prison or probation sentence supervised by the Department of Corrections.

The time period for the study at 15 years is long but there needs to be a sufficient number of offenders who have been incarcerated and released at least five years in order to calculate five year recidivism rates for all offenders, irrespective of sentencing disposition.

Recidivism Rates for Probation compared to Prison

The first analysis compares recidivism of offenders sentenced to probation with recidivism by offenders sentenced and released from prison.



Average Recidivism Rates for Offenders with New Sentences FY96-FY09

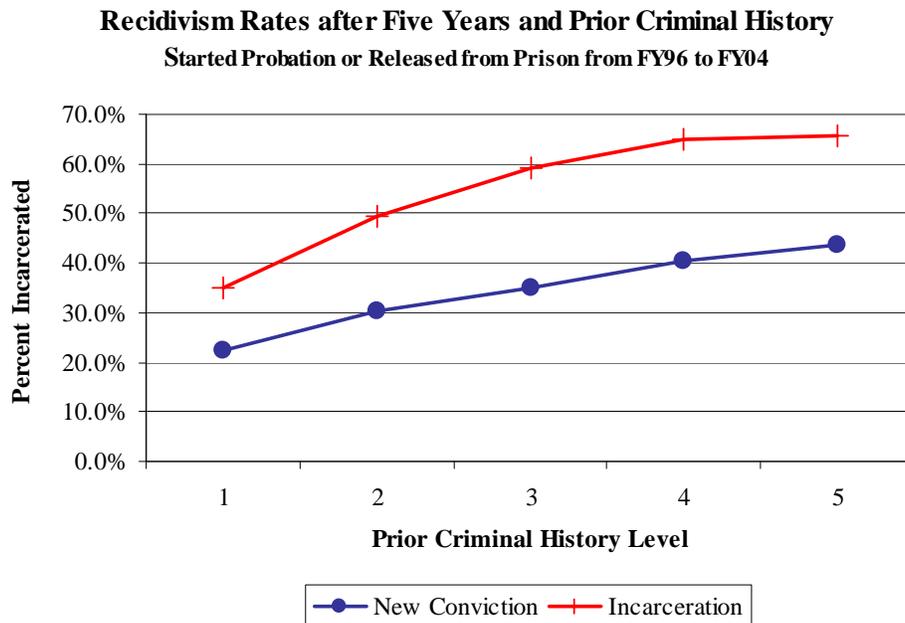
| Actual Sentence | Sentences | Percent in Prison within | | | | | Percent with new conviction within | | | | |
|-----------------|-----------|--------------------------|---------|-------|-------|-------|------------------------------------|---------|-------|-------|-------|
| | | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs |
| PROBATION | 208,848 | 4.5% | 11.6% | 23.1% | 30.0% | 37.0% | 2.3% | 5.6% | 12.0% | 17.0% | 24.2% |
| SHK/TRT | 37,433 | 7.4% | 19.1% | 35.8% | 44.9% | 53.4% | 2.3% | 6.5% | 15.2% | 21.7% | 30.9% |
| PRISON | 58,922 | 15.3% | 28.2% | 43.7% | 51.2% | 57.6% | 1.3% | 5.0% | 14.0% | 21.8% | 34.1% |
| Total | 305,203 | 6.9% | 15.6% | 28.4% | 35.6% | 42.5% | 2.1% | 5.6% | 12.8% | 18.4% | 26.6% |

There is an expectation that sentencing should reflect recidivism risks and offenders with low risks of recidivism can be sentenced to probation while offenders with high risks of recidivism should be sentenced to prison. This is the case in Missouri. Offenders sentenced to probation do have lower rates of recidivism. After five years probationers are two-thirds less likely to be later incarcerated than offenders released from prison and two-thirds less likely to be convicted of a new offense.

The Impact of Prior Criminal History on Recidivism

Sentencing is, however, the combination of offense severity and prior criminal history and the recommended sentencing model increases the severity of the recommended sentence with increased prior criminal history. Using the risk of re-offending as the benchmark is this a justified assumption?

The recidivism analysis indicates that both the incarceration rate and the new conviction rate increase with increasing prior criminal history. The incarceration rate for Level 5 offenders, however, has almost leveled off at nearly 70%. Incarceration rates are generally higher than new conviction rates because of revocations of probation and parole for technical violations of supervision, including arrests for new offenses but without new charges being filed.



Average Recidivism Rates FY06-FY09 and Prior Criminal History

| Prior Criminal History Level | Sentences | Percent in Prison within | | | | | Percent with new conviction within | | | | |
|------------------------------|-----------|--------------------------|---------|-------|-------|-------|------------------------------------|---------|-------|-------|-------|
| | | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs |
| 1 | 179,907 | 4.3% | 11.1% | 21.8% | 28.2% | 35.0% | 2.1% | 5.2% | 11.1% | 15.7% | 22.4% |
| 2 | 58,756 | 8.4% | 18.2% | 32.8% | 41.2% | 49.4% | 2.3% | 5.9% | 14.1% | 20.5% | 30.4% |
| 3 | 41,148 | 12.3% | 25.0% | 42.2% | 51.1% | 59.2% | 1.9% | 6.2% | 15.4% | 23.0% | 35.1% |
| 4 | 16,901 | 14.0% | 28.8% | 47.5% | 57.0% | 64.8% | 2.0% | 6.6% | 18.3% | 27.2% | 40.4% |
| 5 | 8,491 | 13.4% | 28.2% | 46.1% | 55.7% | 65.6% | 2.1% | 8.1% | 20.8% | 30.1% | 43.5% |
| Total | 305,203 | 6.9% | 15.6% | 28.4% | 35.6% | 42.5% | 2.1% | 5.6% | 12.8% | 18.4% | 26.6% |

The Impact of Prior Criminal History on Probation or Prison Outcomes

If recidivism increases with prior criminal history but probation sentences generally result in lower recidivism it is useful to calculate at what level of prior criminal history does probation cease to be the low recidivism sentence.

Recidivism Rates After Two Years by Type of Sentence and Prior Criminal History FY96-FY09

| Sentence | Prior Criminal History Level | | | | |
|--|---|---|---|---|----------------------------------|
| | I | 2 | 3 | 4 | 5 |
| | No Prior Felonies, no more than 3 misd. | 1/2 felonies, no incarceration | 1 incarceration or 3 felonies | 2 incarcerations or 4 felonies | 3+ incarcerations or 5+ felonies |
| Probation | 19.5% | 27.3% | 37.2% | 44.0% | 44.2% |
| Shk/Trt | 30.1% | 36.6% | 41.8% | 47.2% | 48.7% |
| Prison | 35.9% | 43.1% | 47.4% | 50.4% | 46.1% |
| Average | 21.8% | 32.8% | 42.2% | 47.5% | 46.1% |
| <i>Recidivism Gap</i> Prison Rate less Probation Rate |  |  |  |  | 1.8% |

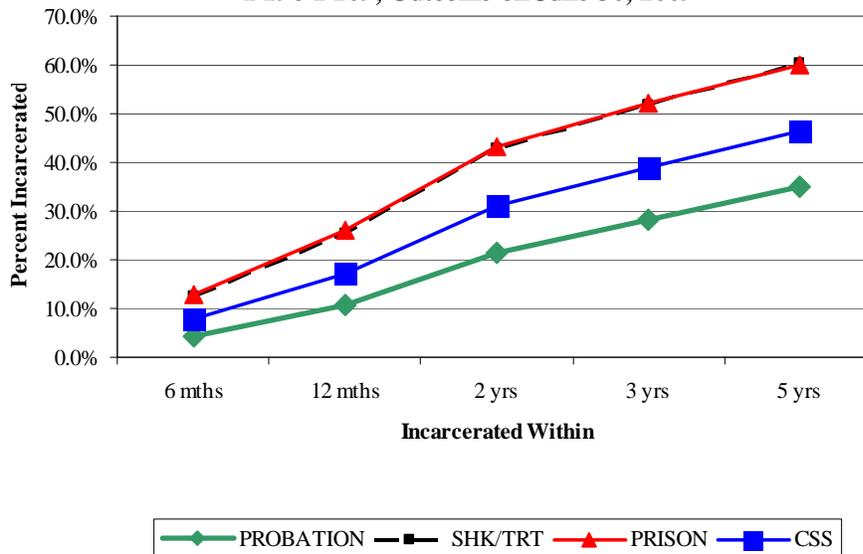
From the analysis of FY96-FY09 new sentencing there is a 16% reduction in recidivism after two years between Level 1 and Level 2 offenders sentenced to probation compared to those sentenced to prison. For Level 5 offenders the gap between probation and prison recidivism is less than 2%. It is important to note that these rates were calculated from actual sentencing and not from a statistically matched comparison sample. There may be factors that influenced the sentencing decision to grant probation to an offender with considerable prior criminal history and it is these factors that predicted the lower recidivism outcomes.

Recidivism and the System of Recommended Sentences

The recommended sentence is either probation, community structured supervised (enhanced probation), shock or treatment followed by a release to probation or prison. If the recommended sentences are intended to reflect the expected risk of an offender re-offending then the recommended sentence should be related to recidivism.

The recidivism rates are lowest when the recommended sentence is probation. The recidivism increases for recommended sentences of Community Structured Supervision (CSS) and are highest for prison and shock and treatment programs.

**Incarcerated Rates for Recommended Presumptive Sentences
FY96-FY09, Outcome on June 30, 2009**



There is little difference in recidivism rates between Shock/Treatment and prison recommended sentences either for re-incarceration or a new conviction.

**Average Recidivism Rates and Recommended Presumptive Sentences
FY96-FY09**

| Recommended Sentence | Sentences | Percent in Prison within | | | | | Percent with new conviction within | | | | |
|----------------------|-----------|--------------------------|---------|-------|-------|-------|------------------------------------|---------|-------|-------|-------|
| | | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs |
| PROBATION | 157,529 | 4.1% | 10.8% | 21.6% | 28.1% | 34.9% | 2.2% | 5.4% | 11.5% | 16.2% | 23.1% |
| CSS | 80,927 | 7.8% | 17.2% | 31.0% | 38.9% | 46.4% | 2.1% | 5.5% | 13.0% | 18.9% | 27.8% |
| SHK/TRT | 36,788 | 12.5% | 25.3% | 42.8% | 52.0% | 60.3% | 2.0% | 6.3% | 15.8% | 23.6% | 35.8% |
| PRISON | 29,959 | 12.9% | 26.1% | 43.2% | 52.1% | 59.8% | 1.6% | 5.9% | 16.2% | 24.2% | 36.2% |

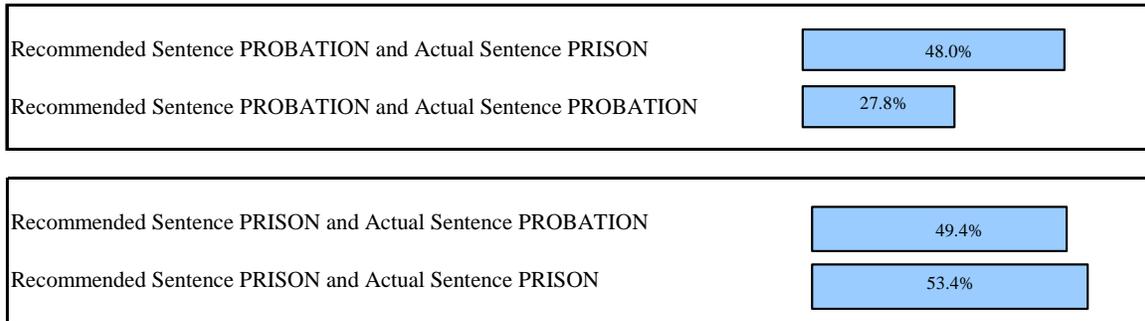
Comparing Outcomes when the Actual Sentence was not the Recommended Sentence

It is interesting to compare the recidivism rates for actual and recommended sentences and identify the differences in recidivism rates when actual sentences were not the recommended sentences.

When the recommended sentence is probation and the actual sentence is also probation, which occurs in 77% 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% of prison recommended sentencing, the recidivism rates are also high.

- The case where probation was recommended but prison was imposed could be an instance where sending an offender to prison enhances the risk of re-offending and prison was not the best sentence.
- The case where an offender was sentenced to probation when prison was the recommended sentence is an instance where public safety would be better served by greater court compliance.

Incarceration Rates After Three Years - when the Recommended Sentence and the Actual Sentence agree and when the Recommended Sentence and the Actual do not agree



Average Recidivism Rates of the Recommended and Actual Sentences

| Recommended Sentence | Actual Sentence | Sentences | Percent in Prison within | | | | | Percent with new conviction within | | | | |
|----------------------|-----------------|-----------|--------------------------|---------|-------|-------|-------|------------------------------------|---------|-------|-------|-------|
| | | | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs | 6 mths | 12 mths | 2 yrs | 3 yrs | 5 yrs |
| Probation/CSS | Probation | 184,616 | 3.8% | 10.4% | 21.1% | 27.8% | 34.8% | 2.3% | 5.5% | 11.6% | 16.3% | 23.3% |
| Probation/CSS | Shk/TRT | 25,270 | 6.6% | 17.5% | 33.1% | 41.7% | 50.4% | 2.3% | 6.2% | 14.1% | 20.1% | 28.8% |
| Probation/CSS | Prison | 28,570 | 14.2% | 26.2% | 40.8% | 48.0% | 53.7% | 1.3% | 4.7% | 12.5% | 19.2% | 29.9% |
| Shk/TRT | Probation | 14,753 | 9.2% | 20.9% | 38.3% | 47.8% | 56.9% | 2.5% | 7.1% | 15.8% | 22.4% | 32.6% |
| Shk/TRT | Shk/TRT | 6,322 | 8.6% | 21.7% | 41.3% | 52.3% | 61.6% | 2.0% | 6.5% | 16.5% | 24.1% | 35.8% |
| Shk/TRT | Prison | 15,713 | 17.2% | 31.0% | 47.7% | 55.7% | 63.3% | 1.4% | 5.4% | 15.6% | 24.6% | 39.0% |
| Prison | Probation | 9,479 | 10.9% | 22.6% | 39.9% | 49.4% | 57.1% | 2.0% | 6.1% | 15.1% | 22.1% | 31.6% |
| Prison | Shk/TRT | 5,841 | 9.3% | 23.8% | 43.8% | 54.0% | 62.8% | 2.1% | 7.8% | 19.8% | 27.3% | 38.1% |
| Prison | Prison | 14,639 | 15.6% | 29.3% | 45.2% | 53.4% | 60.7% | 1.2% | 5.0% | 15.4% | 24.4% | 39.0% |

Recidivism Rates After Two Years, By Offense Group and Prior Criminal History

Started probation or released from prison for new offense FY96-FY09

DRUGS

| Prior Criminal Level | Sentence Count | Percent Incarc. | Percent with new sentence |
|----------------------|----------------|-----------------|---------------------------|
| I | 56,620 | 19.4 | 10.6 |
| II | 18,740 | 29.4 | 12.8 |
| III | 11,802 | 38.7 | 13.4 |
| IV | 4,419 | 43.7 | 15.6 |
| V | 1,590 | 46.4 | 15.9 |
| Total | 93,171 | 25.4 | 11.7 |

DWI

| Prior Criminal Level | Sentence Count | Percent Incarc. | Percent with new sentence |
|----------------------|----------------|-----------------|---------------------------|
| I | 10,079 | 18.8 | 9.3 |
| II | 3,799 | 24.9 | 12.0 |
| III | 3,434 | 32.0 | 13.4 |
| IV | 1,341 | 38.6 | 16.4 |
| V | 549 | 38.1 | 18.8 |
| Total | 19,202 | 24.3 | 11.4 |

NONVIOLENT

| Prior Criminal Level | Sentence Count | Percent Incarc. | Percent with new sentence |
|----------------------|----------------|-----------------|---------------------------|
| I | 71,875 | 23.9 | 12.8 |
| II | 23,387 | 36.9 | 16.3 |
| III | 15,470 | 47.3 | 18.1 |
| IV | 6,366 | 52.1 | 21.0 |
| V | 3,519 | 47.2 | 23.8 |
| Total | 120,617 | 31.6 | 14.9 |

SEX AND CHILD ABUSE

| Prior Criminal Level | Sentence Count | Percent Incarc. | Percent with new sentence |
|----------------------|----------------|-----------------|---------------------------|
| I | 6,124 | 19.1 | 4.2 |
| II | 1,010 | 29.1 | 6.0 |
| III | 715 | 34.4 | 9.8 |
| IV | 214 | 43.5 | 15.4 |
| V | 65 | 41.5 | 16.9 |
| Total | 8,128 | 22.5 | 5.3 |

VIOLENT

| Prior Criminal Level | Sentence Count | Percent Incarc. | Percent with new sentence |
|----------------------|----------------|-----------------|---------------------------|
| I | 13,620 | 23.7 | 8.4 |
| II | 3,415 | 33.4 | 10.1 |
| III | 2,514 | 43.8 | 11.9 |
| IV | 875 | 48.9 | 16.0 |
| V | 376 | 46.3 | 17.3 |
| Total | 20,800 | 29.2 | 9.6 |

**Percent Incarcerated After Two Years from Start of Probation or Release from Prison
New Felony Sentences FY96-FY09
By Prior Criminal History (Levels I to III) and Disposition of Sentence**

| Charge Code | Offense Description | RSMo | Felony Class | Offense Group | Recid Calc.* | Total Count | Pct. Incarc. | Prior Criminal History | | | | | | | | |
|-------------|--------------------------|---------|--------------|---------------|--------------|-------------|--------------|------------------------|--------|-------|----------|-------|-------|-----------|-------|-------|
| | | | | | | | | LEVEL I | | | LEVEL II | | | LEVEL III | | |
| | | | | | | | | Prob. | Shk | Pris. | Prob. | Shk | Pris. | Prob. | Shk | Pris. |
| 10021 | MURDER 1ST DEGREE | 565.020 | A | VIO | GROUP | 57 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| 10031 | MURDER 2ND DEGREE | 565.021 | A | VIO | GROUP | 142 | 30.3% | 24.8% | NA | 31.1% | 32.9% | NA | 36.4% | 39.5% | NA | 44.5% |
| 10041 | VOLUNTARY MANSLAUG | 565.023 | B | VIO | GROUP | 156 | 25.6% | 24.8% | 32.2% | 31.1% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 10051 | INVOL MANSLATER-1ST I | 565.024 | C | VIO | CHRG | 486 | 18.3% | 14.8% | 15.3% | 16.1% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 10052 | INVOLUNT MANSLGTR-2N | 565.024 | D | VIO | GROUP | 80 | 20.0% | 17.8% | 23.4% | 31.6% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 10053 | INVOL MANSL VEH INTO | 565.024 | C | VIO | GROUP | 184 | 13.6% | 17.8% | 23.4% | 31.6% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 11010 | RAPE WITH A WEAPON | 566.030 | A | SEX | GROUP | 61 | 13.1% | 25.5% | NA | 16.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11015 | RAPE | 566.030 | A | SEX | GROUP | 55 | 12.7% | 25.5% | NA | 16.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11021 | STATUTORY RAPE-1ST DE | 566.032 | A | SEX | CHRG | 312 | 34.9% | 39.0% | NA | 19.5% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11022 | STATUTORY RAPE-2ND D | 566.034 | C | SEX | CHRG | 783 | 28.1% | 28.0% | 26.0% | 16.1% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 11025 | STAT RAPE-1ST DEG-PER | 566.032 | A | SEX | GROUP | 91 | 39.6% | 25.5% | NA | 16.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11040 | SEXUAL ASSAULT | 566.040 | C | SEX | GROUP | 284 | 27.8% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 11070 | SODOMY - PHYS INJ/WEA | 566.060 | A | SEX | GROUP | 56 | 19.6% | 25.5% | NA | 16.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11075 | SODOMY | 566.060 | A | SEX | GROUP | 90 | 12.2% | 25.5% | NA | 16.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11076 | STATUTORY SODOMY-1S | 566.062 | A | SEX | CHRG | 352 | 19.3% | 20.3% | NA | 17.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11077 | STATUTORY SODOMY-2N | 566.064 | C | SEX | CHRG | 526 | 19.4% | 17.7% | 18.7% | 16.6% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 11097 | STAT SODOMY-1ST DEG-I | 566.062 | A | SEX | GROUP | 81 | 33.3% | 25.5% | NA | 16.7% | 41.3% | NA | 36.6% | 33.3% | NA | 18.0% |
| 11100 | DEVIATE SEXUAL ASSAU | 566.070 | C | SEX | GROUP | 174 | 27.0% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 12010 | ROBBERY 1ST DEGREE | 569.020 | A | VIO | CHRG | 941 | 34.2% | 36.9% | 27.8% | 29.8% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 12020 | ROBBERY 2ND DEGREE | 569.030 | B | VIO | CHRG | 2,550 | 41.1% | 29.6% | 39.2% | 39.6% | 42.4% | 47.0% | 44.2% | 48.3% | 64.0% | 56.4% |
| 13011 | ASLT 1ST-SER PHY INJUR | 565.050 | A | VIO | CHRG | 298 | 22.1% | 16.0% | 25.0% | 25.3% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 13015 | DOMESTIC ASSLT 1ST DE | 565.072 | B | VIO | GROUP | 124 | 24.2% | 24.8% | 32.2% | 31.1% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 13017 | DOM ASLT 3RD-3RD/SUBS | 565.074 | D | VIO | GROUP | 119 | 28.6% | 17.8% | 23.4% | 31.6% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 13020 | ASSAULT 1ST DEG | 565.050 | B | VIO | CHRG | 739 | 20.2% | 18.3% | 17.9% | 16.2% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 13029 | DOMESTIC ASSAULT-2ND | 565.073 | C | VIO | CHRG | 2,459 | 30.7% | 23.5% | 32.6% | 25.7% | 22.0% | 40.2% | 39.4% | 42.5% | 44.6% | 57.0% |
| 13031 | ASSAULT 2ND DEGREE | 565.060 | C | VIO | CHRG | 6,249 | 28.5% | 18.5% | 25.1% | 37.2% | 26.0% | 36.3% | 43.6% | 32.8% | 39.4% | 48.6% |
| 13033 | ASLT 2ND-OP VEH W INTO | 565.060 | C | VIO | CHRG | 943 | 12.9% | 8.2% | 10.9% | 21.5% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 13039 | ASLT 3RD -3RD OFNS FAM | 565.070 | D | VIO | GROUP | 58 | 36.2% | 17.8% | 23.4% | 31.6% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 13055 | ASSLT-SCHOOL PROPERT | 565.075 | D | VIO | GROUP | 64 | 15.6% | 17.8% | 23.4% | 31.6% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 13071 | VIOL EMP DOC TO INMAT | 217.385 | B | VIO | GROUP | 67 | 44.8% | 24.8% | 32.2% | 31.1% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 13100 | ASSAULT/ATMPT ON L/E, | 565.081 | A | VIO | GROUP | 68 | 23.5% | 24.8% | 32.2% | 31.1% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 13110 | ASSAULT LAW OFFICER-F | 565.082 | B | VIO | CHRG | 460 | 32.0% | 16.6% | 28.8% | 35.7% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 14010 | BURGLARY 1ST DEG | 569.160 | B | NVI | CHRG | 1,998 | 39.3% | 25.9% | 52.1% | 52.1% | 38.6% | 46.6% | 55.2% | 39.5% | 55.7% | 58.3% |
| 14020 | BURGLARY 2ND DEG | 569.170 | C | NVI | CHRG | 14,536 | 42.6% | 32.9% | 51.9% | 54.4% | 40.9% | 54.2% | 56.9% | 49.9% | 53.4% | 58.6% |
| 14030 | POSSESSION BURGLAR TO | 569.180 | D | NVI | GROUP | 241 | 39.4% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15010 | STEALING | 570.030 | C | NVI | CHRG | 12,906 | 27.4% | 15.0% | 41.9% | 44.5% | 25.9% | 47.8% | 48.4% | 38.5% | 49.7% | 52.7% |
| 15012 | THEFT-ANHYDROUS AMC | 570.030 | D | NVI | GROUP | 173 | 37.0% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15015 | THEFT-ANHY AMM/LIQ N | 570.030 | C | NVI | GROUP | 168 | 44.6% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15017 | THEFT/STEALING CONTR | 570.030 | C | NVI | GROUP | 99 | 25.3% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15018 | THEFT-\$25000 OR MORE | 570.030 | B | NVI | GROUP | 121 | 3.3% | 23.3% | 47.5% | 51.6% | 35.0% | 44.4% | 53.7% | 36.7% | 52.8% | 56.3% |
| 15019 | THEFT/ATTEMPT THEFT C | 570.030 | B | NVI | GROUP | 85 | 27.1% | 23.3% | 47.5% | 51.6% | 35.0% | 44.4% | 53.7% | 36.7% | 52.8% | 56.3% |
| 15020 | STEALING OF A MOTOR V | 570.030 | C | NVI | CHRG | 1,646 | 40.6% | 28.2% | 50.0% | 56.7% | 40.2% | 31.5% | 64.1% | 39.5% | 51.8% | 54.0% |
| 15021 | THEFT-\$500/MORE-LESS \$ | 570.030 | C | NVI | CHRG | 6,076 | 25.2% | 15.8% | 42.7% | 49.1% | 28.1% | 44.3% | 54.9% | 38.5% | 57.4% | 47.3% |
| 15023 | THEFT,STEALING OF ANY | 570.030 | C | NVI | GROUP | 85 | 40.0% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15025 | THEFT/STEAL CREDIT CA | 570.030 | C | NVI | CHRG | 334 | 27.8% | 15.5% | 57.1% | 28.5% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15032 | STEALING ANIMALS | 570.033 | D | NVI | GROUP | 58 | 24.1% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15034 | STEALING 3RD OFFENSE | 570.040 | C | NVI | GROUP | 701 | 48.2% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15035 | STEALING RELATED OFF | 570.040 | C | NVI | GROUP | 268 | 37.7% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15036 | STEALING RELATED OFF | 570.030 | D | NVI | GROUP | 137 | 48.9% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 15038 | PHYSICALLY TAKE PROP | 570.030 | C | NVI | GROUP | 84 | 33.3% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 16020 | KIDNAP-FACIL FEL/INJUR | 565.110 | B | VIO | GROUP | 108 | 28.7% | 24.8% | 32.2% | 31.1% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 16030 | FELONIOUS RESTRAINT | 565.120 | C | VIO | CHRG | 539 | 31.5% | 16.3% | 30.0% | 41.7% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 17010 | ARSON 1ST DEGREE | 569.040 | B | VIO | GROUP | 141 | 24.1% | 24.8% | 32.2% | 31.1% | 32.9% | 37.5% | 36.4% | 39.5% | 57.3% | 44.5% |
| 17020 | ARSON 2ND DEGREE | 569.050 | C | NVI | CHRG | 559 | 31.1% | 27.2% | 30.0% | 39.7% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 17030 | KNOWINGLY BURN OR EX | 569.055 | D | NVI | CHRG | 351 | 27.9% | 18.5% | 21.7% | 44.4% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 18010 | FORGERY | 570.090 | C | NVI | CHRG | 12,849 | 34.1% | 21.7% | 48.2% | 45.8% | 32.2% | 44.5% | 46.1% | 53.0% | 56.4% | |
| 18020 | POSS OF FORGING INSTR | 570.100 | C | NVI | GROUP | 76 | 23.7% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 19010 | PASSING A BAD CHECK | 570.120 | D | NVI | CHRG | 4,804 | 25.4% | 15.7% | 28.5% | 28.5% | 27.1% | 49.3% | 30.1% | 43.5% | 32.2% | 39.8% |
| 19011 | PASSING BAD CHECK-\$50 | 570.120 | D | NVI | CHRG | 1,955 | 26.5% | 17.0% | 40.9% | 40.7% | 30.3% | 30.7% | 39.1% | 35.0% | 61.5% | 34.3% |
| 19013 | PASSING BAD CHECK-\$50 | 570.120 | C | NVI | CHRG | 476 | 24.4% | 16.6% | 100.0% | 0.0% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 19030 | FRAUD USE CRED/DEBIT | 570.130 | D | NVI | CHRG | 1,199 | 24.5% | 12.9% | 60.0% | 42.5% | 25.8% | 45.7% | 45.2% | 39.5% | 51.8% | 54.0% |
| 19080 | DEFERD SEC CRTR \$500 MC | 570.180 | D | NVI | GROUP | 81 | 11.1% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |

**Percent Incarcerated After Two Years from Start of Probation or Release from Prison
New Felony Sentences FY96-FY09
By Prior Criminal History (Levels I to III) and Disposition of Sentence**

| Charge Code | Offense Description | RSMo | Felony Class | Offense Group | Recid Calc.* | Total Count | Pct. Incarc. | Prior Criminal History | | | | | | | | |
|-------------|-------------------------|---------|--------------|---------------|--------------|-------------|--------------|------------------------|-------|-------|----------|-------|-------|-----------|-------|-------|
| | | | | | | | | LEVEL I | | | LEVEL II | | | LEVEL III | | |
| | | | | | | | | Prob. | Shk | Pris. | Prob. | Shk | Pris. | Prob. | Shk | Pris. |
| 22011 | SEX MISC-1ST-PRIOR CON | 566.090 | D | SEX | GROUP | 56 | 25.0% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 22022 | SEXUAL ABUSE | 566.100 | C | SEX | GROUP | 120 | 12.5% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 22025 | SEX MISCON-CHILD-1ST C | 566.083 | D | SEX | GROUP | 164 | 21.3% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 22030 | SEXUAL ABUSE 1ST DEGR | 566.100 | D | SEX | GROUP | 61 | 16.4% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 22105 | CHILD MOLEST-1ST DEGR | 566.067 | C | SEX | CHRG | 350 | 22.6% | 25.2% | 14.2% | 19.0% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 22107 | CHILD MOLEST-1ST DEGR | 566.067 | B | SEX | GROUP | 181 | 22.1% | 25.5% | 19.1% | 16.7% | 41.3% | 26.6% | 36.6% | 33.3% | 0.0% | 18.0% |
| 23010 | TAMP 1ST W MTRVEH-AII | 569.080 | C | NVI | CHRG | 773 | 59.8% | 60.0% | 58.0% | 53.3% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 23012 | TAMPERING 1ST DEGREE | 569.060 | C | NVI | CHRG | 493 | 34.1% | 22.1% | 0.0% | 46.1% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 23013 | TAMPER WITH MOTOR VE | 569.080 | C | NVI | CHRG | 642 | 40.8% | 34.1% | 47.3% | 35.7% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 23014 | TAMPER W AIRPLANE/MT | 569.080 | C | NVI | GROUP | 121 | 47.9% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 23015 | TAMP 1ST W MTRVEH-AII | 569.080 | C | NVI | CHRG | 5,551 | 47.3% | 35.1% | 55.5% | 67.7% | 44.4% | 62.8% | 59.5% | 53.1% | 56.6% | 67.5% |
| 23110 | PROP DAMAGE 1ST DEGR | 569.100 | D | NVI | CHRG | 1,596 | 28.6% | 21.9% | 33.3% | 48.4% | 31.4% | 50.0% | 36.9% | 39.5% | 51.8% | 54.0% |
| 23245 | DAMAGE JAIL/PROPERTY | 221.353 | D | NVI | GROUP | 137 | 52.6% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 24010 | RCVNG STLN PROP \$150 M | 570.080 | C | NVI | CHRG | 2,556 | 36.3% | 26.6% | 52.3% | 44.5% | 29.0% | 46.8% | 43.4% | 46.4% | 62.7% | 51.0% |
| 24015 | RECEIVING STOLEN PROP | 570.080 | C | NVI | CHRG | 1,202 | 31.9% | 26.1% | 50.0% | 36.9% | 29.7% | 35.8% | 47.2% | 39.5% | 51.8% | 54.0% |
| 24100 | FAIL TO RTRN PROP O/15 | 578.150 | C | NVI | GROUP | 322 | 23.9% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 24105 | FAIL RETURN RENT PROP | 578.150 | C | NVI | GROUP | 148 | 22.3% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 26031 | NONSUP-6MO-12MO-AMT | 568.040 | D | NVI | CHRG | 11,638 | 19.1% | 11.7% | 28.2% | 30.1% | 19.1% | 30.7% | 37.1% | 29.5% | 55.1% | 46.3% |
| 26045 | ENDANGERING WELFARE | 568.045 | C | SEX | CHRG | 656 | 19.4% | 14.7% | 25.0% | 17.6% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 26051 | ENDANGER WELFARE CH | 568.045 | C | SEX | GROUP | 57 | 21.1% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 26052 | ENDANGER WELFARE CH | 568.045 | D | SEX | CHRG | 1,211 | 22.2% | 15.4% | 26.7% | 28.8% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 26053 | ENDANGER WELFARE CH | 568.050 | D | SEX | GROUP | 51 | 29.4% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 26063 | ABUSE OF CHILD | 568.060 | C | SEX | CHRG | 687 | 16.2% | 8.2% | 20.6% | 23.3% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 26072 | CHILD MOLESTATION-1ST | 566.067 | C | SEX | GROUP | 124 | 8.1% | 17.4% | 20.1% | 18.7% | 25.0% | 19.4% | 33.8% | 40.6% | 29.0% | 36.5% |
| 26083 | VIO EXP/FULL ORDER OR | 455.085 | D | NVI | GROUP | 311 | 30.9% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 27020 | RESIST/INTERFER FEL AR | 575.150 | D | NVI | CHRG | 994 | 38.0% | 19.7% | 41.9% | 36.2% | 29.7% | 43.3% | 51.4% | 40.0% | 64.2% | 55.0% |
| 27025 | RES ARST/DETN/STOP-RS | 575.150 | D | NVI | GROUP | 125 | 32.8% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 27035 | RESIST ARREST BY FLEEI | 575.150 | D | NVI | GROUP | 242 | 37.2% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 28030 | ESC CUST ARR FOR FELOI | 575.200 | D | NVI | GROUP | 78 | 44.9% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 28065 | ESCAPE/ATTEMPT ESCAP | 575.210 | D | NVI | GROUP | 142 | 50.0% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 28080 | FAIL RTN CONF-DEPT CO | 575.220 | D | NVI | GROUP | 56 | 57.1% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 29030 | HINDERING PROSECUTIO | 575.030 | D | NVI | GROUP | 156 | 18.6% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 29110 | TAMP PHYS EVDN-FLNY | 575.100 | D | NVI | GROUP | 93 | 25.8% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 29230 | TAMP/ATTEMPT-VICTIM- | 575.270 | C | NVI | GROUP | 55 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| 29370 | FAIL TO APPEAR ON FELC | 544.665 | D | NVI | GROUP | 193 | 40.4% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 31020 | UNLAWFUL USE OF WEAP | 571.030 | D | NVI | CHRG | 6,176 | 23.9% | 16.6% | 33.3% | 45.4% | 21.4% | 44.0% | 44.3% | 37.6% | 36.1% | 45.2% |
| 31070 | UNLWFL POSS CONC FIRE | 571.070 | C | NVI | GROUP | 119 | 23.5% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 31080 | POSS/MFGR/SELL ILL WE | 571.020 | C | NVI | GROUP | 222 | 25.7% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 31162 | POSS/DISCH LOADED FIR | 571.030 | D | NVI | GROUP | 92 | 18.5% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 32040 | DRUG VIO - POSSESSION | 195.020 | A | DRG | GROUP | 62 | 1.6% | 16.3% | 23.5% | 22.1% | 21.2% | 30.0% | 29.4% | 30.4% | 35.0% | 39.6% |
| 32255 | KEEP MAINT PUB NUISAN | 195.130 | C | DRG | GROUP | 86 | 22.1% | 17.8% | 34.0% | 37.9% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32320 | CONTROL SUB/CORRECT | 217.360 | C | DRG | GROUP | 418 | 32.8% | 17.8% | 34.0% | 37.9% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32322 | DEL/POSS CONTR SUBS-C | 217.360 | C | DRG | GROUP | 79 | 20.3% | 17.8% | 34.0% | 37.9% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32327 | CONT SUB CO/PRIV JAIL V | 221.111 | C | DRG | GROUP | 275 | 42.2% | 17.8% | 34.0% | 37.9% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32448 | POSS C/S PERSISTENT OFF | 195.202 | A | DRG | GROUP | 167 | 10.8% | 16.3% | 23.5% | 22.1% | 21.2% | 30.0% | 29.4% | 30.4% | 35.0% | 39.6% |
| 32449 | POSSESS C/S PRIOR OFFE | 195.202 | B | DRG | GROUP | 304 | 20.1% | 16.3% | 23.5% | 22.1% | 21.2% | 30.0% | 29.4% | 30.4% | 35.0% | 39.6% |
| 32450 | POSS CONTROLLED SUBS | 195.202 | C | DRG | CHRG | 50,041 | 25.7% | 17.7% | 33.8% | 37.8% | 25.5% | 37.4% | 42.3% | 34.1% | 41.6% | 46.5% |
| 32460 | FRAUD ATT OBTN CONTR | 195.204 | D | DRG | CHRG | 1,233 | 23.6% | 15.3% | 39.1% | 75.0% | 28.2% | 43.1% | 45.4% | 34.4% | 42.2% | 46.4% |
| 32463 | DEL/MAN C/S PRIR/PERST | 195.211 | A | DRG | CHRG | 371 | 9.2% | NA | NA | 0.0% | NA | NA | 29.4% | NA | NA | 39.6% |
| 32465 | DIST DEL MANUF CONTR | 195.211 | B | DRG | CHRG | 18,176 | 24.6% | 17.6% | 24.4% | 23.5% | 22.9% | 29.2% | 33.6% | 35.5% | 41.0% | |
| 32470 | DIST DEL/U/S GRAMS MAI | 195.211 | C | DRG | CHRG | 1,188 | 25.7% | 19.6% | 36.1% | 34.3% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32475 | DIST CONT SUB TO MINO | 195.212 | B | DRG | GROUP | 67 | 13.4% | 16.3% | 23.5% | 22.1% | 21.2% | 30.0% | 29.4% | 30.4% | 35.0% | 39.6% |
| 32485 | DIST CNT SUB NEAR SCH | 195.214 | A | DRG | CHRG | 523 | 22.6% | 15.2% | 29.4% | 5.5% | 21.2% | 30.0% | 29.4% | 30.4% | 35.0% | 39.6% |
| 32486 | DIST CONT SUBS-GOV HC | 195.218 | A | DRG | GROUP | 178 | 24.7% | 16.3% | 23.5% | 22.1% | 21.2% | 30.0% | 29.4% | 30.4% | 35.0% | 39.6% |
| 32490 | TRAFFIC IN DRUGS/ATTE | 195.222 | A | DRG | CHRG | 377 | 13.8% | NA | NA | 11.5% | NA | NA | 29.4% | NA | NA | 39.6% |
| 32495 | TRAFFIC IN DRUG/ATTEM | 195.223 | A | DRG | CHRG | 1,487 | 14.3% | NA | NA | 20.9% | NA | NA | 20.0% | NA | NA | 33.3% |
| 32500 | TRAFFIC IN DRUG/ATTEM | 195.223 | B | DRG | CHRG | 3,037 | 25.5% | 18.7% | 21.8% | 19.8% | 22.9% | 37.7% | 37.9% | 30.3% | 36.7% | 41.3% |
| 32506 | DRUG PARAPH AMPHET/A | 195.233 | D | DRG | CHRG | 548 | 30.1% | 21.0% | 27.2% | 29.6% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32510 | DELIVER DRUG PARAPHE | 195.235 | D | DRG | CHRG | 397 | 24.2% | 16.9% | 30.7% | 30.7% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32520 | DEL MANUF CONT IMIT D | 195.242 | D | DRG | CHRG | 433 | 36.0% | 24.5% | 58.3% | 75.0% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32526 | POSS EPHEDRINE-MAN M | 195.246 | D | DRG | CHRG | 1,015 | 32.7% | 21.0% | 58.8% | 43.5% | 30.1% | 45.9% | 39.2% | 34.4% | 42.2% | 46.4% |
| 32540 | DELIVER CONTROLLED S | 195.254 | D | DRG | GROUP | 121 | 9.1% | 17.8% | 34.0% | 37.9% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |
| 32566 | CREATE/ALTER CHEM TO | 195.420 | C | DRG | CHRG | 1,175 | 32.2% | 22.4% | 28.5% | 33.8% | 27.0% | 38.4% | 44.5% | 34.4% | 42.2% | 46.4% |
| 32610 | POSS ANHY AMM-NONAP | 578.154 | D | DRG | GROUP | 114 | 32.5% | 17.8% | 34.0% | 37.9% | 25.6% | 38.1% | 42.4% | 34.4% | 42.2% | 46.4% |

**Percent Incarcerated After Two Years from Start of Probation or Release from Prison
New Felony Sentences FY96-FY09
By Prior Criminal History (Levels I to III) and Disposition of Sentence**

| Charge Code | Offense Description | RSMo | Felony Class | Offense Group | Recid Calc.* | Total Count | Pct. Incarc. | Prior Criminal History | | | | | | | | |
|-------------|-------------------------|---------|--------------|---------------|--------------|-------------|--------------|------------------------|-------|-------|----------|-------|-------|-----------|-------|-------|
| | | | | | | | | LEVEL I | | | LEVEL II | | | LEVEL III | | |
| | | | | | | | | Prob. | Shk | Pris. | Prob. | Shk | Pris. | Prob. | Shk | Pris. |
| 34015 | FALSE BOMB REPORT | 575.090 | D | NVI | GROUP | 56 | 28.6% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 34220 | AGGRAV STALK-1ST OFF | 565.225 | D | VIO | GROUP | 92 | 18.5% | 17.8% | 23.4% | 31.6% | 23.7% | 34.5% | 40.9% | 36.7% | 39.6% | 49.7% |
| 37005 | FAIL FILE SALES TAX RTF | 144.480 | D | NVI | GROUP | 62 | 6.5% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 46609 | OPR VEH W/O LIC-3RD/SU | 302.020 | D | NVI | GROUP | 230 | 26.5% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 46681 | OPR VEH-LIC REV-ABUS/I | 302.321 | D | NVI | GROUP | 142 | 33.8% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 46682 | OPR MV-WHILE DRIVERS | 302.321 | D | NVI | GROUP | 214 | 39.3% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 46683 | OPR MV-LIC REV-PTS/TES | 302.321 | D | NVI | GROUP | 297 | 37.7% | 20.8% | 45.0% | 47.8% | 28.9% | 48.3% | 48.9% | 39.5% | 51.8% | 54.0% |
| 46689 | OPR MV LIC REV SUSP PO | 302.321 | D | NVI | CHRG | 1,108 | 39.6% | 32.9% | 46.6% | 45.4% | 34.3% | 40.4% | 42.0% | 37.5% | 36.1% | 43.1% |
| 47410 | DWI/ALCOHOL | 577.010 | D | DWI | CHRG | 15,875 | 24.2% | 15.5% | 22.3% | 27.5% | 21.5% | 23.0% | 32.7% | 30.2% | 29.8% | 32.5% |
| 47418 | DWI-ALCOHOL -AGGRAV | 577.010 | C | DWI | GROUP | 189 | 18.5% | NA | NA | 27.0% | NA | NA | 32.6% | NA | NA | 32.9% |
| 47430 | DWI/DRUG INTOX | 577.010 | D | DWI | GROUP | 158 | 25.9% | 15.3% | 22.1% | 27.0% | 21.0% | 22.8% | 32.6% | 29.8% | 29.9% | 32.9% |
| 47450 | DWI/COMBINED ALCOHO | 577.010 | D | DWI | CHRG | 405 | 17.0% | 14.6% | 0.0% | 0.0% | 21.0% | 22.8% | 32.6% | 29.8% | 29.9% | 32.9% |
| 47470 | EXCESSIVE BAC-PERSIST | 577.012 | D | DWI | GROUP | 102 | 14.7% | 15.3% | 22.1% | 27.0% | 21.0% | 22.8% | 32.6% | 29.8% | 29.9% | 32.9% |
| 48865 | LEFT SCENE OF ACCIDEN | 577.060 | D | NVI | CHRG | 1,886 | 26.7% | 18.4% | 31.0% | 43.4% | 28.6% | 29.4% | 37.0% | 32.7% | 52.1% | 49.5% |

Notes

* Recidivism calculation: CHRG indicates that the recidivism rates are based upon the number of offenders sentenced for the charge code. GROUP indicates that the incarceration rates were based upon the numbers sentenced for the offense group and felony class group (A/B or C/D) of the offense. The offense group aggregation is used when the number of offenses in a prior criminal history level is less than 200. Because of small study sizes the recidivism rates are not shown for Level IV and Level V.

Care should be exercised in interpreting the statistics, particularly when the numbers in the study are low. Although the study has used a 14 year time frame the numbers of offenders sentenced to prison for serious violent and sex offenses and released at least two years may be very small. For non-violent offenses the study size is sufficient for rates to be calculated for specific offenses.

THE IMPORTANCE OF RISK ASSESSMENT IN SENTENCING - VALIDATING THE SAR RISK SCORE

Summary

The Commission recently completed a recidivism study of the SAR risk score and the results indicated that the risk assessment was a good indicator of the likelihood of a person re-offending.

Because the score significantly impacted the recidivism rate for offenders with the same level of criminal history the recommended sentence now incorporates the risk score as a mitigating or aggravating factor. If an offender scores GOOD on the assessment then the recommended sentence is the mitigating sentence. If an offender scores BELOW AVERAGE or POOR then the recommended sentence is the aggravating sentence.

The impact of the change is expected to be an increase in the number of recommended sentences to prison. Although the number of recommendations for mitigating and aggravating sentences will be similar, most of the mitigating recommendations will replace presumptive sentences that do not recommend prison. On the other hand more aggravating sentences that recommend prison will replace presumptive sentences that do not recommend prison. The impact analysis predicts that 34 offenders will be diverted from prison because of the mitigating sentence and 849 offenders will be recommended prison because of the aggravating sentence.

Recidivism Study to Validate The Risk Score in the Sentencing Assessment Report

One of the features of the Sentencing Assessment Report (SAR) that is most commented upon in discussions with other practitioners is the offender risk assessment. The risk assessment is a scoring of eleven factors that are compiled at the time of the report preparation. The factors were taken from the salient factor score used by the Board of Probation and Parole but modified for use on probationers and using the data that was available for offenders on field supervision.

The SAR risk score is used to indicate the level of the risk of re-offending and to provide an indication of the time an offender who is sentenced to a term commitment will serve before parole. One of the aims of the validation is to compare the predictiveness of the SAR risk score against the prior criminal history level. Prior criminal history has always had a significant role in determining sentencing.

The SAR has been in use since 2005 and there are now sufficient data to calculate recidivism rates for up to three years from the start of supervision. Because the time period for the study is still relatively short the current data is biased towards offenders sentenced to probation and the institutional shock/treatment programs but there are sufficient data for all three sentence dispositions.

SARs to date which are matched to OPII

| | Probation | Shk/Trt | Prison | Total |
|---------------------|-----------|---------|--------|--------|
| Started Supervision | 9,519 | 1,431 | 997 | 11,947 |
| Incarcerated | - | 211 | 1,390 | 1,601 |
| Total | 9,519 | 1,642 | 2,387 | 13,548 |

The recidivism study is based upon the 11,947 offenders who have either been sentenced to probation or released from prison.

Prior criminal history is related to offender recidivism and it is a component of the SAR risk score but prior criminal history is not as highly correlated with recidivism as the SAR risk score.

The greater the correlation with recidivism the greater is expected range between low risk and high risk.

Recidivism and Prior Criminal History Level from the SARs (FY2006-FY2009)

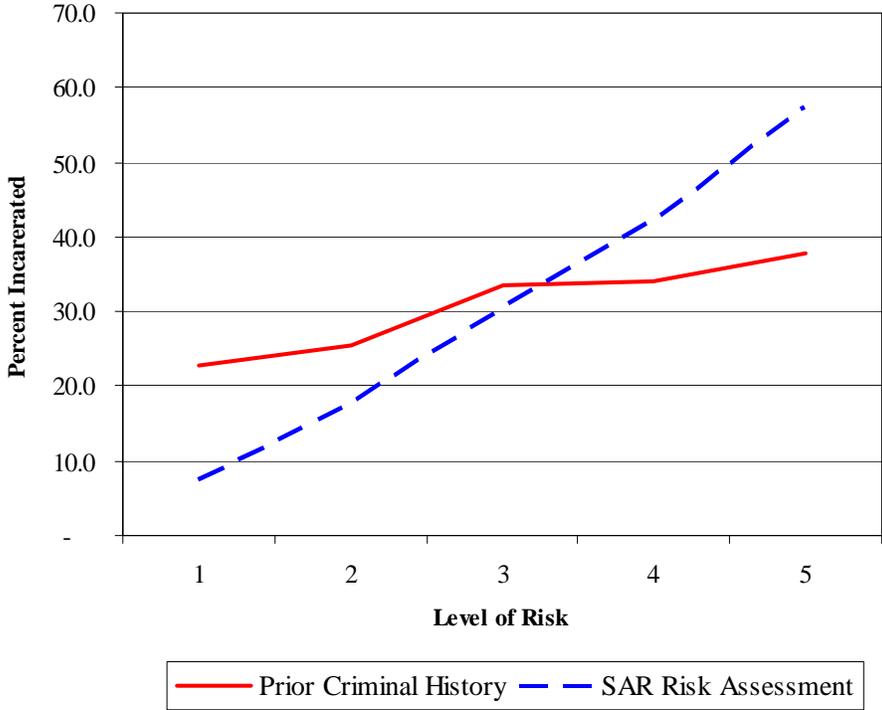
| Prior Criminal History Level | Total | Time from Start of Supervision | | | Percent Incarcerated Within | | | Percent Convicted Within | | |
|------------------------------|--------|--------------------------------|---------|---------|-----------------------------|---------|---------|--------------------------|---------|---------|
| | | 12 mths | 24 mths | 36 mths | 12 mths | 24 mths | 36 mths | 12 mths | 24 mths | 36 mths |
| 1. No Felonies | 7,364 | 5,358 | 3,247 | 859 | 11.8 | 22.7 | 28.3 | 2.7 | 7.5 | 11.9 |
| 2. 1-2 Felonies | 2,181 | 1,697 | 1,078 | 373 | 13.3 | 25.4 | 36.7 | 2.6 | 6.3 | 11.8 |
| 3. One Incar/3 felonies | 1,440 | 1,033 | 589 | 215 | 16.0 | 33.5 | 34.4 | 2.5 | 9.9 | 11.6 |
| 4. Two Incar/4 felonies | 502 | 350 | 168 | 53 | 18.3 | 33.9 | 37.7 | 2.3 | 9.5 | 7.6 |
| 5/ 3 + Incar/5+ felonies | 459 | 305 | 143 | 48 | 24.3 | 37.8 | 56.3 | 5.6 | 9.8 | 10.4 |
| TOTAL | 11,947 | 8,744 | 5,226 | 1,549 | 13.3 | 25.3 | 32.3 | 2.7 | 7.7 | 11.6 |

Recidivism and the SAR Risk Score (FY2006-FY2009)

| SAR Risk Category | Total | Time from Start of Supervision | | | Percent Incarcerated Within | | | Percent Convicted Within | | |
|-------------------|--------|--------------------------------|---------|---------|-----------------------------|---------|---------|--------------------------|---------|---------|
| | | 12 mths | 24 mths | 36 mths | 12 mths | 24 mths | 36 mths | 12 mths | 24 mths | 36 mths |
| 1. Good | 2,483 | 1,760 | 1,063 | 282 | 3.2 | 7.6 | 12.8 | 0.6 | 2.3 | 3.9 |
| 2. Above Average | 3,465 | 2,556 | 1,525 | 440 | 8.5 | 17.6 | 24.3 | 1.6 | 5.6 | 9.3 |
| 3. Average | 3,411 | 2,545 | 1,567 | 473 | 16.0 | 30.7 | 35.9 | 3.7 | 9.4 | 13.7 |
| 4. Below Average | 1,859 | 1,379 | 820 | 275 | 22.0 | 42.1 | 48.0 | 4.9 | 11.6 | 16.4 |
| 5. Poor | 729 | 504 | 251 | 79 | 34.3 | 57.4 | 70.9 | 5.4 | 18.7 | 22.8 |
| | 11,947 | 8,744 | 5,226 | 1,549 | 13.3 | 25.3 | 32.3 | 2.7 | 7.7 | 11.6 |

The average incarceration rate after two years from the start of supervision is 25.3% but the range from low risk to high risk using prior criminal history is 15.1% (22.7% to 37.8%). The range for the SAR risk score is 49.8% (7.6% to 57.4%). Graphically it is indicated by a recidivism rate that is nearly a diagonal for the SAR compared to a recidivism rate that is much closer to the horizontal.

**Recidivism Rates by Level of Risk,
Incarceration after two years**



While it is a good test to show that the SAR score is a better predictor of recidivism than prior criminal history it is also necessary to show that within each level of prior criminal history the SAR risk score provides a good distinction between low risk offenders who could be sentenced to the mitigating sentence and the high risk offenders who could be sentenced to the aggravating sentence. The table below compares the recidivism rates for all nonviolent offenders (excluding violent and sex offenses). For PCHL I (no prior felonies) the two year recidivism rate for the low risk group (Good on the SAR score) is 12.1% compared to 61.2% for the high risk (Below Average and Poor on the SAR score). There are similar significant differences for PCHL II and III. Because many level IV and Vs will be sentenced to prison the numbers are small for two years under supervision but the 6 month and 12 month rates indicate that the SAR is a good risk predictor.

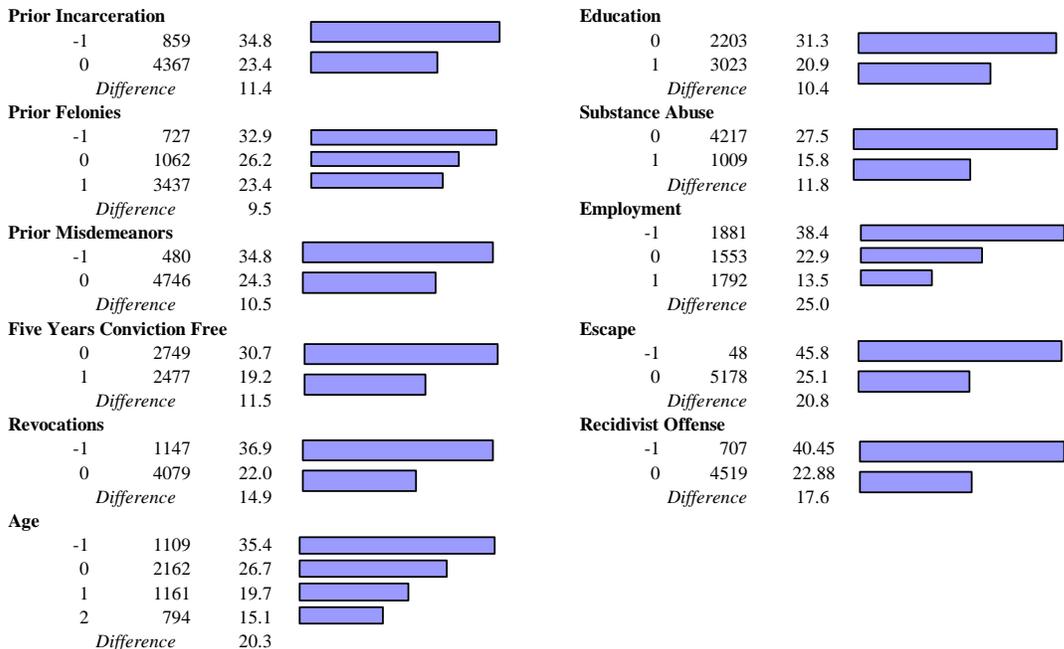
Recidivism Rates for Nonviolent Offenders and Risk Level

| PCHL | SAR Risk Score Recommended Sentence | Total | Time from Start of Supervision | | | Percent Incarcerated Within | | | | Percent Convicted | |
|------|--|-------|--------------------------------|---------|---------|-----------------------------|---------|---------|---------|-------------------|---------|
| | | | 12 mths | 24 mths | 36 mths | 6 mths | 12 mths | 24 mths | 36 mths | 24 mths | 36 mths |
| I | Low Risk- Mitigating | 2,266 | 1,594 | 961 | 257 | 3.1 | 7.4 | 12.1 | 0.5 | 2.3 | 3.9 |
| | Medium Risk- Presumptive | 4,571 | 3,354 | 2,028 | 535 | 13.4 | 25.8 | 32.0 | 3.1 | 8.7 | 13.6 |
| | High Risk - Aggravating | 527 | 410 | 258 | 67 | 32.2 | 55.8 | 61.2 | 8.0 | 17.4 | 28.4 |
| II | Low Risk- Mitigating | 194 | 151 | 93 | 23 | 4.6 | 10.8 | 21.7 | 2.0 | 2.2 | 4.3 |
| | Medium Risk- Presumptive | 1,452 | 1,128 | 721 | 248 | 10.4 | 21.1 | 30.6 | 2.0 | 5.1 | 8.9 |
| | High Risk - Aggravating | 535 | 418 | 264 | 102 | 24.2 | 42.4 | 54.9 | 4.5 | 11.0 | 20.6 |
| III | Low Risk- Mitigating | 22 | 15 | 9 | 2 | - | - | - | - | - | - |
| | Medium Risk- Presumptive | 602 | 441 | 258 | 97 | 9.8 | 22.9 | 18.6 | 1.1 | 6.2 | 8.2 |
| | High Risk - Aggravating | 816 | 577 | 322 | 116 | 21.1 | 42.9 | 48.3 | 3.6 | 13.0 | 14.7 |
| IV | Low Risk- Mitigating | 1 | - | - | - | - | - | - | - | - | - |
| | Medium Risk- Presumptive | 135 | 104 | 49 | 19 | 8.7 | 24.5 | 36.8 | 1.9 | 4.1 | - |
| | High Risk - Aggravating | 366 | 246 | 119 | 34 | 22.4 | 37.8 | 38.2 | 2.4 | 11.8 | 11.8 |
| V | Medium Risk- Presumptive | 116 | 74 | 36 | 14 | 9.5 | 11.1 | 35.7 | 1.4 | 5.6 | 21.4 |
| | High Risk - Aggravating | 343 | 231 | 107 | 34 | 29.0 | 46.7 | 64.7 | 6.9 | 11.2 | 5.9 |

What makes the SAR risk score a Better Predictor of Future Re-offending than Prior Criminal History?

The SAR risk score not only includes additional factors that are related to prior convictions but also social factors that are known to be associated with criminal behavior such as the level of education, employment and substance abuse. The advantage of including social factors in a risk assessment is that by addressing the deficits indicated by these social factors the risk of re-offending can be reduced.

Impact on Recidivism by each of the SAR Factors



Although all of the factors are related to recidivism some factors have a greater impact than others. A ranking of the correlation ratios with recidivism makes employment #1. Also highly ranked are age and three variables associated with criminal behavior: revocations, the type of offense committed and how long since the last conviction.

| Rank | Factor | Correlation |
|------|----------------------------|-------------|
| 1 | Employment | -.241** |
| 2 | Age | -.153** |
| 3 | Revocations | -.142** |
| 4 | Recidivist Offense | -.138** |
| 5 | Five Years Conviction Free | -.132** |
| 6 | Education | -.118** |
| 7 | Substance Abuse | -.107** |
| 8 | Incarcerations | -.097** |
| 9 | Felonies | -.073** |
| 10 | Misdemeanors 4+ | -.070** |
| 11 | Escape | -.046** |

** indicates statistically significant at 95% confidence

One problem with including many factors in an assessment is that a number of the factors may be closely associated with each other resulting in an overestimate of the statistical relationship.

| Correlations | | | | | | | | | | | |
|----------------------------|-----------------|----------|----------------|----------------------------|-------------|--------------------|---------|-----------------|-----------|------------|---------|
| | Misdemeanors 4+ | Felonies | Incarcerations | Five Years Conviction Free | Revocations | Recidivist Offense | Age | Substance Abuse | Education | Employment | Escape |
| Misdemeanors 4+ | 1.000 | .199** | .161** | .237** | .272** | -.052** | -.145** | .082** | .037** | .035 | .101** |
| Felonies | .199** | 1.000 | .700** | .325** | .478** | -.030 | -.280** | .129** | -.015 | .013 | .140** |
| Incarcerations | .161** | .700** | 1.000 | .217** | .571** | -.015 | -.227** | .119** | -.021 | .028 | .152** |
| Five Years Conviction Free | .237** | .325** | .217** | 1.000 | .321** | -.008 | -.011 | .173** | .046** | .057** | .043** |
| Revocations | .272** | .478** | .571** | .321** | 1.000 | -.039** | -.157** | .133** | .006 | .065** | .148** |
| Recidivist Offense | -.052** | -.030 | -.015 | -.008 | -.039** | 1.000 | .271** | -.022 | .134** | .147** | -.003 |
| Age | -.145** | -.280** | -.227** | -.011 | -.157** | .271** | 1.000 | -.049** | .167** | .157** | -.047** |
| Substance Abuse | .082** | .129** | .119** | .173** | .133** | -.022 | -.049** | 1.000 | .045** | .066** | .032 |
| Education | .037** | -.015 | -.021 | .046** | .006 | .134** | .167** | .045** | 1.000 | .212** | .007 |
| Employment | .035 | .013 | .028 | .057** | .065** | .147** | .157** | .066** | .212** | 1.000 | .048** |
| Escape | .101** | .140** | .152** | .043 | .148** | -.003 | -.047** | .032 | .007 | .048** | 1.000 |

** indicates statistically significant at 95% confidence

Obvious relationships are between prior felonies and prior incarcerations and there is an even stronger relationship between revocations and prior incarcerations (.571). Age is a factor that is not only strongly associated with the level of criminal behavior but also the type of offense. Recidivism offenses include burglary, robbery and car theft and these offenses are associated with young offenders. Recidivist offenses has the highest bivariate correlation with age (.271). An efficient risk assessment is an assessment which includes factors that have little covariance between themselves. Employment and education are such factors that have relatively low association with the criminal history factors. Substance abuse has a slightly higher relationship because drug use is a criminal activity.

Analyzing the SAR risk factors using stepwise multiple regression selects nine of the factors as significantly contributing to the prediction of future re-offending. The factors that are not included in the model are prior felonies and prior escapes. Although offenders who escape have higher recidivism rates the number of offenders who have

escaped is very small. Prior felonies are not included because the other criminal history variables are more predictive.

| Rank | Factor | Cumulative Correlation (r) |
|-------------------------------------|----------------------------|----------------------------|
| <i>Included in Model</i> | | |
| 1 | Employment | .241 |
| 2 | Revocations | .273 |
| 3 | Age | .307 |
| 4 | Substance Abuse | .317 |
| 5 | Recidivist Offense | .327 |
| 6 | Five Years Conviction Free | .334 |
| 7 | Education | .336 |
| 8 | Incarcerations | .338 |
| 9 | Misdemeanors 4+ | .339 |
| <i>Not Included in Model</i> | | |
| 10 | Felonies | |
| 11 | Escape | |

Incorporating the SAR Risk Assessment into the System of Recommended Sentences

The Commission appreciates the importance of risk assessment in sentencing and has considered how to include the now validated risk assessment into the system of recommended sentences. The Commission has decided to add the risk assessment to the list of mitigating and aggravating circumstances and to state that the recommended sentence is the mitigating sentence if the offender’s risk assessment is GOOD and the recommended sentence is the aggravating sentence if the risk score is BELOW AVERAGE or POOR.

Because there is a high positive correlation between the prior criminal history level and the SAR risk score offenders with little prior criminal history are more likely to score GOOD and offenders with considerable prior criminal history are more likely to score BELOW AVERAGE or POOR. The impact of the change is expected to be an increase in the number of recommended sentences to prison. Although the number of recommendations for mitigating and aggravating sentences because of the risk score will be similar, most of the mitigating recommendations replaced presumptive sentences that did not recommend prison. More aggravating sentences recommending prison replace presumptive sentences that did not recommend prison. The impact outlined below suggests that 34 offenders will be diverted from prison because of the mitigating sentence and 849 offenders will be recommended prison because of the aggravating sentence.

Offenders who will be recommended the Mitigating Sentence

| Presumptive Sentence | Mitigating Sentence | | | | | Net Change |
|---------------------------|---------------------|--------------|----------|----------|--------------|------------|
| | CSS | Prob. | SHK/TRT | Prison | Total | |
| Comm. Structured Sentence | 5 | 448 | - | - | 453 | -355 |
| Probation | - | 1,924 | - | - | 1,924 | 451 |
| SHK/TRT | 62 | 3 | - | - | 65 | -62 |
| Prison | 31 | - | 3 | 7 | 41 | -34 |
| Total | 98 | 2,375 | 3 | 7 | 2,483 | 0 |

Offenders who will be recommended the Aggravating Sentence

| Presumptive Sentence | Aggravating Sentence | | | | | Net Change |
|---------------------------|----------------------|-------|------------|--------------|--------------|------------|
| | CSS | Prob. | SHK/TRT | Prison | Total | |
| Comm. Structured Sentence | - | | 572 | 115 | 687 | -310 |
| Probation | 377 | | 45 | 3 | 425 | -425 |
| SHK/TRT | - | | - | 731 | 731 | -114 |
| Prison | - | | - | 745 | 745 | 849 |
| Total | 377 | | 617 | 1,594 | 2,588 | 0 |

REVIEW OF SENTENCING AND THE MISSOURI RECOMMENDED SENTENCES

The Recommended Sentences are based upon sentencing averages and the compliance analysis calculated from the Sentence Assessment Report (SAR) report an overall compliance in FY09 of 88% with the recommended sentence range. The SAR analysis, however, also reports that the presumptive sentence tends to be less severe than the actual sentence, particularly for violent and sex offenses. The 2009 survey of the recommended sentences and the SAR by the Missouri State University of judges, prosecutors and public defenders reported a general acceptance (85%) of the recommended sentences by judges but a perception that they tend to be lenient.

Summary

The recommended sentences expect the severity of sentences to increase with increased prior criminal history. While the percent of offenders who are sent to prison increases with prior criminal history the length of the prison sentence does not always increase to the same extent.

A study of sentencing from FY01 to FY09 identifies 12 offense/severity groups (out of 60) where the average prison sentence was outside the sentencing range.

Research is presented that shows that increasing the length of the prison sentence for offenders with no prior incarceration does not reduce recidivism.

The Recommended Sentence Model

The following compliance study uses new felony sentences from FY01 to FY09 to examine two issues. The first is an important conceptual question: How well does the recommended sentencing model agree with actual sentencing practice in Missouri? Having discussed the general then the second task is to identify offenses that may need a review of the recommended sentences.

The recommended sentences may be based upon average actual sentences but the recommended sentences also require that the sentence severity increases with prior criminal history. The Missouri model uses two measures of sentencing to determine the recommended sentence. The first is the percent of sentences that commit the offender to prison. The second measure is the average sentence when the disposition is a prison commitment. The Missouri model expects both measures to increase with increased prior criminal history. The Recommended Sentencing Matrix analysis below indicates that while the prison percent of dispositions generally does increase with prior criminal history the average prison sentence often does not. For many offenses the average prison sentence for offenders with no prior criminal is similar to offenders with multiple prior prison sentences.

An example of a violent offense where the percent prison disposition and the average sentence both increase with increasing prior criminal history is Violent, Class A, medium severity (Robbery 1st) and an example where the average sentence does not increase with prior criminal history is Violent, Class B, medium severity (Robbery 2nd).

Similar examples of nonviolent offenses are Nonviolent, Class B, medium severity (Burglary 1st) which does indicate an increase in the average sentence and Nonviolent, Class C, medium severity (Stealing, Forgery, Car Theft and Receiving Stolen Property) which does not indicate much of an increase in the average sentence.

RECOMMENDED SENTENCE MATRIX AND AVERAGE SENTENCES FY01-FY09

VIOLENT OFFENSES

CLASS A FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | 10 | 10 | 15 | 20 | 25 |
| Presumptive | 20 | 20 | 20 | 25 | 30 |
| Aggravating | 25 | 25 | 25 | 30 | 30 |
| <i>Count</i> | 504 | 215 | 190 | 72 | 47 |
| <i>Percent Prison</i> | 98% | 100% | 99% | 99% | 100% |
| <i>Ave. Sentence</i> | 23.3 | 24.4 | 24.9 | 25.0 | 25.5 |
| Medium Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | 10 | 15 | 20 |
| Presumptive | 12 | 12 | 15 | 20 | 25 |
| Aggravating | 16 | 16 | 20 | 25 | 30 |
| <i>Count</i> | 822 | 309 | 276 | 173 | 115 |
| <i>Percent Prison</i> | 66% | 81% | 87% | 98% | 91% |
| <i>Ave. Sentence</i> | 12.8 | 14.0 | 16.3 | 16.7 | 18.4 |
| Low Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | 10 | 12 | 15 |
| Presumptive | 10 | 10 | 12 | 15 | 17 |
| Aggravating | 14 | 14 | 15 | 17 | 20 |
| <i>Count</i> | 337 | 101 | 106 | 57 | 39 |
| <i>Percent Prison</i> | 51% | 73% | 85% | 93% | 92% |
| <i>Ave. Sentence</i> | 15.4 | 14.9 | 17.5 | 19.0 | 16.6 |

CLASS B FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | CSS | Shk/Trt | 6 | 8 | 10 |
| Presumptive | 6 | 7 | 8 | 10 | 12 |
| Aggravating | 8 | 9 | 10 | 12 | 15 |
| <i>Count</i> | 238 | 109 | 75 | 32 | 23 |
| <i>Percent Prison</i> | 74% | 85% | 89% | 78% | 96% |
| <i>Ave. Sentence</i> | 10.4 | 10.3 | 10.0 | 10.3 | 12.0 |
| Medium Severity | | | | | |
| Mitigating | Probation | CSS | Shk/Trt | 7 | 9 |
| Presumptive | CSS | Shk/Trt | 7 | 9 | 11 |
| Aggravating | 5 | 7 | 9 | 11 | 12 |
| <i>Count</i> | 1,787 | 703 | 613 | 321 | 198 |
| <i>Percent Prison</i> | 42% | 62% | 71% | 77% | 73% |
| <i>Ave. Sentence</i> | 8.3 | 8.5 | 8.5 | 8.4 | 8.3 |
| Low Severity | | | | | |
| Mitigating | Probation | CSS | Shk/Trt | 5 | 7 |
| Presumptive | CSS | Shk/Trt | 5 | 7 | 8 |
| Aggravating | 5 | 5 | 7 | 8 | 10 |
| <i>Count</i> | 273 | 111 | 75 | 36 | 26 |
| <i>Percent Prison</i> | 21% | 47% | 52% | 67% | 73% |
| <i>Ave. Sentence</i> | 7.6 | 7.0 | 7.8 | 7.9 | 8.5 |

CLASS C FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | Shk/Trt | 3 | 5 |
| Presumptive | CSS | Shk/Trt | 4 | 5 | 7 |
| Aggravating | 3 | 4 | 5 | 7 | 7 |
| <i>Count</i> | 734 | 245 | 201 | 86 | 40 |
| <i>Percent Prison</i> | 35% | 61% | 78% | 71% | 85% |
| <i>Ave. Sentence</i> | 5.4 | 5.4 | 5.4 | 5.4 | 4.5 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 4 |
| Presumptive | CSS | CSS | Shk/Trt | 4 | 5 |
| Aggravating | 3 | 3 | 4 | 5 | 7 |
| <i>Count</i> | 2,726 | 794 | 630 | 305 | 165 |
| <i>Percent Prison</i> | 19% | 44% | 60% | 64% | 65% |
| <i>Ave. Sentence</i> | 5.2 | 4.9 | 4.9 | 4.8 | 4.9 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| Presumptive | Probation | CSS | Shk/Trt | 3 | 4 |
| Aggravating | 3 | 3 | 3 | 4 | 6 |
| <i>Count</i> | 2,455 | 883 | 807 | 369 | 203 |
| <i>Percent Prison</i> | 10% | 23% | 42% | 42% | 54% |
| <i>Ave. Sentence</i> | 4.2 | 4.4 | 4.3 | 4.4 | 4.3 |

CLASS D FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| Presumptive | CSS | CSS | Shk/Trt | 3 | 4 |
| Aggravating | 2 | 2 | 3 | 4 | 4 |
| <i>Count</i> | 104 | 24 | 22 | 10 | 4 |
| <i>Percent Prison</i> | 23% | 79% | 73% | 100% | 75% |
| <i>Ave. Sentence</i> | 3.7 | 3.5 | 2.9 | 2.8 | 4.0 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | CSS | CSS | Shk/Trt | 2 | 3 |
| Aggravating | 2 | 2 | 2 | 3 | 4 |
| <i>Count</i> | 189 | 70 | 55 | 30 | 16 |
| <i>Percent Prison</i> | 13% | 31% | 49% | 50% | 56% |
| <i>Ave. Sentence</i> | 3.0 | 3.0 | 2.9 | 3.3 | 3.3 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | CSS | CSS | Shk/Trt | 2 | 2 |
| Aggravating | 2 | 2 | 2 | 2 | 3 |
| <i>Count</i> | 48 | 5 | 5 | - | - |
| <i>Percent Prison</i> | 4% | 0% | 20% | 0% | 0% |
| <i>Ave. Sentence</i> | 2.5 | - | 4.0 | - | - |

SEX AND CHILD ABUSE OFFENSES

CLASS A FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | 10 | 10 | 15 | 20 | 25 |
| Presumptive | 12 | 15 | 20 | 25 | 30 |
| Aggravating | 20 | 23 | 25 | 30 | 30 |
| <i>Count</i> | 305 | 100 | 87 | 38 | 24 |
| <i>Percent Prison</i> | 80% | 96% | 95% | 97% | 96% |
| <i>Ave. Sentence</i> | 16.9 | 16.8 | 19.4 | 20.2 | 21.2 |
| Medium Severity | | | | | |
| Mitigating | CSS | CSS | 10 | 15 | 20 |
| Presumptive | 10 | 12 | 15 | 20 | 25 |
| Aggravating | 15 | 17 | 20 | 25 | 30 |
| <i>Count</i> | 668 | 140 | 116 | 51 | 25 |
| <i>Percent Prison</i> | 74% | 89% | 93% | 96% | 92% |
| <i>Ave. Sentence</i> | 14.1 | 13.9 | 17.4 | 17.0 | 16.9 |
| Low Severity | | | | | |
| Mitigating | CSS | CSS | 10 | 12 | 15 |
| Presumptive | CSS | 10 | 12 | 15 | 20 |
| Aggravating | 10 | 12 | 15 | 20 | 25 |
| <i>Count</i> | 264 | 61 | 37 | 22 | 9 |
| <i>Percent Prison</i> | 60% | 82% | 95% | 100% | 100% |
| <i>Ave. Sentence</i> | 10.7 | 12.3 | 13.3 | 14.8 | 18.8 |

CLASS B FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | CSS | Shk/Trt | 7 | 8 | 10 |
| Presumptive | 6 | 7 | 8 | 10 | 15 |
| Aggravating | 9 | 10 | 12 | 15 | 15 |
| <i>Count</i> | 22 | 5 | 5 | 3 | 2 |
| <i>Percent Prison</i> | 68% | 100% | 80% | 100% | 50% |
| <i>Ave. Sentence</i> | 10.7 | 9.4 | 8.8 | 10.0 | 10.0 |
| Medium Severity | | | | | |
| Mitigating | CSS | Shk/Trt | 6 | 7 | 8 |
| Presumptive | 5 | 6 | 7 | 8 | 10 |
| Aggravating | 8 | 9 | 10 | 10 | 15 |
| <i>Count</i> | 468 | 87 | 68 | 26 | 8 |
| <i>Percent Prison</i> | 58% | 82% | 81% | 73% | 63% |
| <i>Ave. Sentence</i> | 8.5 | 8.6 | 9.7 | 8.7 | 9.6 |
| Low Severity | | | | | |
| Mitigating | Probation | CSS | 5 | 6 | 7 |
| Presumptive | CSS | Shk/Trt | 6 | 7 | 8 |
| Aggravating | 5 | 6 | 8 | 10 | 12 |
| <i>Count</i> | 23 | 6 | 7 | 2 | 1 |
| <i>Percent Prison</i> | 13% | 67% | 57% | 0% | 100% |
| <i>Ave. Sentence</i> | 9.0 | 9.3 | 8.0 | - | 9.0 |

CLASS C FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | CSS | Shk/Trt | 3 | 5 |
| Presumptive | CSS | CSS | 4 | 5 | 6 |
| Aggravating | 3 | 4 | 5 | 6 | 7 |
| <i>Count</i> | 51 | 10 | 8 | - | 2 |
| <i>Percent Prison</i> | 53% | 80% | 50% | 0% | 50% |
| <i>Ave. Sentence</i> | 5.6 | 5.4 | 5.8 | - | 7.0 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | Shk/Trt | 2 | 4 |
| Presumptive | CSS | CSS | 3 | 4 | 5 |
| Aggravating | 3 | 3 | 4 | 5 | 6 |
| <i>Count</i> | 1,598 | 428 | 305 | 116 | 51 |
| <i>Percent Prison</i> | 31% | 50% | 65% | 78% | 73% |
| <i>Ave. Sentence</i> | 5.3 | 5.2 | 5.2 | 5.1 | 5.4 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | Shk/Trt | 2 | 3 |
| Presumptive | CSS | CSS | 2 | 3 | 4 |
| Aggravating | 3 | 3 | 3 | 4 | 5 |
| <i>Count</i> | 824 | 200 | 132 | 54 | 30 |
| <i>Percent Prison</i> | 7.8 | 26.5 | 43.2 | 55.6 | 60.0 |
| <i>Ave. Sentence</i> | 4.3 | 4.2 | 4.0 | 4.5 | 3.9 |

CLASS D FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 4 |
| Presumptive | CSS | CSS | Shk/Trt | 4 | 4 |
| Aggravating | 2 | 2 | 3 | 4 | 4 |
| <i>Count</i> | 116 | 18 | 30 | 10 | 4 |
| <i>Percent Prison</i> | 33% | 56% | 67% | 70% | 50% |
| <i>Ave. Sentence</i> | 3.7 | 3.4 | 3.8 | 3.6 | 3.0 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| Presumptive | CSS | CSS | Shk/Trt | 2 | 3 |
| Aggravating | 2 | 2 | 2 | 3 | 4 |
| <i>Count</i> | 439 | 96 | 102 | 40 | 16 |
| <i>Percent Prison</i> | 15% | 26% | 44% | 58% | 50% |
| <i>Ave. Sentence</i> | 3.5 | 3.6 | 3.0 | 3.0 | 3.8 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 2 |
| Aggravating | 2 | 2 | 2 | 2 | 3 |
| <i>Count</i> | 93 | 39 | 105 | 34 | 9 |
| <i>Percent Prison</i> | 9% | 31% | 29% | 38% | 44% |
| <i>Ave. Sentence</i> | 2.8 | 2.8 | 2.4 | 2.5 | 2.5 |

NONVIOLENT OFFENSES

CLASS A FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | CSS | Shk/Trt | 10 | 12 |
| Presumptive | CSS | Shk/Trt | 12 | 14 | 15 |
| Aggravating | Shk/Trt | 12 | 13 | 15 | 20 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | | | | | |
| | No Available data | | | | |
| Medium Severity | | | | | |
| Mitigating | Probation | CSS | Shk/Trt | 10 | 12 |
| Presumptive | CSS | Shk/Trt | 12 | 14 | 15 |
| Aggravating | Shk/Trt | 12 | 13 | 15 | 20 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | | | | | |
| | No Available data | | | | |
| Low Severity | | | | | |
| Mitigating | Probation | CSS | Shk/Trt | 10 | 12 |
| Presumptive | CSS | Shk/Trt | 12 | 14 | 15 |
| Aggravating | Shk/Trt | 12 | 13 | 15 | 20 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | | | | | |
| | No Available data | | | | |

CLASS B FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 8 |
| Presumptive | CSS | CSS | Shk/Trt | 8 | 10 |
| Aggravating | Shk/Trt | 6 | 8 | 10 | 12 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | | | | | |
| | No Available data | | | | |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 8 |
| Presumptive | CSS | CSS | Shk/Trt | 8 | 10 |
| Aggravating | Shk/Trt | 5 | 8 | 10 | 12 |
| Count | 948 | 346 | 293 | 178 | 146 |
| Percent Prison | 11% | 33% | 54% | 57% | 55% |
| Ave. Sentence | 6.9 | 6.9 | 7.7 | 8.5 | 9.7 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 6 |
| Presumptive | Probation | CSS | Shk/Trt | 6 | 8 |
| Aggravating | CSS | 5 | 6 | 8 | 10 |
| Count | 238 | 48 | 31 | 21 | 8 |
| Percent Prison | 8% | 23% | 42% | 52% | 50% |
| Ave. Sentence | 6.8 | 6.1 | 6.7 | 8.6 | 7.3 |

CLASS C FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 5 |
| Presumptive | Probation | CSS | Shk/Trt | 5 | 6 |
| Aggravating | CSS | Shk/Trt | 5 | 6 | 7 |
| Count | 6,857 | 2,407 | 1,807 | 936 | 811 |
| Percent Prison | 9% | 37% | 56% | 60% | 66% |
| Ave. Sentence | 4.3 | 4.6 | 4.7 | 4.7 | 5.0 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| Presumptive | Probation | CSS | Shk/Trt | 3 | 4 |
| Aggravating | CSS | Shk/Trt | 3 | 5 | 6 |
| Count | 15,715 | 6,181 | 4,160 | 2,284 | 1,923 |
| Percent Prison | 6% | 27% | 47% | 54% | 60% |
| Ave. Sentence | 3.9 | 4.1 | 4.2 | 4.2 | 4.4 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | CSS | Shk/Trt | 2 | 3 | 5 |
| Count | 2,337 | 1,012 | 715 | 348 | 368 |
| Percent Prison | 4% | 21% | 42% | 50% | 54% |
| Ave. Sentence | 3.8 | 3.9 | 3.9 | 3.9 | 4.0 |

CLASS D FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | CSS | 3 |
| Presumptive | Probation | CSS | CSS | Shk/Trt | 4 |
| Aggravating | CSS | Shk/Trt | Shk/Trt | 2 | 4 |
| Count | 1,874 | 950 | 924 | 521 | 411 |
| Percent Prison | 10% | 33% | 56% | 57% | 61% |
| Ave. Sentence | 3.1 | 3.3 | 3.1 | 3.1 | 3.2 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | CSS | 2 |
| Presumptive | Probation | CSS | CSS | Shk/Trt | 2 |
| Aggravating | CSS | Shk/Trt | Shk/Trt | 2 | 3 |
| Count | 10,591 | 4,285 | 3,141 | 1,524 | 925 |
| Percent Prison | 4% | 15% | 28% | 32% | 39% |
| Ave. Sentence | 3.0 | 3.1 | 3.0 | 2.9 | 3.0 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | CSS | 2 |
| Presumptive | Probation | Probation | CSS | Shk/Trt | 2 |
| Aggravating | CSS | CSS | Shk/Trt | 2 | 3 |
| Count | 381 | 160 | 174 | 116 | 101 |
| Percent Prison | 6% | 14% | 27% | 26% | 42% |
| Ave. Sentence | 2.5 | 2.7 | 2.7 | 2.9 | 2.7 |

DRUG OFFENSES

CLASS A FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | Shk/Trt | 10 | 13 |
| Presumptive | Probation | CSS | 10 | 13 | 15 |
| Aggravating | Shk/Trt | 10 | 13 | 15 | 20 |
| <i>Count</i> | 117 | 63 | 41 | 32 | 7 |
| <i>Percent Prison</i> | 33% | 43% | 56% | 72% | 71% |
| <i>Ave. Sentence</i> | 13.2 | 12.5 | 13.2 | 12.5 | 16.6 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 10 |
| Presumptive | Probation | CSS | Shk/Trt | 10 | 13 |
| Aggravating | Shk/Trt | Shk/Trt | 10 | 13 | 18 |
| <i>Count</i> | 698 | 379 | 275 | 112 | 55 |
| <i>Percent Prison</i> | 6% | 16% | 41% | 57% | 53% |
| <i>Ave. Sentence</i> | 11.4 | 11.1 | 12.6 | 12.3 | 13.3 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 10 |
| Presumptive | Probation | CSS | Shk/Trt | 10 | 12 |
| Aggravating | CSS | Shk/Trt | 10 | 12 | 15 |
| <i>Count</i> | 46 | 18 | 9 | 4 | 2 |
| <i>Percent Prison</i> | - | 0.3 | 0.3 | 0.5 | 1.0 |
| <i>Ave. Sentence</i> | - | 12.5 | 10.0 | 15.5 | 11.5 |

CLASS B FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 10 |
| Presumptive | Probation | CSS | Shk/Trt | 10 | 12 |
| Aggravating | Shk/Trt | Shk/Trt | 10 | 12 | 15 |
| <i>Count</i> | 1,037 | 641 | 446 | 210 | 98 |
| <i>Percent Prison</i> | 8% | 23% | 44% | 50% | 56% |
| <i>Ave. Sentence</i> | 7.4 | 7.6 | 7.9 | 8.9 | 8.5 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 8 |
| Presumptive | Probation | CSS | Shk/Trt | 8 | 10 |
| Aggravating | Shk/Trt | Shk/Trt | 8 | 10 | 12 |
| <i>Count</i> | 7,062 | 2,627 | 1,964 | 996 | 492 |
| <i>Percent Prison</i> | 7% | 23% | 42% | 47% | 49% |
| <i>Ave. Sentence</i> | 7.1 | 7.2 | 7.8 | 8.0 | 8.4 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 6 |
| Presumptive | Probation | CSS | Shk/Trt | 6 | 7 |
| Aggravating | CSS | Shk/Trt | 6 | 7 | 10 |
| <i>Count</i> | 4 | - | 3 | 2 | - |
| <i>Percent Prison</i> | 0% | 0% | 0% | 50% | 0% |
| <i>Ave. Sentence</i> | - | - | - | 6.0 | - |

CLASS C FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 5 |
| Presumptive | Probation | CSS | Shk/Trt | 4 | 6 |
| Aggravating | CSS | Shk/Trt | 4 | 5 | 7 |
| <i>Count</i> | 1,203 | 441 | 292 | 128 | 76 |
| <i>Percent Prison</i> | 6% | 31% | 44% | 52% | 59% |
| <i>Ave. Sentence</i> | 4.5 | 4.3 | 4.5 | 4.7 | 4.8 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| Presumptive | Probation | CSS | Shk/Trt | 3 | 4 |
| Aggravating | CSS | Shk/Trt | 3 | 4 | 5 |
| <i>Count</i> | 22,411 | 8,622 | 5,912 | 2,835 | 1,528 |
| <i>Percent Prison</i> | 3% | 17% | 37% | 44% | 53% |
| <i>Ave. Sentence</i> | 4.0 | 4.2 | 4.2 | 4.3 | 4.2 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | CSS | Shk/Trt | 2 | 3 | 4 |
| <i>Count</i> | 6 | 2 | 1 | - | - |
| <i>Percent Prison</i> | - | - | - | - | - |
| <i>Ave. Sentence</i> | - | - | - | - | - |

CLASS D FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | CSS | Shk/Trt | 2 | 3 | 4 |
| <i>Count</i> | 75 | 39 | 35 | 27 | 7 |
| <i>Percent Prison</i> | 5% | 38% | 57% | 67% | 71% |
| <i>Ave. Sentence</i> | 4.0 | 3.1 | 3.5 | 3.3 | 3.2 |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 2 |
| Aggravating | CSS | Shk/Trt | 2 | 2 | 3 |
| <i>Count</i> | 906 | 383 | 299 | 162 | 89 |
| <i>Percent Prison</i> | 6% | 28% | 50% | 56% | 61% |
| <i>Ave. Sentence</i> | 3.2 | 3.3 | 3.4 | 3.2 | 3.2 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | Shk/Trt |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 2 |
| Aggravating | CSS | Shk/Trt | 2 | 2 | 3 |
| <i>Count</i> | 677 | 229 | 82 | 30 | 38 |
| <i>Percent Prison</i> | 1% | 13% | 29% | 63% | 53% |
| <i>Ave. Sentence</i> | 3.3 | 2.9 | 3.1 | 2.8 | 3.0 |

DWI OFFENSES

CLASS A FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 10 | 10 |
| Presumptive | 10 | 10 | 10 | 10 | 10 |
| Aggravating | 10 | 10 | 10 | 10 | 10 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |
| Medium Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 10 | 10 |
| Presumptive | 10 | 10 | 10 | 10 | 10 |
| Aggravating | 10 | 10 | 10 | 10 | 10 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |
| Low Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 10 | 10 |
| Presumptive | 10 | 10 | 10 | 10 | 10 |
| Aggravating | 10 | 10 | 10 | 10 | 10 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |

CLASS B FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 5 | 5 |
| Presumptive | 5 | 5 | 5 | 6 | 8 |
| Aggravating | 5 | 5 | 5 | 8 | 10 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |
| Medium Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 5 | 5 |
| Presumptive | 5 | 5 | 5 | 6 | 8 |
| Aggravating | 5 | 5 | 5 | 8 | 10 |
| Count | 25 | 60 | 157 | 122 | 125 |
| Percent Prison | 56% | 57% | 66% | 77% | 70% |
| Ave. Sentence | 6.8 | 6.4 | 6.9 | 6.6 | 7.2 |
| Low Severity | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 5 | 5 |
| Presumptive | 5 | 5 | 5 | 6 | 8 |
| Aggravating | 5 | 5 | 5 | 8 | 10 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |

CLASS C FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | CSS | CSS | CSS | Shk/Trt | 3 |
| Presumptive | Shk/Trt | Shk/Trt | 3 | 4 | 5 |
| Aggravating | 2 | 3 | 4 | 5 | 7 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |
| Medium Severity | | | | | |
| Mitigating | CSS | CSS | CSS | Shk/Trt | 3 |
| Presumptive | Shk/Trt | Shk/Trt | 3 | 4 | 5 |
| Aggravating | 2 | 3 | 4 | 5 | 7 |
| Count | 335 | 364 | 365 | 217 | 160 |
| Percent Prison | 19% | 25% | 41% | 51% | 54% |
| Ave. Sentence | 4.5 | 4.2 | 4.6 | 4.6 | 4.9 |
| Low Severity | | | | | |
| Mitigating | CSS | CSS | CSS | Shk/Trt | 3 |
| Presumptive | Shk/Trt | Shk/Trt | 3 | 4 | 5 |
| Aggravating | 2 | 3 | 4 | 5 | 7 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |

CLASS D FELONIES

| | Prior Criminal History | | | | |
|------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| High Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | Shk/Trt | Shk/Trt | 2 | 3 | 4 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |
| Medium Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | Shk/Trt | Shk/Trt | 2 | 3 | 4 |
| Count | 4,720 | 2,137 | 1,649 | 862 | 470 |
| Percent Prison | 7% | 19% | 43% | 47% | 53% |
| Ave. Sentence | 2.9 | 3.2 | 3.3 | 3.3 | 3.2 |
| Low Severity | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | Shk/Trt | Shk/Trt | 2 | 3 | 4 |
| Count | | | | | |
| Percent Prison | | | | | |
| Ave. Sentence | No Available data | | | | |

Recommended Sentences with average sentences that are outside the recommended sentence range

There are twelve recommended sentences that have average sentences greater than the average aggravating sentence. Two are Violent, seven Sex and Child abuse and three Drug offenses

Presumptive and Aggravating Recommended Sentences Compared to Actual Sentences
Sentences FY01-FY09, where the Recommended Presumptive Sentence was a prison sentence

| Offense Group | Felony Class | Severity Level | Presumptive Prison Sentences | Actual Sentence yrs. | Presumptive Sentence yrs. | Aggravating Sentence yrs. | Actual Sentence Greater than Aggravating |
|-------------------|--------------|----------------|------------------------------|----------------------|---------------------------|---------------------------|--|
| Violent | A | High | 1,028 | 24.1 | 18.1 | 25.5 | |
| | | Medium | 1,695 | 14.6 | 12.9 | 17.2 | |
| | | Low | 278 | 16.3 | 12.3 | 15.4 | * |
| | B | High | 477 | 10.4 | 7.0 | 9.1 | * |
| | | Medium | 1,038 | 8.4 | 8.1 | 10.0 | |
| | | Low | 122 | 7.6 | 6.0 | 7.7 | |
| | C | High | 302 | 5.4 | 4.6 | 5.8 | |
| | | Medium | 416 | 5.0 | 4.3 | 5.6 | |
| | | Low | 489 | 4.3 | 3.3 | 4.7 | |
| | D | High | 13 | 3.4 | 3.2 | 4.0 | |
| | | Medium | 40 | 3.1 | 2.3 | 3.3 | |
| | | Low | - | 3.0 | - | - | |
| Sex & Child Abuse | A | High | 554 | 17.8 | 15.2 | 22.3 | |
| | | Medium | 1,000 | 14.8 | 11.5 | 16.5 | |
| | | Low | 121 | 11.9 | 12.1 | 15.1 | |
| | B | High | 37 | 10.1 | 6.9 | 10.0 | * |
| | | Medium | 657 | 8.7 | 5.4 | 8.5 | * |
| | | Low | 10 | 8.8 | 6.4 | 8.8 | |
| | C | High | 9 | 5.6 | 4.4 | 5.4 | * |
| | | Medium | 429 | 5.3 | 3.4 | 4.4 | * |
| | | Low | 192 | 4.2 | 2.5 | 3.5 | * |
| | D | High | 11 | 3.6 | 4.0 | 4.0 | |
| | | Medium | 43 | 3.3 | 2.2 | 3.2 | * |
| | | Low | 38 | 2.5 | 2.0 | 2.2 | * |
| Nonviolent | B | Medium | 279 | 7.8 | 8.8 | 10.8 | |
| | | Low | 24 | 7.0 | 6.6 | 8.6 | |
| | C | High | 1,497 | 4.6 | 5.4 | 6.4 | |
| | | Medium | 3,593 | 4.2 | 3.4 | 5.4 | |
| | | Low | 601 | 3.9 | 2.5 | 3.9 | |
| | D | High | 330 | 3.2 | 4.0 | 4.0 | |
| | | Medium | 781 | 3.0 | 2.0 | 3.0 | |
| Low | 91 | 2.7 | 2.0 | 3.0 | | | |
| DWI | B | Medium | 489 | 6.8 | 5.9 | 6.9 | |
| | C | Medium | 686 | 4.6 | 3.7 | 4.9 | |
| | D | Medium | 1,178 | 3.2 | 2.3 | 3.3 | |
| Drugs | A | High | 71 | 13.0 | 11.5 | 14.2 | |
| | | Medium | 157 | 12.1 | 11.0 | 14.7 | |
| | | Low | 6 | 12.2 | 10.3 | 12.5 | |
| | B | High | 273 | 8.0 | 10.6 | 12.9 | |
| | | Medium | 1,318 | 7.6 | 8.6 | 10.6 | |
| | | Low | 1 | 6.0 | 6.0 | 7.0 | |
| | C | High | 184 | 4.5 | 4.6 | 5.6 | |
| | | Medium | 3,859 | 4.2 | 3.3 | 4.3 | |
| | | Low | - | - | - | - | |
| | D | High | 31 | 3.3 | 2.2 | 3.2 | * |
| | | Medium | 233 | 3.3 | 2.0 | 2.3 | * |
| | | Low | 52 | 3.0 | 2.0 | 2.5 | * |
| | | Total | 24,749 | 6.1 | 6.3 | 8.5 | |

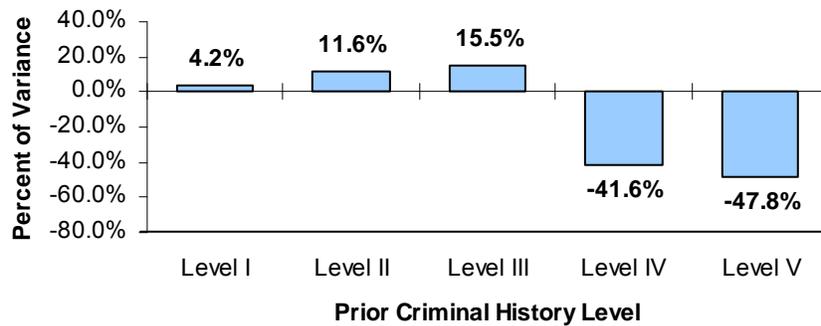
In all cases the recommended aggravating sentence for Level V was greater than the average sentence and generally also for Level IV but the Commission will undertake a review of the recommended sentences in FY10.

Offenses where average sentence outside Recommended Sentence Range

| Offense Group | Class | Severity | Charge Code | Description | Sentences | Sentence (yrs.) |
|-------------------|-------|-----------|-------------|--------------------------|-----------|-----------------|
| Violent | A | Low | 13011 | ASLT 1ST-SER PHY INJURY | 450 | 16.1 |
| | | | 13100 | ASSAULT/ATMPT ON L/E, ET | 100 | 17.0 |
| Violent | B | High | 13015 | DOMESTIC ASSLT 1ST DEGRE | 242 | 7.4 |
| | | | 17010 | ARSON 1ST DEGREE | 105 | 8.4 |
| Sex & Child Abuse | B | High/Med. | 22107 | CHILD MOLEST-1ST DEGREE | 626 | 8.7 |
| Sex & Child Abuse | C | All | 26045 | ENDANGERING WELFARE OF A | 1,173 | 4.2 |
| | | | 11022 | STATUTORY RAPE-2ND DEGRE | 870 | 5.3 |
| | | | 11077 | STATUTORY SODOMY-2ND DEG | 579 | 5.4 |
| | | | 26063 | ABUSE OF CHILD | 528 | 4.7 |
| Sex & Child Abuse | D | Med/Low | 22025 | SEX MISCON-CHILD-1ST OFF | 100 | 3.5 |
| | | | 26052 | ENDANGER WELFARE CHILD | 399 | 3.4 |
| Drugs | D | All | 32460 | FRAUD ATT OBTN CONTR SUB | 1,030 | 3.0 |
| | | | 32506 | DRUG PARAPH AMPHET/METH | 506 | 3.4 |
| | | | 32526 | POSS EPHEDRINE-MAN METHA | 824 | 3.4 |

One result of actual sentencing not reflecting prior criminal history is that the recommended sentences are likely to be more severe than actual sentences for offenders in levels IV and V (two or more prior incarcerations).

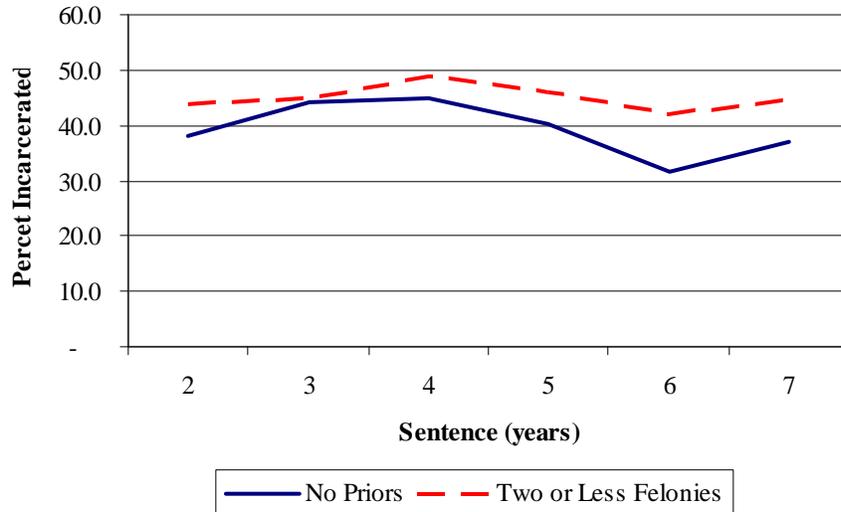
**The Difference between
Percent of Offenders who receive a Prison Sentence and
Percent of Offenders who are Recommended a Prison Sentence**



Sentence Length and Repeat Offenders

Should sentences become more severe for repeat offenders? The just desserts model would agree but does setting a long sentence for offenders with little prior criminal history deter re-offending? The two year recidivism rates for offenders committed to a prison for a class C or D nonviolent offense and who had no prior prison incarcerations show little difference between those offenders who received long sentences and those who received short sentences.

**Percent Incarcerated within Two Years of Release
 Nonviolent C&D Felonies
 No Prior Incarceration
 Sentenced FY96-FY09**



The length of a prison sentence is generally not considered to be a good indicator of offender risk and is rarely used in risk assessments. In addition a public safety recidivism based model often indicates that prison might not be the low risk sentence for offenders with little prior criminal history.

APPENDIX A

Average Felony Sentence Statistics by Offense from FY2003 to FY2009

The averages are used to determine the offense severity level within each offense group and felony class. Offenses whose averages are within one standard deviation of the group/felony class average are classed as medium severity. Averages that are above one standard deviation are classed as high severity and those offenses below one standard deviation are classed as low severity. New sentences or sentences with few entries are classed as medium severity unless there is a statutory sentence requirement that determines the severity.

The sentencing data is extracted from the DOC OPII database and includes the first sentence for unrelated sentences in Missouri courts. Related sentences is are sentences handed down at the same court and on the same day for the same offender. Where there is more than one related sentence, the most serious sentence is selected. Revocations of sentences are not included. Prison sentences include only sentences for a term sentence (commitment). SES probation and 120 day probation sentences are not included in the prison sentence length averages.

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 10010 | Capital murder | 565.001 | A | VIO | HIGH | 2 | 2 | 30.0 | 100% |
| 10021 | Murder 1st degree | 565.020 | A | VIO | HIGH | 247 | 247 | 30.0 | 100% |
| 10030 | Murder 2nd degree | 565.004 | A | VIO | HIGH | 2 | 2 | 30.0 | 100% |
| 10031 | Murder 2nd degree | 565.021 | A | VIO | HIGH | 766 | 755 | 22.3 | 99% |
| 10035 | Murder 2nd degree - vehicular - intoxicated | 565.021 | A | VIO | HIGH | 8 | 8 | 18.5 | 100% |
| 10040 | Manslaughter-vehicular | 565.005 | C | VIO | HIGH | 1 | 1 | 7.0 | 100% |
| 10041 | Voluntary manslaughter | 565.023 | B | VIO | HIGH | 161 | 145 | 11.0 | 90% |
| 10051 | Involuntary manslaughter-1st degree | 565.024 | C | VIO | HIGH | 311 | 199 | 5.8 | 64% |
| 10052 | Involuntary manslaughter-2nd degree | 565.024 | D | VIO | HIGH | 104 | 37 | 3.7 | 36% |
| 10053 | Involuntary manslaughter - vehicular - intoxicated | 565.024 | C | VIO | HIGH | 171 | 70 | 5.6 | 41% |
| 10054 | Involuntary manslaughter - vessel | 306.111 | C | VIO | LOW | 1 | - | - | 0% |
| 10056 | Involtry mnslghtr-1st deg-operat veh intxictd cond caus death | 565.024 | B | VIO | HIGH | 42 | 30 | 10.4 | 71% |
| 10060 | Involtry mnslghtr-1st deg-opr mtr veh w/crim neg in viol Sec 3 | 565.024 | B | VIO | MED | 1 | - | - | 0% |
| 10070 | Involtry mnslghtr-1st deg-opr mtr veh w/crim neg in viol Sec 3 | 565.005 | B | VIO | MED | 1 | 1 | 7.0 | 100% |
| 11005 | Forc rape - ser phys inj/dsply ddly weap/instr/subj vic to intrcr | 566.030 | A | SEX | HIGH | 27 | 27 | 19.3 | 100% |
| 11008 | Forcible rape - sexual intercourse by forcible compulsion | 566.030 | A | SEX | HIGH | 86 | 76 | 19.3 | 88% |
| 11010 | Forcible rape with a weapon or physical injury | 566.030 | A | SEX | HIGH | 20 | 19 | 21.8 | 95% |
| 11011 | Forcible rape with a weapon or physical injury | 566.030 | A | SEX | HIGH | 2 | 2 | 22.5 | 100% |
| 11012 | Attempt forcible rape-attempt sexual intercourse by forcible c | 566.030 | A | SEX | LOW | 12 | 9 | 11.8 | 75% |
| 11015 | Forcible rape | 566.030 | A | SEX | HIGH | 51 | 48 | 20.8 | 94% |
| 11016 | Atmp forc rape-ser phys inj/dsply ddly weap/instr/subj vic to in | 566.030 | A | SEX | HIGH | 7 | 6 | 16.7 | 86% |
| 11020 | Rape | 566.030 | B | SEX | HIGH | 1 | 1 | 10.0 | 100% |
| 11021 | Statutory rape - 1st degree | 566.032 | A | SEX | MED | 152 | 117 | 14.6 | 77% |
| 11022 | Statutory rape - 2nd degree | 566.034 | C | SEX | MED | 870 | 408 | 5.3 | 47% |
| 11025 | Statutory rape-1st degree-sexual intercourse with a person les | 566.032 | A | SEX | LOW | 377 | 261 | 12.0 | 69% |
| 11030 | Sexual assault 1st degree - displays a deadly weapon or seri | 566.040 | B | SEX | HIGH | 1 | - | - | 0% |
| 11032 | Stat rape-1st-sex intr w/per < 14 yr-ser phys inj/dsply deadly v | 566.032 | A | SEX | MED | 46 | 39 | 15.7 | 85% |
| 11034 | Attempted statutory rape - 1st degree - attempt sexual interco | 566.032 | A | SEX | LOW | 1 | 1 | 7.0 | 100% |
| 11040 | Sexual assault | 566.040 | C | SEX | MED | 210 | 102 | 5.4 | 49% |
| 11050 | Sexual assault 2nd degree - displays a deadly weapon or seri | 566.050 | C | SEX | HIGH | 1 | 1 | 7.0 | 100% |
| 11070 | Sodomy - displays a deadly weapon or serious physical injury | 566.060 | A | SEX | HIGH | 10 | 10 | 13.7 | 100% |
| 11071 | Forcible sodomy - with a deadly weapon or serious physical in | 566.060 | A | SEX | HIGH | 2 | 1 | 20.0 | 50% |
| 11075 | Forcible sodomy | 566.060 | A | SEX | HIGH | 39 | 33 | 15.0 | 85% |
| 11076 | Statutory sodomy - 1st degree | 566.062 | A | SEX | HIGH | 255 | 216 | 16.4 | 85% |
| 11077 | Statutory sodomy - 2nd degree | 566.064 | C | SEX | MED | 579 | 285 | 5.4 | 49% |
| 11078 | Statutory sodomy - 1st degree - serious physical injury or disp | 566.062 | A | SEX | HIGH | 1 | 1 | 30.0 | 100% |
| 11080 | Sodomy | 566.060 | B | SEX | MED | 6 | 6 | 8.8 | 100% |
| 11082 | Forc sodomy - ser phys inj/dsply ddly weap/instr/subj vic to intr | 566.060 | A | SEX | HIGH | 13 | 10 | 15.7 | 77% |
| 11084 | Forcible sodomy - deviate sexual intercourse by forcible comp | 566.060 | A | SEX | MED | 51 | 42 | 19.6 | 82% |
| 11086 | Atmp forc sodomy-ser phys inj/dsply ddly weap/instr/subj vic to in | 566.060 | A | SEX | MED | 1 | 1 | 12.0 | 100% |
| 11088 | Attempt forcible sodomy-attempt deviate sexual intercourse b | 566.060 | A | SEX | MED | 7 | 4 | 15.0 | 57% |
| 11095 | Stat sodomy-1st-dev sex intr w/prs < 14-ser phy inj/dspl dead | 566.062 | A | SEX | MED | 213 | 172 | 15.8 | 81% |
| 11097 | Statutory sodomy-1st deg-deviate sexual intercourse with a p | 566.062 | A | SEX | MED | 492 | 393 | 14.1 | 80% |
| 11098 | Atmpt stat sodomy-1st-dev sex w/per<14-ser phys inj/dspl dea | 566.062 | A | SEX | MED | 2 | 1 | 10.0 | 50% |
| 11099 | Atmpt statutory sodomy - 1st degree - attempted deviant sexu | 566.062 | A | SEX | LOW | 3 | 3 | 6.3 | 100% |
| 11100 | Deviate sexual assault | 566.070 | C | SEX | MED | 203 | 94 | 5.2 | 46% |
| 11101 | Deviate sexual assault | 566.060 | A | SEX | HIGH | 3 | 2 | 9.5 | 67% |
| 11110 | Deviate sexual assault 2nd degree - displays a deadly weapo | 566.080 | C | SEX | MED | 1 | 1 | 7.0 | 100% |
| 11111 | Deviate sexual assault 2nd degree - displays a deadly weapo | 566.060 | A | SEX | MED | 1 | 1 | 30.0 | 100% |
| 11121 | Deviate sexual assault - 2nd degree | 566.060 | B | SEX | HIGH | 1 | 1 | 12.0 | 100% |
| 12010 | Robbery - 1st degree | 569.020 | A | VIO | MED | 1,610 | 1,245 | 14.5 | 77% |
| 12020 | Robbery - 2nd degree | 569.030 | B | VIO | MED | 2,337 | 1,279 | 8.6 | 55% |
| 12035 | Pharmacy robbery - 1st degree | 569.025 | A | VIO | MED | 14 | 13 | 15.8 | 93% |
| 12045 | Pharmacy robbery - 2nd degree | 569.035 | B | VIO | MED | 11 | 7 | 10.6 | 64% |
| 13009 | Domestic assault - 1st degree - serious physical injury | 565.072 | A | VIO | LOW | 77 | 49 | 16.0 | 64% |
| 13011 | Assault 1st degree - serious physical injury | 565.050 | A | VIO | LOW | 450 | 303 | 16.1 | 67% |
| 13015 | Domestic assault - 1st degree | 565.072 | B | VIO | LOW | 242 | 81 | 7.4 | 33% |
| 13017 | Domestic assault - 3rd degree - 3rd/subsequent ofns | 565.074 | D | VIO | MED | 166 | 55 | 3.1 | 33% |
| 13018 | Domestic assault-1st degree-prior domestic violence offender | 565.072 | B | VIO | MED | 5 | 2 | 10.5 | 40% |
| 13020 | Assault - 1st degree | 565.050 | B | VIO | MED | 659 | 334 | 8.4 | 51% |
| 13021 | Domestic assault-1st degree-persistent domestic violence offe | 565.072 | B | VIO | MED | 4 | - | - | 0% |
| 13024 | Domestic assault-2nd degree-prior domestic violence offender | 565.073 | C | VIO | MED | 31 | 10 | 4.7 | 32% |
| 13025 | Domestic assault-1st degree-persistent domestic violence offe | 565.072 | A | VIO | LOW | 3 | 1 | 25.0 | 33% |
| 13026 | Domestic assault-2nd degree-persistent domestic violence offe | 565.073 | C | VIO | MED | 11 | 2 | 3.0 | 18% |
| 13027 | Domestic assault-1st degree-prior domestic violence offender | 565.072 | A | VIO | LOW | 2 | 1 | 10.0 | 50% |
| 13028 | Domestic assault-2nd degree-persistent domestic violence offe | 565.073 | A | VIO | LOW | 1 | - | - | 0% |
| 13029 | Domestic assault - 2nd degree | 565.073 | C | VIO | LOW | 3,636 | 852 | 4.2 | 23% |
| 13031 | Assault - 2nd degree | 565.060 | C | VIO | MED | 4,349 | 1,457 | 5.0 | 34% |
| 13032 | Domestic assault-2nd degree-prior domestic violence offender | 565.073 | B | VIO | LOW | 4 | 1 | 5.0 | 25% |
| 13033 | Assault-2nd degree-operate vehicle while intoxicated-resulting | 565.060 | C | VIO | LOW | 1,004 | 186 | 4.6 | 19% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 13034 | Assault - vessel - 2nd degree | 306.111 | D | VIO | LOW | 1 | - | - | 0% |
| 13036 | Assault-2nd deg-oper mtr veh w/crim neg in viol Sec 304.022 | 565.060 | C | VIO | MED | 5 | 1 | 6.0 | 20% |
| 13039 | Assault - 3rd degree - with physical injury - 3rd or subsequent | 565.070 | D | VIO | MED | 25 | 9 | 3.0 | 36% |
| 13045 | Assault motivated by discrimination - 3rd degree | 557.035 | D | VIO | LOW | 4 | - | - | 0% |
| 13055 | Assault while on school property | 565.075 | D | VIO | LOW | 47 | 2 | 2.5 | 4% |
| 13070 | Assault w/intent to commit bus hijacking-possess and conceal | 578.305 | C | VIO | LOW | 1 | - | - | 0% |
| 13071 | Violence to an employee of DOC or to an inmate by an inmate | 217.385 | B | VIO | MED | 185 | 182 | 7.3 | 98% |
| 13075 | Offender abuse by an employee of DOC | 217.405 | C | VIO | MED | 2 | 1 | 4.0 | 50% |
| 13100 | Assault/attempt assault 1st degree on L/E, C/O, E/P, Hwy Wkr | 565.081 | A | VIO | LOW | 100 | 68 | 17.0 | 68% |
| 13103 | Assault/attempt assault on L/E, C/O, E/P, Hwy Wkr, P&P (deadly wepn) | 565.082 | B | VIO | MED | 66 | 30 | 7.9 | 45% |
| 13105 | Assault/attempt assault emergency personnel or probation an | 565.081 | A | VIO | MED | 2 | - | - | 0% |
| 13110 | Assault on law enforcement officer (reckless/serious physical | 565.082 | B | VIO | MED | 292 | 150 | 7.9 | 51% |
| 13113 | Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy Wkr | 565.082 | C | VIO | HIGH | 167 | 75 | 4.6 | 45% |
| 13115 | Assault on law enforcement officer while intoxicated (alcohol/ | 565.082 | B | VIO | MED | 20 | 9 | 9.0 | 45% |
| 13127 | Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy Wkr | 565.082 | B | VIO | LOW | 53 | 21 | 6.9 | 40% |
| 13133 | Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy Wkr | 565.082 | B | VIO | MED | 14 | 2 | 9.0 | 14% |
| 13135 | Assault/atmpt assault on emergency personnel(deadly wepn/d | 565.082 | B | VIO | MED | 1 | - | - | 0% |
| 13137 | Assault/attempt assault on emrgncy persnl (by means other th | 565.082 | C | VIO | HIGH | 6 | 3 | 5.3 | 50% |
| 13140 | Assault/attempt assault on law enforcement officer (deadly we | 565.082 | B | VIO | LOW | 10 | 6 | 9.2 | 60% |
| 13142 | Assault/attempt assault on law enforcement officer (by mean | 565.082 | C | VIO | LOW | 38 | 14 | 4.2 | 37% |
| 13143 | Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy Wkr | 565.082 | C | VIO | MED | 147 | 45 | 4.6 | 31% |
| 13144 | Assault on emergency personnel (criminal negligence-means | 565.082 | C | VIO | MED | 2 | 1 | 5.0 | 50% |
| 13145 | Assault/attempt assault 2 nd degree on L/E, C/O, E/P, Hwy Wkr | 565.082 | C | VIO | HIGH | 77 | 33 | 4.5 | 43% |
| 13146 | Assault on law enforcement officer (criminal negligence-mean | 565.082 | C | VIO | LOW | 5 | 4 | 4.8 | 80% |
| 13147 | Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy Wkr | 565.082 | C | VIO | MED | 47 | 21 | 4.4 | 45% |
| 13148 | Assault on emergency personnel (crim negli-create risk of dea | 565.082 | C | VIO | MED | 3 | 2 | 5.0 | 67% |
| 13150 | Assault on law enforcement officer (crim neglignc-create risk | 565.082 | C | VIO | HIGH | 32 | 16 | 4.9 | 50% |
| 13152 | Assault on law enforcement officer (purpose/reckless place pe | 565.082 | C | VIO | LOW | 28 | 10 | 5.0 | 36% |
| 13154 | Assault on emergency personnel (purpose/reckless place pers | 565.082 | C | VIO | MED | 4 | 3 | 6.0 | 75% |
| 13156 | Endanger correction employee/vistr/anothr offndr by atmpt/kno | 565.085 | D | VIO | HIGH | 47 | 32 | 3.0 | 68% |
| 13160 | Endangr corrections employee/visitr/another offndr by atmpt/ | 565.085 | C | VIO | MED | 3 | 3 | 3.0 | 100% |
| 14010 | Burglary - 1st degree | 569.160 | B | NVI | MED | 1,799 | 518 | 7.9 | 29% |
| 14020 | Burglary - 2nd degree | 569.170 | C | NVI | HIGH | 11,197 | 2,933 | 4.7 | 26% |
| 14030 | Possession of burglary tools | 569.180 | D | NVI | HIGH | 241 | 74 | 3.6 | 31% |
| 15010 | Stealing - value \$150 or more | 570.030 | C | NVI | MED | 1,937 | 383 | 4.3 | 20% |
| 15012 | Theft of anhydrous ammonia | 570.030 | D | NVI | HIGH | 13 | 4 | 3.8 | 31% |
| 15014 | Theft of anhydrous ammonia by truck, trailer, rail tank car, sto | 570.030 | A | NVI | MED | 17 | 1 | 10.0 | 6% |
| 15015 | Theft/attempt theft of anhydrous ammonia or liquid nitrogen | 570.030 | C | NVI | MED | 154 | 41 | 4.1 | 27% |
| 15016 | Theft of ammonium nitrate | 570.030 | C | NVI | HIGH | 24 | 9 | 3.9 | 38% |
| 15017 | Theft/stealing any controlled substance as defined by Sec 195 | 570.030 | C | NVI | LOW | 198 | 17 | 4.6 | 9% |
| 15018 | Theft/stealing (value of property or services is \$25,000 or mor | 570.030 | B | NVI | LOW | 242 | 36 | 7.0 | 15% |
| 15019 | Theft/attempt theft of anhydrous ammonia or liquid nitrogen | 570.030 | B | NVI | LOW | 92 | 18 | 6.7 | 20% |
| 15020 | Stealing a motor vehicle | 570.030 | C | NVI | MED | 1,510 | 405 | 4.2 | 27% |
| 15021 | Theft/stealing (value of property or services is \$500 or more b | 570.030 | C | NVI | MED | 10,446 | 2,020 | 4.3 | 19% |
| 15022 | Stealing a watercraft or aircraft | 570.030 | C | NVI | LOW | 17 | 1 | 2.0 | 6% |
| 15023 | Theft/stealing of any firearm | 570.030 | C | NVI | LOW | 157 | 28 | 4.4 | 18% |
| 15024 | Theft of any historical document (value \$500 or more) | 570.030 | C | NVI | MED | 2 | - | - | 0% |
| 15025 | Theft/stealing of any credit card or letter of credit | 570.030 | C | NVI | MED | 734 | 148 | 4.3 | 20% |
| 15026 | Theft/attempt theft of anhydrous ammonia or liquid nitrogen | 570.030 | C | NVI | MED | 11 | 5 | 5.2 | 45% |
| 15027 | Theft/stealing of any livestock animal | 570.030 | C | NVI | LOW | 27 | 5 | 2.8 | 19% |
| 15028 | Theft/attempt theft of anhydrous ammonia or liquid nitrogen | 570.030 | B | NVI | MED | 44 | 16 | 7.6 | 36% |
| 15029 | Theft/stealing of live fish raised for commercial sale with a va | 570.030 | C | NVI | LOW | 5 | 1 | 3.0 | 20% |
| 15031 | Livestock/captive wildlife theft in excess of \$3000 in value - p | 570.030 | B | NVI | MED | 3 | - | - | 0% |
| 15032 | Stealing animals | 570.033 | D | NVI | HIGH | 42 | 9 | 3.4 | 21% |
| 15034 | Stealing - 3rd ofns | 570.040 | C | NVI | HIGH | 119 | 51 | 4.5 | 43% |
| 15035 | Stealing related ofns - 3rd ofns | 570.040 | C | NVI | HIGH | 283 | 121 | 4.4 | 43% |
| 15036 | Stealing related ofns - 3rd ofns (stealing, buying, receiving, ro | 570.030 | D | NVI | HIGH | 322 | 162 | 3.0 | 50% |
| 15037 | Theft/stealing of any will or unrecorded deed affecting real pro | 570.030 | C | NVI | MED | 1 | - | - | 0% |
| 15038 | Physically take property appropriated from victim | 570.030 | C | NVI | MED | 168 | 45 | 4.2 | 27% |
| 15039 | Theft/stealing U.S. flag designed, intended & used for display | 570.030 | C | NVI | MED | 4 | - | - | 0% |
| 15041 | Stealing motor vehicle - 3rd/subsequent stealing-related ofns | 570.030 | B | NVI | MED | 2 | - | - | 0% |
| 15044 | Theft/stealing any orig copy of act, bill, resolution, introduced/ | 570.030 | C | NVI | LOW | 3 | 1 | 4.0 | 33% |
| 15046 | Theft/stealing-pleading, notice, judgmnt, any othr rec/entry of | 570.030 | C | NVI | LOW | 7 | - | - | 0% |
| 15048 | Theft/stealing any book of registration/list of voters required b | 570.030 | C | NVI | MED | 2 | - | - | 0% |
| 15050 | Remove baggage from bus or terminal without owners consen | 578.330 | D | NVI | LOW | 1 | - | - | 0% |
| 15055 | Steal wire/electrcl trnsfrmer or other device/pipe | 570.055 | C | NVI | MED | 3 | - | - | 0% |
| 15060 | Theft of cable TV - over \$150 | 570.300 | C | NVI | LOW | 2 | 1 | 2.0 | 50% |
| 15063 | Knowng atmpt conct to/tmptr w/ interfer w/ signl/equip result | 570.300 | C | NVI | MED | 1 | - | - | 0% |
| 15065 | Theft/attempted theft of cable TV services - \$500 or more | 570.300 | C | NVI | LOW | 16 | - | - | 0% |
| 15080 | Stealing grain | 411.770 | C | NVI | LOW | 16 | 2 | 2.0 | 13% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 15090 | Library theft - over \$150 | 570.210 | C | NVI | LOW | 2 | - | - | 0% |
| 15095 | Library theft - \$500 or more | 570.210 | C | NVI | MED | 2 | 1 | 4.0 | 50% |
| 15103 | Library theft/deface/destroy (\$500-\$25,000) | 570.210 | C | NVI | MED | 2 | - | - | 0% |
| 15110 | Misapplication of funds of financial institution - over \$1,000 | 570.217 | C | NVI | LOW | 6 | 1 | 6.0 | 17% |
| 15120 | Misapplication of funds of financial institution | 570.217 | D | NVI | LOW | 1 | - | - | 0% |
| 15130 | Making false entries in records of financial institution | 570.219 | D | NVI | LOW | 5 | - | - | 0% |
| 15140 | Check kiting | 570.220 | C | NVI | HIGH | 39 | 8 | 5.1 | 21% |
| 15151 | Unauthorized record/label/sale-100 or more articles/unauthori | 570.255 | D | NVI | MED | 4 | - | - | 0% |
| 16010 | Kidnapping | 565.110 | A | VIO | MED | 52 | 40 | 16.6 | 77% |
| 16020 | Kidnapping-facilitating a felony or flight thereafter- inflicting in | 565.110 | B | VIO | HIGH | 238 | 177 | 10.4 | 74% |
| 16025 | Child kidnapping | 565.115 | A | VIO | MED | 7 | 5 | 28.0 | 71% |
| 16030 | Felonious restraint | 565.120 | C | VIO | HIGH | 541 | 263 | 5.3 | 49% |
| 16040 | False imprisonment - removed from state | 565.130 | D | VIO | HIGH | 2 | - | - | 0% |
| 16060 | Interference with custody - removed from state or concealed | 565.150 | D | VIO | MED | 25 | 6 | 2.8 | 24% |
| 16080 | Parental kidnapping | 565.153 | D | VIO | MED | 27 | 4 | 3.5 | 15% |
| 16090 | Child abduction | 565.156 | D | VIO | MED | 21 | 2 | 3.0 | 10% |
| 17010 | Arson 1st degree | 569.040 | B | VIO | LOW | 105 | 34 | 8.4 | 32% |
| 17012 | Arson 1st degree - injury or death | 569.040 | A | VIO | HIGH | 2 | 1 | 25.0 | 50% |
| 17020 | Arson 2nd degree | 569.050 | C | NVI | HIGH | 366 | 125 | 4.9 | 34% |
| 17022 | Arson 2nd degree - injury or death | 569.050 | B | VIO | LOW | 5 | - | - | 0% |
| 17030 | Knowingly burning or exploding | 569.055 | D | NVI | HIGH | 240 | 52 | 3.5 | 22% |
| 18010 | Forgery | 570.090 | C | NVI | MED | 9,513 | 2,353 | 4.1 | 25% |
| 18011 | Counterfeiting | 570.103 | C | NVI | LOW | 39 | 5 | 4.4 | 13% |
| 18012 | Counterfeiting | 570.103 | D | NVI | LOW | 11 | - | - | 0% |
| 18020 | Possession of a forging instrument | 570.100 | C | NVI | LOW | 41 | 7 | 4.0 | 17% |
| 18040 | Filing another's medical license as own or forging affidavit of | 334.250 | C | NVI | LOW | 1 | 1 | 4.0 | 100% |
| 19010 | Passing bad check - over \$150 - no account/insuff funds | 570.120 | D | NVI | MED | 802 | 139 | 3.3 | 17% |
| 19011 | Passing bad check - \$500 or more - no account/insufficient fu | 570.120 | D | NVI | MED | 2,048 | 302 | 3.0 | 15% |
| 19013 | Passing bad check - \$500 or more - no account/insufficient fu | 570.120 | C | NVI | LOW | 1,469 | 231 | 3.8 | 16% |
| 19015 | Fraudulently stop payment of an instrument over \$150 | 570.125 | D | NVI | LOW | 7 | 1 | 2.0 | 14% |
| 19016 | Fraudulently stop payment of an instrument/s - value of \$500 | 570.125 | D | NVI | LOW | 27 | 3 | 4.0 | 11% |
| 19030 | Fraudulent use of credit/debit device (value of \$500 or more) | 570.130 | D | NVI | HIGH | 768 | 139 | 3.4 | 18% |
| 19042 | Willfully/knowingly w/ intent to defraud violate the credit user | 407.436 | D | NVI | MED | 4 | 1 | 3.0 | 25% |
| 19045 | Deceptive business practice | 407.020 | D | NVI | HIGH | 15 | 3 | 3.7 | 20% |
| 19065 | Money laundering or attempted money laundering | 574.105 | B | NVI | MED | 1 | - | - | 0% |
| 19080 | Defrauding secured creditors - \$500 or more | 570.180 | D | NVI | HIGH | 43 | 4 | 3.5 | 9% |
| 19115 | Identity theft - 3rd or subsequent ofns | 570.223 | D | NVI | MED | 1 | - | - | 0% |
| 19131 | Violation of provisions regarding worker's compensation - sub | 287.128 | D | NVI | MED | 1 | - | - | 0% |
| 19150 | Unlawfully obtaining public assistance benefits | 205.967 | D | NVI | LOW | 5 | - | - | 0% |
| 19173 | Sale/possession of equipment or parts with altered identificati | 301.390 | D | NVI | MED | 20 | 6 | 3.3 | 30% |
| 19180 | Viol of Sec 301.400 re removal of manufacturer's number/mtr r | 301.400 | C | NVI | HIGH | 6 | 1 | 6.0 | 17% |
| 19190 | Remove or deface manufacturer's number on special mobile | 301.401 | D | NVI | LOW | 3 | - | - | 0% |
| 19214 | Odometer fraud - 2nd degree | 407.521 | D | NVI | LOW | 1 | - | - | 0% |
| 19245 | Falsifying odometer reading | 407.536 | D | NVI | LOW | 1 | - | - | 0% |
| 19253 | Identity theft or attempt (value \$5,001 - \$50,000) | 570.223 | B | NVI | MED | 7 | 1 | 7.0 | 14% |
| 19254 | Identity theft (value \$10,000 - \$100,000) | 570.223 | B | NVI | MED | 3 | 2 | 5.0 | 67% |
| 19255 | Identity theft or attempt (value \$501 - \$5,000) | 570.223 | C | NVI | MED | 80 | 19 | 4.0 | 24% |
| 19256 | Identity theft (value \$501 - \$10,000) | 570.223 | C | NVI | LOW | 14 | 2 | 3.0 | 14% |
| 19258 | Identity theft/attempt identity theft - 2nd ofns | 570.223 | D | NVI | MED | 1 | - | - | 0% |
| 19264 | Trafficking in stolen identities | 570.224 | B | NVI | MED | 8 | 5 | 5.0 | 63% |
| 19300 | Engage in fraud/misrepresentation in the offer, sale, or purcha | 409.550 | D | NVI | LOW | 8 | - | - | 0% |
| 19305 | Make false/misleading statement or material omission in a rec | 409.550 | D | NVI | LOW | 2 | - | - | 0% |
| 19320 | Offer/sell security that is not a federally covered security, an e | 409.330 | C | NVI | HIGH | 1 | - | - | 0% |
| 19365 | Violation of order prohibiting unlawful merchandising practices | 407.095 | D | NVI | LOW | 1 | - | - | 0% |
| 19368 | Unlawfl merchndise practice misrep/unfair pract in connection | 407.020 | D | NVI | MED | 34 | 5 | 3.4 | 15% |
| 19400 | Issuing fraudulent lien waiver | 429.012 | C | NVI | MED | 1 | - | - | 0% |
| 19420 | Falsifying owner's signature on consent for mechanic's lien, is | 429.013 | C | NVI | LOW | 1 | - | - | 0% |
| 19430 | Lien fraud - over \$500 | 429.014 | C | NVI | LOW | 5 | - | - | 0% |
| 19605 | Unlawfully receiving food stamps/ATP card - \$500 or more | 578.377 | D | NVI | LOW | 2 | - | - | 0% |
| 19655 | Doing business as food stamp vendor without license - 2nd of | 205.965 | D | NVI | LOW | 1 | - | - | 0% |
| 19665 | Perjury in application for public assistance - \$500 or more | 578.385 | D | NVI | MED | 4 | 1 | 4.0 | 25% |
| 19772 | Filing a false insurance statement | 374.216 | C | NVI | LOW | 1 | - | - | 0% |
| 19775 | Commission of fraudulent insurance act | 375.991 | D | NVI | LOW | 9 | - | - | 0% |
| 19776 | Make a false statement/certificate/entry in insurance investiga | 374.210 | D | NVI | LOW | 7 | 2 | 2.5 | 29% |
| 19778 | Using funds of insurance company for private gain | 375.390 | D | NVI | MED | 2 | - | - | 0% |
| 19779 | Commission of fraudulent insurance act - prior offender | 375.991 | C | NVI | MED | 1 | - | - | 0% |
| 19870 | Misappropriation of funds of elderly nursing home residents | 198.097 | D | NVI | LOW | 4 | - | - | 0% |
| 19875 | Misuse of medicaid money in operating a nursing home | 198.158 | D | NVI | MED | 1 | - | - | 0% |
| 19880 | Financial exploitation of an elderly/disabled person (property v | 570.145 | C | NVI | LOW | 4 | - | - | 0% |
| 19881 | Financial exploitation of elder/disabled person (property value | 570.145 | A | NVI | MED | 3 | 1 | 30.0 | 33% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 19882 | Financial exploitation of elder/disabled person (property value | 570.145 | B | NVI | MED | 3 | 2 | 7.0 | 67% |
| 19883 | Financial exploitation of elderly/disabled person (property value | 570.145 | B | NVI | MED | 23 | 4 | 7.8 | 17% |
| 19884 | Financial exploitation of an elder/disabled person (property value | 570.145 | C | NVI | MED | 12 | 2 | 6.0 | 17% |
| 19886 | Financial exploitation of an elder/disabled person (property value | 570.145 | D | NVI | MED | 6 | 3 | 2.7 | 50% |
| 20010 | Gambling professional player | 572.020 | D | NVI | LOW | 1 | - | - | 0% |
| 20040 | Promoting gambling -1st degree | 572.030 | D | NVI | LOW | 6 | - | - | 0% |
| 20060 | Possession of gambling records - 1st degree | 572.050 | D | NVI | LOW | 1 | - | - | 0% |
| 20110 | Altering lottery tickets | 313.290 | C | NVI | LOW | 1 | - | - | 0% |
| 20260 | Violation of laws pertaining to river boat gambling (jurisdiction | 313.830 | D | NVI | LOW | 15 | 2 | 3.0 | 13% |
| 20280 | Violation of laws pertaining to river boat gambling ownership | 313.004 | D | NVI | MED | 1 | - | - | 0% |
| 21015 | Prostitution - persistent offender | 567.020 | D | NVI | LOW | 9 | 1 | 5.0 | 11% |
| 21030 | Promoting prostitution - 1st degree | 567.050 | B | NVI | LOW | 2 | 2 | 11.0 | 100% |
| 21040 | Promoting prostitution - 2nd degree | 567.060 | C | NVI | LOW | 11 | 2 | 4.0 | 18% |
| 21050 | Promoting prostitution - 3rd degree | 567.070 | D | NVI | HIGH | 22 | 1 | 4.0 | 5% |
| 21055 | Actor knowingly infected with HIV performed an act of prostitu | 567.020 | B | NVI | MED | 1 | 1 | 6.0 | 100% |
| 22011 | Sexual misconduct-1st degree-prev conviction under Chpt 566/dsp | 566.090 | D | SEX | HIGH | 34 | 16 | 3.7 | 47% |
| 22021 | Sex abuse-ser phys injry/disply deadly weapn-dangrous instr | 566.100 | B | SEX | LOW | 16 | 6 | 8.0 | 38% |
| 22022 | Sexual abuse | 566.100 | C | SEX | MED | 77 | 30 | 5.0 | 39% |
| 22023 | Sexual contact w/student by teachr, student teachr, emplyee, | 566.086 | D | SEX | MED | 2 | 1 | 4.0 | 50% |
| 22025 | Sexual misconduct involving a child - 1st degree | 566.083 | D | SEX | MED | 100 | 30 | 3.5 | 30% |
| 22027 | Sexual misconduct or attempt involving a child under 15 - 1st | 566.083 | D | SEX | MED | 64 | 14 | 3.8 | 22% |
| 22030 | Sexual abuse - 1st degree | 566.100 | D | SEX | HIGH | 6 | 1 | 4.0 | 17% |
| 22035 | Sexual misconduct involving a child - 2nd/sub ofns | 566.083 | C | SEX | LOW | 13 | 3 | 4.0 | 23% |
| 22037 | Sexual misconduct or attempt involving a child under 15 - 2nd | 566.083 | C | SEX | MED | 6 | 3 | 3.0 | 50% |
| 22045 | Sexual exploitation of a minor child | 573.023 | A | SEX | HIGH | 4 | 4 | 15.0 | 100% |
| 22055 | Sexual exploitation of a minor | 573.023 | B | SEX | LOW | 6 | 3 | 9.3 | 50% |
| 22090 | Incest | 568.020 | D | SEX | HIGH | 36 | 17 | 3.5 | 47% |
| 22100 | Child molestation - 1st degree - displays a deadly weapon or s | 566.067 | B | SEX | HIGH | 16 | 13 | 9.5 | 81% |
| 22102 | Child molestation-1st deg-prev conviction under Chpt 566/dsp | 566.067 | A | SEX | HIGH | 17 | 13 | 18.6 | 76% |
| 22103 | Child molestatn-1st deg-vic<12 w/prev cnvction undr Ch 566 | 566.067 | A | SEX | MED | 1 | 1 | 15.0 | 100% |
| 22105 | Child molestation - 1st degree | 566.067 | C | SEX | HIGH | 41 | 23 | 5.9 | 56% |
| 22107 | Child molestation - 1st degree | 566.067 | B | SEX | MED | 626 | 403 | 8.7 | 64% |
| 22110 | Child molestation-2nd deg-prev conviction under Chpt 566/ds | 566.068 | D | SEX | HIGH | 14 | 5 | 3.8 | 36% |
| 22130 | Sexual contact with prisoner or offender by probation/parole d | 566.145 | D | SEX | LOW | 19 | 1 | 2.0 | 5% |
| 22145 | Attempt to entice a child (actor 21 yrs of age or older and child | 566.151 | D | SEX | LOW | 5 | 1 | 1.0 | 20% |
| 22200 | Use of child in sexual performance - serious emotional injury | 568.080 | B | SEX | MED | 2 | - | - | 0% |
| 22205 | Use of child in sexual performance | 568.080 | C | SEX | LOW | 9 | 3 | 4.7 | 33% |
| 22206 | Promoting a sexual performance by a child | 568.090 | C | SEX | HIGH | 7 | 5 | 4.8 | 71% |
| 22310 | Illegal deviate sexual intercourse w/res of skilled nurs fac/Alzh | 565.200 | D | SEX | MED | 1 | 1 | 4.0 | 100% |
| 22330 | Fail to register w/ law enforcmnt as req under Sec 589.425(2) | 589.425 | C | SEX | MED | 8 | 3 | 3.3 | 38% |
| 22332 | Fail to register w/law enforcmnt req under Sec 589.425(1)-spe | 589.425 | D | SEX | LOW | 46 | 14 | 2.6 | 30% |
| 22333 | Fail to submit offender registration form to chief law enforcem | 589.425 | D | SEX | MED | 6 | 3 | 2.7 | 50% |
| 22336 | Include false info in an offender registration statement as requ | 589.425 | D | SEX | MED | 5 | 3 | 2.3 | 60% |
| 22337 | Include false info in offender registration statement - 2nd ofns | 589.425 | D | SEX | MED | 2 | 2 | 3.0 | 100% |
| 22338 | Fail to timely verify info in registration statement as req under | 589.425 | C | SEX | MED | 1 | 1 | 4.0 | 100% |
| 22340 | Fail to timely verify info in registration statement as req under | 589.425 | D | SEX | LOW | 7 | 3 | 1.7 | 43% |
| 22341 | Fail to timely verify info made in statement for offndr registrat | 589.425 | D | SEX | MED | 5 | 1 | 2.0 | 20% |
| 22342 | Failure of offndr to inform chief law enforcement officer of new | 589.425 | C | SEX | MED | 3 | 1 | 6.0 | 33% |
| 22344 | Failure of offndr to inform chief law enforcement officer of new | 589.425 | D | SEX | LOW | 10 | 1 | 2.0 | 10% |
| 22345 | Failure of offndr to inform law enforcement of new address - 2 | 589.425 | D | SEX | MED | 2 | 1 | 4.0 | 50% |
| 22348 | Failure of offndr to inform law enforcmnt of chg in enrollment/e | 589.425 | D | SEX | MED | 2 | - | - | 0% |
| 22350 | Prior offndr reside w/in 1000 ft of school/child care fac after c | 566.147 | B | SEX | MED | 2 | 1 | 7.0 | 50% |
| 22352 | Prior offndr reside w/in 1000 ft of school/child care fac after c | 566.147 | D | SEX | LOW | 64 | 18 | 2.7 | 28% |
| 22354 | Fail to notify sheriff of prior residency w/in 1000 ft of school/chi | 566.147 | D | SEX | MED | 10 | 4 | 3.3 | 40% |
| 22361 | Fail to register as a sex offender pursuant to Secs 589.400-.4 | 589.425 | D | SEX | MED | 30 | 10 | 2.6 | 33% |
| 22365 | FI to reg as sex offndr/589.400-.425-undrlyng ofns unclassfd | 589.425 | D | SEX | LOW | 64 | 19 | 2.4 | 30% |
| 22366 | FI to reg as sex offndr/589.400-.425-undrlyng ofns unclassfd | 589.425 | C | SEX | MED | 2 | - | - | 0% |
| 22370 | Fail to register as a sex offender pursuant to Secs 589.400-.4 | 589.425 | D | SEX | MED | 39 | 16 | 2.8 | 41% |
| 22375 | FI to reg as sex offndr/589.400-.425-undrlyng ofns unclassfd | 589.425 | C | SEX | MED | 7 | 3 | 4.3 | 43% |
| 22380 | Fail to register as a sex offender pursuant to Secs 589.400-.4 | 589.425 | A | SEX | MED | 1 | - | - | 0% |
| 23010 | Tampering with service of utility or institution - 1st degree | 569.080 | C | NVI | HIGH | 438 | 204 | 4.3 | 47% |
| 23012 | Tampering-1st degree | 569.060 | C | NVI | LOW | 1 | - | - | 0% |
| 23013 | Tampering with motor vehicle - 1st degree | 569.080 | C | NVI | LOW | 2,267 | 598 | 4.0 | 26% |
| 23014 | Tampering with airplane/motorboat - 1st degree | 569.080 | C | NVI | HIGH | 272 | 113 | 4.3 | 42% |
| 23015 | Tampering with motor vehicle, airplane, motor boat, etc. - 1st | 569.080 | C | NVI | MED | 3,153 | 822 | 4.0 | 26% |
| 23031 | Tampering with property of another, motivated by discriminati | 557.035 | D | NVI | LOW | 5 | 4 | 3.0 | 80% |
| 23036 | Tampering with property of another - 2nd degee (prior convict | 569.090 | C | NVI | MED | 4 | 1 | 1.0 | 25% |
| 23038 | Tampering with airplane/motor boat - 2nd degee (prior convict | 569.090 | C | NVI | MED | 3 | 1 | 4.0 | 33% |
| 23039 | Tampering with motor vehicle - 2nd degree (prior conviction/f | 569.090 | C | NVI | MED | 7 | 4 | 4.5 | 57% |
| 23043 | Tampering with computer data to defraud or obtain property - | 569.095 | D | NVI | LOW | 2 | - | - | 0% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 23063 | Tampering with computer equipment, computer, system or ne | 569.097 | C | NVI | LOW | 2 | - | - | 0% |
| 23064 | Tampering with computer equipment--value \$150 to \$1,000 | 569.097 | D | NVI | LOW | 3 | - | - | 0% |
| 23095 | Tampering with computer user/s to defraud or obtain property | 569.099 | D | NVI | MED | 1 | - | - | 0% |
| 23106 | Property damage motivated by discrimination - 1st degree | 557.035 | C | NVI | MED | 6 | - | - | 0% |
| 23108 | Property damage motivated by discrimination - 2nd degree | 557.035 | D | NVI | LOW | 6 | 1 | 4.0 | 17% |
| 23110 | Property damage 1st degree | 569.100 | D | NVI | MED | 1,250 | 201 | 3.0 | 16% |
| 23220 | Institutional vandalism-\$2,000 to \$10,000 | 574.085 | D | NVI | HIGH | 1 | 1 | 3.0 | 100% |
| 23225 | Institutional vandalism - over \$5000 | 574.085 | C | NVI | LOW | 8 | - | - | 0% |
| 23230 | Institutional vandalism - \$1000 - \$5000 | 574.085 | D | NVI | LOW | 5 | - | - | 0% |
| 23241 | Damage to a DOC building or property by an inmate | 217.385 | C | NVI | MED | 12 | 10 | 4.1 | 83% |
| 23245 | Damage to jail/jail property | 221.353 | D | NVI | HIGH | 169 | 68 | 3.2 | 40% |
| 23274 | Violate Sec 578.416 regarding crop loss - \$501-\$1,000 | 578.418 | D | NVI | LOW | 1 | - | - | 0% |
| 24010 | Receiving stolen property-over \$150 | 570.080 | C | NVI | MED | 338 | 91 | 4.0 | 27% |
| 24015 | Receiving stolen property - \$500 or more/dealer in specific go | 570.080 | C | NVI | MED | 2,014 | 498 | 4.1 | 25% |
| 24027 | Receiving stolen property - \$500 or more/dealer in specific go | 570.080 | D | NVI | MED | 1 | - | - | 0% |
| 24030 | Altering or removing item number to deprive lawful owner | 570.085 | D | NVI | HIGH | 3 | - | - | 0% |
| 24035 | Altering or removing item number to deprive lawful owner - va | 570.085 | D | NVI | HIGH | 7 | 1 | 4.0 | 14% |
| 24100 | Failure to return leased or rented property--value over \$150 | 578.150 | C | NVI | LOW | 54 | 7 | 4.3 | 13% |
| 24105 | Failure to return leased or rented property - value of \$500 or r | 578.150 | C | NVI | LOW | 212 | 30 | 3.2 | 14% |
| 25010 | Promoting obscenity-1st degree | 573.020 | D | SEX | LOW | 2 | - | - | 0% |
| 25027 | Possession of child pornography-2nd ofns | 573.037 | C | SEX | LOW | 3 | 1 | 5.0 | 33% |
| 25029 | Possession of child pornography | 573.037 | D | SEX | HIGH | 88 | 38 | 3.7 | 43% |
| 25032 | Furnishing pornographic material or attempt to furnish to mind | 573.040 | D | SEX | MED | 3 | 2 | 3.5 | 67% |
| 25050 | Promoting child pornography 1st degree | 573.025 | B | SEX | MED | 19 | 8 | 8.8 | 42% |
| 25063 | Promoting child pornography - 2nd degree | 573.035 | C | SEX | LOW | 3 | 2 | 3.5 | 67% |
| 25065 | Promote child pornography to a minor - 1st degree | 573.025 | A | SEX | MED | 1 | 1 | 12.0 | 100% |
| 25080 | Possession of child pornography - 2nd ofns or possess >20 pi | 573.037 | B | SEX | MED | 1 | 1 | 10.0 | 100% |
| 25085 | Possession of child pornography | 573.037 | C | SEX | MED | 2 | - | - | 0% |
| 25130 | Making obscene or indecent commercial telephone messages | 573.100 | D | NVI | MED | 1 | - | - | 0% |
| 26020 | Abandonment of child | 568.030 | D | SEX | LOW | 2 | - | - | 0% |
| 26021 | Abandonment of child - 1st degree | 568.030 | B | SEX | LOW | 3 | - | - | 0% |
| 26022 | Abandonment of child - 2nd degree | 568.032 | D | SEX | MED | 1 | 1 | 2.0 | 100% |
| 26030 | Non-support leave state | 568.040 | D | NVI | LOW | 5 | - | - | 0% |
| 26031 | Nonsupport in each of six individual months within any twelve | 568.040 | D | NVI | MED | 8,930 | 838 | 2.9 | 9% |
| 26045 | Endangering welfare of child - 1st degree | 568.045 | C | SEX | LOW | 1,173 | 203 | 4.2 | 17% |
| 26048 | Endangering welfare of child in ritual/ceremony-1st degree or | 568.045 | B | SEX | LOW | 6 | 1 | 12.0 | 17% |
| 26051 | Endangering welfare of child in ritual/ceremony - 1st degree c | 568.045 | C | SEX | LOW | 39 | 10 | 4.4 | 26% |
| 26052 | Endangering welfare of child, 1st degree | 568.045 | D | SEX | MED | 399 | 74 | 3.4 | 19% |
| 26053 | Endangering welfare of child in ritual/ceremony, 2nd degree | 568.050 | D | SEX | LOW | 61 | 10 | 2.8 | 16% |
| 26054 | Abuse of child - resulting in death | 568.060 | A | SEX | HIGH | 17 | 15 | 21.8 | 88% |
| 26055 | Abuse of child-serious emotional injury | 568.060 | B | SEX | HIGH | 17 | 12 | 10.7 | 71% |
| 26058 | Endangring welfare of a child-2nd degree (intoxication/BAC)-v | 568.050 | D | SEX | MED | 10 | 1 | 4.0 | 10% |
| 26063 | Abuse of child | 568.060 | C | SEX | MED | 528 | 98 | 4.7 | 19% |
| 26071 | Child molestation - 1st degree - displays a deadly weapon or s | 566.067 | B | SEX | HIGH | 1 | 1 | 10.0 | 100% |
| 26072 | Child molestation--1st degree | 566.067 | C | SEX | HIGH | 1 | 1 | 7.0 | 100% |
| 26083 | Violation of order of protection for adult - 2nd ofns | 455.085 | D | NVI | HIGH | 195 | 61 | 3.0 | 31% |
| 26091 | Use of child in sexual performance--serious emotional injury | 568.080 | B | SEX | LOW | 3 | 1 | 8.0 | 33% |
| 26160 | Unlawfully surrender custody/transf custody of minor child w/ou | 453.110 | D | NVI | LOW | 1 | - | - | 0% |
| 26165 | Elder abuse - 1st degree | 565.180 | A | VIO | LOW | 2 | 1 | 15.0 | 50% |
| 26170 | Elder abuse - 2nd degree | 565.182 | B | VIO | LOW | 13 | 4 | 5.8 | 31% |
| 27020 | Resisting/interfering with arrest for a felony | 575.150 | D | NVI | HIGH | 1,162 | 479 | 3.1 | 41% |
| 27025 | Resisting arrest/detention/stop by fleeing - creating a substant | 575.150 | D | NVI | HIGH | 486 | 159 | 3.1 | 33% |
| 27035 | Resist arrest by fleeing-creating substantial risk of serious inju | 575.150 | D | NVI | HIGH | 266 | 92 | 2.9 | 35% |
| 27085 | Resist/aid in resisting a force ordered by the governor to exec | 041.720 | D | NVI | MED | 1 | 1 | 4.0 | 100% |
| 28010 | Escape from commitment | 575.195 | D | NVI | LOW | 2 | - | - | 0% |
| 28015 | Escape from commitment, detention, conditional release from | 575.195 | D | NVI | MED | 3 | - | - | 0% |
| 28020 | Escape or attempted escape from custody with deadly weapo | 575.200 | A | VIO | HIGH | 1 | 1 | 4.0 | 100% |
| 28030 | Escape or attempted escape from custody while under arrest | 575.200 | D | NVI | HIGH | 57 | 31 | 3.1 | 54% |
| 28051 | Escape or attempted escape from the DOC | 575.210 | B | NVI | MED | 17 | 15 | 7.4 | 88% |
| 28055 | Escape or attempted escape from confinement by striking per | 575.210 | C | VIO | MED | 1 | 1 | 5.0 | 100% |
| 28065 | Escape or attempted escape from confinement | 575.210 | D | NVI | HIGH | 56 | 43 | 3.1 | 77% |
| 28080 | Failure to return to confinement to DOC | 575.220 | D | NVI | MED | 56 | 41 | 2.4 | 73% |
| 28100 | Aiding escape of prisoner by using deadly weapon or dangero | 575.230 | B | VIO | LOW | 1 | - | - | 0% |
| 28115 | Aiding escape of prisoner confined for felony | 575.230 | B | NVI | LOW | 6 | 1 | 5.0 | 17% |
| 28130 | Permitting escape by allowing use of deadly weapon | 575.240 | B | VIO | MED | 1 | - | - | 0% |
| 29010 | Concealing a felony | 575.020 | D | NVI | LOW | 3 | - | - | 0% |
| 29030 | Hindering prosecution of felony | 575.030 | D | NVI | MED | 108 | 18 | 3.1 | 17% |
| 29060 | Perjury in criminal trial to secure non-murder felony conviction | 575.040 | B | NVI | LOW | 4 | - | - | 0% |
| 29070 | Perjury in a procedure involving felony charge | 575.040 | C | NVI | MED | 12 | 4 | 5.0 | 33% |
| 29075 | Perjury in a procedure not involving felony | 575.040 | D | NVI | LOW | 8 | 2 | 3.5 | 25% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 29110 | Tampering with physical evidence in felony prosecution | 575.100 | D | NVI | HIGH | 98 | 26 | 3.5 | 27% |
| 29217 | Tampering with judicial officer | 565.084 | C | NVI | HIGH | 21 | 11 | 3.5 | 52% |
| 29220 | Tampering with judicial proceeding | 575.260 | C | NVI | MED | 8 | 1 | 3.0 | 13% |
| 29230 | Tampering with victim/witness or attempt tampering w/victim | 575.270 | C | NVI | MED | 64 | 15 | 4.5 | 23% |
| 29320 | Bribery of a public servant | 576.010 | D | NVI | HIGH | 5 | - | - | 0% |
| 29330 | Acceding to corruption by a public servant | 576.020 | D | NVI | LOW | 5 | 1 | 2.0 | 20% |
| 29370 | Failure to appear - felony | 544.665 | D | NVI | HIGH | 106 | 57 | 2.8 | 54% |
| 29409 | Tampering with electronic monitoring equipment | 575.205 | C | NVI | MED | 11 | 5 | 4.4 | 45% |
| 31015 | Unlawful use of weapon motivated by discrimination | 557.035 | C | NVI | LOW | 26 | 3 | 4.0 | 12% |
| 31016 | Leaving the scene of a shooting - prior offender | 577.068 | D | NVI | MED | 2 | - | - | 0% |
| 31020 | Unlawful use of a weapon (subsec 1 - 4) | 571.030 | D | NVI | MED | 3,912 | 533 | 3.1 | 14% |
| 31040 | Unlawful transfer of weapon to felon, fugitive, addict or incomp | 571.060 | D | NVI | HIGH | 26 | 2 | 5.0 | 8% |
| 31065 | Unlawful possession of a firearm | 571.070 | C | NVI | MED | 33 | 18 | 4.1 | 55% |
| 31070 | Unlawful possession of a concealable firearm | 571.070 | C | NVI | HIGH | 52 | 17 | 4.1 | 33% |
| 31075 | Knowngly poss explosive, incendiary or poisonous substnc/m | 571.020 | C | NVI | LOW | 14 | 1 | 3.0 | 7% |
| 31080 | Unlawful possession, transport, manufacture, repair or sale of | 571.020 | C | NVI | LOW | 141 | 22 | 4.3 | 16% |
| 31127 | Carry loaded firearm/weapon into any school, onto school bus | 571.030 | D | NVI | LOW | 21 | - | - | 0% |
| 31147 | Discharge/shoot firearm at or from mtr veh/shoot at person, m | 571.030 | B | VIO | MED | 3 | 1 | 12.0 | 33% |
| 31149 | Discharge/shoot firearm at or from mtr veh/shoot at person, m | 571.030 | B | VIO | MED | 2 | - | - | 0% |
| 31150 | Discharging firearm, hurling missile at, into, or upon bus | 578.310 | A | VIO | MED | 1 | - | - | 0% |
| 31151 | Dschrg/shoot firearm at or from mtr veh, shoot at person, antf | 571.030 | A | VIO | MED | 8 | 3 | 15.0 | 38% |
| 31152 | Discharge/shoot firearm at or from mtr veh/shoot at person, m | 571.030 | B | VIO | LOW | 57 | 17 | 9.1 | 30% |
| 31154 | Aiding/abetting a person dischr/shooting firearm at or from m | 571.030 | B | VIO | HIGH | 3 | 2 | 7.5 | 67% |
| 31160 | Threatening to place bomb or explosive at or near bus or term | 578.310 | C | NVI | LOW | 1 | - | - | 0% |
| 31162 | Possess/discharge loaded firearm/projectile weapon while intc | 571.030 | D | NVI | MED | 228 | 19 | 3.0 | 8% |
| 31170 | Possession of weapon, explosive or hazardous material on bu | 578.320 | C | NVI | LOW | 1 | 1 | 3.0 | 100% |
| 31180 | Delivery or possession of weapon at a correctional facility | 217.360 | B | VIO | HIGH | 14 | 14 | 7.6 | 100% |
| 31182 | Deliver/attempt to deliver/poss/deposit/conceal gun/knife/wea | 217.360 | B | VIO | LOW | 31 | 26 | 6.7 | 84% |
| 31195 | Delivery or possession of weapon at county/private jail | 221.111 | B | VIO | MED | 15 | 9 | 9.2 | 60% |
| 31200 | Possessing or use of metal penetrating bullet during the comr | 571.150 | B | VIO | MED | 2 | - | - | 0% |
| 32250 | Drug violation - maintaining a common nuisance | 195.130 | D | DRG | MED | 1 | - | - | 0% |
| 32255 | Keeping or maintaining a public nuisance | 195.130 | C | DRG | HIGH | 149 | 23 | 4.5 | 15% |
| 32320 | Delivery or possession of controlled substance at a correction | 217.360 | C | DRG | MED | 174 | 99 | 3.1 | 57% |
| 32322 | Deliver/atmpt to del/poss/deposit/conceal contrld substnce/co | 217.360 | C | DRG | MED | 301 | 182 | 3.7 | 60% |
| 32327 | Delivery or possession of a controlled substance at a county/p | 221.111 | C | DRG | MED | 232 | 73 | 3.9 | 31% |
| 32448 | Possession of controlled substance except 35 grams or less o | 195.202 | A | DRG | MED | 51 | 15 | 12.1 | 29% |
| 32449 | Possession of controlled substance except 35 grams or less o | 195.202 | B | DRG | MED | 176 | 32 | 8.5 | 18% |
| 32450 | Possession of controlled substance except 35 grams or less o | 195.202 | C | DRG | MED | 40,581 | 6,068 | 4.3 | 15% |
| 32460 | Fraudulently attempting to obtain controlled substance | 195.204 | D | DRG | LOW | 1,030 | 98 | 3.0 | 10% |
| 32461 | Mnf/prod/atmpt to mnf/prod > 5 grms marij or any cntrl sub in | 195.211 | A | DRG | LOW | 68 | 13 | 12.2 | 19% |
| 32463 | Dist/del/manf/prod or atmpt to or poss w/intent to dist/del/ma | 195.211 | A | DRG | MED | 165 | 32 | 11.7 | 19% |
| 32465 | Dist/del/manf/produce or attempt to or possess w/intent to dist | 195.211 | B | DRG | MED | 12,895 | 2,558 | 7.6 | 20% |
| 32470 | Distributing or delivering not more than 5 grams marijuana | 195.211 | C | DRG | HIGH | 840 | 113 | 4.6 | 13% |
| 32475 | Distributing controlled substance to a minor | 195.212 | B | DRG | MED | 64 | 6 | 9.0 | 9% |
| 32480 | Purchasing or transporting controlled substance with a minor | 195.213 | B | DRG | LOW | 9 | 1 | 6.0 | 11% |
| 32482 | Unlawful endangerment of property - physical injury | 195.219 | B | DRG | MED | 1 | - | - | 0% |
| 32483 | Unlawful endangerment of property | 195.219 | C | DRG | LOW | 2 | - | - | 0% |
| 32485 | Distributing controlled substance near schools | 195.214 | A | DRG | MED | 216 | 46 | 13.0 | 21% |
| 32486 | Distribution of a controlled substance near public housing or c | 195.218 | A | DRG | MED | 93 | 21 | 12.4 | 23% |
| 32487 | Provide reagents, solvents or precursor materials to another v | 195.226 | D | DRG | MED | 48 | 12 | 3.4 | 25% |
| 32488 | Trafficking in drugs/attempt to traffic in drugs - 1st degree/ove | 195.222 | A | DRG | MED | 5 | 1 | 10.0 | 20% |
| 32490 | Trafficking in drugs/attempt to traffic in drugs - 1st degree | 195.222 | A | DRG | HIGH | 254 | 116 | 12.9 | 46% |
| 32492 | Trafficking in drugs/attempt to traffic in drugs - 1st degree - ne | 195.222 | A | DRG | LOW | 11 | - | - | 0% |
| 32495 | Trafficking in drugs/attempt to traffic in drugs - 2nd degree | 195.223 | A | DRG | MED | 971 | 192 | 12.0 | 20% |
| 32497 | Trafficking in drugs/attempt to traffic in drugs - 1st degree-wit | 195.222 | A | DRG | HIGH | 6 | 1 | 30.0 | 17% |
| 32498 | Trafficking in drugs/attempt to traffic in drugs - 2nd degree/ ≥ | 195.223 | A | DRG | MED | 18 | 3 | 11.7 | 17% |
| 32500 | Trafficking in drugs/attempt to traffic in drugs - 2nd degree | 195.223 | B | DRG | HIGH | 2,432 | 588 | 8.0 | 24% |
| 32506 | Unlawful use of drug paraphernalia - amphetamine/methamph | 195.233 | D | DRG | MED | 506 | 130 | 3.4 | 26% |
| 32510 | Deliver (sell), possess w/int to del (sell), manufacture w/int to | 195.235 | D | DRG | MED | 245 | 63 | 3.0 | 26% |
| 32520 | Delivery or manufacture of imitation controlled substance | 195.242 | D | DRG | MED | 205 | 47 | 3.0 | 23% |
| 32526 | Poss any methamphetamine precursor drug w/intent to manuf | 195.246 | D | DRG | MED | 824 | 207 | 3.4 | 25% |
| 32527 | Appropriate material < \$150 w/intent to manf, compnd, prod, pr | 570.030 | D | DRG | HIGH | 7 | 3 | 2.7 | 43% |
| 32528 | Market-sell-dist-advertise or label any drug prod containing ep | 195.248 | D | DRG | LOW | 4 | - | - | 0% |
| 32529 | Approp material < \$500 w/intent to manf, compnd, prod, prepa | 570.030 | D | DRG | HIGH | 7 | 4 | 4.0 | 57% |
| 32530 | Distributing a controlled substance in violation of registration r | 195.252 | D | DRG | LOW | 4 | - | - | 0% |
| 32531 | Appropriate material less than \$500 with intent to manufacture | 570.030 | C | DRG | MED | 7 | 2 | 4.0 | 29% |
| 32533 | Approp material <\$500 w/intent to manf, compnd, prod, prepa | 570.030 | D | DRG | MED | 3 | 1 | 2.0 | 33% |
| 32534 | Approp material <\$500 w/intent to manf, compnd, prod, prepa | 570.030 | C | DRG | MED | 9 | 5 | 4.8 | 56% |
| 32540 | Unlawful delivery of controlled substance by manufacturer or | 195.254 | D | DRG | HIGH | 30 | 4 | 3.3 | 13% |
| 32545 | Unlawful use of trademark in manufacture or delivery of contr | 195.256 | D | DRG | LOW | 10 | - | - | 0% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|--|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 32550 | Failure to obtain proper ID/make report of drug transfer | 195.400 | D | DRG | MED | 6 | - | - | 0% |
| 32560 | Furnishing or receiving controlled substance without registration | 195.405 | D | DRG | LOW | 7 | 1 | 3.0 | 14% |
| 32566 | Poss chem w/intent to mnf,comp,convt,prod,procs, prep, test, | 195.420 | C | DRG | HIGH | 1,151 | 307 | 4.5 | 27% |
| 32568 | Manf/whlesalr fail to rppt suspicious trans of meth precrsr drgs | 195.515 | D | DRG | MED | 1 | - | - | 0% |
| 32570 | Receipt of drugs from unlicensed distributor or pharmacy - 2nd | 338.315 | D | DRG | LOW | 1 | - | - | 0% |
| 32581 | Acted as wholesale drug or pharmacy distributor without obtain | 338.333 | C | DRG | LOW | 1 | - | - | 0% |
| 32586 | Wholesale distribution of drugs by out-of-state distributor witho | 338.337 | C | DRG | MED | 4 | - | - | 0% |
| 32591 | Sale of drugs by out-of-state distributor without license | 338.340 | C | DRG | LOW | 6 | - | - | 0% |
| 32610 | Possession of anhydrous ammonia in a non-approved container | 578.154 | D | DRG | HIGH | 139 | 51 | 3.3 | 37% |
| 32645 | Any person not owner/not in lawful control of apprvd contr, a | 577.075 | B | DRG | MED | 5 | 3 | 5.7 | 60% |
| 33285 | Selling liquor without payment of additional revenue charge o | 311.550 | D | NVI | LOW | 6 | 1 | 2.0 | 17% |
| 33350 | Delivery or possession of liquor at a correctional facility | 217.360 | D | NVI | LOW | 2 | 1 | 1.0 | 50% |
| 33355 | Deliver/attempt to deliver/poss/dep/conceal alkaloid of cntr su | 217.360 | D | NVI | MED | 2 | 2 | 3.0 | 100% |
| 33365 | Delivery or possession of alcohol or spirituous or malt liquor a | 221.111 | D | NVI | MED | 9 | 4 | 2.8 | 44% |
| 34015 | Making a false bomb report | 575.090 | D | NVI | MED | 16 | 1 | 3.0 | 6% |
| 34022 | Invasion of privacy of multiple individuals - 2nd degree | 565.253 | D | NVI | LOW | 5 | - | - | 0% |
| 34026 | Invasion of privacy - previously plead guilty or found guilty of | 565.253 | D | NVI | LOW | 1 | - | - | 0% |
| 34055 | Harassment motivated by discrimination to frighten or disturb | 557.035 | D | VIO | LOW | 4 | 1 | 4.0 | 25% |
| 34057 | Harassment by person ≥ 21 yrs agnst person ≤ 17 yrs or prior | 565.090 | D | VIO | MED | 1 | - | - | 0% |
| 34074 | Make terrorist thrt w/reckls disrgrd of rsk of, caus evac/clos bl | 574.115 | D | VIO | LOW | 2 | - | - | 0% |
| 34210 | Aggravated stalking- 2nd ofns | 565.225 | C | VIO | LOW | 4 | 1 | 4.0 | 25% |
| 34220 | Aggravated stalking- 1st ofns or stalking 2nd ofns | 565.225 | D | VIO | MED | 83 | 20 | 3.0 | 24% |
| 34221 | Aggravated stalking - 1st offense | 565.225 | D | VIO | MED | 12 | 2 | 4.0 | 17% |
| 35080 | Committing class one election ofns | 115.631 | D | NVI | LOW | 8 | - | - | 0% |
| 36006 | Knowingly infect another with HIV by being a blood, blood pro | 191.677 | A | VIO | LOW | 3 | 2 | 19.0 | 67% |
| 36007 | Recklessly infect another with HIV when actor is knowingly inf | 191.677 | A | VIO | LOW | 2 | 1 | 30.0 | 50% |
| 36009 | Recklessly risk infection of another w/HIV when actor is knowi | 191.677 | B | VIO | HIGH | 19 | 14 | 7.4 | 74% |
| 36048 | Abandonment of a corpse | 194.425 | D | NVI | HIGH | 9 | 4 | 3.8 | 44% |
| 36190 | Recklessly risk infection of another with HIV | 191.677 | D | NVI | HIGH | 4 | 2 | 4.0 | 50% |
| 36200 | Dog fighting | 578.025 | D | NVI | LOW | 4 | 1 | 3.0 | 25% |
| 36310 | Abuse, neglect or misappropriation of client property by hospi | 197.266 | D | NVI | LOW | 1 | - | - | 0% |
| 36341 | Violations involving health care payment/s - 1st ofns | 191.905 | D | NVI | HIGH | 5 | 1 | 4.0 | 20% |
| 36400 | Providing false information to vital records | 193.315 | D | NVI | LOW | 1 | - | - | 0% |
| 36545 | Animal abuse/torture/mutilation while animal was alive - persi | 578.012 | D | NVI | HIGH | 35 | 6 | 4.3 | 17% |
| 36801 | Keeping or maintaining a public nuisance for criminal street gr | 578.433 | C | NVI | LOW | 9 | 1 | 2.0 | 11% |
| 36850 | Failure of employer to insure liability pursuant to (Worker's Co | 287.128 | D | NVI | MED | 1 | - | - | 0% |
| 36967 | Unlawful practice of midwifery | 334.010 | C | NVI | LOW | 1 | - | - | 0% |
| 37005 | With intent to defraud, willfully failed to make a sales tax retu | 144.480 | D | NVI | LOW | 49 | 4 | 2.8 | 8% |
| 37008 | Employer, w/intent to defraud, willfully failed to file return/tru | 143.221 | D | NVI | LOW | 19 | - | - | 0% |
| 37013 | With intent to defraud, willfully failed to make a sales tax retu | 144.480 | D | NVI | MED | 23 | - | - | 0% |
| 37015 | Failure to file/pay a Missouri income tax return | 143.931 | D | NVI | LOW | 26 | - | - | 0% |
| 37025 | Filing a false Missouri income tax return | 143.941 | D | NVI | MED | 12 | 4 | 3.3 | 33% |
| 37060 | Filing false sales tax return | 144.490 | D | NVI | LOW | 5 | - | - | 0% |
| 37090 | Failure to collect or pay over income tax | 143.921 | D | NVI | LOW | 9 | - | - | 0% |
| 39265 | Sale of wildlife taken in violation of MDC regs - 1st/subsequer | 252.235 | C | NVI | MED | 4 | - | - | 0% |
| 46609 | Operated vehicle on hwy without valid license - 3rd and subseq | 302.020 | D | NVI | MED | 256 | 45 | 3.0 | 18% |
| 46611 | Oper mtr veh on hwy while driver lic/priv revoked (revoked for | 302.321 | D | NVI | MED | 63 | 21 | 2.8 | 33% |
| 46613 | Operated motorcycle when driver's license not validated for se | 302.020 | D | NVI | LOW | 7 | - | - | 0% |
| 46616 | Oper mtr veh on hwy w/driver lic/priv revoked (revoked-fail to | 302.321 | D | NVI | MED | 14 | 3 | 3.0 | 21% |
| 46681 | Operated motor vehicle on hwy while driver license/priv revok | 302.321 | D | NVI | LOW | 70 | 22 | 2.5 | 31% |
| 46682 | Operated mtr veh on hwy while driver's license/priv revoked (| 302.321 | D | NVI | HIGH | 268 | 81 | 3.1 | 30% |
| 46683 | Oper motor vehicle on hwy while driv license/priv revoked (re | 302.321 | D | NVI | LOW | 355 | 84 | 2.7 | 24% |
| 46684 | Driving while revoked (suspended for stealing motor fuel as p | 302.321 | D | NVI | MED | 54 | 13 | 3.0 | 24% |
| 46685 | Oper motor vehicle on hwy while driv license/priv revoked (rv | 302.321 | D | NVI | HIGH | 1 | - | - | 0% |
| 46689 | Oper motor vehicle on hwy while driv license/priv revoked (su | 302.321 | D | NVI | MED | 971 | 310 | 2.8 | 32% |
| 46691 | Oper motor vehicle on hwy while driv license/priv revoked (su | 302.321 | D | NVI | MED | 9 | - | - | 0% |
| 46692 | Oper mtr veh on hwy while driver license/privilege revoked (re | 302.321 | D | NVI | LOW | 65 | 9 | 2.8 | 14% |
| 46693 | Oper mtr veh while driv lic/priv revkd (suspnd or revkd after fa | 302.321 | D | NVI | MED | 4 | 3 | 2.7 | 75% |
| 46694 | Oper mtr veh on hwy while driver lic/priv revkd (suspnd for pr | 302.321 | D | NVI | LOW | 24 | 5 | 2.4 | 21% |
| 46695 | Oper mtr veh on hwy while driv lic/priv revkd (suspnd for nona | 302.321 | D | NVI | LOW | 16 | 3 | 3.0 | 19% |
| 46697 | Oper mtr veh on hwy while driv lic/priv revkd (suspnd for non- | 302.321 | D | NVI | LOW | 6 | 3 | 2.3 | 50% |
| 46710 | Drive comm mtr veh while revoked-4th/subs ofns □ | 302.727 | D | NVI | MED | 1 | - | - | 0% |
| 47410 | DWI - alcohol - persistent offender | 577.010 | D | DWI | MED | 9,132 | 2,046 | 3.2 | 22% |
| 47417 | DWI - alcohol - chronic offender | 577.010 | B | DWI | MED | 459 | 317 | 6.8 | 69% |
| 47418 | DWI - alcohol - aggravated offender | 577.010 | C | DWI | HIGH | 1,376 | 480 | 4.6 | 35% |
| 47423 | DWI - drug intoxication - chronic offender | 577.010 | B | DWI | MED | 7 | 3 | 8.3 | 43% |
| 47427 | DWI - drug intoxication - aggravated offender | 577.010 | C | DWI | HIGH | 28 | 8 | 4.0 | 29% |
| 47430 | DWI - drug intoxication - persistent offender | 577.010 | D | DWI | MED | 131 | 29 | 3.1 | 22% |
| 47443 | DWI - combined alcohol/drug intoxication - chronic offender | 577.010 | B | DWI | MED | 22 | 13 | 6.8 | 59% |
| 47447 | DWI - combined alcohol/drug intoxication - aggravated offend | 577.010 | C | DWI | HIGH | 37 | 13 | 5.1 | 35% |

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

| Charge Code | Offense | RSMo | Felony Class | Offense Group | Offense Severity | Sentence Count | Prison Count | Avg. Sentence | Percent Prison |
|-------------|---|---------|--------------|---------------|------------------|----------------|--------------|---------------|----------------|
| 47450 | DWI - combined alcohol/drug intoxication - persistent offender | 577.010 | D | DWI | MED | 518 | 38 | 3.2 | 7% |
| 47463 | Excessive BAC - chronic offender | 577.012 | B | DWI | MED | 1 | 1 | 5.0 | 100% |
| 47467 | Excessive BAC - aggravated offender | 577.012 | C | DWI | MED | 5 | 2 | 3.5 | 40% |
| 47470 | Excessive BAC - persistent offender | 577.012 | D | DWI | MED | 56 | 5 | 3.0 | 9% |
| 48865 | Leaving scene of motor vehicle accident--injury, property damage | 577.060 | D | NVI | MED | 1,591 | 293 | 3.1 | 18% |
| 48867 | Leaving scene of ATV accident--death or 2nd ofns | 577.065 | D | NVI | LOW | 3 | - | - | 0% |
| 51050 | Bribery of a public servant | 576.010 | D | NVI | HIGH | 4 | - | - | 0% |
| 51100 | Acceding to corruption by a public servant | 576.020 | D | NVI | MED | 2 | - | - | 0% |
| 54028 | Failure to complete and submit offender registration form w/c | 589.400 | D | NVI | LOW | 2 | - | - | 0% |
| 54029 | Failure of offender to inform chief law enforcement of new ad | 589.414 | D | NVI | HIGH | 1 | 1 | 5.0 | 100% |
| 54045 | Knowingly cause the death or disablement of a police animal | 575.350 | D | NVI | LOW | 1 | 1 | 4.0 | 100% |
| 54156 | Fail to complete and submit offender registration form with ch | 589.425 | D | NVI | HIGH | 10 | 6 | 3.2 | 60% |
| 54158 | Include false info in offndr registration statement-2nd or subsc | 589.425 | D | NVI | MED | 2 | 2 | 3.0 | 100% |
| 54161 | Fail to timely verify info made in statement for offender regist | 589.425 | D | NVI | LOW | 1 | - | - | 0% |
| 54163 | Fail of offender to inform chief law enfcmnt offcr of new add-2r | 589.425 | D | NVI | MED | 6 | 4 | 2.8 | 67% |
| 54166 | Failure of offndr to inform chief law enfcmnt offcr of chg in enr | 589.425 | D | NVI | LOW | 2 | 1 | 2.0 | 50% |
| 54205 | Leaving the scene of a vessel accident- physical injury | 306.141 | D | NVI | LOW | 2 | - | - | 0% |
| 54310 | Operation of a vessel while intoxicated - Persistent Ofdr | 306.111 | D | DWI | MED | 1 | - | - | 0% |
| 54820 | Knowingly/recklessly alter cigarettes pkg and/or sell/dist/posse | 149.200 | D | NVI | MED | 1 | - | - | 0% |
| 57080 | Illegal wiretapping in violation of Sec 542.402 | 542.402 | D | NVI | LOW | 1 | - | - | 0% |
| 57100 | Invasion of privacy - 1st degree | 565.252 | D | NVI | MED | 3 | - | - | 0% |
| 57115 | Invasion of privacy-previously plead guilty or found guilty of ir | 565.253 | D | NVI | MED | 3 | 1 | 4.0 | 33% |
| 57125 | Invasion of privacy of multiple individuals - 2nd degree | 565.253 | D | NVI | LOW | 13 | 1 | 4.0 | 8% |
| 58001 | Making a false bomb report | 575.090 | D | NVI | LOW | 33 | 9 | 3.0 | 27% |
| 58010 | Making a terrorist threat | 574.115 | C | VIO | MED | 15 | 2 | 4.0 | 13% |
| 58020 | Make terrorist thrt w/reckls disrgrd of rsk of caus evac/clos bld | 574.115 | D | VIO | HIGH | 11 | 3 | 3.7 | 27% |
| 64001 | Sexual exploitation of a minor child | 573.023 | A | SEX | MED | 2 | 1 | 12.0 | 50% |
| 64005 | Possession and concealment of a dangerous or deadly weapd | 573.023 | B | SEX | LOW | 5 | 1 | 9.0 | 20% |
| 64010 | Possession and concealment of a dangerous or deadly weapd | 566.151 | B | SEX | MED | 1 | 1 | 7.0 | 100% |
| 64013 | Possession and concealment of a dangerous or deadly weapd | 566.151 | A | SEX | MED | 18 | 13 | 10.5 | 72% |
| 64015 | Possession and concealment of a dangerous or deadly weapd | 566.151 | C | SEX | HIGH | 21 | 10 | 5.1 | 48% |
| 64018 | Possession and concealment of a dangerous or deadly weapd | 566.151 | A | SEX | MED | 9 | 8 | 7.9 | 89% |
| 64020 | Possession and concealment of a dangerous or deadly weapd | 566.151 | D | SEX | MED | 12 | 1 | 4.0 | 8% |

APPENDIX B

RECOMMENDED SENTENCES MATRICES

The following pages contain the individual sentencing matrix for each of the five offense groups.

RECOMMENDED SENTENCES - VIOLENT OFFENSES

CLASS A FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 71.7% | 85.5% | 90.0% | 95.7% | 93.8% |
| <i>Ave. Prison Sentence</i> | | 16.2 | 16.8 | 18.8 | 18.1 | 19.4 |
| Offense Severity | High * | | | | | |
| | Mitigating | 10 | 10 | 15 | 20 | 25 |
| | Presumptive | 15 | 20 | 20 | 25 | 30 |
| | Aggravating | 25 | 25 | 25 | 30 | 30 |
| | Medium | | | | | |
| | Mitigating | CSS | Shk/Trt | 10 | 15 | 20 |
| | Presumptive | 10 | 12 | 15 | 20 | 25 |
| | Aggravating | 14 | 16 | 20 | 25 | 30 |
| | Low | | | | | |
| | Mitigating | Probation | Shk/Trt | 10 | 12 | 15 |
| | Presumptive | Shk/Trt | 10 | 12 | 15 | 17 |
| | Aggravating | 12 | 14 | 15 | 17 | 20 |

* Excludes Murder 1st Degree

CLASS B FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 42.6% | 65.8% | 72.9% | 74.6% | 76.6% |
| <i>Ave. Prison Sentence</i> | | 8.4 | 8.2 | 8.6 | 9.3 | 10.7 |
| Offense Severity | High | | | | | |
| | Mitigating | CSS | Shk/Trt | 6 | 8 | 10 |
| | Presumptive | 6 | 7 | 8 | 10 | 12 |
| | Aggravating | 8 | 9 | 10 | 12 | 15 |
| | Medium | | | | | |
| | Mitigating | Probation | CSS | Shk/Trt | 7 | 9 |
| | Presumptive | CSS | Shk/Trt | 7 | 9 | 11 |
| | Aggravating | 5 | 7 | 9 | 11 | 12 |
| | Low | | | | | |
| | Mitigating | Probation | CSS | Shk/Trt | 5 | 7 |
| | Presumptive | CSS | Shk/Trt | 5 | 7 | 8 |
| | Aggravating | 5 | 5 | 7 | 8 | 10 |

CLASS C FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 18.7% | 38.8% | 55.6% | 56.2% | 62.2% |
| <i>Ave. Prison Sentence</i> | | 4.9 | 5.1 | 5.3 | 5.2 | 5.8 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | Shk/Trt | 3 | 5 |
| | Presumptive | CSS | Shk/Trt | 4 | 5 | 7 |
| | Aggravating | 3 | 4 | 5 | 7 | 7 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 4 |
| | Presumptive | CSS | CSS | Shk/Trt | 4 | 5 |
| | Aggravating | 3 | 3 | 4 | 5 | 7 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| | Presumptive | Probation | CSS | Shk/Trt | 3 | 4 |
| | Aggravating | 3 | 3 | 3 | 4 | 6 |

CLASS D FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 18.2% | 40.5% | 55.0% | 68.2% | 50.0% |
| <i>Ave. Prison Sentence</i> | | 3.8 | 3.3 | 3.1 | 3.6 | 3.5 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| | Presumptive | CSS | CSS | Shk/Trt | 3 | 4 |
| | Aggravating | 2 | 2 | 3 | 4 | 4 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | CSS | CSS | Shk/Trt | 2 | 3 |
| | Aggravating | 2 | 2 | 2 | 3 | 4 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | CSS | CSS | Shk/Trt | 2 | 2 |
| | Aggravating | 2 | 2 | 2 | 2 | 3 |

RECOMMENDED SENTENCES - SEX AND CHILD ABUSE OFFENSES

CLASS A FELONIES

| | Prior Criminal History | | | | | |
|-----------------------------------|------------------------|----------|-----------|----------|---------|----|
| | Level I | Level II | Level III | Level IV | Level V | |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | 71.4% | 89.0% | 91.8% | 96.2% | 93.8% | |
| <i>Ave. Prison Sentence</i> | 13.9 | 16.3 | 16.5 | 18.3 | 18.3 | |
| Offense Severity | High | | | | | |
| | Mitigating | 10 | 10 | 15 | 20 | 25 |
| | Presumptive | 12 | 15 | 20 | 25 | 30 |
| | Aggravating | 20 | 23 | 25 | 30 | 30 |
| | Medium | | | | | |
| | Mitigating | CSS | CSS | 10 | 15 | 20 |
| | Presumptive | 10 | 12 | 15 | 20 | 25 |
| | Aggravating | 15 | 17 | 20 | 25 | 30 |
| | Low | | | | | |
| | Mitigating | CSS | CSS | 10 | 12 | 15 |
| | Presumptive | CSS | 10 | 12 | 15 | 20 |
| | Aggravating | 10 | 12 | 15 | 20 | 25 |

CLASS B FELONIES

| | Prior Criminal History | | | | | |
|-----------------------------------|------------------------|-----------|-----------|----------|---------|----|
| | Level I | Level II | Level III | Level IV | Level V | |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | 55.7% | 83.0% | 77.5% | 69.6% | 75.0% | |
| <i>Ave. Prison Sentence</i> | 8.4 | 8.8 | 10.5 | 7.8 | 10.3 | |
| Offense Severity | High | | | | | |
| | Mitigating | CSS | Shk/Trt | 7 | 8 | 10 |
| | Presumptive | 6 | 7 | 8 | 10 | 15 |
| | Aggravating | 9 | 10 | 12 | 15 | 15 |
| | Medium | | | | | |
| | Mitigating | CSS | Shk/Trt | 6 | 7 | 8 |
| | Presumptive | 5 | 6 | 7 | 8 | 10 |
| | Aggravating | 8 | 9 | 10 | 10 | 15 |
| | Low | | | | | |
| | Mitigating | Probation | CSS | 5 | 6 | 7 |
| | Presumptive | CSS | Shk/Trt | 6 | 7 | 8 |
| | Aggravating | 5 | 6 | 8 | 10 | 12 |

CLASS C FELONIES

| | Prior Criminal History | | | | | |
|-----------------------------------|------------------------|-----------|-----------|----------|---------|---|
| | Level I | Level II | Level III | Level IV | Level V | |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | 24.7% | 44.6% | 60.1% | 72.9% | 70.9% | |
| <i>Ave. Prison Sentence</i> | 5.2 | 4.9 | 5.6 | 5.5 | 6.2 | |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | CSS | Shk/Trt | 3 | 5 |
| | Presumptive | CSS | CSS | 4 | 5 | 6 |
| | Aggravating | 3 | 4 | 5 | 6 | 7 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | Shk/Trt | 2 | 4 |
| | Presumptive | CSS | CSS | 3 | 4 | 5 |
| | Aggravating | 3 | 3 | 4 | 5 | 6 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | Shk/Trt | 2 | 3 |
| | Presumptive | CSS | CSS | 2 | 3 | 4 |
| | Aggravating | 3 | 3 | 3 | 4 | 5 |

CLASS D FELONIES

| | Prior Criminal History | | | | | |
|-----------------------------------|------------------------|-----------|-----------|----------|---------|---|
| | Level I | Level II | Level III | Level IV | Level V | |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | 19.0% | 30.6% | 39.8% | 52.7% | 56.5% | |
| <i>Ave. Prison Sentence</i> | 3.3 | 3.0 | 3.0 | 3.0 | 4.2 | |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 4 |
| | Presumptive | CSS | CSS | Shk/Trt | 4 | 4 |
| | Aggravating | 2 | 2 | 3 | 4 | 4 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| | Presumptive | CSS | CSS | Shk/Trt | 2 | 3 |
| | Aggravating | 2 | 2 | 2 | 3 | 4 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | Probation | CSS | Shk/Trt | 2 | 2 |
| | Aggravating | 2 | 2 | 2 | 2 | 3 |

RECOMMENDED SENTENCES - NON-VIOLENT OFFENSES

CLASS A FELONIES

| | | Prior Criminal History | | | | |
|---|---------------|--------------------------|----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i> | | <i>Insufficient data</i> | | | | |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | CSS | Shk/Trt | 10 | 12 |
| | Presumptive | CSS | Shk/Trt | 12 | 14 | 15 |
| | Aggravating | Shk/Trt | 12 | 13 | 15 | 20 |
| | Medium | | | | | |
| | Mitigating | Probation | CSS | Shk/Trt | 10 | 12 |
| | Presumptive | CSS | Shk/Trt | 12 | 14 | 15 |
| | Aggravating | Shk/Trt | 12 | 13 | 15 | 20 |
| | Low | | | | | |
| | Mitigating | Probation | CSS | Shk/Trt | 10 | 12 |
| | Presumptive | CSS | Shk/Trt | 12 | 14 | 15 |
| | Aggravating | Shk/Trt | 12 | 13 | 15 | 20 |

CLASS B FELONIES

| | | Prior Criminal History | | | | |
|---|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i> | | 11.8% | 33.5% | 53.2% | 59.7% | 56.8% |
| | | 7.1 | 6.9 | 7.6 | 9.2 | 9.7 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 8 |
| | Presumptive | CSS | CSS | Shk/Trt | 8 | 10 |
| | Aggravating | Shk/Trt | 6 | 8 | 10 | 12 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 8 |
| | Presumptive | CSS | CSS | Shk/Trt | 8 | 10 |
| | Aggravating | Shk/Trt | 5 | 8 | 10 | 12 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 6 |
| | Presumptive | Probation | CSS | Shk/Trt | 6 | 8 |
| | Aggravating | CSS | 5 | 6 | 8 | 10 |

CLASS C FELONIES

| | | Prior Criminal History | | | | |
|---|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i> | | 8.0% | 31.2% | 49.9% | 55.9% | 61.0% |
| | | 4.0 | 4.3 | 4.5 | 4.7 | 5.2 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 5 |
| | Presumptive | Probation | CSS | Shk/Trt | 5 | 6 |
| | Aggravating | CSS | Shk/Trt | 5 | 6 | 7 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| | Presumptive | Probation | CSS | Shk/Trt | 3 | 4 |
| | Aggravating | CSS | Shk/Trt | 3 | 5 | 6 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| | Aggravating | CSS | Shk/Trt | 2 | 3 | 5 |

CLASS D FELONIES

| | | Prior Criminal History | | | | |
|---|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i> | | 6.0% | 19.9% | 35.0% | 38.5% | 45.9% |
| | | 3.0 | 3.3 | 3.1 | 3.1 | 3.2 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | CSS | 3 |
| | Presumptive | Probation | CSS | CSS | Shk/Trt | 4 |
| | Aggravating | CSS | Shk/Trt | Shk/Trt | 2 | 4 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | CSS | 2 |
| | Presumptive | Probation | CSS | CSS | Shk/Trt | 2 |
| | Aggravating | CSS | Shk/Trt | Shk/Trt | 2 | 3 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | CSS | 2 |
| | Presumptive | Probation | Probation | CSS | Shk/Trt | 2 |
| | Aggravating | CSS | CSS | Shk/Trt | 2 | 3 |

RECOMMENDED SENTENCES - DRUG OFFENSES

CLASS A FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 11.3% | 20.1% | 43.3% | 60.8% | 54.1% |
| <i>Ave. Prison Sentence</i> | | 11.8 | 11.5 | 12.5 | 13.2 | 12.9 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | Shk/Trt | 10 | 13 |
| | Presumptive | Probation | CSS | 10 | 13 | 15 |
| | Aggravating | Shk/Trt | 10 | 13 | 15 | 20 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 10 |
| | Presumptive | Probation | CSS | Shk/Trt | 10 | 13 |
| | Aggravating | Shk/Trt | Shk/Trt | 10 | 13 | 18 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 10 |
| | Presumptive | Probation | CSS | Shk/Trt | 10 | 12 |
| | Aggravating | CSS | Shk/Trt | 10 | 12 | 15 |

CLASS B FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 7.9% | 24.0% | 42.7% | 48.6% | 50.6% |
| <i>Ave. Prison Sentence</i> | | 7.0 | 7.2 | 8.1 | 8.8 | 8.5 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 10 |
| | Presumptive | Probation | CSS | Shk/Trt | 10 | 12 |
| | Aggravating | Shk/Trt | Shk/Trt | 10 | 12 | 15 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 8 |
| | Presumptive | Probation | CSS | Shk/Trt | 8 | 10 |
| | Aggravating | Shk/Trt | Shk/Trt | 8 | 10 | 12 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 6 |
| | Presumptive | Probation | CSS | Shk/Trt | 6 | 7 |
| | Aggravating | CSS | Shk/Trt | 6 | 7 | 10 |

CLASS C FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 4.1% | 19.0% | 38.2% | 44.4% | 52.5% |
| <i>Ave. Prison Sentence</i> | | 4.1 | 4.4 | 4.6 | 5.0 | 5.3 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 5 |
| | Presumptive | Probation | CSS | Shk/Trt | 4 | 6 |
| | Aggravating | CSS | Shk/Trt | 4 | 5 | 7 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 3 |
| | Presumptive | Probation | CSS | Shk/Trt | 3 | 4 |
| | Aggravating | CSS | Shk/Trt | 3 | 4 | 5 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| | Aggravating | CSS | Shk/Trt | 2 | 3 | 4 |

CLASS D FELONIES

| | | Prior Criminal History | | | | |
|-----------------------------------|---------------|------------------------|-----------|-----------|----------|---------|
| | | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | | |
| <i>Percent Prison Disposition</i> | | 4.9% | 25.4% | 47.1% | 59.7% | 59.6% |
| <i>Ave. Prison Sentence</i> | | 2.7 | 3.4 | 3.1 | 3.2 | 3.0 |
| Offense Severity | High | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| | Aggravating | CSS | Shk/Trt | 2 | 3 | 4 |
| | Medium | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| | Presumptive | Probation | CSS | Shk/Trt | 2 | 2 |
| | Aggravating | CSS | Shk/Trt | 2 | 2 | 3 |
| | Low | | | | | |
| | Mitigating | Probation | Probation | CSS | Shk/Trt | Shk/Trt |
| | Presumptive | Probation | CSS | Shk/Trt | 2 | 2 |
| | Aggravating | CSS | Shk/Trt | 2 | 2 | 3 |

RECOMMENDED SENTENCES - DWI OFFENSES

For all cases where a community- based sentence is recommended, the commission recommends referral to a drug court where available and where the offender is eligible.

CLASS A FELONIES

| | Prior Criminal History | | | | |
|-----------------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | |
| <i>Percent Prison Disposition</i> | No Available data | | | | |
| <i>Ave. Prison Sentence</i> | No Available data | | | | |
| High | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 10 | 10 |
| Presumptive | 10 | 10 | 10 | 10 | 10 |
| Aggravating | 10 | 10 | 10 | 10 | 10 |
| Medium | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 10 | 10 |
| Presumptive | 10 | 10 | 10 | 10 | 10 |
| Aggravating | 10 | 10 | 10 | 10 | 10 |
| Low | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 10 | 10 |
| Presumptive | 10 | 10 | 10 | 10 | 10 |
| Aggravating | 10 | 10 | 10 | 10 | 10 |

CLASS B FELONIES

| | Prior Criminal History | | | | |
|-----------------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | |
| <i>Percent Prison Disposition</i> | 66.7% | 53.8% | 65.4% | 74.8% | 71.9% |
| <i>Ave. Prison Sentence</i> | 6.6 | 6.8 | 6.6 | 6.8 | 7.6 |
| High | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 5 | 5 |
| Presumptive | 5 | 5 | 5 | 6 | 8 |
| Aggravating | 5 | 5 | 5 | 8 | 10 |
| Medium | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 5 | 5 |
| Presumptive | 5 | 5 | 5 | 6 | 8 |
| Aggravating | 5 | 5 | 5 | 8 | 10 |
| Low | | | | | |
| Mitigating | Shk/Trt | Shk/Trt | Shk/Trt | 5 | 5 |
| Presumptive | 5 | 5 | 5 | 6 | 8 |
| Aggravating | 5 | 5 | 5 | 8 | 10 |

CLASS C FELONIES

| | Prior Criminal History | | | | |
|-----------------------------------|------------------------|----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | |
| <i>Percent Prison Disposition</i> | 19.7% | 27.3% | 43.0% | 51.7% | 51.1% |
| <i>Ave. Prison Sentence</i> | 4.2 | 4.2 | 4.6 | 4.7 | 5.2 |
| High | | | | | |
| Mitigating | CSS | CSS | CSS | Shk/Trt | 3 |
| Presumptive | Shk/Trt | Shk/Trt | 3 | 4 | 5 |
| Aggravating | 2 | 3 | 4 | 5 | 7 |
| Medium | | | | | |
| Mitigating | CSS | CSS | CSS | Shk/Trt | 3 |
| Presumptive | Shk/Trt | Shk/Trt | 3 | 4 | 5 |
| Aggravating | 2 | 3 | 4 | 5 | 7 |
| Low | | | | | |
| Mitigating | CSS | CSS | CSS | Shk/Trt | 3 |
| Presumptive | Shk/Trt | Shk/Trt | 3 | 4 | 5 |
| Aggravating | 2 | 3 | 4 | 5 | 7 |

CLASS D FELONIES

| | Prior Criminal History | | | | |
|-----------------------------------|------------------------|-----------|-----------|----------|---------|
| | Level I | Level II | Level III | Level IV | Level V |
| <i>Data FY02-FY09</i> | | | | | |
| <i>Percent Prison Disposition</i> | 8.2% | 20.6% | 45.1% | 47.5% | 54.7% |
| <i>Ave. Prison Sentence</i> | 2.8 | 3.1 | 3.1 | 3.2 | 3.1 |
| High | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | Shk/Trt | Shk/Trt | 2 | 3 | 4 |
| Medium | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | Shk/Trt | Shk/Trt | 2 | 3 | 4 |
| Low | | | | | |
| Mitigating | Probation | Probation | CSS | Shk/Trt | 2 |
| Presumptive | Probation | CSS | Shk/Trt | 2 | 3 |
| Aggravating | Shk/Trt | Shk/Trt | 2 | 3 | 4 |