

MISSOURI SENTENCING ADVISORY COMMISSION

Progress Report on the Recommended Sentencing Presented to the Commission Meeting April 23, 2009 Produced by the Department of Corrections Research and Evaluation Unit

The report provides a progress report on the Department of Corrections (DOC) Sentencing Assessment Report (SAR) and a statistical analysis of the recommended sentences. The report includes a compliance analysis based upon the sentencing disposition of 14,110 completed SARs.

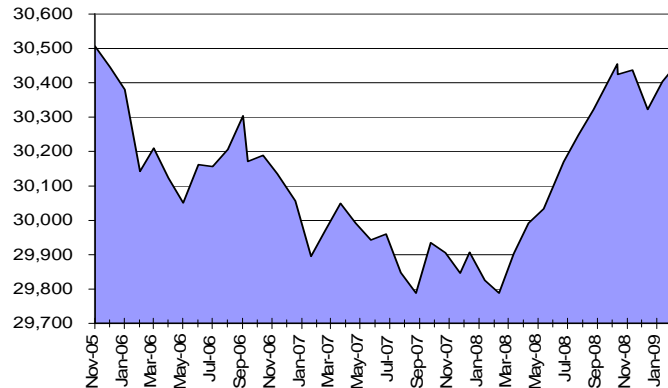
1. Impact on the Prison Population

The prison population in the first nine months of FY 2009 has increased at a rate of 1.53 per day. In January 2009, the population declined by 116 the first significant decline since March 2008. In FY2008 the population was up slightly (0.25 per day) with FY2007 (-0.60 per day) down slightly and FY2006 (0.04 per day) up slightly.

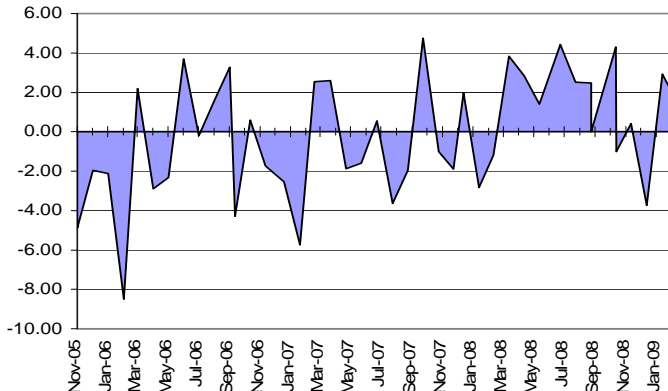
Institutional Population Growth in July 2005 to March 2009
SAR introduced November 2005

	Population	Change	Rate Per Day	Cum. From Oct. 2005
Jul-05	30,359			
Aug-05	30,416	57	1.84	
Sep-05	30,531	115	3.83	
Oct-05	30,654	123	3.97	
Nov-05	30,507	-147	-4.90	-4.90
Dec-05	30,446	-61	-1.97	-3.41
Jan-06	30,380	-66	-2.13	-2.98
Feb-06	30,142	-238	-8.50	-4.27
Mar-06	30,210	68	2.19	-2.94
Apr-06	30,123	-87	-2.90	-2.93
May-06	30,051	-72	-2.32	-2.84
Jun-06	30,162	111	3.70	-2.03
Jul-06	30,156	-6	-0.19	-1.82
Aug-06	30,206	50	1.61	-1.47
Sep-06	30,304	98	3.27	-1.05
Oct-06	30,171	-133	-4.29	-1.32
Nov-06	30,189	18	0.60	-1.18
Dec-06	30,135	-54	-1.74	-1.22
Jan-07	30,056	-79	-2.55	-1.31
Feb-07	29,895	-161	-5.75	-1.56
Mar-07	29,971	76	2.53	-1.33
Apr-07	30,049	78	2.60	-1.11
May-07	29,991	-58	-1.87	-1.15
Jun-07	29,943	-48	-1.60	-1.17
Jul-07	29,960	17	0.55	-1.09
Aug-07	29,847	-113	-3.65	-1.21
Sep-07	29,788	-59	-1.97	-1.24
Oct-07	29,935	147	4.74	-0.99
Nov-07	29,905	-30	-1.00	-0.99
Dec-07	29,846	-59	-1.90	-1.02
Jan-08	29,907	61	1.97	-0.91
Feb-08	29,825	-82	-2.83	-0.98
Mar-08	29,788	-37	-1.19	-0.98
Apr-08	29,903	115	3.83	-0.82
May-08	29,991	88	2.84	-0.70
Jun-08	30,033	42	1.40	-0.64
Jul-08	30,170	137	4.42	-0.48
Aug-08	30,248	78	2.52	-0.39
Sep-08	30,322	74	2.47	-0.31
Sep-08	30,322	0	0.00	-0.30
Oct-08	30,455	133	4.29	-0.18
Nov-08	30,425	-30	-1.00	-0.20
Dec-08	30,438	13	0.42	-0.18
Jan-09	30,322	-116	-3.74	-0.27
Feb-09	30,404	82	2.93	-0.20
Mar-09	30,453	49	1.58	-0.16

Institutional Population



Monthly Rate-per-day



As of the end of December, although total admissions in FY09 to date are down slightly from FY08, the new term admissions have increased by 5.6% mainly because of the increase in new court commitments (up 6.7%). Probation revocations are down 6.7%. The 120-day admissions are down in numbers and as a percent of new admissions (34%) compared to FY08 (38%). Releases in FY09 to date are down 8.3% from FY08, with the numbers of offenders released to probation down 6.0% (which relates to the decrease in 120-day admissions) and released to parole down 11.4%. Discharges are up 4.2%.

The increase in the population in FY09 is largely the result of the increase in new court commitments serving a term sentence. The main indicator of future population growth is new term admissions. These offenders typically serve about three years before release, while parole violators serve about 12 months and 120 day court commitments serve 4 months. The institutional population remains 201 below the October 31, 2005 population (30,654).

2. Statewide Implementation

The Sentencing Assessment Report (SAR) for pre-sentence investigations went statewide on November 1, 2005. As of March 31, 2009, there have been 22,138 SARs requested, 21,530 SARs completed, and 14,994 have been received by the DOC with the sentenced offender. The average time to complete the SAR is 37 days, compared to 42 days for the PSI format.

Pre-Sentence Investigations requested since Implementation - January 1, 2005 to March 31, 2009

PSI		SAR		
Requests	Completion Time Days	Requests	Completion Time Days	Completed and Sentenced
4,736	42	22,138	37	14,566

(LS57)

3. Who are requesting investigations?

In CY2009, annualized there is a 3.3% decrease in sentencing assessments. CY2009 SARs for Felony C and D offenses decreased by 3.2%, SARs for felony A, B and unclassified offenses decreased by 3.6%.

Sentencing Assessment Requests: 2006-2009 (as of March 31)

All Offenses

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	Mar. 31 2009	2006	2007	2008	2009
Jackson County	354	349	433	109	25%	-1.4%	24.1%	2.1%
St. Louis County	229	224	217	51	9%	-2.2%	-3.1%	-4.7%
St. Louis City	372	365	487	114	20%	-1.9%	33.4%	-5.1%
Metro	955	938	1,137	274	19%	-1.8%	21.2%	-2.3%
First Class	3,705	3,491	3,022	744	9%	-5.8%	-13.4%	-0.2%
Rural	2,312	1,854	1,641	365	7%	-19.8%	-11.5%	-9.8%
Total	6,972	6,283	5,800	1,383	10%	-9.9%	-7.7%	-3.3%

(LS70A)

While overall there is a decline in requests, St. Louis City and First Class counties are requesting more AB felony SARs.

Sentencing Assessment Requests: 2006-2009 (as of March 31)
Felony A, B, and Unclassified Offenses

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	Mar. 31 2009	2006	2007	2008	2009
Jackson County	179	171	231	49	14%	-4.5%	35.1%	-14.0%
St. Louis County	105	115	106	24	13%	9.5%	-7.8%	-8.2%
St. Louis City	139	139	196	50	5%	0.0%	41.0%	3.5%
Metro	423	425	533	123	10%	0.5%	25.4%	-6.4%
First Class	686	716	668	167	17%	4.4%	-6.7%	1.4%
Rural	490	441	419	95	-5%	-10.0%	-5.0%	-8.0%
Total	1599	1,582	1,620	385	8%	-1.1%	2.4%	-3.6%

Sentencing Assessment Requests: 2006-2009 (as of March 31)
Felony C and D Offenses

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	Mar. 31 2009	2006	2007	2008	2009
Jackson County	175	178	202	60	38%	1.7%	13.5%	20.5%
St. Louis County	124	109	111	27	5%	-12.1%	1.8%	-1.4%
St. Louis City	233	226	291	64	32%	-3.0%	28.8%	-10.8%
Metro	532	513	604	151	26%	-3.6%	17.7%	1.4%
First Class	3,019	2,775	2,354	577	7%	-8.1%	-15.2%	-0.6%
Rural	1,822	1,413	1,222	270	11%	-22.4%	-13.5%	-10.4%
Total	5373	4,701	4,180	998	10%	-12.5%	-11.1%	-3.2%

(LS70A)

Violent offenses continue to see an increase in SAR requests.

Sentencing Assessment Requests: 2006-2009 (March 31)

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	Mar. 31 2009	2006	2007	2008	2009
<i>Sex and Child Abuse</i>								
A, B, and Unclassified	207	224	252	57	0%	8.2%	12.5%	-8.3%
C and D	289	266	264	54	-1%	-8.0%	-0.8%	-17.0%
Total	496	490	516	111	-1%	-1.2%	5.3%	-12.8%
<i>Violent</i>								
A, B, and Unclassified	454	444	521	144	14%	-2.2%	17.3%	12.1%
C and D	463	455	423	111	8%	-1.7%	-7.0%	6.4%
Total	917	899	944	255	11%	-2.0%	5.0%	9.6%
<i>Non-Violent</i>								
A, B, and Unclassified	129	138	175	25	40%	7.0%	26.8%	-42.1%
C and D	2304	1,974	1,769	435	7%	-14.3%	-10.4%	-0.3%
Total	2433	2,112	1,944	460	8%	-13.2%	-8.0%	-4.0%
<i>Drug</i>								
A, B, and Unclassified	784	716	630	152	0%	-8.7%	-12.0%	-2.2%
C and D	1688	1,366	1,244	278	10%	-19.1%	-8.9%	-9.4%
Total	2472	2,082	1,874	430	7%	-15.8%	-10.0%	-6.9%
<i>DWI</i>								
A, B, and Unclassified	25	60	42	7	0%	140.0%	-30.0%	-32.4%
C and D	629	640	480	120	34%	1.7%	-25.0%	1.4%
Total	654	700	522	127	39%	7.0%	-25.4%	-1.3%
<i>All Offense Groups</i>								
A, B, and Unclassified	1599	1,582	1,620	385	8%	-1.1%	2.4%	-3.6%
C and D	5373	4,701	4,180	998	10%	-12.5%	-11.1%	-3.2%
Total	6972	6,283	5,800	1,383	10%	-9.9%	-7.7%	-3.3%

(LS70B)

Some counties typically request a pre-sentence investigation while other counties rarely request a pre-sentence investigation. The following table compares the number of court requested investigations to the number of new sentences received by the DOC in 2008.

Counties that usually request an investigation (70% of the time or more) include Clark and Lewis. The metro areas, Jackson County (16.7%) and the City of St. Louis (15.0%) are slightly over the statewide median of 14.7%. St. Louis County is well under the median with 7.1% requests.

Utilization of Sentencing Assessments For New Sentencing

County	CY08 New Felony Sentences	CY08 P&P Assessment Request	Percent of New Felony Sentences	County	CY08 New Felony Sentences	CY08 P&P Assessment Request	Percent of New Felony Sentences
Adair	122	36	29.5%	Livingston	139	83	59.7%
Andrew	34	16	47.1%	Macon	65	11	16.9%
Atchison	19	12	63.2%	Madison	66	6	9.1%
Audrain	214	19	8.9%	Maries	31	2	6.5%
Barry	170	22	12.9%	Marion	140	16	11.4%
Barton	78	12	15.4%	Mcdonald	139	7	5.0%
Bates	93	13	14.0%	Mercer	18	9	50.0%
Benton	71	10	14.1%	Miller	184	5	2.7%
Bollinger	20	10	50.0%	Mississippi	135	19	14.1%
Boone	696	377	54.2%	Moniteau	53	9	17.0%
Buchanan	583	366	62.8%	Monroe	38	3	7.9%
Butler	216	27	12.5%	Montgomery	130	11	8.5%
Caldwell	51	21	41.2%	Morgan	100	10	10.0%
Callaway	161	96	59.6%	New Madrid	225	17	7.6%
Camden	255	15	5.9%	Newton	192	47	24.5%
Cape Girardeau	338	127	37.6%	Nodaway	70	45	64.3%
Carroll	40	2	5.0%	Oregon	30	5	16.7%
Carter	26	1	3.8%	Osage	19	7	36.8%
Cass	273	34	12.5%	Ozark	34	6	17.6%
Cedar	72	5	6.9%	Pemiscot	233	49	21.0%
Chariton	34	6	17.6%	Perry	112	55	49.1%
Christian	338	88	26.0%	Pettis	200	35	17.5%
Clark	30	26	86.7%	Phelps	264	32	12.1%
Clay	457	214	46.8%	Pike	126	9	7.1%
Clinton	66	21	31.8%	Platte	204	41	20.1%
Cole	417	164	39.3%	Polk	146	12	8.2%
Cooper	118	3	2.5%	Pulaski	154	14	9.1%
Crawford	200	42	21.0%	Putnam	25	16	64.0%
Dade	31	3	9.7%	Ralls	21	2	9.5%
Dallas	101	10	9.9%	Randolph	282	62	22.0%
Davies	77	40	51.9%	Ray	145	8	5.5%
Dekalb	74	18	24.3%	Reynolds	18	1	5.6%
Dent	74	12	16.2%	Ripley	67	8	11.9%
Douglas	39	-	0.0%	Saline	122	24	19.7%
Dunklin	415	41	9.9%	Schuyler	11	5	45.5%
Franklin	451	146	32.4%	Scotland	21	13	61.9%
Gasconade	59	20	33.9%	Scott	310	28	9.0%
Gentry	30	14	46.7%	Shannon	52	3	5.8%
Greene	1,280	406	31.7%	Shelby	25	2	8.0%
Grundy	49	15	30.6%	St. Charles	1,160	222	19.1%
Harrison	43	20	46.5%	St. Clair	35	3	8.6%
Henry	137	6	4.4%	St. Genevieve	91	2	2.2%
Hickory	32	2	6.3%	St. Francois	345	40	11.6%
Holt	34	21	61.8%	St. Louis City	3,255	488	15.0%
Howard	46	13	28.3%	St. Louis Cnty	3,036	217	7.1%
Howell	133	9	6.8%	Stoddard	215	46	21.4%
Iron	57	9	15.8%	Stone	174	15	8.6%
Jackson	2,600	433	16.7%	Sullivan	44	3	6.8%
Jasper	381	229	60.1%	Taney	334	112	33.5%
Jefferson	693	401	57.9%	Texas	95	5	5.3%
Johnson	179	34	19.0%	Vernon	75	8	10.7%
Knox	11	1	9.1%	Warren	236	14	5.9%
Laclede	175	15	8.6%	Washington	147	13	8.8%
Lafayette	300	44	14.7%	Wayne	69	2	2.9%
Lawrence	216	27	12.5%	Webster	83	3	3.6%
Lewis	65	49	75.4%	Worth	7	2	28.6%
Lincoln	283	33	11.7%	Wright	114	2	1.8%
Linn	46	2	4.3%	Total	27,164	5,792	21.3%

(LS62)

Looking only at counties with 100 or more new felony sentences in CY2008, the following table compares the percentage of new felony sentences with a requested assessment in CY2008 to the percentage requested in CY2007.

Jackson County had a 2.3% increase in assessments requests along with Greene County with a 2.2% increase. At the other end of the spectrum, assessments requests for Jefferson County dropped by 30.4%. The statewide percentage of sentences with an assessment in 2008 declined by 2.2% compared to 2007. One reason for changes in the number of SAR requests is often a change in the circuit court judge.

Change in Percent of Utilization of Assessments For New Sentencing in 2008 from 2007
Counties with 100 or More New Felony Sentences in 2008
Sorted by Change in Percentage

CY08 New Felony Sentences	County	Percentage of Sentences Requesting Sentencing Assessment		Change in Percentage	CY08 New Felony Sentences	County	Percentage of Sentences Requesting Sentencing Assessment		Change in Percentage
		CY07	CY08				CY07	CY08	
112	Perry	40.0%	49.1%	9.1%	137	Henry	6.1%	4.4%	-1.8%
381	Jasper	53.1%	60.1%	7.0%	310	Scott	11.3%	9.0%	-2.3%
200	Pettis	11.2%	17.5%	6.3%	100	Morgan	12.4%	10.0%	-2.4%
204	Platte	14.5%	20.1%	5.6%	236	Warren	9.7%	5.9%	-3.8%
126	Pike	1.9%	7.1%	5.2%	139	Mcdonald	8.8%	5.0%	-3.8%
122	Saline	14.6%	19.7%	5.1%	255	Camden	9.9%	5.9%	-4.0%
161	Callaway	54.7%	59.6%	4.9%	214	Audrain	13.1%	8.9%	-4.3%
130	Montgomery	4.1%	8.5%	4.3%	300	Lafayette	19.0%	14.7%	-4.4%
174	Stone	5.3%	8.6%	3.3%	264	Phelps	16.7%	12.1%	-4.5%
2,600	Jackson	14.4%	16.7%	2.3%	334	Taney	38.4%	33.5%	-4.9%
1,280	Greene	29.6%	31.7%	2.2%	184	Miller	7.8%	2.7%	-5.1%
215	Stoddard	19.4%	21.4%	2.0%	114	Wright	6.8%	1.8%	-5.1%
200	Crawford	19.0%	21.0%	2.0%	175	Laclede	13.7%	8.6%	-5.1%
3,255	St. Louis City	13.5%	15.0%	1.5%	101	Dallas	15.3%	9.9%	-5.4%
415	Dunklin	8.5%	9.9%	1.4%	139	Livingston	65.2%	59.7%	-5.5%
216	Lawrence	11.7%	12.5%	0.8%	417	Cole	45.1%	39.3%	-5.8%
696	Boone	53.5%	54.2%	0.7%	273	Cass	18.5%	12.5%	-6.0%
146	Polk	7.5%	8.2%	0.7%	338	Cape Girardeau	44.5%	37.6%	-6.9%
192	Newton	24.0%	24.5%	0.5%	583	Buchanan	70.9%	62.8%	-8.2%
233	Pemiscot	20.5%	21.0%	0.5%	140	Marion	19.7%	11.4%	-8.3%
1,160	St. Charles	18.9%	19.1%	0.2%	135	Mississippi	23.1%	14.1%	-9.0%
282	Randolph	21.8%	22.0%	0.2%	118	Cooper	12.0%	2.5%	-9.5%
283	Lincoln	11.6%	11.7%	0.0%	179	Johnson	28.9%	19.0%	-10.0%
170	Barry	13.0%	12.9%	0.0%	345	St. Francois	22.5%	11.6%	-10.9%
154	Pulaski	9.2%	9.1%	-0.1%	147	Washington	20.1%	8.8%	-11.3%
3,036	St. Louis Cnty	7.5%	7.1%	-0.4%	122	Adair	43.3%	29.5%	-13.8%
225	New Madrid	8.5%	7.6%	-1.0%	338	Christian	42.5%	26.0%	-16.5%
145	Ray	6.8%	5.5%	-1.3%	451	Franklin	48.8%	32.4%	-16.5%
133	Howell	8.2%	6.8%	-1.4%	457	Clay	65.9%	46.8%	-19.0%
216	Butler	14.0%	12.5%	-1.5%	693	Jefferson	88.2%	57.9%	-30.4%
					27,164	Total	23.5%	21.3%	-2.2%

(LS62)

4. Investigations by type of Offender

The number of investigation request is similar across the board except for probation offenders. Offenders on probation with new sentences had a lower percent of investigation requests. This corresponds to the drop in SAR request for felony class C and D offenses. Drug Court deferred prosecution investigations are included in P&P investigations.

New Sentenced in CY2008 and Court Requests for Investigations

Status of Offender	Felony Sentences	P&P Investigations	Percent Requested
Drug Court	1,165	372	31.9%
New Court Commitment	5,692	1,783	31.3%
Probation	17,711	3,608	20.4%
Parole	2,596	930	35.8%
Total	27,164	6,693	24.6%

(LS62)

5. Court Compliance with the Recommended Presumptive Sentence

The recommended sentences in the sentencing assessment reports have been updated with the actual sentences of offenders received by the DOC. Because there may be a lag of two or more months from requesting an investigation to the receipt of the offender by the DOC, the number of SARs matched with the actual sentences is lower than the number of completed SARs. At present, there are 14,672 SARs with a new sentence.

The overall picture indicates that the actual sentencing is sometimes more severe than the recommended presumptive sentence. For all offenses, there are 3.1% fewer probation/CSS sentences other than recommended and 2.4% more prison sentences than recommended.

Presumptive Recommended Sentence and Actual Sentence

Disposition	Recommended Presumptive Sentence		Actual Sentence		Difference
	#	%	#	%	%
Probation or CSS	10,417	71.0%	9,967	67.9%	-3.1%
Shk/Trt	1,821	12.4%	1,922	13.1%	0.7%
Prison	2,434	16.6%	2,783	19.0%	2.4%
Total	14,672	100.0%	14,672	100.0%	0.0%

(LS49)

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 5.6% higher
- Sex offenses: Prison sentences are 8.6% higher
- For Drugs, DWI and Non-violent offenses the differences are from 3.6% to -5.0%.

All offense groups except DWI saw a reduction in the percentage of difference with the presumptive recommended sentence of prison.

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

	Recommended Presumptive Sentence	Actual Sentence	Difference
<u><i>Violent</i></u>			
Probation or CSS	53.4%	44.6%	-8.9%
120day Shock	10.3%	13.5%	3.2%
Prison	36.3%	41.9%	5.6%
Total	100.0%	100.0%	0.0%
<u><i>Sex & Child Abuse</i></u>			
Probation or CSS	49.2%	41.5%	-7.6%
120day Shock	6.2%	5.2%	-1.0%
Prison	44.6%	53.2%	8.6%
Total	100.0%	100.0%	0.0%
<u><i>Non-Violent</i></u>			
Probation or CSS	79.2%	75.4%	-3.9%
120day Shock	10.2%	10.4%	0.3%
Prison	10.6%	14.2%	3.6%
Total	100.0%	100.0%	0.0%
<u><i>Drug</i></u>			
Probation or CSS	76.3%	75.6%	-0.7%
120day Shock	14.1%	13.4%	-0.7%
Prison	9.6%	11.0%	1.4%
Total	100.0%	100.0%	0.0%
<u><i>DWI</i></u>			
Probation or CSS	59.3%	59.5%	0.1%
120day Shock	20.2%	25.1%	4.9%
Prison	20.4%	15.4%	-5.0%
Total	100.0%	100.0%	0.0%

(LS50)

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

The recommended sentence is more than the Presumptive sentence. In the SAR, the courts are also given a mitigating and an 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 since implementation in 2005 is that 83.8% of sentences are within the Mitigating to Aggravating range. There were 4.8% below the mitigating sentence and 11.3% above the aggravating sentence. When the actual sentence was prison the compliance percent is much lower (43.9%).

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Prison	91	3.3%	1223	43.9%	1475	52.9%	2789	100.0%
120day Shock	189	9.8%	1546	80.3%	191	9.9%	1926	100.0%
Probation/CSS	432	4.3%	9553	95.7%	0	0.0%	9985	100.0%
Total	712	4.8%	12322	83.8%	1666	11.3%	14700	100.0%

(LS51)

The Recommended Sentencing matrix was last updated in October 15, 2007 for the 2007-2008 User Guide. SARS requested and sentenced since the implementation of the 2007-2008 User Guide, 87.6% of sentences are within the Mitigating to Aggravating range. When the actual sentence was prison, the compliance percent is still much lower but higher at 48.8%.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

(Only for User Guide 2007-2008 - October 15, 2007 to present)

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Prison	16	2.5%	310	48.8%	309	48.7%	635	100.0%
120day Shock	40	12.3%	255	78.5%	30	9.2%	325	100.0%
Probation/CSS	198	5.2%	3634	94.8%	0	0.0%	3832	100.0%
Total	254	5.3%	4199	87.6%	339	7.1%	4792	100.0%

(LS51B)

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	66	10.8%	489	80.2%	55	9.0%	610	100.0%
St. Louis County	27	5.1%	420	79.2%	83	15.7%	530	100.0%
St. Louis City	69	11.3%	486	79.4%	57	9.3%	612	100.0%
Metro	162	9.2%	1395	79.6%	195	11.1%	1752	100.0%
First Class	362	4.2%	7300	85.0%	930	10.8%	8592	100.0%
Rural	187	4.3%	3602	83.2%	539	12.5%	4328	100.0%
Total	711	4.8%	12297	83.8%	1664	11.3%	14672	100.0%

Circuits by Region:

Metro: 16, 21, 22

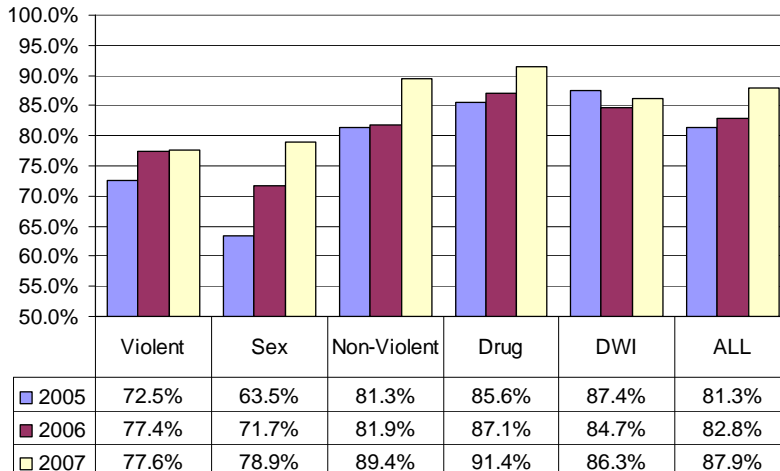
First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

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 (LS59)

8. Compliance Rates Since 2005

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 November 2006, the Commission issued a new User Guide that amended some recommended sentences and in 2007 compliance rate increased to 82.8%. In 2008, without any changes in the recommended sentencing the compliance rate based upon the sentencing for which SARs have been requested has increased to 87.9%.

Compliance by Offense Group 2005 vs. 2006 vs. 2007/2008 Recommended Sentencing Matrix



(LS66B)

Across all offense groups, the percent within the Recommended Sentences range has increased. A particular note in the chart below is the compliance within the Recommended Sentence range for the sex offense group, which has increased from 63.5% to 78.9%.

Compliance by Offense Group for 2005 vs. 2006 vs. 2007/2008 Recommended Sentencing Matrices

Offense Group		Below		Within		Above	
		#	%	#	%	#	%
Violent	2005	49	7.1%	504	72.5%	142	20.4%
	2006	34	5.3%	496	77.4%	111	17.3%
	2007	34	6.0%	436	77.6%	92	16.4%
	Total	117	6.2%	1436	75.7%	345	18.2%
Sex	2005	7	2.2%	198	63.5%	107	34.3%
	2006	7	2.6%	190	71.7%	68	25.7%
	2007	12	4.5%	210	78.9%	44	16.5%
	Total	26	3.1%	598	70.9%	219	26.0%
Non-Violent	2005	98	5.1%	1561	81.3%	260	13.5%
	2006	61	4.1%	1228	81.9%	211	14.1%
	2007	81	4.8%	1509	89.5%	96	5.7%
	Total	240	4.7%	4298	84.2%	567	11.1%
Drug	2005	87	4.5%	1674	85.6%	194	9.9%
	2006	71	4.4%	1395	87.1%	135	8.4%
	2007	84	4.7%	1630	91.4%	70	3.9%
	Total	242	4.5%	4699	88.0%	399	7.5%
DWI	2005	23	4.7%	431	87.4%	39	7.9%
	2006	20	3.8%	443	84.7%	60	11.5%
	2007	30	6.3%	414	86.3%	36	7.5%
	Total	73	4.9%	1288	86.1%	135	9.0%
ALL	2005	264	4.9%	4368	81.3%	742	13.8%
	2006	193	4.3%	3752	82.8%	585	12.9%
	2007	241	5.0%	4199	87.9%	338	7.1%
	Total	698	4.8%	12319	83.9%	1665	11.3%

(LS66B)

9. Compliance and the Prior Criminal History Level

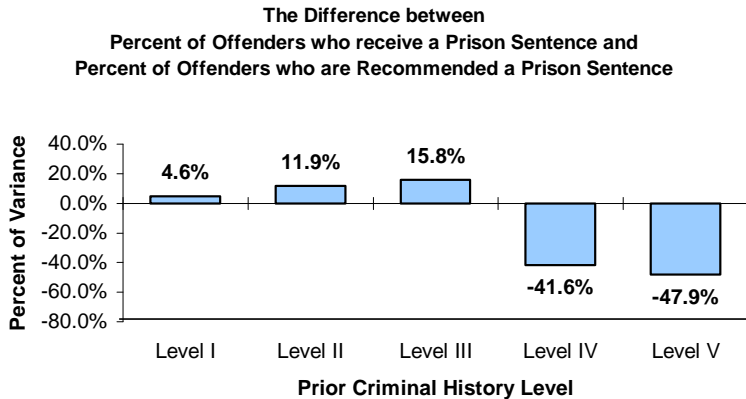
The recommended sentences increase the severity of the sentence with an increase of the prior criminal history. The SAR data indicates that actual sentencing does reflect an increase in the prior criminal history, particularly the percent prison disposition.

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

Offense Group	Prior Criminal History				
	Level 1	Level 2	Level 3	Level 4	Level 5
	No felonies & no more than 3 misd	No prison & 1 or 2 felonies	One prison or 3 felonies	Two prison or 4 felonies	3 or more prison or 5 or more felonies
<i>Violent</i>					
Percent of PCHL	61.0%	16.1%	14.1%	4.3%	4.5%
Percent Prison Disposition	31.0%	44.1%	66.0%	72.8%	77.6%
Average Sentence	10.9	12.0	12.2	15.1	16.3
<i>Sex & Child Abuse</i>					
Percent of PCHL	67.5%	15.2%	11.0%	4.3%	2.0%
Percent Prison Disposition	45.7%	59.4%	72.8%	86.1%	82.4%
Average Sentence	11.1	12.0	13.9	9.0	22.0
<i>NonViolent</i>					
Percent of PCHL	56.3%	18.3%	12.7%	6.1%	6.6%
Percent Prison Disposition	4.8%	13.0%	26.7%	40.5%	49.4%
Average Sentence	4.2	4.0	4.3	4.4	5.2
<i>Drug</i>					
Percent of PCHL	56.3%	20.0%	14.3%	4.8%	4.6%
Percent Prison Disposition	2.8%	10.8%	24.1%	36.4%	45.3%
Average Sentence	7.0	6.4	6.1	6.9	7.3
<i>DWI</i>					
Percent of PCHL	43.8%	26.8%	17.8%	5.8%	5.8%
Percent Prison Disposition	4.1%	11.2%	30.1%	40.2%	50.6%
Average Sentence	3.4	4.6	4.7	5.6	4.9
<i>All Offense Groups</i>					
Percent of PCHL	56.3%	19.3%	13.9%	5.3%	5.2%
Percent Prison Disposition	10.5%	17.4%	33.5%	44.6%	52.1%
Average Sentence	9.3	8.0	7.8	7.5	8.2

(LS53)

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.



**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	%	
Level I					
Probation or CSS	7667	92.8%	6778	82.1%	-10.8%
120day Shock	106	1.3%	615	7.4%	6.2%
Prison	485	5.9%	865	10.5%	4.6%
Total	8258	100.0%	8258	100.0%	0.0%
Level II					
Probation or CSS	2515	88.7%	1834	64.7%	-24.0%
120day Shock	165	5.8%	508	17.9%	12.1%
Prison	154	5.4%	492	17.4%	11.9%
Total	2834	100.0%	2834	100.0%	0.0%
Level III					
Probation or CSS	234	11.5%	928	45.6%	34.1%
120day Shock	1443	70.9%	427	21.0%	-49.9%
Prison	359	17.6%	681	33.4%	15.8%
Total	2036	100.0%	2036	100.0%	0.0%
Level IV					
Probation or CSS	0	0.0%	236	30.5%	30.5%
120day Shock	107	13.8%	193	24.9%	11.1%
Prison	667	86.2%	345	44.6%	-41.6%
Total	774	100.0%	774	100.0%	0.0%
Level V					
Probation or CSS	0	0.0%	190	24.7%	24.7%
120day Shock	0	0.0%	178	23.2%	23.2%
Prison	768	100.0%	400	52.1%	-47.9%
Total	768	100.0%	768	100.0%	0.0%

(LS69)

10. Plea Agreements

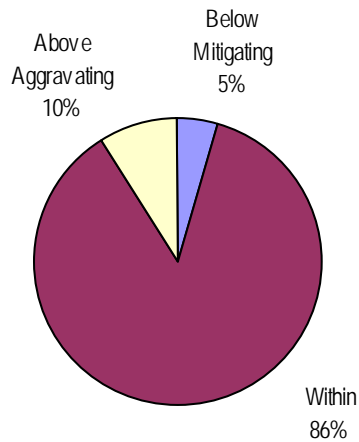
Plea agreements are made in 47% of sentencing for which SARs have been requested. The compliance rate is higher for the cases when there is a plea agreement.

Actual Sentence compared to the Recommended Sentence SARs completed May 2005 to March, 2008

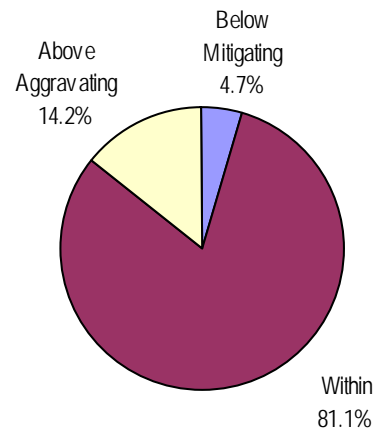
Plea Agreement	Below Mitigating	Within	Above Aggravating	Total	Percent
Yes	311 4.8%	5563 86.3%	575 8.9%	6449	47%
No or Not Known	345 4.7%	5934 81.1%	1039 14.2%	7318	53%
All	656 4.8%	11497 83.5%	1614 11.7%	13767	100%

(LS63)

Plea Agreement: Yes



Plea Agreement: No or Not Known



MISSOURI SENTENCING ADVISORY COMMISSION

Progress Report on the Recommended Sentencing – Addendum Presented to the Commission Meeting April 23, 2009 Produced by the Department of Corrections Research and Evaluation Unit

11. Court Adherence with the Recommended Sentence Range by Circuit

Looking only at SARS from the current Recommended Sentencing matrix, which was implemented October 15, 2007, 87.6% of SARS were sentenced within the Mitigating to Aggravating range. When the actual sentence was prison, the adherence is much lower at 48.8%.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

(Current Sentencing Matrix - effective since October 15, 2007)

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Statewide								
Prison	16	2.5%	310	48.8%	309	48.7%	635	100.0%
120day Shock	40	12.3%	255	78.5%	30	9.2%	325	100.0%
Probation/CSS	198	5.2%	3634	94.8%	0	0.0%	3832	100.0%
Total	254	5.3%	4199	87.6%	339	7.1%	4792	100.0%

(LS51C)

When the actual sentence is prison, Metro as a group, which consists of 9.4% of all SARS, has 31.5% of their SARS sentenced are above the aggravating sentence.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

(Current Sentencing Matrix - effective since October 15, 2007)

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Jackson County								
Prison	2	6.7%	21	70.0%	7	23.3%	30	100.0%
120day Shock	2	20.0%	8	80.0%	0	0.0%	10	100.0%
Probation/CSS	23	16.8%	114	83.2%	0	0.0%	137	100.0%
Total	27	15.3%	143	80.8%	7	4.0%	177	100.0%
St. Louis County								
Prison	3	15.0%	8	40.0%	9	45.0%	20	100.0%
120day Shock	0	0.0%	3	100.0%	0	0.0%	3	100.0%
Probation/CSS	3	3.0%	98	97.0%	0	0.0%	101	100.0%
Total	6	4.8%	109	87.9%	9	7.3%	124	100.0%
St. Louis City								
Prison	1	4.3%	15	65.2%	7	30.4%	23	100.0%
120day Shock	3	25.0%	9	75.0%	0	0.0%	12	100.0%
Probation/CSS	20	17.2%	96	82.8%	0	0.0%	116	100.0%
Total	24	15.9%	120	79.5%	7	4.6%	151	100.0%
Metro								
Prison	6	8.2%	44	60.3%	23	31.5%	73	100.0%
120day Shock	5	20.0%	20	80.0%	0	0.0%	25	100.0%
Probation/CSS	46	13.0%	308	87.0%	0	0.0%	354	100.0%
Total	57	12.6%	372	82.3%	23	5.1%	452	100.0%

Of those sentenced above aggravating for prison, all the SARs for Jackson County and St. Louis City SARs and 67% of the St. Louis County SARs, the aggravating sentence was recommending a Prison Sentence.

The First Class districts are sentencing 48.4% of their SARs sentenced to prison are above the SAR aggravating sentence. Rural districts are 56.0% of their SARs.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

(Current Sentencing Matrix - effective since October 15, 2007)

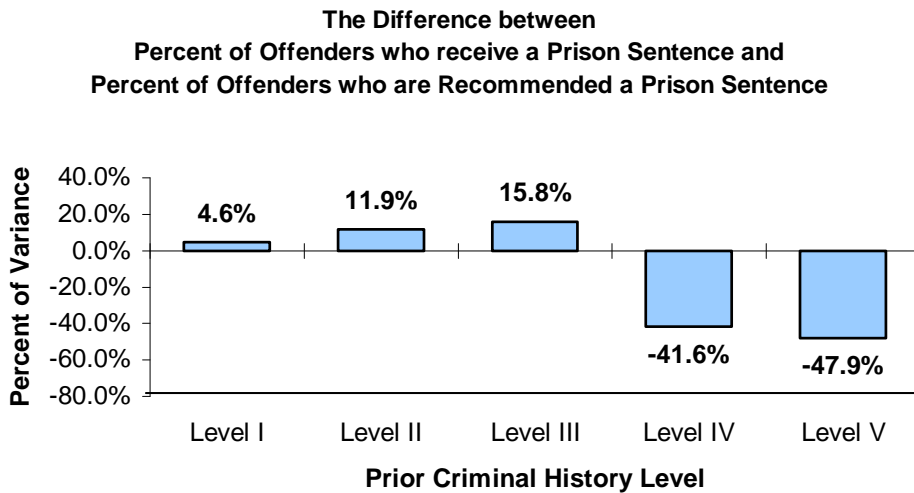
Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
First Class								
Prison	6	1.6%	189	50.0%	183	48.4%	378	100.0%
120day Shock	25	12.4%	158	78.2%	19	9.4%	202	100.0%
Probation/CSS	103	4.2%	2361	95.8%	0	0.0%	2464	100.0%
Total	134	4.4%	2708	89.0%	202	6.6%	3044	100.0%
Rural								
Prison	4	2.2%	77	41.8%	103	56.0%	184	100.0%
120day Shock	10	10.2%	77	78.6%	11	11.2%	98	100.0%
Probation/CSS	49	4.8%	965	95.2%	0	0.0%	1014	100.0%
Total	63	4.9%	1119	86.3%	114	8.8%	1296	100.0%

Of those sentenced to prison above aggravating, 70% for First Class and 69% for Rural the SARs aggravating sentence was recommending a prison sentence.

12. Court Adherence and the Prior Criminal History Level

The recommended sentences increase the severity of the sentence with an increase of the prior criminal history.

Court Adherence, 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.



Looking at Level V Criminal History by offense group, the majority of the differences are in Non-Violent and Drug offense groups.

For a 120-day Shock sentence, 76.1% of the actual sentences for SARs were for the Non-Violent and Drug offense groups. It was 82.6% for the same offense groups when the sentence was probation/CSS.

**Difference Between Presumptive Recommended Sentence and Actual Sentence
For Criminal History Level V
By Sentence Type Prison and Offense Group**

Level V by Sentence Type by Offense Group	Recommended Presumptive Sentence		Actual Sentence		Difference in %
	# SARs	%	# SARs	%	
<u>Probation or CSS</u>					
Violent	0	0.0%	11	5.8%	5.8%
Sex & Child Abuse	0	0.0%	3	1.6%	1.6%
Non-Violent	0	0.0%	93	48.9%	48.9%
Drug	0	0.0%	64	33.7%	33.7%
DWI	0	0.0%	19	10.0%	10.0%
Total	0	0.0%	190	100.0%	100.0%
<u>120day Shock</u>					
Violent	0	0.0%	8	4.2%	4.2%
Sex & Child Abuse	0	0.0%	14	7.3%	7.3%
Non-Violent	0	0.0%	76	39.6%	39.6%
Drug	0	0.0%	70	36.5%	36.5%
DWI	0	0.0%	24	12.5%	12.5%
Total	0	0.0%	192	100.0%	100.0%
<u>Prison</u>					
Violent	85	10.9%	66	16.5%	5.6%
Sex & Child Abuse	31	4.0%	14	3.5%	-0.5%
Non-Violent	334	42.7%	165	41.3%	-1.5%
Drug	245	31.3%	111	27.8%	-3.6%
DWI	87	11.1%	44	11.0%	-0.1%
Total	782	100.0%	400	100.0%	0.0%