

Agenda Item 1

MISSOURI SENTENCING ADVISORY COMMISSION

Progress Report on the Recommended Sentencing Presented to the Commission Meeting January 21, 2009 Produced by the D.O.C. 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 16,396 completed SARs.

1. Statewide Implementation

The Sentencing Assessment Report (SAR) for pre-sentence investigations went statewide on November 1, 2005. As of December 31, 2009 there have been 26,331 SARs requested, 25,772 SARs completed, and 16,396 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 December 31, 2009

PSI		SAR		
Requests	Completion Time Days	Requests	Completion Time Days	Completed and Sentenced
4,736	42	26,331	37	16,396

(LS57)

2. Who are requesting investigations?

In CY2009, there is a 3.9% decrease in sentencing assessments. CY2009 SARs for Felony C and D offenses decreased by 5.8%, SARs for felony A, B and unclassified offenses increased by 1.1%.

Sentencing Assessment Requests: 2006-2009

All Offenses

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	2009	2006	2007	2008	2009
Jackson County	354	348	432	488	25%	-1.7%	24.1%	13.0%
St. Louis County	229	224	217	284	9%	-2.2%	-3.1%	30.9%
St. Louis City	372	365	487	438	20%	-1.9%	33.4%	-10.1%
Metro	955	937	1,136	1,210	19%	-1.9%	21.2%	6.5%
First Class	3,704	3,491	3,021	2,953	9%	-5.8%	-13.5%	-2.3%
Rural	2,313	1,855	1,644	1,413	7%	-19.8%	-11.4%	-14.1%
Total	6,972	6,283	5,801	5,576	10%	-9.9%	-7.7%	-3.9%

(LS70A)

While overall there is a decline in requests, Jackson County and St. Louis County has seen a increase across AB and CD felony SARS. Rural counties continue their decline in the use of SARS.

**Sentencing Assessment Requests: 2006-2009
Felony A, B, and Unclassified Offenses**

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	2009	2006	2007	2008	2009
Jackson County	179	170	231	258	14%	-5.0%	35.9%	11.7%
St. Louis County	105	115	106	124	13%	9.5%	-7.8%	17.0%
St. Louis City	139	139	196	195	5%	0.0%	41.0%	-0.5%
Metro	423	424	533	577	10%	0.2%	25.7%	8.3%
First Class	682	717	665	703	16%	5.1%	-7.3%	5.7%
Rural	490	439	417	353	-5%	-10.4%	-5.0%	-15.3%
Total	1,595	1,580	1,615	1,633	7%	-0.9%	2.2%	1.1%

**Sentencing Assessment Requests: 2006-2009
Felony C and D Offenses**

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	2009	2006	2007	2008	2009
Jackson County	175	178	201	230	38%	1.7%	12.9%	14.4%
St. Louis County	124	109	111	160	5%	-12.1%	1.8%	44.1%
St. Louis City	233	226	291	243	32%	-3.0%	28.8%	-16.5%
Metro	532	513	603	633	26%	-3.6%	17.5%	5.0%
First Class	3,022	2,774	2,356	2,250	7%	-8.2%	-15.1%	-4.5%
Rural	1,823	1,416	1,227	1,060	11%	-22.3%	-13.3%	-13.6%
Total	5,377	4,703	4,186	3,943	10%	-12.5%	-11.0%	-5.8%

(LS70A)

Sex and Child Abuse, and Violent offenses continue to see an increase in SAR requests.

Sentencing Assessment Requests: 2006-2009

Circuits	PSI/SAR Requests				Percent change from previous year			
	2006	2007	2008	2009	2006	2007	2008	2009
<i>Sex and Child Abuse</i>								
A, B, and Unclassified	207	223	249	248	0%	7.7%	11.7%	-0.4%
C and D	289	267	265	307	-1%	-7.6%	-0.7%	15.8%
Total	496	490	514	555	0%	-1.2%	4.9%	8.0%
<i>Violent</i>								
A, B, and Unclassified	452	444	520	578	14%	-1.8%	17.1%	11.2%
C and D	465	455	426	412	8%	-2.2%	-6.4%	-3.3%
Total	917	899	946	990	11%	-2.0%	5.2%	4.7%
<i>Non-Violent</i>								
A, B, and Unclassified	129	139	176	149	40%	7.8%	26.6%	-15.3%
C and D	2304	1,973	1,769	1,742	7%	-14.4%	-10.3%	-1.5%
Total	2433	2,112	1,945	1,891	8%	-13.2%	-7.9%	-2.8%
<i>Drug</i>								
A, B, and Unclassified	782	714	629	614	-1%	-8.7%	-11.9%	-2.4%
C and D	1690	1,368	1,246	1,027	10%	-19.1%	-8.9%	-17.6%
Total	2472	2,082	1,875	1,641	7%	-15.8%	-9.9%	-12.5%
<i>DWI</i>								
A, B, and Unclassified	25	60	41	44	0%	140.0%	-31.7%	7.3%
C and D	629	640	480	455	34%	1.7%	-25.0%	-5.2%
Total	654	700	521	499	39%	7.0%	-25.6%	-4.2%
<i>All Offense Groups</i>								
A, B, and Unclassified	1595	1,580	1,615	1,633	7%	-0.9%	2.2%	1.1%
C and D	5377	4,703	4,186	3,943	10%	-12.5%	-11.0%	-5.8%
Total	6972	6,283	5,801	5,576	10%	-9.9%	-7.7%	-3.9%

(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 request an investigation 60% of the time or more are highlighted in blue. The statewide median is 14.2%.

Utilization of Sentencing Assessments For New Sentencing

County	CY09 New Felony Sentences	CY09 P&P Assessment Request	Percent of New Felony Sentences	County	CY09 New Felony Sentences	CY09 P&P Assessment Request	Percent of New Felony Sentences
Adair	98	39	39.8%	Livingston	76	52	68.4%
Andrew	42	16	38.1%	Macon	91	6	6.6%
Atchison	25	17	68.0%	Madison	70	5	7.1%
Audrain	162	19	11.7%	Maries	18	2	11.1%
Barry	185	20	10.8%	Marion	136	9	6.6%
Barton	53	8	15.1%	McDonald	97	5	5.2%
Bates	87	2	2.3%	Mercer	21	11	52.4%
Benton	53	5	9.4%	Miller	191	4	2.1%
Bollinger	26	10	38.5%	Mississippi	125	28	22.4%
Boone	631	331	52.5%	Moniteau	58	9	15.5%
Buchanan	692	393	56.8%	Monroe	21	1	4.8%
Butler	195	28	14.4%	Montgomery	97	15	15.5%
Caldwell	38	12	31.6%	Morgan	122	5	4.1%
Callaway	201	95	47.3%	New Madrid	231	15	6.5%
Camden	235	20	8.5%	Newton	251	49	19.5%
Cape Girardeau	315	163	51.7%	Nodaway	74	49	66.2%
Carroll	41	2	4.9%	Oregon	31	3	9.7%
Carter	15	3	20.0%	Osage	32	4	12.5%
Cass	234	25	10.7%	Ozark	38	7	18.4%
Cedar	57	11	19.3%	Pemiscot	245	34	13.9%
Chariton	36	9	25.0%	Perry	108	51	47.2%
Christian	268	75	28.0%	Pettis	207	31	15.0%
Clark	40	16	40.0%	Phelps	221	22	10.0%
Clay	492	172	35.0%	Pike	121	9	7.4%
Clinton	54	21	38.9%	Platte	192	29	15.1%
Cole	310	154	49.7%	Polk	115	12	10.4%
Cooper	79	5	6.3%	Pulaski	124	19	15.3%
Crawford	205	47	22.9%	Putnam	17	11	64.7%
Dade	28	2	7.1%	Ralls	35	2	5.7%
Dallas	75	1	1.3%	Randolph	177	50	28.2%
Davies	58	33	56.9%	Ray	128	6	4.7%
Dekalb	57	16	28.1%	Reynolds	21	-	0.0%
Dent	92	13	14.1%	Ripley	51	6	11.8%
Douglas	78	5	6.4%	Saline	158	20	12.7%
Dunklin	422	41	9.7%	Schuyler	10	6	60.0%
Franklin	530	153	28.9%	Scotland	14	6	42.9%
Gasconade	56	20	35.7%	Scott	288	20	6.9%
Gentry	10	11	110.0%	Shannon	32	3	9.4%
Greene	1,354	393	29.0%	Shelby	41	3	7.3%
Grundy	51	16	31.4%	St. Charles	1,239	202	16.3%
Harrison	71	45	63.4%	St. Clair	46	13	28.3%
Henry	138	9	6.5%	St. Genevieve	86	7	8.1%
Hickory	36	3	8.3%	St. Francois	352	44	12.5%
Holt	37	19	51.4%	St. Louis City	2,964	457	15.4%
Howard	47	12	25.5%	St. Louis Cnty	3,236	230	7.1%
Howell	152	12	7.9%	Stoddard	194	29	14.9%
Iron	60	7	11.7%	Stone	164	15	9.1%
Jackson	2,773	487	17.6%	Sullivan	28	1	3.6%
Jasper	502	221	44.0%	Taney	314	118	37.6%
Jefferson	641	344	53.7%	Texas	78	9	11.5%
Johnson	208	84	40.4%	Vernon	90	8	8.9%
Knox	8	1	12.5%	Warren	267	23	8.6%
Laclede	176	21	11.9%	Washington	159	11	6.9%
Lafayette	273	26	9.5%	Wayne	64	1	1.6%
Lawrence	194	23	11.9%	Webster	99	2	2.0%
Lewis	41	34	82.9%	Worth	11	2	18.2%
Lincoln	296	47	15.9%	Wright	84	3	3.6%
Linn	46	2	4.3%	Total	26,939	5,613	20.8%

(LS62)

Looking only at counties with 100 or more new felony sentences in CY2009, the following table compares the percentage of new felony sentences with a requested assessment in CY2009 to the percentage requested in CY2008.

Jackson County had a 3.5% increase and St. Louis City had a 2.4 increase in assessments requests. St. Louis County was flat with 0.3% increase. At the other end of the spectrum, assessments requests for Jefferson, Clay and Callaway Counties dropped over 25% year over year. 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 2009 from 2008
Counties with 100 or More New Felony Sentences in 2009**

Sorted by Change in Percentage

CY09 New Felony Sentences	County	Percentage of Sentences Requesting Sentencing Assessment		Change in Percentage	CY09 New Felony Sentences	County	Percentage of Sentences Requesting Sentencing Assessment		Change in Percentage
		CY08	CY09				CY08	CY09	
641	Jefferson	83.5%	53.7%	-29.8%	221	Phelps	11.6%	10.0%	-1.7%
492	Clay	61.6%	35.0%	-26.6%	176	Laclede	12.9%	11.9%	-1.0%
201	Callaway	72.8%	47.3%	-25.6%	3,236	St. Louis Cnty	6.9%	7.1%	0.3%
502	Jasper	60.2%	44.0%	-16.1%	422	Dunklin	9.5%	9.7%	0.3%
245	Pemiscot	24.8%	13.9%	-10.9%	152	Howell	7.5%	7.9%	0.4%
194	Stoddard	24.8%	14.9%	-9.8%	314	Taney	37.0%	37.6%	0.6%
273	Lafayette	18.8%	9.5%	-9.3%	115	Polk	9.5%	10.4%	0.9%
530	Franklin	37.7%	28.9%	-8.8%	121	Pike	6.3%	7.4%	1.1%
159	Washington	14.2%	6.9%	-7.3%	138	Henry	4.9%	6.5%	1.6%
268	Christian	34.9%	28.0%	-6.9%	207	Pettis	12.9%	15.0%	2.0%
136	Marion	13.3%	6.6%	-6.7%	164	Stone	6.9%	9.1%	2.2%
185	Barry	17.1%	10.8%	-6.2%	235	Camden	6.2%	8.5%	2.3%
158	Saline	18.7%	12.7%	-6.0%	267	Warren	6.3%	8.6%	2.4%
692	Buchanan	61.8%	56.8%	-5.0%	2,964	St. Louis City	13.0%	15.4%	2.4%
251	Newton	24.5%	19.5%	-5.0%	296	Lincoln	12.5%	15.9%	3.4%
122	Morgan	9.0%	4.1%	-4.9%	2,773	Jackson	14.0%	17.6%	3.5%
192	Platte	18.5%	15.1%	-3.4%	162	Audrain	7.8%	11.7%	3.9%
234	Cass	13.6%	10.7%	-2.9%	195	Butler	10.0%	14.4%	4.4%
1,354	Greene	31.8%	29.0%	-2.7%	177	Randolph	23.4%	28.2%	4.8%
288	Scott	9.6%	6.9%	-2.6%	205	Crawford	16.7%	22.9%	6.3%
194	Lawrence	14.3%	11.9%	-2.4%	125	Mississippi	15.1%	22.4%	7.3%
631	Boone	54.7%	52.5%	-2.3%	124	Pulaski	7.6%	15.3%	7.7%
128	Ray	6.9%	4.7%	-2.2%	108	Perry	35.4%	47.2%	11.8%
352	St. Francois	14.5%	12.5%	-2.0%	315	Cape Girardeau	39.5%	51.7%	12.2%
231	New Madrid	8.4%	6.5%	-1.9%	310	Cole	33.0%	49.7%	16.7%
1,239	St. Charles	18.1%	16.3%	-1.8%	208	Johnson	17.0%	40.4%	23.4%
191	Miller	3.8%	2.1%	-1.7%	26,939	Total	22.1%	20.8%	-1.2%

(LS62)

3. Investigations by type of Offender

The number of investigation requests 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 requests for felony class C and D offenses. Drug Court, deferred prosecution investigations are included in P&P investigations.

New Sentenced in CY2009 and Court Requests for Investigations

Status of Offender	Felony Sentences	P&P Investigations	Percent Requested
Drug Court	1,060	607	57.3%
New Court Commitment	5,611	2,403	42.8%
Probation	17,695	4,997	28.2%
Parole	2,573	1,062	41.3%
Total	26,939	9,069	33.7%

(LS62)

4. 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 16,476 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 1.4% fewer probation/CSS sentences than recommended and 1.6% more prison sentences than recommended.

Presumptive Recommended Sentence and Actual Sentence

Disposition	Recommended Presumptive Sentence		Actual Sentence		Difference
	#	%	#	%	%
Probation or CSS	11,795	71.6%	11,558	70.2%	-1.4%
Shk/Trt	1,956	11.9%	1,932	11.7%	-0.1%
Prison	2,725	16.5%	2,986	18.1%	1.6%
Total	16,476	100.0%	16,476	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 3.9% higher
- Sex offenses: Prison sentences are 6.6% higher
- For Drugs, DWI and Non-violent offenses the differences are from 3.0% 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
<i><u>Violent</u></i>			
Probation or CSS	54.1%	47.7%	-6.4%
120day Shock	9.6%	12.1%	2.4%
Prison	36.2%	40.2%	3.9%
Total	100.0%	100.0%	0.0%
<i><u>Sex & Child Abuse</u></i>			
Probation or CSS	50.4%	45.4%	-5.0%
120day Shock	6.1%	4.6%	-1.5%
Prison	43.4%	50.0%	6.6%
Total	100.0%	100.0%	0.0%
<i><u>Non-Violent</u></i>			
Probation or CSS	80.0%	77.6%	-2.5%
120day Shock	9.7%	9.2%	-0.5%
Prison	10.2%	13.2%	3.0%
Total	100.0%	100.0%	0.0%
<i><u>Drug</u></i>			
Probation or CSS	76.9%	77.4%	0.5%
120day Shock	13.6%	12.0%	-1.5%
Prison	9.6%	10.5%	1.0%
Total	100.0%	100.0%	0.0%
<i><u>DWI</u></i>			
Probation or CSS	60.2%	61.8%	1.6%
120day Shock	19.6%	23.0%	3.4%
Prison	20.1%	15.1%	-5.0%
Total	100.0%	100.0%	0.0%

(LS50)

5. 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 84.3% of sentences are within the Mitigating to Aggravating range. There were 5.0% below the mitigating sentence and 10.7% above the aggravating sentence. When the actual sentence was prison the compliance percent is much lower (44.0%).

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Prison	97	3.2%	1316	44.0%	1579	52.8%	2992	100.0%
120day Shock	196	10.1%	1546	79.9%	194	10.0%	1936	100.0%
Probation/CSS	529	4.6%	11046	95.4%	0	0.0%	11575	100.0%
Total	822	5.0%	13908	84.3%	1773	10.7%	16503	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, 87.7% of sentences are within the Mitigating to Aggravating range. When the actual sentence was prison the compliance percent still much lower but higher at 48.3%.

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	21	2.5%	401	48.3%	409	49.2%	831	100.0%
120day Shock	47	14.0%	255	76.1%	33	9.9%	335	100.0%
Probation/CSS	297	5.5%	5122	94.5%	0	0.0%	5419	100.0%
Total	365	5.5%	5778	87.7%	442	6.7%	6585	100.0%

(LS51B)

6. 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, 87.7% of SARS were sentenced within the Mitigating to Aggravating range. When the actual sentence was prison the adherence is much lower at 48.3%.

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	21	2.5%	401	48.3%	409	49.2%	831	100.0%
120day Shock	47	14.0%	255	76.1%	33	9.9%	335	100.0%
Probation/CSS	297	5.5%	5122	94.5%	0	0.0%	5419	100.0%
Total	365	5.5%	5778	87.7%	442	6.7%	6585	100.0%

(LS51C)

When the actual sentence is prison, Metro as a group, which consists of 9.8% of all SARS, has 31.6% 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	3	9.7%	21	67.7%	7	22.6%	31	100.0%
120day Shock	2	20.0%	8	80.0%	0	0.0%	10	100.0%
Probation/CSS	26	12.6%	180	87.4%	0	0.0%	206	100.0%
Total	31	12.6%	209	84.6%	7	2.8%	247	100.0%
St. Louis County								
Prison	3	13.6%	9	40.9%	10	45.5%	22	100.0%
120day Shock	0	0.0%	3	100.0%	0	0.0%	3	100.0%
Probation/CSS	10	6.1%	155	93.9%	0	0.0%	165	100.0%
Total	13	6.8%	167	87.9%	10	5.3%	190	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	31	17.6%	145	82.4%	0	0.0%	176	100.0%
Total	35	16.6%	169	80.1%	7	3.3%	211	100.0%
Metro								
Prison	7	9.2%	45	59.2%	24	31.6%	76	100.0%
120day Shock	5	20.0%	20	80.0%	0	0.0%	25	100.0%
Probation/CSS	67	12.2%	480	87.8%	0	0.0%	547	100.0%
Total	79	12.2%	545	84.1%	24	3.7%	648	100.0%

(LS51C)

Of those sentenced to prison above aggravating, all the SARS for the Metro Counties the aggravating sentence was recommending a Prison Sentence.

The First Class districts are sentencing 50.1% of their SARS sentenced to prison are above the SAR aggravating sentence. Rural districts are 52.8% 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	10	2.0%	241	47.9%	252	50.1%	503	100.0%
120day Shock	31	14.8%	155	74.2%	23	11.0%	209	100.0%
Probation/CSS	147	4.2%	3345	95.8%	0	0.0%	3492	100.0%
Total	188	4.5%	3741	89.0%	275	6.5%	4204	100.0%
Rural								
Prison	4	1.6%	115	45.6%	133	52.8%	252	100.0%
120day Shock	11	10.9%	80	79.2%	10	9.9%	101	100.0%
Probation/CSS	83	6.0%	1297	94.0%	0	0.0%	1380	100.0%
Total	98	5.7%	1492	86.1%	143	8.3%	1733	100.0%

(LS51C)

Of those sentenced to prison above aggravating, 91.6% for First Class and 93.0% for Rural the SARS aggravating sentence was recommending a prison sentence.

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	70	10.3%	557	81.7%	55	8.1%	682	100.0%
St. Louis County	34	5.7%	478	80.1%	85	14.2%	597	100.0%
St. Louis City	80	11.9%	535	79.6%	57	8.5%	672	100.0%
Metro	184	9.4%	1570	80.5%	197	10.1%	1951	100.0%
First Class	415	4.3%	8338	85.4%	1005	10.3%	9758	100.0%
Rural	222	4.7%	3976	83.4%	569	11.9%	4767	100.0%
Total	821	5.0%	13884	84.3%	1771	10.7%	16476	100.0%

Circuits by Region:

Metro: 16, 21, 22

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

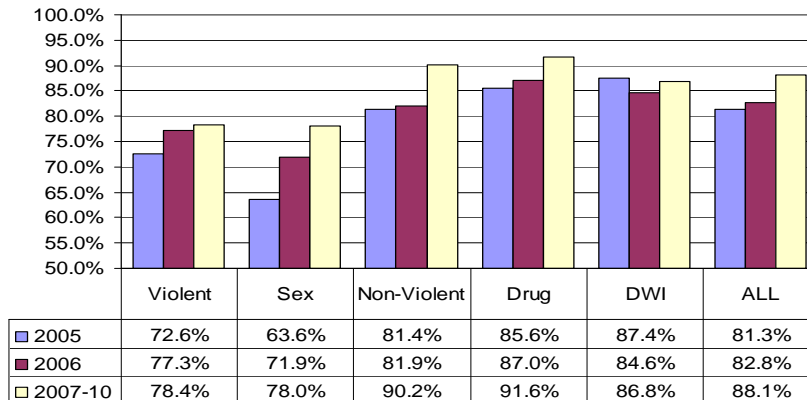
Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

(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 the compliance rate increased to 82.8%. The modification to the recommended sentencing in 2007 which is used through October 2009, the compliance rate based upon the sentencing for which SARs have been requested has increased to 88.1%.

**Compliance by Offense Group
2005 vs. 2006 vs. 2007-2010
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 has increased from 63.6% to 78.0%.

Compliance by Offense Group for 2005 vs. 2006 vs. 2007-2010-09 Recommended Sentencing Matrices

Offense Group		Below		Within		Above	
		#	%	#	%	#	%
Violent	2005	48	6.9%	504	72.6%	142	20.5%
	2006	35	5.5%	496	77.3%	111	17.3%
	2007-2010	53	6.7%	623	78.4%	119	15.0%
	Total	136	6.4%	1623	76.2%	372	17.5%
Sex	2005	7	2.2%	199	63.6%	107	34.2%
	2006	7	2.6%	192	71.9%	68	25.5%
	2007-2010	20	4.8%	323	78.0%	71	17.1%
	Total	34	3.4%	714	71.8%	246	24.7%
Non-Violent	2005	98	5.1%	1563	81.4%	260	13.5%
	2006	60	4.0%	1227	81.9%	211	14.1%
	2007-2010	112	4.8%	2102	90.2%	116	5.0%
	Total	270	4.7%	4892	85.1%	587	10.2%
Drug	2005	87	4.4%	1675	85.6%	195	10.0%
	2006	71	4.4%	1395	87.0%	137	8.5%
	2007-2010	110	4.7%	2145	91.7%	85	3.6%
	Total	268	4.5%	5215	88.4%	417	7.1%
DWI	2005	23	4.7%	432	87.4%	39	7.9%
	2006	20	3.8%	444	84.6%	61	11.6%
	2007-2010	39	5.8%	583	86.8%	50	7.4%
	Total	82	4.8%	1459	86.3%	150	8.9%
ALL	2005	263	4.9%	4373	81.3%	743	13.8%
	2006	193	4.3%	3754	82.8%	588	13.0%
	2007-2010	334	5.1%	5776	88.2%	441	6.7%
	Total	790	4.8%	13903	84.4%	1772	10.8%

(LS66B)

9. Compliance and the Prior Criminal History Level

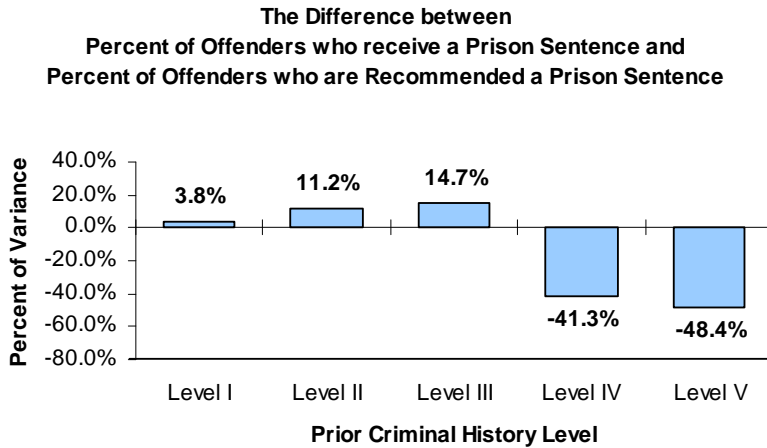
The recommended sentences increase the severity of the sentence with an increase of the prior criminal history. The SAR data indicates that actual sentencing does reflect an increase in the prior criminal history, particularly the percent prison disposition.

ACTUAL SENTENCES BY OFFENSE GROUP AND PRIOR CRIMINAL HISTORY
Completed SARs and Offenders received by the DOC, May 2005 to December 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	61.7%	15.7%	13.2%	4.4%	4.9%
Percent Prison Disposition	28.6%	43.7%	65.8%	73.4%	75.2%
Average Sentence	11.1	12.2	12.2	14.7	16.3
<i>Sex & Child Abuse</i>					
Percent of PCHL	66.9%	15.6%	11.0%	4.2%	2.2%
Percent Prison Disposition	42.9%	55.5%	67.9%	81.0%	77.3%
Average Sentence	11.1	12.1	13.8	10.2	18.9
<i>NonViolent</i>					
Percent of PCHL	57.3%	18.3%	12.1%	5.9%	6.4%
Percent Prison Disposition	4.4%	11.6%	25.5%	41.0%	47.7%
Average Sentence	4.2	4.1	4.3	4.4	5.2
<i>Drug</i>					
Percent of PCHL	56.9%	20.0%	13.7%	5.0%	4.4%
Percent Prison Disposition	2.4%	11.0%	22.9%	37.5%	45.1%
Average Sentence	7.0	6.5	6.1	6.8	7.4
<i>DWI</i>					
Percent of PCHL	43.9%	27.8%	16.7%	5.8%	5.7%
Percent Prison Disposition	3.9%	11.3%	30.4%	37.8%	52.6%
Average Sentence	3.4	4.9	4.7	5.5	5.2
<i>All Offense Groups</i>					
Percent of PCHL	56.9%	19.4%	13.2%	5.3%	5.2%
Percent Prison Disposition	9.8%	16.8%	32.5%	44.9%	51.7%
Average Sentence	9.4	8.2	7.9	7.5	8.3

(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	%	
<i>Level I</i>					
Probation or CSS	8709	92.8%	7846	83.6%	-9.2%
120day Shock	117	1.2%	624	6.7%	5.4%
Prison	557	5.9%	913	9.7%	3.8%
Total	9383	100.0%	9383	100.0%	0.0%
<i>Level II</i>					
Probation or CSS	2827	88.6%	2151	67.4%	-21.2%
120day Shock	183	5.7%	503	15.8%	10.0%
Prison	180	5.6%	536	16.8%	11.2%
Total	3190	100.0%	3190	100.0%	0.0%
<i>Level III</i>					
Probation or CSS	258	11.8%	1050	48.1%	36.3%
120day Shock	1534	70.3%	422	19.3%	-51.0%
Prison	389	17.8%	709	32.5%	14.7%
Total	2181	100.0%	2181	100.0%	0.0%
<i>Level IV</i>					
Probation or CSS	0	0.0%	280	32.2%	32.2%
120day Shock	121	13.9%	200	23.0%	9.1%
Prison	749	86.1%	390	44.8%	-41.3%
Total	870	100.0%	870	100.0%	0.0%
<i>Level V</i>					
Probation or CSS	0	0.0%	228	26.9%	26.9%
120day Shock	0	0.0%	183	21.6%	21.6%
Prison	849	100.0%	438	51.6%	-48.4%
Total	849	100.0%	849	100.0%	0.0%

(LS69)

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

For a 120day Shock sentence, 74.5% of the actual sentences for SARS were for the Non-Violent and Drug offense groups. It was 81.1% 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%	17	7.5%	7.5%
Sex & Child Abuse	0	0.0%	5	2.2%	2.2%
Non-Violent	0	0.0%	113	49.8%	49.8%
Drug	0	0.0%	71	31.3%	31.3%
DWI	0	0.0%	21	9.3%	9.3%
Total	0	0.0%	227	100.0%	100.0%
<u>120day Shock</u>					
Violent	0	0.0%	9	4.5%	4.5%
Sex & Child Abuse	0	0.0%	17	8.5%	8.5%
Non-Violent	0	0.0%	79	39.5%	39.5%
Drug	0	0.0%	70	35.0%	35.0%
DWI	0	0.0%	25	12.5%	12.5%
Total	0	0.0%	200	100.0%	100.0%
<u>Prison</u>					
Violent	105	12.1%	79	18.0%	5.9%
Sex & Child Abuse	39	4.5%	17	3.9%	-0.6%
Non-Violent	367	42.4%	175	40.0%	-2.5%
Drug	257	29.7%	116	26.5%	-3.2%
DWI	97	11.2%	51	11.6%	0.4%
Total	865	100.0%	438	100.0%	0.0%

(LS69A)

10. Plea Agreements

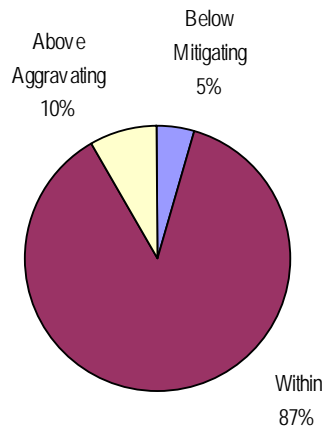
Plea agreements are made in 47% of sentencing for which SARs have been requested. The compliance rate is higher for the cases when there is a plea agreement.

Actual Sentence compared to the Recommended Sentence SARs completed May 2005 to December 2009

Plea Agreement	Below Mitigating	Within	Above Aggravating	Total	Percent
Yes	338 4.7%	6194 86.8%	602 8.4%	7134	47%
No or Not Known	406 5.0%	6550 81.4%	1095 13.6%	8051	53%
All	744 4.9%	12744 83.9%	1697 11.2%	15185	100%

(LS63)

Plea Agreement: Yes



Plea Agreement: No or Not Known

