

## 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.

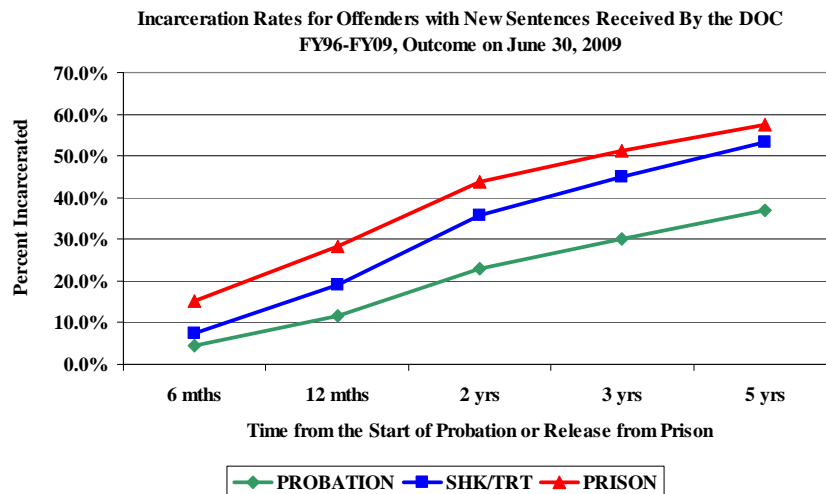
The study uses data from the Department of Corrections of offenders received for a new felony offense between July 1995 and June 2009. Two measures of recidivism are calculated:

- 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.

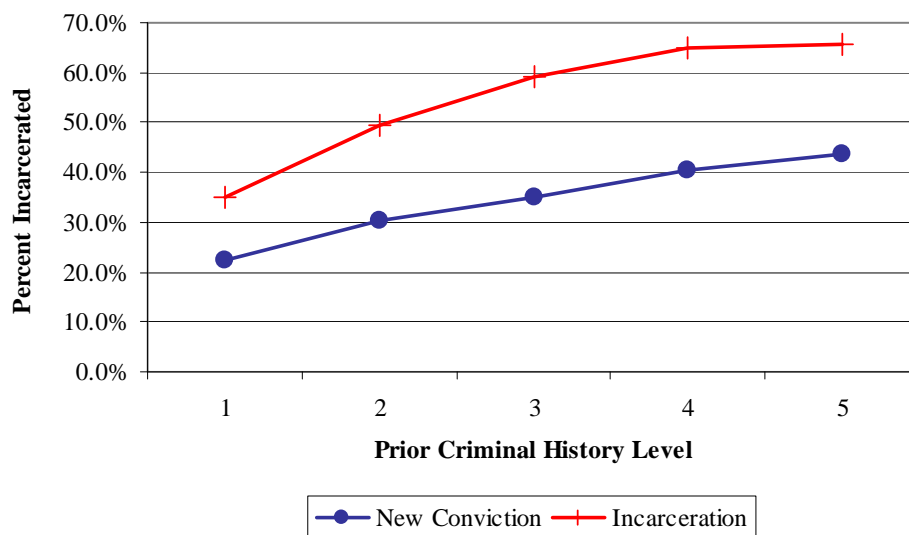
### The Impact of Prior Criminal History on Recidivism

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.

### Recidivism Rates after Five Years and Prior Criminal History

Started Probation or Released from Prison from FY96 to FY04








## 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				
	1	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	 16.4%	 15.8%	 10.2%	 6.4%	 1.8%

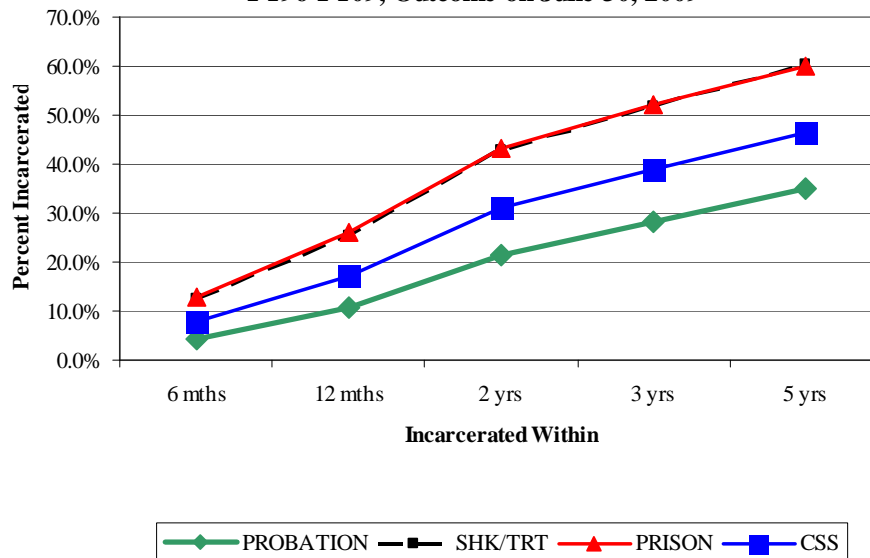
From the analysis of FY96-FY09 new sentencing there is a 16% reduction in recidivism after two years between Level 1 and Level 2 offenders sentenced to probation compared to those sentenced to prison. For Level 5 offenders the gap between probation and prison recidivism is less than 2%. It is important 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%

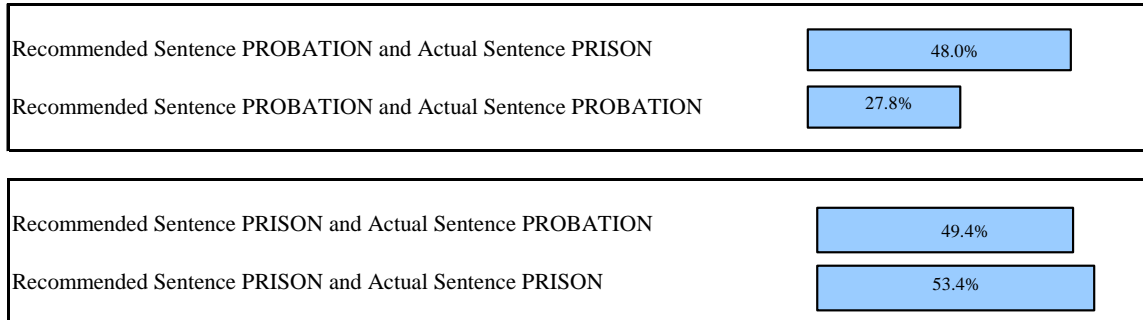
**Comparing Outcomes when the Actual Sentence was not the Recommended Sentence**

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	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 MANSLAU	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	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-2	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 DE	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	566.034	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-1ST	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-2ND	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	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 ASSAULT	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	568.072	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/SUB	568.074	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	568.078	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 INT	568.074	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 FA	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 INMA	571.385	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	568.081	B	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	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 T	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 AMM	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	570.030	C	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	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 AN	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	570.040	C	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	570.050	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	565.070	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 E	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%	45.4%	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	D	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	570.180	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	DEFRD SEC CRTR \$500 M	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-AR	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/MI	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-AR	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 FLEET	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 FLEET	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 C	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	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 OF	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%	29.2%	33.6%	35.5%	41.0%
32470	DIST DEL/U/S GRAMS MA	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.