

# **Missouri's Information-Based Discretionary Sentencing System**

**Chief Justice Michael A. Wolff**

**Missouri Supreme Court**

**Chair, MO Sentencing Advisory Commission**

# Sentencing Recommendations

- Based upon empirical data as to:
  - Offense group
    - **Violent Crimes**
    - **Sex and Child Abuse**
    - **Drugs**
    - **DWI**
    - **Other Nonviolent Offenses**

# Sentencing Recommendations

## — Severity of Offense

Select the lowest level that meets all the conditions

<b>Level I</b>	No prior unrelated felony finding of guilt and no more than 3 misdemeanor/jail sentences of 30 days or more.	<b>Level II</b>	No prior prison sentences and no more than two unrelated felony findings of guilt.
<b>Level III</b>	No more than one prior prison sentence and no more than three unrelated felony findings of guilt.	<b>Level IV</b>	No more than two prior prison sentences and no more than four unrelated felony findings of guilt.
<b>Level V</b>	More than two prior prison sentences or more than four unrelated felony findings of guilt.		

# Sentencing Recommendations

– Presumptive Sentence based upon past sentencing practices

- aggravating circumstances
- mitigating circumstances

# Types of Sentencing

- Prison

- Probation

  - Traditional Probation

  - Community Structured Sentence

- 120 “Shock” Probation

  - Shock Incarceration

  - Institutional Treatment Center

  - Sex Offender Assessment Unit

# Sentencing Assessment Report

- Offender identifying information
- Offender Risk Assessment
  - Offense Charged
    - Category
    - Level of Severity
  - Offender's Prior Criminal History
  - Victim Impact Statement
  - Age
  - Education
  - Employment status
  - Offender asset and liability assessment
  - Drug history
  - Prior Escape

# Sentencing Assessment Report

- Offender Management Plan
- Conclusion with evaluation and recommendation
- Presumptive Sentence
- Time Served for same offense and risk category

# Utilizing the Sentencing Assessment Report

- Prepared by probation officers for the court
- Automated Sentencing information available to PA, PD or defense counsel and offender on the MOSAC Web site  
<http://www.mosac.mo.gov/>
- Alternative Sentencing Information

## Validity of Risk Factors?

The last validation of the Board of Probation and Parole's risk assessment measure was completed in 2005 and indicated that the risk measure predicted a 37% difference between the Poor risk and Good risk after three years from release.

Salient Factor Risk Score	Percent Successful
Poor	33%
Below Average	35%
Average	43%
Above Average	54%
Good	70%

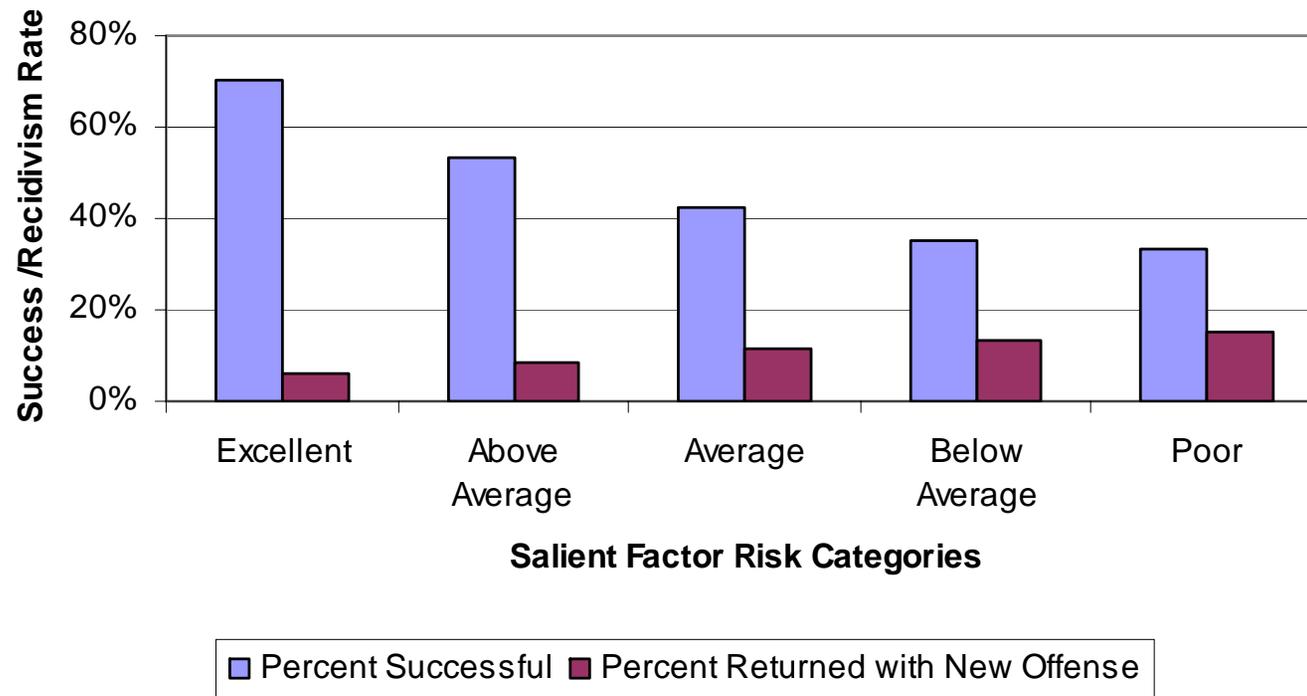
# Validity of Risk Factors?

After Three Years:

- 70% of offenders that scored Excellent (lowest risk) were successful.
- 33% of offenders that scored Poor (highest risk) were successful.

Success: Offender had been discharged from the sentence or still under supervision without a revocation of parole.

# Outcome of FY01 Releases After Three Years



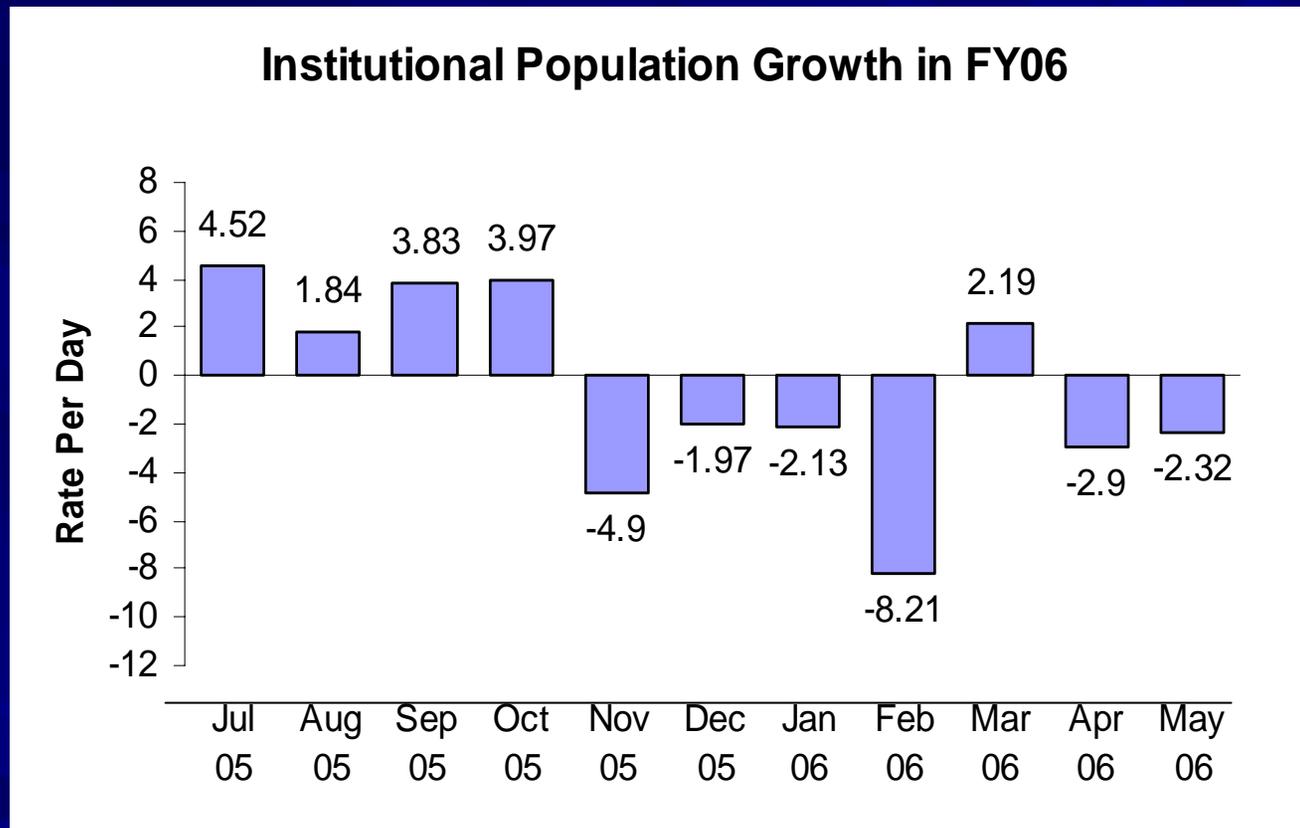
# Average Recidivism Rates for Prison Releases from 1995 to 2005.

The percent with New Conviction & Incarceration after 5 years.

■ Sex Offenders	8.7%
■ Other Violent Offenders	17.3%
■ Non violent Offenders	21.3%

Most sex offenders score well on Risk Scales.

# The Reduction in the Prison Population Since November 2005



\* Statewide implementation of the SAR began in November 2005

## Actual Sentences Compared to Recommended Sentence Range

