

The data show that, on average, slightly more than 50 percent of inmates statewide were in prison for nonviolent offenses, ranging from about 27 percent in Jackson County to nearly 80 percent in some rural counties. Because being in prison increases the likelihood that an offender will reoffend, particular attention must be paid to the nonviolent offenders, nearly all of whom return to the communities from which they were sent to prison.²

To get a better look at the imprisonment of nonviolent offenders, one might examine how many of the nonviolent offenders were “first” offenders – the list of counties is set forth below, using the population as of June 30, 2009.

The list shows the number of inmates from each county; the percentage of nonviolent offenders from each county; and, from each county, the number and percentage who were sent to prison and who had no prior felony findings of guilt, according to Department of Corrections’ offender records.

As of June 30, 2009, the total number of nonviolent, first-time felony offenders in prison was 1,999. If we are to control crime by reducing recidivism – and keep the corrections’ budget from eating the state’s budgetary lunch – the task ahead is to find punishments for most of these offenders that do not utilize the state’s most expensive resource – prisons. If most of these first-time felony offenders were diverted to other forms of punishment – probation, drug or DWI courts, short-term local jail sentences – the state would need one less prison than the number it currently maintains.

If most...first-time
felony offenders
were diverted to
other forms of
punishment...
the state would need
one less prison than...
it currently maintains.

We know that some states have instituted early release programs for certain inmates. The problem is that most offenders who have been sent to prison are more likely to reoffend than those who have not been to prison. So it should not be surprising that some of these individuals – especially those who are released without taking account of offenders’ risk status – have caused problems.³

The rational approach, obviously, is to avoid the use of prison time for nonviolent offenders who can be sanctioned effectively without prison.

Michael A. Wolff
Chair
Sentencing Advisory Commission

¹ The Table, “Nonviolent Offenders as a Pct. of all Offenders, Crime and Incarceration Rate, Incarcerated on June 30, 2009,” attached to SMART SENTENCING, Vol. 2, No. 1: *BIENNIAL REPORT HIGHLIGHTS: WIDE DISPARITY IN SENTENCING OF NONVIOLENT OFFENDERS; RECOMMENDED SENTENCES RESULT IN LOWER RECIDIVISM* (January 2010) is reproduced at the end of this bulletin with two columns added: the number and percentage of each county’s nonviolent offenders who have no prior felony findings of guilt.

² “Nonviolent offenses include drugs, DWI, and those offenses categorized as “nonviolent” in the charge code groups; see, App. D (p. 150) of the current RECOMMENDED SENTENCING USERS GUIDE 2009-2010, available at www.mosac.mo.gov. The nonviolent offenses include nonviolent A and B felonies of burglary 1st degree and theft/stealing >\$25,000; nonviolent C and D felonies of burglary (not 1st), stealing, arson (not 1st or 2nd causing death), forgery, fraud, gambling, damage to property, stolen property, family offenses excluding those listed in Violent and Sex offenses), obstructing judicial process, weapon offenses excluding armed criminal action, liquor laws, peace disturbance (with the listed exceptions), election laws, health and safety, tax revenue, conservation, motor vehicles, and public order crimes (including failure to register as a sex offender).

³ Monica Davey, *Safety is Issue as Budget Cuts Free Prisoners*, THE NEW YORK TIMES, MARCH 4, 2010, p 1A.

NOTE:

SMART SENTENCING INVOLVES USING THE LATEST IN STATISTICS, INFORMATION, RESEARCH FINDINGS AND EVIDENCED-BASED PRACTICE TO MAKE INFORMED DECISIONS ABOUT HOW TO PUNISH CRIMINAL BEHAVIOR.

THE SENTENCING ADVISORY COMMISSION HAS LAUNCHED THIS PERIODIC BULLETIN TO KEEP JUDICIAL DECISION MAKERS CURRENT AS TO THE LATEST INFORMATION RELATED TO SENTENCING PRACTICES AND THEIR IMPACTS. THE BULLETIN IS BEING DISTRIBUTED TO JUDGES, PROSECUTORS, PUBLIC DEFENDERS, PROBATION OFFICERS AND THE PUBLIC VIA EMAIL AND ON THE SAC WEB SITE AT WWW.MOSAC.MO.GOV.

COMMENTS AND SUGGESTIONS ARE WELCOME AND SHOULD BE SENT TO SMART.SENTENCING@COURTS.MO.GOV.

MOSAC

Is dedicated to supporting public safety, fairness and effectiveness in criminal sentencing.

**Nonviolent offenders as a percentage of all offenders and the percentage who are first time
felony offenders, with crime & conviction and incarceration rates and rankings***

Incarcerated on June 30, 2009

County rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses	Percent with Nonviolent Offenses Ranking	Nonviol. Felony Offenders	Nonviol. First Time Felony Offenders	Percent who are First Time Felony Offenders	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent Crime & Conviction Rate per 100,000 ** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking
Adair, 2	78	62.8%	47	49	8	16%	1,209	57	118	78
Andrew, 5	37	64.9%	44	24	3	13%	844	91	72	102
Atchison, 4	16	62.5%	50	10	3	30%	543	108	181	37
Audrain, 12	176	61.4%	59	108	15	14%	1,154	62	208	25
Barry, 39	163	59.5%	71	97	14	14%	1,432	36	129	63
Barton, 28	61	63.9%	45	39	5	13%	1,153	63	207	27
Bates, 27	53	50.9%	99	27	3	11%	1,350	46	359	5
Benton, 30	82	69.5%	25	57	10	18%	1,135	64	125	70
Bollinger, 32	42	73.8%	9	31	6	19%	714	98	97	88
Boone, 13	1,004	56.7%	79	569	44	8%	1,938	18	123	72
Buchanan, 5	722	68.0%	28	490	54	11%	2,536	6	224	13
Butler, 36	277	66.1%	37	183	40	22%	2,473	7	217	16
Caldwell, 43	53	79.2%	3	42	6	14%	872	90	172	42
Callaway, 13	237	59.1%	73	140	6	4%	2,089	15	401	2
Camden, 26	254	60.6%	64	154	22	14%	1,591	29	209	24
Cape Girardeau, 32	406	65.0%	43	264	37	14%	2,305	9	138	60
Carroll, 8	62	53.2%	92	33	0	0%	580	107	165	47
Carter, 37	27	40.7%	110	11	3	27%	532	110	223	14
Cass, 17	239	59.4%	72	142	23	16%	1,280	51	164	48
Cedar, 28	66	69.7%	24	46	2	4%	1,035	71	181	38
Chariton, 9	45	60.0%	68	27	4	15%	401	114	168	45
Christian, 38	206	62.6%	48	129	16	12%	1,003	78	127	66
Clark, 1	39	66.7%	34	26	4	15%	605	105	67	104
Clay, 7	645	53.0%	94	342	56	16%	1,409	40	129	64
Clinton, 43	83	57.8%	76	48	9	19%	1,120	65	163	50
Cole, 19	359	56.0%	81	201	24	12%	1,722	25	89	92
Cooper, 18	111	60.4%	65	67	9	13%	1,654	27	160	52
Crawford, 42	188	65.4%	39	123	21	17%	1,770	23	159	53
Dade, 28	23	65.2%	40	15	2	13%	735	96	216	19
Dallas, 30	75	68.0%	29	51	10	20%	1,161	61	84	95
Daviess, 43	78	74.4%	8	58	16	28%	764	94	212	22
Dekalb, 43	88	51.1%	97	45	5	11%	622	103	373	3
Dent, 42	113	60.2%	67	68	14	21%	1,175	58	99	87
Douglas, 44	56	62.5%	51	35	8	23%	1,362	44	46	110
Dunklin, 35	420	55.5%	85	233	33	14%	1,941	17	165	46
Franklin, 20	246	56.5%	80	139	9	6%	1,421	37	112	82
Gasconade, 20	44	63.6%	46	28	3	11%	1,408	41	188	34
Gentry, 4	23	65.2%	41	15	4	27%	654	101	146	56
Greene, 31	1,362	49.3%	105	671	102	15%	3,407	2	122	73
Grundy, 3	46	60.9%	62	28	5	18%	1,287	50	111	83
Harrison, 3	49	71.4%	17	35	7	20%	1,097	67	128	65
Henry, 27	139	59.7%	70	83	12	14%	1,784	22	234	12
Hickory, 30	33	72.7%	13	24	2	8%	920	83	114	80
Holt, 4	24	79.2%	4	19	1	5%	1,175	59	92	90
Howard, 14	64	67.2%	33	43	4	9%	535	109	33	113
Howell, 37	125	66.4%	36	83	26	31%	2,278	11	297	8
Iron, 42	71	57.7%	78	41	7	17%	772	93	49	108
Jackson, 16	3,658	27.5%	115	1006	120	12%	3,068	4	60	105
Jasper, 29	517	53.6%	91	277	36	13%	2,834	5	107	84
Jefferson, 23	484	51.0%	98	247	21	9%	1,678	26	416	1
Johnson, 17	185	61.6%	56	114	18	16%	1,455	35	289	9
Knox, 2	8	50.0%	101	4	1	25%	1,509	31	178	40
Laclede, 26	250	71.2%	19	178	32	18%	1,936	19	211	23
Lafayette, 15	345	73.6%	10	254	39	15%	1,259	54	127	68
Lawrence, 39	206	55.8%	83	115	15	13%	1,838	21	180	39
Lewis, 2	35	71.4%	18	25	4	16%	1,057	69	307	7
Lincoln, 45	228	71.1%	20	162	15	9%	1,026	74	358	6
Linn, 9	40	77.5%	5	31	4	13%	1,004	77	119	76

* Nonviolent includes drugs, DWI and other nonviolent offenses.

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

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

**Nonviolent offenders as a percentage of all offenders and the percentage who are first time
felony offenders, with crime & conviction and incarceration rates and rankings***

Incarcerated on June 30, 2009

County rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses	Percent with Nonviolent Offenses Ranking	Nonviol. Felony Offenders	Nonviol. First Time Felony Offenders	Percent who are First Time Felony Offenders	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent Crime & Conviction Rate per 100,000 ** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking
Livingston, 43	140	72.9%	12	102	12	12%	434	113	119	77
Macon, 41	59	55.9%	82	33	2	6%	890	85	90	91
Madison, 24	67	53.7%	90	36	2	6%	1,029	73	141	59
Maries, 25	16	62.5%	52	10	1	10%	668	100	113	81
Marion, 10	194	66.5%	35	129	34	26%	3,254	3	131	62
McDonald, 40	112	50.9%	100	57	17	30%	1,379	42	25	114
Mercer, 3	24	45.8%	107	11	1	9%	608	104	196	32
Miller, 26	180	71.7%	16	129	10	8%	1,223	55	169	44
Mississippi, 33	171	51.5%	96	88	10	11%	1,337	47	79	99
Moniteau, 26	55	67.3%	32	37	5	14%	832	92	59	106
Monroe, 10	47	70.2%	22	33	1	3%	1,264	53	72	101
Montgomery, 12	93	62.4%	54	58	7	12%	1,170	60	217	17
Morgan, 26	78	67.9%	31	53	8	15%	1,300	49	161	51
New Madrid, 34	250	55.2%	86	138	22	16%	653	102	22	115
Newton, 40	171	62.6%	49	107	20	19%	1,536	30	104	85
Nodaway, 4	71	70.4%	21	50	6	12%	1,216	56	183	36
Oregon, 37	36	72.2%	14	26	5	19%	526	111	78	100
Osage, 20	34	61.8%	55	21	3	14%	881	87	45	112
Ozark, 44	33	48.5%	106	16	3	19%	1,102	66	142	58
Pemiscot, 34	253	49.8%	103	126	24	19%	1,954	16	88	93
Perry, 32	83	60.2%	66	50	8	16%	942	82	190	33
Pettis, 18	273	65.6%	38	179	35	20%	2,396	8	212	20
Phelps, 25	175	53.1%	93	93	24	26%	2,119	13	126	69
Pike, 45	109	61.5%	58	67	7	10%	999	79	152	55
Platte, 6	249	49.8%	104	124	25	20%	1,415	39	142	57
Polk, 30	120	76.7%	6	92	17	18%	1,331	48	84	96
Pulaski, 25	159	43.4%	108	69	19	28%	1,276	52	127	67
Putnam, 3	20	60.0%	69	12	1	8%	489	112	164	49
Ralls, 10	38	57.9%	75	22	5	23%	1,043	70	220	15
Randolph, 14	285	79.3%	2	226	15	7%	1,483	34	53	107
Ray, 8	159	73.6%	11	117	21	18%	1,084	68	216	18
Reynolds, 42	15	40.0%	111	6	-	0%	592	106	83	98
Ripley, 36	63	65.1%	42	41	13	32%	1,502	32	171	43
Saline, 15	245	71.8%	15	176	24	14%	1,500	33	125	71
Schuyler, 1	8	37.5%	113	3	-	0%	292	115	49	109
Scotland, 1	20	80.0%	1	16	2	13%	724	97	88	94
Scott, 33	278	60.8%	63	169	20	12%	1,862	20	138	61
Shannon, 37	20	40.0%	112	8	3	38%	687	99	250	10
Shelby, 41	39	61.5%	57	24	1	4%	890	86	122	74
St. Charles, 11	1,160	61.0%	61	708	90	13%	1,353	45	240	11
St. Clair, 27	38	52.6%	95	20	3	15%	1,420	38	84	97
Ste. Genevieve, 24	62	61.3%	60	264	23	9%	873	89	199	30
St. Francois, 24	474	55.7%	84	1,607	108	7%	1,618	28	174	41
St. Louis City, 22	4,688	34.3%	114	1,354	156	12%	5,063	1	208	26
St. Louis Cnty, 21	3,274	41.4%	109	38	5	13%	2,101	14	202	28
Stoddard, 35	159	68.6%	26	109	21	19%	1,024	75	100	86
Stone, 39	154	53.9%	89	83	20	24%	1,375	43	71	103
Sullivan, 9	25	68.0%	30	17	3	18%	969	80	199	31
Taney, 38	273	59.0%	74	161	25	16%	2,290	10	186	35
Texas, 25	91	68.1%	27	62	12	19%	909	84	122	75
Vernon, 28	90	57.8%	77	52	10	19%	2,254	12	115	79
Warren, 12	218	74.8%	7	163	22	13%	1,738	24	202	29
Washington, 24	196	55.1%	87	108	10	9%	880	88	212	21
Wayne, 42	77	70.1%	23	54	10	19%	1,015	76	45	111
Webster, 30	120	62.5%	53	75	21	28%	955	81	155	54
Worth, 4	2	50.0%	102	1	-	0%	740	95	95	89
Wright, 44	71	54.9%	88	39	5	13%	1,034	72	367	4
Statewide	30,380	50.3%		15,275	1,999	13%	2,090		125	

* Nonviolent includes drugs, DWI and other nonviolent offenses.

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

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