

Justice Reinvestment in Missouri

**First presentation to the
Missouri State Justice Reinvestment Task Force**

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The Council of State Governments Justice Center

Corrections



Justice Reinvestment



Mental Health



Reentry



Substance Abuse



Youth



Courts



Law Enforcement



National nonprofit, nonpartisan membership association of state government officials that engage members of **all three branches** of state government.

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THE COUNCIL OF STATE GOVERNMENTS

Justice Center provides **practical, nonpartisan advice** informed by the best available evidence.

Missouri's criminal justice system faces challenges

#8

Missouri's **incarceration rate is the eighth-highest in the nation**, and the rate has increased 4 percent since 2010, while the national incarceration rate has declined 8 percent.

Missouri has the **fastest-growing female prison population in the United States**. Between 2010 and 2015, Missouri's female prison population increased 33 percent.

#1

9%

Rates of violent and property crime in Missouri are well above the national average. From 2010 to 2015, the state's **violent crime rate increased 9 percent**.

Outcomes in Missouri's probation and parole system are lackluster. Nearly half of admissions to prison are driven by failures on supervision.

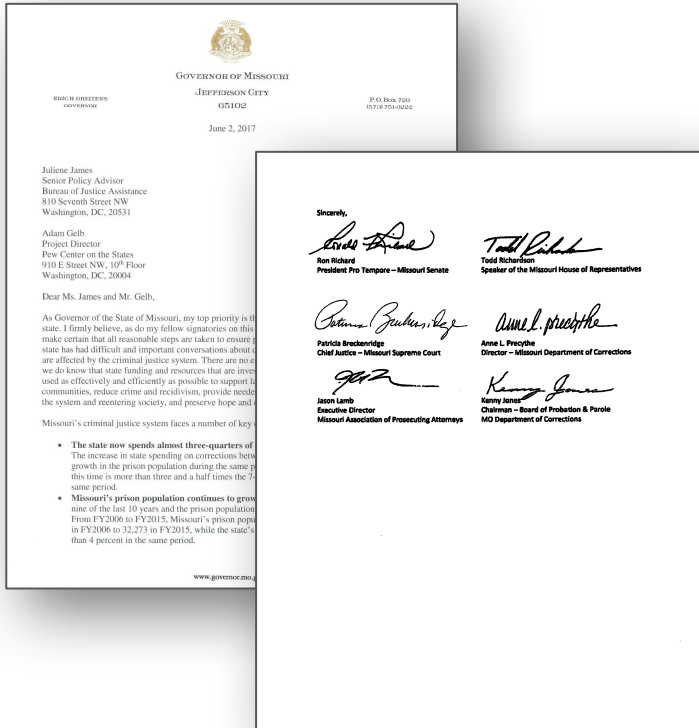
49%

Missouri's criminal justice system faces challenges

There have also been recent changes in Parole Board membership, allegations of abusive work environments at Missouri Department of Corrections facilities, and management changes at community-oriented facilities in response to misconduct.



State leaders requested technical assistance through the Justice Reinvestment Initiative



In May 2017, Governor Greitens authored a **letter requesting technical assistance** for Missouri. State leaders from **all three branches signed on in support.**

Upon approval of the state's request in July 2017, Governor Greitens issued **Executive Order 17-17** on June 28, 2017, which established the **Missouri State Justice Reinvestment Task Force.**



What is justice reinvestment?



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

Justice reinvestment prioritizes public safety

Reduces recidivism means people who commit crimes are held accountable, receive the intervention needed to change the behavior, and do not reoffend.

Repairs harm means victims are safe, have access to help, understand how the criminal justice system works, see accountability, and heal.

Stops first time offenses means a state utilizes policing strategies and public safety approaches to decrease crime and violence, not just *reported incidents* of crime.

Builds trust means communities heavily impacted by crime and incarceration are supported, and any underlying conditions of distrust are directly addressed.



Justice reinvestment includes a two-part process spanning analysis, policy development, and implementation

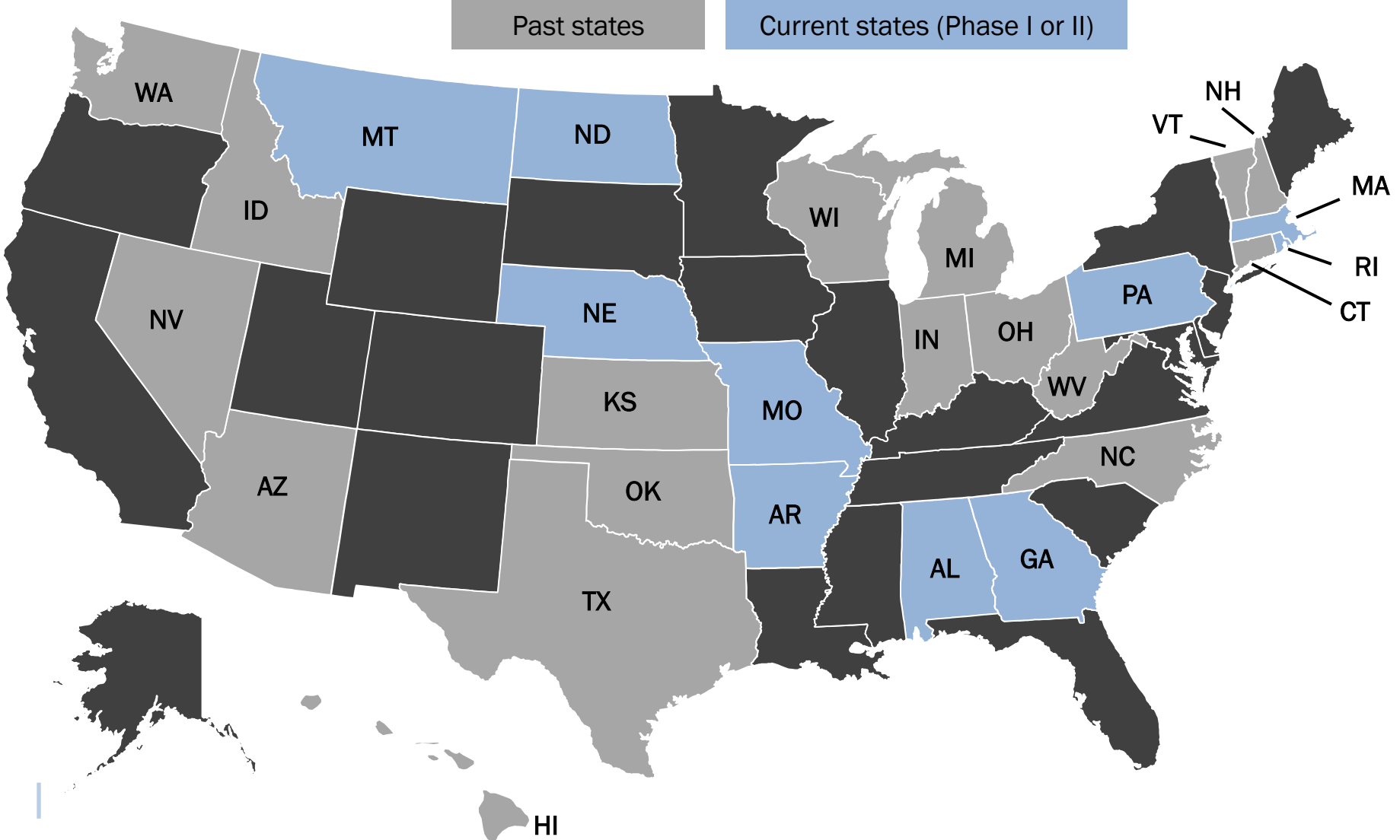
Pre-enactment

1	Bipartisan, Interbranch Working Group	Assemble practitioners and leaders; receive and consider information, reports, and policies
2	Data Analysis	Data should come from across the criminal justice system for comprehensive analysis
3	Stakeholder Engagement	Complement data analysis with input from stakeholder groups and interested parties
4	Policy Options Development	Present a policy framework to reduce corrections costs, increase public safety, and project the impacts

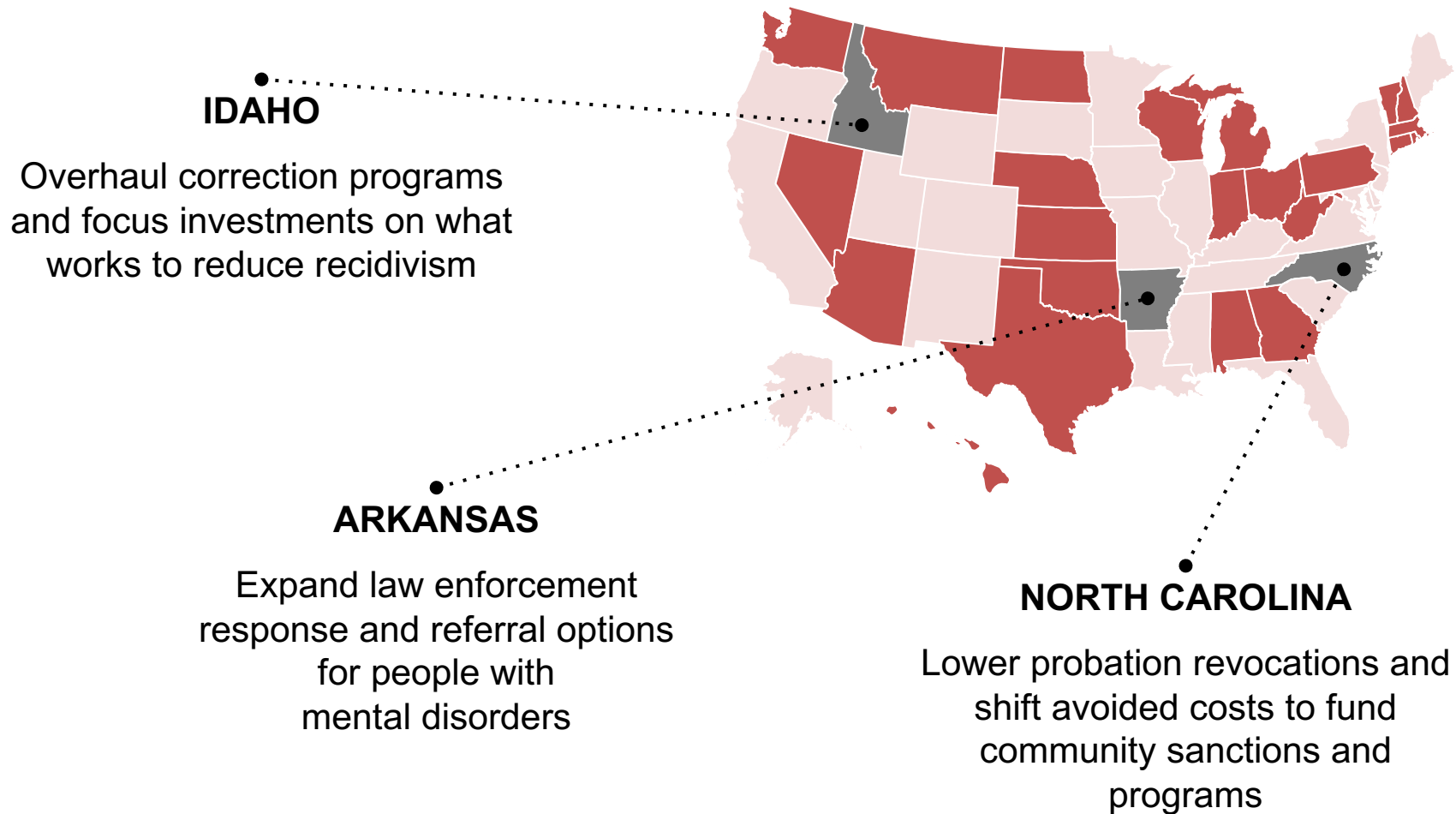
Post-enactment

5	Policy Implementation	Identify needs for implementation and deliver technical assistance for reinvestment strategies
6	Monitor Key Measures	Monitor the impact of enacted policies and programs, adjust implementation plan as needed

States using the justice reinvestment approach with the CSG Justice Center

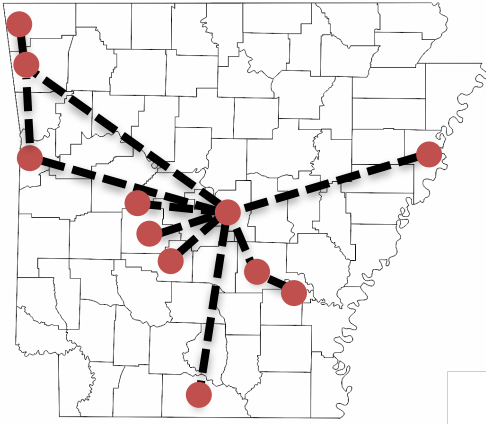


The Justice Reinvestment process allows for policy solutions that are customized to the specific needs of states



Justice reinvestment is highly intensive and includes many visits to the state, detailed data analysis, and wide-ranging stakeholder engagement

Arkansas (2015–16)



250+

Calls and
Meetings

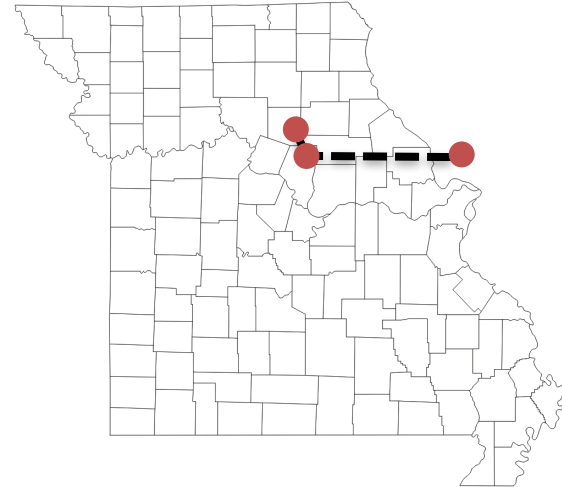
30

Site Visits

4,000+

Miles Driven

Missouri (2017–18)



20

Calls and
Meetings

3

Site Visits

1,000+

Miles Driven

Justice Reinvestment in Arkansas (2015–16)

In 2015, Arkansas faced a rapidly growing prison population and other criminal justice challenges. The CSG Justice Center provided technical assistance to Arkansas through a justice reinvestment approach.

Overview

1

Recent Criminal Justice
Landscape in Missouri

2

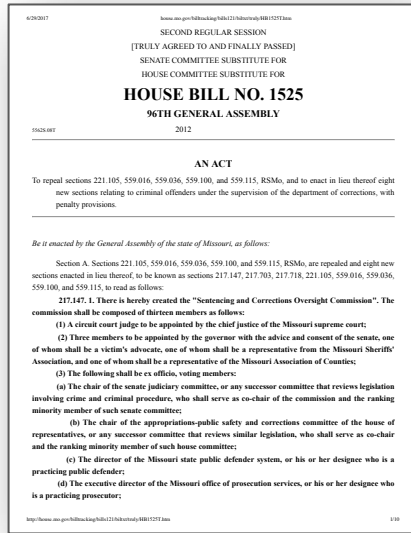
Possible Areas for Analysis

3

Expectations for Justice
Reinvestment in Missouri



Missouri previously used a justice reinvestment approach in 2011



In 2011, the **Missouri Working Group on Sentencing and Corrections** was formed to guide the justice reinvestment process. The resulting legislation, House Bill 1525 of 2012, was signed into law as the **Justice Reinvestment Act**. It included a number of policies designed to decrease the prison and supervision populations in Missouri.

Key Policies and Outcomes

Key Policies

- Creation of **Earned Compliance Credits (ECC)** for people on probation or parole supervision. Credits designed to act as an incentive for good behavior while on supervision.
- Authority granted to probation and parole officers to give **short-term sanctions to be served in local jail**.
- Placement in **120-day institutional treatment programs** operated by MDOC allowed as a supervision sanction.

Outcomes

- Missouri's combined probation and parole population **declined 20 percent** from over 73,000 people in FY2010 to fewer than 59,000 in FY2016.
- Impacts on the state's prison population—estimated to decline by as many as 677 beds—have **failed to materialize** as the state's prison population has increased steadily in recent years.

Source: Bureau of Justice Assistance: Justice Reinvestment Sites: Missouri; Missouri Department of Corrections Offender Profile, FY2016.

Missouri's revised criminal code went into effect in January 2017

Senate Bill 491 of 2014 contained **extensive revisions to the state's criminal code**, which were the result of years of work between prosecutors, defense attorneys, legislators, and other stakeholders. The changes took effect on January 1, 2017 and include the following:

- **Creation of new offense classes**, including Class E felonies and Class D misdemeanors, as well as changes to sentencing ranges and fine schedules for each offense class
- Changes to the organization of, and penalties for, **assault offenses**
- Adjustments to previous law around **sex offenses**, especially those involving children
- Creation of new classification for **repeat DUI offenses** and expansion of boating while intoxicated offenses
- Changes to previous law around **drug possession**, primarily for marijuana. The act makes possession of less than 10 grams of marijuana a Class D misdemeanor punishable by a fine.

System Impacts

No formal assessment of the impact of the code revisions on Missouri's criminal justice system exists.

Summary of Missouri's criminal justice trends

- ❑ High incarceration rates and growing prison population
- ❑ Largest growth in female prison population in the country
- ❑ High crime rates impacting many parts of state
- ❑ Increasing prison admissions, driven largely by nonviolent offenses and supervision violators
- ❑ Significant behavioral health needs among those supervised in community

Missouri ranks eighth in the number of people incarcerated in proportion to their population

Incarceration Rate by State, 2015*

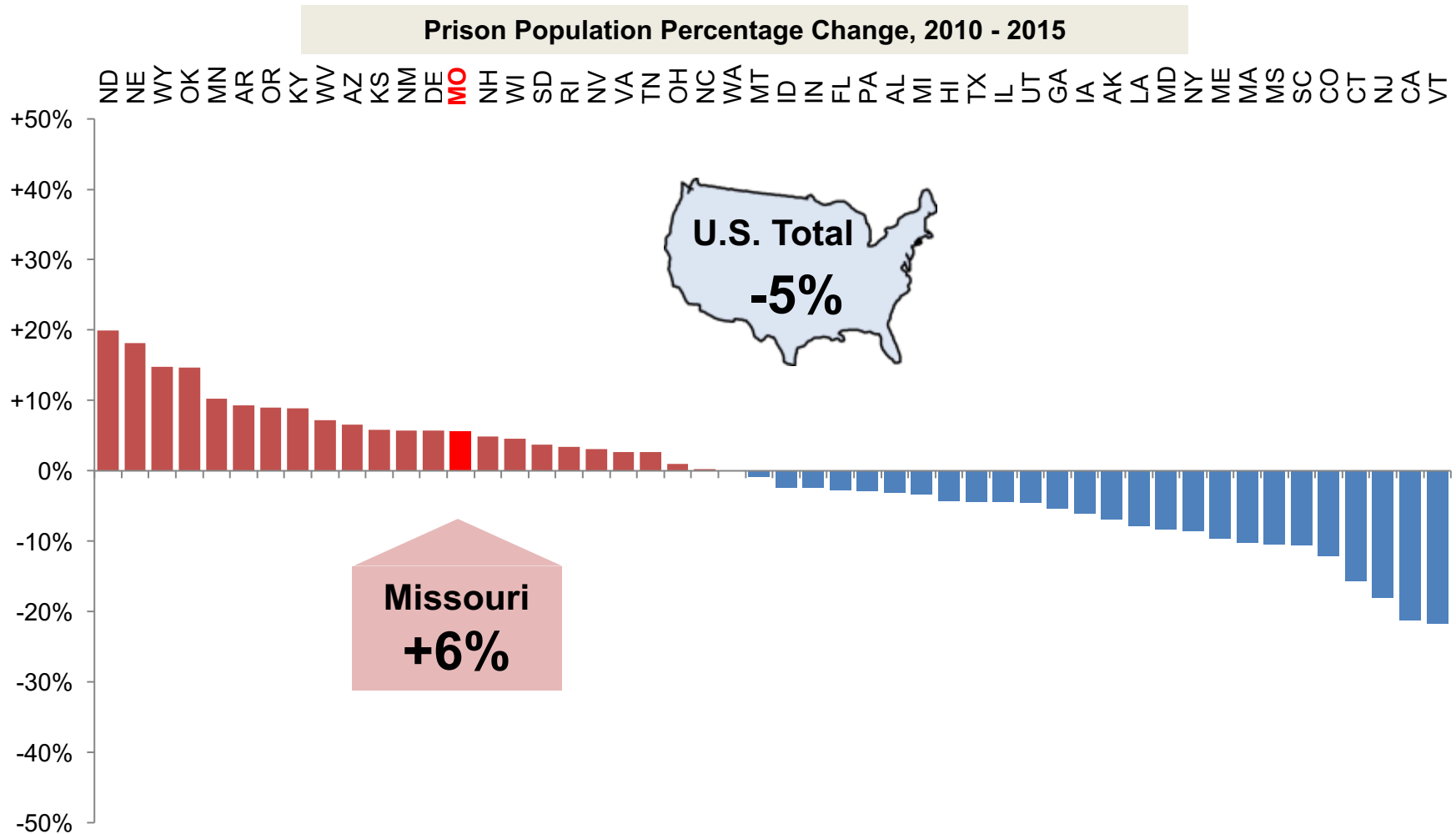
State	Incarceration Rate	Rank
Louisiana	776	1
Oklahoma	715	2
Alabama	611	3
Mississippi	609	4
Arizona	596	5
Arkansas	591	6
Texas	568	7
Missouri	530	8
Georgia	503	9
Florida	496	10
Kentucky	489	11
Virginia	457	12
Ohio	449	13
Nevada	444	14
Delaware	441	15
Idaho	436	16
Michigan	429	17
Tennessee	425	18
South Carolina	414	19
South Dakota	413	20
Wyoming	413	21
Indiana	412	22
Pennsylvania	387	23
West Virginia	386	24
Wisconsin	377	25

State (cont'd)	Incarceration Rate (cont'd)	Rank (cont'd)
Oregon	376	26
Colorado	364	27
Illinois	360	28
Montana	355	29
North Carolina	352	30
Maryland	339	31
New Mexico	335	32
California	329	33
Kansas	328	34
Connecticut	312	35
Alaska	306	36
Iowa	281	37
Nebraska	279	38
Hawaii	262	39
New York	260	40
Washington	252	41
North Dakota	233	42
New Jersey	228	43
New Hampshire	217	44
Utah	215	45
Vermont	206	46
Rhode Island	204	47
Minnesota	196	48
Massachusetts	179	49
Maine	132	50

Source: Bureau of Justice Statistics, Prisoners in 2015.

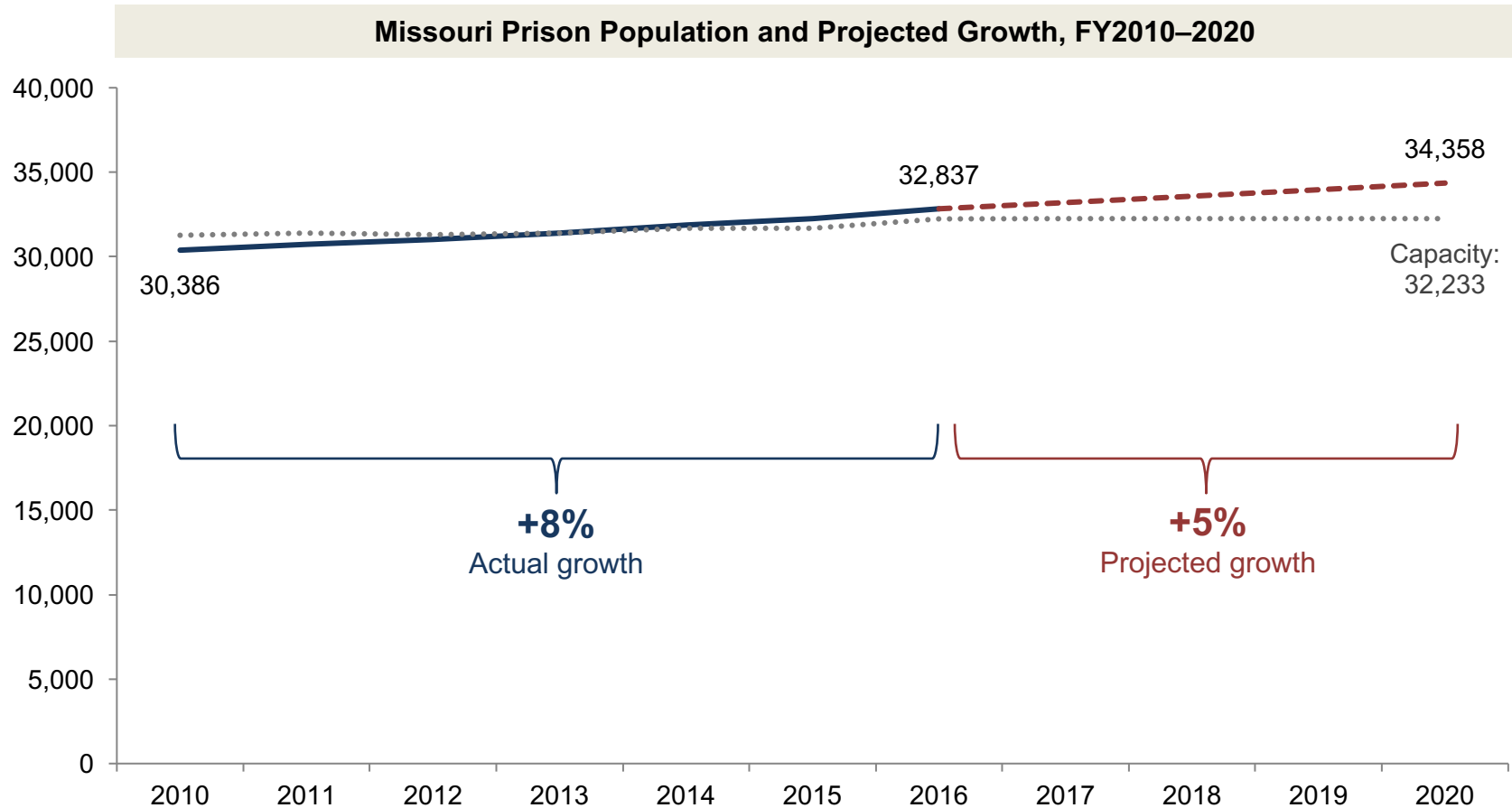
*Rate is per 100,000 residents

Missouri's total prison population increased slightly between 2010 and 2015



Source: Bureau of Justice Statistics, Prisoners in 2010 and Prisoners in 2015.

Missouri's prison population has grown, and this growth is projected to continue



Actual population is based on population counts as of June 30 of each year. Population projections are from ADP based forecast in FY16 budget.

Source: Missouri Department of Corrections Offender Profile, FY2016; Missouri Department of Corrections, March 2017 Population Forecast

Missouri ranks fifth in the number of women incarcerated in proportion to their population

Female Incarceration Rate by State, 2015*

State	Female Incarceration Rate	Rank
Oklahoma	151	1
Kentucky	115	2
Idaho	112	3
Arizona	105	4
Missouri	105	5
Alabama	97	6
South Dakota	97	7
West Virginia	93	8
Wyoming	93	9
Arkansas	91	10
Texas	91	11
Louisiana	85	12
Nevada	80	13
Mississippi	78	14
Tennessee	78	15
Montana	76	16
Virginia	76	17
Indiana	75	18
Ohio	75	19
Georgia	68	20
Colorado	67	21
Florida	66	22
New Mexico	66	23
Oregon	64	24
North Dakota	55	25

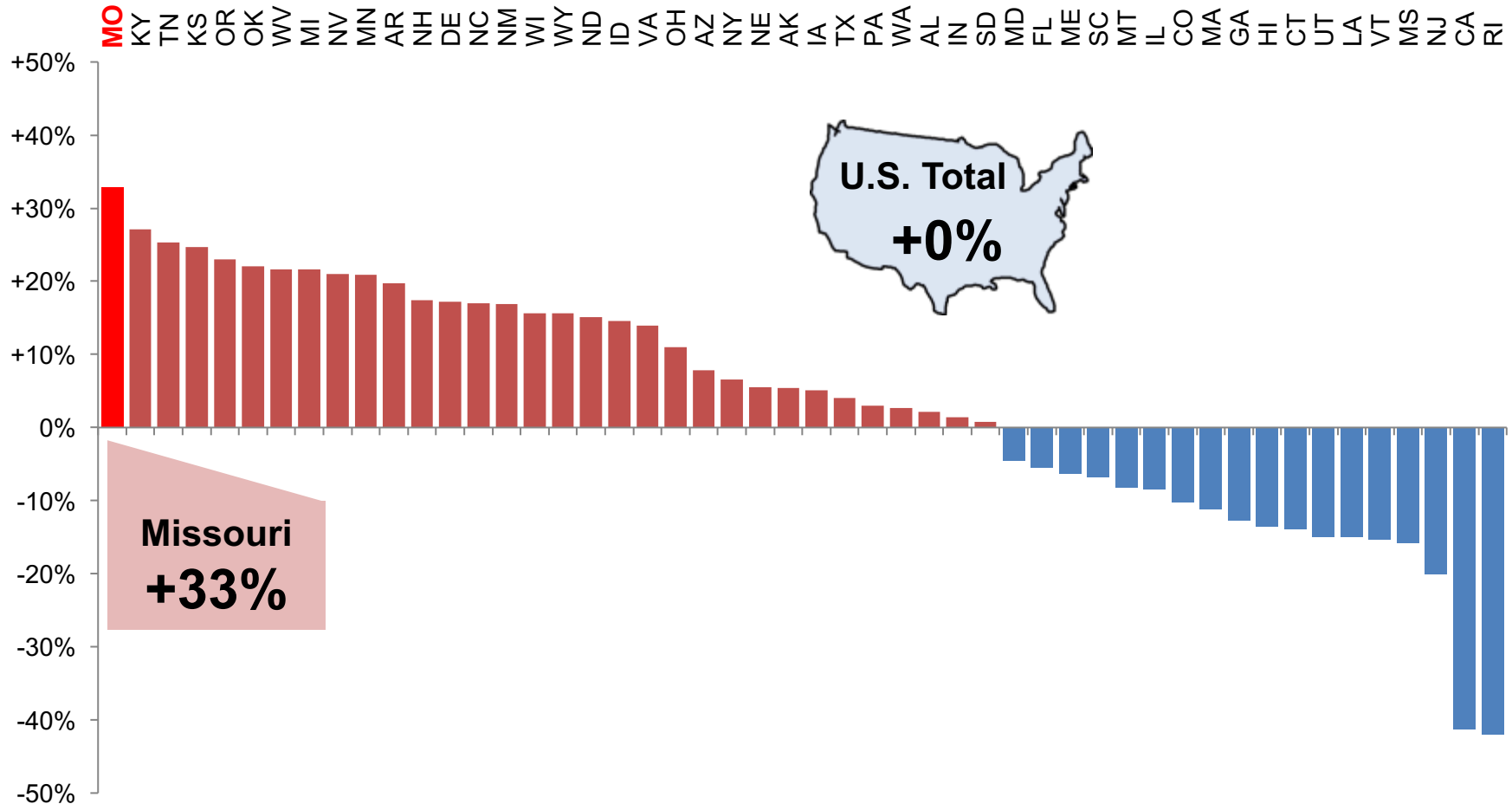
State (cont'd)	Female Incarceration Rate (cont'd)	Rank (cont'd)
Kansas	53	26
Iowa	51	27
Alaska	50	28
Hawaii	50	29
South Carolina	50	30
North Carolina	48	31
Delaware	46	32
Wisconsin	46	33
Michigan	45	34
Nebraska	44	35
Pennsylvania	42	36
Illinois	41	37
Washington	40	38
New Hampshire	35	39
Utah	34	40
Connecticut	31	41
California	29	42
Maryland	28	43
Minnesota	28	44
Vermont	26	45
New York	23	46
New Jersey	20	47
Maine	19	48
Massachusetts	14	49
Rhode Island	11	50

Source: Bureau of Justice Statistics, Prisoners in 2015.

*Rate is per 100,000 female residents

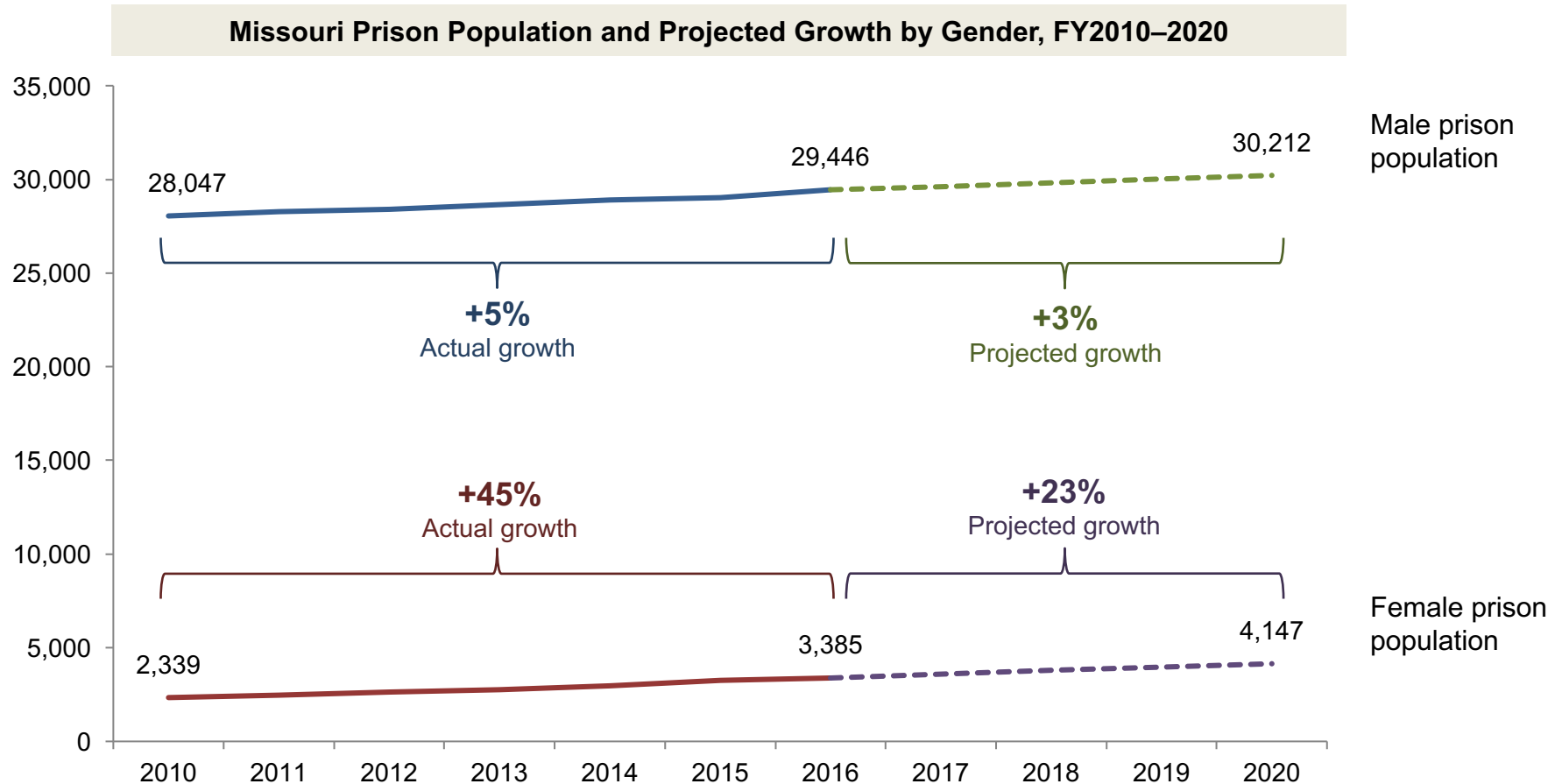
Missouri had the fastest-growing female prison population in the nation from 2010 to 2015

Female Prison Population Percentage Change, 2010–2015



Source: Bureau of Justice Statistics, *Prisoners in 2010 and Prisoners in 2015*.

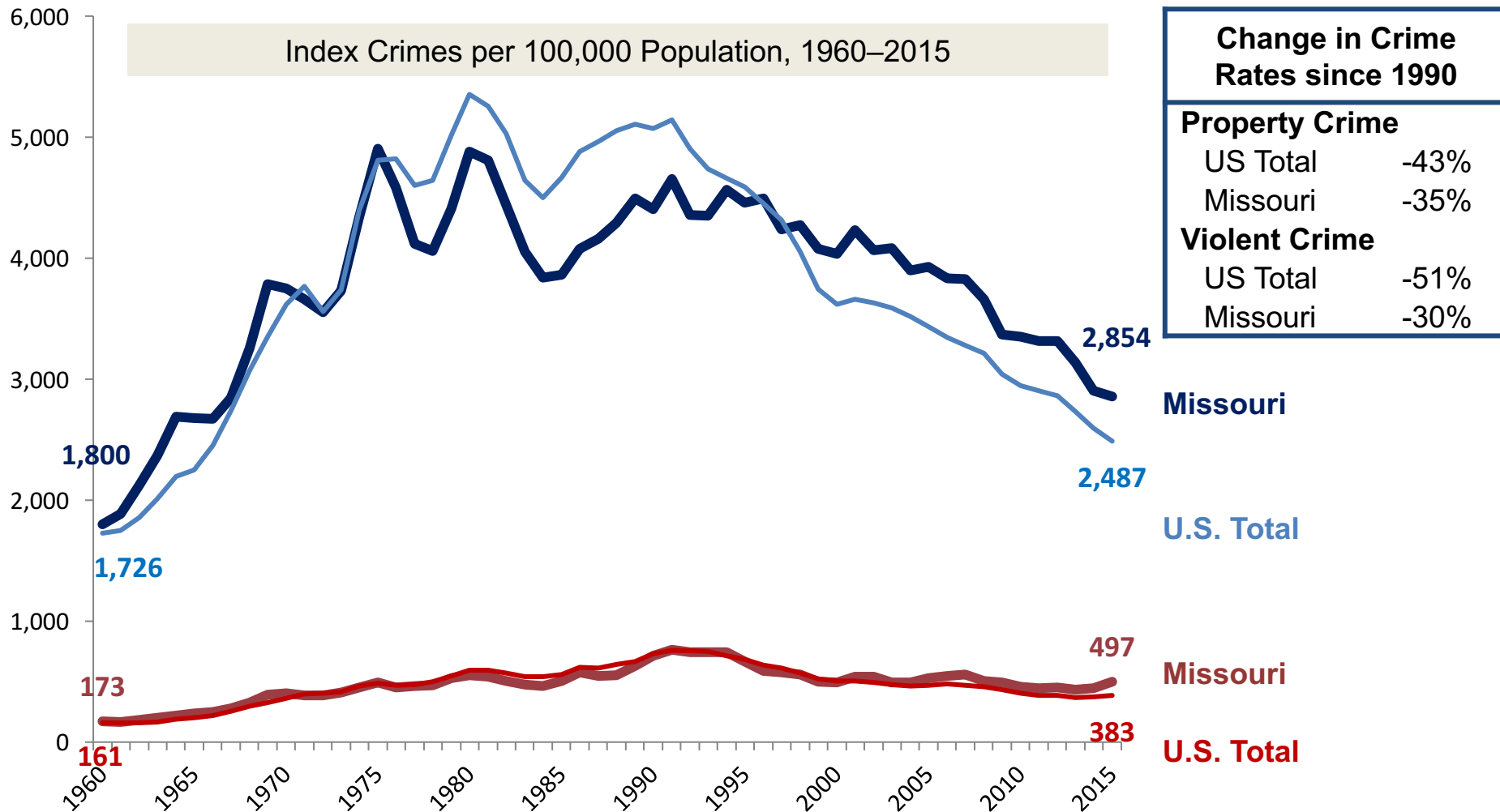
The female prison population is projected to grow at a much faster rate than the male population



Actual population is based on population counts as of June 30 of each year. Population projections are from ADP based forecast in FY16 budget.

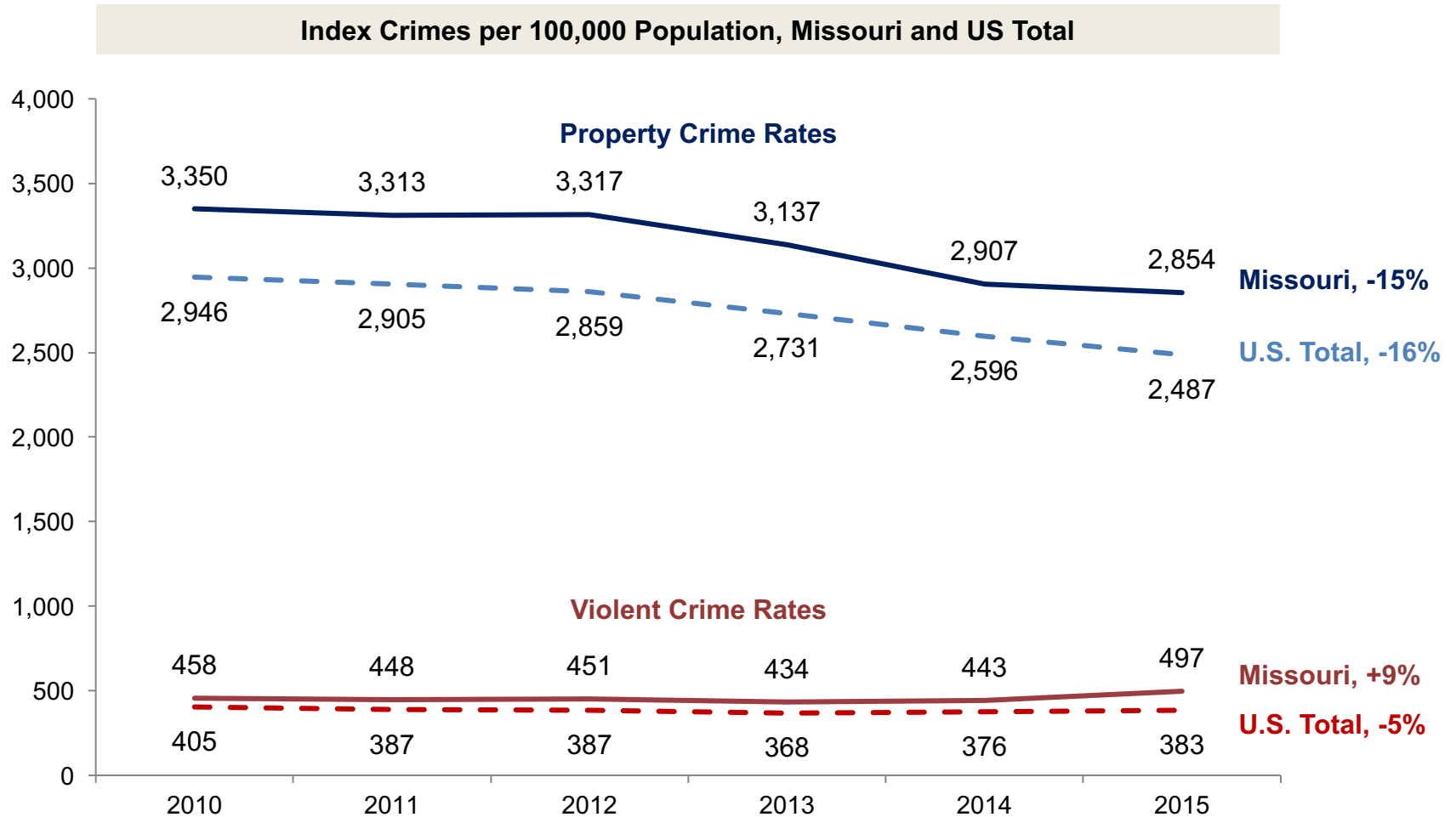
Source: Missouri Department of Corrections Offender Profile, FY2016; Missouri Department of Corrections, March 2017 Population Forecast

Missouri's crime rates have trended similarly to the national average



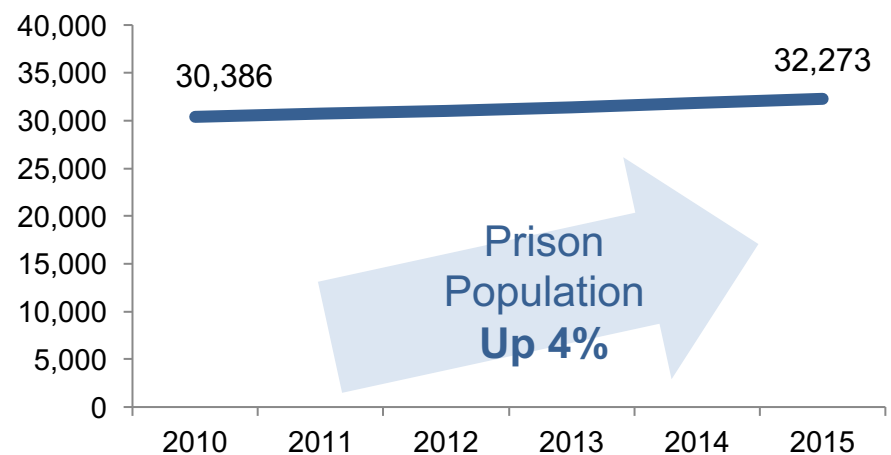
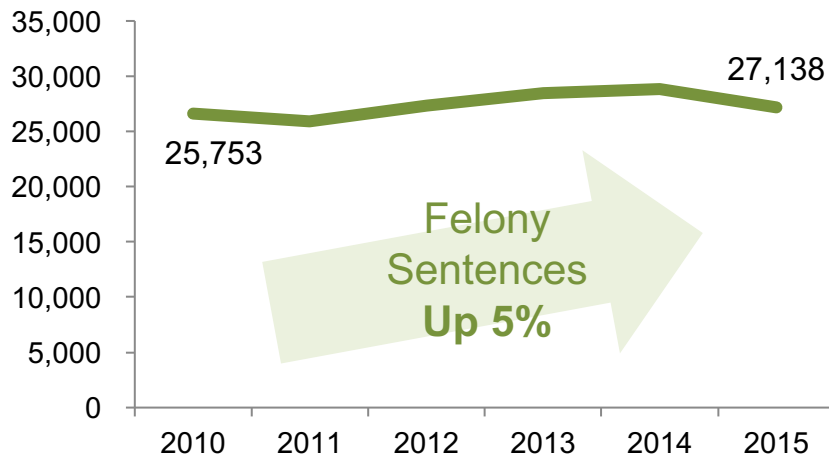
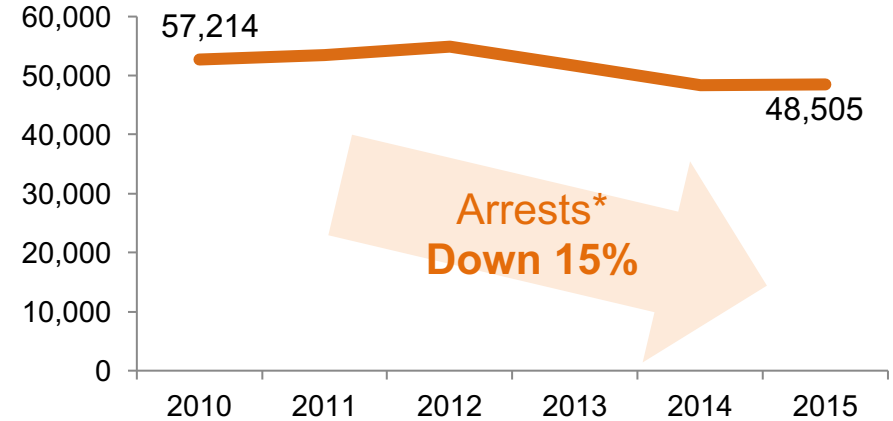
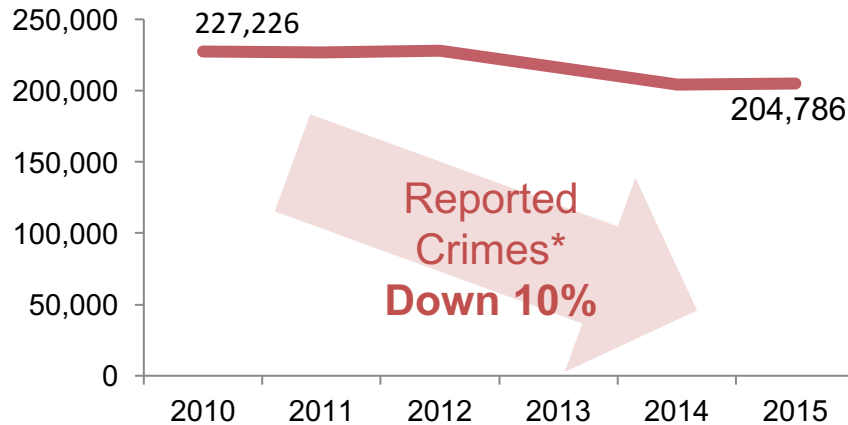
Source: Missouri SB491 of 2014.

Though trending downward, Missouri's crime rates are higher than the national average



Source: FBI UCR Online Data Tool and Crime in the U.S., 2015.

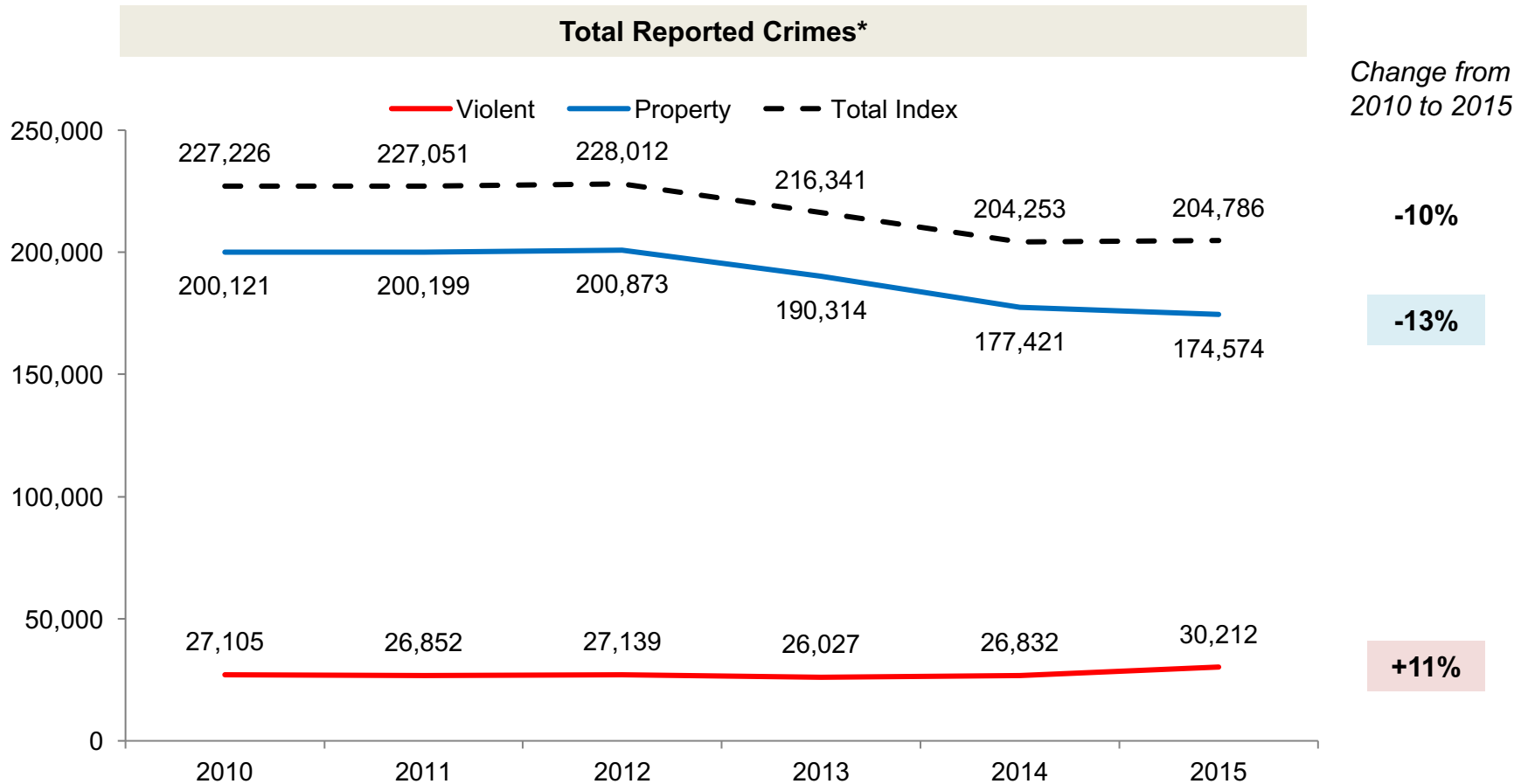
Despite a decline in reported crimes and arrests, the number of felony sentences and the prison population have increased



*Reported crimes and arrests include only UCR index crimes (murder/manslaughter, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson). 2014 and 2015 numbers include human trafficking offenses.

Source: Crime in Missouri reports, 2013 and 2015; Missouri Department of Corrections Offender Profile, FY2014 and FY2015; Missouri Sentencing Advisory Commission Annual Report on Sentencing and Sentencing Disparity Fiscal Year 2015

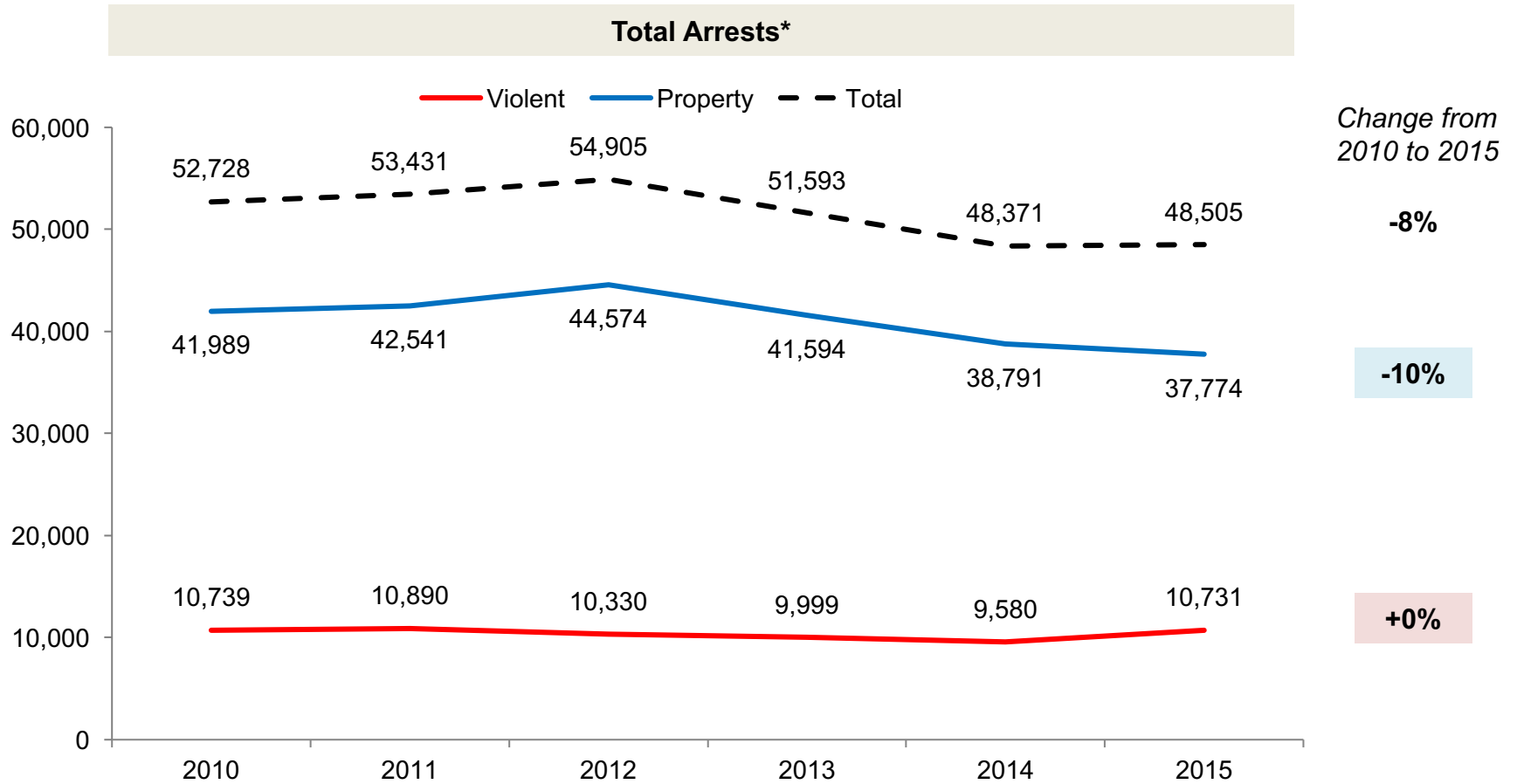
Decrease in reported crimes is driven by a drop in property crime



*Reported crimes include only UCR index crimes (murder/manslaughter, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson). 2014 and 2015 numbers include human trafficking offenses.

Source: Crime in Missouri reports, 2013 and 2015

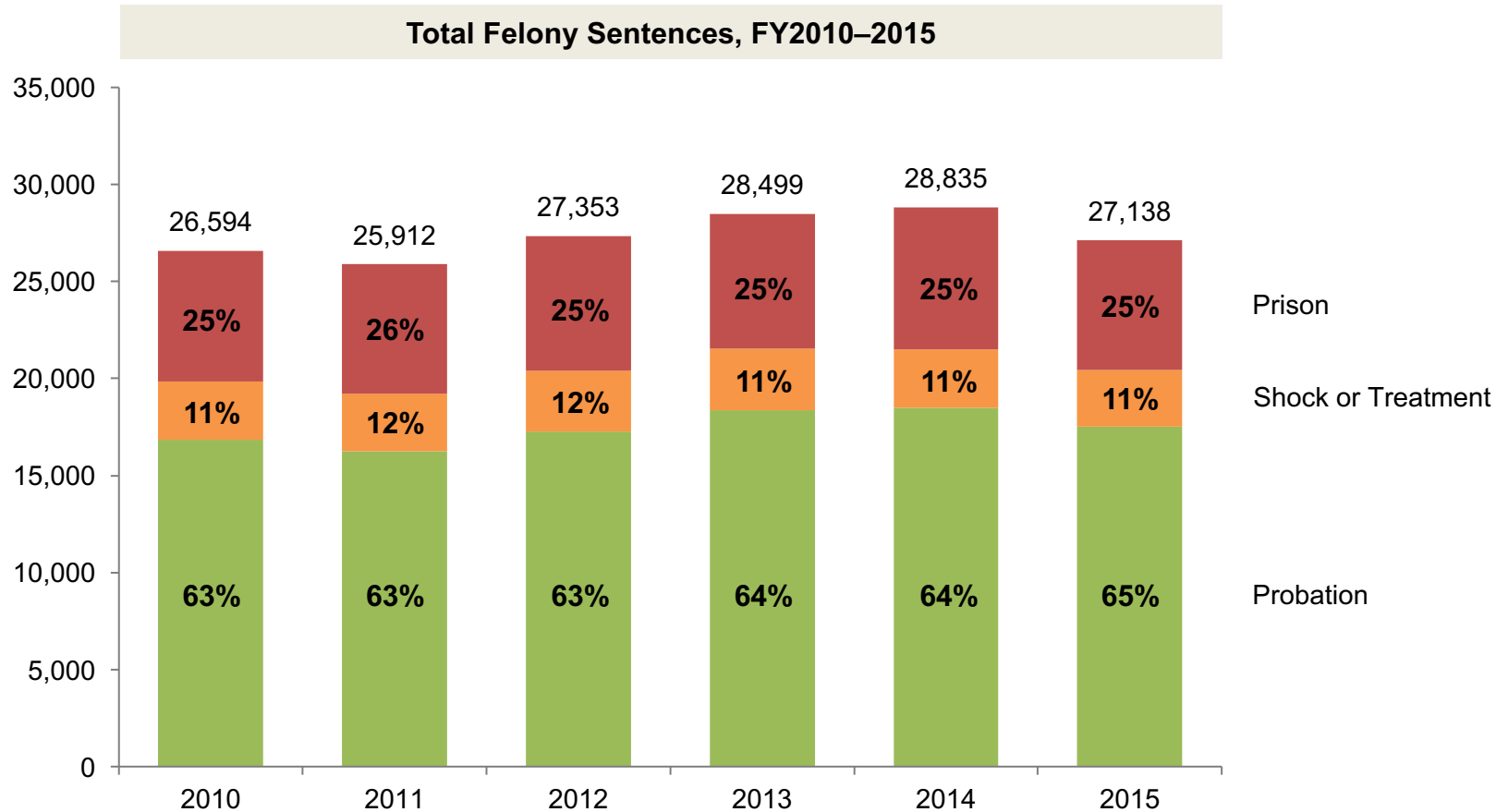
Arrests for property offenses have decreased, while arrests for violent offenses have stayed flat



*Reported arrests include only UCR index crimes (murder/manslaughter, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson). 2014 and 2015 numbers include human trafficking offenses.

Source: Crime in Missouri reports, 2013 and 2015

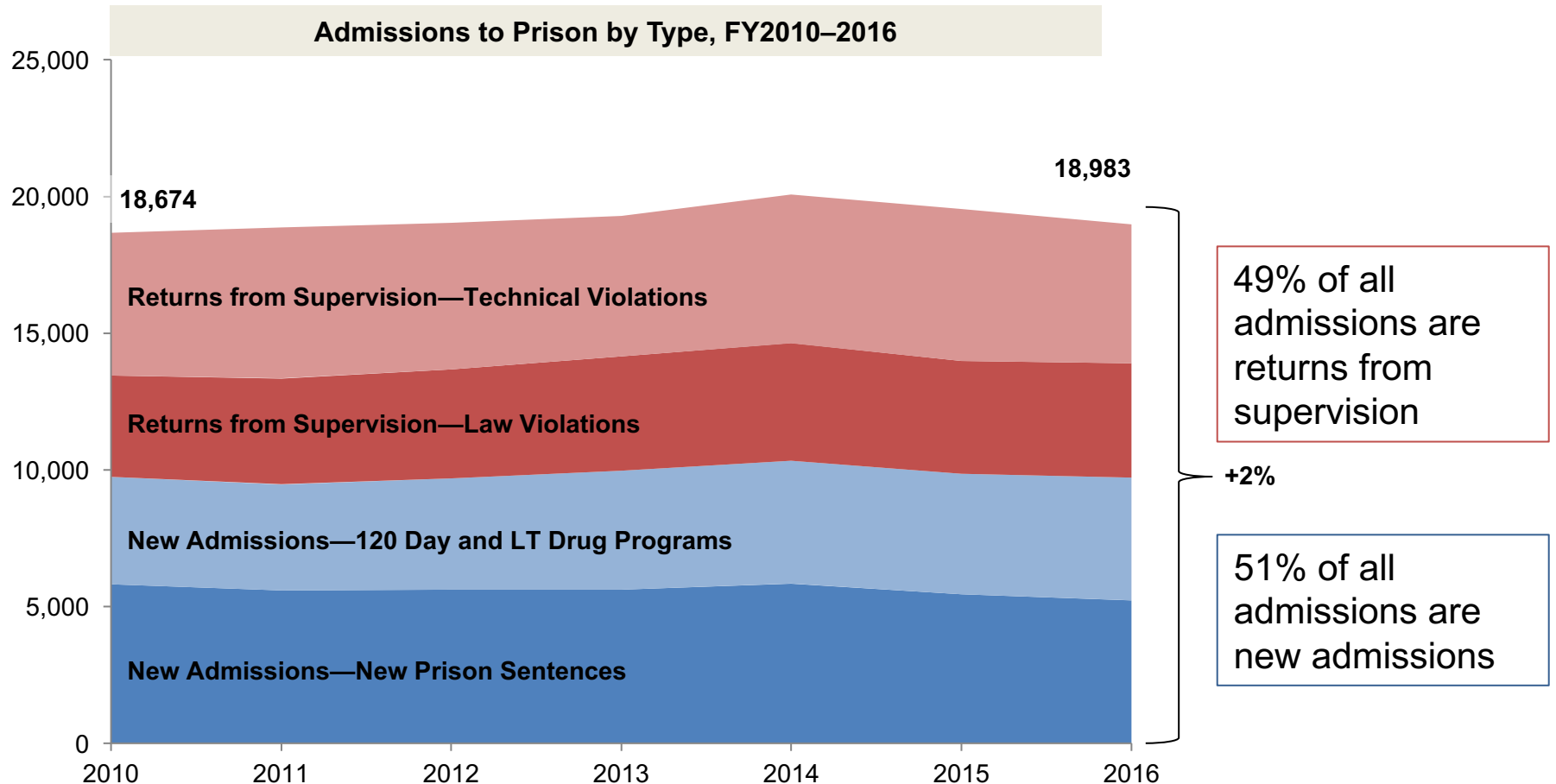
The number of felony dispositions has increased slightly since 2010, but the sentence breakout has remained constant



Percentages may not add to 100% due to rounding

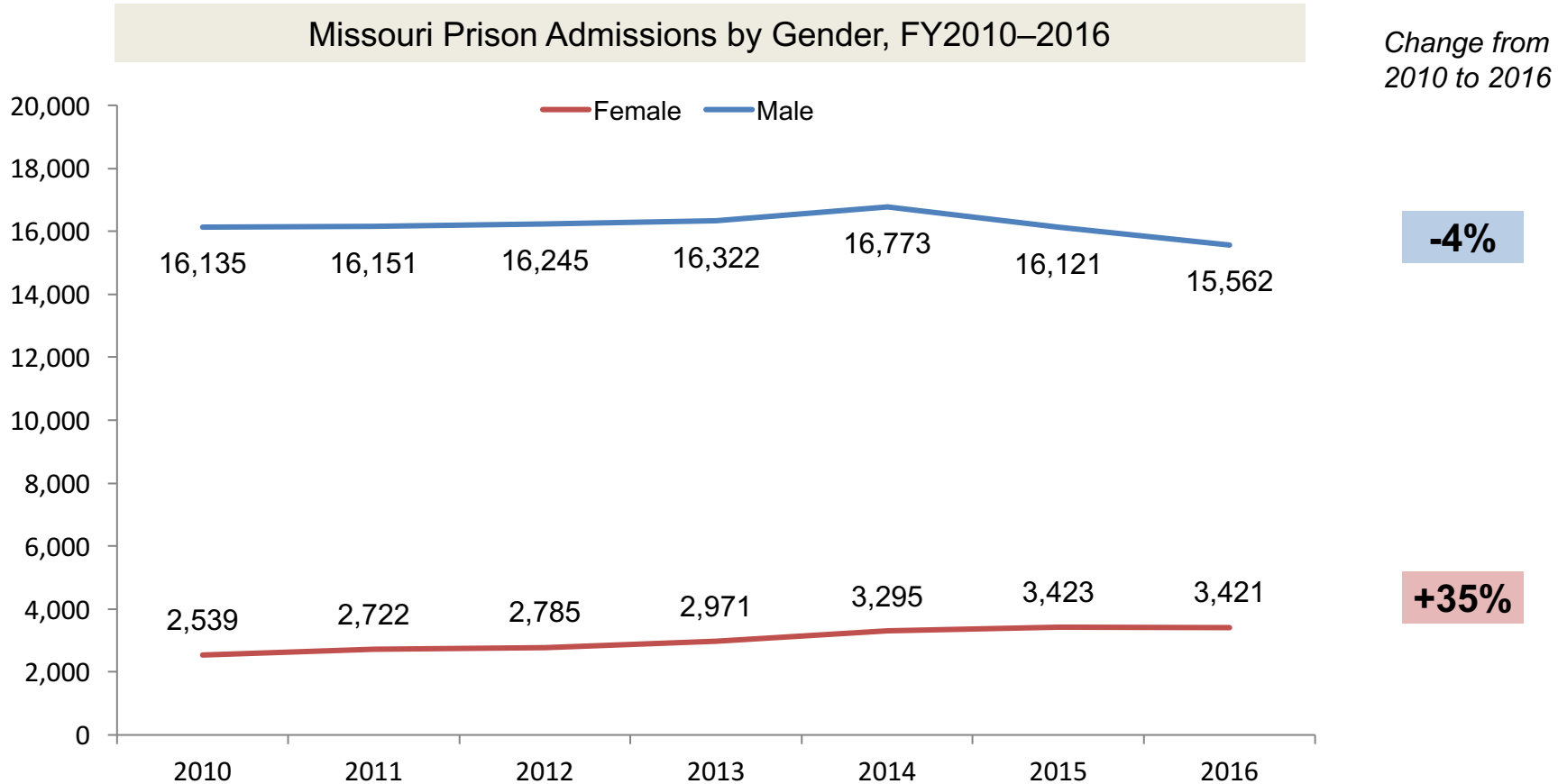
Source: Missouri Sentencing Advisory Commission Annual Report on Sentencing and Sentencing Disparity Fiscal Year 2015

Admissions to prison are split evenly between new admissions and returns from supervision



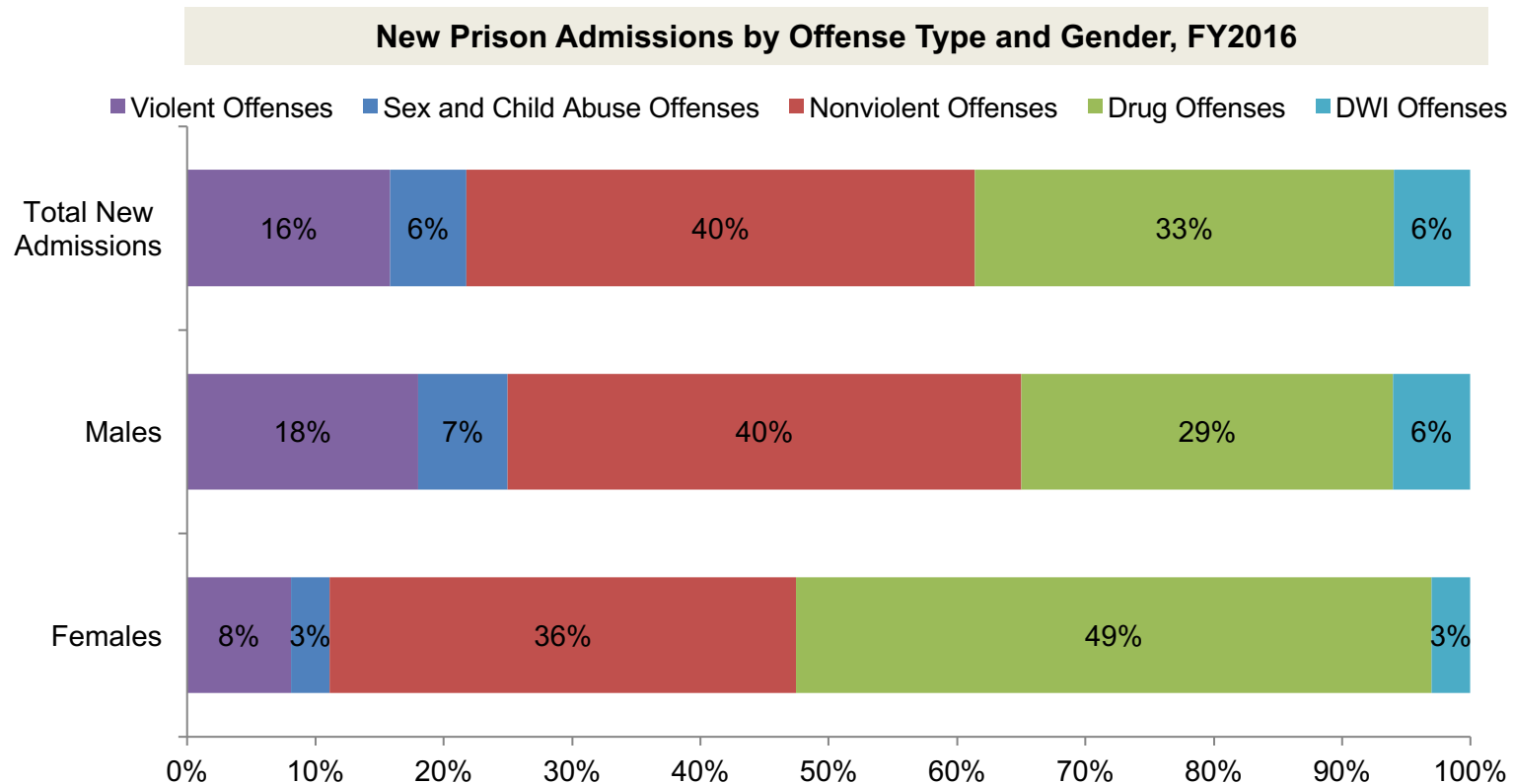
Source: Missouri Department of Corrections Offender Profile, FY2016

The number of males admitted to prison is decreasing, but the number of females is increasing



Source: Missouri Department of Corrections Offender Profile, FY2016

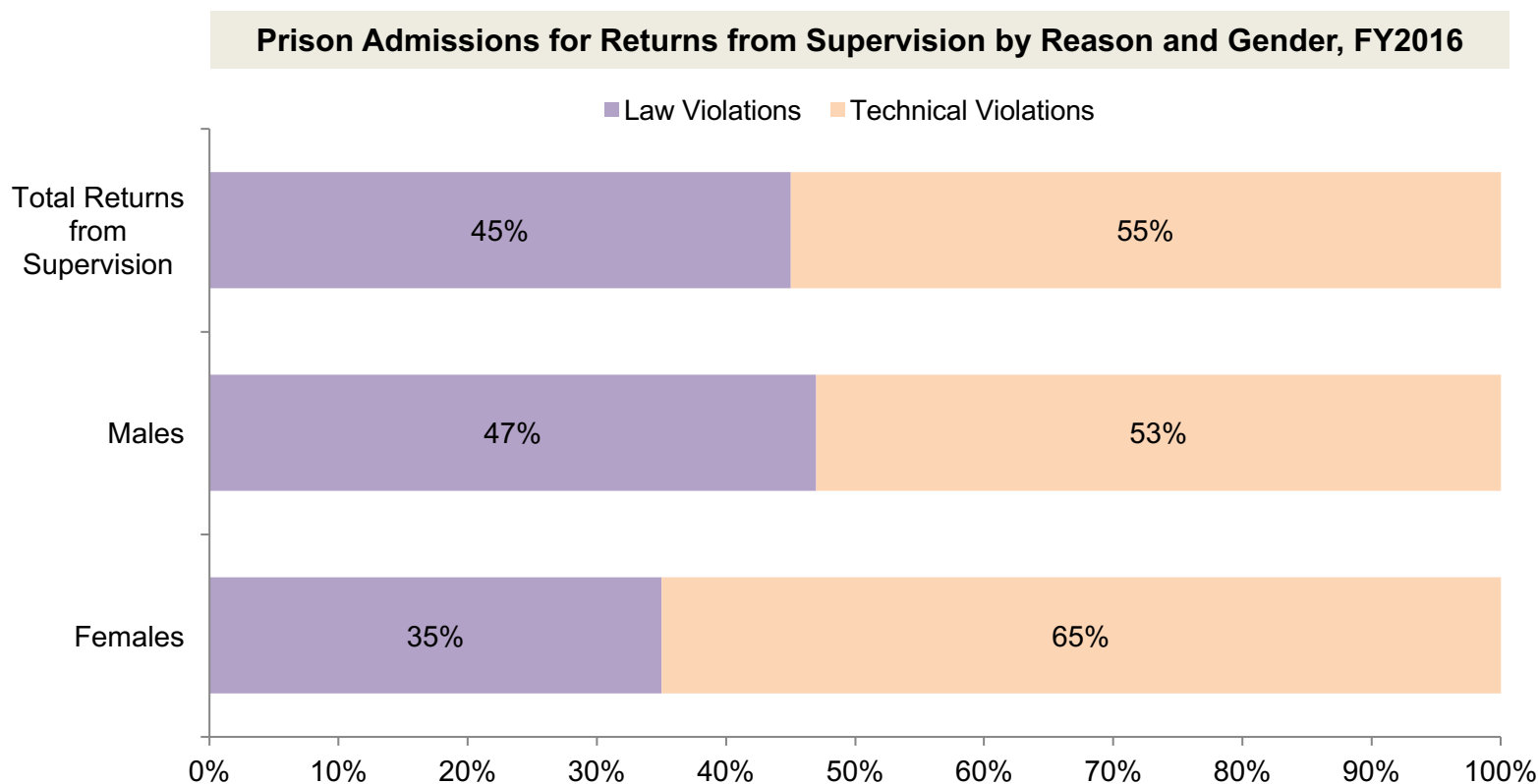
85 percent of women newly admitted to prison are admitted for nonviolent offenses, compared to 69 percent of men



Figures represent new admissions only and exclude admissions for supervision violations. About half of all new admissions were for long-term treatment and were not the result of a new court sentence. Nonviolent Offenses include property offenses, public order offenses, other weapons offenses, and other traffic offenses.

Source: Missouri Department of Corrections Offender Profile, FY2016

Two-thirds of women admitted to prison for supervision violations are admitted for technical violations, compared to just over half of men

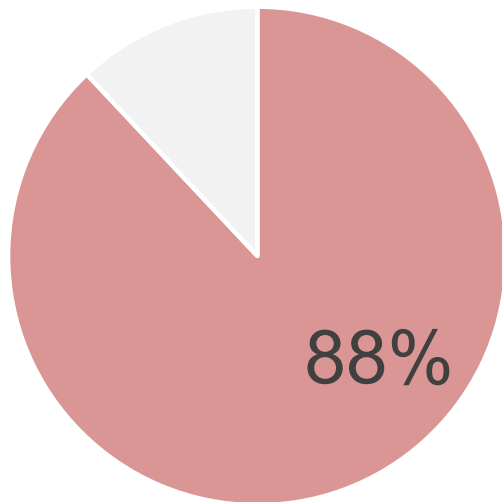


Figures represent admissions for supervision violations only

Source: Missouri Department of Corrections Offender Profile, FY2016

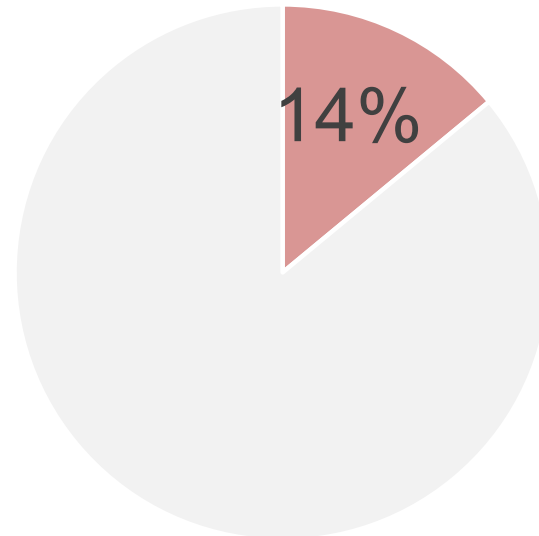
People admitted to prison in Missouri have substantial behavioral health needs

People Admitted to Prison Who
Require Substance Abuse
Treatment*



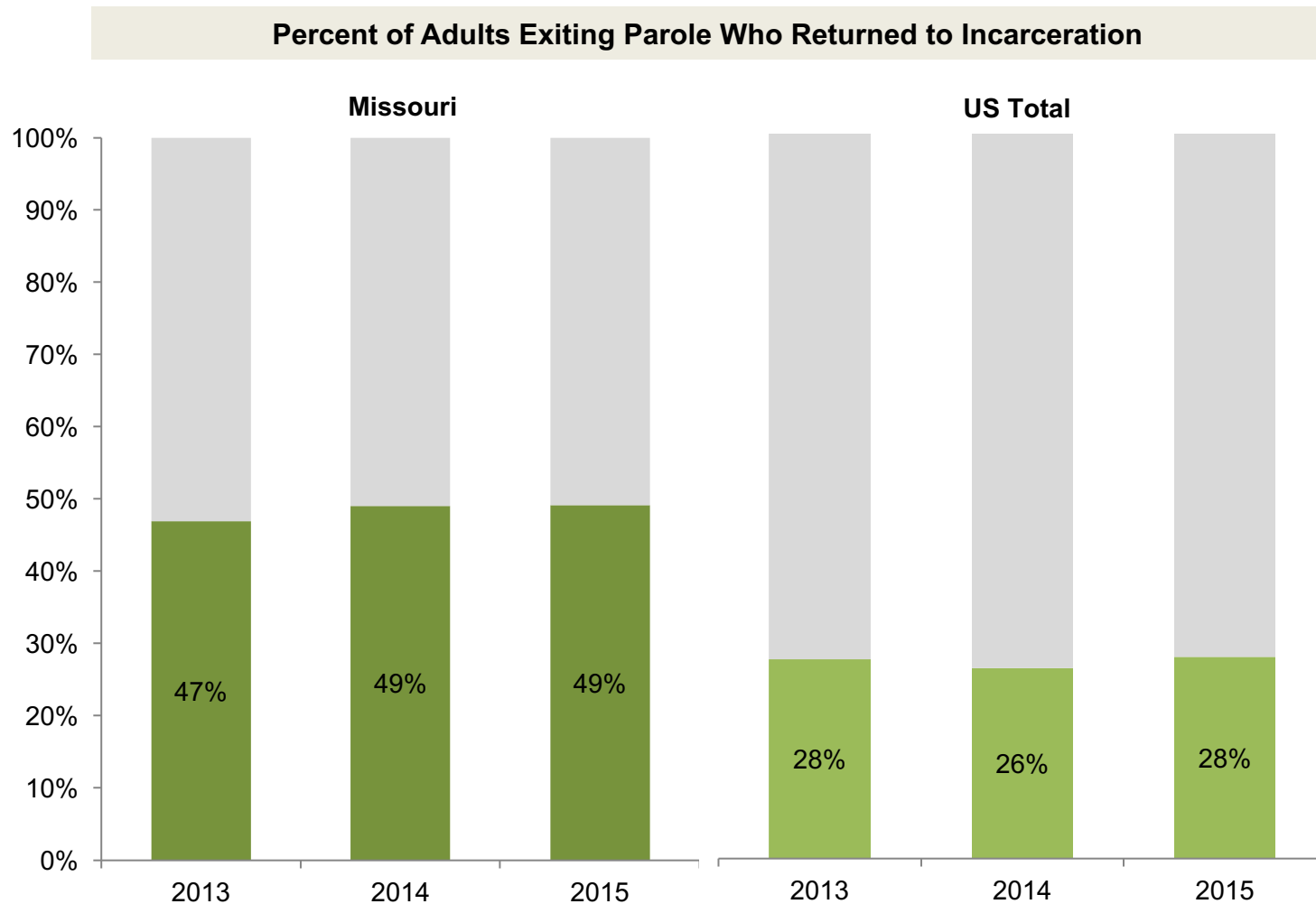
** Those assessed as having moderate to severe substance abuse require treatment. The substance abuse classification and assessment (SACA) is completed upon admission to prison.*

People Admitted to Prison Who
are Identified as Mentally Ill



** Those requiring regular clinic care and psychotropic medication*

Missouri's return to incarceration rate has remained stable in recent years, yet is higher than the national rate



**Returns to incarceration for any reason.*

Source: Bureau of Justice Statistics, *Probation and Parole in the United States, 2015*.

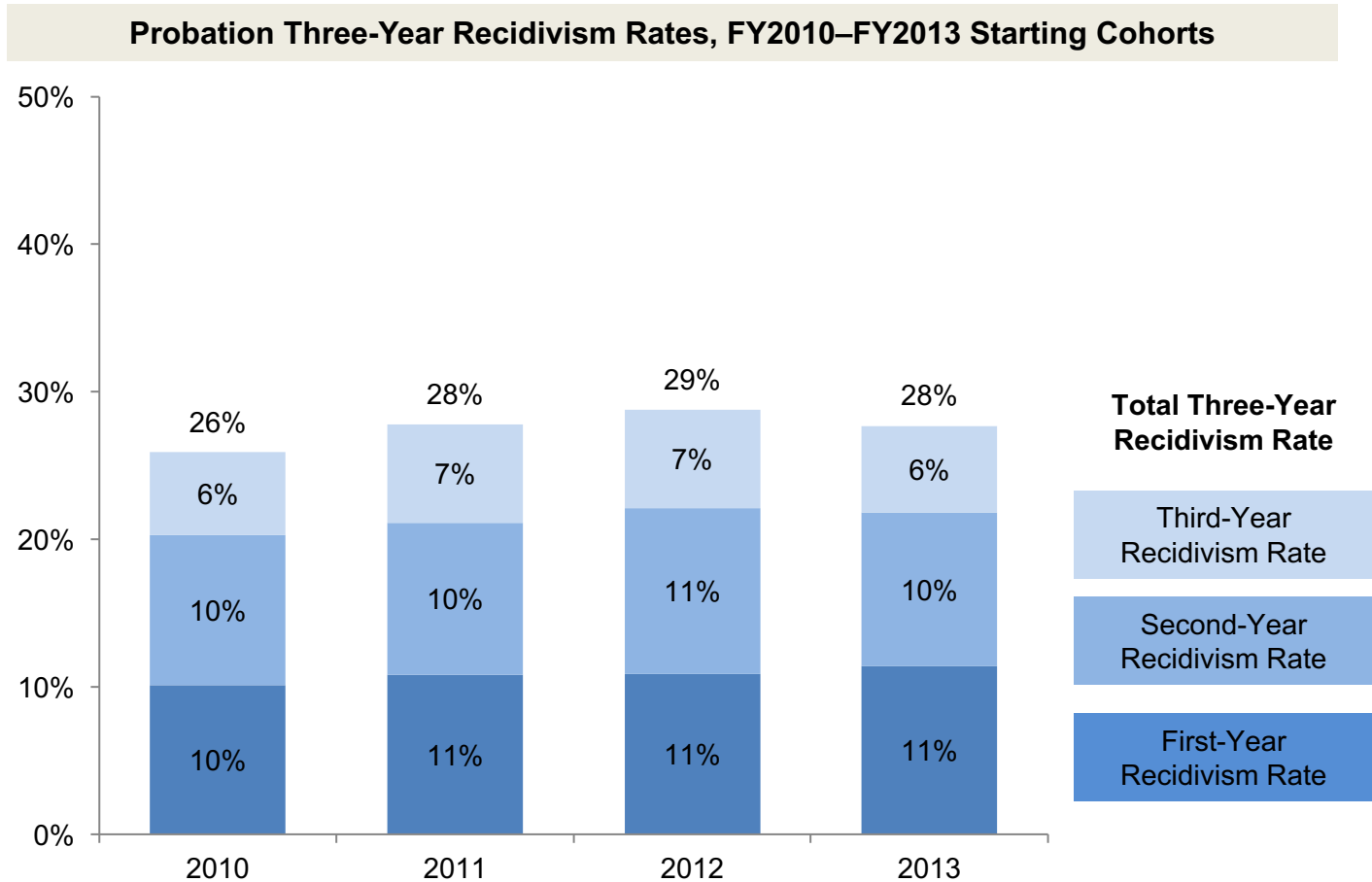
Missouri has the sixth-highest return to incarceration rate for parolees



*Returns to incarceration for any reason. Rates were not available for Alaska, California, Maine, Oregon, Vermont, and Wisconsin

Source: Bureau of Justice Statistics, Probation and Parole in the United States, 2015.

Three-year recidivism rates have remained stable for people on probation supervision

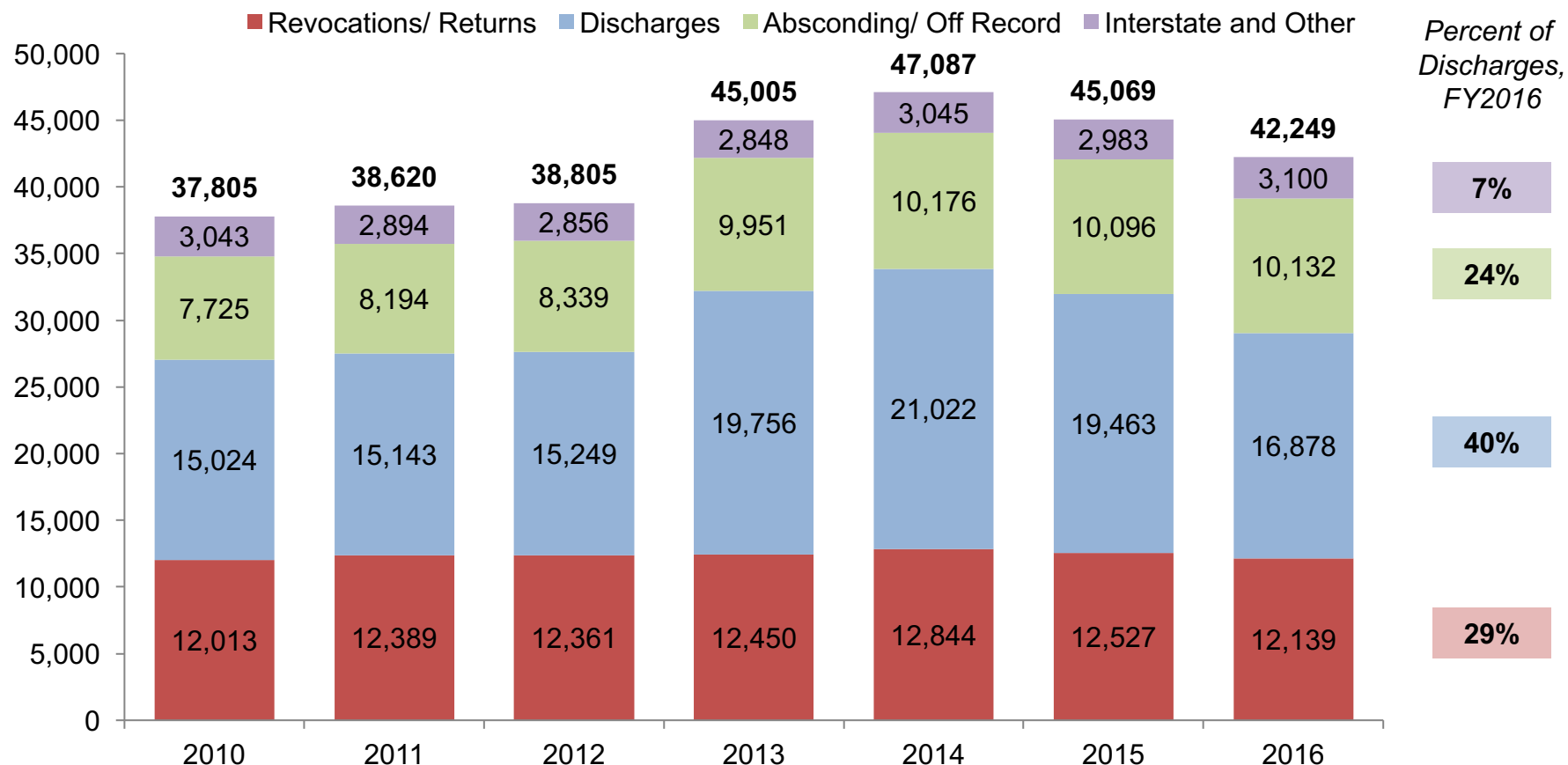


Rates shown here are recidivism by year for new probation offenders on first return to prison for violation or new conviction (new prison or probation sentence). Recidivism is a cumulative measure which increases as time from release increases. Recidivism rate of new probation includes only those offenders sentenced for a new offense to serve probation. The time to the first incarceration or first new conviction is calculated from the start of supervision.

Source: Missouri Department of Corrections Offender Profile, FY2016

Over a quarter of supervision terminations are revocations

Supervision Terminations by Type, FY2010–2016

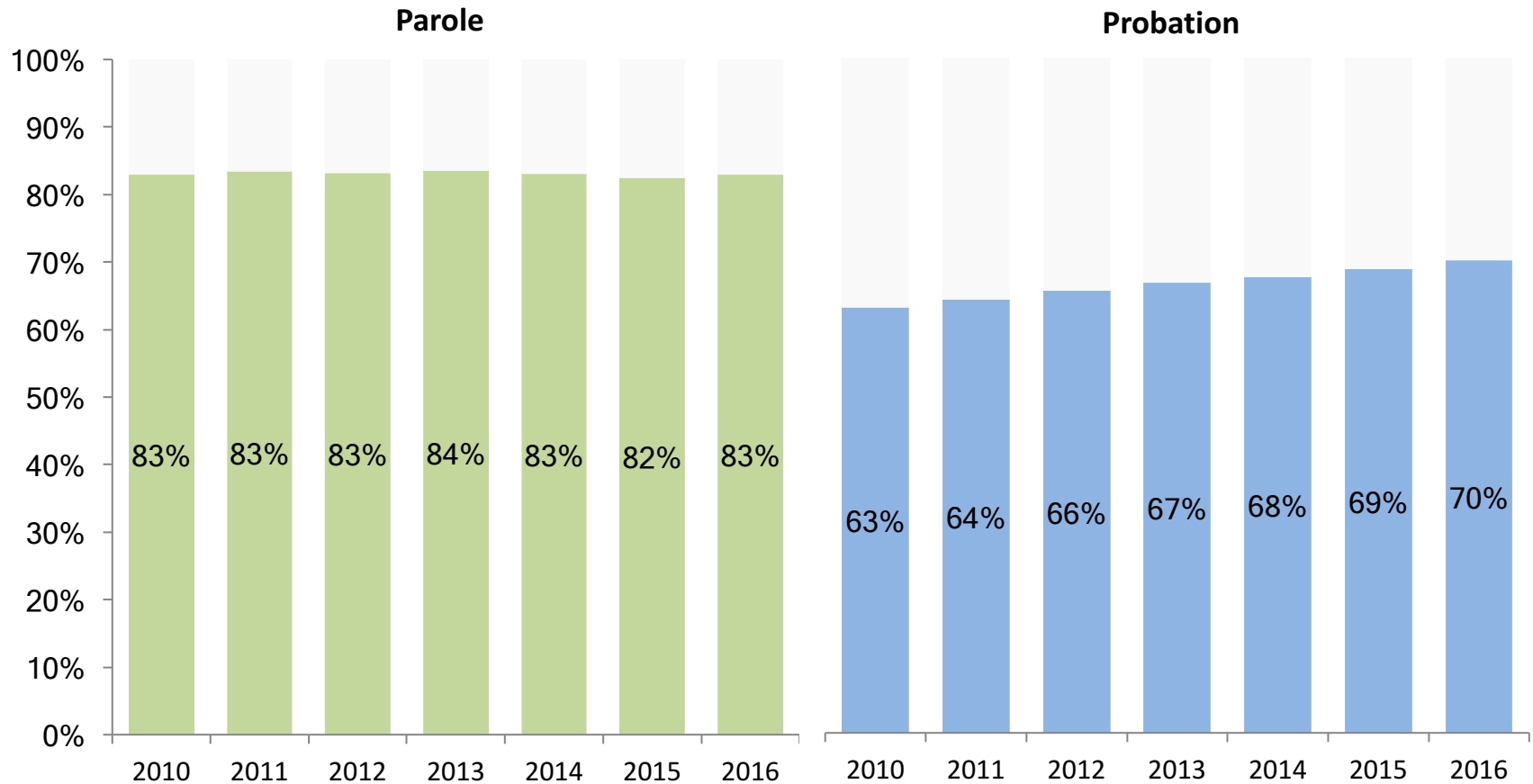


Includes both probation and parole supervision

Source: Missouri Department of Corrections Offender Profile, by fiscal year

More parolees than probationers require substance use treatment, but the percentage for probationers is increasing

Percent of Supervised People Identified as Requiring Substance Use Treatment*

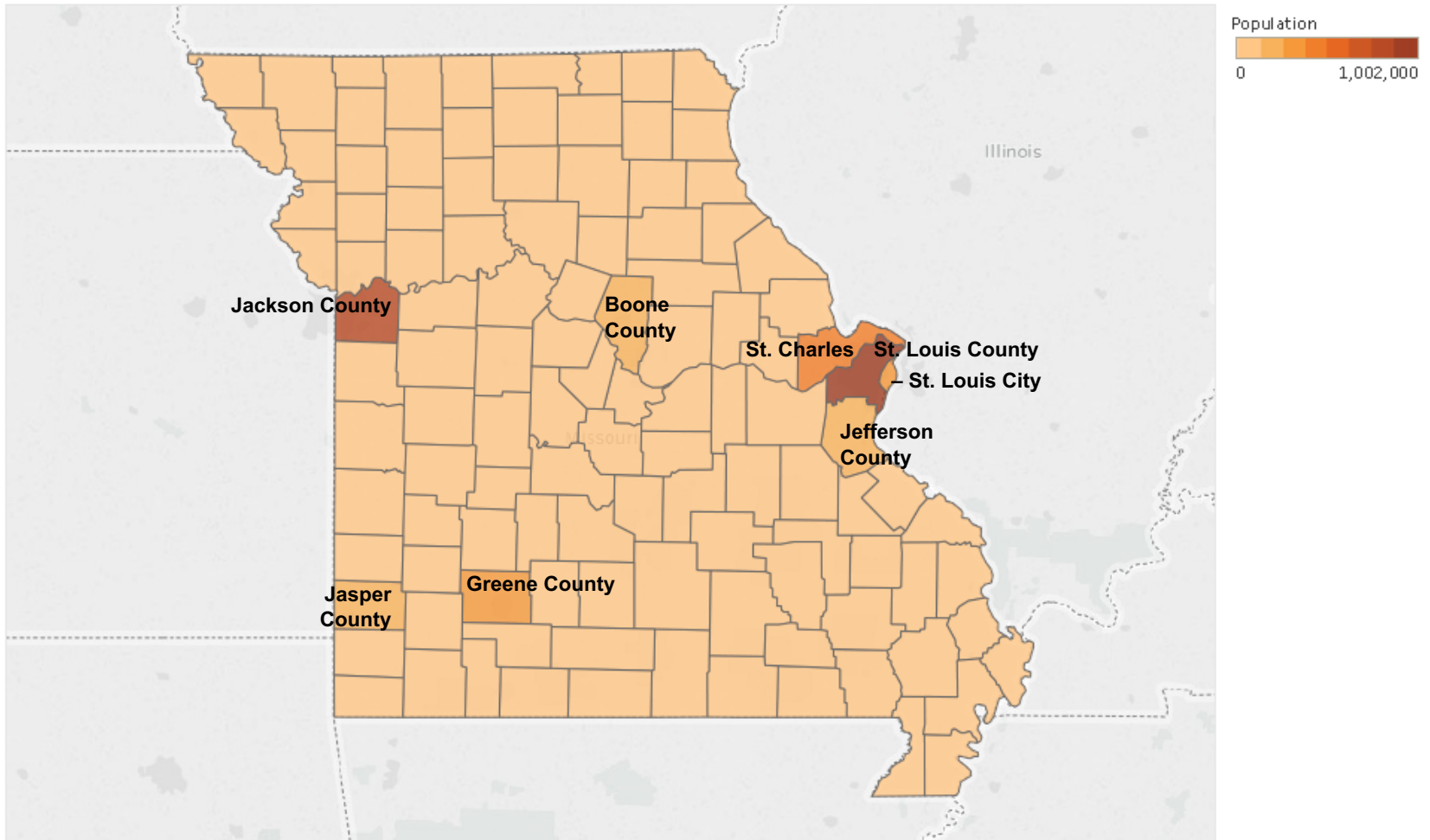


*People assessed as having moderate to severe substance use issues require treatment. The substance abuse classification and assessment (SACA) is completed at the start of supervision (probation or parole). Percentages are based on probation/parole populations as of June 30 of each year.

Source: Missouri Department of Corrections Offender Profile, by fiscal year

Missouri's population is concentrated in a few counties

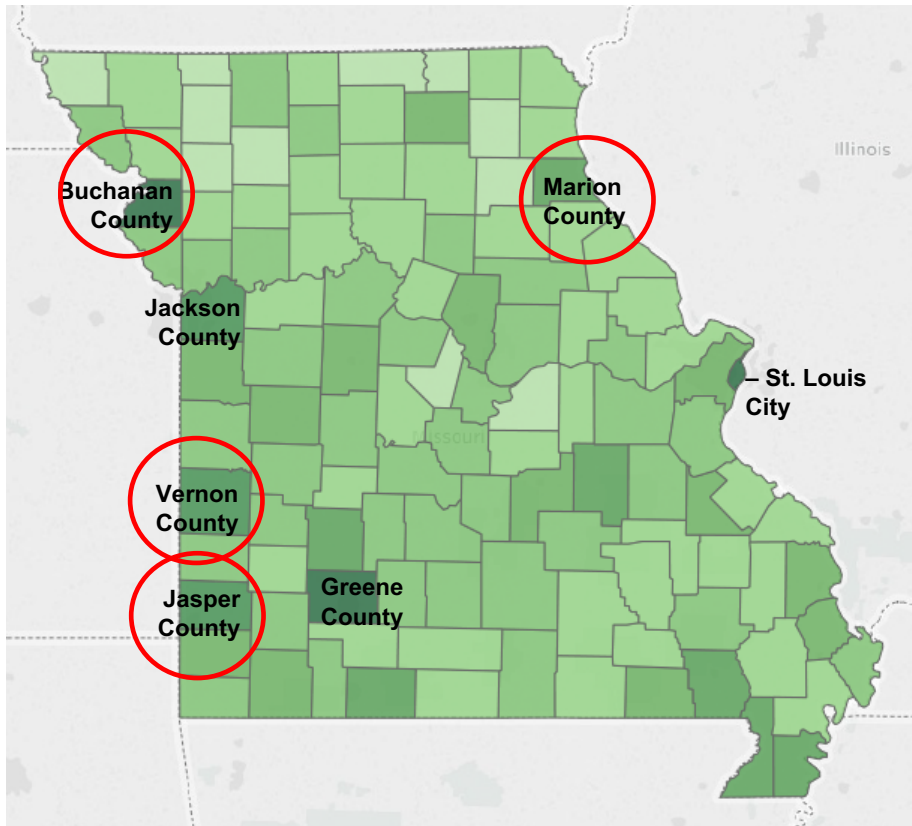
2016 Population Estimates



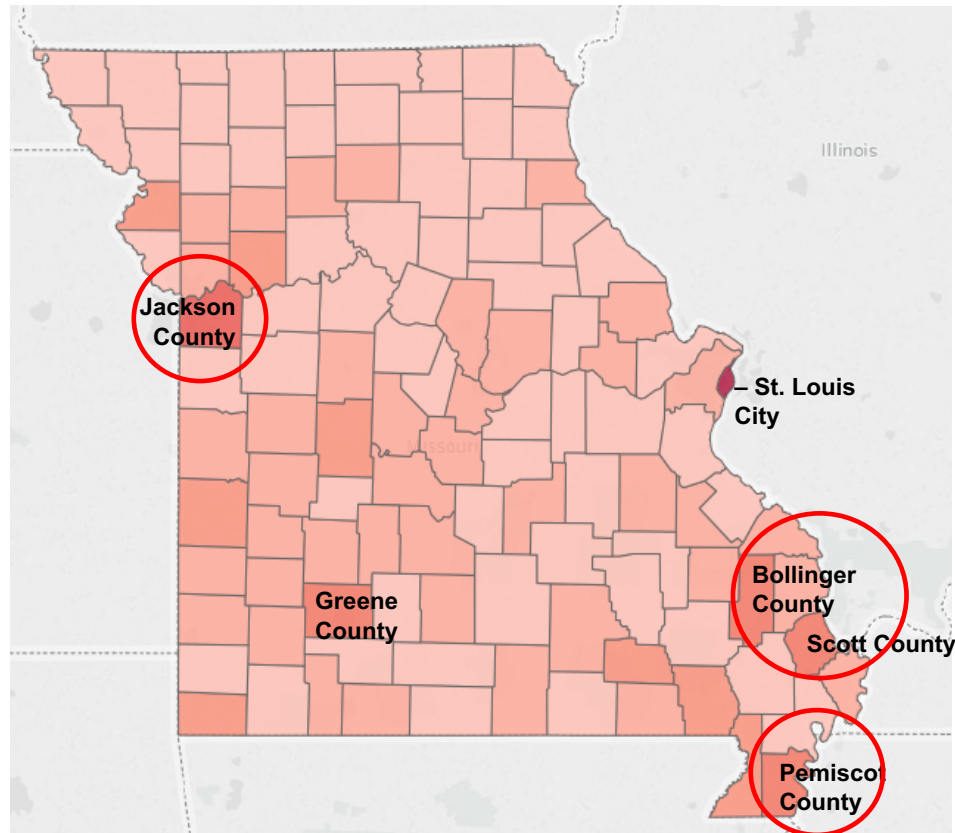
Source: Crime in Missouri data, 2016; US Census Bureau 2016 population estimates

Violent and property crime impact different counties

Property Crime Rate
0 6,100



Violent Crime Rate
0 2,000



Property crimes include burglary, larceny, and motor vehicle theft.
Violent crimes include murder/manslaughter, rape, robbery, and aggravated assault.

Source: Crime in Missouri data, 2016; US Census Bureau 2016 population estimates

Summary of Missouri's criminal justice trends

- ❑ High incarceration rates and growing prison population
- ❑ Largest growth in female prison population in the country
- ❑ High crime rates impacting many parts of state
- ❑ Increasing prison admissions, driven largely by nonviolent offenses and supervision violators
- ❑ Significant behavioral health needs among those supervised in community

Overview

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Recent Criminal Justice
Landscape in Missouri

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Possible Areas for Analysis

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Expectations for Justice
Reinvestment in Missouri



CSG Justice Center staff have already been on-site in Missouri speaking with criminal justice leaders and system stakeholders

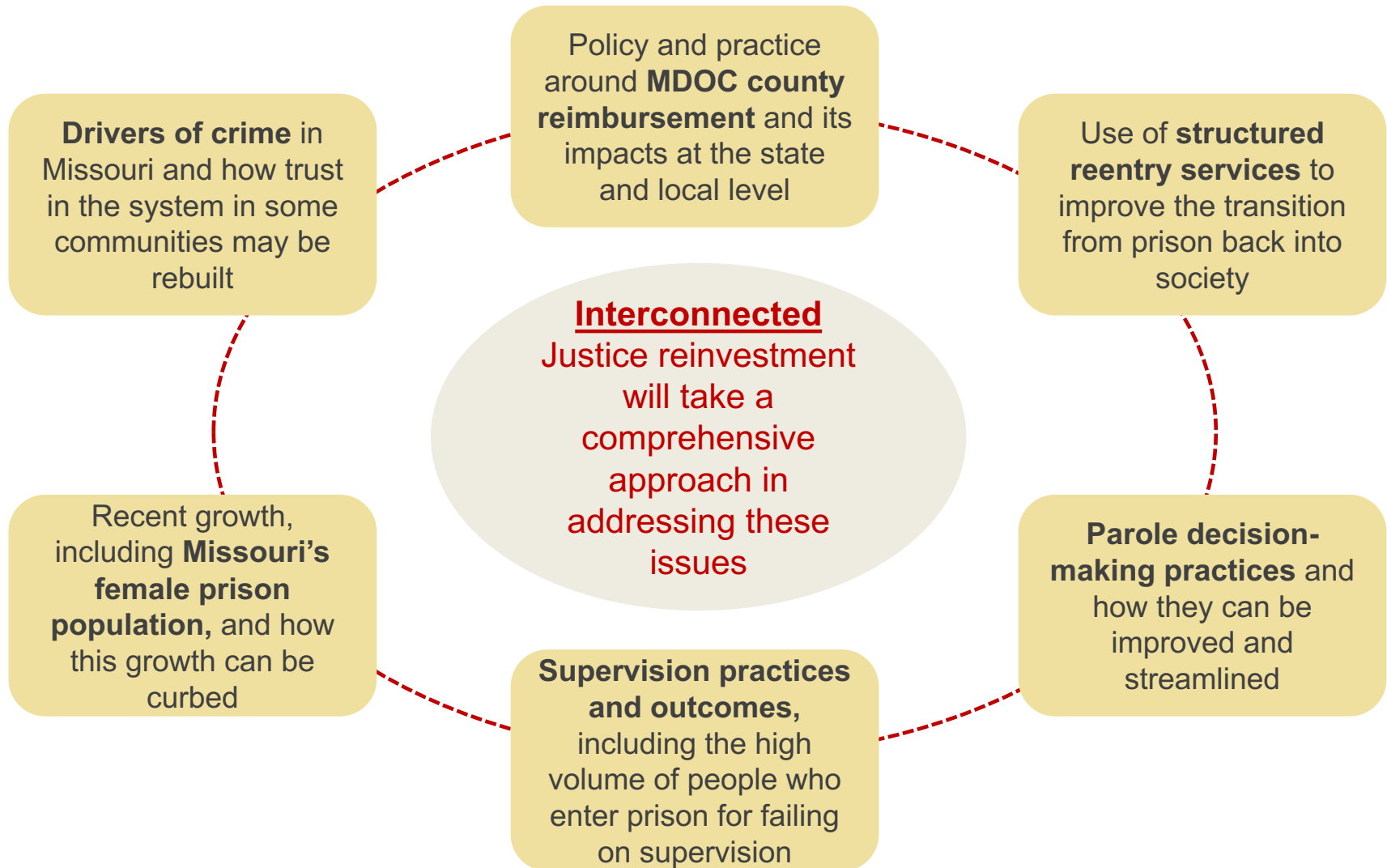
In **April 2017**, CSG Justice Center staff met with **Governor Greitens' staff**, **Senator Bob Dixon**, **Director Precythe** and other MDOC leadership and staff, and **Chairman Jones** and other MBPP members and staff. These meetings included conversations about system trends, current policy and practice, data availability, and more.

In **June 2017**, CSG Justice Center staff returned to Missouri and met with **representatives of the following organizations/entities**:

- Governor's Office
- Missouri Supreme Court
- Office of the State Court Administrator
- Department of Corrections, Public Safety, Mental Health, Health and Senior Services, Social Services
- Missouri Association of Prosecuting Attorneys
- Missouri Public Defender Commission
- Missouri Sheriffs Association
- Missouri Association of Counties
- Missouri Chiefs of Police Association

In **July 2017**, CSG Justice Center staff **observed MDOC supervision operations and met with Probation and Parole Officers (PPO), supervisors, and administrators** in St. Louis and nearby counties (Lincoln and Warren) as well as meeting with **victim and community advocates** in the St. Louis area.

Based on discussions with Missouri stakeholders, several areas warranting further analysis and possible reform have become evident



Area for further analysis: Structured Reentry

Structured Reentry

The overwhelming majority of people entering jail and prison in Missouri will eventually be released. Preparing people for release, connecting them to appropriate services in the community, and providing necessary supervision and support are all **critical components of an effective reentry strategy**.

Justice reinvestment will explore ways in which **policy, practice, and resources** in Missouri can be used to improve the likelihood of success for those returning to the community and decrease recidivism. This includes policy and practice both inside and outside institutional settings designed to incentivize good behavior and provide the necessary skills for returning and succeeding in the community.

Area for further analysis: Parole Decision Making

Parole Decision Making

Most people leaving prison in Missouri are released as a result of a decision by the **Missouri Board of Probation and Parole (MBPP)**. The board is responsible for weighing factors such as offense severity, criminal history, individual criminogenic risk and need factors, input from victims and law enforcement, and others to **determine if it is appropriate to release a person from prison to community supervision** prior to the completion of their sentence.

Justice reinvestment will evaluate current MBPP **policy and practice** relating to how decisions are made regarding release readiness, programming and treatment needs, and appropriate supervision conditions.

Area for further analysis: Supervision Practices and Outcomes

Supervision Practices and Outcomes

Nearly two-thirds of people under the jurisdiction of the Missouri Department of Corrections (MDOC) are on a form of supervision in the community—either probation or parole. **Policy and practice governing supervision of people on probation or parole in Missouri directly impact the likelihood of success in the community** by informing how probation and parole officers (PPOs) incentivize good behavior, respond to violations of conditions, and connect those in need to treatment and programming, and other community resources.

Justice reinvestment will analyze supervision **policy and practice**. This includes a detailed review of current risk and needs assessment tools, available community resources, quality of programming and treatment while on supervision, effectiveness of incentive and sanctioning options, and training of PPOs to fulfill their core mission.




Area for further analysis: Community Impacts and Local Resources

Community Impacts and Local Resources

Criminal justice begins and ends at the local level. Crime directly affects victims, families, and the communities in which it occurs. Arrests are typically made by local law enforcement. Charging decisions are made by locally-elected prosecuting attorneys and any detention prior to an admission to prison is in a local facility, typically a county jail. Most people involved in the criminal justice system are under supervision in the community, either on probation in lieu of a prison sentence or released from prison on parole.

Justice reinvestment will seek to **incorporate the views of people in communities impacted by crime and the criminal justice system** in Missouri. The process will also **analyze current criminal justice practice at the local level** and provide realistic policy options related to successful front-end diversion and development of local strategies and resources.

Other states have recently adopted policies addressing similar issues using a justice reinvestment approach

State	Challenge	Policy Enacted
North Carolina 	High volume of supervision violators fueling prison admissions , many times for technical violations	<ul style="list-style-type: none">• Improving training for supervision officers on evidence-based practices• Establish intermediate sanctioning options to respond more appropriately to technical violations while on supervision• Cap the length of prison sanctions for technical violations to better focus use of the state's most expensive resource• \$8M reinvested in community-based treatment
Arkansas 	Information sharing and decision making processes hampering ability to effectively and efficiently prepare people for release from prison	<ul style="list-style-type: none">• Adjust the timing and flow of assessment, treatment, and programming information from DOC to the Parole Board to improve decision making and allow for on-time release• Adopt evidence-based parole guidelines to ensure that decision making is informed by risk/needs of the individual and core principles as agreed upon by members of the Board.
North Dakota 	Good time policies not utilized effectively to incentivize behavior and on-time release	<ul style="list-style-type: none">• Expansion of existing good time policy at the state level to time served in the county jail. This policy incentivizes good behavior and participation in programming while incarcerated, increasing the likelihood of a timely return to the community and better preparedness.

Overview

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Recent Criminal Justice
Landscape in Missouri

2

Possible Areas for Analysis

3

Expectations for Justice
Reinvestment in Missouri



Justice reinvestment requires extensive data collection and analysis

Data Requested	Source of Data	Status
<ul style="list-style-type: none">• Prison admissions and releases• Prison population snapshots• Supervision openings and terminations• Supervision population snapshots• Screening and assessment data• Treatment and programming participation• Parole board decisions	Missouri Department of Corrections (MDOC)	Received
<ul style="list-style-type: none">• Statewide arrests• Criminal history information for prison and supervision populations	Missouri Department of Public Safety (MDPS)	Pending
<ul style="list-style-type: none">• Felony and misdemeanor sentences	Missouri Office of Court Administration (OSCA)	Pending

Examples of planned analyses:

- ☐ Statewide trends in corrections populations: admissions by offense types and whether previously on supervision, criminal histories, risk levels and other assessments
- ☐ Calculate recidivism by various measures: rearrest, reconviction, and reincarceration
- ☐ Of all people arrested in the state during a specified time frame, how many were on probation or parole at the time of arrest?

Justice reinvestment requires direct stakeholder engagement

Many in-person meetings and phone calls will be conducted with Missouri stakeholders, including, but not limited to:



Justice Reinvestment Task Force

Individual meetings/calls with task force members and their staff



Missouri Legislature

Meetings with senators, House representatives, and legislative staff



Courts, Prosecutors, and Defense Attorneys

Meetings and calls with individual judges, prosecuting attorneys, public defenders, defense attorneys, and more



Missouri Department of Corrections

Meetings with MDOC leadership and staff, including supervision officers and administrators, treatment providers, correctional officers and administrators, and more



Law Enforcement

Meetings with police chiefs, sheriffs, and their officers and deputies across Missouri



Missouri Board of Probation and Parole

Meetings with MBPP leadership, members, and staff



Behavioral Health Treatment Providers

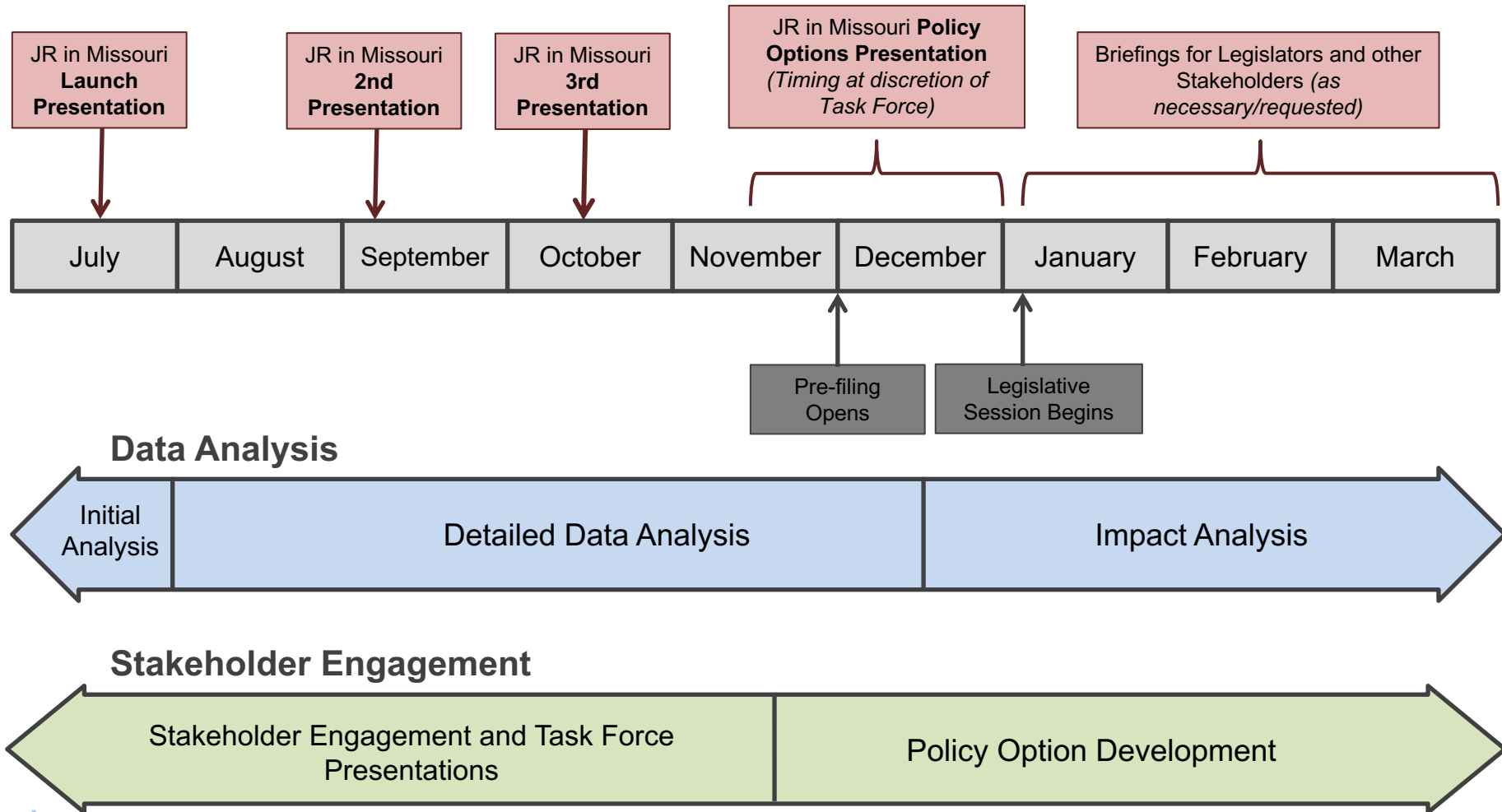
Meetings with treatment providers for people who are incarcerated or on supervision in Missouri



Organizations and Community Members

Meetings with representatives of Missouri's counties, victims organizations, representatives of communities impacted by crime and violence, and more

Proposed timeline for justice reinvestment in Missouri



Next Steps

Upcoming activities in July:

- Meetings with MDOC and MBPP leadership and staff to ensure full understanding of raw data transferred and to begin conversations about current policy and practice and ways in which they might be improved.
- Observation of MDOC Probation and Parole operations, including field operations with P&P officers and residential facility operations in a Community Supervision Center (CSC).
- Ongoing data analysis and stakeholder engagement

Upcoming activities in August:

- CSG site visit to St. Louis and surrounding areas to meet with area stakeholders. Further meetings TBD at this time.
- Ongoing data analysis and stakeholder engagement

Next Task Force Meeting

- Next meeting time/location at the discretion of the task force. Recommending early to mid-September, but available as soon as late August.

Thank You

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