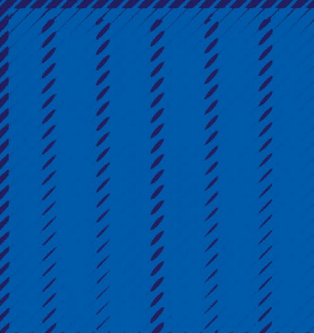


*Blueprint for Smart Justice*  
**Missouri**





# Blueprint *for* Smart Justice Missouri

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# Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, poverty, and broken schools. As a result, the United States today incarcerates more people, both in absolute numbers and per capita, than any other nation in the world. This overreliance on the criminal justice system doesn't just affect the people who are incarcerated — millions of lives have been upended and families torn apart. The mass incarceration crisis has transformed American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to dramatically reduce its reliance on incarceration and invest instead in alternatives to prison and approaches that are better designed to break the cycle of crime and recidivism and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combating racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut the number of people in prison in each state by half and reduce racial disparities in incarceration. In every state, we identified primary drivers of incarceration and predicted the impact of reducing prison admissions and

length of stay on state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Missouri, where approximately one in every 23 Black men in the state was imprisoned in 2017,<sup>1</sup> reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. These findings confirm for the Campaign that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing and prosecutorial reform that are specific to combating these disparities.

As in states across the country, Missouri's prison population has experienced explosive growth in recent decades. Between 1980 and 2016, the state's prison population increased in size by 467 percent,<sup>2</sup> and in 2018, Missouri had the ninth highest imprisonment rate in the country.<sup>3</sup> Recognizing this unsustainable growth, Missouri engaged in the Justice Reinvestment Initiative in 2017.<sup>4</sup> A bipartisan, interbranch task force came together to develop policy recommendations that were projected to reduce the prison population by more than 3,000 people by 2023.<sup>5</sup> Unfortunately, not all of these recommendations were signed into law. Still, Missouri is seeing progress: According to a 2019 report from the Vera Institute of Justice, the state's imprisonment rate dropped 7 percent from 2017 to 2018.<sup>6</sup>

In 2017, there were 19,251 admissions<sup>7</sup> to Missouri prisons, the vast majority of which were people entering prison from community supervision, including 44 percent admitted for a probation revocation and 35

percent admitted as a parole return.<sup>8</sup> In 2017, nearly four in five new prison admissions were for nonviolent offenses,<sup>9</sup> including 35 percent for drug offenses. A lack of access to treatment options and reentry support contributes to Missouri's high recidivism rate. Nearly half of people released in 2012 returned to prison within five years.<sup>10</sup>

In addition to state prisons, 10,355 people were incarcerated in local jails in Missouri in 2015, approximately 87 percent of whom were detained pretrial and had not been convicted of a crime.<sup>11</sup> While the Missouri Supreme Court ruled in 2019 that judges cannot threaten people who are unable to pay court fees and costs with jail time, some reports suggest that the ruling has not yet made an impact across the state.<sup>12</sup>

The average sentence length for people released from Missouri prisons increased slightly between 2008 and 2017, from 6.1 years to 6.6 years. People are also serving a greater proportion of their sentence than they have in the past. These factors contribute to overall longer prison stays in Missouri. The state's minimum prison terms (MPTs) mandate the proportion of a sentence that someone must serve if they are convicted of certain felonies or if they have been previously imprisoned (except for drug offenses). Approximately one-third of people who were newly sentenced to prison in Missouri were subjected to these harsh and inflexible time-served requirements in 2017.<sup>13</sup>

Missouri's reliance on incarceration has a profoundly disparate impact on communities of color, particularly Black people. Although they made up just 11 percent of the state's adult population, Black people made up 34 percent of the state's prison population in 2017. That year, approximately one in every 23 Black men in Missouri was in prison.<sup>14</sup>

Women in Missouri have also borne the brunt of rising incarceration rates in Missouri. The number of women imprisoned in Missouri grew 68 percent between 2000 and 2016. Between 2010 and 2016, Missouri's female prison population experienced the second largest growth of any state, behind only Kentucky.<sup>15</sup>

All of this incarceration comes at a high cost: In 2017, Missouri spent \$654 million of its general fund on

corrections, accounting for 7 percent of the state's total general fund spending that year.<sup>16</sup>

So, what is the path forward?

Missouri must invest heavily in treatment programs for mental health and substance use that can provide an alternative to arrest for law enforcement and prevent incarceration altogether, as well as housing and programs that can serve as alternatives to incarceration. Addressing substance use through treatment rather than incarceration can more effectively reduce crime in Missouri.<sup>17</sup>

Criminal justice stakeholders should also decriminalize drug possession and traffic offenses. Putting people in prison over and over again instead of into drug treatment ruins lives, families, and communities instead of fixing them. The Missouri General Assembly should support laws that decriminalize drug possession and stop the criminalization of substance use. Further, pretrial reform must be a focal point in Missouri. Both the Missouri Supreme Court and a federal court have acknowledged problems in Missouri's state and local pretrial systems.<sup>18</sup> While these decisions are a step in the right direction, it is not enough to prevent the harms of pretrial detention.

In 2019, Missouri passed HB 192, a bill that reformed mandatory minimum sentencing for some offenses and required the parole board to consider early release for qualifying people imprisoned. The General Assembly should take this a step further and abolish mandatory minimums altogether. The General Assembly can also amend Missouri's criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary and other property offenses, robbery, public order offenses, and assault.

If Missouri were to adopt the changes outlined in this report, the state could achieve a 50 percent reduction in its prison population and save more than \$612 million by 2025 – money that could be better spent on schools, infrastructure, and services for Missourians.

Ultimately, the answer is up to Missouri's voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending Missouri's obsession with mass incarceration.

# The State of the Missouri Prison System

Between 1980 and 2016, Missouri’s prison population<sup>19</sup> grew more than five-fold (467 percent).<sup>20</sup> In 2017, there were 32,785 people imprisoned in Missouri.<sup>21</sup> Including people in local jails and on community supervision, such as probation and parole, the reach of the criminal justice system is even greater: In 2016, more than 2 percent (2.24 percent) of Missouri’s adult population was under some form of correctional control.<sup>22</sup>

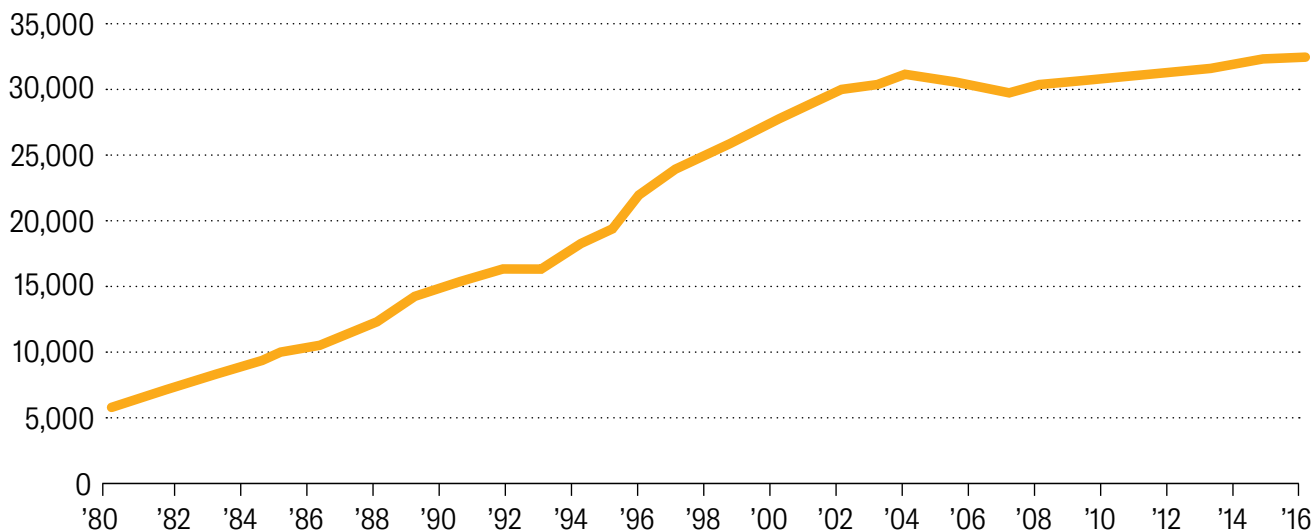
Between 2000 and 2016, although the nationwide state imprisonment rate decreased by 7 percent, Missouri’s imprisonment rate increased by 9 percent.<sup>23</sup> In 2018, Missouri had the ninth highest imprisonment rate in the country, at 496 per 100,000 people.<sup>24</sup>

In 2017, Missouri engaged in the Justice Reinvestment Initiative. At the time, experts predicted that without reform, Missouri would require two new prison facilities by 2021, at a cost of nearly half a billion

dollars. A bipartisan, interbranch task force developed a set of proposed policies that were projected to reduce the prison population by 3,090 people by 2023, with \$485 million in averted costs and savings. However, only some of these recommendations were signed into law through HB 1355.<sup>25</sup> As of 2019, the Missouri Department of Corrections (MODOC) predicted that without additional reforms, the state’s prison population would decrease to between 28,884 and 30,351 people by fiscal year 2023.<sup>26</sup>

Recent analyses suggest that the reforms are beginning to have an impact. According to a 2019 report from the Vera Institute of Justice, Missouri’s imprisonment rate dropped 7 percent from 2017 to 2018 – the largest drop of any state over that period.<sup>27</sup>

## MISSOURI PRISON POPULATION



**AT A GLANCE**

## MISSOURI PRISONS

In 2018, Missouri had the **9th highest** imprisonment rate in the country.

More than **2 percent** of Missouri's adult population was under some form of correctional control in 2016.

### What Is Driving People Into Prison?

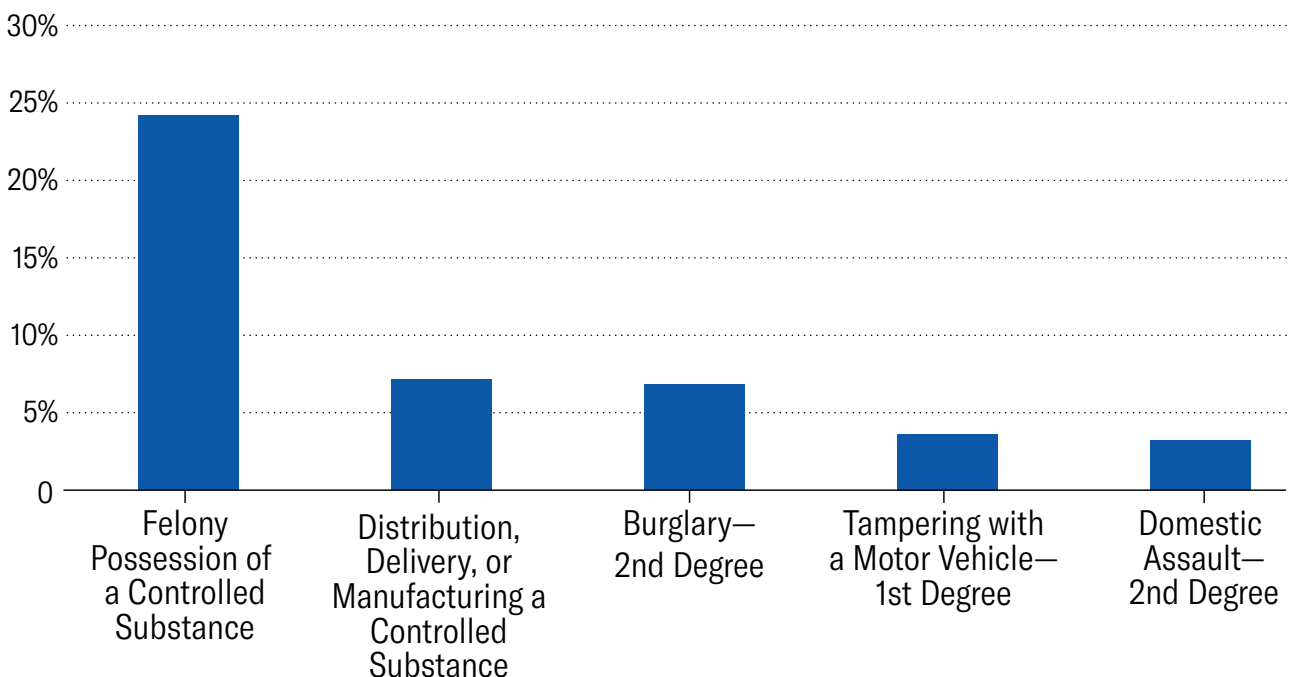
In 2017, there were 19,251 admissions to Missouri prisons. Of those people, the vast majority were admitted from community supervision, with 44 percent admitted for a probation revocation and 35 percent admitted as a parole return. The remaining 22 percent of admissions in 2017 (4,215 people) were new court commitments, or people who were not on community supervision when they were sentenced to prison.<sup>28</sup>

Approximately half (51 percent) of prison admissions in 2017 were new admissions, which includes new court commitments and some probation revocations

for new crimes, and excludes all people who were returned to prison from supervision.<sup>29</sup> In 2017, nearly four in five (78 percent) new prison admissions were for nonviolent offenses,<sup>30</sup> including 35 percent for drug offenses. Although the total annual number of new prison admissions remained roughly constant between 2008 and 2017, new admissions for drug offenses increased 21 percent over that period. In 2017, the most common offense for new admissions was felony possession of a controlled substance, which accounted for approximately one-quarter (24 percent) of all new admissions in 2017. Other common admissions offenses that year included distribution, delivery, or manufacturing a controlled substance (7 percent); second degree burglary (7 percent); first degree tampering with a motor vehicle (4 percent); and second degree domestic assault (3 percent).<sup>31</sup>

Returns to prison from supervision are a significant contributor to Missouri prison admissions. In 2017, nearly half (49 percent) of all admissions to prison were for returns from community supervision. The majority (58 percent) of these returns to supervision were for technical violations, or behavior that is not in itself illegal, such as failing a drug test or missing a meeting.<sup>32</sup>

### MISSOURI NEW PRISON ADMISSIONS BY TOP OFFENSE TYPE (FY 2017)



## AT A GLANCE

# MISSOURI JAIL AND PRISON POPULATION

In 2017, **49 percent** of all admissions to prison were for returns from community supervision.

Between 2008 and 2017, new admissions to prison for drug offenses increased **21 percent**.

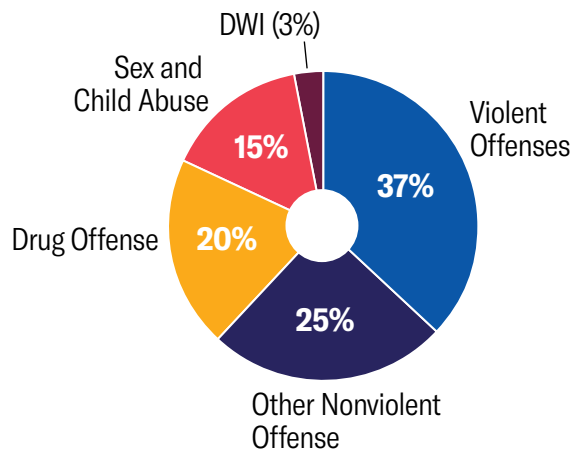
Approximately **87 percent** of people in Missouri's local jails in 2015 were awaiting trial and had not been convicted of a crime.

Additionally, a lack of access to treatment options and reentry support for people who have served time in Missouri prisons means many return to prison. Of people released in fiscal year 2012, more than one in three (36 percent) had been sent back to prison within two years and nearly half (48 percent) had returned to prison within five years.<sup>33</sup>

## The Current Prison and Jail Population

In 2017, nearly half (48 percent) of the Missouri prison population was serving time for a nonviolent offense, including drug offenses.<sup>34</sup> The number of people serving time for a nonviolent offense grew 11 percent between 2012 and 2017, growing at nearly twice the rate of the total prison population, which grew 6 percent over the same time period. The number of people serving time for a drug offense increased 23 percent between 2012 and 2017 and accounted for one in five people (20 percent) serving time in Missouri prisons in 2017. The top offenses for people imprisoned in Missouri in 2017 were felony possession of a controlled substance (9 percent); distribution, delivery, or manufacturing of a controlled substance (8 percent); and first degree robbery (7 percent).<sup>35</sup>

## MISSOURI PRISON POPULATION BY OFFENSE TYPE (2017)



In 2017, approximately three in 10 (28 percent) people in Missouri prisons had less than a high school education.<sup>36</sup>

In addition to those in prison, 10,355 people were incarcerated in local jails in Missouri in 2015, approximately 87 percent of whom were being detained pretrial and had not been convicted of a crime.<sup>37</sup> Missouri jails have garnered attention in recent years because of the use of incarceration to respond to a failure to pay fines or court costs.<sup>38</sup> In 2019, the Missouri Supreme Court ruled that judges cannot threaten people who are unable to pay their jail bills with jail time; however, some reports suggest that the ruling has not yet made an impact across the state.<sup>39</sup>

## Why Do People Stay in Prison for So Long?

The average sentence length for people released from Missouri prisons increased 8 percent between 2008 and 2017, from 6.1 years to 6.6 years. People are also serving a greater percentage of their sentence in prison — 52 percent in 2017, compared with 48 percent in 2008. As a result, people stay in prison longer: People released from Missouri prisons in 2017 spent an average of 3.4 years in prison, which is 6.5 more

## AT A GLANCE

# LENGTH OF IMPRISONMENT

In 2017, **9 percent** of people in Missouri prisons were serving a life sentence.

The average sentence length for people released from Missouri prisons increased **8 percent** between 2008 and 2017.

People who were released in 2017 after serving sentences for drug offenses spent an average of **1.8 years** in prison.

months in prison, on average, than people released in 2008.<sup>40</sup>

In 2017, people released from serving time in Missouri prisons for a drug offense spent an average of 1.8 years in prison. That year, people serving time for driving while intoxicated spent an average of 2.7 years in prison, and people serving time for other nonviolent crimes served an average of 1.9 years in prison.<sup>41</sup>

Established in 1994, Missouri's MPTs mandate the proportion of a sentence that a person must serve if they are convicted of certain felonies or if they have been previously imprisoned (except for drug offenses). For example, someone who has been imprisoned in Missouri once before is required to serve at least 40 percent of their sentence before becoming eligible for release. Someone with three prior imprisonments must serve 80 percent of their sentence. In 2017, approximately one-third (32 percent) of people who were newly sentenced to prison in Missouri were subject to these harsh and inflexible time-served sentencing requirements. More than half (53 percent) of people with MPTs in 2017 were required to serve at least 50 percent of their sentence.<sup>42</sup> In 2019, the governor signed HB 192 into law, which eliminates some lower-level offenses from triggering mandatory prison terms.<sup>43</sup>

Life sentences contribute to the size of the Missouri prison population through a “stacking effect,” meaning that a relatively small number of people are admitted to prison to serve a life without parole sentence each year, but they stay in prison for a very long time and can therefore contribute to prison population growth over time. The number of people serving life without parole sentences increased 12 percent between 2012 and 2017, growing at twice the rate of the total population. In 2017, 2,910 people (9 percent of the total prison population) were serving a life sentence, including 1,161 people serving a sentence of life without parole.<sup>44</sup>

## Who Is Imprisoned

**Black Missourians:** Incarceration in Missouri has a profoundly disparate impact on Black communities. In 2017, the imprisonment rate of Black adults in Missouri (2,138 per 100,000) was nearly four times that of white adults. In 2017, approximately one in every 23 Black men in Missouri was in prison. Although they made up just 11 percent of the state's adult population, Black people made up 34 percent of the prison population in Missouri in 2017.<sup>45</sup>

**Women in Missouri:** The number of women imprisoned in Missouri grew 68 percent between 2000 and 2016.<sup>46</sup> In 2017, 109 out of every 100,000 women in Missouri were in prison, giving the state the fifth highest female imprisonment rate in the country.<sup>47</sup> Between 2010 and 2016, Missouri's female prison

## AT A GLANCE

# DEMOGRAPHICS

**1 in 23** Black men in Missouri in 2017 was in prison.

Missouri had the **fifth highest** female imprisonment rate in the country in 2017.

The number of people in prison age 50 or older increased by **52 percent** between 2008 and 2017.

#### AT A GLANCE

## MENTAL HEALTH

In 2017, **62 percent** of women in Missouri prisons whose mental health needs were assessed were identified as having some form of mental health problem.

Of all the people in prison whose mental health needs were assessed by MODOC in 2017, **46 percent** were determined to have a mental health problem.

population experienced the second largest growth out of any state (a 36 percent increase), behind only Kentucky.<sup>48</sup>

**Older Missourians:** Between 2008 and 2017, the number of people in prison age 50 or older — a group generally considered to pose a negligible risk to public safety<sup>49</sup> — increased by 52 percent, growing much faster than the overall prison population, which increased by 9 percent over the same time period. In 2017, one in five people (20 percent) in Missouri prisons was age 50 or older.<sup>50</sup>

## People With Mental Health and Substance Use Disorders

Mental health needs are prevalent in Missouri's prison population. In 2017, of all the people whose mental health needs were assessed by MODOC,<sup>51</sup> nearly half (46 percent) were identified as having some form of mental health problem. Mental health needs are more common for women; in 2017, 62 percent of women in Missouri prisons whose mental health needs were assessed were identified as having some form of mental health problem.<sup>52</sup>

Additionally, in 2017, 90 percent of the people in the Missouri prison population who underwent an assessment had some level of substance abuse need, according to MODOC.<sup>53</sup>

#### AT A GLANCE

## BUDGET

Missouri spent **\$654 million** of its general fund on corrections in 2017.

Corrections general fund spending grew by **265 percent** between 1985 and 2017.

## Budget Strains

As Missouri's imprisoned population has risen, so has the cost burden. In 2017, Missouri spent \$654 million of its general fund on corrections, accounting for 7 percent of the state's general fund spending that year. Corrections general fund spending increased 265 percent between 1985 and 2017, forcing tradeoffs in other state spending priorities like education; higher education general fund spending increased by just 4 percent over the same time period.<sup>54</sup>

# Ending Mass Incarceration in Missouri: A Path Forward

Mass incarceration is a result of many systems failing to support our communities. To end it, we must develop policies that better address inadequacies throughout our education, health care, and economic systems – to name a few. There are many potential policy changes that can help Missouri end its mass incarceration crisis, but it will be up to the people and policymakers of Missouri to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering jail and prison in the first place.

## Reducing Admissions

To end mass incarceration, Missouri must break its overreliance on jails and prisons as a means to hold people accountable for their crimes. Evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. In fact, imprisonment can be counterproductive – increasing cycles of harm and violence and failing to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.<sup>55</sup> Here are some strategies:

- **Diversion:** Missouri should heavily invest in programs for mental health care, substance use treatment, and housing that can provide an alternative to arrest for law enforcement and prevent incarceration altogether. In states with pre-arrest diversion programs, recidivism has been reduced.<sup>56</sup> Restorative justice programs, which aim to provide support to harmed people and hold the accused responsible as a member of the community, have also been

successful in reducing incarceration and making communities safer. When they are rigorous and well-implemented, these processes have not only been demonstrated to reduce recidivism for defendants,<sup>57</sup> they have also been shown to decrease symptoms of posttraumatic stress in victims of crime.<sup>58</sup> The state should move toward pre-arrest diversion by law enforcement and restorative justice as primary methods of dealing with crimes. Currently, the state reimburses counties for the cost of incarcerating those awaiting trial in their jails, and provides no funding for those counties that wish to employ treatment options or diversion instead.<sup>59</sup> The state should make funding available for treatment programs instead of incarceration. Prosecutors and judges who embrace these solutions can fulfill their responsibilities to the public safety and support victims in their healing – and can often generate far better results than imprisonment can deliver. Other successful models include those that divert people to treatment and support services before arrest and prosecutor-led programs that divert people before they are charged. Lawmakers can explore such interventions at multiple phases in the system, whether through decriminalization or alternatives to arrest, charges, or incarceration.

- **Reduce probation and parole revocations:** Parole violations are a leading cause of incarceration in Missouri. In fiscal year 2018, nearly half of prison admissions were returns from supervision.<sup>60</sup> People who are imprisoned for parole violations have not committed any new crimes, and are often jailed for long periods

for technical violations such as crossing state lines for work or losing a job. The system also lacks procedural safeguards to guarantee due process. In 2019, a federal judge ruled that Missouri must reform its parole system to provide more due process when sending people back to prison.<sup>61</sup> The issue of parole violations widening the criminal net and increasing the risk of unnecessary incarceration is an issue for all released prisoners. In addition to expanding due process to include an expedient hearing and access to an attorney, the General Assembly should pass laws that limit parole terms to two years and minimize the conditions of parole. The state should also consider programs that provide increased treatment and services to help parolees be more successful upon reentry. Further, incarceration for technical violations should be prohibited.

- **Expand treatment – mental health and addiction:** Mental health diversion is an effective way to redirect people out of the criminal legal system and into supportive community treatment. Diversion programs have been shown to be effective for people charged with both nonviolent and violent offenses.<sup>62</sup> When implemented effectively, diversion reduces arrests, encourages voluntary treatment in the community, and saves money.<sup>63</sup> Effective diversion programs coordinate with community services that provide a wide range of substantial, quality wraparound treatment and support for people with disabilities to access housing, employment, and intensive, individualized supports in the community. After an initial investment in community supports, diversion programs have the potential to save jurisdictions large amounts of money.<sup>64</sup> One way to support treatment options is expanding Medicaid so that Missourians have greater access to mental health and substance use treatment while on probation/parole and after their separation from the criminal justice system. Further, substance use is often an underlying driver of crime. Addressing substance use through treatment rather than

incarceration can more effectively reduce crime.<sup>65</sup>

- **Decriminalize drug possession:** Drug problems are best dealt with in a community health setting. Previously incarcerated people who have not received drug treatment are more likely to relapse when presented with stressors that include the stigma of incarceration and its impact on their ability to find housing and a job once released.<sup>66</sup> Putting people in prison over and over again instead of into drug treatment ruins lives, families, and communities instead of fixing them. The Missouri General Assembly should support laws that decriminalize drug possession and stop the criminalization of substance use.
- **Decriminalize traffic offenses:** In June 2019, the Missouri attorney general released the 2018 Executive Summary detailing traffic stops, which divulged that black people in the state were a shocking 91 percent more likely to be pulled over for traffic offenses than their white counterparts.<sup>67</sup> The General Assembly can stop the funneling of people into the criminal justice system and redirect limited resources by limiting the number of offenses that people can become system-involved for; this includes traffic offenses.
- **Enact pretrial reform:** Missouri can significantly reduce its rates of pretrial detention by protecting the presumption of innocence, narrowing who can be held in jail prior to trial, and decreasing the reliance on cash bail. Until now, people have been arrested and allowed to languish in jail because of the lack of adequate due process safeguards. When this happens, the criminal justice system leaves them with a difficult choice: Take a plea deal or fight the case from behind bars. The Missouri Supreme Court has acknowledged the overreliance on cash bail and has amended court rule 33 governing pretrial release. This amendment will require that every judge first consider non-cash bail, and only require monetary bail that is necessary.<sup>68</sup> In June 2019,

a federal judge declared that St. Louis may not hold people just because they are unable to pay bail and required that they be given a hearing within a week.<sup>69</sup> While these decisions are a step in the right direction, it is not enough to prevent the harms of pretrial detention. While detained pretrial, research shows many people face significant collateral damage, such as job loss or interrupted education.<sup>70</sup> After even a short stay in jail, taking a plea deal sounds less burdensome than losing everything, which is likely why evidence shows that pretrial detention significantly increases a defendant's risk of conviction.<sup>71</sup> The General Assembly and the courts should require that every person arrested and held have access to an attorney at a release hearing that takes place no later than 48 hours after arrest. In addition, the government should work harder to minimize the disruption to the lives of the accused by expanding citation-and-release law enforcement methods for all but the most serious offenses, minimizing required court appearances, and allowing defendants to obtain continuances online. Such practices will conserve judicial resources and minimize the risk of unnecessary incarceration for defendants.

- **Prosecutorial reform:** Prosecutors are the most powerful actors in the criminal justice system, with the ability to wield the power of the state against an individual to deprive that person of life, liberty, and property. The initial decision of whether to charge someone with crimes and, if so, what and how many, has a major impact on every aspect of a person's experience with the system, not least of which is the amount of time someone faces and eventually serves incarcerated. There should be some mechanism for the state and counties to review and assess those decisions overall to ensure these decisions are made appropriately. Moreover, sometimes prosecutors wrongfully convict a person, whether through prosecutorial misconduct or the conviction of an innocent person. Legislation that supports statewide Conviction Integrity Units in each county

prosecutor's office can address wrongful convictions and prosecutorial misconduct. Conviction Integrity Units add oversight to a prosecutor's decisions, which encourages prosecutors to use greater scrutiny when reviewing and charging cases.

- **Women's incarceration:** Missouri has a growing number of women imprisoned.<sup>72</sup> Imprisoning women without concern for the roles they play as caregivers is creating a crisis for families. In 2018, the state passed a law making it illegal to shackle women giving birth in prison, following multiple lawsuits against the state for the practice. In one case, a woman was incarcerated without a hearing or access to an attorney for a technical parole violation right before she was due to have a baby. She gave birth to her child while incarcerated, was separated from her baby, and remained behind bars for months following the birth. The General Assembly should pass laws requiring consideration of caregiver status and require judges to consider alternatives to incarceration – like treatment programs – for those who are caregivers to children.

## Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands fewer people in Missouri's prisons. Here's how:

- **Eliminate mandatory minimums:** In 2019, Missouri passed HB 192, a bill that reformed some mandatory minimum sentencing for some offenses and required the parole board to consider early release for qualifying people imprisoned. The General Assembly should further amend the laws to reduce the length of sentences for those convicted of a crime and abolish mandatory minimums altogether. Judges should have discretion to use alternatives to incarceration like community service or to reduce a sentence as they see fit.

- **Sentencing reform:** People are spending more time in prisons than ever. Tough-on-crime laws contribute to incarcerated people being isolated from their families and communities for such lengths of time that successful reentry is more difficult. The General Assembly can amend Missouri’s criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary and other property offenses, robbery, public order offenses, and assault. Moreover, the state should do away with sentencing enhancements like Persistent Offender or Armed Criminal Action. Armed Criminal Action is a Missouri enhancement that can be longer than the sentence for the underlying offense.<sup>73</sup>
- **Earned time/earned credit reform:** Missouri can also consider expanding the availability of earned credits against a prison sentence through participation in educational, vocational, and other opportunities.
- **Compassionate release:** The Missouri General Assembly should expand access to compassionate release from prison. The state’s prison population is rapidly aging, in large part due to long prison sentences. Keeping aging and seriously injured or ill people incarcerated significantly taxes prison resources. Studies have shown that incarcerating an older (50 and above) person costs double what it costs to incarcerate a younger person.<sup>74</sup> What is more, keeping older people behind bars does not serve the goal of incapacitation, particularly as studies have clearly shown that as people age, their propensity to commit crime significantly declines.<sup>75</sup> There is also clear evidence showing that older persons have much lower rates of recidivism than their younger counterparts.<sup>76</sup>

## Reducing Racial Disparities

Reducing the number of people who are imprisoned in Missouri will not on its own significantly reduce racial disparities in the prison system.

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“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”<sup>90</sup>

— From *The New Jim Crow*, Michelle Alexander

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People of color (especially Black, Latinx, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages, such as pretrial detention, conviction, sentencing, and post-release opportunity.<sup>77</sup> Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass

incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.<sup>78</sup> However, the state did not target racial disparities in incarceration and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people – the highest disparity of any state in the nation.<sup>79</sup>

Ending mass incarceration is critical to eliminating racial disparities, but it is insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea bargaining practices to identify and eliminate bias
- Investing in diversion and community-based alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (e.g., drug-free school zones and public property, such as parks and public housing)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result from new laws or rules
- Eliminating considerations in the legal system that disproportionately target people of color, such as discriminatory gang sentencing enhancements or the consideration of witness tampering or intimidation in the pretrial state
- Abolishing the death penalty. Numerous studies illustrate racial disparities are rampant throughout the capital sentencing process.<sup>80</sup>
- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system
- Encouraging judges to use their power to dismiss cases that originate with school officials or on school grounds, when the matter may be adequately addressed through school disciplinary or regulatory process to avoid incarcerating children during their most formative years
- Eliminating fines and fees, which effectively criminalize poverty
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

## Reducing Disability Disparities

The rates of people with disabilities in the U.S. criminal system are two to six times that of the general population.<sup>81</sup> In particular, people with psychiatric disabilities are dramatically overrepresented in jails and prisons across the country.<sup>82</sup>

- People showing signs of mental illness are twice as likely to be arrested as people without mental illness for the same behavior.<sup>83</sup>
- People with mental illness are sentenced to prison terms that are, on average, 12 percent longer than other people in prison.<sup>84</sup>
- People with mental illness stay in prison longer because they frequently face disciplinary action from conduct that arises due to their illness – such as attempted suicide – and they seldom qualify for early release because they are not able to participate in rehabilitative programming, such as educational or vocational classes.<sup>85</sup>

Furthermore, sentencing reforms appear to leave people in prison with psychiatric disabilities behind. In recent years in California, for example, the prison population has decreased by more than 25 percent following a court order, but the number of people with a serious mental disorder has increased by 150 percent – an increase in both the rate and absolute number of incarcerated people with psychiatric disabilities.<sup>86</sup>

Screening tools to evaluate psychiatric disabilities vary by state and jurisdiction, but the most reliable data indicates that more than half of jail populations and close to half of prison populations have mental health disabilities.<sup>87</sup> The fact that people with mental health disabilities are arrested more frequently, stay incarcerated longer, and return to prisons faster is not

due to any inherent criminality related to psychiatric disabilities. It arises in part because of the lack of accessible and appropriate mental health treatment in the community; in part because of a perception of dangerousness by police, prosecutors, and judges; and in part because prison staff and probation officers fail to recognize and accommodate disability.

Many people of color in jails and prisons are also people with disabilities, and efforts to reduce racial disparities must go hand in hand with efforts to reduce disability disparities.<sup>88</sup> Not surprisingly, many of the strategies to reduce disability disparities are similar to approaches that reduce racial disparities. Some examples include:

## TAKING THE LEAD

**Prosecutors:** They make decisions on when to prosecute an arrest, what charges to bring, and which plea deals to offer and accept. They can decide to divert people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide not to seek enhancements that greatly increase the length of sentences.

**Police:** They are generally the first point of contact with the criminal justice system. The practices that police employ in communities can shape the public's view of and trust in that system. Police can decide whether or not to arrest people and how much force to use during encounters with the public. Police departments can also participate in diversion programs, which enable officers to divert people into community-based intervention programs rather than into the criminal justice system.

**State lawmakers:** They decide which offenses to criminalize, what penalties to include, how long sentences can be, and when to take away discretion from judges. They can change criminal laws to remove prison as an option when better alternatives exist, and they can fund the creation of new alternatives, including diversion programs that provide supported housing, treatment, and vocational training. They can also decide to sufficiently fund mental health and substance use treatment so it is available for people who need it before they encounter the criminal legal system.

**Parole boards:** In most states, parole board members are appointed by the governor and have the power to determine when to release people from prison. Even in cases where state law has strong parole provisions, this board often has the final say on an individual's release and exercises this power with minimal oversight. Paroling authorities must provide meaningful opportunities for release in a fair and transparent manner. This includes ensuring the process is not convoluted and inaccessible; making parole decisions that are not based on the original offense; ensuring appeal rights; and publicly releasing robust data on parole grants and denials. Additionally, if the parole board is trained to consider and accommodate disability issues, they may recognize and release more people who have disciplinary issues in their records that are due to a lack of accommodation for their disabilities.

**Judges:** They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

- Investing in pre-arrest diversion:
  - Creating behavioral health centers, run by state departments of health, as alternatives to jails, or emergency rooms for people experiencing mental health crises or addiction issues.
  - Training dispatchers and police to divert people with mental health issues who commit low-level nuisance crimes to these behavioral health centers. Jurisdictions that have followed this approach have significantly reduced their jail populations.<sup>89</sup>
- Ending arrest and incarceration for low-level public order charges, such as being drunk in public, urinating in public, loitering, trespassing, vandalism, and sleeping on the street. If needed, refer people who commit these crimes to behavioral health centers.
- Requiring prosecutors to offer diversion for people with mental health and substance use disabilities who are charged with low-level crimes
- Evaluating prosecutors' charging and plea bargaining practices to identify and eliminate disability bias
- Requiring prosecutors' offices be transparent in their hiring practices, charging decisions, and plea deals
- Investing in diversion programs and alternatives to detention designed for people with disabilities, including programs that provide supportive housing, Assertive Community Treatment, wraparound services, and mental health supports
- Reducing the use of pretrial detention while increasing reminders of court dates and other supports to ensure compliance with pretrial requirements
- Reducing reincarceration due to parole or probation revocations through intensive case management, disability-competent training

for officers in alternatives to incarceration and reasonable modifications to requirements of supervision, and no return to incarceration for first and second technical violations

- Addressing bias against mental disabilities in risk assessment instruments used to assist decision-making in the criminal justice system
- Shifting funding away from law enforcement and corrections into supportive housing, intensive case management, schools, drug and mental health treatment, community organizations, job creation, and other social service providers

## Forecaster Chart

There are many pathways to cutting the prison population in Missouri by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Missouri, visit the interactive online tool at <https://urbn.is/ppf>.

# CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
<b>Drug offenses</b>	<ul style="list-style-type: none"> <li>Institute alternatives that end all admissions for drug possession (4,564 fewer people admitted)</li> <li>Reduce average time served for drug distribution and other drug offenses by 60% (from 1.49 to 0.6 years)</li> <li>Institute alternatives that reduce admissions for drug distribution and other drug offenses by 50% (895 fewer people admitted)</li> </ul>	17.33% reduction (5,472 fewer people)	White: 3.6% decrease Black: 6.3% increase Hispanic/Latino: 5.0% increase Native American: 1.5% increase Asian: 3.2% increase	\$84,109,935
<b>Assault</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 50% (from 2.16 to 1.08 years)</li> <li>Institute alternatives that reduce admissions by 30% (550 fewer people admitted)</li> </ul>	8.03% reduction (2,535 fewer people)	White: 0.8% increase Black: 1.3% decrease Hispanic/Latino: 3.7% decrease Native American: 5.1% decrease Asian: 3.8% increase	\$31,001,275
<b>Burglary</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 50% (from 1.32 to 0.66 years)</li> <li>Institute alternatives that reduce admissions by 30% (683 fewer people admitted)</li> </ul>	6.18% reduction (1,952 fewer people)	White: 0.4% decrease Black: 0.6% increase Hispanic/Latino: 2.5% increase Native American: 1.9% increase Asian: 1.2% decrease	\$26,238,295
<b>Robbery</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 50% (from 3.57 to 1.79 years)</li> <li>Institute alternatives that reduce admissions by 30% (233 fewer people admitted)</li> </ul>	5.51% reduction (1,741 fewer people)	White: 3.1% increase Black: 5.7% decrease Hispanic/Latino: 1.2% increase Native American: 2.4% increase Asian: 1.6% decrease	\$20,038,297

### Impact Compared to 2025 Baseline\*

Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
<b>Theft</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 60% (from 0.99 to 0.4 years)</li> <li>Institute alternatives that reduce admissions by 40% (723 fewer people admitted)</li> </ul>	4.31% reduction (1,361 fewer people)	White: 0.9% decrease Black: 1.7% increase Hispanic/Latino: 0.2% increase Native American: 1.0% increase Asian: No change	\$18,323,441
<b>Public order offenses*****</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 60% (from 0.94 to 0.38 years)</li> <li>Institute alternatives that reduce admissions by 70% (816 fewer people admitted)</li> </ul>	3.56% reduction (1,125 fewer people)	White: 0.9% decrease Black: 1.6% increase Hispanic/Latino: 1.2% increase Native American: 0.2% decrease Asian: 1.2% decrease	\$15,963,140
<b>DWI</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 60% (from 1.33 to 0.53 years)</li> <li>Institute alternatives that reduce admissions by 40% (252 fewer people admitted)</li> </ul>	2.04% reduction (644 fewer people)	White: 0.9% decrease Black: 1.7% increase Hispanic/Latino: 0.1% increase Native American: 0.9% decrease Asian: 1.1% increase	\$9,426,325
<b>Fraud</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 60% (from 1.04 to 0.42 years)</li> <li>Institute alternatives that reduce admissions by 40% (315 fewer people admitted)</li> </ul>	1.97% reduction (621 fewer people)	White: 0.5% decrease Black: 0.9% increase Hispanic/Latino: 0.6% increase Native American: No change Asian: 1.5% decrease	\$8,802,764
<b>Motor vehicle theft</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 60% (from 1.36 to 0.55 years)</li> <li>Institute alternatives that reduce admissions by 40% (82 fewer people admitted)</li> </ul>	0.67% reduction (213 fewer people)	White: No change Black: 0.1% increase Hispanic/Latino: 0.4% increase Native American: 0.7% increase Asian: 0.7% decrease	\$2,888,916

\*The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

\*\*The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

\*\*\* This column represents the percent change in the share of the prison population made up by each racial/ethnic group. It compares the proportion of the population made up by a group in the 2025 baseline prison population to the proportion of the population made up by that group when the reform scenario is applied. We then calculate the percent change between those two proportions. Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison of a certain race or ethnic group to the number of people in the state's general population of that same group. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state

or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Missouri, where Black people made up 34 percent of the prison population but constituted only 11 percent of the state's total adult population in 2017.

\*\*\*\*Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

\*\*\*\* Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

## Total Fiscal Impact

If Missouri were to implement reforms leading to the changes above, 15,662 fewer people would be in prison in the state by 2025, a 50 percent decrease. This would lead to a total cost savings of \$612,193,064 by 2025.

## Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Missouri's prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the

forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

# Endnotes

- 1 Urban Institute analysis of U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2017 population estimates; Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: All numbers are as of June 2017.
- 2 Bureau of Justice Statistics (BJS), Corrections Statistical Analysis Tool.
- 3 Jacob Kang-Brown, Eital Schattner-Elmaleh, and Oliver Hinds, *People in Prison in 2018* (Vera Institute of Justice, April 2019), [https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy\\_downloads/people-in-prison-in-2018-updated.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy_downloads/people-in-prison-in-2018-updated.pdf). Note: States in which prisons and jails form one unified system are excluded from this ranking.
- 4 The Justice Reinvestment Initiative is a data-driven approach to state criminal justice reform that seeks to control corrections costs and reinvest savings in practices demonstrated to improve safety. Missouri engaged in the Justice Reinvestment Initiative process, successfully passing legislation in 2018 through House Bill 1355. (The Council of State Governments, *Justice Reinvestment in Missouri: Lowering Recidivism by Improving Supervision, Enhancing Connections to Services, and Addressing Violent Crime* (November 2018), <https://csgjusticecenter.org/wp-content/uploads/2018/11/JR-in-MO-Summary-of-Legislation.pdf>.)
- 5 The Council of State Governments Justice Center, *Justice Reinvestment in Missouri: Lowering Recidivism by Improving Supervision, Enhancing Connections to Services, and Addressing Violent Crime* (November 2018), <https://csgjusticecenter.org/wp-content/uploads/2018/11/JR-in-MO-Summary-of-Legislation.pdf>.
- 6 Jacob Kang-Brown, Eital Schattner-Elmaleh, and Oliver Hinds, *People in Prison in 2018* (Vera Institute of Justice, April 2019), [https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy\\_downloads/people-in-prison-in-2018-updated.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy_downloads/people-in-prison-in-2018-updated.pdf).
- 7 Prison admissions reflect the number of people entering Missouri prisons in a given fiscal year, while the total prison population refers to the total number of people imprisoned at a given point in time.
- 8 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: Admissions data in this section refers to fiscal years.
- 9 Offense breakdowns in this Blueprint are based on the most serious, or “controlling,” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions and are categorized here only under the controlling offense types. Nonviolent offenses include all offenses not classified as violent offenses or sex or child abuse offenses.
- 10 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf).
- 11 Vera Institute of Justice, *Incarceration Trends* (2015). Note: Total jail population and pretrial jail population data are drawn from different sources in the cited source. Total jail population data is reported as average daily population in 2015 and excludes federal jail populations, while pretrial jail population is reported as a single day count (taken on June 30) and includes federal jail populations.
- 12 Tony Messenger, “Messenger: Missouri Courts Respond to Debtors Prison Ruling – A Tale of Two Judges,” *St. Louis Post-Dispatch* (April 7, 2019), [https://www.stltoday.com/news/local/columns/tony-messenger/messenger-missouri-courts-respond-to-debtors-prison-ruling-a-tale-of-two-judges/article\\_6d87b1fd-efb6-53ce-84b9-02dc52f4d5a.html](https://www.stltoday.com/news/local/columns/tony-messenger/messenger-missouri-courts-respond-to-debtors-prison-ruling-a-tale-of-two-judges/article_6d87b1fd-efb6-53ce-84b9-02dc52f4d5a.html); Tony Messenger, “Messenger: Rural Missouri Judges Are Still Holding on to Debtors Prison Scheme,” *St. Louis Post-Dispatch* (May 10, 2019), [https://www.stltoday.com/news/local/columns/tony-messenger/messenger-rural-missouri-judges-are-still-holding-on-to-debtors/article\\_9a0a5e65-097c-588f-9214-bc003df86bcc.html](https://www.stltoday.com/news/local/columns/tony-messenger/messenger-rural-missouri-judges-are-still-holding-on-to-debtors/article_9a0a5e65-097c-588f-9214-bc003df86bcc.html).
- 13 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: Refers to fiscal year. People with drug offenses are not subject to MPTs.
- 14 Urban Institute analysis of U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2017 population estimates; Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: All numbers are as of June 2017.
- 15 BJS, Corrections Statistical Analysis Tool.
- 16 National Association of State Budget Officers, *State Expenditure Report series*, <https://www.nasbo.org/reports-data/state-expenditure-report/state-expenditure-archives>.
- 17 Gary A. Zarkin, Alexander J. Cowell, Katherine A. Hicks, Michael J. Mills, Steven Belenko, Laura J. Dunlap, and Vincent Keyes, “Lifetime Benefits and Costs of Diverting Substance-Abusing Offenders From State Prison,” *Crime & Delinquency* 61, no. 6 (November 2012): 829-850, <https://journals.sagepub.com/doi/abs/10.1177/0011128712461904>.
- 18 Zel M. Fischer, State of the Judiciary address to the Missouri General Assembly (January 2019), <https://www.courts.mo.gov/page.jsp?id=136253>; Supreme Court of Missouri, Order Dated December 18, 2018, re: Rules 21, 22 and 33, <https://www.courts.mo.gov/sup/index.nsf/d45a7635d4bfd8f8625662000632638/bee23ef4487304b86258367006ca1c6?OpenDocument>; *David Dixon et al. v. City of St. Louis*, U.S. District Court, E.D. of Missouri, Eastern Division, <https://bloximages.newyork1.vip.townnews.com/stltoday.com/content/tncms/assets/v3/editorial/3/56/356b1bbd-71dd-5dcd-a801-451138b5bee7/5d001d286f2bf.pdf>.
- 19 In this Blueprint, “prison population” includes people admitted to 120-day programs, in which people who successfully complete the program are released within 120 days of admission, and long-term drug programs.
- 20 BJS, Corrections Statistical Analysis Tool.
- 21 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf).
- 22 Danielle Kaeble and Mary Cowhig, *Correctional Populations in the United States, 2016* (BJS, April 2018), <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>.
- 23 BJS, Corrections Statistical Analysis Tool.
- 24 Jacob Kang-Brown, Eital Schattner-Elmaleh, and Oliver Hinds, *People in Prison in 2018* (Vera Institute of Justice, April 2019), [https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy\\_downloads/people-in-prison-in-2018-updated.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy_downloads/people-in-prison-in-2018-updated.pdf). Note: States in which prisons and jails form one unified system are excluded from this ranking.
- 25 The Council of State Governments Justice Center, *Justice Reinvestment in Missouri: Lowering Recidivism by Improving Supervision, Enhancing Connections to Services, and Addressing Violent Crime* (November 2018), <https://csgjusticecenter.org/wp-content/uploads/2018/11/JR-in-MO-Summary-of-Legislation.pdf>.
- 26 Missouri Department of Corrections, *Prison Population Projections* (2019), provided via email.
- 27 Jacob Kang-Brown, Eital Schattner-Elmaleh, and Oliver Hinds, *People in Prison in 2018* (Vera Institute of Justice, April 2019), <https://storage.googleapis.com/vera-web-assets/downloads/Publications/>

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- 28 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: Data in this section refers to fiscal years.
- 29 Note: Only people returning to prison are classified as returns from supervision. This includes people released on parole and a portion of probation revocations for people who have been in prison before, such as people serving split sentences.
- 30 Note: Nonviolent offenses include all offenses not classified as violent offenses or sex or child abuse offenses.
- 31 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf).
- 32 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). See also Missouri Department of Corrections, *Rules and Regulations Governing the Conditions of Probation, Parole, and Conditional Release* (August 2018), <https://doc.mo.gov/sites/doc/files/2018-01/White-Book.pdf>.
- 33 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf).
- 34 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: Nonviolent offenses include all offenses not classified as violent offenses or sex/child abuse offenses.
- 35 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf).
- 36 Missouri Department of Corrections, *2017 Profile of the Institutional and Supervised Offender Population* (June 2017), [https://doc.mo.gov/sites/doc/files/2018-07/Offender\\_Profile\\_2017\\_REV\\_7-2018\\_0.pdf](https://doc.mo.gov/sites/doc/files/2018-07/Offender_Profile_2017_REV_7-2018_0.pdf). Note: Excludes 1,623 people (5 percent of the state's prison population) categorized as "unclassified" for whom detailed breakdowns such as educational history are not available. This category includes people who have been recently-admitted and have not completed the classification process, and those admitted for a 120-day program who do not undergo the full classification process.
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