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CRIMINAL JUSTICE REFORM IN MISSOURI

EMILY STAHLY*

INTRODUCTION

While Missouri recently adopted reforms to our criminal justice system, such as raising the age of criminal responsibility from seventeen to eighteen years old and improving our drug treatment courts, policymakers would be wise to continue pursuing changes that will keep Missourians safer, use tax dollars more effectively, and protect individual rights and liberty.¹ When considering current problems and potential solutions, pursuing new policies requires balance, transparency, and constant measurement and evaluation to ensure that they achieve their objectives.

I. TRENDS IN MISSOURI'S CRIMINAL JUSTICE SYSTEM

Currently, the criminal justice system is not keeping Missourians safe, and it will become costlier for the state unless we find effective ways of reducing crime and recidivism. Missouri's incarceration rate ranks eighth in the nation, and we have the second fastest growing female prison population in the country.² Moreover, the violent crime rate has increased from 433 incidents per 100,000 residents in 2013 to 530 incidents in 2017, giving Missouri the seventh-

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1. Pat Pratt, *Criminal age raised to 18 in Missouri*, COLUM. DAILY TRIB., July 19, 2018, <https://www.columbiatribune.com/news/20180719/criminal-age-raised-to-18-in-missouri> [<https://perma.cc/6DZS-5UXD>] (last visited Apr. 8, 2019); Jack Suntrup, *Missouri lawmakers approve education, drug treatment court bills as they finish up special session*, ST. LOUIS POST-DISPATCH, Sept. 14, 2018, https://www.stltoday.com/news/local/govt-and-politics/missouri-law-makers-approve-education-drug-treatment-court-bills-as-they/article_25e318b8-948f-551b-816c-5db1bd752ba2.html [<https://perma.cc/7JRT-GHKU>] (last visited Apr. 8, 2019).

2. Meghan Grasso, et al., *50-State Report on Public Safety: Examine drivers of corrections costs*, COUNCIL OF ST. GOVERNMENTS: JUST. CTR, <https://50statespublicsafety.us/part-3/strategy-1/#interactive-1> [<https://perma.cc/837N-MVXJ>] (last visited Mar. 26, 2019); *Justice Reinvestment in Missouri: Policy Framework*, COUNCIL OF ST. GOVERNMENTS: JUST. CTR, May 2018, https://csjusticecenter.org/wp-content/uploads/2018/05/JR_MO_Policy-Framework.pdf [<https://perma.cc/55MU-3V9X>] (last visited Apr. 8, 2019).

highest violent crime rate among the states.³ As a consequence of our growing prison population, the Missouri Justice Reinvestment Task Force predicts that Missouri will need to build two new prisons at a cost of nearly half a billion dollars if current trends in incarceration rates continue.⁴

Prison admission data from the Missouri Department of Corrections suggests that Missouri could improve in treating and reintegrating offenders, thus making our communities safer. In fiscal year 2016, only fifteen percent of prison admissions were for new sentences and over fifty percent of all prison admissions were supervision revocations, half of which were for technical violations such as missing an appointment with a supervision officer or not attending treatment.⁵

Additionally, thirty-five percent of prison admissions were for prisoners to receive treatment for addiction or mental health issues because their home county did not have a treatment program.⁶ Those who received prison-based treatment, however, were nearly as likely to reoffend as those who were assessed as needing treatment but received none.⁷

II. OPPORTUNITIES FOR REFORM

There are several potential areas of reform. Expanding and improving community-based treatment programs for drug abuse and mental health problems and removing employment barriers to ex-offenders could help reduce recidivism. Reforming mandatory minimum sentencing laws to give judges more discretion over whether the prescribed sentence or an alternative like rehabilitation would be more appropriate for a particular offender is also worth considering.

3. *2014 Crime in the United States, Table 4: Crime in the United States by Region, Geographic Division, and State, 2013-2014*, FBI: UNIFORM CRIME REPORTING, Fall 2015, <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-4> [<https://perma.cc/GD5K-U63N>] (last visited Apr. 8, 2019); *2017 Crime in the United States, Table 4: Crime in the United States by Region, Geographic Division, and State, 2016-2017*, FBI: UNIFORM CRIME REPORTING, Fall 2018, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-4/table-4.xls#overview> [] (last visited Apr. 8, 2019).

4. *Justice Reinvestment in Missouri: Policy Framework*, COUNCIL OF ST. GOVERNMENTS: JUST. CTR, May 2018, https://csgjusticecenter.org/wp-content/uploads/2018/05/JR_MO_Policy-Framework.pdf [<https://perma.cc/6ABA-5TNJ>] (last visited Apr. 8, 2019).

5. Jeremiah W. (Jay) Nixon, *The Missouri Budget: Fiscal Year 2016*, https://oa.mo.gov/sites/default/files/FY_2016_Executive_Budget_Download.pdf [<https://perma.cc/88CH-FPGE>] (last visited Apr. 8, 2019).

6. *Id.*

7. *Justice Reinvestment in Missouri: Policy Framework*, COUNCIL OF ST. GOVERNMENTS: JUST. CTR, May 2018, https://csgjusticecenter.org/wp-content/uploads/2018/05/JR_MO_Policy-Framework.pdf [<https://perma.cc/ZW8D-8D4P>] (last visited Apr. 8, 2019).

CONCLUSION

When faced with a similar challenge in Texas—spend \$2 billion on new prisons or curb incarceration rates—the legislature decided to invest \$241 million in reforms instead.⁸ Now Texas is closing facilities that are no longer needed, and crime rates fell twenty-six percent between 2007 and 2014.⁹ With our prisons already over capacity and the violent crime rate climbing, there is a pressing need for sensible reforms that better protect our communities and taxpayers.

8. Right on Crime, *Texas*, RIGHT ON CRIME, <http://rightoncrime.com/category/state-initiatives/texas/> [https://perma.cc/NWR2-A8SD] (last visited Mar. 26, 2019)

9. *Id.*; Marc Levin, *How Texas Reduced Both Crime and Incarceration*, TEX. PUB. POL. FOUND., Sept. 8, 2016, <https://www.texaspolicy.com/how-texas-reduced-both-crime-incarceration/> [https://perma.cc/FMA6-AVCS] (last visited Apr. 8, 2019).

