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**A Local Prosecutor's Perspective on Missouri's State of the Judiciary Address**

On Wednesday, February 9, 2011, in Jefferson City, Chief Justice of Missouri's Supreme Court, William Ray Price, delivered the annual State of the Judiciary Address to members of Missouri's Legislature. During his address, Chief Justice Price stated that one of his continuing concerns is that Missouri over-incarcerates non-violent offenders. Chief Justice Price contends that this makes Missouri less safe and wastes taxpayer dollars.

In a nutshell, Chief Justice Price urged Missouri to be tough and smart on crime. I agree with Judge Price that the recidivism rate is too high and needs to be addressed with evidence-based solutions that consider public safety, victim impact and cost. However, I disagree with Judge Price's characterization that our prisons are full of offenders who do not belong there.

Missouri's prisons are not merely full of drug and alcohol offenders. Statistics indicate that prisons house primarily violent and repeat offenders, and very few first-time, non-violent offenders. According to the Missouri Department of Corrections (DOC), 93% of the Missouri prison population consists of violent and chronic offenders.

Part of what may cause Judge Price's statements to be misleading is the way in which the DOC classifies crimes. Missouri's DOC classifies the following list of offenses as "non-violent": Felony driving while intoxicated (chronic DWI offenders with three or more DWI offenses), weapons charges, possession of child pornography, aggravated stalking, burglary in the first degree, promoting prostitution in the first degree, resisting arrest resulting in a risk of death, escape involving the use of weapons and other crimes that have the potential of becoming violent. Further skewing the numbers, the DOC only includes criminal offenses committed in Missouri to determine whether someone is a repeat offender.

Once we factor in criminals with felony records from other states and people who were sent to prison only after violating probation, about 29,500 of the approximately 30,000 people in Missouri's prisons are there for violent or repeated offenses.

Typically, non-violent offenders are incarcerated only after having proven themselves incapable of probationary supervision, or they represent an aggravated example of their offense. In almost all cases, judges have given these offenders multiple chances to avoid prison through probation, but the offenders have refused to follow the directives of that judge.

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I believe the sentencing structure currently in place in Missouri merits a comprehensive review. I would encourage a study that will provide reliable scientific data on what sentences reduce recidivism and improve the rehabilitative outcomes of offenders. There are many opportunities to make changes to our criminal justice system in ways that will uphold our responsibility to protect the public from predators, and still promote real rehabilitation and accountability for offenders.

All agencies of law enforcement will have to work together to create improvements to our current system. And, although cost and efficiency should be considerations in any changes, public safety must remain at the top of our priority list in all budget discussions.