



## SMART SENTENCING

VOLUME 1, ISSUE 5

OCTOBER 15, 2009

### NOTE:

THE SENTENCING ADVISORY COMMISSION HAS LAUNCHED THIS PERIODIC BULLETIN TO KEEP JUDICIAL DECISION-MAKERS CURRENT AS TO THE LATEST INFORMATION RELATED TO SENTENCING PRACTICES AND THEIR IMPACTS. THE PURPOSE OF THIS BULLETIN IS TO LOOK AT THE JUVENILE POPULATION AND ISSUES REGARDING RISK LEVELS, OFFENSE SEVERITY AND SANCTIONS. THE BULLETIN IS BEING DISTRIBUTED TO JUDGES, PROSECUTORS, PUBLIC DEFENDERS, PROBATION OFFICERS AND THE PUBLIC VIA EMAIL AND ON THE SAC WEBSITE: WWW.MOSAC.MO.GOV

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

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

### RECIDIVISM IN JUVENILE COURTS: MATCHING RISK LEVELS AND OFFENSE SEVERITY TO SANCTIONS

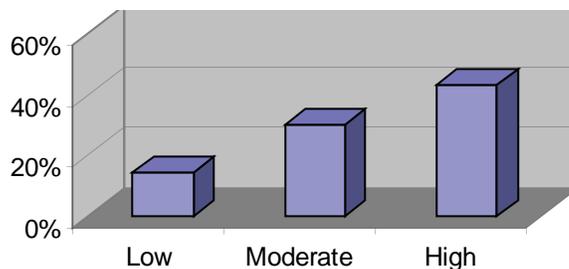
Missouri recently released a first-of-its-kind report<sup>1</sup> about recidivism in its juvenile justice system, making it one of very few states in the nation applying a standardized, explicit definition of recidivism to measure the effectiveness of the tools it uses to meet the supervision and program needs of juvenile offenders. The state's juvenile court system uses risk assessment

*MISSOURI'S JUVENILE COURTS STRESS REHABILITATION OVER PUNISHMENT AND ASSUME THAT YOUTH ARE AMENABLE TO TREATMENT AND BEHAVIORAL CHANGE.*

and offense severity to determine the appropriate level of supervision and treatment for the approximately 18,000 youth it assesses each year. In this bulletin we examine the relationships among risk levels, offense severity and recidivism rates for youth committed to the Division of Youth Services. Many of the challenges and issues in our juvenile justice system are common to the adult system as well.

### RECIDIVISM FOR YOUTHFUL OFFENDERS BY RISK LEVEL

Juvenile division staff perform risk assessments on youth going through the process of an informal adjustment or a pre-hearing conference for a legally sufficient status or law violation. Youth are assessed using 10 factors indicating a risk to reoffend. Examples of risk factors include prior offense history, substance abuse problems and poor academic performance. The majority of youth assessed in 2007 were rated moderate risk, of which about one third committed a new law violation. High-risk offenders comprised the smallest group and had the highest rate of recidivism. A quarter of the group was low risk and had the lowest rate of recidivism.



	Low Risk	Moderate Risk	High Risk
Non-Recidivists	2,821	5,714	1,065
Recidivists	465	2,434	818
Proportion of total	24.7%	61.2%	14.1%
Recidivism Rate	14.2%	29.9%	43.4%

<sup>1</sup> The report – Missouri Juvenile Offender Recidivism: 2009 Statewide Juvenile Court Report – can be found online at <http://www.courts.mo.gov/file.asp?id=34387>.

# UNDERSTANDING THE RISK PRINCIPLE

Experts from both research and practice fields have developed a widely recognized “risk principle” for assessing risk and developing evidence-based programs. This principle suggests that treatment and supervision are most effective when they are matched to the appropriate offenders, based on risk, with the most intense level of services and monitoring reserved for high risk offenders. When applied to low-risk offenders, however, intense interventions have been shown to increase the likelihood of reoffending. In Missouri’s juvenile justice system, the most intensive intervention is a commitment to the Division of Youth Services. The majority of youth committed to the division spend an average of six months in a residential treatment facility, the equivalent to incarceration in other states.

## RECIDIVISM DEFINED

The definition of juvenile offender recidivism was informed by a survey of Missouri’s 45 juvenile officers.

*“A juvenile offender recidivist is any youth, referred to the juvenile office for a legally sufficient law violation during a calendar year, who receives one or more legally sufficient law violation(s) to the juvenile or adult court within one year of the initial referral’s disposition date.”*

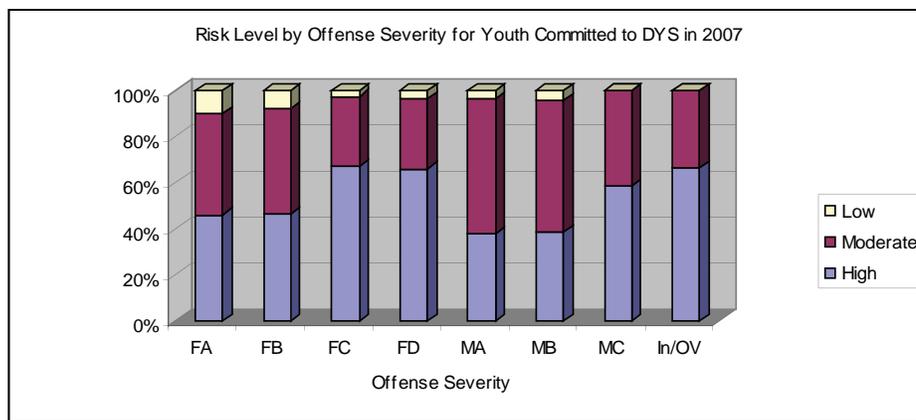
## RISK LEVEL AND COMMITMENTS TO DIVISION OF YOUTH SERVICES

Among the law offenders who were committed to the division in 2007, most were assessed as medium or high risk:

Risk Level	Frequency	Percentage
Low	17	4
Moderate	180	42
High	232	54
Total	429	100

Risk level alone does not provide adequate guidance for those in Missouri’s system who must determine the appropriate sanction for a juvenile offender. To provide additional guidance, Missouri law requires a risk-assessment committee – made up of juvenile justice professionals – to establish a “classification matrix” that suggests appropriate sanctions for decisionmakers to consider. This classification matrix accounts for offense severity and recommends a DYS commitment for low- and moderate-risk youth who have committed A and B felonies as well as high-risk youth who have committed any misdemeanor or felony offense.

Most high-risk youth did not commit the most severe offenses. *See Figure below.* The largest groups of high-risk youth committed to the division in 2007 had committed a C or D felony, an infraction, or an ordinance violation.



Key: FA = Felony A, FB = Felony B, FC = Felony C, FD = Felony D, MA = Misdemeanor A, MB = Misdemeanor B, MC = Misdemeanor C, In/OV: Infraction/Ordinance Violation

---

Most moderate-risk youth did not meet the matrix recommendations for commitments to the division. They tended to have moderately severe offenses – A or B misdemeanors.

Among the small group of low-risk offenders committed to the division, slightly fewer than half were found to have committed an offense severe enough to warrant commitment to the division.

Risk and Nature of Less-Severe Offenses – non A or B Felony

<b>Offense</b>	<b>Moderate Risk</b>	<b>Low Risk</b>
Sex Offense	6	1
Other Person	32	0
Property	66	4
Drugs	19	1
Public Order	17	3

The matrix guidelines are not the only information used in making decisions. Also to be considered are the nature of the offense coupled with how the community and the juvenile court divisions view the offending behavior. Sex offenses tend to be viewed as too aberrant for less-invasive interventions. Crimes against persons, typically assaults, tend to be viewed as too serious to be addressed through community-based sanctions. Offenses involving property (stealing and vehicle tampering), drugs and public order tend to become repetitive. The moderate- and low-risk youth reported in this table, therefore, may live in less tolerant communities or have other circumstances surrounding their behavior that warranted a commitment to the Division of Youth Services.

---

## **SOME CONCLUSIONS:**

**T**he Missouri Juvenile Risk Assessment and Classification System – a publication used by personnel throughout the state’s juvenile justice system – provides a straightforward guide for determining which youth should receive the most intense level of supervision and treatment. Indeed, Missouri judges and juvenile officers generally do adhere to this guide. A 2008 report by the Supreme Court of Missouri’s state courts administrator’s office concluded: “By more closely following the recommendations of the classification system and by consistently applying the associated contact standards, juvenile officers appear to be delivering the intensity of supervision and programming deemed necessary to reduce the probability of re-offending.”<sup>1</sup>

But, even with an assessment system and classification matrix to provide a structured approach to decision-making, 53 percent of low-risk youth and 77 percent of moderate-risk youth committed to the division in 2007 did not meet the criteria for this level of sanction. The nature of their offending behavior, coupled with community tolerance for such behavior, may warrant the intensity of the sanction.

If individual circumstances consistently warrant this level of sanctioning, then the classification matrix needs to be revised. If the sanction was not warranted, however, then the risk principle would predict that a commitment to the division will increase the likelihood that these low- and moderate-risk youth will reoffend.

---

<sup>1</sup>McElfresh, R. (2008). *Missouri juvenile officer weighted workload – 5 year trends. Fact Sheet No. 6, Jefferson City, MO: Office of State Courts Administrator.*