

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/should-judges-know-the-costs-of-sentencing-options-at-their-disposal>

Public Facing Advocacy Writing

At a time when most states are facing historic budget shortfalls, the cost of corrections cannot be ignored. It is no secret that U.S. prison costs are skyrocketing. According to the [Bureau of Justice Statistics](#), in 2009, 1 in every 32 adults was on probation, in jail or prison, or on parole. Last summer, Missouri began a new practice in an attempt to curb its rising costs: telling judges at sentencing exactly how much it will cost the state to put a person on probation or in prison.

When I first read about Missouri judges learning what the respective price tags would be for different sentences, I was horrified. Criminals deserve to go to prison, I thought, no matter what the cost. Judges should be blind to the costs of incarceration, shouldn't they?

Robert P. McCulloch, the prosecuting attorney for St. Louis County, told the [New York Times](#), Justice isn't subject to a mathematical formula. Soon after Missouri's plan was announced, critical editorials popped up all over the state and country, maintaining that judges should not think about the fiscal implications of sentences. Many of the authors asked about the cost to victims. Would people feel safe with a bunch of criminals roaming the streets solely because of a fiscal crisis?

Here's how the new process works: The Missouri Sentencing Advisory Commission (MOSAC) now tells judges the cost to the state for their sentencing decisions. Judges, as well as attorneys and probation officers, can enter details into a computer program and receive a printout with sentencing options, the cost to the state for each option, and the likely rate of recidivism (acts that result in new arrests, convictions, or incarceration) for each option. I should point out that under the [MOSAC formula](#), prison time is usually recommended for serious offenses and for individuals who have many prior felony convictions.

Consider this math: According to MOSAC, the average cost for each inmate in Missouri prison runs \$16,823 per year, while probation costs about \$1,354. Take for example second-degree robbery, a nonviolent crime that carries a maximum prison sentence of 15 years in Missouri. One option for judges is to sentence the person to five years of probation, a sentence that has an associated recidivism rate of almost 30 percent. The computer program also lets the judge know another option, to sentence this individual to five years in prison, where he will serve, on average, 62 percent of his five-year sentence, or 3.1 years, plus almost two years on parole. The average rate of recidivism in Missouri after completing this sentence: almost 40 percent. A bill for \$56,000 that comes with a 40 percent recidivism rate should raise some eyebrows. After thinking about the poor public safety return on taxpayer dollars in Missouri, as well as the rest of the country, I realized that the state's new practice makes a lot of sense.

Even beyond the expense are the disturbing results of our nation's criminal justice system. With a 67 percent overall recidivism rate three years after release from prison, the system doesn't seem to be working. What's more, according to the [Center for Economic and Policy Research](#), nonviolent offenders make up more than 60 percent of the jail and prison population.

As other states strive to control corrections costs while keeping the public safe, Missouri's effort to educate judges should be applauded. Many eyes will be watching as the results of this new practice unfold. Other states may follow suit by providing similar data to judges and others at the time of sentencing. Missouri's practice makes a lot of sense to me. If I were a judge, I think I would want to know if the costs justify the means.

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