Correctional Reform in Red States: Missouri's Role

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Introduction

Joining a growing chorus of policy advisors, academics, and politicians, the February 2016 volume of *Criminology and Public Policy* dedicates a significant portion of its text to examining trends in prisoner rehabilitation in conservative political climates (i.e., red states). Through a number of articles, various authors present analyses of current efforts at criminal justice reform in multiple locales that have traditionally been labeled "tough on crime" and are most reliant upon mass incarceration to address criminal activity. The consistent trends arising from these academic publications is that despite the conservative political climate, public opinion supporting rehabilitative programming (particularly as it relates to non-violent drug offenders) remains high and political action to reform correctional practices has been successful. Most importantly, these changes have been enacted with limited increased risk to public safety.

Although the dichotomizing classification of any state as "red" or "blue" oversimplifies important distinctions within various populations of that state, trends suggesting a more conservative or liberal orientation can often be found by analyzing a state's characteristics.[1] For example, while some analysts dub Missouri a "purple state" with both liberal and conservative leanings, a majority of the state's political activity can be classified as conservative.[2]

At a general level, this political designation has also historically applied to the operations of the Missouri criminal justice system. Though again, in line with its more purplish hue, Missouri has tended to fall on the more progressive side of the red state continuum with regard to correctional policies. As a result, the incarceration rates in more conservative states such as Louisiana (816 inmates per 100,0000 residents), Mississippi (597 inmates per 100,000 residents), or Texas (584 inmates per 100,000 residents), outpaces Missouri (526 inmates per 100,000 residents), which still falls well above the national incarceration rate (471 inmates per 100,000 residents). Currently, Missouri is ranked as having the eighth highest incarceration rate in the nation.[3]

Nonetheless, this conservative-leaning orientation throughout Missouri's political climate has not prohibited the development and implementation of some rehabilitative programs that, in part, seek to reduce the prison population, both through earlier release of offenders and providing alternatives for community supervision with certain conditions. Moreover, state-level public support for such rehabilitative efforts is in line with the national sentiment regarding the prosecution and imprisonment of nonviolent drug offenders. For example, the Justice Action Network reports that a 2016 survey revealed that nearly 75 percent of Missouri respondents favored criminal justice reform dedicated to reducing prison populations by providing

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[1] Aaron Blake, "Rethinking Red States and Blue States-in 1 Map," *Washington Post*, February 1, 2013, accessed May 27, 2016, https://www.washingtonpost.com/news/the-fix/wp/2013/02/01/rethinking-red-states-and-blue-states-in-one-heat-map/.

[2] Jeffrey Smith, "What's the Matter with Missouri?" *The Atlantic*, August 24, 2012, accessed May 20, 2016, http://www.theatlantic.com/politics/archive/2012/08/whatsthematterwithmissouri/261496.

[3] The Sentencing Project. "The Facts: State-by-State Data," accessed May 22 2016, http://www.sentencingproject.org/the-facts/#map.

judges with greater options for sentencing.[4] Similarly, The Pew Research Center reported that, nationally, more than two-thirds of citizens favor addressing drug abuse through rehabilitative measures as opposed to punitive ones.[5] Still, at a collective level, many Missouri politicians and policymakers have been reluctant to join the correctional reform movement with as much enthusiasm as lawmakers in other traditionally conservative states.[6]

Texas provides an example of such reform efforts. Texas, the state with the seventh highest incarceration rate in the country, has long been known for its tough-on-crime stance. Yet in recent years, Texas has pursued reform in unprecedented ways for a "tough on crime" state. The 2008-2009 state Legislature adopted a budget that poured $241 million into diversion sentencing, treatment programs, and related initiatives designed to reduce spending on new prisons, among other goals. To date, these initiatives have demonstrated success in terms of stabilizing the state's previously exponentially growing incarceration rate.[7]

Among the most popular alternatives to traditional sentencing that have taken hold in the nation in recent years is treatment or "problem-solving" courts. Beginning in the early 1980s as an alternative form of case disposal for those charged with drug crime, the treatment-court model has expanded to include a variety of focal areas. A small sampling of the types of identifiable and treatable specialized populations attending these courts include: the mentally ill, veterans, gang members, juveniles, and domestic violence cases. In many ways, these courts serve as an effective alternative to traditional case processing that maintain high levels of public support.

Within Missouri, some judicial circuits were quick to follow national initiatives and implemented various types of these treatment-oriented courts. A 2013 report from the Missouri Bar suggested that 132 treatment courts were operating in the state throughout that time.[8] Evidencing the ongoing growth of such programs, a report compiled by Missouri's Office of State Courts Administrator reveals that, as of December 31, 2015, there were 141 treatment court programs in forty-three of the state's judicial circuits. Of these, ninety-two are adult drug courts, seven are juvenile drug courts, twelve are family treatment courts, twenty are driving while intoxicated courts, and ten are veterans' court programs.[9]

This essay provides an overview of one treatment court and a summary of the results of a process and outcome evaluation conducted in an adult drug court within one Missouri judicial circuit. We conclude with policy recommendations to foster the ongoing growth of the treatment courts and other correctional reforms in order to meet the public's normative expectations of the operation of the criminal justice system.

Treatment Courts and Therapeutic Jurisprudence

Prior to delving into the theoretical underpinnings and the findings of the research conducted for this paper, a brief explanation of the terminology used in the literature on therapeutic jurisprudence is in order. "Therapeutic jurisprudence" is the term used to

[4] Brian Nienaber and Ed Goeas, "Key Findings from Statewide Surveys in Florida, North Carolina, Kentucky, Missouri, and Wisconsin," *Prison Policy Initiative,* (2016), accessed May 21 2016, http://www.prisonpolicy.org/research/public_opinion/.

[5] Drew Desilver, "Feds May Be Reconsidering the Drug War, but States Have Been Leading the Way," *Pew Research Center*, (April 2, 2014), accessed July 15, 2016, http://www.pewresearch.org/fact-tank/2014/04/02/feds-may-be-rethinking-the-drug-war-but-states-have-been-leading-the-way/.

[6] Shane Bauer, "How Conservatives Learned to Love Prison Reform," *Mother Jones*, February 25, 2014, accessed May 21, 2016, http://www.motherjones.com/print/244416.

[7] Marc Levin, "Thinking Outside the Cell: Texas Prison System Innovations," (presentation, National Institute of Justice Conference, Arlington, VA, June 21, 2011). Accessed online August 25, 2016, http://www.texaspolicy.com/library/doclib/2011-PowerPoint-WashDCCorrectionsPresentation-MarcLevin.pdf.

[8] Gary P. Toohey and Cynthia K. Heerboth, "Missouri Treatment Courts: The Road to Redemption," *Precedent* 7, no. 3 (2013): 7-19, accessed May 23 2016, http://www.mobar.org/uploadedFiles/Home/Publications/Precedent/2013/Fall/treatment-courts.pdf.

[9] State of Missouri Office of State Court Administrator, "Drug Courts Coordinating Commission: Treatment Court Program Status," accessed July 12, 2016, http://www.courts.mo.gov/file.jsp?id=35953.

describe the underlying philosophy of drug courts and similar courts. "Treatment courts" is an umbrella term that includes drug courts and other specialized programs that are premised on therapeutic jurisprudence. Treatment courts reflect the basic components essential to drug courts, which are considered the first wave of treatment courts. As noted earlier, the terms "problem-solving" and "specialty" courts are sometimes used interchangeably with "treatment courts," but also can include a broader range of programs that address criminal activity, such as guns, gangs, and domestic violence, in which treatment does not always play a central role. The use of the term "courts" in the context of treatment courts extends well beyond its conventional legal definition and covers the activities and functions of the entire program and members of the program's collaborative team, with courtroom appearances being just one aspect of the program.

In practice, as these alternative courts lack standardization in their operations from jurisdiction to jurisdiction, statements regarding their procedures can be made only on a very general level. Unfortunately, this lack of operational standardization applies throughout Missouri just as it does in many other states. As a result, researching the effectiveness and practices of these courts on a wide scale is challenging. However, at the broadest level, treatment courts are best classified as a collaborative group of court personnel and treatment providers working to assist the defendant/offender in overcoming some identifiable criminogenic factors.

In contrast to the traditional adversarial case process model, court hearings are much less formal and often involve direct conversation between a presiding judge and a defendant/offender. Treatment court team members meet in pre-hearing staff meetings to review the progress of participants and discuss courses of action that need to be taken with each individual. The in-court conversations between the judge and offender/defendant are then informed by the reports received from treatment personnel and community supervision officers, both of whom are also present at the staff meeting and in-court hearing. These court hearings may occur on a weekly or monthly basis, depending on the requirements of the program. While representatives from the prosecution and defense bar may be present at these hearings, their role is much more limited and collaborative than in a traditional trial. For instance, evidence is not introduced in a traditional sense, witnesses are not subject to direct or cross examination, and no attempt is made to determine the participant's guilt.

The defendant/offender progresses through various predetermined stages of the program depending upon the success they exhibit in treatment sessions, compliance with program requirements, and avoidance of criminal behaviors. These individuals are subject to graduated sanctions (including temporary jail time in many instances) should they fail to abide by the program's protocol and are awarded graduated rewards if their progress is successful. Participants exhibiting high degrees of noncompliance are dismissed from the program and processed via traditional court processes. At the conclusion of the program, successful participants will be honored at a graduation ceremony.

While it is common for individuals successfully completing these court programs to be offered some legal incentive, a variation in the nature of these incentives also exists between jurisdictions. In some jurisdictions, individuals participating in these courts have not been formally charged and the hearings act as a diversionary form of case disposal. Thus, if participants successfully complete the program, no charges are filed. In other jurisdictions, successful program completion can lead to a dismissal of charges, a reduction in the level of the charge, a reduced sentence, or simply connecting an offender with needed community resources.

Literature Review

Given the interdisciplinary nature of treatment-oriented courts (e.g., law, community supervision, social services, counseling, etc.), it is not surprising that the academic literature surrounding the operations of these courts stems from a variety of fields. While the theoretical foundations of these courts remain in debate, Stinchcomb[10] provides an in-

[10] Jeanne B. Stinchcomb, "Drug Courts: Conceptual Foundations, Empirical Findings and Policy Implications," *Drugs: Education, Prevention, and Policy* 17, no. 2 (2010): 148-167.

depth explanation of the most widely accepted theory, therapeutic justice (TJ).

The conceptual foundation of TJ was developed by David B. Wexler and Bruce J. Winick[11] and focuses on the longitudinal impacts of the judicial system on society and defendants. Rather than focusing on the interpretation and application of the law, this model seeks to positively impact those coming before the court in order to better achieve community safety as well meet the long-term needs of defendants/offenders.

Similarly, the principles of effective intervention in community supervision first articulated by D.A. Andrews, Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen[12] have facilitated the creation of numerous drug courts throughout North America, Europe, and Australia since the late 1980s. These principles led directly to the development of the risk, need, responsivity (RNR) model of community corrections that now serves widely as the basis for evidence-based community supervision and offender treatment.

Most studies undertaken thus far conclude that treatment courts are more effective in reducing recidivism than are traditional criminal justice system strategies. As is true of virtually all social science research, however, the body of evidence produced thus far in regard to treatment courts has its limitations. For instance, evaluations involving random assignment to treatment or a control condition, which are regarded as the "gold standard" in program evaluation, are rarely used with criminal justice program evaluations. Therefore, despite a growing body of literature pointing to the success that problem-solving courts have had in reducing recidivism, we must exercise some caution in generalizing the findings of the current study.

Many rigorous studies cite the benefits of drug court in reducing recidivism among participants. Substantial systematically conducted studies provide empirical evidence of the effectiveness of drug court programs.[13] In light of this relatively large evidence base, we can confidently assert that, when implemented pursuant to evidenced-based standards, drug court participation tends to reduce recidivism rates.

Methodology

Process Evaluation

The purpose of a process evaluation is to determine if organizational operations comply with the organization's written policies and practices. In addition, the organization's written and actual practices are assessed to determine if they are in compliance with field-wide "best practices" that are evidenced by empirical research. We were granted access to the treatment court's policies and procedures as well as historical records, which included a prior empirical evaluation that had been conducted a decade previously. By reviewing these data, the research team was able to best understand the operations of the court in the context evaluated.

In addition, qualitative interviews were conducted with a number of different stakeholders associated

[11] David B. Wexler and Bruce J. Winick, "Therapeutic Jurisprudence as a New Approach to Mental Health Law, Policy Analysis and Research," *University of Miami Law Review* 45, no. 5 (1991): 979-1004.

[12] D.A. Andrews, Ivan Zinger, Robert D. Hoge, James Bonta, Paul Gendreau, and Francis T. Cullen, "Does Correctional Treatment Work? A Clinically-Relevant Psychologically Informed Meta-Analysis," *Criminology* 28, no 3. (1990): 369-404.

[13] See for example: Steve Aos, Polly Phipps, Robert Barnoski, and Roxanne Lieb, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington State Institute for Public Policy, May 2001; Government Accounting Office, *Adult Drug Courts: Evidence Indicates Recidivism Reductions and Mixed Results for Other Outcomes*, (GAO-05-219) Washington, D.C.; Christopher T. Lowenkamp, Alexander M. Holsinger and Edward J. Latessa "Are Drug Courts Effective? A Meta-Analytic Review," *Journal of Community Corrections* 15, no. 1 (2005): 5-10, 28; Ojmarrh Mitchell, David B. Wilson, Amy Eggers, and Doris L. MacKenzie, "Assessing the Effectiveness of Drug Courts on Recidivism: A Meta-Analytic Review of Traditional and Non-Traditional Drug Courts," *Journal of Criminal Justice* 40, no. 1 (2012): 60-71; Deborah Koetzle Shaffer, "Looking Inside the Black Box of Drug Courts: A Meta-Analytic Review," *Justice Quarterly* 28, no. 3 (2011): 493-521; David B. Wilson, Ojmarrh Mitchell, and Doris L. MacKenzie, "A Systematic Review of Drug Court Effects on Recidivism," *Journal of Experimental Criminology* 2, no. 4 (2006): 459-487.

with the treatment court. All treatment court team members were interviewed to determine each team member's perspective of the court's operations, benefits, and shortcomings. Treatment staff members who do not sit on the treatment court team were included as a part of these interviews as well. Also, a diverse sampling of treatment court participants were also interviewed to better understand their experience of the treatment court process.

Throughout these processes, the research team observed court staff meetings and court hearings. Through direct observation of operations, the team was able to triangulate the data recorded through document analysis and interviews.

Outcome Evaluation

In contrast to a process evaluation, an outcome evaluation is designed to measure the impact of a program and whether or not it meets its objective. The current study made use of advanced statistical measures that matched the court participants with a group of similarly situated offenders who were not enrolled in the treatment court, but who were sentenced in the circuit analyzed. By reviewing data provided by the Missouri Department of Corrections for individuals readmitted to supervision or incarceration after a three-year period following supervision, we were able to draw conclusions as to the program's effectiveness when compared to offenders who did not receive services.

Findings

The Court

In the current evaluation, the court evaluated is identified as a treatment court in a suburban judicial circuit in Missouri aimed at assisting the participating offenders to overcome substance abuse.
After review by the prosecution, all cases are referred to the court which is staffed by a single judge, as well as representatives from the prosecutor's office, local probation office, treatment personnel, and a court administrator. While a representative of the defense bar is present in the staff meetings to ensure that the participant's legal rights are protected, this individual does not attend court hearings. In keeping with legal and treatment requirements, participants must choose to enter the treatment court program voluntarily or have their case processed via the traditional adversarial model.

Process Evaluation

With regard to the treatment court team, we found that the team members operated in compliance with their roles and in manners characteristic of treatment courts exhibiting high effectiveness. Most strongly emphasized was the highly effective methods of collaboration, communication, and information-sharing among team members. All treatment court observations and personnel interviews pointed to team members interacting well and regarding each other's input as valuable. While all positions were regarded as equal team members, the team conceded that the judge fills a leadership role and is ultimately responsible for the activity of the court.

Of particular interest, all interview subjects indicated that they felt that traditional case processing does not result in a change in behavior for the offender, whereas the treatment court model better accomplishes this change. Through anecdotal experiences, interview subjects repeatedly relayed that the level of accountability drug court participants are held to as well as the legal incentives for participation greatly enhanced recidivism outcomes. Moreover, these interview subjects indicated that the shift in professional orientation to assist individuals overcome their addiction was far more satisfying than punishing them for being addicted to controlled substances.

The observation of and interviews with the offenders participating in the program offered insights into how they experience the program. While all offenders recognized the differences between the treatment court and traditional case processes, many of the more recently admitted offenders were less appreciative and accepting of the program. Those who had been in the program for longer periods of time or who were approaching completion saw much more benefit. Generally, the offenders found the program beneficial and emphasized the importance of the accountability offered by the court and treatment staff offered. Many recognized the need to ultimately develop intrinsic

motivation and internal controls in order to abstain from drug and alcohol use for the long term.

Through observations of the hearings and staff meetings, research team members noted a dramaturgical element present in the operations of the court which we determined was an intentional and important part of the treatment court model. At varying points in the court process, researchers observed court team members using offenders as examples of compliant or non-compliant behavior in order to relate to others observing the hearing the acceptability of the participant's behavior. For example, acts such as leading noncompliant clients from the court in handcuffs or the graduation ceremony, at which program graduates shared stories of their progress and triumphs, provided evidence of the theatrical metaphors present in the nature of the court.

The drug court team did describe some challenges with program operations and decisions. While stakeholders indicated that decisions related to rewarding clients are relatively easy and non-controversial, sanction decisions are less predictable and more problematic. There are times when the drug court team collectively struggles with whether to extend someone in the program or terminate him/her.

There are, of course, valid reasons for differential treatment, and neither program staff nor the judge is obligated to sanction and reward clients in precisely the same ways. Individualized sanctioning is not incompatible with the treatment court model. In fact, it is an essential part evidence-based practice in community supervision.[14] It is certainly true that even "standard" criminal system sanctions are frequently handed down within the context of an individual's history, perceived amenability to change, and other relevant life circumstances.

Of some concern, a few clients mentioned that they thought that rewards and penalties were not always given out fairly and consistently. Obviously, clients resent what they perceive to be preferential treatment, and this can diminish their commitment to the program or encourage them to manipulate the system to their advantage. Also, the risk assessment literature indicates that clients who are sanctioned or praised in a manner inconsistent with the level of risk posed can harm the supervision process.[15] It under-supervises the high risk, which contributes to lowered community safety, and over-supervises the low risk, which can lead to program failure. Treatment courts seek to provide sanctions that are proportionate to the problem behavior demonstrated by noncompliant participants. This range of sanctions may include setbacks to an earlier phase, writing an essay to present at a court hearing, or a short (several days) jail stay. Yet, team members reported struggles and disagreements amongst themselves in determining just how severe these sanctions should be in some cases. This dilemma of balancing individuation with consistency is common to treatment courts and is not easy to resolve.

The historical data reviewed suggested that the program's earlier years were prone to offering the program to offenders perceived as having the greatest chance to succeed. This kind of "cherry-picking" of the strongest prospects might result in selection of low-risk/low-need offenders who do not need an intensive program. Experts recommend that treatment courts be reserved for the high-need and, at least, moderately high-risk offenders.[16] Interview data suggested that targeting these higher risk/need clients has increased in recent years. This fact might explain the fluctuations in program admissions and the declining probability of entering the program as opposed to being sentenced to standard probation in that the lower risk offenders are, appropriately, not being admitted.

The data might also reflect uneven attention to prospective clients over time (perhaps due to other demands on team members' time) and/or less aggressive identification of clients during periods when the program was full. Finally, we acknowledge

[14] National Institute of Corrections, Community Corrections Division, and Crime and Justice Institute, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (2004), accessed July 7, 2016, http://nicic.gov/library/019342.

[15] Christopher T. Lowenkamp and Edward J. Latessa, "Increasing the Effectiveness of Correctional Programming Through the Risk Principle: Identifying Offender for Residential Placement," *Criminology and Public Policy* 4, no. 2 (2005): 263-289.

[16] Ibid., 263-289.

that a number of contextual variables (e.g., crime rates, community criminal justice resources) over which the treatment court has no control might have affected the trends in admission.

Because the trends described above are open to varying interpretations, they do not necessarily indicate a problem. We do suggest, however, that any treatment court team examine the contextualized jurisdictional trends and determine if any corrective action should be taken to ensure that all clients worth consideration are being identified consistently and are being properly referred to the program. Program decision-makers and other stakeholders might want to consider whether fluctuations in admissions may be intentional and/or expected. If not, these data might be useful in leveraging more resources in order to allow the program to accommodate eligible offenders.

One possible tool that may assist further correctional reform within Missouri is the recent implementation of a standardized actuary-based risk assessment tool. The Missouri Office of State Courts Administrator recently began using a new combined risk and needs assessment tool, the Risk and Needs Triage Tool (RANT™). The risk assessment literature suggests that this might be useful in helping screen suitable candidates as they continue to refine the selection and admission process.[17] The RANT results in potential treatment court candidates being grouped into four quadrants: high risk/high need, high risk/low need; low risk/high need, and low risk/low need. People who fall into the first two quadrants are seen as the treatment court targets. Ideally, the implementation of such a tool will be useful in screening suitable candidates and bringing more structure and objectivity to the process.

Outcome Evaluation

The outcome evaluation data were provided by the Missouri Department of Corrections (DOC) and included all persons admitted into the drug court from its inception through December 2013. We were also able to obtain a comparison sample from DOC to use as a gauge in assessing the effectiveness of the treatment court.

The comparison sample includes every individual sentenced in the county where the drug court was based from 2001-2013 for the kind of charge that could lead to a drug court referral, but who did not enter drug court nor get sentenced to prison. The type of charge was determined from a list of the charges of those people who were sentenced during this timeframe in the treatment court examined as well as those who did not participate. These charges (and the corresponding charge codes) were as follows:

- 32327 Controlled Substance – County/Private Jail
- 32322 Delivery/Possession of Controlled Substance – Correctional Facility
- 32320 Controlled Substance – Correctional Facility
- 32450 Possession of a Controlled Substance
- 32460 Fraudulent Attempt to Obtain Controlled Substance
- 32470 Distributing/Delivery of Under 5 Grams Marijuana
- 32506 Drug Paraphernalia, Amphetamine/ Methamphetamine
- 32510 Delivery of Drug Paraphernalia
- 32520 Delivery/Manufacturing Controlled Imitation Drug
- 32526 Possession of Ephedrine – Manufacturing Methamphetamine
- 32566 Create/Alter Chemical to Controlled Substance
- 47430 Drug Intoxication

There were a variety of reasons for offenders in the comparison sample to have not entered the program, although precise reasons for each person in the sample were not available. We can assume that some did not get offered the program, although based on data, they fit the criteria. Many offenders will not agree to a program as intense and demanding in terms of constraints on their freedom and time as treatment courts require. We also do not know why these offenders received probation instead of prison, but, as discussed further in this section, it might be that they

[17] J.C. Oleson, Scott W. VanBenschoten, Charles R. Robinson, and Christopher T. Lowenkamp, "Training to See Risk: Measuring the Accuracy of Clinical and Actuarial Risk Assessments Among Federal Probation Officers," *Federal Probation* 75, no. 2 (2011): 52-56.

were seen as lower risk than those who went to prison or became drug court clients. *(See Table 1 on page 10.)*

People who graduated were less likely to reoffend than those who entered the program but did not complete, and were less likely to reoffend than the comparison group. In both cases, the differences in recidivism were statistically significant. As Table 1 shows, 6.9 percent of drug offenders who graduated recidivated, in contrast with 17.3 percent of the comparison group and nearly half of the terminated offenders (48 percent). We also compared these recidivism rates to the rates for all of Missouri's Treatment Courts, which were reported in a study conducted by the Office of State Courts Administrator in 2015.[18] That study, too, relied on a new conviction after three years as a measure of recidivism. The rates for program graduates statewide were lower, though the pattern was comparable to those of the program we studied. Eleven percent of completers statewide reoffended, and 25 percent of those terminated did. The OSCAs study did not include a comparison group. These findings point to the program's effectiveness overall.

Policy Implications

Consistent with the wider criminological literature presented, the findings of this study suggest that the treatment court analyzed offers an effective alternative to traditional case processing that is more in line with public opinion within Missouri and nationally. In light of the existing research evidence, these findings are not revolutionary. Indeed, many organizations within the state, including the Missouri Bar, the Office of State Courts Administrator, numerous judicial circuits, and the Department of Corrections, appear to have high regard for such programs.

Consistent with these noncontroversial findings, the presented research suggests that providing ongoing support for treatment courts is not only a positive change from traditional operations, but also is likely to continue in light of the widespread public and political support as well as the empirically validated reduction in recidivism. To be sure, if legislators and policymakers are to construct and implement public policy in an evidence-based fashion, they must rely on high-quality knowledge characterized by rigorous examination.

Although the evaluation presented suggests that the court conforms to the standards required by the available academic literature and found high effectiveness in the operation, the study also found some shortcomings that could be addressed through additional political and public support. For instance, one common complaint from court staff as well as participants was that the incentives for program compliance that were provided were either too minimal or inappropriate in some cases. Similarly, another common complaint was that convictions remained on the participants' criminal histories even if the program was successfully completed. It is reasonable to believe that enhancing resource availability to provide more appealing incentives (legal and extralegal) could positively impact program operations and better facilitate long-term recovery.

More importantly, however, the current analysis contributes an identification of one way in which Missouri is successfully implementing an evidence-based correctional philosophy that attempts to move away from incarceration as a solution. While this court is a singular example of what can be accomplished through the implementation of such programs, it serves as *raison d'état* to further the dialogue of correctional reform throughout the state.

If more progress is to be accomplished, additional steps must be taken in Missouri to reduce the state's overreliance on incarceration as a means of resolving crime. In short, incarceration is incredibly expensive and generally been found to be an ineffective means of reducing crime in the long term. This ineffectiveness is particularly evident among populations suffering from addiction—a fact that the public appears to recognize.

[18] Office of State Court Administrator, "Drug Courts Coordinating Commission," http://www.courts.mo.gov/file.jsp?id=35953.

By no means, however, are we suggesting that incarceration should be abandoned in all cases. To be sure, the heinousness of some criminal activity requires that offenders be imprisoned in order to protect public safety, deter others from committing such acts, and incapacitate the criminal offender. Instead, we are suggesting that where correctional alternatives whose effectiveness has been evidenced by rigorous evaluation are possible, they should be implemented.

Ironically, the conservative politicians and policies that have historically driven the astronomical rise in the incarceration rate are the same individuals who are now leading the charge to implement alternative correctional programs at the national level. Much of the basis of their argument can be traced to the cost of such a high incarceration rate, the ineffectiveness of incarceration as a means of controlling crime, and the social impacts of incarceration.

In a similar vein of irony, more liberally leaning politicians, policymakers, and academics have yet to fully adopt the correctional reform agenda on a large scale within Missouri. Prior to the past decade, the state and nation have witnessed that the vast majority of discussion regarding rehabilitative-based reform came from those concerned with far more egalitarian and humanistic objections to the operations of the correctional system. Specifically, these individuals decried the disproportionate impact of mass incarceration on the impoverished and minority populations as well as the limited opportunities for rehabilitation. However, within the modern debate, these calls for reform have softened or disappeared in many cases as it relates to corrections.

Thus, while liberals and conservatives may disagree on the motives for undertaking reform, it is evident that both groups would prefer a correctional system that is less reliant upon incarceration. This is a rare rift in the hyper-partisan culture that has come to characterize much of the American political system. Those individuals and groups with the ability to influence public action on correctional reform would be remiss if they did not take advantage of this opportunity to engage in reform efforts more thoroughly.

Too often, we have witnessed incarceration rates grow, not as a result of a rise in crime, but as a result of policies implemented to be "tough on crime." Often, these policies are driven by a perceived desire to appease public opinion or gain political support. Moreover, such efforts tend to be driven more by the public's fear of crime than by evidence.

Alternatively, many academics, politicians, and policymakers have made recent rhetorical calls to be "smart on crime," but have failed to provide the necessary resources to implement the changes to undertake such an approach. While the core concepts implied by this "smarter" approach are certainly appealing and contrast with historical methods of correctional reform, the lack of action in many cases is troubling. It appears that the state is in a standstill when compared to its more conservative counterparts.

Perhaps it is the "purplish" nature of Missouri's political climate that prevents a more wholehearted adoption of correctional reform policies that have been enacted in states of a redder hue. Alternatively, it may be that the higher incarceration rates in some of these more conservatively-oriented environments creates a more pressing need for action. Irrespective of the causal root for the limited adoption of correctional reform on a statewide basis, the states exhibiting more extreme conservative tendencies have had much greater success in implementing such measures. Missouri would benefit from following their lead.

Conclusion

This essay attempts to further the dialogue of correctional reform within the state of Missouri. As a vehicle for this dialogue, the findings of an evaluation of a treatment court are presented as an example of the effectiveness of alternative correctional programming that more closely aligns with public opinion. Undoubtedly, the correctional reform successes enjoyed by other states with far more conservative orientations can be replicated within Missouri as long as action is taken within the window of bipartisan opportunity that has opened. If the public is to be served, the commitment to undertake and support such reform efforts are needed much more than half-hearted and hollow calls for reform.

TABLE 1

Simple Percentages of Reoffending within 36 Months after End of Supervision

	Cases Analyzed	Comparison Group	Program Participants	Program Graduates	Program Terminations	Program Withdrawals
Total Number	1,318	994	324	189	98	37
% Reoffending		**17.3%**	**21.0%**	**6.9%**	**48.0%**	**21.6%**