final minutes

Criminal Justice Policy Commission Meeting
9:00 a.m. • Wednesday, April 3, 2019
Senate Hearing Room • Ground Floor of the Boji Tower Building
124 W. Allegan • Lansing, MI

Members Present:
Senator Bruce Caswell, Chair
D.J. Hilson
Kyle Kaminski
Brian Kolodziej
Sheryl Kubiak
Representative Beau LaFave (via teleconference)
Barbara Levine
Senator Peter Lucido
Representative Isaac Robinson (via teleconference)
Senator Sylvia Santana (via teleconference)
Jennifer Strange (via teleconference)
Judge Paul Stutesman
Andrew Verheek

Members Excused:
None

I.   Call to Order and Roll Call
The Chair called the meeting to order at 9:00 a.m. and asked the clerk to take the roll. A quorum was present. Representative Robinson joined the meeting shortly after roll call was taken. There were no absent members.

II.   Approval of the March 6, 2019 Criminal Justice Policy Commission Meeting Minutes
The Chair asked members if there were any additions or corrections to the proposed March 6, 2019 CJPC meeting minutes. There were none. **Commissioner Hilson moved, supported by Commissioner Kaminski, to approve the minutes of the March 6, 2019 Criminal Justice Policy Commission meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

III.   Data Subcommittee Update
The Chair called on Grady Bridges for an update. Mr. Bridges proceeded with a review of the results from the last meeting. Next, he provided an analysis of the three most common Class E felonies by age, race, and gender. See attached handouts for more details. Senator Lucido raised several questions regarding the effect more populated counties had on recidivism as it relates to OWI-3rd, the relevancy of race, and the difference in jail time between black males who retained counsel and those who had court-appointed attorneys. Judge Stutesman commented on the low number of cases used to make observations, particularly for white females under 30, in the Cases by Age, Race, and Gender charts found in the handouts and urged that it is made clear that these charts are for crimes convicted not necessarily committed and the offender's habitual status is not factored in due to possible plea agreements. A discussion of ways to make this clarification followed. Mr. Bridges continued with his presentation and provided an explanation of the updated results found on each of the remaining slides. In response to a question raised by Commissioner Kubiak, Mr. Bridges explained how the information presented at today's meeting can be incorporated into the full report. Commissioner Verheek asked if any thought had been given to how the prior record variable (PRV) might impact some of the results and Mr. Bridges responded that the data does look at the PRV and compares the prior record level. He then provided further details of what will be included in the Class E report. A discussion of taking a similar look at specific crimes that are predominant in Class D followed.

The Chair offered his thoughts about the effect trauma that occurs within the first six months of life has on an individual and opened a discussion of the Commission making recommendations that will help guide the Legislature in making policy changes. Senator Lucido supports the Commission offering policy recommendations based on the data analyzed. Mr. Bridges reminded members that the Commission's plan has been to analyze and release reports for the different grids first, identify common themes across the grids, and then the Commission will be best suited at that point to make recommendations in a final summary. Chair Caswell raised the issue of the impact specialty courts may have on conviction rates and sentencing disparity. Commissioner Kubiak noted that is a very complicated question to answer both with data and with recommendations and provided some insight into what the diversion

data they have collected found. Mr. Bridges will update the analysis of specialty courts for the E grid and include it in the Class E report. Commissioner Kaminski suggested the Commission might want to do some year-to-year comparisons once the 2018 data is available to analyze some of the program resources available in straddle cell cases. A general discussion of areas the Commission may want to consider for possible recommendations continued. The Chair made some closing remarks and asked Mr. Bridges to have the Class E report ready for the Data subcommittee to review at its next meeting so that the report will be ready for the full Commission to review at the next meeting. Mr. Bridges asked members to send him any feedback they have to the changes he made to the table on page 2 of the Executive Summary by April 9 so it can be taken up by the Data Subcommittee. Mr. Bridges concluded with a brief update on the B & C grids.

IV.   Formation of Prior Record Variable (PRV)/Habitual Offender Subcommittee

The Chair proposed the formation of a Prior Record Variable (PRV)/Habitual Offender Subcommittee as discussed at a previous Commission meeting. There was no objection. The Chair appointed Commissioner Levine as Chair, and appointed Assistant Attorney General Kolodziej, Representative LaFave, Senator Santana, and Commissioner Strange as members of the subcommittee. He asked Mr. Bridges and Ms. Cavanagh to assist the subcommittee and noted that he would try to attend any scheduled subcommittee meetings, if possible.

V.   Commissioner Comments

The Chair asked if there were any Commissioner comments. Representative LaFave expressed his concern regarding the incarceration of young black males for simply having a concealed weapon. Representative Robinson noted his appreciation of Representative LaFave's comments and looks forward to further examination of the concealed weapons issue. Ms. Strange added that the Commission did release a mental health recommendation about a year ago over mental health screening tools and thinks the Commission may want to follow up with the Legislature. Commissioner Kolodziej urged members to start thinking now about the human element and how to best illustrate any recommendation the Commission may make with real life examples. The Chair provided comments on the Nurse/ Family Partnership program and urged members not to get discouraged. There were no other comments.

VI.   Public Comments

The Chair asked if there were any public comments. Ms. Sue Stutzky, House Fiscal Agency Legislative Analyst, provided positive comments regarding the Commission's discussions. There were no other public comments.

VII.   Next CJPC Meeting Date

The next CJPC meeting is scheduled for **Wednesday, May 1, 2019, at 9:00 a.m.** The location for the meeting is to be determined and will be announced at a later date.

VIII.   Adjournment

There being no further business before the Commission and seeing no objection, the Chair adjourned the meeting, the time being 11:43 a.m.

(Minutes approved at the June 5, 2019 Criminal Justice Policy Commission meeting.)

Data Subcommittee Update
Straddle Cell Sentencing - Class E Felonies

CRIMINAL JUSTICE POLICY COMMISSION
April 3, 2019

2 Review of Results from Last Meeting

Average Marginal Effects of Variables

Variable	Statistically Significant	Average Marginal Effect (Percentage Points)		
Attorney Status (Retained vs. Appointed)	**Yes**	**-4.0**		
Conviction Method (Found Guilty vs. Pled Guilty)	**Yes**	**+44.9**		
Employed	**Yes**	**-9.8**		
Sentence Guideline Crime Group				
Crimes Against Property	Yes	-1.7		
Crimes Against Public Safety	Yes	+1.1		
Crimes Against A Person	*No*	*Did not differ significantly*		
Controlled Substance Crimes	*No*	*Did not differ significantly*		
Crimes Against Public Order	*No*	*Did not differ significantly*		
Crimes Against Public Trust	*No*	*Did not differ significantly*		
Gender (Female vs. Male)		**Age = 20**	**Age = 35**	**Age = 50**
Black or African American (Female vs. Male)	Yes	-8.6	-3.8	*Did not differ significantly*
White (Female vs. Male)	Yes	-11.5	-8.3	-4.5
Race (Black or African American vs. White)		**Age = 20**	**Age = 35**	**Age = 50**
Male Offenders (Black or African American vs. White)	Yes	+3.7	*Did not differ significantly*	-6.9
Female Offenders (Black or African American vs. White)	Yes	+6.6	*Did not differ significantly*	*Did not differ significantly*

3 Review of Results from Last Meeting

Figure 1: Average Probability of a Prison Sentence By Race, Gender, and Age
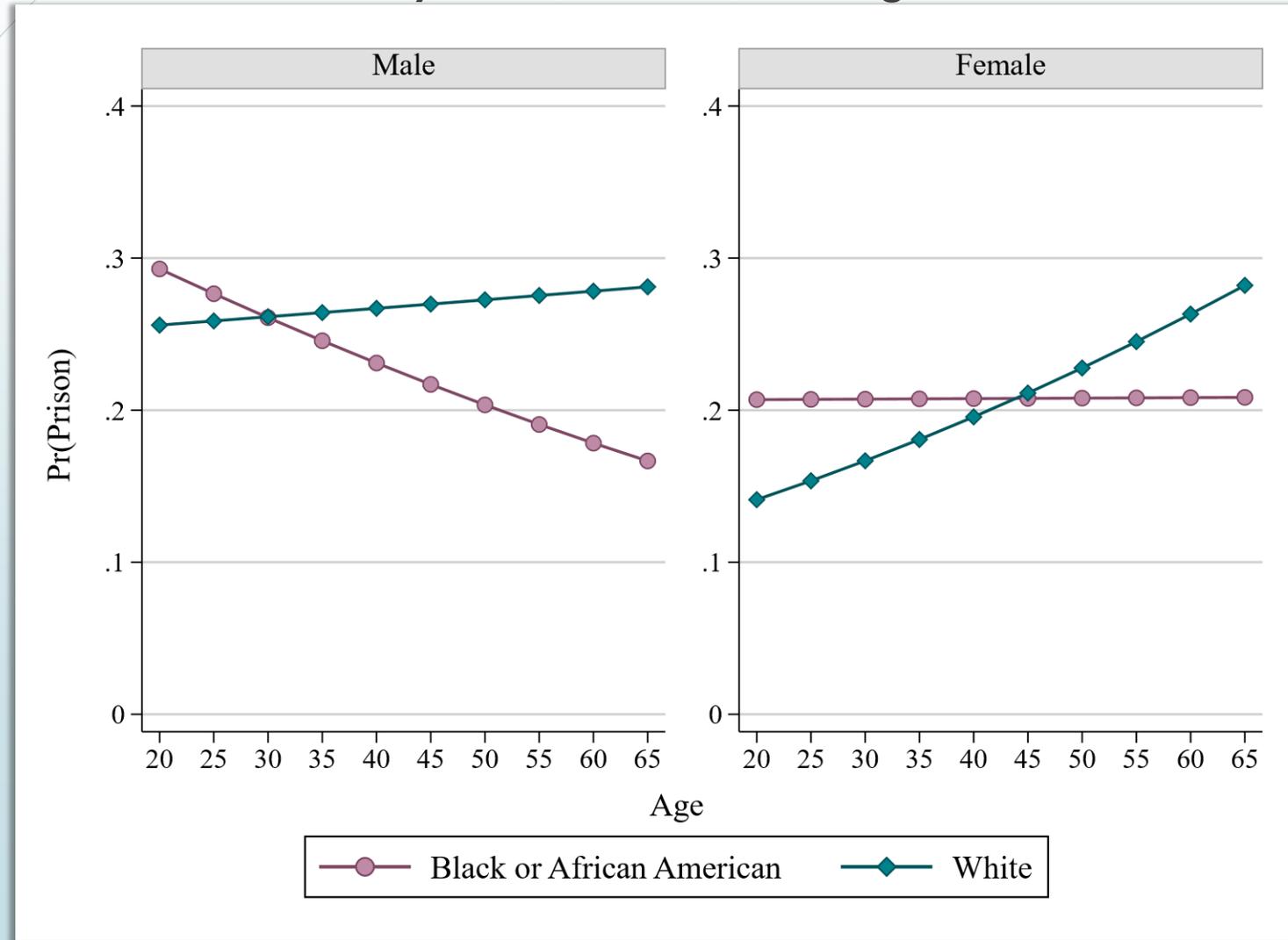
Review of Results from Last Meeting

Figure 2: Average Difference in Probability between Race by Gender and Age
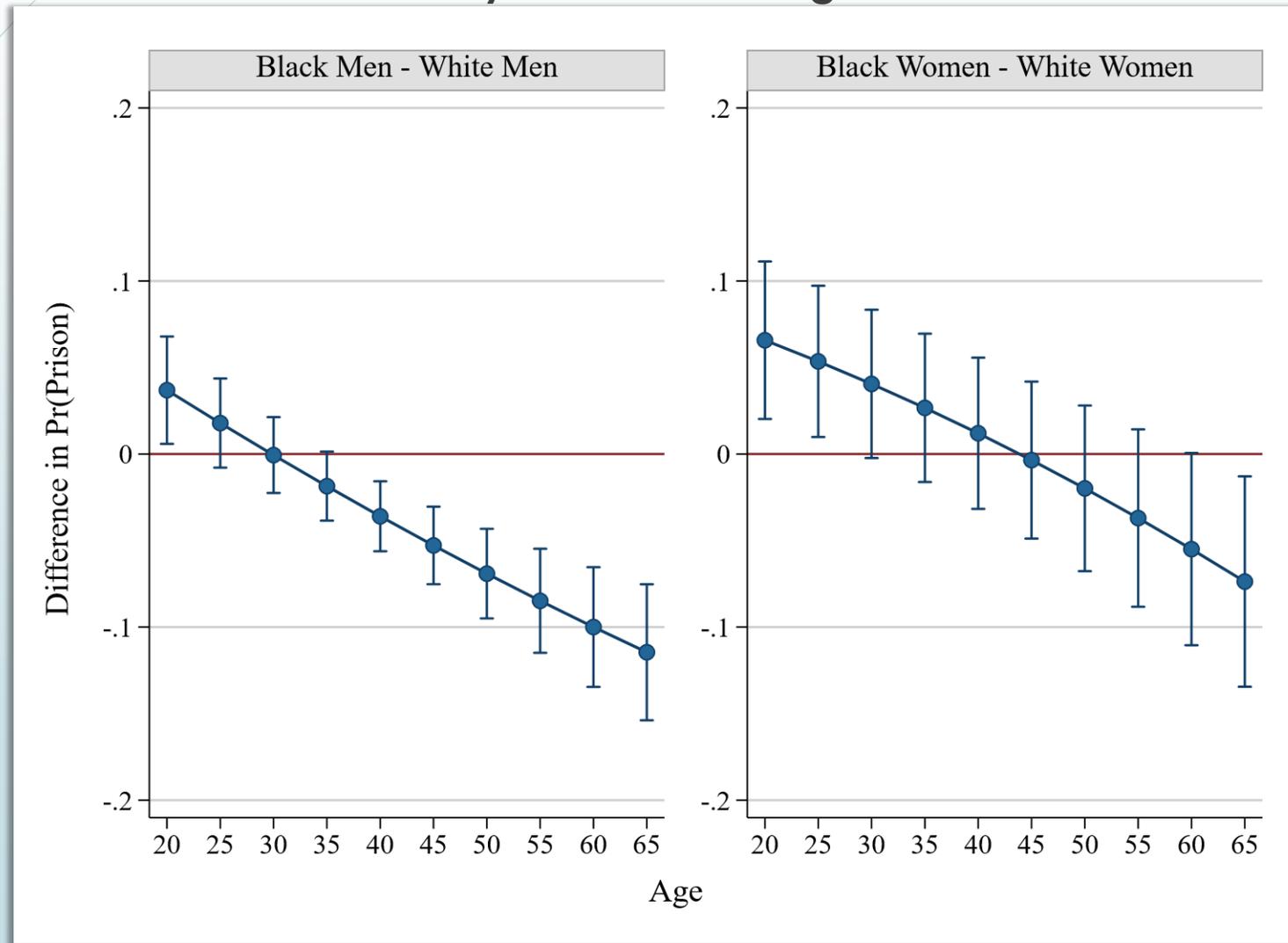
Review of Results from Last Meeting

**Figure 3: Average Probability of a Prison Sentence
By Gender, Race, and Age**
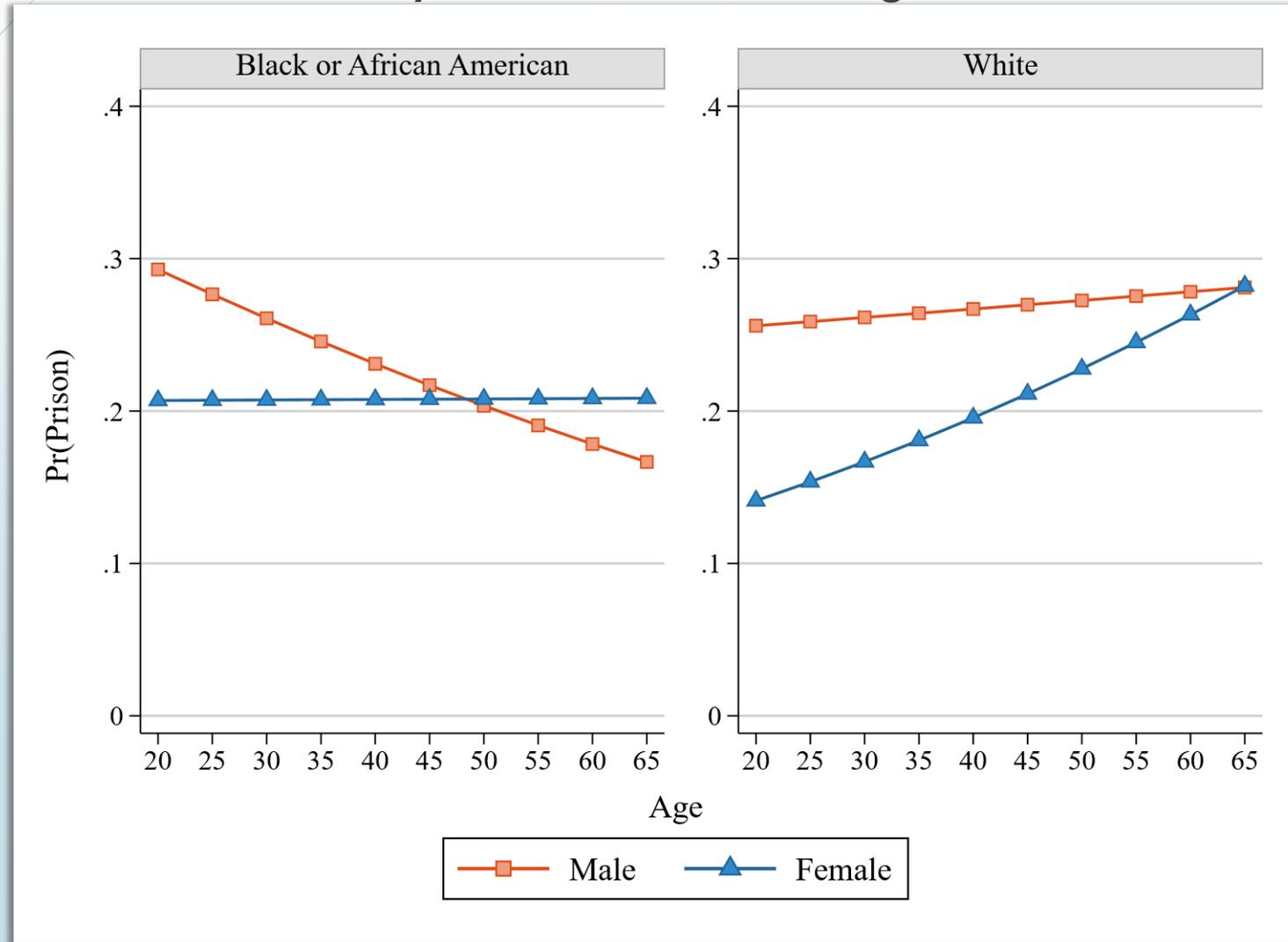
6 Review of Results from Last Meeting

Figure 4: Difference in Probability between Gender by Race and Age
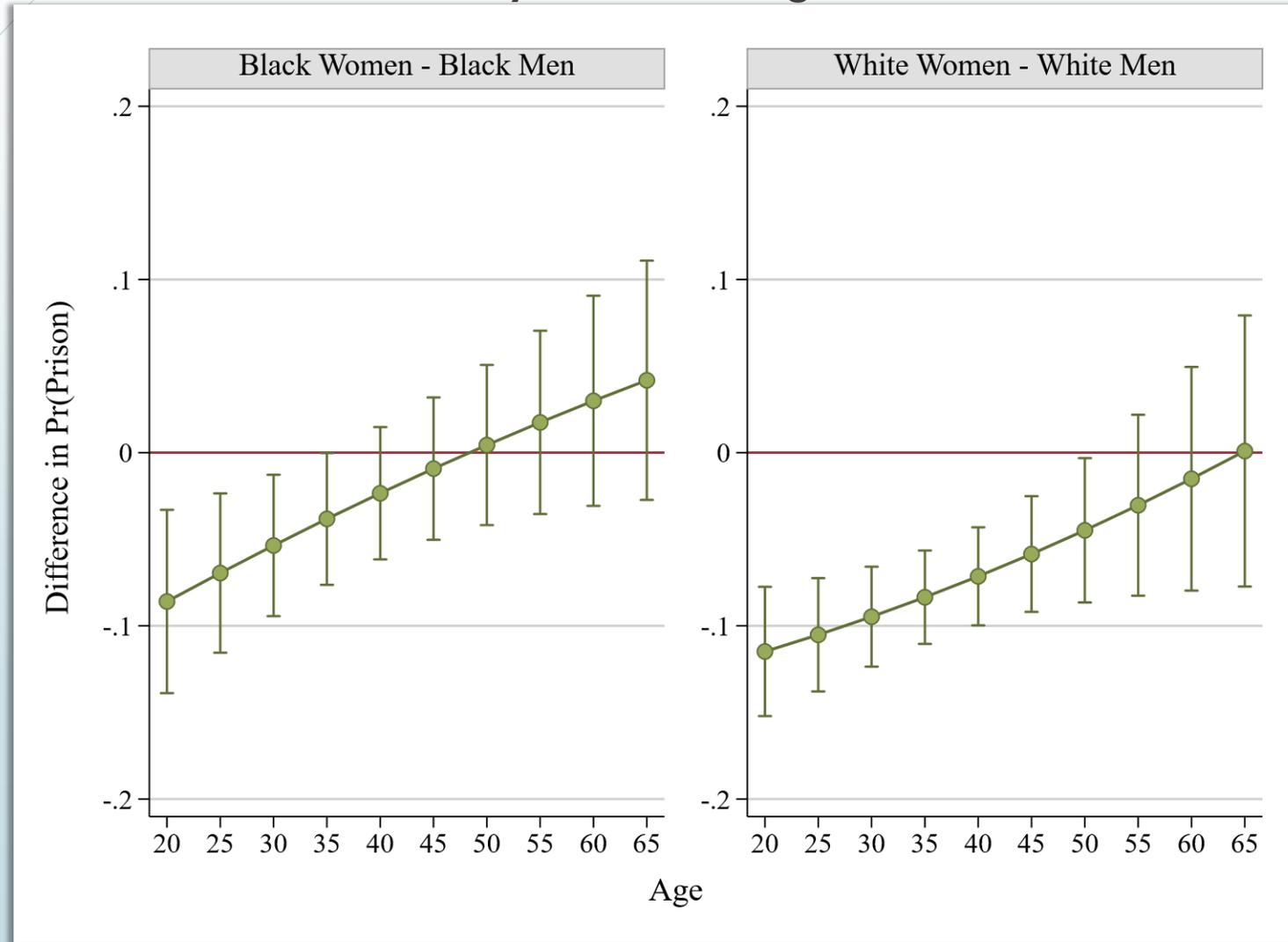
7

Are offender demographics (race, gender, age) correlated with certain crime groups?

❑ **Does one crime explain most of the convictions for a demographic group?**

e.g. 42% of white men over 40 years old were convicted for an OWI – 3rd

❑ **Conversely, is one demographic group responsible for most of the convictions for a crime?**

e.g. Black men under 30 accounted for 45% of all concealed weapons convictions

Table 1: Three Most Common Class E Felonies by Age, Race, and Gender

❑ **Does one crime explain most of the convictions for a demographic group?**

e.g. 42% of white men over 40 years old were convicted for an OWI – 3rd

Age (Count)	Race & Gender (Count)	PACC Code	Percent of Group	Number of Cases	% Sentenced to Prison	Offense Description	Crime Group	Most Freq. Circuit (County)	Cases in Circuit
Age < 30 (3,571)	Black Men (1653)	750.227	28.6%	472	26.7%	Weapons-Concealed	Pub Safety	3rd (Wayne)	236
		750.5357	9.0%	149	16.1%	Stolen Property-MV	Property	3rd (Wayne)	104
		257.602A3A	8.2%	135	23.0%	Fleeing Pol Ofc 3rd	Pub Safety	3rd (Wayne)	69
	Black Women (142)	750.356C	24.6%	35	20.0%	Retail Fraud-1st Deg	Property	17th (Kent)	7
		750.249	19.0%	27	3.7%	Utter & Publish	Property	6th (Oakland)	6
		445.65	6.3%	9	11.1%	Identity Theft	Pub Order	16th (Macomb)	3
	White Men (1546)	750.413	8.3%	128	21.1%	Unlwfl. Driving Away Auto.	Property	36th (Van Buren)	10
		257.6256D	7.2%	111	27.9%	OWI - 3rd	Pub Safety	3rd (Wayne)	13
		750.356C	7.0%	108	31.5%	Retail Fraud-1st Deg	Property	16th (Macomb)	19
	White Women (230)	750.249	20.0%	46	10.9%	Utter & Publish	Property	3rd (Wayne)	6
		750.356C	19.1%	44	15.9%	Retail Fraud-1st Deg	Property	17th (Kent)	10
		750.110A4	7.4%	17	17.6%	Home Invasion - 3rd	Person	15th (Branch)	5
30 ≤ Age ≤ 40 (3,578)	Black Men (1,283)	750.227	15.6%	200	18.0%	Weapons-Concealed	Pub Safety	3rd (Wayne)	135
		750.224F	12.7%	163	33.7%	Weapons-Felon	Pub Safety	3rd (Wayne)	92
		257.6256D	10.7%	137	21.2%	OWI - 3rd	Pub Safety	3rd (Wayne)	60
	Black Women (161)	750.356C	26.7%	43	32.6%	Retail Fraud-1st Deg	Property	17th (Kent)	16
		750.249	18.6%	30	23.3%	Utter & Publish	Property	3rd (Wayne)	12
		257.6256D	6.2%	10	10.0%	OWI - 3rd	Pub Safety	9th (Kalamazoo)	2
	White Men (1,772)	257.6256D	26.5%	470	25.5%	OWI - 3rd	Pub Safety	3rd (Wayne)	61
		750.356C	7.8%	139	32.4%	Retail Fraud-1st Deg	Property	17th (Kent)	30
		750.814	6.5%	115	27.0%	Dom Viol- 3rd	Person	17th (Kent)	14
40 < Age (3,909)									18
									8
									8
									72
									66
		750.224F	10.5%	153	24.2%	Weapons-Felon	Pub Safety	3rd (Wayne)	88
	Black Women (183)	750.356C	41.0%	75	18.7%	Retail Fraud-1st Deg	Property	3rd (Wayne)	21
		750.249	19.7%	36	19.4%	Utter & Publish	Property	3rd (Wayne)	11
		257.6256D	8.2%	15	13.3%	OWI - 3rd	Pub Safety	3rd (Wayne)	7
	White Men (1,996)	257.6256D	42.0%	839	30.5%	OWI - 3rd	Pub Safety	3rd (Wayne)	107
		750.814	6.7%	133	30.1%	Dom Viol- 3rd	Person	17th (Kent)	16
		750.356C	5.9%	117	29.1%	Retail Fraud-1st Deg	Property	3rd (Wayne)	34
	White Women (275)	257.6256D	24.4%	67	23.9%	OWI - 3rd	Pub Safety	3rd (Wayne)	7
		750.356C	20.7%	57	19.3%	Retail Fraud-1st Deg	Property	3rd (Wayne)	11
		750.249	10.9%	30	20.0%	Utter & Publish	Property	3rd (Wayne)	5

Highlighted callout box (White Men, 1,996):

White Men (1,996)	257.6256D	42.0%	839	30.5%	OWI - 3rd	Pub Safety	3rd (Wayne)	107
	750.814	6.7%	133	30.1%	Dom Viol- 3rd	Person	17th (Kent)	16
	750.356C	5.9%	117	29.1%	Retail Fraud-1st Deg	Property	3rd (Wayne)	34

Table 2: Three Most Common Class E Felonies by Crime Group
- Percent of Cases by Age, Race, and Gender -

Crime Group (Count)	PACC Code	Offense Description	Number of Cases	Percent of Crime Group	Percent Sentenced to Prison	age < 30				30 ≤ age ≤ 40				40 < age			
						Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women
Person (1,415)	750.814	Dom Viol- 3rd	511	36.1%	29.0%	6.8%	0.4%	9.4%	0.0%	12.5%	0.2%	22.5%	1.2%	19.4%	0.6%	26.0%	1.0%
	750.110A4	Home Invasion - 3rd	367	25.9%	28.6%	19.9%	2.2%	25.9%	4.6%	9.5%	0.8%	12.3%	1.6%	7.6%	0.3%	13.1%	2.2%
	257.6255A	OWI Causing Injury	150	10.6%	34.7%	4.7%	2.7%	34.7%	6.7%	4.0%	0.7%	13.3%	6.0%	1.3%	2.7%	19.3%	4.0%
Property (4,184)	750.356C	Retail Fraud-1st Deg	1,001	23.9%	28.7%	8.5%	3.4%	10.6%	4.3%	5.7%	4.3%	13.9%	8.1%	16.6%	7.4%	11.7%	5.6%
	750.249	Utter & Publish	677	16.2%	16.7%	9.0%	4.0%	13.9%	6.8%	9.6%	4.4%	12.9%	6.6%	13.0%	5.3%	10.0%	4.4%
	750.5357	Stolen Property-MV	401	9.6%	15.0%	36.9%	1.0%	11.7%	1.2%	17.2%	1.0%	7.7%	0.7%	14.5%	1.2%	5.7%	1.0%
CS (351)	333.74012BA	Controlled Substance[1]	273	77.8%	23.4%	4.4%	0.0%	23.1%	4.0%	7.7%	0.0%	18.7%	7.0%	6.2%	0.7%	22.7%	5.5%
	333.17766C2C	Controlled Substance[2]	66	18.8%	16.7%	0.0%	0.0%	16.7%	4.5%	1.5%	0.0%	24.2%	15.2%	3.0%	0.0%	28.8%	6.1%
	333.74022B	Controlled Substance[3]	6	1.7%	50.0%	0.0%	0.0%	50.0%	16.7%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Pub Order (346)	445.65	Identity Theft	186	53.8%	23.7%	14.5%	4.8%	4.8%	5.4%	14.0%	2.7%	9.7%	9.1%	17.7%	2.2%	5.9%	9.1%
	750.505B	Accs Aftr Felon	42	12.1%	42.9%	38.1%	0.0%	19.0%	14.3%	2.4%	2.4%	7.1%	2.4%	9.5%	2.4%	0.0%	2.4%
	445.4332	Buying/Selling Metal	36	10.4%	8.3%	0.0%	0.0%	8.3%	0.0%	13.9%	0.0%	22.2%	0.0%	36.1%	0.0%	19.4%	0.0%
Pub Safety (4713)	257.6256D	OWI - 3rd	1,964	41.7%	26.7%	1.2%	0.0%	5.7%	0.5%	7.0%	0.5%	23.9%	2.3%	12.0%	0.8%	42.7%	3.4%
	750.227	Weapons-Concealed	1,050	22.3%	22.2%	45.0%	0.6%	8.5%	0.4%	19.0%	0.8%	6.6%	0.7%	13.3%	0.4%	4.8%	0.1%
	750.224F	Weapons-Felon	701	14.9%	29.0%	18.8%	0.1%	8.4%	0.3%	23.3%	0.6%	12.3%	0.1%	21.8%	0.7%	13.1%	0.4%
Pub Trust (49)	333.74012BA	Controlled Substance[1]	37	75.5%	29.7%	0.0%	0.0%	16.2%	0.0%	18.9%	2.7%	18.9%	18.9%	13.5%	0.0%	10.8%	0.0%
	451.2508	Securities Act - Gen	4	8.2%	100.0%	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	75.0%	0.0%
	750.356C	Retail Fraud-1st Deg	3	6.1%	0.0%	0.0%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	33.3%	0.0%	33.3%

Controlled Substance[1] [MCL 333.7401 (2) (b) (ii)] - Delivery or manufacture of schedule 1, 2, or 3 controlled substance

Controlled Substance[2] [MCL 333.17766 c (2) (c)] - Purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine

Controlled Substance[3] [MCL 333. 7402 (2) (b)] - Delivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance

☐ **Is one demographic group responsible for most of the convictions for a crime?**
e.g. Black men under 30 accounted for 45% of all concealed weapons convictions

10

How do we adjust our model to account for the relationships on the previous slides?

❑ **Separate strongly related crimes from their crime group, creating "new" crime groups.**

➢ Removed OWI-3rd and Concealed Weapon crimes from the Crimes Against Public Safety crime group.

❑ **Allow for interactions between crime group and the race, gender, and age of an offender.**

Table 6: Difference in Probability of a Prison Sentence by Race, Gender, and Age

Percentage Point Difference Between Groups

	Age	Black Men - White Men	Black Women - White Women	Black Women - Black Men	White Women - White Men
Person (1,415)	20	NSD	NSD	-11.3	-15.7
	35	NSD	NSD	NSD	-12.8
	50	-8.4	NSD	NSD	-9.3
Property (4,184)	20	NSD	NSD	NSD	-9.7
	35	-4.5	NSD	NSD	-6.9
	50	-8.5	NSD	NSD	NSD
Controlled Substance (351)	20	NSD	NSD	NSD	-16.4
	35	NSD	NSD	NSD	-11.9
	50	NSD	NSD	NSD	NSD
Pub Order (346)	20	NSD	NSD	NSD	NSD
	35	-11.7	NSD	NSD	NSD
	50	-14.2	-10.7	NSD	NSD
Pub Safety* (1,693)	20	+11.0	+10.1	-18.7	-17.7
	35	+5.6	+7.3	-12.6	-14.3
	50	NSD	NSD	NSD	-10.9
OWI - 3rd (1,970)	20	NSD	NSD	-11.8	-14.5
	35	NSD	NSD	-8.0	-13.0
	50	-6.2	NSD	NSD	-10.5
Concealed Weapon (1,050)	20	+11.0	+13.8	NSD	NSD
	35	NSD	+10.7	NSD	NSD
	50	NSD	NSD	NSD	NSD
Public Trust (49)	-	There are too few cases to draw meaningful conclusions for most demographic comparisons.			

*Public Safety referes to all crimes against public safety, excluding OWI -3rd and Concealed Weapon convictions. ** NSD - Not Significantly Different

Table 6b: Difference in Probability of a Prison Sentence by Race, Gender, and Age

Percent Difference Between Groups

	Age	Black Men - White Men	Black Women - White Women	Black Women - Black Men	White Women - White Men
Person (1,415)	20	NSD	NSD	-39.6%	-55.1%
	35	NSD	NSD	NSD	-44.5%
	50	-28.9%	NSD	NSD	-32.1%
Property (4,184)	20	NSD	NSD	NSD	-41.6%
	35	-18.0%	NSD	NSD	-27.6%
	50	-31.4%	NSD	NSD	NSD
Controlled Substance (351)	20	NSD	NSD	NSD	-51.5%
	35	NSD	NSD	NSD	-42.2%
	50	NSD	NSD	NSD	NSD
Pub Order (346)	20	NSD	NSD	NSD	NSD
	35	-38.3%	NSD	NSD	NSD
	50	-50.2%	-31.2%	NSD	NSD
Pub Safety* (1,693)	20	+41.7%	+116.2%	-49.9%	-67.2%
	35	+23.5%	+76.4%	-42.8%	-60.0%
	50	NSD	NSD	NSD	-51.0%
OWI - 3rd (1,970)	20	NSD	NSD	-44.5%	-60.2%
	35	NSD	NSD	-32.7%	-49.4%
	50	-21.6%	NSD	NSD	-36.7%
Concealed Weapon (1,050)	20	+48.0%	+107.3%	NSD	NSD
	35	NSD	+70.0%	NSD	NSD
	50	NSD	NSD	NSD	NSD
Public Trust (49)	-	There are too few cases to draw meaningful conclusions for most demographic comparisons.			

*Public Safety referes to all crimes against public safety, excluding OWI -3rd and Concealed Weapon convictions. ** NSD - Not Significantly Different

Updated Results: Public Safety Crimes

Figure 5: Probability of a Prison Sentence for Public Safety Crimes*
by Race, Gender, and Age

Crimes Against Public Safety

Updated Results: Public Safety Crimes

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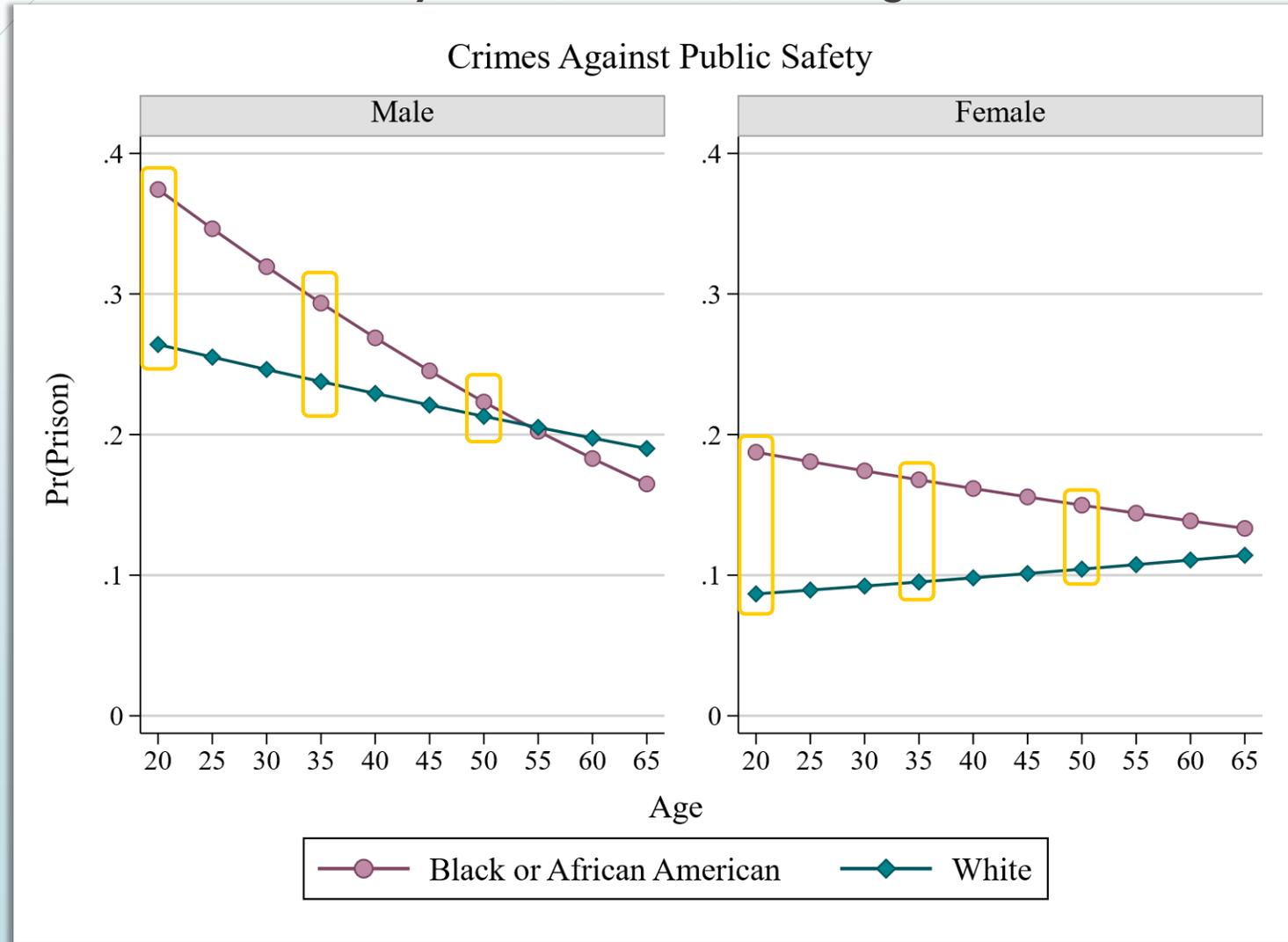
Figure 6: Average Difference in Probability between Race for Public Safety Crimes* by Gender and Age
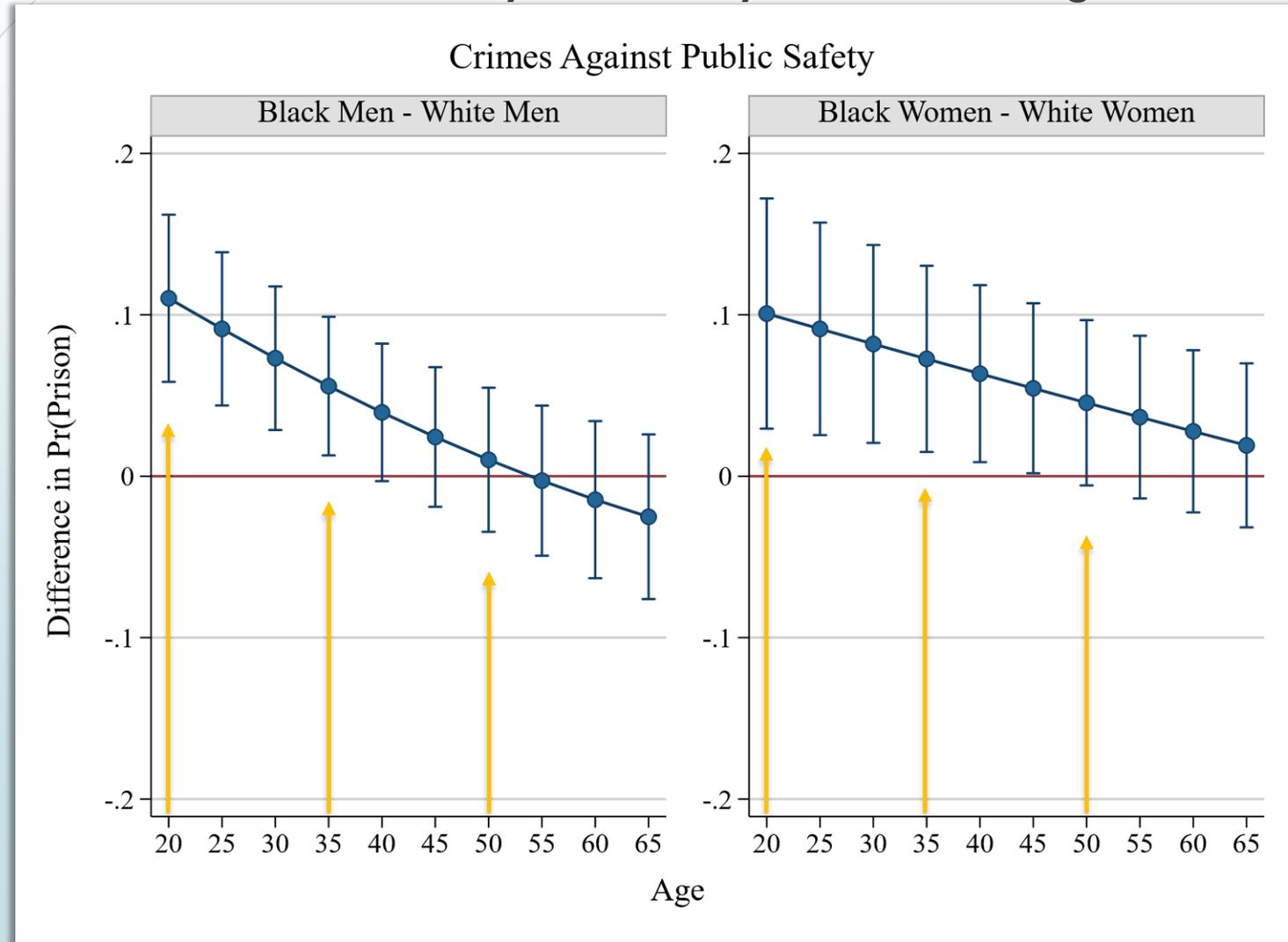
15 Updated Results: Public Safety Crimes

Figure 7: Probability of a Prison Sentence for Public Safety Crimes*
by Gender, Race, and Age

Crimes Against Public Safety
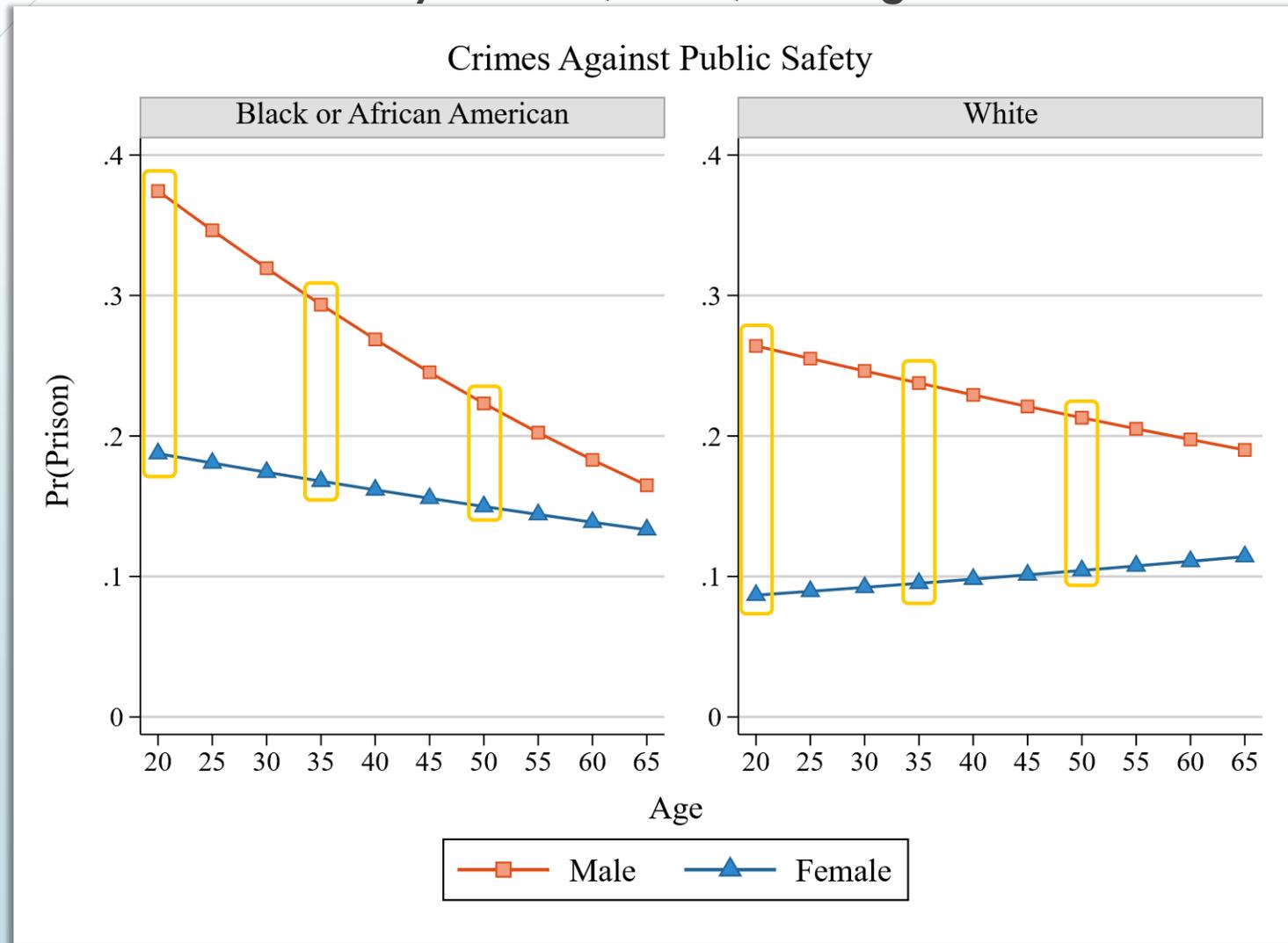
Updated Results: Public Safety Crimes

Figure 8: Average Difference in Probability between Gender for Public Safety Crimes* by Race and Age
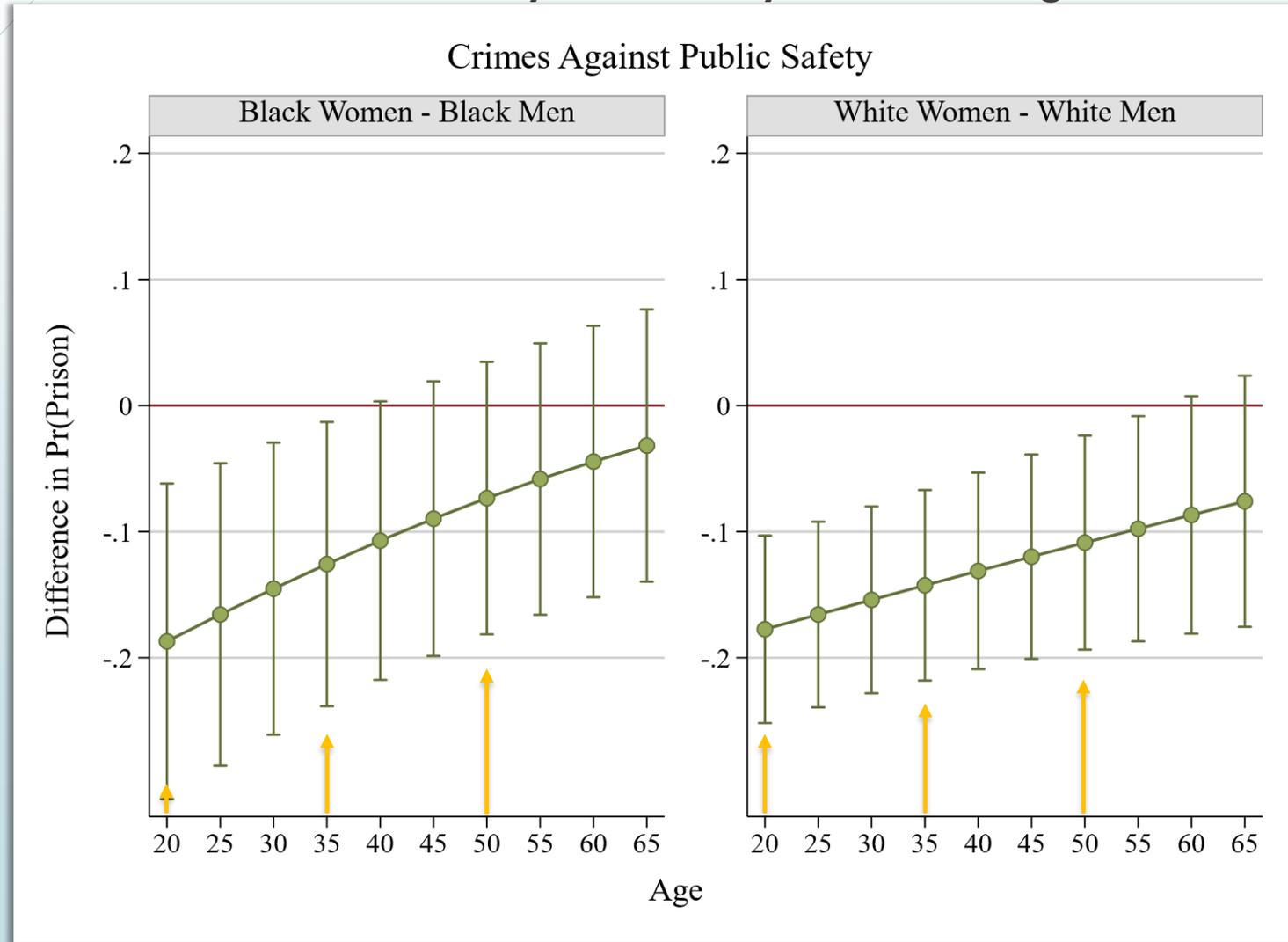
Updated Results: OWI – 3rd Convictions

Figure 9: Probability of a Prison Sentence for OWI – 3rd Convictions by Race, Gender, and Age

Operating While Intoxicated - Third Offense (MCL 257.625)
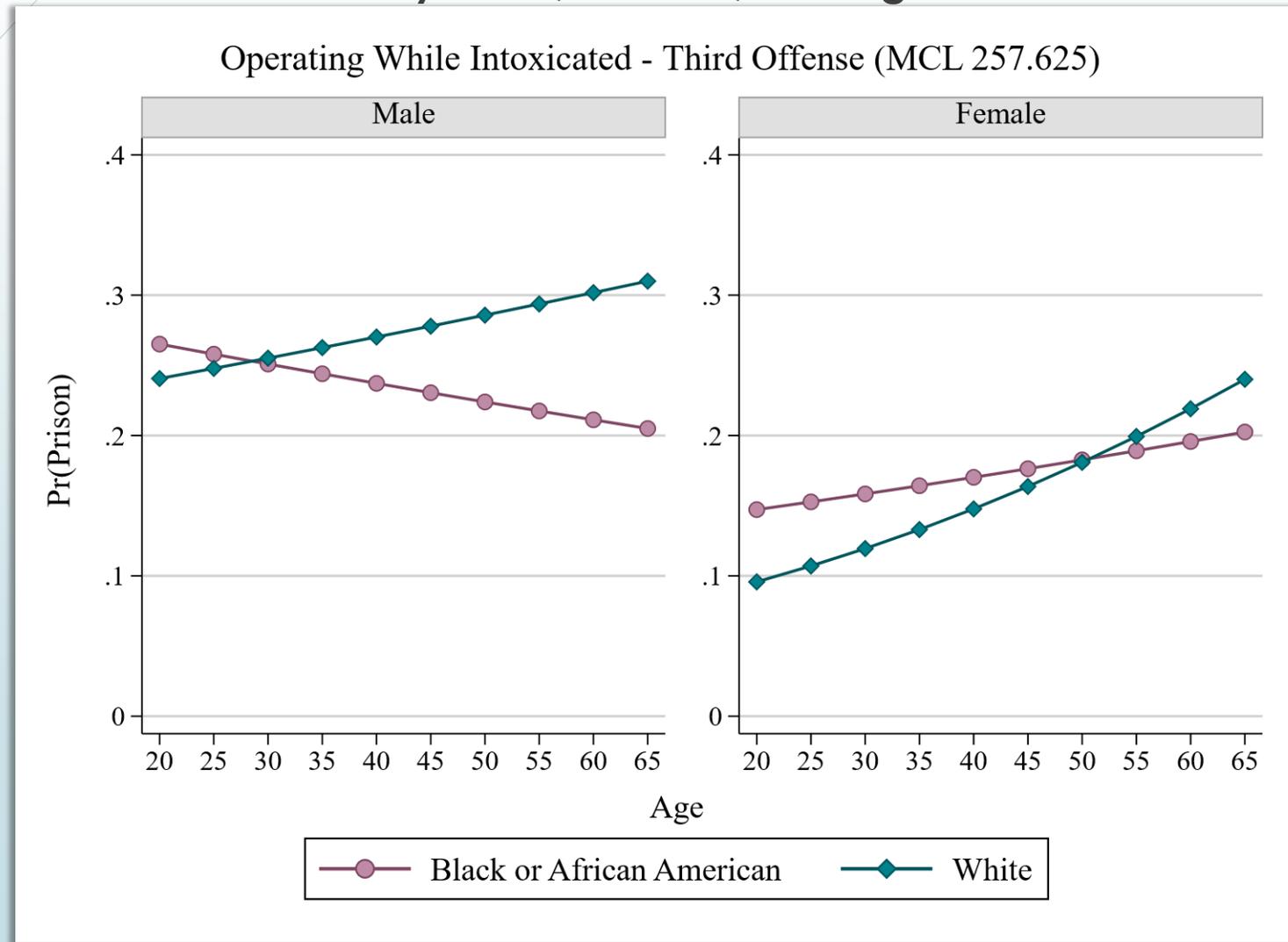
Updated Results: OWI – 3rd Convictions

Figure 10: Average Difference in Probability between Race for OWI – 3rd Convictions by Gender and Age

Operating While Intoxicated - Third Offense (MCL 257.625)
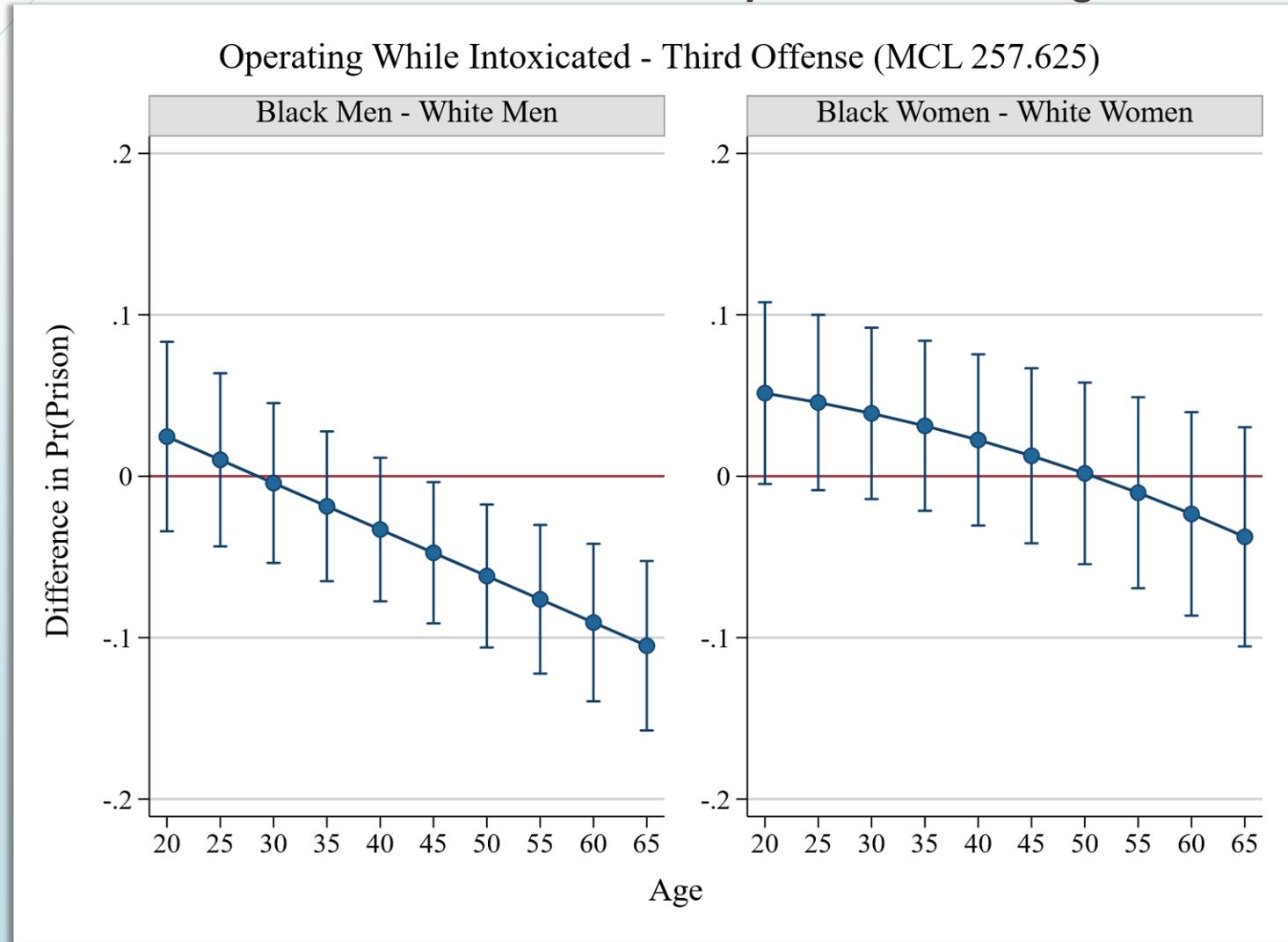
Updated Results: Concealed Weapon Convictions

Figure 11: Probability of a Prison Sentence for Concealed Weapon Convictions by Race, Gender, and Age

Concealed Weapons (MCL 750.227)
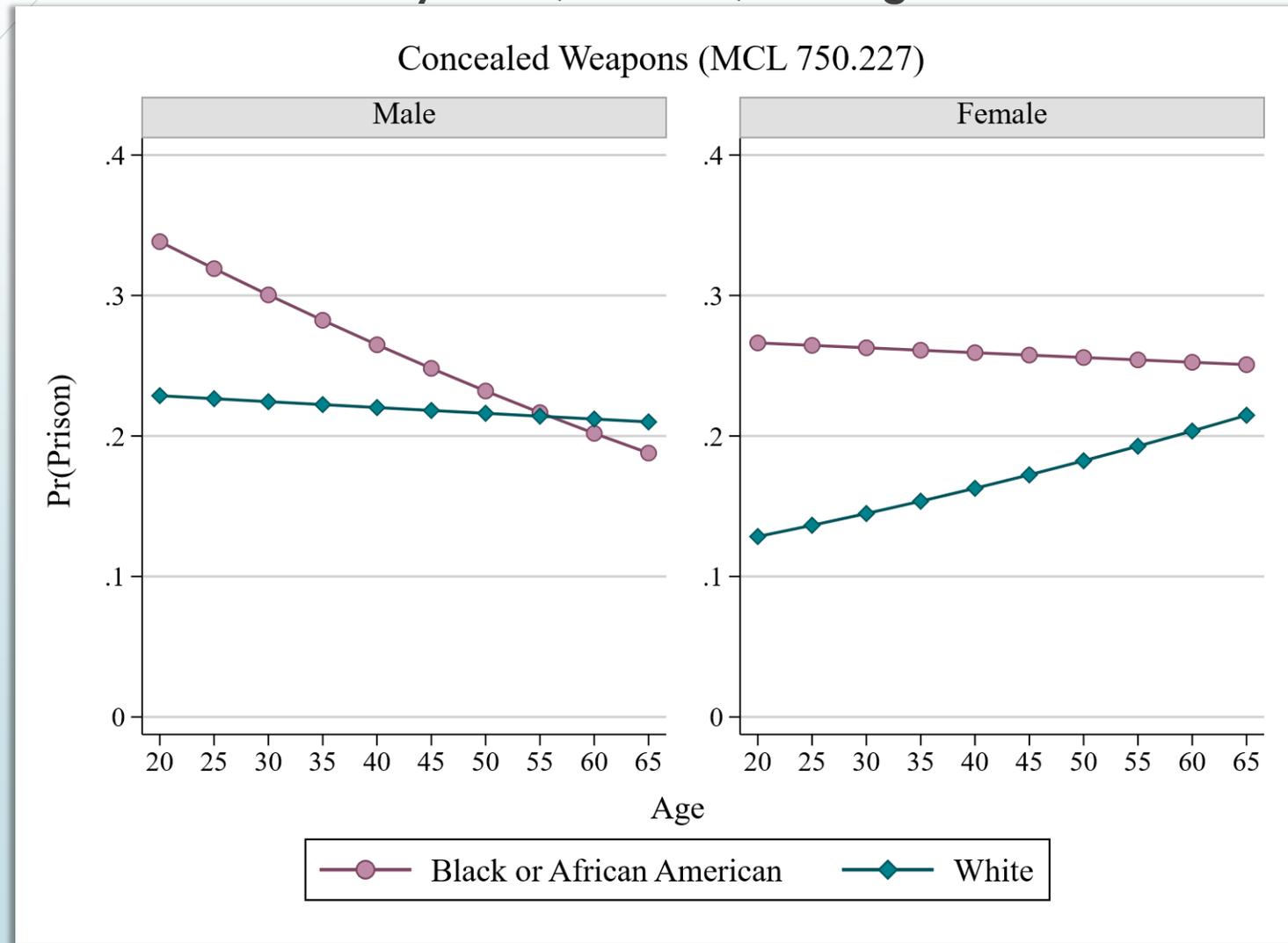
Updated Results: Concealed Weapon Convictions

Figure 12: Average Difference in Probability between Race for Concealed Weapon Convictions by Gender and Age

Concealed Weapons (MCL 750.227)

Table 1: Three Most Common Class E Felonies by Age, Race, and Gender

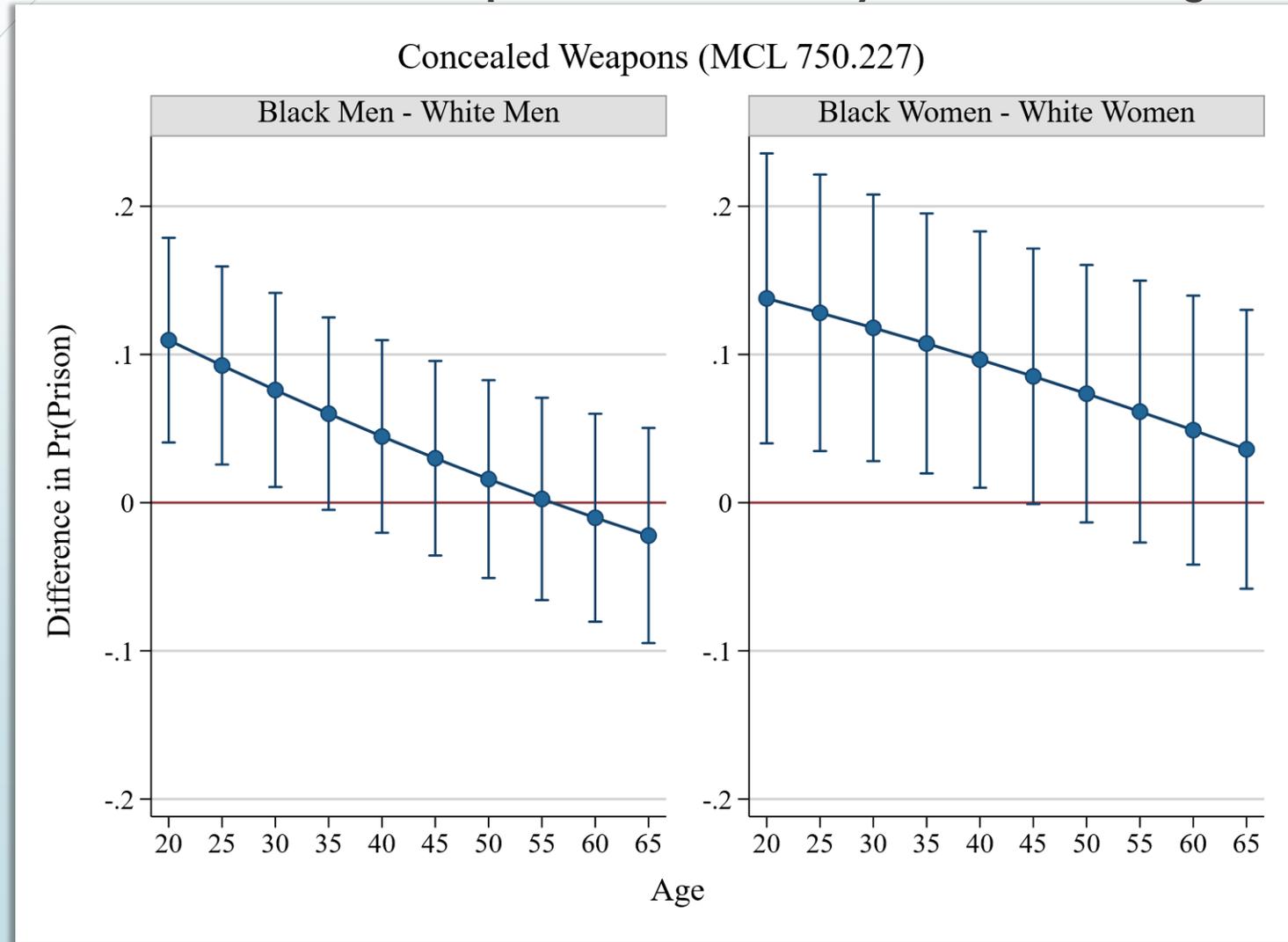| Age (Count)	Race & Gender (Count)	PACC Code	Percent of Group	Number of Cases	% Sentenced to Prison	Offense Description	Crime Group	Most Freq. Circuit (County)	Cases in Circuit
Age < 30 (3,571)	Black Men (1653)	750.227	28.6%	472	26.7%	Weapons-Concealed	Pub Safety	3rd (Wayne)	236
		750.5357	9.0%	149	16.1%	Stolen Property-MV	Property	3rd (Wayne)	104
		257.602A3A	8.2%	135	23.0%	Fleeing Pol Ofc 3rd	Pub Safety	3rd (Wayne)	69
	Black Women (142)	750.356C	24.6%	35	20.0%	Retail Fraud-1st Deg	Property	17th (Kent)	7
		750.249	19.0%	27	3.7%	Utter & Publish	Property	6th (Oakland)	6
		445.65	6.3%	9	11.1%	Identity Theft	Pub Order	16th (Macomb)	3
	White Men (1546)	750.413	8.3%	128	21.1%	Unlwfl. Driving Away Auto.	Property	36th (Van Buren)	10
		257.6256D	7.2%	111	27.9%	OWI - 3rd	Pub Safety	3rd (Wayne)	13
		750.356C	7.0%	108	31.5%	Retail Fraud-1st Deg	Property	16th (Macomb)	19
	White Women (230)	750.249	20.0%	46	10.9%	Utter & Publish	Property	3rd (Wayne)	6
		750.356C	19.1%	44	15.9%	Retail Fraud-1st Deg	Property	17th (Kent)	10
		750.110A4	7.4%	17	17.6%	Home Invasion - 3rd	Person	15th (Branch)	5
30 ≤ Age ≤ 40 (3,578)	Black Men (1,283)	750.227	15.6%	200	18.0%	Weapons-Concealed	Pub Safety	3rd (Wayne)	135
		750.224F	12.7%	163	33.7%	Weapons-Felon	Pub Safety	3rd (Wayne)	92
		257.6256D	10.7%	137	21.2%	OWI - 3rd	Pub Safety	3rd (Wayne)	60
	Black Women (161)	750.356C	26.7%	43	32.6%	Retail Fraud-1st Deg	Property	17th (Kent)	16
		750.249	18.6%	30	23.3%	Utter & Publish	Property	3rd (Wayne)	12
		257.6256D	6.2%	10	10.0%	OWI - 3rd	Pub Safety	9th (Kalamazoo)	2
	White Men (1,772)	257.6256D	26.5%	470	25.5%	OWI - 3rd	Pub Safety	3rd (Wayne)	61
		750.356C	7.8%	139	32.4%	Retail Fraud-1st Deg	Property	17th (Kent)	30
		750.814	6.5%	115	27.0%	Dom Viol- 3rd	Person	17th (Kent)	14
	White Women (362)	750.356C	22.4%	81	34.6%	Retail Fraud-1st Deg	Property	17th (Kent)	18
		257.6256D	12.7%	46	6.5%	OWI - 3rd	Pub Safety	17th (Kent)	8
		750.249	12.4%	45	15.6%	Utter & Publish	Property	2nd (Berrien)	8
40 < Age (3,909)	Black Men (1,455)	257.6256D	16.2%	235	24.7%	OWI - 3rd	Pub Safety	3rd (Wayne)	72
		750.356C	11.5%	167	29.3%	Retail Fraud-1st Deg	Property	3rd (Wayne)	66
		750.224F	10.5%	153	24.2%	Weapons-Felon	Pub Safety	3rd (Wayne)	88
	Black Women (183)	750.356C	41.0%	75	18.7%	Retail Fraud-1st Deg	Property	3rd (Wayne)	21
		750.249	19.7%	36	19.4%	Utter & Publish	Property	3rd (Wayne)	11
		257.6256D	8.2%	15	13.3%	OWI - 3rd	Pub Safety	3rd (Wayne)	7
	White Men (1,996)	257.6256D	42.0%	839	30.5%	OWI - 3rd	Pub Safety	3rd (Wayne)	107
		750.814	6.7%	133	30.1%	Dom Viol- 3rd	Person	17th (Kent)	16
		750.356C	5.9%	117	29.1%	Retail Fraud-1st Deg	Property	3rd (Wayne)	34
	White Women (275)	257.6256D	24.4%	67	23.9%	OWI - 3rd	Pub Safety	3rd (Wayne)	7
		750.356C	20.7%	57	19.3%	Retail Fraud-1st Deg	Property	3rd (Wayne)	11
		750.249	10.9%	30	20.0%	Utter & Publish	Property	3rd (Wayne)	5

(1)

Table 2: Three Most Common Class E Felonies by Crime Group
- Percent of Cases by Age, Race, and Gender -

Crime Group (Count)	PACC Code	Offense Description	Number of Cases	Percent of Crime Group	Percent Sentenced to Prison	age < 30				30 ≤ age ≤ 40				40 < age			
						Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women
Person (1,415)	750.814	Dom Viol- 3rd	511	36.1%	29.0%	6.8%	0.4%	9.4%	0.0%	12.5%	0.2%	22.5%	1.2%	19.4%	0.6%	26.0%	1.0%
	750.110A4	Home Invasion - 3rd	367	25.9%	28.6%	19.9%	2.2%	25.9%	4.6%	9.5%	0.8%	12.3%	1.6%	7.6%	0.3%	13.1%	2.2%
	257.6255A	OWI Causing Injury	150	10.6%	34.7%	4.7%	2.7%	34.7%	6.7%	4.0%	0.7%	13.3%	6.0%	1.3%	2.7%	19.3%	4.0%
Property (4,184)	750.356C	Retail Fraud-1st Deg	1,001	23.9%	28.7%	8.5%	3.4%	10.6%	4.3%	5.7%	4.3%	13.9%	8.1%	16.6%	7.4%	11.7%	5.6%
	750.249	Utter & Publish	677	16.2%	16.7%	9.0%	4.0%	13.9%	6.8%	9.6%	4.4%	12.9%	6.6%	13.0%	5.3%	10.0%	4.4%
	750.5357	Stolen Property-MV	401	9.6%	15.0%	36.9%	1.0%	11.7%	1.2%	17.2%	1.0%	7.7%	0.7%	14.5%	1.2%	5.7%	1.0%
CS (351)	333.74012BA	Controlled Substance[1]	273	77.8%	23.4%	4.4%	0.0%	23.1%	4.0%	7.7%	0.0%	18.7%	7.0%	6.2%	0.7%	22.7%	5.5%
	333.17766C2C	Controlled Substance[2]	66	18.8%	16.7%	0.0%	0.0%	16.7%	4.5%	1.5%	0.0%	24.2%	15.2%	3.0%	0.0%	28.8%	6.1%
	333.74022B	Controlled Substance[3]	6	1.7%	50.0%	0.0%	0.0%	50.0%	16.7%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Pub Order (346)	445.65	Identity Theft	186	53.8%	23.7%	14.5%	4.8%	4.8%	5.4%	14.0%	2.7%	9.7%	9.1%	17.7%	2.2%	5.9%	9.1%
	750.505B	Accs Aftr Felon	42	12.1%	42.9%	38.1%	0.0%	19.0%	14.3%	2.4%	2.4%	7.1%	2.4%	9.5%	2.4%	0.0%	2.4%
	445.4332	Buying/Selling Metal	36	10.4%	8.3%	0.0%	0.0%	8.3%	0.0%	13.9%	0.0%	22.2%	0.0%	36.1%	0.0%	19.4%	0.0%
Pub Safety (4713)	257.6256D	OWI - 3rd	1,964	41.7%	26.7%	1.2%	0.0%	5.7%	0.5%	7.0%	0.5%	23.9%	2.3%	12.0%	0.8%	42.7%	3.4%
	750.227	Weapons-Concealed	1,050	22.3%	22.2%	45.0%	0.6%	8.5%	0.4%	19.0%	0.8%	6.6%	0.7%	13.3%	0.4%	4.8%	0.1%
	750.224F	Weapons-Felon	701	14.9%	29.0%	18.8%	0.1%	8.4%	0.3%	23.3%	0.6%	12.3%	0.1%	21.8%	0.7%	13.1%	0.4%
Pub Trust (49)	333.74012BA	Controlled Substance[1]	37	75.5%	29.7%	0.0%	0.0%	16.2%	0.0%	18.9%	2.7%	18.9%	18.9%	13.5%	0.0%	10.8%	0.0%
	451.2508	Securities Act - Gen	4	8.2%	100.0%	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	75.0%	0.0%
	750.356C	Retail Fraud-1st Deg	3	6.1%	0.0%	0.0%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	33.3%	0.0%	33.3%

Controlled Substance[1] [MCL 333.7401 (2) (b) (ii)] - Delivery or manufacture of schedule 1, 2, or 3 controlled substance

Controlled Substance[2] [MCL 333.17766 c (2) (c)] - Purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine

Controlled Substance[3] [MCL 333. 7402 (2) (b)] - Delivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance

Table 3: Three Most Common Class E Felonies by Crime Group
- <u>Number of Cases</u> by Age, Race, and Gender -

Crime Group (Count)	PACC Code	Offense Description	Number of Cases	Percent of Crime Group	Percent Sentenced to Prison	age < 30				30 ≤ age ≤ 40				40 < age			
						Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women
Person (1,415)	750.814	Dom Viol- 3rd	511	36.1%	29.0%	35	2	48	0	64	1	115	6	99	3	133	5
	750.110A4	Home Invasion - 3rd	367	25.9%	28.6%	73	8	95	17	35	3	45	6	28	1	48	8
	257.6255A	OWI Causing Injury	150	10.6%	34.7%	7	4	52	10	6	1	20	9	2	4	29	6
Property (4,184)	750.356C	Retail Fraud-1st Deg	1,001	23.9%	28.7%	85	34	106	43	57	43	139	81	166	74	117	56
	750.249	Utter & Publish	677	16.2%	16.7%	61	27	94	46	65	30	87	45	88	36	68	30
	750.5357	Stolen Property-MV	401	9.6%	15.0%	148	4	47	5	69	4	31	3	58	5	23	4
CS (351)	333.74012BA	Controlled Substance[1]	273	77.8%	23.4%	12	0	63	11	21	0	51	19	17	2	62	15
	333.17766C1D	Controlled Substance[2]	66	18.8%	16.7%	0	0	11	3	1	0	16	10	2	0	19	4
	333.74022B	Controlled Substance[3]	6	1.7%	50.0%	0	0	3	1	2	0	0	0	0	0	0	0
Pub Order (346)	445.65	Identity Theft	186	53.8%	23.7%	27	9	9	10	26	5	18	17	33	4	11	17
	750.505B	Accs Aftr Felon	42	12.1%	42.9%	16	0	8	6	1	1	3	1	4	1	0	1
	445.4332	Buying/Selling Metal	36	10.4%	8.3%	0	0	3	0	5	0	8	0	13	0	7	0
Pub Safety (4713)	257.6256D	OWI - 3rd	1,964	41.7%	26.7%	24	0	111	10	137	10	470	46	235	15	839	67
	750.227	Weapons-Concealed	1,050	22.3%	22.2%	472	6	89	4	200	8	69	7	140	4	50	1
	750.224F	Weapons-Felon	701	14.9%	29.0%	132	1	59	2	163	4	86	1	153	5	92	3
Pub Trust (49)	333.74012BA	Controlled Substance[1]	37	75.5%	29.7%	0	0	6	0	7	1	7	7	5	0	4	0
	451.2508	Securities Act - Gen	4	8.2%	100.0%	0	0	0	0	1	0	0	0	0	0	3	0
	750.356C	Retail Fraud-1st Deg	3	6.1%	0.0%	0	0	1	0	0	0	0	0	0	1	0	1

Controlled Substance[1] [MCL 333.7401 (2) (b) (ii)] - Delivery or manufacture of schedule 1, 2, or 3 controlled substance

Controlled Substance[2] [MCL 333.17766 c (2) (c)] - Purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine

Controlled Substance[3] [MCL 333. 7402 (2) (b)] - Delivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance

Table 4: Three Most Common Class E Felonies by Crime Group
- <u>Number of Cases Sentenced to Prison</u> by Age, Race, and Gender -

Crime Group (Count)	PACC Code	Offense Description	Number of Cases	Percent of Crime Group	Percent Sentenced to Prison	age < 30				30 ≤ age ≤ 40				40 < age			
						Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women
Person (1,415)	750.814	Dom Viol- 3rd	511	36.1%	29.0%	9	1	15	0	21	0	31	1	28	1	40	1
	750.110A4	Home Invasion - 3rd	367	25.9%	28.6%	25	1	36	3	5	1	12	0	9	0	10	3
	257.6255A	OWI Causing Injury	150	10.6%	34.7%	5	0	16	2	3	0	7	3	1	1	13	1
Property (4,184)	750.356C	Retail Fraud-1st Deg	1,001	23.9%	28.7%	24	7	34	7	21	14	45	28	48	14	34	11
	750.249	Utter & Publish	677	16.2%	16.7%	5	1	21	5	11	7	12	7	12	7	19	6
	750.5357	Stolen Property-MV	401	9.6%	15.0%	24	2	9	1	7	0	8	0	4	0	4	1
CS (351)	333.74012BA	Controlled Substance[1]	273	77.8%	23.4%	2	0	17	2	3	0	13	3	5	0	18	1
	333.17766C1D	Controlled Substance[2]	66	18.8%	16.7%	0	0	1	0	0	0	3	2	0	0	3	2
	333.74022B	Controlled Substance[3]	6	1.7%	50.0%	0	0	2	0	1	0	0	0	0	0	0	0
Pub Order (346)	445.65	Identity Theft	186	53.8%	23.7%	4	1	2	1	5	1	6	7	4	2	3	8
	750.505B	Accs Aftr Felon	42	12.1%	42.9%	7	0	2	3	1	1	2	1	0	0	0	1
	445.4332	Buying/Selling Metal	36	10.4%	8.3%	0	0	0	0	0	0	1	0	0	0	2	0
Pub Safety (4713)	257.6256D	OWI - 3rd	1,964	41.7%	26.7%	7	0	31	2	29	1	120	3	58	2	256	16
	750.227	Weapons-Concealed	1,050	22.3%	22.2%	126	0	14	1	36	3	13	1	23	1	15	0
	750.224F	Weapons-Felon	701	14.9%	29.0%	57	0	20	0	55	0	16	0	37	1	16	1
Pub Trust (49)	333.74012BA	Controlled Substance[1]	37	75.5%	29.7%	0	0	3	0	2	0	3	1	0	0	2	0
	451.2508	Securities Act - Gen	4	8.2%	100.0%	0	0	0	0	1	0	0	0	0	0	3	0
	750.356C	Retail Fraud-1st Deg	3	6.1%	0.0%	0	0	0	0	0	0	0	0	0	0	0	0

Controlled Substance[1] [MCL 333.7401 (2) (b) (ii)] - Delivery or manufacture of schedule 1, 2, or 3 controlled substance

Controlled Substance[2] [MCL 333.17766 c (2) (c)] - Purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine

Controlled Substance[3] [MCL 333. 7402 (2) (b)] - Delivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance

Table 5: Three Most Common Class E Felonies by Crime Group
- <u>Percent of Cases Sentenced to Prison</u> by Age, Race, and Gender -

Crime Group (Count)	PACC Code	Offense Description	Number of Cases	Percent of Crime Group	Percent Sentenced to Prison	age < 30				30 ≤ age ≤ 40				40 < age			
						Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women	Black Men	Black Women	White Men	White Women
Person (1,415)	750.814	Dom Viol- 3rd	511	36.1%	29.0%	25.7%		31.3%		32.8%		27.0%		28.3%		30.1%	
	750.110A4	Home Invasion - 3rd	367	25.9%	28.6%	34.2%		37.9%	17.6%	14.3%		26.7%		32.1%		20.8%	
	257.6255A	OWI Causing Injury	150	10.6%	34.7%			30.8%	20.0%			35.0%				44.8%	
Property (4,184)	750.356C	Retail Fraud-1st Deg	1,001	23.9%	28.7%	28.2%	20.6%	32.1%	16.3%	36.8%	32.6%	32.4%	34.6%	28.9%	18.9%	29.1%	19.6%
	750.249	Utter & Publish	677	16.2%	16.7%	8.2%	3.7%	22.3%	10.9%	16.9%	23.3%	13.8%	15.6%	13.6%	19.4%	27.9%	20.0%
	750.5357	Stolen Property-MV	401	9.6%	15.0%	16.2%		19.1%		10.1%		25.8%		6.9%		17.4%	
CS (351)	333.74012BA	Controlled Substance[1]	273	77.8%	23.4%	16.7%		27.0%	18.2%	14.3%		25.5%	15.8%	29.4%		29.0%	6.7%
	333.17766C1D	Controlled Substance[2]	66	18.8%	16.7%			9.1%				18.8%	20.0%			15.8%	
	333.74022B	Controlled Substance[3]	6	1.7%	50.0%												
Pub Order (346)	445.65	Identity Theft	186	53.8%	23.7%	14.8%			10.0%	19.2%		33.3%	41.2%	12.1%		27.3%	47.1%
	750.505B	Accs Aftr Felon	42	12.1%	42.9%	43.8%											
	445.4332	Buying/Selling Metal	36	10.4%	8.3%									0.0%			
Pub Safety (4713)	257.6256D	OWI - 3rd	1,964	41.7%	26.7%	29.2%		27.9%	20.0%	21.2%	10.0%	25.5%	6.5%	24.7%	13.3%	30.5%	23.9%
	750.227	Weapons-Concealed	1,050	22.3%	22.2%	26.7%		15.7%		18.0%		18.8%		16.4%		30.0%	
	750.224F	Weapons-Felon	701	14.9%	29.0%	43.2%		33.9%		33.7%		18.6%		24.2%		17.4%	
Pub Trust (49)	333.74012BA	Controlled Substance[1]	37	75.5%	29.7%												
	451.2508	Securities Act - Gen	4	8.2%	100.0%												
	750.356C	Retail Fraud-1st Deg	3	6.1%	0.0%												

Footnote: The percent sentenced to prison is not included if there were less than 10 convictions for a crime and demographic.

Controlled Substance[1] [MCL 333.7401 (2) (b) (ii)] - Delivery or manufacture of schedule 1, 2, or 3 controlled substance

Controlled Substance[2] [MCL 333.17766 c (2) (c)] - Purchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine

Controlled Substance[3] [MCL 333. 7402 (2) (b)] - Delivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance

Table 6: Average Difference in Probability of a Prison Sentence
by Race, Gender, and Age

Percentage Point Difference Between Groups

	Age	Black Men - White Men	Black Women - White Women	Black Women - Black Men	White Women - White Men
Person (1,415)	20	*NSD*	*NSD*	**-11.3**	**-15.7**
	35	*NSD*	*NSD*	*NSD*	**-12.8**
	50	**-8.4**	*NSD*	*NSD*	**-9.3**
Property (4,184)	20	*NSD*	*NSD*	*NSD*	**-9.7**
	35	**-4.5**	*NSD*	*NSD*	**-6.9**
	50	**-8.5**	*NSD*	*NSD*	*NSD*
Controlled Substance (351)	20	*NSD*	*NSD*	*NSD*	**-16.4**
	35	*NSD*	*NSD*	*NSD*	**-11.9**
	50	*NSD*	*NSD*	*NSD*	*NSD*
Pub Order (346)	20	*NSD*	*NSD*	*NSD*	*NSD*
	35	**-11.7**	*NSD*	*NSD*	*NSD*
	50	**-14.2**	**-10.7**	*NSD*	*NSD*
Pub Safety* (1,693)	20	**+11.0**	**+10.1**	**-18.7**	**-17.7**
	35	**+5.6**	**+7.3**	**-12.6**	**-14.3**
	50	*NSD*	*NSD*	*NSD*	**-10.9**
OWI - 3rd (1,970)	20	*NSD*	*NSD*	**-11.8**	**-14.5**
	35	*NSD*	*NSD*	**-8.0**	**-13.0**
	50	**-6.2**	*NSD*	*NSD*	**-10.5**
Concealed Weapon (1,050)	20	**+11.0**	**+13.8**	*NSD*	*NSD*
	35	*NSD*	**+10.7**	*NSD*	*NSD*
	50	*NSD*	*NSD*	*NSD*	*NSD*
Public Trust (49)	-	There are too few cases to draw meaningful conclusions for most demographic comparisons.			

*Public Safety referes to all crimes against public safety, excluding OWI -3rd and Concealed Weapon convictions.

** NSD - Not Significantly Different

Table 7: Average Difference in Probability of a Prison Sentence
by Race, Gender, and Age

Percent Difference Between Groups

	Age	Black Men - White Men	Black Women - White Women	Black Women - Black Men	White Women - White Men
Person (1,415)	20	*NSD*	*NSD*	**-39.6%**	**-55.1%**
	35	*NSD*	*NSD*	*NSD*	**-44.5%**
	50	**-28.9%**	*NSD*	*NSD*	**-32.1%**
Property (4,184)	20	*NSD*	*NSD*	*NSD*	**-41.6%**
	35	**-18.0%**	*NSD*	*NSD*	**-27.6%**
	50	**-31.4%**	*NSD*	*NSD*	*NSD*
Controlled Substance (351)	20	*NSD*	*NSD*	*NSD*	**-51.5%**
	35	*NSD*	*NSD*	*NSD*	**-42.2%**
	50	*NSD*	*NSD*	*NSD*	*NSD*
Pub Order (346)	20	*NSD*	*NSD*	*NSD*	*NSD*
	35	**-38.3%**	*NSD*	*NSD*	*NSD*
	50	**-50.2%**	**-31.2%**	*NSD*	*NSD*
Pub Safety* (1,693)	20	**+41.7%**	**+116.2%**	**-49.9%**	**-67.2%**
	35	**+23.5%**	**+76.4%**	**-42.8%**	**-60.0%**
	50	*NSD*	*NSD*	*NSD*	**-51.0%**
OWI - 3rd (1,970)	20	*NSD*	*NSD*	**-44.5%**	**-60.2%**
	35	*NSD*	*NSD*	**-32.7%**	**-49.4%**
	50	**-21.6%**	*NSD*	*NSD*	**-36.7%**
Concealed Weapon (1,050)	20	**+48.0%**	**+107.3%**	*NSD*	*NSD*
	35	*NSD*	**+70.0%**	*NSD*	*NSD*
	50	*NSD*	*NSD*	*NSD*	*NSD*
Public Trust (49)	-	There are too few cases to draw meaningful conclusions for most demographic comparisons.			

*Public Safety referes to all crimes against public safety, excluding OWI -3rd and Concealed Weapon convictions.

** NSD - Not Significantly Different

(6)