

Praxis Instruction Manual 2017

A Michigan Pretrial
Risk Assessment Tool



Pretrial Service Agencies of Michigan

The Praxis is a research-based risk assessment that identifies a defendant's probability of court appearance and / or remaining arrest free pending trial.



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August 24, 2009, Luminosity, Inc. provided Oakland County with the original risk assessment instruction manual. Authors were Kenneth J. Rose, Robert Mitchell, III, and Marie VanNostrand, Ph.D.

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Introduction

Each time a person is arrested and accused of a crime a decision, known as a bail decision, must be made to determine if the defendant will be released back into the community or detained in jail awaiting trial. The bail decision is intended to balance the legal and constitutional rights afforded to accused persons awaiting trial with the need to protect the community, maintain the integrity of the judicial process, and assure court appearance. Pretrial services agencies perform critical functions related to the bail decision - they serve as providers of the information necessary for judicial officers to make the most appropriate bail decisions and monitor and supervise defendants released with conditions pending trial. A pretrial risk assessment is intended to assist pretrial services in performing these critical functions.

The Michigan Risk Assessment is a research-based objective tool that identifies the likelihood of failure to appear in court and the danger to the community posed by a defendant pending trial. The risk assessment is intended to identify (1) “low” risk defendants who can be safely released into the community with limited or no conditions pending trial; (2) “average” risk defendants whose risk can be minimized by utilizing appropriate release conditions, community resources, and/or interventions upon release; and (3) the “high” risk defendants, those for whom no condition or combination of conditions can reasonably assure the safety of the community or appearance in court, so they can be detained pending trial.

The risk assessment was designed to be consistent with national best practices¹ and Pretrial Services Legal and Evidence-Based Practices (LEBP).² It is an existing public domain assessment that is research-based and has been validated in multiple jurisdictions. The assessment has been customized to ensure consistency with Michigan bail and pretrial services related court rules and statutes and Community Corrections practices and preferences, while maintaining the integrity of the research-based assessment.

The risk assessment serves as the foundation for a recommendation regarding bail. Bail recommendations are guided by Michigan Court Rule 6.106, Michigan Code of Criminal Procedure Act 175 of 1927 Chapter V- Bail, pretrial services legal and evidence-based practices

Pretrial Services Legal and Evidence-Based Practices are interventions and practices that are consistent with the legal and constitutional rights afforded to accused persons awaiting trial and methods research have proved to be effective in reducing unnecessary detention while assuring court appearance and the safety of the community during the pretrial stage

¹ For national best practices see the Association of Pretrial Services Agencies *Standards on Pretrial Release, Third Edition* (2004), American Bar Association *Standards for Criminal Justice Standards on Pretrial Release, Third Edition* (2002), National District Attorney’s Association *National Prosecution Standards, Third Edition* (2010), and pretrial services legal and evidence-based practices referenced in footnote 2.

² Marie VanNostrand, Ph.D. “*Legal and Evidence-Based Practices: Application of Legal Principles, Laws, and Research to the Field of Pretrial Services*” (Crime and Justice Institute and National Institute of Corrections, 2007)

and national standards³ related to pretrial release. Pretrial services agencies are tasked with identifying the least restrictive terms and conditions of bail that will reasonably assure a defendant will appear for court and not present a danger to the community during the pretrial stage.

The Praxis was developed to serve as a tool to assist pretrial services with developing bail recommendations and determining appropriate levels of case supervision. The praxis, a tool that puts theoretical knowledge and research into practice, provides guidance to pretrial services relating to the appropriate recommendation of term and conditions of bail, while considering the current charge and risk posed by the defendant, that are reasonably necessary to address the risk of pretrial failure. If pretrial supervision is appropriate, the praxis also provides guidance for the appropriate level of supervision (frequencies and types of contacts) also known as differential case supervision.

Instructions for the completion of the Michigan Pretrial Risk Assessment and utilization of the corresponding praxis are provided in this manual.

³ See (1) American Bar Association Standards for Criminal Justice *Standards on Pretrial Release, Third Edition* (2002); (2) National District Attorney's Association *National Prosecution Standards, Third Edition* (2010) ; and (3) National Association of Pretrial Services Agencies *Standards on Pretrial Release, Third Edition* (2004).

Pretrial Risk Assessment Completion

The risk assessment examines a defendant's status at the time of arrest as it relates to the current charge(s), pending trial status, criminal history, residence, employment, and history of drug abuse. For this reason, the risk assessment is intended to be completed soon after arrest. Completing the risk assessment as soon as possible after the arrest increases the likelihood of capturing the most accurate information. Similarly, pretrial services staff must have completed a bond report which consists at a minimum of an interview with the defendant and a thorough criminal history check. Attempts to verify information contained in the risk assessment must be made and although verifications are strongly encouraged, they are not required for risk assessment completion.

The pretrial risk assessment is composed of two sections and related subsections as shown below.

1. Bond Recommendation
 - a. Conditions of Release
 - b. Additional Comments/Recommendation

2. Risk Assessment
 - a. Factors Considered
 - b. Additional Considerations

The risk assessment report layout is designed to highlight the recommendation being made by pretrial services to the judicial officer; therefore, the order of presentation is the Bond Recommendation section and then the Risk Assessment section. To complete the risk assessment report however, the Risk Assessment section is completed before the Recommendation section. For this reason, the instruction manual follows the order necessary to complete the instrument and not the order it appears on the risk assessment report.

Risk Factors

A defendant's risk level is calculated based on eight factors. Guidance for selecting accurate responses to the factors is provided below.

1. *Charge Type*

Defendants charged with a felony offense are more likely to fail pending trial compared to defendants charged with a misdemeanor offense. The charge type for a warrant for failure to appear is determined based on the charge type of the underlying charge. If the defendant has multiple charges in different jurisdictions, if one of the charges facing the defendant is a felony, score the defendant one point for Charge Type.

If you are scoring the defendant on a misdemeanor warrant, and they have a new arrest for a felony offense that is under warrant review and authorization by the prosecutor's office, only score Charge Type if the warrant has been issued at the time of the misdemeanor arraignment.

2. *Released Pending Trial*

Defendants that are on release status pending trial at the time of offense are more likely to fail pending trial compared to defendants who are not on release status. To properly score this risk factor, the investigator must know the specific date of offense. It is that date, not the arraignment date that is applied to the risk factor. If at the time of the offense date, the defendant was released pending trial (according to the below definition) then apply the risk factor.

To qualify for release pending trial, all three of these factors must apply:

- ◆ The defendant was previously arrested or cited for one or more charges for jail eligible offenses that have not been “disposed of” or adjudicated.
- ◆ The defendant was arrested for a new crime that was allegedly committed while released on citation, summons, or any other type of bail pending trial.
- ◆ That a future court date has been set for that pending case, or that a warrant has been issued for failure to appear prior to adjudication.

The definition of being released pending trial includes:

1. The defendant was arrested for a jail eligible criminal or traffic offense, posted an interim bond and is pending appearance before the court for arraignment. (Release on appearance ticket pending arraignment does not count, unless there is a court date scheduled or a warrant has been issued for failing to appear.)
2. The defendant was arrested, arraigned, was released on a personal bond/posted bond, and the case is pending adjudication/court appearance.
3. The defendant has a pending case (based on the above two items) that has not yet been adjudicated and has failed to appear for court and a bench warrant is outstanding.
4. A pending PPO Violation is applicable to the risk factor since it is punishable by up to 93 days in jail.
5. A defendant who is currently on delayed sentence status since the case has yet to be officially adjudicated.
6. A pending Attorney General Friend of the Court case is applicable since it is a felony offense.

If at the time of the offense the defendant had two or more FTA bench warrants where the defendant failed to appear prior to sentencing, (not including the instant offense) then a point can be applied to each of the risk factors; Released Pending Trial and History of Failure to Appear.

Do not apply the risk factor for Released Pending Trial if:

- ◆ A defendant is arrested, remains incarcerated on a bond, and is served with new warrants.

- ◆ A defendant is arrested, released pending trial, and is arrested for a charge with a date of offense that occurred prior to the first arrest.
- ◆ The defendant has a pending warrant or case for Friend of the Court.

Statute 765.6a and Released Pending Trial

Under the Michigan Statute 765.6a, before granting application for bail, a court shall require a cash bond or surety other than the applicant if the applicant:

- ◆ Is charged with a crime alleged to have occurred while on bail pursuant to a bond personally executed by him; or
- ◆ Has been twice convicted of a felony within the preceding 5 years.

The statute provides no other explanation or clear definitions to assist with application. To apply the statute consistently, the following guidelines are recommended:

1. The defendant must be released on bail either financial or non-financial at the time the new offense your scoring is alleged to have been committed.
2. The offense date of the new offense you are scoring is used as the five-year benchmark for going back and looking for two prior felony convictions. (Not the date that the risk assessment is being scored.)
3. The two prior felony offenses can be tied to the same docket number. (Two or more felony convictions tied to one incident will qualify for 765.6a)
4. The sentencing date of prior convictions is the date used when going back five years from the current date of offense.

Do not apply 765.6a under the following circumstances:

- ◆ On the date of offense, the defendant had a case yet to be adjudicated, however it was in warrant status for failing to appear. (The defendant would be eligible for Released Pending Trial, but not 765.6a eligible)
- ◆ The defendant is on delayed sentence status and is alleged to have committed a new offense.

3. *Criminal History*

Defendants that have one or more adult criminal conviction(s) are more likely to fail pending trial compared to defendants who have no adult criminal convictions. If on the date of the risk assessment, (not the date of offense) the defendant has a prior conviction, then apply the risk factor. Only convictions for an adult, jail eligible, offense constitutes a criminal history. This includes misdemeanor convictions that carry the possibility of a jail sentence. Criminal traffic offenses carrying a possible penalty of jail time are counted. (DWLS, Fail to Display Valid Ops, OWI, etc.) A defendant convicted of violating a Personal Protection Order would qualify as the offense is jail eligible.

Juvenile records, suppressed status cases, defendants on delayed sentence status, and MIP cases are not applied toward the risk factor for Criminal History. Suppressed status cases include 7411, HYTA, or a suppressed Domestic Violence cases under the Spouse Abuse Act. If a defendant is in bench warrant status for violation of probation for a suppressed status case, it is not counted toward the risk factor. A suppressed case can only be counted toward the risk factor after the defendant has been found guilty of violation of probation and it is documented that the suppressed status has been revoked.

4. *History of Failure to Appear*

Defendants that have two or more failures to appear in court are more likely to fail pending trial compared to defendants that have one or no failures to appear. History of Failure to Appear is defined as a defendant who was out pending trial, failed to appear for a hearing prior to adjudication, and a bench warrant for failure to appear was issued.

The FTA must be for an adult, jail eligible offense, and the failure to appear must have occurred prior to adjudication (arraignment, pretrial, sentencing, or motion/bond hearing are counted). If the defendant failed to appear on the case being scored, the FTA is not counted toward History of Failure to Appear.

History of Failure to Appear is measured by court appearance date and event. The guiding principles are:

1. FTA for a single court appearance event is counted once regardless of the number of charges or FTA bench warrants issued related to the single court appearance event. (One arrest incident with multiple charges and dockets will result in one FTA, but many warrants being issued.)
2. If a defendant has two separate court appearances on the same day, in the same courthouse, for two different arrests/charges, and the defendant FTA on both matters, that would count as two. (They missed two court appearances on the same date.)
3. If the defendant FTA for the same case repeatedly, even if it is the same type of hearing, you would count each FTA. (FTA for arraignment, is released, and then FTA for arraignment again, that is counted as two FTAs.)
4. FTA is not counted if the FTA bench warrant is issued and vacated on the same day.
5. FTA is not counted if there is confirmation the defendant was incarcerated when the FTA occurred.

Failing to appear for violations of probation, failing to pay fines/costs, minor in possession, or civil traffic infractions are not counted toward the risk factor.

In researching History of Failure to Appear, it is permissible to call any court or use the following databases: warrants in LEIN, cancelled warrants in LEIN, Judicial Data Warehouse, District Court records, Circuit Court records, or any other court database. Active

FAC suspensions are not counted unless it is verified that a warrant was issued at some point in that case.

5. *History of Violent Convictions*

Defendants that have two or more violent convictions are more likely to fail pending trial compared to defendants with one or no violent convictions. For the purposes of risk assessment, a violent conviction is generally defined as any act that causes or intends to cause physical injury to another person. This includes any charge within the following categories: Homicide, Robbery, Criminal Sexual Conduct, Arson, Other Sex Offense, or Assaultive Other. For a specific list of charges applied to this risk factor, see the Violent Convictions List in the back of this manual. If you have a charge that you think should be added, please contact your supervisor.

A conviction for attempt or being an accessory before the fact to commit any of the offenses on the list is counted. A conviction for conspiring, or being an accessory after the fact to commit any of the listed offenses, is not counted.

Suppressed cases and delayed sentence cases for violent convictions are not counted towards the risk factor unless it is documented that the status was revoked. (See risk factor 3. Criminal History)

6. *Length at Current Residence*

Defendants that have lived at their current residence for less than one year are more likely to fail pending trial compared to defendants that have lived at their residence for more than one year. A residence is where the defendant currently lives and does not include non-residences such as a jail, prison, halfway house, hospital, or shelter.

If a defendant resides at two specific locations, then do not count the risk factor. An example would be someone who resides alone, has lived at the address for over one year, but on the weekend lives with a relative for whom they provide care. Another example is a defendant who has an address of over one year, however attends college in the fall/winter/spring and lives in a dorm. In these examples, the risk factor would not be applied.

7. *Employed, Primary Caregiver, Student, Retired, or Disabled*

Defendants that are not any of the following; employed, a primary caregiver, student, retired, or disabled at the time of the arrest are more likely to fail pending trial compared to defendants that are; employed, a primary caregiver, student, retired, or disabled.

A defendant is employed if he/she is working consistently and works a minimum of 20 hours per week.

A defendant is a primary caregiver if he/she is responsible and consistently cares for at least one dependent child (under 18 years of age), one disabled or elderly family member, and

who lives with the defendant at the time of arrest. The defendant must provide direct care to the dependent. In the example of minor children, at a minimum the defendant must have joint custody with equal parenting time.

A defendant is considered a student if he/she is attending high school, adult education, vocation/trade school, GED course, or college classes, either part-time or full-time. A student must be actively attending courses, and not just enrolled. A student is defined as attending a minimum of 20 hours per week of on-line or in-person instruction. (It should be noted a student on a scheduled break from classes is still considered a student, except when the break is for the summer.)

A defendant is retired if he/she is receiving retirement benefits or retirement savings. If a defendant is age 62 years or older, claims to be retired and receives social security, then they are considered retired.

A defendant is disabled only if he/she is receiving disability benefits for a physical or mental health issue. If they have filed, or are in the process of appealing a denied claim, they are not considered disabled.

8. *History of Drug Abuse*

Defendants that have a history of drug abuse are more likely to fail pending trial compared to defendants that do not have a history of drug abuse. For the purposes of the risk assessment, drug abuse includes any illegal or prescription drug, but does not include alcohol. Consideration should be given to the information provided by the defendant, criminal history, information contained in supervision records, and any information provided by references regarding drug use.

Indications of a history of drug abuse include, but are not limited to, the following: 1) previous or currently used illegal substances (this is to be distinguished from short-term experimental use); 2) defendant admits to previously or currently abusing illegal or prescription drugs; 3) the criminal history contains drug related convictions; and 4) the defendant received drug treatment in the past. Alcohol treatment does not count. Any factor or combination of the above factors can be used to determine if the defendant has a history of drug abuse.

Medical Marijuana Card & History of Drug Abuse

Score the defendant for the risk factor if the following has happened:

- ◆ The defendant used marijuana (beyond experimental use) prior to getting the medical marijuana card.
- ◆ The defendant claims they have a medical marijuana card but a reference or law enforcement verifies they do not.
- ◆ The defendant claims they were issued a medical marijuana card but it is now expired and use has continued.

Risk Level

Calculating Risk Level is a simple mathematical procedure based on responses to eight (8) factors. First, the risk score is calculated. For each factor indicated, add the corresponding point value to the defendant's risk score. The point values are as follows:

Factor	Point Value
Charge Type – the most serious charge is a felony	1 point
Released Pending Trial – the defendant was on release status pending trial at the time of offense	1 point
Criminal History – adult criminal history includes at least one misdemeanor or felony conviction	1 point
History of Failure to Appear – defendant has two or more FTAs	2 points
History of Violent Convictions – defendant has two or more violent convictions	1 point
Length at Current Residence – defendant has lived at his or her current residence for less than one year	1 point
Student, Employed, Primary Caregiver, Retired, or Disabled – defendant was not a student, employed, a primary caregiver, retired, or disabled at the time of arrest	1 point
History of Drug Abuse – the defendant has a history of drug abuse	1 point

Once the risk score is calculated convert it to a risk level using the table below

Risk Score	Risk Level
0 – 2	Low
3 - 5	Average
6 - 9	High

Michigan Praxis Framework

Risk Level ▼	Misdemeanor	High Misdemeanor and Non-Violent Felony	Violent Felony
Low (0-2)	Release	Release	Release with Conditions
Average (3-5)	Release	Release with Conditions	Release on Recognizance Not Recommended²
High (6-9)	Release with Conditions	Release on Recognizance Not Recommended¹	Release on Recognizance Not Recommended²

¹ Defendants charged with a high misdemeanor or a non-violent felony, who score a Risk Level 6-9, are not recommended for release on recognizance. If the defendant is able to post bail or make release, the court may wish to consider conditions aimed at mitigating the defendant's risk to public safety and/or risk of failure to appear.

² Defendants charged with a violent felony scoring Average or High Risk Level are not recommended for release on recognizance. If the defendant is able to post bail or make release, the court may wish to consider conditions aimed at mitigating the defendant's risk to public safety and/or risk of failure to appear.

Recommendation

The Michigan Praxis was developed to provide guidance to pretrial service investigators while making bail recommendations. It is expected that the Praxis will be followed in the majority of cases and the defendant's risk level will be applied to the recommendation grid. (See Michigan Praxis Framework above)

NOTE: Michigan Code of Criminal Procedure 765.6a provides an exception to the Praxis for the following circumstances:

The defendant is charged with a crime alleged to have occurred while on bail pursuant to a bond personally executed by him; or has been twice convicted of a felony within the preceding 5 years.

If the defendant meets the criteria described above, a financial bond must be recommended.

The recommendation section of the risk assessment contains four options and includes the following:

1. Release
2. Release with Conditions/Supervision aimed to mitigate risks to public safety and/or failure to appear.
3. Release on Recognizance Not Recommended (If the defendant is able to post bail or make release; the court may wish to consider conditions aimed at mitigating the defendant's risk to public safety and/or failure to appear.)
4. Bond Denied

Using the Praxis grid, match the risk level with the appropriate charge type and select the corresponding recommendation.

The recommendation will not include a bond type or amount. If a financial bond is set by the court, the amount and type is at the discretion of the judicial officer.

In circumstances where the Praxis and/or the Pretrial Investigator’s recommendation includes the condition for Pretrial Supervision, a corresponding level of supervision will be calculated based on the defendant’s individualized risk score. The use of differential levels of supervision is supported by evidence based practice. The levels of supervision include monitoring, standard, intermediate, and intensive. Monitoring does not require the defendant to contact the office, but they will receive court reminder notifications. A general guideline for defendant contact per supervision level is listed in the table below.

Supervision Level	Description
Standard	1 contact per month and court reminder notification
Intermediate	2 contacts per month and court reminder notification
Intensive	1 contact per week and court reminder notification*

*Any defendant with the condition of electronic monitoring requires intensive supervision. Electronic monitoring can also be an option for any domestic violence charge.

Conditions of Release

If a recommendation option is for *Pretrial Supervision*, indicate any of the following conditions that are needed to respond to the identified risk factors.

- ◆ Do not use alcohol
- ◆ Participate in a substance abuse testing or monitoring program
- ◆ Participate in a specified treatment program for any physical or mental condition, including substance abuse
- ◆ Surrender driver’s license or passport
- ◆ Comply with a specified curfew
- ◆ Continue to seek/maintain employment
- ◆ Continue or begin an education program
- ◆ Not possess a firearm or other dangerous weapon
- ◆ Not enter specified premises or areas
- ◆ Not threaten, harass, intimidate, assault, beat, molest, or wound a named person or persons directly or indirectly
- ◆ Have no contact of any type with: (specify person or persons)
- ◆ Electronic monitoring: (specify ignition interlock, alcohol testing, or GPS)
- ◆ Other: (specify non-standard condition or conditions)

Additional Comments/Recommendation

This section of the risk assessment provides an opportunity to describe the need to request additional conditions of release and to provide a summary and justification of your recommendation. You should highlight the risk factors and additional considerations that are of impact for the defendant. If conditions are part of the recommendation, they should also be justified in this area of the report. If the recommendation is for the bond to be denied, then MCR 6.106 will be stated in the justification.

If the defendant meets the guidelines for application of 765.6a, an example of the recommendation would include the addition of the following statement:

The defendant has two prior convictions within the past five years, thus the defendant is not eligible for non-financial release due to 765.6a. Please see the attached criminal history report for details.

The defendant was out on bond at the time the within offense was committed, thus the defendant is not eligible for non-financial release due to 765.6a. Please see the attached criminal history report for details.

If the defendant meets the criteria for denial of bail as described in MCR 6.106, and Michigan Declaration of Rights: Article 15, it is determined that no condition or combination of conditions can reasonably assure the appearance of the defendant in court and the safety of the public, a recommendation for bond denied can be made. The statement below provides an example.

There is no condition or combination of conditions that will assure the defendant's appearance in court or the safety of the community, therefore in accordance with MCR 6.106, it is respectfully recommended that bond be denied at this time.

Additional Considerations

There are common additional considerations that should be reported whenever they are applicable to a defendant.

1. *Preliminary Sentencing Guideline (SGL) Category* – The ability for jurisdictions across the state vary on the ability to include Preliminary SGL Scores. If available, they should be reflected in the risk assessment under Additional Considerations. There are three preliminary sentencing guideline categories: intermediate sanction cell, straddle cell, and presumptive prison. The intermediate sanction cell upper limit of the range is 18 months or less. The straddle cell maximum of the range exceeds 18 months and the minimum of the range is 12 months or less. The presumptive prison cell minimum of the range is more than 12 months.
2. *One or more of the current charges is a violent felony* – This additional consideration is applicable if one or more of the current charges is a violent felony. For the purpose of risk assessment, a violent felony is any felony that is included in the following violent charge categories: Homicide, Robbery, Criminal Sexual Conduct, Arson, Other Sex Offense, or

Assaultive Other. For a list of charges in each violent charge category, see the Violent Felony Charge List.

Notes:

- ◆ Only a charge that is on the Violent Felony Charge List is applicable to this additional consideration.
- ◆ A charge of attempting to commit any of these offenses is counted while conspiracy to commit any of the offenses is not included.

If one or more of the current charges is a violent felony, complete the following sentence.

The defendant is currently charged with a violent felony of [enter the current violent felony charge(s)]

3. *The defendant is currently under active criminal justice supervision* – This additional consideration is applicable if the defendant was under active criminal justice supervision at the time of arrest including probation, parole, pretrial supervision, county community corrections program, county alternative program, DOC alternative program, or any other form of active criminal justice supervision. Active supervision does NOT include unsupervised probation, a term of good behavior, or release on bail without pretrial supervision.

If the defendant is currently under active criminal justice supervision, complete the following sentence.

The defendant is currently on [enter the supervision type] supervision for [enter the charge/offense] in [enter the locality].

4. *The defendant has a juvenile criminal record* – This additional consideration is applicable if the defendant is under the age of 25 and either reported a juvenile criminal history (non-status adjudications) or a juvenile record was identified during pretrial investigation. If defendant has a juvenile criminal record, complete the following sentence.

The defendant is under the age of 25 and has [enter the number of juvenile adjudication(s)] criminal juvenile adjudication(s).

5. *The defendant has a significant mental health concern* – This additional consideration is applicable if the defendant has a significant mental health concern that may affect the likelihood of the defendant failing to appear or being a danger to him or herself or to others if released pending trial.

If defendant has a significant mental health concern, complete the following sentence.

The defendant has a significant mental health concern that may need to be addressed through conditions.

If there are additional mitigating factors or clarification is needed for any of the risk factors or additional considerations indicated above, narrative comments may be made in the *Additional Considerations* section of the risk assessment. Examples could include a defendant with a prior criminal history, but the conviction was over ten years ago for a non-violent misdemeanor. In this example, you may consider using the following sentence.

Although the defendant has a risk factor for criminal history, his conviction was over ten years ago for a non-violent offense and criminal history checks show that there has been no new criminal activity since.

Violent Convictions List

This list is used for calculating the Praxis Risk Factor points and is not all inclusive. Person crimes both misdemeanor and felony apply. For a list of violent felony convictions, please see: <https://mjededucation.mi.gov/documents/sgm-files/94-sgm/file>

CHARGE CATEGORY	CODE NUMBER	CHARGE TYPE	CODE DESCRIPTION
Homicide	<u>257.617</u>	Felony	Failure to Stop at Scene of Accident - When at Fault - Resulting in Death
	<u>257.625</u>	Either	OUIL - Causing Death
	<u>257.904</u>	Either	Operating License Suspended/Revoked/Denied - Causing Death
	<u>287.323</u>	Either	Animals - Dangerous Animal Causing Death
	<u>324.80134a</u>	Felony	Marine Safety - Leaving Scene of Accident Resulting in Serious Injury/Death
	<u>324.80172</u>	Misdemeanor	Marine Safety - Negligent Crippling/Homicide
	<u>750.316</u>	Felony	Murder - 1st Degree
	<u>750.317</u>	Felony	Murder - 2nd Degree
	<u>750.317a</u>	Felony	Delivery of Controlled Substance Causing Death
	<u>750.321</u>	Felony	Manslaughter
	<u>750.329</u>	Felony	Manslaughter - Death By Weapon Aimed w/ Intent But w/o Malice
	<u>750.492a</u>	Either	Medical Record – Recklessly/Intentionally Placing False Info - Health Care Provider
	<u>752.862</u>	Misdemeanor	Weapons - Firearms - Careless Discharge Causing Injury or Death
Robbery	<u>750.529</u>	Felony	Robbery
	<u>750.531</u>	Felony	Bank Robbery
	<u>750.531</u>	Felony	Safe Breaking
Criminal Sexual Conduct	<u>750.158</u>	Felony	Sodomy
	<u>750.520b</u>	Felony	Criminal Sexual Conduct - 1st Degree
	<u>750.520c</u>	Felony	Criminal Sexual Conduct - 2nd Degree
	<u>750.520d</u>	Felony	Criminal Sexual Conduct - 3rd Degree
	<u>750.520e</u>	Misdemeanor	Criminal Sexual Conduct - 4th Degree
	<u>750.520g</u>	Felony	Criminal Sexual Conduct – Assault
	<u>750.335a2c</u>	Felony	Sexually Delinquent Person

CHARGE CATEGORY	CODE NUMBER	CHARGE TYPE	CODE DESCRIPTION
Assault	<u>750.122</u>	Felony	Witnesses - Intimidating - Committing Crime/Threatening to Kill or Injure
	<u>750.529a</u>	Felony	Carjacking
	<u>750.540</u>	Felony	Interfering w/Electronic Communications Causing Injury/Death
	<u>750.349</u>	Felony	Kidnapping
	<u>750.349a</u>	Felony	Prisoner Taking a Hostage
	<u>750.349b</u>	Felony	Unlawful Imprisonment
	<u>750.350a</u>	Felony	Kidnapping - Custodial Interference
	<u>750.81</u>	Either	Assault or Assault and Battery (Domestic Violence)
	<u>750.813</u>	Misdemeanor	Domestic Violence 2 nd Offense
	<u>750.814</u>	Felony	Domestic Violence 3 rd Offense
	<u>750.81a</u>	Either	Assault - Aggravated
	750.81a3	Felony	Domestic Violence Aggravated 2nd Offense
	<u>750.81c</u>	Either	Assault or Assault & Battery of FIA Employee
	<u>750.81d</u>	Felony	Police Officer - Resisting and Obstructing (2 Yr Felony)
	<u>750.82</u>	Felony	Assault With a Dangerous Weapon (Felonious Assault)
	<u>750.83</u>	Felony	Assault With Intent to Murder
	<u>750.84</u>	Felony	Assault With Intent to Do Great Bodily Harm Less Than Murder
	<u>750.85</u>	Felony	Torture
	<u>750.86</u>	Felony	Assault With Intent to Maim
	<u>750.87</u>	Felony	Assault With Intent to Commit a Felony
<u>750.88</u>	Felony	Assault With Intent to Rob While Unarmed	
<u>750.89</u>	Felony	Assault With Intent to Rob While Armed	
<u>750.91</u>	Felony	Attempted Murder	
Arson	<u>750.72</u>	Felony	Arson - Dwelling House
	<u>750.73</u>	Felony	Arson - Real Property
	<u>750.74</u>	Either	Arson - Personal Property
	<u>750.75</u>	Felony	Arson - Insured Property
	<u>750.77</u>	Either	Arson – Willfully and Maliciously Setting Fire
	<u>750.78</u>	Felony	Arson - Woods and Prairies

CHARGE CATEGORY	CODE NUMBER	CHARGE TYPE	CODE DESCRIPTION
Other Sex Offenses	<u>750.145a</u>	Felony	Children - Accosting for Immoral Purposes
	<u>750.145c</u>	Felony	Child Sexually Abusive Activity
	<u>750.335a</u>	Misdemeanor	Indecent Exposure
	<u>750.338</u>	Felony	Gross Indecency Between Males - Committing/Procuring
	<u>750.338b</u>	Felony	Gross Indecency Between Male and Female - Committing/Procuring
	<u>750.539j</u>	Felony	Surveilling Unclothed Person
Assaultive Other	<u>324.1608</u>	Misdemeanor	Police Officer/Public Officer - Resisting/Obstructing - Misd.
	<u>333.5210</u>	Felony	AIDS - Sexual Penetration With Uninformed Partner
	<u>722.675</u>	Felony	Distributing Obscene Matter to Children
	<u>750.110a</u>	Either	Home Invasion - 1st Degree
	<u>750.136b</u>	Either	Child Abuse - 1st Degree
	<u>750.145n</u>	Either	Vulnerable Adult Abuse - 1st Degree
	<u>750.197</u>	Felony	Escape - From Jail Through Violence or Assault Prison Employee
	<u>750.350</u>	Felony	Kidnapping - Child Enticement
	<u>750.397</u>	Felony	Mayhem
	<u>750.397a</u>	Felony	Food - Placing Harmful Objects In
	<u>750.436</u>	Felony	Poisoning - Food/Drink/Medicine Water Supply
	<u>750.479</u>	Felony	Police Officer/Public Officer - Resisting and Obstructing
	<u>750.479b</u>	Felony	Peace Officer – Disarming Firearm & Non-Firearm
	<u>752.542a</u>	Unknown	Prisons – Riots
	<u>750.411h</u>	Misdemeanor	Stalking
	<u>750.411i</u>	Felony	Aggravated Stalking

Violent Felony Charge List

This list is not all inclusive. All felony Person crimes are to be applied. For a list of all violent felony charges see: <https://mjieducation.mi.gov/documents/sgm-files/94-sgm/file>

CHARGE CATEGORY	CODE NUMBER	CHARGE TYPE	CODE DESCRIPTION
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Homicide/Injury

	<u>257.617</u>	Felony	Failure to Stop at Scene of Accident - When at Fault - Resulting in Death or Impairment
	<u>257.625 (4a)</u>	Felony	OUIL - Causing Death / Serious Injury
	<u>257.625 (4b)</u>	Felony	OUIL – Causing Serious Impairment
	<u>257.626 (3)</u>	Felony	Reckless Driving Causing Serious Death
	<u>257.626 (4)</u>	Felony	Reckless Driving Causing Serious Impairment
	<u>257.904 (4)</u>	Felony	Operating License Suspended/Revoked/Denied - Causing Death
	<u>257.904(5)</u>	Felony	Operating License Suspended/Revoked/Denied - Causing Serious Impairment
	<u>287.323</u>	Felony	Animals - Dangerous Animal Causing Death
	<u>324.80134a</u>	Felony	Marine Safety - Leaving Scene of Accident Resulting in Serious Injury/Death
	<u>324.80176</u>	Felony	Operating a Vessel under the Influence causing Death/Impairment
	<u>750.90(a)</u>	Felony	Assault against a Pregnant Person causing miscarriage/stillbirth/death
	<u>750.237</u>	Felony	Using a Firearm while under the Influence or Impaired causing Death/Impairment
	<u>750.316</u>	Felony	Murder - 1st Degree
	<u>750.317</u>	Felony	Murder - 2nd Degree
	<u>750.317a</u>	Felony	Delivery of Controlled Substance Causing Death
	<u>750.321</u>	Felony	Manslaughter
	<u>750.324</u>	Felony	Negligent Homicide
	<u>750.329</u>	Felony	Manslaughter - Death By Weapon Aimed w/ Intent But w/o Malice
	<u>750.492a</u>	Felony	Medical Record - Recklessly Placing False Info - Health Care Provider

Robbery

	<u>750.529</u>	Felony	Robbery
	<u>750.530</u>	Felony	Unarmed Robbery
	<u>750.531</u>	Felony	Bank Robbery
	<u>750.531</u>	Felony	Safe Breaking

CHARGE CATEGORY	CODE NUMBER	CHARGE TYPE	CODE DESCRIPTION
Criminal Sexual Conduct	<u>750.520b2</u>	Felony	Criminal Sexual Conduct - 1st Degree
	<u>750.520c</u>	Felony	Criminal Sexual Conduct - 2nd Degree
	<u>750.520d</u>	Felony	Criminal Sexual Conduct - 3rd Degree
	<u>750.520g1</u>	Felony	Criminal Sexual Conduct – Assault
Assault	<u>750.122</u>	Felony	Witnesses - Intimidating - Committing Crime/Threatening to Kill or Injure
	<u>750.529a</u>	Felony	Carjacking
	<u>750.540</u>	Felony	Interfering w/Electronic Communications Causing Injury/Death
	<u>750.349</u>	Felony	Kidnapping
	<u>750.349a</u>	Felony	Prisoner Taking a Hostage
	<u>750.349b</u>	Felony	Unlawful Imprisonment
	<u>750.814</u>	Felony	Domestic Violence 3 rd Offense
	<u>750.81a</u>	Felony	Assault – Aggravated
	<u>750.81a3</u>	Felony	Domestic Violence Aggravated 2nd Offense
	<u>750.81c</u>	Felony	Assault or Assault & Battery of FIA Employee
	<u>750.81d1</u>	Felony	Police Officer - Resisting and Obstructing (2 Yr Felony)
	<u>750.81d2</u>	Felony	Police Officer-Resisting and Obstructing Causing Injury
	<u>750.82</u>	Felony	Assault With a Dangerous Weapon (Felony Assault)
	<u>750.83</u>	Felony	Assault With Intent to Murder
	<u>750.84</u>	Felony	Assault With Intent to Do Great Bodily Harm Less Than Murder
	<u>750.85</u>	Felony	Torture
	<u>750.86</u>	Felony	Assault With Intent to Maim
	<u>750.87</u>	Felony	Assault With Intent to Commit a Felony
	<u>750.88</u>	Felony	Assault With Intent to Rob While Unarmed
	<u>750.89</u>	Felony	Assault With Intent to Rob While Armed
<u>750.91</u>	Felony	Attempted Murder	
Arson	<u>750.72</u>	Felony	Arson-First Degree
	<u>750.73</u>	Felony	Arson-2nd Degree
	<u>750.76 3a</u>	Felony	Arson of Insured Dwelling

CHARGE CATEGORY	CODE NUMBER	CHARGE TYPE	CODE DESCRIPTION
Other Sex Offenses			
	<u>333.5210</u>		Aids-Sexually Penetration with Uninformed Partner
	<u>750.145a</u>	Felony	Children-Accosting for Immoral Purposes
	<u>750.145c</u>	Felony	Child sexually Abusive Activity
	<u>750.335ac</u>	Felony	Indecent Exposure by a Sexually Delinquent Person
	<u>750.335</u>	Felony	Aggravated Indecent Exposure
	<u>750.338</u>	Felony	Gross Indecency Between Males-Committing/Procuring
	<u>750.338b</u>	Felony	Gross indecency Between Male and Female-Committing/Procuring
	<u>750.539j</u>	Felony	Surveilling Unclothed Person
Assaultive Other			
	<u>257.602a5</u>	Felony	Fleeing & Eluding 1 st Degree
	<u>257.602a4</u>	Felony	Fleeing & Eluding 2 nd Degree
	<u>750.110a2</u>	Felony	Home Invasion 1 st Degree
	<u>750.110a3</u>	Felony	Home Invasion 2 nd Degree
	<u>750.110a4</u>	Felony	Home Invasion 3 rd Degree
	<u>750.136b2</u>	Felony	Child Abuse 1 st Degree
	<u>750.136b4</u>	Felony	Child Abuse 2 nd Degree
	<u>750.145n</u>	Felony	Vulnerable Adult Abuse-1 st Degree
	<u>750.147b</u>	Felony	Ethnic Intimidation
	<u>750.234b4</u>	Felony	Discharge Fire Arm at Occupied Dwelling Causing Injury or Death
	<u>750.350</u>	Felony	Kidnapping-Child Enticement
	<u>750.350a</u>	Felony	Kidnapping-Custodial Interference
	<u>750.397</u>	Felony	Mayhem
	<u>750.397a</u>	Felony	Food-Placing Harmful Objects In
	<u>750.436</u>	Felony	Poisoning Food Drink/Medicine in Water Supply Causing Injury or Impairment
	<u>750.479</u>	Felony	Police Officer/Public Officer – Resisting and Obstructing
	<u>750.479b</u>	Felony	Peace Officer – Disarming Firearm & Non-Firearm
	<u>750.411i</u>	Felony	Aggravated Stalking
	<u>750.411h2b</u>	Felony	Stalking of a Minor

