

# Michigan Concealed Carry Study

By Howard Nemerov

## Abstract

*It has been argued by pro-gun-control organizations that the prevalence of civilian firearms, and particularly the increased presence of firearms in public places due to the liberalization of concealed carry laws, enhances the levels of violence in society. This review examines the latest available complete sets of violation data from both the Michigan State Police and the Federal Bureau of Investigation to determine whether or not this thesis is valid. Even when applying to most stringent criteria to Michigan's Concealed Pistol Licensees and the most lax criteria to the non-licensee population, calculations show that if the non-CPL population been as law-abiding as the CPL population, there would have been over a 90% decrease in the number of incidents of the seven FBI major crimes alone.*

Keywords: Michigan State Police, Federal Bureau of Investigation, Concealed Pistol Licensee, gun control, firearm death, cost of crime

Crime costs society: It destroys lives and families, diminishes productivity by removing law-abiding citizens from their jobs, and places a greater burden on the health care system, among other things. Johns Hopkins University, in their report entitled *Factsheet: Firearm Injury and Death in the United States*, stated:

“The direct costs (e.g., medical, productivity) and social costs (e.g., quality of life, emotional) of gun violence are an estimated \$100 billion per year.”<sup>1</sup>

But for every number on one side of an equal sign there is a corresponding formula on the other side. Does violence, especially where a gun is involved, result from the presence of the gun itself or from people willing employ any means necessary to support criminal enterprise? More to the point of this paper, do more firearms being carried in public, via concealed pistol licensure, create an asset or liability when considering the cost of crime?

A recent *Detroit Free Press* article has this to say about concealed carry:

Six years after new rules made it much easier to get a license to carry concealed weapons, the number of Michiganders legally packing heat has increased more than six-fold.

But dire predictions about increased violence and bloodshed have largely gone unfulfilled, according to law enforcement officials and, to the extent they can be measured, crime statistics.

The incidence of violent crime in Michigan in the six years since the law went into effect has been, on average, below the rate of the previous six years. The overall incidence of death from firearms, including suicide and accidents, also has declined.<sup>2</sup>

But *Detroit Free Press* article noted that not everyone agrees with the above assessment:

Other opponents remain convinced that it [concealed carry] has contributed to an ongoing epidemic of firearms-related death and destruction.

Shikha Hamilton of Grosse Pointe, president of the Michigan chapter of the anti-gun group Million Moms March, said she believes overall gun violence (including suicide and accidental shootings) is up in Michigan since 2001. Many incidents involving CPL permit holders have not been widely reported, she said.<sup>3</sup>

In another article, written in 2005 when the Michigan legislature was considering the “Stand Your Ground Law”, Brady Campaign’s Peter Hamm was quoted as saying:

There is no reason to pass a law that sends a signal to the most aggressive people in society that they can act more aggressively than they can now.<sup>4</sup>

Mr. Hamm was referring to House Bills 5142 and 5143, being considered in the Michigan House of Representatives.<sup>5,6</sup> Stand Your Ground Laws allow law-abiding citizens to use deadly force to defend themselves from attack in public places, but they cannot be committing a crime at the time of the defense, which means—among other requirements—that any defender must have a license to carry a concealed pistol in these cases.

What kind of impact, if any, has Michigan’s Concealed Pistol Licensees (CPLs) had on crime? As to Mr. Hamm’s implication that CPLs are “the most aggressive people in society,” is it possible to determine if Michigan CPLs made the state more violent? After all, the Oxford English Dictionary defines aggressive as: “Disposed to attack others.”<sup>7</sup>

One way to examine this issue is to look at crime data, compiled by the Federal Bureau of Investigation and the Michigan State Police, to determine if the legally-armed civilian population perpetrates greater criminal activity.

**The Big Picture On Violent Crime**

Michigan’s overall violent crime rate (per 100,000 population) increased 1.5% from 553.9 in 2001 to 562.4 in 2006. The rate dropped 11.1% between 2001 and 2004 before rising 14.3% the last two years. (See Table 1.)

<b>Table 1: Michigan Violent Crime Trends</b>			
<i>Year</i>	<i>Total Crimes</i>	<i>State Population</i>	<i>Rate per 100k</i>
2001 <sup>8</sup>	55,424	10,006,266	553.9
2004 <sup>9</sup>	49,737	10,104,206	492.2
2006 <sup>10</sup>	56,778	10,095,643	562.4
<i>Rate Trends</i>			
2001-6			1.5%
2001-4			-11.1%
2004-6			14.3%

*Note: The FBI has a delay of about one year and nine months before releasing the final crime data for a given year. As a result, the final report for 2006 became available in September 2007. This report will be updated when the 2007 FBI crime data becomes available.*

The Centers for Disease Control (CDC) has mortality data available through 2005. (Injury data on the web site displays national totals only, and is not included here for this reason.) As shown in Table 2, the number of murders committed with a firearm actually decreased between 2001 and 2005. While the firearm suicide and accidental death rates increased slightly, the overall rate for the three categories—mentioned in the *Detroit Free Press* article—decreased 0.5% over the five-year period, and the total number of firearm deaths (includes legal intervention and undetermined intent) declined 1.2%.

	<i>Population</i>	<i>Murder</i>	<i>Rate</i>	<i>Suicide</i>	<i>Rate</i>	<i>Accident</i>	<i>Rate</i>	<i>Total</i>	<i>Rate</i>	<i>All Causes</i>	<i>Rate</i>
2001	10,003,243	499	4.99	542	5.42	14	0.14	1,055	10.55	1,077	10.77
2005	10,100,833	491	4.86	554	5.48	15	0.15	1,060	10.49	1,074	10.63
<i>Trends</i>											
2001-5		-8	-2.6%	12	1.2%	1	6.1%	5	-0.5%	-3	-1.2%

The Michigan State Police have compiled five years worth of data on Michigan’s CPLs. These reports, entitled the *Concealed Pistol Licensure Annual Report*, cover the time period beginning in July 1, 2001 and ending June 30, 2006, and include tallies for all Michigan Penal Code violations committed by CPLs. Because these reports follow a fiscal year, they do not synchronize exactly with the FBI Uniform Crime Reports, which follow the calendar year. In order to diminish sampling error because of this difference, longer periods are averaged to provide a larger continuous sample period.

*NOTE: When reporting on Michigan CPL violation data, to avoid any appearance of skewing violation reporting in favor of CPLs, all charges pending are counted as a conviction. Violations were counted liberally by comparing the definitions given in the Michigan Penal Code with the crime definitions in the FBI Uniform Crime Reporting Handbook. As a result, the CPL crime rates reported here represent the worst-case scenario in terms of relative criminality of CPLs. (For further detail, see Appendix A.)*

*These ground rules should satisfy people’s concerns that “many incidents involving CPL permit holders have not been widely reported”, as every major FBI crime violation recorded by the Michigan State Police is included in this report.*

Comparing the entire 5-year data sample shows that for FBI major crimes, the violation rate for the CPL population is 60.41 per 100,000 population, while the violation rate for the non-CPL population is 3,765.29. This means that for the years 2001-2006, the non-CPL population committed about 75 major crimes for every one committed by a CPL. (See Table 3.)

	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			
<i>Reporting Year</i>	<i>FBI Crimes</i>	<i>Population</i>	<i>Rate</i>	<i>FBI Crimes</i>	<i>Population</i>	<i>Rate</i>	<i>Non:CPL Ratio</i>
2002	16 <sup>12</sup>	52,952 <sup>13</sup>	30.22	389,350 <sup>14</sup>	9,990,269 <sup>15</sup>	3,897.29	128.98
2003	30 <sup>16</sup>	80,469 <sup>17</sup>	37.28	382,085 <sup>18</sup>	10,001,895 <sup>19</sup>	3,820.13	102.47
2004	88 <sup>20</sup>	111,230 <sup>21</sup>	79.12	359,454 <sup>22</sup>	9,992,976 <sup>23</sup>	3,597.07	45.47
2005	85 <sup>24</sup>	110,681 <sup>25</sup>	76.80	368,743 <sup>26</sup>	9,990,152 <sup>27</sup>	3,691.06	48.06
2006	97 <sup>28</sup>	123,360 <sup>29</sup>	78.63	381,032 <sup>30</sup>	9,972,283 <sup>31</sup>	3,820.91	48.59
2002-6 Ave:			60.41			3,765.29	74.71
2004-6 Ave:			78.18			3,703.01	47.36

For CPLs, it is apparent that the violation rates for the years 2002-2003 varied widely from those for the years 2004-2006. The CPL violation rates for 2004-2006 are curiously similar, resulting in an average rate of 78.18, while the non-CPL population remains more consistent across the entire five-year time period. There is no clear explanation as to why the CPL rates changed so much after 2003, and it is not the purpose of this paper to determine why. However, for caution's sake, the most recent three-year period will be used for determining the relative lawfulness of the CPL population group. Even so, for the time period of 2004-2006, the non-CPL population committed about 47 major crimes for every one committed by a CPL. To interpret this another way, had the non-CPL population been as law-abiding as the CPL population, there would have been a 96.2% reduction in the number of FBI major crimes committed for the years 2004-2006.<sup>32</sup>

### **Violent Crime Comparison**

In terms of overall FBI violent crime categories, once again there is the noticeable drop in the ratio between CPLs and the non-CPL population after 2003. As with the overall crime ratios in Table 3, the violent crime rate for CPLs is fairly consistent during the years 2004-2006, averaging 72.15 crimes committed per 100,000 CPLs. The non-CPL population saw an increase of 14.4% in their violent crime rate during the same time period, increasing from 496.91 in 2004 to 568.48 in 2006. The three-year average ratio shows that the non-CPL population commits about 7.5 violent crimes for every one committed by a CPL. (See Table 4.)

<i>Reporting Year</i>	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>FBI Crimes</i>	<i>Population</i>	<i>Rate</i>	<i>FBI Crimes</i>	<i>Population</i>	<i>Rate</i>	
2002	16	52,952	30.22	54,290	9,990,269	543.43	17.98
2003	27	80,469	33.55	51,523	10,001,895	515.13	15.35
2004	81	111,230	72.82	49,656	9,992,976	496.91	6.82
2005	80	110,681	72.28	55,856	9,990,152	559.11	7.74
2006	88	123,360	71.34	56,690	9,972,283	568.48	7.97
2002-6 Ave:			56.04			536.61	11.17
2004-6 Ave:			72.15			541.50	7.51

Between 2002 and 2006, CPLs were convicted of two murders. During this same time period, the non-CPL population committed 3,273 murders. Nevertheless, because of the vast difference in population sizes, one CPL criminal homicide creates a significant rate increase. Therefore, it is calculated that the non-CPL population committed 24.5 murders for every one perpetrated by a CPL between 2004 and 2006. (See Table 5.)

<i>Reporting Year</i>	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>Murders</i>	<i>Population</i>	<i>Rate</i>	<i>Murders</i>	<i>Population</i>	<i>Rate</i>	
2002	0	52,952	0.00	678	9,990,269	6.79	N/A*
2003	1	80,469	1.24	611	10,001,895	6.11	4.92
2004	0	111,230	0.00	643	9,992,976	6.43	N/A
2005	0	110,681	0.00	629	9,990,152	6.30	N/A
2006	1	123,360	0.81	712	9,972,283	7.14	8.81
2002-6 Ave:			0.41			6.55	15.96
2004-6 Ave:			0.27			6.62	24.51

\* Unable to calculate ratio because zero crimes were committed by CPLs.

For the three-year period of 2004-2006, the non-CPL population committed eight rapes for each one committed by a CPL. It should be noted that while the non-CPL rate remained fairly consistent for this time period, the CPL rate saw a one-year jump in 2004 and then returned to a much lower level consistent for the other years. (See Table 6.)

<i>Reporting Year</i>	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>Rapes</i>	<i>Population</i>	<i>Rate</i>	<i>Rapes</i>	<i>Population</i>	<i>Rate</i>	
2002	0	52,952	0.00	5,364	9,990,269	53.69	N/A
2003	2	80,469	2.49	5,468	10,001,895	54.67	22.00
2004	13	111,230	11.69	5,469	9,992,976	54.73	4.68
2005	6	110,681	5.42	5,193	9,990,152	51.98	9.59
2006	3	123,360	2.43	5,266	9,972,283	52.81	21.71
2002-6 Ave:			4.41			53.58	12.16
2004-6 Ave:			6.51			53.17	8.16

Between 2002 and 2006, CPLs were convicted of four robberies. During this same time period, the non-CPL population committed 61,989 robberies. For the most recent three-year period, the non-CPL population committed about 114 robberies for every one perpetrated by a CPL. (See Table 7.)

<i>Reporting Year</i>	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>Robberies</i>	<i>Population</i>	<i>Rate</i>	<i>Robberies</i>	<i>Population</i>	<i>Rate</i>	
2002	0	52,952	0.00	11,847	9,990,269	118.59	N/A
2003	0	80,469	0.00	11,254	10,001,895	112.52	N/A
2004	2	111,230	1.80	11,334	9,992,976	113.42	63.08
2005	0	110,681	0.00	13,348	9,990,152	133.61	N/A
2006	2	123,360	1.62	14,206	9,972,283	142.45	87.87
2002-6 Ave:			0.68			124.12	181.49
2004-6 Ave:			1.14			129.83	113.91

During the most recent three-year period, the non-CPL population committed about 5.5 aggravated assaults for every one committed by a CPL. (See Table 8.)

	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			
<i>Reporting Year</i>	<i>Aggravated Assaults</i>	<i>Population</i>	<i>Rate</i>	<i>Aggravated Assaults</i>	<i>Population</i>	<i>Rate</i>	<i>Non:CPL Ratio</i>
2002	16	52,952	30.22	36,401	9,990,269	364.36	12.06
2003	24	80,469	29.83	34,190	10,001,895	341.84	11.46
2004	66	111,230	59.34	32,210	9,992,976	322.33	5.43
2005	74	110,681	66.86	36,686	9,990,152	367.22	5.49
2006	82	123,360	66.47	36,506	9,972,283	366.07	5.51
2002-6 Ave:			50.54			352.36	6.97
2004-6 Ave:			64.22			351.87	5.48

### **Property Crime Comparison**

In terms of overall FBI property crime categories, there was a decrease in the rate after 2003, although it has risen since. The property crime rate for CPLs varied slightly during the years 2004-2006, although the overall rate remained very low at 6.04 crimes committed per 100,000 CPLs. The non-CPL population saw a slight but gradual increase in their property crime rate during the same time period. The three-year average ratio shows that the non-CPL population commits about 524 property crimes for every one committed by a CPL. (See Table 9.)

	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			
<i>Reporting Year</i>	<i>FBI Crimes</i>	<i>Population</i>	<i>Rate</i>	<i>FBI Crimes</i>	<i>Population</i>	<i>Rate</i>	<i>Non:CPL Ratio</i>
2002	0	52,952	0.00	335,060	9,990,269	3,353.86	N/A
2003	3	80,469	3.73	330,562	10,001,895	3,304.99	886.50
2004	7	111,230	6.29	309,798	9,992,976	3,100.16	492.62
2005	5	110,681	4.52	312,887	9,990,152	3,131.95	693.30
2006	9	123,360	7.30	324,342	9,972,283	3,252.43	445.80
2002-6 Ave:			4.37			3,228.68	739.35
2004-6 Ave:			6.04			3,161.52	523.82

Between 2002 and 2006, CPLs were convicted of four burglaries. During this same time period, the non-CPL population committed 350,149 burglaries. For the most recent three-year period, the non-CPL population committed about 618 burglaries for every one perpetrated by a CPL. (See Table 10.)

<b>Table 10: Michigan CPL Burglary Ratios, 2002-2006<sup>39</sup></b>							
<i>Reporting Year</i>	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>Burglaries</i>	<i>Population</i>	<i>Rate</i>	<i>Burglaries</i>	<i>Population</i>	<i>Rate</i>	
2002	0	52,952	0.00	70,970	9,990,269	710.39	N/A
2003	0	80,469	0.00	68,316	10,001,895	683.03	N/A
2004	2	111,230	1.80	64,231	9,992,976	642.76	357.47
2005	0	110,681	0.00	70,527	9,990,152	705.97	N/A
2006	2	123,360	1.62	76,105	9,972,283	763.17	470.72
2002-6 Ave:			0.68			701.06	1,025.14
2004-6 Ave:			1.14			703.96	617.63

For the three-year period of 2004-2006, the non-CPL population committed about 400 larceny-thefts for each one committed by a CPL. (See Table 11.)

<b>Table 11: Michigan CPL Larceny-Theft Ratios, 2002-2006<sup>40</sup></b>							
<i>Reporting Year</i>	<i>CPL Population</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>Larceny</i>	<i>Population</i>	<i>Rate</i>	<i>Larceny</i>	<i>Population</i>	<i>Rate</i>	
2002	0	52,952	0.00	214,367	9,990,269	2,145.76	N/A
2003	3	80,469	3.73	208,535	10,001,895	2,084.95	559.25
2004	5	111,230	4.50	194,983	9,992,976	1,951.20	434.06
2005	5	110,681	4.52	194,085	9,990,152	1,942.76	430.05
2006	7	123,360	5.67	198,220	9,972,283	1,987.71	350.29
2002-6 Ave:			3.68			2,022.48	549.13
2004-6 Ave:			4.90			1,960.56	400.46

Because CPLs committed zero motor vehicle thefts for the years 2002-2006, it is impossible to determine a ratio with the non-CPL population, which committed 252,310 crimes during this same time period. (See Table 12.)



<i>Reporting Year</i>	<i>Concealed Pistol Licensees</i>			<i>Non-CPL Population</i>			<i>Non:CPL Ratio</i>
	<i>MV Theft</i>	<i>Population</i>	<i>Rate</i>	<i>MV Theft</i>	<i>Population</i>	<i>Rate</i>	
2002	0	52,952	0.00	49,723	9,990,269	497.71	N/A
2003	0	80,469	0.00	53,711	10,001,895	537.01	N/A
2004	0	111,230	0.00	50,584	9,992,976	506.20	N/A
2005	0	110,681	0.00	48,275	9,990,152	483.23	N/A
2006	0	123,360	0.00	50,017	9,972,283	501.56	N/A
2002-6 Ave:			0.00			505.14	N/A
2004-6 Ave:			0.00			496.99	N/A

### **Determining the “CPL Effect”**

In 1996, the Department of Justice published a report entitled *Victim Costs and Consequences: A New Look*, wherein they calculated how much each type of crime victimization cost society in terms of medical, emotional, social, and work-related costs. Their cost estimates were based upon 1993 dollars, so Table 13 recalculates each FBI crime category to reflect 2002-2006 dollar values. For example above, one murder cost society \$4,101,758 in 2006, including law enforcement, medical, insurance, lost productivity, and less easily quantified costs such as quality of life.

The “CPL Effect” can be calculated using the ratios from Tables 5-8 and 10-12. Combining these with the cost estimates from Table 13, it is possible to calculate the actual total cost of each crime category and the estimated cost of crime if the entire population were as law-abiding as CPLs. The difference is the estimated savings accrued due to the “CPL Effect”.

<i>Estimated Cost</i>	<i>Murder</i>	<i>Rape</i>	<i>Robbery</i>	<i>Aggravated Assault</i>	<i>Burglary</i>	<i>Larceny</i>	<i>MV Theft</i>
1993 <sup>41</sup>	\$2,940,000	\$87,000	\$8,000	\$24,000	\$1,400	\$370	\$3,700
2002 <sup>42</sup>	\$3,660,249	\$108,313	\$9,960	\$29,880	\$1,743	\$461	\$4,606
2003	\$3,743,668	\$110,782	\$10,187	\$30,561	\$1,783	\$471	\$4,711
2004	\$3,843,363	\$113,732	\$10,458	\$31,414	\$1,830	\$484	\$4,837
2005	\$3,973,578	\$117,585	\$10,812	\$32,437	\$1,892	\$500	\$5,001
2006	\$4,101,758	\$121,379	\$11,161	\$33,484	\$1,953	\$516	\$5,162

Table 14 shows these calculations, plus the total costs of these crimes for the years 2002-2006 and the estimated savings if the entire population were as law-abiding as CPLs. (Charts for each year by crime category are available in Excel spreadsheet format, which is available upon request.)

<i>Year</i>	<i>Total Crime</i>	<i>Cost of Crimes</i>	<i>CPL Effect</i>	<i>New Cost</i>	<i>% Reduction</i>
2002	\$389,366	\$4,720,323,869	\$4,630,086,538	\$90,237,331	98.09
2003	382,115	4,530,422,255	3,945,386,529	585,035,726	87.09
2004	359,542	4,682,448,013	4,360,463,172	321,984,841	93.12
2005	368,828	4,919,313,032	4,638,240,553	281,072,479	94.29
2006	381,129	5,456,897,342	4,870,527,579	586,369,763	89.25
Totals	1,880,980	24,309,683,046	22,444,704,370	1,864,700,140	92.33
2002-6 Ave:	376,196	4,861,880,902	4,488,940,874	372,940,028	92.33
2004-6 Ave:	369,833	5,019,552,796	4,623,077,101	396,475,694	92.10

If everybody were as law-abiding as CPLs during the years of 2004-2006, there would have been a 92.1% decrease in the cost of the seven major violent and property FBI crimes alone. Currently, Congress is completing a plan to provide tax rebates to working taxpayers of at least \$300.<sup>43</sup> In this context, the “CPL Effect” for 2006 is equivalent to a tax rebate of \$482.44 for each Michigan resident.

It should not be surprising that concealed carry licensees are more law-abiding than the general population: They must successfully complete a pistol safety training course and must be certify they are law-abiding before being entrusted with such responsibility.<sup>44</sup>

### **Conclusion**

This review has attempted to place Michigan’s Concealed Pistol Licensees in the worst possible light in terms of relative criminality. Because of the significant increase in overall CPL violation rates after 2003, data from 2002 and 2003 was omitted when comparing CPLs to the non-CPL population, even though these two years were tabulated and reported by the Michigan State Police using the same criteria as later years. Also, the non-CPL population numbers include infants under four years of age, which distributes the FBI crime numbers over a larger population than that which committed the crimes, lowering violation rates for that group. Finally, the Michigan State Police *Concealed Pistol Licensure* reports include violation data where the CPL has not been adjudicated yet, but all pending cases were counted as a conviction in this paper, possibly making CPL violation rates unrealistically high.

Nevertheless, calculations show that for the three-year period of 2004-2006:

- For every FBI major crime committed by a CPL, 47 are committed by a non-CPL.
- For every FBI violent crime committed by a CPL, 7-8 are committed by a non-CPL.
- For every FBI property crime committed by a CPL, 524 are committed by a non-CPL.
- Had the non-CPL population been as law-abiding as the CPL population, there would have been a 96.2% decrease in the number of violations and a 92.1% reduction in the cost of the seven FBI major crimes alone.

It is difficult, from these numbers, to verify any claim that CPLs are the cause of Michigan's increase in overall crime, and even more difficult to assert that CPLs are causing an increase in violent crime because they are "the most aggressive people in society".

# Appendix A – Crime Definitions

In order to avoid minimizing the criminality of CPLs, the “benefit of the doubt” test was used when determining whether to count an offense recorded in the Michigan State Police (MSP) *Concealed Pistol Licensure* reports. For example, as noted below under “Rape and Sexual Assault”, all relevant Michigan penal codes in the MSP reports were counted as rape convictions, even though the FBI excludes statutory rape and some other sexual offenses. This “worst-case” approach insures that the final ratios of criminality between CPLs and the non-CPL population are either accurate or skewed in favor of the non-CPL population.

## **Criminal Homicide**

The FBI does not include traffic fatalities, so these are excluded in this study.<sup>45</sup>

## **Rape and Sexual Assault**

The FBI defines forcible rape as: “The carnal knowledge of a female forcibly and against her will.”<sup>46</sup> Attempted forcible rape is also included: “Assaults or attempts to forcibly rape are classified as Attempts to Commit Forcible Rape.”<sup>47</sup>

The FBI excludes other forms of sexual assault if the victim was not forced: Agencies must **not** classify statutory rape, incest, or other sex offenses, i.e. forcible sodomy, sexual assault with an object, forcible fondling, etc. as Forcible Rape (2a or 2b). The UCR Program applies the following definitions:

- Statutory rape–nonforcible sexual intercourse with a person who is under the statutory age of consent.
- Incest–nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

However, if the female victim associated with either offense, statutory rape or incest, is forced against her will to engage in sexual intercourse, the incident must be classified as Rape by Force.<sup>48</sup>

For this study, *all* Michigan criminal sexual conduct violations are included under the category of rape.<sup>49</sup>

## **Robbery**

The FBI defines robbery as:

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.<sup>50</sup>

Home invasion violations as defined by Michigan Penal Code are included as robbery.<sup>51</sup>

# Appendix A – Crime Definitions

## **Aggravated Assault**

The FBI defines aggravated assault as:

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.<sup>52</sup>

The FBI Uniform Crime Reporting Handbook notes:

Occasionally, it is the practice of local jurisdictions to charge assailants in assault cases with assault and battery, disorderly conduct, domestic violence, or simple assault even though a knife, gun, or other weapon was used in the incident. This type of offense must be reported to the UCR Program as aggravated assault (4a–4d).<sup>53</sup>

Therefore, under Michigan Penal Code, any violation of Assault & Battery<sup>54,55</sup>, Assault with a dangerous weapon<sup>56</sup>, Felonious Assault<sup>57</sup>, Assault with intent to do great bodily harm<sup>58</sup>, Torture<sup>59</sup>, or domestic violence<sup>60</sup> is included as an Aggravated Assault. The only exception is the Disorderly Person under statute 750.167, which does not constitute an aggravated assault because the victim suffered no serious injury. It covers violations such as neglecting or refusing to support one’s family, prostitution, loitering, public intoxication, and jostling or crowding others in a public place.<sup>61</sup>

## **Burglary**

The FBI defines burglary as “Breaking or Entering”.<sup>62</sup> All B&E incidents are counted as burglaries.

## **Larceny**

The FBI considers theft from an automobile—where the auto itself was not stolen—to be a larceny-theft.<sup>63</sup> Retail fraud violations are counted as larcenies.<sup>64</sup>

## **Motor Vehicle Theft**

For the five-year reporting period included in this report, there were zero motor vehicle thefts committed by CPLs.

(Note: All Michigan Penal Codes accessed through the Michigan Legislature Website at [http://www.legislature.mi.gov/\(S\(ftxj0kykhal1kzuasr0rwokzy\)\)/mileg.aspx?page=home](http://www.legislature.mi.gov/(S(ftxj0kykhal1kzuasr0rwokzy))/mileg.aspx?page=home))

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<sup>6</sup> Michigan House Bill 5143, September 7, 2005.

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<sup>16</sup> Criminal Justice Information Center, *Concealed Pistol Licensure Annual Report, July 1, 2002 to June 30, 2003*, Michigan State Police. [http://www.michigan.gov/documents/CCWAnnualReport\\_75775\\_7.pdf](http://www.michigan.gov/documents/CCWAnnualReport_75775_7.pdf)

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- <sup>31</sup> Ibid. Non-CPL population derived by subtracting total CPLs from Michigan population on Table 4.
- <sup>32</sup> Additional calculations are included in the Excel workbook upon which this report is based. All source data from FBI and Michigan State Police reports, which are all available online. Workbook is available upon request.
- <sup>33</sup> Uses corresponding references from Table 3. (See notes 12-31)
- <sup>34</sup> Uses corresponding references from Table 3. (See notes 12-31)
- <sup>35</sup> Uses corresponding references from Table 3. (See notes 12-31)
- <sup>36</sup> Uses corresponding references from Table 3. (See notes 12-31)
- <sup>37</sup> Uses corresponding references from Table 3. (See notes 12-31)
- <sup>38</sup> Uses corresponding references from Table 3. (See notes 12-31)
- <sup>39</sup> Uses corresponding references from Table 3. (See notes 12-31)
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- <sup>42</sup> Annual dollar amounts adjusted using the Bureau of Labor Statistics *Inflation Calculator* web page. <http://data.bls.gov/cgi-bin/cpicalc.pl>
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- <sup>48</sup> Ibid, page 20.
- <sup>49</sup> Section 750.520a, Michigan Penal Code (Excerpt), Legislative Council, State of Michigan, Copyright © 2007. [http://www.legislature.mi.gov/\(S\(p5w2ygqfahxv1kjjoqfhdb45\)\)/mileg.aspx?page=GetObject&objectname=mcl-750-520a-amended&queryid=21563666](http://www.legislature.mi.gov/(S(p5w2ygqfahxv1kjjoqfhdb45))/mileg.aspx?page=GetObject&objectname=mcl-750-520a-amended&queryid=21563666)



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