

Domestic
Violence
Stalking
Date Rape

an information and resource guide

Dear Friends:

Domestic violence, stalking and date rape are all serious crimes. Michigan's lawmakers have taken a leadership role in enacting positive legislation to ensure the safety of each and every Michigan citizen. New laws and the efforts of individuals and organizations concerned about these issues have resulted in more rights for victims and little leniency for offenders.

This booklet is a comprehensive resource guide to assist battered women, victims of date rape and those threatened by stalkers.

The publication defines the crimes, outlines relevant legislation, suggests preventative measures, provides listings for emergency services, and gives legal direction for reporting these crimes to the proper authorities. It is my hope that this booklet will be of great value to you.

TABLE OF CONTENTS

DOMESTIC VIOLENCE

| | |
|--|---|
| Introduction | 1 |
| Defining the Problem | 1 |
| Why It Is So Difficult To Leave | 2 |
| Dynamics of Abuse in Families | 2 |
| Shelter Services for Women and Children | 3 |
| Programs for Abusive Men | 4 |
| Michigan's Legal Response to Domestic Violence | 4 |
| How to Help | 8 |
| Helpful Suggestions for Battered Women | 9 |

UNDERSTANDING MICHIGAN'S ANTI-STALKING LAWS

| | |
|---|----|
| Stalking Is a Serious Crime | 11 |
| Stalking Is Widespread | 11 |
| Michigan's Definition of Stalking | 11 |
| Stalking Takes Many Forms | 11 |
| Michigan Laws That Protect Stalking Victims | 12 |
| Precautionary Measures for Stalking Victims | 13 |
| What to Do If You Are Being Stalked | 13 |

DATE RAPE

| | |
|---|----|
| Some Things You Should Know About Date Rape—An Introduction | 15 |
| Date Rape Happens and Happens Often | 15 |
| You Can Avoid Becoming a Victim of Date Rape | 15 |
| What to Do If Your Date Rapes You | 16 |
| Date Rape Happens to All Kinds of Girls—Two Case Studies | 17 |
| Examples of When Date Rape May Have Occurred | 17 |
| A Message to Young Men | 18 |

RESOURCE GUIDE—DOMESTIC VIOLENCE SHELTERS 19

FOR FURTHER ASSISTANCE 22

REFERENCES 22

Prepared by the Michigan Legislature

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DOMESTIC VIOLENCE

INTRODUCTION

Domestic violence is such a pervasive crime that it occurs at least once in two-thirds of all marriages (Roy, 1982). Almost 4 million women were physically abused by their husbands or boyfriends in 1992 (The Commonwealth Fund, 1993). Many will experience it repeatedly, and some will die as a result. Abusive attacks can be physical, emotional, or verbal. Domestic violence occurs among all races and socioeconomic groups (Schulman, 1979).

Domestic violence is not a new problem. It is, however, a serious societal problem with far-reaching ramifications. Everyone in the immediate family is affected, including children who mistakenly learn to accept violence as a normal part of adult relationships (Straus, Gelles & Steinmetz, 1980). Generally, abusers continue to batter unless apprehended, convicted, and successfully treated. Even if a partner leaves, many abusers continue to harass, threaten and assault. If an abuser becomes involved with someone else, without intervention his or her battering tactics will continue.

As one of the most serious and underreported crimes affecting our society today, domestic violence exacts high cost to a community (Stark & Flitcraft, 1982). Police intervention, court costs, medical expenses, shelter services, and time lost from the workplace due to injury add up to billions of dollars each year. Even greater is the high price paid in lives lost to murder, suicide, and justified killing in self-defense.

Public acknowledgement of domestic violence has been slow in coming because of long-standing beliefs against "interfering" in family matters. As a result, services specifically for battered women and their children did not develop until the early 1970s. Today, there are over 45 domestic violence service programs in Michigan, but some areas are still underserved.

The Michigan Coalition Against Domestic and Sexual Violence (MCADSV) was established in 1978 to speak on behalf of battered women statewide. Comprised of shelters, service providers, and other concerned individuals, MCADSV is now part of a national movement working to stamp out the abuse of women by increasing awareness and coordinating the exchange of skills, information, and resources.

In 1978, the Michigan State Legislature enacted the first of several aggressive statutes dealing with the plight of domestic violence victims. Legislation established the governor-appointed Domestic Violence Prevention and Treatment Board within the Family Independence Agency to address domestic violence. The Board administers state and federal funds appropriated to support community-based shelter, counseling, and advocacy services and works collaboratively to develop and implement policies and training for professionals in law enforcement, prosecution, the courts and human services. In 1994, many public acts imposing even more stringent laws were passed, making our state a leader in the fight against domestic violence.

This section of the booklet covers the dynamics of abusive relationships and includes services available through domestic violence programs. In addition, state laws pertaining to domestic violence and its victims are summarized. Please refer to the resource guide section at the end of the booklet for a listing of available shelters and crisis lines.

DEFINING THE PROBLEM

The most common form of domestic violence is the abuse of women by husbands, ex-husbands, or current or former intimate partners (Browne & Williams, 1987; Stark, 1981). Battering occurs among all economic, educational, ethnic, racial, and

religious groups (Schulman, 1979). Several terms are used to describe domestic violence against women, including spouse or wife abuse, and woman abuse. Victims are also referred to as abused or battered women, or as survivors of domestic violence. Abusive men are referred to as abusers, batterers, perpetrators, or assailants.

In the broadest sense, domestic violence is the abuse of an individual in the same family or household, or with whom the partners have a child in common, and may include abuse of children, siblings, and the elderly. Domestic violence also includes the abuse of an individual in a dating or sexually intimate relationship.

Women are 10 times more likely than men to be victims of violence inflicted by their intimate partners (Bureau of Justice Statistics, 1994). Many women receive serious injuries from the men who batter them. More than one million brutalized women seek medical help for injuries caused by battering each year (Stark & Flitcraft, 1982). Domestic violence is often fatal. A Federal Bureau of Investigation report on crime in 1995 found that 26 percent of all murder victims were known to have been killed by their husbands or boyfriends. Just 3 percent of male murder victims were known to have been killed by their wives or girlfriends (Family Violence Prevention Fund, 1997).

The abuse of women can involve physical violence as well as emotional and verbal abuse. The purpose is to exert power and maintain control over the victim. The abuse results in a victim who is terrorized in her own home. Once the abuse begins, it escalates and becomes more frequent, more severe, and more damaging, both physically and emotionally.

In some cases, men are battered by women. The domestic violence programs listed in the back of this book offer services to any person who is victimized in a relationship. We often use the terms “woman abuse” or “battered woman” because the vast majority of victims are women. The only thing to remember is to call your local shelter if you are in need of help.

WHY IT IS SO DIFFICULT TO LEAVE

Battered women are not masochistic.

Once caught in the web of an abusive relationship, it is very difficult to escape or change the abusive pattern.

Many battered women do leave abusive relationships, but several obstacles make breaking away difficult. Economic and emotional dependency, lack of work experience, and no support from family or friends are among the main obstacles abused women encounter. Many abused women also lack the necessary information regarding shelters and other available options.

Some abused women often face the prospect of a much lower standard of living, while others may still love the abuser during nonviolent times. When children are involved, there may be a hesitancy to leave or separate them from a parent considered to be a good father.

Frequently, battered women experience a nagging guilt—often preyed upon by others—that they are responsible for keeping the family together at all costs. Some women are immobilized by fear. Many batterers threaten to hunt down their victims in order to maim or kill them. Some batterers are actually more dangerous when faced with the possibility, or reality, of separation from their partners. The threat to hunt down a victim is real. Some abused women know that if they leave, they must never be found if they are to remain safe.

Battered women are true survivors. They have courageously persevered through incredibly difficult, often life-threatening, situations.

DYNAMICS OF ABUSE IN FAMILIES

In most households where abuse occurs, family members live with mounting tension that erupts into terror with every violent incident.

Sometimes there is a period of calm following the violence. Batterers may beg for forgiveness and promise not to do it again. The woman is given a

false sense of hope that things may change. But the cycle continues, and the tension mounts toward another assaultive incident. In some homes the tension is ever-present, and there is no calm period.

The physical injuries inflicted on women are devastating, but the other effects of abuse may be just as harmful. The isolation that most battered women experience is extreme. The batterer is jealous and threatened by relationships the woman has with family and friends. He often finds fault with anyone who is close to the woman, including her female friends. Even though his job may prevent him from being with her constantly, his threats of harm often effectively prevent her from associating with family and friends during his absence. Working outside the home may be forbidden to her, even though the family needs a second income. If she is allowed to work outside the home, he may still make efforts to control her by driving her to and from work and calling frequently on the phone.

Batterers are skillfully clever at placing blame for abuse directly on their victims. It is simply a matter of time until women begin to feel responsible for the abuse. The result is a profound sense of guilt and shame.

Batterers may feel powerless in the world outside their homes. The one environment where they feel perfectly safe from repercussions is in the home. Some batterers actually believe it is their right and responsibility to “discipline” their partners. Rarely do they see their behavior as abusive, and almost all deny they have a problem.

Batterers frequently blame alcohol or drugs. However, studies indicate that substance abuse is not the reason for violence nor the cause of assaults (Sonkin, Martin & Walker, 1985; Rogan, 1985; Flanzer, 1984; Walker, 1984; Wright & Popham, 1982). Batterers who discontinue using controlled substances almost always continue to be abusive. Domestic violence and alcohol/substance abuse are separate problems and each requires its own specialized treatment program.

Abusers are frequently manipulative in all their relationships. Many have mastered verbal persuasiveness and are often described as

“charming” by others. Outside observers may have difficulty seeing through the batterer’s false exterior and refuse to believe the individual is actually physically abusive. This places an additional burden on women who feel the need to “prove” their allegations.

Probabilities are high that batterers were raised in violent homes (Straus, Gelles & Steinmetz, 1980). Usually, the individual was abused, witnessed violence between parents, or both. Battered women, however, are less likely to come from violent families.

The abuse of women takes its toll on every member of the household. Children growing up in homes where abuse occurs may be confused and feel caught in the middle. Problems may arise such as poor performance in school, aggressive behavior in relationships with peers and family members, and poor self-images (Jaffee & Edelson, 1995). Children may even feel some responsibility for the abuse.

Children who grow up in violent homes are also victims.

Children in families where there is wife abuse suffer higher rates of abuse than in other families (Layzer, 1986). Some children attempt to protect their mothers. As a result, the child may be injured while “getting in the way” of an assault. Other children may identify with the batterer and become abusive to their mother and siblings.

Even if children are not involved or do not witness the abuse firsthand, they are almost always aware of it. Statistics prove that little hope exists for these children to provide an abuse-free home for their children (Straus, Gelles & Steinmetz, 1980). After all, they are learning early that abuse is a normal part of an adult relationship.

SHELTER SERVICES FOR WOMEN AND CHILDREN

Many domestic violence programs in Michigan provide services for battered women and their children. While each program may vary in size, all share the primary purpose of providing safe, short-

term housing. These shelters also provide time to consider options and plan futures.

In addition to temporary housing, shelters offer services, including crisis intervention, social services referrals, financial assistance, legal alternatives, health care, housing, and employment assistance. Many shelters also offer special children's programs and help make educational arrangements so that children may attend school while living in safety.

Shelters help break down the isolation barrier for women who have experienced destructive relationships. Many women find life-sustaining support from other shelter residents, and it often continues after leaving the shelter environment.

A battered woman in need of shelter can reach the nearest domestic violence program by calling the crisis line listed in the resource guide at the back of this booklet. Services will be provided to anyone who is victimized.

If an assault is occurring the police should be called to intervene. A new law now requires police to provide victims of assault with information about shelters and other community resources.

Some women may not want or need shelter, but do want supportive services or counseling. Most shelters will provide these services or refer a battered woman to others that have a trusted reputation, even if a victim does not stay.

Traditionally, society has blamed the victim.

A battered woman seeking help is entitled to respectful treatment from all counselors and staff members of human service programs. However, it should be noted that since domestic violence has only gained public attention during the last 15 years, not all social service, counseling, and mental health agencies, or the clergy, are trained to work with battered women. Some may respond to the situation inappropriately or blame the victim for the abuse. Marriage or couples counseling is usually ineffective unless the counselor is also trained in dealing with abusive men.

A battered woman's safety and health should be given top priority. This is more important than preserving the relationship. If she receives less, she should seek help elsewhere.

PROGRAMS FOR ABUSIVE MEN

Men who are abusive can stop abusing if they desire to change. In some areas, treatment services for men are provided by the local shelter. If not, the shelter may be able to recommend a reputable program. It is generally recognized that successful programs combine individualized counseling and group work with other abusers. Changing abusive behavior is a long process, and programs usually last a minimum of six months. Most programs, however, continue to work with an abuser as long as necessary to bring about positive change.

While it takes a substantial period of time for batterers to make permanent changes in their behavior, programs require that participants stop their violent behavior upon entry into the program, if not before.

Abusers seek help in treatment programs for various reasons. Some are in treatment programs as a result of a court order. Counseling can be mandated as a condition of probation sentences for an assault conviction. Others may enter a program to convince a partner who has left the home of their intention to change.

Legal penalties also can serve to motivate men who otherwise would not be interested in stopping their violent behavior. Men who truly wish to change their behavior, however, will experience the most success in a treatment program. Those who do not wish to change usually will not experience any meaningful progress in a treatment program for batterers.

MICHIGAN'S LEGAL RESPONSE TO DOMESTIC VIOLENCE

Since 1978 several laws have been enacted by the Michigan Legislature that specifically address the problem of domestic violence. A summary of

these laws and information on filing criminal charges follows.

ASSAULT ARRESTS WITHOUT A WARRANT

Michigan Compiled Laws (MCL) 764.15a; 764.15b

Police officers may arrest an individual for misdemeanor assault if there is reasonable cause to believe an assault is taking place or has taken place, or if the individual is in violation of the terms of a personal protection order. The person who committed the offense must be the spouse, former spouse, a person residing or having resided in the same household as the victim, a person who has a child in common with the victim, or (only if a personal protection order has been issued and served upon the abuser) a person who has a dating relationship with the victim. The officer may make the arrest without having witnessed the assault and without a warrant. An officer who witnesses an assault may make an arrest without a warrant regardless of any relationship between attacker and victim.

VICTIMS INFORMED OF SERVICES

MCL 764.15c

A police officer intervening in a domestic assault must provide the victim with a printed statement containing information about shelter programs and other services in the community, as well as information regarding the victim's legal right to obtain a personal protection order against the abuser. The statement must also advise the victim of the name and telephone number of the responding police agency, the name and badge number of the responding police officer, and directions on how to obtain a copy of the police report.

In addition, police officers must complete and file a domestic violence incident report after investigating a domestic dispute or a report of domestic violence. The report must include time, place, victim, suspect, existence of a personal protection order, witnesses, weapon used, and description of any injuries, etc., and must be sent to the prosecutor's office within 48 hours.

PERSONAL PROTECTION ORDERS

MCL 552.14; 600.2950; 600.2950a

A victim of assault or stalking may obtain a personal protection order to restrain the person who committed the offense from doing one or more of the following:

- 1) entering onto premises;
- 2) assaulting, beating, molesting, or wounding the victim;
- 3) threatening to kill or physically injure the victim;
- 4) removing minor children from the person having legal custody in violation of a custody or parenting time order issued by the court;
- 5) engaging in stalking behavior;
- 6) purchasing or possessing a firearm;
- 7) interfering with the victim's efforts to remove the victim's children or personal property from premises solely owned or leased by the person to be restrained;
- 8) harassing or interfering with the petitioner at his or her place of employment;
- 9) any other specific act or conduct that interferes with personal liberty or that causes a reasonable apprehension of violence.

The personal protection order may be obtained regardless of marital status as long as the victim and abuser resided in the same household at some time, have a child in common, or have had a dating relationship. The services of an attorney have been needed in the past to prepare the papers to petition the court for the injunction. Now, the circuit court must provide standardized forms to make it easier to obtain a personal protection order and may provide assistance in completing the forms. You may also contact your local domestic violence shelter for assistance.

The court must issue a personal protection order if there is reasonable cause to believe that the individual to be restrained or enjoined may commit one or more specified acts (numbered 1-9 in the "Personal Protection Orders" section of this brochure), or state in writing the specific reasons why an order was refused. A personal protection

order may not be made mutual unless separate orders are issued on the basis of petitions by both parties. ***A personal protection order is effective immediately and instantly enforceable anywhere in Michigan when signed by the judge.***

Whether the order has been served or not, the court clerk is directed to send it to the designated law enforcement agency when the judge signs it. The clerk must give the petitioner two (2) true copies. It is important to keep a true copy of the order with you at all times. The police are allowed to enforce a personal protection order if they either have a copy of it, see a copy of it, or learn of its existence through the Law Enforcement Information Network (LEIN). However, it is still advisable to keep extra copies so police can quickly be advised of its terms. Any law enforcement agency receiving a copy of the order must immediately enter it into the Law Enforcement Information Network (LEIN).

VIOLATIONS OF A PERSONAL PROTECTION ORDER

MCL 600.2950; 600.2950a; 764.15

If an individual has not been personally served with a copy of the personal protection order, a law enforcement agency responding to a domestic violence call must either serve the enjoined individual with a copy of the order, or advise the individual that the order exists. Additionally, the attacker or stalker must be told how to obtain a copy of the order, what conduct is prohibited, the penalties imposed for violation of the order, and what is necessary to comply. If an individual fails to comply, law enforcement officers can make an arrest for violation of the order.

If an individual has been personally served, a police officer may make an arrest without a warrant if the officer has reasonable cause to believe that any or all prohibitions of a personal protection order have been violated. If found guilty, the individual shall be imprisoned for not more than 93 days and may be fined not more than \$500.

A prosecutor, in the absence of a good cause showing, must prosecute criminal contempt

proceedings initiated by the court in response to a violation of a personal protection order, unless the victim chooses to retain private counsel for the prosecution.

PROOF OF SERVICE

MCL 600.2950; 600.2950a

Even though a personal protection order is immediately effective when signed, it is still important to serve notice on the individual to be restrained, either personally (someone other than the victim should serve notice) or by registered or certified mail, return receipt requested, delivery restricted to the addressee. Personal service may also be accomplished by serving the violator's attorney of record. The clerk of the court must immediately notify the law enforcement agency that the order has been served. Again, it is important to keep one or more true copies of the order with you at all times.

COURT-ORDERED COUNSELING FOR ASSAULT VIOLATORS

MCL 769.4a

If a person pleads or is found guilty and does not have previous domestic assault convictions, the court may defer entry of the judgment of conviction and place the offender on probation with specified terms and conditions that may include counseling. There may only be one discharge and dismissal pursuant to this section. This provision may be utilized only with the consent of the offender and the prosecuting attorney, in consultation with the victim. In addition, the court must revoke probation and impose sentence if, during probation, the offender assaults anyone or violates the court order to receive counseling or to have no contact with the victim.

SIMPLE AND AGGRAVATED DOMESTIC VIOLENCE

MCL 750.81-750.81a

Simple domestic assault is defined as: an assault or assault and battery committed against a current or former spouse, an individual with whom the defendant has had a child, or a current or former

resident of the offender's household. The first offense is a misdemeanor punishable by imprisonment for up to 93 days and/or a \$500 fine. The second offense is a misdemeanor punishable by imprisonment for up to 1 year and/or a \$1,000 fine. The third or subsequent offense is a felony, punishable by imprisonment for up to 2 years and/or a \$2,500 fine.

Increased penalties are provided for aggravated domestic assault, defined as an assault without a weapon which inflicts serious or aggravated injury. The first offense is a misdemeanor punishable by imprisonment of up to 1 year and/or a \$1,000 fine. The second and subsequent offenses are felonies punishable by imprisonment for up to 2 years and/or a \$2,500 fine.

CRIME VICTIM'S RIGHTS ACT

MCL 780.751-780.834

This statute establishes certain protections and rights that allow victims of crimes committed in the state to be active participants in the criminal justice process. It requires that child abuse and sexual assault cases be given priority and brought to trial as quickly as possible. Among the act's many provisions are the victim's right to make an impact statement at sentencing and to participate in parole board proceedings. The law defines a victim as someone who suffers direct or threatened physical, financial, or emotional harm as the result of a crime. Crimes covered by the act include felony violations and serious misdemeanors committed by both adult and juvenile offenders.

CRIME VICTIM'S RIGHTS CONSTITUTIONAL AMENDMENT

MI Constitution. Article I Section 24

Many of the protections and rights guaranteed by the Crime Victim's Rights Act became part of the Michigan Constitution when voters passed a constitutional amendment in 1988. These protections include the right to restitution, notification of court proceedings, fair treatment, and protection from the accused.

SPOUSAL RAPE LAW

MCL 750.520i

Public Act 138 of 1988 amended Michigan's criminal code to provide that a person to be charged with and convicted of criminal sexual conduct "even though the victim is his or her legal spouse."

COMPENSATION FOR INJURED CRIME VICTIMS

MCL 18.354

Certain personal injury crime victims may receive financial compensation for particular losses resulting from the crime. A victim of domestic assault may be eligible for assistance under this statute. Personal injury crimes include those in which the victim suffers actual bodily harm, including pregnancy resulting from a crime such as rape.

FILING CRIMINAL CHARGES AGAINST THE ABUSER

An assault victim has the right to request the prosecutor to file criminal charges against the person who committed the assault. The charge will vary depending on the severity of the assault and the injuries sustained by the victim. The police department in the area where the assault occurred will conduct an investigation concerning the assault. The final decision to charge rests with the prosecuting attorney. (Depending upon the facts of the case and local policies, the matter may be pursued as an ordinance violation and the city, village, or township attorney will make the final decision to charge.) A victim may also pursue the case as a civil matter and obtain a personal protection order at the same time. Victims may wish to consult an attorney to investigate the viability of a civil lawsuit for money damages against the abuser, although in many cases a lawsuit will not be a useful alternative due to the abuser's inability to pay.

SIGNING THE COMPLAINT

MCL 764.1a

In addition to a domestic violence victim being able to sign and file a complaint, another person,

such as a police officer, may be permitted to file a complaint instead and have a magistrate issue a warrant.

DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD

MCL 400.1501-400.1510

The Domestic Violence Prevention and Treatment Board (DVPTB) is a seven-member body appointed by the governor to fund and monitor shelter programs. State funding for shelter programs may be applied for each fiscal year. A 1986 amendment to the act raised the funding ceiling per shelter from \$55,000 to \$75,000.

The DVPTB supports a resource library that loans books, films, and other educational materials addressing the domestic violence issue. It also supports the Michigan Coalition Against Domestic Violence which provides technical assistance to shelters.

DOMESTIC ASSAULT DATA COLLECTION

MCL 28.257

The chief of police or the sheriff of each city, village, township, and county law enforcement agency is required to report detailed domestic assault information to the Department of State Police. The report must include the number of crimes handled and any other statistics necessary to calculate accurate and reliable domestic assault incidence rates in Michigan.

PEACE BONDS

MCL 772.1 et seq.

In 1994, revisions updated the procedure for obtaining and enforcing peace bonds. Peace bonds may be useful in domestic violence cases because the court may order an assaultive person to post bond and refrain from contact with the victim or risk a fine and incarceration for breaking the peace bond. The new act eliminates involvement on the part of a prosecutor to obtain a peace bond, allows the offender to post a bond without a hearing, extends from two years to five years the time a

bond can apply, and allows a police officer to make an arrest for violations of a peace bond.

MANDATORY POLICE POLICY

MCL 776.22

All police agencies must have written policies for police officers to follow when responding to domestic violence calls. The procedures must, among other things, emphasize that a police officer should arrest and take an individual into custody if the officer has probable cause to believe the individual is committing or has committed domestic violence.

In all 50 states, battering is a crime!

HOW TO HELP

Concerned individuals and organizations can do several things to help domestic violence victims:

- Read and become more knowledgeable about domestic violence. Help educate others and dispel myths. Contact your local library or the Resource Center on Domestic and Sexual Violence, which houses a lending library of books, films and videotapes. This resource center is located in Lansing, is open to the public, and will mail requested materials. Call: **(517) 335-6404**
- Make a financial contribution to the shelter in your area or to the Michigan Coalition Against Domestic Violence in support of services and statewide advocacy for battered women.
- Volunteer to help at your local shelter. It needs volunteers for the numerous tasks that keep its programs viable.
- Call the shelter in your area to see what donations are needed. Most shelters depend on contributions of towels, linens, diapers, toiletry supplies, certain food items, and toys for children. Check their “wish list.”

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- Become aware and involved. Offer support if you know of a woman who is battered. Be available to listen and inform her of available options.

If you are a battered woman, the following suggestions may be helpful:

- Remember that you are not to blame for the abuse, and you are not alone. Use the shelter in your area as a resource. Explore your options and make informed decisions about your future.
- You have legal rights. You may file for a personal protection order and/or file criminal charges if you are assaulted. You also have the right to police protection and, if dissatisfied with your treatment, you may file a complaint with the police department.
- You have developed important skills as a survivor of domestic violence. You deserve to be treated with dignity and respect by all social service and criminal justice personnel, or counselors.
- Plan ahead and be prepared if you are thinking of leaving an abusive relationship. Locate important documents such as marriage license, birth certificate, and social security card. Keep these in a safe place, and know where to find them quickly. If you have time, try to take them with you when you leave.
- Plan to take other important items in case you are away for an extended period of time. Set aside such things as medications and prescriptions, checkbook, money, credit cards, and a few sets of clothing for yourself and your children.
- If you think you might want to file criminal assault charges, try to preserve any evidence, such as a physician's report for medical care related to the abuse. If possible, have pictures taken of bruises, cuts, or other injuries for use in court proceedings.
- Memorize the crisis phone number of the shelter nearest you, or keep it in a safe place so you will have it if you need it.

(Please refer to the directory at the end of this booklet for resources and important telephone numbers.)

UNDERSTANDING MICHIGAN'S ANTI-STALKING LAWS

STALKING IS A SERIOUS CRIME

Almost everyone has read and heard about tragic cases involving high-profile celebrities and other innocent people who were followed and harassed by obsessed fans, former spouses or acquaintances with unhealthy obsessions.

Assailants often embark on long-term, calculated campaigns of harassment that threaten the safety of their targets, their families, and property. Despite widespread media coverage that celebrities are given when victimized by obsessed fans, most stalking victims have no one to protect them from the unwanted attention of dangerous stalkers.

On January 1, 1993, Michigan joined 28 other states by criminalizing stalking behavior in an effort to protect victims of harassment and put an end to stalking. When Public Acts 251, 260, 261, and 262 of 1992 became law, Michigan citizens were provided with the strongest anti-stalking laws in the nation.

Today, victims may sue stalkers for civil damages or obtain an anti-stalking injunction that carries criminal penalties for violators. The new laws also give police the authority to arrest individuals without warrants who willfully, maliciously and repeatedly follow or harass another person and threaten bodily injury.

STALKING IS WIDESPREAD

Stalking of an individual is not infrequent or unusual. It occurs in communities all over the country. Stalking often follows a broken romantic relationship. The typical victim is a woman terrorized by a vengeful ex-husband or ex-boyfriend. The victim can also be a man pursued by a woman with a "fatal attraction." Other

widespread instances show that victims are being stalked by complete strangers.

Unfortunately, stalking often ends in violence. According to the United States Department of Justice, one in five women reporting assault incidents say the violence followed after three similar acts.

MICHIGAN'S DEFINITION OF STALKING

Since much of the conduct of the typical, non-assaultive stalker is not illegal, the Legislature took extreme care to draft a definition that is easy to use and does not infringe on the constitutional or other rights of citizens.

Michigan's Penal Code defines "stalking" as:

“. . . a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.”

STALKING TAKES MANY FORMS

According to the anti-stalking laws, a person can be charged with stalking for willfully and repeatedly contacting another individual, without permission, causing that person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Under these laws, assailants could be charged with stalking for repeatedly:

- Following the victim;
- Appearing within the victim's sight;

- Approaching or confronting the victim in a public or private place;
- Appearing at the workplace or residence of the victim;
- Entering or remaining on the victim's property;
- Leaving an object of any kind on the victim's property;
- Contacting the victim by telephone;
- Sending the victim mail or electronic mail.

MICHIGAN LAWS THAT PROTECT STALKING VICTIMS

While personal protection orders provided some protection to victims of unwanted attention in the past, the court orders often were not effective in deterring stalking activity. By criminalizing stalking, victims can reclaim their private lives and thousands of individuals are protected from the unwanted attentions of a stalker.

STALKING AS A MISDEMEANOR

MCL 750.411h

Stalkers convicted for the first time face up to one year in jail and/or up to a \$1,000 fine. Offenders also can receive up to five years' probation, during which time they cannot stalk anyone, have any contact with the victim, and may be evaluated to determine the need for psychological or social counseling (at the stalker's expense).

Stalking behavior in violation of a restraining order, injunction, or preliminary injunction may be charged with aggravated stalking under certain conditions. Aggravated stalking is a felony crime.

AGGRAVATED STALKING IS A FELONY

MCL 750.411i

Stalking is a felony crime when the assailant threatens to kill or physically harm a victim—or a member of the victim's family—that causes the victim to fear for their safety or the safety of

another. It is also a felony if the stalking activity is in violation of the conditions of a pretrial release, probation, or bond for stalking. Additionally, violating a personal protection order or being convicted on a repeat offense will result in felony charges. Punishment for aggravated stalking is up to five years imprisonment, and/or up to \$10,000 in fines.

Persons convicted of violating this section also can receive probation terms from five years to life.

NEW PROTECTION FOR YOUNGSTERS ADDED TO STALKING LAWS

MCL 750.411h and 750.411i

In 1997, state government acted to secure stronger measures aimed at deterring the stalking of underage victims. The new set of laws upgraded the penalty for stalking from a misdemeanor to a felony with a potential for five years' imprisonment, a maximum fine of \$10,000, or both, if the victim is less than 18 years of age at any time during the stalking and if the victim is five or more years younger than the offender. Under the same age circumstances, a conviction for *aggravated* stalking is punishable with a potential 10 years' imprisonment, a maximum fine of \$15,000, or both.

PERSONAL PROTECTION ORDERS

MCL 600.2950a

The personal protection order will not only help maintain your safety, but also allows police to enforce anti-stalking laws. In addition, the penalties intensify if the stalker violates a restraining order. The procedures for obtaining and enforcing stalking personal protection orders are the same as the procedures for obtaining and enforcing domestic violence personal protection orders.

CIVIL ACTION

MCL 600.2954

Victims may wish to consult an attorney regarding their right to bring a civil lawsuit against a stalker. The law allows you to sue the individual for any damage they have done—physical or emotional—and may entitle you to exemplary damages and legal fees as well.

PRECAUTIONARY MEASURES FOR STALKING VICTIMS

- Travel with friends.
- Do not walk alone.
- Change your telephone number to an unlisted number.
- Vary your schedule and the routes you take to work or to other frequently visited places.
- Notify your family and friends.
- Explain the situation to your employer so they can protect you at work.

WHAT TO DO IF YOU ARE BEING STALKED

Do not blame yourself! You neither asked to be stalked nor do you deserve to be. You are the victim, not the criminal. Stalking is a form of terrorism that serves no purpose other than to traumatize victims.

Because each situation is different, no one can issue a guaranteed list of actions that will assure safety. The best advice is to use your own best judgement and consider the following helpful suggestions:

Clearly communicate to the stalker that you want absolutely no contact with them.

Report to your local police department that you are a victim of stalking, whether you plan to file formal charges or not.

Build your case against the stalker by providing the police with any or all of the following:

- Documentation (personal journal or diary) of the stalker's activities (documentation of each incident and its details should be made in writing promptly after each incident).
- Taped recording(s) of threatening telephone calls.
- Videotape or photographs of stalker's actions.
- Basic identifying information (i.e., license plate number, make of car, personal appearance).
- List of contacts with the stalker (i.e., time, place, what was said, letters received).

Tell someone you trust, such as a spouse, family member, close friend, or qualified professional. You need emotional support.

Do not minimize the danger of being stalked—too many people have already been killed.

Take action and survive.

(Please refer to the directory at the end of this booklet for resources and important telephone numbers.)

DATE RAPE

SOME THINGS YOU SHOULD KNOW ABOUT DATE RAPE—AN INTRODUCTION

Rape is an ugly word. It represents an ugly, violent crime. Since it deals with sex, we do not like to discuss it. However, rape is a crime women—even young women—must learn about.

Rape or sexual assault is any form of sexual contact that a victim has not initiated or agreed to, and which is imposed by using violence, threat, or deception. Michigan courts refer to these offenses as “criminal sexual conduct.”

Knowing what to expect and how to react are your most important tools for preventing rape, especially the crime we call “date rape.”

DATE RAPE HAPPENS AND HAPPENS OFTEN

Denying that rape can happen or refusing to think about it will not make the possibility of date rape go away. Most date rape research has been done on college campuses, but the statistics are relevant to all women—and men—who are dating.

Statistics vary, but it is estimated that as many as eight out of 10 rapes are never reported. In those that are reported, more than half the victims know who raped them. One study found that 25 percent of college women experienced attempted rape or were rape victims (McShane, 1988). Ninety percent of the victims in this study knew their assailant.

In a study conducted by Mary P. Koss, a professor of psychology at Kent State University, one out of every two female students surveyed at 35 colleges had experienced some form of sexual victimization. One in eight had been raped, according to the legal definition of rape, and almost half of the reported rapes were committed by first or casual dates, or by romantic acquaintances.

YOU CAN AVOID BECOMING A VICTIM OF DATE RAPE

Perhaps not all date rapes can be prevented, but there are skills you can learn and steps you can take to significantly reduce your chances of becoming a victim.

- Realize that date rape exists and is a possible danger for everyone who dates.
- Work on developing a strong sense of self-worth. Girls who know they are special and wonderful are not as vulnerable to the manipulation most date rapists employ.
- Be able to leave. If possible, meet your date. His car is a potentially vulnerable place to be. If you don't have a car, carry money to call a friend to come and get you. Always carry bus or cab money.
- Be aware that drugs and alcohol are often related to acquaintance rape. They compromise the ability of both you and your date to make responsible decisions. Be able to get yourself home and do not rely on others to “take care” of you. Remember, being under the influence of drugs or alcohol is no excuse for criminal sexual conduct.
- Know that you have the right to set sexual limits. You may have different limits with different people, and these limits may change with time, experience, and commitment. Try to discover what you want or do not want before you find yourself in a vulnerable situation.
- Communicate your limits, and make certain your date understands. He cannot read your mind. You may have to be rude, but you have the right to set these boundaries.
- Trust your feelings. If you feel pressured into unwanted sex, you are right. You are the only person who knows best what is right and wrong for you.

- Pay attention to behavior that does not seem right: the date who sits or stands too close and seems to be enjoying your discomfort; the date who blocks your way; the date who speaks in a way or acts as if he knows you more intimately than he does; the date who grabs or pushes you to get his way; the date who does not listen or disregards what you are saying (like “no”).
- If you are in any way alerted or alarmed by your date’s behavior, remove yourself from his company. If a situation with your date becomes uncomfortable, do not continue to spend time with him. You do not have an obligation to entertain him. Excuse yourself from these situations before there is real trouble.
- Be assertive. If you find yourself in a potential date-rape situation, give him a clear and firm message that you do not like what he is doing. If he continues, **GET ANGRY, STAND UP FOR YOURSELF, BE RUDE**. Turn your fear (a paralyzing response) to anger (an energizing response). If he does not stop, scream, shout, yell, create a scene. Let yourself be heard. These aggressive actions often intimidate the offender and give you time to move.

WHAT TO DO IF YOUR DATE RAPES YOU

- Believe in yourself, and do not blame yourself. You are NOT to blame. The rapist is to blame. Even if your body responded sexually to the rapist, it does not mean you “enjoyed” the experience or that it is your fault. Even if you believe that you were not cautious enough, you did not ask to be raped. It is not your fault!
- Tell someone you trust—your parents, a close friend, a sister. You need emotional support. You should not be alone.
- Call your local rape crisis hot line. A sympathetic ear is not enough. You should talk to a qualified professional who can help you sort through your feelings. This type of counseling may be even more important in future weeks

and months as anger, fear, and distrust of others and yourself surface. Date rape is a violation of your trust, as well as your body. You should expect recovery to take some time.

- Get medical attention, whether or not you decide to press charges. This is not an overreaction. You need to be checked for the possibility of pregnancy and sexually transmitted diseases, as well as receive treatment for any injuries you may have suffered.
- Do NOT shower or clean yourself before being checked by a doctor. This will be difficult and uncomfortable, but it is important. Do not change your clothes, if possible. If you decide to press charges, physical specimens collected soon after the rape can be used as valuable evidence.
- Report the attack to the police and school officials, whether or not you plan to file charges. You do not have to press charges to report a rape. An incident report can usually be filed confidentially with the local rape crisis center. This will insure that if the rapist is picked up on another charge later, the police will at least know that a prior complaint has been made against him.
- Consider whether you want to file charges with the police. Reporting a rape can be a frightening ordeal. You will have to repeat what happened, using exact details. If charges are pressed, it may help you restore a sense of control over the situation. This is a decision you should make with the help of a counselor, parents, an attorney, and others you trust. It is important to note that the victim does not always retain control over the decision to file criminal charges. Ultimately, it is the prosecutor’s decision. In most cases, the prosecutor will respect the victim’s preference. However, there are cases where it is necessary to prosecute an offender despite the victim’s reluctance to do so.
- Study the suggestions in this booklet on how to avoid becoming a victim, and learn to trust again.

DATE RAPE HAPPENS TO ALL KINDS OF GIRLS

Two Case Studies:

Lori and Kim have little in common. Both girls are high school juniors, but they live in different cities and in different parts of the state. Lori is very popular and dates a lot. She is sexually active, and often dresses seductively. Kim is quiet. She does not participate in many school or social activities. She has never really dated.

What Lori and Kim have in common is that they both have been raped by boys they knew from school or in a social setting. Lori's rapist was a boy she had dated a couple of times. He knew of her reputation, and assumed that having sex was part of the agreement when she accepted his date. When Lori said "no," her date acted as if this were a game, and that Lori really meant "yes." Lori was very clear about her decision not to have sex. She told him that "no" meant "no." Fearing for his own reputation, and feeling rejected, the boy overpowered Lori and forced her to have sex.

Regardless of how Lori had acted earlier in the evening; regardless of how she was dressed; regardless of her reputation, or even if she had sex with this boy on previous dates—Lori was raped. **NO ONE HAS THE RIGHT TO IMPOSE HIMSELF ON AN UNWILLING PARTNER.**

Kim's case was different. She had gone to a skating party with her church group. A boy she knew only slightly began showing her attention. He skated with her, gave her compliments, bought her snacks at the concession stand, and asked if he could drive her home. Kim was in heaven. No one had ever paid this much attention to her before. On the way home, the boy pulled the car into a dark place and began kissing Kim. Kim responded. As the passion grew, Kim became frightened. She asked him to stop, but the boy became more aggressive. Kim began to cry and begged him to take her home. The boy told her to "relax," and that she had made it "impossible" for him to stop now.

Kim was raped. Her life was not threatened, although she may have felt the situation was out of

her control. She naively mistook attraction for affection, and did not have the skills to take control of the situation.

Who was to blame for these rapes? There is only one answer—the boys who committed them. These were crimes of violence. The girls were the victims; the boys were the criminals.

PENALTIES FOR "DATE RAPE DRUG" USE

MCL 333.7218, 333.7401, and 333.7401a

The late '90s saw a dramatic increase in the use of drugs without taste, such as dropping "GHB" (gammahydroxybutrate) or "rohypnol" (flunitrazepam) in cocktails, etc., in order to render victims unconscious or heavily sedated and unable to ward off attackers.

A new law enacted by state government in 1998 provides that a person who, without an individual's consent, delivers a controlled substance to a victim in order to commit or attempt to commit criminal sexual conduct or assault is guilty of a felony. The convicted offender could be sentenced to as many as 20 years in prison in addition to other sentences collected because of this incident.

EXAMPLES OF WHEN DATE RAPE MAY HAVE OCCURRED

"He went too far."

"I said 'No,' but he wouldn't stop."

"He said it was impossible for him to stop once he was aroused."

"He was so much stronger than me. I was afraid to make him mad."

"It was such a bad neighborhood, I didn't dare get out of the car."

"I changed my mind, but he wouldn't let go."

"She teased me; it was her own fault."

"She dressed so sexy, I knew what she wanted."

"She said 'No,' but I knew she meant 'Yes.'"

"I'd had sex with her before, so what was so different this time?"

“I deserved something for all the money I spent on her.”

“Girls enjoy being forced to have sex. They just want to be persuaded.”

“She was high, so I figured it was ok.”

A MESSAGE TO YOUNG MEN

FORCED SEX IS RAPE!

- It is never permissible to force yourself on a young woman.
- If a young woman is giving you a double message, speak up and determine what she wants. If she is unsure about having sex or is saying “No,” BACK OFF and talk about it.
- Do not assume you know what your partner wants. Ask her. She may be interested in something sexual but not intercourse. Make a mutual decision.
- Do not let your desires control your actions. Your desire may be beyond your control, but your actions are not. FORCED SEX is never justified.

- A young woman who turns you down for sex is not necessarily rejecting you as a person; she is only expressing a decision not to participate.
- A young woman does not “ask” to be raped. No matter how she behaves, she does not deserve to have her body used in ways she does not want.
- “No” means no. If you do not accept this, you are committing rape.
- It is rape if you take sexual advantage of a person who is mentally or physically incapable of giving consent. It is rape if you have sex with a young woman passed out or not in control because of alcohol or drugs.
- Even drunk, you are still responsible for your actions.

It also should be noted that even consensual sexual relations between one individual and another constitutes a crime of “statutory rape” if one or more of the individuals involved is less than 16 years of age.

Please refer to the resource guide at the end of this booklet for important local, state and national information regarding domestic violence.

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DOMESTIC VIOLENCE RESOURCE GUIDE

Adrian

Catherine Cobb Safe House and
Domestic Violence Program
(517) 265-6776 Crisis/Hotline
(517) 264-5733 Business

Alpena

Alpena Shelter, Inc.
(800) 396-9129 Crisis/Hotline or (517) 356-9650
(517) 356-6265 Business

Ann Arbor

Domestic Violence Project, Inc.
(313) 995-5444 Crisis/Hotline
(313) 973-0242 Business

Battle Creek

Battle Creek Area Organization Against Domestic
Violence/SAFE Place
(616) 965-7233 Crisis/Hotline
(616) 965-6093 Business

Bay City

Bay County Women's Center
(517) 686-4551 Crisis/Hotline or (800) 834-2098
(517) 686-4551 Business

Benton Harbor

Safe Shelter, Inc.
(616) 983-4275 Crisis/Hotline or (800) 310-5454
(616) 925-2280 Business

Big Rapids

Women's Information Services, Inc.
(800) 374-WISE (9473) Crisis/Hotline or
(616) 983-4275
(616) 796-6692 Business

Canton/Wayne County Western and Downriver

First Step Project on Domestic and Sexual Violence
(734) 722-6800 Crisis/Hotline or (888) 453-5900

Caro

Thumb Area Assault Crisis Center
(800) 292-3666 Crisis/Hotline
(517) 673-4121 Business

Cadillac

Cadillac Area O.A.S.I.S.
(616) 775-7233 Crisis/Hotline
(616) 775-7299 Business

Calumet

Barbara Kettle Gundlach Shelter
Home for Abused Women
(906) 337-5623 Crisis/Hotline
(906) 337-5632 Business

Clare County

Women's Aid Service
(989) 539-1046 Crisis/Hotline

Coldwater

Branch County Coalition
Against Domestic Violence
(517) 278-7432 Crisis/Hotline
(517) 278-7432 Business

Detroit

YWCA—Interim House
(313) 861-5300 Crisis/Hotline
(313) 961-9220 Business

My Sister's Place—Women's Justice Center
(313) 921-3900 Crisis/Hotline
(313) 921-3902 Business

Escanaba

Delta County Alliance Against Violence and Abuse
(906) 786-9387 Crisis/Hotline
(906) 789-9207 Business

Flint

YWCA of Greater Flint
Domestic Violence/Sexual Assault Service
(810) 238-SAFE (7233) Crisis/Hotline
(810) 238-7621 Business

Grand Rapids

YWCA Domestic Crisis Center
(616) 774-3535 Crisis/Hotline
(616) 459-4652 Business

Gratiot County

Women's Aid Service
(989) 463-6014 Crisis/Hotline

Grayling/Crawford (also services Ogemaw, Oscoda and Roscommon Counties)

River House Shelter
(888) 554-3169 Crisis/Hotline
(517) 348-3169 Business

Hillsdale

Domestic Harmony
(517) 439-1454 Crisis/Hotline
(517) 439-1454 Business

Holland

Center for Women in Transition
(800) 848-5991 Crisis/Hotline or (616) 392-1970
(616) 355-9755 (Español)
(616) 392-2829 Business

Howell

LACASA—Livingston Area Council Against
Spouse Abuse
(313) 227-7100 Crisis/Hotline
(517) 548-1350 Business

Ionia/Montcalm

Eight Cap, Inc. Domestic Violence Program
(616) 527-5252 Crisis/Hotline
(616) 527-3351 Business

Iron Mountain

The Caring House
(906) 774-1112 Crisis/Hotline
(906) 774-1337 Business

Ironwood

Domestic Violence Escape DOVE Shelter
(906) 932-0310 Crisis/Hotline
(906) 932-4990 Business

Jackson

AWARE, Inc.
(517) 783-2861 Crisis/Hotline

Kalamazoo

YWCA Domestic Assault Program
(616) 385-3587 Crisis/Hotline
(616) 385-2869 Business

L'Anse

Baraga County Shelter Home
(906) 524-7078 Crisis/Hotline
(906) 524-5017 Business

Lansing

Council Against Domestic Assault—CADA
(517) 372-5572 Crisis/Hotline
(517) 372-5976 Business

Michigan Coalition Against Domestic Violence
(517) 484-2924 Business

Lapeer

Lapeer Area Citizens Against Domestic Assault
(810) 667-4175 Crisis/Hotline
(810) 667-4175 Business

Ludington

Region 4 Community Services
(231) 845-5808 Crisis/Hotline
(231) 843-2541 Business

Manistee

CHOICES of Manistee County
(231) 723-6004 Crisis/Hotline
(231) 723-6597 Business

Marquette

Women's Center/Harbor House
(800) 455-6611 Crisis/Hotline or (906) 226-6611
(906) 225-1346 Business

Midland

Shelterhouse/Council on Domestic Violence and
Sexual Assault
(517) 835-6771 Crisis/Hotline
(517) 835-6771 Business

Monroe

Family Counseling and Shelter Services
of Monroe County
(734) 242-7233 Crisis/Hotline
(734) 241-0180 Business

Mt. Clemens

The Turning Point
(810) 463-6990 Crisis/Hotline
(810) 463-6990 Business

Mt. Pleasant/Isabella County

Women's Aid Service
(989) 772-9168 Crisis/Hotline

Muskegon

Every Woman's Place
(616) 722-3333 Crisis/Hotline
(616) 726-4493 Business

Owosso

RAVE—Relief After Violent Encounter
(517) 725-9444 Crisis/Hotline
(517) 224-4662 Business

Petoskey

Women's Resource Center of Northern Michigan
(616) 347-0082 Crisis/Hotline or (800) 275-1995
(616) 347-0067 Business

Pontiac

Haven
(248) 334-1274 Crisis/Hotline or (877) 922-1274
(248) 334-1284 Business
(248) 334-1290 (TTY)

Port Huron

Domestic Violence Shelter
(810) 985-5538 Crisis/Hotline
(810) 985-4950 Business

Saginaw

Underground Railroad, Inc.
(989) 755-0411 Crisis/Hotline
(989) 755-0413 Business

St. Johns

RAVE—Relief After Violent Encounter
(517) 224-7283 Crisis/Hotline
(517) 224-4662 Business

Sault Ste. Marie (Eastern Upper Peninsula)

Domestic Violence Program
(800) 882-1515 Crisis/Hotline
(906) 635-0566 Business

Three Rivers (St. Joseph County)

Domestic Assault Shelter Coalition
(800) 828-2030 Crisis/Hotline
(616) 279-5122 Business

Traverse City

Women's Resource Center
(616) 941-1210 Crisis/Hotline
(616) 941-1210 Business

Michigan Coalition Against Domestic and Sexual Violence (MCADSV)

3893 Okemos Rd., Suite B2
Okemos, MI 48864
(517) 347-7000
www.mcadsv.org

Michigan Domestic Violence Prevention and Treatment Board

Department of Human Services
P.O. Box 30037
Lansing, MI 48909
(517) 373-8144

Michigan Resource Center on Domestic and Sexual Violence

3893 Okemos Rd., Suite B2
Okemos, MI 48864
(517) 381-4663
(517) 381-8470 (TTY)
www.resourcecenter.info/

Michigan Stalking Victim Hotline

(517) 543-3775

Michigan Statewide Domestic Abuse/ Sexual Assault Helpline

(800) NOABUSE
(800) 996-6228

Michigan Women's Commission

Michigan Department of Civil Rights
110 W. Michigan Avenue, Suite 800
Lansing, Michigan 48933
(517) 373-2884
MDCR-Womens-Comm@michigan.gov
www.michigan.gov/mdcr

National Coalition Against Domestic Violence (NCADV)

National Office
One Broadway, Suite B210
Denver, CO 80203
(303) 839-1852
(303) 839-8459 (TTY)
(303) 831-9251 Fax
mainoffice@ncadv.org
www.ncadv.org

National Domestic Violence Hotline

(800) 799-SAFE (7233)
(800) 787-3224 (TDD)

National Sexual Assault Hotline

(800) 656-HOPE (4673)

Public Policy Office

1100 H Street, NW, Suite 300
Washington, D.C. 20005
(202) 745-1211, ext. 143
(202) 745-2042 (TTY)
(202) 785-8576 Fax
publicpolicy@ncadv.org

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