

A H A N D B O O K

**For Friends
& Family**

OF

**Sexual Assault
Survivors**

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Introduction

This handbook is intended for friends and family of adult survivors of sexual assault. It has been prepared by the Michigan Coalition Against Domestic and Sexual Violence as a general guide to be used throughout the state of Michigan. More specific information about local ordinances, reporting procedures, emergency room procedures, and community services may be available at your local Rape Crisis Center. The handbook was prepared with the purpose of providing friends and family members of sexual assault survivors with accurate information regarding how to best support a friend or family member who has been sexually assaulted. Revised December 2009.

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Definition of Frequently Used Terms

Survivor: The individual who was assaulted. In this handbook, this word is used to describe the victim. Many Rape Crisis Centers use this word as well. The word survivor is meant to focus on the strengths of those who have been sexually assaulted.

Victim: The individual who was assaulted. This is the word that is used in the criminal justice system.

Sexual Assault or Rape: In this handbook, the words sexual assault and rape are used interchangeably.

Criminal Sexual Conduct (CSC): The legal term used for sexual assault or rape. This term is used in Michigan because state law recognizes touching, as well as penetration, as a criminal offense. The word “rape” is not used in Michigan Law.

Rapist, Perpetrator, or Assailant: The person who committed the assault. In this handbook, the words perpetrator and assailant are used interchangeably.

Defendant: The alleged perpetrator is referred to as the defendant in the criminal justice system.

► *Chapter 1: Helping a Survivor of Sexual Assault*

If You Know Someone Who Has Been Sexually Assaulted

Most people would agree that rape is one of the most traumatic experiences for anyone to endure. So how should you respond to someone you care about when they're trying to cope with the crisis of rape?

Unfortunately, there's no prescription or simple first aid procedure to follow. It's much more than knowing what to do or what to say. Your message must come from the heart.

Most crisis counselors would agree that one of the most significant factors in a rape survivor's recovery is how people around them respond at the time of disclosure. Recovery and emotional healing do not necessarily correspond to the degree of trauma. Rather, recovery is better determined by what happens to the rape victim in the aftermath of the crime. For example, someone who is blamed by others for the rape may face greater obstacles in recovery than someone who was fully believed and later validated by the criminal justice system with the successful prosecution of the assailant. **Therefore, the most important thing you can do as a friend, lover or family member of a rape survivor is to believe them.** There are other steps you can take to assist your friend in dealing with the rape. The following points have been summarized from the book, *I Never Called It Rape*, written by Robin Warshaw. They may offer you some guidance on what to do or say, however, your sensitivity and concern will make all the difference to the rape survivor.

If you know someone who has been sexually assaulted...

Believe them! They're depending on you.

Listen to them. Let the person know you're available if they need you. However, resist the urge to ask details about what happened. The rape survivor will tell you what they want you to know when they're ready to talk about it.

Provide comfort and support in a way *that is best suited for the survivor.* Ask them if there is anything that you can do or get for them.

Let them know it wasn't their fault. Many rape victims feel guilty or blame themselves. Reinforce that *they did not deserve what happened to them.* The perpetrator is the one to blame.

Offer protection or a safe place to stay. You can also offer to stay at their home if that would be better for them. Remember, the choice is up to them.

Suggest calling a Rape Crisis Center. A rape crisis counselor can discuss the victim's options and needs. Most larger communities have a 24-hour Rape Crisis Center. Call the one nearest to your community.

Discuss with the rape victim the importance of a medical exam to treat medical needs and to address questions about sexually transmitted diseases or pregnancy. Many hospitals offer the morning-after pill for rape victims up to 72 hours after a rape.

Empower the rape victim to gain back control over their life. Allow them to make the decisions about what's best for them. Separate your feelings and needs from the rape victim's feelings and needs. It's important that you don't try to take control of the situation. Allow your friend to have control over their life right now.

Recognize that they may need some personal space and time before they resume sexual relations. Each survivor responds differently to the crisis. Some may not want to be touched or held for a while, yet others may want that closeness. It's okay for the rape survivor to cope with the trauma in whatever way is best for them.

Discuss their options – making a police report, getting counseling, having a medical exam. Offer your support – whatever their decision.

Be there for them in whatever way they need you – for a ride to the hospital, to spend the night, for a 2 a.m. phone call. Recovery from rape takes time – longer for some than others. Understand that they may not want to talk about it today, but they might need you several months from now.

Learn about rape trauma. Local Rape Crisis Centers have information available about rape and support services.

Recognize your own limits. Rape affects family and friends as well. It's okay to call the rape crisis center for your own needs. Rape is one of the most traumatic events *anyone* can endure. Family and friends aren't invulnerable to the pain of rape.

If someone you care about tells you they've been raped (whether it happened recently or several years ago) it's important to tell the survivor, "I'm sorry this happened to you. I'm here if you need me – anytime."

► *Chapter 2: The Facts*

The myths surrounding sexual assault can compound the devastating effects of sexual assault for those who have survived it. These myths often shift responsibility and blame from the assailant to the victim.

Unfortunately, these beliefs are widely held and are often reinforced to survivors of sexual assault through the media and the reactions of institutions, friends, and family. Understanding and discrediting these myths is vital to supporting those who have experienced sexual assault.

MYTH: Rape is caused by the perpetrator's uncontrollable sexual urge.

FACT: Rape is an act of power and control, not sex.

MYTH: Individuals who commit rape are mentally ill or psychotic, and cannot help themselves.

FACT: Very few perpetrators are mentally incompetent and/or out of touch with reality. Rapes may be planned or carried out by acquaintances, intimate partners, family members or strangers.

MYTH: The victim must have "asked for it" by being seductive, careless, drunk, high, etc.

FACT: No one asks to be abused, injured, or humiliated. This line of thought blames the victim for what happened instead of the perpetrator who chose to commit the crime. Individuals of all ages, from all walks of life, have been the targets of sexual assault. Not one of them "caused" their assailant to commit a crime against them.

MYTH: If women would just stop drinking so much, they wouldn't be sexually assaulted.

FACT: Alcohol is a weapon that some perpetrators use to control their victim and render them helpless. As part of their plan, an assailant may encourage the victim to use alcohol, or identify an individual who is already drunk. Alcohol is not a cause of rape; it is only one of many tools that perpetrators use.

MYTH: If the victim did not physically struggle with or fight the assailant, it wasn't really rape.

FACT: Assailants are not looking for a fight and they use many forms of coercion, threats and manipulation to rape. Alcohol and other drugs such as Rohypnol are often used to incapacitate victims. Michigan law defines sexual assault by the action of the perpetrator, not the victim. In fact, there is a specific law that says that the victim need not have resisted the perpetrator in order for it to be considered rape.



MYTH: Most perpetrators are strangers to their victims.

FACT: Most rapes are committed by someone that the victim knows: a neighbor, friend, acquaintance, co-worker, classmate, spouse, partner, or ex-partner.

MYTH: Serial rapists are uncommon.

FACT: Most every perpetrator is a serial rapist, meaning that they choose to use coercion, violence, threats of force, etc., to assault women on a repeated basis.

► *Chapter 3: Understanding the Survivor's Experience*

Common Concerns of Sexual Assault Survivors

Sexual assault survivors have identified the following common concerns.

A concern that:

- Their family will find out that they have been sexually assaulted.
- People think that it is their fault or that they were responsible.
- People outside of their family will find out.
- Their name will be made public by the media.
- They may be pregnant by the assailant.
- They may have contracted a sexually transmitted disease.

Privacy is a critical concern for many survivors. It is vital that you respect your friend or family member's choices about when to disclose and to whom. If they did not immediately disclose it to you, it is important to respect that decision as well.


What a Survivor of Sexual Assault May Be Feeling

Survivors of sexual assault experience a wide range of emotions. Emotions may go up and down or from one extreme to another. It is important for friends and family to not judge a survivor's reaction to the assault. There is no standard response to sexual assault. Survivors may experience a few, none, or all of the following:

SHOCK AND NUMBNESS: Feelings of spaciness, confusion, being easily overwhelmed, not knowing how to feel or what to do. Sexual assault survivors may react in a way that is similar to anyone's reaction during other crises in life (for example with tears, irritability, nervous laughter, withdrawing).

► **WHAT YOU CAN DO:** Reassure the survivor that these are normal reactions to trauma. Everyone handles crisis differently. Allow the survivor to work through their crisis in their own way.

LOSS OF CONTROL: Feeling like their whole life has been turned upside down and that they will never have control of their life again. Their thoughts and feelings seem out of control.



► **WHAT YOU CAN DO:** Help the survivor gather information and identify options. Do not “take over” or make decisions for the survivor. Ask the question “What can I do for you?” The opportunity to exercise the right to make choices, even very small ones, is crucial to giving the survivor a sense of control over their life again. Respect their privacy and allow them to choose who they tell about the assault.

FEAR: Fear that the assailant may assault them again; fear for their general physical safety; fear of being alone; fear of other people or situations that may remind the survivor of the assault.


► **WHAT YOU CAN DO:** Offer the survivor your company. If you are willing, let the survivor know that they can call you anytime of the day if they are scared or need to talk. Help the survivor identify ways to make their home feel safer.

GUILT AND SELF-BLAME: Feeling like they could have or should have done something to avoid or prevent the assault; doubts regarding their ability to make judgments.

► **WHAT YOU CAN DO:** Assure the survivor that it is not their fault. Assign blame to the perpetrator of the assault, and avoid asking “why” questions.

ISOLATION: Feeling that this experience has set them apart from other people; feeling that other people can tell they have been sexually assaulted just by looking at them; not wanting to burden other people with their experience.

► **WHAT YOU CAN DO:** Assure the survivor that they are not alone, others have experienced this. Give the survivor information about support groups. You can find out about support groups by calling your local Rape Crisis Center listed in the Resource section of this handbook.



VULNERABILITY, DISTRUST: Feeling that they are at the mercy of their own emotions or actions of others; not knowing who to trust or how to trust themselves; feelings of suspicion and caution.

▶ **WHAT YOU CAN DO:** Do not pressure the survivor to talk to you. Allow them to disclose what they want to when they want to. Let them know that you are willing to listen. Respect their privacy and allow them to choose who they tell about the assault.

SEXUAL FEARS: Not wanting to have sexual relations; wondering whether they will ever want or enjoy sexual relationships again; fears that being sexually intimate may remind them of the assault.

▶ **WHAT YOU CAN DO:** Give the survivor the time and space to heal in a way that is best for them. Take your cues from the survivor on what level of intimacy is appropriate.

ANGER: Feeling angry at the assailant; fantasizing about retaliation. They may be angry at the world since they no longer feel safe. If they are religious, the survivor may feel angry that their faith did not prevent this.

▶ **WHAT YOU CAN DO:** Be accepting of the anger. They have the right to be angry about being violated. Reassure them that they are not a “bad person” for feeling angry or having fantasies about retaliation.

DISRUPTION OF DAILY ACTIVITIES: During the first few days or weeks after the assault the survivor may feel preoccupied with intrusive thoughts about the assault. They may experience difficulty concentrating, nightmares, sleep disturbances, changes in appetite, ‘startle reactions,’ phobias, general anxiety or depression. They may have memories of a prior crisis.

▶ **WHAT YOU CAN DO:** Reassure the survivor that this is natural for anyone who has experienced a trauma. Be supportive and non-judgmental.

► *Chapter 4: Support from a Local Rape Crisis Center*

Throughout Michigan, there are Rape Crisis Centers that offer anonymous advocacy and counseling for individuals who have been sexually assaulted. These centers can be a source of valuable information and support. You may want to encourage your friend or family member who has been assaulted to access these resources. Many centers also offer support groups for friends and family members.

An advocate is a professional who is trained to assist sexual assault survivors in medical and legal matters. The advocate has an understanding of “the system” and how it works. He or she has likely served numerous other survivors. Many programs offer legal advocacy, which will include accompanying a survivor to court, the police station, or meetings with the prosecutor. An advocate is a source of practical, useful information and emotional support.

A sexual assault counselor is a professional who is trained to address a survivor’s emotional needs. Many who have experienced sexual assault find that a counselor offers compassion and help. Some find that they can more easily discuss their assault with a professional who has worked with other survivors. A sexual assault survivor will benefit most from counseling when they decide that they want it.

A Sexual Assault Nurse Examiner (SANE) program includes the use of a clinician (usually a registered nurse or nurse practitioner) who conducts the forensic exam of the sexual assault survivor. SANE programs assist survivors of sexual assault in receiving the most specialized treatment available. See the Resource section to find the SANE program near you.

Support groups are helpful recovery tools for many survivors. Many survivors find support groups a valuable part of their healing process. A support group may be an alternative to one-on-one counseling.

See the Resource section at the end of this handbook for information about your local Rape Crisis Center.

► *Chapter 5: Medical Concerns*

It is important that friends and family members of a sexual assault survivor allow them to make their own choices regarding medical care and the legal system. Accurate information may help you understand the options that are available to the survivor. Often survivors ask friends and family members to accompany them to the hospital or court as a source of support. However, many survivors do not choose to ask their friends and family for this type of support.


If the Assault Happened Recently

Receiving immediate and follow-up medical attention is vital for survivors of sexual assault. They may have injuries that need to be treated, and may want to be tested for pregnancy and Sexually Transmitted Diseases (STD's). It is important for a survivor to go to an emergency room. The most important reason to do this is to check for injuries. Shock, and general aches and pains from the assault may be difficult to distinguish from a serious injury. Although it will not be easy, an exam may help set their mind at ease. The survivor will also be given important information about STD's and pregnancy.

If it is determined by a health care professional that the assault took place during a high risk time for pregnancy, an emergency contraception, known as the "morning-after pill" is available. This treatment is a high dose of estrogen that has proven effective as a prophylactic if taken within 72 hours of the assault. The doctor or nurse will be able to discuss the risks and benefits of such a treatment. The hospital may also give the survivor antibiotics for gonorrhea and chlamydia. They may be started on a vaccination series for the prevention of hepatitis B and referred for testing for HIV and syphilis. Base-line tests for pregnancy and some STD's may be completed.

Some assailants may use drugs (Rohypnol also known as Roofies; Gamma hydroxybutrane also known as GHB; and Ketamine also known as Special K, to name a few) to physically control their victim and render them defenseless. If your friend or family member believes that they have been drugged, suggest that they inform a doctor. Blood or urine tests may detect the drug in their system. Testing should be done as soon as possible, because some drugs can only be detected within twelve hours of ingestion.

Another important reason to receive immediate medical attention is to collect physical evidence for a criminal investigation. A hospital emergency room or nurse examiner program will be able to do this. Every emergency




room is required to offer the sexual assault evidence collection kit if the assault happened within the previous 72 hours. Evidence is best collected within 6 hours of the assault. Sexual assault survivors are not required to have the kit completed.

Specially trained staff at hospital emergency rooms or nurse examiner programs can complete a sexual assault evidence collection kit. This is a standardized exam and a series of lab tests that are designed to collect physical evidence for use in the prosecution of rape (Criminal Sexual Conduct) cases. The nurse, doctor, or an advocate from a Rape Crisis Center can explain exactly what the test entails.

Who Pays for the Hospital Visit?

The Michigan SAFE Response program, (effective January 2009) ensures that sexual assault victims are never directly billed for medical forensic exams. The SAFE Response program will pay for exams whether or not the victim chooses to report the assault to law enforcement. If the victim has medical insurance which would cover the cost of the exam, the SAFE Response legislation requires that insurance be used to pay for the exam, unless the victim believes that billing insurance will substantially interfere with her/his personal privacy or safety. As a safeguard, the legislation requires that the victim's written permission must be obtained before insurance is billed. SAFE Response will pay for an exam if a patient who is a victim of sexual assault has no insurance, or the patient believes that billing insurance will substantially interfere with his/her personal privacy or safety. SAFE Response will also pay costs that the patient's insurance company will not pay, like co-pays or deductibles. SAFE Response will pay up to \$600 for any one exam, as follows: up to \$400 for the use of an emergency room, clinic, or examination room, and the sexual assault medical forensic examination and related procedures other than laboratory services and dispensing pharmaceutical items related to the sexual assault. Up to \$125 for laboratory services. Up to \$75 for dispensing pharmaceutical items related to the sexual assault. See page 18 of this handbook for more information about the Crime Victim's Compensation Board.

The following link contains additional information about the Crime Victim's Compensation Board and a downloadable SAFE Response Claim form: http://www.michigan.gov/mdch/0,1607,7-132-2940_3184-209187--,00.html.



Will a Police Report Need to be Made?: Many hospitals interpret the law mandating hospitals and physicians to report all injuries due to violence as a mandate to report all sexual assaults to the police. Being treated at an emergency department or having a sexual assault evidence collection kit completed does not mean that the survivor has to talk to the police. They can choose not to speak to the police. If the survivor is currently unsure about participating in criminal prosecution, having the sexual assault evidence collection kit completed will help keep their options open. Typically, evidence may be kept for a few weeks as they consider their options. Hospital personnel should inform them of how long the evidence will be stored prior to destruction. The sexual assault evidence collection kit cannot be released to the police without the survivor's signature on an authorization form.

It is important that the survivor make these decisions. Friends and family should offer non-judgmental support regardless of the decision that is made.

If the Assault Happened in the Past

It is still very important to receive medical attention. A survivor may want to have pregnancy and STD tests taken. Although a sexual assault evidence collection kit can be performed at any time, the chances of collecting evidence decrease significantly when more than a few days have passed. However, the survivor can still report the crime to the police and prosecution is still possible.

Follow-up Medical Care: Follow-up care is vitally important. Any sexually transmitted disease that may have been contracted from the perpetrator will not show up until later. A follow-up test for pregnancy is also recommended. The follow-up exam may bring back memories of the assault. This may be difficult for the survivor and they may want extra support during this time.

HIV/AIDS: Rape survivors are at a low risk for HIV infection; however, an HIV test may help them feel more comfortable. Because the HIV virus has a window period before blood levels are high enough to show up on a test, it is a good idea to wait 3 to 6 months after the assault to be tested. Most county health departments will have information about free, anonymous HIV testing. A health professional or sexual assault counselor will have more information.

► Chapter 6: The Legal System

Sexual Assault Laws

In Michigan the legal term used for sexual assault or rape is *Criminal Sexual Conduct* (CSC). The following information provides definitions of CSC and the potential consequences. A link to the current legal definitions relating to CSC may be found through <http://legislature.mi.gov/doc.aspx?mcl-750-520a>. If the perpetrator is charged with one of these crimes, an advocate at the local rape crisis center can help you better understand the charges and the criminal justice process.

Definitions

Penetration includes vaginal, anal or oral intercourse or putting a finger or other object into another person's anal or genital opening. Emission of semen is not required.

Sexual Contact is defined as the intentional touching of the victim's or actor's intimate parts or the clothing covering those intimate parts for the purpose of sexual arousal or gratification, done for a sexual purpose or in a sexual manner, or done in a sexual manner for revenge or to inflict humiliation or out of anger.

The table on pages 15 - 16 lists the possible criminal charges and penalties in the first column. These charges could be filed for the action specified in the second column in any of the circumstances listed in the third column. To access the laws relating to first, second, third, or fourth degree CSC, replace 520a in the link listed above with 520b, 520c, 520d or 520e respectively.

According to Michigan law, people who are drugged, incapacitated, or under the age of 16 are deemed unable to give consent.

Updates and Other Related Offenses: Effective August 28, 2006, 2006 MCL 750.520b was amended to add general sentencing provisions applicable to first-degree criminal sexual conduct (CSC-1) convictions and to provide specific penalties for certain CSC-1 offenses involving an offender aged 17 years or older and a victim under the age of 13. In addition, effective August 24, 2006, 2006 PA 162 added a new chapter to the Penal Code—Chapter LXVIIA contains a group of new crimes – Human Trafficking involving forced labor or services, criminal sexual conduct and child sexually abusive activity. Refer to the Michigan Judicial Institute website for a downloadable copy of the Sexual Assault Benchbook and subsequent updates at <http://courts.mi.gov/mji/resources/sabb/sabb.htm>.

Consequence	Action	Circumstance
<p>First Degree CSC Up to life and lifetime electronic monitoring if not in prison.</p>	<p>Includes penetration</p>	<ol style="list-style-type: none"> 1. Victim is less than 13 years old. 2. Victim is 13, 14, or 15 years old and assailant is a member of the household. 3. Victim is 13, 14, or 15 years old and assailant is related to the victim by blood or marriage. 4. Victim is 13, 14, or 15 years old and assailant is in a position of power or authority and uses that authority to coerce the victim to submit. 5. Victim is 13, 14, or 15 years old and assailant is a teacher, substitute teacher, or administrator of the school or school district in which the victim is enrolled. 6. Victim is 13, 14, or 15 years old and assailant is an employee or a contractual service provider of the school or school district in which the victim is enrolled, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or school district or is a volunteer who is not a student and the assailant uses that status to gain access to, or to establish a relationship with the victim. 7. Another felony is committed. 8. Assailant is aided and abetted by one or more other people and victim is known to be physically helpless, mentally incapable, or mentally incapacitated. 9. Assailant is aided and abetted by one or more other people and force or coercion are used. 10. Assailant is armed with a weapon. 11. Assailant uses force or coercion and causes personal injury to the victim. 12. Assailant causes personal injury to the victim and knows that the victim is physically helpless, mentally incapable, or mentally incapacitated. 13. Victim is physically helpless, mentally incapable, mentally disabled, or mentally incapacitated and the assailant is related to the victim by blood or marriage or is in a position of authority over the victim and uses that authority to coerce the victim to submit.
<p>Second Degree CSC Up to 15 years and lifetime electronic monitoring if not in prison.</p>	<p>Includes sexual contact</p>	<p><i>All of the circumstances listed above under CSC 1 apply and also</i></p> <ol style="list-style-type: none"> 1. Victim is under the jurisdiction of the Department of Corrections and the assailant is an employee, volunteer, or contractual employee of the Department of Corrections and knows that the victim is under the jurisdiction of the Department of Corrections. 2. Victim is under the jurisdiction of the Department of Corrections and the assailant is an employee, volunteer, or contractual employee of a private vendor that operates a youth correctional facility and knows that the victim is under the jurisdiction of the Department of Corrections. 3. Victim is a prisoner or probationer under the jurisdiction of a county and the assailant is an employee, contractual employee, or volunteer of the county or the Department of Corrections who knows the victim is under the jurisdiction of the county. 4. Victim is detained by a court in a facility while the victim is awaiting trial or a hearing, or is committed to a facility, having been found responsible for committing an act that would be a crime if committed by an adult, and the assailant is an employee, contractual employee, or a volunteer with the facility in which the victim is detained or committed.

Third Degree CSC

Up to 15 years in prison.

Includes penetration

1. Victim is 13, 14, or 15 years old
2. Force or coercion is used to accomplish the sexual penetration.
3. Victim is physically helpless, mentally incapable, or mentally incapacitated.
4. Victim is related to assailant by blood or marriage (except if victim and assailant are married), and the act occurs under circumstances not otherwise prohibited in the CSC act.
5. Victim is 16 or 17 years old and is a student and is not emancipated and is not married to assailant. Assailant is a teacher, substitute teacher, or administrator of the school or school district in which the victim is enrolled.
6. Victim is 16 or 17 years old and is a student and the assailant is an employee or a contractual service provider of the school or school district in which the victim is enrolled, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or school district or is a volunteer who is not a student and the assailant uses that status to gain access to, or to establish a relationship with the victim.
7. Victim is 16 through 25 years old and is receiving special education services and the victim and assailant are not married and assailant is a teacher, substitute teacher, or administrator, or an employee or a contractual service provider of the school or school district in which the victim is enrolled, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school, or school district, or is a volunteer who is not a student and the assailant uses that status to gain access to, or to establish a relationship with the victim.

Fourth Degree CSC

Up to two years in prison and/or up to \$500 fine.

Includes sexual contact

1. The victim is 13, 14, or 15 years old and the assailant is 5 or more years older than the victim.
2. Force or coercion is used to accomplish the sexual contact.
3. When the assailant engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.
4. The assailant knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
5. The assailant is related to the victim by blood or marriage and the sexual contact occurs under circumstances not otherwise prohibited by the CSC law.
6. Assailant is a mental health professional and the act occurs during 2 years after the victim was a client and the victim and client are not married.
8. The assailant is 16 or 17 years old and a student at a school and is not emancipated and is not married to assailant. Assailant is a teacher, substitute teacher, or administrator, or is an employee or a contractual service provider of the school or school district, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or school district, or is a volunteer who is not a student of the school or school district in which the victim is enrolled, and the assailant uses that status to gain access to, or to establish a relationship with the victim.
9. Victim is 16 through 25 years old and is receiving special education services and the victim and assailant are not married and assailant is a teacher, substitute teacher, or administrator, or an employee or a contractual service provider of the school or school district in which the victim is enrolled, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school, or school district, or is a volunteer who is not a student and the assailant uses that status to gain access to, or to establish a relationship with the victim.

Filing a Police Report

With accurate information about the law and support from friends and family, many sexual assault survivors choose to report the crime and participate in a criminal case against the perpetrator. It is not an easy process for survivors, but some have found it to be helpful in their journey to healing. If a survivor decides to speak to the police, a friend or advocate can be present for support.

After the police report is made, a detective will be assigned to investigate the crime and submit the case to the prosecutor or city attorney's office. The decision to prosecute belongs to the prosecutor or city attorney. This decision is based on the evidence that is available to the prosecutor. Sometimes cases are not prosecuted. This is usually because it is believed that there is not enough evidence to prove to a jury or a judge that the defendant is guilty, not because the prosecutor does not believe the survivor.

The Survivor's Role in the Criminal Justice Process

The survivor is a witness in the state's case against the assailant. The survivor will be subpoenaed to testify during the criminal process. The prosecuting attorney or city attorney will present the case on behalf of the "people of the State of Michigan" and does not represent the survivor specifically. However, as the victim of a crime, the survivor does have certain rights. They can contact the prosecuting attorney or city attorney's office to find out which prosecutor is working on the case. They can contact that attorney with any questions they have about the criminal case. An advocate at the Rape Crisis Center in your community can help the survivor with this and any other aspect of the criminal justice system and the case.

Michigan has several laws that are designed to make participation in the prosecution of the assailant easier for the victim.

1. The defense attorney cannot bring up the survivor's sexual history as evidence in the criminal trial unless there was a previous sexual relationship between the survivor and the assailant, or if there was specific sexual activity that could account for the presence of semen, disease, disfigurement or other injury. In these exceptions the defense must specifically request access to this evidence and the judge can use discretion in limiting this type of evidence. [MCL 750.520j]. This is known as the rape shield law.
2. The prosecutor does not need to prove that the survivor resisted. [MCL 750.520i].
3. The survivor's testimony does not need to be corroborated or supported by other witnesses. [MCL 750.520h].

4. A law enforcement officer cannot require the survivor to take a polygraph test. [MCL 776.21].
5. The law does not specify the sexes or limit the relationship of the parties involved. It is possible to bring criminal sexual conduct charges against a same-sex assailant or an assailant to whom the survivor is or has been married to or involved with in previous consensual sexual activity.

Michigan Crime Victims Rights

Michigan's Constitution outlines the following as some of the rights that crime victims possess:

- The right to be treated with fairness and respect for dignity and privacy throughout the criminal justice process.
- The right to be reasonably protected from the accused throughout the criminal justice process.
- The right to notification of all court proceedings.
- The right to attend the trial and all other court proceedings that the accused has the right to attend.
- The right to confer with the prosecution.
- The right to make an impact statement to the court at sentencing.
- The right to restitution.
- The right to information about the conviction, sentencing, imprisonment, and release of the accused.

Crime Victims Compensation

As a victim of crime, the sexual assault survivor may be eligible for monetary assistance. Assistance may include compensation for medical expenses, counseling, rehabilitation, and loss of earnings resulting from an injury that is the direct result of a crime. Claims should be filed within one year; however, there are exceptions for child victims of sexual abuse and upon petition for good cause. Claim forms are available from Crime Victim Services Commission, the local Prosecuting Attorney, any State Police post, or your local Rape Crisis Center.

Below are the law enforcement considerations that must be met to receive victims compensation:

- The crime must be reported to a law enforcement agency within 48 hours unless there was good cause for the delay. This provision is waived for child victims.
- The victim must be willing to cooperate with law enforcement agencies, the prosecutor, and the Commission. The local Rape Crisis Center may be able to provide some assistance with the paperwork.

The SAFE Response program which is administered by the Crime Victims Compensation board, will also pay for medical forensic exams. The follow-

ing link contains additional information about the Crime Victim's Compensation Board and a downloadable SAFE Response Claim form: http://www.michigan.gov/mdch/0,1607,7-132-2940_3184-209187--,00.html. See page 12 for more details about the SAFE Response program.

It is important that you allow the survivor to make their own choice regarding whether or not to pursue compensation through Crime Victim Services.

Stages in the Criminal Process

Warrant Request and Authorization: The detective/officer assigned to the case will forward a report to the prosecuting attorney's office. The prosecutor may want to interview the survivor. If the decision to prosecute is made, there will be an arrest warrant issued or a notice to appear in court for the defendant (perpetrator).


Arraignment in District Court: The district court judge will read the charges and the defendant will be given the opportunity to plead. Bond will be set at this time. Bond is an amount of money that needs to be paid to ensure that the perpetrator will show up for court again. Sometimes no bond or a very high bond is set so that the perpetrator is forced to stay in jail. If the defendant is released the judge may order conditions of bond. The prosecuting attorney may request a condition of bond that orders the defendant to not come near the survivor or contact them.

Preliminary Exam: This is a formal hearing in front of the district court judge. The prosecutor will try to prove that a crime took place, that it took place in your county, and that the perpetrator is a likely suspect. The prosecutor must prove that there is reasonable cause to believe that the crime took place and the accused committed it for the case to continue. The survivor may be required to testify. The case may be dismissed at this point or bound over to circuit court for trial. The defendant may waive the right to a preliminary exam and the case will go straight to circuit court.

Arraignment in Circuit Court: The charges will be read to the defendant in circuit court. The defendant will again be given the opportunity to plead. If the defendant pleads guilty or no contest to the charges, a sentencing date will be set. If the defendant pleads not guilty, a trial date will be set.

Pretrial Conference and Motions: The court may hear motions to determine what evidence will be admitted. The defense attorney and the prosecutor may discuss a plea bargain.

Trial: The prosecutor will try to prove beyond a reasonable doubt that the defendant committed the crime. The survivor will probably be called upon to testify again.



Sentencing: If the defendant is convicted, or pleads guilty or no contest, the probation department will make a sentencing recommendation to the judge. The survivor has the right to complete a written victim’s impact statement and an oral impact statement that describes how the assault has affected their life.

Civil Suit

The survivor has the option of filing a civil lawsuit. By doing this, they could possibly be awarded monetary damages. Here are some key points to keep in mind about this option:

- They will need to hire an attorney.
- They do not have to pursue criminal charges in order to file a civil lawsuit.
- They will be the Plaintiff and the perpetrator will be the Defendant.
- The process can take 2-5 years to complete.
- If the defendant is found guilty in the criminal trial, the only issue in the civil trial is over the type and amount of damages that the plaintiff (survivor) should receive.
- If the defendant was found not guilty in the criminal proceedings, or if there was no criminal proceeding, then the plaintiff only needs to prove that the defendant committed the wrong by a “preponderance of the evidence,” rather than “beyond a reasonable doubt.”
- The survivor’s sexual history may be brought into the trial.

The goal of a civil suit is to compensate the survivor for injury caused by the action of the defendant. If the defendant is found responsible in the civil action, he or she cannot be sentenced to time in prison/jail. An award of damages may be compensatory, punitive, or both. The goal of compensatory damages is to pay for the losses suffered by the victim. The primary purpose of punitive damages is to punish and deter criminals or third parties.

► *Chapter 7: Resources*

Rape, Abuse & Incest National Network (RAINN)

1-800-656-HOPE (4673)

Michigan Coalition Against Domestic and Sexual Violence

3893 Okemos Road, Suite B2

Okemos, MI 48864

(517) 347-7000

TTY: (517) 381-8470

www.mcadsv.org

general@mcadsv.org

Michigan Resource Center on Domestic & Sexual Violence

3893 Okemos Road, Suite B2

Okemos, MI 48864

(517) 381-4663

TTY: (517) 381-8470

www.resourcecenter.info

resource@resourcecenter.info

Crime Victim Services Commission

P.O. Box 30026

Lansing, MI 48909

(517) 373-7373



Michigan Rape Crisis Centers

Throughout Michigan there are more than 40 Rape Crisis Centers, offering counseling, advocacy and support groups. The list below is arranged by city, however, most Rape Crisis Centers provide service to the entire county in which they are located. In rural areas Rape Crisis Centers often provide services to several counties.

The section that follows provides a list of service providers and the services offered to victims of sexual assault. An “X” in the column indicates the type of services provided by the organization listed. **Sexual Assault Services** refers to the availability of counseling services and/or legal advocacy for victims of sexual assault. Some programs also provide temporary housing. **Referral** indicates that the organization primarily provides services to victims of domestic violence, but may be able to refer you to an organization in your community that provides sexual assault services. **Forensic Exams** refers to the availability of a Sexual Assault Nurse Examiner program. A SANE nurse has special training in the collection of forensic evidence following a sexual assault.

City	Program Name	Crisis Line Number	Sexual Assault	
			Services	Referral Forensic Exams
Adrian	Family Counseling & Children's Services	(800) 874-5936	X	
Allegan	Sylvia's Place	(888) 411-7837		X
Alpena	Shelter Inc.	(800) 396-9129		X
Ann Arbor	Sexual Assault Prevention & Awareness Ctr, U of M	(734) 936-3333	X	
Ann Arbor	U of M Nurse-Midwifery Services	(734) 763-2311		X
Ann Arbor	St. Joseph Mercy Hospital	(734) 712-2676		X
Ann Arbor	SafeHouse Center	(734) 995-5444	X	
Bad Axe	Huron County SafePlace	(888) 849-7233		X
Baraga	Keweenaw Bay Indian Community VOCA	(906) 353-4533	X	
Battle Creek	Sexual Assault Services of Calhoun County	(888) 383-2192	X	X
Battle Creek	S.A.F.E. Place	(888) 664-9832		X
Bay City	Bay Area Women's Center	(800) 834-2098	X	X
Benton Harbor	Safe Shelter Inc.	(888) 983-4275	X	
Big Rapids	WISE	(800) 374-9473	X	
Brimley	Bay Mills Indian Community	(888) 422-9645	X	
Cadillac	Cadillac Area OASIS/Family Resource Center	(800) 775-4646	X	
Callumet	Barbara Kettle Gundlach Shelter Home	(888) 337-5623		X

City	Program Name	Crisis Line Number	Sexual Assault Services	Referral Forensic Exams
Caro	Thumb Area Assault Crisis Center	(800) 292-3666	X	
Charlotte	SIREN/Eaton Shelter, Inc.	(800) 899-9997		X
Coldwater	Community Health Ctr. of Branch County	(517) 279-5437		X
Coldwater	Branch County Coalition Against DV	(517) 278-7432	X	
Dearborn	Arab Comm. Ctr. for Econ. and Social Services	(313) 216-2226	X	
Detroit	Detroit Police Dept. Victims Assistance Program	(313) 833-1660	X	
Detroit	Wayne County SAFE Program	(313) 430-8000		X
Detroit	Looking for My Sister	(313) 861-3221		X
Detroit	YWCA Interim House	(313) 861-5300	X	
Detroit	Serenity Services	(877) 855-5948		X
Detroit	LA VIDA	(313) 477-3028	X	
East Lansing	The Listening Ear Crisis Intervention Center	(517) 337-1717	X	
East Lansing	MSU Sexual Assault Program	(517) 372-6666	X	
East Lansing	MSU Safe Place	(517) 355-1100		X
Escanaba	Alliance Against Violence & Abuse, Inc.	(800) 682-1649	X	
Flint	YWCA of Greater Flint	(810) 238-7233	X	
Fremont	Gerber Memorial Medical Services	(231) 924-1300		X

City	Program Name	Crisis Line Number	Sexual Assault	
			Services	Referral Forensic Exams
Grand Rapids	YWCA West Central Michigan	(616) 776-7273	X	X
Grand Rapids	Safe Haven Ministries	(616) 452-6664		X
Grayling	River House, Inc.	(888) 554-3169	X	X
Hastings	Green Gables Haven	(800) 304-5445		X
Hillsdale	Hillsdale Community Health Center	(517) 437-5125		X
Hillsdale	Domestic Harmony	(888) 439-1454	X	
Holland	Center for Women in Transition	(800) 848-5991	X	X
Houghton	Dial Help, Inc.	(800) 562-7622	X	X
Howell	LACASA	(866) 522-2725	X	X
Ionia	RAVE/Ionia/Montcalm DV & SV Program	(800) 720-7233	X	
Iron Mountain	Caring House Inc.	(906) 774-1112	X	
Ironwood	Domestic Violence Escape, Inc.	(800) 711-6744	X	
Ironwood	Grand View Hospital	(906) 932-4990		X
Jackson	AWARE Inc.	(517) 783-2861	X	X
Kalamazoo	YWCA of Kalamazoo	(269) 385-3587	X	X
L'Anse	Baraga County Shelter Home	(906) 524-7078		X
Lansing	Sparrow Health System	(517) 364-3641		X

City	Program Name	Crisis Line Number	Sexual Assault	
			Services	Referral Forensic Exams
Lansing	EVE Inc.	(888) 796-5222	X	X
Lapeer	Lapeer Area Citizens Against Domestic Assault	(810) 667-4175	X	
Ludington	C.O.V.E.	(800) 950-5808	X	
Manistee	CHOICES of Manistee County, Inc.	(800) 723-7220		X
Manistee	Little River Band of Ottawa Indians	(888) 723-8288	X	
Marquette	Women's Center/Harbor House	(800) 455-6611	X	
Midland	Council on Domestic Violence & Sexual Assault	(877) 216-6383	X	
Monroe	Family Counseling & Shelter Svcs. of Monroe Cty.	(734) 242-7233		X
Monroe	Mercy Memorial Rape Crisis Program	(734) 240-8800		X
Mt. Clemens	Turning Point	(586) 463-6990	X	X
Mt. Pleasant	Saginaw Chippewa Indian Tribe Behavioral Health	(989) 679-0017		X
Mt. Pleasant	Sexual Assault Services - Central Michigan U.	(989) 774-2255	X	
Mt. Pleasant	Women's Aid Service	(989) 772-9168	X	X
Muskegon	Mercy Health Partners	(231) 722-3333		X
Muskegon	Every Woman's Place	(231) 722-3333	X	
Niles	Lakeland HealthCare	(866) 976-7263		X
Paw Paw	Domestic Violence Coalition Inc.	(888) 655-9008		X

City	Program Name	Crisis Line Number	Sexual Assault Services	Referral Forensic Exams
Petoskey	Women's Resource Center of Northern Michigan	(800) 275-1995	X	
Plymouth	First Step	(888) 453-5900	X	X
Pontiac	HAVEN	(877) 922-1274		X
Port Huron	Safe Horizons	(888) 985-5538	X	
Saginaw	Sexual Assault Center - CFS of Saginaw	(989) 790-9118	X	X
Saginaw	Underground Railroad, Inc.	(888) 399-8385	X	
Sault Ste. Marie	Diane Pepler Resource Center	(800) 882-1515	X	
Sault Ste. Marie	Advocacy Resource Center	(877) 639-7820	X	
St. Johns	Relief After Violent Encounter	(877) 952-7283	X	
St. Joseph	Lakeland HealthCare	(866) 976-7263		X
Suttons Bay	Grand Traverse Band of Ottawa & Chippewa Indians	(231) 234-7777	X	
Three Rivers	Domestic and Sexual Abuse Services	(800) 828-2023	X	
Traverse City	Women's Resource Center of Grand Traverse Area	(800) 554-4972	X	
Traverse City	Munson Medical Center	(231) 935-6333		X
Wayne(City)	First Step	(888) 453-5900	X	
Wilson	Hannahville Indian Community	(906) 630-8817		X

**For up-to-date information for these agencies,
please contact the MCADSV office at (517) 347-7000 or view the website at www.mcadsv.org.**

Contact Your Local Rape Crisis Center



The Michigan Coalition Against Domestic and Sexual Violence wishes to thank the Michigan Domestic Violence Prevention and Treatment Board for their financial support of this project.



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