

Victim Assistance Program

and
COMMUNITY RESPONSE TO
DOMESTIC VIOLENCE



Grand Traverse
County Sheriff



Traverse City
Police Dept.



Michigan
State Police

Dear Citizen:

Being a victim of a crime can be a very traumatic experience, and all too often, it is the victim whose rights and needs are not being met.

It is for those reasons that the Grand Traverse County Sheriff's Office, the Michigan State Police and the Traverse City Police Department are committed to ensuring the rights of victims and meeting their needs through the Victim Assistance Program in an effort to reduce the trauma of victimization.

EMERGENCY-DIAL 911

This pamphlet is provided to assist you, the victim of a crime, during the course of a criminal investigation, prosecution and trial. As the victim of a crime, it is your cooperation with the police, prosecutor and the courts which is an essential element in maintaining our criminal justice system. (This pamphlet is provided consistent with the "Victim's Rights Acts", P.A. 97 of 1985, P.A. 21 of 1988, P.A. 22 of 1988, P.A. 63 of 1994, P.A. 61 of 1994 and P.A. 62 of 1994.)

Obtaining a Warrant

A warrant is an order signed by the judge, charging a person with a crime. If the person is not already in police custody, the signed warrant authorizes the police to arrest the person and bring them before the court.

The investigating officer will contact the prosecutor who will decide if criminal charges will be made and what the exact charge will be. It is the prosecutor who will recommend that the judge sign the warrant. The prosecutor bases that recommendation on the following:

1. That an act (crime) was committed violating a law.
2. That there is sufficient evidence (probable cause) to believe that the accused is the one who committed the crime.
3. That the best interests of justice will be served by the criminal prosecution.

Understanding The System

Law Enforcement (Police):

- The police normally make an arrest on the spot to avoid any further problems. However, an officer may also decide it is best to seek the prosecutor's authorization for a warrant prior to an arrest.
- The police will contact the magistrate/judge regarding appropriate bond.
- In the case of a "Domestic Violence" complaint, as a condition of bond, the accused may be directed to NOT have any contact with the victim until after the arraignment in court.
- Also in "Domestic Violence" cases, the accused may be held in jail for at least 20 hours if an earlier release is not approved by the magistrate/ judge.

Magistrate/Bond Setting:

- The magistrate evaluates the setting of an appropriate bond for the release from jail based upon:
 1. Need to assure that the accused will return to appear in court for arraignment at the preset time.
 2. Need to protect the victim from further violence.
- Various conditions of the bond set by the magistrate may restrict the activities of the accused, such as: No consumption of alcoholic beverages, or no contact with the victim.

Michigan Crime Victim Notification Network

- 24 hour access to offender custody or case information
- The ability to verify an offender's custody status
- Automatic notification to registered users of a change in offender custody or case status

Victims may register themselves at www.VINELink.com to receive status information through the telephone, email, and/or via text message. We encourage you to take advantage of these resources, but note this system is not guaranteed. If you would like an update in status, you may call the Agency directly.

Prosecuting Attorney:

- The Prosecuting Attorney makes decisions regarding the criminal charges which may be brought against the accused. The prosecutor may wish to contact the victim and/or witnesses prior to making a final decision. A copy of the investigating officer's report will be made available to the prosecutor.

Court Processes:

- The first official court appearance is called an **ARRAIGNMENT**. At the arraignment, the judge will advise the accused of the specific charges and may also review the bond. The arraignment is held in District Court.
- The accused will have the opportunity to offer a "plea" to the charges during the arraignment. If a guilty plea is offered, the process may go directly to sentencing.
- The next step for a serious crime (felony or circuit court misdemeanor) is called a **PRELIMINARY EXAM**. At this exam, the District Court Judge will decide if there is sufficient evidence to have the case "bound over" to Circuit Court for continuation.
- Lesser crimes (misdemeanor) will remain in District Court.

- In either District or Circuit Court, the accused ("Defendant") will be allowed a **PRETRIAL HEARING** to allow an opportunity for any legal motions and assure proper proceedings toward the actual trial.
- All defendants are entitled to a **TRIAL** and may demand such by maintaining their "not guilty" plea. Trials occur in either court (depending on the seriousness of the crime); the trial may be "heard" by either the judge or a jury, at the request of the Defendant.
- The testimony of any victim/witness may be required at the Preliminary Exam, various legal motions, and the actual trial. The staff of the prosecuting attorney will be available to assist victims and witnesses.

Probation Officer:

- Prior to the actual sentencing of a guilty defendant, a probation officer may be assigned to conduct a **PRESENTENCE INVESTIGATION**. The Probation Officer may interview victims and witnesses and may also refer the Defendant for professional evaluation for possible counseling.
- The Probation Officer submits a sentencing recommendation to the judge by way of the Presentence Investigation.

Sentencing:

- The defendant will appear before the judge for sentencing after being found guilty by trial, or after pleading "guilty" or "no contest", and after the Presentence Investigation has been filed by the Probation Officer.
- During sentencing, both the Prosecuting Attorney and the Defendant (or Defense Attorney) will be allowed to make a final statement for consideration by the judge. The Victim may also be allowed to offer a final statement before the actual sentencing by the judge.
- The sentence from the judge may include any of the following:
 - Jail or prison time.
 - Deferred sentence with various conditions.
 - Probation.
 - Victim compensation/restitution.
 - Restraint from any contact with, harassment of, or threats against the victim.
 - Prohibition of use of alcoholic beverages and/or drugs.
 - Order for alcohol/drug abuse evaluation.
 - Order for participation in appropriate counseling.

Domestic Violence

"Domestic Violence" includes various assaultive actions between individuals. An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, a resident or former resident of his or her household or an individual with whom he or she has or has had a dating relationship. Acts of domestic violence are specifically prohibited by State Law and in most cases, a police officer may make an immediate arrest to prevent any further assaults.

Your legal rights include the right to go to court and file a petition requesting a personal protection order **to protect you or other members of your household** from domestic abuse which could include the following:

1. An order restraining or enjoining the abuser from entering onto premises.
2. An order restraining or enjoining the abuser from assaulting, beating, molesting or wounding you.
3. An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.
4. An order restraining or enjoining the abuser from removing minor children from you, except otherwise authorized by a custody or visitation order issued by a court of competent jurisdiction.
5. An order restraining or enjoining the abuser from engaging in stalking behavior.
6. Beginning April 1, 1996, an order restraining or enjoining the abuser from purchasing or possessing a firearm.
7. An order restraining or enjoining the abuser from interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
8. An order restraining or enjoining the abuser from interfering with you at your place of employment or engaging in conduct that impairs your employment relationship or environment.
9. An order restraining or enjoining the abuser from engaging in any other specific act or conduct that imposes upon or interferes with your personal liability or that causes a reasonable apprehension of violence.

Are You the Victim of Domestic Violence?

- Have you been beaten by your spouse or partner?
- Do you live in fear of your spouse or partner?
- Are your living conditions harmful to you and/or children's physical/emotional well-being?
- Are you "walking on eggshells" trying to anticipate or avoid your spouse's or partner's moods and actions?
- Do you feel helpless, ashamed, and/or confused?
- Are you afraid of your spouse or partner?

If you are the victim of domestic violence, you are not alone! You are not responsible for the violent behavior of another person and there is assistance available for you.

- Immediately contact your local police agency if you feel you are the victim of domestic violence.
- Contact the Third Level Crisis Intervention Center for counseling and/or referral assistance (922-4800).
- An emergency shelter home and/or counseling is available for women and children through the Women's Resource Center (941-1210).
- See the back of this pamphlet for a listing of various agencies which will assist you.

Safe Haven

During relationship problems, many couples attempt to exchange their children in public places. In some cases, these arrangements result in violent confrontations in front of the children between parents.

SAFE HAVEN provides a safe environment for families to visit or exchange their children. Parents do not see each other, using separate entrances to safely exchange their children.

**Domestic Violence is a Crime -
Report All Incidents!**

Incident report number _____

Date of incident _____

Type of report _____

Investigating Officer _____

Badge Number _____

If you are not notified of an arrest in your case, you may contact the law enforcement agency for the status.

Information and Referral Services

The Victim Assistance Staff works closely with the local service agencies. Referrals are made on the basis of the victim's specific needs. Typical referrals are made for short and long-term counseling, abuse shelters, and legal aid. Information is also available for self-referred victims. The Grand Traverse County Prosecutor's Victim Rights Coordinator may be contacted at 922-4607.

Victim's Bill of Rights

1. To be free from intimidation.
2. To be told of possible financial compensation for victims of violent crime.
3. To be told of possible compensation for court appearances.
4. To be told of social service agencies which can help you.
5. To be assisted by our criminal justice agencies.

Domestic Violence is a Criminal Offense

Support is Available

Emergency
Dial 911

Grand Traverse County Sheriff's Office
851 Woodmere Avenue
995-5000

Traverse City Police Department
851 Woodmere Avenue
995-5150

Michigan State Police
218 W. 14th Street
946-4647

Third Level Crisis Intervention Center
1022 East Front Street
922-4800 or 1-800-442-7315

Women's Resource Center
720 South Elmwood
941-1210 or 1-800-554-4972

Prosecuting Attorney
324 Court Street
922-4600

Victim's Rights Coordinator
Prosecutor's Office
922-4607

86th District Court
280 Washington Street
922-4580

13th Circuit Court
328 Washington Street
922-4707

13th Circuit Court Family Division
280 Washington Street, Ste. 202
922-4640

Safe Haven
Supervised Visitation & Exchange Center
3785 Veterans Drive
946-8975

Michigan VINELink
(800) 770-7657
TTY: (866) 847-1298
www.VINELink.com