

# Important Legal Information for You

Understanding Your Rights,  
Reporting the Crime,  
Personal Protection Orders,  
Evidence Testing



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## Some of Your Rights

Michigan law gives you certain rights to information about your criminal case and evidence kit testing results. You have the right to file a police report at any time. You also have the right to ask the Circuit Court for a personal protection order, even if there is not a criminal case. These and other rights are explained to you in this booklet. If you have questions about these or any other rights, you can call one of the resources listed on the final page of this booklet.

### Right to file a police report about the crime

You can choose whether or not to talk to the police or make a report.

The health care provider that performed the sexual assault medical forensic examination may be required by law to inform the police department where their facility is located and that they have treated you. This report may have already occurred. However, this does not mean that you have to speak with the police if you do not want to.

If you make a police report, an officer or detective will be assigned to your case and will write a report. After investigating, the police may send it to the prosecuting attorney's office. The prosecutor will review the report and decide whether to file criminal charges. The prosecutor may also wish to talk to you.

### Right to notice of perpetrator arrest and release

If you have filed a police report, you have the right to call the police and ask to be notified of an arrest in your case, or the release of the arrested person, or both. MCL 780.753.

### Right to information about status of the criminal case

If you have filed a police report, you have the right to ask about the status of your case, including: the name of the detective or investigating officer assigned to the case; whether the case

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has been submitted to the prosecuting attorney for review; and whether the case has been closed and the reason for closure.

- You can tell the police how you prefer to be contacted (telephone, e-mail, etc.). You can also pick another person to receive information about your case status.
- You can call back to request updated information about your case. The police may ask you to make the first request for case status information in writing. The police are only required to provide you with information that is available at the time of your request and they may wait to share some information if sharing it would interfere with the investigation. MCL 752.955.

## Right to evidence kit testing results

If you had a medical forensic exam and released the evidence kit to law enforcement, you have a right to ask the investigating law enforcement agency for information about evidence testing results, including: when the evidence kit was sent to a crime lab for testing; whether DNA evidence was found; whether a DNA profile was entered into CODIS; and whether a DNA profile resulted in a CODIS match. MCL 752.956.

*See pages 4-7 of this handbook to read about CODIS, the process for testing the evidence kit at the crime lab, and the meaning of testing results.*

- You can tell the police how you prefer to be contacted (telephone, e-mail, etc.). You can also pick another person to receive information about your evidence kit testing results.
- You can call back to request updated information about your case. The police may ask you to make the first request for case status information in writing. The police are only required to provide you with information that is available at the time of your request and they may wait to share some information if sharing it would interfere with the investigation. MCL 752.955.

For help: You can get help in making a police report or contacting law enforcement for this information by calling your nearest community based victim services provider.

## Right to ask for a personal protection order (PPO)

Whether or not you have filed a police report, you have the right to ask the circuit court for a PPO to protect you from someone that has assaulted you or someone that you are afraid of. A PPO can order that person not to have contact with you. The court can also order that person not to:

- Enter a place where you are or live.
- Threatened to sexually assault, kill, or physically injure you or another person.
- Purchase or possess a firearm.
- Interfere with you at your place of employment or education.
- Follow or appear within the sight of you in a public place or on private property.
- Contact you by phone.
- Send mail or electronic communications to you.
- Place or leave objects at your home.

The court can order other things in addition to the above list. It can order the person to stop any other behavior that interferes with your personal freedom or that causes you a reasonable fear of harm.

If the court grants you a PPO, the police can arrest the restrained person when there is reason to believe that he or she violated the terms of the PPO. If the police do not arrest the person who violates the order you also have the right to go to court and ask that the person be held in contempt of court for violating the order.

For help: You can get help in preparing the paperwork for a PPO by contacting your nearest sexual assault or domestic violence services provider or visiting: [www.michiganlegalhelp.org](http://www.michiganlegalhelp.org)

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# Understanding Sexual Assault Evidence Kit Testing in Michigan: What You Have the Right to Know

The sexual assault evidence kit (the kit)

The kit is a box that contains swabs, envelopes, instructions and forms. The kit is used during a sexual assault medical forensic exam to collect possible DNA evidence. DNA evidence can be found in semen, saliva, hairs, or blood that may be on your body or on items like clothing. This evidence can be used in the criminal investigation and prosecution. The medical exam can preserve evidence that may help the police and prosecutor with a criminal case.

What happens to the kit after your exam?

If you have agreed to release the kit to the police, it will be given to the police and sent to a crime lab for testing. If you do not release the kit to the police, the healthcare provider is required by law to store it for one year. It will not be tested and may be destroyed after one year. You can release the evidence any time during the one year period. In most cases, a kit stored by a healthcare provider cannot be given to police or tested unless you decide to release it. MCL 752.933.

Can I find out the results of kit testing?

Yes. If you have released the kit to the police, you have the right to know:

- When the kit was sent to a crime lab for testing;
- Whether a DNA profile (DNA evidence) was found in the kit;
- Whether a DNA profile was entered into CODIS (see CODIS definition on page 5);
- Whether a DNA profile resulted in a CODIS match.

You can call the police agency investigating the case to ask for this information. The police agency will be able to tell you this information, if it is available and if sharing it does not impede or compromise the investigation. MCL 752.956.



Are all released kits sent to a crime lab for testing?

Yes. If you have released the kit to police, the police are required to send the kit to a crime lab for testing within a certain period of time, typically two weeks. A crime lab has 90 days to test the evidence. This can take longer if the process involves more than one police agency or the lab has limited resources. MCL 752.934.

What will the crime lab test for?

A scientist will test the samples collected in the kit for DNA evidence. If there is enough DNA in the sample, a DNA profile is developed. A DNA profile is like a fingerprint that can help identify a suspect. In some cases, a DNA profile may also identify the DNA of a consensual sexual partner.

What if there is no DNA evidence?

Lack of DNA evidence does not mean that the sexual assault didn't happen. There are many reasons why DNA may not be present. As one example, the offender may not have left any DNA or the offender may have left too little DNA. DNA evidence is not always necessary for a sexual assault conviction. DNA is only one piece of evidence in an investigation. Other types of evidence include victim and witness statements, pictures of injuries, phone records, and other physical evidence.

What if there is DNA evidence?

If a crime lab detects enough DNA evidence, it will develop a DNA profile (DNA fingerprint) and enter that DNA profile into a national database called CODIS.

What is CODIS?

The COmBined DNA Index System, or CODIS, is a system of national, state, and local databases administered by the FBI. CODIS allows crime labs to compare kit evidence to DNA profiles from known criminal offenders and arrestees. They can also compare kit evidence to DNA evidence from unknown suspects in other crimes. CODIS has proven crucial in solving crimes by:

- Identifying unknown suspects;
- Linking DNA profiles from more than one crime to find serial offenders; and
- Eliminating suspects.

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What is a match or a 'hit' in CODIS?

When a DNA profile is put in CODIS it is compared to offender profiles that are already in CODIS. When a DNA profile is linked to an offender or a different crime scene it is called a match or 'hit.' There are two types of hits: (1) a 'hit' to an identified offender; or (2) a 'hit' to a DNA profile developed from evidence taken from a crime scene in a case where the offender is still unknown.

A 'hit' in CODIS does not necessarily mean that the case is solved or that the case will automatically go to trial. DNA is only one piece of evidence in an investigation. If the offender is unknown, a 'hit' can result in identifying the offender. Other times, a 'hit' can add to existing evidence and build a stronger case by identifying a serial offender.

Does my DNA go into CODIS?

No. The CODIS database is made up of DNA profiles from individuals convicted of or, in some states, arrested for particular crimes. It also includes DNA profiles of the possible suspects from crime scene evidence.

What about the DNA profile of a consensual sexual partner?

If the DNA profile identifies a recent consensual sexual partner, rather than the offender, that profile may be removed from CODIS. You can talk to the police about this process.

How can I find out where the kit is or DNA testing results?

You can contact the police investigating the sexual assault. If the police do not provide the information, you can contact a local community based sexual assault program or the prosecutor's office for help.

# Important Contact Information and Help

Community based victim services: Your community may have a sexual assault or domestic violence service program that can provide you with confidential counseling and advocacy. These services are available free of charge. A list of sexual assault programs is available in the handbook "Important Health Information for You," by calling the National Hotline (RAINN) 800-656 HOPE, or at [www.michigan.gov/crimevictims](http://www.michigan.gov/crimevictims) in the Help for Victims Section.

Prosecuting Attorney: The prosecuting attorney's office in your county has a victim/witness program. For additional information about victim's rights or the criminal process you can call the prosecuting attorney's office. A list of Michigan's prosecutor's offices is available at [www.michiganprosecutor.org](http://www.michiganprosecutor.org) in the prosecutor directory section.

Crime Victim Services Commission: You may be eligible for crime victim's compensation benefits if you have filed a police report. To apply, fill out an application available from the Crime Victim Services Commission at 517-373-7373 or online at [www.michigan.gov/crimevictims](http://www.michigan.gov/crimevictims).

## Contact Notes

Health Provider/SANE Program that Provided Examination	Phone
Community Based Victim Services Program	Phone
Law Enforcement Agency/Investigator Name	Phone
Prosecutor's Office/Victim Witness Specialist	Phone
Prosecutor's Office/Assistant Prosecutor on Case	Phone
Incident Number/Case Number	



Michigan Department of Health & Human Services

This is a project of the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

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