

## Stop Street Harassment

# Michigan

A variety of forms of street harassment are illegal in Michigan, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

In Michigan, there are six laws that may apply to prohibit some form of verbal street harassment.

#### ***Cursing and Swearing***

##### [§750.103](#)

Cursing in public is illegal in Michigan.

If a street harasser is using foul language or calling you swear words, you can report him/her.

Note: The law states that a prosecution can only be sustained if it is commenced within 5 days of the incident, so if you intend to report someone for cursing and swearing, you'll want to do so right away.

Penalty: Cursing and swearing is a misdemeanor in Michigan, punishable by a fine of up to \$500 and/or up to 90 days in jail.

#### ***Disorderly Person***

##### [§750.167](#)

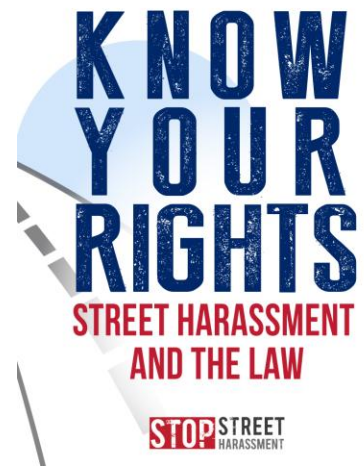
Michigan addresses disorderly conduct by defining who is considered a "disorderly person." The list of "disorderly persons" includes a range of offenses, but those relevant to street harassment are:

- Window peeping.
- Engaging in indecent or obscene conduct in a public place.
- Being intoxicated in a public place and either endangering the safety of another or causing a public disturbance.
- Loitering in or about a place where illegal business is being conducted (this might be someone buying or selling illegal substances, vending on the street without a permit, or soliciting prostitution).

The city of Detroit prohibits the same acts under its own disorderly conduct ordinance.

If a street harasser uses indecent or obscene language or gestures, or harasses you while intoxicated or loitering around a place where illegal activity is taking place, you can report him/her.

Note: If a harasser is hanging out in a place where illegal business is being conducted and also harassing you or other passersby, even if his or her street harassment is not expressly illegal,



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but you can still report him or her for loitering. (It is also considered disorderly conduct, and a felony, to engage in illegal business.)

Penalty: Disorderly conduct is a misdemeanor in Michigan, punishable by a fine of up to by a fine of up to \$500 and/or up to 90 days in jail.

### ***Improper Language in the Presence of Women and Children***

#### [§750.337](#)

It is illegal in Michigan to "use any indecent, immoral, obscene, vulgar or insulting language in the presence or hearing of any woman or child." This law is rather [sexist](#), but it's a law on the books.

If you're a woman or a minor and a street harasser is using this kind of language toward you or in your presence - whether cursing, insulting you, or making obscene or vulgar comments - you can report him/her.

Penalty: Using improper language in the presence of women and children is a misdemeanor, punishable by a fine of up to \$500 and/or up to 90 days in jail.

### ***Loitering – Detroit***

#### [Part III, Chap. 38, Article I, §3](#)

In Detroit, it is illegal "for any person to loiter on any street, sidewalks, overpass or public place." Loitering is defined as "the act of standing or idling in or about any street, sidewalk, overpass or public place so as to hinder or impede or tend to hinder or impede the passage of pedestrians or vehicles."

If someone is hanging out on the street and harassing you or other passersby so as to impede your passage – either because he or she is blocking the path or because it feels uncomfortable or unsafe to pass by – you can report him or her for loitering in the city of Detroit.

Penalty: Loitering is a civil fraction in Detroit and punishable by a fine of up to \$100.

### ***Profanity – Detroit***

#### [Part III, Chap. 38, Article VII, §3](#)

In the city of Detroit, it's illegal to use "profane, indecent or immoral language or indulge in indecent or immoral conduct" in or adjacent to a school.

If a street harasser is catcalling at you, using vulgar language, or otherwise harassing you near your school, you can report him/her.

Penalty: Using profanity on any property adjacent to a school is punishable by a fine.

### ***Soliciting Prostitution***

#### [§750.448](#)

Soliciting, inviting, or accosting another person to engage in prostitution is illegal in Michigan (as well as by ordinance in the city of Detroit). If a street harasser solicits sexual activity from you, you can report him/her.

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You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

**Penalty:** Throughout Michigan, soliciting prostitution is a misdemeanor, punishable by a fine of up to \$500 and/or up to 93 days in jail. In Detroit, the penalty for soliciting prostitution is a fine of \$500 and between 45 and 90 days in jail.

### ***Undesired and Unwelcome Accosting – Detroit***

#### **[Part III, Chap. 38, Article IX, §6](#)**

In the city of Detroit, it’s illegal for anyone to continue to accost someone after that person has asked him or her to stop or has reasonably and clearly communicated that continuing to accost him/her is undesired and unwelcome.

The city law defines accosting as “the act of approaching and communicating, by word, gesture, or any other means, with another person or persons without having been communicated to first.”

If a street harasser approaches you and speaks to you, and you do not want him or her to, you have the right to tell him or her to stop and to report him or her for accosting you if s/he does not stop. *If you feel safe to do so*, you can say clearly to the harasser “Stop harassing me,” “Stop talking to me,” or make it known in some other way that his or her attention is undesired. If the harassment does not stop, you have the right to report it to the police.

**Penalty:** Undesired and unwelcome accosting is a misdemeanor, punishable by a fine of up to \$500 and/or up to 90 days in jail.

## **Unlawful Filming/Photography**

### ***Surveillance of an Individual Having Reasonable Expectation of Privacy***

#### **[§750.539j](#)**

It is illegal in Michigan for a harasser to surveil, photograph, or otherwise record or capture an image, and/or disseminate or share that image, of you in your underwear, of your underwear, or of your unclad genitalia, butt, or breasts under circumstances in which you have a reasonable expectation of privacy.

The Michigan statute doesn’t define what the circumstances under which you can reasonably expect privacy are, but those circumstances usually include being in:

- Your home or another private place
- A dressing room
- A locker room
- A restroom

It also usually includes the private areas of your body that are covered by clothing.

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If a harasser peeps on you, take an up-skirt or other inappropriate photograph, or records you inappropriately, you can report him/her.

Penalty: Surveillance of or photographing or recording an individual having a reasonable expectation of privacy is a felony, punishable by a fine of up to \$5,000 and/or up to 5 years in prison.

## Indecent Exposure

### ***Indecent Exposure***

#### [§750.335a](#)

Michigan law prohibits knowingly making an open or indecent exposure of one's person or the person of another. That means it is illegal for anyone to flash or expose him or herself and it is illegal to expose a non-consenting person's body, for example by lifting up a woman's skirt.

If someone flashes you or exposes him or herself to you, or exposes you in some way, you can report him/her.

Penalty: Indecent exposure is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail. If the harasser was also fondling his or her genitals, pubic area, buttocks, or, if female, breasts at the time of the incident, the penalty rises to a fine of up to \$2,000 and/or up to 2 years in prison.

## Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

### ***Attempt to Commit Crime***

#### [§750.92](#)

Michigan has a provision that holds any person accountable that attempts to commit a crime, even if s/he doesn't succeed.

If you are being harassed or followed and you think the harasser may try to commit a crime - such as sexually assaulting you - you can report him or her to the police. That person will be held accountable in proportion to the crime s/he intended to commit. This applies whether the person was apprehended in the process or simply fails to complete the crime.

Penalty: The penalty for attempting to commit a crime is proportional the crime that was attempted. For example, if it is found that a harasser attempted to commit criminal sexual conduct in the fourth degree ([groping](#)), the penalty for his or her attempt would be up to half of the penalty for that crime: a fine of up to \$250 and/or up to 1 year in jail.

### ***Stalking***

#### [§750.411h](#)

Stalking is illegal in Michigan. It is defined as "a series of two or more separate noncontinuous acts," such as repeatedly contacting you, following you, or appearing at your home or workplace, that cause you to feel "terrorized, frightened, intimidated, threatened, harassed, or molested." If the same

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harasser follows you at least two times and makes you fearful or very distressed, you can report that person under this law.

### Groping

#### ***Criminal Sexual Conduct in the Fourth Degree***

##### [§750.520e](#)

Criminal sexual conduct in the fourth degree prohibits sexual contact with a non-consenting person.

Sexual contact in Michigan is defined as intentionally touching “intimate parts” or the clothing immediately covering intimate parts, or a causing another person to touch the perpetrator’s intimate parts or the clothing covering his or her intimate parts, if that touching “can be reasonably construed as being:

- For the purpose of sexual arousal or gratification
- Done for a sexual purpose
- Done in a sexual manner for revenge, to inflict humiliation, or out of anger.”

To establish liability for criminal sexual conduct in the fourth degree (in the context of street harassment), the state of Michigan will look for one of the following circumstances:

- You are 13, 14, or 15 years of age and the harasser is 5 or more years older than you.
- Force or coercion, including a threat, was used to accomplish the sexual contact.
- The harasser used “concealment or the element of surprise” to have sexual contact with you.

Most groping in a public place would fall under concealment or surprise, and so, in Michigan, you can report a street harasser who touches an intimate part of your body for criminal sexual conduct.

Penalty: Criminal sexual conduct in the fourth degree is a misdemeanor, punishable by a fine of up to \$500 and/or up to 2 years in prison.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office’s non-emergency number to submit a report afterward. For example, in Detroit, the number is 313-267-4600 and in Ann Arbor, it is (734) 994-2911. In Lansing, it is 517-483-4600. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.

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- The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Stalking, [MCLS § 750.411](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, in [Lansing](#) and [Ann Arbor](#), you can use this online form to report crimes such as harassing communication.
  - Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
    - Lansing Crimestoppers allows you to [submit a web tip](#), or call 517-483-STOP (7867).
    - In Detroit, you can do this by calling 1-800-SPEAK-UP.
    - Michigan also accepts state-wide tips through their Crimestoppers [webform](#).
  - Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.