



# Navigating Legal Systems Series for Partner/ Domestic Violence Victims & Survivors



**What Are My Rights Interacting  
with Police/Law Enforcement?**  
*Frequently Asked Questions*

**A resource by  
Sikh Family Center**

NOTE: Nothing in this guide constitutes legal advice. Please ask for a referral to an attorney for individual legal advice. You have the right to know your rights.



# Resources

<p><b>The National Domestic Violence Hotline:</b> 24/7 Hotline</p>	<p>1.800.799.SAFE (7233) <b>thehotline.org</b></p>
<p><b>Rape, Abuse &amp; Incest National Network (RAINN):</b> 24/7</p>	<p>1.800.656.HOPE (4673) <b>www.rainn.org</b></p>
<p><b>National Child Abuse Hotline:</b> 24/7</p>	<p>1.800.4.A.CHILD (422.4453) <b>https://www.childhelpline.org/</b></p>
<p><b>Trevor Project:</b> 24/7 Suicide prevention line serving LGBTQ+ folks.</p>	<p>1.866.488.7386 <b>https://www.thetrevorproject.org/</b></p>
<p><b>National Defense Center for Criminalized Survivors</b> If a victim/survivor has been wrongly arrested.</p>	<p>1.800.903.0111 extension 3 <b>https://bwjp.org/</b></p>
<p><b>VictimConnect Resource Center</b> Info on restitution, money a victim/survivor may receive towards bills created due to the crime.</p>	<p>1.855.484.2846 <b>https://victimconnect.org/</b></p>
<p><b>Sikh Family Center</b> Culturally-centered peer-counseling, non-emergency support &amp; resources. Calls returned by peer counselors within 48 hours. Free   Private   Punjabi+English</p>	<p>1.866.SFC.SEWA (732.7392) <b>https://sikhfamilycenter.org/</b></p>

## **WHAT IS DOMESTIC VIOLENCE?**

**Pattern of abusive behavior used by a family member or romantic partner to gain or maintain power and control over another family member or partner.**

**May be called family violence, domestic violence (DV) or intimate partner violence or dating violence.**

**DV may involve physical, sexual, emotional, economic, psychological, spiritual, or technological actions and/or threats. DV may happen to anyone regardless of age, race, profession, economic status, formal education, marital status, sexual orientation, gender identity or faith tradition.**

**DV is defined differently than above in different state laws, and even in different laws within the same state (e.g., family law v. criminal law).**



## HOW SHOULD I PREPARE TO CALL THE POLICE WHILE SEEKING SAFETY FROM A VIOLENCE SITUATION?

- **Victim/survivors in the U.S. have the right to call the police to stop the violence or report an incident of recent abuse.**
- **Someone else, a third party, could also call the police on your behalf.**
- **Prepare for heightened emotions if you have never spoken to law enforcement before. The officers responding to your call may make you more or less nervous depending on their personalities!**
- **Practice asking the police to get an appropriate interpreter, especially if you usually find yourself using Punjabi/your first language other than English when you are especially nervous or scared.**
- **Sometimes the police may inquire about possible targeting of and violence against others in the home, e.g. children. Prepare to explain everything you are doing to keep them safe.**

*If possible, speak with a confidential DV advocate first about how to explain the whole situation and how to be safe. (See P. 2)*

### **\* REMEMBER \***

**If possible, during a non-emergency, make a safety plan with a confidential DV advocate regarding the decision to call the police and what exactly you will say, how you will answer questions directly, and to be aware of possible consequences.**

**\*In an emergency, 911 may be your only safe option, even without a safety plan.\***

### **\* REMEMBER \***

**When speaking with the police, emphasize the most recent incident/abuse/threat first, and then go backwards in timeline. Law enforcement is there to assess PRESENT/imminent danger and will prioritize physical violence/threats.**



**WHAT IF I AM SCARED THE POLICE WILL ESPECIALLY HARM THE OTHER PARTY BECAUSE OF THEIR IMMIGRATION STATUS, TURBAN, BEARD, CLOTHING, SKIN COLOR, NON-U.S. ACCENT, ETC.?**

- These are reasonable and understandable fears, given the history of policing in the U.S., and the history of Sikhs and other communities with the police.
- Refocus your concern on your own safety: is calling the police important to protect you from an urgent threat? If you did not call them, who else can provide intervention/protection? Consider speaking with a trained resource from your community about all options.
- You can insist on your right to safety, while also stating to the police that the same cultural and faith beliefs are very dear to you too—the faith is not causing the abuse, the person is choosing to use abuse to control you.
- If you are concerned about what consequences--immigration, employment, parental rights--the other party may face, call a confidential advocate and/or attorney during a non-emergency time to discuss if possible. These common concerns should be balanced against real threats to your life and safety.

**\* NOTE \***

All groups, including Sikhs, have the right to practice their faith/religious tradition through their clothing. But, if you feel someone is misusing their articles of faith/appearance and/or manipulating you to not reporting abuse by them, please contact a confidential resource (see P. 2).

A resource for anyone being discriminated against in the U.S. for wearing their articles of faith:

Sikh Coalition: 1.212.655.3095

<https://www.sikhcoalition.org/legal-help/>



## WHAT IF I'VE HEARD ABOUT POLICE ARRESTING THE VICTIM, DEPORTING OR OTHERWISE PUNISHING HER?

- **First, consider who is telling you this information about the police: is it the person harming you, or someone else? How do they know? Can you verify local police practices (e.g. towards undocumented people) from a more neutral source e.g., a confidential resource (see page 2)?**
- **Not all police officers are alike, and some may show a lot of bias towards women, especially immigrant women. Finding a resource before-hand, like a confidential advocate/resource, to support you in calling and working with the police can be very helpful.**
- **In some places, when kids are involved, police do in fact rush to punish all the adults/and sometimes punish the mothers more harshly for “failing to protect” the children. Knowing this is power. Not a reason to give up. You now have the power to plan how to understand and then better explain the actual cause of risk.**
- **Sometimes, police may arrest the wrong person.**

### \* NOTE \*

**The arrest of a victim/survivor is sadly not at all unheard of. It does not mean that they will be criminally charged, however, it may take some time to sort through the evidence. The person being arrested has the right to remain silent (see also, P. 9). This may legally be the best thing to do, even if you wish to explain your innocence.**



## WHAT SHOULD I EXPECT WHEN POLICE RESPOND TO A 911 DOMESTIC CALL?

- Sometimes, someone else (e.g., a child, neighbor, doctor, teacher, or relative) may call the police, whether the victim/survivor want them to or not. The police will still show up to ask personal questions.
- Even if you didn't want to call the police, think about everything you are saying to them.
- Insist and try to ensure that the police fully understand what is being conveyed to them. Ask and re-ask for an interpreter if needed.
- Sometimes, police may arrest the abusive party even though the caller did not want them to, even if they had simply called to “warn” or “scare” the abusive party.
- Victim/survivor should let the police know if they want the abusive party to be criminally punished. But, the ultimate decision on pursuing the criminal case is up to the District Attorney/Prosecutor. To understand your rights after a DA gets involved, talk to a confidential resource. You do not have to do everything you are told to do.

### \* REMEMBER \*

In some states, communications with a doctor/medical staff are not fully confidential because they are “mandated reporters”: they have to tell the police if they believe their patient is a DV victim. Ask a confidential DV advocate more about this, if possible.

\*As far as possible, please prioritize receiving medical help, especially after events such as strangulation/“choking,” sexual assault or other injury that can cause lasting injuries that may not even be visible at first.

### \* REMEMBER \*

If a victim/survivor has been arrested, contact National Defense Center for Criminalized Survivors.

### \* NOTE \*

911 calls are recorded and can be used as evidence in the future.



## WHAT ASSISTANCE CAN I REQUEST FROM POLICE OFFICERS?

Depending on the state, a DV victim/survivor may ask the officer to assist by:

- Supporting victim/survivor or their children with information about local resources, shelters, and how to obtain an order of protection.
- An Emergency Protection Order that expires in a few days (varies by state), gives victim/survivors just enough time to take urgent actions. You do not need to go to court for this emergency order. ASK police if your state has such an Emergency Protection Order that they can call a Judge to issue in an emergency.
- Taking victim/survivor and children to a shelter or a family/friend's residence.
- Helping the victim/survivor obtain medical treatment if needed.
- Documenting the violence in a police report, even if the other party denies the violence. This creates official records that may be helpful in future court case/s.

### \* NOTE \*

Depending on the state, the victim/survivor of a crime may request the police to provide a copy of any police report/s at no cost.





## WHAT IF I DO NOT SPEAK ENGLISH?

- Ask if the police can get an appropriate interpreter—insist and ensure the police fully understand what is being said.
- Different states have different levels of language access & interpreter programs. Contact a DV Resource (see P. 2) to speak about how to request an interpreter for the court as well as for future interactions with police.

### \* NOTE \*

You may still need to disclose some details for the police to file a complaint. Speak to a confidential DV advocate (see P. 2) to discuss how to speak with the police.

## WHAT ARE MY RIGHTS IF I DON'T WANT TO TALK TO THE POLICE?

- Loudly say you are exercising your right to remain silent; ask for an attorney.
- U.S. Constitution grants everyone—including non-U.S. citizens—right to:
  - Remain silent, regardless of any threats from law enforcement (unless you are being questioned by immigration at the port of entry/border).
  - Talk to a lawyer before answering questions.
- In some states, you have to say your name if asked by the police.
- In response to other questions you do not wish to answer (e.g., immigration status—including, where you were born, how you entered, etc.; or any questions implying that you started the violence), exercise your rights.
- Anything you say to law enforcement can be used against you and others.



## WHAT IF I HAVE A PROTECTION ORDER AND POLICE ARE NOT ENFORCING IT?

- If a restrained party violates the protective order, call the police, show them the order, and ask police to enforce the order. This also helps document any pattern of violations.
- The police are supposed to enforce specific provisions of the order (e.g., removal of firearms if the other party has any; or e.g., the other party being prohibited from coming to your work). If they are not doing so, talk to a trained DV advocate as soon as possible.
- Victims/survivors who travel, or relocate to another state should themselves record/register their order in the other state. Speak to a DV advocate in the new state too (see P. 2).

### \* NOTE \*

Violations of a restraining order come with possible criminal consequences (e.g., revocation of bail, jail time, possible immigration consequences, etc.).

The federal Violence Against Women Act (VAWA) requires every state to recognize and enforce the protective orders of other states.

### \* REMEMBER \*

Even if the police do not immediately take your report of a violation seriously, do not give up. Talk to a DV agency that can help advocate with the police, establish a pattern of violations, and explain the danger. Restraining Orders are only as powerful as their enforcement!