

## **Have You Thought about Calling the Police but...**

### **...You still love your partner?**

Many people love the partners who abuse them. It's possible to love the abuser and, at the same time, insist that the violence stop. Your partner is not likely to stop on his or her own. You've tried hard to make your relationship work, and your partner has promised to do the same. But you've seen that your partner hasn't followed through with his or her promise. Even if you don't love your abuser anymore, this is nothing to be ashamed of, either.

### **...You don't want to get your partner in trouble?**

You may be trying to keep your abusive partner from getting into trouble. This can put you and your children in more danger, and lead to more trouble for your abusive partner. Perhaps you haven't told the police everything, or you haven't gone to the police, but just got a restraining order, or tried to leave without any protection. This approach is dangerous, because an abusive person is willing to use even more violence in order to re-establish his or her control. Consider a different strategy to protect yourself: make a police report, get a restraining order, get custody of the children, make your partner leave the home, call the police again if your partner calls you to say he or she is sorry. Don't drop or modify the restraining order. Follow through with the criminal process, even if you have hopes of getting back together with your partner in the future.

First, this strategy gives you time to think without worrying that he or she will come after you. Second, it focuses the abuser on their legal case, and gives your partner the chance to think about their illegal and immoral actions. There are no guarantees about which approach will work best for you. Even if you hope to get back together, it's important for your partner to recognize that domestic violence is an unacceptable crime.

### **...You don't want your partner to go to court or jail, you just want him or her to get counseling?**

In general, the courts can only order someone to get counseling if they have been found guilty of domestic violence. If it's your abusive partner's first offense, it's possible that the court will order them into counseling and not to jail.

### **...Your children need both parents?**

You may be concerned about your children's relationship with their abusive parent. You may think that when you call the police or get a restraining order, your children will have to be cut off from their abusive parent. However, the courts rarely cut off a parent from their children completely.

Remember, you are the children's parent and they depend on you for their security. When children see their parent living in fear and humiliation, they will feel the same emotions. Even when the abuser doesn't directly abuse the children, domestic violence seriously harms them. Research shows that children of all ages are aware of the violence. The younger the child is, the

more serious the effect. Children who live in a home with domestic violence frequently have learning, emotional, and behavioral problems, which can continue throughout their adult lives.

On the other hand, when children see their parent receiving help and getting to safety, they aren't only rescued from immediate danger, but also learn they have a right to stop abuse in their own lives.

As you start to break free of domestic violence, tell the children that separation doesn't mean that the abuser doesn't love them. Tell them directly that no one should tolerate abuse. Some of the abusive parent's behavior was harmful and criminal, so the abusive parent needs some time away. Tell the children it wasn't their fault, it's okay to be sad, and it's okay to miss, love, or be angry at their abusive parent.

**...Your partner says he or she will call Immigration and have you deported if you try to get help?**

It's very common for violent partners to make this kind of threat if you are an immigrant. However, it's almost impossible for these threats to be carried out. As mentioned earlier, you can't be deported for making a police report, requesting a restraining order, or testifying in court.

On the other hand, if you are depending on your spouse to apply for your green card and your partner is abusing you, remember that, according to U.S. law, some immigrants who are victims of abuse are eligible for residency without the support of the abusive spouse.

**...Your partner says he or she will call CPS and they will take your children away from you?**

Anyone can call CPS at any time. CPS will open an investigation, but that doesn't mean your children will automatically be taken away from you. If you call the police and make reports when your partner abuses you or the children, you will strengthen your credibility with the authorities. Later, if your abusive partner calls CPS, the investigation will reflect your previous calls to the police. CPS will know that your partner may be using them as part of his or her abuse against you.

**...Your partner says that he or she will kill, kidnap, or hurt you or the children?**

Take this dangerous threat seriously. Abusive people might carry out this type of threat. But also think about how dangerous it is to live with a person who could seriously hurt you and your children. If you don't call the police, you will be the only barrier between your violent partner and your children. To better protect your children, consider combining your defenses with the protection you can get from Marin Abused Women's Services (MAWS), the police, the District Attorney (DA), and others. You don't have to protect your family by yourself.

**What are the benefits of calling the police?**

Help that only the police can provide. The police are the only people in this society who have the authority to enter your home (or wherever you are in danger) and stop the violence immediately.

If you are facing domestic violence, you can use a copy of the police report to:

- Gain custody of your children in Family Court
- Strengthen a request for a restraining order
- Support an immigration residency application or work permit
- Provide support in housing disputes
- Explain your situation to your employer or your children's school
- Get government compensation as a victim of crime

### **Why it's useful to have a police report**

The domestic violence police report is the most crucial document you can have to stop the violence. It makes your story credible, and it can help you avoid having to repeat your story.

The police can also:

- Remove the abuser from the home
- Give you an Emergency Protective Order to give you time to think about your options
- Order the abuser to stay away from you and the children
- Give you temporary custody of your children
- Take weapons away from the abuser
- Make a police report, which starts a criminal case

### **What you should know to get the best protection from police**

When you call 911, you have the right to an interpreter. When you speak with the dispatcher, you can explain as much as possible about the situation. Usually, the operator will ask what the abuser has said and done. Try to stay on the line with 911 until the police arrive.

## **What to tell the police**

Tell the police about the abuser's criminal behavior towards you. Examples of criminal acts are physical and sexual violence, threats of violence, vandalism, kidnapping, holding you against your will, and violating restraining orders. Your experience of domestic violence probably includes much more than these criminal acts, such as the abuser's insults, foul language in front of the children, emotional betrayals, and more. But these things are not criminal. It can be hard to separate the criminal from the non-criminal acts, because it's all painful for you. But when you are talking with police, remember that the police are supposed to protect crime victims.

## **Things you can tell the police**

- Details of the most recent incident and any evidence or witnesses you can think of
- Specific threats the abuser has made to you verbally or in writing
- If you fear for your or the children's safety, tell the officer, and explain why you are afraid
- Show the officer all of your injuries
- Weapons the abuser has used or has access to
- If the abuser has a criminal history
- If the abuser has ever forced you to have sex
- If the abuser has ever hurt the children

If the officer has left, and you remember important information for the officer's report, you can write out a statement, take it to the police station, and ask the receptionist to add the statement to the report on your case.

*"Looking back, I wish I'd told the police all the things that (my partner) did that were illegal instead of focusing on how he was a liar and a cheater."*

## **INFORMATION ABOUT HOW TO PROTECT YOURSELF AND YOUR FAMILY WITH RESTRAINING ORDERS**

### **Emergency Protective Orders (EPOs)**

You have the right to request an Emergency Protective Order (EPO) from the Police. An EPO is a legal document prohibiting your abuser from contacting you in any way, whether or not your abuser was arrested. If the police don't offer you an EPO, you can visit the police station later to

get one. An EPO is available 24 hours a day and is good for 5 to 7 days, and can include custody orders if you have children. Only a police officer (with the approval of a judge) can obtain an EPO, so you will need to tell the officer what the abuser did to you and why you are afraid. The EPO is designed to provide you with immediate legal protection until you are able to obtain a Temporary Restraining Order (TRO) from the courts.

Temporary Restraining Orders (TROs)

FAMILY AND CHILDREN'S LAW CENTER: 415-492-9230

LEGAL AID OF MARIN: 415-492-0230

LEGAL SELF-HELP CENTER OF MARIN: 415-492-1111

You have the right to go to the Superior Court and request an order that will:

- Restrain your abuser from abusing you and other family members
- Direct your abuser to leave the household (The abuser can be ordered to move out while police stand by.)
- Prevent your abuser from getting near you or your residence, school, or workplace
- Prohibit your abuser from communicating with you directly, in writing, or through other people
- Determine custody of the children, visitation, and child support
- Eliminate many ways for your abuser to kidnap the children
- Prevent your abuser from manipulating you by using Immigration
- Direct the abuser to make reimbursements for damages related to the abuse
- Order your abuser to attend classes to learn how to stop their violence

The Temporary Restraining Order lasts between 2 and 3 weeks, until the day of the hearing, when a judge can turn it into a "permanent" restraining order that lasts up to 5 years.

Center for Domestic Peace, Home of Marin Abused Women's Services Phone: 415/457-2464 • Fax: 415/457-6457

[www.centerfordomesticpeace.org](http://www.centerfordomesticpeace.org)

Women's hotline: 415/924-6760 Spanish Women's hotline 415/924-3456 Men's hotline 415/924-1070