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Introduction to Criminology

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Mandatory Arrest for Domestic Violence

Men, the important entity in the nucleus of society, have beaten women of their houses around the globe for centuries because they believed that they would receive no actual retribution for their actions from the criminal justice system. Women, having a peripheral position in society, have been beaten, battered, raped, mistreated, abused, or killed in their households because of the domestic abuse they have to get through on a daily basis. However, women are not the only victims but men also have to suffer violent acts in their domestic spaces compromising the safety and life of both parties. Therefore, mandatory arrest laws and statutes were made that “require police officers to make an arrest when they have probable cause” (Erez) to believe that domestic violence has occurred thus “making a significant impact on arrest practices of males” (Erez) in cases of domestic assault. Building on the liabilities and mandatory statutes for domestic violence or assaults, this paper argues in favour of mandatory arrest practices for domestic violence in order to combat intimate partner assault.

Mandatory arrest laws and statutes were created in an effort to curb the instances of domestic violence in daily routines. Governments and officials, in the first place, were reluctant to interfere in policing and punishing the perpetrators because of the sensitive nature of the “personal problems” and “cultural values” that vary from one case to another (Hirschel et al.). Therefore, governments around the world passed laws due to increased liability for police or law

enforcement agencies inaction requiring the warrantless arrest of the people who are involved in such violent acts. In the United States, a mandatory arrest policy is in place in the District of Columbia and 16 other states which is introduced to ensure that perpetrators should be held accountable for their nefarious actions and victims are protected of their basic human rights to be safe and secure in society. The critics of the mandatory arrest policy argue that this policy sometimes does more harm than good to the victims of assault and violence as it can lead to the arrest of individuals who are falsely accused of violence in their domestic spaces. They also argue another possibility that mandatory arrest policy can discourage actual victims of assault from reporting abuse they go through in their households as they may fear that the man, provider and protector, of their house will be arrested and face legal consequences (Çelik).

In contrast to the critique, the mandatory arrest policy in cases of domestic violence is necessary to protect vulnerable people exposed to assault and violence as they may be too afraid and sensitive to report the abuse. It also sends a stronger message to the perpetrators or abusers that their misdemeanour is not a healthy attitude and will not be tolerated at any cost. The policy also supports the victims by making abusers realize that they will face legal consequences for the damage they have caused to someone physically or psychologically. The mandatory arrest policies and statutes also ensure that domestic violence is a serious crime which may help to prevent future incidents of such violent acts by removing the abuser from the home. Moreover, the policies also provide an opportunity to seek support and help from law enforcement agencies before the perpetrators could pose serious harm to their lives.

In a nutshell, law enforcement officials and police departments responsible for tackling the issues of domestic violence should be trained to handle domestic violence cases with sensitivity and great care. They should take into account the wishes of the victims when deciding

whether or not to make the arrest of the abuser to save them from future harm and the policy should be implemented with good intentions. Domestic abuse is a serious and sensitive matter that requires meticulous investigation and once confirmed needs mandatory support and help for the victim as well as consideration of other effective approaches to addressing the problem of domestic violence.

Works Cited

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