

## **Why Mandatory Arrests for Domestic Violence Perpetrators are Positive**

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### **Why Mandatory Arrests for Domestic Violence Perpetrators are Positive**

Domestic violence (DV) has far-reaching physical, psychological, economic, and social consequences for men, women, children, families, and communities worldwide. According to the CDC, one in every four women and one in every seven men will be physically abused by an abusive partner sometime in life. Approximately one in every three women and almost one in every six men are victims of sexual violence sometime in their lives. More than 3 million children are referred to child protective services because of domestic violence on an annual basis in the U.S (CDC, 2021). In most DV cases, the perpetrators are usually men who are often, young, unemployed, troubled, have a negative self-image, or have been victims of DV in the past. People's perceptions of DV have changed over time and challenged efforts and laws that protect the victims of DV, pressurizing the criminal justice to respond better to DV incidents. In an effort to combat DV, mandatory arrest policies have been adopted widely with an aim of decreasing the probability of repeated offence and repeated victimization (Hoppe, et al., 2020). These laws mandate the law enforcement officers to not ask victims/survivors if they intend to have their abusers arrested or want to press charges themselves. As such, the police have power and control over victims in deciding the situation's outcome. Mandatory arrests policies for police departments to arrest the perpetrators of domestic violence are positive laws because they criminalize DV to suppress ongoing DV, relieves pressure on already traumatized victims, and fulfills some victims' needs for retribution and punishment towards perpetrators. While not intended, the present impact of the mandatory arrest statutes has been to empower the criminal justice system in suppressing ongoing domestic violence.

Victims may find value in a number of ways. First, criminalizing domestic violence affirms survivors' status as victims of crime instead of guilty parties involved in a relationship

characterized by intimate violence. The Minneapolis Experiment had a significant effect on the implementation of mandatory arrest statutes in the United States during the 1980s and 1990s. The Minneapolis Police Department conducted the Minneapolis Domestic Violence Experiment in response to a speculation about the correct response by law enforcement officers regarding misdemeanor cases of domestic violence. Following this experiment, the Violence Against Women Act of 1994 was passed and impacted the states that lacked mandatory arrest laws (Sherman, 2018). Domestic violence victims who are afraid to report the crime because of threats and intimidation from the perpetrators benefit from mandatory laws. In this case, the police have the authority to make arrests of perpetrators if they have probable cause, notwithstanding the victim's desires (Hoppe, et al., 2020). Prior to the implementation of the laws, law enforcement officers were obligated to witness the abuse firsthand before arresting a person for committing a domestic violence crime. Currently, twenty-three states have mandatory arrest laws in place. The use of mandatory arrest laws in these states facilitates lawful identification of victims, increasing victims' confidence in affirming their rights under the law and serving as a potential channel for a victim to obtain access to domestic violence support. Other states defer to the discretion of the officers on scene when deciding whether to arrest.

Secondly, mandatory arrest statutes place the burden of arrest absolutely on the police officer, which relieves pressure on the victims/survivors who are already traumatized. Mandatory arrest is a constrictive measure that necessitates police officers to make an arrest in instances of domestic violence if they have probable cause to believe that the suspected offender committed an act(s) of domestic violence that is punishable by law (Hoppe, et al., 2020). If officers responded assertively by arresting a perpetrator, the victim may feel immensely relieved since both instant source of fear and panic and obligation for forceful actions taken against the

perpetrator are eliminated. Mandatory arrest therefore places the burden solidly on the shoulders of the criminal justice system. According to Chin and Cunningham (2019), more women are killed in domestic violence cases than men, where mandatory arrests were not made promptly. Mandatory arrest statutes have succeeded in both decreasing the risk of victim death and saving lives. Reverting to the time when officers arrived at the victim's residence and asked for their consent to arrest the perpetrator was not a promising idea because it put the burden back on the victim. Whereas victims are frequently hesitant to collaborate with law enforcers and prosecutors due to their abuser's intimidation, mandatory arrest and prosecution places the burden on the criminal justice system in the right way. Accordingly, police officers and prosecutors have succeeded in seeking justice for victims with evidence obtained through channels such as 911 calls, hospitals records, or any other evidence to hold perpetrators accountable.

Thirdly, mandatory arrests fulfilled the desires of some survivors for retribution or punishment. The fundamental basis of retribution is that, provided comparable circumstances, victims of domestic violence should be treated in an equivalent way as victims of stranger violence (Sherman, 2018). Whereas many researchers question the credibility of retribution, it is a well-known aim of criminal justice involvement to institutionalize retribution and eliminate the necessities for vigilante justice. Criminalization of DV is vital since it describes a crime and specifies the unique components of unlawful actions between intimate partners. Domestic violence perpetrators will be unable to claim ignorance of their abuse because the law clearly defines what is illegal. If the victim chooses not to report the DV incident, the wrongdoer may not face charges. The use of mandatory arrest guarantees that the offender is apprehended and brought to trial (Hoppe, et al., 2020). If the officer suspects there has been an assault, they will

only arrest the individual they suspect is the main perpetrator. An individual arrested for DV is normally held in jail until they appear in court within 24 hours for trial.

In conclusion, mandatory arrest statutes direct police officers to arrest the perpetrators of domestic violence regardless of the victim's wish. These are positive laws because they criminalize domestic violence to suppress it, relieve pressure on already traumatized victims, and fulfill the retribution and punishment needs of some victims towards perpetrators. The change in domestic violence perceptions over time has led to calls for better efforts and laws to protect the right of domestic violence victims/survivors. The criminal justice has responded by adopting various mandatory arrest policies to combat domestic violence, and consequently reducing the likelihood of repeated offence and repeated victimization. The adoption of mandatory arrest laws has influenced and changed policing behavior. As supported by the research evidence on DV laws, mandatory arrest has improved responsiveness towards DV victims and increased perpetrator arrest, prosecution, and conviction rates.

## References

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