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# Part 1: Battling Domestic Violence by Amy M. Zelcer- Article Summary

In 2005, the Supreme Court in the United States announced to suspend the mandatory arrest statues. Different to the law, which requires Police to arrest offenders on the belief that abuse has occurred regardless of the victim’s attention or on the basis of discretion of an officer. The case of Gonzales made the way for the Supreme Court to look into this mater. In case 199, Lad got orders to confine domestic violence by protecting herself and her three daughters from Simon Gonzales, her ex-husband who has been continuously abusing them. He killed his three daughters, irrespective of the fact that Lad had been repeatedly notifying the police department in Castle Rock about the violation of orders by his husband. Supreme Court took into consideration the facts presented in the court and argued that enforcement of the orders is not essential. Finally, the court dismissed the complaints (Zelcer 2014).

The Supreme Court, however, raise concerns on the nature of valid arrest throughout the United States. Many legal expert and advocacy organizations argued that this step is a backward approach held by the Supreme Court in cases pertaining to the domestic violence victims. The State law lacks authentic clarification and strong language, therefore the State legislative action focuses on amending arrest laws by indicating legal measures. State legal expert has also attempted to include strong language which might make its interpretation easier. At present, the decision pertains to be reactive toward domestic violence, rather acting to protect it (Zelcer 2014).

## Controversies about the mandatory arrest policies:

The arrest laws do not conform to each situation. They are not suitable weapons to fight domestic violence. These laws contradict the message the societal message that such laws of intimate violence to partner are unacceptable. Practically, these laws remain confined, in one way or another. Just in the symbolic sense, their interpretation remains crucial. Mandatory arrest laws go against women. They actually disempower women, since such laws remain narrow in scope to consider the preference of women or the victim with regard to arrest. In the United States, many women are against the arrest of their husband, but such laws force the state to prosecute their husband which result in the assumption that victim knows much less compared to the State. The law pays little heed to the pattern of abuse, and resultantly women have no role in the decision making about the mandatory arrest. Thus, this arrest is considered as a temporary issue in domestic violence. The mandatory arrest laws have also increased the chances of women’s arrest, as the police take into custody both women and the batterer. It is also disadvantageous for the women with children, as the child custody law also goes against women (Zelcer 2014).

**Special arrests:**

The framers of the mandatory arrest law actually wanted to disseminate a strong response about domestic violence. The provision of these laws is actually horrific for the victims, batterer and for the general society. With time, it has been proved that mandatory arrest law is not advantageous to much extent. Different to this, a preferential policy about arrest assures a likely concession. Considering the advantageous and disadvantageous scope, the mandatory arrest laws must be substituted with arrest statues. These statues limit the jurisdiction of police and aspire that the state should take action in some certain circumstances. Their focus is to search for more than one response to domestic violence (Zelcer 2014). Preferential arrest laws benefit the victim and give importance to their preferences, in this manner the victim’s point of view is included in the decision about the arrest. It also makes the space for police to listen to the suspect’s point of view more seriously.

# Part II

Since none of the representative in the committee has a role in framing law about domestic violence and abuse, and each of them works in some sort of secondary role. Therefore, each person in the committee must find the most suited lawful approach to guarantee compromise. In case any reservation arises, the concerned members should forward such reservations to higher hierarchies in their respective departments.

**Part III**

## List of data:

* 32.9 per cent of the Californian women and 27.3 per cent of Californian mean have been through physical violence by their intimate partners.
* According to the data released by the national coalition against domestic violence (NCADV) suggests that in a single year, law enforcement has received around two lac calls against domestic violence. Among them around thirty-five per cent of incidents involved weapons.
* Rape centres have served around thirty-two thousand prisoners annually.
* In a single day, domestic violence shelters have compensated around six thousand women’s.

# Part IV

Factors based on domestic violence which are considered in preferential arrest policy includes

* The seriousness of the incident
* The previous domestic or criminal record of the offender
* Victim’s concern about how violence has been executed
* The immediate consequences of partner’s arrest (Zeoli, Norris, and Brenner 2011).

# Part V

The implementation of the policy will be monitored by adapting the model of the national coalition against domestic violence. Since it focuses individually on domestic violence cases, therefore, the model adopted by NCADV would be the most suited manner.

# References:

Zelcer, Amy M. 2014. “Battling Domestic Violence: Replacing Mandatory Arrest Laws with a Trifecta of Preferential Arrest, Officer Education, and Batterer Treatment Programs.” *Am. Crim. L. Rev.* 51: 541.

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