“Battling domestic violence: replacing mandatory arrest laws with a trifecta of preferential arrest, officer education, and batterer treatment programs.”

In this article Amy Zelcer examines the ways in which domestic violence law has transformed since the Colonial era in the United States. According to Zelcer early family law came from English common law which at the time (some time in the 18th century) allowed husbands to hit their wives in what was known as the “rule of thumb”. This rule allowed husbands to hit wives with anything as wide as the husband’s thumb or narrower, it was not until the 19th century that states began to prohibit spousal abuse. The first state to make this ruling was Alabama in 1871 and shortly after many states followed suit. As public thought of domestic violence began to shift, the court system put in place family court which would rule on matters of spousal abuse. While this was taking place social workers began to be assigned to their family courts and they would often advocate for marriage counselors over court rulings. As the second wave of feminism began to gain attention in the 1970s they brought the issue of domestic violence to public view once more, “In1979, President Jimmy Carter established the Office of Domestic Violence within the U.S. Department of Justice to disseminate information about spousal abuse.” It is at this point in the article that Zelcer state that at this point in American legal history both the courts reaction to domestic violence as well as police officer response was still in need of a huge overhaul. “One study conducted in the early 1970s showed that out of twenty-three cases in which men were arrested for severely beating their wives,

only nine of the defendants went to jail. The author of the study attributed the

lenient sentencing to the court's belief that the men were merely "responding to

marital stress" or to their wives' incendiary conduct. Women were "agents

provocateurs" in their own thrashings…law enforcement officials were often unwilling to intervene in what they characterized as private, domestic matters. This attitude is evident in a 1984 case, Thurman v. City of Torrington. In Thurman, police failed to respond to ongoing, escalating abuse of Mrs. Thurman by her husband. Although Mrs. Thurman had a judicially

issued restraining order, her husband continued to harass, threaten, and abuse her

over the course of several months. During one such episode, she called the

police, who did not arrive for twenty-five minutes. Once an officer arrived, he

watched without intervening as the man kicked his wife's head until her neck

broke. It was not until another half-hour passed and the husband attempted to attack his wife again while she was on a stretcher being loaded into an ambulance that the police finally

wrestled him to the ground and arrested him. “ (Zelcer, 541) Follow what Zelcer calls the “*Thurman* tragedy” states experimented with mandatory arrests on all suspected domestic violence calls despite finding that “arrest work best” (Zelcer, 545) more states still did not enact mandatory arrests until the murder of Nicole Brown Simpson in the 1990s.

This article provided a good, simple outline to domestic violence in the United States, showing that change in DV law is a long road that has seen many mistakes. Zelcer explains to us that while mandatory arrests are common place in the United States today they are not ideal for all situations. Saying that this policy can disempower women, does not stop all offenders from repeated offenses and has led to more arrests of women. The main argument that mandatory arrest do not deter repeat offenders is very true but I believe as Zelcer states, mandatory arrest sends a message to society that domestic violence will not be tolerated and it does carry with it some major consequences.