

Restore Civil Rights to Domestic Violence Laws

Have we gone too far with our “get-tough-on-crime” approach to curbing domestic violence? Are fundamental Constitutional rights being set aside? Are we now placing victims at greater risk of violence?

Shawne Merriman, Guilty until Proven Innocent?

NFL player Shawne Merriman of the San Diego Chargers was arrested on September 6, 2009 for allegedly throwing his girlfriend to the ground. But were the accusations true? Paramedics were unable to find any injuries on the intoxicated woman. The charges were later dismissed for lack of evidence.



Allegations of domestic violence against Shawne Merriman were dismissed for lack of evidence.

Mandatory Arrest

The Fourth Amendment protects innocent Americans by requiring evidence of probable-cause before an arrest can be made. But domestic violence laws that “mandate” arrest ignore Constitutional guarantees and set aside the rights of the falsely-accused.

One million persons are arrested each year for allegations of domestic violence. But the evidence is often dubious and the allegations may be recanted. As a result, a conviction results in only one-third of cases.

Mandatory Arrest Places Victims at Risk

Harvard economist Radha Iyengar analyzed the impact of mandatory arrest in 15 states. Her surprising conclusion was reported in the August 7, 2007 issue of the *New York Times*: “intimate partner homicides increased by about 60% in states with mandatory arrest laws.”

Silencing the Voices of Victims

Why do mandatory arrest laws place persons at greater risk of future violence? Because many victims want their partner to attend anger management classes or get substance abuse treatment, not be thrown in jail.

So rather than calling for help, these persons opt to endure the abuse – sometimes with fatal results.

The Verdict is In...

American taxpayers have spent millions of dollars to implement must-arrest policies around the country. And the verdict is clear – these policies:

- Trample on Constitutional protections
- Place victims at greater risk of violence
- Divert limited funds away from the real victims

Must-arrest laws are an example of a well-intended policy leading to unintended consequences. **It’s time to restore civil liberties, respect for victims, and common sense to our nation’s domestic violence laws.**

(((RADAR

Respecting Accuracy in Domestic Abuse Reporting

For more information, contact RADAR at:
P.O. Box 775, Westfield, New Jersey 07090
E-mail : info@mediaradar.org
Internet : www.mediaradar.org