

Criminal law: spe2014a1 affiliation essay

[Law](#), [Criminal Justice](#)



Question 1. What are the unintended consequences of mandatory arrest policies?

Response. Mandatory arrest policies are both excellent tools for law enforcement and problematic tools for law enforcement. In the case of a domestic violence situation, it is always better to try to remove the abuser or aggressor from the situation, because if the police or law enforcement leave and the abuse continues, it can easily escalate (Alvarez & Bachman, 2014). However, mandatory arrest policies can also result in unfair arrests, and there can be problems with utilizing mandatory arrest policies in certain situations. Indeed, in some situations, calling the police can result in both parties being arrested—even the victim (Alvarez & Bachman, 2014). Individuals who oppose mandatory arrest laws state that they believe that police and law enforcement should have the discretionary power to make decisions regarding the necessity of the arrest, and to some extent, this is accurate. However, the police have often sided with the abuser historically, because for a long time abuse was considered a “family problem” rather than something that needed to be eradicated. These mandatory arrest laws have inadvertently taken the power away from the police and the victim because they do not allow police to use their judgment in domestic violence situations.

References

Alvarez, A., & Bachman, R. (2014). *Violence: The enduring problem*. Sage Publications.

Response to Student 1. This student’s response to the issue of mandatory arrest laws is absolutely accurate in many ways. The problem of victims

<https://assignbuster.com/criminal-law-spe2014al-affiliation-essay/>

refusing to call the police because of potential problems with being arrested is absolutely a concern that law enforcement should have in domestic violence situations, especially because many women who are abused are likely to refuse to prosecute because they are so used to protecting their abuser. Ideally, everyone should be comfortable calling law enforcement when they need help, and these laws make it difficult for women (and abused men) to call the police because they fear that they could cause the arrest and further anger of their abuser. This student's response is an excellent one and touches on many of the major issues associated with mandatory arrest laws.

Response to Student 2. While this student touches on some important issues regarding mandatory arrest policies, it seems as though there is more concern for the rise in arrests than there is for the efficacy of the policy. Certainly an increasing number of arrests is something to be concerned about, but weighing increased arrests against the safety of victims is incongruous—instead, the safety of victims should be weighed against the potential harm done by the policy.

Question 2. Given what we know about the risk factors for elder abuse, what national factors may contribute to older adults' vulnerability?

Response. Many elders who suffer from elder abuse are individuals who are taken care of by a non-professional caregiver (Alvarez & Bachman, 2014). These caregivers are often people who find themselves taking care of their family, and are not emotionally equipped to deal with the problems associated with old age; however, there can be other risk factors as well, including substance abuse and the potential for financial gain (Alvarez &

Bachman, 2014). There are national programs like the social security program that allow the elderly to receive money from the federal government, as well as Medicaid, which provides them with medications; money and drugs are two things that often make people vulnerable to others, especially if these individuals live in an altered mental state like so many elderly people do (Alvarez & Bachman, 2014). Social isolation also plays a significant role in risk, but there are few federal programs that really affect an individual's social isolation.

References

Alvarez, A., & Bachman, R. (2014). *Violence: The enduring problem*. Sage Publications.

Response to Student 3. This student sums up the problems associated with elder abuse extremely coherently. The problem of access to money and medication is something that cannot really be helped—it is impossible for the federal government to put aside the elderly and refuse to help them with money or medication, but it is also nearly impossible to keep people from taking advantage of people in this position. It is difficult to balance the two issues, and the only thing that can be done is the constant assessment and reassessment of the programs to ensure that people are not able to easily get money or medication in someone else's name.

Response to Student 4. This student focuses more heavily on the social isolation aspect of elder abuse, which is also significant. However, social isolation is very hard to fight on a federal level, and federal policies cannot really be enacted to ensure that all people are able to be socially active—indeed, not all elderly people want to be active. The student is much more

convincing when discussing the different financial aspects of elder abuse, especially because financial abuse can be so completely devastating to the individual. There is almost nothing that can take an individual's power away as readily or as easily as curtailing someone's financial freedom; that is why this is the most convincing part of the argument from this particular student.

References

Alvarez, A., & Bachman, R. (2014). *Violence: The enduring problem*. Sage Publications.