

Domestic Violence Lawyer Explains How Criminal Cases Are Handled in New York

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Long Island, NY - Domestic violence has gotten increased media attention lately concerning the impact that COVID-19 lockdowns have had on "victims" being isolated with their alleged victimizers. The New England Journal of Medicine referred to it in their perspective piece, "A Pandemic Within a Pandemic - Intimate Partner Violence During Covid-19." While the attention is well-deserved, a domestic violence lawyer in New York like Jason Bassett also understands the other side of the equation.

In New York, lawmakers have cracked down on domestic violence. Now, when the police are called to a domestic violence incident, a "mandatory arrest" must be made if the police find a reasonable cause. Even if the accuser changes their mind about pressing criminal charges, the arrest must be made. This has happened in response to the crackdown, but many domestic violence lawyers know that, in their zeal curtail domestic violence, it has also paved the way for more wrongful accusations.

"Things changed dramatically when New York changed the law to require police to make a mandatory arrest. The police are not even allowed to ask the accuser if they want an arrest to be made. What may have started out as a hollow accusation in the heat of the moment now leads to an arrest."

Once a case has gotten into the system, defense lawyers see all too often that prosecutors become more focused on a conviction than getting to the truth of what really happened. This is why it is critical for anyone who has been accused of domestic violence to get the assistance of a defense lawyer immediately.

Accusers have many reasons to call the police during a domestic dispute. Although many are genuinely in fear for themselves, there are those who use domestic violence accusations wrongfully. Especially in divorce and custody disputes, one party may accuse the other of domestic violence to get the upper hand. Frequently, the accuser doesn't realize the impact of these accusations. But these arrests and charges can have a long-term effect on the defendant, often for the rest of their lives.

?For someone who has been falsely accused of domestic violence, these charges have far-reaching and lasting repercussions, not only on their personal lives but also on their professional future. These charges may be seen on a future background check for a job or professional associations,? Mr. Bassett continued. ?The court may have issued an order of protection, meaning that person cannot go home. If they try to, they will add more charges. The most unfortunate part is that the accuser often doesn?t understand the consequences of calling the police until it?s too late.?

While domestic violence is a critical problem in the state of New York that for too long wasn?t taken seriously enough, wrongful domestic violence charges and overzealous prosecutions show that the pendulum may have swung too far in the other direction. Individuals who have been wrongfully accused of domestic violence can suffer the consequences of that accusation for a very long time.

Jason Bassett, Esq. is a New York domestic violence lawyer who has practiced criminal law in New York for over 20 years, both as a prosecutor and a defense attorney. To learn more about him, go to <https://jbassettlaw.com/how-are-domestic-violence-cases-handled-in-new-york/>

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