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New York Divorce and Family Law Blog

[Tiger's Silence Keeps Wife From Arrest](#)

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What really happened to Tiger Woods? We will probably never know- though we can speculate.

If the [voicemail released](#) of Tiger Woods pleading with a lover “*Can you please take your name off my phone?*” is authentic, perhaps the car accident was the result of a heated argument that escalated violently out of control. On the other hand, the accident could have resulted from a distraught Tiger’s failed attempt to drive away from the house to allow everyone time to cool off.

Regardless, despite the public criticism, Tiger was well counseled not to speak with the authorities. In the end, the matter seemed to be closed with the payment of a token fine and four points on his driver’s license. Had Tiger spoken to the police, either he or his wife could have been arrested as is well explained by [Elie Mystal](#) in her piece on [Above the Law](#):

In 1991, Florida became one of many states to set up a pro-arrest policy in domestic-violence cases. For years, feminist advocates had complained that police treated domestic-violence cases as private, family matters and assumed the abused spouse would never follow through and press charges.

Beginning in the 1990s, laws began virtually to force the police to take action. The new statutes direct police to figure out who was the “primary aggressor” in a domestic dispute. They make a call based on a checklist (bruises, disparity of physical size), and then they make an arrest. Howls of protest from the abused spouse are to be ignored: “The decision to arrest and charge shall not require the consent of the victim or consideration of the relationship of the parties,” the Florida law reads.

Remember, this is a good law. It protects victims of domestic violence who are dissuaded from assisting the criminal prosecution of their abusers out of fear of retribution.

And (rightly) the door swings both ways. It doesn't take into account the gender of the alleged attacker or victim. The police have a duty to investigate Elin Nordegren and pursue any criminal charges that may be relevant.

That Tiger might not want this to happen couldn't matter less. It's not his call.

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Well, if the allegations about Elin Nordegren are true and Tiger wants to keep her out of jail, then his best response right now is to keep his mouth shut. Especially when cops are around. You lawyers know the drill: don't talk, don't answer questions, don't cooperate, don't agree, don't speak English, don't remember — for the love of God, just shut up!