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LEGAL APPROACHES

NATIONAL CENTER ON LEGAL APPROACHES
TO PREVENT FAMILY VIOLENCE

Domestic Violence Arrest Policies

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States	DV Arrest Policy	Mutual Arrest and/or Primary Aggressor?	Notes	Relevant Statutes	2020 Rate of Aggravated Assault Offenses by Population (rate per 100,000 people)	Percentage of People Experiencing Intimate Partner Physical Violence, Sexual Violence, or Stalking in Their Lifetimes
Alabama	Officer Discretion	If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, or if both parties have injuries, the officer shall evaluate each complaint separately to determine who was the predominant aggressor. If the officer determines that one person was the predominant physical aggressor, that person may be arrested.	An officer may arrest a person when an offense involves domestic violence, and the arrest is based on probable cause, regardless of whether the offense is a felony or misdemeanor.	Ala. Code 1975 § 15-10-3 (A)(8); § 13A-6-134	357.1	37.5% of Alabama women & 29.5% of Alabama men

Alaska	Mandatory Arrest	A peace officer shall evaluate the conduct of each person to determine a primary aggressor if there are complaints of domestic violence from more than one person arising from the same incident. If the officer determines that one person was the principal physical aggressor, the other person or persons need not be arrested.	A peace officer shall arrest a person if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours, committed domestic violence, whether the crime is a felony or a misdemeanor, of if they committed the crime of violating a protective order in violation. A peace officer is not required to make an arrest if they have received authorization from a prosecuting attorney in the jurisdiction in which the offense under investigation arose not to arrest the person or to deliver the person to a crisis stabilization center or an evaluation facility.	Alaska Stat. § 18.65.530	578.9	43.3% of Alaska women & 30.2% of Alaska men
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Arizona	Discretionary or Mandatory Arrest*	In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified is not deemed to be an act of domestic violence.	*Arizona's mandatory arrest laws require an arrest in a case of infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument if the perpetrator is 15 years of age or older, unless the officer has reasonable grounds to believe that the victim will be protected from further injury. Otherwise it is discretionary and a peace officer may arrest a person if the officer has probable cause, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer.	Ariz. Rev. Stat. Ann. § 13-3601 (B)	350.2	42.6% of Arizona women & 33.4% of Arizona men
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Arkansas	Preferred Arrest	When a law enforcement officer receives conflicting accounts of an act of domestic abuse involving family or household members, the law enforcement officer shall evaluate each account separately to determine if one party was the predominant aggressor.	The officer may arrest the person if there is probable cause to believe the person has committed those acts within the preceding four (4) hours or within the preceding twelve (12) hours for cases involving physical injury, even if the incident did not take place in the presence of the law enforcement officer. The arrest of the person shall be considered the preferred action by the law enforcement officer when evidence indicates that domestic abuse has occurred. *One exception is when a law enforcement officer has probable cause to believe a person is the predominant aggressor and the act of domestic abuse would constitute a felony under the laws of this state, the law enforcement officer shall arrest the person who was the predominant aggressor if there is probable cause to believe the person has committed the act of domestic abuse within the preceding four (4) hours, or within the preceding twelve (12) hours for cases involving physical injury, even if the incident did not take place in the presence of the law enforcement officer.	Ark. Code Ann. § 16-81-113	535.8	40.8% of Arkansas women & 34.8% of Arkansas men
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California	Preferred or Mandatory Arrest*	Dual arrests are discouraged, but not prohibited. Reasonable efforts shall be made to identify the primary aggressor.	*An officer shall make an arrest when there are claims of a violation of a domestic violence protective or restraining order. Arrest is encouraged when probable cause exists. A peace officer may arrest the suspect without a warrant where both of the following circumstances apply: (1) The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed. (2) The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.	Cal. Penal Code § 836 (D); § 13701	288.7	34.9 % of California women & 31.1% of California men
Colorado	Mandatory Arrest	Dual arrest is not mandatory and mutual accusations must be evaluated separately.	An officer shall arrest when they have probable cause to believe that a crime involving domestic violence was committed.	Colo. Rev. Stat. § 18-6-803.6	286.9	36.8% of Colorado women & 30.5% of Colorado men

Connecticut	Mandatory Arrest	When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor and arrest them. If a peace officer believes probable cause exists for the arrest of two or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, such peace officer may submit a report detailing the conduct of such person during the incident for further review. The provisions of this section shall be construed to discourage, but not prohibit, dual arrests.	There is no statute specific to domestic violence but a statute about family violence includes this relationship in the definition of "family or household member." Whenever a peace officer determines that a family violence crime has been committed within the officer's jurisdiction, the officer must arrest the alleged perpetrator and charge the person with the appropriate crime.	Conn. Gen. Stat. Ann. § 46b-38b	103.8	37.7% of Connecticut women & 33.9% of Connecticut men
Delaware	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer may arrest whenever there are reasonable grounds to believe that any misdemeanor involving physical injury or the threat thereof or any misdemeanor involving illegal sexual contact or attempted sexual contact has taken place.	Del. Code Ann. Tit 11 § 1904 (A)(4)	303.4	37.6% of Delaware women & 32.7% of Delaware men

Florida	Officer Discretion	When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest. If a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend oneself or another family or household member from domestic violence. Mutual/dual arrests are strongly discouraged.	Whenever a law enforcement officer determines upon probable cause that an act of domestic violence has been committed within the jurisdiction the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not require consent of the victim or consideration of the relationship of the parties.	Fla. Stat. Ann. § 741.29; § 784.046	280.1	37.9% of Florida women & 29.3% of Florida men
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Georgia	Officer Discretion	Where complaints of family violence are received from two or more opposing parties, the officer shall evaluate each complaint separately to attempt to determine who was the primary aggressor. If the officer determines that one of the parties was the primary physical aggressor, the officer shall not be required to arrest any other person believed to have committed an act of family violence during the incident.	An officer may arrest where probable cause to believe an act of family violence occurred. The officer shall not base the decision of whether to arrest and charge a person on the specific consent of the victim or on a request by the victim solely or on consideration of the relationship of the parties.	Ga. Code Ann., § 17-4-20	293.8	37.4% of Georgia women & 30.4% of Georgia men
Hawaii	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer may arrest a person if the officer has reasonable grounds to believe that the person is physically abusing, or has physically abused, a family or household member.	Haw. Rev. Stat. § 709-906(2)	149.2	34.7% of Hawaii women & 24.1% of Hawaii men
Idaho	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer may arrest when upon immediate response to a report of a commission of a crime there is probable cause to believe that the person arrested has committed a violation of domestic assault or battery.	Idaho Code Ann. § 19-603	185.3	33% of Idaho women & 38.2% of Idaho men

Illinois	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	Whenever a law enforcement officer has reason to believe that a person has been abused by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, including arresting the abusing party where appropriate.	725 Ill. Comp. Stat. 5/112A-30; 750 Ill. Comp. Stat. 60/301	278.9	41.5% of Illinois women & 25.9% of Illinois men
Indiana	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer may arrest when there is probable cause to believe a domestic battery has been committed.	Ind. Code Ann. 35-33-1-1 (1)(A)(5)(B)	253	42.5% of Indiana women & 27.9% of Indiana men
Iowa	Discretionary or Mandatory Arrest*	The officer shall arrest the person whom they believe to be the primary physical aggressor. The duty of the officer to arrest only extends to those persons involved who are believed to have committed an assault. Persons acting with justification are not subject to mandatory arrest.	*Arrest is discretionary where probable cause to believe domestic abuse assault has been committed, not resulting in physical injury. Arrest is mandatory where probable cause to believe domestic abuse assault has been committed that resulted in physical injury, or was committed with intent to inflict serious injury; or with display of a dangerous weapon.	Iowa Code Ann. § 236.12; § 804.7 (5)	229.4	35.3% of Iowa women & 29.3% of Iowa men

Kansas	Mandatory Arrest	If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if there is probable cause that each accused person committed a crime or offense. They are not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence.	When a law enforcement officer determines that there is probable cause to believe that a crime or offense involving domestic violence has been committed, the officer shall, without undue delay, arrest the person for which the officer has probable cause to believe committed the crime or offense.	Kan. Stat. Ann. § 22-2307	346.4	33.9% of Kansas women & 31.1% of Kansas men
Kentucky	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	Any peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member, member of an unmarried couple, or another person with whom the person was or is in a dating relationship.	Ky. Rev. Stat. Ann. §431.005(2)(a)	168.3	45.3% of Kentucky women & 35.5% of Kentucky men

Louisiana	Mandatory Arrest	When a law enforcement officer receives conflicting accounts of domestic abuse or dating violence, the officer shall evaluate each account separately to determine if one party was the predominant aggressor.	An officer shall arrest where reason to believe family/household member has been abused and (1) probable cause to believe that there has been aggravated or second degree battery or (2) reasonable belief that impending danger to victim exists where aggravated or simple battery/assault has occurred.	La. Rev. Stat. Ann. § 46-2140	497	35.9% of Louisiana women & 35.2% of Louisiana men
Maine	Mandatory Arrest	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer shall arrest where probable cause to believe there has been a violation of aggravated assault between members of the same family/household or that a protection or restraining order has been violated.	Me. Rev. Stat. Ann. Tit 19-A § 4012 (5)	58.4	39.3% of Maine women & 33.6% of Maine men

Maryland	Officer Discretion	If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under subsection (a) of this section, the police officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.	(A) A police officer may arrest a person if: (1) the police officer has probable cause to believe that: (i) the person battered the person's spouse or household member; (ii) there is evidence of physical injury; and (iii) unless arrested immediately, the person: 1. may not be apprehended; 2. may cause physical injury or property damage to another; or 3. may tamper with, dispose of, or destroy evidence; and (2) A report to police was made within 48 hours of the alleged incident.	Md. Crim. Proc. § 2-204 (A)(1)(I), (II)	243.7	34.4% of Maryland women & 28.8% of Maryland men
Massachusetts	Preferred or Mandatory Arrest*	Mutual arrest seems discouraged because any officer arresting both parties must submit a detailed, written report in addition to an incident report, setting forth the grounds for dual arrest.	*Arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person has committed a felony, a misdemeanor involving abuse, or an assault and battery. Mandatory arrest when a law officer has probable cause to believe person has violated a temporary or permanent vacate, restraining, or no-contact order or judgment.	Mass. Gen. Laws Ann. Ch. 209a § 6	235.9	33.9% of Massachusetts women & 31.7% of Massachusetts men

Michigan	Officer Discretion	The officer, when determining whether to make an arrest of one or both individuals, should consider the intent of this section to protect victims of domestic violence and other factors. The officer should not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self-defense or in lawful defense of another individual.	An officer may arrest if the officer has reasonable cause to believe both of the following: (a) The violation (“domestic assault”) has occurred or is occurring and (b) the individual has had a child in common with the victim, resides or has resided in the same household as the victim, has or has had a dating relationship with the victim, or is a spouse or former spouse.	Mich. Comp. Laws Ann. § 764.15a(a), (b); § 776.22	365.1	36.1% of Michigan women & 25.8% of Michigan men
Minnesota	Officer Discretion	The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self-defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.	A peace officer may arrest a person anywhere without a warrant, including at the person’s residence, if the peace officer has probable cause to believe that within the preceding 72 hours, exclusive of the day probable cause was established, the person has committed nonfelony domestic abuse. The arrest may be made even though the assault did not take place in the presence of the peace officer.	Minn. Stat. Ann. § 609.34	166.5	33.9% of Minnesota women & 25.1% of Minnesota men

Mississippi	Mandatory Arrest	If a law enforcement officer has probable cause to believe that two or more persons committed an act of domestic violence, or if two or more persons make complaints of domestic violence to the officer, the officer shall attempt to determine who was the principal aggressor. The term principal aggressor is defined as the party who poses the most serious ongoing threat, or who is the most significant, rather than the first, aggressor. If the officer affirmatively finds more than one principal aggressor was involved, the officer shall document those findings.	Any law enforcement officer shall arrest a person with or without a warrant when he has probable cause to believe that the person has, within 24 hours of such arrest, knowingly committed a misdemeanor which is an act of domestic violence or knowingly violated provisions of an ex parte protective order, protective order after hearing or court-approved consent agreement.	Miss. Code Ann. § 99-3-7	194	39.7% of Mississippi women & 31.7% of Mississippi men
Missouri	Discretionary or Mandatory Arrest*	Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor.	*Officer may arrest when probable cause to believe there has been abuse or assault against a family or household member has been committed. Mandatory arrest when a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order.	Mo. Ann. Stat. §455.085	413.3	41.8% of Missouri women & 35.2% of Missouri men

Montana	Preferred Arrest	When a peace officer responds to a partner or family member assault complaint and if it appears that the parties were involved in mutual aggression, the officer shall evaluate the situation to determine who is the predominant aggressor. If, based on the officer's evaluation, the officer determines that one person is the predominant aggressor, the officer may arrest only the predominant aggressor.	Arrest is the preferred response in partner or family member assault cases involving injury to the victim, use or threatened use of a weapon, violation of a restraining order, or other imminent danger to the victim.	Mont. Code Ann. § 46-6-311	383.7	37.2% of Montana women & 34.6% of Montana men
Nebraska	Officer Discretion	If a peace officer receives complaints from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the predominant aggressor. If the officer determines that one person was the predominant aggressor, the officer need not arrest the other person believed to have committed an offense.	A peace officer may arrest a person without a warrant if they have reasonable cause to believe that such person has committed one or more of the following acts to one or more household members: Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or Threatening another in a menacing manner.	NE St § 29-404.02; § 29-429	229.3	33.7% of Nebraska women & 28% of Nebraska men

Nevada	Mandatory Arrest	If the peace officer has probable cause to believe that a battery was mutual, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident.	A peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons, his or her minor child or a person who is the custodian or guardian of his or her minor child.	Nev. Rev. Stat. § 171.137	306.8	43.8% of Nevada women & 32.8% of Nevada men
New Hampshire	Discretionary or Mandatory Arrest*	When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor.	An officer may arrest if there is probable cause to believe that in the last 12 hours a person has committed an abuse, including domestic violence. An officer shall arrest if person violates a temporary or permanent restraining order.	N.H. Rev. Stat. Ann. § 594:10 (I) (B); § 173-B:9	85.3	34.7% of New Hampshire women & 35.4% of New Hampshire men

New Jersey	Mandatory Arrest*	In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider the comparative extent of the injuries, the history of domestic violence between the parties, if any, and any other relevant factors. No victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self defense against domestic violence by an attacker.	*An officer shall arrest if there is probable cause to believe domestic violence has occurred and either victim shows signs of injury, a warrant is in effect, there is probable cause to believe that a weapon was involved, or there is probable cause to believe the person has violated a judicial or protective order. Where the victim exhibits no visible sign of injury (including physical pain or any impairment of physical condition), but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest.	N.J. Stat. Ann. § 2c:25-21	127.9	35.8% of New Jersey women & 27.4% of New Jersey men
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New Mexico	Officer Discretion	<p>A local law enforcement officer responding to the request for assistance shall be required to take whatever steps are reasonably necessary to protect the victim from further domestic abuse, including:</p> <p>(5) arresting the alleged perpetrator when appropriate and including a written statement in the attendant police report to indicate that the arrest of the alleged perpetrator was, in whole or in part, premised upon probable cause to believe that the alleged perpetrator committed domestic abuse against the victim and, when appropriate, indicate that the party arrested was the predominant aggressor.</p>	<p>A peace officer may arrest a person and take that person into custody without a warrant when the officer is at the scene of a domestic disturbance and has probable cause to believe that the person has committed an assault or a battery upon a household member.</p>	N.M.S.A. 1978, § 31-1-7 ; N.M.S.A. 1978, § 40-13-7	615.9	37.6% of New Mexico women & 33.3% of New Mexico men
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New York	Mandatory Arrest	In circumstances where there is more than one claim, the officer is not required to arrest each such person but shall attempt to identify and arrest the primary physical aggressor. The officer shall evaluate each complaint separately to determine who is the primary physical aggressor and shall not base the decision to arrest or not to arrest on the willingness of a person to testify or otherwise participate in a judicial proceeding.	Officers must make an arrest in domestic violence cases when there is probable cause to do so, regardless of the wishes of the victim. A police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that a crime has been committed by such person against a member of the same family or household; or a duly served order of protection or special order of conditions have been violated.	N.Y. Crim. Proc. Law § 140.10	240.7	31.7% of New York women & 29% of New York men
North Carolina	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer may arrest a person when there is probable cause to believe the person has committed 1. a felony, 2. a misdemeanor and will not be apprehended unless immediately arrested or may cause physical injury to himself or others, or damage to property unless immediately arrested, or 3. has committed one of the listed misdemeanors.	N.C.G.S.A. § 15a-401	314.5	35.2% of North Carolina women & 30.3% of North Carolina men

North Dakota	Preferred or Mandatory Arrest*	When complaints are received from two or more family or household members, the officer shall evaluate each complaint separately to determine if either party acted in self-defense.	*A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order, whether or not the violation was committed in the presence of the officer. If a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the offense is a felony or misdemeanor, and whether or not the crime was committed in the presence of the officer, the law enforcement officer shall presume that arresting the person is the appropriate response.	N.D. Cent. Code § 14-07.1-11 (2); § 14-07.1-10	253.4	29.7% of North Dakota women & 18.5% of North Dakota men
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Ohio	Mandatory or Preferred Arrest*	If the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall determine which of those persons is the primary physical aggressor. If the offender who committed the felonious assault is the primary physical aggressor, the officer shall arrest that offender for felonious assault, and the officer is not required to arrest but may arrest any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the felonious assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense during the incident but may arrest any of them and detain them until a warrant can be obtained.	*Provides for a preferred arrest policy when there is “reasonable grounds” to arrest; however, when there is probable cause to arrest, arrest is mandatory. An officer shall arrest if there are reasonable grounds to believe that a person knowingly caused physical harm to another or another’s unborn or knowingly caused or attempted to cause physical harm with a deadly weapon unless there are mutual accusations, in which case there is a policy of determination of primary aggressor.	Ohio Rev. Code Ann. § 2935.03	191.6	38% of Ohio women & 33.0% of Ohio men
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Oklahoma	Officer Discretion	A determination by the peace officer shall be made pursuant to the investigation as to which party is the dominant aggressor in the situation. A peace officer may arrest the dominant aggressor.	An officer may arrest a person if the officer has probable cause to believe that the person has committed and act of domestic violence in the last 72 hours and there are physical signs of injury, impairment of physical condition, a threat made to the victim, or a violation of a protective order.	Okla. Stat. Tit. §22-60.16	339.3	40.1% of Oklahoma women & 37.8% of Oklahoma men
Oregon	Mandatory Arrest	The peace officer is not required to arrest both persons. The peace officer shall make every effort to determine who is the assailant or potential assailant by considering factors like whether the alleged crime was committed in self-defense.	A police officer shall arrest a person if the officer responds to an incident of domestic disturbance and has probable cause to believe that an assault has occurred between family or household members, or to believe that one such person has placed the other in fear of imminent serious bodily injury.	Or. Rev. Stat. § 133.055	200.6	39.8% of Oregon women & 36.2% of Oregon men

Pennsylvania	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has [committed] involuntary manslaughter, simple assault, aggravated assault, recklessly endangering another person, [making] terroristic threats or stalking a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence.	18 Pa. Cons. Stat. Ann. § 2711	264.6	37.1% of Pennsylvania women & 30.4% of Pennsylvania men
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Rhode Island	Mandatory Arrest	<p>When more than one family or household member involved in a domestic violence incident states a complaint, the officer shall investigate each complaint to determine whether there is probable cause to believe a crime has been committed. The officer shall not dismiss the incident by presuming two-party guilt. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor.</p>	<p>When a law enforcement officer responds to a domestic violence situation and has probable cause to believe that a crime has been committed, the officer shall arrest and take into custody the alleged perpetrator of the crime when the officer has probable cause to believe that any of the following acts has occurred: (i) A felonious assault; (ii) An assault that has resulted in bodily injury to the victim, whether or not the injury is observable by the responding officer; (iii) Physical action that was intended to cause another person reasonably to fear imminent serious bodily injury or death. "Bodily injury" means physical pain, illness, or an impairment of physical condition; or (iv) Violation of a protective order and the violator has previous knowledge of the order and the terms of it. An arrest without warrant made under this section shall be made within twenty-four hours of the alleged crime.</p>	R.I. Gen. Laws § 12-29-3	157.5	32.6% of Rhode Island women & 25.4% of Rhode Island men
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South Carolina	Discretionary or Mandatory Arrest*	If a law enforcement officer receives conflicting complaints of domestic or family violence from two or more household members involving an incident of domestic or family violence, the officer must evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer must not arrest the other person accused of having committed domestic or family violence.	*A police officer must arrest if physical injury is present and there is probable cause to believe a person is committing or has freshly committed a misdemeanor/felony assault or battery. A police officer may arrest when there is probable cause but no physical injury. (A) A law enforcement officer may arrest, with or without a warrant, a person at the person's place of residence or elsewhere if the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony pursuant to the provisions of Section 16-25-20(A) or (D), 16-25-65, or 16-25-125, even if the act did not take place in the presence of the officer. (B) A law enforcement officer must arrest, with or without a warrant, a person at the person's place of residence or elsewhere if physical manifestations of injury to the alleged victim are present and the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony under the provisions of Section 16-25-20(A) or (D), or 16-25-65 even if the act did not take place in the presence of the officer.	S.C. Code Ann. § 16-25-70	420.3	42.3% of South Carolina women & 29.2% of South Carolina men
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South Dakota	Mandatory Arrest	If the officer has probable cause to believe that persons in a relationship have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the predominant physical aggressor.	If any law enforcement officer who is responding to a domestic abuse call has probable cause to believe that a crime has been committed, the law enforcement officer shall arrest the person who is suspected of committing the crime and make a complete report of any action taken.	S.D. Codified Laws Ann. § 25-10-36	399.1	27.8% of South Dakota women & 23.6% of South Dakota men
Tennessee	Preferred Arrest	If a law enforcement officer has probable cause to believe that two or more persons committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor. The officer shall presume that arrest is not the appropriate response for the person or persons who were not the primary aggressor. If the officer believes that all parties are equally responsible, the officer shall exercise such officer's best judgment in determining whether to arrest all, any, or none of the parties.	If a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic abuse, whether the crime is a misdemeanor or felony, or was committed within or without the presence of the officer, the preferred response of the officer is arrest.	Tenn. Code Ann. § 36-3-619	543.2	39.6% of Tennessee women & 36.8% of Tennessee men

Texas	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	Any peace officer may arrest, without a warrant, persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to another person and the peace officer has probable cause to believe that there is danger of further bodily injury to that person, or persons who the peace officer has probable cause to believe have committed an offense involving family violence.	Vernon's Ann. Texas C.C.P. Art. 14.03; § 1701.253	302.5	40.1% of Texas women & 34.9% of Texas men
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Utah	Mandatory Arrest	If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who the predominant aggressor was. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence.	When a peace officer responds to a domestic violence call and has probable cause to believe that an act of domestic violence has been committed, the peace officer shall arrest without a warrant or shall issue a citation to any person that the peace officer has probable cause to believe has committed an act of domestic violence. (i) If the peace officer has probable cause to believe that there will be continued violence against the alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the officer shall arrest and take the alleged perpetrator into custody, and may not utilize the option of issuing a citation under this section.	Utah Code Ann. § 77-36-2.2	159.9	33.6% of Utah women & 21.4% of Utah men
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Vermont	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	An officer may arrest for a misdemeanor where the officer has probable cause to believe that the person to be arrested has committed an assault against a family or household member, or a child of a family or household member.	VT RCRP Rule 3	126.7	39.2% of Vermont women & 30.9% of Vermont men
Virginia	Officer Discretion or Mandatory Arrest*	*An officer having probable cause to believe that a violation occurred shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest.	An officer may arrest without a warrant for an alleged violation (assault, battery, violation of protective order) regardless of whether such violation was committed in his presence, if based on probable cause or upon personal observations or the reasonable complaint of a person who observed the alleged offense or upon personal investigation.	Va. Code Ann. § 19.2-81.3	141.7	33.6% of Virginia women & 28.6% of Virginia men

Washington	Mandatory Arrest	When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor.	A police officer shall arrest a person without a warrant when the officer has probable cause to believe that: (d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition.	Wash. Rev. Code Ann. §10.31.100	187.6	41.4% of Washington women & 31.7% of Washington men
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West Virginia	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	<p>If a person is alleged to have committed an offense against a family or household member, a law-enforcement officer has authority to arrest that person without first obtaining a warrant if:</p> <p>(1) The law-enforcement officer has observed credible corroborative evidence that an offense has occurred; and either: (2) The law-enforcement officer has received, from the victim or a witness, an oral or written allegation of facts constituting a violation of section twenty-eight, article two, chapter sixty-one of this code (domestic violence offense); or (3) The law-enforcement officer has observed credible evidence that the accused committed the offense.</p>	W. Va. Code, § 48-27-1002	282.1	39.4% of West Virginia women & 36.3% of West Virginia men
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Wisconsin	Mandatory Arrest	If a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone other than the predominant aggressor.	An officer shall arrest if: 1. The officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime; and 2. Any of the following apply: a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely, b. There is evidence of physical injury to the alleged victim, c. The person is the predominant aggressor.	Wis. Stat. Ann. § 968.075	230.6	36.3% of Wisconsin women & 32.1% of Wisconsin men
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Wyoming	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	Any peace officer who has probable cause to believe that a violation of W.S. 6-2-510(a) or 6-2-511(a) has taken place within the preceding twenty-four hours or is taking place or that a violation of W.S. 6-2-502(a) or 6-2-504(a) or (b) has taken place within the preceding twenty-four hours or is taking place and that the person who committed or is committing the violation is a household member as defined by W.S. 35-21-102(a)(iv), may arrest the violator without a warrant for that violation, regardless of whether the violation was committed in the presence of the peace officer.	Wyo. Stat. § 7-20-102	162.6	33.9% of Wyoming women & 30.5% of Wyoming men
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District of Columbia	Mandatory Arrest	There are no statutory provisions regarding mutual arrest or predominant aggressors.	A law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person: (1) Committed an intrafamily offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intrafamily offense was committed in the presence of the law enforcement officer; or (2) Committed an intrafamily offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death. Notwithstanding subsections (a) and (b) of this section, a law enforcement officer shall not be required to arrest a person who is under 18 years of age when there is probable cause to believe that the person has committed an intrafamily offense, where the victim of that offense is not an intimate partner.	D.C. Code Ann. § 16-1031 (A)	595.1	
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American Samoa	Mandatory Arrest	If a law enforcement officer receives complaints of domestic or family violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic or family violence.	A law enforcement officer shall, without a warrant, arrest and charge a person with the appropriate crime if the officer has probable cause to believe that the person has committed a crime involving domestic or family violence, whether the offense is a felony or a misdemeanor, or was committed in or outside the presence of the officer.	Am. Samoa Code Ann. §47.0603		
Guam	Mandatory Arrest	If a peace officer receives complaints of family violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary aggressor, the officer need not arrest the other person believed to have committed family violence but the peace officer shall document to the best of their ability the evidence concerning the actions of each participant in the incident.	If a peace officer has reasonable cause to believe that a person has committed a felony or misdemeanor involving family violence, the peace officer shall presume that arresting and charging the person is the appropriate response.	Guam St Tit. 9 § 30.30		

Northern Mariana Islands	Mandatory Arrest	If a law enforcement officer receives complaints of domestic violence from more than one person arising from the same incident, the officer shall evaluate the conduct of each person to determine who was the principal physical aggressor. If the officer determines that one person was the principal physical aggressor, the other person or persons need not be arrested.	A law enforcement officer, with or without a warrant, shall arrest a person if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours committed a crime involving domestic violence, whether the crime is a felony or a misdemeanor. A law enforcement officer is not required to make an arrest if the officer has received authorization not to arrest from the attorney general or an assistant attorney general assigned to the criminal division of the Attorney General's Office.	2000 N. Mar. I. Pub. L. 12-19 §216		
Puerto Rico	Mandatory Arrest	There are no statutory provisions regarding mutual arrest or predominant aggressors.	A law enforcement officer shall arrest a person if the officer has grounds to believe that the person to be arrested has committed, even though not in his presence, or that is committing in his presence, domestic abuse.	P.R. LAWS ANN. tit. 8, §638		

Virgin Islands	Mandatory Arrest	There are no statutory provisions regarding mutual arrest or predominant aggressors.	A police officer, or other peace officer, shall make an arrest without a warrant if the officer has probable cause to believe that a misdemeanor or felony involving domestic violence, has been committed by the suspect. Any clear and specific written statement by a person alleging that he witnessed the suspect commit an act of domestic violence against another constitutes probable cause for an officer to believe that the offense was committed and probable cause to believe that the suspect committed the offense.	US Vir. Is. Code Tit. 16, § 94		
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Cherokee Nation	Officer Discretion	There are no statutory provisions regarding mutual arrest or predominant aggressors.	A peace officer may arrest without a warrant a person anywhere, including his place of residence, if the peace officer has probable cause to believe the person within the preceding seventy-two hours has committed an act of domestic abuse violence, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim.	Cherokee Nation Code § 40.3 (B)		
Navajo Nation	Mandatory Arrest	There are no statutory provisions regarding mutual arrest or predominant aggressors.	When a law enforcement officer has probable cause to believe that an individual has committed a crime involving family violence in or outside the presence of a law enforcement officer, the individual shall be arrested without a warrant.	Navajo Nation Code § 537		

Santee Sioux Tribe	Mandatory Arrest	If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the predominate aggressor. If the officer determines that one person was the predominate aggressor, the officer need not arrest the other person alleged to have committed domestic violence.	A law enforcement officer shall arrest any person, with or without a warrant, whom s/he has probable cause to believe committed any crime involving domestic violence as defined in Chapter 2, Section 1 of this Title, either in the presence of the officer or within 24 hours of a report to law enforcement of the commission of such offense, whether the offense is a felony or a misdemeanor. The officer shall promptly file a report and charge the arrestee with a criminal act.	Santee Sioux Tribe Title 6 Chapter 2 Section 5		
White Mountain Apache Tribe	Mandatory Arrest	If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, circumstances shall be evaluated to determine if there was a primary physical aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic violence.	A police officer shall arrest, with or without a warrant if there is probable cause to believe the person to be arrested has committed a domestic violence offense even though the arrest may be against the expressed wishes of the victim.	White Mountain Apache Code Chapter 6 Section 6.5		

Muscogee (Creek) Nation	Mandatory Arrest	If a Lighthorse police or other authorized law enforcement officer receives complaints of domestic, dating, or family violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic or family violence.	If a Lighthorse police or other authorized law enforcement officer observes a recent physical injury to, or an impairment of the physical condition of the victim, the officer shall arrest without a warrant a person located within the Muscogee (Creek) Nation territorial jurisdiction, including his/her place of residence. If the Lighthorse police or other authorized law enforcement officer has probable cause to believe that the person, within the preceding seventy-two hours, has committed a crime involving domestic, dating or family violence in the Muscogee (Creek) Nation territorial jurisdiction, although the crime did not take place in the presence of the Lighthorse police or other authorized law enforcement officer, they shall also arrest that person.	Muscogee (Creek) Nation Code § 3-305		
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