

State	DV Arrest Policy	Relevant Statute	Circumstances
Alabama	Officer's Discretion	Ala. Code 1975 § 15-10-3 (8)	An officer <u>may</u> 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
Alaska	Mandatory Arrest; Mutual is discretionary	Alaska Stat. § 18.65.530 (A) and (B)	An officer <u>shall</u> arrest a person when there is probable cause to believe that a crime of domestic violence has been committed in past 12 hours. When there are mutual accusations, policy of determination of the primary aggressor
Arizona	Discretionary/Mandatory Arrest	Ariz. Legis. Serv. Ch. 90 §13-3601(B)	An officer <u>shall</u> arrest where infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument. Otherwise, discretionary.
Arkansas	Pro-Arrest; Mutual is discretionary	Ark. Code Ann. § 16-81-113 (a)(1)(A) and (a)(2)(A)	Where probable cause exists, arrest is the <u>preferred</u> action. Mutual accusations to be evaluated separately, policy of determination of primary aggressor.
California	Pro-Arrest/Mandatory/Mutual discouraged	Cal. Penal Code § 13701(B)	Arrest <u>encouraged</u> where probable cause. Mandatory arrest when claiming violation of domestic violence protective or restraining order. Dual arrests are discouraged, but not prohibited. Reasonable efforts shall be made to identify primary aggressor.
Colorado	Mandatory Arrest; Mutual is discretionary	Colo. Rev. Stat. § 18-6-803.6	An officer <u>shall</u> arrest where probable cause to believe that a crime involving domestic violence was committed. Mutual accusations to be evaluated separately.
Connecticut	Mandatory Arrest; Mutual is discretionary	Conn. Gen. Stat. § 46b-38b (a)	An officer <u>shall</u> arrest whenever the officer determines upon speedy information that an act of domestic violence has occurred.
Delaware	Officer's Discretion	Del. Code Ann. Tit 11 § 1904 (A)(4)	An officer <u>may</u> 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.
DC	Mandatory Arrest	D.C. Code Ann. § 16-1031 (a)	An officer <u>shall</u> arrest where probable cause to believe physical injury or the threat thereof has occurred.
Florida	Officer's discretion/Mutual discouraged	Fla. Stat. Ann. § 741.29 (3) and 4(a) and 4(b)	An officer <u>may</u> arrest whenever the officer determines upon probable cause that an act of domestic violence has been committed. Mutual accusations to be evaluated separately; mutual arrests strongly discouraged, policy of determination of primary aggressor.

State	DV Arrest Policy	Relevant Statute	Circumstances
Georgia	Officer's Discretion	Ga. Code Ann., § 17-4-20 (A) and Ga. Code Ann., § 17-4-20.1 (A) and (B)	An officer <u>may</u> arrest where probable cause to believe an act of family violence occurred, without the consent of the victim and without consideration of the relationship between the parties. Where mutual accusations, policy of determination of primary aggressor.
Hawaii	Officer's Discretion	Haw. Rev. Stat § 709-906 (2)	An officer <u>may</u> 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.
Idaho	Officer's Discretion	I.C. § 19-603 (6)	An officer <u>may</u> 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 18-918 (domestic assault or battery).
Illinois	Officer's Discretion	725 Ill. Comp. Stat. 5/112A-30	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.
Indiana	Officer's Discretion	IC 35-33-1-1 (A)(5)(B)	An officer <u>may</u> arrest when there is probable cause to believe a domestic battery has been committed.
Iowa	Discretionary Arrest; Mandatory Arrest	Iowa Code Ann. §§ 236.12 (2)(a) and (2)(b)	Arrest is <u>discretionary</u> where probable cause to believe domestic abuse assault has been committed, not resulting in physical injury. Arrest is <u>mandatory</u> 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.
Kansas	Mandatory Arrest	Kan. Stat. Ann. § 22-2307 (b)(1)	Officers <u>shall</u> make an arrest when they have probable cause to believe that a crime is being committed or has been committed.
Kentucky	Officer's Discretion	Ky. Rev. Stat. § 431.005 (2)(a)	Any peace officer <u>may</u> 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 or member of an unmarried couple.

Domestic Violence Arrest Policies by State

06/11

State	DV Arrest Policy	Relevant Statute	Circumstances
Louisiana	Mandatory Arrest; Mutual is discretionary	La. Rev. Stat. Ann. § 46-2140 A(1), A(2), and B(1)	An officer <u>shall</u> 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. Mutual accusations to be evaluated separately, policy of determination of primary aggressor.
Maine	Mandatory Arrest	Me. Rev. Stat. Ann. Tit 19-A § 4012 (5)	An officer <u>shall</u> arrest where probable cause to believe there has been a violation of Title 17-A § 208 (aggravated assault) between members of the same family/household.
Maryland	Officer's Discretion; Mutual Discretionary	Md. Crim. Proc. § 2-204 (A)(1), (A)(2), and (B)	(A) A police officer <u>may</u> 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; <u>and</u> (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. (B) Policy of determination of primary aggressor.
Massachusetts	Pro-Arrest; Mandatory Arrest	Mass. Gen. Laws Ann. Ch. 209a § 6 (7)	Arrest shall be the <u>preferred</u> 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.
Michigan	Officer's Discretion	Mich. Comp. Laws § 764.15a	An officer <u>may</u> 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.

Domestic Violence Arrest Policies by State

06/11

State	DV Arrest Policy	Relevant Statute	Circumstances
Minnesota	Officer's Discretion	Minn. Stat. Ann. § 629.341 Subd.1	A peace officer <u>may</u> 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 24 hours the person has committed domestic abuse.
Mississippi	Mandatory Arrest	Miss. Code Ann. § 99-3-7 (3)	Any law enforcement officer <u>shall</u> arrest a person when he has probable cause to believe that the person has, within 24 hrs, knowingly committed a misdemeanor act of domestic violence or knowingly violated provisions of an ex parte protective order, protective order after hearing or court-approved consent.
Missouri	Officer's Discretion; Mandatory Arrest; Mutual Arrest Discretionary	Mo.Rev.Stat. §455.085.1, 455.085.3	Officer <u>may</u> 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. Policy of determination of primary aggressor.
Montana	Pro-Arrest; Mutual Arrest Discretionary	Mont. Code Ann. § 46-6-311 (2)(A) and (2)(B)	Arrest is the <u>preferred</u> 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. Policy of determination of primary aggressor.
Nebraska	Officer's Discretion	Neb.Rev.Stat. § 29-404.02 (1)(C)	A peace officer <u>may</u> arrest a person without a warrant if (s) he has reasonable cause to believe that such person has committed one or more of the following acts to one or more household members: (a) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or (b) Threatening another in a menacing manner.
Nevada	Mandatory Arrest; Mutual is Discretionary	Nev. Rev. Stat. § 171.137	A peace officer <u>shall</u> arrest when the peace officer has probable cause to believe that the person has committed a battery in the last 24 hours.
New Hampshire	Officer's Discretion; Mandatory Arrest	N.H. Rev. Stat. Ann. § 594:10 (1)(B); N.H. Rev. Stat. Ann. § 173-B:9	An officer <u>may</u> 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 <u>shall</u> arrest if person violates a temporary or permanent restraining order.

Domestic Violence Arrest Policies by State

06/11

State	DV Arrest Policy	Relevant Statute	Circumstances
New Jersey	Mandatory Arrest, under certain circumstances.	N.J. Stat. Ann. § 2c:25-21	An officer <u>shall</u> arrest if there is probable cause to believe domestic violence has occurred and either victim shows signs of injury, 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.
New Mexico	Officer's Discretion	N.M.S.A. 1978, § 31-1-7 (A)	A peace officer <u>may</u> 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.
New York	Discretionary Arrest/Mandatory Arrest	N.Y. Crim. Proc. Law § 140.10 (1) and (4)(a) and (b)	An officer <u>may</u> arrest a person when there is probable cause to believe the person has committed an offense. An officer <u>shall</u> arrest when there is probable cause to believe the person has committed a felony against a member of the same household or when there is probable cause to believe a protective order has been violated.
North Carolina	Officer's Discretion	N.C.G.S.A. § 15a-401 (b) (1) (2)	An officer <u>may</u> 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.
North Dakota	Pro-Arrest	N.D. Cent. Code § 14-07.1-10	If 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, then the law enforcement officer <u>shall presume</u> that arresting the person is the appropriate response.
Ohio	Mandatory Arrest; Mutual is Discretionary	Ohio Rev. Code Ann. § 2935.032 (A)(1)(a); Ohio Rev. Code Ann. § 2935.03 (A)(1)(a)(ii)	An officer <u>shall</u> 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 <i>unless</i> there are mutual accusations, in which case there is a policy of determination of primary aggressor.

State	DV Arrest Policy	Relevant Statute	Circumstances
Oklahoma	Officer's Discretion	Okl. Stat. §22-196 (6), (7), and (8)	A police officer <u>may</u> arrest a person if the officer has probable cause to believe that the person has committed an 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.
Oregon	Mandatory Arrest	Or. Rev. Stat. § 133.055 (2)(a),(b),(c)	A police officer <u>shall</u> arrest a person if the officer has probable cause to believe that a felonious assault or an assault resulting in physical injury occurred or action has placed another to reasonably fear imminent serious bodily injury or death.
Pennsylvania	Officer's Discretion	18 Pa. Cons. Stat. Ann. § 2711(a)	A police officer <u>may</u> arrest a person where there is probable cause to believe the person has committed simple assault, aggravated assault, reckless endangerment of another person, or harassment or stalking against a family or household member.
Rhode Island	Mandatory Arrest; Mutual is Discretionary.	R.I. Gen. Laws § 12-29-3 (b), (c)	A police officer <u>shall</u> arrest whenever there is probable cause to believe any of the following has occurred: felonious assault, assault resulting in injury (physical pain, illness, or an impairment of physical condition), action intending to cause fear of imminent serious bodily injury or death, or violation of a protective order or no-contact order. There is a policy of determination of primary aggressor in cases of mutual accusations.
South Carolina	Mandatory Arrest w/Physical Injury; Discretionary Without	S.C. Code Ann. § 16-25-70	A police officer <u>must</u> 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 <u>may</u> arrest when there is probable cause but no physical injury. There is a policy of determination of primary aggressor in cases of mutual accusations.

State	DV Arrest Policy	Relevant Statute	Circumstances
South Dakota	Mandatory Arrest	S.D. Codified Laws Ann. §§ 23a-3-2.1	A police officer <u>shall</u> arrest a person if officer has probable cause to believe a protective order has been violated. An officer <u>shall</u> arrest when officer has probable cause to believe that a person 18+ yrs and within last 48 hrs has assaulted a spouse, former spouse, the parent of that person's child, or any person with whom the offender resides or has formerly resided <i>and</i> that an aggravated assault or assault resulting in bodily injury has occurred, or an attempt has been made to put another in fear of imminent serious bodily harm.
Tennessee	Pro-Arrest; Mutual is Discretionary	Tenn. Code Ann. § 36-3-619 (a) and (b)	Arrest is the <u>preferred response</u> when a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic abuse, whether a misdemeanor or felony. If an officer has probable cause to believe that 2+ persons committed a crime, or 2+ persons make complaints to the officer, the officer <u>shall</u> try to determine the primary aggressor. Arrest is the <u>preferred response only</u> with respect to the primary aggressor.
Texas	Officer's Discretion	Tex. C.C.P. Art. 14.03 (A)(4)	A peace officer <u>may</u> arrest a person whom the officer has probable cause to believe has committed an offense involving family violence.
Utah	Mandatory Arrest; Mutual is Discretionary	Utah Code Ann. § 77-36-2.2 (2)and (3)	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 <u>shall</u> arrest the alleged perpetrator into custody. Policy of determination of primary aggressor.
Vermont	Officer's Discretion	Vt. R.Cr.P. Rule 3	An officer <u>may</u> 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.

State	DV Arrest Policy	Relevant Statute	Circumstances
Virginia	Discretionary Arrest	Va. Code Ann. § 19.2-81.3	Any officer, <u>may</u> 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. An officer having probable cause to believe that a violation occurred <u>shall</u> 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.
Washington	Mandatory Arrest; Mutual is Discretionary.	Wash. Rev. Code Ann. §10.31.100 (1), (2)(a),(b),(c)	A police officer <u>shall</u> arrest a person if 16+ and within the preceding four hours has assaulted a family or household member and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim observable 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. An officer <u>shall</u> arrest for violation of protection order. Policy of determination of primary aggressor.
West Virginia	Officer's Discretion	W. Va. Code, § 48-27-1002 (a) and (b)	A law-enforcement officer <u>may</u> arrest a person if the officer has observed credible corroborative evidence that an offense has occurred <i>and</i> either 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 the law-enforcement officer has observed credible evidence that the accused committed the offense.

Domestic Violence Arrest Policies by State

06/11

State	DV Arrest Policy	Relevant Statute	Circumstances
Wisconsin	Mandatory Arrest	Wis. Stat. Ann. § 968.075(2)	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.
Wyoming	Officer's Discretion	Wyo. Stat. § 7-20-102	A police officer <u>may</u> arrest a person if the officer has probable cause to believe that a violation (as defined by W.S. 6-2-501(a), (b), (e) through (g), 6-2-502(a) or 6-2-504(a) or (b) is taking place or has taken place in the last 24 hrs and the offender is a household member (as defined by W.S. 35-21-102(a)(iv)).