7-18-1995

Hot Topic: New Domestic Abuse Statute Mandates Arrests in Domestic Abuse Situations

Rex Barton
Municipal Technical Advisory Service, Rex.Barton@tennessee.edu

Follow this and additional works at: https://trace.tennessee.edu/utk_mtastop

Part of the Public Administration Commons

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: mtas.tennessee.edu.

Recommended Citation

This Bulletin is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at Trace: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Hot Topics by an authorized administrator of Trace: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.
New Domestic Abuse Statute Mandates Arrests in Domestic Abuse Situations

By Rex Barton
MTAS Police Management Consultant

The legislature intends that the official response to domestic abuse stresses enforcing the laws to protect the victim. Therefore, after July 1, 1995, the preferred response in a domestic abuse case is to arrest the primary aggressor, according to Tennessee Code Annotated, Title 36, Chapter 3, Part 6.

The new statute defines preferred response as "... law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest." The law change also requires police officers to document the reasons for not making an arrest in a domestic abuse situation.

Most police department policies reflect the old law that allowed a warrantless arrest, rather than mandating an arrest. Local police departments should review their policies and procedures to ensure that they are in compliance with the new law. Police departments may call their MTAS municipal consultant or Rex Barton, MTAS' police management consultant, at (615) 974-0411.
MTAS Mission Statement

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of The University of Tennessee’s Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

MTAS Hot Topics are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. Hot Topics are free to Tennessee local, state, and federal government officials and are available to others for $2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (615) 974-0411.