New Domestic Abuse Statute Mandates Arrests in Domestic Abuse Situations

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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.
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