



Predominant Aggressor Statutes

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PREDOMINANT AGGRESSOR ARREST LAWS AT A GLANCE

In thirty-five jurisdictions, there are statutory provisions that direct law enforcement officers to arrest the predominant/primary/principal aggressor in domestic violence situations.¹ In Arizona and Minnesota, the statutory language states that dual arrests are discouraged.² Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, North Carolina, Pennsylvania, Puerto Rico, Vermont, Virgin Islands, West Virginia, and Wyoming do not have predominant aggressor statutes.

In California, Mississippi, Missouri, North Dakota, and Wisconsin, the predominant/primary/principal aggressor is defined as the most significant, but not necessarily the first, aggressor in a domestic violence situation.³

To determine which party is the predominant aggressor, some states allow law enforcement officers to consider include, but are not limited to:

- (1) prior complaints or a history of domestic violence in thirty jurisdictions;⁴
- (2) the relative severity of the injuries of the parties involved in twenty-seven jurisdictions;⁵

¹ [Code of Ala. § 13A-6-134](#); [Alaska Stat. § 18.65.530](#); [A.C.A. § 16-81-113](#); [Cal Pen Code § 13701](#); [Cal Pen Code § 836](#); [C.R.S. § 18-6-803.6](#); [Conn. Gen. Stat. § 46b-38b](#); [Fla. Stat. § 741.29](#); [Fla. Stat. § 784.046](#); [O.C.G.A. § 17-4-20.1](#); [9 GCA § 30.30](#); [Iowa Code § 236.12](#); [La. R.S. § 46:2140](#); [Md. Criminal Procedure Code Ann. § 2-204](#); [MCLS § 776.22](#); [Miss. Code Ann. § 99-3-7](#); [§ 455.085 R.S.Mo.](#); [46-6-311, MCA](#); [R.R.S. Neb. § 29-439](#); [Nev. Rev. Stat. Ann. § 171.137](#); [Nev. Rev. Stat. Ann. § 171.1227](#); [RSA 173-B:10](#); [N.J. Stat. § 2C:25-21](#); [N.M. Stat. Ann. § 40-13-7](#); [NY CLS CPL § 140.10](#); [N.D. Cent. Code § 14-07.1-01](#); [N.D. Cent. Code § 14-07.1-10](#); [N.D. Cent. Code § 14-07.1-12](#); [ORC Ann. 2935.03](#); [ORC Ann. 2935.032](#); [22 Okl. St. § 60.16](#); [ORS § 133.055](#); [R.I. Gen. Laws § 12-29-3](#); [S.C. Code Ann. § 16-25-70](#); [S.D. Codified Laws § 25-10-35](#); [Tenn. Code Ann. § 36-3-619](#); [Tex. Occ. Code § 1701.253](#); [Utah Code Ann. § 77-36-2.2](#); [Va. Code Ann. § 19.2-81.3](#); [Rev. Code Wash. \(ARCW\) § 10.31.100](#); [Wis. Stat. § 968.075](#).

² [A.R.S. § 13-3601](#); [Minn. Stat. § 629.342](#).

³ [Cal Pen Code § 13701](#); [Cal Pen Code § 836](#); [Miss. Code Ann. § 99-3-7](#); [§ 455.085 R.S.Mo.](#); [N.D. Cent. Code § 14-07.1-01](#); [Wis. Stat. § 968.075](#).

⁴ [Code of Ala. § 13A-6-134\(a\)\(1\)](#); [Alaska Stat. § 18.65.530\(b\)\(1\)](#); [A.C.A. § 16-81-113\(a\)\(2\)\(B\)\(i\)\(d\)](#); [Cal Pen Code § 836\(c\)\(3\)](#); [C.R.S. § 18-6-803.6\(2\)\(a\)](#); [Conn. Gen. Stat. § 46b-38b\(b\)](#); [O.C.G.A. § 17-4-20.1\(b\)\(1\)](#); [9 GCA § 30.30\(c\)\(1\)](#); [Iowa Code § 236.12\(4\)](#); [La. R.S. § 46:2140\(C\)\(2\)\(e\)](#); [MCLS § 776.22\(3\)\(b\)\(ii\)](#); [Miss. Code Ann. § 99-3-7\(c\)\(ii\)](#); [§ 455.085 R.S.Mo.\(3\)\(3\)](#); [46-6-33, MCA\(2\)\(b\)\(i\)](#); [R.R.S. Neb. § 29-439\(1\)\(a\)](#); [Nev. Rev. Stat. Ann. § 171.137\(2\)\(a\)](#); [RSA 173-B:10\(II\)](#); [N.J. Stat. § 2C:25-21\(c\)\(2\)](#); [NY CLS CPL § 140.10\(4\)\(c\)](#); [N.D. Cent. Code § 14-07.1-10\(2\)](#); [ORC Ann. 2935.03\(A\)\(3\)\(d\)\(i\)](#); [22 Okl. St. § 60.16\(2\)](#); [ORS § 133.055\(2\)\(c\)\(B\)](#); [S.C. Code Ann. § 16-25-70\(D\)\(1\)](#); [S.D. Codified Laws § 25-10-35\(3\)](#); [Tenn. Code Ann. § 36-3-619\(c\)\(1\)](#); [Utah Code Ann. § 77-36-2.2\(3\)\(a\)](#); [Va. Code Ann. § 19.2-81.3\(B\)](#); [Rev. Code Wash. \(ARCW\) § 10.31.100\(2\)\(d\)](#); [Wis. Stat. § 968.075\(2\)\(ar\)\(1\)](#).

⁵ [Code of Ala. § 13A-6-134\(a\)\(2\)](#); [Alaska Stat. § 18.65.530\(b\)\(2\)](#); [A.C.A. § 16-81-113\(a\)\(2\)\(B\)\(i\)\(b\)](#); [C.R.S. § 18-6-803.6\(2\)\(b\)](#); [Conn. Gen. Stat. § 46b-38b\(b\)](#); [O.C.G.A. § 17-4-20.1\(b\)\(2\)](#); [9 GCA § 30.30\(c\)\(2\)](#); [Iowa Code § 236.12\(4\)](#); [La. R.S. § 46:2140\(C\)\(2\)\(b\)](#); [MCLS § 776.22\(3\)\(b\)\(ii\)](#); [§ 455.085 R.S.Mo.\(3\)\(2\)](#); [46-6-311, MCA\(2\)\(b\)\(ii\)](#); [R.R.S. Neb. § 29-439\(1\)\(b\)](#); [Nev. Rev. Stat. Ann. § 171.137\(2\)\(b\)](#); [RSA 173-B:10\(II\)](#); [N.J. Stat. § 2C:25-21\(c\)\(2\)](#); [NY CLS CPL § 140.10\(4\)\(c\)](#); [N.D. Cent. Code § 14-07.1-10\(2\)](#); [ORC Ann. 2935.03\(A\)\(3\)\(d\)\(iv\)](#); [ORS 133.055\(2\)\(c\)\(A\)](#); [S.C. Code Ann. § 16-25-70\(D\)\(2\)](#); [S.D. Codified Laws § 25-10-35\(2\)](#); [Tenn. Code](#)

- (3) whether injuries are a result of self-defense in twenty-five jurisdictions;⁶
- (4) the reasonable belief of imminent danger due to threats of violence in fifteen jurisdictions;⁷
- (5) the likelihood of future injury to a party in fourteen jurisdictions;⁸
- (6) the intent of the law to protect families and victims of domestic violence in nine jurisdictions;⁹ and
- (7) statements from witnesses in seven jurisdiction.¹⁰

Louisiana also allows law enforcement officers to consider the welfare of minor children at the scene and the existence of protective orders to determine who is the predominant aggressor.¹¹ Montana also allows law enforcement officers to consider the relative size and apparent strength of each person.¹²

This matrix is a compilation of all state statutes that use “primary” or “predominant” or “principal” aggressor language. Only the portion of the statute that applies to predominant/primary/principal aggressor or mutual or dual arrest is in this chart.

[Ann. § 36-3-619\(c\)\(2\)](#); [Utah Code Ann. § 77-36-2.2\(3\)\(b\)](#); [Va. Code Ann. § 19.2-81.3\(B\)](#); [Va. Code Ann. § 19.2-81.3\(B\)](#); [Rev. Code Wash. \(ARCW\) § 10.31.100\(2\)\(d\)](#); [Wis. Stat. § 968.075\(2\)\(ar\)\(3\)](#).

⁶ [Code of Ala. § 13A-6-134\(a\)\(5\)](#); [Alaska Stat. § 18.65.530\(b\)\(4\)](#); [A.C.A. § 16-81-113\(a\)\(2\)\(B\)\(i\)\(c\)](#); [Cal Pen Code § 836\(c\)\(3\)](#); [C.R.S. § 18-6-803.6\(2\)\(d\)](#); [Conn. Gen. Stat. § 46b-38b\(b\)](#); [Fla. Stat. § 784.046\(b\)](#); [O.C.G.A. § 17-4-20.1\(b\)\(4\)](#); [9 GCA § 30.30\(c\)\(4\)](#); [La. R.S. § 46:2140\(C\)\(2\)\(c\)](#); [Md. Criminal Procedure Code Ann. § 2-204\(b\)](#); [Minn. Stat. § 629.342\(Subd. 2\)\(a\)](#); [Miss. Code Ann. § 99-3-7\(c\)\(iii\)](#); [46-6-311, MCA\(2\)\(b\)\(iii\)](#); [R.R.S. Neb. § 29-439\(1\)\(d\)](#); [Nev. Rev. Stat. Ann. § 171.137\(2\)\(d\)](#); [NY CLS CPL § 140.10\(4\)](#); [N.D. Cent. Code § 14-07.1-10\(2\)](#); [ORC Ann. 2935.03\(A\)\(3\)\(d\)\(ii\)](#); [ORS § 133.055\(2\)\(c\)\(C\)](#); [S.C. Code Ann. § 16-25-70\(D\)\(4\)](#); [Tenn. Code Ann. § 36-3-619\(c\)\(5\)](#); [Utah Code Ann. § 77-36-2.2\(3\)\(d\)](#); [Va. Code Ann. § 19.2-81.3\(B\)](#); [Wis. Stat. § 968.075\(2\)\(ar\)\(6\)](#).

⁷ [Code of Ala. § 13A-6-134\(a\)\(4\)](#); [Cal Pen Code § 836\(c\)\(3\)](#); [Conn. Gen. Stat. § 46b-38b\(b\)](#); [9 GCA § 30.30\(c\)\(5\),\(6\)](#); [Iowa Code § 236.12\(4\)](#); [MCLS § 776.22\(3\)\(b\)\(ii\)](#); [§ 455.085 R.S.Mo.\(3\)\(2\)](#); [46-6-311, MCA\(2\)\(b\)\(v\)](#); [RSA 173-B:10\(II\)](#); [NY CLS CPL § 140.10\(4\)\(c\)](#); [ORC Ann. 2935.03\(A\)\(3\)\(d\)\(iii\)](#); [ORS § 133.055\(2\)\(c\)\(A\)](#); [S.D. Codified Laws § 25-10-35\(2\)](#); [Rev. Code Wash. \(ARCW\) § 10.31.100\(2\)\(d\)](#); [Wis. Stat. § 968.075\(2\)\(ar\)\(4\),\(5\)](#).

⁸ [Code of Ala. § 13A-6-134\(a\)\(3\)](#); [Alaska Stat. § 18.65.530\(b\)\(3\)](#); [C.R.S. § 18-6-803.6\(2\)\(c\)](#); [O.C.G.A. § 17-4-20.1\(b\)\(3\)](#); [9 GCA § 30.30\(c\)\(3\)](#); [Miss. Code Ann. § 99-3-7\(2\)\(c\)\(ii\)](#); [R.R.S. Neb. § 29-439\(1\)\(c\)](#); [Nev. Rev. Stat. Ann. § 171.137\(2\)\(c\)](#); [N.D. Cent. Code § 14-07.1-10\(2\)](#); [ORS § 133.055\(2\)\(c\)\(D\)](#); [S.C. Code Ann. § 16-25-70\(D\)\(3\)](#); [Tenn. Code Ann. § 36-3-619\(c\)\(4\)](#); [Utah Code Ann. § 77-36-2.2\(3\)\(c\)](#); [Wis. Stat. § 968.075\(2\)\(ar\)\(5\)](#).

⁹ [Cal Pen Code § 836\(c\)\(3\)](#); [Conn. Gen. Stat. § 46b-38b\(b\)](#); [Iowa Code § 236.12\(4\)](#); [MCLS § 776.22\(3\)\(b\)\(ii\)](#); [Miss. Code Ann. § 99-3-7\(2\)\(c\)\(ii\)](#); [§ 455.085 R.S.Mo.\(3\)\(1\)](#); [RSA 173-B:10\(II\)](#); [Va. Code Ann. § 19.2-81.3\(B\)](#); [Rev. Code Wash. \(ARCW\) § 10.31.100\(2\)\(d\)](#).

¹⁰ [A.C.A. § 16-81-113\(a\)\(2\)\(B\)\(a\)](#); [La. R.S. § 46:2140\(C\)\(2\)\(a\)](#); [Miss. Code Ann. § 99-3-7\(2\)\(c\)\(iv\)](#); [46-6-311, MCA\(2\)\(b\)\(vi\)](#); [22 Okl. St. § 60.16\(B\)\(2\)](#); [Va. Code Ann. § 19.2-81.3\(B\)](#); [Wis. Stat. § 968.075\(2\)\(ar\)\(2\)](#).

¹¹ [La. R.S. § 46:2140\(C\)\(2\)\(f\),\(g\)](#).

¹² [46-6-311, MCA\(2\)\(b\)\(iv\)](#).

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<p>ALABAMA</p>	<p style="text-align: center;">Code of Ala. § 13A-6-134 (a)</p> <p>§ 13A-6-134. Complaints of domestic violence from two or more opposing persons.</p> <p>(a) 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 however, a person who acts in a reasonable manner to protect himself or herself or another family or household member from domestic violence may not be arrested for a violation of Section 13A-6-130, 13A-6-131, 13A-6-132, or 13A-6-138. In determining whether a person is the predominant aggressor the officer shall consider all of the following:</p> <ol style="list-style-type: none"> (1) Prior complaints of domestic violence. (2) The relative severity of the injuries inflicted on each person, including whether the injuries are offensive versus defensive in nature. (3) The likelihood of future injury to each person. (4) Whether the person had reasonable cause to believe he or she was in imminent danger of becoming a victim of any act of domestic violence. (5) Whether one of the persons acted in self-defense.
<p>ALASKA</p>	<p style="text-align: center;">Alaska Stat. § 18.65.530 (b)</p> <p>Sec. 18.65.530. Mandatory arrest for crimes involving domestic violence, violation or protective orders, and violations of conditions of release.</p> <p>(b) If a peace 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. In determining whether a person is a principal physical aggressor, the officer shall consider</p> <ol style="list-style-type: none"> (1) prior complaints of domestic violence; (2) the relative severity of the injuries inflicted on each person; (3) the likelihood of future injury from domestic violence to each person; and (4) whether one of the persons acted in defense of self or others.
<p>ARIZONA</p>	<p style="text-align: center;">A.R.S. § 13-3601(B)</p> <p>13-3601. Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</p> <p>B. A peace officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person who is at least fifteen years of age, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. 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 under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.</p>

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
ARKANSAS	<p style="text-align: center;">A.C.A. § 16-81-113 (a) (2)-(3)</p> <p>16-81-113. Warrantless arrest for domestic abuse – Definitions.</p> <p>(a)</p> <p>(2)</p> <p>(A) 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 (1) party to the act of domestic abuse was the predominant aggressor.</p> <p>(B)</p> <p>(i) When determining if one (1) party to an act of domestic abuse is the predominant aggressor, a law enforcement officer shall consider the following factors based upon his or her observation.</p> <p style="padding-left: 40px;">(a) Statements from parties to the act of domestic abuse and other witnesses;</p> <p style="padding-left: 40px;">(b) The extent of person injuries received by parties to the act of domestic abuse;</p> <p style="padding-left: 40px;">(c) Evidence that a party to the act of domestic abuse acted in self-defense; or</p> <p style="padding-left: 40px;">(d) Prior complaints of domestic abuse if the history of prior complaints of domestic abuse can be reasonably ascertained by the law enforcement officer.</p> <p>(ii) A law enforcement officer may consider any other relevant factors when determining if one (1) party to an act of domestic abuse is the predominant aggressor.</p> <p>(3)</p> <p>(A) When a law enforcement officer has probable cause to believe a person that is a party to an act of domestic abuse 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 with or without a warrant if the law enforcement officer has 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 as defined in § 5-1-102, even if the incident did not take place in the presence of the law enforcement officer.</p> <p>(B)</p> <p>(i) When a law enforcement officer has probable cause to believe a person who is a party to an act of domestic abuse is the predominant aggressor and the act of domestic abuse would constitute a misdemeanor under the laws of this state, the arrest with or without a warrant of the person who was the predominant aggressor shall be considered the preferred action by the law enforcement officer if there is reason to believe that there is an imminent threat of further injury to any party to the act of domestic abuse and the law enforcement officer has 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 as defined in § 5-1-102, even if the incident did not take place in the presence of the law enforcement officer.</p> <p>(ii) When a law enforcement officer has probable cause to believe a person who is a party to an act of domestic abuse is the predominant aggressor and the act of domestic abuse would constitute a misdemeanor under the laws of this state, the law enforcement officer may arrest the person without a warrant if the law enforcement officer has 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 as defined in § 5-1-102, even if the incident did not take place in the presence of the law enforcement officer.</p>
CALIFORNIA	<p style="text-align: center;">Cal Pen Code § 13701 (b)</p> <p>§ 13701. Written policies and standards regarding domestic violence calls; Information provided to victims of sexual assault</p> <p>(b) The written policies shall encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies</p>

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
	<p>also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section 136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe has been violated. These policies shall discourage, when appropriate, but not prohibit, dual arrests. Peace officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self-defense. Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local domestic violence agencies.</p> <p style="text-align: center;">Cal Pen Code § 836 (c)</p> <p>§ 836. Arrests by peace officers with or without warrants; Domestic violence; Noncompliance with protective orders; Carrying of concealed firearm (c)</p> <p>(3) In situations where mutual protective orders have been issued under Division 10 (commencing with Section 6200) of the Family Code, liability for arrest under this subdivision applies only to those persons who are reasonably believed to have been the dominant aggressor. In those situations, prior to making an arrest under this subdivision, the peace officer shall make reasonable efforts to identify, and may arrest, the dominant aggressor involved in the incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider (A) the intent of the law to protect victims of domestic violence from continuing abuse, (B) the threats creating fear of physical injury, (C) the history of domestic violence between the persons involved, and (D) whether either person acted in self-defense.</p>
COLORADO	<p style="text-align: center;">C.R.S. § 18-6-803.6 (2)</p> <p>18-6-803.6. Duties of peace officers and prosecuting agencies – preservation of evidence</p> <p>(2) If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following:</p> <ul style="list-style-type: none"> (a) Any prior complaints of domestic violence; (b) The relative severity of the injuries inflicted on each person; (c) The likelihood of future injury to each person; and (d) The possibility that one of the persons acted in self-defense.
CONNECTICUT	<p style="text-align: center;">Conn. Gen. Stat. § 46b-38b (b)</p> <p>Sec. 46b-38b. Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Compliance with model law enforcement policy on family violence. Education and training program. Assistance and protocols for victims whose immigration status is questionable. Exceptions.</p> <p>(b) 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. In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of family violence between such persons, if such</p>

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
	history can reasonably be obtained by the peace officer. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor.
DELAWARE	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
DISTRICT OF COLUMBIA	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
FLORIDA	<p style="text-align: center;">Fla. Stat. 741.29 (4)</p> <p>§ 741.29. Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting. (4)</p> <ul style="list-style-type: none"> (a) 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. (b) 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 for another family or household member from domestic violence. <p style="text-align: center;">Fla. Stat. § 784.046 (14)</p> <p>§ 784.046. Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption. (14) S</p> <ul style="list-style-type: none"> (a) When complaints are received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probably cause for arrest. (b) 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 himself for herself or another family or household member from dating violence.
GEORGIA	<p style="text-align: center;">O.C.G.A. § 17-4-20.1 (b)(2-6)</p> <p>§ 17-4-20.1 Investigation of family violence; preparation of written report by defendant arrested for family violence; compilation of statistics. (b) (2) 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. In determining whether a person is a primary physical aggressor, an officer shall consider:</p> <ul style="list-style-type: none"> (1) Prior family violence involving either party; (2) The relative severity of the injuries inflicted on each person; (3) The potential for future injury; (4) Whether one of the parties acted in self-defense or in defense of a third party; (5) Prior Complaints of family violence and (6) Whether the person had reasonable cause to believe he or she was in imminent danger of becoming a victim of any act of family violence
GUAM	9 GCA § 30.30 (b-c)

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	<p>§ 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report.</p> <p>(b) If a peace officer receives complaints of family violence from two (2) or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one (1) 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 his or her ability the evidence concerning the actions of each participant in the incident.</p> <p>(c) In determining whether a person is the primary aggressor the officer shall consider:</p> <ol style="list-style-type: none"> (1) Prior complaints of family violence; (2) The relative severity of the injuries inflicted on each person; (3) The likelihood of future injury to each person; (4) Whether one of the persons acted in self-defense; (5) The use or threatened use of a weapon; and (6) The use or threatened use of physical force.
HAWAII	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
IDAHO	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
ILLINOIS	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
INDIANA	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
IOWA	<p style="text-align: center;">Iowa Code § 236.12 (3)</p> <p>236.12 Prevention of further abuse – notification of rights – arrest – liability.</p> <p>3. As described in subsection 2, paragraph “b”, “c”, “d”, “e”, or “f”, the peace officer shall arrest the person whom the peace officer believes 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, as defined in section 704.3, are not subject to mandatory arrest. In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between the persons involved. A peace officer’s identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment.</p>
KANSAS	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
KENTUCKY	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
LOUISIANA	<p style="text-align: center;">La. R.S. § 46:2140 (C)</p> <p>§ 46:2140. Law enforcement officers; duties.</p> <p>C.</p> <ol style="list-style-type: none"> (1) 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. (2) In determining if one party is the predominant aggressor, the law enforcement officer may consider any other relevant factors, but shall consider the following factors based upon his or her observation: <ol style="list-style-type: none"> (a) Evidence from complainants and other witnesses. (b) The extent of personal injuries received by each person. (c) Whether a person acted in self-defense. (d) An imminent threat of future injury to any of the parties. (e) Prior complaints of domestic abuse or dating violence, if that history can be reasonably ascertained by the officer. (f) The future welfare of any minors who are present at the scene. (g) The existences of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S.

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	<p>9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. The officer shall presume that the predominant aggressor is the person against whom the order was issued.</p> <p>(3)</p> <p>(a) If the officer determines that one person was the predominant aggressor in a felony offense, the officer shall arrest that person. The arrest shall be subject to the laws governing arrest, including the need for probable cause as otherwise provided by law.</p> <p>(b) If the officer determines that one person was the predominant aggressor in a misdemeanor offense, the officer shall arrest the predominant aggressor if there is reason to believe that there is impending danger or if the predominant aggressor is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., Children’s Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, and 871.1. If there is no threat of impending danger or no violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order, the officer may arrest the predominant aggressor at the officer’s discretion. An arrest pursuant to the provisions of this Subparagraph shall be subject to the laws governing arrest, including the need for probable cause as otherwise provided by law. The exceptions provided for in this Section shall apply.</p>
MAINE	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
MARYLAND	<p>Md. Criminal Procedure Code Ann. § 2-204(b)</p> <p>§ 2-204. Warrantless arrests -- For domestic abuse</p> <p>(b) Self-defense. -- 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.</p>
MASSACHUSETTS	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
MICHIGAN	<p>MCLS § 776.22(3)</p> <p>§ 776.22. Domestic violence calls; development, implementation, and evaluation of written policies and standards by police agencies; definitions.</p> <p>(3) The policies shall address, but not be limited to addressing, all of the following:</p> <p>(b) Procedures for making a criminal arrest. The procedures shall emphasize all of the following:</p> <p>(ii) When the officer has probable cause to believe spouses, former spouses, individuals who have had a child in common, individuals who have or have had a dating relationship, or other individuals who reside together or formerly resided together are committing or have committed crimes against each other, the officer, when determining whether to make an arrest of 1 or both individuals, should consider the intent of this section to protect victims of domestic violence, the degree of injury inflicted on the individuals involved, the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household, and any history of domestic violence between the individuals, if that history can be reasonably ascertained by the officer. In addition 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.</p>
MINNESOTA	<p>Minn. Stat. § 629.342(a)</p> <p>629.342 LAW ENFORCEMENT POLICIES; DOMESTIC ABUSE ARRESTS</p> <p>Subd. 2. Policies required.</p> <p>(a) (a) Each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include</p>

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	<p>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.</p>
MISSISSIPPI	<p>Miss. Code Ann. § 99-3-7(3)</p> <p>§ 99-3-7. When arrests may be made without warrant.</p> <p>3</p> <p>(b) If a law enforcement officer has probable cause to believe that two (2) or more persons committed an act of domestic violence as defined herein, or if two (2) 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 (1) principal aggressor was involved, the officer shall document those findings.</p> <p>(c) To determine which party was the principal aggressor, the officer shall consider the following factors, although such consideration is not limited to these factors:</p> <ul style="list-style-type: none"> (i) Evidence from the persons involved in the domestic abuse; (ii) The history of domestic abuse between the parties, the likelihood of future injury to each person, and the intent of the law to protect victims of domestic violence from continuing abuse; (iii) Whether one (1) of the persons acted in self-defense; and (iv) Evidence from witnesses of the domestic violence.
MISSOURI	<p>§ 455.085 R.S.Mo. (3)</p> <p>§ 455.085. Arrest for violation of order – penalties – good faith immunity for law enforcement officials [Effective August 28, 2022]</p> <p>3. 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. The term “primary physical aggressor” is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor.</p> <ul style="list-style-type: none"> (1) The intent of the law to protect victims from continuing domestic violence; (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury; (3) The history of domestic violence between the persons involved. <p>No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. 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.</p>
MONTANA	<p>46-6-311, MCA(2)</p> <p>46-6-311 Basis for arrest without warrant – arrest of predominant aggressor – no contract order.</p> <p>(2)</p> <p>(b) 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. A determination of who the predominant aggressor is must be based on but is not limited to the following considerations, regardless of who was the first aggressor:</p> <ul style="list-style-type: none"> (i) the prior history of violence between the partners or family members, if information about the prior history is available to the officer; (ii) the relative severity of injuries received by each person; (iii) whether an act of or threat of violence was taken in self-defense; (iv) the relative sizes and apparent strength of each person;

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	<ul style="list-style-type: none"> (v) the apparent fear or lack of fear between the partners or family members; and (vi) statements made by witnesses. (vii)
NEBRASKA	<p style="text-align: center;">R.R.S. Neb. § 29-439(1)-(2)</p> <p>§ 29-439. Domestic assault; arrest; conditions; report required.</p> <p>(1) If a peace officer receives complaints under section 28-323 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. In determining whether a person is the predominant aggressor, the officer shall consider, among other things:</p> <ul style="list-style-type: none"> (a) Prior complaints under section 28-323; (b) The relative severity of the injuries inflicted on each person; (c) The likelihood of future injury to each person; and (d) Whether one of the persons acted with a justified use of force under sections 28-1406 to 28-1416 <p>(2) In addition to any other report required, a peace officer who arrests two or more persons with respect to such a complaint shall submit a detailed, written report setting forth the grounds for arresting multiple parties.</p>
NEVADA	<p style="text-align: center;">Nev. Rev. Stat. Ann. § 171.137(2)</p> <p>17.137. Arrest required for suspected battery constituting domestic violence; exceptions.</p> <p>2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which persons 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. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:</p> <ul style="list-style-type: none"> (a) Prior domestic violence involving either person; (b) The relative severity of the injuries inflicted upon the persons involved; (c) The potential for future injury; (d) Whether one of the alleged batteries was committed in self-defense; and (e) Any other factor that may help the peace officer decide which person was the primary physical aggressor. <p style="text-align: center;">Nev. Rev. Stat. Ann. § 171.1227(2)</p> <p>171.1227. Peace officer to submit written report concerning suspected acts of domestic violence; information from reports to be aggregated and forwarded to Central Repository; content of report.</p> <p>2. If the peace officer investigates a mutual battery that constitutes domestic violence pursuant to NRS 33.018 and finds that one of the persons involved was the primary physical aggressor, the peace officer shall include in the report:</p> <ul style="list-style-type: none"> (a) The name of the person who was the primary physical aggressor; and (b) A description of the evidence which supports the peace officer's finding.
NEW HAMPSHIRE	<p style="text-align: center;">RSA 173-B:10(II)</p>

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	<p>173-B:10. Protection by Peace Officers.</p> <p>II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. 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. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between these persons if that history can reasonably be obtained by the officer.</p>
NEW JERSEY	<p>N.J. Stat. § 2C:25-21(c)</p> <p>2C:25-21. Arrest of alleged attacker; seizure of weapons, etc.</p> <p>c.</p> <p>(2) 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.</p> <p>(3) 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.</p>
NEW MEXICO	<p>N.M. Stat. Ann. § 40-13-7 (B)(5)</p> <p>40-13-7. Law enforcement officers; emergency assistance; limited liability; providing notification to victims when an alleged perpetrator is released from detention; statement in judgment and sentence document.</p> <p>B. 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; and</p>
NEW YORK	<p>NY CLS CPL § 140.10(4)</p> <p>§ 140.10. Arrest without a warrant; by police officer; when and where authorized.</p> <p>4. [Expires and repealed Sept 1, 2023] Notwithstanding any other provisions of this section, 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:</p> <p>(c) A misdemeanor constituting a family offense, as described in subdivision one of section 530.11 of this chapter and section eight hundred twelve of the family court act, has been committed by such person against such family or household member, unless the victim requests otherwise. The officer shall neither inquire as to whether the victim seeks an arrest of such person nor threaten the arrest of any person for the purpose of discouraging requests for police intervention. Notwithstanding the foregoing, when an officer has reasonable cause to believe that more than one family or household member has committed such a misdemeanor, the officer is not required to arrest each such person. In such circumstances, the officer shall attempt to identify and arrest the primary physical aggressor after considering: (i) the comparative extent of any injuries inflicted by and between the parties; (ii) whether any such person is threatening or has threatened future harm against another party or another family or household member; (iii) whether any such person has a prior history of domestic violence that the officer can reasonably ascertain; and (iv) whether any such person acted defensively to protect himself or herself from injury. 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.</p>
NORTH CAROLINA	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
NORTH DAKOTA	N.D. Cent. Code § 14-07.1-01(7)

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
	<p>14-07.1-07. Definitions.</p> <p>7. “Predominant aggressor” means an individual who is the most significant, not necessarily the first, aggressor.</p> <p style="text-align: center;">N.D. Cent. Code § 14-07.1-10(2)</p> <p>14-07.1-10. Arrest procedures.</p> <p>2. A law enforcement officer investigating a crime involving domestic violence may not threaten, suggest, or otherwise indicate, for the purpose of discouraging requests for law enforcement intervention, that family or household members will be arrested. 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 as defined in section 12.1-05-03. If self-defense is not a factor, to determine whether to seek an arrest warrant or to pursue further investigation, the officer shall consider which party was the predominant aggressor by considering certain factors, including the comparative severity of injuries involved, any history of domestic violence, or any other violent acts that the officer can reasonably ascertain and the likelihood of future harm.</p> <p style="text-align: center;">N.D. Cent. Code § 14-07.1-12</p> <p>14-07.1-12. Reports.</p> <p>A law enforcement officer shall make a written report of the investigation of any allegation of domestic violence regardless of whether an arrest was made. If an officer determines through the course of an investigation that one of the individuals was the predominant aggressor, the report must include the name of that individuals and a description of the evidence that supports the findings. The officer shall submit the report to the officer’s supervisor or to any other person to whom the officer is required to submit similar reports.</p>
OHIO	<p style="text-align: center;">ORC Ann. 2935.03(A)</p> <p>§ 2935.03 Officer’s authority to arrest without warrant; pursuit outside jurisdiction.</p> <p>(A)</p> <p>(3)</p> <p>(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.</p> <p>(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:</p> <p>(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably</p>

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	<p>can ascertain;</p> <ul style="list-style-type: none"> (ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense; (iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear; (iv) The comparative severity of injuries suffered by the persons involved in the alleged offense. <p style="text-align: center;">ORC Ann. 2935.032(A)</p> <p>§ 2935.032 Policies and procedures for responding to alleged domestic violence offense or violation of protection order.</p> <p>(A)</p> <p>(1)</p> <p>(a)</p> <ul style="list-style-type: none"> (ii) 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 shall determine in accordance with division (B)(3)(d) of section 2935.05 of the Revised Code 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 pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Revised Code 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 pursuant to section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained. <p>(b)</p> <ul style="list-style-type: none"> (ii) If the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with division (B)(3)(d) of section 2935.03 of the Revised Code which of those persons is the primary physical aggressor. If the offender who committed the aggravated assault is the primary physical aggressor, the officer shall arrest that offender for aggravated assault pursuant to section 2935.03 of the Revised Code and shall detain that offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Revised Code any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the aggravated 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 pursuant to section 2935.03 of the Revised Code and detain them pursuant to that section until a warrant can be obtained.
OKLAHOMA	<p style="text-align: center;">22 Okl. St. § 60.16(B)(2)</p> <p>§ 60.16. Duties of Police Officer—Emergency Temporary Order of Protection</p> <p>B.</p> <p>2. An arrest, when made pursuant to this section, shall be based on an investigation by the peace officer of the circumstances surrounding the incident, past history of violence between the parties, statements of any children present in the residence, and any other relevant factors. 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.</p>

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OREGON	<p style="text-align: center;">ORS § 133.055</p> <p>133.055 Criminal citation; exception for domestic disturbance; notice of rights.</p> <p>(2)</p> <p>(c) When a peace officer makes an arrest under paragraph (a) of this subsection, the peace officer shall make every effort to determine who is the assailant or potential assailant by considering, among other factors:</p> <p>(A) The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury;</p> <p>(B) If reasonably ascertainable, the history of domestic violence between the persons involved;</p> <p>(C) Whether any alleged crime was committed in self-defense; and</p> <p>(D) The potential for future assaults.</p>
PENNSYLVANIA	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
PUERTO RICO	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
RHODE ISLAND	<p style="text-align: center;">R.I. Gen. Laws § 12-29-3(c)</p> <p>§ 12-29-3. Law enforcement officers – Duties and immunity</p> <p>(c)</p> <p>(1) 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 (2) guilt.</p> <p>(2) 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>
SOUTH CAROLINA	<p style="text-align: center;">S.C. Code Ann. § 16-25-70(D)</p> <p>§ 16-25-70. Warrantless arrest or search; admissibility of evidence.</p> <p>(D) 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. In determining whether a person is the primary aggressor, the officer must consider the following factors and any other factors he considers relevant:</p> <p>(1) prior complaints of domestic or family violence;</p> <p>(2) the relative severity of the injuries inflicted on each person taking into account injuries alleged which may not be easily visible at the time of the investigation;</p> <p>(3) the likelihood of future injury to each person;</p> <p>(4) whether one of the persons acted in self-defense; and</p> <p>(5) household member accounts regarding the history of domestic violence.</p>
SOUTH DAKOTA	<p style="text-align: center;">S.D. Codified Laws § 25-10-35</p> <p>25-10-35. Arresting spouse for abuse – Predominant physical aggressor – Factors to consider.</p> <p>If the officer has probable cause to believe that persons in a relation as defined in § 25-10-3.1 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. In making this determination, the officer shall make every reasonable effort to consider:</p> <p>(1) The intent to protect victims of domestic abuse under this chapter;</p> <p>(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury; and</p>

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
	(3) The history of domestic abuse between the persons involved.
TENNESSEE	<p style="text-align: center;">Tenn. Code Ann. § 36-3-619(b)-(c)</p> <p>36-3-619. Officer response – Primary aggressor – Factors – Reports –Notice to victim of legal rights – Ex parte protection order.</p> <p>(b) If a law enforcement officer has probable cause to believe that two (2) or more persons committed a misdemeanor or felony, or if two (2) 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.</p> <p>(c) To determine who is the primary aggressor, the officer shall consider:</p> <ol style="list-style-type: none"> (1) The history of domestic abuse between the parties; (2) The relative severity of the injuries inflicted on each person; (3) Evidence from the persons involved in the domestic abuse; (4) The likelihood of future injury to each person; (5) Whether one (1) of the persons acted in self-defense; and (6) Evidence from witnesses of the domestic abuse.
TEXAS	<p style="text-align: center;">Tex. Occ. Code § 1701.253(f)</p> <p>Sec. 1701.253. School Curriculum. [Expires September 1, 2021]</p> <p>(f) Training for officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant aggressor when allegations of family violence from two or more opposing persons are received arising from the same incident.</p>
UTAH	<p style="text-align: center;">Utah Code Ann. § 77-36-2.2(3)</p> <p>77-36-2.2. Powers and duties of law enforcement officers to arrest – Reports off domestic violence cases – Reports of parties’ marital status.</p> <p>(3) 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. In determining who the predominant aggressor was, the officer shall consider:</p> <ol style="list-style-type: none"> (a) any prior complaints of domestic violence; (b) the relative severity of injuries inflicted on each person; (c) the likelihood of future injury to each of the parties; and (d) whether one of the parties acted in self-defense.
VERMONT	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR
VIRGIN ISLANDS	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
VIRGINIA	<p style="text-align: center;">Va. Code Ann. § 19.2-81.3(B)-(C)</p> <p>§ 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking and for violations of protective orders; procedure, etc.</p> <p>B. A law enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or 16.1-253.2 has 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. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of family and household members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.</p> <p>C. A law enforcement officer having probable cause to believe that a violation of § 18.2-60.4 has occurred that involves physical aggression 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. The standards for determining who is the predominant physical aggressor shall be based on the following considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of the person to whom the protective order was issued and the person's family and household members, (iii) prior acts of violence, force, or threat, as defined in § 19.2-152.7:1, by the person against whom the protective order was issued against the person protected by the order or the protected person's family or household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other observations.</p>
WASHINGTON	<p style="text-align: center;">Rev. Code Wash. (ARCW) § 10.31.100(2)(d)</p> <p>(2) 10.31.100. Arrest without warrant.</p> <p>d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 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. 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. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.</p>
WEST VIRGINIA	<p style="text-align: center;">W. Va. CSR § 149-3-7 (7.5)</p> <p>§ 149-3-7. The Arrest Decision.</p> <p>7.5. If the law enforcement officer receives complaints of domestic or family violence from two or more opposing persons, the law enforcement officer shall evaluate each complaint to determine who was the predominate aggressor. If the law enforcement officer determines that one person was the predominate aggressor, the law enforcement officer shall arrest the predominate aggressor only. Dual arrests are discouraged. In determining whether a person is the predominate aggressor the law enforcement officer should consider, among other things:</p> <p>7.5.1. Prior complaints of domestic or family violence;</p> <p>7.5.2. The relative severity of the injuries inflicted on each person;</p> <p>7.5.3. The likelihood of future injury to each person; and,</p> <p>7.5.4. Whether one of the persons using reasonable force acted in self-defense.</p> <p>7.5.5. Initial physical contact alone does not determine predominate aggressor.</p>

STATE	PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR STATUTES
	7.5.6. The presence of highly dangerous/potentially lethal behaviors.
WISCONSIN	<p data-bbox="1087 204 1373 232"><u>Wis. Stat. § 968.075</u> (1)-(2)</p> <p data-bbox="420 261 1050 289">968.075. Domestic abuse incidents; arrest and prosecution.</p> <p data-bbox="436 293 766 321">(1) Definitions. In this section:</p> <p data-bbox="537 326 1808 354">(a) “Predominant aggressor” means the most significant, but not necessarily the first, aggressor in a domestic abuse incident.</p> <p data-bbox="436 358 1220 386">(2) Circumstance requiring arrest; presumption against certain arrests.</p> <p data-bbox="537 391 1955 451">(a) Notwithstanding s. 968.07 (1) and except as provided in pars. (am) and (b), a law enforcement officer shall arrest and take a person into custody if:</p> <p data-bbox="596 456 926 483">2. Any of the following apply:</p> <p data-bbox="655 488 1115 516">c. The person is the predominant aggressor</p> <p data-bbox="537 521 2003 597">(am) Notwithstanding s. 986.07 (1), unless the person’s arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (3g) (b) or sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone under par. (a) other than the predominant aggressor.</p> <p data-bbox="537 602 1976 662">(ar) In order to protect victims from continuing domestic abuse, a law enforcement officer shall consider all of the following in identifying the predominant aggressor:</p> <p data-bbox="596 667 1997 711">1. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history.</p> <p data-bbox="596 716 957 743">2. Statements made by witnesses.</p> <p data-bbox="596 748 1171 776">3. The relative degree of injury inflicted on the parties.</p> <p data-bbox="596 781 1314 808">4. The extent to which each person present appears to fear any party.</p> <p data-bbox="596 813 1906 841">5. Whether any party is threatening or has threatened future harm against another party or another family or household member.</p> <p data-bbox="596 846 1885 873">6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in s. 939.48.</p>
WYOMING	**NO STATUTORY PROVISIONS REGARDING ARREST OF PREDOMINANT/PRIMARY/PRINCIPAL AGGRESSOR