



PRIMARY AGGRESSOR STATUTES

This is a compilation of all state statutes that use “primary” or “predominant” or “principle” aggressor language. Only the portion of the statute that applies to primary aggressor or mutual or dual arrest is cited in this chart. Always review specific state statutes due to changes which may not be reflected here.

State	STATUTES
Alabama	<p>§ 13-A-6-134(a) (2002)</p> <p>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 primary aggressor. If the officer determines that one person was the primary aggressor, the officer need not arrest the other person alleged to have committed domestic violence, In determining whether a person is the primary 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. (3) The likelihood of future injury to each person. (4) Whether one of the persons acted in self-defense.
Alaska	<p>18.65.530 (b) (2002)</p> <p>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 the 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.
Arizona	<p>§ 13-3601.B (2002)</p> <p>In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently 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.</p>

Arkansas

A.C.A. § 16-81-113 (2008)

(2)(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.

(B)(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:

- (a) Statements from parties to the act of domestic abuse and other witnesses;
- (b) The extent of personal injuries received by parties to the act of domestic abuse;
- (c) Evidence that a party to the act of domestic abuse acted in self-defense; or
- (d) Prior complaints of domestic abuse if the history of prior complaints of domestic abuse can be reasonably ascertained by the law enforcement officer.

(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.

(3)(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.

(B)(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.

(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.

California	<p>§ 13701 (b) (2002)</p> <p>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.</p> <p>§ 836 (c) (3) (2002)</p> <p>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 primary 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 primary aggressor involved in the incident. The primary aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the primary aggressor, an officer shall consider:</p> <p>(A) the intent of the law to protect victims of domestic violence from continuing abuse,</p> <p>(B) the threats creating fear of physical injury,</p> <p>(C) the history of domestic violence between the persons involved, and</p> <p>(D) whether either person involved acted in self-defense.</p>
Colorado	<p>§ 18-6-803.6 (2) (2002)</p> <p>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> <p>(a) any prior complaints of domestic violence;</p> <p>(b) the relative severity of the injuries inflicted on each person;</p> <p>(c) the likelihood of future injury to each person; and</p> <p>(d) the possibility that one of the persons acted in self-defense.</p>
Connecticut	<p>§ 46b-38b (b) (2003)</p> <p>Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.</p>

Delaware	No statutory provisions located as of June 2008.
Florida	<p>§ 741.29 (4) (a) & (b) (2002)</p> <p>(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.</p> <p>(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 or another family or household member from domestic violence.</p> <p>§ 943.171 (1) (2002)</p> <p>The commission shall establish standards for instruction of law enforcement officers in the subject of domestic violence. Every basic skills course required in order for law enforcement officers to obtain initial certification shall, after January 1, 1986, include a minimum of 6 hours of training in handling domestic violence cases. Such training must include training in the recognition and determination of the primary aggressor in domestic violence cases.</p>
Georgia	<p>§17-4-20.1 (2002)</p> <p>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> <p>(1) Prior family violence involving either party;</p> <p>(2) The relative severity of the injuries inflicted on each person;</p> <p>(3) The potential for future injury; and</p> <p>(4) Whether one of the parties acted in self-defense.</p>
Hawaii	No statutory provisions located as of June 2008.
Idaho	No statutory provisions located as of June 2008.
Illinois	No statutory provisions located as of June 2008.
Indiana	No statutory provisions located as of June 2008.
Iowa	<p>§ 236.12, Subd. 3 (2003)</p> <p>As described in subsection 2, paragraph "b", "c", or "d", 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 extends only to those persons involved</p>

	<p>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 located as of June 2008.
Kentucky	No statutory provisions located as of June 2008.
Louisiana	<p>LSA-R.S. 46:2140 (2008)</p> <p>B. (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.</p> <p>(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:</p> <p>(a) Evidence from complainants and other witnesses.</p> <p>(b) The extent of personal injuries received by each person.</p> <p>(c) Whether a person acted in self-defense.</p> <p>(d) An imminent threat of future injury to any of the parties.</p> <p>(e) Prior complaints of domestic abuse or dating violence, if that history can be reasonably ascertained by the officer.</p> <p>(f) The future welfare of any minors who are present at the scene.</p> <p>(3)(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. If there is no threat of impending danger, the officer may arrest the predominant aggressor at the officer's discretion, whether or not the offense occurred in the presence of the officer. 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 R.S. 46:2140 shall apply.</p>
Maine	No statutory provisions located as of June 2008.

Maryland	<p>Crim. Law § 2-204(b) (2002)</p> <p>If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under subsection (a), the police officer shall consider whether one of the parties acted in self-defense when determining whether to arrest the person whom the officer believes to be the primary aggressor.</p>
Massachusetts	<p>No statutory provisions located as of June 2008.</p>
Michigan	<p>§ 776.22 (3)(b)(ii) (2002)</p> <p>When the officer has probable cause to believe spouses, former spouses, individuals who have had a child in common, 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 reasonably be 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>§629.342, subd. 2(a) (2002)</p> <p>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.</p>
Mississippi	<p>§99-3-7(3)(b) & (c) (2002)</p> <p>(b) If a law enforcement officer has probable cause to believe that two (2) or more persons committed a misdemeanor which is an act of domestic violence as defined herein, or if two (2) or more persons make complaints to the officer, the officer shall attempt to determine who was the principal aggressor. The term “the principal aggressor” is defined as the most significant, rather than the first, aggressor. The officer shall presume that arrest is not the appropriate response for the person or persons who were not the principal aggressor. If the officer believes that all parties are equally responsible, the officer shall exercise such officer’s best judgment in determining probable cause.</p> <p>(c) To determine who is the principal aggressor , the officer shall consider the following factors, although consideration is not limited to these factors:</p> <p>(i) Evidence from the persons involved in the domestic abuse;</p> <p>(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;</p> <p>(iii) Whether one (1) of the persons was acting in self-defense; and</p> <p>(iv) Evidence from witness of the domestic violence.</p>

Missouri	<p>§ 455.085, Subd. 3 (2002)</p> <p>When an officer makes an arrest he 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 he 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> <p>(1) The intent of the law to protect victims of domestic violence from continuing abuse;</p> <p>(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;</p> <p>(3) The history of domestic violence between the persons involved.</p> <p>No law enforcement officer investigating an incident of family 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 he should seek a warrant for an arrest.</p>
Montana	<p>§ 46-6-311 (2)(b) (2001)</p> <p>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 primary aggressor. If, based on the officer's evaluation, the officer determines that one person is the primary aggressor, the officer may arrest only the primary aggressor. A determination of who the primary aggressor is must be based on, but is not limited to the following considerations, regardless of who was the first aggressor:</p> <p>(i) the prior history of violence between the partners or family members, if information about the prior history is available to the officer;</p> <p>(ii) the relative severity of injuries received by each person;</p> <p>(iii) whether an act of or threat of violence was taken in self-defense;</p> <p>(iv) the relative sizes and apparent strength of each person;</p> <p>(v) the apparent fear or lack of fear between the partners or family members; and</p> <p>(vi) statements made by witnesses.</p>
Nebraska	<p>Neb.Rev.St. § 29-439 (2007)</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> <p>(a) Prior complaints under section 28-323;</p>

	<p>(b) The relative severity of the injuries inflicted on each person;</p> <p>(c) The likelihood of future injury to each person; and</p> <p>(d) Whether one of the persons acted with a justified use of force under sections 28-1406 to 28-1416.</p> <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>§ 171.137, Subd. 2 (2001)</p> <p>If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, he 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. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:</p> <p>(a) Prior domestic violence involving either person;</p> <p>(b) The relative severity of the injuries inflicted upon the persons involved;</p> <p>(c) The potential for future injury;</p> <p>(d) Whether one of the alleged batteries was committed in self-defense; and</p> <p>(e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.</p> <p>§ 171.1227 (2001)</p> <p>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, he shall include in his report:</p> <p>(a) The name of the person who was the primary physical aggressor; and</p> <p>(b) A description of the evidence which supports his finding.</p>
New Hampshire	<p>§ 173-B:10, II (2002) –</p> <p>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>Title 2C:25-21.5.c.(2) & (3) (2002)</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	No statutory provisions located as of June 2008.
New York	<p>Crim. Proc. § 140.10 (4)(c) (2001)</p> <p>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:</p> <p>(i) the comparative extent of any injuries inflicted by and between the parties;</p> <p>(ii) whether any such person is threatening or has threatened future harm against another party or another family or household member;</p> <p>(iii) whether any such person has a prior history of domestic violence that the officer can reasonably ascertain; and</p> <p>(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 located as of June 2008.
North Dakota	<p>§ 14-07.1-10 (2001)</p> <p>When complaints are received from two or more family or household members, the officer shall evaluate each complaint separately, including the comparative severity of injuries involved, to determine whether to seek an arrest warrant.</p>
Ohio	<p>§ 2935.032 (B)(3)(b) & (d) (2003)</p> <p>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</p>

	<p>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 can ascertain;</p> <p>(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;</p> <p>(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;</p> <p>(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.</p> <p>§ 2935.03.2 (A)(1)(b)(ii) (2003)</p> <p>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.</p>
Oklahoma	No statutory provisions located as of June 2008.
Oregon	<p>§ 133.055(2)(c) (2002)</p> <p>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</p>

	<p>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 located as of June 2008.
Rhode Island	<p>§ 12-29-3 (c)(2) (2002)</p> <p>(c) 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 (2) party guilt. (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 aggressor.</p>
South Carolina	<p>§ 16-25-70 (D) (2002)</p> <p>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 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 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:</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>§25-10-35 (2002)</p> <p>If the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together 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:</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> <p>(3) The history of domestic abuse between the persons involved</p>
Tennessee	§ 36-3-619 (b) & (c) (2002)

	<p>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. To determine who is the primary aggressor, the officer shall consider:</p> <ul 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>V.T.C.A., Occupations Code § 1701.253 Vernon's Texas Statutes and Codes Annotated Occupations Code Title 10.Occupations Related to Law Enforcement and Security Chapter 1701 Law Enforcement Officers <u>Subchapter F</u> Training Programs and Schools</p> <p>§ 1701.253. School Curriculum</p> <p>(a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).</p> <p>(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:</p> <ul style="list-style-type: none"> (1) the investigation and documentation of cases that involve: <ul style="list-style-type: none"> (A) child abuse or neglect; (B) family violence; and (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.
Utah	<p>§ 77-36-2.2 (3) (2002) –</p> <p>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</p>

	<p>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> <p>(a) any prior complaints of domestic violence;</p> <p>(b) the relative severity of injuries inflicted on each person;</p> <p>(c) the likelihood of future injury to each of the parties; and</p> <p>(d) whether one of the parties acted in self-defense.</p>
Vermont	No statutory provisions located as of June 2008.
Virginia	<p>§ 19.2-81.3.B (2002) –</p> <p>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 primary physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest.</p> <p>§ 19.2-81.4 (2) (2002) –</p> <p>The Virginia State Police and each local police and sheriff’s department shall establish an arrest policy and procedures to implement this section. Any local police or sheriff’s department is authorized to adopt an arrest policy that prescribes additional requirements under this section. Any policies and procedures established under this section shall at a minimum provide guidance to law enforcement officers on the following: . . .</p> <p>2. The standards for determining who is the primary physical aggressor including:</p> <p>(i) the intent of the law to protect the health and safety of family and household members,</p> <p>(ii) prior complaints of family abuse by the allegedly abusing person involving the family or household members, and</p> <p>(iii) the relative severity of the injuries inflicted on persons involved in the incident and whether any injuries were inflicted in self-defense.</p>
Washington	<p>§ 10.31.100 (2)(c) (2003) –</p> <p>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. In making this determination, the officer shall make every reasonable effort to consider:</p> <p>(i) The intent to protect victims of domestic violence under RCW 10.99.010;</p> <p>(ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and</p> <p>(iii) the history of domestic violence between the persons involved.</p>
West Virginia	No statutory provisions located as of June 2008.

Wisconsin	<p>W.S.A. 968.075</p> <p>(1) Definitions. In this section:</p> <p>(c) "Predominant aggressor" means the most significant, but not necessarily the first, aggressor in a domestic abuse incident.</p> <p>2. Any of the following apply:</p> <p>a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely.</p> <p>b. There is evidence of physical injury to the alleged victim.</p> <p>c. The person is the predominant aggressor.</p> <p>Notwithstanding s. 968.07(1), unless the person's arrest is required under §813.12(7), 813.122(10), 813.125(6), or 813.128(1)(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>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> <ol style="list-style-type: none"> 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. 2. Statements made by witnesses. 3. The relative degree of injury inflicted on the parties. 4. The extent to which each person present appears to fear any party. 5. Whether any party is threatening or has threatened future harm against another party or another family or household member. 6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in §939.48. <p>(b) If the officer's reasonable grounds for belief under par. (a)1 are based on a report of an alleged domestic abuse incident, the officer is required to make an arrest under par.(a) only if the report is received, within 28 days after the day the incident is alleged to have occurred, by the officer or the law enforcement agency that employs the officer.</p>
Wyoming	No statutory provisions located as of June 2008.
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