

Current Policy Section

Samantha Hairston

Old Dominion University

CRJS 426W- Criminological Theory

April 8th, 2026

Current Policy Summary: Mandatory Arrest in Domestic Violence Cases

Mandatory arrest policies for domestic violence emerged in the 1970s as part of a broader movement to ensure that the criminal justice system took intimate partner violence particularly violence against women more seriously. Prior to these policies, law enforcement often treated domestic violence as a private matter, frequently avoiding arrest and instead attempting informal mediation. Mandatory arrest laws were designed to remove officer discretion in certain situations, typically requiring arrest when there is probable cause that an assault occurred.

Research shows that these policies have significantly influenced police behavior. According to *Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions*, mandatory arrest statutes increase the likelihood that officers will make an arrest in domestic violence incidents, thereby standardizing responses and reducing variability in enforcement. The study suggests that these laws help ensure accountability and reinforce the seriousness of domestic violence offenses within the criminal justice system (Hirschel et al., 2007).

However, the effectiveness of mandatory arrest policies remains widely debated. A meta-analysis by Hoppe et al. (2020) found mixed results regarding their impact on repeat offending. While some evidence suggests that arrest can deter future violence for certain offenders, other findings indicate that mandatory arrest may increase recidivism in some cases. Particularly among unemployed or marginalized individuals. This suggests that arrest alone may not address the underlying cause of domestic violence and highlights the need for complementary interventions such as counseling or social services (Hoppe et al., 2020).

Additional research has also explored how these policies operate across different populations. Durfee and Goodmark (2020) examined arrest patterns following the legalization of same-sex marriage in the United States and found that mandatory arrest policies may have differential impacts depending on the gender and sexual orientation of those involved. Their findings suggest that same-sex couples may experience distinct patterns of dual arrest, where both parties are taken into custody, raising concerns about fairness and appropriate application of these laws.

Despite these concerns, mandatory arrest policies remain a common and influential response to domestic violence in the United States. From a practical standpoint, their importance is evident in everyday policing. As an intern with the Virginia Beach Police Department, I have participated in ride-along with officers and observed a significant number of domestic violence calls. These situations are often complex, emotionally charged, and potentially dangerous, making clear and consistent policies essential. Mandatory arrest laws provide officers with guidance in high-pressure situations and help ensure that victims receive immediate protection, even when circumstances are unclear or rapidly evolving.

In summary, while mandatory arrest policies have succeeded in increasing law enforcement responsiveness and emphasizing the seriousness of domestic violence, research indicates that

their own outcomes are not uniformly positive. Ongoing debates highlight the need for a more nuanced approach that balances accountability with prevention and support services. Future policy considerations may involve refining arrest guidelines and intergrading evidence-based interventions to reduce repeat offending and better serve diverse populations.

Reference List:

Durfee, A., & Goodmark, L. (2020). Domestic violence mandatory arrest policies and arrests for same-sex and opposite-sex intimate partner violence after legalization of same-sex marriage in the United States. *Criminal Justice Studies*, 33(3), 1–25.

<https://doi.org/10.1080/1478601x.2020.1786279>

Hirschel, D., Buzawa, E., Pattavina, A., & Faggiani, D. (2007). Journal of Criminal Law and Criminology Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions Recommended Citation DOMESTIC VIOLENCE AND MANDATORY ARREST LAWS: TO WHAT EXTENT DO THEY INFLUENCE POLICE ARREST DECISIONS? *THE JOURNAL of CRIMINAL LAW & CRIMINOLOGY*, 98(1 Fall).

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=7284&context=jclc>

Hoppe, S. J., Zhang, Y., Hayes, B. E., & Bills, M. A. (2020). Mandatory arrest for domestic violence and repeat offending: A meta-analysis. *Aggression and Violent Behavior*, 53(53), 101430. <https://doi.org/10.1016/j.avb.2020.101430>