



Domestic Violence

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

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Domestic Violence

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Under certain circumstances, judges may place conditions on release or bail for people charged with domestic violence. The law enforcement agency having custody of the defendant must provide a copy of the conditions to the defendant upon his or her release. In addition, the law enforcement agency must:

- use all reasonable means to notify the victim; and
- send to the victim's last known address or personally give to the victim a copy of any conditions of release. (Failure to furnish a copy of conditions shall not constitute negligence per se.)

An officer who has reason to believe that a person has violated the conditions of his release may make an arrest with or without a warrant (T.C.A. § 40-11-150).

A law enforcement officer's preferred response to domestic violence is to arrest the primary aggressor. The officer does not have to determine that a victim is not a primary aggressor. Preferred response means the officer must make the arrest unless there is a clear and compelling reason not to make the arrest. When a law enforcement officer believes that all parties are equally at fault, the officer must exercise discretion in determining whether to make any arrests. However, the officer must offer to transport the victim to a location where arrest warrants are issued and help the victim obtain an arrest warrant. T.C.A. §§ 36-3-601, *et seq.*

Police officers must enforce orders of protection and may arrest for a violation with or without a warrant. An arrest must be made without a warrant if the officer has jurisdiction, if there are reasonable grounds to believe the order has been violated, and if the officer has verified that an order is in effect. T.C.A. § 36-3-611.

T.C.A. § 10-7-504(a)(17) requires utilities – and allows municipalities – to keep confidential the telephone number, address, and other information about a domestic violence shelter or rape crisis center when the director requests such in writing.

All law enforcement agencies must have adopted a domestic violence policy. The agencies must provide for education on the handling and investigation of and response to domestic violence reports. T.C.A. § 38-12-106.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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