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# 2001 DOMESTIC ABUSE INCIDENT REPORT

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## INTRODUCTION

The Wisconsin Department of Justice's Office of Crime Victim Services, with the cooperation of district attorneys' offices across the state, presents the Wisconsin Domestic Abuse Incident Report for 2001. The purpose of the report is to provide information about the occurrence of domestic violence in Wisconsin. It uses data reported to the Department of Justice by most counties in the state. The quality of the data presented is entirely dependent on the accuracy and consistency of data collection and reporting procedures at the county level. Therefore, the Department acknowledges all those who make this report possible.

### *Acknowledgements*

The Office of Crime Victim Services would like to thank the many people who have made the 2002 Domestic Abuse Incident Report possible. Primary contributors include victim/witness coordinators, law enforcement agencies and support staff in district attorneys' offices across the state. The cooperation of these individuals and agencies makes a statewide report of domestic violence data possible.

### *Report Methodology*

Under Wisconsin Statutes, s. 968.075 (9), each county is required to provide data regarding domestic abuse incidents to the Department of Justice. The Report Form<sup>1</sup> was created to track the incidents, arrests, prosecution and sentencing of Wisconsin reported crimes related to domestic violence. The forms are collected by the Department of Justice and data is entered into a custom database which generates reports.

### *Definitions*

For the purposes of this report, **domestic abuse** is defined by Wisconsin Statutes, s.968.075, as the intentional infliction of physical pain, injury or illness; intentional impairment of physical condition; sexual assault; or a physical act that causes the other person to reasonably fear that any of these actions will occur. Domestic abuse applies to acts engaged in by an adult person against his or her spouse, former spouse, an adult with whom the person resides or formerly resided, or an adult with whom the person has a child in common.

This report defines an **offender** as a person who perpetrates **domestic abuse** and has contact with a law enforcement agency as a result of the offense, regardless of whether an arrest is made. The **victim** is defined as a person who is the target of domestic abuse and has contact with a law enforcement agency as a result, regardless of whether an arrest is made. An **incident** is defined as a single occurrence of domestic abuse that is reported to the district attorney's office.

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<sup>1</sup> See Appendix A

## ***Limitations***

The Domestic Abuse Incident Report reflects **only** those incidents reported to law enforcement *and* referred to district attorney's offices. For a variety of reasons, such as fear for safety, lack of resources, religious beliefs and personal philosophy, domestic abuse is often not reported to law enforcement. Therefore, the data should be used as a significant representation of domestic violence in Wisconsin, but not as a complete picture.

The data in this report are also incomplete because some counties provide the Department of Justice with only partial information. An individual data set is sometimes incomplete because some reports may not contain the relevant information. The following tables have been excluded from this year's report: Dual Arrests, Weapons and Injuries.

Charging data and disposition in this report also must be viewed with particular caution. In the section of this report entitled "Disposition of Charges," the dispositions are listed for individual charges; however, more than one charge may be issued for a domestic abuse incident. Therefore, although the report shows that over 7,000 charges were dismissed, not issued or reduced to an ordinance violation or prosecution was declined for one or more charges in an incident, it is still possible that other charges issued in those domestic abuse incidents were prosecuted and resulted in conviction.

Perhaps most significantly, this report contains only limited information for Milwaukee County, which reports only gender, ethnicity, arrests, charges, sentencing and homicides.

A reference to a statute reflects the statute as it was worded during the year of this report.

If you have any questions regarding the information contained in the 2001 Domestic Abuse Incident Report, please contact the Office of Crime Victim Services at (608) 261-8645. It is important that these data be read carefully and correctly, so as not to misrepresent the problem of domestic violence in Wisconsin.

## 2001 Executive Summary

- In 2001, 27,454 incidents of domestic abuse were reported to the Wisconsin Department of Justice. This represents an increase of nearly ten percent over the number of incidents reported in the year 2000.
- In 2001, the percentage of homicides resulting from domestic violence increased over the previous year. In the year 2000, 16.7% (29 out of 173 homicides) were the result of domestic violence. In 2001, nearly 23% (27 out of 120) of all homicides in Wisconsin were the result of domestic violence (Note: Child homicides are not included in this data).
- There were 11 reported homicides of children who had a domestic relationship with the offender. The majority (8 victims) were killed by a parent or stepparent.
- The percentage of domestic homicide victims killed with a firearm increased slightly in 2001 to 52% from 50%.
- Disorderly conduct and battery were the most common misdemeanor charges issued against domestic violence offenders in 2001.
- The most common sentences imposed outside of Milwaukee County were court costs, fines, domestic abuse assessment and probation. These sentences were often combined with other penalties. Note: Milwaukee County sentencing data is incomplete.

### County Data:

- During 2001 in **Milwaukee County**, an arrest was made in 49% of reported incidents (4,564 cases out of 9,328), down from 58% of all reported incidents (4,141 arrests out of 7,123) in 2000. **Outside of Milwaukee County**, an arrest was made in 84% of reported incidents, which represents no change from the previous year.
- The number of incidents reported by Milwaukee County in 2001 constituted 35% of all incidents reported statewide. This figure represents an increase over 2000 when 28% of all incidents reported statewide were reported by Milwaukee County.
- Victims of reported incidents in **Milwaukee County** were primarily African American women between the ages of 18 and 39, while victims **outside Milwaukee County** were primarily Caucasian women between the ages of 18 and 39.
- Milwaukee County reported a greater proportion of female victims than other counties. In **Milwaukee County**, 81% of reported victims were female while **outside Milwaukee County**, 73% of victims were female.

## 2001 VICTIM AND OFFENDER CHARACTERISTICS

### Age Statistics

(Milwaukee County data are not included in the table below.)

WISCONSIN DOMESTIC ABUSE AGE STATISTICS								
<i>Incidents reported from January 1, 2001 through December 31, 2001</i>								
AGE	VICTIMS				OFFENDERS			
	Male	Female	NR*	TOTAL	Male	Female	NR*	TOTAL
1-17	128	250	4	382	303	141	3	447
18-24	1,009	3,583	31	4,623	2,920	1,309	9	4,238
25-29	720	2,046	20	2,786	2,311	701	14	3,026
30-34	697	2,007	14	2,718	2,080	680	5	2,765
35-39	725	2,094	11	2,830	2,301	738	10	3,049
40-44	644	1,521	11	2,176	1,843	525	10	2,378
45-49	359	744	8	1,111	936	210	7	1,153
50-54	212	360	3	575	438	84	1	523
55-59	85	128	0	213	186	40	0	226
60-64	46	96	2	144	75	20	0	95
65-69	29	50	0	79	41	4	0	45
70+	41	78	0	119	66	14	1	81
NR*	75	234	61	370	45	20	35	100

NR\* = Data Not Reported to DOJ

### Gender Statistics

(Milwaukee County data are not included in the table below.)

WISCONSIN DOMESTIC ABUSE GENDER STATISTICS				
<i>Incidents reported from January 1, 2001 through December 31, 2001</i>				
OFFENDERS	VICTIMS			
	Male	Female	Data Not Reported to DOJ	TOTAL
Male	1,059	12,395	98	13,552
Female	3,704	756	27	4,487
Data Not Reported to DOJ	8	46	33	87
<b>TOTAL</b>	<b>4,771</b>	<b>13,197</b>	<b>158</b>	<b>18,126</b>

The preceding data show that women are most often the victims of reported domestic abuse by a male offender. In all counties outside Milwaukee, 73% of victims of reported incidents are women; 27% are men. In less than one percent of all cases, the gender of the victim was not reported.

**Milwaukee County** reported that 80.6 % of victims (7,525) were female and 18.5 % (1,728) of victims were men. Gender data was unavailable in less than one percent of reported incidents.

### Ethnicity Statistics

(Milwaukee County data are not included in the table below.)

WISCONSIN DOMESTIC ABUSE ETHNICITY STATISTICS							
<i>Incidents reported from January 1, 2001 through December 31, 2001</i>							
OFFENDERS	VICTIMS						
	Caucasian	African Amer.	Amer. Indian	Asian/Pacific	Hispanic	Data Not Reported to DOJ	TOTAL
Caucasian	13,320	198	86	37	130	373	14,144
African Amer.	752	1,337	19	6	25	77	2,216
Amer. Indian	145	8	236	0	6	15	410
Asian/Pacific	34	2	1	137	2	4	180
Hispanic	331	13	26	1	495	19	885
Data Not Reported to DOJ	119	7	1	0	3	161	291
<b>TOTAL</b>	14,701	1,565	369	181	661	649	18,126

*Reading the table: The ethnicity of offenders is found in the far left-hand column. To compare the ethnicity of offenders and victims, read each row from left to right. For example, as you read across the row of "Caucasian Offenders", the first value (13,320) represents that there were 13,320 incidents in which the offender was Caucasian and the victim was Caucasian. Going one cell further across the same row, the table shows that in 198 incidents the offender was Caucasian and the victim was African American.*

**Milwaukee County** did not report the ethnicity of offenders. In Milwaukee County, 5,364 (56%) victims were African American; 3,130 (34%) were Caucasian; and less than 1% were Hispanic (.92%), American Indian (.34%) or Asian/Pacific (.45%).

### Victim/Offender Relationship

(Milwaukee County data are not included in the table below.)

The table below shows the relationships that may exist between the victim and the offender, limited to those relationships identified in the domestic abuse statute (Wis. Stat. 968.075). Please note that some reporting agencies provided more than one relationship per incident while others provided only one relationship when multiple relationships existed.

WISCONSIN DOMESTIC ABUSE RELATIONSHIP STATISTICS	
<i>Incidents reported from January 1, 2001 through December 31, 2001</i>	
VICTIM/OFFENDER RELATIONSHIP	REPORTED INCIDENTS
Cohabitant	6,322
Spouse	5,493
Child in common	2,199
Other family member	2,137
Ex-Cohabitant	1,787
Ex-Spouse	635
Roommate	470
Other	344
Separated	113

## 2001 ARREST SUMMARY

Wisconsin’s Mandatory Arrest Law<sup>2</sup> requires law enforcement to arrest a suspect if there are reasonable grounds to believe that a person has committed a criminal act deemed to be domestic abuse. Arrest is mandatory when:

- (1) the officer has probable cause to believe the suspect’s actions constitute a crime; **and**
- (2) the relationship between the suspect and the victim is defined as domestic; **and**
- (3) the suspect acted intentionally to inflict physical pain, injury or illness; acted intentionally to impair the victim’s physical condition; sexually assaulted the victim; or caused the victim to fear future physical harm or assault; **and**
- (4) the officer reasonably believes there is a likelihood of continued abuse against the victim and/or has evidence of physical injury to the victim; **and**
- (5) the crime was reported within 28 days of the occurrence.

Arrest is discretionary when the following apply:

- (1) the officer has probable cause to believe that the suspect has committed a crime; **and**
- (2) the relationship does not meet the definition of a “domestic relationship;” **and/or**
- (3) the officer does not have evidence of any injury or a belief that future injury is likely; **and/or**
- (4) the crime was reported more than 28 days after the occurrence.

### ***Law Enforcement Response to Reported Incidents***

(Milwaukee County data are not included in the table below.)

<b>WISCONSIN DOMESTIC ABUSE ARREST STATISTICS</b>	
<i>Reponses reported from January 1, 2001 through December 31, 2001</i>	
<b>LAW ENFORCEMENT RESPONSES</b>	<b>REPORTED INCIDENTS</b>
<b>Single Arrests</b>	13,090
<b>Dual Arrests</b>	2,086
<b>Dual Situation/One Arrest</b>	95
<b>Dual Situation/No Arrest</b>	68
<b>No Arrest and Probable Cause</b>	1,928
<b>No Arrest and Uncertain if Probable Cause</b>	612
<b>Data Not Reported to DOJ</b>	247
<b>TOTAL Number of Reported Incidents</b>	18,126

Of the domestic violence incidents reported outside of Milwaukee County in 2001, an arrest was made in 84% of the incidents (15,271 of the 18,126 reported incidents).

In **Milwaukee County**, an arrest was made in 49% of the reported incidents (in 4,564 of 9,328 reported incidents.)

<sup>2</sup> See Appendix B

## 2001 Prosecution Summary

### Charges Issued

This table lists the most common misdemeanor and felony charges issued in domestic abuse cases. Each charge is listed with the corresponding statute number. In some domestic abuse cases, no charges are issued and/or the offender enters into a deferred prosecution agreement. There are also cases in which charges are not specified on the domestic abuse incident report. Therefore, the total number of charges listed below is less than the total number of domestic violence cases.

<b>WISCONSIN DOMESTIC ABUSE CHARGE STATISTICS</b>				
<i>Charges issued between January 1, 2001 and December 31, 2001</i>				
<b>STATUTE</b>	<b>CHARGE</b>	<b>MILWAUKEE</b>	<b>ALL OTHER COUNTIES</b>	<b>TOTAL</b>
947.01	Misd. Disorderly Conduct	2,479	7,247	9,726
940.19(1)	Misd. Battery	5,046	1,605	6,651
946.49(1)(a)	Misd. Bail Jumping	477	859	1,336
943.01(1)	Misdem. Criminal Damage to Property	537	397	934
813.12	Misd. Violation of Domestic Abuse Restraining Order	810	91	901
946.41	Misd. Resisting Arrest	194	137	331
940.44	Misd. Intimidation of Victims	2	273	275
939.62	Increased Penalty for Repeater	NR*	622	622
946.41(1)	Misd. Obstruction of Officer		138	138
943.14	Misd. Criminal Trespassing	80	94	174
947.01(2)	Misd. Unlawful Use of Telephone	66	111	177
940.19(2)	Felony Battery	257	54	311
940.30	Felony False Imprisonment	NR*	70	70
	County Ordinance	NR*	735	735
	Unknown	NR*	76	76
	Other Misdemeanor	NR*	591	591
	Other Felony	570	400	970
	Other	NR*	54	54
	<b>TOTALS</b>	<b>10,518</b>	<b>13,554</b>	<b>24,072</b>

\*NR = Data Not Reported to DOJ

### **Disposition of Charges**

(Milwaukee County data are not included in the table below.)

The following table summarizes the outcome of charges that were referred to a district attorney. In this report, a distinction is made between a dismissal by the district attorney and a dismissal by the court. If a district attorney never issued a charge, it is reported here as “Declined Prosecution/no charge issued.”

Although the report shows that over 7,000 charges were dismissed, not issued, or reduced to an ordinance violation, it is still possible that other charges issued in the same domestic abuse incident were prosecuted and resulted in conviction.

<b>WISCONSIN DOMESTIC ABUSE DISPOSITION STATISTICS</b>	
<i>Dispositions from January 1, 2001 through December 31, 2001</i>	
<b>DISPOSITION OF CHARGES</b>	<b>REPORTED OUTCOMES</b>
<b>Guilty Plea</b>	3,606
<b>Dismissed by DA</b>	3,539
<b>No Contest</b>	3,317
<b>Declined Prosecution/No Charge Issued</b>	2,967
<b>Reduced to Ordinance Violation</b>	1,274
<b>Convicted</b>	1,186
<b>Read Ins/Other Charges</b>	1,060
<b>Deferred Prosecution</b>	781
<b>Reduced to Lesser Criminal Charge</b>	187
<b>Dismissed by Court</b>	151
<b>Acquitted</b>	55
<b>Warrant Issued</b>	27

### **Reduction of Battery Charges**

There are instances when a domestic violence offender is arrested for battery, but the charge is later reduced to disorderly conduct or a municipal ordinance violation. This can happen for several reasons, including a plea bargain, insufficient time spent on the incident investigation by law enforcement, or insufficient evidence is found by the district attorney to support a battery charge. **In 2001, in counties outside Milwaukee County**, 1795 offenders arrested for battery were charged with disorderly conduct (1653 offenders) or a municipal ordinance (142 offenders).

## **Perpetrator Penalty Assessments**

Wisconsin law allows for the imposition of a \$50 assessment for persons convicted of a crime related to domestic abuse. Wisconsin Statutes, s. 973.055,<sup>3</sup> states that a court shall impose the \$50 assessment if the court imposes a sentence on the adult person or places the person on probation, regardless of whether any fine is ordered. The court is required to impose the \$50 assessment for each conviction if it falls within the list of offenses covered under Wisconsin Statutes, s. 973.055, (these offenses include battery, disorderly conduct and conforming municipal ordinances) AND if the relationship between the victim and perpetrator meets the statutory definition of domestic abuse. A court may waive part or all of the Domestic Abuse Assessment if it determines that the imposition of the full amount would have a negative impact on the offender's family. If a court imposes an assessment, the Clerk of Court is designated to collect and transmit the amount to the county treasurer, who is designated to make payment to the state treasurer.

The money collected is used to fund domestic abuse shelters, safe homes and crisis lines through grants administered by the Department of Health and Family Services. In 2001, **counties outside of Milwaukee County** reported that the Domestic Abuse Assessment was ordered in 4,308 (of 18,126) cases.

## **Prior Domestic Abuse Arrests**

(Milwaukee County information is not included in the table below.)

Knowledge of an individual's prior domestic abuse offenses can be a very powerful instrument for law enforcement, district attorneys and victim advocates as they attempt to prevent the occurrence of future domestic violence incidents. The following table illustrates the number of offenders arrested who had a prior **reported** criminal history of domestic abuse. In addition, the table details the various charging decisions made by district attorneys for offenders who had been arrested for domestic violence in the past.

<b>WISCONSIN DOMESTIC ABUSE PRIOR ARREST STATISTICS</b>						
<b>CRIMINAL JUSTICE RESPONSE</b>	<b>NUMBER OF PRIORS</b>					
	None	One	Two-Four	Five or More	Unknown	TOTAL
<b>Arrested</b>	5,452	2,191	1,338	342	3,766	13,089
<b>Charged</b>	4,675	1,936	1,222	302	3,159	11,294
<b>No Charge Issued</b>	1,186	357	184	20	973	2,720
<b>Charges Deferred</b>	90	13	3	1	40	147

<sup>3</sup> See Appendix C

## Sentences

The following table details the most common sentences ordered in domestic abuse cases throughout 2001. Typically, offenders were given a combination of sentences; therefore the number of total sentences is higher than the total number of domestic abuse incidents for the year. The most commonly imposed sentences in domestic violence cases, whether used alone or in combination with others, were the payment of court costs, fines, domestic abuse assessment and probation.

<b>WISCONSIN DOMESTIC ABUSE SENTENCING STATISTICS</b>			
<i>Sentences Imposed Between January 1, 2001 and December 31, 2001</i>			
SENTENCE	MILWAUKEE	ALL OTHER COUNTIES	TOTAL
<b>Court Costs</b>	NR*	7,088	7,088
<b>Probation</b>	1,179	3,693	4,872
<b>Fine</b>	447	4,253	4,700
<b>Domestic Abuse Assessment</b>	214	4,308	4,522
<b>Special Counseling</b>	1,138	2,292	3,430
<b>AODA Treatment</b>	1,063	1,923	2,986
<b>Jail</b>	1387	1,642	3,029
<b>Sentence Withheld</b>	NR*	2,473	2,473
<b>No Contact Conditions</b>	1,148	1,397	2,545
<b>Sentenced Imposed but Stayed</b>	1,164	957	2,121
<b>General Counseling</b>	NR*	1,392	1,392
<b>Other</b>	NR*	1,000	1,000
<b>Restitution</b>	103	622	725
<b>Jail as a Condition of Probation</b>	NR*	563	563
<b>No Alcohol</b>	NR*	495	495
<b>No Drugs</b>	NR*	284	284
<b>Community Service</b>	15	326	341
<b>Donation</b>	NR*	218	218
<b>Employment Requirement</b>	NR*	194	194
<b>Sentenced to Prison</b>	NR*	112	112
<b>Education Requirement</b>	NR*	118	118
<b>Deferred Prosecution Agreement</b>	132	NR*	132
<b>Victim/Witness Surcharge</b>	126	NR*	126

\*NR = Data Not Reported to DOJ

## 2001 DOMESTIC ABUSE HOMICIDE REPORT

Domestic abuse homicides are recorded through supplemental homicide reports provided by law enforcement agencies to the Office of Justice Assistance. These reports include information about the type of relationship between the offender and the victim. The following report includes **homicides of adults that were in domestic relationships**, as defined under Wisconsin Statutes s. 968.075(1)(a). and additional relationships (dating, sibling and roommate relationships) which are also considered domestic relationships for the purpose of the report.. The report includes homicide victims that did not have a domestic relationship with the offender as defined above. These victims may be an acquaintance of the offender or an individual that is otherwise known by the offender, who is somehow involved in the domestic situation and is murdered. These homicides are noted with an asterisk in the table. This report does not include incidents that were ruled “manslaughter by negligence” or incidents that were categorized by law enforcement as “mercy killings.” Perpetrator suicides committed in conjunction with a domestic violence homicide are not included in this report.

In 2001, there were a total of 120 homicides in Wisconsin. Of these, 27 were domestic violence homicides of adult victims. This represents a decrease in the aggregate number of victims murdered in domestic situations from the previous year (during which 29 domestic homicides occurred). However, there was an increase in the percentage of all homicides that were domestic homicides. In 2000, 16.7% of all homicides were domestic homicides. In 2001, that percentage increased to 22.5%.

Of the 27 homicides in 2001 in which the relationship was domestic, 15 of the victims were female and 12 were male. All 15 female victims were murdered by male offenders. Of the male victims, five were murdered by female offenders and seven were murdered by male offenders.

Homicides of children involved in domestic situations are also recorded through supplemental homicide reports provided by law enforcement agencies to the Office of Justice Assistance. These reports include information about the type of relationship between the offender and the victim.

In 2001, there were 11 homicides of children who had a domestic relationship with the offender. Of the 11 homicides, eight of the child victims were killed by a parent or stepparent.

## 2001 INDIVIDUAL WISCONSIN COUNTY DATA

The table below lists each county, its estimated 2001 population (according to the 2001 Census data) and the total number of reported domestic violence incidents for that year. **Counties with an asterisk did not provide complete data.** In the pages that follow, separate reports for each county (except Milwaukee) are provided. These reports include victim/offender gender, ethnicity, age and relationship information, as well as use of weapons in domestic violence incidents and injury statistics for both victims and offenders.

<b>WISCONSIN DOMESTIC ABUSE INCIDENTS BY COUNTY</b>						
<i>Incidents from January 1, 2001 through December 31, 2001</i>						
<b>County</b>	<b>Estimated 2001 Population</b>	<b>Reported Incidents</b>		<b>County</b>	<b>Estimated 2001 Population</b>	<b>Reported Incidents</b>
Adams	20,327	144		Marathon	127,968	448
Ashland	16,979	98		Marinette	43,804	120
Barron	45,633	222		Marquette	14,771	22
Bayfield	15,263	44		Menominee	4,595	4
Brown	231,858	955		Milwaukee	941,091	9,328
Buffalo	13,955	22		Monroe*	41,865	0
Burnett	16,051	24		Oconto*	36,804	0
Calumet	42,497	141		Oneida	37,418	91
Chippewa	56,588	342		Outagamie	165,570	786
Clark	33,860	66		Ozaukee	83,964	165
Columbia	53,472	406		Pepin*	7,384	0
Crawford*	17,406	0		Pierce	37,757	157
Dane	438,881	3,057		Polk	42,621	110
Dodge	87,083	252		Portage	68,216	98
Door	28,641	61		Price	15,891	40
Douglas	43,677	135		Racine	190,446	1,084
Dunn	40,828	157		Richland	18,056	58
Eau Claire	95,132	435		Rock	154,001	809
Florence	5,187	6		Rusk	15,458	121
Fond du Lac	98,589	106		St. Croix	67,649	381
Forest*	10,113	0		Sauk	56,663	293
Grant	50,165	55		Sawyer	16,584	111
Green	34,351	151		Shawano	41,273	198
Green Lake	19,282	74		Sheboygan	114,139	382
Iowa	23,153	87		Taylor	19,718	57
Iron	6,932	20		Trempealeau	27,393	168
Jackson	19,381	32		Vernon	28,584	38
Jefferson	77,106	160		Vilas	21,457	42
Juneau	25,052	113		Walworth	94,532	461
Kenosha	153,009	978		Washburn*	16,438	0
Kewaunee	20,487	41		Washington	120,429	415
LaCrosse	108,433	511		Waukesha	368,077	975
Lafayette	16,252	16		Waupaca	52,622	217
Langlade	21,017	92		Waushara	24,560	134
Lincoln*	29,944	0		Winnebago	159,161	700
Manitowoc	83,925	66		Wood	75,982	372

**ESTIMATED 2001 POPULATION FOR 72 WISCONSIN COUNTIES: 5,453,450**  
**TOTAL REPORTED DOMESTIC ABUSE INCIDENTS IN 2001: 27,454**

## Appendix A

# Wisconsin's Domestic Abuse Reporting Form

Wisconsin Department of Justice  
Office of Crime Victim Services  
DJ-OCVS-23, Rev. 01/92

County \_\_\_\_\_  
Law Enforcement Agency \_\_\_\_\_  
District Attorney Handling Case \_\_\_\_\_  
Offender Name/Case # \_\_\_\_\_  
Second Offender Name (If Dual Arrest) \_\_\_\_\_

Completion of this form meets  
the requirements of s. 968.075  
Wisconsin Statutes

**INSTRUCTIONS:** Circle, check or enter appropriate response. See second page for further instructions

Section I - Incident				
1. Date (Mo/Day/Yr) / /	2. Alcohol used? Yes No Unk	3. By whom? Victim Offender Both	4. Drugs used? Yes No Unk	5. By whom? Victim Offender Both
6a. Weapon(s) Used? Yes No Unk		6b. If yes, what? Firearm Blunt Object Knife/Cutting Instrument Personal (hands, feet, etc.) Other _____		
7a. Verbal Threat (weapon involved)? Yes No		7b. If verbal threat only (no weapon involved), check this box.		
8. Law Enforcement Response Arrest Dual arrest (two forms required) Probable cause but no arrest made (Reported to DA under s. 968.075(4) for further consideration) Uncertain if probable cause/No arrest/Sent to DA		9. Arrest Offense(s): (Cite statute(s) Include restraining order violations; if 940.19, indicate (1), (2), or (3)) _____	10a. Officer injured? Yes No Unk	
			10b. Required medical treatment? Yes No Unk	
			11. Were minor children present at the time of incident? Yes No Unk	
Section II - Offender Information				
12. Date of Birth (Mo/Day/Yr) / /	13. Sex Male Female	14. Ethnicity: Black (not Hispanic) American Indian/Alaskan Native Asian or Pacific Islander (incl. Indian Subcontinent) White (not Hispanic) Hispanic (Mexican, Puerto Rican, Cuban, Other)		
15. Prior Domestic Abuse Arrests? Yes No Unk	16. If yes, how many? _____	17. Same Victim? Yes No Unk	18. Offender injured? (this incident) Yes No Unk	19. Required medical treatment? Yes No Unk
Section III - Victim Information				
20. Date of Birth (Mo/Day/Yr) / /	21. Sex Male Female	22. Ethnicity: Black (not Hispanic) American Indian/Alaskan Native Asian or Pacific Islander (incl. Indian Subcontinent) White (not Hispanic) Hispanic (Mexican, Puerto Rican, Cuban, Other)		
23. Victim Relationship to Offender: Spouse Co-habitant (e.g. boyfriend, girlfriend) Ex-spouse Roommate (dorm, rooming house) Other family member Created child(ren) in common Ex-co-habitant Other (specify) _____		24.a. Victim injured? Yes No Unk		
		24b. Required medical treatment? Yes No Unk		
		25. If death resulted from this incident, check this box. Who died? Victim Offender Adult Family Member Other (specify) _____		
Section IV - Charging and Disposition				
Check here if no charge issued Check here if deferred charge (i.e., hold charge open; charging conference; deferred prosecution where no charge is issued.) Check here if charge is ordinance/ municipal violation.		26. Charge(s) issued: Cite statute(s) _____ _____ _____	27. Disposition: Enter codes (see reverse side) (If #8, please indicate new charge.) _____ _____ _____	
Section V - Sentence				
28. Sentence Imposed: Check each box that applies: Court Costs Counseling (specialized abuser treatment program) Sentenced to jail Sentence imposed, but stayed Probation Alcohol/drug treatment Sentenced to prison Jail as condition of probation Fine Counseling (general) Sentence withheld No contact conditions Restitution Other (specify) _____				
29. Domestic Abuse Assessment Imposed? Yes No Unk _____				

**Instructions for Completing  
Domestic Abuse Report**

(DJ-OCVS-23, Rev. 01-92)

Please call WI Department of Justice for assistance: (608) 261-8645 or 264-9497. Mail Completed Forms to WDOJ-DAR, OCVS, Post Office Box 7951, Madison, WI 53707-7951

The information necessary to complete Section I-III should be contained in the law enforcement arrest or incident report.

Submit yellow copy when initial charging decision is made. Submit white copy (original) after final disposition. Retain blue copy for your records.

**INITIAL IDENTIFICATION** (upper right)

**Agency Identification**

- ◆ Name of County
- ◆ Name of Law Enforcement Agency
- ◆ Name of District Attorney handling the case if necessary to obtain additional information about the incident report
- ◆ Name of Offender - particularly important in cases of domestic homicides
- ◆ Second Offender Name - allows us to track both cases once both are in the system.

**Section I: Incident**

1. Date incident occurred written in 6 digits, e.g. 09/01/89
- 2-5. Circle correct response.
- 6a. If a weapon was used to cause physical injury or pain, please circle Yes
- 6b. Circle all types involved. Personal is defined by the FBI to include parts of the body, including hands, feet, etc.
- 7a. If the offender threatened to hurt the victim with a weapon or had a weapon in his or her possession while threatening the victim, but did not **use** the weapon, please circle Yes.
- 7b. If the offender made a verbal threat and no weapons were involved, check this response.
8. Dual arrest: Check if more than one party involved in the incident was arrested. Be sure to complete two forms - one for each party arrested - and return the two copies stapled together.  
Probable cause but no arrest: Check when the officer had reason to believe a person did commit domestic abuse and the actions constitute the commission of a crime, but did not make an arrest and sends a report to the DA under sec. 968.075(4). This might occur in a situation where the offender has left the scene.  
Uncertain if probable cause: Check if the officer did not know whether to make an arrest but sends a report to the DA.
9. Arrest Offense(s): cite statute numbers for the crime(s) under which arrest was made.

**Below are statute numbers for the most common offenses.**

- Bail jumping 946.49
- Battery: Indicate whether 940.19(1), (2) or (3).
  - Felony 940.19 (2 & 3)
  - Misdemeanor 940.19(1)
- Criminal Damage to Property 943.01
- Criminal Trespass 943.14
- Disorderly Conduct 947.01
- Endangering Safety by Use of a Weapon 941.20
- Homicide 940.01 - 940.09
  - Attempted Homicide 939.32
- Resisting Arrest 946.41
- Sexual Assault 940.225(1) (2) (3) (3m)
- Violation of Injunction 813.12(7) or 813.125(6)
- Violation of No Contact Order 968.075
- Violation of Probation 973.10
- Violation of Temporary Restraining Order 813.12(7) or 813.125(6)

10a-10b. Circle correct response.

11. Please indicate if children were present at the site and time of the incident, but did not necessarily witness the incident.

**Section II: Offender Information**

12. Date of birth written in 6 digits, e.g., 12-25-59.
- 13-19. Circle or fill in correct response.

**Section III: Victim Information**

20. Date of birth written in 6 digits, e.g., 06-23-60
- 21-22. Circle correct response.
23. Victim relationship to offender: Check correct response.
- 24a-b. Circle correct response.
25. Check box **ONLY** if a death resulted from the incident. Please indicate if there were multiple deaths and what relationship the deceased had to the victim or offender.

**Section IV: Charging & Disposition**

26. Cite the statute number(s) for the crime(s) under which charge(s) issued.  
Check the first box if no charge is issued.  
Check the second box if there is a deferred charge where no charge is issued; if appropriate, indicate the disposition and sentence.  
Check the third box if the charge is an ordinance or municipal violation; indicate the disposition and sentence for each ordinance or municipal violation.

27. Enter the appropriate code(s)
  1. Declined prosecution
  2. Guilty plea
  3. Convicted
  4. Acquitted
  5. Dismissed by court - not by DA
  6. Deferred prosecution
  7. Reduced to ordinance violation
  8. Reduced to lesser criminal charge (indicate the new charge on the front side)
  9. Warrant issued
  10. No contest
  11. Read in(s)/other charge(s)
  12. Dismissed by the DA

**Section V: Sentence**

28. Sentence Imposed: check each box that applies.
29. Circle the correct response

## **Appendix B**

# **Wisconsin's Mandatory Arrest Law**

### **968.075 Domestic abuse incidents; arrest and prosecution. (1) DEFINITIONS.** In this section:

(a) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.

(b) "Law enforcement agency" has the meaning specified in s. 165.83 (1) (b).

### **(2) CIRCUMSTANCES REQUIRING ARREST.** (a)

Notwithstanding s. 968.07 and except as provided in par. (b), a law enforcement officer shall arrest and take a person into custody if:

1. The officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime; and

2. Either or both of the following circumstances are present:

a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely.

b. There is evidence of physical injury to the alleged victim.

(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.

**(3) LAW ENFORCEMENT POLICIES.** (a) Each law enforcement agency shall develop, adopt and implement written policies regarding arrest procedures for domestic abuse incidents. The policies shall include, but not be limited to, the following:

1. Statements emphasizing that:

a. In most circumstances, other than those under sub. (2), a law enforcement officer should arrest and take a person into custody if the officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime.

b. When the officer has reasonable grounds to believe that spouses, former spouses or other persons who reside together or formerly resided together are committing or have committed domestic abuse against each other, the officer does not have to arrest both persons, but should arrest the person whom the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer should consider the

intent of this section to protect 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 ascertained by the officer.

c. A law enforcement officer's decision as to whether or not to arrest under this section may not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident.

d. A law enforcement officer's decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.

2. A procedure for the written report and referral required under sub. (4).

3. A procedure for notifying the alleged victim of the incident of the provisions in sub. (5), the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release.

(b) In the development of these policies, each law enforcement agency is encouraged to consult with community organizations and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents.

(c) This subsection does not limit the authority of a law enforcement agency to establish policies that require arrests under more circumstances than those set forth in sub. (2).

**(4) REPORT REQUIRED WHERE NO ARREST.** If a law enforcement officer does not make an arrest under this section when the officer has reasonable grounds to believe that a person is committing or has committed domestic abuse and that person's acts constitute the commission of a crime, the officer shall prepare a written report stating why the person was not arrested. The report shall be sent to the district attorney's office, in the county where the acts took place, immediately after investigation of the incident has been completed. The district attorney shall review the report to determine whether the person involved in the incident should be charged with the commission of a crime.

**(5) CONTACT PROHIBITION.** (a) 1. Unless there is a waiver under par. (c), during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.

2. An arrested person who intentionally violates this paragraph shall be required to forfeit not more than \$1,000.

(b) 1. Unless there is a waiver under par. (c), a law enforcement officer or other person who releases a person arrested for a domestic abuse incident from custody less than 72 hours after the arrest shall inform the arrested person orally and in writing of the requirements under par. (a), the consequences of violating the requirements and the provisions of s. 939.621. The arrested person shall sign an acknowledgment on the written notice that he or she has

received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of s. 939.621. If the arrested person refuses to sign the notice, he or she may not be released from custody.

2. If there is a waiver under par. (c) and the person is released under subd. 1., the law enforcement officer or other person who releases the arrested person shall inform the arrested person orally and in writing of the waiver and the provisions of s. 939.621.

3. Failure to comply with the notice requirement under subd. 1. regarding a person who is lawfully released from custody bars a prosecution under par. (a), but does not affect the application of s. 939.621 in any criminal prosecution.

(c) At any time during the 72-hour period specified in par. (a), the alleged victim may sign a written waiver of the requirements in par. (a). The law enforcement agency shall have a waiver form available.

(d) The law enforcement agency responsible for the arrest of a person for a domestic abuse incident shall notify the alleged victim of the requirements under par. (a) and the possibility of, procedure for and effect of a waiver under par. (c).

(e) Notwithstanding s. 968.07, a law enforcement officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has violated par. (a).

**(6) CONDITIONAL RELEASE.** A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5) (c), as part of the conditions of any such release that occurs during the 72 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5) (a) and to sign the acknowledgment under sub. (5) (b). The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person.

**(6m) OFFICER IMMUNITY.** A law enforcement officer is immune from civil and criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender, if the decision is made in a good faith effort to comply with this section.

**(7) PROSECUTION POLICIES.** Each district attorney's office shall develop, adopt and implement written policies encouraging the prosecution of domestic abuse offenses. The policies shall include, but not be limited to, the following:

(a) A policy indicating that a prosecutor's decision not to prosecute a domestic abuse incident should not be based:

1. Solely upon the absence of visible indications of injury or impairment;

2. Upon the victim's consent to any subsequent prosecution of the other person involved in the incident; or

3. Upon the relationship of the persons involved in the incident.

(b) A policy indicating that when any domestic abuse incident is reported to the district attorney's office, including a report made under sub. (4), a charging decision by the district attorney should, absent extraordinary circumstances, be made not later than 2 weeks after the district attorney has received notice of the incident.

**(8) EDUCATION AND TRAINING.** Any education and training by the law enforcement agency relating to the handling of domestic abuse complaints shall stress enforcement of criminal laws in domestic abuse incidents and protection of the alleged victim. Law enforcement agencies and community organizations with expertise in the recognition and handling of domestic abuse incidents shall cooperate in all aspects of the training.

**(9) ANNUAL REPORT.** (a) Each district attorney shall submit an annual report to the department of justice listing all of the following:

1. The number of arrests for domestic abuse incidents in his or her county as compiled and furnished by the law enforcement agencies within the county.

2. The number of subsequent prosecutions and convictions of the persons arrested for domestic abuse incidents.

(b) The listing of the number of arrests, prosecutions and convictions under par. (a) shall include categories by statutory reference to the offense involved and include totals for all categories.

**History:** 1987 a. 346; 1989 a. 293; 1993 a. 319; 1995 a. 304.

**NOTE: 1987 Wis. Act 346, which created this section, states the legislative intent and purpose in section 1 of the Act.**

Questions by officer prior to arrest to determine which spouse is primary physical aggressor under sub. (3) (a) 1. b. are investigatory and *Miranda* warnings are not required where defendant is not deprived of freedom or questioned in coercive environment. *State v. Leprich*, 160 W (2d) 472, 465 NW (2d) 844 (Ct. App. 1991).

Warrantless arrest and detention for bail jumping, 946.49, is authorized if probable cause exists that the arrestee violated the contact prohibition in (5) (a) 1 after being released under ch. 969. 78 Atty. Gen. 177.

This section applies to roommates living in university residence halls, whether privately or state owned. If criteria requiring arrest under (2) exist, law enforcement officer must make custodial arrest. 79 Atty. Gen. 109.

## Appendix C

# Wisconsin's Domestic Abuse Assessment Law

**973.055 Domestic abuse assessments.** (1) If a court imposes a sentence on an adult person or places an adult person on probation, regardless of whether any fine is imposed, the court shall impose a domestic abuse assessment of \$50 for each offense if:

(a) 1. The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21, 940.225, 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125 or of a municipal ordinance conforming to s. 941.20, 940.201, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125; and

2. The court finds that the conduct constituting the violation under subd. 1. involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child; or

(b) The court convicts a person under s. 813.12 (8) (a) or a conforming municipal ordinance.

(2) (a) If the assessment is imposed by a court of record, after the court determines the amount due, the

clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

(b) If the assessment is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town or village, and that treasurer shall make payment to the state treasurer as provided in s. 66.12 (1) (b).

(3) All moneys collected from domestic abuse assessments shall be deposited by the state treasurer in s. 20.435 (3) (hh) and utilized in accordance with s. 46.95.

(4) A court may waive part or all of the domestic abuse assessment under this section if it determines that the imposition of the full assessment would have a negative impact on the offender's family.

**History:** 1979 c. 111; 1979 c. 221 s. 2202 (20); 1979 c. 355; 1981 c. 20 s. 2202 (20) (s); 1983 a. 27 s. 2202 (20); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 262, 319; 1995 a. 27, 201, 343, 353; 2000 a. 27, 35, 143.