
2002 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 2002. 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

Primary contributors to this report 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. The Department recognizes that the district attorneys who oversee quality collection and accurate reporting of data from their counties exhibit a sincere dedication to their community, to victims of domestic violence and to efforts to reduce domestic violence through effective public policy.

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 Form¹ was created to track the incidents, arrests, prosecution and sentencing of Wisconsin reported crimes related to domestic violence. For the 2002 report, the forms were used by 29 counties and sent to the Department of Justice where the data was entered into a custom database. The remaining 42 counties entered data into the PROTECT system, which is a case management system used by district attorneys' offices. The Department of Justice imported relevant data from the PROTECT system for these counties into a custom database. The tables and charts in this report were generated by combining the data received from the Report Forms and the PROTECT system. Future reports will be generated from an even more streamlined data collection process that phases out the use of paper forms altogether.

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.

¹ 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 Department of Justice is completing a five-year project to change how statewide domestic abuse information is collected and presented in future reports. 2002 data was collected during a transition period between the old methodology and the new one. For that reason, not all data could be accurately compared or compiled. Therefore, several data sets will not be presented in this report but will be presented in the 2003 report when the accuracy of the data can be assured.

Some counties provide the Department of Justice with only partial information. If a substantial number of reports are lacking data, an entire data set may be eliminated from the report rather than present misleading information. Arrest data was one data set which had to be eliminated for this reason in this year's report.

Charging data and disposition in this report should be understood in the following context:. Dispositions are listed for individual charges but more than one charge might have been issued for a given domestic abuse incident. Therefore, although the report shows that large numbers of charges were dismissed, not issued or reduced to an ordinance violation (or that 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.

The most significant limitation to this report is that it contains only limited information for Milwaukee County, which reports only gender, ethnicity, arrests, charges, sentencing and homicides. This limitation is being addressed through cooperative projects between the county and the Department and future reports will contain more data from Milwaukee County.

Any 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 2002 Domestic Abuse Incident Report, please contact the Office of Crime Victim Services at (608) 261-8645.

2002 Executive Summary

The Department of Justice is completing a five-year project to change how statewide domestic abuse information is collected and presented in future reports. 2002 data was collected during a transition period between the old methodology and the new one. For that reason, not all data could be accurately compared or compiled. Therefore, several data sets will not be presented in this report but will be presented in the 2003 report when the accuracy of the data can be assured.

- In 2002, the number of incidents reported statewide (26,132) decreased by 5 percent from 2001 (27,454).
- The percentage of homicides that were the result of domestic violence decreased from 23% (27 of 120) of all homicides in 2001 to 17% (28 of 164) of all homicides in 2002 (Note: Child homicides are not included in this data).
- There were 12 reported homicides of children who had a domestic relationship with the offender. Three-fourths (9) of those victims were killed by a parent or stepparent.
- The percentage of domestic homicide victims killed with a firearm decreased slightly from 52% in 2001 to 50% in 2002.
- Disorderly conduct and battery were the most common misdemeanor charges issued against domestic violence offenders in 2002.
- 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.
- The number of incidents reported by Milwaukee County in 2002 constituted 25% of all incidents reported statewide. This figure represents a decrease over 2001 when 34% of all incidents reported statewide were reported by Milwaukee County.
- In Milwaukee County, an arrest was made in 63% of reported incidents (4,275 of 6,708 incidents) in 2002. This represents an increase from the rate of 49% reported in 2001.

Milwaukee County Data

Milwaukee County is Wisconsin's most populated county with an estimated 939,840 residents². Therefore, it is not surprising that Milwaukee County has a large proportion of the state's domestic abuse incidents. The volume of cases processed by the county present a significant challenge for data collection. In past reports, the method used in Milwaukee County to report data was different than other counties, making accurate comparisons to other counties impossible. Therefore, most charts in this report have not included Milwaukee County data, significantly diminishing the significance of the data that was presented.

The Department of Justice is pleased to announce that a new partnership with Milwaukee County will enable Milwaukee County data to be phased in to future reports. The 2003 Domestic Abuse Incident Report will contain limited Milwaukee County data but a separate supplement to the report will be published with more complete Milwaukee County data that can be directly and accurately compared to 2003 data from the rest of the state. The 2004 report will complete the transition, with Milwaukee County data completely integrated into the tables and charts.

The Department of Justice is grateful for the cooperation of key staff in the Milwaukee County District Attorney's office during this time of transition. Their efforts have illustrated a sincere commitment to fight domestic abuse in the community by providing victim service agencies and policy-makers with important data that will help inform prevention and intervention strategies. The Department commends them for their leadership and teamwork which made this possible amid the challenges of dwindling resources and increasing work loads in Milwaukee County.

The following information was provided by the Milwaukee County District Attorney's Office as a supplement until the county's data is more fully integrated into this report:

MILWAUKEE COUNTY DOMESTIC VIOLENCE DISPOSITIONS BY CHARGE

	1999	2000	2001	2002
Total Charges				
Misdemeanors	9277	8729	9893	9504
Felonies	398	465	570	689
Total	9675	9194	10,463	10,193
Issued				
Misdemeanors	4752	5172	5558	4720
Felonies	138	154	186	287
Convictions				
Misdemeanors	2581	2625	2759	2989
Felonies	45	92	116	172
Percentage of convictions of disposed misdemeanor domestic violence cases	46%	51%	53%	63%

² Estimated 2002 population, according to the Wisconsin Department of Health and Family Services, Bureau of Health Information. <http://dhfs.wisconsin.gov/population/02demog/milwaukee.htm>

2002 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, 2002 through December 31, 2002</i>								
AGE	VICTIMS				OFFENDERS			
	Male	Female	NR*	TOTAL	Male	Female	NR*	TOTAL
18-24	1,058	3,959	90	5,107	3,383	1,347	90	4,820
25-29	736	2,252	61	3,049	2,528	715	50	3,293
30-34	739	2,146	48	2,933	2,342	684	63	3,089
35-39	736	2,082	63	2,881	2,438	720	56	3,214
40-44	668	1,650	50	2,368	1,995	557	44	2,596
45-49	392	857	24	1,273	1,006	267	23	1,296
50-54	195	375	11	581	479	117	10	606
55-59	116	172	5	293	211	49	3	263
60-64	57	76	4	137	83	13	1	97
65-69	29	40	1	70	45	6	0	51
70+	51	87	1	139	55	13	0	68
NR*	294	255	412	961	37	12	14	63

*NR = Data Not Reported to DOJ

Gender

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

WISCONSIN DOMESTIC ABUSE GENDER STATISTICS		
<i>Incidents reported from January 1, 2002 through December 31, 2002</i>		
	OFFENDERS	VICTIMS
Male	21,826	6,414
Female	5,865	19,281
Not Reported to DOJ	357	906
TOTAL	28,048	26,601

The preceding data show that women are most often the victims of reported domestic abuse by a male offender. *In all counties outside Milwaukee*, 72% of victims of reported incidents were women; 24% were men. In nearly 4 percent of all cases, the gender of the victim was not reported.

Ethnicity

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

WISCONSIN DOMESTIC ABUSE ETHNICITY STATISTICS		
<i>Incidents reported from January 1, 2002 through December 31, 2002</i>		
	OFFENDERS	VICTIMS
Caucasian	16,817	17,275
African Amer.	7,984	5,464
Amer. Indian	470	446
Asian/Pacific	206	196
Hispanic	1,435	994
Not Reported to DOJ	1,136	2,226
TOTAL	28,048	26,601

Victim/Offender Relationship

(Milwaukee County data is 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, 2002 through December 31, 2002</i>	
VICTIM/OFFENDER RELATIONSHIP	REPORTED INCIDENTS
Cohabitant/Ex-Cohabitant	4,581
Spouse/Ex-Spouse/Separated	3,442
Other Family	1,028
Child in common	1,165
Dating Relationship	151
Other	462

2002 ARREST DATA

Due to the transition to new data collection and reporting procedures, there were misunderstandings at the county level as to which information to submit to the state on arrests. The amount of incomplete or inconsistent reporting received by the Department necessitates the elimination of this section of the report for 2002. The Department is committed to working closely with counties through this period to ensure that procedures are communicated clearly and that future reports are as complete as possible.

2002 PROSECUTION DATA

Charges Issued

This table lists the 15 most common misdemeanor and felony charges issued in domestic abuse cases statewide. It is not an inclusive list of all charges issued.

STATUTE	CHARGE	MILWAUKEE	ALL OTHER COUNTIES	TOTAL
947.01	Disorderly Conduct	2,047	11,447	13,494
940.19(1)	Battery	4,949	4,437	9,386
946.49(1)(a)	Bail Jumping	663	1,403	2,066
	County Ordinance	NR	2,005	2,005
943.01(1)	Criminal Damage to Property	531	1,361	1,892
813.12(8)(a)	Violation of Domestic Abuse Injunction	NR*	179	179
946.41	Resisting Arrest	NR	158	158
940.44 (1)	Intimidation of Victims	6	552	558
813.12(8)	Violation of Domestic Abuse Restraining Order	827	185	1,012
946.41(1)	Obstruction of an Officer	166	422	588
943.14	Criminal Trespassing	47	302	349
813.125(7)	Violation of Harassment Restraining Order	59	126	185
940.19(2)	Aggravated Battery	20	227	247
940.30	False Imprisonment	29	330	359
941.30(2)	Endangering Safety	35	155	190

*NR = Data Not Reported to DOJ

Disposition of Charges

(Milwaukee County data is 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 “No Prosecution/No Charges Issued.” Although the report shows that a significant number of charges were dismissed, not issued, or reduced to an ordinance violation, it is possible that other charges issued in the same domestic abuse incident were prosecuted and resulted in conviction.

WISCONSIN DOMESTIC ABUSE DISPOSITION STATISTICS	
<i>Dispositions reported from January 1, 2002 through December 31, 2002</i>	
DISPOSITION OF CHARGES	REPORTED INCIDENTS
No Contest	6,251
Guilty Plea	5,060
Dismissed	4,758
No Prosecution/No Charges Issued	3,447
Read In/Consolidated	1,756
Amended	1,680
Deferred Prosecution	1,622
Convicted	713
Default Judgement	63
Acquitted	39
Other	28

Sentences

The following table lists the type of sentence ordered in domestic abuse cases throughout 2002. 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.

Financial Sentences

The most frequent type of sentence in domestic violence cases imposed some type of financial penalty or obligation upon the offender. For the purpose of this report, “financial” sentences include the payment of court costs and restitution and the imposition of fines and surcharges, including the domestic abuse assessment.

Behavioral Sentences

The second most frequent type of sentence in domestic violence cases imposed some type of behavioral condition or duty on the offender. For the purpose of this report, “behavioral” sentences include: community service, employment and education requirements, special or general counseling (including AODA treatment), the imposition of no contact conditions and prohibitions against the use of alcohol and drugs.

Confinement Sentences.

For the purpose of this report, “confinement” sentences include jail or prison sentences.

Withheld, Stayed, Deferred Sentences

For the purpose of this report, this category of sentences includes sentences that were imposed but stayed, withheld sentences and deferred prosecution agreements.

“Other, Not Specified Sentences” are sentences that were not reported with enough specificity to include them in one of the other categories.

WISCONSIN DOMESTIC ABUSE SENTENCING STATISTICS	
<i>Sentences reported from January 1, 2002 through December 31, 2002</i>	
SENTENCE	TOTAL
Financial	11,032
Behavioral	9,386
Confinement	5,552
Probation & Other Supervision	4,713
Withheld, Stayed, Deferred	3,477
Other, Not specified	5,611

2002 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 2002, there were a total of 164 homicides in Wisconsin. Of these, 28 were domestic violence homicides of adult victims. This represents an increase in the aggregate number of adult victims murdered in domestic situations from the previous year (during which 27 domestic homicides occurred). However, there was a larger decrease in the proportion of all homicides that were domestic homicides. In 2001, 23% (27 of 120) of all homicides of adults were domestic homicides. In 2002, that percentage dropped to 17% (28 of 164 homicides).

Of the 28 homicides in 2002 in which the relationship was domestic, 17 of the victims were female and 11 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 2002, there were 12 homicides of children who had a domestic relationship with the offender. Of the 12 homicides, nine of the child victims were killed by a parent or stepparent.

2002 INDIVIDUAL WISCONSIN COUNTY DATA

The table below lists each county, its estimated 2002 population (according to the 2002 Census data) and the total number of reported domestic violence incidents for that year. 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. **Counties with an asterisk did not provide complete data.**

WISCONSIN DOMESTIC ABUSE INCIDENTS BY COUNTY					
<i>Incidents from January 1, 2002 through December 31, 2002</i>					
County	Estimated 2002 Population	Reported Incidents	County	Estimated 2002 Population	Reported Incidents
Adams	19,920	140	Marathon	125,834	461
Ashland	16,866	83	Marinette	43,384	95
Barron	44,963	160	Marquette	14,555	54
Bayfield	15,013	35	Menominee	4,562	3
Brown	226,778	1,245	Milwaukee	940,164	6,708
Buffalo	13,804	20	Monroe	40,899	233
Burnett	15,674	35	Oconto	35,641	97
Calumet	40,631	103	Oneida	36,776	75
Chippewa	55,195	341	Outagamie	160,971	700
Clark	33,557	43	Ozaukee	82,317	104
Columbia	52,468	339	Pepin*	7,213	0
Crawford	17,243	47	Pierce	36,804	93
Dane	426,526	2,979	Polk	41,319	35
Dodge	85,897	230	Portage	67,182	128
Door	27,961	53	Price	15,822	56
Douglas	43,287	277	Racine	188,831	1,122
Dunn	39,858	127	Richland	17,924	17
Eau Claire	93,142	511	Rock	152,307	698
Florence	5,088	7	Rusk	15,347	127
Fond du Lac	97,296	474	St. Croix	63,155	332
Forest	10,024	16	Sauk	55,225	252
Grant	49,597	99	Sawyer	16,196	84
Green	33,647	134	Shawano	40,664	160
Green Lake	19,105	125	Sheboygan	112,656	259
Iowa	22,780	121	Taylor	19,680	66
Iron	6,861	13	Trempealeau	27,010	93
Jackson	19,100	83	Vernon	28,056	5
Jefferson	74,021	354	Vilas	21,033	93
Juneau	24,316	73	Walworth	93,759	455
Kenosha	149,577	935	Washburn	16,036	57
Kewaunee	20,187	32	Washington	117,496	431
LaCrosse	107,120	617	Waukesha	360,767	1,050
Lafayette	16,137	40	Waupaca	51,825	245
Langlade	20,740	28	Waushara	23,066	108
Lincoln	29,641	36	Winnebago	156,763	818
Manitowoc	82,887	68	Wood	75,555	273

ESTIMATED 2002 POPULATION FOR 72 WISCONSIN COUNTIES: 5,363,701
TOTAL REPORTED DOMESTIC ABUSE INCIDENTS IN 2002: 25,610

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; 2001 a. 27, 35, 143.