

Domestic Abuse Incident Report (DAIR)

For the period of January 1, 2009 – December 31, 2009



Wisconsin Department of Justice
Office of Crime Victim Services
Compiled October 2011

2009 Domestic Abuse Incident Report (DAIR)

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2009 Domestic Abuse Incident Report (DAIR)

Introduction

The Wisconsin Department of Justice's Office of Crime Victim Services, with the cooperation of district attorneys' offices across the state, presents the 2009 Wisconsin Domestic Abuse Incident Report. The purpose of the report is to provide a snapshot of domestic violence in Wisconsin using data reported pursuant to Wisconsin Statutes, s. 968.075(9) by Wisconsin district attorney's offices.

Acknowledgements

The Department thanks those who work diligently to contribute accurate data to this report. Primary contributors to this report include district attorneys' offices, victim/witness offices and law enforcement agencies throughout 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 the 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 informed 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. For most counties, compliance with this requirement is achieved when the Department uses an automated system to extract county level data entered into the PROTECT system (a case management system used by a majority of Wisconsin district attorneys' offices). Counties who do not use PROTECT enter data into a custom web-based application. Data from both sources are extracted from January through December of the reporting year. The data is pulled in late summer or fall following the reporting year. This time delay makes it possible to include dispositions and sentences in the report. The data is combined in a DOJ database which generates reports and tables.

Definitions

- **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.

Limitations

- The Domestic Abuse Incident Report reflects only those incidents reported to law enforcement *and* referred to district attorney's offices. Domestic abuse is not always reported to law enforcement for a variety of reasons (such as fear for safety, lack of resources, lack of support, etc.). Therefore, the data should be used as a significant representation of domestic violence in Wisconsin, but not as a complete picture.
- Statistics in this report should not be directly compared to statistics from reports produced prior to 2003 due to significant differences in report methodology implemented in 2003.
- Vernon County did not submit 2009 data.
- Any reference to a statute reflects the statute as it was worded during the reporting year.
- The comprehensiveness and quality of this report is dependent upon thorough, accurate and consistent entry of data at the county level.

For more Information

- The Department of Justice Office of Crime Victim Services is located at 17 West Main Street, Madison, WI 53703. Phone: (608) 264-9497
- Visit us online at www.doj.state.wi.us/cvs
- Specialized reports for individual counties may be available upon request. Call (608) 261-8645 for more information.

2009 Domestic Abuse Incident Report (DAIR) Executive Summary

Important Note: 2009 data from Milwaukee County was reported for this report through the county's PROTECT case management system for the first time. As a result, unlike previous reports, the tables in the 2009 report incorporate Milwaukee County data unless indicated otherwise. Comparisons to previous years' reports should take this into account.

- **There were 29,546 domestic abuse incidents** reported to law enforcement and referred to district attorneys offices in Wisconsin in 2009, slightly less than the number reported to law enforcement in 2008 when 29,769 incidents were reported. Milwaukee County data represents a significant decrease in incidents reported to law enforcement and the district attorney's office: 9449 incidents were reported in 2008 and 8171 incidents were reported in 2009.
- **Age of Victims:** The age distribution of victims is similar to previous years' reports. Nearly half of all victims were 18-29 years old. Approximately one-quarter of victims were 30-39 years old. Nineteen percent of victims were 40-49 years old and twelve percent of victims were 50 years of age and older.
- **Victim/Offender Relationship:** For those counties that reported relationship data in 2009, the most common relationship between offenders and victims was that of spouse/ex-spouse (29%), followed closely by partners/ex-partners from a dating relationship (25%) and cohabitants/ex-cohabitants (22%).
- **Arrest Rate:** An arrest was made in 69% of the reported incidents. No arrest was made in 31%. [Note: Reasons for not arresting may vary. For example, if the suspect is not present when the report is made or if the suspect flees, that is counted as a "non-arrest."]
- **Dual Arrest Rate:** The rate of dual arrest remained low in 2009 with less than one percent of reported incidents reported as a "dual situation" or dual arrest.
- **Charges Issued:** The most common charge issued in domestic violence cases statewide in 2009 was disorderly conduct, followed by battery. The third most common charge issued in 2009 was criminal damage to property.
- **Sentencing:** Sentences imposed during 2009 for domestic violence convictions contained a variety of conditions. Most frequently, sentences included some type of **financial condition**, such as the payment of restitution, court costs and/or a fine/forfeiture. **Behavioral requirements** such as a prohibition (ex. no contact, no firearms) or requirement to do something (ex. attend treatment or a class) were the second most frequently imposed conditions which were handed down only slightly more often than a period of **confinement**. **Community supervision** was the condition least often imposed.

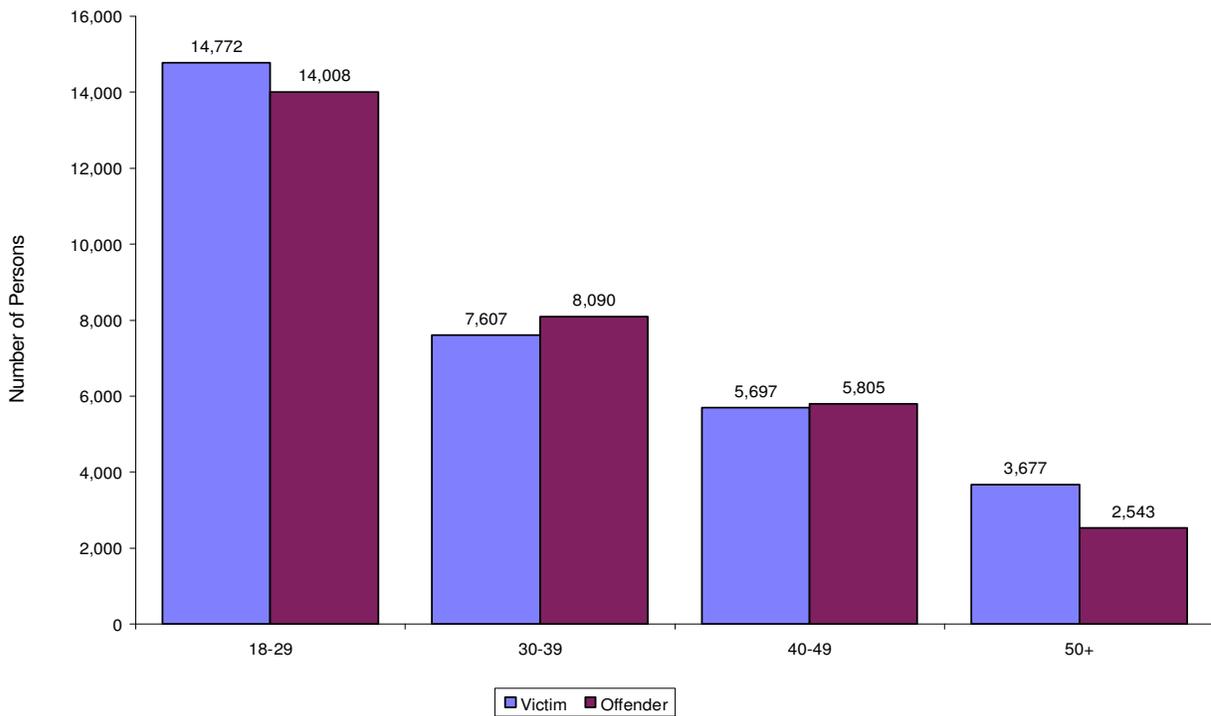
**Wisconsin Department of Justice
Office of Crime Victim Services**

2009 Domestic Abuse Incident Report (DAIR)

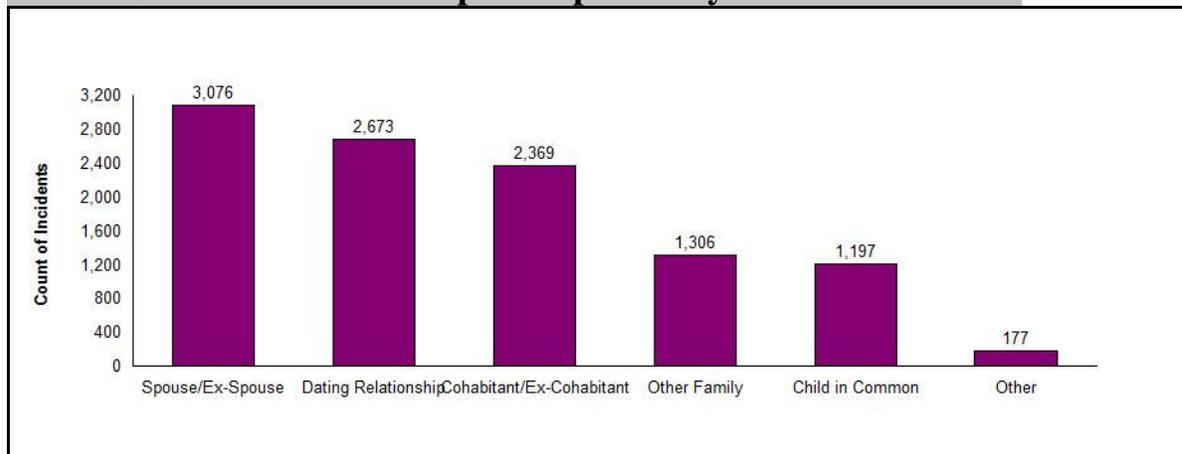
Reported Incidents

- **29,546 domestic abuse incidents** were reported to law enforcement and referred to district attorneys' offices in Wisconsin in 2009.

Age of Victims and Offenders



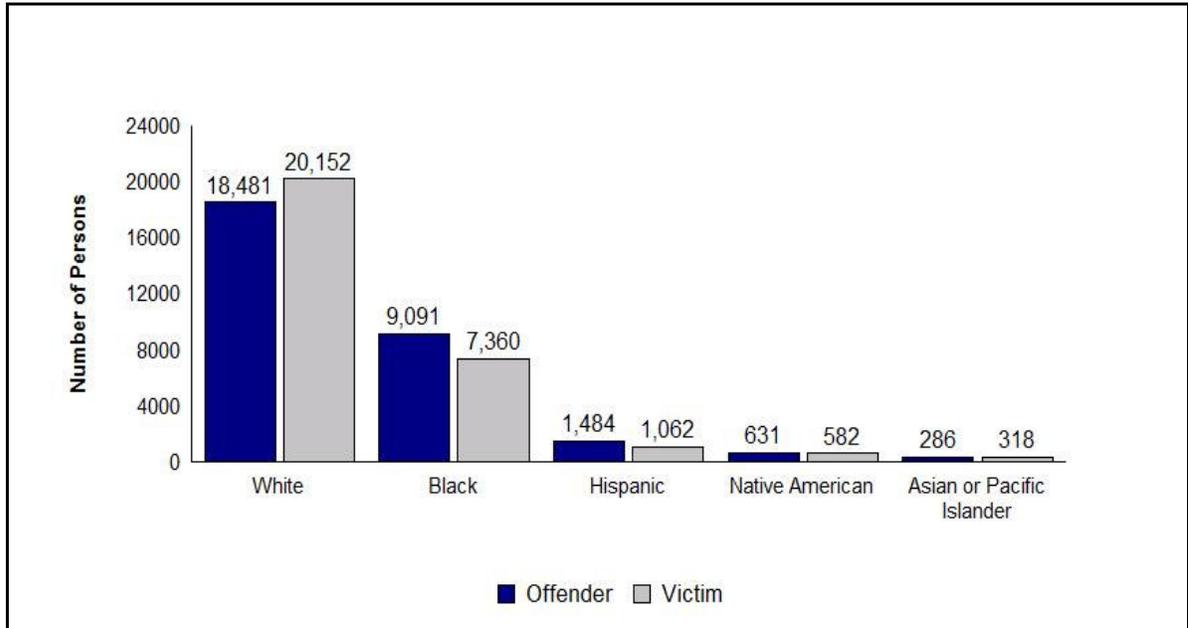
Victim/Offender Relationship as Reported by Law Enforcement



(Excludes Milwaukee County)

Ethnicity

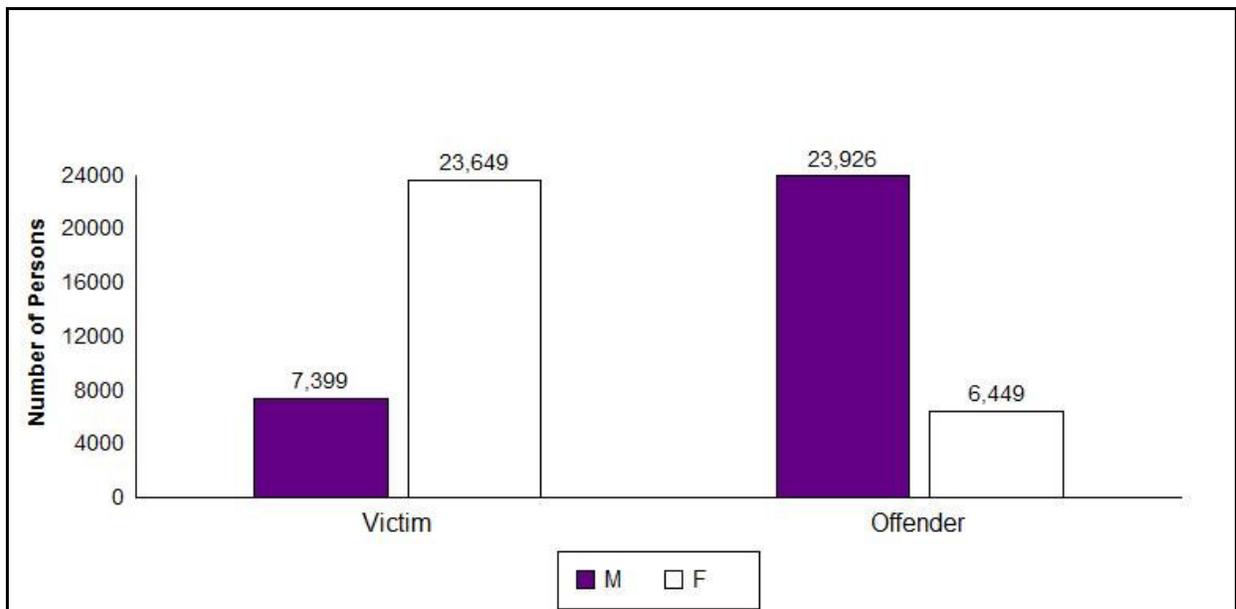
2009 DAIR: Ethnicity of Victims and Offenders



Gender

2009 DAIR: Gender of Victims and Offenders

(M=Male F=Female)



Law Enforcement Response to Incidents

Wisconsin Mandatory Arrest Provisions:

Wis. Stat. 968.075 requires law enforcement to arrest a suspect if an officer has probable cause that a person has violated a domestic abuse, child abuse or harassment restraining order or injunction or a foreign protection order.

Law enforcement officer must 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; and **any** of the following apply:

- 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.
- c. The person is the predominant aggressor.

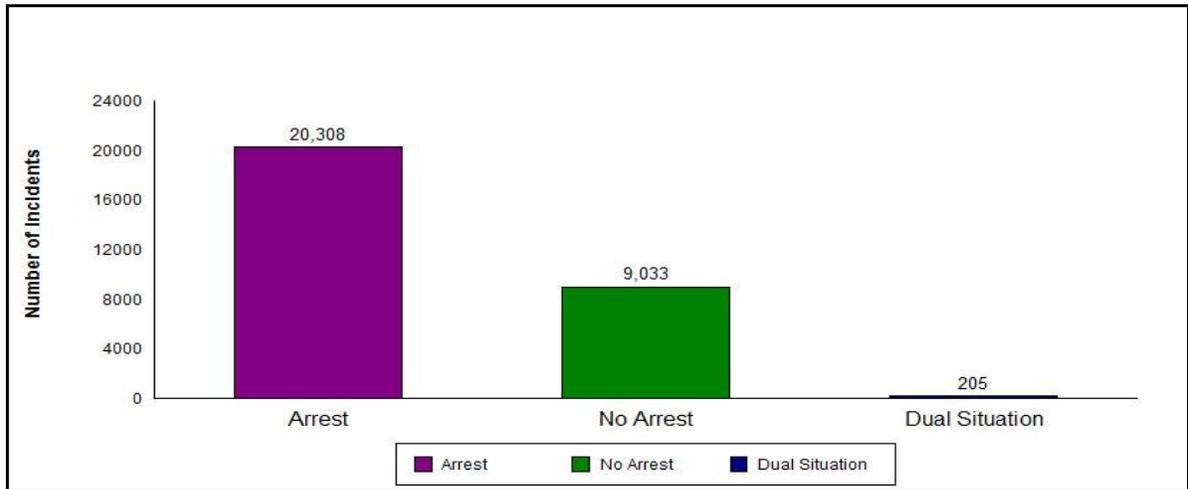
If the crime is reported more than 28 days after the occurrence, arrest is discretionary.

Dual Arrest: Wisconsin law states that if a law enforcement officer identifies the predominant aggressor, **it is generally not appropriate** for a law enforcement officer to arrest anyone other than the predominant aggressor. Predominant aggressor is defined as the most significant, *but not necessarily the first*, aggressor in a domestic abuse incident.

Municipal Citations: A law enforcement officer **may not** issue a citation to a person for an offense if the officer is required to arrest the person for that offense under s.968.075 (2) [Wis. Stat. 968.085 (8) INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES].

Law Enforcement Response to Incidents (cont.)

2009 DAIR: Law Enforcement Response to Incidents



- **Arrest Rate:** In 2009, an arrest was made in 69 percent of the reported incidents statewide.
- **Dual Arrest Rate:** The rate of dual arrest remained low in 2009. A dual arrest or “dual situation” was reported in less than one percent of incidents.
- **No Arrest** was made in 30 percent of incidents. “No Arrest” includes cases when the suspect was not present when the incident was reported, or fled the scene when law enforcement arrived.

Law Enforcement Response: Comparison by County

2009 County Comparison By Population* Reported Incidents & Law Enforcement Response

The following table groups counties by population for easier comparison of law enforcement response within similar-sized jurisdictions. In this report, “dual” refers to both dual *arrests* and dual *situations*. *Dual arrest* refers to incidents in which more than one party is arrested for a domestic abuse offense. *Dual situations* are incidents in which two parties are cited for a domestic abuse offense, but they are not both arrested.

Vernon County does not contribute to this report.

County Population: 100,000 or more:

	Population	# Incidents	Arrest Rate	Dual Rate
Milwaukee	959,521	8,171	48.9%	.08%
Dane	491,357	3,252	80%	.55%
Waukesha	383,154	921	57.7%	.76%
Brown	247,319	1,196	76.6%	0%
Racine	200,601	774	48.4%	0%
Outagamie	177,155	803	67.6%	0%
Kenosha	165,382	1,064	83.4%	0%
Winnebago	163,370	986	99.9%	0%
Rock	160,155	1,174	89.7%	1.7%
Marathon	131,612	568	75.1%	0%
Washington	130,681	468	91.8%	6.6%
Sheboygan	114,560	503	80.5%	0%
La Crosse	113,679	965	84.8%	.21%
Walworth	100,596	431	73.5%	.46%
Fond du Lac	100,070	355	78.8%	0%

County Population: 75,000 - 99,999

	Population	# Incidents	Arrest Rate	Dual Rate
Eau Claire	99,409	463	82.2%	2.5%
Dodge	87,335	408	72%	0%
Ozaukee	86,311	121	67.7%	0%
St. Croix	83,351	362	74.3%	5.5%
Jefferson	80,833	483	75.7%	4.7%
Manitowoc	80,583	407	18.9%	.25%

County Population: 50,000 to 74,999

	Population	# Incidents	Arrest Rate	Dual Rate
Wood	73,932	301	70.7%	2.3%
Portage	69,176	46	100%	0%
Chippewa	60,609	246	79.2%	0%
Sauk	58,922	284	98.9%	0%
Columbia	55,170	397	73.8%	2.7%
Waupaca	51,665	331	86.4%	0%

*Population counts taken from 2009 Census data

2009 County Comparison By Population (cont.)

County Population: 25,000 to 49,999

	Population	# Incidents	Arrest Rate	Dual Rate
Grant	48,965	140	78.5%	.71%
Barron	45,591	159	81.7%	2.5%
Calumet	44,739	91	71.4%	0%
Douglas	44,274	312	69.8%	0%
Polk	44,252	134	80.6%	2.2%
Monroe	43,760	265	85.6%	0%
Dunn	42,968	103	94.1%	0%
Marinette	41,968	119	81.5%	1.6%
Shawano	41,166	135	99.2%	0%
Pierce	40,081	146	56.1%	1.3%
Oconto	37,149	89	80.9%	1.1%
Green	36,110	216	69.4%	0%
Oneida	35,930	105	17.1%	0%
Clark	33,426	82	95.1%	0%
Vernon	29,324	-	-	-
Lincoln	29,404	68	83.8%	0%
Door	27,815	80	92.5%	0%
Trempealeau	27,754	149	82.5%	0%
Juneau	26,451	135	69.6%	3.7%

County Population: Under 25,000

Arrests in the following counties are presented as totals, not rates.

	Population	# Incidents	# Arrests	# Duals
Waushara	24,606	68	3	0
Iowa	23,498	115	95	0
Vilas	21,496	136	97	0
Langlade	20,008	37	30	0
Kewaunee	20,315	48	39	0
Adams	20,088	123	83	2
Taylor	19,222	43	42	0
Jackson	19,886	61	52	0
Green Lake	18,472	74	57	0
Richland	17,848	74	0	0
Sawyer	16,939	75	64	2
Crawford	16,731	59	46	0
Washburn	16,666	53	44	1
Ashland	16,181	83	64	0
Burnett	15,884	72	51	9
Lafayette	15,737	73	39	12
Bayfield	14,789	42	37	0
Marquette	14,727	51	45	0
Rusk	14,367	77	42	0
Price	14,214	60	37	0
Buffalo	13,425	49	37	1
Forest	9,605	60	35	0
Pepin	7,293	17	12	0
Iron	6,078	18	16	0
Florence	4,554	16	3	0
Menominee	4,513	-	-	-

2009 Wisconsin Domestic Abuse Incident Report: Charging Statistics Top 15 Charges Issued

<u>Statute</u>	<u>Charge</u>	<u>Count</u>
947.01	Disorderly Conduct	26322
940.19(1)	Misdemeanor Battery	6200
943.01(1)	Criminal Damage to Property	2199
946.49(1)(a)	Misdemeanor Bail Jumping	1764
346.63(1)(b)	Operating with Prohibited Alcohol Concentration - 5th and subsequent Offense	1558
940.19(2)	Substantial Battery	1284
943.20(1)(a)	Felony Theft, Firearms, etc.	1215
346.63(1)(a)	Operating while Intoxicated - 1st Offense	1200
946.49(1)(b)	Felony Bail Jumping	942
343.44(1)(b)	Operate Motor Vehicle after Revocation - 4th and subsequent offense	931
946.41(1)	Obstructing or Resisting an Officer	786
940.30	False Imprisonment	760
940.235(1)	Strangulation and Suffocation	673
813.125(7)	Violation of Temporary Restraining Order - Harassment	564
940.44(1)	Misdemeanor Intimidation of a Victim	453

Sentencing

Sentences imposed for domestic abuse offenses frequently contain a combination of behavioral and financial conditions with supervision and/or confinement requirements. The following graph shows the number of sentences that contained a given type of sentence (behavioral, confinement, etc.).

- **Definitions:**

Behavioral Sentences: Behavioral sentences include *something an offender must do* as a condition of their sentence, such as performing community service, holding employment or attending a class or counseling (including AODA treatment). Behavioral sentences also include things *the offender is prohibited from doing*, such as having contact with the victim, using alcohol or possessing a firearm. A breakdown of behavioral sentences is included on page 12.

Confinement Sentences: Confinement sentences include jail or prison sentences.

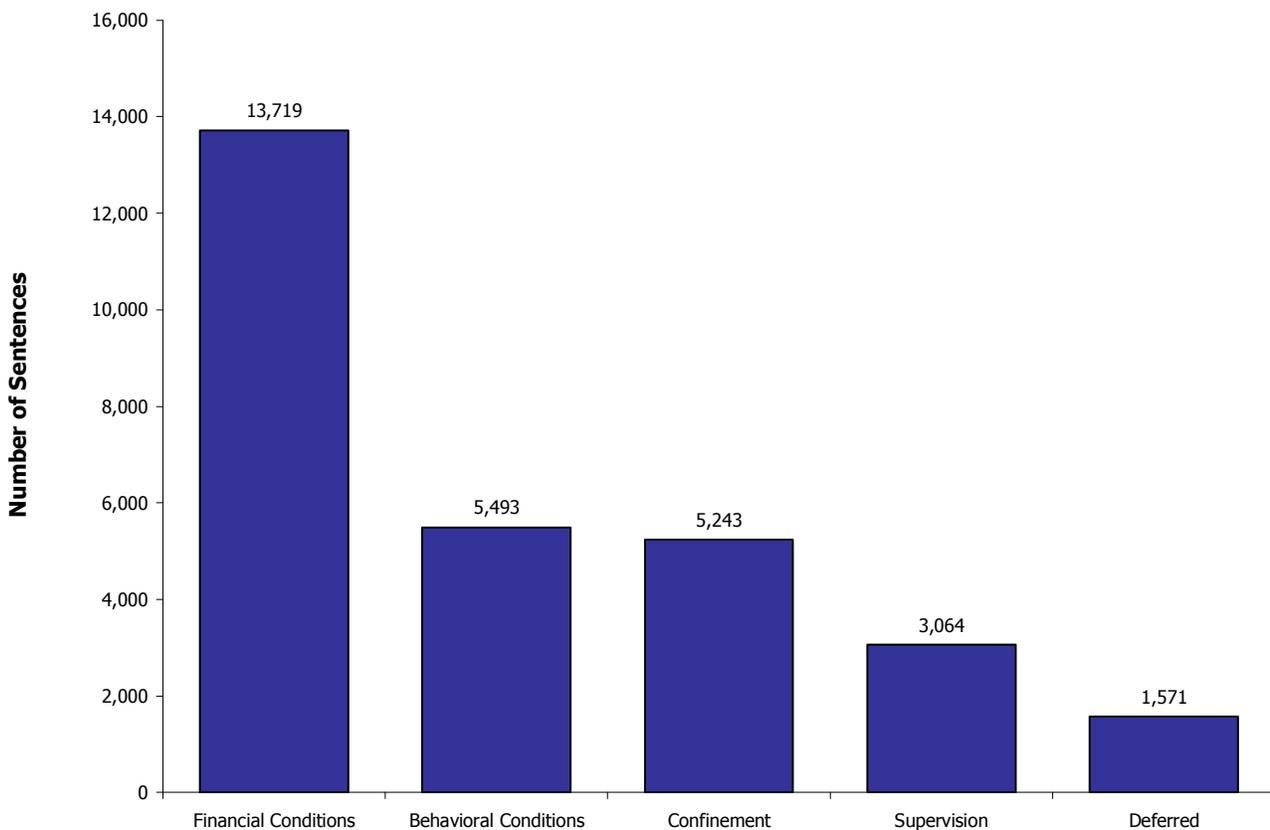
Sentencing Definitions (cont.)

Deferred Sentences: Deferred sentences include sentences that were imposed but stayed, withheld sentences and deferred prosecution agreements.

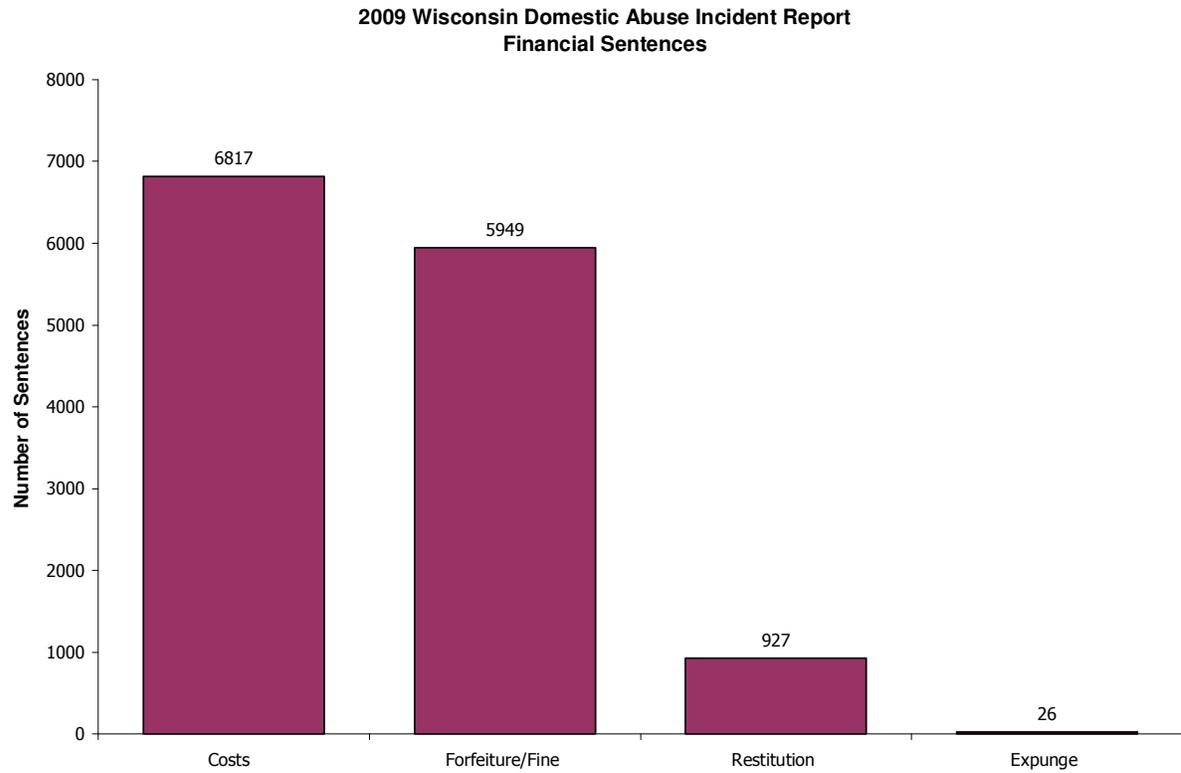
Financial Sentences: Financial sentences include the payment of court costs and restitution and the imposition of fines and surcharges, including the domestic abuse assessment. It also includes orders from the court to make special financial donations to community organizations. A breakdown of financial sentences is included on page 12.

Supervision: Supervision sentences include some form of monitoring in the community, such as probation.

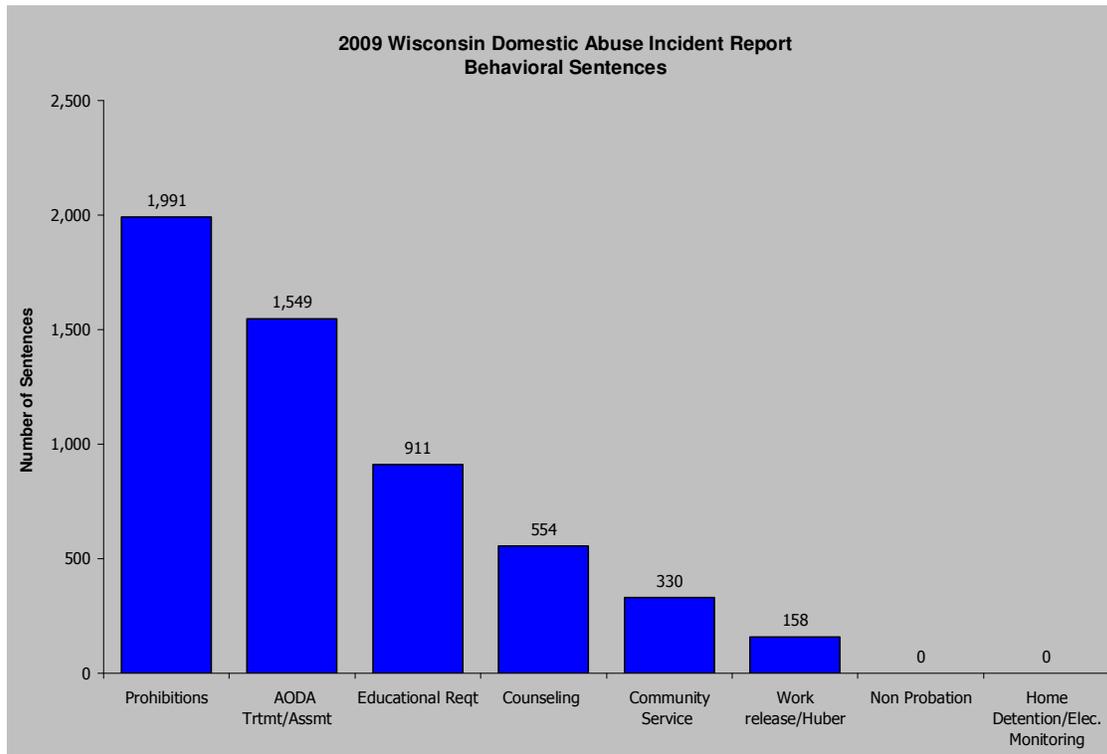
2009 Wisconsin Domestic Abuse Incident Report: Sentencing



- **Breakdown of Financial Sentences**



- **Breakdown of Behavioral Sentences**



Related Public Policy Changes in 2009

◆ Act 75 (Effective Date: November 26, 2009)

Authorizes a county to provide financial assistance to a nonprofit organization that primarily provides assistance to individuals who are victims of domestic violence and related crimes.

◆ Act 95 (Effective Date: December 29, 2009)

Prohibits housing discrimination based on domestic abuse, sexual assault, or stalking victim status. A victim is a person who is seeking to rent or purchase housing, or a member or prospective member of that person's household, and who has been or is believed by the landlord, seller, mortgage lender, or realtor to be a victim of domestic abuse, sexual assault, sexual assault of a child, repeated sexual assault of a child, or stalking.

The Act permits a landlord to bring an action for eviction based on a violation of the rental agreement or state law. A victim may defend against eviction if the victim shows that the landlord knew or should have known:

1. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person **who was not the invited guest** of the tenant.
2. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person **who was the invited guest** of the tenant, and that the tenant has done one of the following:
 - a. The tenant has sought an injunction relating to domestic abuse, child abuse, protection for individuals at risk, or harassment enjoining the person from appearing on the premises.
 - b. That the tenant, upon receiving notice under s. 704.17, Stats., relating to notices terminating tenancy for failure to pay rent or other breach by the tenant, has provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.



This report is available online at: www.doj.state.wi.us/cvs (“Publications”)