

Domestic Abuse Incident Report (DAIR)

For the period of January 1, 2012 – December 31, 2012



Wisconsin Department of Justice
Office of Crime Victim Services
Released May 2014

2012 Domestic Abuse Incident Report (DAIR)

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2012 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 2012 Wisconsin Domestic Abuse Incident Report. The purpose of the report is to provide a snapshot of the criminal justice system response to domestic violence cases referred to district attorneys' offices in Wisconsin during 2012. As the report only reflects information about incidents that were both reported to law enforcement and referred to district attorneys, it only represents a portion of all domestic abuse incidents that actually occur each year. Therefore, while the report offers important information about the criminal justice response to incidents, it cannot offer insight into those cases that never enter the criminal justice system.

Acknowledgements

Data was collected at the county level and reported to the Department of Justice ("Department"), pursuant to Wisconsin Statutes § 968.075(9), by Wisconsin district attorneys' offices. The Department thanks those who worked 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 § 968.075 (9), each county is required to provide data regarding domestic abuse incidents to the Department. 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 Wisconsin district attorneys' offices. If a case entered into PROTECT involves domestic violence, county-level data entry staff flag the case by using a specific field in PROTECT. Once a year, flagged cases referred during the report calendar year are extracted from the PROTECT database and case disposition data is extracted from CCAP for the same time period. (All data is pulled at the same time for the previous calendar year.) The data is combined in a Department 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 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 attorneys' offices. Domestic abuse is not always reported to law enforcement for a variety of reasons such as fear for safety, lack of resources or lack of support. 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.
- 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/ocvs.
- Specialized reports for individual counties may be available upon request. Call (608) 261-8645 for more information.

2012 Domestic Abuse Incident Report (DAIR)

Executive Summary

The Wisconsin Department of Justice's Office of Crime Victim Services, with the cooperation of district attorneys' offices across the state, presents the 2012 Wisconsin Domestic Abuse Incident Report. The report provides a snapshot of the criminal justice system response to domestic violence incidents reported to law enforcement and referred to district attorneys' offices during the calendar year 2012.

- **28,729 domestic abuse incidents** were reported to law enforcement and referred to Wisconsin district attorneys' offices in 2012, a small increase from the 28,539 incidents reported in 2011. 29,941 incidents were reported and referred to district attorneys' offices in 2010.
- **Age of Victims:** In 2012, the age distribution of victims was 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; 19% of victims were 40-49 years old, and 15% of victims were 50 years of age and older.
- **Arrest Rate:** An arrest was made in 71% of reported incidents.
- **Dual Arrest:** Less than 1% of incidents resulted in a dual arrest/situation. A dual arrest/situation is defined as more than one person arrested for domestic abuse related to the incident.
- **Charges Issued:** The most common charge issued in domestic violence cases during 2012 was disorderly conduct, followed by misdemeanor battery. The third most common charge issued in 2012 was criminal damage to property.
- **Sentencing**

Nearly half of all sentences for domestic abuse included some type of **financial condition**, such as the payment of restitution, court costs and/or a fine/forfeiture.

The second most common sentence element was **behavioral** (imposed as part of 22% of all sentences). Behavioral sentencing elements include prohibitions (for example, no contact orders and firearms prohibitions) or requirements to do something (for example, mandatory substance abuse treatment). The third most common sentencing element during the reporting period was a **period of confinement** (18%).

The element least often included as part of a domestic abuse sentence was **community supervision** which was imposed in 11% of sentences in 2012.

Less than one percent of sentences for domestic abuse incidents in 2012 were deferred.

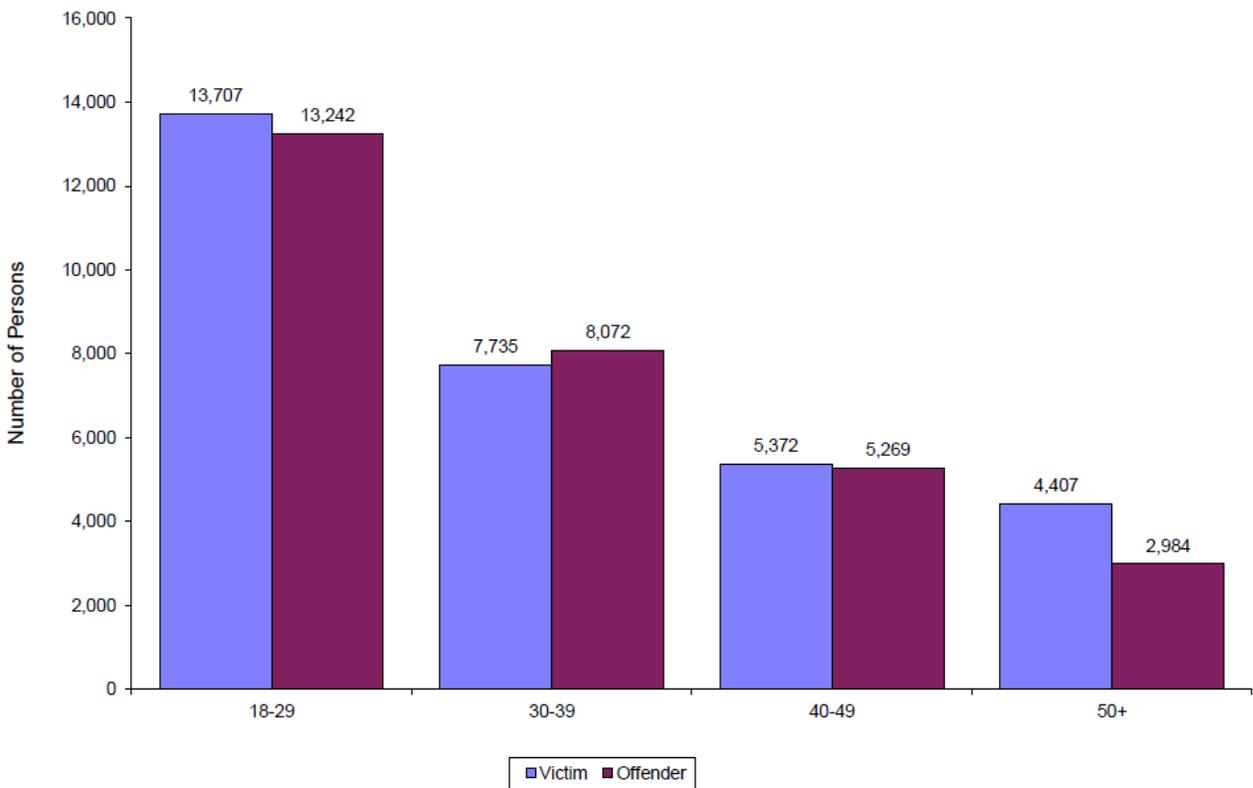
Wisconsin Department of Justice
Office of Crime Victim Services

2012 Domestic Abuse Incident Report (DAIR)

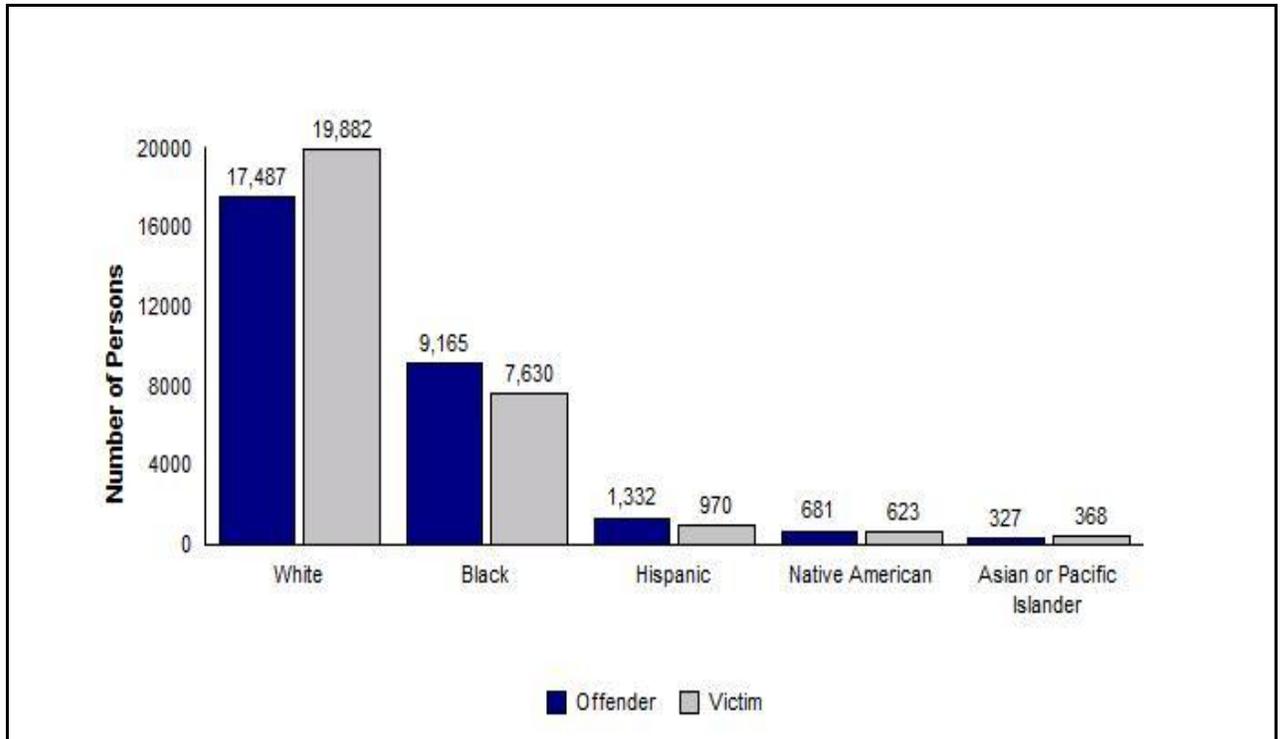
Reported Incidents

28,729 domestic abuse incidents were reported to law enforcement and referred to district attorneys' offices in Wisconsin in 2012.

Age of Victims and Offenders

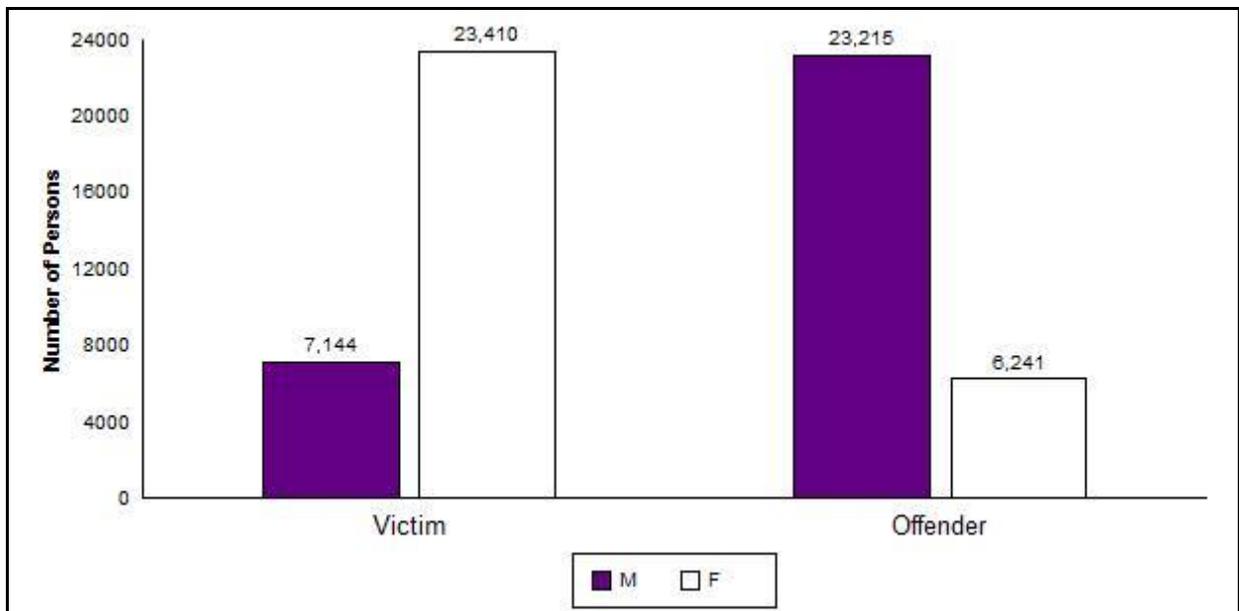


Ethnicity



Gender

(M=Male F=Female)



Law Enforcement Response to Incidents

Wisconsin Mandatory Arrest Provisions:

Wisconsin Statutes, s.968.075, requires law enforcement to arrest a suspect if an officer has probable cause to believe 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.

- A law enforcement officer's decision as to whether or not to arrest **may not** be based on the consent of the victim to any subsequent prosecution; on the relationship of the parties, or solely upon the absence of visible injury or impairment of the victim.

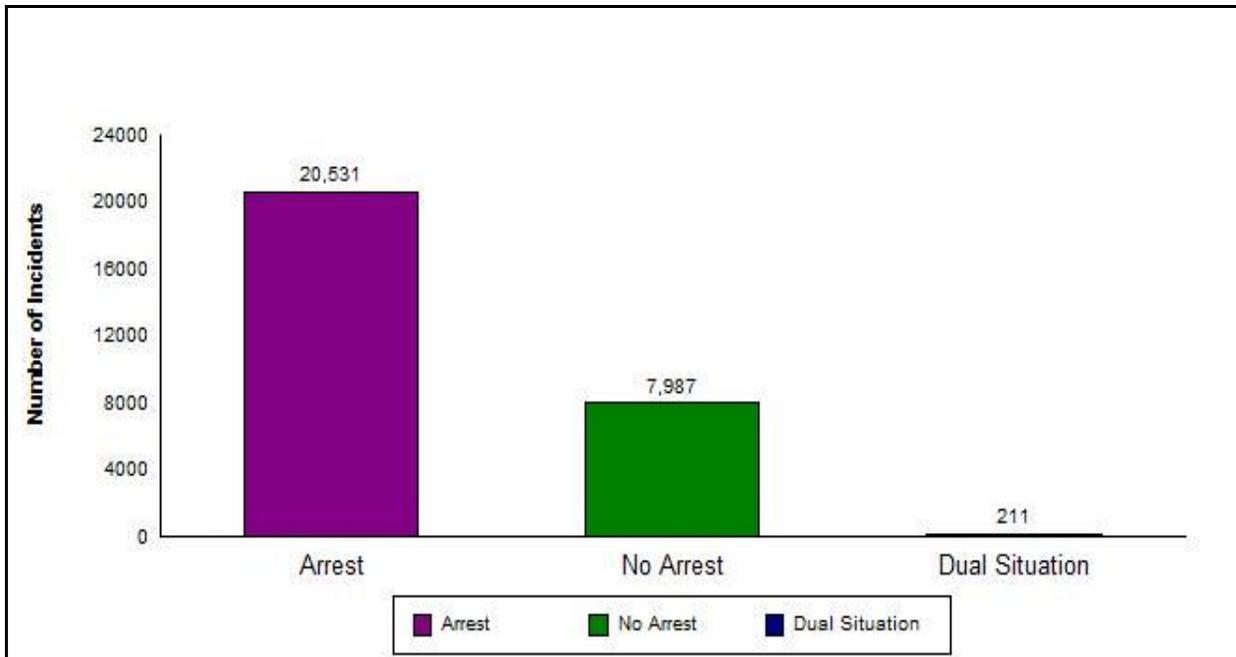
- If the crime is reported more than 28 days after the occurrence, arrest is discretionary.

- **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). *See Wis. Stat. § 968.085 (8) INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES.*

Law Enforcement Response to Incidents (cont.)

Arrests



- **Arrest Rate:** In 2012, an arrest was made in 71 % of the reported incidents statewide, a rate consistent with previous years' reports.
- **Dual Arrest Rate:** The rate of dual arrest remained low in 2012 at less than 1%. A dual arrest refers to an incident in which more than one party is arrested for domestic abuse.
- **No Arrest** was made in 28% of incidents. Note: The lack of an arrest may signify that the offender was not present when the incident was reported or when law enforcement arrived (i.e., he or she fled the scene). It may also indicate an incident in which a decision was made by law enforcement to not arrest the suspect.

Law Enforcement Response: Comparison by County

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 an incident in which more than one party is arrested for a domestic abuse offense. A dual situation is an incident in which two parties are cited for a domestic abuse offense, but they are not both arrested.

County Population: 100,000 or more

	Population	# Incidents	Arrest Rate	Dual Rate
MILWAUKEE	948,322	7,953	55.9%	0.2%
DANE	491,555	2,894	80.7%	0.7%
WAUKESHA	390,914	972	83.0%	2.4%
BROWN	250,281	1,074	66.3%	0.0%
RACINE	195,386	1,038	58.3%	0.0%
OUTAGAMIE	178,150	788	85.7%	0.0%
WINNEBAGO	167,702	737	98.7%	0.0%
KENOSHA	166,823	1,054	83.1%	0.8%
ROCK	160,129	1,251	88.4%	1.4%
MARATHON	134,524	716	70.6%	0.0%
WASHINGTON	132,482	469	93.1%	2.9%
LA CROSSE	115,577	635	88.0%	0.0%
SHEBOYGAN	115,549	434	80.1%	0.0%
WALWORTH	102,530	320	61.2%	0.0%
FOND DU LAC	101,955	388	61.6%	0.0%

County Population: 75,000 - 99,999

	Population	# Incidents	Arrest Rate	Dual Rate
EAU CLAIRE	99,260	521	88.4%	2.6%
DODGE	88,692	328	69.8%	0.0%
OZAUKEE	86,635	121	70.2%	0.0%
ST. CROIX	84,856	363	58.4%	2.7%
JEFFERSON	83,857	410	73.9%	2.2%
MANITOWOC	81,437	285	35.4%	0.7%

County Population: 50,000 to 74,999

	Population	# Incidents	Arrest Rate	Dual Rate
WOOD	74,587	290	75.5%	4.1%
PORTAGE	70,806	55	100.0%	0.0%
CHIPPEWA	62,777	354	80.7%	0.0%
SAUK	61,994	201	90.5%	0.0%
COLUMBIA	56,835	456	71.7%	4.8%
WAUPACA	52,381	238	71.8%	1.6%
GRANT	51,436	203	89.1%	1.4%

County Population: 25,000 to 49,999

	Population	# Incidents	Arrest Rate	Dual Rate
CALUMET	49,168	134	54.4%	0.0%
BARRON	45,928	156	91.0%	3.2%
MONROE	45,056	199	83.4%	0.0%
POLK	44,241	123	78.8%	0.0%
DOUGLAS	44,191	357	76.4%	0.0%
DUNN	43,853	157	83.4%	0.0%
SHAWANO	41,919	172	80.8%	0.0%
MARINETTE	41,718	145	61.3%	0.6%
PIERCE	41,108	153	58.8%	0.6%
OCONTO	37,829	134	73.8%	0.0%
GREEN	36,863	178	53.3%	0.5%
ONEIDA	36,057	102	60.7%	0.9%
CLARK	34,706	85	77.6%	0.0%
VERNON	29,865	37	72.9%	0.0%
TREMPEALEAU	28,986	143	79.7%	0.0%
LINCOLN	28,856	69	66.6%	0.0%
DOOR	27,867	70	92.8%	0.0%
JUNEAU	26,878	138	78.2%	4.3%

County Population: Under 25,000 Note: Arrest "rates" are not meaningful in counties with low numbers of incidents and/or arrests. For that reason, arrests in the following counties are presented as totals, not rates.

	Population	# Incidents	# Arrests	# Duals
WAUSHARA	24,506	46	2	0
IOWA	23,726	122	89	0
VILAS	21,485	192	137	0
ADAMS	20,797	125	105	3
TAYLOR	20,697	37	30	0
KEWAUNEE	20,637	62	50	0
JACKSON	20,523	108	102	0
LANGLADE	19,880	46	39	0
GREEN LAKE	19,106	61	49	0
RICHLAND	18,043	86	77	0
LAFAYETTE	16,897	66	42	4
SAWYER	16,659	8	6	0
CRAWFORD	16,638	20	18	0
ASHLAND	16,063	105	71	0
WASHBURN	15,907	58	55	0
BURNETT	15,457	120	83	7
MARQUETTE	15,394	64	58	0
BAYFIELD	15,052	42	40	0
RUSK	14,756	78	62	0
PRICE	14,055	68	49	0
BUFFALO	13,649	18	14	0
FOREST	9,197	43	31	0
PEPIN	7,465	30	28	0
IRON	5,843	18	14	0
FLORENCE	4,358	6	3	0

***Population counts taken from U.S. Census Bureau 2012 Estimates**

2012 Wisconsin Domestic Abuse Incident Report: Charging Statistics Top 15 Charges Issued

<u>Statute</u>	<u>Charge</u>	<u>Count</u>	<u>unt</u>
947.01(1)	Disorderly Conduct	13972	
940.19(1)	Misdemeanor Battery	6719	1972
943.01(1)	Criminal Damage to Property	2475	1719
946.49(1)(a)	Misdemeanor Bail Jumping	1748	1475
943.20(1)(a)	Felony Theft, Firearms, etc.	1467	1467
940.19(2)	Substantial Battery	1374	1374
946.49(1)(b)	Felony Bail Jumping	1222	1222
940.235(1)	Strangulation and Suffocation	1018	1018
940.30	False Imprisonment	1000	925
346.63(1)(a)	Operating while Intoxicated - 1st Offense	925	790
946.41(1)	Obstructing or Resisting an Officer	790	779
346.63(1)(b)	Operating with Prohibited Alcohol Concentration - 5th and subsequent Offense	779	483
940.32(2)	Stalking	483	480
813.125(7)	Violation of Temporary Restraining Order - Harassment	480	
961.41(3g)(e)	Possession of THC (Tetrahydrocannabinols) - (2nd and subsequent)	456	

Sentencing

Sentences imposed for domestic abuse offenses frequently contain a combination of behavioral and financial conditions with supervision and/or confinement requirements.

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.

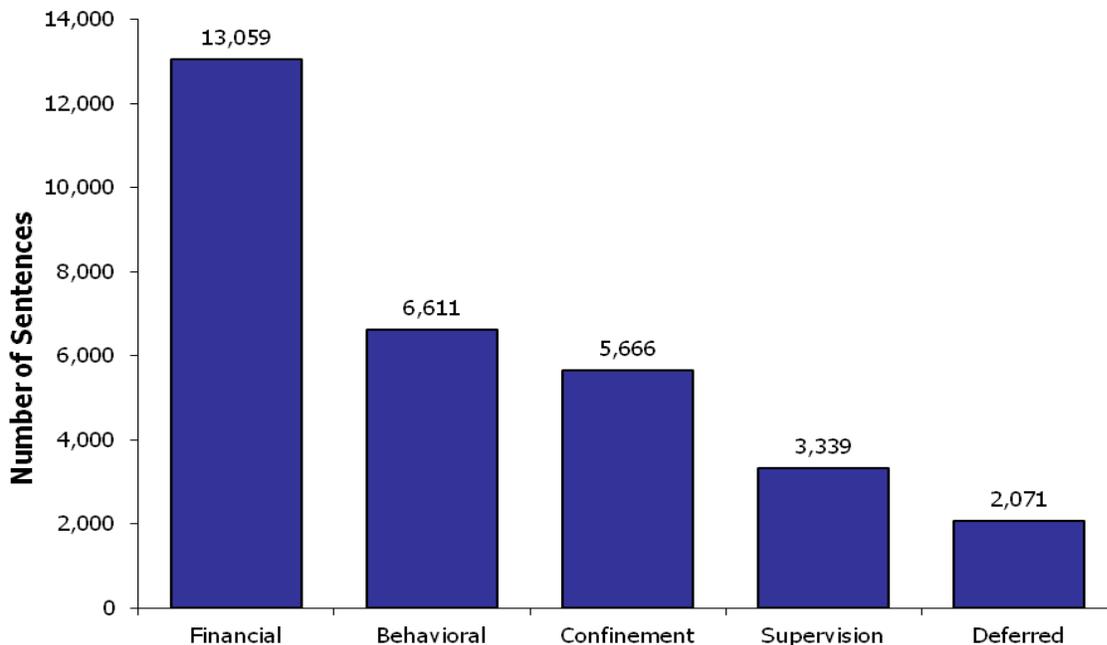
Confinement Sentences: Confinement sentences include jail or prison sentences.

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

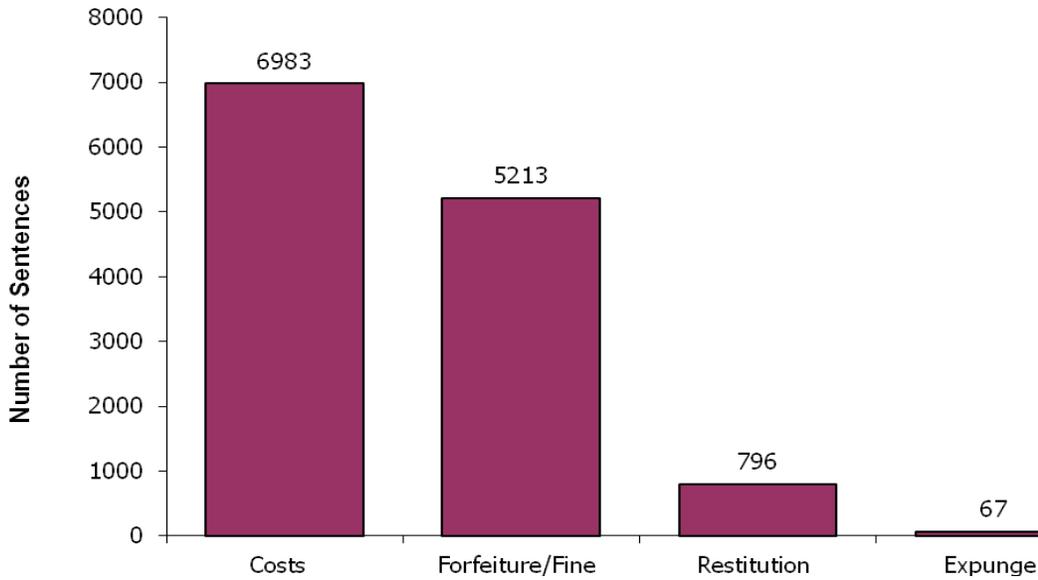
Financial Sentences: Financial sentences include the payment of court costs and restitution and the imposition of fines and surcharges, including the domestic abuse assessment. It also includes orders from the court to make special financial donations to community organizations.

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

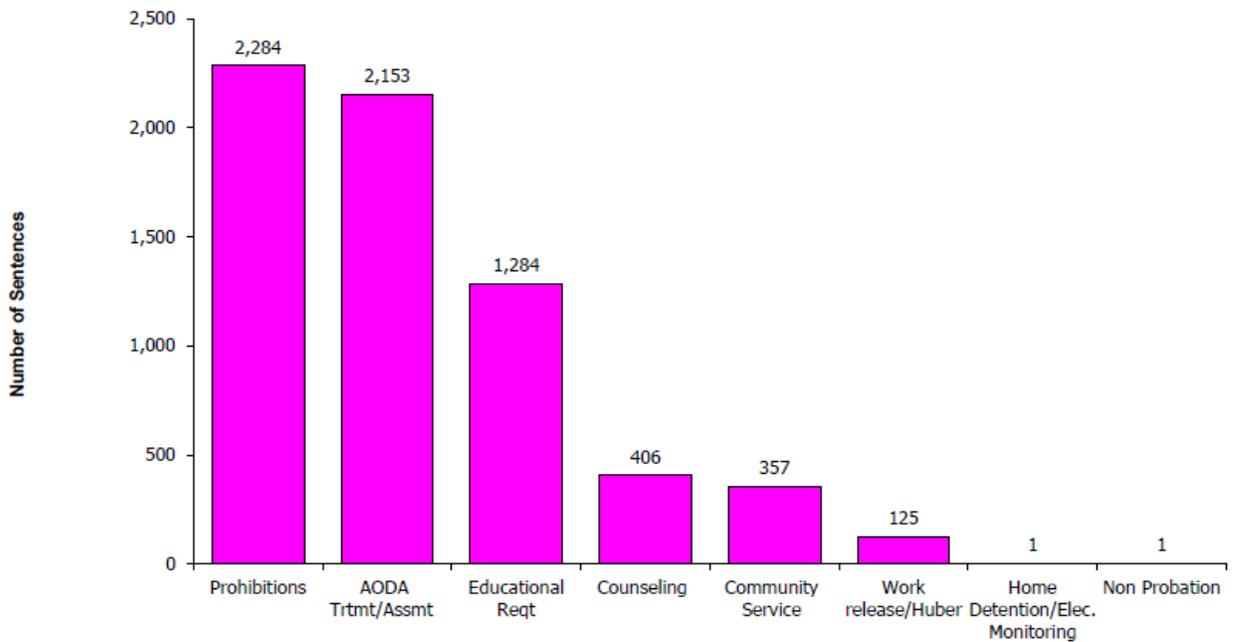
2012 Wisconsin Domestic Abuse Incident Report: Sentencing



**2012 Wisconsin Domestic Abuse Incident Report
Financial Sentences**



**2012 Wisconsin Domestic Abuse Incident Report
Behavioral Sentences**



Domestic Violence-Related Laws Enacted in 2012

During the reporting period, the following laws became effective, potentially impacting the criminal justice response to domestic abuse incidents:

- **2011 Wisconsin Act 266**

Effective April 24, 2012, Wisconsin Act 266 permits courts to institute GPS monitoring of restraining order violators.

- **2011 Wisconsin Act 267**

Effective April 24, 2012, Wisconsin Act 267 criminalizes a violation of the 72 hour no-contact condition imposed after arrest for a domestic abuse incident.

- **2011 Wisconsin Act 274**

Effective April 28, 2012, Wisconsin Act 274 provided for confidential name changes by creating an exception for individuals with safety concerns, such as domestic violence victims, from the requirement that a person publish his or her new name in the newspaper as a legal notice.

- **2011 Wisconsin Act 283**

Effective April 27, 2012, Wisconsin Act 283 provides a right, enforceable by the Wisconsin Crime Victim Rights Board, for victims of crime to be treated with “fairness, dignity and respect for their privacy” by public agencies, employees and officials. Act 283 also gives crime victims explicit standing to assert their statutory and constitutional victims’ rights in court.

- **2011 Wisconsin Act 285**

Effective April 27, 2012, Wisconsin Act 285 allows the court to rely on hearsay, in whole or in part, to determine whether there is probable cause that the defendant committed a crime. This may result in fewer victims of domestic abuse having to testify at preliminary hearings.

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/ocvs.

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