

# **Domestic Abuse Incident Report (DAIR)**

For the period of January 1, 2010 – December 31, 2010



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

# 2010 Domestic Abuse Incident Report (DAIR)

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# 2010 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, produces the 2010 Wisconsin Domestic Abuse Incident Report. The purpose of the report is to provide a snapshot of domestic violence in Wisconsin using data reported to DOJ 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. Disposition data is extracted from CCAP. All data is pulled in at the same time, usually late summer, for the prior calendar year. 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 2010 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](http://www.doj.state.wi.us/cvs)
- Specialized reports for individual counties may be available upon request. Call (608) 261-8645 for more information.

## 2010 Domestic Abuse Incident Report (DAIR) Executive Summary

- **There were 29,941 domestic abuse incidents** reported to law enforcement and referred to district attorneys offices in Wisconsin in 2010, up 1.3% from 2009 when counties reported 29,546 incidents.
- **Age of Victims:** 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. Nineteen percent of victims were 40-49 years old and thirteen percent of victims were 50 years of age and older.
- **Victim/Offender Relationship:** The most common relationship between offenders and victims was that of spouse/ex-spouse (27%), followed closely by partners/ex-partner from a dating relationship (25%) and cohabitant/ex-cohabitant (22%), consistent with previous years' reports.
- **Arrest Rate:** An arrest was made in 70% of the reported incidents. No arrest was made in 29%. [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 2010 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 2010 was disorderly conduct, followed by battery. The third most common charge issued in 2010 was criminal damage to property.
- **Sentencing:** 2010 dispositions were similar to 2009 sentences. 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.

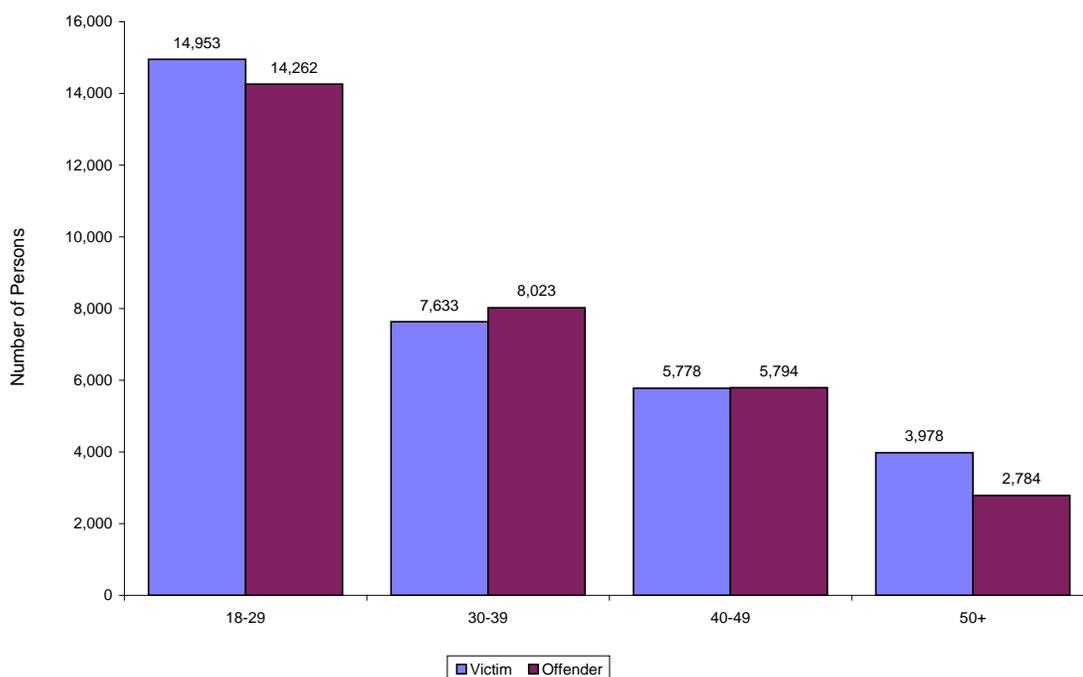
# Wisconsin Department of Justice Office of Crime Victim Services

## 2010 Domestic Abuse Incident Report (DAIR)

### Reported Incidents

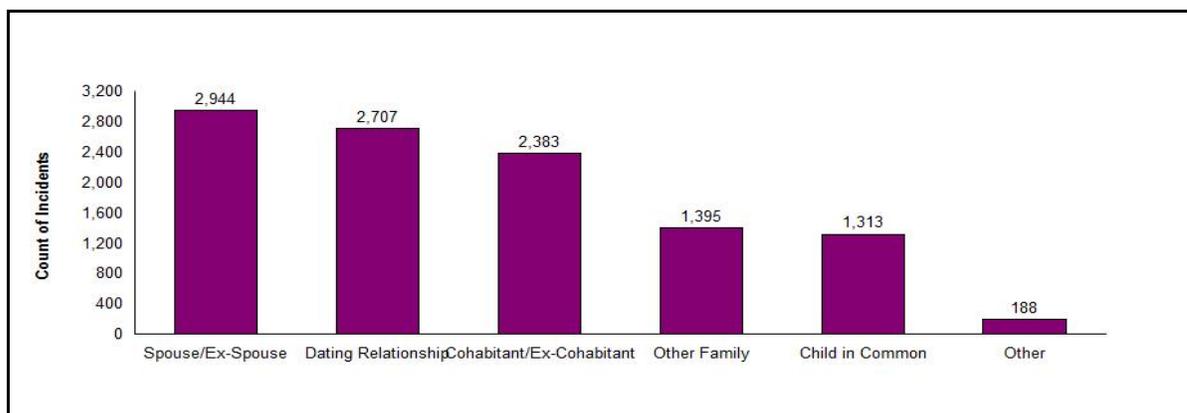
- **29,941 domestic abuse incidents** were reported to law enforcement and referred to district attorneys' offices in Wisconsin in 2010.

### Age of Victims and Offenders



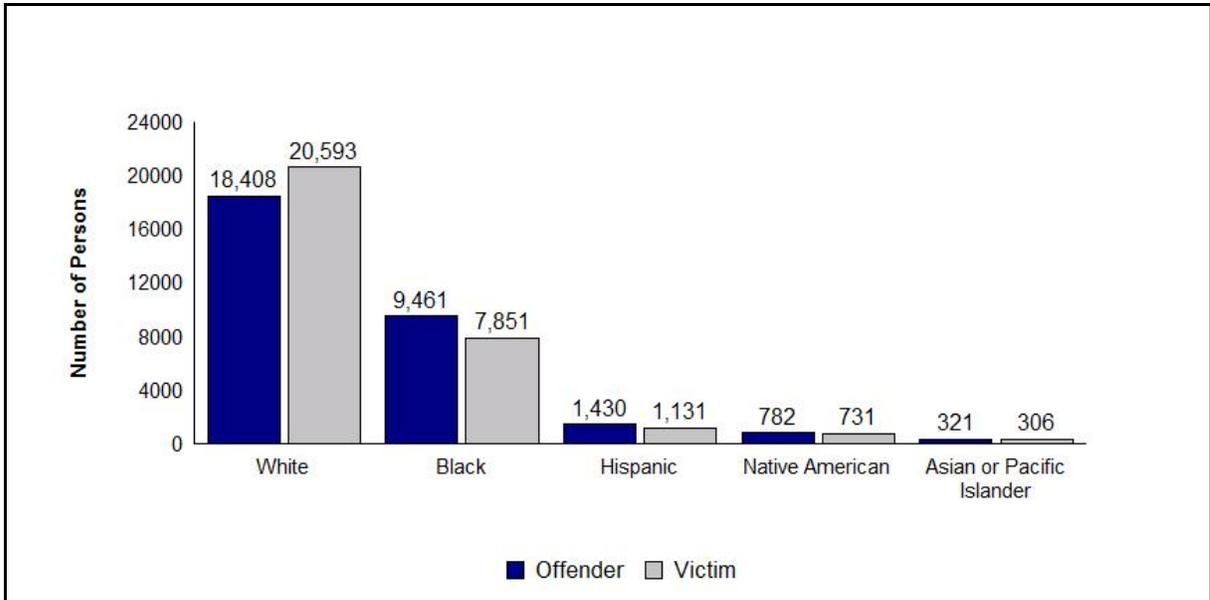
### Victim/Offender Relationship as Reported by Law Enforcement

(Excludes Milwaukee County)



## Ethnicity

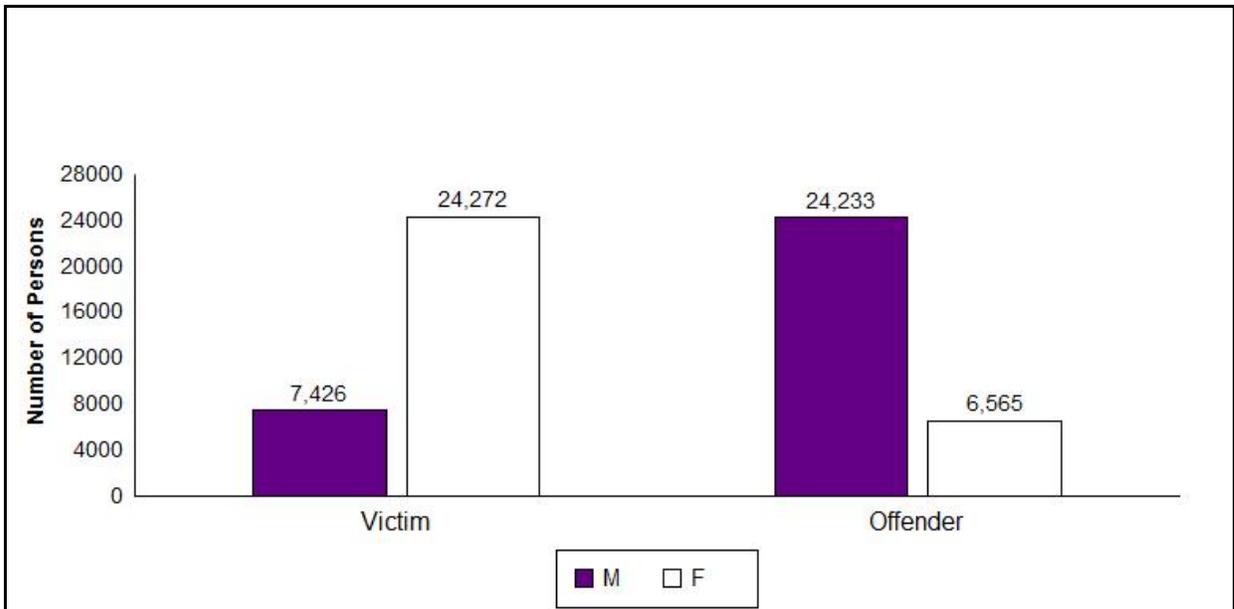
### 2010 DAIR: Ethnicity of Victims and Offenders



## Gender

### 2010 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.

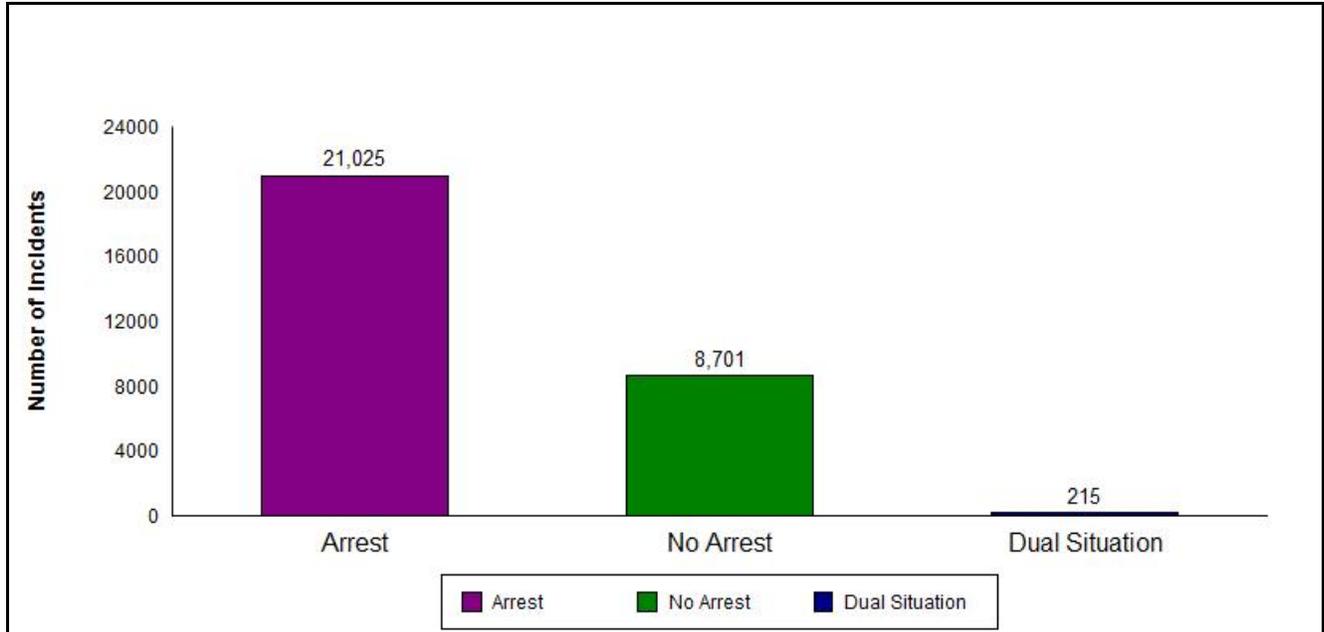
If the crime is reported more than 28 days after the occurrence, arrest is discretionary.

**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.)

### 2010 DAIR: Law Enforcement Response to Incidents



- **Arrest Rate:** In 2010, an arrest was made in 70 % of the reported incidents statewide.
- **Dual Arrest Rate:** The rate of dual arrest remained low in 2010. A dual arrest or “dual situation” was reported in less than one percent of incidents.
- **No Arrest** was made in 29 % 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

### 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.

#### County Population: 100,000 or more

|             | <b>Population</b> | <b># Incidents</b> | <b>Arrest Rate</b> | <b>Dual Rate</b> |
|-------------|-------------------|--------------------|--------------------|------------------|
| MILWAUKEE   | 947,735           | 8,205              | 54.7%              | 0.3%             |
| DANE        | 488,073           | 3,402              | 77.9%              | 0.4%             |
| WAUKESHA    | 389,891           | 892                | 44.3%              | 1.0%             |
| BROWN       | 248,007           | 1,300              | 74.7%              | 0.0%             |
| RACINE      | 195,408           | 878                | 61.0%              | 0.0%             |
| OUTAGAMIE   | 176,695           | 808                | 77.6%              | 0.0%             |
| WINNEBAGO   | 166,994           | 841                | 99.7%              | 0.0%             |
| KENOSHA     | 166,426           | 1,172              | 84.3%              | 0.5%             |
| ROCK        | 160,331           | 1,330              | 90.9%              | 1.5%             |
| MARATHON    | 134,063           | 720                | 73.4%              | 0.0%             |
| WASHINGTON  | 131,887           | 480                | 93.3%              | 4.3%             |
| SHEBOYGAN   | 115,507           | 454                | 84.3%              | 0.0%             |
| LA CROSSE   | 114,638           | 779                | 87.4%              | 0.1%             |
| WALWORTH    | 102,228           | 375                | 76.5%              | 0.0%             |
| FOND DU LAC | 101,633           | 388                | 69.5%              | 0.0%             |

#### County Population: 75,000 - 99,999

|            | <b>Population</b> | <b># Incidents</b> | <b>Arrest Rate</b> | <b>Dual Rate</b> |
|------------|-------------------|--------------------|--------------------|------------------|
| EAU CLAIRE | 98,736            | 518                | 82.6%              | 4.6%             |
| DODGE      | 88,759            | 324                | 70.0%              | 0.0%             |
| OZAUKEE    | 86,395            | 119                | 66.3%              | 0.0%             |
| ST. CROIX  | 84,345            | 356                | 64.8%              | 4.2%             |
| JEFFERSON  | 83,686            | 440                | 74.7%              | 3.1%             |
| MANITOWOC  | 81,442            | 335                | 40.6%              | 1.4%             |

#### County Population: 50,000 to 74,999

|          | <b>Population</b> | <b># Incidents</b> | <b>Arrest Rate</b> | <b>Dual Rate</b> |
|----------|-------------------|--------------------|--------------------|------------------|
| WOOD     | 74,749            | 338                | 76.9%              | 3.8%             |
| PORTAGE  | 70,019            | 52                 | 100.0%             | 0.0%             |
| CHIPPEWA | 62,415            | 320                | 69.6%              | 0.0%             |
| SAUK     | 61,976            | 234                | 96.5%              | 0.0%             |
| COLUMBIA | 56,833            | 407                | 67.0%              | 4.4%             |
| WAUPACA  | 52,410            | 260                | 76.1%              | 0.0%             |
| GRANT    | 51,208            | 127                | 77.9%              | 0.0%             |

County Population: 25,000 to 49,999

|             | <b>Population</b> | <b># Incidents</b> | <b>Arrest Rate</b> | <b>Dual Rate</b> |
|-------------|-------------------|--------------------|--------------------|------------------|
| CALUMET     | 48,971            | 138                | 80.4%              | 0.7%             |
| BARRON      | 45,870            | 180                | 82.7%              | 1.6%             |
| MONROE      | 44,673            | 248                | 69.3%              | 0.0%             |
| POLK        | 44,205            | 107                | 76.6%              | 2.8%             |
| DOUGLAS     | 44,159            | 318                | 74.2%              | 0.0%             |
| DUNN        | 43,857            | 135                | 88.8%              | 0.0%             |
| SHAWANO     | 41,949            | 115                | 86.9%              | 0.0%             |
| MARINETTE   | 41,749            | 101                | 78.2%              | 0.9%             |
| PIERCE      | 41,019            | 145                | 46.9%              | 2.0%             |
| OCONTO      | 37,660            | 162                | 64.2%              | 1.2%             |
| GREEN       | 36,842            | 188                | 57.9%              | 1.0%             |
| ONEIDA      | 35,998            | 113                | 17.7%              | 0.0%             |
| CLARK       | 34,690            | 105                | 94.2%              | 0.0%             |
| TREMPEALEAU | 28,816            | 118                | 70.3%              | 0.0%             |
| LINCOLN     | 28,743            | 55                 | 80.0%              | 0.0%             |
| DOOR        | 27,785            | 67                 | 92.5%              | 0.0%             |
| JUNEAU      | 26,664            | 145                | 77.2%              | 2.0%             |

County Population: Under 25,000

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

|            | <b>Population</b> | <b># Incidents</b> | <b># Arrests</b> | <b># Duals</b> |
|------------|-------------------|--------------------|------------------|----------------|
| WAUSHARA   | 24,496            | 59                 | 0                | 0              |
| IOWA       | 23,687            | 85                 | 65               | 0              |
| VILAS      | 21,430            | 180                | 141              | 0              |
| ADAMS      | 20,875            | 102                | 74               | 4              |
| TAYLOR     | 20,689            | 50                 | 48               | 0              |
| KEWAUNEE   | 20,574            | 42                 | 30               | 0              |
| JACKSON    | 20,449            | 95                 | 84               | 0              |
| LANGLADE   | 19,977            | 45                 | 38               | 0              |
| GREEN LAKE | 19,051            | 80                 | 64               | 0              |
| RICHLAND   | 18,021            | 72                 | 0                | 0              |
| LAFAYETTE  | 16,836            | 63                 | 48               | 1              |
| CRAWFORD   | 16,644            | 29                 | 21               | 0              |
| SAWYER     | 16,557            | 81                 | 69               | 4              |
| ASHLAND    | 16,157            | 112                | 81               | 0              |
| WASHBURN   | 15,911            | 70                 | 61               | 1              |
| BURNETT    | 15,457            | 104                | 85               | 3              |
| MARQUETTE  | 15,404            | 65                 | 64               | 0              |
| BAYFIELD   | 15,014            | 48                 | 42               | 0              |
| RUSK       | 14,755            | 70                 | 46               | 0              |
| PRICE      | 14,159            | 62                 | 50               | 0              |
| BUFFALO    | 13,587            | 29                 | 22               | 0              |
| FOREST     | 9,304             | 34                 | 24               | 0              |
| PEPIN      | 7,469             | 16                 | 13               | 0              |
| IRON       | 5,916             | 26                 | 18               | 0              |
| FLORENCE   | 4,423             | 28                 | 19               | 0              |

\*Population counts taken from U.S. Census Bureau 2010 Estimates

## 2010 Wisconsin Domestic Abuse Incident Report: Charging Statistics

### Top 15 Charges Issued Statewide

| <u>Statute</u> | <u>Charge</u>   | <u>Count</u> |
|----------------|---|--------------|
| 947.01         | Disorderly Conduct  | 28668        |
| 940.19(1)      | Misdemeanor Battery   | 7039         |
| 943.01(1)      | Criminal Damage to Property   | 2491         |
| 946.49(1)(a)   | Misdemeanor Bail Jumping  | 1836         |
| 943.20(1)(a)   | Felony Theft, Firearms, etc.  | 1512         |
| 346.63(1)(b)   | Operating with Prohibited Alcohol Concentration<br>- 5th and subsequent Offense | 1312         |
| 346.63(1)(a)   | Operating while Intoxicated - 1st Offense                                       | 1225         |
| 940.19(2)      | Substantial Battery   | 1158         |
| 946.49(1)(b)   | Felony Bail Jumping   | 966          |
| 940.235(1)     | Strangulation and Suffocation   | 795          |
| 946.41(1)      | Obstructing or Resisting an Officer   | 793          |
| 940.30         | False Imprisonment  | 764          |
| 813.125(7)     | Violation of Temporary Restraining Order  | 645          |
| 961.41(3g)(e)  | Possession of THC (Tetrahydrocannabinols) -<br>(2nd and subsequent)             | 504          |
| 813.12(4)      | Knowingly Violate a Domestic Abuse Injunction                                   | 464          |

### 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.

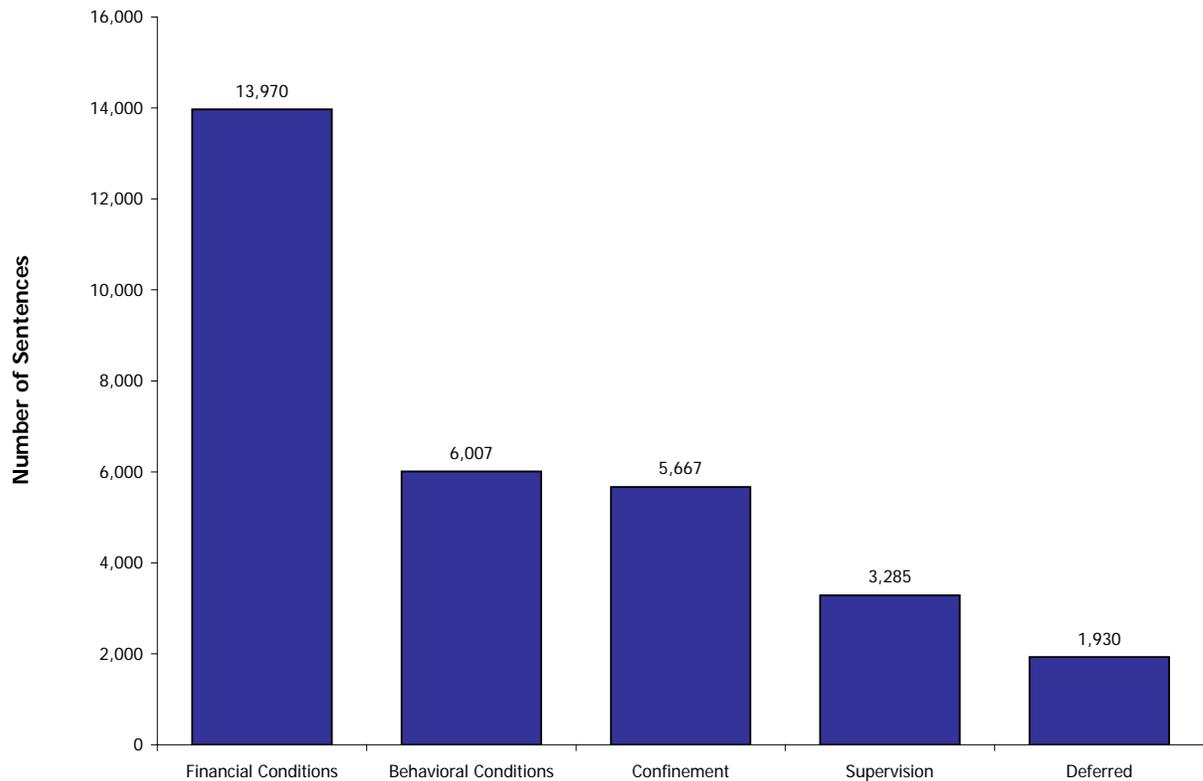
## Sentencing Definitions (cont.)

**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.

2010 Wisconsin Domestic Abuse Incident Report: Sentencing



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