

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

For the period of January 1, 2011 – December 31, 2011



Wisconsin Department of Justice  
Office of Crime Victim Services  
Compiled December 2012

# 2011 Domestic Abuse Incident Report (DAIR)

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# 2011 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 2011 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 2011. 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") by Wisconsin district attorneys' offices, pursuant to Wisconsin Statutes, s. 968.075(9). 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, 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 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 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 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, 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.
- Victim/Offender relationship data has been omitted from the 2011 report because a significant number of counties did not report relationship data to DOJ for 2011; it was only reported for approximately one-third of all incidents.
- 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.

# 2011 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 2011 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 2011.*

- **28,539 domestic abuse incidents** were reported to law enforcement and referred to Wisconsin district attorneys' offices in 2011. This represents a 4.7% decrease from 2010 when 29,941 incidents were reported and referred to district attorneys' offices.
- **Age of Victims:** In 2011, 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; 18% of victims were 40-49 years old, and 13% 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" (defined as more than one person arrested or charged).
- **Charges Issued:** The most common charge issued in domestic violence cases statewide was disorderly conduct, followed by misdemeanor battery. The third most common charge issued in 2011 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 **confinement** (19%), followed by **behavioral requirements** (17%) such as a prohibition (i.e., no contact, no firearms) or requirement to do something (i.e., attend treatment or a class.)

The element least often included as part of a domestic abuse sentence was **community supervision** which was imposed in 11% of sentences in 2011.

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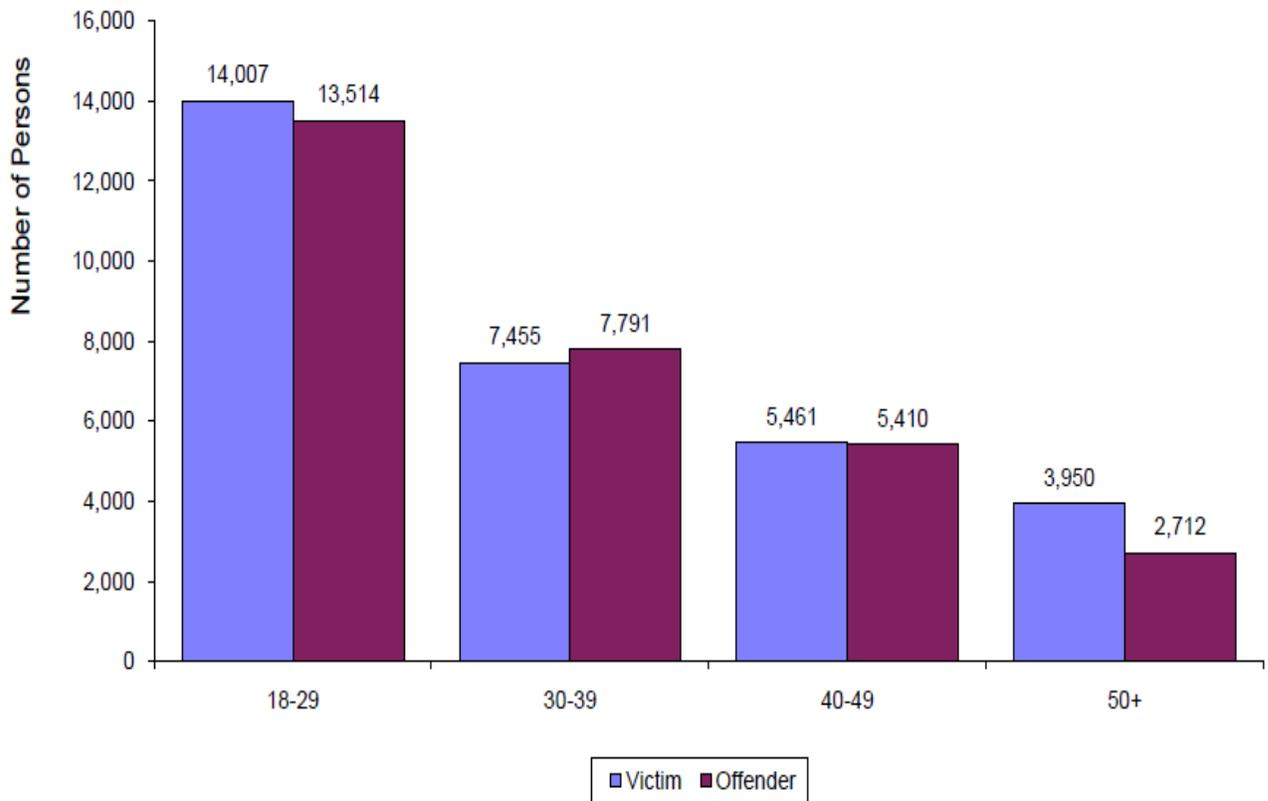
*This report is available online at [www.doj.state.wi.us/cvs](http://www.doj.state.wi.us/cvs) "Publications"*

Wisconsin Department of Justice  
Office of Crime Victim Services

2011 Domestic Abuse Incident Report (DAIR)

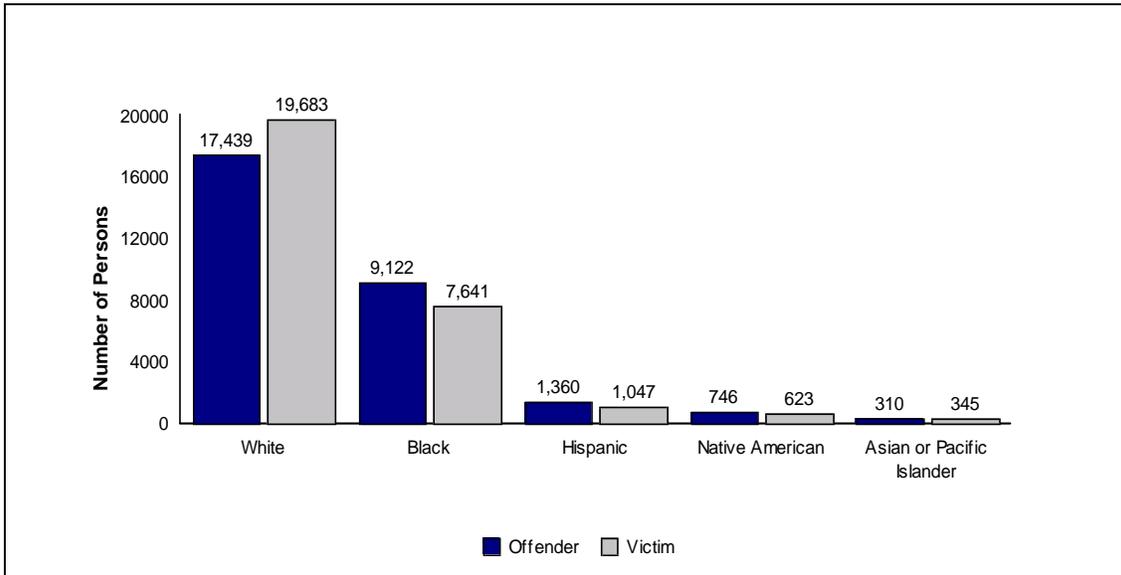
**Reported Incidents** 28,539 domestic abuse incidents were reported to law enforcement and referred to district attorneys' offices in Wisconsin in 2011.

**Age of Victims and Offenders**



## Ethnicity

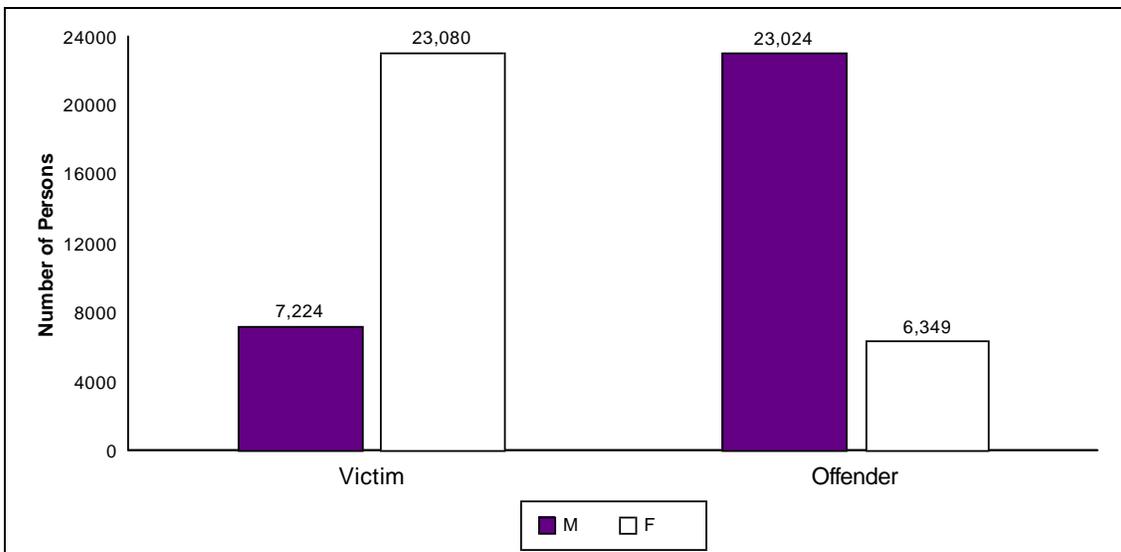
### 2011 DAIR: Ethnicity of Victims and Offenders



## Gender

### 2011 DAIR: Gender of Victims and Offenders

(M=Male F=Female)



## Law Enforcement Response to Incidents

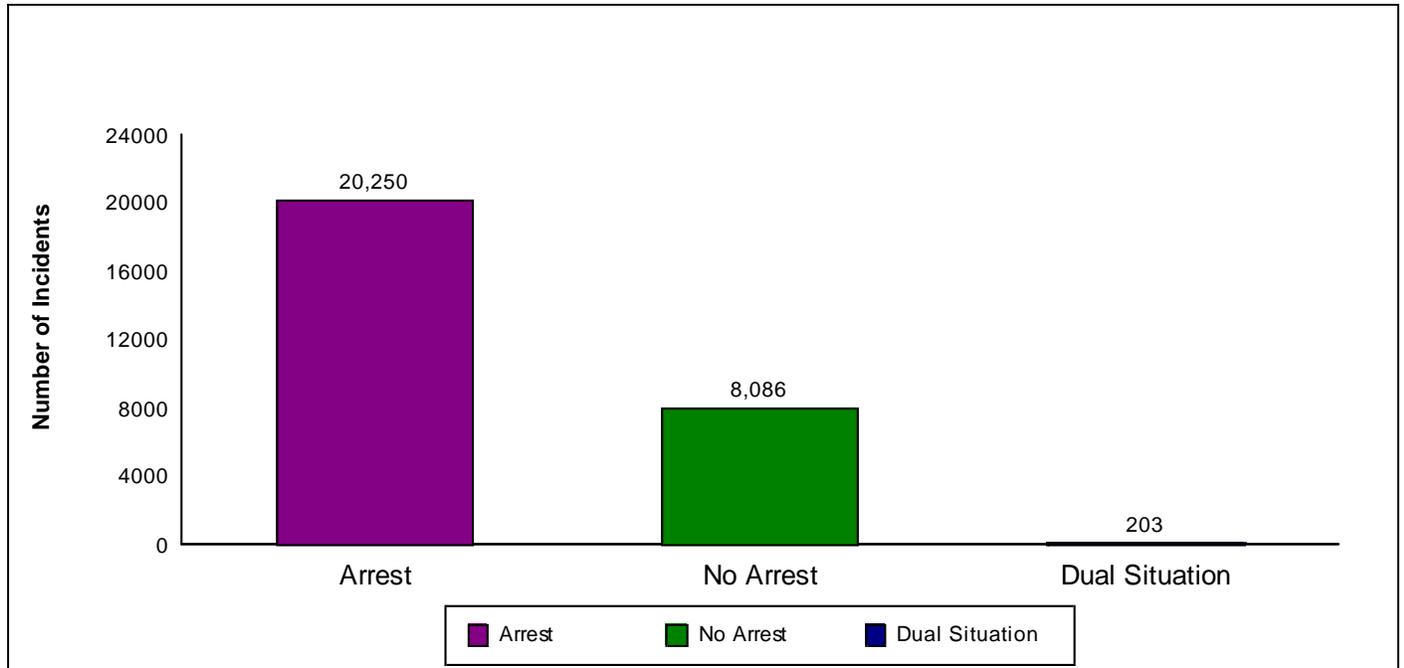
### Wisconsin Mandatory Arrest Provisions:

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) [Wis. Stat. s. 968.085 (8) INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES].

## Law Enforcement Response to Incidents (cont.)

### 2011: Arrests



- **Arrest Rate:** In 2011, 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 2011 at less than 1%. A dual arrest refers to an incident in which more than one party is arrested.
- **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

	<b>Population</b>	<b># Incidents</b>	<b>Arrest Rate</b>	<b>Dual Rate</b>
MILWAUKEE	952,532	8,040	56.0%	0.3%
DANE	495,959	3,017	74.1%	0.3%
WAUKESHA	390,730	874	54.0%	0.9%
BROWN	251,412	1,089	79.2%	0.0%
RACINE	195,388	882	64.1%	0.0%
OUTAGAMIE	177,913	778	82.2%	0.0%
WINNEBAGO	167,699	797	99.1%	0.0%
KENOSHA	167,293	1,162	85.8%	0.6%
ROCK	160,092	1,125	90.7%	2.1%
MARATHON	134,400	620	74.0%	0.0%
WASHINGTON	132,386	475	91.7%	5.2%
LA CROSSE	115,572	713	87.8%	0.0%
SHEBOYGAN	115,149	388	71.3%	0.0%
WALWORTH	102,931	360	70.5%	0.0%
FOND DU LAC	102,079	356	75.0%	0.0%

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

	<b>Population</b>	<b># Incidents</b>	<b>Arrest Rate</b>	<b>Dual Rate</b>
EAU CLAIRE	99,879	538	86.0%	1.1%
DODGE	88,661	338	69.2%	0.0%
OZAUKEE	86,568	98	56.1%	0.0%
ST. CROIX	84,922	419	60.1%	2.8%
JEFFERSON	83,943	416	79.3%	1.6%
MANITOWOC	80,976	284	27.8%	1.0%

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

	<b>Population</b>	<b># Incidents</b>	<b>Arrest Rate</b>	<b>Dual Rate</b>
WOOD	74,785	288	77.7%	4.8%
PORTAGE	70,084	52	98.0%	0.0%
CHIPPEWA	62,778	286	82.5%	0.0%
SAUK	62,290	256	95.3%	0.0%
COLUMBIA	56,909	469	69.5%	5.5%
WAUPACA	52,682	224	82.1%	0.0%
GRANT	51,210	175	76.5%	0.5%

County Population: 25,000 to 49,999

	<b>Population</b>	<b># Incidents</b>	<b>Arrest Rate</b>	<b>Dual Rate</b>
CALUMET	49,490	121	80.9%	0.0%
BARRON	45,883	214	90.6%	0.9%
MONROE	45,050	254	80.7%	0.0%
DOUGLAS	44,105	239	73.6%	0.0%
POLK	44,040	122	76.2%	0.8%
DUNN	43,971	163	85.8%	0.0%
SHAWANO	41,754	132	81.0%	0.0%
MARINETTE	41,656	108	74.0%	1.8%
PIERCE	40,862	145	67.5%	0.0%
OCONTO	37,468	146	71.9%	0.0%
GREEN	36,891	164	67.0%	1.2%
ONEIDA	35,801	106	35.8%	0.9%
CLARK	34,742	83	86.7%	0.0%
VERNON	29,954	66	71.2%	3.0%
TREMPEALEAU	29,001	150	78.6%	0.0%
LINCOLN	28,602	109	84.4%	0.0%
DOOR	27,820	70	85.7%	0.0%
JUNEAU	26,722	111	65.7%	2.7%

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.

	<b>Population</b>	<b># Incidents</b>	<b># Arrests</b>	<b># Duals</b>
WAUSHARA	24,576	58	0	0
IOWA	23,599	99	81	0
VILAS	21,442	168	125	0
ADAMS	20,733	102	82	2
TAYLOR	20,661	40	40	0
KEWAUNEE	20,589	75	54	0
JACKSON	20,565	96	83	0
LANGLADE	19,786	35	29	0
GREEN LAKE	19,094	85	61	1
LAFAYETTE	16,815	73	41	3
CRAWFORD	16,714	21	16	0
SAWYER	16,596	75	53	2
ASHLAND	16,142	103	70	0
WASHBURN	15,912	50	40	2
BURNETT	15,504	86	64	6
MARQUETTE	15,439	60	54	0
BAYFIELD	15,099	53	48	0
RUSK	14,621	78	58	0
PRICE	13,994	49	36	0
BUFFALO	13,539	26	20	0
FOREST	9,236	41	33	0
PEPIN	7,412	15	12	0
IRON	5,894	17	15	0
FLORENCE	4,440	12	8	0

\*Population counts taken from U.S. Census Bureau 2011 Estimates

## 2011 Wisconsin Domestic Abuse Incident Report: Charging Statistics Top 15 Charges Issued

<u>Statute</u>	<u>Charge</u>	<u>Count</u>
947.01	Disorderly Conduct	23974
940.19(1)	Misdemeanor Battery	6837
943.01(1)	Criminal Damage to Property	2422
946.49(1)(a)	Misdemeanor Bail Jumping	1812
943.20(1)(a)	Felony Theft, Firearms, etc.	1773
940.19(2)	Substantial Battery	1275
346.63(1)(b)	Operating with Prohibited Alcohol Concentration - 5th and subsequent Offense	1148
946.49(1)(b)	Felony Bail Jumping	968
346.63(1)(a)	Operating while Intoxicated - 1st Offense	950
940.235(1)	Strangulation and Suffocation	801
940.30	False Imprisonment	796
946.41(1)	Obstructing or Resisting an Officer	778
343.44(1)(b)	Operate Motor Vehicle after Revocation - 4th and subsequent offense	570
961.41(3g)(e)	Possession of THC (Tetrahydrocannabinols) - (2nd and subsequent)	477

## 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.

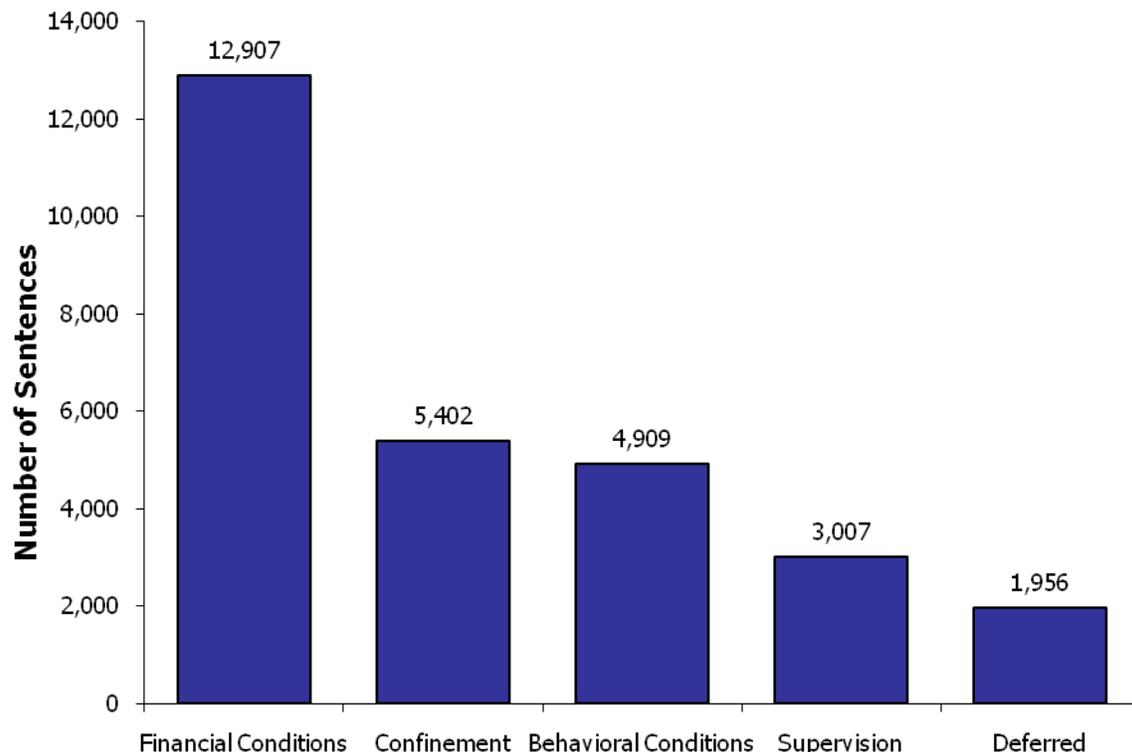
**Confinement Sentences:** Confinement sentences include jail or prison sentences.

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

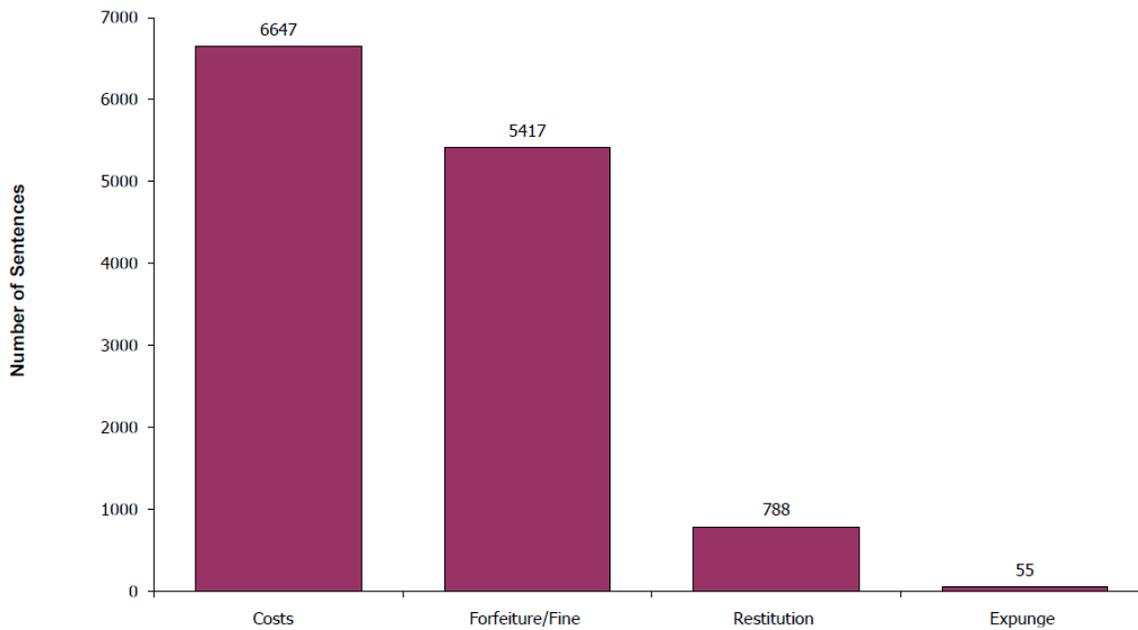
**Financial Sentences:** Financial sentences include the payment of court costs and restitution and the imposition of fines and surcharges, including the domestic abuse assessment. It also includes orders from the court to make special financial donations to community organizations.

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

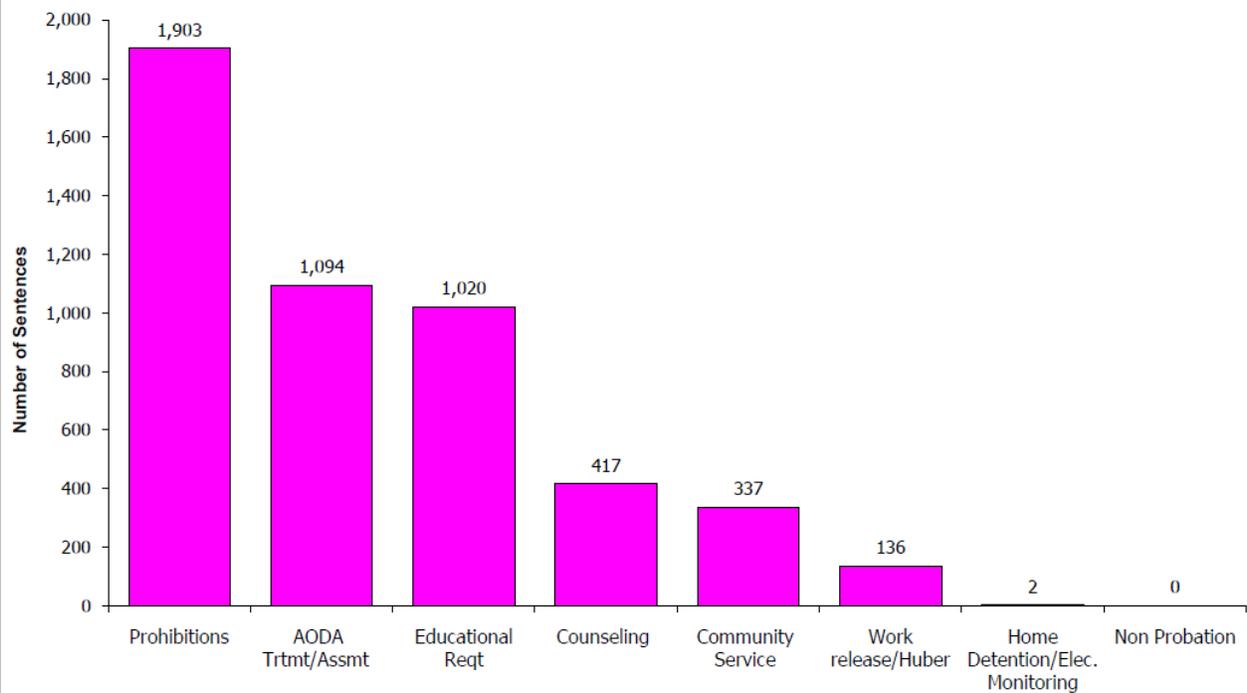
2011 Wisconsin Domestic Abuse Incident Report: Sentencing



## 2011 Financial Sentences



## 2011 Behavioral Sentences



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