



DODGE COUNTY SHERIFF'S OFFICE

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July 31, 2015

Wisconsin's Domestic Violence Law

We've all heard about domestic violence and all know that it refers to violence within a family but most likely don't have an understanding of what that means legally in Wisconsin. In Wisconsin, domestic abuse is not itself a crime but instead an enhancer to a crime. That crime could be disorderly conduct, battery, criminal damage to property or others. The enhancer creates the potential for additional penalties when prosecuted.

Furthermore, under Wisconsin law, a law enforcement officer is required to make an arrest in domestic abuse incidents if the actor commits a crime and the officer believes any of the following:

- A. There is reasonable basis for believing that continued abuse is likely
- B. There is evidence of physical injury to the victim
- C. The person is the predominant aggressor

Once that person is arrested a 72 hour restraining order is automatically put into effect as a cool down period to keep the actor away from the victim. It also allows for the victim to put into place any additional restraining orders or seek other help as may be necessary.

The final piece of the puzzle is that violence is considered domestic if the actor and the victim currently live together, ever have lived together, are current or former spouses or they have a child together. As a result it can include brothers and sisters, former live-in boyfriends or girlfriends or even parents and children that are 17 years old or older. Of course children that are abused fall under a separate felony child abuse statute.

As you can see this is a very complicated law but it is needed. Law enforcement officers have an understanding that domestic violence is one of the most dangerous incidents we respond to. Unfortunately, we are required to respond to these types of incident almost daily. We also see that a common factor in many of these incidents is alcohol or drug use which cause a person to lose control and many times make the situations worse.

Many victims are assaulted repeatedly and many wonder why the victims don't leave. There are a number of factors that play into that. Fear is a very powerful factor when it comes to abuse. A victim will often hide or deny abuse for fear of repercussions. Some victims are so much in love with their

abuser that they are willing to endure the abuse and are afraid of losing that person. Still others are sympathetic to their abusers. They tell law enforcement that the person didn't mean to do it and they are a good person.

What we urge victims to understand is that no one has the right to abuse or cause physical injury to another person. Many offenders use these techniques as a means to control their victims. I recently spoke with a victim that wanted out of a relationship in which she was abused. She wanted him arrested but did not want to be part of it because she was afraid he would come after her. This is a common problem in our society today.

As a community we need to pull together to help our families, friends and neighbors. If you are a victim, don't be afraid to ask for help, because it's available. We always urge victims to report abuse to law enforcement. We are here to help and protect you. Fortunately in Dodge County we also have an organization known as PAVE. They are a fantastic organization available for any victims of domestic violence and take very seriously your safety. Don't tolerate it in your home or in your family and as a community let's come together to put a stop to domestic violence.