

From the Sheriff:

State Statute 968.075 outlines the requirements for law enforcement personnel to adhere to in situations of domestic abuse/violence. This statute covers incidents of violence or fear between those married, divorced or living together. This statute was passed some years ago and its well intentioned language has provided a great tool for law enforcement as well as provided the necessary protections to victims of domestic abuse.

In summary, the statutes direct a law enforcement officer to arrest and take into custody any person who the officer believes committed the following 1) domestic abuse, 2) the officer believes continued abuse is likely, and/or 3) there is evidence of physical injury against the alleged victim. This criteria is in effect for 28 days after the incident. To further define the requirement I provide an example. A husband and wife get into a verbal argument and as the wife attempts to leave the husband forces her up against a wall causing her pain and bruising. Yes, a crime has been committed. That same husband and wife talk the next few days and work through the issue. Twenty seven days later the wife shares this information with law enforcement, which is then required to go make the physical arrest. These are difficult situations.

The paperwork for domestic situations provides further protections for the victims. The victim signs a 72 hour notice that is served upon the actor requiring him/her to stay away for that period of time, sort of a temporary restraining order. This 72-hour provision can also be waived by the victim should he/she want. When an arrest is made, the actor is transported to the Dodge County Detention Facility. He/she is booked for Disorderly Conduct with \$150.00 bail. If the subject fails to bail themselves out they see a judge the next day and are released under a signature bond. Another means of an arrest is sending a request for charges to the District Attorney's Office. The DA then summons the actor into court as well as being booked into the jail for the alleged offense. Again, released on a signature bond, guaranteeing his/her appearance for future court proceedings.

One's fear of losing his/her hunting privileges for life hangs in the balance. Not to minimize the situation, but this hangs heavy on active hunters as it is mentioned during the investigation. This type of penalty discourages violent behavior between adults – it works! Yet there are situations everyday when poor split second decisions made by adults generate a 911 call for help. Often the couple is seeking help, a mediator, not necessarily an arrest. There are situations when these incidents are reported well after the fact, the couple has already had make-up sex and life is great – until the next time. At times the victim does not want an arrest made and the statutes state the victim has no choice – law enforcement is required to. At times the victim follows the officer to jail and bails the actor out signing the waiver to the 72-hour no-contact provision and both go home.

Law enforcement officers use discretion. No two situations are the same. Our current laws have significantly aided law enforcement in the area of domestic abuse. Our legislature understands some of the shortcomings of our current statutes regarding domestic abuse and has re-written them. The changes will go into effect April 1<sup>st</sup>. The Dodge County Sheriff's Dept. will not jeopardize a victim by not making an arrest. Domestic violence cannot be tolerated and those that perpetrate such crimes will be arrested and punished according to statutes. This philosophy has never been nor will be violated by this department. Thanks for listening [tnehls@co.dodge.wi.us](mailto:tnehls@co.dodge.wi.us)