

**Domestic Violence Case and System Review Report to the  
Rock County Criminal Justice Coordinating Council<sup>1</sup>**  
By Dr. Kendra Schiffman and Edgerton Police Chief Robert J. Kowalski  
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*(with December 2021 Revisions)*

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<sup>1</sup> We would like to thank all those who have supported and engaged in this project. We are grateful for the support of the Criminal Justice Coordinating Council (CJCC) and the initiation of Janesville Police Chief David Moore and his coordination with CJCC Vice Chair, Marc Perry, and Justice System Manager, Elizabeth Pohlman-McQuillen. We are grateful to the generous engagement of Kelsey Hood-Christenson (Director of Defy Domestic Abuse in Beloit) and Jessi Lueptnitz (Program Director for Alternatives to Violence and CARE House at the YWCA in Janesville), Andrea Ehret and Kim Rau (Victim Witness Program Coordinator and Victim Witness Specialist), Gina Ciaramita (Director of the Domestic Violence Intervention Program), Michael Gutjahr (Program Director for JusticePoint Pretrial Services), and a anonymous domestic violence survivors who generously shared their very personal and traumatic experiences to contribute to making the system better for others who experience domestic violence.

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<b>Important Acknowledgement</b>
<p>We would like to acknowledge up front that because the content of this report involves extensive discussion of domestic and intimate partner violence, engaging with the content will be more emotionally and psychologically challenging for some than others. In compiling this information, our hope is to raise greater awareness and understanding for justice system stakeholders and communities in Rock County—but more importantly to engage action to prevent domestic violence. We join with all community advocates in the hopes that our efforts will “renew our collective commitment to addressing domestic and systemic violence as well as the root causes of trauma that feed into the cycle of harm.”</p>

## Introduction

On March 18, 2021, Janesville Police Chief David Moore requested that the Rock County Criminal Justice Coordinating Council (CJCC) approve a review of a domestic violence case that ended in the death of a Janesville woman. On April 15, 2021, the CJCC officially approved the recommendation to have a team of people take a multi-disciplinary approach to conduct a case and system review in order to increase the level of expertise and include various perspectives in a thorough evaluation. The case review team includes the authors of this report: 1) Chief Robert J. Kowalski of the Edgerton police department who brings a breadth of knowledge about law enforcement practices and processes, in addition to the federal law enforcement perspective from his prior work in the federal system, and 2) Dr. Kendra S. Schiffman who is an experienced social science researcher, has been involved in Rock County's Evidence Based Decision-Making justice system initiatives that include the Pretrial program, and has conducted previous research on domestic violence in Rock County. The review process began with an examination of official documents related to the specific domestic violence case and discussions with Janesville and Beloit domestic violence professionals (who also reviewed a near complete draft of this report for accuracy and provided further input before we finalized the report); the case evaluation was followed by a detailed analysis of the Rock County justice system response to domestic violence and victim safety during the pre-trial phase.

In the specific Jeremy Mondy domestic violence case, the alleged homicide occurred in another Wisconsin county (Columbia County) while the defendant was in the pre-trial phase of his case in Rock County (related to an alleged domestic violence incident with the homicide victim); the domestic violence case in Rock County and homicide case in Columbia County are still pending. The purpose of this case and system review is fourfold:

1. To conduct a review of the Mondy domestic violence case more specifically,
2. To provide a broader system review of how Rock County's justice system responds to domestic/intimate partner violence cases **in the pretrial phase**,
3. To use the information gathered to identify areas for system improvement and inform recommendations for stakeholders for system improvement,
4. To provide information that is accessible to educate all stakeholders and the public and identify other educational opportunities.

The **Pretrial** phase is the earliest phase in the criminal court process and includes **3 key justice system decision points** that we will be examining, which include

1. Law enforcement response to domestic/intimate partner violence
2. Initial court appearance and pretrial status decisions in domestic/intimate partner violence cases
3. Pretrial release and supervision in domestic/intimate partner violence cases

This early phase in the criminal justice system response is also a period of high risk for victims of domestic/intimate partner violence due to the presumption of release for the defendant and the risk of escalation of violence (as retaliation against the victim) when law enforcement and courts become involved. In light of this, we thoroughly examine the pretrial phase in terms of clear homicide risk factors

in domestic/intimate partner violence and options for victims' safety when legal limitations prevent pretrial confinement.<sup>2</sup>

Chief Moore's review request was accompanied by key questions that were prompted by the specific Jeremy Mondy case, which have also provided some guidelines for our case and system review. Our report provides information that answers these questions (listed below) as well as other questions that arose in the evaluation process:

- Is the information contained in police reports and police response adequate?
- What information is used in pretrial risk assessments and how does that inform the court's decisions about pretrial supervision level in cases of domestic/intimate partner violence?
- What kind of follow-up occurs when defendants are released under pre-trial supervision in cases of domestic/intimate partner violence?
- How does a previous violation of a no-contact order affect the court's decision-making in domestic/intimate partner violence cases?
- How does federal probation and the related rules work in harmony with local law enforcement and other members of local criminal justice systems?
- What criminal justice system options are available to provide safety for the victim when domestic/intimate partner violence occurs and the justice system becomes involved?

The full report begins with an overview of data from the Wisconsin Department of Justice, community-based advocacy organizations, and End Domestic Abuse Wisconsin to show the extent of domestic violence in Rock County and Wisconsin within the context of national trends and patterns and domestic violence research. The rest of the report will encompass a summary of our review process and conclusions from the careful review of the Mondy case, information from our in-depth review of the Rock County justice system response to domestic violence during the high risk pre-trial phase, identification of the primary risks that often precede domestic violence-related homicide drawn from existing research and practical evidence, and system improvement recommendations supported by our system review and evaluation of relevant domestic violence research. This report will also be accompanied by a presentation to the Criminal Justice Coordinating Council that will highlight the main findings and recommendations from our case and system review.

***From Chief Robert Kowalski:*** Throughout a 41 year law enforcement career I have been the lead investigator on many cases. I have also had these cases successfully come to a positive prosecutorial conclusion. When asked to review the Janesville Police Department Domestic Violence Investigation I was privileged and humbled to be recognized as an expert investigator. It was also an honor to be partnered with Dr. Kendra Schiffman who brought an expertise and knowledge of domestic violence to this process.

***From Dr. Kendra Schiffman:*** This has been a challenging project to take on and I, too, am humbled to have been trusted with such an important task. Chief Kowalski has been a wonderful and committed collaborator with critically important law enforcement expertise that was so valuable to this process. I am grateful to have had this opportunity to work with him. I hope that this effort will provide a foundation to work from to more effectively work together to prevent domestic violence in Rock County.

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<sup>2</sup>End Domestic Abuse Wisconsin is pursuing legislation to institute fatality reviews because this is one way to reduce future domestic violence homicides and does not formally exist in Wisconsin. (See End Domestic Abuse Wisconsin, *Wisconsin Domestic Violence Homicide Report 2018*, p. 33-34 for more information.)

## Executive Summary

Domestic violence affects all people, regardless of age, race, economic status, sexual orientation, or gender identity, but frequency and severity can vary dramatically, and specific groups and communities have different experiences or increased barriers to accessing services and support. The term “domestic violence” refers to violent victimizations committed by intimate partners or family members, so “intimate partner violence” is a subset of domestic violence that includes victimizations committed by current or former spouses and romantic partners. Below is a summary of the more detailed information provided in the full report.

### **Extent of Domestic/Intimate Partner Violence in the United States, Wisconsin, and Rock County**

The extent of domestic violence varies at the national, state, and county levels.

- In the United States overall, more than 12 million people a year are victims of rape, physical violence, or stalking by an intimate partner.
- Intimate partner violence is among the most underreported crimes in the U.S.; in 2018, only about 47% of domestic violence or intimate partner violence victimizations were reported in the U.S., so reported incidents underestimate the actual number of individuals experiencing domestic violence by half.
- In 2018, intimate partner violence accounted for 20% of all violent crime in the United States.
- The rate of *reported* domestic violence victimizations in Rock County is 7 to 8 per 1,000 people, which is higher than the rate in Wisconsin (5 per 1,000) and the U.S. (4.8 per 1,000).

While decades of data collection and research has confirmed that domestic violence is most often committed by men against women, it is important to acknowledge that men, boys, transgender individuals, and those that identify as non-binary can also be victims of domestic violence. This research has been collected through a system where gender biases are embedded into intervention practices and directly impact whose experiences of domestic violence are *seen*: for example, medical providers who only screen women, domestic violence agencies that only serve women, or gendered/racialized beliefs about who is capable of perpetuating violence and who needs protection can influence response. Inequitable practices, policies, institutions, and communities directly contribute to higher rates of private violence by increasing the prevalence of domestic violence risk factors or producing less responsive early interventions for some more than others, and creating unfair barriers for victims seeking safety and support that disrupts cycles of violence.

- In Wisconsin, 36.3% of women and 32.1% of men have experienced physical violence, sexual violence, or stalking from an intimate partner *in their lifetime*.
- Women are a large majority of reported victims in domestic violence incidents in both Wisconsin and Rock County (around 75% of reported victims in Rock County and 70% in Wisconsin).
- Individuals between the ages of 18-24 are victims in reported incidents more than any other age group in the U.S., Wisconsin, and Rock County.
- In Wisconsin and Rock County, Black/African American individuals are disproportionately represented among victims of *reported* domestic violence incidents—at about a 3.5 to 4 times higher proportion than in the Rock County or Wisconsin population.
- WI Dept. of Justice does not have data for reported incidents involving Hispanic/Latinx victims.
- Overall, Rock County advocacy organizations are providing more accessible and supportive services to diverse individuals in ways that do not always occur in many areas in the U.S.

## **Domestic Violence Homicide in Wisconsin and Rock County**

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Ending domestic violence homicide is an area of focus for state and local prevention efforts.

- Domestic violence-related homicide deaths account for close to 25% on average of all homicides from 2000 to 2020 in Wisconsin.
- Firearms accounted for 52% of domestic violence homicides from 2000 to 2019 in Wisconsin.
- In 2019 alone, 26% of the 27 perpetrators in Wisconsin who used a gun in a domestic violence homicide were legally barred from possessing a firearm.
- 83% of perpetrators of DV homicides from 2000 to 2019 are male.
- Generally, when women commit homicides, it is often preceded by an immediate or anticipated attack or a history of abuse by the homicide victim.
- In the last 20 years, 55% of DV homicide victims are adult women and 34% are adult men in WI; in Rock County, 68.4% of DV homicide victims are adult women and 26.3% are adult men.
- From 2000-2020, the proportion of Black individuals killed in domestic-violence incidents in WI is about 5 times higher than the proportion in the WI population (about 30% compared to 6%).
- From 2000 to 2019, 17.7% of DV homicide victims in Wisconsin (or 20% in U.S.) were relatives or friends of the domestic violence victim, neighbors, coworkers, bystanders, law enforcement responders, or others who intervened.

Intimate partner violence (IPV) drives the large majority of domestic-violence related homicides in Wisconsin, which is similar to national trends; and IPV-related homicides often occur when the victim is trying to leave or end the relationship.

- In the United States, 45% of domestic violence homicides occurred when the woman was trying to leave her abusive partner, or a month or more after the couple separated.
- In the last 20 years in Wisconsin, an average of 42% of domestic violence homicides occurred after the victim attempted to leave or end an intimate partner relationship with their abuser.
- This provides sobering evidence of the importance of taking victims' fears very seriously, and recognizing their need for support and safety—that is not assured by leaving the relationship.
- Extensive research and advocacy experience underscores the need to understand and acknowledge the serious risks and challenges victims face when leaving an abusive relationship and provide as much support as possible, instead of questioning why victims don't leave.
- National data shows that only about 15% (in 2017) to 18% (in 2018) of individuals experiencing intimate partner violence received support from a victim-service agency.

This is why it is necessary to create as many points of connection as possible between advocacy services and domestic violence victims, to ensure that those experiencing domestic violence are met with a compassionate, knowledgeable, and victim-centered response from the system and services they turn to for help during such a dangerous and traumatic period in their lives.

## **Case Review Process and Conclusions**

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Evaluating a case that is still pending has been the greatest challenge in this case review process because it limited the information we could gather from local criminal justice agency professionals involved in the case, and any inferences or criticisms of the investigation can hinder future legal processes; this is also why we only examine the court process through the pretrial phase. There are also only two people conducting the case and system review instead of having representatives from all agencies involved (which is best practice when conducting a full and more rigorous domestic violence fatality review). The review team includes an experienced law enforcement perspective from a local police chief and a skilled

researcher with domestic violence research expertise and understanding of the local Rock County justice system.

**Process for Case Review.** We began the Jeremy Mondy case review by gathering law enforcement and court documents related to the domestic violence case in Rock County. We reviewed the documents thoroughly multiple times to create a timeline that included previous law enforcement contact involving Mondy and the victim; we used this information to evaluate the *reported* events prior to the February 3, 2021 domestic violence incident in Rock County and the alleged homicide on February 14, 2021 in Columbia County.

**Conclusions.** The officers who responded to the call on February 3, 2021 for a “welfare check” arrived and immediately conducted an appropriate investigation with the individuals and information they had available to them at the scene. The officers acted in good faith on the information provided by the victim and the information gathered by the officers caused them to affect the arrest of Jeremy Mondy. It is the opinion of both reviewers that the Janesville police reports are inclusive of all the information needed to initiate the actions taken by the officers. While all other professionals involved in this case acted in accordance with current legal and professional guidelines, and current policies and procedures, there could be more specific assessment of the risk of escalating violence in domestic violence cases during pretrial release. Stakeholders could also implement system-wide practices that consistently assess and provide information about identifiable lethality risks that is used in all decisions relating to domestic violence cases.

### **Rock County Justice System Review Summary**

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After reviewing the court and law enforcement documents for the Mondy case review, we met with domestic violence professionals (Kelsey Hood-Christenson from Defy Domestic Abuse and Jessi Luepnitz from YWCA) and a limited number of court professionals (Justice System Manager Elizabeth Pohlman-McQuillen, Andrea Ehret and Kim Rau from Victim Witness, Michael Gutjahr from Pretrial Services, and Gina Ciarmita from the Domestic Violence Intervention Program) to assess the available community resources that support victims in addition to current policies and practices for responding to domestic violence cases as they progress through the pre-trial court processes. We also gathered additional information that they emailed to us, program information available online, or information from the relevant professional organizations that give guidance about best practices and effective procedures. For each program/agency area or step in the criminal court process in the pretrial phase, we

1. Explain specific roles in relation to domestic violence cases,
2. Assess regulatory requirements, limitations, processes and procedures when responding to domestic violence cases,
3. Highlight the impact on victim safety and support,
4. Evaluate system strengths and areas that can be improved to provide greater victim safety and support and improve domestic violence prevention,
5. Use relevant domestic violence research to inform our evaluation and recommendations.

**Community-Based and Court-Based Victim Support.** We have entities that represent the interests of victims more directly both in and out of the justice system: Victim Witness that is connected to the criminal justice system as well as Defy Domestic Abuse and YWCA that are community-based. It is a strength that we have these 3 agencies focused on the needs of those experiencing domestic violence; however, additional resources and coordination support is still needed for these agencies to continue to effectively meet the needs in Rock County. We found the following effective processes and practices that provide support to individuals experiencing domestic violence:

- Having a guaranteed institutional connection (backed by statute) between law enforcement and Victim Witness in terms of sharing advocacy services information is critical.
- Having two community-based organizations that are designed to meet victims' needs in more comprehensive ways than the justice system.
- Other practices in the Lethality Assessment Program (LAP), follow-up procedures from the Domestic Violence Intervention law enforcement team, and the Victim Witness process when victims want to waive a no contact order, are effective for victim support because they connect victims to the advocates themselves (through phone contact or in-person).

Beyond these aspects mentioned above, there are no other clear institutionalized mechanisms in the justice system to connect victims to advocacy services. Creating more points of connection between the justice system and community-based advocates would be even more effective in getting victims of domestic violence connected to the services that research and practical evidence shows improves safety and well-being for survivors in the short- and long-term; these services are also vital to domestic violence homicide prevention. Providing advocacy information could be integrated into civil court as well, in the TRO/Injunction process and family court (when DV cases intersect with divorce and child custody).

**Law Enforcement Response to Domestic Violence.** Implementation of the Lethality Assessment Program (LAP) by the largest police departments in Rock County is a strength; they have already successfully connected more victims to services, improved knowledge about domestic violence through training, and improved reporting and investigations from increased willingness of victims to cooperate due to improved relationships with law enforcement. This has also strengthened relationships between advocacy organizations and law enforcement to meet victims' safety needs more effectively.

- Other jurisdictions in Rock County will be implementing this program in the near future and this will hopefully expand to all jurisdictions in Rock County.
- This is a key intervention strategy for Rock County based on the proven benefits of the LAP for intervention and domestic violence prevention.
- Janesville PD's specialist response team and their follow-up process that includes reviewing key information that is documented in the Domestic Violence Intervention (DVI) checklist—is critically important to understanding the context of DV incidents and assessing level of risk along with the lethality assessment. This provides an excellent model for other jurisdictions to follow.
- Efforts to create a new DVI Team for all of Rock County will build on this work.

These efforts are a positive step forward in domestic violence prevention efforts in Rock County.

**No Contact Order Violations.** Two areas that need to be further evaluated are the rate of protective order violations in Rock County and the response to no contact order violations—which applies to the criminal court response as well. There is also no process in place to ensure that violations are consistently assessed in terms of domestic violence escalation and homicide risk factors so that this informs all law enforcement and court responses. This is also an area that needs to be evaluated in terms of effective practice that has worked in other places that incorporates victim and survivor feedback to create a coordinated approach across the Rock County criminal justice system for all stakeholders—so that there is effective and consistent accountability that has been proven to deter repeat violence and strengthen victim safety during pretrial release.

**Pretrial Assessment and Supervision.** The Public Safety Assessment (PSA) used in Rock County for pretrial assessment is an effective (and proven) tool for informing pretrial decisions overall, but it does not assess individuals with alleged domestic violence offenses any differently than others, and is not necessarily capturing domestic violence recidivism factors.



- While using the PSA pretrial risk assessment is a valuable evidence-based tool for informing pretrial decisions overall, there may be additional assessment or screening needed to effectively evaluate pretrial risks in domestic violence cases in particular.
- The case management for those ordered to pretrial supervision has been effective in increasing court appearance rate and ensuring no new criminal activity during pretrial.
- However, there is not necessarily specialized domestic violence case management techniques.

As a first step, it is crucial to evaluate the success rate (in terms of court appearance rate, and violations of no-contact orders in particular) of individuals with DV offenses who have been ordered to pretrial supervision in Rock County since pretrial services began to assess effectiveness in DV cases.

***Criminal Court Response to Domestic Violence.*** The substance of existing training and the practices used by court professionals to inform decisions in domestic violence cases needs to be evaluated more in-depth. Further, incorporating common system-wide practices that require consistently assessing information on identifiable lethality risks and indicators of violence escalation—consistent with the lethality assessment program framework—creates a coordinated system response.

- Having better integration of the assessment of domestic violence risk factors that increase dangerousness for victims is valuable in informing pretrial decisions, response to violations of no contact orders and pretrial supervision requirements (as well as child custody decisions in family court); identifying and treating higher risk cases with more seriousness than cases without lethality risks is an effective approach to preventing more serious or lethal violence.
- The fact that one of the 5 highest charges in DV cases in Rock County is strangulation and suffocation should cause concern because these fall into the category of high lethality risk cases.
- If all parts of the system have a consistent framework and approach when evaluating a DV case and making decisions, there can be a more coordinated response that prioritizes victim safety and identifies clear safety risks that can be addressed when the law requires pretrial release.
- Finally, having a Domestic Violence Intervention Program (DVIP) that is longer-term and focuses on changing DV offenders’ behavior and holding them accountable is a strength; but it needs a program evaluation, better outcomes tracking, and broader access.

***When Victims of Domestic Violence Interface with Civil Court.*** Victims associated with a domestic violence case in criminal court may also intersect with family court to seek a divorce and/or safe child custody arrangements outside of the criminal justice system, which advocates and survivors continually emphasize is extremely difficult for victims to navigate and in need of formalized mechanisms that connect victims to advocacy services and support. However, we do not have systematic and in-depth analysis of Rock County family court cases specifically (which would require another research project), so we cannot draw conclusions about Rock County specifically in terms of family court. We do, however, strongly recommend that this be evaluated more in-depth in the future

### **Recommendations for System Improvement in Domestic Violence Response and Prevention**

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We make the following recommendations to improve Rock County’s response to domestic violence to provide greater safety and support for victims and expand domestic violence prevention efforts:

1. Formalize a Domestic Violence Review Team for Further System Review
2. Improve System-Wide Coordination, Communication, and Accessibility
3. Implement Lethality Assessment Program Countywide & Lethality Risk Assessment System-wide
4. Coordinate Justice System and Community DV Lethality Risk Assessment and DV Education
5. Develop Domestic Violence Pretrial Risk Assessment Tools
6. Evaluate, Strengthen, and Expand the Domestic Violence Intervention Program
7. Implement Uniform DV Risk Assessment in Child Custody and Placement Evaluations

### Domestic and Intimate Partner Violence in the U.S., Wisconsin, and Rock County

Domestic violence is “holding power over someone in order to control them” through violent acts such as physical assault, battery, and sexual assault as well as verbal attacks, psychological manipulation, financial control and emotional attacks on a person’s self-worth and independence.<sup>3</sup> The term “domestic violence” refers to violent victimizations committed by intimate partners or family members, so “intimate partner violence” is a subset of domestic violence that includes victimizations committed by current or former spouses and romantic partners. Domestic violence also affects all people, regardless of age, race, economic status, sexual orientation, or gender identity, but frequency and severity can vary dramatically, and specific groups and communities have different experiences or increased barriers to accessing services and support from families, communities, or other systems, including health and justice systems.

**Prevalence of Domestic and Intimate Partner Violence.** The extent of domestic violence varies at the national, state, and county levels. According to the National Intimate Partner and Sexual Violence Survey (NISVS), **more than 12 million people a year are victims of rape, physical violence, or stalking by an intimate partner in the United States.**<sup>4</sup> That does not include the impact of other types of abuse, such as emotional abuse or financial abuse, which means that even more people are affected than research reveals. This finding is also based on surveying individuals, which provides a more accurate picture of the prevalence of domestic violence than reported incidents, because many do not report domestic/intimate partner violence (IPV) to law enforcement. Intimate partner violence is among the most underreported crimes in the U.S.<sup>5</sup>; in 2018, **only about 47% of domestic violence or intimate partner violence victimizations were reported in the United States.**<sup>6</sup> Research provides some understanding about possible explanations or common factors that affect under-reporting:

- In some instances, engaging with police for IPV may not ensure safety and may actually escalate violence and homicide risk in more dangerous abusive relationships.<sup>7</sup>
- Victims of abuse may be reluctant to report domestic violence to police for fear of being arrested themselves<sup>8</sup> or facing economic insecurity resulting from offender arrest.
- Social norms that minimize abuse, especially abuse perpetrated by a known individual, and abuse-related stigma can discourage reporting.<sup>9</sup>
- Reasons for not reporting abuse for many Black women, include institutional racism in police/legal systems or experiences of racism in these systems, non-disclosure of private matters

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<sup>3</sup> Defy Domestic Abuse Beloit at <https://www.familyservices1.org/defy>.

<sup>4</sup> Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. 2011. *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf).

<sup>5</sup> Holliday, C.N., Kahn, G., Thorpe, R.J., Shah, R., Hameeduddin, Z., and Decker, M.R. 2020. “Racial/Ethnic Disparities in Police Reporting for Partner Violence in the National Crime Victimization Survey and Survivor-Led Interpretation.” *Journal of Racial and Ethnic Health Disparities* 7:468-480. Retrieved from <https://doi.org/10.1007/s40615-019-00673-9>.

<sup>6</sup> Ibid.

<sup>7</sup> Campbell, J.C., Webster D., Koziol-McLain J., Block C., Campbell D., Curry M.A., et al. 2003. “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study.” 2003. *American Journal of Public Health* 93(7):1089–97; Snyder, Rachel L. 2019. *No Visible Bruises: What We Don’t Know About Domestic Violence Can Kill Us*. New York: Bloomsbury.

<sup>8</sup> McCormack, P.D., Hirschel, D. 2018. “Race and the Likelihood of Intimate Partner Violence Arrest and Dual Arrest.” *Race Justice* 11(4):434-453. Retrieved from <https://doi.org/10.1177/2153368718802352>; Dichter, M.E., Gelles, R.J. 2012. “Women’s Perceptions of Safety and Risk Following Police Intervention for Intimate Partner Violence.” *Violence Against Women* 18(1):44–63. Retrieved from <https://doi.org/10.1177/1077801212437016>.

<sup>9</sup> Marchetti, C.A. “Regret and Police Reporting Among Individuals Who Have Experienced Sexual Assault.” 2012. *Journal of American Psychiatric Nurses Assoc.* 18(1):32–9. Retrieved from <https://doi.org/10.1177/1078390311431889>.

or stereotyped expectations of strength, or past experiences of abuse claims not being believed without a visible physical injury.<sup>10</sup>

- For others, barriers to self-reporting IPV go beyond prior engagement with police to a general lack of confidence in the justice process for IPV (that offenders will just walk out of jail like nothing happened).<sup>11</sup>
- People of color may avoid reporting violence because they fear their experiences will confirm general racial/ethnic stereotypes or reinforce negative attitudes and beliefs about the prevalence of domestic violence in communities of color, or that they will bring shame and scrutiny to their families or cultural communities.<sup>12</sup>
- Some survivors conclude that reporting is driven by economic rather than racial/ethnic factors: that women with greater financial resources can flee abuse without supportive services and may be hesitant to involve police due to social stigma if others find out that may damage social status or professional reputation.<sup>13</sup>
- For immigrant women, linguistic barriers and concern about their legal status or the abuser's legal status significantly affects whether they seek help or report to law enforcement.<sup>14</sup>

These are incredibly important concerns and experiences to acknowledge when we are evaluating how the local criminal justice system responds to domestic violence. This is also important to keep in mind when we examine any data on **reported** incidents. **In the United States in 2018, the rate of reported intimate partner violence victimizations is 3.1 per 1,000 (or close to 850,000);** when other family members are included with intimate partners, **the rate of reported domestic violence victimizations is 4.8 per 1,000 (or 1.3 million).**<sup>15</sup> In 2018, intimate partner violence actually accounted for 20% of all

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<sup>10</sup> Washington, P.A. 2001. "Disclosure Patterns of Black Female Sexual Assault Survivors." *Violence Against Women* 7(11):1254–83. Retrieved from <https://doi.org/10.1177/10778010122183856>; Langton, L., Berzofsky, M., Krebs, C., Smiley-McDonald, H. 2012. *National Crime Victimization Survey: Victimization Not Reported To Police, 2006-2010*. Washington: Bureau of Justice Statistics, Office of Justice Programs, US Department of Justice. Retrieved from <https://www.bjs.gov/content/pub/pdf/vnvp0610.pdf>; The Women of Color Network. *Domestic Violence in Communities of Color: WOCN, Inc. FAQ Collection*. Retrieved from <http://www.wocninc.org/wp-content/uploads/2017/02/DVFAQ.pdf>; Holliday, C.N., Kahn, G., Thorpe, R.J., Shah, R., Hameeduddin, Z., and Decker, M.R. 2020. "Racial/Ethnic Disparities in Police Reporting for Partner Violence in the National Crime Victimization Survey and Survivor-Led Interpretation." *Journal of Racial and Ethnic Health Disparities* 7: 468-480. Retrieved from <https://doi.org/10.1007/s40615-019-00673-9>; Robinson, A. L. and Chandek, M. S. 2000. "Differential Police Response to Black Battered Women." *Women and Criminal Justice* 12(2/3): 29-61. For example, women who experience IPV or sexual violence are 2-3 times more likely to experience abuse or a neglectful response from law enforcement; and such experiences are more prevalent among Black and Latina IPV/sexual violence victims. See Fedina L., Backes B.L., Jun H.J., Shah R., Nam B., Link B.G., et al. 2018. "Police Violence among Women in Four U.S. Cities." *Preventative Medicine* 106:150–156. Retrieved from <https://doi.org/10.1016/j.ypmed.2017.10.037>.

<sup>11</sup> Holliday, C.N. et al. 2020, p. 475.

<sup>12</sup> Ibid, p. 476. See also Gillum, T. 2002. "Exploring the Link Between Stereotypic Images and Intimate Partner Violence in the African American Community." *Violence Against Women* 8(1): 64-86; Gillum, T. L. 2008b. "Community Response and Needs of African American Female Survivors of Domestic Violence." *Journal of Interpersonal Violence* 23(1): 39-57; Dasgupta, S. D. 2005. "Women's Realities: Defining Violence against Women by Immigration, Race, and Class." In Sokoloff and Pratt (eds.), *Domestic Violence at the Margins: Readings on Race, Class, Gender, and Culture*, pp. 56-70 (Piscataway, NJ: Rutgers University Press); Raj, A., and Silverman, J. 2002. "Violence Against Immigrant Women: the Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence." *Violence Against Women* 8(3):367-398; Lee, M. Y. 2002. "Asian Battered Women: Assessment and Treatment." In Roberts (ed.), *Handbook of Domestic Violence Intervention Strategies: Policies, Programs, and Legal Remedies*, pp. 472-482 (NY: Oxford University Press).

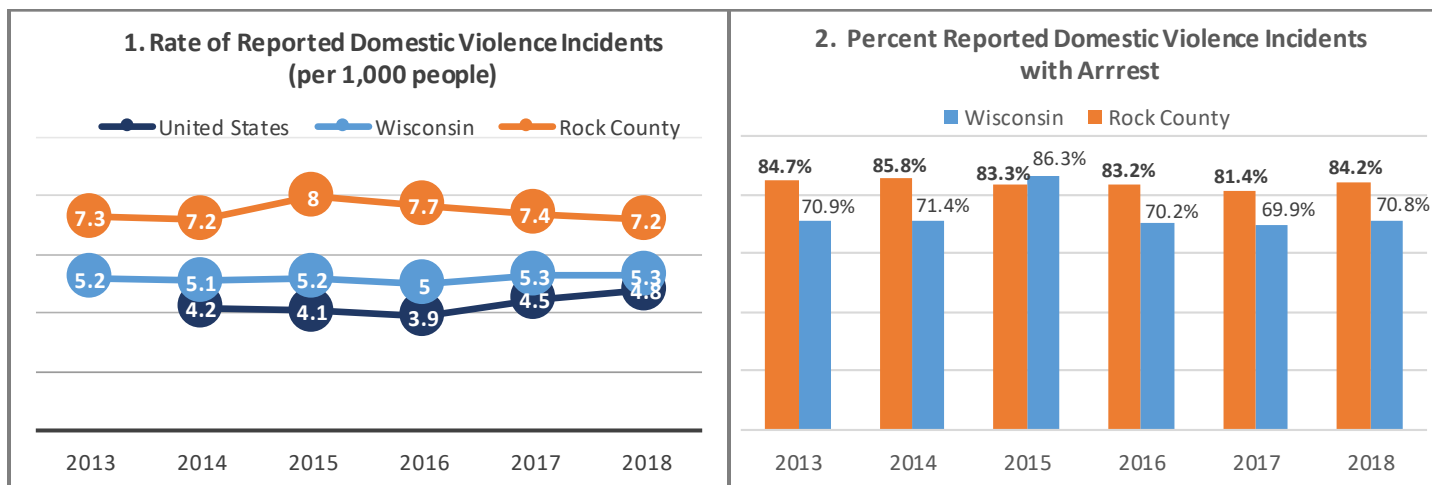
<sup>13</sup> Holliday, C.N. et al. 2020, from focus group participant responses.

<sup>14</sup> Holliday, C.N. et al. 2020, p. 478. Fear of deportation and linguistic barriers may explain underreporting among undocumented Hispanic/Latinx women. See Pearlman D.N., Zierler S., Gjelsvik A., Verhoek-Oftedahl W. 2003. "Neighborhood Environment, Racial Position, and Risk of Police Reported Domestic Violence: A Contextual Analysis." *Public Health Report* 118(1):44–58. Retrieved from <https://doi.org/10.1093/phr/118.1.44>.

<sup>15</sup> Morgan, R.E., and Oudekerk, B.A. 2019. *Criminal Victimization, 2018*. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cv18.pdf>. Domestic violence includes violent victimizations committed by intimate

**violent crime in the United States**, and the rate of both domestic violence and intimate partner violence victimizations actually increased from 2016 to 2018 (along with violent crime victimization overall).<sup>16</sup>

In Wisconsin, there were about 30,000 **reported** incidents of domestic violence each year from 2013 to 2018 (which is a rate of 5 per 1,000 people every year—close to the U.S. rate) and about 70% of those incidents involved an arrest (see charts 1 and 2).<sup>17</sup> **The rate is higher in Rock County than Wisconsin and the U.S.** within the same timeframe (7 to 8 per 1,000), and the percent of those incidents involving arrest is quite a bit higher in Rock County than Wisconsin (at about 85% compared to 70%).<sup>18</sup>



Year	Rock County (pop. 162,874 in 2018)			Wisconsin (pop. 5.807 million in 2018)		
	# Reported DV Incidents	# Reported DV Incidents w/ Arrest	# Children included in DV Cases	# Reported DV Incidents	# Reported DV Incidents w/ Arrest	# Children included in DV Cases
2018	1,180	993	499	30,999	21,960	3,939
2017	1,196	974	485	30,593	21,389	3,792
2016	1,243	1,034	498	28,908	20,289	3,816
2015	1,280	1,066	447	29,777	25,683	3,793
2014	1,163	998	387	29,230	20,877	3,213
2013	1,176	996	314	29,521	20,945	2,803

**Source:** Wisconsin Department of Justice Domestic Abuse data and detailed information for definitions and the counting methodology at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>. Rate of reported domestic violence incidences in chart above is calculated based on population in the incident year using population data from the U.S. Census Bureau.

There is also a large number of children that are exposed to domestic violence. The National Survey of Children’s Exposure to Violence (NatSCEV) shows that an estimated 17.9% of children in the U.S. were exposed to parental intimate partner physical violence over their lifetime, and about 6.6% were exposed in the previous year; when psychological and physical violence between parents/caretakers are both considered, **25.6% of children in the U.S. were exposed over their lifetime and 11.1% in the previous**

partners or family members, so intimate partner victimizations are a subset of domestic violence that include victimizations committed by former spouses and romantic partners.

<sup>16</sup> Morgan and Oudekerk, *Criminal Victimization, 2018*.

<sup>17</sup> Note: data from the WI Department of Justice is only available up to 2018 due to a regular 2 year delay.

<sup>18</sup> For earlier Beloit, Rock County, and Wisconsin data, see Schiffman, Kendra. 2017. *Interim Status Report on Domestic Violence, Sexual Violence, and Sex Trafficking in Beloit, Wisconsin*. Women’s Fund of the Stateline Community Foundation, pp. 2-12. Retrieved from <https://statelinecf.org/status-report/>.

year.<sup>19</sup> Locally, there have also been a large number of children included in domestic violence cases: from 2,802 and 3,940 annually in Wisconsin and 313 to 500 annually in Rock County (see Table above).

**Demographic Characteristics of Individuals Experiencing Domestic Violence.** While domestic violence is experienced by people of all ages, genders, races/ethnicities, economic statuses, and sexual orientations, there are some important patterns to acknowledge that are rooted in systemic inequities. On average women experience domestic violence at a higher rate than men: **1 in 3 women experience domestic violence (33.3%) compared to 1 in 4 men (25%) in their lifetime in the United States**;<sup>20</sup> further, **23.2% of women compared to 13.9% of men have experienced severe physical violence by an intimate partner during their lifetime.**<sup>21</sup> **For women in particular, the rate of intimate partner violence is highest for those between the ages of 18-24.**<sup>22</sup> Research has also shown that LGBTQ individuals and people of color experience less responsive intervention and higher rates of intimate partner violence. This is primarily driven by the additional burdens they face in navigating complex webs of individual and systemic mistreatment or an institutionally embedded gender binary, heterosexism, and racism that makes finding safety or getting support (that prevents further violence) more difficult.<sup>23</sup> **In the U.S. 45.1% of Black women and 40.1% of Black men, 34.4% of Hispanic/Latinx women and 30% of Hispanic/Latinx men, and 44% or more of LGBTQ individuals have experienced physical violence, sexual violence, or stalking from an intimate partner in their lifetime**—which are all at higher rates than overall rates in the U.S.<sup>24</sup> Systemic inequity in our policies, institutions, and communities directly contributes to greater private violence; when we or the systems we work in intentionally (or unintentionally) deny people of color or LGBTQ individuals access to economic opportunities, the ability to build intergenerational wealth or economic resources (e.g., due to historically inequitable housing policies and practices), or gain access to education, healthcare, or a sense of safety and support from government agencies—the inequitable policies and systems increase the prevalence of risk factors for domestic violence and create unfair barriers for victims seeking safety and support that disrupts further violence.

We do not have local data to compare to all the national patterns discussed above, but we can compare trends in terms of age, gender, and race of individuals from domestic violence incidents in Wisconsin and Rock County. Similar to national trends, **individuals between the ages of 18-24 are**

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<sup>19</sup> Hamby, S., Finkelhor, D., Turner, H., and Ormrod, R. 2011. "Children's Exposure to Intimate Partner Violence and Other Family Violence." Washington, D.C.: U.S. Department of Justice, Office of Justice Programs. Retrieved from <https://www.ncjrs.gov/pdffiles1/ojdp/232272.pdf>.

<sup>20</sup> Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., and Stevens, M.R. 2011. *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

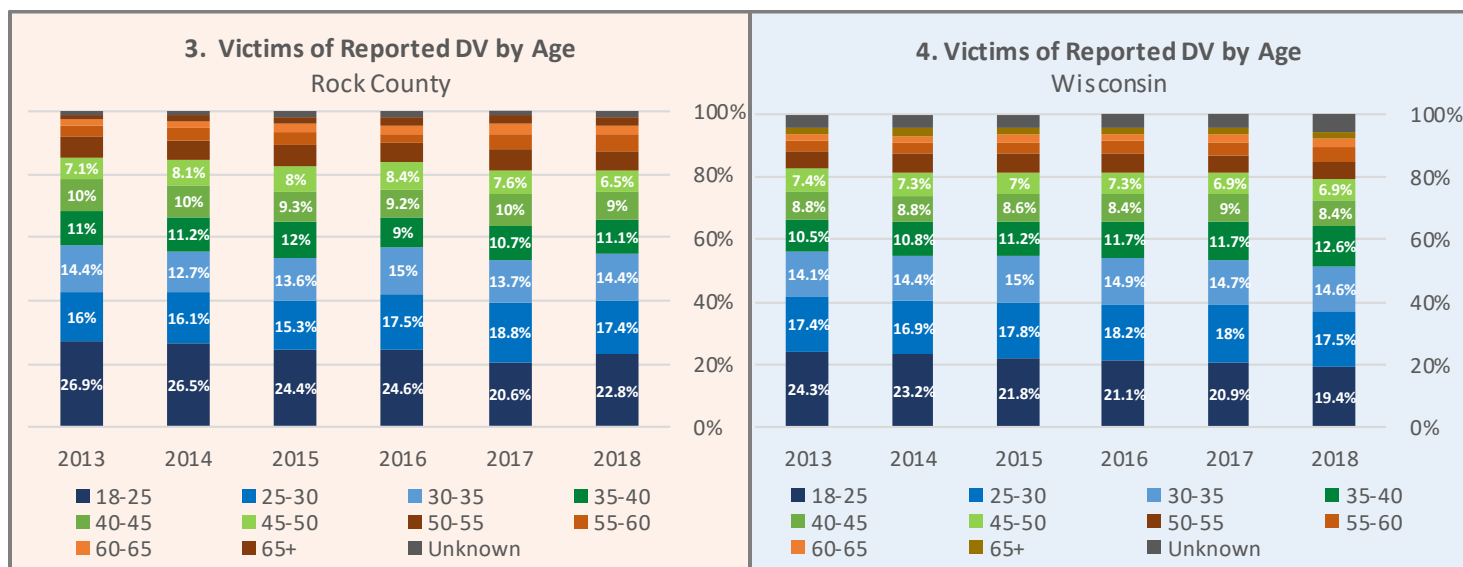
<sup>21</sup> Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., and Jain, A. 2017. *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*. Atlanta: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

<sup>22</sup> Ibid.

<sup>23</sup> The Women of Color Network has developed multiple resources highlighting the many challenges that may prevent women of color from accessing much needed services at <https://wocninc.org/>; see the Human Rights Campaign Foundation *LGBTQ Intimate Partner Violence and COVID-19 Report* at <https://assets2.hrc.org/files/assets/resources/Intimate-Partner-Violence-Report-2020.pdf>; see resources available from the National Resource Center on Domestic Violence at <https://vawnet.org/sc/serving-trans-and-non-binary-survivors-domestic-and-sexual-violence/violence-against-trans-and>; see "Sexual Violence and Transgender/Non-Binary Communities" at [https://www.nsvrc.org/sites/default/files/publications/2019-02/Transgender\\_infographic\\_508\\_0.pdf](https://www.nsvrc.org/sites/default/files/publications/2019-02/Transgender_infographic_508_0.pdf).

<sup>24</sup> Smith, et al. 2017, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*; The Human Rights Campaign Foundation. 2020. *LGBTQ Intimate Partner Violence and COVID-19*. Retrieved from <https://assets2.hrc.org/files/assets/resources/Intimate-Partner-Violence-Report-2020.pdf>; James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., and Anafi, M. 2016. *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality. Retrieved from <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

**victims in reported incidents more than any other age group**—comprising about 19-24% of victims in reported incidents in Wisconsin overall and 20-27% in Rock County from 2013 to 2018 (Charts 3 and 4). National data has also shown that the age range of 18 to 24 years is a particularly vulnerable period for homicides among women, especially for Black, Hispanic/Latinx, and Pacific Islander women.<sup>25</sup>



Source: Wisconsin Department of Justice Domestic Abuse data and detailed information for definitions and the counting methodology at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>.

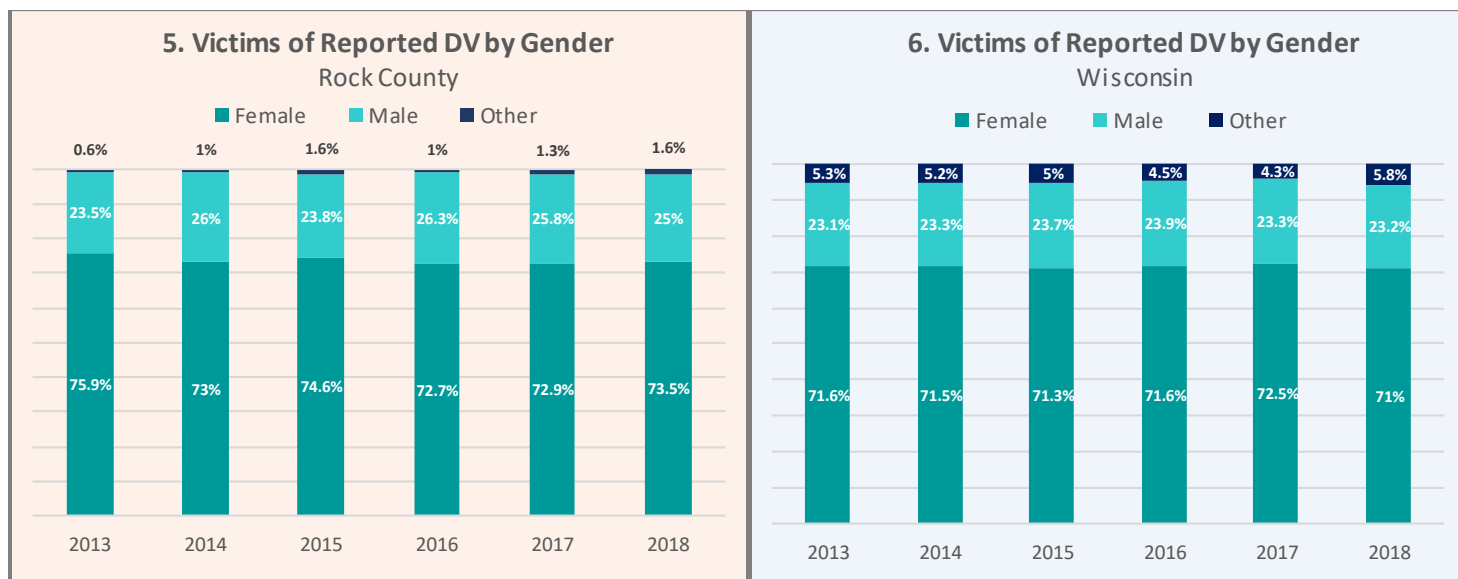
Similar to national patterns, **women are a large majority of reported victims in domestic violence incidents in both Wisconsin and Rock County** (consistently around 75% of reported victims in Rock County and 70% in Wisconsin) (see Charts 5 and 6 below). Data from the National Intimate Partner and Sexual Violence Survey (NISVS) also shows the prevalence of intimate partner violence more specifically and over a lifetime: **36.3% of women or 32.1% of men in Wisconsin have experienced physical violence, sexual violence, or stalking from an intimate partner in their lifetime**, which is very similar to the U.S. rate (37.3% of women and 30.9% of men).<sup>26</sup> There is not as large of a gender gap in prevalence of intimate partner violence in the state-level data from the national survey compared to domestic violence reported to law enforcement, possibly indicating even greater underreporting to police by male victims. This data is also very limited in identifying gender identities outside of male and female; this continues to be a persistent challenge in most government and social service data systems that has only recently begun to be addressed by reporting the broader spectrum of gender identities. In contrast, over this same time period, **about 74%-78% of individuals arrested for domestic violence in Rock County are men (and about 75% in Wisconsin are men)**. While decades of data collection and research has confirmed that domestic violence is most often committed by men against women, **it is important to acknowledge that men, boys, transgender individuals, and those that identify as non-binary can also be victims of domestic violence**. Further, the research indicating domestic violence is

<sup>25</sup> Petrosky E., Blair J.M., Betz C.J., Fowler K.A., Jack S.P.D., Lyons B.H. 2017. "Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence - United States, 2003-2014." *MMWR Morbidity Mortality Weekly Report* 66(28):741-746.

<sup>26</sup> Smith, et al. 2017, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

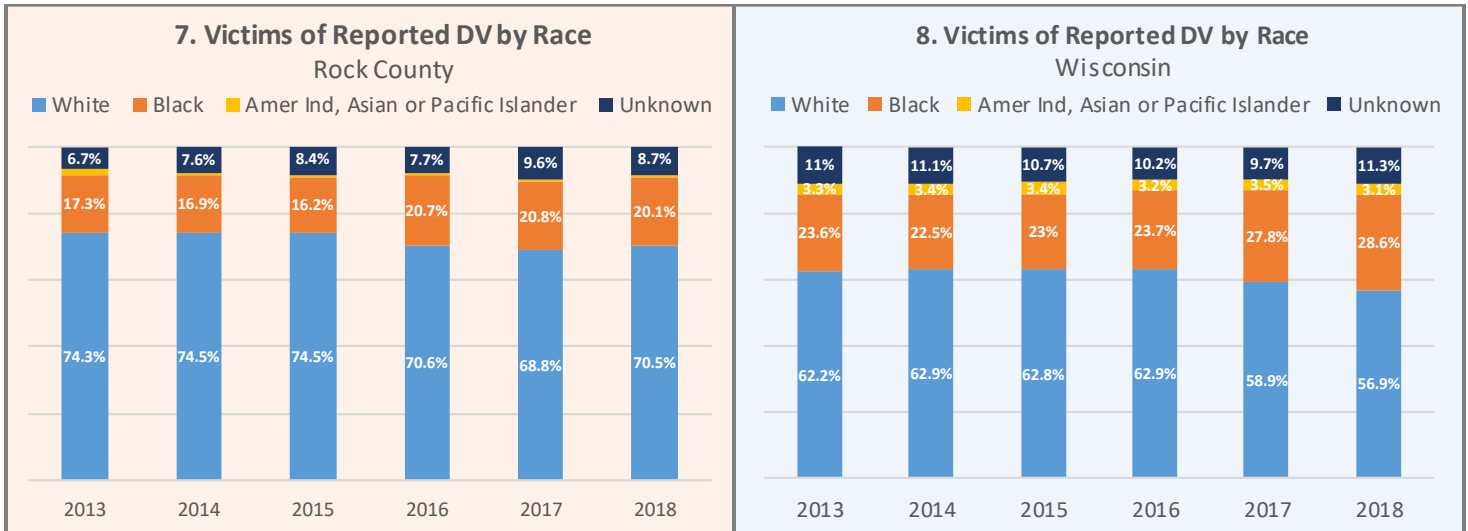


mostly committed by men against women is collected through a system where gender biases are deeply embedded in intervention practices and directly impact whose experiences of domestic violence are *seen*: for example, medical providers who only screen women, domestic violence agencies that only serve women, or gender stereotypes about who is capable of perpetuating violence and who needs protection can influence response.



In Wisconsin and Rock County, **Black/African American individuals are also disproportionately represented among victims of reported domestic violence incidents—at about 3.5 to 4 times higher proportion than in the Rock County or Wisconsin population** (see racial identity of victims of domestic violence in charts 7 and 8 below; note, comparison is based on 2017 U.S. Census data showing that 6.7% of the Wisconsin population and 5% of the Rock County population are African American). Again, it is always important to recognize that the local data we have about those experiencing domestic violence is often only from the incidents that are reported to law enforcement agencies—so it is important to remember that reported incidents do not represent *all* victims of domestic violence and these numbers underestimate the actual number of individuals experiencing domestic violence.<sup>27</sup> We also do not know what the racial identity is of about 6-10% of the reported victims (shown as unknown), and the WI Department of Justice is unable to reliably report the number of victims who are Hispanic/Latinx due to inconsistent collection of ethnicity information; those who identify as Hispanic/Latinx are often included in the white racial category as a result—**this is a significant missing piece of information given that 7% of the Wisconsin population and 9% of the Rock County population identify as Hispanic/Latinx**. While the data still provides important and useful information, these are limitations to always keep in mind before drawing conclusions.

<sup>27</sup> In the domestic abuse data used from the Wisconsin Department of Justice, a victim is defined as “an individual over the age of 17 at the time of an incident who is alleged to have been the target of a crime and is included on a case. Multiple victims may be associated with an incident. Not all victims listed on cases are alleged to be victims of domestic abuse.” The count of victims is also not a unique count of individuals. “Victims are counted one time for each unique incident to which they are associated. In order to account for some of the variation in case processing across counties, we assume an individual cannot be a victim on multiple incidents within the same county on the same date. We recognize that it is possible that multiple incidents involving the same individual as a victim may occur within the same county on the same date; however, a review of the data suggest that more commonly, the victims appear on duplicate incidents resulting from case processing practices, and not likely separate incidents.” From WI DOJ Domestic Abuse Data, Definitions and Unit of Count Descriptions at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>.



**Source:** Wisconsin Department of Justice Domestic Abuse data and detailed information for definitions and the counting methodology at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>. **Note:** due to inconsistent collection of ethnicity information, the Department of Justice is unable to reliably report ethnicity and does not include Hispanic category.

Other research (from a nationally representative survey of victims in the U.S.), shows that Black women in the U.S. overall are twice as likely to report intimate partner violence (IPV) to police relative to White women, especially Black women from ages 18 to 35 years, which goes against what many presume about reporting IPV to police. Findings also emphasize that having severe IPV-related injury increases the likelihood of reporting to police among Black and Hispanic women (relative to uninjured women of the same race/ethnicity).<sup>28</sup> In order to understand these patterns better, the researchers collected qualitative data through three focus groups with women who had experienced IPV. Focus group participants explained that severe IPV and incidents where weapons are present were “more believable” and harder to control *without* police, which would prompt reporting, even if there is a lack of trust in the justice system in general.<sup>29</sup> However, the fact that many women of color feel they cannot report violence until there is physical evidence of injury, or until the abuse reaches dangerous levels of severity—because they won’t be believed or taken seriously—has sobering implications for victims, and may explain why women of color generally experience greater lethality risks (discussed below).<sup>30</sup> This confirms that greater efforts are needed to recognize and acknowledge the impact of systemic racism in order to create more points of connection to intervene *earlier* with services that truly support the needs and experiences of women of color in particular to *prevent* serious injury or death. Even though responding police officers are often the first people connecting victims to advocacy and safety services, this research illustrates why that may also contribute to some women waiting until the abuse is severe and potentially deadly before reaching out for help.<sup>31</sup>

<sup>28</sup> Holliday, C.N., Kahn, G., Thorpe, R.J., Shah, R., Hameeduddin, Z., and Decker, M.R. 2020. “Racial/Ethnic Disparities in Police Reporting for Partner Violence in the National Crime Victimization Survey and Survivor-Led Interpretation.” *Journal of Racial and Ethnic Health Disparities* 7:468-480. Retrieved from <https://doi.org/10.1007/s40615-019-00673-9>.

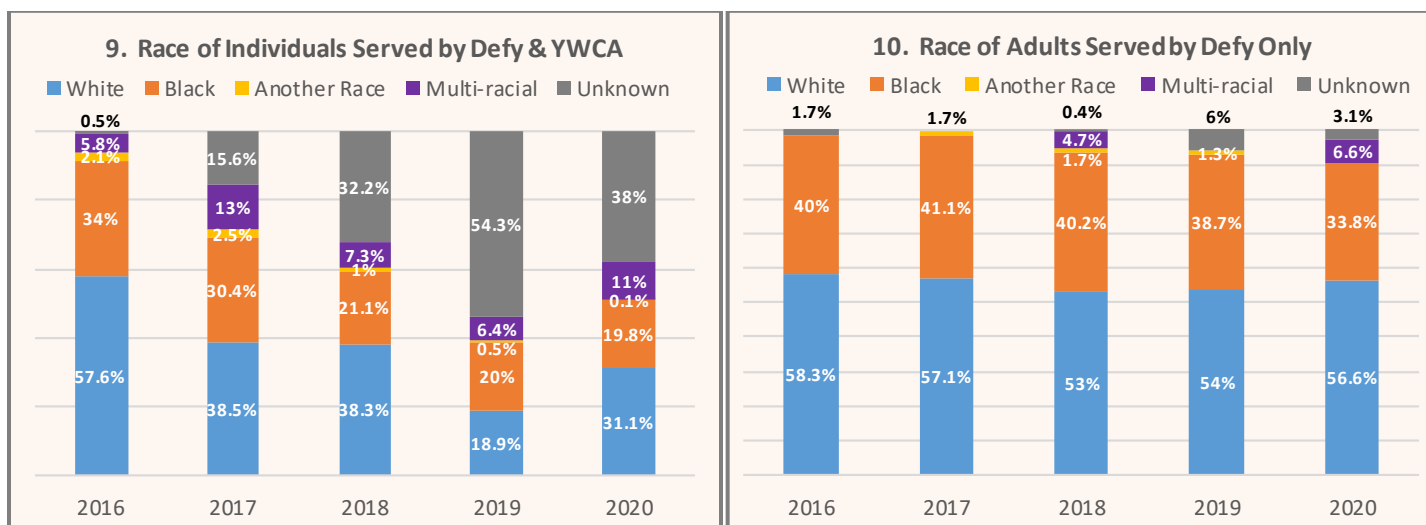
<sup>29</sup> Ibid.

<sup>30</sup> Petrosky E., Blair J.M., Betz C.J., Fowler K.A., Jack S.P.D., Lyons B.H. 2017. “Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence - United States, 2003-2014.” *MMWR Morbidity Mortality Weekly Report* 66(28):741-746; Violence Policy Center. 2018. *When Men Murder Women: An Analysis of 2016 Homicide Data*. Washington, DC. Retrieved from <http://vpc.org/studies/wmmw2018.pdf>.

<sup>31</sup> Holliday, Kahn, Thorpe, Shah, Hameeduddin. and Decker, “Racial/Ethnic Disparities in Police Reporting for Partner Violence”; Carbone-López K.C. 2005. “The ‘Usual Suspects’: How Race Affects Decisions to Report Rape Victimization.” *Journal of Ethnicity in Criminal Justice* 3(4); Xie, M. and Lynch, J.P. 2017. “The Effects of Arrest, Reporting to the Police, and Victim



Just looking at individuals in Rock County receiving services from the domestic violence advocacy organizations provides more information about those experiencing domestic violence in Rock County (Charts 9 to 12 below). **We see a greater proportion of African American individuals receiving services in 2016 and 2017 (over 30%) compared to victims of reported domestic violence in Rock County (at less than 20%).** The YWCA did not track the demographic data of callers and support group attendees from 2018 to 2020, which is why the unknown category is so large and skews the data somewhat.<sup>32</sup> But based on the data from 2016 and 2017, it is likely that the proportion of Black/African American individuals being served from 2018 to 2020 is actually larger than what we can verify with the data we have. Looking only at adults served by Defy Domestic Abuse (in Chart 10), the proportion of black women being served is larger (at around 40%), which **may indicate that black women experiencing domestic violence in Rock County are utilizing advocacy services more than reporting to law enforcement for support.** This differs from patterns identified in the U.S. overall. For example, other research has found that black women in the U.S. are often less likely than White women to utilize victim, social, and health services after an incident of intimate partner violence.<sup>33</sup> A history of racial injustice in the U.S. may impact Black women's openness to some types of outside help if available services are not aware of the impact of racism and racial trauma, or if providers do not acknowledge their experiences and concerns. However, this does not appear to be the case locally.



**Source:** Service data provided by Kelsey Hood-Christenson, Defy Domestic Abuse Director, and Jessi Luepnitz, Program Director for YWCA Alternatives to Violence and CARE House. **Note:** The data above combines adults served by Defy Domestic Abuse and adults and children served by YWCA domestic violence services; the race/ethnicity and gender demographic data for the YWCA could not be broken down by children and adult. The tables below provide the number of children and adults served by each program.

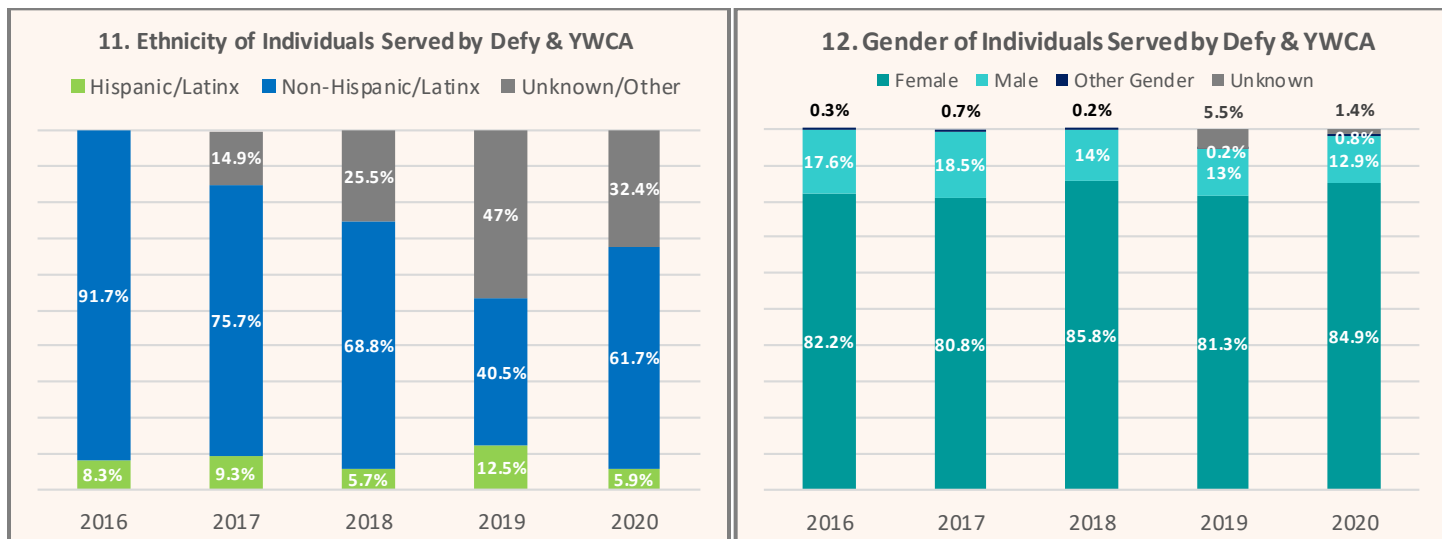
Chart 11 below shows the proportion of Hispanic/Latinx individuals served, which is at least close to or larger than the 9% proportion in the Rock County population, which may indicate that **Hispanic/Latinx individuals in Rock County that experience domestic violence are getting help through Defy Domestic Abuse or the YWCA**, and the availability of bilingual services that both organizations provide is an important component in meeting the needs for those needing that support to access (or be comfortable accessing) services. Other research finds that Hispanic/Latinx women who experience

Services on Intimate Partner Violence." *Journal Research in Crime Delinquency* 54(3):338–78. Retrieved from <https://doi.org/10.1177/0022427816678035>.

<sup>32</sup> That has been changed and they are tracking that demographic data moving forward.

<sup>33</sup> The Women of Color Network. 2018. *Domestic Violence in Communities of Color: WOCN, Inc. FAQ Collection*. Retrieved from <http://www.wocninc.org/wp-content/uploads/2017/02/DVFAQ.pdf>.

domestic violence are more likely to use emergency room services, and less likely to use other victim advocacy services compared to Black or White women, possibly as a result of cultural, legal, or linguistic barriers that may affect their decisions about where to seek help.<sup>34</sup> A recent study using a national sample also found that two-thirds of Latinx women sought help from informal rather than formal sources.<sup>35</sup> This may also be a result of Latinx or other *immigrant* women living in a context of anti-immigrant sentiment and avoiding services from any agency that collects personal information. Or some may not be aware of services available or have difficulty accessing them due to language and/or cultural barriers.<sup>36</sup> This may not be the case in Rock County, but further exploration is needed. **Overall, it appears that local advocacy organizations are providing more accessible and supportive services to diverse individuals in ways that do not always occur in many areas in the U.S.**



Male victims are a very small proportion of those seeking services from local community-based advocacy organizations (shown in Chart 12 above). In contrast, **women are an even larger proportion of adults being served by community-based advocacy organizations in Rock County compared to the proportion of victims of reported domestic violence** (consistently around 80% to 85% of adults being served compared to about 75% of victims of reported DV). Finally, the table below provides the number of adults and children that Rock County advocacy organizations serve, which has noticeably increased since 2017. This does not necessarily indicate a dramatic increase in the rate or occurrence of domestic violence, but could instead suggest that people are connecting to services and getting more help than before. Either way, the numbers of adults and children being affected by domestic violence that is reflected in the numbers is critical for stakeholders to consider when deciding how to strengthen and expand prevention efforts to reduce the amount of violence that individuals and families experience.

<sup>34</sup> Lipsky, S., and Caetano, P. 2007. "The Role of Race/Ethnicity in the Relationship between Emergency Department Use and Intimate Partner Violence: Findings From the 2002 National Survey on Drug Use and Health." *American Journal of Public Health* 97(12):2246-2252; Lipsky, S., Caetano, R., Field, C. A., and Larkin, G. L. 2006. "The Role of Intimate Partner Violence, Race, and Ethnicity in Help-Seeking Behaviors." *Ethnicity and Health* 11(1):81-100.

<sup>35</sup> Sabina, Chiara, Cuevas, Carlos A., and Schally, Jennifer L. 2012. "Help-Seeking in a National Sample of Victimized Latino Women: The Influence of Victimization Types." *Journal of Interpersonal Violence* 27(1):40-61.

<sup>36</sup> Ibid.

Year	Total Adults Served by Defy & YWCA	Defy Domestic Abuse		YWCA	
		# of Adults Served	# of Children Served	# of Adults Served	# of Children Served
2020	1,037	260	60	777	80
2019	1,129	173	85	956	206
2018	1,120	250	72	870	126
2017	483	201	74	282	106
2016	308	131	60	177	90

While domestic violence occurs among all races and ethnicities, racism and discrimination, language barriers, and immigration status creates added challenges for women of color, in particular, who experience domestic violence. These challenges can also create barriers to finding support when there is a lack of culturally and linguistically appropriate services or staff that share similar racial/ethnic identities and experiences.<sup>37</sup> Again, these are incredibly important concerns and challenges to acknowledge and keep at the forefront in domestic violence prevention efforts. Rock County’s local advocacy services have consistently worked to address these needs and concerns, and the data above suggests that they are providing accessible and welcoming services that meet the needs of many women of color experiencing domestic violence in Rock County.

**Domestic Violence-Related Homicide.** Ending the most traumatic outcomes of domestic violence is a priority area of focus for prevention efforts at the national, state, and local levels. **In the United States, about half of all female murder victims and 1 in 13 male murder victims are killed by intimate partners.**<sup>38</sup> In 2017, the Centers for Disease Control released an analysis of the prevalence and circumstances surrounding female homicide deaths in the United States. Their study analyzed data from the National Violent Death Reporting System that identified the deaths of 10,018 women from 18 states between the years 2003 and 2014. **They found that over half of the female homicides in the U.S. were intimate partner violence (IPV) related and involved a firearm.**<sup>39</sup> Most intimate partner homicides are

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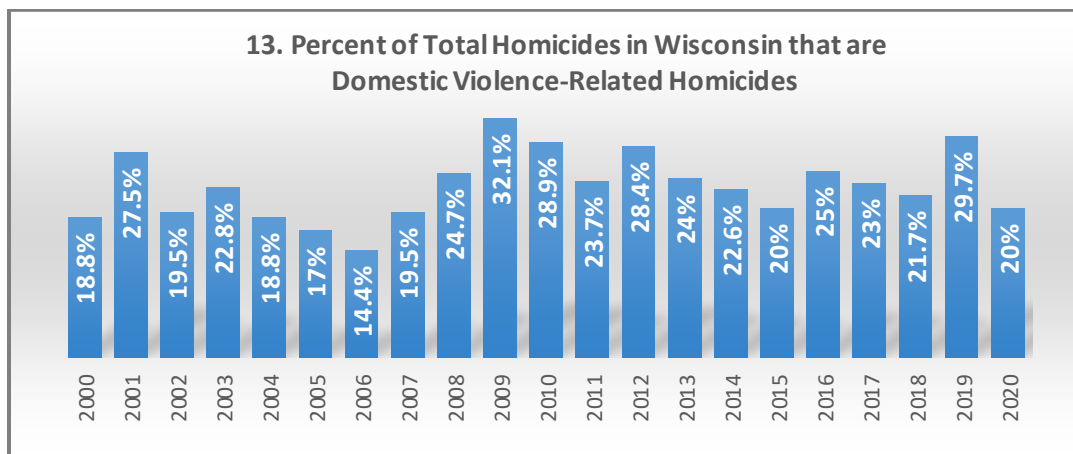
<sup>37</sup> Nnawulezi, Nikiru. and Chris M. Sullivan. 2013. “Oppression Within Safe Spaces: Exploring Racial Microaggressions within Domestic Violence Shelters.” *Journal of Black Psychology* 40(6):563-591; The Women of Color Network. *Domestic Violence in Communities of Color: WOCN, Inc. FAQ Collection*. Retrieved from <http://www.wocninc.org/wp-content/uploads/2017/02/DVFAQ.pdf>. In relatively recent research on domestic violence in Beloit, WI (in Rock County) from 2014 to 2016, Schiffman (2017) found that there were a disproportionate number of African American domestic violence victims in reported domestic violence incidents in Beloit (31%-35% compared to 15% in overall population), and there was an even slightly larger proportion of African American individuals receiving services from local domestic violence advocacy organizations (up to 41% in 2016); this difference may indicate underreporting to law enforcement by black women in Beloit that are experiencing domestic violence, but it also shows that the local advocacy organization is successfully providing them with needed services outside of law enforcement involvement. There were also few, if any, Hispanic/Latinx victims reporting to law enforcement in Beloit during this same timeframe (at least that are identified as Hispanic/Latinx) and there were few Hispanic/Latinx victims seeking services from local advocacy service providers in Rock County in 2016. The data above shows that there are more Hispanic/Latinx individuals accessing advocacy services in more recent years. See Schiffman, Kendra. 2017. *Interim Status Report on Domestic Violence, Sexual Violence, and Sex Trafficking in Beloit, Wisconsin*. Women’s Fund of the Stataline Community Foundation. <https://statelinecf.org/status-report/>

<sup>38</sup> Ertl, A., Sheats, K.J., Petrosky, E., Betz, C.J., Yuan, K., & Fowler, K.A. 2019. “Surveillance for Violent Deaths — National Violent Death Reporting System, 32 States, 2016.” *Morbidity and Mortality Weekly Reports: Surveillance Summaries* 68(9):1-36. Retrieved from <https://www.cdc.gov/mmwr/volumes/68/ss/ss6809a1.htm>.

<sup>39</sup> End Domestic Abuse Wisconsin. *2019 Wisconsin Domestic Violence Homicide Report* (p. 8) citing Petrosky E., Blair J.M., Betz C.J., Fowler K.A., Jack S.P., Lyons B.H. 2017. “Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014.” *Morbidity and Mortality Weekly Reports* 66:741–746. Retrieved from <https://www.cdc.gov/mmwr/volumes/66/wr/mm6628a1.htm>.

committed with firearms,<sup>40</sup> and research shows the risk of women being killed by their current or former intimate partners is 4 times higher when the abuser has access to a firearm.<sup>41</sup> Another study of intimate partner homicides also found that **20% of victims are family members or friends of the abused partner, neighbors, persons who intervened, law enforcement responders, or bystanders.**<sup>42</sup>

**In Wisconsin**, domestic violence-related homicide deaths account for **close to 25% on average of all homicides from 2000 to 2020** (see chart 13 below). Chart 14 shows the number of domestic violence-related homicides for Wisconsin overall and for Rock County for the same time period, with the number of perpetrators committing suicide in domestic violence homicide incidents identified separately; there are only 2 cases in Rock County in 2008 where the perpetrator committed suicide.<sup>43</sup> **In Wisconsin from 2000-2019, firearms also accounted for more domestic violence homicides than all other homicide methods combined (52%).** In response to the heightened risk that guns pose to domestic violence victims, federal law restricts an offender convicted of a domestic violence-related misdemeanor crime from possessing a firearm. Similarly, both federal and Wisconsin law prohibit possession of firearms while a person is subject to an active domestic abuse injunction (i.e., longer term restraining order).

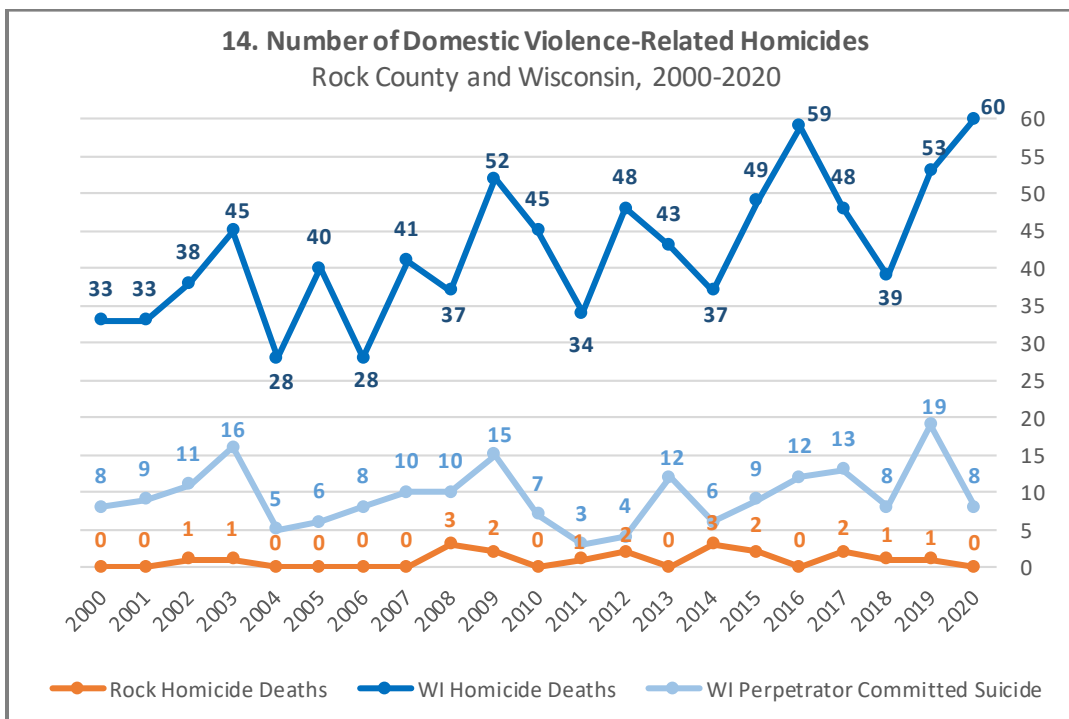


<sup>40</sup> Violence Policy Center. 2018. *When Men Murder Women: An Analysis of 2016 Homicide Data*. Retrieved from <http://www.vpc.org/studies/wmmw2018.pdf>.

<sup>41</sup> Campbell, J.C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S., Manganello, J., Xu, X., Schollenberger, J., Frye, V. & Lauphon, K. 2003. "Risk factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study. *American Journal of Public Health* 93(7):1089-1097.

<sup>42</sup> Smith, S., Fowler, K. and Niolon, P. 2014. "Intimate Partner Homicide And Corollary Victims in 16 States: National Violent Death Reporting System, 2003-2009." *American Journal of Public Health* 104(3):461-466. **For more information**, see resources from National Coalition Against Domestic Violence Fact Sheet at [https://assets.speakcdn.com/assets/2497/domestic\\_violence.pdf](https://assets.speakcdn.com/assets/2497/domestic_violence.pdf).

<sup>43</sup> For domestic abuse homicide data, we have relied on the *Wisconsin Domestic Violence Homicide Reports* compiled by End Abuse Wisconsin at <https://www.endabusewi.org/our-work/homicide-prevention/>. According to their methodology, homicides are considered "domestic" if the victims and perpetrators were spouses, former spouses or former partners, adults with children in common, and adults or teens who had been in a dating relationship. Homicides of others are also included if the circumstances of murder included obsessive control of the perpetrator's current or former partner that extended to her or his new partner or an attempt to protect a domestic violence victim from future harm. Reports also detail homicides of domestic violence perpetrators that occur as their victims acted in self-defense. For additional information on definitions and criteria, see Methodology section (most recent on p. 6 of 2020 report at <https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2021/09/22120937/2020-End-Domestic-Abuse-WI-Annual-Domestic-Violence-Homicide-Report.pdf>).



However, many individuals committing domestic violence homicide in Wisconsin still had access to their current weapons or obtained a firearm to commit a homicide even with a court-ordered firearms ban; **in 2019 alone, 26% of the 27 of perpetrators (in Wisconsin) who used a gun in a domestic violence homicide were legally barred from possessing a firearm.**<sup>44</sup> (To view a map of the geographic distribution of the cumulative number of domestic violence homicides by county from 2000 to 2017 see the 2017 Homicide Report by End Abuse Wisconsin (at <https://www.endabusewi.org/our-work/homicide-prevention/>.) On average, there are about 10 domestic-violence related homicide-suicide incidents in Wisconsin each year (or 198 total from 2000 to 2020).<sup>45</sup> Among the most lethal abusive partners, there is a strong correlation between suicidal and homicidal ideation. Low self-esteem and self-worth is actually common among abusers and they may use threats of suicide to convince the victim to stay with them—again as an attempt to control. When abusers feel like they have lost control, they become the most dangerous.<sup>46</sup>

Researchers conducting the 2017 study from the Centers for Disease Control mentioned above also found that in the United States, non-Hispanic Black and American Indian/Alaska Native women are killed at nearly three times the rate of non-Hispanic white women in intimate-partner homicide deaths.<sup>47</sup> In Wisconsin, there is also a disproportionate number of domestic violence homicide victims who are African American (shown in Chart 15 below); **from 2000-2020, the proportion of Black individuals killed**

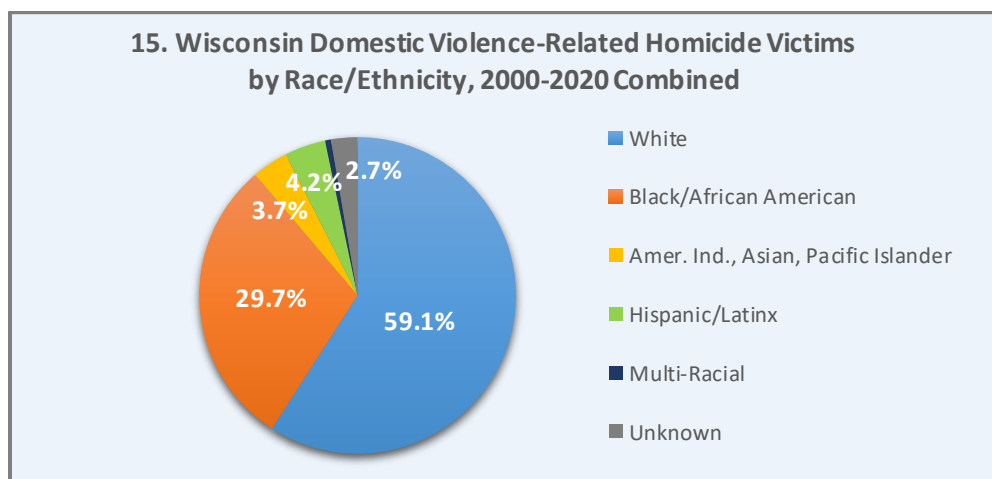
<sup>44</sup> End Domestic Abuse Wisconsin. 2020. *Wisconsin Domestic Violence Homicide Report: 2019 Homicides and a Review of 20 Years of Data*, p. 12, p. 41-43. Retrieved from [https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2020/09/24101634/FINAL\\_2019-Wisconsin-Domestic-Violence-Homicide-Report\\_revised\\_9\\_21\\_2020.pdf](https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2020/09/24101634/FINAL_2019-Wisconsin-Domestic-Violence-Homicide-Report_revised_9_21_2020.pdf).

<sup>45</sup> End Domestic Abuse Wisconsin. 2021. *Wisconsin Domestic Violence Homicide Report 2020*.

<sup>46</sup> Ibid.

<sup>47</sup> End Domestic Abuse Wisconsin. 2020. *Wisconsin Domestic Violence Homicide Report: 2019 Homicides and a Review of 20 Years of Data* (p. 8) citing Petrosky E., Blair J.M., Betz C.J., Fowler K.A., Jack S.P., Lyons B.H. 2017. "Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014." *Morbidity and Mortality Weekly Reports* 66:741–746. Retrieved from <https://www.cdc.gov/mmwr/volumes/66/wr/mm6628a1.htm>.

**in domestic-violence incidents is about 5 times higher than the proportion in the Wisconsin population overall (about 30% compared to about 6%).<sup>48</sup>**



**Source:** End Domestic Abuse Wisconsin Homicide Reports 2000 to 2020.

While **most perpetrators of domestic violence homicide in Wisconsin are male** (83% from 2000 to 2019), the gender difference in risk of being a victim of domestic violence-related homicide is not as substantial; **from 2000 to 2019, 55% of domestic violence homicide victims in Wisconsin are adult women and 34% are adult men, and in Rock County, 68.4% of homicide victims are adult women and 26.3% are adult men.**<sup>49</sup> Generally, when women commit homicides, it is often preceded by an immediate or anticipated attack or a history of abuse by the homicide victim; women perpetrators also “rarely engage in patterns of stalking, strangulation, increasing severity of violence, forced sex, threats to kill, and other coercive behavior that often characterizes homicides committed by males.”<sup>50</sup> Men’s use of more dangerous or lethal forms of violence at a higher frequency is fundamentally related to unhealthy views of masculinity that are reinforced by cultural norms and expectations. Dr. Neil Websdale’s work examines the relationship between domestic violence homicides and flawed beliefs about masculinity. He argues that the overwhelmingly male perpetrators who kill their families all share feelings of shame that they have fallen short of societal ideals of manhood; they also generally have a conscious or unconscious need to control women partners, while also feeling a deep sense of powerlessness or lack of control in their lives.<sup>51</sup>

<sup>48</sup> End Domestic Abuse Wisconsin does not provide the racial demographics in the specific individual victim case information that is broken down by county, so we have provided the racial demographics of the domestic violence-related homicide victims in Wisconsin as a whole.

<sup>49</sup> End Domestic Abuse Wisconsin. 2020. *Wisconsin Domestic Violence Homicide Report: 2019 Homicides and a Review of 20 Years of Data*, p. 41. For Rock County breakdown, we used specific Rock County case information from *Wisconsin Domestic Violence Homicide Reports* from 2000 to 2020.

<sup>50</sup> Ibid. One study conducted by the Michigan Women’s Justice and Clemency Project of all homicide convictions and sentences in Oakland County over a three-year period from 1986 to 1988, revealed startling levels of discrimination against defendants who were victims of domestic violence. These domestic violence victims had higher conviction rates (78%) and longer sentences than all others charged with homicide, including those with previous violent criminal records (62%). African-American women were convicted at a higher rate (80%) than all others (62%). See Jacobsen, C., Mizga, K., and O’Orio, L. 2007. “Battered Women, Homicide Convictions, and Sentencing: The Case for Clemency.” *Hastings Women’s Law Journal* 18(Issue 1, Article 3). Retrieved from <https://repository.uchastings.edu/hwlj/vol18/iss1/3>.

<sup>51</sup> Websdale, Neil. 2010. *Familicidal Hearts: The Emotional Styles of 211 Killers*. Oxford University Press; Snyder, Rachel L. 2019. *No Visible Bruises: What We Don’t Know About Domestic Violence Can Kill Us*. Bloomsbury: NY.



***Leaving an Abusive Relationship and Homicide Risk.*** Intimate partner violence (IPV) drives the large majority of domestic-violence related homicides in Wisconsin, which is similar to national trends; and IPV-related homicides often occur when the victim is trying to leave or end the relationship.

- Of all women murdered **in the United States**, 40-50% are killed by their intimate partners and **45% of domestic violence homicides occurred when the woman was trying to leave her abusive partner**, or a month or more after the couple separated.<sup>52</sup>
- Current partners of victims (including spouses or unmarried romantic partners) were responsible for the highest percentage of domestic violence homicides in Wisconsin from 2000 to 2019 at 43%; the second highest is former partners of victims, at nearly 19%.<sup>53</sup>
- In this same time period, **just less than half of the domestic violence homicide incidents in Wisconsin (or 42% on average) occurred after the victim attempted to leave or end an intimate partner relationship** with their abuser.<sup>54</sup>

Leaving an abusive relationship is a very difficult and dangerous process that can increase the risk of death to the victim and their loved ones—especially their children—and requires constant calculation of the risks of escalating violence. Domestic violence victims with children are often aware that their abuser could kill their children as a way to regain control, by taking something that is even more important to the victim than their own life, especially if they attempt to leave the relationship.<sup>55</sup> **This provides sobering evidence of the importance of taking victims’ fears very seriously, and recognizing their need for support and safety—that is not at all assured simply by leaving the relationship.** So often, victims are intuitively aware of what research continues to confirm: leaving without support and without a plan often exposes victims to more serious and potentially lethal violence. **Instead of questioning why victims don’t leave, we need to understand and acknowledge the serious risks and challenges victims face when leaving an abusive relationship and provide as much support as possible.** This is made even more apparent when considering **national data that shows only about 15% (in 2017) to 18% (in 2018) of individuals experiencing intimate partner violence received support from a victim-service agency.**

For many experiencing domestic violence, concerns about their ability to provide **housing and economic support for themselves and their children are a primary reasons they stay in or return to an abusive relationship** (Interviews with service providers); this is why resources that increase economic stability are critical for reestablishing a life after domestic violence.<sup>56</sup> Anxiety about stigmatization and marginalization from family and community, the absence of effective support systems that might facilitate leaving an abusive relationship, or limited knowledge of or access to community resources are other important factors and challenges. **Immigrant women also face the unique threat of deportation**

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<sup>52</sup> Block, Carolyn Rebecca. 2003. “How Can Practitioners Help an Abused Woman Lower Her Risk of Death?” *National Institute of Justice Journal* Issue 250: November; Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A. et al. 2003. “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study.” *American Journal of Public Health* 93(7):1089-1097.

<sup>53</sup> End Domestic Abuse Wisconsin. 2020. *Wisconsin Domestic Violence Homicide Report: 2019 Homicides and a Review of 20 Years of Data*, p. 43. Retrieved from [endabusewi.org](http://endabusewi.org). The other types of relationships between victim and perpetrator in domestic violence-related homicides in Wisconsin include family members and new romantic partners of victims.

<sup>54</sup> *Ibid.*, p.12.

<sup>55</sup> End Domestic Abuse Wisconsin. *Wisconsin Domestic Violence Homicide Report 2016*, p. 36. Retrieved from [endabusewi.org](http://endabusewi.org).

<sup>56</sup> Buel, Sarah. 1999. “Fifty Obstacles to Leaving, a.k.a., Why Abuse Victims Stay.” *Colorado Lawyer* 28(no. 10/19). Retrieved from [http://www.ncdsv.org/images/50\\_Obstacles.pdf](http://www.ncdsv.org/images/50_Obstacles.pdf); Snyder, Rachel L. 2019. *No Visible Bruises: What We Don’t Know About Domestic Violence Can Kill Us*. Bloomsbury: NY., pp. 45-73; Schiffman, Kendra. 2017. *Interim Status Report on Domestic Violence, Sexual Violence, and Sex Trafficking in Beloit, Wisconsin*, p. 8-9. Women’s Fund of the Stateline Community Foundation. Retrieved from <https://statelinecf.org/status-report/>

**by abusers who control their immigration status.**<sup>57</sup> Encouraging women to divorce or leave violent relationships also fails to acknowledge the circumstances of many immigrant ethnic groups who rely on keeping their marriage intact to remain in the U.S. with their children.<sup>58</sup> Mothers in most cultures frequently place the needs of their children first; however, for women with strong religious traditions, tight cultural communities, or vulnerable immigration status, the best outcome for their children may be dependent on the entire family's reputation in the community.<sup>59</sup> These cultural and social norms not only prevent many women from leaving abusive relationships, but also dissuade them from accepting services, treatments, legal options, or other forms of help from outside of their cultural community.<sup>60</sup>

**While leaving an abusive partner poses serious risks and challenges, it is equally important to acknowledge that the majority of victims who leave their abusive partners are not killed and most will eventually achieve a greater sense of safety after a period of time.** Creating as many points of connection as possible between advocacy services and victims also ensures that those experiencing domestic violence are met with a compassionate, knowledgeable, and victim-centered response from the system and services they turn to for help during this dangerous and traumatic period in their lives. Any efforts that provide broader system- and community-wide awareness and understanding of these risks will contribute to a more coordinated and victim-centered response to those who experience domestic violence.

We have provided the broader context of domestic violence in the United States, Wisconsin, and Rock County, which should always be considered and understood when examining any specific case of domestic violence or local system response. With this necessary backdrop established, we will describe the process we used to review the justice system response to the Jeremy Mondy domestic violence case through the pretrial phase and share our conclusions. We will also describe how we conducted the justice system review, followed by a detailed overview and analysis of system strengths and areas in need of improvement from the perspective of victim safety. We will conclude this report with our system recommendations.

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<sup>57</sup> Bui, H. N., and Morash, M. 1999. "Domestic Violence in the Vietnamese Immigrant Community." *Violence Against Women* 5(7):769-795; Dasgupta, S. D. 2005. "Women's Realities: Defining Violence against Women by Immigration, Race, and Class." In Sokoloff and C. Pratt (eds.), *Domestic Violence at the Margins: Readings on Race, Class, Gender, and Culture*, pp. 56-70 (Piscataway, NJ: Rutgers University Press); Raj, A., and Silverman, J. 2002. "Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence." *Violence Against Women* 8(3):367-398.

<sup>58</sup> Dasgupta, S. D. 2005. "Women's Realities: Defining Violence against Women by Immigration, Race, and Class." In Sokoloff and C. Pratt (eds.), *Domestic Violence at the Margins: Readings on Race, Class, Gender, and Culture*, pp. 56-70 (Piscataway, NJ: Rutgers University Press); Lee, M. Y. 2002. "Asian Battered Women: Assessment and Treatment." In Roberts (ed.), *Handbook of Domestic Violence Intervention Strategies: Policies, Programs, and Legal Remedies*, pp. 472-482 (New York: Oxford University Press); Horsburgh, B. 2005. "Lifting the Veil of Secrecy: Domestic Violence in the Jewish Community." In Sokoloff and C. Pratt (eds.), *Domestic Violence at the Margins: Readings on Race, Class, Gender, and Culture*, pp. 206-226 (Piscataway, NJ: Rutgers University Press).

<sup>59</sup> Ibid.

<sup>60</sup> Dasgupta, "Women's Realities: Defining Violence against Women by Immigration, Race, and Class"; Raj and Silverman, "Violence against immigrant women"; Lee, "Asian Battered Women: Assessment and Treatment."



## Domestic Violence Case Review Process and Conclusions

Evaluating a case that is still pending has been the greatest challenge in this case review process, because any inferences or criticisms of the investigation can hinder future legal processes, and it limited the information we could gather from local criminal justice agency professionals involved in the case; this is also why we only examine the court process through the pretrial phase. However, this limited review will provide important information that can be considered at a time when the recency of the incident has created a sense of greater urgency and prioritization in many people's minds to assess what we can do locally to more effectively prevent domestic violence. The pretrial phase can often be a period of higher risk for the victim where evaluating response effectiveness is critically important as well. In addition to the pending case limitation, there are only two people conducting the case and system review instead of having representatives from all agencies involved (which is best practice when conducting a full and more rigorous domestic violence fatality review).<sup>61</sup> Because Wisconsin does not have a required domestic violence fatality review process in place (as some other states do) and we are examining a pending case, we are limited in scope and in the human resources that we can devote to this process, which should be kept in mind when evaluating the information contained in this report. However, it is also important to point out that we are not drawing broad conclusions from one case review and have dedicated a great deal of effort to providing a thorough system review to inform our conclusions and recommendations. Hopefully, this will also initiate more system-wide discussions in the near future that can build on what we have provided here.

To manage these limitations, we have created a team that includes an experienced law enforcement perspective from a police chief that was not directly involved in the case (that has years of experience in multiple jurisdictions), and a researcher that has understanding of the local Rock County justice system through engagement in justice system initiatives and the skills and training to conduct independent research that includes past experience performing local domestic violence research. This at least brings multiple perspectives, skills, and relevant experience to the process and some degree of independence from the specific domestic violence case within our limited resource parameters. In the rest of this report, we provide our case review conclusions and in-depth system review. This is meant to inform current domestic violence initiatives that are in progress and future improvements that could be made to create a more effective system-wide response to prevent domestic violence and domestic violence homicide in Rock County.

***Process for Case Review.*** We began the Jeremy Mondy case review by gathering law enforcement and court documents related to the domestic violence case in Rock County. This includes

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<sup>61</sup> In email correspondence with Sara Krall, Homicide Prevention Program Director for End Domestic Abuse WI, she confirmed that "WI does not have a statewide DV homicide review panel. As far as we know, the only formal, organized DV homicide review panel in WI is in Milwaukee. A couple of other communities have reached out to us about doing a fatality review in recent years, but those reviews were not followed through on." Part of End Domestic Abuse Wisconsin's legislative agenda for this year is advancing homicide review legislation that would provide some guidance and protection for communities and stakeholders that engage in these reviews on a local level without creating a mandate. This legislation would establish robust homicide review procedures so that local law enforcement agencies, court systems, domestic violence advocacy organizations, and other stakeholders take a collaborative approach in identifying existing systemic barriers that prevent victims of abuse from getting assistance before violence escalates to a lethal level. Another source she recommended for guidance is The National Domestic Violence Fatality Review Initiative that Neil Websdale leads; they provide a lot of resources and guidance from other states that can be referenced at [www.ndvfri.org](http://www.ndvfri.org). End Abuse Wisconsin also provides support and assistance to communities that desire to conduct a fatality review on their own; Sara Krall, the Homicide Prevention Program Director, has generously shared resources and feedback with us in the process of conducting this review.

- Police reports for the most recent incidents as well as those from past law enforcement contacts or arrests that involved domestic disturbances or violence with the victim—that also include the Lethality Assessments and Domestic Violence Intervention (DVI) checklists;
- The criminal complaint and court transcript from the initial appearance for the February 3, 2021 domestic violence incident;
- Pretrial Risk Assessment and Supervision reports for the initial appearance for the February 3, 2021 domestic violence incident;
- CCAP information for all of Mondy’s pending cases in Rock County and Columbia County, Wisconsin.

We reviewed the documents thoroughly multiple times to create a timeline that includes previous law enforcement contact involving Mondy and the victim; we used this information to evaluate the *reported* events prior to the February 3, 2021 domestic violence incident in Rock County and the alleged homicide on February 14, 2021 in Columbia County.

**Conclusions from Case Review.** We found that in the specific Mondy case, law enforcement and court professionals acted in accordance with legal and professional guidelines, and current policies and procedures for their specific professional role. The only item where there is some ambiguity is in the inclusion of Mondy’s past out-of-state felony conviction in the pretrial risk assessment, or Public Safety Assessment (or PSA). One of the questions on the PSA asks whether there is a prior felony conviction. In order to accurately answer this question, screeners check CCAP for information about criminal history in Wisconsin and the National Crime Information Center (NCIC) for any documented criminal history outside of Wisconsin. JusticePoint staff “were unable to confirm that the client in question had felony convictions” from the NCIC that was run by the Rock County Sheriff’s Office prior to Mondy’s initial appearance in early February 2021<sup>62</sup>; when Chief Kowalski ran the NCIC months later, he was able to confirm the out-of-state felony conviction. Adding the felony conviction to the assessment would have supported a higher pretrial supervision level recommendation that would have simply included more frequent contact with the pretrial supervision case manager. However, JusticePoint only provides a recommendation to the court for pretrial supervision level to INFORM those decisions and DOES NOT have any involvement in the court’s decision about pretrial release or bond conditions that include pretrial supervision level. Further, the fact that Mondy was under federal supervision was known to the court at the initial appearance, so the court was able to consider this information before making a decision about pretrial supervision level. Finally, even if Mondy had been ordered to a higher level of pretrial supervision, this would not have affected his pretrial supervision during the time between release and the alleged homicide: Mondy’s initial appearance occurred on 2/4/21 and he was released on 2/5/21; his intake meeting with the pretrial supervision case manager occurred on 2/10/21 and the alleged homicide occurred less than a week later (on 2/14/21), which was also two days before his next scheduled contact with pretrial supervision.

Finally, to answer Chief Moore’s specific questions that accompanied the case review request, we found that there was adequate and useful information contained in the police reports. The officers who responded to the call on February 3, 2021 for a “welfare check” arrived and immediately conducted an appropriate investigation with the individuals and information they had available to them at the scene. The officers acted in good faith on the information provided by the victim and the information gathered by the officers caused them to affect the arrest of Jeremy Mondy. The follow-up process and information provided through the Janesville police department’s Domestic Violence Intervention (DVI) checklist was critically important to understanding the context of the domestic violence incidents and

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<sup>62</sup> August 10, 2021 email correspondence with Michael Gutjahr, Program Director for Pretrial Services.

assessing level of risk along with the lethality assessment. This is a strength and provides an excellent model that other police departments in Rock County can use in the process of expanding the lethality assessment program to all jurisdictions. The processes following arrest are described in more detail later in this report and were completed based on the information provided by the arresting and assisting Janesville police officers. When responding to these types of situations, law enforcement relies on their observations at the scene and the information provided to them by the victims, witnesses, and from any previous calls involving the persons at the scene. It is the opinion of both reviewers that the Janesville police reports are inclusive of all the information needed to initiate the actions taken by the officers. Other questions related to pretrial assessment and supervision levels, response to violations of no-contact orders, interaction between federal and local law enforcement agencies, and options for victim safety will be addressed in the system review below.

The real challenge during the pretrial phase is to ensure safety to victims when there is a legal presumption of release (and no workable pretrial detention in Wisconsin based on current law); this is also a period when there can be a high risk of escalation of violence in retaliation against the victim *because of* court involvement. Again, while all professionals involved in this case acted in accordance with current legal and professional guidelines, and current policies and procedures, there could be more specific assessment of the risk of escalating violence in domestic violence cases during pretrial release. The current pretrial risk assessment is not designed to assess the particular risks associated with domestic violence, but there are other tools or court practices that other systems have adopted that effectively do this to inform decisions in DV cases. We will discuss these more specifically in our recommendations in the last section of this report. Stakeholders could also implement system-wide practices that consistently assess and provide information about identifiable lethality risks that is used in all decisions relating to domestic violence cases in Rock County.

## **Review Processes and Analysis of Justice System Response to Domestic/Intimate Partner Violence**

***Local Justice System Review Process.*** After reviewing the court and law enforcement documents for the Jeremy Mondy case review, we met with domestic violence and court professionals (identified below) to assess the available community resources that support victims and current policies and practices for responding to domestic violence cases as they progress through court processes. To gather information about the community resources and services available to those experiencing domestic violence, especially when law enforcement and courts become involved, we met with the directors of local domestic violence advocacy services, including Kelsey Hood-Christenson (Director of Defy Domestic Abuse in Beloit) and Jessi Luepnitz (Program Director for Alternatives to Violence and CARE House at the YWCA in Janesville). We also met with Andrea Ehret, the Coordinator of Victim Witness services in the District Attorney's office, and Kim Rau, a Victim Witness Specialist that handles all domestic violence cases, to discuss the services they provide for victims of domestic violence when the perpetrator has been arrested and has a pending criminal court case. We also gathered information from Jacki Gackstatter, Clerk of Circuit Court, about the court process for obtaining Domestic Abuse Temporary Restraining Orders and Injunctions, as well as follow-up information from the domestic violence service directors and Victim Witness Specialist about the support they provide domestic violence victims who want to pursue a restraining order and/or injunction through civil court.

To gather information about other court processes and services during the pretrial phase, we met with other court professionals (discussed below) and examined additional information that they emailed to us, program information available online, or information from the relevant professional

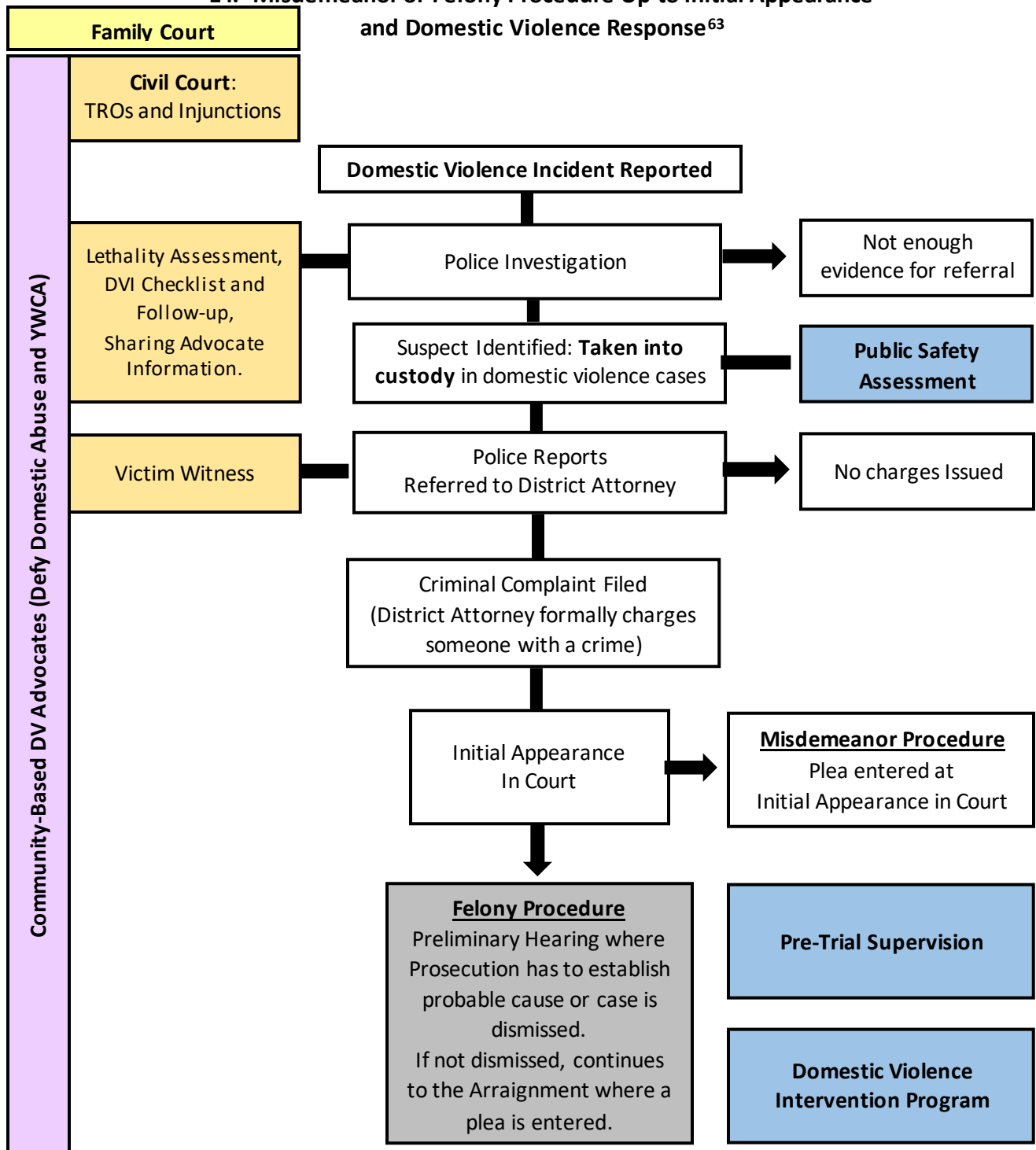
organizations that give guidance about best practices and effective procedures; we also gathered information about the court processes and legal regulations governing the pretrial phase that will be cited in our system overview below. We met with Michael Gutjahr, Program Director for JusticePoint Pretrial Services in Rock County, to learn about the policies and practices of pretrial assessment and supervision in Rock County. We also met with Gina Ciarmita, the Director of the Domestic Violence Intervention Program (in the District Attorney's Office) to gather information about the policies and practices in the only Rock County program for domestic violence offenders. This program requires eligible offenders to acknowledge the consequences of their violent choices and attempts to instill new beliefs and behaviors that can eliminate the intimidation, controlling tactics, and violence—to hopefully prevent them from committing future violence. Victims associated with a domestic violence case in criminal court may also be interfacing with family court to seek a divorce and safe child custody arrangements outside of the criminal justice system, which advocates and survivors continually emphasized was extremely difficult for victims to navigate and in need of formalized mechanisms that connect victims to advocacy services and support.

***Justice System Overview and Analysis.*** In our Rock County justice system review below, we provide an overview of how the different agencies respond to domestic violence cases in the local justice system at various points during the pretrial phase. We evaluate areas of strength, areas that are in the midst of improvement efforts, and areas that can be improved. Again, we focus more narrowly on the pretrial phase and underscore options available to provide victims safety when legal limitations in this early phase of court involvement prevent pretrial confinement. We synthesize all the information discussed above along with evidence and insights from relevant domestic violence research to provide informed recommendations for ways to improve the Rock County justice system response to domestic violence that will provide greater safety and support for victims and strengthen domestic violence prevention efforts.

Chart 14 below identifies the key areas or process steps when a domestic violence case progresses through the justice system in the pretrial phase (identified in the white boxes) along with points of connection to specific programs for domestic violence victim support (identified to the left in the orange and purple boxes). In sum, for each program/agency area or step in the process shown in Chart 14 below, we will

1. Explain specific roles in relation to domestic violence cases,
2. Assess regulatory requirements, limitations, processes and procedures when responding to domestic violence cases,
3. Highlight the impact on victim safety and support,
4. Evaluate system strengths and areas that can be improved to provide greater victim safety and support and improve domestic violence prevention,
5. Use relevant domestic violence research to inform our evaluation and recommendations.

**14. Misdemeanor or Felony Procedure Up to Initial Appearance and Domestic Violence Response<sup>63</sup>**



<sup>63</sup> Chart created using flowcharts from Wisconsin Department of Justice, "Understanding the Criminal Justice System" as a reference at <https://www.doj.state.wi.us/ocvs/understanding-criminal-justice-system>

## Community-Based Domestic Violence Advocacy Organizations

The two main advocacy organizations in Rock County include Defy Domestic Abuse in Beloit and the YWCA in Janesville, and they both serve people in and out of Rock County. Anyone experiencing domestic violence can contact either organization at *any* time for support *without* law enforcement or court involvement; but there are also clear institutional mechanisms within the justice system that attempt to connect domestic violence victims with advocacy services when law enforcement becomes involved. These direct mechanisms include the following:

- **Wisconsin statutes** requiring responding law enforcement officers to provide victim and advocacy service information to domestic abuse victims.
- The **Lethality Assessment Program** (currently used by Beloit and Janesville police departments and expanding to other Rock County jurisdictions) that involves responding law enforcement officers assessing lethality risk in domestic violence situations and providing advocacy service information to all victims and an immediate connection to the domestic violence advocacy services hotline for those in high danger.
- **Specialized Domestic Violence Intervention (DVI) officers** in the Janesville Police department that follow-up with victims to try to connect them to advocacy services a second time after an incident occurs; a specialized domestic violence intervention team for Rock County is currently in development as well.
- **Victim Witness Services** (for criminal court cases) that provide additional opportunities to connect those who are experiencing domestic violence to community-based advocacy services.

Research has shown that when survivors connect with domestic violence advocacy services, they experience less violence over time, less difficulty accessing community resources, increased social support, and better quality of life.<sup>64</sup> One study found a 60% reduction in risk of severe assault when victims utilize the services of a domestic violence advocacy program.<sup>65</sup> However, as noted before, **national data shows that only about 15% (in 2017) to 18% (in 2018) of individuals experiencing intimate partner violence received support from a victim-service agency**; so those who benefit most from these services are not necessarily utilizing them.

**Domestic Violence Advocacy Services Available.** Both Defy Domestic Abuse and the YWCA perform a critical role by providing the following services to individuals experiencing domestic violence (free of charge):<sup>66</sup>

- **Crisis response** that includes a 24/7 hotline and text line, emergency shelter, and on-site/on-call personal advocates;
- **Ongoing case management, advocacy, and support** that includes safety planning services, regular support groups (including women’s, men’s, and LGBTQ+ support groups; child and youth support groups; and life-skills groups), parenting curriculum, housing and rental assistance, or referrals to other needed services (such as therapy and counseling, financial coaching, transportation, and childcare, or the YWCA offers an affordable child care program);

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<sup>64</sup> Allen, N.E., Bybee, D.I., Sullivan, C.M. 2004. “Battered Women’s Multitude of Needs: Evidence Supporting the Need for Comprehensive Advocacy.” *Violence Against Women* 10:1015-1035.

<sup>65</sup> Roehl, J., O’Sullivan, Chris, Webster, Daniel, and Campbell, Jacquelyn. 2005. *Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study: Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners*. U.S. Department of Justice.

<sup>66</sup> All service information was explained in interviews with Kelsey Hood-Christenson and Jessi Luepnitz. Also, see YWCA’s website at <https://www.ywcarockcounty.org/what-were-doing/domestic-violence-services/alternatives-to-violence-program/> and Defy Domestic Abuse’s Welcome Guide at [https://www.canva.com/design/DAEXK05e2PM/ObhJK4FQjReEWjpkL6OwRw/view?utm\\_content=DAEXK05e2PM&utm\\_campaign=designshare&utm\\_medium=link&utm\\_source=sharebutton](https://www.canva.com/design/DAEXK05e2PM/ObhJK4FQjReEWjpkL6OwRw/view?utm_content=DAEXK05e2PM&utm_campaign=designshare&utm_medium=link&utm_source=sharebutton).

- **Legal services and support**, including assistance with filing temporary restraining orders and injunctions, assistance with court appearances, and limited resources to help victims pay for legal representation;<sup>67</sup> the YWCA legal advocate also keeps up on relevant statutes;
- **Emergency shelter** (for 30-60 days on average) **and transitional housing at the YWCA** (for 12-18 months), which is a huge challenge that requires a lot of resources; however, there is limited shelter capacity. They are moving more and more toward assisting victims in finding permanent housing by linking them to housing and rental assistance, however, there is a huge lack of affordable housing (both locally and nationwide). Access to safe, affordable housing is a continual challenge that survivors face and is central to achieving long-term economic stability.
- **Bilingual services** are available in both organizations.
- The YWCA also has a **Child Advocacy Center** that offers a safe, child-friendly environment to conduct forensic child abuse interviews and support groups for child victims of abuse.
- Both organizations also initiate **community engagement and prevention efforts** that include educating communities to recognize the warning signs of abuse and educating youth as early as possible to disrupt the normalization of violence and abuse.
- Defy Domestic Abuse also has a **youth and LGBTQ+ survivor advocate**—which has added to raising awareness about intimate partner violence in LGBTQ+ relationships.

When there is an immediate need for safety following a domestic violence incident that involves law enforcement contact, and the victim connects with a Defy Domestic Abuse or YWCA advocate (because their abuser will be released and they are concerned about retaliation or an escalation of violence), **advocates immediately create a safety plan for the next 24 hours** and set up appointments with a legal advocate and a case manager (depending on needs). **Advocates can also assist with other safety measures, such as requesting increased law enforcement patrols around victim’s home, changing locks, and adding security cameras.** Advocates educate victims about resources they are entitled to through crime victim compensation (that Victim Witness also provides information about); for example, victims can be compensated for the cost of safety measures. Further, Landlords are legally obligated to change locks, take the alleged perpetrator off the lease, and file a restraining order against the abuser. Advocates can also assist victims in petitioning for a protective order whether they have had law enforcement contact or not, which is another legal tool of protection that can be helpful, but comes with important risk considerations and safety limitations discussed below.

***Domestic Abuse Temporary Restraining Orders and Injunctions.*** Civil court orders of protection (or Temporary Restraining Orders and Injunctions) are a key resource available in every state in the United States as a potential legal protection for domestic violence victims, with state-to-state variation in the type of protections offered. For many victims, civil protective orders are an important additional tool or an alternative to criminal justice interventions such as pressing criminal charges,<sup>68</sup> which many victims are reluctant to do because of the potential for abuser retaliation and violence escalation, especially during pretrial release. So pursuing a protective order does not require reporting an incident to law enforcement. However, some victims have similar concerns of violence escalation when considering filing for a temporary restraining order, and these fears have been substantiated in research; for

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<sup>67</sup> In May 28, 2021 interview, Jessi Luepnitz shared that the needs far exceed the level of grant funding the YWCA has to help victims pay for attorneys (their last VAWA Stop grant amount was \$14,000); she said that they usually spend their grant funds in the first quarter because the funds are so low. Those needing this assistance usually need to hire family law attorneys for child custody or divorce proceedings; they have found some attorneys that will represent victims for a flat fee of \$2,000. However, more resources are needed to meet the high need in the area of legal support.

<sup>68</sup> Jordan, C. E. 2004. “Intimate Partner Violence and the Justice System.” *Journal of Interpersonal Violence* 19(12):1412-1434.

example, Spitzberg's (2002) review of 32 research studies concluded that about 20% of protection orders are associated with escalation of violence against the victim.<sup>69</sup> Other research results also suggest that **about 40-50% of protective orders are violated**.<sup>70</sup> The rate of protective order violations for Rock County specifically is not known, so this is an important area to evaluate more in-depth. Retaliation is also more likely during the time right after a protective order is issued.<sup>71</sup> One study of domestic violence homicide victims found that about 11% of 231 women killed by male intimate partners had been issued a restraining order; and about one-fifth of the female intimate partner homicide victims who had a restraining order were killed within 2 days of the order being issued, and about one-third were killed within a month.<sup>72</sup> While filing for a protective order does not ensure safety, and can even escalate risk in a number of situations or in the period just after the protective order is issued, they are also shown to prevent future violence in many situations.<sup>73</sup> Research also shows that having a protective order leads to more felony convictions and harsher penalties for abusers than when there is no protective order.<sup>74</sup>

There are particular factors that research has shown are important to consider when pursuing a protective order. For example, the following factors are most frequently associated with violations:

- severity of violence prior to issuing a protective order predicts the severity of future violence<sup>75</sup>
- violations are more likely in situations where stalking is present<sup>76</sup>
- violations are more likely by individuals with criminal arrests for any offense following issuance of a protective order<sup>77</sup>

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<sup>69</sup> Spitzberg, B. 2002. "The Tactical Topography of Stalking Victimization and Management." *Trauma Violence Abuse* 3:261–88. See also Russell, Brenda. 2012. "Effectiveness, Victim Safety, Characteristics, and Enforcement of Protective Orders." *Partner Abuse* 3(4): 531-552.

<sup>70</sup> Russell, Brenda. 2012. "Effectiveness, Victim Safety, Characteristics, and Enforcement of Protective Orders." *Partner Abuse* 3(4): 531-552.

<sup>71</sup> Holt V.L., Kernic, M.A., Lumley T, et al. 2002. "Civil Protection Orders and Risk of Subsequent Police-Reported Violence." *Journal of the American Medical Association* 288:589–94; Harrell A., Smith B.E. 1996. "Effects of Restraining Orders on Domestic Violence Victims." In Buzawa and Buzawa (eds.), *Do Arrests and Restraining Orders Work?*, pp. 214-42 (Thousand Oaks, CA: Sage Publications); Klein, A.R. 1996. "Re-Abuse in a Population of Court-Restrained Male Batterers: Why Restraining Orders Don't Work." In Buzawa and Buzawa (eds.), *Do Arrests and Restraining Orders Work?*, pp. 192-213 (Thousand Oaks, CA: Sage Publications).

<sup>72</sup> Vites, K.A. and Sorenson, S.B. 2008. "Restraining Orders among Victims of Intimate Partner Homicide." *Injury Prevention* 14(3): 191-195.

<sup>73</sup> Holt, V. A., Kernic, M. A., Wolf, M. E., and Rivara, F. P. 2003. "Do Protection Orders Affect the Likelihood of Future Partner Violence and Injuries?" *American Journal of Preventive Medicine* 21(1):16-21; Gist, J. H., McFarlane, J., Malecha, A., Willson, P., Watson, K., Fredland, N., et al. 2001. "Protection Orders and Assault Charges: Do Justice Interventions Reduce Violence Against Women?" *American Journal of Family Law* 15(1): 59-71; Logan, T. K., and Walker, R. 2009. "Civil Protective Order Outcomes: Violations and Perceptions of Effectiveness." *Journal of Interpersonal Violence* 24(4):675-692. In a study of one of the local service providers in Rock County, Hawkins and Syrocki found that from 2012 to 2015, none of the residents that received help with a restraining order returned to their abusers. See Hawkins, Maren and Kayla Syrocki. 2016. "Outcome Predictors for Exited Domestic Violence Center Clients: A Literature Review and Assessment of a Local Service Provider's Outcome Predictors." Unpublished manuscript.

<sup>74</sup> Davis, R. C., O'Sullivan, C. S., Farole Jr., D. J., and Rempel, M. 2008. "A Comparison of Two Prosecution Policies in Cases of Intimate Partner Violence: Mandatory Case Filing Versus Following the Victim's Lead." *Criminology and Public Policy*, 7(4): 633-662.

<sup>75</sup> Harrell, "Effects of Restraining Orders on Domestic Violence Victims."

<sup>76</sup> Logan, T. K., and Walker, R. 2010. "Civil Protective Order Effectiveness: Justice or Just a Piece of Paper?" *Violence and Victims* 25:332-348; Logan, T. K., and Walker, R. 2009. "Civil Protective Order Outcomes: Violations and Perceptions of Effectiveness." *Journal of Interpersonal Violence* 24(4):675-692; Logan, T. K., Walker, R., Shannon, L., and Cole, J. 2008. "Factors Associated with Separation and Ongoing Violence among Women with Civil Protective Orders." *Journal of Family Violence* 23(5):377-385; Logan T.K., Shannon L, Cole J. 2007. "Stalking Victimization in the Context of Intimate Partner Violence." *Violence Victims* 22:669–83; Logan, T. K., Nigoff, A., Walker, R., and Jordan, C. 2002. "Stalker Profiles With and Without Protective Orders: Reoffending or Criminal Justice Processing." *Violence and Victims* 17(5):541-553; Spitzberg, B. 2002. "The Tactical Topography of Stalking Victimization and Management." *Trauma Violence Abuse* 3:261–88.

<sup>77</sup> Jordan, C. E., Pritchard, A. J., Duckett, D., and Charnigo, R. 2010. "Criminal Offending Among Respondents to Protective Orders: Crime Types and Patterns That Predict Victim Risk." *Violence Against Women* 16(12):1396-1411.



Although the research evidence is mixed about whether protective orders prevent re-victimization, research still shows them to be effective in preventing or reducing violence in many situations without the above factors present.<sup>78</sup>

Both local advocacy organizations provide direct assistance with filing for TROs and Injunctions—which can be an overwhelming process—and advocates are aware of the risks and situation characteristics to consider, and build that careful situational assessment into their assistance process; this is why they are such a critical support mechanism for victims navigating this process. For example, Kelsey Hood-Christenson, Director of Defy Domestic Abuse, shared that “If someone indicates they are interested in a restraining order, we first talk to them about the situation to assess if a restraining order is a reasonable remedy. If it appears to be, we would then provide information around the process and also do a lot of safety planning. Restraining orders are often perceived as an immediate resolution, but often result in an escalation in the offender’s behavior and the survivor still has to wait for law enforcement response [when there’s a violation], so [they] can be very vulnerable. During the information and safety planning process we talk about the nature of the relationship, current behavior of the offender, safety precautions/measures the survivor has already taken, concerns that may come up, safety planning if there is escalation in the offender’s behavior, and any alternative options [other] than the restraining order. If the survivor still wishes to pursue the restraining order, we would then assist in identifying the appropriate restraining order option, completing the paperwork, writing the statement and editing for the best reception by the court, having the document notarized, and filing the paperwork.”<sup>79</sup> YWCA advocates go through a similar approach to guide and encourage victims through the process. Jessi Luepnitz also explained how important it is to help survivors write an impactful statement, beginning with a statement describing the nature and length of the relationship and starting with the most recent event and working backwards in time. Advocates tell clients to “include at least 3 incidents of abuse even if they have not been reported to law enforcement” and “ask them to describe each incident with details – for example: ‘he hit me in the face with a closed fist’ instead of ‘he punched me.’ We ask them to include how they felt during the incident, not only any physical pain but the emotions they felt during the incident. And then end with ‘I need this Injunction because...’” all in their own words. This is vitally important guidance that can make the difference in whether a TRO and/or Injunction is granted.<sup>80</sup>

In Wisconsin (and Rock County), filing for a Temporary Restraining Order (TRO) or an Injunction (which is a much longer order of protection) is a **Civil Court matter**.<sup>81</sup> To receive a domestic abuse injunction is also a two-step process that includes requesting a temporary domestic abuse restraining order first; there is also a judge always on call to handle TRO requests. A **temporary restraining order** (TRO) is a court order designed to protect a victim and their family from immediate danger, can be granted without the abuser being in court and without their knowledge, and generally lasts until the court hearing for a final order (an injunction), usually within 14 days. The burden of proof at a TRO hearing is significantly lower than at a criminal trial, and a court will usually issue a TRO if someone

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<sup>78</sup> Holt V.L., Kernic, M.A., Lumley T., *et al.* 2002. “Civil Protection Orders and Risk of Subsequent Police-Reported Violence.” *Journal of the American Medical Association* 288:589–94; McFarlane J., Malecha A., Gist J., *et al.* 2004. “Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic and White Women.” *American Journal of Public Health* 94:613–18.

<sup>79</sup> Shared in email correspondence on 8/23/21.

<sup>80</sup> Shared in email correspondence on 8/20/21.

<sup>81</sup> There are 4 types of injunctions: Domestic Violence, Child Abuse, Individual at Risk and Harassment. Jessi Luepnitz (Program Director for Alternatives to Violence and CARE House at the YWCA) shared that they determine which one is best suited to the victim’s situation when they are assisting, but “we do mostly domestic abuse orders” (in email correspondence on 8/21/21).

makes the required types of allegations and a court finds reasonable grounds to believe them. However, **the temporary restraining order cannot be enforced until the abuser has been served with the order**, which poses an additional safety threat and an identified concern for victims who have been granted TROs. In fact, survivors report giving up on the process after the court was not able to serve the temporary order.<sup>82</sup> Temporary restraining orders may be extended for two weeks if the abuser cannot be located before it expires, but this puts additional burden and safety risk on the victim. Once the judge has issued a temporary restraining order, a court date is set for the final injunction hearing. If a TRO is denied, the victim can still request a hearing for a final injunction, and the Clerk of Court faxes a copy of the *Notice and Order for Injunction Hearing When TRO is Not Issued* to the sheriff to be served. Advocates are critical here in order to provide support and safety planning when these issues arise; Kelsey Hood-Christenson shared that once the TRO paperwork is filed and received back, “we assist the survivor in navigating any issues surrounding serving the offender, assist in preparing them for court, and providing court accompaniment on the day of the hearing. We have also assisted in navigating de novo hearings if the survivor wishes to appeal the decision the court makes. If the case is a bit more challenging, we are connected to the VOCA restraining order clinic for referrals for free legal representation.”<sup>83</sup>

An **Injunction** is a court order for a much longer time period than a temporary restraining order, and can only be issued after the abuser has received notice and has an opportunity to attend a court hearing in front of a judge or court commissioner. At the hearing, the victim and the abuser will both have a chance to present evidence, testimony, witnesses, etc., and the judge will decide whether or not to issue a final injunction. Jessi Luepnitz shared that advocates “stay in contact with the client so we can provide court preparation before the Injunction [hearing]” and “During court prep we go over what to expect and then accompany them” to the hearing unless they do not need the assistance; but the advocate will do a follow-up call after the Injunction hearing.<sup>84</sup> The Injunction can last for the amount of time that the petitioner requests, up to 4 years. The injunction can last for up to 10 years if the victim can prove there is a substantial risk that the respondent may commit first-degree intentional homicide, second-degree intentional homicide, or sexual assault against the victim, or sexual assault of a child.<sup>85</sup> (See Appendix A for the TRO and Injunction flowchart and process explanation from the Rock County Court Clerk, Jacki Gackstatter.) Navigating this process can be difficult and overwhelming, which is why having advocate support (and legal support when necessary) is so essential; this also demonstrates how important it is to inform victims of advocacy resources and how beneficial it is to be fully informed before taking this route while being fully supported by an advocate if they decide it is appropriate in their situation.

From the court’s perspective, a TRO or Injunction documents a proven domestic violence risk. It also provides further legal recourse if the abuser violates; however, sometimes those violations lead to lethal violence. So there are still risks that victims have to consider and protective orders do not always ensure protection. This is why it should come as no surprise that survivors will start the process without finishing. When a victim has an injunction hearing, they also have to face their abuser, which also creates other risks and potential trauma if continuing to this second step in the process. And still, so much of the burden in pursuing remedies that provide safety whether the case ends up in criminal court or not put an

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<sup>82</sup> Harrell, A., and Smith, B. E. 1996. “Effects of Restraining Orders on Domestic Violence Victims.” In Buzawa and Buzawa (eds.), *Do Arrest and Restraining Orders Work?*, pp. 214-242 (Thousand Oaks: Sage).

<sup>83</sup> Shared in email correspondence on 8/23/21.

<sup>84</sup> Shared in email correspondence on 8/20/21.

<sup>85</sup> The above information is contained in Wisconsin statute governing TROs (see Wis. Stat. § 813.12). Jessi Luepnitz also shared that if there is evidence of repeated sexual assault or the use of weapons, the Injunction can be granted for 10 years (shared in email correspondence on 8/20/21).

added burden on the victim. Even when victims are granted a TRO or Injunction the burden is still on them (or those close to them) to report violations, and the response comes as a reaction to a violation and, therefore, may arrive too late or not be responded to immediately.<sup>86</sup> These are the challenges victims experience when pursuing protective orders through civil court.

### Law Enforcement Response to Domestic Violence

Reporting domestic violence to police can bring safety and health benefits such as guided safety planning, linkage to medical treatment and advocacy resources for victims, restricted firearm access for perpetrators, violence interruption, and perceived safety among victims.<sup>87</sup> However, as discussed above and is important to reiterate here, in some instances, engaging with police may not ensure safety because it may escalate the abuser's violence when released or create economic insecurity resulting from offender arrest when victims are economically dependent on them. In Wisconsin, when domestic abuse is reported to law enforcement and substantiated, it is a mandatory arrest.<sup>88</sup> Mandatory arrest laws refer to any state or local law or police department policy which requires a police officer to make an arrest when responding to a domestic violence call if there is probable cause to believe any violence has occurred; they first appeared in the mid-1980s based on research that showed arrest lowered repeat domestic violence in the short term more than no arrest.<sup>89</sup> Later research has shown that arrest has only slightly lowered repeat offending rates, does not cause a long-term decrease in domestic violence recurrence rates,<sup>90</sup> and may only work as a deterrent to further violence for individuals who are married and employed—where social status and economic and family stability are more integrally connected and potentially disrupted for longer periods as a result of an arrest—so there is more incentive to change behavior to avoid arrest.<sup>91</sup> Arrest can also increase the risk of retaliation by abusers with a prior history of violence, or by offenders with more prior arrests and those who are unemployed and unmarried—who have less to lose.<sup>92</sup> While mandatory arrest is not necessarily an effective deterrent to further domestic

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<sup>86</sup> Anonymous survivor shared experiences of not having violations taken seriously when they reported them to law enforcement. Other times, law enforcement response time varied depending on how busy the police department is at the time, which is inevitable.

<sup>87</sup> Messing J.T., Campbell J., Sullivan Wilson J., Brown S., Patchell B. 2017. The Lethality Screen: The Predictive Validity of an Intimate Partner Violence Risk Assessment for Use by First Responders." *Journal of Interpersonal Violence* 32(2):205–26. <https://doi.org/10.1177/0886260515585540>; Zeoli A.M., McCourt A., Buggs S., Frattaroli S., Lilley D., Webster D.W. 2018. "Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations with Intimate Partner Homicide." *American Journal of Epidemiology* 187(11):2365–71. <https://doi.org/10.1093/aje/kwy174>; Lipsky S., Caetano R., Roy-Byrne P. 2009. "Racial and Ethnic Disparities in Police-Reported Intimate Partner Violence and Risk of Hospitalization Among Women." *Women's Health Issues* 19(2):109–18. <https://doi.org/10.1016/j.whi.2008.09.005>; Smith, S.C. 2012. "Police–Advocacy Partnerships in Response to Domestic Violence." *Journal of Police Crisis Negotiation* 12(2):183–98. <https://doi.org/10.1080/15332586.2012.717031>.

<sup>88</sup> When law enforcement officers are called out to an incident and they document it as a **civil dispute**, this means that officers checked out the situation, but nothing criminal occurred. These kinds of incidents may occur prior to more serious domestic violence incidents.

<sup>89</sup> Sherman, L. W., and Berk, R. 1984. "The Specific Deterrent Effects of Arrest for Domestic Assault." *American Sociological Review* 49:261-272.

<sup>90</sup> Gelles, R. J. 1993. "Constraints Against Family Violence." *American Behavioral Scientist* 36(5):575-586; Sherman, L. W., Smith, D. A., Schmidt, J. D., and Rogan, D. P. 1992. Crime, Punishment, and Stake in Conformity: Legal and Informal Control of Domestic Violence. *American Sociological Review* 57(5):680-690.

<sup>91</sup> Maxwell, C. D., Garner, J. H., and Fagan, J. A. 2002. "Preventive Effects of Arrest on Intimate Partner Violence: Research, Policy and Theory." *Criminology and Public Policy* 2(1):51-80; Sherman, Smith, Schmidt, and Rogan, "Crime, Punishment, and Stake in Conformity."

<sup>92</sup> Felson, R. B., Ackerman, J. M., and Gallagher, C. A. 2005. "Police Intervention and the Repeat of Domestic Assault." *Criminology* 43(3):563-588. Sherman, L. W., and Berk, R. 1984. The Specific Deterrent Effects of Arrest For Domestic Assault." *American Sociological Review* 49:261-272; Pate, A. M., and Hamilton, E. E. 1992. "Formal and Informal Deterrents to Domestic Violence: The Dade County Spouse Assault Experiment." *American Sociological Review* 57(5):691-697.

violence overall as many hoped when mandatory arrest statutes were adopted, it obviously still functions as a mechanism of punishment and accountability.<sup>93</sup>

**Domestic Violence Arrest Criteria.** According to Wisconsin statute 968.075, when domestic abuse is reported within 28 days of the alleged incident and a law enforcement officer has reasonable grounds to believe that a person is committing or has committed domestic abuse—and any of the following 3 factors apply—the officer is required to make an arrest:

- 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 (and it is not appropriate to arrest anyone that is not the predominant aggressor).

The predominant aggressor directive above is intended to prevent dual arrests that include the victim (especially women victims), which has been an upsetting unintended consequence of mandatory arrest laws.<sup>94</sup> When a report is made to law enforcement, the information contained in the police report is not only based on the responding officers' observations, but on any witness accounts, the victim's statement and a statement by the alleged offender. An officer can also review previous calls at the same location or with the same persons in determining an arrest, and an arrest can still occur even without visible injury. There is also no legal requirement that an officer witness the crime; probable cause can be established by reliable hearsay information when determining an arrest in domestic violence cases. Officers also make every attempt to determine if a restraining order against the suspect is in affect through dispatch.

**Demographic Characteristics of Individuals Arrested for Domestic Violence.** As discussed earlier, from 2016 to 2020, **about 74%-78% of individuals arrested for domestic violence in Rock County are men (and about 75% in Wisconsin are men).** Charts 16 and 17 show the racial demographics of individuals arrested for domestic violence in Rock County and Wisconsin.<sup>95</sup> One important caveat is that arrest does not confirm that individuals are charged or convicted of the offense. And, as mentioned above, the Department of Justice does not include the Hispanic/Latinx category separately, so those who identify as Hispanic/Latinx are often included in the white racial category. For Wisconsin overall, we do not know what the racial identity is of about 5-6% individuals arrested for domestic violence; and the percentage of race unknown for individuals arrested in Rock County is about 7%. These limitations are

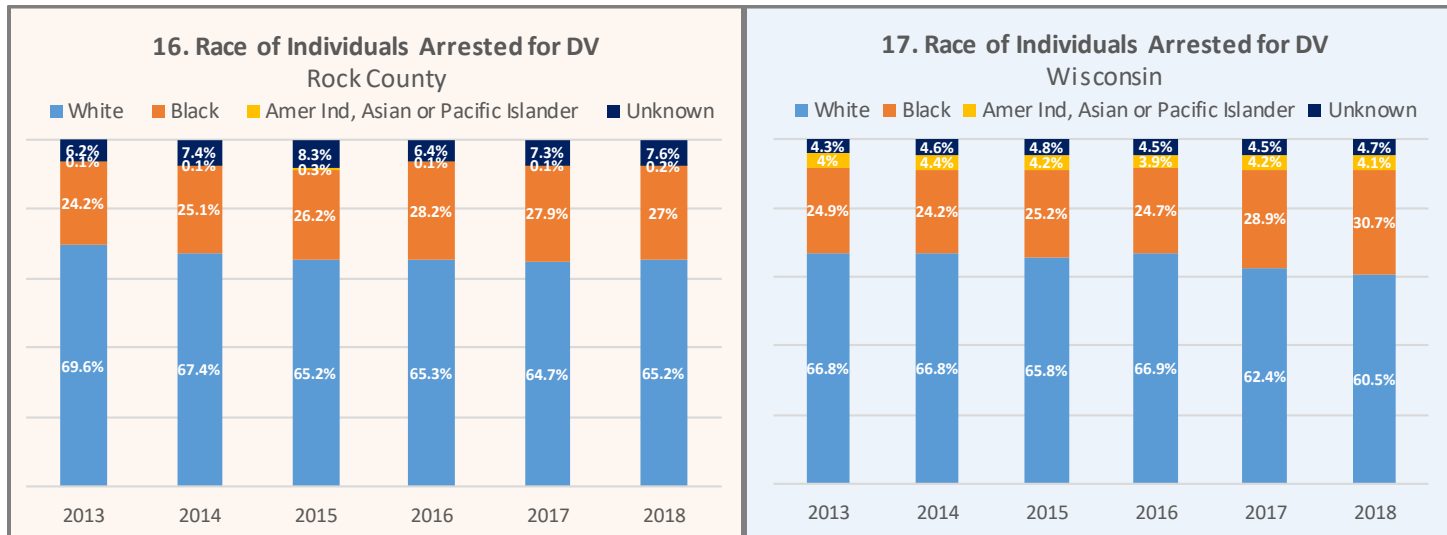
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<sup>93</sup> Jordan, C.E. 2004. Intimate Partner Violence and the Justice System: An Examination of the Interface. *Journal of Interpersonal Violence* 19:1412-1434.

<sup>94</sup> Chseney-Lind M. 2002. "Criminalizing Victimization: The Unintended Consequences of Pro-Arrest Policies for Girls and Women." *Criminology and Public Policy* 2:81-90. McCormack and Hirschel (2021) found that IPV incidents involving couples of the same race are more likely to result in dual arrests than those involving interracial couples. See McCormack, P.D. and Hirschel, D. 2021. "Race and the Likelihood of Intimate Partner Violence Arrest and Dual Arrest." *Race and Justice* 11(4): 434-453. Women of color and low-income women are also disproportionately affected by mandatory arrest policies for domestic violence and end up arrested themselves. This leads to distrust of law enforcement and means that Black women may be more likely to continue experiencing abuse rather than risk being arrested themselves by calling the police. Battered Women's Justice Project. "Mandatory Arrests." Retrieved from <https://www.bwjp.org/our-work/topics/mandatory-arrests.html>.

<sup>95</sup> In the WI DOJ Domestic abuse data, an arrest is "the booking and fingerprinting of a suspect for an alleged offense that is included on a case. The arresting offense may be a domestic abuse offense; however, the arrest may instead be related to another type of offense. The arrest may occur at the time of the incident or after the initial incident occurred." Also, arrests "listed on cases are not associated with a specific incident, but rather a suspect listed on the case. As a result, one arrest may be associated with more than one incident. In order to account for some of the variation in case processing across counties, we assume an individual suspect cannot be arrested multiple times in the same county on the same date. We recognize that it is possible for a suspect to be arrested multiple times in the same county on the same date; however, a review of the data suggest that more commonly, the arrests are duplicate arrests resulting from case processing practices, and not likely separate arrests." From WI DOJ Domestic Abuse Data, Definitions and Unit of Count Descriptions at <https://www.doi.state.wi.us/dles/bjia/domestic-abuse-data>.

very important to keep in mind when examining this data. In Rock County, there is even more racial disproportionality in arrested individuals than victims (when comparing to the



**Source:** Wisconsin Department of Justice Domestic Abuse data and detailed information for definitions and the counting methodology at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>. **Note:** due to inconsistent collection of ethnicity information, the Department of Justice is unable to reliably report ethnicity and does not include Hispanic category.

general population), which is important to evaluate in the context of systemic racial bias in arrest rates in the criminal justice system more generally<sup>96</sup> and locally (based on previous Rock County arrest data analysis by Schiffman), and racial bias identified in racially motivated incident reporting (by those who are not the victims and may be external witnesses calling to report on interactions that do not involve a criminal act).<sup>97</sup> For example, research shows that an individual’s race influences how police officers judge criminality and culpability that is deserving of harsher punishment.<sup>98</sup> Further, racial bias can also influence whether others witnessing interactions report them to law enforcement, whether they are

<sup>96</sup> In two separate meta-analyses, the effect of offender race was both significant and positive, indicating an increased likelihood of arrest for Black offenders. In his review of 42 studies, Lytle (2014) found race to have one of the strongest associations with the decision to arrest. Black offenders were approximately 39% more likely to be arrested than White offenders. Similarly, in their analysis of 27 studies, Kochel, Wilson, and Mastrofski (2011) found that 23 studies indicated a lower likelihood of arrest for White offenders. See Lytle, D. J. 2014. The Effects of Suspects’ Characteristics on Arrest: A Meta-Analysis. *Journal of Criminal Justice* 42:589–597; Kochel, T. R., Wilson, D. B., and Mastrofski, S. D. 2011. Effect of Suspect Race on Officers’ Arrest Decisions.” *Criminology* 49:473–512.

<sup>97</sup> McNamara, Chan Tov. 2019. “White Caller Crime: Racialized Police Communication and Existing While Black.” *Michigan Journal of Race and Law* 24(Issue 2/5): 335-415. Retrieved from <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1293&context=mjrl>; Asare, Janice Gassam. “Stop Calling the Police on Black People.” *Forbes*, May 27, 2020. Retrieved from <https://www.forbes.com/sites/janicegassam/2020/05/27/stop-calling-the-police-on-black-people/?sh=5cc99b8264c0>; Victor, Daniel. “When White People Call the Police on Black People.” *New York Times*, May 11, 2018. Retrieved from <https://www.nytimes.com/2018/05/11/us/black-white-police.html?;> Hauslohner, Abigail, Sacchetti, Maria and Jacobs, Shayna. “Incidents of calling police on black people lead states to consider new laws.” *The Philadelphia Inquirer*, May 28, 2020. Retrieved from <https://www.inquirer.com/news/nation-world/states-legislation-racist-calls-new-york-new-jersey-oregon-washington-20200528.html>

<sup>98</sup> See Goff, P.A., Jackson, M.C., Lewis Di Leone, B.A., Culotta, C.M., DiTomasso, N.A. 2014. “The Essences of Innocence: Consequences of Dehumanizing Black Children.” *Journal of Personality and Social Psychology* 106(4):526-545; Kirwan Institute for the Study of Race and Ethnicity. 2013. *Implicit Bias Review*; Eberhardt, J. L., Goff, P. A., Purdie, V. J., and Davies, P. G. 2004. “Seeing Black: Race, Crime, and Visual Processing.” *Journal of Personality and Social Psychology* 87(6):876-893. Graham, S. and Lowery, B.S. 2004. “Priming Unconscious Racial Stereotypes about Adolescent Offenders.” *Law and Human Behavior* 28(5):483-504.

criminal acts or not.<sup>99</sup> **Research on the impact of race on the likelihood that an incident of intimate partner violence will result in arrest is more mixed.** Some scholars find racial minorities to be at lower risk of arrest, some find racial minorities to be at higher risk of arrest, and some find no difference in arrest likelihood based on race of the involved parties.<sup>100</sup> While this demographic data provides some information, we have to be careful about the conclusions we draw from this and extensive research evidence compels us to conduct more research to understand why we see these patterns in those who are arrested when domestic violence incidents are reported.

***Specialized Domestic Violence Officers.*** The Janesville Police Department Domestic Violence Intervention (DVI) Team was formed in 2009 when the number of domestic violence homicides in Wisconsin reached a ten-year high and Janesville had a high profile domestic violence homicide. There were also several other lethal incidents in Rock County in 2008 and 2009. This team includes a group of 8 Janesville police department Officers and 2 Sergeants that are assigned to review and conduct follow-up contacts with the victims of domestic violence incidents. DVI officers work under the guidance of supervisors assigned to the DVI team. In general, the appropriate response to a domestic violence incident is the assignment of two police officers. A copy of all domestic violence and domestic trouble reports are also forwarded to the DVI team, who do the following:

- DVI officers review each report and conduct a review of past arrests and domestic related events between the victim and suspect, criminal history in CCAP, probation and parole status, and check 911 tapes, which is documented on the **Domestic Violence Intervention Checklist**.
- DVI officers make sure that all forms have been completed (including the Medical release and Domestic Abuse Victim Worksheet). The **Domestic Abuse Victim Worksheet** (currently used by both Beloit and Janesville police departments) is filled out by the victim and includes 20 questions about the nature of the relationship with the offender, the extent of the injuries and pain experienced in the incident, whether they fear for their safety, whether children or other witnesses were present, whether alcohol and drugs were used by anyone involved, whether there have been other abusive incidents with the offender, whether the offender has ever threatened to kill them, and if they want the 72 hour no contact order enforced (which is automatic after a DV arrest unless the victim waives it); at the end there is space for the victim to describe what took place in their own words.
- DVI officers attempt to **re-contact victims of domestic violence within 72 hours of the original report**. When they make contact, the DVI officer explains the reason for the call, makes sure the victim has a safety plan in place, reviews the original statement with the victim and documents any new information, including any past history of violence not reported to police. If new injuries are visible, arrangements are made to photograph those injuries and provide copies to the victim in case they would like to file for a Temporary Restraining Order. They also forward any new information to the DA's office to support prosecution of the case.

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<sup>99</sup> See footnote 97 above.

<sup>100</sup> For the most part, prior research has also indicated that severity of the offense as measured by the type of crime committed exerts a significant impact on whether an officer will arrest either one or both parties in IPV incidents. See literature review in McCormack, P.D. and Hirschel, D. 2021. "Race and the Likelihood of Intimate Partner Violence Arrest and Dual Arrest." *Race and Justice* 11(4): 434-453. Using a data set comprising 10 years of National Incident-Based Reporting System data (2000–2009) from 5,481 jurisdictions in 36 states and the District of Columbia, McCormack and Hirschel (2021) examine the impact of victim and offender race on the likelihood of arrest. Accounting for such factors as seriousness of offense, location, and sex, the authors found that there are significant differences in the likelihood of arrest based on the victim and offender racial dyad. Generally, regardless of offender race, incidents with a White victim evince the highest likelihood of arrest. They also show that Black victims are the least likely to have the offender arrested. While the data is extensive, it is not a nationally representative sample of data, and we don't have local data analysis to compare, but this study provides important findings to consider.

- DVI officers **advise victims of domestic violence resources that are available to them** in the community, and offer to arrange a meeting with a YWCA advocate.
- If a DVI officer determines that the suspect has committed a **new violation or has violated the 72 hour no contact** provision when they are conducting the follow-up, the DVI officer attempts to locate the suspect and **make the appropriate arrest**.<sup>101</sup>

The goals of the DVI process is to follow-up with victims soon after an incident occurs, open up communication with them and make sure they get the support they need in order to prevent domestic violence homicide, serious injury, and re-assault.<sup>102</sup> This is why making resources readily available or known to the victim (including YWCA, Victim Witness, VINE, Mercy Hospital SANE Nurse and First Call) is fundamental in this process.<sup>103</sup> This process was followed by Janesville police officers in the Monday case and documented in the Domestic Violence Intervention (DVI) Checklist and Domestic Abuse Victim Worksheet. The part of this process that includes reviewing key information that is documented in the DVI checklist is also critically important to understanding the context of domestic violence incidences and assessing level of risk along with the lethality assessment, which provided critical information to the arresting officers in the Monday case as well. This is a strength and provides an excellent model that other jurisdictions in Rock County can use. The Rock County Law Enforcement Association (RCLEA) is working on creating a new Domestic Violence Intervention Team for Rock County that will be coordinated by Sergeant Robert Perkins from the Janesville Police Department; the team will include police officers from all over the county. This will be a huge step forward in domestic violence prevention efforts in Rock County along with the more widespread adoption of the lethality assessment to get victims connected to life-saving services.

**Lethality Assessment Program.** The Lethality Assessment Program (LAP) is an evidence-based domestic violence homicide prevention strategy. It involves law enforcement’s use of an 11-question, research-based lethality assessment tool while on the scene of domestic violence-related call for service to identify victims at greatest risk of homicide, and provides an immediate referral via telephone to a trained domestic violence advocate.<sup>104</sup> Lethality risk assessments have shown high sensitivity in identifying victims at risk for future violence and homicide.<sup>105</sup> The LAP in particular is also predicated on research that found that **only 4% of abuse victims had used a domestic violence hotline or shelter within the year prior to being killed by an intimate partner**.<sup>106</sup> Importantly, another study found **a 60% reduction in risk of severe assault when victims utilize the services of a domestic violence program**.<sup>107</sup> Therefore, while evidence shows domestic violence advocacy services are protective, research also

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<sup>101</sup> Follow up by the DVI team does not relieve the original investigating officers from their responsibility to conduct a thorough initial investigation.

<sup>102</sup> DVI team Information is from “Janesville Police Department General Order: Domestic Violence” establishing department policy and practice in responding to domestic violence incidents; this was shared by Janesville Police Chief David Moore.

<sup>103</sup> A **SANE Nurse** is a sexual assault nurse examiner with specialized training and education to work with patients who have experienced sexual assault, abuse, or incest. **First Call** is United Way’s comprehensive source of information about local resources and services available 24/7 by dialing 2-1-1.

<sup>104</sup> The LAP program was developed by the Maryland Network Against Domestic Violence and is largely based on research led by Dr. Jacqueline Campbell.

<sup>105</sup> Messing J.T., Campbell J., Sullivan Wilson J., Brown S., Patchell B. 2017. “The Lethality Screen: The Predictive Validity of an Intimate Partner Violence Risk Assessment for Use by First Responders.” *Jrnal of Interpersonal Violence* 32:205–26.

<sup>106</sup> Sharps, Phyllis W., Koziol-McLain, Jane, Campbell, Jacquelyn, McFarlane, Judith, Sachs, Carolyn, and Xiao Xu. 2001. “Health Care Providers’ Missed Opportunities for Preventing Femicide.” *Preventive Medicine* 33(5): 373-380.

<sup>107</sup> Roehl, J., O’Sullivan, Chris, Webster, Daniel, and Campbell, Jacquelyn. 2005. *Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study: Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners*. U.S. Department of Justice.



suggests **those who are at the greatest risk of death are often not reaching out for help**. These two facts **demonstrate the necessity of using the LAP to predict who is at greatest risk and simultaneously connect them to potentially life-saving services** (such as safety planning, crisis intervention, counseling, housing, medical and legal advocacy, and access to other community resources) **to prevent domestic violence homicides, serious injury and re-assault**. This process was followed in the Mondy case to assess the victim's lethality risk and attempt to connect them directly to the YWCA for advocacy services.

In Wisconsin, there are 180 law enforcement agencies implementing the Lethality Assessment Program (LAP), and both Janesville and Beloit Police Departments implemented the Lethality Assessment program in 2018 and have seen positive impacts. For example, **in one month in the city of Beloit, out of the 25 victims that were assessed at higher danger and spoke with a hotline advocate, 60% had never previously accessed services from their local domestic violence program**.<sup>108</sup> Prior to the implementation of the LAP in Janesville, the YWCA observed that few victims referred by law enforcement actually contacted the YWCA and 75% of victims declined to pursue legal remedies or cooperate with police in an investigation.<sup>109</sup> Janesville Police Department and YWCA now report that the Lethality Assessment Program has

- successfully connected more victims to services (and increased access for adult male victims) with increased follow-through from victims reaching out for services;<sup>110</sup>
- improved reporting and investigations through increased willingness of victims to cooperate with JPD, improved victim interviews and statements, and improved photos of injuries;
- improved response to child welfare issues;
- improved knowledge about domestic violence through training.<sup>111</sup>

Both Janesville PD and the YWCA agree that the LAP has led to better relationships with victims and the YWCA and District Attorney's Office through building trust.<sup>112</sup> So here is an example of a program that increases collaboration and coordination in ways that strengthen and improve the effectiveness of domestic violence prevention and response efforts. The table below compares the number of adults served by the advocacy organizations with the number of reported domestic violence victims from the Wisconsin Department of Justice data discussed earlier. There has been a significant rise in the number of adults connecting to advocacy services that begins to noticeably increase the same year that Beloit and Janesville police departments implemented the Lethality Assessment Program. This provides reinforcement for how important the program is in connecting victims to critical support services.

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<sup>108</sup> End Domestic Abuse Wisconsin, Lethality Assessment Program—Maryland Model (LAP): Training and Implementation Overview. Retrieved from <https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2021/06/15123015/LAP-Overview-June-2021.pdf>.

<sup>109</sup> Janesville Police Department presentation to the Rock County Criminal Justice Coordinating Council, "Domestic Violence Intervention Team: A Community Collaboration to End DV" (June 2021). Also shared in this presentation: currently JP D is completing about 20-25 LAPs per month.

<sup>110</sup> In a May, 28, 2021 interview with Jessi Luepnitz, she shared they have found that victims will share their information with the officer a majority of the time and the officer will call the hotline. Even if a victim does not want to talk to an advocate, the officer can let the YWCA know about the incident and give the victim their hotline number.

<sup>111</sup> Typically, in addition to initial police academy training and 3 months or more of training by a Field Training Officer, further specialized domestic violence response training comes from outside agencies where an officer can request additional training or the officer's superiors can send the officer for specialized training, which includes domestic violence training that is part of the implementation of the lethality assessment program). In the Janesville Police Department, all new entry-level officers receive lethality assessment training (using a train-the-trainer model) before the end of their field-training period. This is similar in the Beloit Police Department, who has also initiated refresher training with Kelsey Hood-Christenson and Defy Domestic Abuse and Police Chief Andre Sayles is committed to ongoing training (shared by Kelsey Hood-Christenson in May 21, 2021 interview).

<sup>112</sup> Janesville Police Department presentation to the Rock County Criminal Justice Coordinating Council, "Domestic Violence Intervention Team: A Community Collaboration to End DV" (June 2021).



Other jurisdictions in Rock County will be implementing this program in the near future; currently, there are efforts organized by the Rock County Law Enforcement Association (RCLEA) to expand this program to all jurisdictions in Rock County.<sup>113</sup> This is a great strength in Rock County based on the benefits of the Lethality Assessment program for intervention and domestic violence prevention.

Year	# Reported DV Victims In Rock County	Total Adults Served by Defy Domestic Abuse & YWCA
2020	*	1,037
2019	*	1,129
2018	1,327	1,120
2017	1,296	483
2016	1,374	308

\*2019 and 2020 data not yet available.

Wisconsin statute 986.075(3) also requires each law enforcement agency to develop, adopt, and implement written policies regarding procedures for domestic abuse incidents. The policies are supposed to specifically include both of the following (in addition to other aspects of the statute):

- A procedure for notifying the alleged victim in the incident of the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release.
- A procedure that requires a law enforcement officer to inform the victim of the availability of shelters and services in their community; to give notice of legal rights and remedies available to them, including filing for a harassment injunction or a domestic abuse injunction.

Therefore, **all law enforcement agencies in Wisconsin are currently required to have procedures in place to provide domestic violence victims (in incidents they respond to) with information about community-based advocacy organizations, victim's legal rights and remedies** (which is provided through Victim Witness services), **and information about filing for a domestic abuse Temporary Restraining Order (TRO) or Injunction** (a more permanent protective order). This is an important point of intervention, which is supported by state statute, and provides a consistent mechanism to connect victims with domestic violence advocacy services that also provides assistance with the TRO/Injunction process.

### **Victim Support from the Court: Victim Witness Assistance Program**

When an arrest is referred to the DA from law enforcement, it is entered into the PROTECT data system (the District Attorney's database for case information); new cases are flagged and assigned to a victim specialist the same day the DA's office receives it. If it is a domestic violence case, it is assigned to Kim Rau, the Victim Witness Specialist who handles all domestic violence cases.<sup>114</sup> The mission of Victim Witness services is to provide moral support; information about the criminal court process and referrals

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<sup>113</sup> The Janesville Police Department policy and process was shared with other departments in Rock County through the RCLEA. This group includes Police Department Chiefs and Deputy Chiefs, the District Attorney and others from the DA's office that give law updates, Victim Witness, 2 FBI agents, Kelsey Hood-Christenson, Jessi Luepnitz, Merebeth Rye (CPS Supervisor), and a representative from Rock County Youth Justice. They meet quarterly and will be working on the new Domestic Violence Intervention Team for Rock County.

<sup>114</sup> For a complete list of services offered by the Victim Witness Assistance Program, see their website at <https://www.co.rock.wi.us/da-victim-witness#services>. For legal rights of crime victims, see <https://www.co.rock.wi.us/da-victim-witness#rights-of-crime-victims>.

and services to victims of crime, witnesses of crime, and their families; and they are required to make contact with victims within 48 hours of receiving the case since Marsy's Law was adopted in Wisconsin in April of 2020.<sup>115</sup> A referral letter is sent within 24-48 hours, a process that began in Fall 2020, that informs victims that the Victim Witness Assistance Program has received the case in addition to the following key information before the initial appearance occurs<sup>116</sup>:

- A **link to Victims Witness website page** at <https://www.co.rock.wi.us/da-victim-witness>.
- Information about **defendant's initial appearance date** and if they have been released.
- Informs them that they can attend the initial appearance.
- The **Victim Rights Request form** (so they can indicate what notifications they want to receive about the court case and what part of the court proceedings they want to participate in); the Victim Witness (VW) Specialist can also assist them in filling it out.
- The **Restitution Request form** (to indicate whether the victim wants compensation for property loss/damage, personal injury, medical expenses, lost wages, and out-of-pocket expenses); the VW Specialist can also assist them in filling it out.
- The **Victim Impact Statement form** (that allows the victim to describe the physical, financial, and emotional impact of the crime and feelings about the proper sentence); a VW Specialist can also assist them in filling this out.
- **Pamphlets with information** about **Defy Domestic Abuse**, the **YWCA**, the **Sexual Assault Recovery Program**, **Recognizing the Signs of Domestic Violence (YWCA)**, **Safety Plan for Victims of Domestic Violence (YWCA)**, **Crime Victim Compensation Program** (which can provide compensation for safety measure such as changing locks, more secure locks, and security cameras), and the **Wisconsin Statewide VINELink Service information** for in-custody notifications. This is another key point of connecting domestic violence victims to information about advocacy services.

A Victim Impact Statement is a tool the prosecutor uses to compose a plea offer and is given to the judge who issues the sentence. It is also a resource for victims to have their voices heard. The impact statement can be submitted at any time during the pendency of the case. However, once the statement is submitted to the Victim Witness Program, they are obligated to e-file it, which becomes part of the public record in CCAP and visible to the defense. VW can hold the statement until after a plea is taken on felony cases, but at that point, VW e-files it to CCAP.<sup>117</sup> The defense is given the statement as part of discovery, so they (and the alleged abuser) will know how the victim is making their case—which may be of concern for the victim depending on the circumstances surrounding the case. All of the above information is also what the victim in the Mondy case would have received prior to his initial appearance. Pamphlet resource information may not be as effective as in-person or phone connection, however, at least there is a formalized mechanism of contact whenever a domestic violence case comes through the criminal court system that is guaranteed by state statute, which also gives the identified victim in the case a guaranteed right to an advocate (either from Victim Witness or a community-based advocacy organization).<sup>118</sup>

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<sup>115</sup> See [https://www.equalrightsforwi.com/approved\\_wisconsin\\_victims\\_of\\_crime\\_amendment](https://www.equalrightsforwi.com/approved_wisconsin_victims_of_crime_amendment).

<sup>116</sup> From email correspondence with Kim Rau on 8/18/21: "If a victim would like to receive the packet by email we will send it that way. Our first attempt is by mail because we usually don't have email addresses for a point of contact initially. Victim contact information is supplied by the report referred by police."

<sup>117</sup> Email correspondence with Kim Rau on 8/18/21.

<sup>118</sup> Emphasized by Kelsey Hood-Christenson in May 21, 2021 interview. Note that even if victims ask to drop charges, it is still the state's burden, so it's up to the prosecution.

**Notification Obligations.** There are also additional notification obligations to victims as a result of Marsy's Law. **Law enforcement** has the obligation to 1) give information about the Victim's Witness office, 2) collect victim's contact information (that is included in the police report), and 3) provide victims with the initial court date. The specialized Domestic Violence Intervention (DVI) Team will often get alternative contact information (e.g., email addresses because they do not change as much), but if they are in a shelter, it is confidential and they do not collect that information. Victim notification depends on good contact information and the Victim Witness Program relies on law enforcement to get victim contact information. **The Rock County Jail** has the obligation to contact the victim to let them know if the defendant is released (a process that was implemented very quickly). Victims also have to be informed of the **VINElink service system** that provides automated custody information about an offender in the county jail (included in the Victim Witness packet). Victims do not automatically get a copy of the order outlining the offender's conditions of release. Instead, Kim Rau explained, the victim "is informed of conditions of bond when they receive the packet [from Victim Witness Assistance]. Another notice of those conditions is not sent out when a defendant is released. Victims have the option to register for VINElink to be notified of the defendant's release, but that system is not linked to CCAP, who maintains documentation of bond restrictions. Our office is not 24 hours so we do not have the ability to monitor a defendant's in-custody status, nor are we associated [with] the CCAP system," which is maintained through the Clerk of Courts Office and the jail.<sup>119</sup> However, VINElink is designed to maintain the defendant's custody status.

**Implementation of New Process When Victims Request a No Contact Waiver.** According to Andrea Ehret, Victim Witness Coordinator, the most common call they receive is from victims asking to remove a no contact order, which is a bond condition when an alleged domestic violence offender is released while their case is pending.<sup>120</sup> The no contact order covers the victim, their car, and their residence, and is for the offender, not the victim (so the victim will not be held legally responsible if the offender contacts them). If the victim requests a waiver of the no contact order, the Victim Witness specialist will always ask why the individual needs contact with the defendant and help to problem solve so that they don't feel they need to drop the no contact order. For example, they connect them with YWCA or Defy Domestic Abuse for support services, such as childcare.<sup>121</sup>

In January of 2020, Victim Witness, in collaboration with the community-based advocacy organizations, implemented a new bond waiver process for domestic violence cases, which had to also be approved by the District Attorney, Assistant District Attorneys, Judges, Commissioners, and Public Defender's Office.<sup>122</sup> Now when a victim wants the no contact waived, they have to meet with a community based advocate (either from Defy Domestic Abuse or YWCA) who will do an assessment and safety plan, answer questions about bond conditions, explain the legal consequences of waiving a no contact order and other options, inform them about services, and provide assistance with finding alternatives that address the reason they want to waive it (Green County and Dane County have this process in place as well). The VW office provides information to both DV advocacy agencies so they know when the court date is and the timeline of case process, so that the agencies are notified that a victim will be calling and have a description of the offender. Advocates are available within 24-48 hours and will meet where it is convenient for the person requesting the waiver. The process is designed to make sure

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<sup>119</sup> Email correspondence with Kim Rau on 8/18/21.

<sup>120</sup> From interview with Andrea Ehret and Kim Rau, May 28, 2021.

<sup>121</sup> Ibid.

<sup>122</sup> In April 2020, Wisconsin voters approved an amendment to the Wisconsin Constitution aimed at increasing rights to crime victims in the judicial process. For more information see Marsy's Law: A List of Resources by Jaime Healy-Plotkin, Wisconsin State Law Library (updated Feb. 12, 2021) at <https://wilawlibrary.gov/learn/starthere/marsys-law.pdf>

victims are fully informed about the decision and to make the court aware when (and reasons why) victims are requesting a waiver. This also creates a mechanism for victims to have face-to-face contact with an advocate in a lower-stress context so that even if they decide not to use the services, they may feel more comfortable reaching out to them in the future because of the positive in-person interaction.<sup>123</sup>

**After implementing this process, they found that about half decided to keep the no contact orders in place after everything was fully explained to them.**<sup>124</sup> Prior to the implementation of this new process, the victim had to show up in person to the initial appearance to waive bond in the presence of the defendant—which opened them up to being coerced or manipulated by the abuser to drop it. This new process provides better support and protection to the victim in this process. In the Mondy case, the no contact bond provision was waived, so this process was in place for the victim.

**Assistance with Temporary Restraining Orders and Injunctions.** When someone comes to Victim Witness wanting a Temporary Restraining Order or Injunction, Kim Rau explained that “Our office can assist with the petition itself and as a support person for the hearing but that is rare and that is what our limit is. I generally refer most victims to the YWCA or the DEFY center to ask for assistance with petitions.”<sup>125</sup> When she refers victims to the advocacy organizations, she also contacts the organizations to let them know that she has referred someone to them. This creates another point of connecting domestic violence victims to community-based advocacy services and support. The benefit of having DV advocates assist in that process instead of VW is that any information shared with the community-based advocates is confidential (so the victim has control over how that information is used), however, VW is legally obligated to share safety risk information with the prosecution. Victim Witness specialists are always very upfront with victims about that from the beginning.<sup>126</sup>

The Victim Witness program provides an important link between the court and victims and between victims and community-based advocacy organizations. Also, the implementation of a process to connect victims with advocates when they ask to waive a no contact order is a really important and valuable process to inform victims and increase the likelihood that they will reach out for support services. Victim Witness specialists are also an important source of information during the pretrial phase to answer victims’ questions and concerns about the pretrial assessment results (which we discuss in more detail below) and how it is used in release and bond conditions.

### **Pretrial Assessment of Arrested Individuals**

Rock County is a State Pretrial Pilot Site working with 6 other counties, the Wisconsin Department of Justice, and the Wisconsin State Courts. JusticePoint, a non-profit organization committed to evidence-based criminal justice policy and programming in Wisconsin and Minnesota, manages pretrial services in Rock County that includes pretrial assessment and screening and pretrial supervision and case management.<sup>127</sup> The Rock County Evidence-Based Decision-Making (EBDM) Policy Team agreed to use the Public Safety Assessment (PSA) as its pretrial assessment tool, which is an actuarial assessment that uses 9 research-based factors to estimate pretrial success or failure (see Appendix B).<sup>128</sup>

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<sup>123</sup> Shared by Kelsey Hood-Christenson in interview, May 21, 2021.

<sup>124</sup> Shared by Andrea Ehret and Kim Rau in interview on May 28, 2021.

<sup>125</sup> From email correspondence with Kim Rau 7/30/21.

<sup>126</sup> From interview with Andrea Ehret and Kim Rau on May 28, 2021.

<sup>127</sup> See their website at <https://www.justicepoint.org/rock-county-resources>.

<sup>128</sup> **Nationally validated.** The PSA was created using the largest, most diverse set of pretrial records ever assembled—approximately 750,000 cases from roughly 300 jurisdictions across the United States. Researchers analyzed the data to determine which factors were most predictive of failure to appear in court pretrial, new criminal arrest while on pretrial release, and new violent criminal arrest while on pretrial release. After its development, the PSA was validated using a dataset of

After arrest and prior to Initial Appearance, JusticePoint Pretrial Screening Specialists conduct interviews and investigations of all arrestees booked into the Rock County Jail who are facing a bail-setting decision in Jail Court. A PSA was completed for Jeremy Mondy and provided to the court prior to his initial appearance. The PSA is completed using CCAP, NCIC records, and a list of violent offense statutes approved by the state EBDM team to assess risk of new violent criminal activity.<sup>129</sup> Once the information is entered into the database, the assessment is scored automatically and generates **2 risk scores ranging from 1 to 6** (1 signifies a greater likelihood of pretrial success; 6 signifies a greater risk of pretrial failure) and a **flag**:

1. **Estimated risk of New Criminal Arrest (NCA)** (which includes both a custodial arrest and an arrest by citation or summons) **during pretrial release** (Score 1-6)
2. **Estimated risk of Failure to Appear (FTA)** in court **during pretrial release** (Score 1-6)
3. The assessment also generates a **New Violent Criminal Activity (NVCA)** “flag” to indicate whether a person presents an **elevated likelihood of being charged with a new violent crime if released** during the pretrial period (Yes/No)

JusticePoint then uses PSA risk assessment results to make recommendations to judicial officers regarding conditions of bail that would mitigate identified risk factors. The PSA *does not* replace judicial discretion, but simply provides judicial officers with research-based information that they can weigh along with other information, to make informed pretrial decisions.<sup>130</sup> Based on the 2 estimated risk scores, the PSA report shows a **recommended Pretrial Supervision Level** (which is NOT a risk level) based on the **Release Conditions Matrix** (see Appendix C); this matrix matches PSA scores to levels of pretrial supervision that can help a person succeed during the pretrial phase. The **NVCA flag** is another piece of information on the PSA Report that decision-makers can consider in determining bond.<sup>131</sup> The judicial officer can also order **additional release conditions, including GPS monitoring and using SCRAM/Portable Breathalyzer**, that Pretrial Services case managers will monitor. Screening Specialists will e-mail the PSA Reports to the Commissioners, District Attorney, and Public Defender’s offices by 2

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different cases—over 500,000 cases from multiple jurisdictions. Since then, it has been re-validated in several locations. **Predictive, objective factors.** The research team that developed the PSA identified and tested hundreds of factors. Ultimately, the team isolated the nine factors that most effectively predicted failure to appear in court pretrial, new criminal arrest while on pretrial release, and new violent criminal arrest while on pretrial release. The factors include the person’s current age, prior convictions, pending charges, and prior failures to appear in court pretrial. Factors such as drug and alcohol use, mental health, employment, and residence were excluded because they did not increase the PSA’s predictive accuracy. **Accessibility.** Unlike many other pretrial assessments, the PSA can be scored without interviewing the defendant. All nine factors are drawn from historical criminal records, eliminating subjectivity from influencing the assessment score. The nine PSA factors, weights, and method of calculation are fully transparent and publicly available. Jurisdictions are encouraged to make an individual’s PSA scores available to the person charged as well as to defense counsel and prosecution. The PSA is available to jurisdictions at no cost. **Evaluation.** Arnold Ventures, which funded the development of the PSA, engages independent researchers to continuously subject the PSA to rigorous evaluation. All studies to date have shown the PSA does not exacerbate racial disparities. Retrieved from <https://advancingpretrial.org/psa/research/>.

<sup>129</sup> The Wisconsin Violent Offense list for the PSA is in the Wisconsin Pretrial Operational Guide Appendix at <https://www.wicourts.gov/courts/programs/docs/pretrialopguide.pdf>. The Screening Specialists will narrow down what they need to look for in NCIC after going through CCAP (so if have reached the highest point on one scoring item based on CCAP, they do not need added information from NCIC to score that item). Then they send it to Sheriff’s staff to run a full criminal history in NCIC, and they identify violent convictions, misdemeanors, felonies, and previous time served in other states. The Screeners will then update the PSA based on any additional information from the NCIC. The Pretrial team also follows up on NCIC information (such as an open warrant) and calls the jurisdiction to verify, but often it can take too long to verify before it is needed for the Initial Appearance.

<sup>130</sup> See <https://advancingpretrial.org/psa/about> for more information about scoring the PSA. See <https://www.wicourts.gov/courts/programs/docs/pretrialopguide.pdf> for Wisconsin Pretrial Operational Guide.

<sup>131</sup> Based on email communication with Justice System Manager, Elizabeth Pohlman-McQuillon on 8/10/21, it is not clear how the court is using the NVCA flag information to make decisions about bond conditions or pretrial supervision level.

p.m. daily for use in Jail Court that same afternoon; and JusticePoint staff are also available by phone to answer any questions regarding the PSA during Jail Court (Initial Appearance).<sup>132</sup> The Victim Witness program does not receive the PSA report directly, but once it has been filed, Victim Witness Specialists can see it in the PROTECT case management system and they explain them to victims.

The PSA risk assessment is an incredibly effective (and proven) tool for informing pretrial decisions overall, but it does not assess individuals with alleged domestic violence offenses any differently than others. PSA factors incorporate whether the individual has a current violent offense and a prior violent conviction (using the Wisconsin Violent Offense List) into scoring the New Violent Criminal Activity (NVCA) Flag, and this information is clearly reported on the PSA Report for the court to consider at the Initial Appearance.<sup>133</sup> But this is still not necessarily capturing domestic violence-specific recidivism factors. Further, the most common charge in domestic violence cases in Rock County is disorderly conduct (shown in data below), which is not included on the violent offense list. Pretrial risk assessments in general have not been shown to be as effective in cases involving domestic violence, which is why some other jurisdictions have used additional assessment methods and screening practices for domestic violence cases in particular.<sup>134</sup> The Gender and Family Justice team from the Center for Court Innovation explains, “There are two validated tools that can be used pre-arraignment for domestic violence cases. Both of these tools include domestic violence specific recidivism factors. The DVSI-R is used statewide in CT pre-arraignment by court staff and the information is shared in court. It is used to inform how the case will proceed through the court (diversion or standard court processing). Probation uses the DVSI-R again post-disposition together with the LSI-R to inform decisions regarding supervision and treatment. The ODARA is used statewide in Maine (and I think now in NJ) pre-trial to inform decisions regarding bail.”<sup>135</sup> These are examples of tools other systems have implemented to conduct pretrial assessments that are validated to estimate risk of committing another domestic violence-related crime. While using the PSA pretrial risk assessment is a valuable evidence-based tool for informing pretrial decisions overall, there may be additional assessment or screening needed to effectively evaluate pretrial risks in domestic violence cases in particular.

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<sup>132</sup> JusticePoint ensures that 100% of the PSAs that are sent to Jail Court are accurate by conducting a Quality Assurance review; 2 staff look over every PSA to make sure nothing was missed.

<sup>133</sup> The Wisconsin Violent Offense list for the PSA is in the Wisconsin Pretrial Operational Guide Appendix at <https://www.wicourts.gov/courts/programs/docs/pretrialopguide.pdf>.

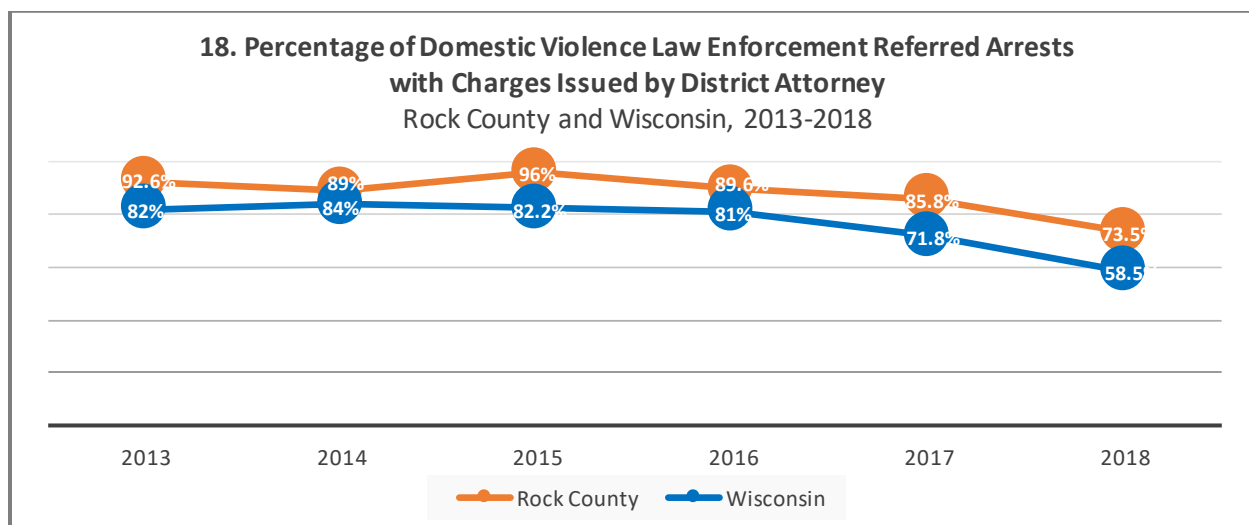
<sup>134</sup> See Sadusky, Jane M. 2006. “Pretrial Release Conditions in Domestic Violence Cases: Issues and Context.” Battered Women’s Justice Project [for helpful tools and resources to assist pretrial assessment of domestic violence cases at https://www.bwjp.org/assets/documents/pdfs/pretrial\\_release\\_conditions\\_domestic\\_violence\\_cases.pdf](https://www.bwjp.org/assets/documents/pdfs/pretrial_release_conditions_domestic_violence_cases.pdf)

<sup>135</sup> This information was shared in email correspondence on 6/3/2021 with Kelly Van Develde, Senior Program Manager of Technical Assistance for Center of Court Innovation. The Gender and Family Justice team explains further that in the context of domestic violence, “there are validated risk of recidivism factors (is this defendant at risk of committing another dv related crime) and validated lethality factors (is this victim at risk of being killed by their partner). The most widely used lethality assessment is the Danger Assessment. Many community based victim advocates use this tool for safety planning. Additionally, those lethality factors are on several different law enforcement risk assessments that are used on the scene of a dv incident (the LAP, APRAIS, DA-LE and IRAD are examples). We have worked with many jurisdictions that are using several different tools at each decision-making point in the criminal or civil case. It has been helpful to have meetings with all the stakeholders to understand how that information about risk is being used and shared to make sure that victim safety remains at the core.” For information on the DVSI-R and ODARA: [https://www.iud.ct.gov/CSSD/pub/SU\\_spring06.pdf](https://www.iud.ct.gov/CSSD/pub/SU_spring06.pdf) and <https://www.bwjp.org/resource-center/resource-results/a-roadmap-to-risk-assessment-maine-s-use-of-the-ontario-domestic-assault-risk-assessment-tool.html>.



## Charging Decisions in Domestic Violence Cases

After an arrest is referred to the District Attorney, a decision is made about whether to bring charges.<sup>136</sup> In Rock County, charges are issued in a large majority of domestic violence arrests, although the proportion has been trending downward from 2015 to 2018 from 96% to 73.5% (see Chart 18 below). The trend is very similar to the trend line in Wisconsin overall, although the overall proportion of referred charges with charges issued is even lower in Wisconsin than in Rock County.



Year	Rock County (pop. 162,874 in 2018)			Wisconsin (pop. 5.807 million in 2018)		
	# Referred DV Arrests	# Issued DV Charges	% Referred w/ Charges Issued	# Referred DV Arrests	# Issued DV Charges	% Referred w/ Charges Issued
2018	993	730	73.5%	21,960	12,847	58.5%
2017	974	836	85.8%	21,389	15,363	71.8%
2016	1,034	926	89.6%	20,289	16,435	81%
2015	1,066	1,023	96%	21,160	17,401	82.2%
2014	998	888	89%	20,877	17,513	84%
2013	996	922	92.6%	20,945	17,180	82%

Source: WI Dept. of Justice Domestic Abuse data <https://www.doj.state.wi.us/dles/bija/domestic-abuse-data>

In Wisconsin, domestic violence is not a specific charge, but is attached as an enhancer to other charges, such as disorderly conduct, assault, battery, strangulation, etc. Charges in domestic violence cases can range from non-criminal citations (with up to 90 days in jail and/or up to \$1,000 fine) to felony level offenses (with up to 15 years in prison and/or fines up to \$50,000); the penalty depends on what crime the domestic violence enhancer is paired with. So much of what characterizes domestic violence is about the context and relationship, so it is not surprising that it is structured in this way. However, in practice, enhancers are more easily dropped in the negotiation process between defense and prosecution. In the case of domestic violence, this is especially problematic because it becomes difficult to document a pattern or history of abuse when later incidents occur (indicating greater dangerousness or possible escalation of violence), or it becomes difficult to apply the domestic abuse repeater statute if the DV

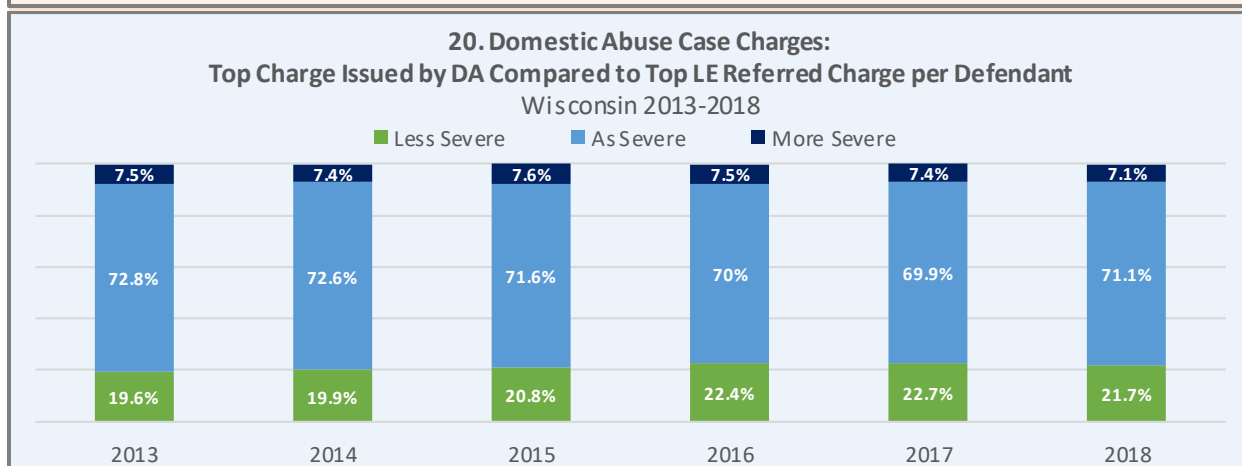
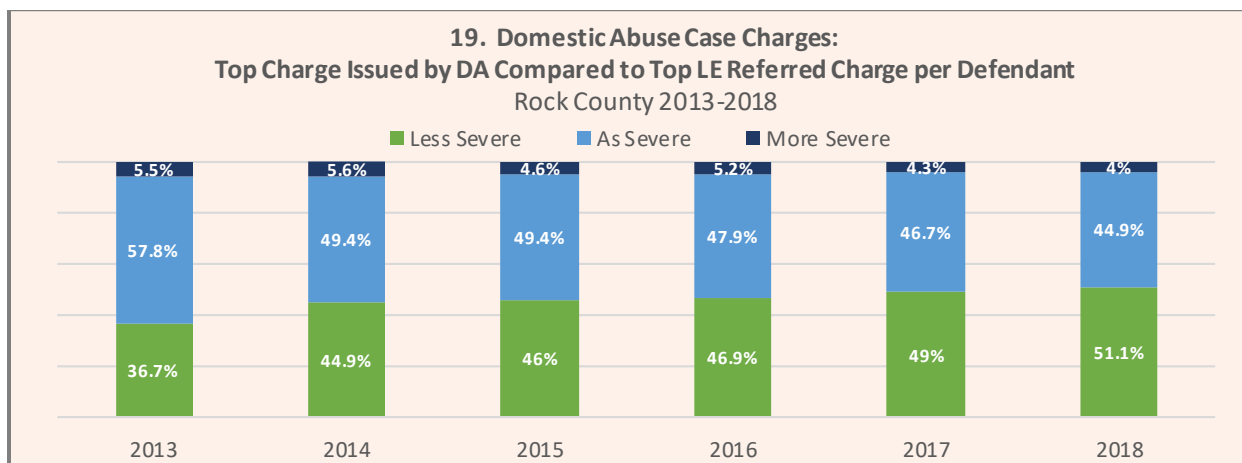
<sup>136</sup> A **charge** is a formal accusation filed by the prosecutor's office that a specific person has committed a specific crime, also referred to as pressing charges and filing a criminal complaint. Here, the District Attorney outlines whether the elements of the law are met to demonstrate it is more likely than not that a crime occurred.

enhancer has been dropped in previous incidents. Based on **Wisconsin’s domestic abuse repeater offense statute** (Wis. Stat. §939.621), an individual is a repeat domestic abuser if they—

- commit an act of domestic abuse within 72 hours of being arrested for a domestic abuse incident, **or**
- has been previously convicted of two domestic violence crimes (including any violent or threatening crime, including battery, sexual assault, abuse, intimidation, property damage, trespass, harassment, or violating a restraining order, against a spouse or former spouse, a person with whom the defendant lives or lived, or a person with whom the defendant has children) within the previous 10 years (not including any time spent incarcerated).

Then when an offender is convicted of the domestic violence offense for the third time, it will be considered a felony; and the increased penalty for “domestic abuse repeater” offenses is an added two years of imprisonment even if the victim was not the same in each case.

The District Attorney’s office decides on charges that will be filed along with what enhancers will accompany those charges based on the initial evidence available in the case (mainly in the police reports accompanying law enforcement’s referred charges). Chart 19 and 20 below show the severity of top issued charges by the District Attorney’s office compared to severity of referred charges from Law Enforcement in domestic violence cases from 2013 and 2018. **For Rock County** over this time period, issued charges are either less severe or as severe about half of the time—so **45% to 50% of the time, the top issued charge is as severe as the referred charge OR 45% to 50% of the time, the top issued charge**



Source: WI DOJ Domestic Abuse data; detailed info. at <https://www.doj.state.wi.us/dles/bija/domestic-abuse-data>



than the referred charge. This is a very different pattern than in Wisconsin overall. **In Wisconsin, the top issued charge is as severe as the issued charge most of the time (close to 70% of the time over this time frame).** The issued charge is also more severe than the referred charge over 7% of time. So even though issued charges are more severe at a slightly higher rate in Wisconsin overall than in Rock County, there is a lot more consistency in the severity of referred and issued charges in the state as a whole than in Rock County.

**Disorderly Conduct is also the most common referred and issued charge in domestic violence cases in Rock County, followed by misdemeanor battery, which is similar to Wisconsin overall** (see chart 21 below). However, there is more consistency in top referred and issued charges in Wisconsin than in Rock County. Disorderly conduct or misdemeanor battery are some of the most common charges in domestic violence cases in general, and many feel that the prevalence of disorderly conduct charges demonstrates a failure to take domestic violence seriously. **In Rock County, strangulation and suffocation is often the fourth or fifth most common referred and issued charge** (and 5<sup>th</sup> most common referred and issued charge in Wisconsin as a whole), which is much more concerning.<sup>137</sup> A previous act of strangulation is a strong predictor that the abuser will kill the victim; strangulation for all practical purposes is an attempted homicide. Strangulation is also one of the charges issued in the Mondy case. Research shows that when abusers strangle victims, other high risk factors tend to co-occur, such as threats to kill; and perpetrators who strangle once are likely to commit the act multiple times in a pattern of escalating severity.<sup>138</sup> These are the types of risk factors that are important to consider in pretrial decision-making for domestic violence cases.

21. Top Domestic Violence Referred and Issued Charges by Defendant, 2013-2018		
Rock County		Wisconsin
Top 5 Most Severe Law Enforcement Referred Charges	Top 5 Most Severe Charges Issued by District Attorney	To 5 Most Severe Referred AND Issued Charges
1. Disorderly Conduct	1. County Ordinance— Disorderly Cond. or Misdemeanor Battery	1. Misdemeanor Battery or Disorderly Conduct
2. Misdemeanor Battery	2. Misdemeanor Battery or Disorderly Conduct	2. Misdemeanor Battery or Disorderly Conduct
3. Criminal Damage to Property	3. County Ordinance— Disorderly Conduct or Disorderly Conduct	3. Crim. Damage to Property (Misd. Bail Jumping)
4. Strangulation and Suffocation	4. Criminal Damage to Property	4. Misd. Bail Jumping or Crim. Damage to Property*
5. Misdemeanor Bail Jumping	5. Strangulation and Suffocation	5. Strangulation or Suffocation

\*Misdemeanor bail jumping OR criminal damage to property is 3<sup>rd</sup> most severe issued charge over this time period.

Misdemeanor bail jumping is 4<sup>th</sup> most severe referred charge, but criminal damage to property is the 4<sup>th</sup> most severe issued charge. **Source:** WI DOJ Domestic Abuse data, charging trends at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>.

### What Happens at the Initial Appearance?

The Initial Appearance is a defendant's first appearance in court after a criminal charge has been filed by the District Attorney and the individual is formally charged with a crime. At the initial hearing, the Court Commissioner reads the charges, sets bail, and appoints an attorney if one is needed. The

<sup>137</sup> See charges tab at <https://www.doj.state.wi.us/dles/bjia/domestic-abuse-data>.

<sup>138</sup> Snyder, Rachel L. 2019. *No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us*. Bloomsbury.

process is also slightly different for felony versus misdemeanor charges.<sup>139</sup> In Rock County, when someone is taken into custody after an arrest, the initial appearance occurs at jail court, generally within 48 hours of arrest.<sup>140</sup> An attorney from the public defender's office is always available at jail court for those who do not have a lawyer, even if the defendant does not qualify for those services; they will review the complaint for probable cause and move to dismiss if appropriate. Assistant District Attorneys (ADAs) also rotate handling initial appearances. The Court Commissioner usually conducts the initial appearances in Rock County with a few exceptions that are handled by a Judge. Using information from the Criminal Complaint, the Public Safety Assessment (PSA) report from pretrial services, and the oral arguments given by the prosecution and defense, the Court Commissioner or Judge decides cash bail, bond conditions, and whether to order pretrial supervision.

**Pretrial Detention.** There are limited legal allowances to hold someone before they are convicted of a crime based on longstanding constitutional and statutory principles. People accused of crime are presumed innocent unless and until they are proven guilty at trial and guilt is determined on the basis of proof and evidence. Because of the presumption of innocence, the Wisconsin Constitution establishes limits on the use of cash bail in Article 1, Section 8(2) and (3): "all persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearances in court, protect members of the community from serious bodily harm or prevent the intimidation of witnesses. Monetary conditions of release may be imposed at or after the initial appearance only upon finding that there is a reasonable basis to believe that the conditions are necessary to assure appearance in court." The Wisconsin legislature has also adopted bond statutes that have similar limitations while authorizing courts to increase or revoke bond for significant violations of the conditions of release. So **by law, before a person is convicted, they are eligible for release under "reasonable" conditions**, and the judge can set conditions based on the nature of the case and the defendant's circumstances.

**In domestic violence cases, offenders often pose a serious safety risk to victims (to varying degrees) when released pending trial or resolution of the case. This is why domestic violence cases test the balance between the public interest in safety against the fundamental presumption of innocence and due process rights of those accused, but not convicted of a crime.** Like many other states in the U.S., Wisconsin has a pretrial detention statute that only allows for detention without bail for a narrowly defined set of violent offenders. The procedures, however, are so "detailed, cumbersome, and unworkable" that it is rarely used. The prosecutor in Columbia County tried preventative detention in the Mondy domestic violence homicide case (discussed in the case review) and did not succeed. Because of this, some would like to use high cash bail in lieu of preventative detention, especially in high risk domestic violence cases. However, there are still legal limitations for the use of cash bail (discussed above and below).

**Setting Bail and Bond Conditions.** Bail is the amount of money a defendant must pay to be released from jail after being arrested, and the **law only allows judges to impose bail if the court determines that there is a reasonable basis to believe that bail is necessary to ensure that the**

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<sup>139</sup> A **felony** crime may be punishable by confinement in a state prison, generally for a term exceeding one year. A **misdemeanor** crime may be punishable by confinement to a county jail, generally for one year or less. A plea is entered for misdemeanor charges at the initial appearance, whereas for felony charges, there is another Preliminary Hearing where the Prosecution has to establish probable cause or the case is dismissed. If not dismissed, the case continues to the Arraignment where a plea is entered. **Source:** Wisconsin Department of Justice, Criminal Justice Glossary <https://www.doj.state.wi.us/ocvs/specialized-resources/cold-case/criminal-justice-glossary> and clarifications from the Rock County Justice System Manager about processes in Rock County.

<sup>140</sup> There are times when an Initial Appearance will get pushed back because someone is on a hold anyway so they don't have to file the charges right away because they're being held regardless. (From email correspondence with Justice System Manager, Elizabeth Pohlman-McQuillen on 8/10/21).

**defendant appears in court.** So the sole purpose of bail is to ensure that the accused will appear at future court hearings and is not (or should not) be used to punish a person that is accused of a crime. If the court decides to impose bail, it should only be in an amount found necessary to make sure the defendant comes to court.<sup>141</sup> The United States Constitution explicitly prohibits excessive bail, and Wisconsin law also provides protections against unreasonable bail. The amount set should be based on different considerations, including:

- The severity of the alleged offense
- The degree of the defendant's flight risk
- The defendant's history of missed court dates
- The defendant's ability to pay

A high level felony, for example, is more likely to correspond with a high dollar amount as there is greater incentive for a defendant to flee in order to avoid serious consequences of a potential conviction.<sup>142</sup> If the defendant fails to appear in court, they lose the total amount of bail. Otherwise, the money posted for bail will be returned within weeks of the criminal case being resolved.<sup>143</sup> The commissioner/judge can also use a **signature bond** (also called a personal recognizance bond), where the defendant can secure their release by signing an agreement that they will pay a certain amount (and can also be charged with bail jumping) if they violate the terms and conditions of their release.<sup>144</sup>

Many criticize the cash bail system as insufficient because lower-level offenders end up incarcerated before conviction due to the inability to pay low cash bonds while more dangerous offenders with financial resources that pose a greater risk to the community are released because they can post much higher cash bail. So the cash bail system ends up being inequitable without ensuring safety—and this certainly would apply in domestic violence cases; cash bail does not necessarily ensure that an abuser will be held due to an inability to post bail.

At the Initial Appearance, the judicial officer may also set **additional bond conditions** (or rules a defendant must follow in order to remain in the community until their case is resolved). Common bond conditions include

- No contact with alleged victim (a bond condition in domestic violence cases)
- GPS monitoring
- Abstaining from drug or alcohol use
- Alcohol and drug testing
- Not leaving the jurisdiction without court permission

The bond conditions are used to mitigate public safety concerns when a defendant is released, and violation can result in bail being revoked, the defendant being taken into custody, and/or bail jumping

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<sup>141</sup> There are a few specific exceptions to this rule, including when a person is accused of first-degree homicide, certain sexual offenses, or the person has been convicted of committing or attempting to commit a violent crime and is accused of committing or attempting to commit a violent crime.

<sup>142</sup> There is no set formula for determining the amount of bail in Wisconsin, and is up to the discretion of the judge/court commissioner at the initial appearance. Some courts in Wisconsin follow a schedule listing set bail amounts for specific alleged offenses, but it is not a requirement, so not all judges do so. And even when they do use these guidelines, the court may still decide to lower or even raise these bail amounts at the initial appearance, depending on the details of the case. Bail can be anywhere from a few hundred dollars to \$1 million or more.

<sup>143</sup> However, any money owed for restitution or court costs can be taken out of the cash posted, with the remainder being returned to the person who originally posted the cash. In the State of Wisconsin, the defendant (or someone on their behalf) pays cash for the full amount to secure release.

<sup>144</sup> The process takes place on different days, so they go to intake court (or their initial appearance) on one day, then sign their bond on another at time of release. If they do intake on Monday, they sign bond Tuesday or Wednesday. If intake is on Wednesday, Thursday, or Friday, bond is signed on the following Tuesday.

charges. These consequences for violating a no contact bond condition are meant to deter offenders from committing further violence against the victim during pretrial release, however, violations are common in domestic violence cases (generally speaking, as discussed before, about 40% of victims experience violations of protective orders).<sup>145</sup>

### **What Justice System Tools Are Available to Victims to Ensure Safety During Pretrial Release?**

The legal tools available to protect victims of domestic violence during pretrial release are designed to deter the abuser from contacting the victim, however, this is difficult to enforce and violations are common, and victims themselves sometimes initiate contact with the offender. This poses varying degrees of risk to victims' safety, especially in high danger situations (as identified by the risk factors on the lethality assessment) where victims are at higher risk of the offender violating protective orders and committing serious or lethal violence against them. Even when the new arrest is a violation of federal probation/supervised release (as was the case for Jeremy Mondy), offenders cannot necessarily be immediately held in custody. These challenges are discussed in more detail below.

***Relationship between New Arrests and Federal Probation/Parole Violations.*** When someone is already under probation or parole supervision in the state where they are arrested for a new crime, this could be a violation of their probation/parole agreement and the Department of Corrections can put an automatic hold—keep them in custody—pending an investigation for a certain number of days.<sup>146</sup> However, this becomes less straightforward when someone is already under **federal probation** or **federal supervised release**.<sup>147</sup> When someone is on federal probation/supervised release, it is reported in the National Crime Information Center (NCIC) criminal history report, which includes information about previous arrests on federal charges in any state in the United States. When someone is taken into custody, jail staff runs their information through NCIC to ensure that the person they are taking to appear in court is not wanted elsewhere, and that information is provided to the court. It is also incumbent upon the arresting agency to determine the person's criminal status through NCIC, and jail staff or the arresting agency calls the federal probation agent when they know the person arrested is on federal probation/supervised release.<sup>148</sup>

When someone is already under federal probation/supervised release when they are arrested for a new crime, pretrial release decisions are more complicated; the federal rules and processes do not always work in harmony with local criminal justice systems because they are completely separate and clear, established mechanisms for local and federal systems to interact do not always exist. Further, a

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<sup>145</sup> Spitzberg examines data from across 32 studies. Spitzberg, B.H. 2002. "The Tactical Topography of Stalking Victimization and Management." *Trauma, Violence, and Abuse* 3(4): 261-288.

<sup>146</sup> The terms "parole" and "probation" are often used interchangeably; while each describes the legal status of an offender conditionally released, the two are different punishments and processes. **Probation** is an alternative to jail time, ordered either in lieu of or as a suspension of a prison sentence as part of the offender's initial sentence—*so it is not necessarily tied to a prison term*. An offender on probation remains under court supervision and must adhere to strict rules throughout the probation term or risk going to jail. **Parole** is a conditional release from prison and is overseen by the state's correctional system. A defendant typically is sentenced to jail with some possibility of parole. Once they have served a designated percentage of the sentence, an offender can go before a parole board, which has the option to grant early release. That early release most often will involve parole, which is a type of community supervision. Though probation and parole are different processes, each carries the same threat for offenders who violate the terms. Both probationers and parolees are subject to conditions including meeting with a supervising officer at predetermined intervals, holding a job, attending rehab and/or counseling, and not breaking the law. *Violations of the probation or parole conditions/agreement can result in an offender carrying out a sentence in jail.*

<sup>147</sup> Though it is rare for someone convicted of a federal crime to receive a straight probation sentence, it is almost always the case that after serving a federal prison sentence, one will serve a term of supervised release, which is monitored by federal probation after release from prison; length of time of supervision can be 1 to 5 years depending on the severity of the felony.

<sup>148</sup> If federal probation supervision begins in another state, it can be transferred, so if a federal conviction occurs in Illinois, it can be transferred and supervised in Wisconsin.

**person is not automatically held in custody for a violation of the federal probation or supervised release agreement (e.g., a new arrest)—there is a more complicated process to follow that is not immediate.**<sup>149</sup> There are certain violations that the federal probation officer *must* report to the Court, which requires the agent to review the probation/supervised release agreement, gather all the relevant information, and present the case before a federal judge. Then the judge has to issue a warrant to have the individual appear before them in court—but it takes days to get through this process. If a violation is proven, probation/supervised release will be revoked and a term of incarceration will be ordered based upon the type of violation and criminal history, and the offender will be taken to a federal facility or another contracted facility; at this point in the process Federal Corrections can then have Rock County jail temporarily hold them, and will pay the cost for that. But, again, this is not an immediate process and takes time, which does not allow holding someone (to potentially keep the offender away from the victim) who has been arrested for domestic violence while on federal probation/supervised release.

***Automatic No Contact Orders.*** There is an automatic 72 hour no contact order issued when alleged offenders are arrested in a domestic violence incident, which is meant to deter the offender from contacting the victim.<sup>150</sup> However, 72 hour no contact orders are not entered into the law enforcement database or the Consolidated Court Automation Programs (CCAP) (that provides individual court case information); this makes law enforcement response difficult because they cannot verify the no contact order. The victim can waive the no contact order, and this is a point where victims are often open to manipulation or attempts from the offender to threaten the victim if they do not waive it.<sup>151</sup> If a victim requests having the 72 hour no contact order waived, Victim Witness office coordinates a meeting between the victim and a domestic violence community advocate, as discussed previously.<sup>152</sup> If the victim still wants to waive the no contact order, they have to sign a release form.

***No Contact Order as a Bond Condition.*** When the offender is released (after their initial appearance) with bond conditions, that often includes no contact with the victim; this is in effect until the case is resolved (or until the bond is modified through going to court again for a bond review).<sup>153</sup> Bond conditions are also entered into CCAP. Therefore, when someone reports to a law enforcement agency that the offender is violating their court order, officers will check CCAP to confirm what those bond conditions are; however, they are not always spelled out in full detail. When victim and abuser share a residence, the law prevents the offender from evicting the victim if the offender owns the residence. The judge can order specific arrangements to mediate the process to have an offender leave the premises immediately, but that has to be explicitly asked for by attorneys. When the defendant signs the bond, law enforcement can escort them so they can get essential items—but only one time. Victim Witness does not have the staff capacity to call law enforcement on every case, but Kim Rau shared that she will call law enforcement to help make arrangements for a police escort on cases with a more serious safety issue; so it is generally up to the victim to make those arrangements.<sup>154</sup> No contact orders also create challenges for child exchanges (that also pose safety risks for victims and their children); they can call law

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<sup>149</sup> A **federal violation of probation** or **federal violation of supervised release** occurs when one on such status commits a new law violation or technically violates a term of probation or supervised release agreement. The federal probation/supervised release order stipulates what constitutes a violation. As with any criminal offense, the sentencing potential is directly related to the severity and type of violation. *Note:* if someone has been convicted of a federal crime, they are also not allowed to own a firearm.

<sup>150</sup> If the victim and defendant live together, defendant will not be allowed to go home for 72 hours (even if it's their home or their name is on the lease), and they cannot call, text, email, or interact on social media.

<sup>151</sup> Interviews with domestic violence advocates and Victim Witness.

<sup>152</sup> As discussed above, this process was put in place in January 2020.

<sup>153</sup> The defense may ask for a hearing date for a bail or bond review. A bail or bond review is a request that a judge reviews the case and determines if bail or conditions of bond should be changed.

<sup>154</sup> May 28, 2021 Interview.

enforcement to be there for the exchange, but they are not always available. For a survivor who is comfortable with law enforcement (i.e., they feel comfortable calling the police and are willing to have the abuser arrested if they violate a no contact order), they can request that officers do extra patrols by their home if there is a serious safety risk.<sup>155</sup> But that is still a limited resource based on availability.

**Response to No Contact Order Violations.** Any bond violation is a crime and can elicit a law enforcement and court response, however, someone has to report it to law enforcement for the violation to be known and for a response to occur. In some cases, the abuser can be arrested right away for bail jumping (which would be a misdemeanor bail jumping charge for an underlying misdemeanor charge and felony bail jumping charge for an underlying felony charge).<sup>156</sup> As discussed earlier, bail jumping is the fifth most common referred charge with domestic violence arrests in Rock County. However, police officers are not necessarily arresting for violations of no-contact orders when offenders are out on bond; and there is not always an understanding of how serious the safety risk is for the victim.<sup>157</sup> If the offender violates the no contact bond condition, the District Attorney's Office can also prosecute for bail jumping. A violation of a no contact order may require a period of incarceration, but that does not necessarily occur. Finally, how a *previous* violation of a no-contact order affects the court's decision-making in domestic violence cases is entirely dependent on whether that information is presented to the Judge by the prosecution and defense. Thus, judicial decisions are based on the proven facts in the case (brought to them by attorneys), the arguments presented by prosecution and defense, and the law. Other systems have instituted practices that ensure information related to the assessment of lethality risks to the victim is presented to the judicial officer in all domestic violence cases.<sup>158</sup> However, in Rock County, these types of practices are not currently in place.

**Additional Tools with Domestic Abuse Temporary Restraining Orders and Injunctions.** There are some additional measures that are available to victims who have Temporary Restraining Orders (TROs) and Injunctions. First, they are entered into the law enforcement database and police officers can view the information when they run an individual in their system. However, the particulars, such as 100 feet at the kids' baseball games, are not included in the database, so that still has to be provided by the person with the order; so the burden is on the victim to make sure they have the order with them at all times to verify the specific details. Second, when there is a violation of a TRO or Injunction, in addition to calling law enforcement to respond, the victim can also file for "civil contempt" through civil court (at the clerk's office). The abuser can then be held in civil contempt if they do anything that the Injunction prohibits. A finding of civil contempt can then result in a fine or jail time for the abuser.<sup>159</sup> However, this is not an immediate remedy if the victim is in serious danger and requires navigating another bureaucratic process.

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<sup>155</sup> Kelsey Hood-Christenson on May 21, 2021 interview.

<sup>156</sup> According to Wis. Stat. § 813.12(7)(am).

<sup>157</sup> Kelsey Hood-Christenson shared in May 21, 2021 interview, based on survivor experiences.

<sup>158</sup> See Sadusky, Jane M. 2006. "Pretrial Release Conditions in Domestic Violence Cases: Issues and Context."

Battered Women's Justice Project for helpful tools and resources to assist pretrial assessment of domestic violence cases at [https://www.bwjp.org/assets/documents/pdfs/pretrial\\_release\\_conditions\\_domestic\\_violence\\_cases.pdf](https://www.bwjp.org/assets/documents/pdfs/pretrial_release_conditions_domestic_violence_cases.pdf). Sponsor-Garcia, Connie. 2016. "Accounting for Risk and Danger Practice Checklists: Coordinating Risk Assessment in Domestic Violence Practices." The Battered Women's Justice Project. <https://www.bwjp.org/assets/documents/pdfs/accounting-for-risk-and-danger-practice-checklists.pdf>. Domestic Violence Courts also institute these practices. Helpful resources to review include "Supporting Domestic Violence Survivors' Safety During the Court Process: Checklist of Recommended Practices" at [https://www.courtinnovation.org/sites/default/files/media/document/2021/CCI\\_FactSheet\\_DV\\_Support\\_Checklist\\_03232021.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2021/CCI_FactSheet_DV_Support_Checklist_03232021.pdf); "Criminal Domestic Violence Courts: Key Principles" at [https://www.courtinnovation.org/sites/default/files/documents/DV\\_Criminal\\_Fact\\_Sheet.pdf](https://www.courtinnovation.org/sites/default/files/documents/DV_Criminal_Fact_Sheet.pdf); "Civil Domestic Violence Courts: Key Principles" at [https://www.courtinnovation.org/sites/default/files/documents/DV\\_Civil\\_Fact\\_Sheet.pdf](https://www.courtinnovation.org/sites/default/files/documents/DV_Civil_Fact_Sheet.pdf).

<sup>159</sup> See Wis. Stat. § 785.04(1)2.

**Limitations of Available Tools for Victim Safety during Pretrial Release.** Although no contact orders, TROs, and Injunctions are meant to protect victims and deter the abuser from committing more violence against them during pretrial release, they have serious limitations. First and foremost, the burden is on the victim (or those around them) to report a violation, which also means that the response, even when law enforcement can respond immediately, comes after-the-fact and may be too late in some cases. Victim Witness Specialist Kim Rau stated, “Violation of contact is usually a self-reporting system. I have had cases wherein other family members have notified police or the victim and offender are found together on a traffic stop, but ultimately reporting contact is up to the victim or found when a new incident occurs, sadly.”<sup>160</sup> Second, there is no way for law enforcement to verify a 72 hour no contact order if a victim calls them to respond to a violation because they are not entered into the law enforcement database or CCAP—and this period of time, right after arrest, can create a heightened risk of retaliation or violence escalation against the victim. Seventy-two hours is often not enough time to get through the TRO process and have the order served to the abuser when the victim pursues that option—which still does not entirely solve the safety issue. Third, there is no guarantee of law enforcement response, arrest, or further charges if a violation occurs—even though violating a no contact or protective order could be evidence of an escalation and increasing safety risk. If the abuser violates the order and the police do not make an arrest or the abuser is not charged with a violation of a court order, and the victim feels the police did not take appropriate action, the victim can contact the Wisconsin Office of Crime Victim Services; domestic violence advocates may be able to help with the police or the district attorney on victims’ behalf as well. However, this, again, puts the added burden on the victim to pursue, plead, advocate on their own behalf, and these remedies are only available after a violation occurs, which can involve more violence against them—even lethal violence.

**In the future, it is important to compile local data showing number of reported violations, but the fact that misdemeanor bail jumping is the 5<sup>th</sup> most common referred charge in Rock County domestic violence cases** (shown in Chart 21 above) **is an important initial indicator.** In sum, these legal tools are not always effective deterrents, the legal consequences for violation are not necessarily always pursued by law enforcement and the courts, and there is no process in place to assess violations in terms of domestic violence escalation and homicide risk factors. Effective responses to violations of no-contact orders that other systems have implemented need to be evaluated: what practices are other localities using that has work well to deter repeat violence? How can survivor feedback and lethality risk factors be incorporated to improve response? How can consistent practices across the criminal justice system be implemented? Answering these questions can contribute to creating a coordinated approach across the Rock County criminal justice system for all stakeholders—so that there is effective and consistent accountability that will deter repeat violence and strengthen victim safety during pretrial release.

### **Pretrial Supervision**

Studies have shown that using a validated pretrial risk assessment and strong pretrial monitoring services for high risk offenders entitled to release can be more effective than cash bail for ensuring court appearance and obeying the law during release overall; pretrial supervision can also reduce the number of people incarcerated before trial and increase bond compliance.<sup>161</sup> In Rock County, out of those who have been under Pretrial Supervision since it began in July 2020 to August 2021, **95% have shown up to**

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<sup>160</sup> Email correspondence 7/30/21.

<sup>161</sup> See <https://advancingpretrial.org/psa/research/>. See discussion in *Lacrosse Tribune*, July 28, 2019. “Judge Scott Horne: Legal Principles Dictate Bond Decisions in La Crosse County.”



**court, and 91.1% have had no new charges.**<sup>162</sup> This is a high pretrial success rate. Prior to the implementation of pretrial services in Rock County, individuals released with bond conditions had no supervision or support services directly focused on pretrial compliance (i.e., court appearance and no new criminal arrests).

Pretrial supervision in Rock County is provided by JusticePoint through Rock County Pretrial Services, which the judicial officer can order as a condition of release at a specified level at the Initial Appearance. Mondy was ordered to pretrial supervision at his initial appearance. The Pretrial Supervision program provides case management services; case managers monitor all court-ordered conditions of release and provide referrals to programming aimed at addressing identified risk and need areas that could potentially contribute to future justice system involvement if not properly addressed. Case management focuses on assisting clients with court appearance, avoiding new criminal activity, and behavior modification. This may entail creating a court appearance plan (that may include addressing transportation and childcare issues). Behavior modification may also include motivational interviewing and cognitive behavioral approaches, including Thinking 4 Change curriculum and CAREY Guides. Staff provide regular reports to the court on compliance with court-ordered conditions and apply incentives or sanctions to pro- or anti-social actions according to a behavior-response matrix.<sup>163</sup>

An individual who is court-ordered to Pretrial Supervision is instructed by the Court to contact JusticePoint within 24 hours of their release from jail. The Rock County Jail will provide each defendant with a business card containing information on where and when to meet with their assigned case manager for their intake appointment the day after they are released from custody. If they miss their intake appointment, they have 48 hours to make contact before it is reported to the court. As of November 2020, all intakes have taken place via Zoom or telephone due to COVID-19. During the intake session, the case manager will:

- Review all bail/bond conditions and rules of pretrial supervision
- Review the Pretrial Release Agreement
- Review the Release of Information for the Courts and any third party
- Explain the consequences of non-compliance
- Review personal and attorney contact information, work/education, substance use, and mental health needs
- Provide client with relevant community resources (substance use, mental health, housing, employment, food, clothing, etc.)
- Provide client information regarding future appointments and next court date

After the intake session, the client is expected to meet contact requirements based on the level of supervision they have been ordered to, summarized in the tables below.

<b>Levels of Supervision: Virtual (Current COVID protocol per EBDM Policy Team Nov. 2020)*</b>		
<b>Contacts per Month</b>		
<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
1 Zoom contact	2 Zoom contacts	4 Zoom contacts
1 phone contact	2 phone contacts	Phone contacts as needed
Court reminders	Court reminders	Court reminders

\*It is expected that all clients attend Zoom appointments with JusticePoint. Case managers will work with clients on an individual basis if there is difficulty completing or accessing a Zoom appointment.

<sup>162</sup> May 28, 2021 interview with Michael Gutjahr, Program Director for Rock County Pretrial Services. WI Pretrial program information at <https://www.wicourts.gov/courts/programs/altpretrial.htm>

<sup>163</sup> The rest of the information below about the structure of pretrial case management is taken from the Rock County Pretrial Supervision Handout created by Michale Gutjahr.

Levels of Supervision: In-Person Contacts per Month		
Level 2	Level 3	Level 4
1 office contact	2 office contacts	4 office contacts
1 phone contact	2 phone contacts	Phone contacts as needed
Court reminders	Court reminders	Court reminders

Note that Level 1 simply involves Court Reminders and no case management or JusticePoint contact. The Court may also order **electronic monitoring** for any defendant in the form of GPS, Continuous Alcohol Monitoring (CAM), or Remote Breathalyzer.<sup>164</sup> A client is dismissed from electronic monitoring only when their case is adjudicated or the Court removes the defendant from monitoring.

**Supervision Reports.** One business day before a client’s court date, a JusticePoint Case Manager will call to remind them of their court date, time, and location. Should a client express any barriers to attending court, JusticePoint will problem solve with the client to make sure they are present. Additionally, JusticePoint will complete a Supervision Report and e-File this through CCAP, which contains a client’s compliance with their bail/bond conditions, compliance with JusticePoint Pretrial Supervision (number of office and phone contacts attended or missed), and any other verifiable information the client provides (employment, school, treatment, etc.).

**Violation Reports.** Violation reports will document any non-compliant actions while on pretrial supervision using a violations matrix that provides guidelines in terms of responses to different levels of violations, including possible court responses (see Appendix D). These guidelines include the following:

- **Low and moderate severity violations** will be handled internally by JusticePoint staff and documented on a Supervision Report.
- **High level violations** require JusticePoint to notify all parties assigned to the client’s open case (Judge, DA’s office, and client’s attorney) **via email and e-File within 24 hours of the alleged violation**. After notification:
  - The District Attorney’s office will file a motion if they feel the violation needs to be addressed by the assigned Judge.
  - An additional Supervision Report will *not* be submitted for a violation hearing; the Violation Report will be used in lieu of a Supervision Report.
  - ***For missed initial appointment violations***, if a client fails to contact JusticePoint by noon on the day following their release, JusticePoint will attempt to contact them using all available contact information. If no contact has been established after two days following their release, JusticePoint will send a NonCompliance Warning Notice to the client. On day seven post-release, JusticePoint will **e-mail and e-File a violation report to the assigned Judge**, Judicial Assistant, Clerk of Courts, assigned DA or DA distribution list, assigned Defense Attorney or Public Defender distribution list.
  - ***Once a bench warrant is issued***, JusticePoint will cease all efforts to contact the client.
  - If the client establishes contact with JusticePoint after a bench warrant is issued, case managers assist the client in contacting their attorney to resolve any open warrants.

While pretrial monitoring services provide proven benefits in terms of ensuring court appearance and obedience to the law during release as well as improving bond compliance in general, pretrial case managers do not necessarily use a specialized approach for those who have a pending domestic violence

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<sup>164</sup> All electronic monitoring installs are completed in the Pretrial office during COVID-19. The client is responsible for contacting JusticePoint to schedule their installation. Every Monday from 8am to noon, clients have to come to the office in person for downloads of alcohol monitoring and GPS.

case. Michael Gutahr believes that GPS monitoring could be helpful in domestic violence cases, while also recognizing this also has limits—in that a response does not occur until after a violation, which raises specific safety concerns for domestic violence victims that we discuss above in relation to violation of no contact orders.<sup>165</sup> There are also limited resources for GPS monitoring relative to the number of domestic violence cases. One of the Pretrial case managers worked with YWCA for multiple years prior to their position with Pretrial Services,<sup>166</sup> which brings valuable experience and perspective, however, they do not necessarily only handle domestic violence cases and do not necessarily provide domestic violence specific behavior modification approaches. But, to be fair, effective behavior modification for domestic violence offenders requires more intense, long-term behavior modification treatment that is beyond the scope of a pretrial program. This is more in line with the approach taken in the Rock County Domestic Violence Intervention Program discussed below.

### **Domestic Violence Intervention Programs**

In our efforts to prevent domestic violence, especially lethal violence, we believe victim and survivor needs should be prioritized. However, if we want more effective prevention, and want to truly address repeated violent behavior, we have to acknowledge that an arrest and criminal justice approach alone does not effectively change abusive behavior. As discussed above, mandatory arrest has been more effective as a punishment and accountability measure than as an effective tool to eliminate future violent behavior. The only thing that has proven to be effective to some degree in changing abusive behavior, is intense programming designed to address abusive thought patterns and beliefs, controlling tactics, and previous trauma (if that is relevant) that drives violent behavior. This is also distinct from anger management programs that do not address the dynamics and roots of domestic violence. Nearly all people who perpetrate violence have had violence done to them (often from a young age), whether it be through family and intimate relationships in their lives, or through deeply inequitable systems and institutions that commit personal and structural violence to individuals while compounding the pressures on intimate partner and family relationships. While we cannot easily address system inequities, effective offender intervention programs can address their effects, create understanding about how traumatic experiences impact behavior, hold individuals accountable for their violent behavior toward others—and insist that they take responsibility for the traumatic impact it has on victims—while teaching them how to *change* their behavior to hopefully eliminate future violence and abuse. Domestic Violence Intervention programs (often called batterer intervention programs), while not widely available, try to address the violent behavior of domestic violence offenders—to get at the root of what drives their violence, hold them accountable for their violent behavior, and provide intense behavior change programming. It is a strength that Rock County has this kind of program given that there are so few available and it is worth enhancing this program to be as effective as possible while also expanding access. This program also has the potential to provide effective early intervention before violent behavior becomes more serious and more deeply embedded in the offender and in the relationship or family dynamic.

Research about the effectiveness of these programs has shown really mixed results. Part of the challenge in even evaluating effectiveness is that these types of programs are not widely available, often under-resourced, have wide variation in programming and approach, and do not necessarily use the available evidence-based practices and components effectively to address the complex psychological risk factors that many offenders have. Existing programs often do not track participation and outcomes as well. Programs that do have impact on changing behavior and reducing domestic violence recidivism

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<sup>165</sup> May 28, 2021 interview with Michael Gutjahr, Program Director for Rock County Pretrial Services.

<sup>166</sup> Ibid.

require longer participation, greater intensity, and the ability to address complex risk factors using an individualized approach rather than a one-size-fits-all model. Explicitly addressing unhealthy views of masculinity that drive controlling behavior in many men offenders is an effective component, but should be used as one component rather than an all-encompassing approach. One of the biggest weaknesses of these types of programs is that many participants do not complete the entirety of the programming—often half or more do not finish—because programs do not necessarily address their underlying needs and risk factors that drive the violent behavior.<sup>167</sup> The components exist for effective treatment and programming, but justice systems are not necessarily using all of the components appropriately and often offer a one-size-fits-all approach that does not match the reality of the complexity of intimate partner violence. Cannon et al. (2016) and Babcock et al. (2016) provide excellent reviews of current state standards, empirical evidence, and current trends in evidence based practices.<sup>168</sup> There are also reliable and valid tools to determine the client’s control issues and what is motivating offenders’ use of intimate partner violence.<sup>169</sup>

**Rock County Domestic Violence Intervention Program (DVIP).** The Rock County Domestic Violence Intervention Program (housed in the District Attorney’s office) began in 1981, and is the only one in the county.<sup>170</sup> Most counties in Wisconsin do not have a DVIP program and usually refer out to providers in the community for individual therapy only.<sup>171</sup> The courts and DVIP “are interested in teaching the abuser consequences for his/her violent choices and instilling new beliefs and actions to stop the intimidation, controlling tactics, and violence.”<sup>172</sup> To find individuals that may be eligible for the program, DVIP staff go through intake court files to look for potential participants and the District Attorney’s office usually goes with their recommendations on whether to give them an offer to participate or not. In the past they have also worked with self-referrals as well as referrals from probation and CPS (when it is part of the return conditions). However, they have had to stop taking outside referrals due to limited resources.

**Eligibility Requirements.** To be eligible for the program, the prosecuting district attorney must refer the offender to the program, and the offender must accept responsibility for the crime and be willing to participate. An offer for the program comes from the Assistant District Attorney at the Initial Appearance. Other eligibility criteria include the following:<sup>173</sup>

- Offender’s offense must have occurred in Rock County.
- Offender cannot be subject to jurisdiction of juvenile court and **must be at least 17 years old.**
- Offender’s current offense must include the domestic abuse enhancer in an intimate partner relationship.

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<sup>167</sup> Wagers, S.M. Pate, M., Brinkley, A. 2017. “Evidence-Based Best Practices for Batterer Intervention Programs: A Report from the Field on the Realities and Challenges Batterer Intervention Programs are Facing.” *Partner Abuse* 8(4):409-428. Snyder, Rachel L. 2019. *No Visible Bruises: What We Don’t Know About Domestic Violence Can Kill Us*. Bloomsbury: NY, pp. 107-174.

<sup>168</sup> Cannon, C., Hamel, J., Buttell, F., and Ferreira, R. J. 2016. “A Survey of Domestic Violence Perpetrator Programs in The United States and Canada: Findings and Implications for Policy Intervention.” *Partner Abuse* 7:226–276; Babcock, J., Armenti, N., Cannon, C., Lauve-Moon, K., Buttell, F., Ferreira, R., . . . Solano, I. 2016. “Domestic Violence Perpetrator Programs: A Proposal for Evidence-Based Standards in the United States.” *Partner Abuse* 7:355–460.

<sup>169</sup> Wagers, S.M. Pate, M., Brinkley, A. 2017. “Evidence-Based Best Practices for Batterer Intervention Programs: A Report from the Field on the Realities and Challenges Batterer Intervention Programs are Facing.” *Partner Abuse* 8(4):409-428.

<sup>170</sup> Initially DVIP was a program just for men, but now serves women as well. Probation provides a similar 26-week cognitive behavioral therapy programming for men (that helps individuals change behavior by changing their thought patterns), but it is only for those already convicted and under probation supervision and it is not available to women. Interview and e mail correspondence with Gina Ciarmita.

<sup>171</sup> May 14, 2021 interview with Gina Ciarmita, DVIP Director.

<sup>172</sup> See website information at <https://www.co.rock.wi.us/da-domestic-violence#program>.

<sup>173</sup> Information provided by Gina Ciarmita, DVIP Director.

- Offender's current offense must not be a felony offense.
- There must be no indication of the presence of a weapon during the commission of the current offense.
- Offender cannot currently be on probation. (DOC has their own DV programs that they use with offenders on probation.)
- Offender has no prior violent felony convictions. However, this is reviewed on a case-by-case basis.
- Offender has no prior/current sexual offenses, stalking, arson, or kidnapping.
- Offender has no prior convictions involving use of a dangerous weapon.
- Offender has no prior probation/prison sentences. However, this is reviewed on a case-by-case basis.
- Candidate must voluntarily agree to abide by all Domestic Violence Program rules including future modifications while in the program.
- Candidate must be willing to address issues and participate in the program by agreeing to the conditions of the contract including making monthly restitution payments if required by court/victim.
- Candidates must explain in detail their involvement in the present offense. They must take full responsibility for their actions in order to be eligible for the program.
- Spanish speaking participants are referred to a program in Rockford, IL that works specifically with Spanish speaking offenders. These cases are monitored by our DVIP program and regular updates are given to the court.

If the charge is a misdemeanor or higher, and the DA's office gives the offender an offer to participate in DVIP, Victim Witness staff will explain the offer to the victim and the victim can meet with the prosecutor and make their wishes known. According to the DVIP Director, Gina Ciarmita, most of the time, victims are amenable to the DVIP offer because they often stay with them and want them to get help.<sup>174</sup> Upon completion of DVIP, the defendant receives some consideration in court on the charge and/or fine, per the plea agreement with the District Attorney.<sup>175</sup>

**Assessment of Referred Individuals.** The DVIP team is comprised of two clinical social workers that have decades of experience (and facilitate the DVIP groups), in addition to Gina Ciarmita, who oversees the program and is also a social worker. When initially reviewing a case, the DVIP team sees the **Lethality Assessment** when law enforcement have used it in a case, but not all jurisdictions in Rock County have implemented the program yet. As previously discussed, the Lethality Assessment tool is completed by a law enforcement officer with the victim when they respond to a domestic violence incident and is the best predictor of further domestic violence risk to the victim that is available. As long as police officers separate the perpetrator from the victim, this is a time when victims can be more honest because they feel safe and the perpetrator is unable to manipulate them; this is also why the lethality assessment is so important and has very helpful information.<sup>176</sup> Other risk assessments used in the Rock County criminal justice system do not capture domestic violence recidivism factors or predict likelihood of further domestic violence offenses. There are other assessments designed to specifically assess this (mentioned earlier), but they are not currently available for use in the Rock County justice

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<sup>174</sup> May 14, 2021 interview with Gina Ciarmita, DVIP Director.

<sup>175</sup> Other costs of program participation include a \$20 fee for the intake assessment, \$100 program fee if eligible for program participation in the short-term program, and \$15 per session/week for the additional 14 week long-term program.

<sup>176</sup> May 14, 2021 interview with Gina Ciarmita, DVIP Director. Kelsey and Jessi and domestic violence research also confirms this.

system. The DVIP team is able to see the **Domestic Abuse Victim Worksheet** (discussed earlier that is used by the Janesville and Beloit police departments), which is also useful information about how the incident affected the victim (physically and psychologically) that is not included in the police report.<sup>177</sup> So the DVIP team begins their assessment with information about the impact of the offender's violence on the victim.

Extensive and thorough evaluation of someone referred to DVIP is done at the time of the intake assessment, which takes about 1.5 to 2 hours. Information gathered to conduct a **social history** includes background information, schooling/employment history, previous criminal history (with the use of CCAP, PROTECT, and other databases), family history, history of domestic violence as both a victim and perpetrator, history of alcohol/drug use/abuse, history of mental health issues, detailed offense information, etc. DVIP staff also talk with participants about the incident and what led up to it. Participants need to take responsibility for what they did or the group dynamics are not effective; they have to be open to taking responsibility and want to learn to do better. Research on behavior change shows that interventions are not effective if they are not willing to take responsibility.<sup>178</sup> Eligibility and need for additional services is then determined by using the information provided in the intake assessment. Programming for the abuser often includes referrals to outside agencies for alcohol and drug treatment, individual or group counseling, individual counselors to help offenders address trauma issues if necessary, and parenting classes, in addition to the Domestic Violence Intervention groups. There may be other requirements necessary to complete DVIP, which is determined at the initial intake interview, such as restitution, underage drinking classes, corrective thinking programming, community service, completion of high school, or others.<sup>179</sup> Gina also shared that the victims often come with the offender to the intake appointment, however, there is not a practice in place to provide those individuals with information about community-based advocacy services; this could be easily instituted and be another point of contact to refer and link victims to services for support.

**DVIP Groups.** The DVIP groups are a central part of the program and provide cognitive behavioral treatment (CBT) programming that helps individuals change behavior by changing their thought patterns. Staff follow the Duluth Model curriculum, "Creating a Process of Change for Men/Women who Batter," and Thinking for a Change curriculum.<sup>180</sup> The CBT approach has been shown to be the most effective in domestic violence offender intervention. There is a **4 week introductory program** (for both men and women), but they found that it is not long enough to be as effective for many of the men offenders. So there is an additional, **more in-depth 14 week program**, mainly for men. Whether they are assigned to the shorter or longer program is determined at intake based on the nature of allegations and history, or is requested by the DA's office. The longer program is mainly for people with multiple arrests (indicating a need for more intense programming), which mostly applies to men who are referred to the program. They have separate groups for men and women because there are generally different factors driving their violent behavior. For women who have been charged with domestic violence, they generally have extensive trauma histories, and often a lot of sexual abuse (which is the case for some men as well). So in the women's group, they talk a lot about their trauma. The women's group is also very effective, and the women participating often wish they could continue because it is a safe space for them to process their traumatic experiences.<sup>181</sup> While individuals are not

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<sup>177</sup> May 14, 2021 interview with Gina Ciarmita, DVIP Director.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> See program website at <https://www.co.rock.wi.us/da-domestic-violence#program>

<sup>181</sup> Gina shared that during COVID, women DV cases have risen; there was a rise in use of alcohol to cope and some in households with violent partners, and, as a result, there have been a higher number of women participants than ever before.

inherently violent, and the violent behavior is driven by other factors, the DVIP programming tries to address those other factors that are at the root of the violent behavior and link the participants to services that will meet their other needs. For example, for those with alcohol and substance abuse issues, research shows that this does not drive their abusive behavior, but can exacerbate the violent behavior.<sup>182</sup> So the DVIP programming addresses what drives the violent behavior and connects them to providers who can give treatment for the substance abuse. Typically, participants will be in the program for 6 to 12 months depending on their progress and if additional treatment is required.

**Domestic Violence Intervention Program Outcomes.** Typically, offenders are only given one opportunity to complete the DVIP program. For example, if they completed the DVIP in 2021 and are re-arrested in 2022 on a domestic violence offense, they would not be allowed to complete the program again. However, this is evaluated on a case-by-case basis based on the length of time that has passed since an offender previously participated in the program. After successful completion of the program, if the case is originally charged as a county ordinance and the offender has no priors or lengthy criminal history, the ADA may request a dismissal of the charge; if the case is originally charged as a criminal misdemeanor, the ADA may request an amended charge to a county ordinance for a fine of \$10 plus costs. Gina Ciarmita shared that she does not generally see the people that have been through the program in court again (especially the women); however, no one has conducted an independent evaluation or recidivism study of Rock County's DVIP, so it is not clear what percentage of those that start the program complete it and how effective it is in reducing domestic violence recidivism. Domestic violence recidivism is also hard to measure because so much domestic violence is not reported. All participants fill out a program evaluation at the end of every group completion, and these evaluations could be compiled and analyzed to contribute to program improvement. Program outcome tracking and evaluation is an important area that could be developed to ensure that the program is as effective as possible and aligned with evidence-based practices. Gina Ciarmita also shared that they are at a point of evaluating how to improve the program right now and may possibly open it up to low-risk felony offenders. While having a local intervention program designed to address domestic violence offender's behavior is a strength in the Rock County justice system response to domestic violence prevention, there is also an opportunity to not only assess the effectiveness of the current program, but also create a structure for continuing program outcome tracking and evaluation. These efforts should be fully supported.

### **Overall Conclusions from Criminal Justice System Review**

There are some clear strengths and opportunities for improvement in domestic violence prevention efforts in the Rock County justice system. We have organized our overall assessment below into the following areas: victim support, law enforcement response, pretrial assessment and supervision, criminal court response, and intersections with civil court; our main points are also summarized in Chart 22 below.

**Community-Based and Court-Based Victim Support.** We have entities that represent the interests of victims more directly both in and out of the justice system: Victim Witness (connected to the criminal justice system) and Defy Domestic Abuse and YWCA that are community-based. It is a strength

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<sup>182</sup> See Humphreys, Cathy, Linda Regan, Dawn River, and Ravia K. Thiara. 2005. "Domestic Violence and Substance Use: Tackling Complexity." *British Journal of Social Work* 35:1303-1320; especially p. 1307-1310.



that we have these 3 agencies and even more important that we have two outstanding community-based advocacy organizations focused on the needs of those experiencing domestic violence. But they still need more resources and better coordination support to continue to meet those needs in Rock County. The biggest difference between community-based advocacy organizations and Victim Witness is guaranteed confidentiality of what the victim shares with advocates and the extent of support and services offered; the community-based organizations are designed to meet victims' needs in more comprehensive ways than the justice system. Having a guaranteed institutional connection (backed by statute) between law enforcement and Victim Witness in terms of sharing advocacy services information is also a strength. Other practices through the Lethality Assessment Program and follow-up procedures from the DVI Specialized law enforcement team, and the Victim Witness process when victims want to waive a no contact order, are even better because they connect victims to the advocates themselves (through phone contact or in person). However, beyond those two points, there are no other clear institutionalized mechanisms to connect victims to advocacy services. Creating more points of connection between the justice system and community-based advocates would be even more effective in getting victims of domestic violence connected to the services that research and practical evidence shows improves safety and well-being for survivors in the short- and long-term; these services are also vital to domestic violence homicide prevention. This could be integrated into civil court—in the TRO/Injunction process and family court is well. Even though advocates can provide support, victims do not always connect with them before filing for a TRO. If advocate information was made available whenever individuals get domestic abuse TRO/Injunction information (both online and at the Clerk of Court's office), that could be helpful. Family courts are also an important point of contact even though they fall outside the criminal justice system. Victims associated with a domestic violence case in criminal court may also be interfacing with family court to seek a divorce and safe child custody arrangements outside of the criminal justice system, and this is where there is some critical crossover. Advocates and survivors continually emphasized that these court proceedings are extremely difficult for those experiencing domestic violence to navigate, however, there is no institutional mechanism to connect victims to advocacy services when domestic violence is a part of the family dynamic that is driving divorce or custody claims. So one of the ways to have a more coordinated and effective system response is to connect victims to the community-based advocates at all of these critical points when a case moves through court processes and include family court in those efforts. More resources and services devoted specifically to legal support for divorce proceedings is also essential.

***Law Enforcement Response to Domestic Violence.*** The implementation of the Lethality Assessment Program (LAP) by the largest police departments in Rock County is a strength, and they have already successfully connected more victims to services, improved knowledge about domestic violence through training, and improved reporting and investigations through increased willingness of victims to cooperate because of improved relationships with law enforcement. This also strengthens relationships between advocacy organizations and law enforcement to meet victims' safety needs more effectively. Both Janesville PD and the YWCA agree that the LAP has led to better relationships with victims, the YWCA, and the justice system through building trust. This is an example of a program that increases collaboration and coordination in ways that improve the effectiveness of domestic violence prevention and response efforts. Other jurisdictions in Rock County will be implementing this program in the near future and this will hopefully expand to all jurisdictions in Rock County. This is a great strength in Rock County based on the benefits of the Lethality Assessment program for intervention and domestic violence prevention. Janesville police department's specialist response team and their follow-up process that includes reviewing key information that is documented in the Domestic Violence Intervention (DVI) checklist is critically important to understanding the context of domestic violence incidences and

assessing level of risk along with the lethality assessment. This provides an excellent model that other jurisdictions in Rock County can use. Efforts to create a new Domestic Violence Intervention Team for Rock County will build on this and be a critical step forward in domestic violence prevention efforts in Rock County along with the more widespread adoption of the lethality assessment.

Two areas that need to be further evaluated are the rate of protective order violations in Rock County and the response to no contact order violations—which applies to the criminal court response as well. There is also no process in place to ensure that violations are consistently assessed in terms of domestic violence escalation and homicide risk factors so that this informs all law enforcement and court responses. This is also an area that needs to be evaluated in terms of effective practice that has worked in other places that incorporates victim and survivor feedback to create a coordinated approach across the Rock County criminal justice system for all stakeholders—so that there is effective and consistent accountability that will deter repeat violence and strengthen victim safety during pretrial release.<sup>183</sup>

***Pretrial Assessment and Supervision.*** The Public Safety Assessment (PSA) used in Rock County for pretrial assessment is an effective (and proven) tool for informing pretrial decisions overall, but it does not assess individuals with alleged domestic violence offenses any differently than others, and **does not capture domestic violence-specific recidivism factors**. Pretrial risk assessments in general have not been shown to be as effective in cases involving domestic violence, which is why some other jurisdictions have used additional assessment methods and screening practices for domestic violence cases in particular. While using the PSA pretrial risk assessment is a valuable evidence-based tool for informing pretrial decisions overall, additional assessment or screening is needed to effectively evaluate pretrial risks in domestic violence cases in particular. The case management for those ordered to pretrial supervision has been effective in increasing court appearance rate and ensuring no new criminal activity during pretrial. Prior to the implementation of pretrial services in Rock County, individuals released with bond conditions had no supervision or support services directly focused on pretrial compliance. But there is not necessarily any specialized domestic violence case management techniques in place. In order to evaluate whether there is a need for something more specialized during the limited pretrial supervision period for domestic violence offenders, it would be important to look at the success rate (in terms of court appearance rate, and violations of no-contact orders in particular) of individuals with DV offenses who have already been ordered to pretrial supervision in Rock County since pretrial services began. If they have had a high rate of compliance, then that would support the effectiveness of the current approach—even for domestic violence cases; if the rate of compliance is lower compared to those under pretrial supervision that do not have DV offenses, this would support the need for other case management techniques for those individuals.

***Criminal Court Response to Domestic Violence.*** The Victim Witness program provides an important link between the court and victims and between victims and community-based advocacy organizations. Also, the implementation of a process to connect victims with advocates when they ask to waive a no contact order is a really important and valuable process to inform victims and increase the likelihood that they will reach out for support services. One area that needs to be evaluated more in-depth is the substance of existing training and the practices used by court professionals to inform decisions in domestic violence cases. In order for the criminal justice system to have a coordinated and more effective response to domestic violence prevention, having a common framework, language, and

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<sup>183</sup> See Long, Jennifer G., Mallios, Christopher, and Murphy, Sandra Tibbets. 2010. “Model Policy for Prosecutors and Judges on Imposing, Modifying, and Lifting Criminal No Contact Orders.” Battered Women’s Justice Project. Retrieved at <https://www.bwjp.org/resource-center/resource-results/model-policy-for-prosecutors-on-imposing-modifying-and-lifting-criminal-no-contact-orders.html>.

understanding—in terms of the lethality risks that increase dangerousness for victims—so that the whole system is using practices that identify and assess domestic violence risks in similar ways. Consistently using DV risk assessment at all decision points in the court process to identify higher risk cases early while also treating them with more seriousness than cases without clear lethality risks when making decisions—in pretrial decisions, in court responses to violations of no contact orders and pretrial supervision requirements—is critical to victim safety. The fact that one of the 5 highest charges in DV cases in Rock County is strangulation and suffocation should cause concern because these fall into the category of high lethality risk cases. If all parts of the justice system have this awareness and approach when evaluating a DV case and making decisions, then there will be a coordinated response that prioritizes victim safety and identifies clear safety risks that can be addressed when the law requires pretrial release. Finally, having a Domestic Violence Intervention program that is longer-term and focuses on changing DV offenders’ behavior and holding them accountable is a strength; individuals perpetrating domestic violence will not change without treatment designed to get at the root of their behavior—which can include childhood trauma of their own. However, this is a great opportunity to evaluate the effectiveness of Rock County’s Domestic Violence Intervention Program and implementing better outcomes tracking to make it as effective as possible in domestic violence prevention while also expanding access (to more offenders or through bilingual providers that are within Rock County, for example). It is also worth exploring ways to expand the DVIP-type programming to others who are not court-ordered, but would benefit at a point of earlier intervention.

<b>22. Overall Conclusions from Criminal Justice System Review</b>		
<b>Area</b>	<b>Strengths</b>	<b>Areas in Need of Improvement</b>
<b>Community-Based Advocacy Organizations</b>	<ul style="list-style-type: none"> <li>• 2 Strong DV advocacy organizations with extensive services and links to other community service providers</li> <li>• Strong connections to Law Enforcement through LAP</li> <li>• Strong Connections to Victim Witness through sharing information, referrals, waiver request process</li> <li>• Accessible and welcoming services meeting needs of diverse individuals</li> </ul>	<ul style="list-style-type: none"> <li>• Need connections to Family Court through information provided to individuals with domestic violence in relationship history.</li> <li>• Need connections to Clerk of Courts through information provided to individuals applying for Domestic Abuse TROs and Injunctions.</li> </ul>
<b>Law Enforcement (LE) Response</b>	<ul style="list-style-type: none"> <li>• Lethality Assessment Program (LAP) in Janesville and Beloit</li> <li>• Domestic Violence Intervention (DVI) Specialized Team in Janesville and being developed for county</li> <li>• Expansion of LAP and DVI Team to entire county</li> </ul>	<ul style="list-style-type: none"> <li>• Need more consistent assessment and response to no contact order violations based on lethality risks</li> <li>• Need better coordination across jurisdictions on high risk DV cases</li> <li>• Need to ensure probation officers are contacted when individuals under state or federal supervision are arrested for new DV offenses</li> </ul>
<b>Pretrial Assessment and Supervision</b>	<ul style="list-style-type: none"> <li>• Effective overall pretrial risk assessment</li> <li>• Effective pretrial case management evident in high pretrial success rates (high rate of court appearance and low rate of new criminal activity during pretrial)</li> </ul>	<ul style="list-style-type: none"> <li>• Need more effective assessment of DV Recidivism or Lethality Risks for individuals with DV offenses</li> <li>• Assess need for specialized DV case management techniques by evaluating pretrial success rate (including rate of violations of no contact orders) of individuals with DV offenses that have been under pretrial supervision</li> </ul>

Area	Strengths	Areas in Need of Improvement
<b>Criminal Court Response</b>	<p><b>Victim Witness Program (VW)</b></p> <ul style="list-style-type: none"> <li>• Supports victims and connects them to advocates (through information and referrals)</li> <li>• Strong working relationships with community advocates</li> <li>• Victim Witness Specialist focused on DV cases</li> <li>• Effective process to connect victims with advocates in-person when asking to waive no contact orders</li> </ul> <p><b>Domestic Violence Intervention Program (DVIP)</b> that is longer-term and attached to court accountability and incentives.</p>	<ul style="list-style-type: none"> <li>• Evaluate possibility of VW follow-up contact after mailing pamphlet information</li> <li>• Need consistent DV lethality risk assessment practices at all decision points to identify higher risk cases and respond accordingly in decision-making and response to no contact order violations</li> <li>• Need further evaluation of how previous violations of no contact orders are identified and considered in court decisions</li> <li>• Need DVIP program evaluation and better outcomes tracking</li> <li>• Expand access to DVIP to more court-ordered offenders and at a point of earlier intervention.</li> </ul>
<b>Intersections with Civil Court</b>	<ul style="list-style-type: none"> <li>• Need formalized connections between Clerk of Courts/Family Court and advocacy service information</li> <li>• Need in-depth evaluation of child custody and placement decisions in cases with DV in Rock County.</li> </ul>	

**When Victims of Domestic Violence Interface with Civil Court.** Although criminal court processes are distinct from those in civil court, when domestic violence victims with children seek divorce and child custody arrangements through family court, sometimes at the same time they have an associated criminal court case, there are other significant safety risks and concerns without institutional mechanisms to connect victims to advocacy services and support. There is no statute guaranteeing the sharing of advocacy information in civil court or family court because there is not a legally defined victim as in criminal court; there is also not an institutional “hub” in civil court that is the equivalent of Victim Witness in criminal court. Although victims of domestic abuse pursuing divorce or child custody through family court can initiate a request for a domestic violence advocate, there is not a process in place to inform them of these services unless they are already connected to or aware of YWCA or Defy Domestic Abuse. We recommend developing a process to provide information about available DV advocacy services early in civil court processes when domestic violence is part of the family dynamic in a case. Domestic violence advocacy organizations have few resources for legal representation for those with limited financial means; legal aid will also not take divorce cases because they can be drawn out and challenging, especially when domestic violence is involved. So this is a clear resource limitation even though advocates can still provide support as victims navigate family court. These challenges continue to be emphasized by many survivors (that advocacy organizations work with and those that we spoke to).

We also evaluated research conducted by End Domestic Abuse Wisconsin that uses 100s of family court cases from 20 counties in Wisconsin in addition to other research that examines family court processes and decisions regarding child custody and placement when domestic violence is identified (discussed below in Appendix E). **However, we do not have systematic and in-depth analysis of Rock County family court cases** (which would require an additional research project), so we cannot draw conclusions about Rock County specifically in terms of family court orders in cases with domestic violence. We do, however, strongly recommend that this be evaluated more in-depth in the future given that this has consistently been identified by so many survivors, based on their personal experiences, as

an incredibly difficult process to navigate and without enough victim-centered support—as victims are going through the process and in how domestic violence is evaluated and considered in court deliberations that influence final court orders.

## Recommendations for System Improvement in Domestic Violence Response and Prevention

Here we provide recommendations for ways to improve the Rock County justice system response to domestic violence that will provide greater safety and support for victims and expand domestic violence prevention efforts during the high-risk pre-trial phase. We base our recommendations on our analysis of local data, the Jeremy Mondy domestic violence case review, the review of the Rock County criminal justice system response to domestic violence, and domestic violence research showing what is effective in preventing serious and lethal domestic violence.

### 1. Formalize a Domestic Violence Review Team for Further System Review

We recommend creating a multi-agency domestic violence review process on a local level (similar to the case review process that has been incorporated into the Rock County Sexual Assault Response Team) for the purpose of understanding the local patterns of domestic violence; the personal, situational, and environmental factors that heighten or mitigate the risk for repeat violence, injury, and death—especially in terms of what is occurring locally; and the relative effectiveness of specific, local prevention measures that are implemented. This would also contribute to ensuring that system stakeholders have **an institutionalized process to evaluate system-level domestic violence response on a regular basis using a framework designed to make improvement recommendations on an annual basis** to continually improve efforts to prevent serious or fatal violence.<sup>184</sup> This report provides a great deal of information that offers an important and thorough baseline. However, further evaluation needs to include

- **Assessment of more past cases that are not pending cases,**
- **Evaluation of the Rock County justice system domestic violence response beyond the pretrial phase,** in terms of case processing and conviction outcomes,
- **In-depth review of child custody evaluations and family court orders when domestic violence is alleged between parents** in Rock County family court.

A formalized domestic violence review team could provide a structure and process to take on these important next steps in addition to ongoing review.

***Considerations in Review of Child Custody Evaluations and Family Court Orders.*** In 2004, Wisconsin Act 130 was passed to provide a legal tool for court systems to consider safety as a high priority in custody and placement determinations; this statute provides that when one party has engaged in a pattern or serious incident of inter-spousal battery, joint or sole custody to the abusive parent is contrary to the child’s best interest.<sup>185</sup> In these cases, the “safety and well-being” of the abused parent

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<sup>184</sup> The Maine Coalition to End Domestic Violence (MCEDV) is an example of a state that has a formalized fatality review process at the state level and has used this process to inform and recommend system changes. To see the reports of the Main Homicide Review Panel, go to <https://www.mcedv.org/learn-about-abuse/publications-reports-additional-resources/>. One of the reforms implemented in Maine includes use of the Ontario Domestic Assault Risk Assessment (ODARA) tool, which was mentioned earlier in this report as an option for assessing DV offenders for domestic violence recidivism factors (more information at <https://www.bwip.org/resource-center/resource-results/a-roadmap-to-risk-assessment-maine-s-use-of-the-ontario-domestic-assault-risk-assessment-tool.html>).

<sup>185</sup> See Wis. Stat. § 767.41(2)(d)1.

and child become “paramount concerns” when determining custody and placement.<sup>186</sup> We recommend that an in-depth evaluation include an assessment of how this statute is being applied in family court cases in Rock County given recent research reviewing several years of family court orders in 20 Wisconsin counties showing that this statute has not resulted in child custody and placement orders prioritizing these safety considerations in many cases.<sup>187</sup> Judicial officers are also not always presented information about the extent of domestic abuse to ensure decisions are made in light of that information, which is why a uniform screening mechanism that includes this information is crucial. Guardians ad litem (GALs) also play an important role in this process.

In Wisconsin, Guardians ad litem or “GALs” are often key decision makers in contested family law actions; they are licensed attorneys who have completed six hours of training related to guardian ad litem work, a third of which is domestic violence related. GALs are charged with representing the best interests of the child or children involved in a family law case. In practice, the GAL’s recommendation can have a significant impact on placement and custody decisions, which is why End Domestic Abuse Wisconsin, in partnership with the Wisconsin Governor’s Council on Domestic Abuse, released the *Domestic Abuse Guidebook for Wisconsin Guardians ad Litem: Addressing Custody, Placement, and Safety Issues* in 2017. The Guidebook is a comprehensive, step-by-step manual for approaching the consequential issue of domestic abuse in child custody and placement actions. The Guidebook offers easy access to important legal definitions and concepts, tools for understanding how domestic abuse affects children and practical guidance to make informed recommendations to the court. The Guidebook walks GALs through a four-step process when approaching a case, giving the GAL the knowledge to:

- Identify whether or not domestic abuse has occurred;
- Define the nature and context of domestic abuse;
- Evaluate the implications of domestic abuse in the family; and
- Make informed recommendations that account for domestic abuse.

At every step in the analysis, the Guidebook relates the applicable concepts to the Wisconsin State statutes, making it easier for GALs to harmonize appropriate concern for the safety of victims and children with the relevant legal standards. This Guidebook is an important resource for Rock County GALs, and we recommend that an in-depth evaluation of family court cases include an assessment of how these guidelines are being used by GALs in Rock County.<sup>188</sup>

## 2. Improve System-Wide Coordination, Communication, and Accessibility

A complex problem like domestic violence needs community- and system-wide solutions. We conclude that **better coordination and communication throughout the justice system as a whole and across all police jurisdictions and service organizations in Rock County**, including knowing what resources are available and who to contact, will contribute to more effective prevention of domestic violence.<sup>189</sup> We recommend building on the following two existing collaborative groups that have already established mechanisms for better system coordination:

- **Domestic Violence Leadership Team** (that includes representatives from Child Protective Services (CPS), Youth Justice, YWCA, and Defy Domestic Abuse) that meets monthly in order to

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<sup>186</sup> See Wis. Stat. § 767.41(5)(bm).

<sup>187</sup> This research is discussed in Appendix E. For legal analysis of this research, see Meuer, Teresa E., Tony Gibart, and Adrienne Roach. 2018. “Domestic Abuse: Little Impact on Child Custody and Placement.” 91(11). <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=91&Issue=11&ArticleID=26737>.

<sup>188</sup> End Domestic Abuse Wisconsin, *2016 Homicide Report*, p. 36-37.

<sup>189</sup> From interview with Kelsey Hood-Christenson, May 21, 2021.



better coordinate response when clients utilizing domestic violence services are also connected to CPS; and

- **Rock County Law Enforcement Association (RCLEA)** that meets every quarter and is working on the expansion of the LAP across the entire county and involved in the development of the new Domestic Violence Intervention team for Rock County.

These are existing groups that can be utilized to expand collaboration and communication across the entire justice system--to be more effective in what is already being done rather than creating more structures. End Abuse Wisconsin has acknowledged the work of the many Coordinated Community Response teams in Wisconsin that generate broader awareness and responsiveness to lethality risk in domestic violence cases; other research has also confirmed the effectiveness of a coordinated system-wide approach in terms of victim outcomes and domestic violence prevention.<sup>190</sup> Identifying high-risk situations early on and having a common language to talk about risk allows those involved to effectively use limited resources in an integrated and strategic way to prevent further violence.

**Making sure victims are informed about community-based resources at every point of contact is critical in an effective coordinated response as well.** Kelsey Hood-Christenson, Director of Defy Domestic Abuse, identified a number of potential points of connection in the Rock County justice system where victims could be given domestic violence advocacy services information<sup>191</sup>:

- When **Probation and parole agents** are supervising domestic violence offenders and are seeing the same victim multiple times, they could inform the victim of the resources that are available.
- If **Pretrial Services staff** have any contact with victims of clients under pretrial supervision as a result of domestic violence charges, they could refer them to the community-based domestic violence advocacy services by providing their contact information.
- When **Domestic Violence Intervention Program staff** come in contact with victims of offenders in their program, they could provide advocacy service information.

This is one practice that costs nothing to implement and is simply a matter of making sure all justice system professionals, at every point in the system, are informed about the community-based advocacy services and have pamphlets with contact information that can be shared with those experiencing domestic violence. This simple practice can ensure that more victims receive life-saving support.

**Solutions also need to be connected to and coordinated with other Rock County systems and community initiatives.** For example, our local data shows that there are roughly 40-50 strangulation and suffocation charges in domestic violence cases every year in Rock County, so institution of a strangulation protocol in Rock County health systems is an important measure in domestic violence homicide prevention.<sup>192</sup> As discussed earlier, non-fatal strangulation is a significant risk factor for predicting future homicide in domestic violence cases; in fact, women survivors of non-fatal strangulation are more than 7 times more likely to become a victim of homicide.<sup>193</sup> About 20 years ago, researchers discovered that, despite being relatively common, strangulation was an under-reported, under-diagnosed and under-prosecuted form of intimate-partner violence. This lack of awareness was in part because acts of

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<sup>190</sup> End Domestic Abuse Wisconsin, *Wisconsin Domestic Violence Homicide Report 2014*, p. 34; End Domestic Abuse Wisconsin resources for Coordinated Community Response available at <https://www.endabusewi.org/our-work/coordinated-community-response/>. See also Snyder, Rachel L. 2019. *No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us*. Bloomsbury: NY, p. 275-276.

<sup>191</sup> From interview with Kelsey Hood-Christenson, May 21, 2021.

<sup>192</sup> The act of applying pressure to someone's neck to cut off air or restrict blood flow to the brain can cause the victim to lose consciousness in a matter of seconds.

<sup>193</sup> Glass, N., Laughon, K., Campbell, J., Chair, A., Block, C., Hanson, G., Sharps, P., Taliaferro, E. 2009. "Non-fatal Strangulation Is an Important Risk Factor for Homicide of Women." *Journal of Emergency Medicine* 35(3):329-335. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/>.



strangulation can leave few immediate physical marks, but can result in serious neurological and respiratory conditions, some fatal, that set in after the attack.<sup>194</sup> In response to the growing knowledge related to strangulation, Wisconsin created a separate felony-level crime of strangulation and suffocation in 2008. Since then, a number of law enforcement officers and prosecutors in the state have received training on appropriately identifying and responding to cases of strangulation. However, there is still work to be done.<sup>195</sup> Comprehensive evidence collection and survivor interviews along with proper medical care can make a difference to the health and well-being of victims and contribute to holding perpetrators accountable in ways that prevent fatalities.<sup>196</sup> Domestic violence prevention also connects very directly to wider county efforts to address the lack of affordable housing, increase economic/educational opportunities, and respond more effectively to economic distress (especially with the economic effects of COVID) by providing better resource support for families. This is also a part of a new community initiative through a partnership between Rock County Human Services and Alia Innovations to develop new ways to strengthen and support families. These are examples of how prevention efforts can coordinate with other important systems in Rock County in addition to the justice system.

**Effective domestic violence prevention also ensures that any system response is accessible and welcoming—to diverse needs and communities.** This means creating better system-wide understanding of the county's different communities and needs, and bringing survivors' perspectives and what they feel are appropriate and helpful responses to process development and decision-making. This also requires establishing policies that ensure equitable power, opportunities, and outcomes for all who are affected by domestic violence and considering the adverse effects of gender and race-based discrimination at the individual and institutional levels. In addition, our findings and others point to the need for guided, intermediate interventions, outside of the justice system, that prioritize victims' safety and their preferences for safety planning.<sup>197</sup> Different lived experiences may make some more or less likely to report violence, or may impact the ways in which they choose to seek help. For example, help seeking efforts for many people of color are hindered due to the structural forms of violence that they experience in various institutions and systems. Consequently, many seek support from informal resources, such as journaling, self-help books, spirituality and/or religion,<sup>198</sup> and through social support networks comprised of family and/or friends.<sup>199</sup> We must at the very least take into account the complexities of race, ethnicity, gender, sexuality, and socioeconomic status in all domestic violence prevention efforts.

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<sup>194</sup> In one study of 300 strangulation cases in San Diego County, 50% of the cases had no visible injury at all, and in 35% of the cases, the injury was not sufficient to photograph; further, only 3% of the survivors in this study sought medical attention after experiencing strangulation. See Strack, G., Gwinn, C., Hawley, D., Green, W., Smock, B., and Riviello, R. 2014. "Why Didn't Someone Tell Me? Health Consequences of Strangulation Assaults for Survivors." *Domestic Violence Report*, 19 (6):87-90.

<sup>195</sup> End Domestic Abuse Wisconsin, *2014 Domestic Violence Homicide Report*, p. 32.

<sup>196</sup> Kelsey Hood-Christenson also shared that hospitals have a standard protocol to screen for DV, but not for responding or linking them to advocacy services. She shared an example of the process one OBGYN follows, who calls Defy Domestic Abuse when the screen shows DV risk and she sets up an extra meeting in her office so that the person has a private place to meet with a DV advocate. This process could be a standard practice beyond one individual doctor to connect those experiencing domestic violence with advocate support.

<sup>197</sup> P. 478 in Holliday, C.N., Kahn, G., Thorpe, R.J., Shah, R., Hameeduddin, Z., and Decker, M.R. 2020. "Racial/Ethnic Disparities in Police Reporting for Partner Violence in the National Crime Victimization Survey and Survivor-Led Interpretation." *Journal of Racial and Ethnic Health Disparities* 7: 468-480. Retrieved from <https://doi.org/10.1007/s40615-019-00673-9>.

<sup>198</sup> Bryant-Davis, T., Ullman, S. E., Tsong, Y., & Gobin, R. 2011. "Surviving the Storm: The Role of Social Support and Religious Coping in Sexual Assault Recovery of African American Women." *Violence Against Women* 17(12):1601-1618; Gillum, T. L., Sullivan, C. M. and Bybee, D. 2006. "The Importance of Spirituality in the Lives of Domestic Violence Survivors." *Violence Against Women* 12(3):240-250.

<sup>199</sup> Bryant-Davis, Ullman, Tsong, and Gobin. 2011. "Surviving the Storm"; Goodkind, J. R., Gillum, T. L., Bybee, D. I. and Sullivan, C. M. 2003. "The Impact of Family and Friends' Reactions on the Well-Being of Women with Abusive Partners." *Violence Against Women* 9(3):347-373.

### 3. Implement Lethality Assessment Program Countywide and Lethality Risk Assessment System-wide

The Lethality Assessment Program (LAP) expansion effort is a huge strength and should be supported. The Rock County Domestic Violence Intervention (DVI) law enforcement team under development could also be the mechanism through which stakeholders prioritize and coordinate response to high risk cases to prevent serious and lethal violence.<sup>200</sup> **High Risk Response Response Teams** are often a complement to this and Rock County could use the county DVI Team to effectively respond to the highest risk cases.<sup>201</sup> The Janesville DVI team and the follow-up process and process and information provided from the DVI checklist is critically important to understanding the the context of domestic violence incidences and assessing level of risk along with the lethality assessment. This provides an excellent model that other jurisdictions can adopt and use in the process of process of expanding the lethality assessment to all jurisdictions in Rock County. The LAP provides a way provides a way to identify high risk victims and connect them to advocacy services while also providing providing community specific information about common factors driving domestic violence in our *local local* areas through data collection. This helps identify local needs that can be addressed in prevention prevention efforts. Including the LAP risk assessment in information judicial officers receive in all domestic violence cases can also verify the level of lethality risk to inform court decisions as well.

**Identifying risk of escalating violence and intimate partner homicide** is based on a body of research that is led by Jacquelyn Campbell and the most widespread protocol used is the Maryland Lethality Assessment Program (LAP)<sup>202</sup> Identifying domestic violence lethality risks should be central in justice system response as well as community education and awareness efforts. **An effective foundation for a system-wide response in Rock County includes all justice system stakeholders understanding and assessing domestic violence lethality risk factors.** The following are the risk factors that the LAP is designed to identify that are also important for all professionals to be able to identify who have any role in response to domestic violence or victim support (see footnote 204 for source referenced unless otherwise noted below):

1. **Abuser has used a weapon against the victim or has threatened them with a weapon.** Threats or acts of violence that involve guns are the clearest signs that a victim is at the highest risk of being killed. Abused women who are threatened with or assaulted with guns in a prior incident are 20 times more likely to be killed than abused women who do not have this experience.
2. **Abuser has threatened to kill the victim or their children.** A previous death threat from the perpetrator is the second most predictive risk factor for homicide, next to use or threatened use of a weapon. Research shows, in more than half of the domestic violence homicides committed against a woman, the perpetrator previously threatened to kill the victim. Research also shows that women whose partners threatened to kill them were 15 times more likely to be murdered than other women.<sup>203</sup> The very act of threatening to kill one's own child or children is also a clear

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<sup>200</sup> See Snyder, Rachel L. 2019. *No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us*. Bloomsbury: NY.

<sup>201</sup> See End Domestic Abuse Wisconsin, *Wisconsin Domestic Violence Homicide Report 2019*, pp. 36-38.

<sup>202</sup> See Campbell, Jacquelyn C., Daniel Webster, Jane Koziol-McLain, Carolyn Rebecca Block, Doris Williams Campbell, Mary Ann Curry, Faye Gary et al. 2003. "Assessing Risk Factors for Intimate Partner Homicide." *National Institute of Justice Journal* 250: 14-19. This next section in the report makes multiple references to specific levels of increased risk for each listed risk factor. Those references can be credited to the above article. We have avoided repetitive citations for ease of reading. This section is also a shorter summary of the one provided in End Domestic Abuse Wisconsin's *Wisconsin Domestic Homicide Report 2014*, p. 27-37. See End Domestic Abuse Wisconsin's Homicide Prevention page at <https://www.endabusewi.org/our-work/homicide-prevention/>. As of May 2021, there are 37 counties with a domestic violence program and at least one law enforcement agency trained in the Lethality Assessment Program.

<sup>203</sup> Campbell, Webster, Koziol-McLain, et al. "Assessing Risk Factors for Intimate Partner Homicide."

indicator of serious danger. When fear of violence or death is not enough to keep victims compliant, some perpetrators turn to the children for leverage over their victims. Going to these lengths is a sure sign that the perpetrator is a clear and present danger to the family. Research also estimates the overlap between adult domestic violence and child maltreatment is between 30% and 60%.<sup>204</sup>

3. **Victim believes that the abuser might try to kill them.** Advocates for victims of domestic violence have long held that victims are the experts in their own lives. Victims provide essential insight into the degree of danger they are facing; research confirms that victims who believe their abuser is capable of killing them are making accurate threat assessments.
4. **Abuser has a gun or has easy access to a gun.** A woman experiencing abuse is five times more likely to be killed when her abusive partner has a gun in the home.<sup>205</sup>
5. **Abuser has attempted to choke/strangle the victim.** A previous act of strangulation is a strong predictor that the abuser will kill the victim.<sup>206</sup> Strangulation for all practical purposes is an attempted homicide. Research shows that when abusers strangle victims, other high risk factors tend to co-occur, such as threats to kill. Perpetrators who strangle once are likely to commit the act multiple times in a pattern of escalating severity.
6. **Abuser is violently or constantly jealous or controls most of the victim's daily activities.** Jealousy frequently manifests with abusers making baseless accusations of infidelity and displaying extreme jealousy when their partners interact with anyone perceived as a threat. Many victims report that even everyday interactions come under scrutiny, such as conversations with co-workers, grocery store clerks, or even saying "hello" to someone on the sidewalk. Eventually, a victim learns that he or she will pay a price for engaging in these interactions and withdraws in order to stay safe. Domestic abusers often use isolation to control their victims as well and require their victims to account for their time and spending. Campbell's research shows that women who experienced violent and constant jealousy in their abusive relationship were more than nine times more likely to be victims of homicide at the hands of their abusers compared to victims without this risk factor.
7. **Victim and abuser have separated after living together or being married.** From an abuser's perspective, the victim leaving is the ultimate threat to the power and control they have worked so hard to establish. Abusers rely on their partners' submissiveness to feel valued; when a relationship ends the abuser's world begins to unravel and they will use any means to regain control. As discussed above, research has found that an attempt to leave is a precipitating factor in 45% of intimate partner homicides of women.
8. **Abuser has had a prior suicide attempt.** As discussed before, there is a strong correlation between suicidal and homicidal ideation in highly lethal abusive partners. Abusers often have low self-esteem and self-worth, and they may use threats or attempts of suicide as a way to convince the victim to stay with them. Independently, this risk factor does not have a high correlation with

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<sup>204</sup> Domestic Violence and the Child Welfare System, Child Welfare Information Gateway, October 2009. Available at <https://www.childwelfare.gov/topics/systemwide/domviolence/>.

<sup>205</sup> Campbell, Jacquelyn C., Daniel W. Webster, and Nancy Glass. 2009. "The Danger Assessment Validation Of A Lethality Risk Assessment Instrument for Intimate Partner Femicide." *Journal of Interpersonal Violence* 24(4): 653-674.

<sup>206</sup> Note the lethality assessment uses the term choke rather than the more precise terms strangulation or suffocation. Generally, "choke" is not a preferred term. Strangulation is a form of asphyxia caused by external pressure that results in closure of critical blood vessels or the airway. Whereas, choking is often used to refer to coughing up an internal obstruction in the airway. (e.g., "I was laughing so hard I choked on my dinner.") The vastly different connotations of the terms was thought to have the effect of minimizing the serious and potentially fatal nature of the strangulation. However, the lethality assessment likely uses the more colloquial "choke" because the term is more easily understood by victims.

perpetrating a domestic violence homicide; however, when coupled with other factors included in this section, the lethality risk multiplies.

9. **Abuser has stalked the victim or has left threatening messages**, which can occur through digital stalking as well. One study estimates that 76% of women killed by their abusers were stalked prior to their murders.<sup>207</sup> Other research has found that perpetrators of domestic violence homicide are twice as likely to have used stalking behaviors.<sup>208</sup> Abusers will often stalk their partners during the relationship by doing things such as checking in on the victim at work and elsewhere or following them. Victims will often report receiving hundreds of text messages, e-mails or phone calls in a day, which often contain implied or explicit threats of harm. These behaviors may also escalate when a victim ends or attempts to end the relationship. Many of the tactics that abusers use to stalk victims are rarely considered criminal when seen in isolation. Because of this, victims of stalking often report they are not taken seriously when attempting to report these behaviors to someone who can help.
10. **Abuser is unemployed**. Although people from all backgrounds and statuses experience domestic violence, it is more than 3 times more likely to occur under high levels of financial strain (when unemployed or underemployed, for example) than when financial stress is low.<sup>209</sup>
11. **Victim has a child the abuser knows is not theirs.**

Campbell's research has also identified "forced sex" as a significant marker of high risk, but a question pertaining to sexual assault is not included on the lethality assessment tool. From 2000 to 2019, previous domestic violence of the abuser toward the victim was reported in over half (or 57% on average) of the domestic violence homicide cases in Wisconsin.<sup>210</sup> This is why information about how many times an officer has been to the same location or responded to the same couple because of domestic incidents, even if the victim does not score as high risk on the LAP, is also important in addition to length of time between incidents. The **closer these incidents become, the more dangerous the situation.**<sup>211</sup> Finally, economic challenges (unemployment and accompanying financial stress) or unmet mental health and substance use needs, *while not the cause of violence*, can escalate a situation.

#### 4. Coordinate Justice System and Community DV Lethality Risk Assessment and DV Education

Common system-wide education about lethality risks would be beneficial so that professionals across the system use a common framework to identify lethality risks in the most dangerous cases to provide a more coordinated and victim-centered response. **Coordinating lethality risk assessment in all domestic violence cases coming into the Rock County justice system is key to domestic violence homicide prevention.** The identified risk factors contained in the Lethality Assessment discussed above, that make situations dangerous for victims, extend beyond physical abuse. Therefore, interventions and

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<sup>207</sup> McFarlane, Judith M., Jacquelyn C. Campbell, Susan Wilt, Carolyn J. Sachs, Yvonne Ulrich, and Xiao Xu. 1999. "Stalking and Intimate Partner Femicide." *Homicide Studies* 3(4): 300-316. Retrieved at [http://www.margolishealy.com/files/resources/stalking\\_and\\_intimate\\_partner\\_femicide.pdf](http://www.margolishealy.com/files/resources/stalking_and_intimate_partner_femicide.pdf).

<sup>208</sup> Adams, David. 2007. *Why Do They Kill? Men Who Murder Their Intimate Partners*. Vanderbilt University Press.

<sup>209</sup> Benson, Michael L. and Greer Litton Fox. 2002. *Economic Distress, Community Context and Intimate Violence: An Application and Extension of Social Disorganization Theory, Final Report*. Department of Justice, NCJ 193434.

<sup>210</sup> End Domestic Abuse Wisconsin. 2020. *Wisconsin Domestic Violence Homicide Report: 2019 Homicides and a Review of 20 Years of Data*, p. 43. Retrieved from [https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2020/09/24101634/FINAL\\_2019-Wisconsin-Domestic-Violence-Homicide-Report\\_revised\\_9\\_21\\_2020.pdf](https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2020/09/24101634/FINAL_2019-Wisconsin-Domestic-Violence-Homicide-Report_revised_9_21_2020.pdf).

<sup>211</sup> May 28, 2021 interview with Jessi Luepnitz. She also shared things to consider at the scene of a police contact: did the perpetrator flee the scene?; if the perpetrator is on site, did they allow victim to speak to law enforcement alone?; if kids are involved where are they?

response should consider the full continuum of risk that domestic abusers exert by **consistently evaluating domestic violence cases in terms of lethality risks at all decision points**. Justice system professionals should also be **using the same risk assessment framework** to identify the presence of the most dangerous threats as early as possible to systemically coordinate in ways that help victims mitigate the serious risks they face. The Battered Women’s Justice Project has developed useful assessment tools and practice checklists to ensure consistent evaluation of risk and danger in domestic violence cases by all criminal justice professionals throughout the processing of a case (for investigating offices, jail and detention, conditions of bail/release, prosecutors, judges, probation, and DV offender programs) in ways designed to reduce risk and maximize victim safety.<sup>212</sup> We recommend evaluating these practices and implementing them as much as possible to center victim safety. **Justice system stakeholders could also explore tools and approaches from Domestic Violence courts.**<sup>213</sup> Setting up a domestic violence court may not necessarily be immediately feasible, but a dedicated domestic violence court docket or using effective tools and practices from existing domestic violence courts could potentially be adopted in Rock County.

**Developing a consistent and coordinated lethality risk assessment process in domestic violence cases across the Rock County justice system can also be used in responding to no contact order violations.** Protective orders (including 72 hour no contact orders, no contact bond conditions, domestic abuse TROs/Injunctions) are not necessarily effective deterrents to repeat violence and the consequences for violation are not always consistent or pursued in the same way by law enforcement and the courts. In light of this, two areas needing more in-depth assessment are 1) the rate of protective order violations occurring in Rock County and 2) the response to no contact order violations in domestic violence cases. There is currently no system wide process in place to ensure violations are consistently assessed using the lethality risks framework. We recommend current procedures be evaluated against best practices that incorporate victim feedback and have worked in other places—**to create a coordinated approach to protective order violations across the Rock County criminal justice system that produces effective and consistent accountability in ways proven to deter repeat violence and strengthens victim safety during pretrial release.** The Battered Women’s Justice Project provides a “Model Policy for Prosecutors and Judges on Imposing, Modifying, and Lifting Criminal No Contact Orders,” that offers excellent guidelines for a more victim-centered approach that formalizes specific safety considerations and relationship dynamics through information that judges receive in all domestic violence cases.<sup>214</sup> Evaluating these practice recommendations is an important starting point.

Domestic violence prevention is also about addressing the root causes and changing the social norms that allow and condone violence—which **requires system and community-wide education and ongoing awareness efforts.** These efforts can create a common understanding of serious lethality risks and other challenges (e.g., economic or housing difficulties) that victims face when leaving an abusive

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<sup>212</sup> Sponsor-Garcia, Connie. 2016. “Accounting for Risk and Danger Practice Checklists: Coordinating Risk Assessment in Domestic Violence Practices.” The Battered Women’s Justice Project. Retrieved from <https://www.bwjp.org/assets/documents/pdfs/accounting-for-risk-and-danger-practice-checklists.pdf>.

<sup>213</sup> Helpful resources include “Supporting Domestic Violence Survivors’ Safety During the Court Process: Checklist of Recommended Practices” at [https://www.courtinnovation.org/sites/default/files/media/document/2021/CCI\\_FactSheet\\_DV\\_Support\\_Checklist\\_03232021.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2021/CCI_FactSheet_DV_Support_Checklist_03232021.pdf); “Criminal Domestic Violence Courts: Key Principles” at [https://www.courtinnovation.org/sites/default/files/documents/DV\\_Criminal\\_Fact\\_Sheet.pdf](https://www.courtinnovation.org/sites/default/files/documents/DV_Criminal_Fact_Sheet.pdf); “Civil Domestic Violence Courts: Key Principles” at [https://www.courtinnovation.org/sites/default/files/documents/DV\\_Civil\\_Fact\\_Sheet.pdf](https://www.courtinnovation.org/sites/default/files/documents/DV_Civil_Fact_Sheet.pdf)

<sup>214</sup> See Long, Jennifer G., Mallios, Christopher, and Murphy, Sandra Tibbets. 2010. “Model Policy for Prosecutors and Judges on Imposing, Modifying, and Lifting Criminal No Contact Orders.” Battered Women’s Justice Project. Retrieved from <https://www.bwjp.org/resource-center/resource-results/model-policy-for-prosecutors-on-imposing-modifying-and-lifting-criminal-no-contact-orders.html>.



relationship. **This results in more people recognizing that the most dangerous time is when a victim leaves their abuser so that they extend an outpouring of support for survivors instead of inundating them with judgment and blame.** It takes survivors leaving 7 times on average before they are able to permanently leave their abuser; and it takes an average of 8 years for an abusive relationship to end.<sup>215</sup> When systems and communities do not fully integrate accurate assessment and understanding of the dynamics of domestic violence, responses can exacerbate the associated challenges for domestic abuse survivors. For example, knowing the following pieces of information contribute to helpful interventions that mitigate victim safety risks and increase support in some crucial areas of need:

- Understanding that some victims do not show up for TRO or injunction hearings because of threats and intimidation from their abuser;
- Knowing that many victims return to their abusers because they do not have financial alternatives or experience religious pressure to reconcile;
- Appreciating how risky child exchanges can be for victims who have shared custody arrangements with their former abuser because there are not formalized safety exchange services in Rock County;
- Recognizing that negative rental histories often result from domestic violence and limit alternative housing options for victims who want to leave an abusive relationship.

Because there is a large homeless population in Rock County and a significant intersection between domestic violence and homelessness, this is one area of focus in identifying local needs.<sup>216</sup> Kelsey Hood-Christenson also shared that Defy Domestic Abuse is taking a community-based approach to reaching the most vulnerable who often never engage with the justice system or social service organizations through implementing a mass training of local religious and other community leaders, bus drivers, and staff in barbershops and salons. This effort is designed to teach community members and leaders how to screen for signs of domestic violence to connect people to supportive services as much as possible. Again, educating communities about risk factors so that they know warning signs and provide support is key to domestic violence prevention. This also connects to and builds on the implementation of the Lethality Assessment Program to provide **a more systemically coordinated approach using domestic violence risk assessment and understanding as the foundation of decision-making and intervention.**

Community-wide education does not only include adults; **effective community prevention education needs to start early with children and youth.** Prevention education is developed to begin in elementary schools—to disrupt the normalization of violence and abuse as early as possible. YWCA and Defy Domestic Abuse staff also provide youth trainings in middle schools and high schools; however, all advocates we interviewed emphasized that it is *essential* to partner with schools to begin educating youth earlier (in elementary school) about what healthy relationships and friendships look like so they can 1) learn behavior that is not okay to engage in themselves (to develop healthy relationship skills) and 2) know what behaviors they do not have to accept so that they are empowered to say, ‘that’s not just part of “normal” relationships and it’s not okay.’ This early, developmentally appropriate curriculum, in addition to the more in-depth curriculum that educates teens to recognize when abuse occurs in their romantic relationships, provides healthy relationship skills and empowers youth to reach out for help sooner. Approximately 1 in 5 women and 1 in 7 men in the U.S. who experienced rape, physical violence, and/or stalking by an intimate partner first experienced some form of partner violence between 11 and 17 years of age.<sup>217</sup> Further, one in ten high school students in the U.S. has experienced physical violence

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<sup>215</sup> National Domestic Violence Hotline at <https://www.thehotline.org/resources/get-help-50-obstacles-to-leaving/>.

<sup>216</sup> From interview with Kelsey Hood-Christenson, May 21, 2021.

<sup>217</sup> CDC. 2012. “Dating Matters: Strategies to Promote Healthy Teen Relationships” at [http://www.cdc.gov/violenceprevention/pdf/datingmatters\\_flyer\\_2012-a.pdf](http://www.cdc.gov/violenceprevention/pdf/datingmatters_flyer_2012-a.pdf).

from a partner in the last year alone.<sup>218</sup> **So there is a clear need to educate young people and early intervention is more effective in prevention over their lifetime.** The advocacy organizations use evidence-based curriculums and county-wide efforts are currently organized for the purpose of expanding those curriculums to more youth through the grant-funded Rock County Sexual Violence Prevention Team. These efforts need broader commitment and support from more schools and more parents voicing their desire for this programming so that more youth receive this critically important and age appropriate prevention education. The city of Rockford, for example, has decided to use American Rescue Plan funds to focus on youth after identifying that their most violent youth offenders had been the victims of sexual violence themselves. So they identified the root causes and have prioritized early intervention efforts with youth to prevent further violence.<sup>219</sup>

## 5. Develop Domestic Violence Pretrial Risk Assessment Tools

While the Public Safety Assessment (PSA) used in Rock County for pretrial assessment is an effective (and proven) tool for informing pretrial decisions overall, it is not designed to assess the risk factors associated with domestic violence recidivism. As discussed above in the Mondy case review, **one specific area that could be strengthened is assessment of the risk of repeat domestic violence during pretrial release using other tools or court practices that other systems have adopted** to effectively evaluate pretrial risks in domestic violence cases in particular. The Lethality Assessment relies on a tremendous amount of information from the victim, so it is fundamentally an assessment of risk to the victim versus an assessment of alleged abuser behavior. However, there are two validated tools that are designed to be used pre-arraignment for domestic violence offenders that were mentioned earlier (the DVSI-R and the ODARA), and both of these tools include domestic violence-specific recidivism factors.<sup>220</sup> In the context of domestic violence, there are validated risk of recidivism factors (is this defendant at risk of committing another DV related crime) and validated lethality factors (is this victim at risk of being killed by their partner). It is important to assess both, but it is not clear how much training and cost is involved in implementing the DVSI-R and the ODARA assessment tools; evaluating whether it is worth using some sort of screening tool is worth considering. The Battered Women's Justice Project also provides useful screening tools for pretrial assessments that judges and other court practitioners can use to help them evaluate the important risk factors specific to domestic violence cases that are also designed to reduce risk and maximize victim safety.<sup>221</sup> We recommend evaluating these tools and practices for implementation in Rock County's pretrial assessment process for domestic violence cases.

**We also recommend evaluating clients with DV-related cases that have been under pretrial supervision in Rock County to provide some insights on how well they are doing relative to other clients.** The case management for those ordered to pretrial supervision has also been effective in increasing court appearance rate and ensuring no new criminal activity during pretrial, but there is not necessarily any specialized domestic violence case management techniques in place. In order to consider

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<sup>218</sup> Ibid.

<sup>219</sup> Burnett, Sara. 2021. "With Windfall, City Tries to Reach Kids Trapped in Violence." *Beloit Daily News* Oct. 6.

<sup>220</sup> For information on the DVSI-R and ODARA go to [https://www.iud.ct.gov/CSSD/pub/SU\\_spring06.pdf](https://www.iud.ct.gov/CSSD/pub/SU_spring06.pdf) and <https://www.bwjp.org/resource-center/resource-results/a-roadmap-to-risk-assessment-maine-s-use-of-the-ontario-domestic-assault-risk-assessment-tool.html>.

<sup>221</sup> See Sadusky, Jane M. 2006. "Pretrial Release Conditions in Domestic Violence Cases: Issues and Context." Battered Women's Justice Project [for helpful tools and resources to assist pretrial assessment of domestic violence cases at https://www.bwjp.org/assets/documents/pdfs/pretrial\\_release\\_conditions\\_domestic\\_violence\\_cases.pdf](https://www.bwjp.org/assets/documents/pdfs/pretrial_release_conditions_domestic_violence_cases.pdf). Sponsor-Garcia, Connie. 2016. "Accounting for Risk and Danger Practice Checklists: Coordinating Risk Assessment in Domestic Violence Practices." The Battered Women's Justice Project. Retrieved from <https://www.bwjp.org/assets/documents/pdfs/accounting-for-risk-and-danger-practice-checklists.pdf>.



whether there is a need for something more specialized during the limited pretrial supervision period for domestic violence offenders, we recommend evaluating the success rate (in terms of court appearance rate, and violations of no-contact orders in particular) of individuals with DV offenses who have already been ordered to pretrial supervision in Rock County since pretrial services began. If they have had a high rate of compliance, then that would support the effectiveness of the current approach—even for domestic violence offenders; if the rate of compliance is lower compared to those under pretrial supervision that do not have DV offenses, this would support the need for other case management techniques for those individuals.

## 6. Evaluate, Strengthen, and Expand the Domestic Violence Intervention Program

Again, while we advocate for prioritizing victim support, and there is still work to do to improve, domestic violence prevention efforts will not be effective without addressing the violent behavior of people who abuse using additional approaches to accountability than only arrest. Arrest punishes, and in some cases acts as a deterrent, but it has not been shown to be successful in changing behavior or preventing a lot of repeat abuse that occurs. Justice system professionals and domestic violence advocates often see repeat violence with the same offenders and the same or different victims. Focusing on prevention efforts that identify and address the dysfunctional thinking patterns (including intentional and deep examination that disrupts problematic notions of masculinity as part of the change process when relevant) and coping skills of domestic violence perpetrators much earlier can effectively disrupt the cycle of abuse before it reaches a lethal level. The programs that have been successful in changing behavior have a similar intensity as treatment courts and incorporate in-depth behavior change curriculum and linkage to other kinds of treatment if that is indicated; so the components exist for effective treatment and programming to address the complexity of what drives domestic and intimate partner violence. However, **a recidivism study of the Rock County Domestic Violence Intervention Program (DVIP) should be conducted to identify ways to strengthen its effectiveness and additional resources needed to accomplish behavior change that significantly reduces repeat violence.** Gina Ciaramita, who directs the DVIP program shared that they are at a point of assessing program improvements, so this is a great opportunity. Cannon et al. (2016) and Babcock et al. (2016) provide excellent reviews of current standards, empirical evidence, and trends in evidence-based practices that can guide program evaluation and improvement efforts.<sup>222</sup> There are also reliable and valid tools to determine clients' control issues and what is motivating offenders' use of intimate partner violence.<sup>223</sup> Thoroughly evaluating the Rock County DVIP and these resources is a helpful place to start. At the same time, **ways to expand access to more offenders should also be adopted by prioritizing the allocation of resources as a key area of violence prevention.**<sup>224</sup>

## 7. Implement Uniform DV Risk Assessment in Child Custody and Placement Evaluations

Domestic violence cases interact with many systems, including both criminal and civil courts. And even though civil court falls outside the direct purview of the criminal justice system, it is often how

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<sup>222</sup> Cannon, C., Hamel, J., Buttell, F., and Ferreira, R. J. 2016. "A Survey of Domestic Violence Perpetrator Programs in the United States and Canada: Findings and Implications for Policy Intervention." *Partner Abuse* 7:226–276; Babcock, J., Armenti, N., Cannon, C., Lauve-Moon, K., Buttell, F., Ferreira, R., . . . Solano, I. 2016. "Domestic Violence Perpetrator Programs: A Proposal for Evidence-Based Standards in the United States." *Partner Abuse* 7:355–460.

<sup>223</sup> Wagers, S.M. Pate, M., Brinkley, A. 2017. "Evidence-Based Best Practices for Batterer Intervention Programs: A Report from the Field on the Realities and Challenges Batterer Intervention Programs are Facing." *Partner Abuse* 8(4):409-428.

<sup>224</sup> Wagers, Pate, Brinkley, "Evidence-Based Best Practices for Batterer Intervention Programs; Snyder, Rachel L. 2019. *No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us*. Bloomsbury: NY, pp. 107-174.

victims end an abusive relationship and pursue legal protections for themselves and their children. Child custody evaluations have been highlighted by researchers as an area that needs improvement, because there is no uniform procedure for child custody evaluations when domestic violence is alleged between parents.<sup>225</sup> This research, although not on Rock County specifically, indicates that providing uniform procedures for domestic violence evaluation, such as a screening mechanism for domestic abuse in the family law system, that could identify potential lethality risks post separation and divorce, especially with regular contact in joint custody arrangements, may be extremely beneficial Rock County's family court system. There are clear safety issues with the exchange of children during separation and after divorce in shared custody arrangements. Some systems have Safe Exchange services in place,<sup>226</sup> but Rock County does not, so family court cannot order the use of these services in shared custody arrangements.<sup>227</sup> Advocates give guidance on doing child exchange in a public places with cameras or informing law enforcement where they are doing exchanges, but police departments do not always have availability, and exchanging children in public spaces does not always ensure safety.

The Rock County Domestic Violence Leadership team is currently coordinating a training for local court professionals (that includes Guardian ad litem along with other family court professionals).<sup>228</sup> The training that has been developed is a very specific, localized training that focuses on the impact of trauma and domestic violence on the family dynamic, relationships, how survivors may respond to their children (or parent them), and how children respond and behave (for example, a child may act out toward the survivor rather than the abuser, and even align with the abuser).<sup>229</sup> The purpose of the training is to increase understanding of the impact of domestic violence trauma on behavior that may be observed by court professionals, especially as the family progresses through divorce and child custody disputes. This training also includes explanation of how local advocacy services and Rock County Child Protective Services (CPS) partner on delivery of services, so that CPS involvement is accurately interpreted (for example, a parent with children receiving CPS services could be the protective parent when domestic violence is involved). **Implementing this training, along with increasing understanding and effective assessment of DV risk factors that escalate violence and lethality, contributes to more uniform and accurate child custody evaluations when domestic violence is alleged between parents—to ensure that decisions center victim-safety and more effectively disrupt continuing violence.**

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<sup>225</sup> Edleson, J. L. 2006. *Emerging Responses to Children Exposed to Domestic Violence*. VAWnet, a project of the national Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence: Harrisburg, P.A. Retrieved from [www.vanet.org](http://www.vanet.org); Kitzmann, K. M., Gaylord, N. K., Holt, A. R., Geffner, R., Conradi, L., Geis, K., and Aranda, M. B. 2009. "Conducting Child Custody Evaluations in the Context of Family Violence Allegations: Practical Techniques and Suggestions for Ethical Practice." *Journal of Child Custody: Research, Issues, and Practices* 6(3-4):189-218; Dutton, D. G., Hamel, J., and Aaronson, J. 2010. "The Gender Paradigm in Family Court Processes: Re-Balancing the Scales of Justice from Biased Social Science." *Journal of Child Custody: Research, Issues, and Practices* 7(1):1-31; Gould, J. W., Martindale, D. A., and Eidman, M. H. 2008. Assessing Allegations of Domestic Violence. *Journal of Child Custody: Research, Issues, and Practices* 4(1-2):1-35; Jaffe, P. G., Crooks, C. V., and Bala, N. 2009. "A Framework for Addressing Allegations of Domestic Violence in Child Custody Disputes." *Journal of Child Custody: Research, Issues, and Practices* 6(3-4):169-188; Logan, T. K., Walker, R., Horvath, L. S., and Leukefeld, C. 2003. "Divorce, Custody, and Spousal Violence: A Random Sample of Circuit Court Docket Records." *Journal of Family Violence* 18(5): 269-279.

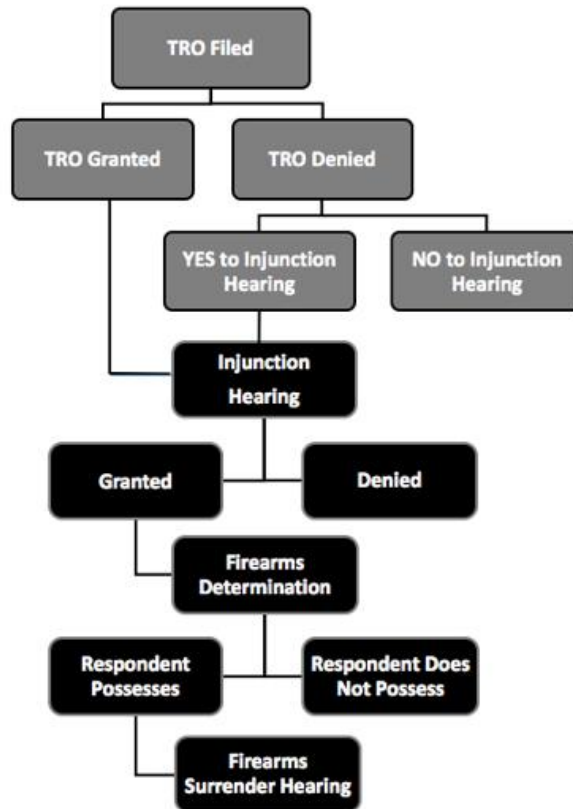
<sup>226</sup> For example, Children's Safe Harbor is a nonprofit offering child-exchange supervision in Rockford. See [www.childrensafeharbor.net](http://www.childrensafeharbor.net).

<sup>227</sup> In the past, there had been a safe exchange service in Rock County provided by a non-profit entity (requiring parents to pay a fee); however, because the service relied on volunteers for staffing, it was not sustainable after a short period of time.

<sup>228</sup> This training effort was mentioned by both Jessi Luepnitz and Kelsey Hood-Christenson, who are part of the DV Leadership Team.

<sup>229</sup> From interview with Kelsey Hood-Christenson, May 21, 2021.

Appendix A. Temporary Restraining Order (TRO) and Injunction Process in Rock County



Timelines for TRO and Injunctions				
	Domestic Abuse	Child Abuse	Individual at Risk	Harassment
<b>Length of TRO</b>	Until the injunction hearing, which shall be within <b>14 days</b> after the TRO is issued, unless an extension is granted. [Wis. Stat. 813.12(3)(c), 813.122(4)(c), 813.123(4)(c), 813.125(3)(c)]			
<b>Length of Injunction</b>	Up to <b>4 years</b> , except <b>10 years</b> if the court finds substantial risk of intentional homicide or sexual assault against the petitioner. [Wis. Stat. 813.12(4)(c) and (d)]	Up to <b>2 years</b> , or until the child turns <b>18</b> , whichever is <b>first</b> . Except <b>5 years</b> if the court finds substantial risk of intentional homicide or sexual assault. [Wis. Stat. 813.122(5)(d) and (dm)]	Up to <b>4 years</b> , except <b>10 years</b> if the court finds substantial risk of intentional homicide or sexual assault against the petitioner. [Wis. Stat. 813.123(5)(c) and (d)]	Up to <b>4 years</b> , except <b>10 years</b> if the court finds substantial risk of intentional homicide or sexual assault against the petitioner. [Wis. Stat. 813.125(4)(c) and (d)]
<b>Firearms Surrender</b>	Respondents have <b>up to 48 hours</b> to surrender firearms after the injunction is granted. The court decides the exact length of time. [Wis. Stat. 813.1285(1g)(a)]			
<b>Firearms Surrender Hearing</b>	If the court determines the respondent possesses firearms, a firearms surrender hearing must be scheduled <b>within one week</b> of the injunction hearing. The court decides the exact length of time. [Wis. Stat. 813.1258(2)(c)2.]			

## Restraining Order Process

- Individuals are encouraged to file electronically at [www.wicourts.gov](http://www.wicourts.gov) under eFile/eCourts.
- Legal assistance and information can be found at [www.wicourts.gov/services/](http://www.wicourts.gov/services/) for the public/self-help law center.
- For those unable to file electronically, forms can be picked up at the Security Station at the Courthouse. Use the drop box located outside the lobby of the Clerk of Court office on the second floor of the courthouse to drop off your documents. Be sure to include a phone number where you can be reached after the judge reviews your request.
- Documents are received by the Clerk of Court (COC) and forwarded to the Duty Judge **daily for review**; if signed it's returned to COC to establish the case. We notify the party when the case has been established.
- Every Petition for TRO and/or Petition and Motion for Injunction Hearing is treated as an emergency.
- The petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing is one document.
- The time frame between the TRO being granted and the Injunction Hearing is statutory (held within 14 days unless extension is granted).
- There is a possible gap in time between the time the court approves a restraining order and when it gets served to the offender because the Sheriff's office has to locate the Respondent to serve.

### If a TRO is granted, the following happens:

#### Opens a Case – Filing Fee and Forms

- If applicable, the Clerk of Court will collect the harassment filing fee.
- Assign a case number and judge/court commissioner to the case.

#### Schedule an Injunction Hearing

- Schedule an injunction hearing using the *INJH (injunction hearing)* scheduled activity code. Judicial Assistants schedule harassment and child abuse cases before a judge. The Clerk of Court schedules all other cases before a Court Commissioner.
- Set a hearing date that is within **14 days** from the date the TRO was granted, unless the time is extended either: (1) by the parties' written consent or (2) for 14 days because the respondent was not served with the TRO.

#### Firearms Surrender Requirements

- Provide the petitioner with the *Petitioner's Statement of Respondent's Possession of Firearms (CV-801)* and explain that the petitioner can fill out the form and bring it to the injunction hearing if he/she wishes to provide it to the court.
- **Note:** Petitioners are not required to fill out this form and counties should make it clear that the form is optional under the statutes.

#### Send Copies to the Sheriff's Office

- Fax a copy of the *TRO* to the sheriff's office for service

**If the TRO is denied, this happens:**

**Once the clerk receives the denied *TRO Petition*, the clerk will:**

- Review the *Petition* to determine whether the petitioner has checked the box on the *Petition* requesting an injunction hearing.
  - For **harassment** cases, petitioners are only entitled to an injunction hearing after the court denies the TRO petition if the petition alleges conduct that is the same as or similar to conduct that is prohibited under the domestic abuse statutes. [Wis. Stat. 813.125(2m)]
- If the petitioner has checked the box requesting an injunction, ask the petitioner whether they would still like to request an injunction hearing.

**If the Petitioner DOES NOT WANT an Injunction Hearing**

**Opens a Case – Filing Fee and Forms**

- If applicable, the Clerk of Court will collect the harassment filing fee.
- Assign a case number and judge/court commissioner to the case.
- In cases where the TRO has been denied, but the petitioner still wishes to have the injunction hearing, the clerk faxes a copy of the *Notice and Order for Injunction Hearing When TRO is Not Issued* to the sheriff for service.

**If the Petitioner DOES NOT WANT an Injunction Hearing OR**

**There is a Denied Harassment TRO with No Alleged Domestic Abuse Behavior**

**The clerk will enter the documents into a group file as denied.**

## Appendix B: 9 Factors Considered in the Public Safety Assessment

The table below shows the 9 factors used by the PSA and which factors are used to predict each outcome.

PSA FACTORS AND PRETRIAL OUTCOMES			
PSA FACTOR	FTA	NCA	NVCA
1. Age at current arrest		✓	
2. Current violent offense			✓
2A. Current violent offense and 20 years old or younger			✓
3. Pending charge at the time of the arrest	✓	✓	✓
4. Prior misdemeanor conviction		✓	
5. Prior felony conviction		✓	
5A. Prior conviction (misdemeanor or felony)	✓		✓
6. Prior violent conviction		✓	✓
7. Prior failure to appear in the past 2 years	✓	✓	
8. Prior failure to appear older than 2 years	✓		
9. Prior sentence to incarceration		✓	

\*\*FTA = Failure to Appear; NCA = New Criminal Activity; NVCA = New Violence Criminal Activity.

## Appendix C: Pretrial Release Conditions Matrix

The Rock County Release Conditions Matrix is a critical tool used to promote success while on pretrial release. It matches PSA scores to levels of pretrial release and to services and supports (if any) that can help a person succeed.

**Wisconsin Pretrial Release Conditions Matrix  
Version 3 (08/30/2018)**

	NCA 1 (90%*)	NCA 2 (85%*)	NCA 3 (77%*)	NCA 4 (70%*)	NCA 5 (52%*)	NCA 6 (45%*)
FTA 1 (90%*)	Level 1	Level 1				
FTA 2 (85%*)	Level 1	Level 1	Level 1	Level 2	Level 4	
FTA 3 (80%*)		Level 1	Level 1	Level 2	Level 4	Level 4
FTA 4 (69%*)		Level 1	Level 2	Level 3	Level 4	Level 4
FTA 5 (65%*)		Level 1	Level 2	Level 3	Level 4	Level 4
FTA 6 (60%*)				Level 3	Level 4	Level 4

\*The percentages listed in the table above are PSA-Court Success Rates by Risk Level for Failure to Appear (FTA) and New Criminal Activity (NCA). For more information about this research visit: [https://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary\\_PSA-Court\\_4\\_1.pdf](https://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf)

	Level 1	Level 2 (Standard)	Level 3 (Enhanced)	Level 4 (Intensive)
Face-to-Face Contact	No	1x/month	Every other week	Weekly
Alternative Contact	No	1x/month	Every other week	No
Supervised Conditions	No	As Authorized	As Authorized	As Authorized
Court Date Reminder	Yes	Yes	Yes	Yes
Criminal History (local check)	No	Yes	Yes	Yes

### ROCK COUNTY AUTHORIZED CONDITIONS

Condition	Authorized
GPS Monitoring	Defendant charged with a felony non-OWI offense, is subject to RCM Maximum Supervision <b>OR</b> scored Level 4 Supervision <i>and</i> charged with a violent offense <b>OR</b> Concern for victim safety. May be used as condition of release when absent these conditions a cash bond would be imposed that an individual could not post.
SCRAM/ Portable Breathalyzer	Defendant charged with an OWI offense and qualifies for Level 2 Supervision according to the RCM <b>AND</b> if any 1 of the following is true: Scores X or higher on substance use screen <b>OR</b> Currently on pretrial release for an OWI at time of alleged new OWI <b>OR</b> Charged with 3rd or greater OWI. If defendant does not qualify for supervision, private pay SCRAM is an option depending upon program capacity. May be used as condition of release when absent these conditions a cash bond would be imposed that an individual could not post.



**Appendix D: Pretrial Supervision Violation Response Matrix**

## Violation Response

### Pretrial Behavior Response Matrix

Violation Definitions		
Low Severity	Moderate Severity	High Severity
Definition: Involves violations that show a lapse in judgment but do not cause harm to the justice-involved individual or others.	Definition: Violations that appear to show a disregard for court orders and pretrial supervision but do not cause harm or potential harm to others.	Definition: Violations that appear to show a willful and/or repeated disregard for court orders and pretrial supervision, and/or violations that cause or present a risk of harm to the justice-involved individual and/or others.
Late to scheduled office contact without a acceptable excuse	Failure to respond to call or communication from PTS within 24 hours	Any new criminal charge
Disruptive behavior in PTS office	Failure to report a new arrest	Missed scheduled face contact
GPS low severity violations (see list)	Missed scheduled alternate contact	Missed court date (FTA)
SCRAM minor severity violations (see list)	GPS moderate severity violations (see list)	GPS high severity violations (see list)
Failure to report police contact	SCRAM moderate severity violations (see list)	SCRAM high severity violations (see list)
Failure to report after court	Failure to comply with verification	Violation of no contact/stay away order
Failure to report address/phone number change	Repeated* low severity violations	Failure to complete a violations response
		Repeated* moderate severity violations
*Repeated = More than two events within the period of supervision		

Response Levels			
Supervision Level	Low Severity Violation	Mod. Severity Violation	High Severity Violation
Level 2 (Standard)	Low Response	Low–Mod. Response	Mod.–High Response
Level 3 (Enhanced)	Low–Mod. Response	Mod.–High Response	High Response
Level 4 (Intensive)	Low–Mod. Response	Mod.–High Response	High Response

Violation response should reflect both violation response and risk level.

<b>Response Definitions</b>	
Low Response	Verbal warning, review release conditions with defendant, consult with attorney, consult with family/support, role clarification, use of disapproval
Moderate Response	Meet with attorney and defendant (staffing), reflective writing assignment, increase frequency of substance testing, increase PBT testing frequency, refer for AODA assessment, refer for mental health services, increase supervision level, consult with AODA/MH treatment provider, Event worksheet, Risk Mitigation Plan
High Response	Notify court, ADA, defense attorney; request additional bail conditions (SCRAM, GPS, curfew, drug testing, treatment); request bail hearing; return to custody; Court Appearance Plan; Thinking Model

<b>SCRAM/GPS-Specific Violations</b>		
<b>Violation Severity</b>	<b>GPS</b>	<b>SCRAM</b>
Low	First low battery event	Low battery event
Moderate	Inclusion zone violation, failure to respond to order-in by case manager, subsequent low battery event	Failure to download; loss, damage, or destruction of equipment; failure to respond to order-in by case manager
High	Failure to cooperate/show for install, exclusion zone violation, confirmed tamper	Failure to cooperate/show for install, loss of contact, confirmed tamper, confirmed drinking event

## Appendix E: Consideration of Domestic Violence Safety Risks in Divorce and Child Custody Decisions

As we have discussed above, many question those who are experiencing abuse—why don't they just leave?—assuming that leaving ensures safety. Here, we underscore and acknowledge—again—that leaving often elevates the risk of serious—and even deadly—violence. When victims file for divorce and seek safer child custody arrangements through family court, this presents an opportunity for the legal system to provide victims and their children with protection and support in leaving abusive relationships. Unfortunately, many domestic violence advocates and survivors agree that the consideration of domestic violence in family court is inadequate—even in cases where there is a criminal conviction and/or documented history of domestic violence; they share that too often, the legal system does not adequately account for the continued threat an abusive spouse poses to their child(ren) or the victim after separation or divorce. This is often due to the fact that judges only have the information that is brought to them by legal representatives, and in some divorce cases, an agreement is reached before evidence of documented abuse is seen by the judge (which one of the survivors we spoke to experienced).

Divorce and child custody disputes can be emotionally volatile, even without a history of domestic abuse—so they can become even more dangerous and unpredictable when there is a history of domestic violence between the divorcing couple.<sup>230</sup> Child custody and placement decisions in family law proceedings also have enormous consequences for victims and their children—and do not resolve or end the domestic violence risk. Advocates find that for victims (and their children) who are leaving abusive relationships, many experience a family law system that considers the right to safety as just one of many competing – and conflicting – concerns.<sup>231</sup> The following is a statement from a domestic violence survivor who was nearly killed by her abusive ex-husband because the court did not adequately consider the domestic violence risks: *“When I went through my divorce, I tried to get the guardian ad litem and judge to understand my ex-husband’s controlling and jealous behavior, his history of violence, and the continuing harm he was causing my family. I remember the guardian ad litem only interviewing my ex-husband once and the guardian ad litem coming away from that meeting convinced the man who would later try to kill me was a great person and deserved more time with his children. There was plenty of information available that would have allowed the guardian ad litem to identify the seriousness of the domestic abuse that was committed against me. There were many warning signs that could have been used to predict what could happen to me and my children. But, that information was not investigated and taken seriously. As a result, my ex-husband was given the opportunity to continue the abuse and ultimately attempt to kill me. If I hadn’t been ordered to have ongoing contact with him during exchange of our kids, I could have stayed away.”*<sup>232</sup> Other survivors in Rock County we spoke to shared similar experiences with guardians ad litem not assessing documented evidence of abuse and the court not considering the significant evidence of violence (that included previous arrests and documentation of extensive physical injuries) because the abuser’s lawyer settled before the evidence was presented to the

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<sup>230</sup> Child Protective Services (CPS) does not automatically do an assessment if domestic violence allegations are brought up in family court. CPS does an assessment of domestic violence allegations only if someone reports the domestic violence. The child also needs to be around at the time of the domestic violence. Domestic violence investigations are extremely difficult because the abuser and their partner often will not speak to CPS. Ultimately, someone needs to make a report to CPS and there needs to be enough information about the incident to be screened in [from Rock County CPS Ongoing worker (8/4/21)].

<sup>231</sup> Some advocates conclude that “it is not uncommon for family law officials to be more concerned with the parents’ cooperation skills or with a goal of dividing the child’s time equally between the parents” than with accounting for domestic abuse. See End Abuse Wisconsin, *Wisconsin Domestic Violence Homicide Report 2016*, p. 36.

<sup>232</sup> Excerpt is from the *Domestic Abuse Guidebook for Wisconsin Guardian ad Litem: Addressing Custody, Placement, and Safety Issues*, 2017.

judge; this led to no court-ordered safety provisions and a joint custody arrangement that left them vulnerable to more violence from regular contact with their ex-spouse when exchanging children. Research also clearly shows that victims remain at risk for future violence by a former partner when the abuser has continued contact through joint custody arrangements.<sup>233</sup> As discussed above, Rock County has no supervised visit and safe child exchange services in joint custody arrangements, so victims are left extremely vulnerable in these often high risk situations. Many abusers pursue custody of children as a means to exert control, intimidate, threaten and abuse their estranged partners—because they feel a sense of ownership of both the victim and of the children. The estrangement can be seen as a betrayal of that “inherent ownership” to which the abuser feels entitled and violence can escalate as a result.<sup>234</sup>

**We do not have research on family court in Rock County specifically**, however, previous research on family court cases in Wisconsin shows that documented abusers are given unsupervised time with their children, and many are given custody and primary physical placement.<sup>235</sup> End Domestic Abuse Wisconsin conducted research in 2016 to explore **how criminal domestic violence convictions affect subsequent child custody and placement decisions in the family law system in Wisconsin by reviewing 361 cases across 20 counties** that varied in size and included cases that vary in terms of severity (based on lethality risk factors).<sup>236</sup> **All the cases reviewed resulted in criminal misdemeanor or felony convictions** and the majority of cases reviewed (72% or 260 cases) were severe enough to include at least one lethality factor. **Of all the 361 cases reviewed, more than a third (123 cases) were at high risk for lethality**, having at least one of the highest risk lethality factors: the abuser either used or threatened to use a deadly weapon against the victim, threatened to kill the victim, or the victim believed the abuser would kill them. **For these 123 high risk cases:**

- **In custody decisions**, the court awarded joint custody to the victim and extremely violent abuser 47% of the time, which is about as often as they awarded sole custody to the victim (46%); in two cases the court awarded sole custody to the violent abuser.<sup>237</sup>
- **In placement decisions**, the court awarded sole placement to the victim in only 7 cases, but most decisions favored primary placement with the victim (61%); however, in 21 cases, the court ordered 50/50 custody and shared placement (both requiring extensive contact between parents); primary placement was given to the violent abuser in 6 cases.
- The court ordered **safety provisions** in only 6 of the cases that had a 50/50 or shared placement order, so the other 15 orders for 50/50 or shared placement included NO safety provisions.

Physical placement decisions are critical to the child and the survivor’s immediate safety, and the court can help to ensure the future safety of the child and the victim by ordering safety provisions. However, the fact that sole placement with the victim and the use of safety provisions was rare—in *high lethality risk cases*—demonstrates that in the Wisconsin family law system, a case’s lethality risk or severity appears to have little effect on many custody and placement decisions. These findings held across a broader set of cases that were reviewed as well. In light of these findings, **using uniform DV lethality risk**

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<sup>233</sup> Logan, T. K., Walker, R., Horvath, L. S., and Leukefeld, C. 2003. “Divorce, Custody, and Spousal Violence: A Random Sample of Circuit Court Docket Records.” *Journal of Family Violence* 18(5): 269-279; O’Sullivan, C. 2000. “Estimating Population at Risk for Violence During Child Visitation.” *Domestic Violence Report* 5(5): 65-66, 77-79.

<sup>234</sup> Bancroft, Lundy and Jay Silverman. 2002. *The Batterer as Parent*. Sage Publications; Jaffe, P.G., Lemon, N.K.D., and Poisson, S.E. 2003. *Child Custody and Domestic Violence: A Call for Safety and Accountability*. Thousand Oaks, Sage.

<sup>235</sup> See End Abuse Wisconsin, *Wisconsin Domestic Violence Homicide Report 2017*, p. 37-39.

<sup>236</sup> See End Domestic Abuse Wisconsin, *Wisconsin Domestic Violence Homicide Report 2017*, p. 37-39. Researchers created a codebook that clearly specified what to look for in a case file and how to evaluate certain statements or accounts in the context of lethality risk using the LAP lethality factors to measure case severity.

<sup>237</sup> The existence of joint custody and visitation orders can also provide the abuser with access to information about the child’s mother, her location, who she is dating, and her activities. All of this can contribute to the risk of homicide.

**assessment in family court cases, and consistently providing that information to judges, appears to be a necessary procedure to ensure that family courts provide appropriate protections in cases with a history of domestic violence, even when there is a criminal domestic violence conviction. Based on this research and survivors and advocates emphasizing these safety concerns in family court over and over, we also recommend an in-depth evaluation of family court cases in Rock County.**