POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **DOMESTIC ABUSE**

NUMBER: 6.16
ISSUED: 05/01/2026
EFFECTIVE: 05/01/2026

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

☐ RESCINDS
☐ AMENDS

REFERENCE: WI State Statutes: §968.075; §940.225, §968.075

WILEAG 6TH EDITION STANDARDS: 6.3.9

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines and procedures for members of the Sturgeon Bay Police Department for the protection of victims in domestic violence situations; the identification of predominant aggressors in domestic violence situations; and the enforcement of restraining orders. The application of this Policy & Procedure proposes to deter future acts of domestic violence; to minimize return calls to the Department, and to reduce the potential for injuries to victims and Officers.

This Policy & Procedure consists of the following numbered sections:

I. DEFINITIONS

II. POLICY

III. TRAINING

IV. PROCEDURE

V. RESTRAINING ORDERS

VI. FOREIGN PROTECTION ORDERS

VII. DOMESTIC ABUSE REPEATER

I. DEFINITIONS

A. DECISION NOT TO ARREST:

1. Officers are not to base a decision not to arrest solely whether or not the victim indicates consent to any subsequent prosecution or on the relationship(s) of the person involved.

   Nor can "no arrest" decisions be based solely on the absence of visible injury or impairment.

2. In determining whether to arrest a party, we should consider whether the party was acting in self-defense or in the defense of another person(s).

3. Unless the arrest is mandatory, it is generally not appropriate to arrest anyone other than the predominate aggressor.

B. DOMESTIC ABUSE: means any of the following acts engaged in by an adult person against his or her spouse, former spouse or against an adult with whom the person resides or formerly resides (including any adult relative) or against any adult with whom the person has created a child:

   1. Intentional infliction of physical pain, physical injury or illness.

   2. Intentional impairment of physical condition.

   3. A violation of WI §940.225(1)[first degree sexual assault], (2) [second degree sexual assault] or (3)[third degree sexual assault].

   4. A physical act or threat in conjunction with a physical act which may cause the other person reasonably to fear imminent engagement in the conduct described under Subsections (a)(1), (2) or (3) above.

C. MANDATORY ARREST FOR DOMSTIC ABUSE VIOLATIONS: Under WI §968.075(2) an arrest will be made whenever a law enforcement officer has probable cause to believe that a person is committing or has committed a crime of domestic abuse and there is sufficient reason to believe that there is a possibility of continued violence against the victim or there is evidence of physical injury to the alleged victim and the person to be arrested caused the injury.

   1. If a Law Enforcement Officer's reasonable grounds for belief are based on a report of an alleged domestic abuse incident, the officer is required to make and arrest only if the report is received within **28 days** after the day the incident is alleged to have occurred.

D. MUTUAL DOMESTIC ABUSE VIOLATIONS: In those instances where there is probable cause to believe that more than one person has committed a crime of domestic abuse against each other, the officer should arrest the "*Predominate aggressor".* In attempting to determine the "*predominate aggressor",* officers should determine the most significant, but not necessarily the first, aggressor in a domestic abuse incident. The officers should consider the relative degree of injury or fear inflicted, and any history of domestic abuse between the parties (when that can be reasonably determined).

1. To determine the predominate aggressor, the officer should consider the following strategies:
   a) History of domestic abuse between the parties, if it can be reasonably ascertained by the officer and any information provided by witnesses regarding that history.

   b) Statements made by witnesses.

      1) Children are excellent witnesses that are often over looked by officers. As soon as reasonably possible remove any children from the area and keep them in a safe place away from the dispute and enforcement actions that may occur with either of their parents. (See Section III.A.5 of this policy)

   c) The relative degree of injury inflicted by the parties.

   d) The extent to which each person present appears to fear any party.

   e) Whether any party is threatening or has threatened future harm against another party or another family member or household member.

   f) Whether either party acted in self-defense or in defense of any other person.

2. If it is determined that a crime of domestic abuse has been committed and the suspect has left the scene, a reasonable effort will be made to locate this person.

3. If the victim has left the scene, a reasonable effort will be made to locate the victim.

E. OFFICER IMMUNITY: A law enforcement officer is immune from civil and criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender, if the decision is made in good faith to comply with WI §968.075.

F. PREDOMINANT AGGRESSOR: the most significant, but not necessarily the first aggressor in a domestic abuse incident.

G. PROTECTION ORDER: refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, emergency, or temporary protection orders or injunctions), issued for the purpose of preventing the following:

1. Violent or threatening acts against another person

2. Stalking or harassment of another person

3. Contact or communication with another person

4. Physical proximity to another person

H. RELATIVE: means parent, grandparent, step-parent, brother, sister, first cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, child, stepchild, foster child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

I. REQUIRED REPORTS: All domestic abuse cases in which a suspect has been arrested shall be charged under WI Statutes. An incident report shall be filed with the District Attorney's Office for all domestic cases, including those for which no arrest has been made.

1. If it is determined that a crime of domestic abuse has been committed and the suspect has left the scene, a reasonable effort shall be made to locate this person. If the suspect cannot be located within 24 hours of the incident or after the report is received, a copy of the incident report shall be forwarded to the District Attorney's Office for review.

2. If the incident is determined to be non-violent in nature and no arrest is made, report shall be completed and forwarded to the District Attorney's Office.

3. All domestic abuse incidents that do not result in an arrest shall be compiled and forwarded to the District Attorney's Office annually and at intervals as determined by the Department and the District Attorney's Office.

II. POLICY

A. This Policy & Procedure recognizes that domestic violence is not a private matter, but involves serious criminal offenses against the State of Wisconsin whose prosecution does not depend upon the willingness of a victim to prosecute.

The intent of this Policy & Procedure is twofold:

1. To maximize protection for victims of domestic violence; and

2. To hold predominant aggressors accountable for their behaviors.

B. This Policy & Procedure recognizes that violent behavior will neither be excused nor tolerated regardless of the relationship of the person(s) involved. Therefore, a Law Enforcement Officer shall make an arrest supported by probable cause and take a person into custody in accordance with the procedures of this Policy & Procedure.

C. The Department shall establish and maintain a working relationship with professionals from community agencies and organizations with expertise in the recognition and handling of domestic violence. These organizations include but are not limited to Domestic Violence Victim Advocates, Domestic Abuse Shelters and County Human Services Departments.

Whether or not an arrest is made in a domestic violence incident, law enforcement officers shall inform potential victims of domestic abuse that they will be contacted by one or more of these organizations. The Officer shall provide information of the incident, the victim's name, address and contact information to the County Domestic Violence Victim Advocates Office within 24 hours of incident or time of the report.

III. TRAINING

A. The Sturgeon Bay Police Department will provide annual training to every member of the Department on domestic abuse throughout all phases of each member's career.

1. Prevention through Collaboration

a) Training in this area is mandatory for all officers, regardless of rank and duty assignment. Additional training on this topic will be completed as provided through in-service trainings.

b) Training will be conducted in collaboratively with the Domestic Violence Victim Advocates Office and the Door County District Attorney's Office.

2. Training Topics – Through in-service training as outlines in (a) above, all officers shall receive comprehensive instruction covering the following topics:

a) Understanding Domestic Abuse

b) Domestic Violence Impacts on Victims, Families and Society

c) Domestic Abuse Incident Response Protocols and Reporting

d) Victim Safety

e) Strangulation, Stalking and Harassment

f) State and Federal Domestic Abuse Laws

g) Officer Involved Domestic Abuse (Policy and Procedure 6.17)

3. Ongoing Training – Departments may use a variety of training techniques including in-service, training roll call, Field Training Officer (FTO), ride-alongs, and training bulletins to regularly reinforce standards of effective response protocols.

IV. PROCEDURES

A. Dispatch Information: The fundamental responsibility of the dispatcher is to obtain as much information as possible as to the circumstances of the complaint as presented by the complainant and to keep assigned law enforcement officers as fully informed as is possible based on the information available to the dispatcher.

1. The individual taking the complaint should relay as much information as possible concerning the dispute and circumstances to responding law enforcement officers, to include if known:

   a) The exact location of the dispute.

   b) The nature of the dispute.

   c) Any weapons involved or if physical violence has occurred.

   d) Any injuries, type of injuries and number of victims.

   e) If there have been previous calls to the address and/or difficulties with any named subjects that may indicate a recurring problem.

   f) Past history of violence or threats to responding officers or history of the use of weapons used or threatened.

2. Whenever possible, a minimum of two (2) law enforcement officers will be dispatched to any domestic disturbance. This may require removing an officer from a lower priority call. In extreme situations where only one officer is available, the officer shall be informed that he/she is responding alone and that a second unit will be dispatched as soon as possible.

B. Responding Officers

1. Conflict of interest/personal relationship

   a) Law Enforcement personnel who are given a domestic disturbance call wherein they feel they may have a conflict of interest, (i.e. personal relationship, family member, etc.) will advise a supervisor and request that another unit be assigned.

2. Whenever possible two (2) law enforcement officers shall respond to a domestic disturbance. Whenever appropriate and provided that immediate intervention to prevent serious injury or death is not indicated, the first officer should consider waiting for the second officer to arrive on scene prior to approaching the location of the domestic incident.

3. Upon making contact, the officers should stabilize and secure the scene and protect against the further acts of violence where appropriate.

4. Officers should care for the injured and dispatch Emergency Medical Services (EMS) as appropriate.

a) Officers should look for signs of strangulation such as marks on a person's neck, victim clutching their throat, the victim talking with a raspy voice or complaining of difficulty breathing. This may be a very serious and potentially fatal injury if not immediately treated. Be aware that symptoms of strangulation may not present immediately and may appear hours after the strangulation occurs. EMS shall be called, even if the victim refuses treatment.

b) Officers should encourage victims of strangulation to go to the hospital for a forensic strangulation exam, either via EMS or police transport. The hospital should be notified prior to transport for the need of such an exam.

c) The injuries should be photographed on the day of occurrence. Often strangulation marks are not immediately seen so victims should be encouraged to contact police for additional photos on a later date should additional marks or injuries become visible.

d) If probable cause exits that the suspect strangled the victim, they should be arrested under WI §940.235.

5. If children are present they should be removed from the area and kept in a safe place away from the dispute and any enforcement actions that may be taken involving either of their parents.

a) Take care to protect children from further trauma and/or anguish.

b) Attempt to contact the closest relative to provide care if there are children under the age of 17.

c) If no relative or responsible adult family member is available to respond, officers should contact the County Department of Child Protective Services for temporary arrangements.

d) If possible, do not arrest a parent in front of their children.

e) Separate and obtain a statement from the children as to what they observed. Any verbal, physical abuse, other violence and events that they may have seen leading up to the incident and in the past shall be documented. Ascertain any past events of verbal abuse or violence directed at family members, pets and any threats and fear within the household from their perspectives.

f) In disputes over the custody of children which involve an injunction or temporary restraining order, Officers should attempt to obtain a copy from one of the parents. If child custody is in conflict with the court order, Child Protective Services should be contacted.

g) When an officer is aware of a potential emotional stress and/or neglect that the children may be suffering, a referral will be made. Statements made by

the children, the parents, witnesses, as well as the officers own observations should be reduced to writing and attached to the report forwarded to Child Protective Services.

h) In the event that a child(ren) appears to be the victim of physical and/or sexual abuse, the officer is to take immediate action. Ascertain the well-being of the child(ren) and provide medical treatment if warranted.

It is the officer's responsibility to notify Child Protective Services as soon as possible of the incident, regardless of the day of the week of time day. Obtain as much information as possible from the child(ren), taking special care to be reassuring, non-threatening, and sensitive so as not to add to the emotional trauma that the child(ren) will already be suffering. If at all possible, obtain statements from the other parties involved. It may be necessary to take temporary custody of the child(ren) to secure a safe living environment for the child(ren).

i) A copy of the incident report shall be forwarded to Child Protective Services within 24 hours or the first morning of the next business day if the event took place on a weekend or holiday.

6. Perform a complete investigation at the scene.

a) The investigation should include obtaining written statements from the victim, the suspect, any children, and other potential witnesses. (It is essential that statements be taken at the scene whenever practical).

(1) Have the victim include a brief statement relating to non-consent for any injuries incurred.

b) Ensure that the following information is noted in the incident report:

(1) Description of injuries to all parties. Include photographs whenever possible.

(2) Description of the residence and the condition of the residence. Note any property damaged. Include photographs whenever possible.

(3) Document medical treatment to include EMS personnel names, hospital or clinic providing the treatment, names of the attending doctor and medical care takers.

(4) Witness statements and witness contact information.

(5) All evidence obtained or informed about.

(6) History of previous domestic abuse, aggressive and abusive behaviors and/or alcohol and/or drug abuse.

(7) Document the victim referral to the Domestic Abuse Victim Advocates Office and any referral to Child Protective Services.

c) Obtain medical records release whenever possible.

d) Complete a Domestic Abuse Victim Worksheet and attach a copy to the incident report.

e) Attach copies of the Domestic Abuse forms; Informing the Arrestee / Violation of Contact Prohibition, Contact Prohibition / Waiver of Contact Prohibition, Informing the Victim of Pending Release.

f) Document the notification to the jail that the arrest is a domestic abuse related charge.

C. Arrests

1. For the purposes of this Policy & Procedure, arrest shall be defined as a custodial arrest.

2. Whenever probable cause exists that a crime or violation of state law has been committed, an arrest shall be made.

a) Arrests shall be made for violations of domestic abuse injunctions, child abuse restraining orders or injunctions, harassment restraining orders or injunctions, or a foreign protection order, and/or temporary restraining order when the following exists:

(1) The Agency has a certified copy of an injunction or restraining order (containing a judge's signature) on file for the party suspected of being in violation; (it is not a defense for the subject to state that he/she was let in or given permission to enter if he/she has knowledge of the court order).

(2) The Officer shall make an inquiry to dispatch in order to obtain information concerning the "status" of any domestic abuse injunction/temporary restraining order to determine whether the document is "served" or "not served" as entered into the State of Wisconsin TIME System.

3. Arrests are mandatory when there are circumstances requiring arrest under the mandatory arrest analysis (the Officer has reasonable basis for believing that continued domestic abuse against the alleged victim is likely and/or there is evidence of physical injury to the alleged victim).

a) Pro Arrest Policy: In cases where an Officer has probable cause that a crime has been committed which *does not meet* the requirements of mandatory

arrest (i.e. the Officer has reasonable basis for believing that continued domestic abuse against the alleged victim is likely and/or there is evidence of physical injury to the alleged victim) an arrest should be made of the predominant aggressor.

D. Procedures upon Arrest for Domestic Abuse

1. The arresting officer shall insure that all required paperwork is completed, explained to the subject and victim, and attached to the incident report with copies for the District Attorney's Office. These forms include:

a) CONTACT PROHIBITION: WI §968.075(5) prohibits a person who has been arrested for domestic abuse from having contact with the alleged victim for a period of 72 hours following the arrest. Nor can anyone other than the attorneys for the parties and law enforcement members contact the alleged victim on the arrested person's behalf.

Whenever probable cause exists that a person has violated this contact prohibition, an arrest shall be made.

If a person arrested for domestic abuse commits an act of domestic abuse during this 72-hour no contact period and the act is considered a crime, that act is then classed as a felony under WI §968.075.

b) WAIVER OF CONTACT PROHIBTION: At any time during the 72-hour period following the arrest, the **alleged victim** may waive the contact prohibition. To do this the victim must complete the Waiver of Contact Prohibition in the Domestic Abuse Packet, or complete a Waiver of Contact Prohibition at the Door County Jail.

c) INFORMING THE ARRESTEE: If the arrested party is released from custody less than 72 hours after being arrested for domestic abuse, the person releasing the subject will inform the arrested person orally and in writing of the contact prohibition.

The "Conditional Release Form" must be completed and read to the subject being released. **The subject must sign this form**, indicating acknowledgement. If the subject refuses to sign, they cannot be released prior to the end of the 72 hour contact prohibition period.

d) INFORMING THE VICTIM OF PENDING RELEASE: In cases of domestic abuse arrests and where otherwise warranted, the arresting law enforcement agency shall be notified of the subjects pending release.

The jail will make phone contact with the victim to advise the victim of the impending release.

If there is no phone contact with the victim, a law enforcement officer will be dispatched to the victim's location to notify the victim in person.

e) VIOLATION OF CONTACT PROHIBITION: Unless there is a wavier signed by the victim, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid contacting the victim as per WI §968.075(5).

If the arrested person intentionally violates the 72-hour no contact provision, they shall be arrested under WI §968.075(5)(a).

f) NO IMMEDIATE RELEASE: No person arrested for a domestic abuse violation and jailed shall be released from custody until that person has gone before a judge, posted bond, or if the release is ordered by the District Attorney's Office.

g) AVAILABILITY OF SERVICES NOTIFICATION: Whether or not an arrest is made, all victims shall be provided information regarding: the availability of community domestic abuse services including shelters and other services dealing with domestic violence and sexual assault, notice of legal rights and remedies available to him or her**,** and the victim's ability to plan for their safety and take steps to protect themselves, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction and/or any other remedies available to them by law.

When a victim chooses any or all of these domestic abuse services, the Officer shall provide those agencies with the victim's name and contact information. The officer shall assist the victim in making arrangements to accommodate their safety and their right to these services.

(1) All victims shall be notified of the availability of these services along with a written notice of their rights under WI §950 within 24 hours of the incident.

(2) The notification to victim(s) of all of their rights and services available to them shall be included in the Sturgeon Bay Police Department brochure for Information for Victims of Crime, which shall be provided to each victim.

(3) The Department is permitted to share information on domestic violence incidents with domestic violence victim service organizations and their representatives and shall share statistical information with organizations seeking grants that provide domestic violence services.

E. Special Circumstances Associated with Domestic Disputes.

1. Weapons: If a weapon is present and constitutes a clear and present threat of violence, officers are to impound the weapon and see that it is properly

receipted, tagged and stored in evidence.

The owner shall be informed of the method to reclaim the property at a later date.

Any weapons used in the commission of a crime must be confiscated as evidence. Whenever a weapon is removed from the home, documentation shall be presented in the incident report.

Note: Wisconsin currently has no law requiring the removal of firearms at the scene of a domestic violence incident. A court order must be issued in the form of a Domestic Violence Restraining/Protective Order to remove firearms without consent, unless seized as evidence. [See WI §813.12(4m)(a) and §813.122(2-4).]

2. Refused Entry: When officers are refused entry into a residence after being dispatched to a domestic abuse call, the Chief of Police or Officer in Charge (OIC) is to be notified and kept apprised of the situation as it develops (not necessarily as it occurs). The dispatcher will attempt to contact the occupants by phone.

   If probable cause exists that a crime has been, is being or is about to be committed, forced entry may be used when there is no other reasonable alternative. The exigent circumstances, all relevant information, including statements from witnesses, the officer visual and audio observations, the officers perceptions shall be articulated in the incident report, along with any damage to the property (including photos) resulting from the entry.

V. RESTRAINING ORDERS AND INJUNCTIONS

A. WI §813.12(7) provides for mandatory arrest for violation of a domestic abuse restraining order/injunction and §813.125(6) provides for mandatory arrest for violation of a harassment restraining order/injunction.

1. Confirmation of Existence: Before making an arrest for violation of a temporary restraining order or permanent injunction, a law enforcement officer shall contact the Dispatch Center where a check shall be made of their records to determine:

   a) That the temporary restraining order or permanent injunction has been served on the defendant and,

   b) That the temporary restraining order or permanent injunction is current and valid.

2. Mandatory Arrest Required: If investigation confirms that a domestic abuse restraining order or permanent injunction or harassment restraining order or

permanent injunction is in effect, and there is probable cause to believe that the suspect violated any part of the court order, the law enforcement officer shall arrest the suspect and take him/her into custody.

a) The arrest must be made even if the victim permitted the suspect to return contrary to the restraining order or injunction. No private person can authorize the violation of a court order, including the victim. (WI §813.12(7) and §813.125(6)).

b) Failure to make the mandatory arrests may subject law enforcement officers to civil and criminal liability and disciplinary actions.

3. Firearm Prohibitions for Persons Subject to any Domestic Violence Restraining/Protective Orders

a) Wisconsin prohibits the possession of a firearm by any person enjoined under a domestic abuse or child abuse restraining order or injunction, certain tribal injunctions or a harassment restraining order or injunction with an order prohibiting the possession of a firearm.

VI. FOREIGN PROTECTION ORDERS

A. WI § 806.247 and Federal Code 18USC 2265 require full faith and credit for foreign protection orders. Therefore, law enforcement officers must enforce valid foreign protection orders as if they were issued by a WI Court.

1. Law enforcement officers can verify a foreign protection order is enforceable in the following manners:

a) The officer sees a certified hard copy of the order.

b) The order is entered into the TIME system.

c) The officer has communication with other authorities who can confirm the existence and validity of the order.

2. When the respondent claims no service of a protection order; and the law enforcement officer cannot verify service, no arrest should occur and the officer shall:

a) Verify the existence of an order.

b) Explain the terms of the order to the respondent and provide a copy of the order, when possible.

c) Explain the consequences of future violations to the subject.

d) Notify the issuing authority that the respondent has received notice and/or a copy of the order and of any arrest made.

3. Interstate travel to violate an order of protection, to stalk any petitioner or member of their immediate family, or to commit domestic violence constitutes Federal crimes. In addition to any applicable State charges, the offender should be referred to the U.S. Attorney's Office, Eastern District of Wisconsin.

VII. Domestic Abuse Repeater (939.621)

A. When making a domestic abuse arrest, an officer shall complete these requirements prior to confinement of an offender.

1. Personally check RMS and CCAP to see if the subject has been arrested for domestic abuse within the previous 72 hours, or within the last 10 years.

2. If the subject requires immediate detention due to behavior, another Officer or jail staff can assist with this.

3. The results of these checks shall be specifically documented in the officer's narrative report. Include dates, times, (etc) listed for the listed CCAP offenses, or document if none were found if that is the case.

4. The domestic abuse repeater changes the arrest to a felony. List the statute (939.621) on the booking sheet/notice of confinement and mark it as a felony arrest.

5. Whether a surcharge was imposed or waived may be found on an offender's CCAP record under the "View history and details of Charge(s)/Sentence(s)" link, where a count may be modified with the descriptor "Domestic Abuse".

6. Do not rely on criminal history checks as they are often not up to date or are incomplete.

7. List the criminal acts that lead to the arrest separately.

8. The "repeater" enhancement may be applied in the following situations:

a) When a person commits an act of domestic abuse within 72 hours following an arrest for a previous domestic abuse.

b) The 72-hour period applies whether or not the victim waived the no-contact provision, and/or

c) When a person has two (2) or more prior domestic abuse convictions within the previous ten (10) years.

d) A prior domestic abuse conviction includes crimes where a court imposed a domestic abuse surcharge or waived a domestic abuse surcharge. Note: For the 72 hour or 10-year criteria, the victim of the current domestic abuse act does not have to the same victim of any prior arrests or convictions for domestic abuse.

Chief of Police
Clinton Henry

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 12/01/2015