

Important information for Victims of Domestic Abuse From the Dane County Sheriff's Office

When a person has been arrested for a crime involving domestic abuse, the Dane County Sheriff's Office has an obligation to notify you about the procedure for releasing the arrested person as well as the likelihood and probable time of the arrested person's release.

The time line for predicting when an arrested person will be released is influenced by a number of factors. While each domestic abuse/dating violence arrest is unique, certain conditions must be met prior to release from jail:

1. Formal booking into the Dane County Jail is necessary. Processing time may vary depending on how busy the jail is or on the unique considerations of the individual who has been arrested (i.e. Does the arrested person require medical attention prior to processing?)

2. Bail must be met before an arrested person can be released. In cases of battery and other misdemeanor charges, cash, VISA, and AMERICAN EXPRESS can be posted. MasterCard and DISCOVER and checks are not accepted. In such cases, arraignment will be set for a date as soon as possible (with a court time determined later). *When a person bails out, release could occur as soon as within an hour of arrest!*

For those individuals who cannot post bail or have been arrested for a felony, arraignment will be held as soon as possible. However, in these situations, arraignment times can vary. Please call Central Booking or Court Services for specific times. *Usually the arrested person is released from jail after arraignment.*

3. Prior to the arrested person being released on bail, he/she must sign an acknowledgment at the jail that he/she has received notice of the "No Contact" requirements, and the increased penalties for additional acts of domestic abuse. Refusal to sign this acknowledgment will result in release from jail being denied.

It should be remembered that the information provided here is advisory only. Individual facts and circumstances, coupled with the varying demands placed on the jail, make it extremely difficult to predict the exact time that an arrested person will be released.

IF YOU WANT TO KNOW WHETHER AN ARRESTED PERSON IS STILL IN JAIL, CONTACT THE DANE COUNTY JAIL - CENTRAL BOOKING AT (608) 284-6100.

Reference

Dane County Sheriff's Office. (n.d.). *Domestic abuse: Notice to victims of domestic abuse*. Retrieved

April 17, 2004, from www.co.dane.wi.us/shrf/domestic.htm

Domestic Abuse and Dating Violence Restraining Orders and Harassment Injunctions

The following information is provided by the Dane County Sheriff's Office and Domestic Abuse Intervention Services.

What is a Domestic Abuse Restraining Order?

A **Temporary Restraining Order** or **Domestic Abuse Injunction** is designed for the protection of domestic abuse and dating violence victims. You can apply for an order by going to the Family Court Offices, which are located in Room 104 of the City-County Building, 210 Martin Luther King, Jr. Blvd., Madison during regular business hours. There is no fee for the petitioner.

In most cases, a Restraining Order can be served by a Dane County Sheriff's Deputy on the same day that it is applied for. If the arrested person is still in jail, it can be served on him/her immediately in the jail. At the time the temporary order is issued, a hearing date is set within 7 days to make the order permanent. Any violation of either a Temporary Restraining Order or an Injunction is a criminal violation which will result in the defendant being immediately arrested.

Domestic Abuse Intervention Services provides a free legal advocacy program to assist you in obtaining a Restraining Order/Injunction. For legal assistance, counseling, or shelter call them 24 hours a day at (608) 251-4445.

Step 1: What you must prove

1. That you have one of the following types of relationships with the abusive person: you have a child together, live together now or in the past, married to or divorced from, a blood-relation family member.
2. Your partner must have done one of the following: intentionally caused you physical pain or injury (by hitting, pushing, slapping, etc.) or illness, impaired your physical condition (by holding you hostage, withholding your medications, etc.), had sexual contact with you without your consent, or threatened to do any of the above.

Filling out the forms

Fill them in as completely as possible. You are the *petitioner*, your abusive partner is the *respondent*. On the blank page, describe the abuse as specifically as possible. Try to include the most recent dates, and the descriptions of injuries you received. It is very important to include the most recent acts of abuse.

Return the papers to the same window you got them from. You will sign the papers, and if they meet the legal guidelines, you will be given a Temporary Restraining Order immediately. The Commissioner will then give a date for the hearing, to be held within 7 days of the day you file. This is the only hearing required for the final Restraining Order (also called an *injunction*), which can be in place for up to 2 years.

Important things to know

There is no fee to file for a Temporary Restraining Order.

The respondent (the abusive person) will get a copy of everything you write.

If you do not want the abuser to know your address, you can leave that part blank, and discuss it with the Commissioner.

If you do not get the Temporary Restraining Order, you can call DAIS to discuss your options.

Step 2: Go to the Clerk of Courts Office, have them stamp your paper work with a case number, and file the appropriate copies.

Step 3: Take the rest of the papers to the Sheriff's Department, Civil Process Window, in the Public Safety Building.

They need the papers so they can serve the abusive person. They will try to serve the same day, if you get the papers to them by 3:30 pm. If the arrested person is still in jail, it can be served to him/her immediately in jail.

- If the abusive person calls you at home or at work, or goes to your home or work, CALL 911 IMMEDIATELY, and report a restraining order violation
- If the papers haven't been served yet, you can call 911, and ask to have the papers served immediately

Step 4: Injunction hearing. If you do not go, the restraining order will be dismissed. A legal advocate from DAIS or elsewhere can go to court with you, for support and assistance.

- If you have any police reports, medical reports or witnesses, you can bring them to the hearing. You may also want to bring notes to the hearing to help you remember details and dates of the abuse.
- You also have the option of bringing an attorney

Harassment Restraining Order

If you have never been married to, have never lived with, or do not have a child with your intimate partner, you may be able to file for a **Harassment Restraining Order**. **Harassment** is defined as striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same, or engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

There is a fee to file for a Harassment Restraining Order. You may be able to have the fee waived if there was physical violence, threats, or stalking; ask for a fee waiver form. The steps for filing for a harassment restraining order are the same as those for a domestic abuse restraining order.

References

Dane County Sheriff's Office. (n.d.). *Domestic abuse: Notice to victims of domestic abuse*. Retrieved April 17, 2004, from www.co.dane.wi.us/shrf/domestic.htm

Domestic Abuse Intervention Services. (n.d.). *Finding help: Legal resources in Dane County*. Retrieved May 4, 2004, from <http://www.abuseintervention.org/helpLegalResources.html>