



**Waukesha County Criminal Justice Collaborating Council
Victims' Rights Committee Minutes
Monday, November 26, 2018**

Team Members Present:

Hon. Michael Aprahamian	Chrissy Preston	Monica Paz
Marla Bell	Giana Amelunk	Sam Benedict (proxy for Menden)

Team Members Excused:

Eryn Menden	Jen Dunn
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Also Present:

Rebecca Luczaj	Janelle McClain
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Bell called the meeting to order at 12:23 p.m. and began with introductions.

Approve Minutes from October 29, 2018 Meeting

On page 2, revise the last sentence of Preston's statement regarding the DOC to read "There needs to be a statutory change and a change to the DOC database to effectively use DOR for collection. Currently, DOC does not have a mechanism to define restitution delinquency in their computer system, and the workgroup will be working on all options and possible solutions."

Motion: Preston moved, Amelunk second, to approve the minutes, as amended, from October 29, 2018.
Motion carried unanimously.

Continue Review of Restitution Stipulation Form

Paz expressed a concern regarding how victims will be noted on the form while still maintaining confidentiality. In the minutes, the clerks do not put the whole name in; they use initials or first names with last initial only. Benedict commented that, as long as all parties know who is being referenced, he is indifferent.

Paz commented that the form will need to have the formatting adjusted to comply with e-filing requirements. Menden will email the form to Paz for formatting.

Committee members continue to see the benefit of using the form, as time is saved with not having to read the information into the record. If there are multiple victims in a case, each victim may utilize a separate stipulation form.

The committee will review a final draft of the restitution stipulation form at the next meeting.

Continue Discussions of State Public Defender (SPD) Response to Modification of Local Rules Regarding Use of Restitution Affidavit

Benedict is concerned that the local rule might contradict statutes; however, Aprahamian stated that he does not think the rule change impacts defendants' rights, as the defendant can still request for the victim to be present.

Benedict and Aprahamian discussed how "cost" would be defined.

While the committee has preliminary data on how many restitution hearings were held, there still needs to be additional data collected.

Paz stated that when she last ran the numbers, there were 130 restitution hearings in 2016, dropping to 95 hearings in 2017. In 2016, 18 restitution hearings were cancelled, increasing to 23 cancellations in 2017.

Currently, there is not a system in place to track how often a victim has to attend a hearing and testify. Aprahamian stated that, without the affidavit, victims are notified by letter that they must attend.

The local rule has not been approved by all of the judges yet. Aprahamian will find out when a notice needs to be sent to the private bar; if the notice has not been sent, he will suggest that it be sent between the first and second all judges' meetings.

Benedict stated that the addition of the good faith language adds an additional procedural hurdle for defendants that does not currently exist. He believes that the "good faith" language leaves room for interpretation, so there will not be consistency across the board. Aprahamian will discuss the issue with the judges.

Review Work Plan to Identify New Committee Projects

This agenda item has been tabled until a future meeting.

Other Items for Discussion

Aprahamian is planning to stay on the committee, despite his rotation out of the criminal division, until he is informed otherwise.

Discuss Agenda Items for Next Meeting

- The December 24 meeting is cancelled

Adjourn

Motion: Aprahamian moved, second by Paz, to adjourn the meeting at 1:05 p.m.