



**Waukesha County  
Criminal Justice Collaborating Council  
Evidence-Based Decision Making Victim Rights Workgroup Minutes  
Tuesday, May 16, 2017**

**Team Members Present:**

Jen Dunn	Marla Bell
Hon. Michael Aprahamian	Kelsey Loshaw
Kathy Madden	

**Team Members Absent:**

Jay Laufenberg

**Also Present:**

Rebecca Luczaj	Janelle McClain
Monica Paz	Carla Fries

Dunn called the meeting to order at 12:11 p.m.

**Approve Minutes from March 20, 2017 Meeting**

Motion: Bell moved, second by Aprahamian, to approve the minutes from March 20, 2017. Motion carried unanimously.

**Discuss Civil Judgments Entered for DOC Revocations to Prison**

Bell commented that when the courts receive information that DOC supervision has been revoked, they are automatically entering civil judgments, when the defendant is going to be going to prison. Madden stated that this should be brought up with the Clerk's Office. DOC staff will call Paz and they will work it out.

**Discuss Restitution Affidavit Pilot in Branch 9**

Fries distributed and reviewed a revised draft titled "Affidavit of Restitution."

The group discussed changes they would like to see on the form including:

- Change "District Court File Number" to "Case Number"
- Put the last paragraph on a separate, informative sheet for victims
- Reformat the layout to look like an affidavit
- Have the victim state how the amount of loss was determined if there is no supporting documentation
- Have the victim state that they have not received any other form of compensation (i.e. through a civil judgment, etc.)

The group discussed that we should track how quickly the Restitution Affidavit moves cases through the system. Fries will follow-up to determine which law enforcement agencies are currently giving out affidavits to victims.

Loshaw arrived at 12:29 p.m.

Fries will revise the form and send it to Aprahamian for review prior to the next meeting. Once the affidavit is finalized, we can proceed with utilizing it. Aprahamian has already discussed the affidavit with the other judges, so it will be able to be utilized in all branches.

**Discuss Feedback from State Public Defender (SPD) Policy/Legislative Analysts on Revised Language for Statute 973.09(3)(c)**

Loshaw distributed and reviewed copies of an e-mail that she had sent to the workgroup with feedback from the SPD policy/legislative analysts, focusing only on language related to the extension of probation in the workgroup's restitution memo.

The workgroup discussed how "good faith" could be interpreted multiple ways. One example is that a client may be paying \$100 per month, which appears to demonstrate good faith; but if the debt totals \$100,000 and only \$2,000 has been paid, this may be interpreted as not demonstrating a good faith effort.

Bell reminded the group that the purpose of DOC supervision is to protect the community, not for only collecting restitution payments.

The workgroup reviewed numerous options for collection, including civil judgment and garnishment. Madden would like the collection of restitution to eventually be turned over to the Wisconsin Department of Revenue (DOR).

Aprahamian will review the SPD analysis with the other judges and will bring feedback to the next meeting.

**Discuss Changing Workgroup Meeting Day/Frequency**

The workgroup will meet next on June 6 at 7:30 a.m. with NIC Consultant, Mimi Carter. Madden will participate via phone.

Future meetings will be rescheduled to every three weeks on Tuesdays at noon.

**Discuss Agenda Items for Next Meeting**

The group will review the revised Restitution Affidavit form and discuss a date for implementation.

**Adjourn**

The meeting adjourned at 12:58 p.m.