



**Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Victim Rights Workgroup Minutes
Monday, October 30, 2017**

Team Members Present:

Jen Dunn	Marla Bell	Carla Fries
Hon. Michael Aprahamian	Kelsey Loshaw	Jay Laufenberg

Team Members Absent:

Kathy Madden	Monica Paz
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Also Present:

Rebecca Luczaj	Janelle McClain
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Bell called the meeting to order at 12:07 p.m.

Approve Minutes from October 9, 2017 Meeting

Motion: Bell moved, Laufenberg second, to approve the minutes from October 9, 2017. Motion carried unanimously.

Review and Discuss Progress of Restitution Affidavit Pilot

Fries distributed and reviewed the documents titled "Instructions for Restitution Affidavit" and "Affidavit for Restitution."

While Fries has obtained a few informal affidavits, the restitution affidavit pilot will officially roll out in Branch 3 beginning November 1, 2017. The program will be piloted for 6 months; if successful, the group will determine how to expand it to the other branches.

The group then began to discuss procedural details of the pilot project. In the event that a restitution hearing is necessary, Aprahamian will set the hearing out for 30 days. When defense is disputing the amount of restitution claimed, Aprahamian will order an affidavit within two weeks. When the state receives the affidavit from the victim, they will e-file it, which will notify the defense bar. If the defense challenges the amounts, they will have one week to report the challenge to the state. If there is no further dispute, the restitution hearing can be removed from the court's calendar.

If the restitution claim is being disputed and the defense is requesting that the victim be present in court, they must submit justification as to why the victim must be present. The judge will make a ruling electronically, including a note that if the hearing needs to be rescheduled for the victim to be present, it can be. Otherwise, the default response will be that the victim does not need to be present at the hearing. Fries stated that she always tells the victim to assume they should be present, unless she tells them otherwise later in the process.

Fries will obtain restitution affidavits from insurance companies and banks right away, and then update them if necessary as more information comes in or claims are made. Personal information should be redacted prior to submitting any paperwork. Policy numbers can be redacted for all but the last few numbers.

Fries will track the number of affidavits filed, as well as how many cases still result in restitution hearings being held.

Review Workgroup Goals for 2018

This agenda item will be tabled until the next meeting.

Discuss Agenda Items for Next Meeting

The November 20 meeting is cancelled; the next meeting will be December 11. The group will prioritize the work plan and have an update on the affidavit pilot. Bell will email the updated work plan to everyone for review prior to the December 11 meeting.

Adjourn

Motion: Aprahamian moved, second by Bell, to adjourn the meeting at 12:47 p.m. Motion passed unanimously.