



**Waukesha County Criminal Justice Collaborating Council
Victims' Rights Committee Minutes
Monday, October 1, 2018**

Team Members Present:

Jen Dunn	Hon. Michael Aprahamian	Monica Paz
Eryn Menden	Marla Bell	

Team Members Absent:

Giana Amelunk

Also Present:

Rebecca Luczaj	Gina Colletti
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Dunn called the meeting to order at 12:00 p.m.

Approve Minutes from August 6, 2018 Meeting

Motion: Bell moved, Aprahamian second, to approve the minutes from August 6, 2018. Motion carried unanimously.

Discuss and Consider Workgroup Member Change

Motion: Bell moved, Menden second, to replace Jay Laufenberg with Chrissy Preston, DOC Office of Victim Services and Programs Director. Motion carried unanimously.

Follow-Up on Use of Restitution Stipulation Form

Menden reported that she has not heard of any defense attorneys using a Restitution Stipulation form recently. She suggested having the form available in the courtroom for use. Aprahamian stated that restitution stipulation is mentioned in the local rules, but he does not see a form readily available in the courtroom.

Update on Modification of Local Rules to Reflect Use of Restitution Affidavit

Aprahamian distributed and reviewed a draft of the modification to the local rule regarding use of the restitution affidavit entitled *“Waukesha County Circuit Court – Local Rule Revision for Criminal Traffic Court Division; Rule 9. Restitution (renumbered).”* He explained the modifications he will propose to the judges.

Paragraph 9.3 – Propose that 20 calendar days before the restitution hearing the victim prepares and files the restitution affidavit.

Paragraph 9.4 – Propose that the defense, in good faith, provide a reason why they believe the victim must attend the hearing (cross-examination, not understanding the claim, problems with the claim, etc.) at least 10 calendar days before the scheduled restitution hearing. A key point here is that if there is no objection by defense, it does not mean they are stipulating to the amount or forfeiting their ability to challenge an award of restitution.

Paragraph 9.5 – Propose that the judge will act promptly on the Defendant’s objection so notice can be provided to the victim that they will need to attend the restitution hearing.

The tentative timeframe for approval by all judges is December 2018/January 2019.

Discuss Dane and Sheboygan Counties' Restitution Orders and Related Victim Privacy Issues

Dunn distributed and reviewed a packet containing the following documents: "Restitution Summary," "Dane County Order for Restitution" (blank), and "Dane County Order for Restitution" (filled out as an example). Dunn stated that in Dane County, only the amount of restitution is displayed in CCAP, but the restitution orders are still e-filed. Paz mentioned that the Clerk's conference is next week, and she should know more about the CCAP interface at that time, and will report back to the group at the next meeting.

Update on Potential for Using DOR for Restitution Collection

Paz and Colletti stated that there is no update at this time.

Other Items for Discussion

Bell reported the Department of Corrections (DOC) is trying to have DOR take over the task of restitution collection. The current problem is that statute language dictates that offenders must be delinquent in restitution payments in order for DOC to pursue collection; however, at this time there is no way for the DOC to be able to monitor whether offenders are delinquent. The only time the delinquency becomes known to DOC is when the offender is discharged from supervision and a civil judgment is ordered.

Discuss Agenda Items for Next Meeting

Menden will create a blank restitution stipulation form to be located in the courtrooms and will review this with the group at the next meeting.

Adjourn

The meeting adjourned at 12:36 p.m.