



Waukesha County
Criminal Justice Collaborating Council
Evidence-Based Decision Making Victim Issues Workgroup
Wednesday, March 16, 2016

Team Members Present:

Victim Witness Coordinator Jen Dunn
Judge Michael Aprahamian (arrived 12:25)
DOC Victim Services Director Stephanie Hove

Clerk of Circuit Court Kathy Madden
Public Defender Kelsey Morin

Team Members Absent: Marla Bell

Others Present: Circuit Court Division Coordinator Amy Rendell, State Representative Rob Hutton, Legislative Policy Advisor Sarah Spaeth, Legislative Assistant Phil Pratt, CJCC Coordinator Rebecca Luczaj, Administrative Specialist Alison Ries

Dunn called the meeting to order at 12:08 p.m.

Approve Minutes from March 4, 2016 Meeting

Tabled until next meeting.

Continue Discussion on Current Restitution Process and Overview of Restitution Reform Bill

State Representative Rob Hutton was present to discuss the restitution reform bill. He stated the intent of the bill is to make victims a priority when speaking of restitution. Hutton stated the current statute is ambiguous about how DOC should prioritize offender fees and in most cases do not prioritize victims. Hutton believes that victims need to be put first and that can be done by making restitution a priority. He stated the main goal is to address making victims a priority and then decide how to make the process easier for victims and the administering county in collecting restitution. Hove stated the intent of the legislation was to increase collection of restitution. Conversation keeps reverting to civil judgments, which is not helping victims. Madden stated in order to get all counties doing things consistently, there needs to be legislation in place. She believes all restitution collection should be managed by the state. Discussion was held regarding making payment of restitution a condition of probation/supervision and making it a violation of conditions if restitution is not paid. Looking forward, Hutton feels it is necessary to examine what has been accomplished across the state and then continue to improve and streamline the process from there.

Update on Meeting with State Regarding Adopting Dane County Restitution Order Statewide

Dunn reported she attended a meeting yesterday at DOC and general discussion was held regarding paying restitution and the restitution bill. Dane County has a form that the Victim/Witness office prepares that gets attached to the Judgment of Conviction. Each county could keep their custom method of how they get information to courts, but the committee agreed a more standardized statewide restitution order form for all counties would get victims paid more quickly. Dunn stated issues arise in collection of restitution after offenders have been discharged. Many counties put the civil judgment in the victim's name, thus removing the county from the collection process. The victim's privacy then becomes an issue because the victim must do the collecting. Because the judgment is now in the victim's name, the Clerk and/or the DOC cannot accept the payment and/or document that payment was received. Hove stated it is important to have communication between the Clerk and victim when monies are paid, so the Clerk can update the balance owed/paid by the offender. Madden stated in Waukesha County, civil judgments are put in the county's

name, not the victim's. That way the county can still collect. If the victim chooses to pursue their own collecting, Madden said it is also important for the Clerk to be notified of non-payment so the offender can be sent to DOA Collections. Dunn stated that Waukesha County's best practice is for the Clerk to continue collecting restitution after the offender has been discharged and to keep victims' names out of CCAP. Aprahamian stated civil judgments should never have to be renewed and should last forever.

Madden stated that all restitution monies received by the Clerk of Courts get forwarded to the Victim/Witness office. She distributed an example of a current case from CCAP detailing amounts owed by the offender and to whom. This information can be found under "findings" in CCAP. There is no interface between DOC and CCAP; therefore, the "Probation/Other Agency Amount" may be an issue in the accuracy of the amount owed by the offender.

Madden stated restitution is supposed to be paid first in CCAP; however, sometimes when offenders pay online, it is not because restitution can be "overridden" in terms of online paying by offenders. More offenders pay online than by cash or check. Offenders are able to prioritize what they want to pay first when they pay online. Dunn stated that it seems, at least procedurally, that restitution is not being paid first and questioned if the workgroup should explore why/how that happens. Madden will research how fines can be paid prior to restitution in CCAP and will report her findings to the workgroup at the next meeting.

Review & Discuss Workgroup's Proposed Change Strategy

Madden questioned what the goal of the workgroup is. We need to discuss and vote on what the workgroup is bringing to the Policy Team.

Dunn will draft a form to present to the state Records Management Committee. Madden suggested taking the form and the workgroup's ideas to the Chief Judges' Committee.

Discuss Next Steps

The workgroup will prepare its change strategy to present at the April 13 Policy Team meeting.

The meeting adjourned at 1:40p.m.