



Waukesha County Criminal Justice Collaborating Council
Evidence-Based Decision Making Victim Rights Workgroup
Monday, October 10, 2016 @ 12:00 PM

Team Members Present:

Clerk of Circuit Court Kathy Madden DOC Supervisor Marla Bell Judge Michael Aprahamian
Public Defender Kelsey Morin Jay Laufenberg, DOC Director
of Victim Services

Team Members Absent:

Victim Witness Coordinator
Jen Dunn

Also Present:

CJCC Coordinator Rebecca Luczaj Circuit Court Division
Coordinator Amy Rendall
Janelle McClain Carla Matz

Bell called the meeting to order at 12:04 p.m.

Approve Minutes from September 26, 2016 Meeting

MOTION: Aprahamian moved, second by Bell to approve the minutes from September 26, 2016. Motion carried unanimously.

Review & Discuss Draft Suggested Changes to 2015 Wisconsin Act 355

Luczaj distributed an e-mail from Dunn consisting of bullet points to discuss before the 10/24 meeting with Representative Hutton.

There is concern about how fees are being paid before restitution when there is a law that requires restitution be paid first. The ideal situation would be that all counties in the state prioritize restitution and handle all funds consistently. An Attorney General opinion on this is needed.

The workgroup discussed scenarios that they have experienced regarding victims being paid restitution in a timely fashion, and the roadblocks they have come across.

When an offender passes away, the state uses the offender's account to pay for burial. In an ideal situation, if there is an estate, a civil judgment should be entered in order to collect outstanding restitution.

CCAP would need to have changes made in its online payment system in order to require debtors to pay restitution first. Assigning restitution to a person, as opposed to a case, could address this issue. Restitution should then be applied to the oldest case first, if a person has multiple cases.

The workgroup would prefer debt be certified to the DOR once payment is 30 days past due, not 90 days past due.

The workgroup is proposing that all restitution collection be handled by the DOR, for both courts and the DOC, upon receiving the court order.

In the event that the DOR handles all of the offender's debts, the 5% and 10% surcharges currently in place to cover administrative costs for the courts and the DOC would no longer exist and should not be charged to the offender.

The workgroup agreed that civil judgments for restitution should have no expiration date.

Currently, child support takes priority over restitution and state debts, including those for driver's licenses and college tuition, are ranked above county debts for repayment schedules because the DOR is a state agency.

Victim privacy concerns will be addressed separately after there is consistency throughout the state for collecting restitution.

Dunn will draft the memo to Representative Rob Hutton and email it to the group for feedback prior to the 10/24 meeting.

Restitution Specialist

Luczaj said Dunn was awarded the grant for a full-time restitution specialist and will soon be posting the job announcement for the position.

Adjourn

The meeting adjourned at 1:03 p.m.

Next Meeting Date

Monday, October 24, 2016