

March 17, 2021

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION REQUESTING THE STATE OF WISCONSIN TAKE ACTION
TO ADDRESS THE PUBLIC DEFENDER CRISIS IN BROWN COUNTY**

WHEREAS, the State of Wisconsin funds the Wisconsin State Public Defender's Office (the "SPD"), an executive-branch state agency tasked with ensuring that Wisconsin meets its constitutional requirement of providing legal representation to the indigent, and which operates in all of Wisconsin's 72 counties through its 37 local trial offices and two appellate offices. The SPD utilizes staff attorneys, as well as contract private attorneys, who handle conflict and overflow criminal cases; and

WHEREAS, the SPD local trial office that serves Brown County, Kewaunee County and Door County is located in Green Bay, WI, and there are approximately 350 defendants in Brown County which currently need SPD representation, 17 of which have been in custody and sought representation for over 100 days, a situation which, if it persists, may soon result in potential civil rights violations and/or the dismissal of such criminal charges; and

WHEREAS, on 01-20-2021, the District 3 Wisconsin Court of Appeals dismissed a criminal case originating in Marathon County after the defendant there was held in-custody for 101 days without counsel while the SPD searched for an attorney willing and able to represent him, and did not have a preliminary hearing until 113 days after his initial appearance; and

WHEREAS, recently in Brown County a defendant's criminal case was dismissed without prejudice after the defendant went for hundreds of days without having counsel appointed by the SPD. That case was promptly refiled, causing much additional work for the entire criminal justice system, and resulting in otherwise unnecessary apprehension for the victims involved. If a delay

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caused by a case being filed, dismissed and then refiled again lasts long enough, then it could potentially result in the unavailability of witnesses and evidence; and

WHEREAS, swift and appropriate action needs to be taken by the Governor and State Legislators to remedy the current Public Defender Crisis in Brown County before more criminal cases result in dismissal due to lack of appointment of attorneys by the SPD, and before constitutional rights such as the *Right to a Speedy Trial* are violated.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Board of Supervisors hereby requests that the Governor and State Legislators address and remedy the above described Public Defender Crisis in Brown County by taking one or more of the following actions:

1. Create Regional Response Offices on a temporary or permanent basis, to be staffed with experienced SPD employees or with experienced SPD contracted attorneys, to provide Public Defender representation in counties such as Brown County that have a significant backlog of criminal cases where defendants are and remain in need of representation for extended periods of time, and operate and maintain such Regional Response Offices until the Public Defender Crisis currently being experienced in many Wisconsin counties is brought under control; and/or
2. Pass legislation to bring parity between the rate the SPD is allowed to pay contracted attorneys, and the rate Courts are authorized to pay contracted attorneys; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent via email to the Governor of the State of Wisconsin, and to the Brown County Legislative Delegation.

Fiscal Note: This resolution does not require an appropriation from the general fund, as it will be sent via email to the Governor and the Brown County Legislative Delegation.

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Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Approved By:


Troy Streckenbach
COUNTY EXECUTIVE

Date Signed: 3/18/2021

21-020R

Authored by: Corporation Counsel at the direction of the Public Safety Committee

Approved by: Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # 14a.
Voice Vote Taken

Motion made by Supervisor Deneys

Seconded by Supervisor Kaster

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
SIEBER	1	X			
DE WANE	2				X
CHU	3	X			
DORFF	4	X			
JACOBSON	5	X			
LEFEBVRE	6	X			
FRIBERG	7	X			
BORCHARDT	8	X			
EVANS	9	X			
VANDER LEEST	10	X			
BUCKLEY	11	X			
LANDWEHR	12	X			
DANTINNE, JR	13	X			

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14	X			
MURPHY	15	X			
KASTER	16	X			
VAN DYCK	17	X			
HOPKINS	18				X
ERICKSON	19	X			
COENEN	20	X			
SCHULTZ	21	X			
PETERS	22	X			
SUENNEN	23	X			
SCHADEWALD	24	X			
LUND	25	X			
DENEYS	26	X			

Total Votes Cast 24
Motion: Adopted X Defeated _____ Tabled _____

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CORPORATION COUNSEL

Brown County

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RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 03-11-2021
REQUEST TO: **SPECIAL** Public Safety Committee Meeting
MEETING DATE: **03-17-2021 at 6:30 pm**
REQUEST FROM: Dave Hemery, at direction of Public Safety Committee/Chair
Corp Counsel
REQUEST TYPE: New resolution Revision to resolution
 New ordinance Revision to ordinance

TITLE: **RESOLUTION REQUESTING THE STATE OF WISCONSIN TAKE ACTION TO ADDRESS THE PUBLIC DEFENDER CRISIS IN BROWN COUNTY**

ISSUE/BACKGROUND INFORMATION:

SPD needs to appoint attorneys on a timely basis to avoid dismissal of charges/cases and constitutional rights violations, and Governor and Legislature need to act

ACTION REQUESTED:

Consideration and approval

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. What is the amount of the fiscal impact? \$ _____
2. Is it currently budgeted? Yes No N/A (if \$0 fiscal impact)
 - a. If yes, in which account? _____
 - b. If no, how will the impact be funded? _____
 - c. If funding is from an external source, is it one-time or continuous?

3. Please provide supporting documentation of fiscal impact determination.

COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

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