

# Wisconsin Justice Initiative



P.O. Box 100705  
Milwaukee, WI 53210

Sept. 19, 2017

Mayor Tom Barrett  
Milwaukee City Hall  
200 E. Wells Street  
Room 201  
Milwaukee, WI 53202

Dear Mayor Barrett,

The Wisconsin Justice Initiative strongly urges you to include in your 2018 budget proposal funding for a full-year contract for a lawyer to represent indigent defendants in Municipal Court.

We understand the city faces fiscal challenges, but we also believe the city should protect the rights of those subject to its authority. Unfortunately, that is not happening.

We informed you and others last year that the city's Municipal Court judges were not advising defendants of their rights, as is required by law. The Common Council, in response, adopted a \$45,000 budget amendment for partial year funding for a contract for a lawyer for indigent defendants.

It is crucial that funding be provided for a full-time lawyer. The situation in Municipal Court has not changed. WJI sent court observers to the three branches on multiple occasions – two of the judges failed to fully inform defendants their rights at sentencing, as required by law. The third judge was not observed, because the courtroom was closed on each visit.

The law is clear:

At the time that the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant's motor vehicle operating privilege, as provided in sub. (1b)(c), if applicable. In addition, the court shall inform the defendant, orally and in writing, that the defendant should notify the court if he or she is unable to pay the judgment because of poverty, as that term is used in s. 814.29 (1)(d), and that he or she may request community service in lieu of payment of the judgment. If the defendant is not present, the court shall ensure that the information is sent to the defendant by mail. If the defendant is present and the court, using the criteria in s. 814.29 (1)(d), determines that the defendant is unable to pay the judgment because of poverty, the court shall provide the defendant with an opportunity to pay the judgment in installments, taking into account the defendant's income, or to perform community service in lieu of payment of the judgment. In 1st class cities, all of the written information required by this subsection shall be printed in English and Spanish and provided to each defendant. Wis. Stat. § 800.09(1g)

The city attorney's office has, unfortunately, failed to ensure that the Municipal Court judges are meeting their obligations. That means Municipal Court defendants, many of them who have no understanding of Municipal Court procedures or their own vulnerability to incarceration, are on their own.

It is simply imperative that Municipal Court defendants understand their rights and have a degree of legal representation. The apparent indifference by some elected representatives to the adhering to state law has

real impacts. Last year, there were a total of 2,483 commitment days served at the Milwaukee County Jail, according to the Milwaukee County Department of Administration. Most commitment days served at the jail originate in Milwaukee Municipal Court. It is extremely likely that most of the Milwaukee defendants who served these commitments were not given all the information they were entitled to under the law.

The Vera Institute of Justice, in “Incarceration’s Front Door: The Misuse of Jails in America” laid out the consequences of even short-term incarceration.

*Research shows that spending as few as two days in jail can reduce economic viability, promote future criminal behavior, and worsen the health of the largely low-risk defendants who are incarcerated there—making jail a gateway to deeper and more lasting involvement in the criminal justice system at considerable costs to the people involved and to society at large.*

The revenue the city gets from its Municipal Court is still significant – surely a small portion can go to protecting the rights of the people who appear before it.

Thank you for your attention to this matter. Please feel free to contact me with any questions or concerns. I can be contacted at [Gretchen@wjiinc.org](mailto:Gretchen@wjiinc.org) or by phone at 414-331-0724.

Sincerely,

A handwritten signature in black ink that reads "Gretchen Schuldt". The signature is written in a cursive, flowing style.

Gretchen Schuldt  
Executive Director,  
Wisconsin Justice Initiative

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