

November 4, 2011

Clerk of the Supreme Court  
ATTN: Carrie Janto, Deputy Clerk  
PO Box 1688  
Madison, WI 53701-1688  
**VIA E-MAIL**

RE: Rule Petition 11-03 – In the matter of repeal and recreation of SCR 70.38 - 70.39, relating to court security and facilities

Dear Ms. Janto:

As the petitioner, the PPAC Subcommittee on Court Security writes in a response to submitted comments on Rule Petition 11-03 by the Wisconsin Counties Association (WCA) and the Wisconsin State Public Defender (SPD).

The newly created chapter is intended to be advisory in nature similar to that of current SCR 70.38-70.39. Sections 68.01(1) and 68.01(2) state “The chapter is intended to assist counties and courts in making sound decisions about the court facilities” and “This chapter does not create a fixed standard.” It intended to identify best practices. Because of the unique funding structure of the Wisconsin court system, the PPAC Subcommittee on Court Security recognizes that a mandate of court security and facility standards would be inappropriate.

The WCA recommends the replacement of the word “shall” with “should” in sections 68.06(2)(a) and 68.06(3). While the subcommittee intended the use of “shall” to stress the importance of the implementation of these standards, it realizes that “shall” would likely be interpreted as a mandate and is prepared to support this change.

The SPD recommends changes to 68.05(1)(h) that would delete the provision that a representative of the criminal defense bar serve on the local security and facilities committee and replaces it with the Wisconsin Public Defender. While the subcommittee is amiable to this change, the reference to the criminal defense bar was intentionally general to allow each county to use its discretion in determining the most appropriate member of the criminal defense bar to serve on the committee. After speaking further with Ms. Kelli Thompson, the Wisconsin State Public Defender, we suggest amending this section to read as follows:

**SCR 68.05 Security and Facilities Committee.**

(1) The presiding judge for each county shall appoint a security and facilities committee composed of all of the following:

- (a) One circuit judge to serve as chairperson.
- (b) The chairperson of the county board.
- (c) The county executive, county administrator, or administrative coordinator.
- (d) The clerk of the circuit court.
- (e) The county sheriff.
- (f) The district attorney.

- (g) A circuit court commissioner.
- (h) One representative of the criminal defense bar or a Wisconsin State Public Defender.
- (i) One lawyer designated by the president of the local bar association. If there is no association, the presiding judge shall appoint a lawyer residing in the county.
- (j) One representative of a victim-witness support organization.
- (k) One representative of the facilities/maintenance department.
- (L) Such other persons as the committee considers appropriate.

A person specified in sub. (b) – (f) may designate a person for appointment to the committee in his or her place.

Thank you for the opportunity to provide feedback on the public comments to the rule petition.

Sincerely,

Hon. Michael O. Bohren, Chair  
PPAC Subcommittee on Court Security  
Waukesha County Circuit Court

Hon. Sarah O'Brien, Chair  
PPAC Subcommittee on Court Security  
Dane County Circuit Court