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December 31, 2021

Supreme Court of Wisconsin
Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: Rule Petition 21-04, In the Matter of Amending Wis. Stats. §§ 48.299 and 938.299
Regulating the Use of Restraints on Children in Juvenile Court (Juvenile Shackling)

To the Supreme Court of Wisconsin:

I am a criminal defense attorney, who practices in Northeast Wisconsin. I was a board member for the Children and the Law Section of the Wisconsin State Bar from 2017 until 2020. I am a current board member for the Criminal Law Section of the Wisconsin State Bar. I worked in the State Public Defender's Office from 2015 through 2018 and entered private practice thereafter. I am currently a partner with the Law Offices of Crowell & Schuchart, LLC, a firm with offices in Green Bay and Marinette.

During my time working for the State Public Defender's Office, I immediately began representing juvenile clients in Chapter 48 and 938 matters. As someone who coached and umpired youth sports, I had a desire to help and support local children. Representing juvenile clients allowed me to repeat that practice in our legal profession.

Plenty of cases stick with a practitioner, and I want to share one relevant story. I represented a twelve-year-old juvenile offender. The child had a dysfunctional home and did not live with a parent. The child made a verbal threat within the home and destroyed some property, both misdemeanor delinquencies. It was an incredibly sad case, and the child was placed in secure detention. When the child had court, they were escorted by court security through the court rotunda that was open to the public. People, including myself, watched as this twelve-year-old child, in leg and wrist shackles, was escorted by multiple armed court officers to the court hearing. The child was no more than five feet tall and weighed less than 80 pounds. I walked into court behind my client, who went to counsel table, slouched in the chair, and never looked up

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from the ground. As the child was seated at counsel table, they struggled to sign the plea form due to the restraints. Throughout the hearing, the child stared at the ground as they entered their plea. Everyone felt terrible for this child. The child was not shackled because anyone believed they were a danger. The child was shackled because every single child, at that time, was shackled when brought to court from secure detention in Brown County.

Given my past qualitative experiences, I took interest in the issues that surround indiscriminate juvenile shackling. After board meetings with the Children and the Law, I returned to Brown County and approached key players in our local criminal justice system. After numerous meetings and thoughtful discussions, a policy was recently implemented that ended the indiscriminate shackling of juveniles during court proceedings. The policy allows for court security to use restraints in certain cases, which helps strike a balance between promoting the goal of juvenile rehabilitation and respecting court security concerns.

I can share with the Court that multiple elected members of my local criminal justice community support our local policy. I have permission to share with you that Brown County District Attorney David Lasee, Brown County Circuit Court Judge Marc A. Hammer, and other elected officials support our local Brown County policy that ends the indiscriminate shackling of juveniles in court.

My firm and I strongly support the proposed judicial rule on shackling in juvenile court. We believe a statewide rule is needed so that our entire Wisconsin Court System ends the indiscriminate shackling of juveniles in court. Thank you for the opportunity comment on the proposed rule.

Dated at Green Bay, Wisconsin on Friday, December 31, 2021.

Respectfully submitted,



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