



**DANE COUNTY
DISTRICT ATTORNEY
ISMAEL R. OZANNE**



June 4, 2026

Letter in Response to:

**Review of the Dane County Community Court
Final Planning Phase and Implementation Process**

Brett and Colleen:

I raised concerns on the impact of a pre-plea program for more justice involved individuals on our existing diversion program, which is post-plea and generally works with many lower level individuals. I am not looking to harm a program which has been providing diversion for a large number of individuals for years by undermining their process. I have said I would review this decision (post-plea vs. pre-plea) after the first year. This may be where you are getting the one-year time frame.

I have always been about reform but I am not about abolitionism. Concerns were raised with the way victim rights issues were being pushed back against and it became clear members of the group didn't see this as a victim centered program, one even stating it very clearly that "this is not about victims." Language used in documents also raised concerns and made it seem as if we were moving toward an abolitionist mindset. This will not create a sustainable and successful program as it will undermine victim's willingness to have their cases handled in this program. With these concerns going unanswered I was forced to step back from the implementation which pushed back the start of the program. This cannot be a program that blames victims or pushes a "shared accountability" for an offenders' actions.

Restitution: Since the passage of Marcy's Law, a victim's right to full restitution is now part of our constitution along with other rights to appear and be heard at hearings impacting their safety along with being treated with dignity and respect and a right to privacy. The issue with restitution was clearly not understood. Successful completion of an agreement cannot occur without full restitution if a need for restitution is present. You are correct that a judge can get to the question of an offender's "ability to pay" restitution but only after a conviction then sentencing at which time the defendant can raise the ability to pay for the court to decide. This is why full restitution for successful completion of the program is nonnegotiable as it will all occur prior to a conviction/sentencing/and the judge's ability to decide the question of an offender's ability to pay.

You stated the most important aspect of connecting individuals to treatment and services is the time between arrest and the start of treatment. I do not dispute this fact. I have never said we would only refer retail theft cases for the first year, or that we would not review the cases of in-custody individuals for Community Court (CC) participation. Retail theft is the first type of offense we are sending due to concerns surrounding a reluctance of the CC to be a victim centered program. We have always said we would be reviewing the referrals as we move forward to potentially bring on new charge types. If we are not working in a victim centered way cases with victims will not be able to be recommended as we are not looking to create victim rights violations.

The offer letter, in my opinion, is the best way to convey information not only to the offender, their attorney, the court, and the CC staff at the earliest point in the process. It also creates an event for us to track cases in our system. The letter is given at the Initial Appearance, the earliest point in the process. This doesn't delay the connection to services as I see it.

A new arrest does not create an automatic termination from CC. A new charge is what will create the termination. We will evaluate the new case for possible eligibility in the CC and a possible referral to the CC. If the new charge/case is not eligible or is not going to be referred to the CC the original case must come back to the traditional court system.

Other areas which still need to be worked on are:

1. Community Representation in the program
2. A Restorative Justice Component
3. Clear services and/or treatment identified

Thank you,

A handwritten signature in black ink, appearing to read 'Ismael R. Ozanne', with a stylized, cursive script.

Ismael R. Ozanne