



# DANE COUNTY DISTRICT ATTORNEY ISMAEL R. OZANNE



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District Attorney

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Director,  
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TO: Personnel and Finance Committee  
FROM: Ismael Ozanne, District Attorney  
DATE: 10/25/2019  
RE: Addressing Equity and Sustainability

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Attached please find the Dane County District Attorney's Office Equity and Inclusion Plan. As demonstrated and articulated in our plan, we continue to be committed to seeking racial equity and inclusion in every aspect of our organization. We plan to utilize 2020 budgetary funds for personal, training and community collaboration to further our commitment. After your review, please feel free to reach out with questions, comments or suggestions as this plan is intended to be a living document that reflects the needs, concerns and values of our community.



# DANE COUNTY DISTRICT ATTORNEY'S OFFICE

## Equity and Inclusion Plan

Dignity  
Respect  
Integrity  
Fairness  
Transparency



October 2019

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# STATEMENT OF PURPOSE



**The District Attorney's Office stands with the County of Dane in actively seeking racial equity and inclusion in every aspect of our organization. We are committed to criminal justice reform efforts that create a system that protects everyone in our community and honors the life experience of those who encounter the justice system. We offer this Equity and Inclusion Plan as our sincere commitment to those we serve and to our community partners as our roadmap to a better place.**



## VISION:

- The Ethical Pursuit of Justice

## CORE VALUES:

- Dignity
- Respect
- Integrity
- Fairness
- Transparency

# ORGANIZATIONAL COMMITMENT

## MISSION STATEMENT

The Dane County District Attorney's Office will vigorously protect our community and enhance the quality of life for all people of Dane County through the fair and unbiased pursuit of justice along with our commitment to safeguard the rights of victims, witnesses, and defendants.

### **In pursuit of this mission, the Dane County District Attorney resolves to:**

1. Work alongside the community to deter crime and improve safety.
2. Protect and uphold rights of victims, witnesses, and defendants with dignity and respect.
3. Embrace best practices in crime prevention, targeted diversion strategies, and effective prosecution.
4. Create and maintain an open, organized, and transparent system of communication that promotes the best interest of the community and respects the confidentiality and privacy of victims.
5. Enhance public confidence by having an office that actively utilizes efficient and effective daily strategies to provide unbiased justice.
6. Establish an office atmosphere of fairness, trust, and equity that promotes mutual respect, inclusion, and cultural responsiveness.

### **INTERNALLY WE WILL:**

- Promote a work environment that emphasizes high ethical standards, professionalism, and competent legal skills.
- Provide training for staff and educational opportunities for the community to help make the Criminal Justice System as transparent as possible.

# STAFF DEVELOPMENT

## RECRUITMENT AND HIRING GOAL:

Employ a workforce that both reflects the demographics of the community and values the diversity of Dane County

## RECRUITMENT AND HIRING

The Dane County District Attorney's Office values a diverse workforce and encourages female, ethnically and racially diverse, and disabled candidates to apply. Candidates must also show that they are aware of the impact of racial disparities within the criminal justice system but are still committed to the prosecutor's role in protecting the public.

### ACTION TAKEN

- Advertise employment announcements for State and County positions within the District Attorney's Office that highlight the office's value for a diverse workforce and encourage diverse applicants to apply.
- Require all District Attorney Office applications to address in writing the applicant's understanding of the impact of racial disparities in the criminal justice system.
- Screen applicant's written responses to racial equity questions for cultural competency.
- Address racial disparity issues in formal interview questions.

### FUTURE STEPS

- Identify additional venues for position postings that reach marginalized communities.
- Provide a copy of Equity and Inclusion Plan and ask candidates to commit to the goals identified.
- Utilize the Dane County Equity and Inclusion Office's internship program for future placements.

### CHALLENGES

- Attorney retention is problematic due to low salaries and high workload demand.
- Low staffing resources present difficulties for management to attend job fairs and universities to meet and recruit potential candidates.





## INTERNAL TRAINING GOAL:

Provide racial equity training and staff development utilizing internal staff, community partner volunteers, book clubs, and documentaries

## INTERNAL TRAINING OPPORTUNITIES

### ACTION TAKEN

- See Appendix A entitled *Summary of Criminal Justice Reform Staff Training Opportunities*. These training opportunities were available to all staff in the office regardless of position and will continue to be offered in the future.

### FUTURE STEPS

- Continue to provide internal lunch and learn topics that further racial equity and inclusion mission and vision by utilizing collaborative outside relationships and trading training hours with community partners.
- Provide fall 2019 mandatory implicit bias training utilizing Cracking the Codes DVD series and outside City of Madison facilitator.
- Continue to select books and documentaries that dive deeper into racial equity and criminal justice reform issues.
- Track the number of employees who have participated in diversity training.
- Review the employee evaluations of the diversity training for insight into potential diversity issues in the work environment as well as to assess the effectiveness of the training.
- Record how many new training programs were developed or enhanced to specifically address diversity initiatives in the organization.

### CHALLENGES

- Low staffing presents scheduling challenges for some, even when training is offered over a lunch hour.
- Limited budget constraints to fund outside presenters honorariums.
- Congested court calendars present scheduling challenges during standard business hours.

**EXTERNAL TRAINING GOAL:**

For members of the Dane County District Attorney's Office to attend racial equity trainings that exist outside of the office

**EXTERNAL TRAINING OPPORTUNITIES****ACTION TAKEN**

- Require staff to attend implicit bias training.
- The District Attorney's Office continues to sponsor the YWCA Racial Justice Summit and has sent several staff members to the Summit. Those in attendance were asked to share their ideas for how to integrate what they learned at the Summit into the District Attorney's Office practices.

**FUTURE STEPS**

- Continue support of the YWCA Racial Justice Summit.
- Send members of the District Attorney's office (supervisors and staff) to a variety of trainings where racial equity and bias is discussed.

**CHALLENGES**

- Limited training budget.
- Many departments experience staffing shortages and therefore it is difficult to send people to trainings from every department.
- Congested court calendars present scheduling challenges during standard business hours.



# COMMUNITY COLLABORATION IN SUPPORT OF CRIMINAL JUSTICE REFORM

## COMMUNITY COLLABORATION GOAL:

For members of the Dane County District Attorney's Office to be part of criminal justice reform in an attempt to eradicate racial disparities

## RACIAL EQUITY COMMITMENT TO COLLABORATION WITH COMMUNITY ORGANIZATIONS

The Dane County District Attorney's Office is committed to working with county and non-profit agencies to achieve positive outcomes for the community members they serve. Collaborations involve the sharing of resources and responsibilities to jointly plan, implement, and evaluate programs to achieve the common goal of reducing racial disparities in the criminal justice system.

### ACTION TAKEN

- District Attorney Ozanne is a member of the Dane County Criminal Justice Council (CJC).
- District Attorney Ozanne and the Deferred Prosecution Program Director are members of the Racial Disparities Subcommittee.
- The District Attorney's Office participates with the Disproportionate Minority Contact (DMC) workgroups, which are a part of an ongoing effort within Dane County to address disproportionate minority contact throughout the juvenile justice system.
- The District Attorney's Office plays a leadership role in the Disposition and Placement workgroups that are meeting as part of a ten year review process. They intend to author recommendations to reduce disproportionate contacts with minorities and the criminal justice system.

### FUTURE STEPS

- Continue participation in committees and initiatives that address racial disparities in the adult and juvenile justice systems.
- Seek new opportunities to impact racial equity in the criminal justice system.

### CHALLENGES

- Supervisors often have to assist on court cases and some opportunities to collaborate outside of the office are difficult to accommodate.
- Lack of resources and coordinated effort to collect and analyze demographic data throughout the criminal justice system.

## **FOCUSED DETERRENCE GOAL:**

To reduce violent crime and provide intervention and community support for the people who commit a disproportionate number of those crimes.

## **PARTICIPATION IN THE CITY OF MADISON POLICE DEPARTMENT SPECIAL INVESTIGATION UNIT — FOCUSED DETERRENCE INITIATIVE**

Since 2011, the District Attorney has been involved in this progressive policing project of the City of Madison Police Department aimed at reducing violent crime on the streets of Madison. The intent of the program is to use focused deterrence on a small number of people who commit a disproportionate number of violent crimes. Participants are ordered to a hearing and provided the opportunity to receive assistance in finding a new path in life, with help in gaining employment, housing, education, parenting skills, obtaining a driver's license, AODA counseling and other identified needs. Participants are also warned that if they continue to commit violent crimes, they will receive "swift and stringent consequences." The District Attorney and other community members sit on the hearing panels.

### **ACTION TAKEN**

- The District Attorney was active in development of the Initiative.
- The District Attorney promoted the development of fair and equitable selection process for participants.
- The District Attorney was an active hearing panel participant.

### **FUTURE STEPS**

- Continue to participate in hearing panels.
- Continue to evaluate the selection process and success of initiative.

### **CHALLENGES**

- Establishing trust with participants.
- Having sufficient community resources to assist participants and their families.

## **MENTAL HEALTH PARTNERSHIP GOAL:**

Identify practices for the management of persons with severe mental illness who come into contact with the criminal justice system as potential defendants, to avoid the criminalization of mental illness

## **MENTAL HEALTH PARTNERSHIP**

The District Attorney's Office seeks to understand the complex nexus between antisocial behaviors influenced by legitimate mental health crises and volitional behaviors.

### **ACTION TAKEN**

- District Attorney staff has participated at the bi-monthly meetings of the Forensic Systems Committee -- a multi-disciplinary collaboration of criminal justice system and treatment providers from across Dane County.
- District Attorney and/or his designees has participated in the Behavioral Health Subcommittee of the Dane County Criminal Justice Council (CJC).
- Cases referred to the District Attorney's Office with this complex nexus of criminal behavior and mental health are reviewed by a Deputy District Attorney for determination of appropriateness for charging.
- The Crime Response Program of the Victim Witness Unit gathers as much information as possible to insure the decision on how best to move forward is informed, fair and balanced.

### **FUTURE STEPS**

- Continue participation in committee collaborations.
- Continue analysis on a case by case basis of complex cases with an interplay between psychosis and volitional behavior.
- Identify when the same person is repeatedly displaying criminal behavior to evaluate appropriate community responses.

### **CHALLENGES**

- There is no existing process or facility to divert questionable cases while determining appropriateness for CJC.
- Barriers to immediate treatment referrals, lack of community support and community casework program involvement available, and/or affordable housing and resources.

**DIVERSION COURTS GOAL:**

Support meaningful diversion options that address the root causes of crime while prioritizing victim rights and reducing racial disparities in the criminal justice system

**DIVERSION AND TREATMENT FOCUSED COURT COLLABORATIONS**

These diversion courts focus on community issues offering alternative dispositions that prioritize victims' rights and defendants' treatment needs.

**ACTION TAKEN**

- Staff from the District Attorney's Office collaborated in the development of Drug Courts, OWI Court, Veterans Court, and the Community Restorative Court.
- Identified appropriate cases for referral.
- Prosecutors staff Drug Courts, OWI Court, and Veterans Court hearings.
- Attend regular meetings to discuss current issues and further develop program initiatives.

**FUTURE STEPS**

- Continue referrals to diversion and treatment courts.
- Expand the Community Restorative Court to include all municipalities throughout Dane County.
- Identify additional crime and age categories for potential referral to Community Restorative Court.

**CHALLENGES**

- Low staffing levels of prosecutors present difficulties for having a dedicated prosecutor the respective treatment and diversion courts.

## JUVENILE JUSTICE GOAL:

Develop and implement strategies for disproportionate minority contact within the juvenile justice system in Dane County

## JUVENILE JUSTICE COLLABORATION

### PARTICIPATION IN THE DANE COUNTY JUVENILE JUSTICE SOLUTIONS DISPROPORTIONATE MINORITY CONTACT (DMC) WORKGROUP

The Deputy District Attorney for the Juvenile Division is a member of the DMC workgroup which includes participation from the Department of Human Services, Circuit Court Judges, Department of Corrections, Dane County Board, Department of Public Health, Madison Metropolitan School District, and law enforcement to address the following areas: Family and Community Supports; Positive Community Alternatives; Schools; Law Enforcement and Charging; Custody, Screening and Petitioning; and Disposition and Placement. Each sub-workgroup is charged with formulating comprehensive and viable prevention and intervention strategies within their assigned work area to reduce JJ-DMC in our community. The Deputy District Attorney chairs the sub-workgroup looking at dispositions and out-of-home placement. The Deputy District Attorney has also been asked to join the Custody, Screening and Petition sub-workgroup.

### ACTION TAKEN

- Meeting regularly to discuss issues relating to disposition and placement to address issues including culturally specific mentoring services to juveniles and developing parental support group programs.

### FUTURE STEPS

- Presenting recommendations for changes to existing programs or developing new programs to address initiatives.

### CHALLENGES

- Lack of options and resources for out-of-home placement.
- Funding for any new programs.
- Lack of restorative justice option for victims and juveniles in the formal delinquency system.

**SCHOOL JUSTICE GOAL:**

To reduce the school-based arrests referred to the District Attorney's Office by law enforcement

**PARTICIPATION IN THE SCHOOL JUSTICE PARTNERSHIP**

The Deputy District Attorney for the Juvenile Division participates in a workgroup to develop a protocol of types of cases which can be handled by the school as an alternative to arrest and without formal involvement with the juvenile justice system. Alternative dispositions could include restorative justice, referral for counseling, or other informal options. The workgroup includes the Madison Metropolitan School District, school resources officers, Briarpatch, and City of Madison Police Department.

**ACTION TAKEN**

- Attended multiday training on School Justice Partnerships as well as follow up meetings to address planning and implementation of the program.

**FUTURE STEPS**

- Finalizing which charges can be diverted and what the potential diversions will be.

**CHALLENGES**

- Obtaining workgroup consensus on diversion charges.
- Resources for diversion options.
- Lack of restorative justice option for victims and juveniles in the formal delinquency system.



# PROGRAM INNOVATION

## DEFERRED PROSECUTION GOAL:

Implement strategies seeking to avoid the formal processing of an defendant by the criminal justice system. Reduce recidivism in the community, rehabilitation for the defendants, and other community-based services for the defendants to establish a conventional and healthy lifestyle and to avoid the collateral consequences of a criminal conviction.

## DISTRICT ATTORNEY DEFERRED PROSECUTION PROGRAMS

The District Attorney's Office makes every attempt to reduce the footprint of the criminal justice system by offering eligible participants diversion program options in which eligible defendants can avoid adjudication or a criminal conviction.

Defendants participate in and comply with recommended treatment, such as aggression, domestic violence, or alcohol and drug treatment. Diversion programs may also require that participants attend classes, pay restitution, complete community service work, secure psychological/psychiatric counseling, vocational and/or other counseling deemed necessary.

### ACTION TAKEN

- Develop specialized programming.
- Create pre-charge options to avoid public Wisconsin Circuit Court Access (CCAP) entries that adversely impact defendant's ability to obtain housing and employment
- Collaborate with service providers.
- Provide in-house group services for financially challenged participants who otherwise would be unable to access services or treatment.

### FUTURE STEPS

- Eliminate program fees for participants in an effort to reduce the financial burden of the criminal justice system on defendants and their families, and to ensure restitution to crime victims is prioritized.
- Streamline intake process to expedite and prioritize access to treatment for defendants.

### CHALLENGES

- A Dane County ordinance requires collection of fees for participation.
- Shortage of treatment programs.
- Program is currently housed outside the courthouse.

## HATE INITIATIVE GOAL:

The District Attorney's Office will address crimes motivated by hate and bias with the utmost level of seriousness so that those living, working and visiting Dane County can feel welcomed, safe and protected.

## HATE CRIMES INITIATIVE

The purpose of this initiative is to draw attention to hate crimes and ask for solidarity in eradicating hate by working together to educate, advocate, and seek justice.

### ACTION TAKEN

- Create Hate Crimes Action Team assembling staff from every unit of the office and several law enforcement agencies.
- Draft a new hate crimes policy.
- Deliver training to all District Attorney's Office staff.
- Identify hate crimes and establish guidelines for prosecution.
- Include representation from members of the larger law enforcement agencies in Dane County on the Hate Crimes Action Team.

### FUTURE STEPS

- Offer Hate Crimes training to local law enforcement.
- Offer Hate Crimes training to high school students.
- Identify if appropriate treatment programs exist in our community that address hate-fueled crimes.

### CHALLENGES

- Identifying evidence-based treatment programs that address this specific population of defendants.
- Preserving First Amendment right to free speech while protecting victims of hate crimes.

# EQUITABLE ACCESS TO SERVICES

## IMMIGRATION ADVOCACY GOAL:

To provide compassionate responses to victims and defendants in the criminal justice system who are confronted with harsh immigration policies

### ADVOCACY FOR PERSONS IMPACTED BY NATIONAL IMMIGRATION POLICIES

There is a current environment of fear of the criminal justice system for documented and undocumented immigrants. This further endangers our community. Therefore, the District Attorney's Office has worked to provide compassionate and culturally competent service delivery that takes into account these unique and serious concerns.

#### ACTION TAKEN

- Ensure interpreter services for non-English speaking crime victims and witnesses.
- Notify every victim in writing, in English and Spanish, of potential eligibility for U-visa to adjust legal status.
- Work with local and regional immigration attorneys to review a portion of the U-visa application.
- Provide information about different kinds of immigration relief available, including a list of county-wide clinics and private attorneys who offer legal assistance.

#### FUTURE STEPS

- Provide in-house training to District Attorney's Office staff on different options of federal relief available to immigrant crime victims.
- Create a direct referral service for crime victims for free initial consultations with local immigration attorneys and clinics.
- Develop a model program to encourage other District Attorney's Offices and law enforcement agencies, statewide, for taking a broader approach to U-visa certification for crime victims.
- Build trust between immigrant victims and the District Attorney's Office.

#### CHALLENGES

- Fear of reporting and/or cooperating with the criminal justice system due to increased and unannounced presence of federal immigration agents at the courthouse and Dane County at large.
- Resources for victims and witnesses whose primary language is neither English nor Spanish.

## ACCESSIBILITY GOAL:

To make all of the Dane County Courthouse accessible to people with physical challenges



## COURTHOUSE ACCESSIBILITY

The Dane County Courthouse is a public resource. Much of the Courthouse is not accessible to people with physical challenges. It is the position of the District Attorney that all people need to have equal access to justice and courthouse resources.

### ACTION TAKEN

- A District Attorney staff member with expertise in accessibility conducted a “walk-through” of the Courthouse from Lower Level 1 to the 8th floor to see what spaces might have barriers.
- The staff member presented the findings to the District Attorney who invited the staff member to speak with judges.
- The District Attorney presented some of these findings to the Dane County Board Public Protection and Judiciary Committee.

### FUTURE STEPS

- The District Attorney’s Office will present the findings to the Dane County Judges tasked with security of the building.
- The District Attorney’s Office will meet with Dane County officials tasked with accessibility issues for advice for feasible solutions.
- The District Attorney’s Office will continue to advocate for funding to provide for accessibility in the Courthouse.

### CHALLENGES

- Securing funding for needed changes.

## COMMUNITY JUSTICE CENTER GOAL:

To provide early intervention and community support for people who commit low level crimes by establishing a Community Justice Center in Dane County

## CHANGING THE PARADIGM

As Dane County contemplates the building of a new jail, the District Attorney is working on changing the paradigm in Dane County to establish a Community Justice Center which can dramatically reduce the need for jail cells and transform the lives of people who commit low level crimes. The District Attorney is advocating the creation of the center, based on the model of the Red Hook Justice Center in the Brooklyn Borough of New York. Community Justice Centers (tailored to local community needs) can offer participants the opportunity to receive assistance in finding a new path in life. The model includes on-site assistance for employment, housing, education, parenting skills, obtaining driver's licenses, AODA counseling, GED and other identified needs while requiring the taking responsibility for acts, with restorative justice, restitution and/or community service a part of the program. Establishing a Community Justice Center in Dane County would positively impact the county and be a model for the State of Wisconsin.

## ACTION TAKEN

- The District Attorney visited Red Hook Community Justice Center.
- Center for Court Intervention brought Red Hook Community Justice Center Judge Alex Calabrese to present to the Dane County Board of Supervisors.
- The District Attorney researched community justice models around the United States and Canada.
- The District Attorney met with the Mayors of Madison, Fitchburg, Middleton, the Dane County Sheriff, and other Dane County Officials to discuss the Community Justice Center concept.
- The District Attorney is providing leadership for the county to consider development of a Dane County Community Justice Center



### FUTURE STEPS

- Working with the Dane County Board and the Manager of the Division of Policy and Practice Innovation under the County Board of Supervisors to look at contracting for consultation for developing a Community Justice Center.
- Working on identifying potential private and governmental matching funds for development of a community justice center.
- Continuing to educate community leaders and law enforcement on the benefits of providing a Community Justice Center.

### CHALLENGES

- Securing sufficient funding to make a Community Justice Center possible.
- Identifying space for the Community Justice Center.

## CONTINUING THE COMMITMENT

The District Attorney's Office has taken steps to actively address issues of racial equity and inclusion in every aspect of its organization. With this continued commitment, our office expects to identify new barriers to underserved members of our community and will work to address those challenges. We remain committed to seeking new alternative solutions for criminal justice reform. This plan is our sincere commitment to those we serve and to our community partners. We thank you for reading and invite you to offer thoughts, suggestions and ideas.

Our office can be contacted at:

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Dane County District Attorney—Equity and Inclusion Plan

DANE COUNTY DISTRICT ATTORNEY'S OFFICE  
EQUITY AND INCLUSION PLAN  
OCTOBER 2019

## Appendix A

### Dane County District Attorney's Office Summary of Criminal Justice Reform Staff Training Opportunities Fall 2018—Fall 2019

Tuesday, September 25, 2018	<b>Mental Health and Prosecution: What Prosecution Teams Need to Know</b>  This 90 minute session provided District Attorney Staff with the opportunity to examine the intersection of the mental health and criminal justice systems; understand chapter 51 and identify appropriate role for the criminal justice system in reducing undesirable behaviors and incentivizing treatment for individuals with mental illness who commit crimes.
Thursday, October 11, 2018	<b>Reaching the “Last Girl” (WCASA)</b>  Every community has people from historically marginalized groups, many of which are the most burdened by sexual violence and yet the least served by systems and providers. In this 90-minute session WCASA discussed how this disparity come to be; the barriers for victims/survivors of color when accessing services; and strategies that systems and MDTs can use to take a more intersectional approach and better serve all victims and survivors in our community.
Friday, November 30, 2018	<b>Dane County Immigration Affairs: What Prosecution Teams Need To Know</b>  This 60-minute session discussed the elevated level of fear among immigrant and refugee families in our community and throughout the United States. This level of anxiety has impacted family stability, trust in law enforcement and the overall safety and well-being of our community. Professionals within our community have worked diligently to ensure that legal advocacy, accurate information and basic needs services are available to members of our community who may be living in fear of deportation.
Thursday, December 20, 2018	<b>Working with Transgender Communities in the Criminal Justice System</b>  This 90-minute lunch and learn session provided prosecutors and District Attorney staff the opportunity to be presented with scientific research that suggests an alternative viewpoint to the existing gender binary social position. The presentation will comprise of a discussion on homicide incidents and trafficking awareness, domestic disputes and prostitution and the role of investigator and prosecution teams.
Thursday, December 6, 2018	<b>Managing Trauma at Work: What to do when personal trauma impacts work and when secondary trauma impacts home</b>  Everyday employees are exposed to stories and images about violence, sexual assault, mental illness, death, substance abuse, racism, misogyny, poverty and human grief and loss. These stories impact different people in different ways depending on individual life experiences and historical trauma. This 90-minute session addressed how trauma impacts us at work and at home with specific attention to the unique circumstances District Attorney's Office employees experience.
Thursday January 17, 2019	<b>Focused Interruption Coalition: What Prosecution Teams Need to Know</b>  This 90 minute session addressed how collaboration between FIC, first responders and prosecution teams can ensure access to a fair and equitable criminal justice system is available to all community members.
Friday, February 8, 2019	<b>Book Review - White Fragility: why it's so hard for white people to talk about racism</b>  by Robin DiAngelo
Monday, April 22, 2019	<b>Unitarian Church – White Fragility talk by Robin DiAngelo</b>
Tuesday, April 23, 2019	<b>White Fragility Discussion group</b>  Meeting in library following talk at Unitarian Church
Thursday, May 30, 2019	<b>Judge Nicholas McNamara: Prison Admissions Data: What Prosecution Teams Are Doing Right and What We Could Do Better</b>
July and August, 2019	<b>When They See Us – Story of the Central Park 5</b>  Showed the Netflix Mini Series over 4 lunch hours
Thursday, August 8, 2019	<b>Book Review: The Master Plan: My journey from Life of Prison to a Life of Purpose</b>  by Chris Wilson
Wednesday, August 7, 2019	<b>Hate Crimes Law Presentation to Victim/Witness Unit</b>  <b>Review of Federal and State law, history of the law and published cases</b>
October 15 and 16, 2019	<b>YWCA Racial Justice Conference</b>  14 employees registered to attend
Fall 2019	<b>Cracking the Code Training regarding Implicit Bias</b>  Video series and guided discussions – dates TBA



# **DISTRICT ATTORNEY DANE COUNTY Ismael R. Ozanne**



## **HATE CRIMES POLICY STATEMENT**

**Effective**

**November 11, 2019**

### **I. PURPOSE**

The main purpose of this policy is to draw attention to hate crimes, and ask for solidarity in eradicating hate and hate crimes by establishing guidelines for prosecution of hate and bias motivated crimes by seeking justice for individual victims and our community. Crimes motivated by hate and bias will be treated with the utmost level of seriousness and will not be tolerated in Dane County, Wisconsin so that those living, working and visiting Dane County can feel welcomed, safe and protected.

### **II. POLICY**

- a. Crimes motivated by hate and/or bias create a danger to individuals, groups and our community. Therefore, these high priority crimes will be given all the necessary office resources to successfully prosecute and hold accountable those individuals who engage in this deviant behavior. Additionally this office recognizes the trauma and fear associated with victimization from a hate crime and will respond to these victims with trauma-informed practices in a culturally responsive manner.
- b. This office will develop and adhere to guidelines for prosecution, service delivery, and data collection that meets office goals and allows for analysis and positive change.
- c. The intent of this policy is to protect and lift up persons and groups who are marginalized in our community. Continual review of this policy will occur with the hope of mitigating any unintended consequences that may arise.
- d. All employees are expected to be familiar with this policy and adhere to the set forth guidelines established in this document.

### **III. DEFINITIONS**

- a. Bias – a prejudice due to someone's race, ethnicity, religion, sexual orientation, disability and/or gender or gender identity.
- b. Crime Victim – a person against whom a crime has been committed.

- c. Hate Crime - any crime committed in part or in whole because of the victim's actual or perceived race, color, religion, ancestry, national origin, disability, or sexual orientation (See Wisconsin Enhancer Statute 939.645 for legal definition).
- d. Hate incident – a crime that exhibits hateful behaviors and/or language that does not rise to the level of a chargeable hate crime offense. This also includes marginalized communities or individuals who are not defined under the hate crimes enhancer statute.
- e. Hate Group – the primary purpose is to promote animosity, hostility and malice against persons belonging to a race, religion, disability, sexual orientation, gender or ethnicity/national origin which differs from that of the members of the organization (2015 FBI Hate Crimes Training Manual).

#### IV. PROCEDURES

- a. Goals
  - i. Collective effort to gain awareness about the impact of hate crimes on individuals and our community.
  - ii. Better utilization of existing law to address hate crimes.
  - iii. Collect data to help articulate issues and define the problems.
  - iv. Prosecute with specific attention to the trauma and toxicity of hate.
  - v. Send a message of priority and seriousness to staff, victims and the community.
  - vi. Mobilize Hate Crimes Action Team to create specialized expertise and an internal resource for consultation and support.
- b. Intake Team Responsibilities
  - i. Checking case type based on law enforcement referral.
- c. Supervisory Responsibilities
  - i. Provide and monitor mandatory hate crimes training for all staff.
  - ii. Provide training on policy to all staff.
  - iii. Provide this policy statement to new candidates during the hiring process.
  - iv. The District Attorney will provide oversight and approval for settlement offers.
  - v. The District Attorney will monitor compliance with policy.
  - vi. Trials will be co-chaired by the District Attorney whenever possible.
  - vii. Collect feedback from Hate Crimes Action Team members.
- d. Hate Crimes Action Team Members Responsibilities
  - i. Receive reminders noticing of all hate crimes and hate incidents charged.
  - ii. Provide feedback and consultation to management and assigned ADA and VWU.
  - iii. Provide training to internal staff and outside agencies when requested and per availability.
  - iv. Represent District Attorney's Office on larger Hate Crimes Action Team with collaborative law enforcement partners.
- e. Assistant District Attorney Responsibilities (Juvenile and Adult)
  - i. Follow hate crimes policy guidelines for charging and settling cases with hate crimes enhancer.

- ii. Request follow-up from law enforcement.
  - iii. Work collaboratively with internal members of the Hate Crimes Action Team, community partners and individual victims to seek out meaningful outcomes that speak to the high level of seriousness of hate crimes.
- f. Juvenile Unit Responsibilities
  - i. Prioritize an emphasis on early intervention.
  - ii. Seek restorative options if available for juveniles who have committed delinquency acts that are motivated or fueled by hate.
  - iii. Consider evidence of hateful beliefs and behaviors exhibited on social media posts.
  - iv. Work collaboratively with stake holders to send a collective message that hate motivated and fueled behaviors will not be tolerated.
- g. Paralegal Responsibilities
  - i. Requests for follow-up investigation.
  - ii. Maintain data and provide quarterly reports to management.
- h. Victim Witness Responsibilities
  - i. Provide services consistent with Chapter 950 in a culturally responsive manner that prioritizes cultural humility and trauma-informed approaches.
    - 1. Crime Response Team
      - a. Respond to early victim needs including crisis services and system advocacy.
      - b. Participate as a member of a critical incident response team.
      - c. Collaborate with community based service providers.
    - 2. Victim Witness Clerical Team
      - a. Make referrals to Hate Crimes Action Team when case facts present hate language or behaviors.
      - b. Ensure appropriate case types are selected for accurate data collection.
    - 3. Victim Witness Case Managers
      - a. Provide culturally responsive Chapter 950 victim services to those directly and indirectly impacted by hate motivated crimes during the criminal court process.
      - b. Although hate crime law in WI does not address gender bias the VWU will provide services that recognize this as an additional trauma.
  - ii. Provide internal and external advocacy for hate crimes victims including representation on the Hate Crimes Action Team.
- i. Deferred Prosecution Responsibilities
  - i. Conduct intake assessments assessing offender's risks/needs to determine program eligibility.
  - ii. Develop individualized Deferred Prosecution Agreement contracts targeting intervention appropriately based on the needs of the offenders and in response to the hate motivated/fueled criminal behavior.
  - iii. Ensure that hate crime victims have input into contract terms.
  - iv. Connect offenders to appropriate resources.

- v. Identify treatment providers that have culturally responsive service plans and address the toxic outcomes associated with behaviors motivated and fueled by hate.
  - vi. Collaborate with other stake holders to develop a class curriculum to address hateful beliefs and behaviors.
  - vii. Facilitate classes utilizing developed curriculum.
- j. Information Technology Responsibilities
  - i. Provide data collection support.
  - ii. Manage email reminders.
  - iii. Maintain master contact list for Hate Crimes Action Team.
- k. Clerical Responsibilities
  - i. Ensure proper case types are selected.
  - ii. Forward identified cases to Hate Crimes Action Team for consideration.
- l. Investigator Responsibilities
  - i. Assist with follow-up investigations when necessary.
  - ii. Collaborate with local and federal law enforcement agencies to ensure all possible investigative options have been pursued.

## V. CHARGING GUIDELINES

- a. Read all intake with an eye toward motive.
- b. Consider any and all evidence that law enforcement has acquired showing that the motive behind the crime is hate-fueled.
- c. Ask for case follow-up from law enforcement regarding social media use and affiliations with hate groups that could be evidence of motive.
- d. Consult with a members of the Hate Crimes Actions Team when needed.
- e. Charging enhancer must be approved by DA or DDA prior to charging.

## VI. SETTLEMENT GUIDELINES AND DISPOSITIONAL GUIDELINES

- a. Hate crimes enhancer will not be dismissed without management approval.
- b. Full accountability (accepting responsibility) for hate-fueled behaviors should be reflected in any plea settlement.
- c. Crime victims must be consulted prior to acceptance of a plea offer.
- d. Consideration to general deterrence should be given in crafting settlement offers.

## VII. ACKNOWLEDGEMENTS

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