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POOR PEOPLE WHO CAN'T POST BOND GET INDIFFERENCE BY DA OZANNE

DA skips judicial meeting and shows lack of interest

Madison, WI, July 11, 2016—The judiciary and other stakeholders in Dane County are attempting a new procedure to correct the disparity seen in the criminal justice system here – except District Attorney Ozanne is not on board. On March 14, 2016 a rule was proposed that would require bond hearings on Monday mornings and other days of the week to give uncharged suspects who couldn't afford to post bond a chance to be released. This would even the playing field because those who could afford an attorney get prompt bond hearings. The possible consequences of not being able to post bond and waiting for a bond hearing that may take two days or as long as eight days include losing a job and even housing. And poor people in Dane County tend to be people of color. The proposed rule, according to Circuit Court Judge Juan B. Colás, “will help lower the jail population, reduce jail length of stay and lessen the effects on employment and family of being held in jail awaiting a charging decision.”¹

This rule change was circulated to all the stakeholders in the criminal justice system including DA Ozanne on March 14, 2016 to be discussed at a judicial meeting scheduled for March 23, 2016. The meeting date had been set months before. DA Ozanne did not raise objections to the rule change or make any comments or suggestions about it. Ozanne did not circulate the proposal to the trial attorneys in his office. The meeting was attended by representatives from the Dane County judiciary, Sheriff's Department, Department of Corrections, Public Defender, Bail Monitoring, private bar, Dane County Clerk and others – but not the District Attorney's office.² The DA had it on his calendar.³ The DA didn't bother to have this important meeting rescheduled or to send someone in his place. He just didn't show up.

¹ Judge Colás letter dated June 28, 2016, p 2-attached hereto

² Judge Hanrahan's letter dated March 24, 2016-attached hereto

³ District Attorney Ozanne's appointment calendar-attached hereto

On May 17, the proposal was again mailed to the District Attorney for discussion at the May 26 general judges meeting. Again Ozanne didn't raise objections or circulate it to the trial attorneys in his office. On May 25 Bob Jambois made known in the DA's office that he was running for District Attorney. Ozanne attended the judicial meeting the next day on May 26. But yet again he raised no concerns to the proposed rule and he didn't inform the trial attorneys that this rule was going into effect on June 1.

Not until June 2 did Ozanne first raise a concern and asked that implementation be delayed "to allow the District Attorney's Office additional time to adapt its practices."⁴ The delay was granted but Ozanne failed to inform the trial attorneys of the proposed rule change. Ozanne did nothing to plan for this proposed rule which would have a serious impact on the District Attorney's office.

On June 20 Ozanne wrote a letter to Judge Colás asking that the proposed rule be rescinded. On June 22 a deputy DA sent an email requesting that the rule be on the agenda for the June 30th judges meeting. Judge Colás declined both requests and the rule went into effect on July 1.

The first time the trial attorneys in the Dane County DA's office learned of this proposed rule was when they received an email the day before the new rule was going to go in effect asking them to volunteer their time on Sundays – with no pay and the possibility of comp time if certain conditions were met.⁵ This from a DA who won't try any cases himself and whose court calendar is a mere 2 pages covering two and half years.⁶

This sequence of events shows how disengaged DA Ozanne is not only from the prosecutors in his office but from the other stakeholders in the criminal justice system – including those most impacted by it. It shows his lack of interest or planning. This may be another reason why so many experienced prosecutors have left the DA's office.

⁴ Judge Colás letter, p 2

⁵ Email dated June 29, 2016 to DA Dane Attorneys attached hereto

⁶ See DA Ozanne court calendar attached hereto