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## DISTRICT ATTORNEY: SUMMARY OF BEST PRACTICES

### **Before the Judicial Settlement Conference**

- Communicate with the victim
- Assigned DDA attend the JSC in person
- Know your case's strengths and weaknesses
- Know possible, and most likely sentencing ranges
- Know the presumptive sentence (based upon accurate criminal history) and whether any mandatory sentences apply
- Send an offer on Tier-3 cases before JSC

### **At the Judicial Settlement Conference**

- Inform parties if the victim is present and determine what level of participation the victim wishes
- Do not attempt to control the JSC. Listen to everyone else.
- Encourage the defendant to tell you about what life changes s/he could implement to avoid recidivism
- Do not shame the defendant. Bad decisions were made. That does not mean defendant is a bad person.
- Explain your preliminary assessment of the case and likely sentencing outcomes
- Explain why the DA's office may be reluctant to agree to probation on a mandatory or presumptive prison case and discuss the DA's duty to protect the public
- Discuss the possibility of a stipulated lesser prison sentence as a potential if it is unlikely the DA's office will agree to a probation offer.
- Explain that it is better if the defendant makes a reasonable offer for a lesser term of prison before the case is staffed
- Get as much information from defendant, defense attorney and PO as possible about why past treatment programs did not work, why defendant engaged in this crime and what may be different this time if defendant is given probation

### **After the Judicial Settlement Conference**

- Obtain copies of any mitigation
- Follow-up on any issues from the JSC including housing, treatment or other conditions of probation
- Follow-up with the victim
- Present the case to the appropriate staffing committee