

# PROSECUTORS AND RESTORATIVE JUSTICE

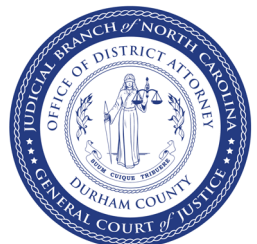
ADA KENDRA MONTGOMERY-BLINN

DURHAM COUNTY DISTRICT ATTORNEY'S OFFICE

OCTOBER 6, 2022

# YOU HAVE ALREADY USED TRANSFORMATIVE JUSTICE

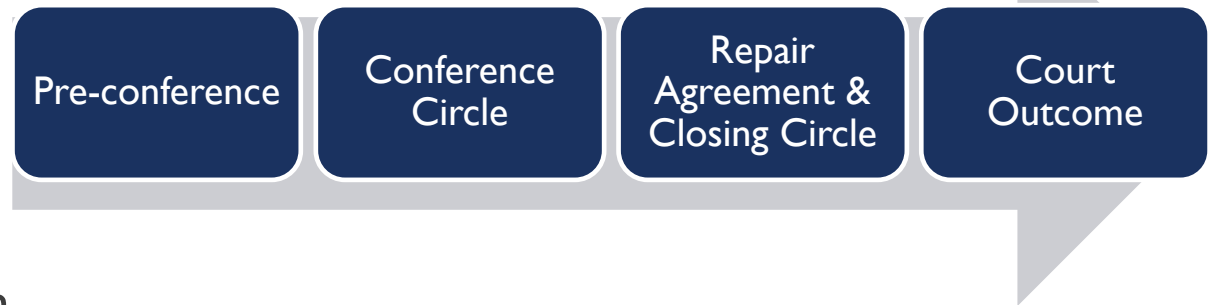
- Have you done a mediation?
- Have you done a diversion?
- Have you ever gotten creative with a plea?
- Did you ever share an apology letter from a defendant with a victim?
- Has a Victim Impact Statement in court ever prompted healing?





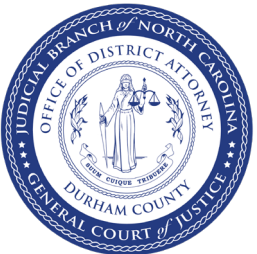
# RESTORATIVE JUSTICE PROCESS

- Parties sign confidentiality agreements
- Victims lead the process
- DA's Office not involved in circles
- Outcome typically determined after completion
  - If unsuccessful, the plea should not get worse.
  - If successful, consider as a mitigating factor.
- May take days, months or longer
- No extra budget needed for DA's Office



# WHAT SHOULD I BE LOOKING FOR IN A CASE?

- The victim is asking questions only the defendant can answer or wants an apology.
- The victim wants to talk to the defendant or see that they get help.
- The defendant has turned themselves in, confessed or expressed genuine remorse.
- There is something that can be restored to the victim: their sense of safety, a relationship or their family unit, their dignity.
- The victim understands this is a process that can take time.
- Any case where the person harmed wants RJ and the responsible person is willing.



# TIPS FROM A PROSECUTOR

- Give up control.
- Be patient.
- Check biases.
- RJ is new and there may be hesitation, including from the defense bar.
- Set a final court date for closure and acknowledgment.

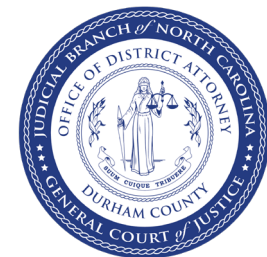




# WHAT DOES YOUR COUNTY NEED TO USE RJ?



- Facilitators who are representative of the community.
  - Mediators, Criminal Justice Resource Center, local organizations.
  - Contact RJ Durham for help locating local resources.
- Referral Process
- Confidentiality Agreement



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## Durham County District Attorney's Office

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