

STANDARDS FOR MITIGATION SPECIALISTS IN CAPITAL CASES

To be eligible to be appointed to a capital case as a Mitigation Specialist I, Mitigation Specialist II or a Mitigation Specialist III, a candidate must demonstrate that he or she has acquired the knowledge and skill necessary to serve as a mitigation specialist in a capital case and will apply that knowledge and skill with appropriate thoroughness and preparation, and that he or she meets the requirements set forth below:

I. MITIGATION SPECIALIST I

A. Education

Graduate of a college or university with either a bachelor's or a master's degree in social work, psychology, counseling or a related field.

B. Experience

Less than one year of experience working as a mitigation specialist.

C. Skills

(1) familiarity with the law governing the introduction of mitigating evidence at the penalty phase of a capital case;

(2) substantial familiarity with the psychological, behavioral and neurological diseases and disorders set forth in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders;

(3) substantial familiarity with the protocols for interviewing family members, relatives, friends, neighbors, teachers, employers and other potential mitigation witnesses to obtain information regarding the defendant's background and evidence to support statutory and non-statutory mitigating circumstances;

(4) the ability to obtain copies of a defendant's records including, but not limited to, educational, employment, medical, social services, military and prison records; and

(5) the ability to work as part of the defense team, follow the instructions of defense counsel regarding the handling of the case, and maintain the confidentiality of all information obtained while working on the case.

D. Training

To be eligible for appointment to a capital case as a Mitigation Specialist I, the candidate must attend the Center for Death Penalty Litigation's annual seminar for mitigation specialists, and attend the Center for Death Penalty Litigation's monthly support group for new mitigation

specialists for six months after being assigned to a case.

E. Waiver

If a candidate cannot meet one or more of the requirements set forth above, the IDS Director or Capital Defender, upon determination that the candidate has the required knowledge and skill necessary for working as a Mitigation Specialist I in a capital case, and will apply that knowledge and skill with appropriate thoroughness and preparation, may either waive such requirement(s) or defer any requirement(s) for a reasonable time until the candidate can meet the requirement(s).

II. MITIGATION SPECIALIST II

A. Education

Graduate of a college or university with either a bachelor's or a master's degree in social work, psychology, counseling or a related field.

B. Experience

More than one year, but less than five years, of experience working as a mitigation specialist.

C. Skills

A candidate for appointment must demonstrate that he or she has:

(1) substantial familiarity with the law governing the introduction of mitigating evidence at the penalty phase of a capital case;

(2) substantial familiarity with the psychological, behavioral and neurological diseases and disorders set forth in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders;

(3) substantial familiarity with the protocols for interviewing family members, relatives, friends, neighbors, teachers, employers and other potential mitigation witnesses to obtain information regarding the defendant's background and evidence to support statutory and non-statutory mitigating circumstances;

(4) the ability to obtain copies of a defendant's records including, but not limited to, educational, employment, medical, social services, military and prison records;

(5) the ability to analyze and evaluate a defendant's educational, employment, medical, social services, military and prison records;

(6) the ability to prepare a written summary of interviews conducted with the defendant and mitigation witnesses, to compile a comprehensive social history, and to prepare other relevant reports, materials or exhibits regarding the defendant or the penalty phase; and

(7) the ability to work as part of the defense team, follow the instructions of defense counsel regarding the handling of the case, and maintain the confidentiality of all information obtained while working on the case.

D. Training

A candidate who meets the requirements to be appointed to a capital case as a Mitigation Specialist II must attend at least one seminar for mitigation specialists every three years in order to maintain his or her eligibility.

E. Waiver

If a candidate cannot meet one or more of the requirements set forth above, the IDS Director or Capital Defender, upon determination that the candidate has the required knowledge and skill necessary for working as a Mitigation Specialist II in a capital case, and will apply that knowledge and skill with appropriate thoroughness and preparation, may either waive such requirement(s) or defer any requirement(s) for a reasonable time until the candidate can meet the requirement(s).

III. MITIGATION SPECIALIST III

A. Education

Graduate of a college or university with a master's or doctoral degree in social work, psychology, counseling or a related field.

B. Experience

More than five years of experience working as a mitigation specialist.

C. Skills

A candidate for appointment must demonstrate that he or she has:

(1) substantial familiarity with the law governing the introduction of mitigating evidence at the penalty phase of a capital case;

(2) substantial familiarity with the psychological, behavioral and neurological diseases and disorders set forth in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders;

(3) substantial familiarity with the protocols for interviewing family members, relatives, friends, neighbors, teachers, employers and other potential mitigation witnesses to obtain information regarding the defendant's background and evidence to support statutory and non-statutory mitigating circumstances;

(4) the ability to obtain copies of a defendant's records including, but not limited to, educational, employment, medical, social services, military and prison records;

(5) the ability to analyze and evaluate a defendant's educational, employment, medical, social services, military and prison records;

(6) the ability to prepare a written summary of interviews conducted with the defendant and mitigation witnesses, to compile a comprehensive social history, and to prepare other relevant reports, materials or exhibits regarding the defendant or the penalty phase; and

(7) the ability to work as part of the defense team, follow the instructions of defense counsel regarding the handling of the case, and maintain the confidentiality of all information obtained while working on the case.

D. Training

A candidate who meets the requirements to be appointed to a capital case as a Mitigation Specialist III must attend at least one seminar for mitigation specialists every three years in order to maintain his or her eligibility.

E. Waiver

If a candidate cannot meet one or more of the requirements set forth above, the IDS Director or Capital Defender, upon determination that the candidate has the required knowledge and skill necessary for working as a Mitigation Specialist III in a capital case, and will apply that knowledge and skill with appropriate thoroughness and preparation, may either waive such requirement(s) or defer any requirement(s) for a reasonable time until the candidate can meet the requirement(s).