

## ***NON-CAPITAL MITIGATION SPECIALIST***

### **A. DEFINITION**

The Non-Capital Mitigation Specialist is responsible for developing and analyzing mitigation evidence for court proceedings to aid the court in making decisions regarding pretrial release, trial, and post-conviction. General areas of responsibility include investigating, analyzing and presenting mitigation evidence existing in a client's life history.

### **B. PRIMARY JOB DUTIES**

The Non-Capital Mitigation Specialist is bound by the rules of professional responsibility that govern the conduct of counsel respecting work product, privilege, diligence, and loyalty to the client. The Non-Capital Mitigation Specialist performs tasks such as the following:

1. Assists attorney and client to understand the nature of the case;
2. Interviews client and relevant persons in a culturally competent manner, in a location accessible to the client;
3. Locates and conducts witness interviews to discover information to assist the attorney in advocating for pretrial release, and to develop all mitigating circumstances in the client's life to assist at trial or sentencing;
4. Obtains necessary client signatures and ensures all release forms are current and timely;
5. Gathers, investigates, validates and reports to attorney all aspects of client's life history obtained from multiple sources including but not limited to:
  - a. vital records;
  - b. social services records;
  - c. educational records;
  - d. employment and personnel records;
  - e. military records;
  - f. medical/health records (mental and physical);
  - g. arrests reports;
  - h. institutional records;
  - i. community records such as, levels of crime, poverty, and environmental toxins; and

j. interviews with family members, associates, educators, co-workers, employers, military peers and superiors, health care professionals, nurses, technicians, members of religious communities, and law enforcement.

6. Determines what experts might be consulted and/or evaluate the client for substance abuse or mental illness;
7. Facilitates the client's entry into the necessary and available inpatient and outpatient treatment programs for substance abuse or mental health conditions and into the necessary and available housing and or vocational training programs;
8. Develops and maintains a list of service providers in various fields;
9. Develops and maintains a list of inpatient and outpatient treatment facilities, short term low income/homeless housing, and vocational training and educational programs;
10. Establishes and maintains relationships with the staff at above identified facilities and at the Federal Bureau of Prisons;
11. Prepares sentencing presentations in writing or through video or other methods as requested, to include testifying;
12. Maintains sufficient knowledge of current research and trends in areas such as substance abuse, mental health, and effects of incarceration;
13. Assists the attorney in court where requested;
14. Provides supervision, education to staff; and
15. Performs all other tasks as assigned.

### C. ORGANIZATIONAL RELATIONSHIPS

The Non-Capital Mitigation Specialist reports to the attorney responsible for the case or other supervisor as designated by the Defender.

### D. QUALIFICATIONS

To qualify for the position of Non-Capital Mitigation Specialist, a person must have a bachelor's degree and the requisite experience outlined in the *Salary and Experience Scale* and *Experience Requirements* sections. A candidate with an advanced or graduate degree in social work is strongly preferred. A candidate with a degree in or related to a field such as social work, anthropology, psychology, sociology, law, criminal justice; or a bachelor degree with at least three years' experience investigating and developing mitigation evidence after graduation is preferred.

**PROFESSIONAL INTERNSHIP:** This position may be considered entry into a specialized career track for recent graduates of a college of recognized standing. A new graduate without the requisite years of specialized experience can be hired into an Internship. Employees hired into an Internship will receive direct supervision from the on-staff investigator in this field of work.

### E. SALARY AND EXPERIENCE SCALE

DOCS Grade Level	Years of Specialized Experience
Internship: 9	0
11	2
12	3
13	3
14	3

**Note:** For grades 11 and above; one year of required specialized experience must have been at, or equivalent to, the next lower grade in federal service.

### F. SPECIALIZED EXPERIENCE REQUIREMENTS

Progressively responsible experience giving the candidate a working knowledge of the criminal justice and correctional systems, mental health and other social services, and psychology and psychological testing. Qualifying experience should involve performing the following types of duties: conducting ongoing, exhaustive and independent investigations of every aspect of the client's character, life history, record, and any circumstances of the offense, or other factors, which may provide a basis for a lesser sentence; and maintaining complete and accurate files, including records that may assist successor counsel.

## **G. PHYSICAL DEMANDS AND WORK ENVIRONMENT**

The physical demands described are representative of those required in order for an individual to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the individual is regularly required to sit and talk or hear. The individual frequently is required to use hands to touch, handle or feel. The individual must occasionally lift and/or move up to 25 pounds. Frequent travel is required. The individual works primarily in an office environment.