

Death Penalty Review Protocol

1. DEATH PENALTY ELIGIBILITY COMMITTEE MEMORANDUM (30 days from filing)

- Assigned DDA will generate a Death Penalty Eligibility Committee Memorandum, including a case summary, assesment and recommendation.

2. BACKGROUND REPORT ON DEFENDANT (30 days from filing)

- The assigned DAI will compile a Background Report on Defendant(s).

3. COMPILING AND DISTRIBUTNG THE DEATH PENALTY ELIGIBILT Y BINDER

- The assigned DDA will provide the Death Penalty Committee Memorandum and Background Report on Defendant to the District Attorney's Executive Assistant in an electronic format.
- The Executive Assistant will prepare and provide a hard copy of the Death Penalty Eligibility Binder to the Death Penalty Eligibility Staffing Committee (herein, Committee).
- The Committee will consist of the District Attorney, Assistant Distrcit Attorney, Chief Deputy District Attorneys and Chief Investigator.
- A full day of meetings will be scheduled for the Committee to hear various Death Penalty Review Briefings (approximately 2 hours each).
- DDA will coordinate with defense counsel & victim advocate on briefings; the order is as follows:

4. PROSECUTOR'S BRIEFING

- The assigned DDA will present the case to the Committee; including a case overview, assesment, and recommendation.

5. OPPORTUNITY FOR DEFENSE PRESENTATION

- Defense will be provided the opportunity to present mitigating evidence or circumstances to the Committee, assigned DDA and investigating law enforcement personnel.
- Defense shall be encouraged to provide any information for considertion in advance of the meeting.
- The assigned DDA(s) will coordinate with defense to set up this meeting.

6. VICTIM IMPACT AND INPUT

- The assigned DDA and Victim Advocate will coordinate with appropriate victims and family members to meet with the Committee.
- This should include sensitive and comprehensive preparation beforehand as to the nature, purpose and function of the Death Penalty Eligibility Review.
- Victim Advocate should be present at this meeting.

7. Follow-up Management Meeting & DA Decision

- Committe and assigned DDA will reconvene for final discussions and recommendations.
- DA to make final determination.