

TOWN OF MILFORD - JOB DESCRIPTION

Job Title: Police Prosecutor

Classification: Exempt – Grade Level 21

Job Description: The Police Attorney is responsible for providing legal research for all cases brought before the Milford District Court and will be actively involved in the preparation, presentation, and prosecution of these cases. Will also be utilized by the Police Chief on legal issues facing the department to include, but not be limited to, civil suits, grievances, arbitration hearings, union matters, etc. May be assigned to attend other court hearings to protect officers' rights.

Accountability: Works under the direct supervision of the Support Division Commander and the administrative supervision of the Police Chief.

Equipment Used: Includes all normal and customary office equipment to include, but not be limited to, computers, telephones, fax machines, postage meters, etc.

Environment: Inside: 90 % Outside: 10 %

Duties and Responsibilities:

Except as specifically noted, the following functions are considered essential to this position.

1. Reviews and prepares District Court Cases for prosecution purposes assuring that all discovery requirements and timelines as required by RSA or case law have been met in order to alleviate any possible challenges raised by the defense.
2. Reviews incident reports, supplemental reports, statements of defendant(s), statements of any witnesses, all available accident reports, blood and alcohol test results for D.W.I./accident cases, physical evidence, pre-trial motions, and previous criminal history records on defendants which are crucial to the trial proceedings:
 - a. Reviews all evidence necessary to prove every element of the offense beyond a reasonable doubt;
 - b. Reviews and prepares for any constitutional challenges raised by the defense;
 - c. Assures that the appropriate charges have been filed against the defendant(s); as appropriate, initiates a plea bargain or reduction in charges with the defense;
 - d. Assures that all appropriate witnesses have been subpoenaed and that all elements of the prosecution are in order.
3. Negotiates with defense attorneys based on the merits of the case or the criminal history of the defendant, working with defense attorneys regarding any plea bargaining, reduction in charges, or nolle prosequing of charges.
4. Prosecutes all cases for the Town in the Milford District Court; prepares all witnesses – both police and civilian – for trial:
 - a. Determines if the witnesses can identify the defendant;
 - b. Answers any questions regarding the case;
 - c. Discusses possible problems that may arise during the trial.

Duties and Responsibilities (Con't):

- 5. Presents opening remarks as necessary; presents exhibits, physical evidence, and witnesses as appropriate to prove case; directs and re-directs examination of witnesses as necessary to bring out all the elements of the Department's case against the defendant - raising objections as necessary to the defense presentation; cross examines defense's witnesses; presents closing remarks, as necessary, etc.
- 6. Researches legal issues for the Department as they arise due to motions filed by defense attorneys.
- 7. Interacts with court staff regarding cases, legal issues, discovery questions, motions, merits of the cases, new case law, etc.
- 8. Reviews and researches legal/union issues for the Chief as they arise; prepares documents for the Chief's signature regarding raised legal issues; prepares replies to legal documents for the Chief's signature; recommends policy changes or training to avoid future legal issues; reviews and recommends actions/directions concerning the repercussions of the Laurie Decision as it relates to Department cases; assists with providing direction or legal advice on certain internal affair investigations and discipline.
- 9. Monitors cases in Superior Court to protect the Police Department and the Town of Milford from liability issues and to protect the rights of officers testifying.
- 10. Performs other duties as required by the position or as may be assigned.

Physical Activity Requirements

PRIMARY PHYSICAL REQUIREMENTS

LIFT up to 10 lbs.: Frequently
LIFT 11 to 25 lbs.: Occasionally
LIFT 26 to 50 lbs.: Seldom
LIFT over 50 lbs.: Seldom

CARRY up to 10 lbs.: Frequently
CARRY 11 to 25 lbs.: Occasionally
CARRY 26 to 50 lbs.: Seldom
CARRY over 50 lbs.: Seldom

REACH above shoulder height: Occasionally
REACH at shoulder height: Frequently
REACH below shoulder height: Frequently

PUSH/PULL: Occasionally

OTHER PHYSICAL CONSIDERATIONS

Twisting: Occasionally
Bending: Occasionally
Crawling: Seldom
Squatting: Seldom
Kneeling: Seldom
Crouching: Seldom
Climbing: Seldom
Balancing: Occasionally

WORK SURFACE(S)

Normal work surfaces to include carpeted and tiled floors; desk; computer stand; files, etc.

HAND MANIPULATION

DURING AN 8-HOUR DAY,
EMPLOYEE IS REQUIRED TO:

<u>Grasping:</u>	Required		<u>Consecutive Hours</u>	<u>Total Hours</u>
<u>Handling:</u>	Required	Sit	1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8
<u>Torquing:</u>	Not required	Stand	1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8
<u>Fingering:</u>	Required	Walk	1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8

Controls and Equipment:

Cognitive and Sensory Requirements:

- Talking: Necessary for communicating with staff, clients, attorneys, in court, etc.
- Hearing: Necessary for listening to testimony, following directions, etc.
- Sight: Necessary for reviewing files, evidence, traveling to court, etc.
- Tasting & Smelling: Not required in the performance of essential job functions.

Specific Vocational

Preparation

Requirement(s):

- | | |
|---|---|
| <input type="checkbox"/> 1. Short demonstration only. | <input type="checkbox"/> 5. 181 days to 1 year. |
| <input type="checkbox"/> 2. Any beyond short demonstration up to and including 30 days. | <input checked="" type="checkbox"/> 6. 1 to 2 years |
| <input type="checkbox"/> 3. 30-90 days | <input type="checkbox"/> 7. 2 to 4 years |
| <input type="checkbox"/> 4. 91-180 days | <input type="checkbox"/> 8. 4 to 10 years |
| | <input type="checkbox"/> 9. Over 10 years |

Licensure/Certification Requirements: Law degree from an accredited college or university; member of the NH Bar Association; at least one year of experience in prosecution of cases before a magistrate; or any combination of education and experience which demonstrates possession of the required knowledge, skills and abilities.

Other Training, Skills and Experience Requirements: In order to perform the essential functions of the position, the Police Attorney – upon completion of the basic on-the-job training – must possess the following knowledge, skills and abilities:

1. Thorough knowledge of the operations and functions of the Department;
2. Working knowledge of the departmental rules, regulations, standard operating procedures, directives, written policies, as they relate to the duties and responsibilities of the position;
3. Thorough knowledge of the pertinent RSA'S, court decisions, and rules of the court;
4. Ability to communicate effectively in oral and written form;
5. If no prior prosecutor experience, must attend Basic and Advanced Prosecutors courses offered at Police Standards & Training Council.

Summary of Occupational Exposures: Office area with minimal or no exposure to toxic or hazardous substances.

Other Considerations and Requirements:

1. Must be of good moral character.
2. Must be dependable and demonstrate initiative; possess excellent written/oral communication skills; excellent typing skills; good organizational skills; computer experience preferred;
3. Must be able to pass a background investigation and criminal history check due to the confidentiality required of the position;
4. Must possess a thorough knowledge of the judicial system, State and Federal laws, pertinent court and hearing rules as they relate to the position;
5. Must possess thorough knowledge to research, draft, and answer pertinent motions, objections, and other correspondence as part of the NH criminal practices and procedures;
6. Must possess and maintain the ability to regularly and predictably attend work.
7. Must successfully complete a minimum 6-month probationary period (up to a year).
8. This position requires that this employee treat the citizens of the Town and members of the staff with respect and courtesy.
9. This position requires the projection of a positive attitude and image about the Town of Milford, a pleasant demeanor, and a commitment to service to the public and staff.