

TOWN OF MERRIMACK

PROSECUTOR

JOB DESCRIPTION

-The Prosecutor is responsible for handling all criminal cases brought by, -or on behalf of, -the Town of Merrimack before various courts in the State of New Hampshire and will be actively involved in all aspects of the preparation, presentation, and prosecution of these cases.

Accountability:

Works under the direct supervision of the Administrative Services Lieutenant.

Equipment Used:

Includes all normal and customary office equipment to include, but not be limited to, computers, cell phones, telephones, fax machines, copy machines, legal research data bases, postage meters, etc.

Duties and Responsibilities

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

1. Reviews and prepares criminal cases for prosecution purposes assuring that all discovery requirements and timelines as required by State and Federal 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 responses to 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 prosequere of charges.

4. Prosecutes all legal cases as directed; 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.
5. Presents opening/closing 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.
7. Interacts with court staff regarding cases, legal issues, discovery questions, motions, merits of the cases, new case law, etc.
8. Monitors cases in Superior Court to protect the Police Department and the Town of Merrimack from liability and to protect the rights of officers testifying.
9. Performs other duties as required by the position or as may be assigned.

Physical Activity Requirements

<u>PRIMARY PHYSICAL REQUIREMENTS</u>		<u>OTHER PHYSICAL CONSIDERATIONS</u>	
<u>LIFT up to 10 lbs.:</u>	Frequently	<u>Twisting:</u>	Occasionally
<u>LIFT 11 to 25 lbs.:</u>	Occasionally	<u>Bending:</u>	Occasionally
<u>LIFT 26 to 50 lbs.:</u>	Seldom	<u>Crawling:</u>	Seldom
<u>LIFT over 50 lbs.:</u>	Seldom	<u>Squatting:</u>	Seldom
		<u>Kneeling:</u>	Seldom
<u>CARRY up to 10 lbs.:</u>	Frequently	<u>Crouching:</u>	Seldom
<u>CARRY 11 to 25 lbs.:</u>	Occasionally	<u>Climbing:</u>	Seldom
<u>CARRY 26 to 50 lbs.:</u>	Seldom	<u>Balancing:</u>	Occasionally
<u>CARRY over 50 lbs.:</u>	Seldom		
<u>REACH above shoulder height:</u>	Occasionally		

REACH at shoulder height: Frequently

REACH below shoulder height: Frequently

PUSH/PULL: Occasionally

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.

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 Prosecutor – 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 State and Federal Law, 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.
6. Effectively and efficiently analyze, prepare and prosecute cases and represent the interests of the Town of Merrimack.
7. Coordinate with other law enforcement officials as necessary for large scale prosecutions or investigations.
8. Ability to provide meaningful and concise training to Department personnel on legal issues and developments.

Other Considerations and Requirements

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