CITY OF BELLINGHAM

JOB DESCRIPTION

CLASS TITLE: **Prosecuting Attorney I/II**

DEPARTMENT: **Legal**

E-PLAN
SG:E2-10/12
CS:N
FLSA:N
EEO4CODE:PR

JOB SUMMARY:

Responsible for the prosecution of misdemeanor and municipal ordinance violations in Municipal Court.

SUPERVISORY RELATIONSHIPS:

Reports to the City Attorney. Receives oversight and work direction from the Lead Prosecutor. Works under general guidance and direction in accordance with City policies, procedures, codes, ordinances and various State and federal regulations. May provide technical guidance to subordinate staff and direct the work of legal support staff as assigned.

ESSENTIAL FUNCTIONS OF THE JOB:

1. Prosecutes misdemeanors and gross misdemeanors, traffic offenses and other municipal ordinance violations in Municipal Court, which includes determining what charges to file and deciding whether to plea bargain or reduce charges.

2. Provides advice to police officers regarding appropriate charges and methods of law enforcement by determining current status of law based on legislative and judicial changes.

3. Contacts victims, which includes requesting subpoenas, gathering information, evaluating evidence, determining whether a victim will assist in prosecution, and monitoring the victim's safety.

4. Conducts legal research, interviewing witnesses, deciding discovery methods to pursue, and making settlement suggestions for pursuing the defense of the City in conducting the prosecution of criminal cases and motion hearings.

5. Conducts criminal jury and bench trials which includes presenting the City's case, instructing the jury, determining sentencing recommendations, and resolving evidentiary issues, voir dire questions, and trial procedures.

6. Prepares and conducts arraignments by reading police reports, summarizing factual elements of crimes, evaluating probable cause, determining bail amounts and sentencing recommendations, presenting factual basis for plea, making offers to defendant, and determining whether a reduction or dismissal is merited.

7. Prepares and investigates pretrial cases by reviewing reports, evaluating evidence, locating missing information or evidence, contacting and negotiating with defense attorneys, determining the likelihood of success, and making sentencing recommendations.

8. Conducts pretrial hearings by setting motions, trial dates, or offering guilty plea to the court.

9. Conducts no-contact order rescission hearings and contested infraction and motion hearings by presenting the City's case, determining whether the rescission of a no-contact order threatens victim safety, and evaluating legal issues and relevant case law.

10. Prepares and responds to appeals of trial court decisions including direct appeals after trial, habeas corpus petitions, and infraction appeals.

ADDITIONAL WORK PERFORMED:

1. Performs other related work of a similar nature or level.

2. Prosecutor II assists in civil projects in a limited basis as workload allows.

PERFORMANCE REQUIREMENTS (Knowledge, Skills and Abilities):

Knowledge of:
- Criminal law.
- Criminal procedure.
- Trial advocacy.
- Domestic violence issues.
- Constitutional law and evidence.
- Appellate law and procedure.

Skill in:
- Researching legal issues.
- Oral advocacy.
- Organizing and managing cases.
- Communicating with the general public.
- Providing sentencing recommendations.
- Preparing and presenting bench and jury trials; and,
- Writing legal documents and ordinances.

Ability to:
- Use advanced communication and interpersonal skills for persuasion, conflict management, conveying complex information as applied to interaction with coworkers, supervisors, managers, department directors, the Mayor, City Council and the general public.
- Maintain consistent and punctual attendance.
- Ability and willingness to demonstrate the Public Service Competencies of Service Orientation, Results Orientation, and Teamwork and Cooperation.
- Physical ability to perform the essential functions of the job, including:
  - Frequently operate a computer and other office machinery such as a keyboard, mouse, phone, and fax machine;
  - Occasionally move between worksites;
  - Remain stationary for long periods of time;
  - Frequently communicate accurate information and ideas with others.

WORKING ENVIRONMENT:

Work is performed primarily in an office environment with frequent court appearances. Extensive work at a computer workstation. Travel to court, seminars and meetings as needed. This is a sedentary position with minimal physical exertion requirements.

EXPERIENCE AND TRAINING REQUIREMENTS:

Prosecuting Attorney I:

- Admission to the Washington State Bar and a member in good standing throughout duration of employment.
- Some experience in the practice of municipal law or civil discovery and procedure preferred.

Prosecuting Attorney II:

- Admission to the Washington State Bar and a member in good standing throughout duration of employment, and
- Two years of professional work experience as an attorney in criminal law; experience in prosecuting criminal cases preferred, or
- Two years of experience as a Prosecuting Attorney I at the City of Bellingham.

- This job description documents the full range of duties for a Prosecuting Attorney. Positions will be filled at the appropriate level based on requisite experience and training.

  Incumbents appointed to Prosecuting Attorney I are expected to perform the full range duties operating under the direction and guidance of more senior staff and are intended, over time, to demonstrate the competencies necessary to progress to the Prosecuting Attorney II level.

  Incumbents appointed to the Prosecuting Attorney II level are expected to perform the full range of assigned duties independently under general supervision and guidance after an initial training period.

- Incumbents appointed to Prosecuting Attorney I may receive a non-competitive promotion to Prosecuting Attorney II when they meet minimum experience and training requirements and demonstrate capability, provided adequate work and funding is available.

NECESSARY SPECIAL REQUIREMENTS:

- Employment contingent upon passing a criminal convictions check, local background check, and fingerprinting. Subject to re-check every five years.
- Incumbents may not engage in the private practice of law while employed.

PREPARED BY: A. Sullivan
4/21

REVIEWED BY: _____
Alan Marriner, City Attorney