

COUNTY ATTORNEY'S OFFICE

James M. Reams, County Attorney

The office continuously strives to seek justice and improve the quality and efficiency of processing cases within the confines of a delicate balance of resources. The County Attorney wishes to thank the County Delegation for their continued support of the mission of the Office and looks forward to continuing to improve justice for the citizens of this County.

“The mission of the Rockingham County Attorney’s Office is to improve the quality of life for the citizens of Rockingham County by seeking justice professionally, effectively and efficiently.”

The County Attorney is a constitutional officer whose duties and responsibilities have been defined by the common law and various statutes. The County Attorney is the chief law enforcement official in Rockingham County. In the absence of the Attorney General, the County Attorney performs all the duties of the Attorney General's office for the County. He has the responsibility for and exercises general supervisory control over the enforcement and prosecution of the criminal laws of the State.

The year 2007 was a challenging one for the County Attorney’s Office. We investigated, prosecuted and obtained convictions in some very significant and statewide precedent-setting cases.

The two precedent-setting cases were the result of the unrelated drug overdose deaths of two Rockingham County teenagers, Caitlin Brady and Ryan Scamman-Rawson. In each case, the investigations of these unfortunate deaths lead us to the individuals that dispensed or assisted in the dispensing of the drugs that killed these teenagers. The Newton Police Department, Kingston Police Department, East Kingston Police Department, Rockingham Sheriff’s Department and the Drug Enforcement Agency worked tirelessly to put these cases together.

These convictions are the first Drug Dispensing-Death Resulting cases in New Hampshire. As a result of those cases, Dante Silva received a sentence of 10 years to life at the NH State Prison for the death of Caitlin Brady. Anthony Damelio received a sentence of 15 years to life at the NH State Prison for the death of Ryan Scamman-Rawson.

The Investigators and my office are committed to continuing to try to follow the chain of illegal drug sellers that resulted in these deaths.

In addition, we prosecuted Gurrie Fandozzi, a stay at home father from Windham, who beat his 6 month old son. On August 2, 2006, Paramedics and EMT’s rushed the baby to Parkland Medical Center for severe respiratory distress. While doctors tended to the baby, they discovered that he had two healing rib fractures that were concerning for child abuse. The baby was then med-flighted to Children’s Hospital in Boston where he went into respiratory arrest and cardiac arrest. The Children’s Medical staff was eventually able to stabilize the baby and he was admitted into ICU. Doctors found that he suffered from numerous fractures.

Fandozzi was convicted of breaking 7 of the child’s bones. His sentencing has not occurred as I write this report. However, I will be asking for a significant prison term. This case was a difficult prosecution because there were no eyewitnesses to the crimes. However, the jury was convinced by the circumstantial evidence that was put together by Windham Police and the testimony of the doctors from the Child Abuse Unit of Children’s Hospital in Boston. The case was also difficult because of the emotional nature of severe injuries to an infant.

The County continues to grow at a rate that is well above the rate at which the rest of the State is growing. The threats to our communities are likewise increasing. The laws regarding criminal law, criminal procedure, search and seizure and permissible investigative techniques is increasingly complex. The County Attorney has an important responsibility to provide general oversight, guidance and training to the 37 law enforcement agencies in the County. The responsibility is not only to ensure that the community is protected from criminals and that cases are successfully prosecuted, but also to ensure that all of our citizens' rights are scrupulously protected.

In addition, for the ninth straight year, the County Attorney's Office set a record for the number of new cases Indicted. We reviewed, prepared and presented 2647 cases for review by the Grand Jury.

Since 1999, when County Attorney Reams first took office, the number of cases handled by the County Attorneys office has dramatically increased. A strict comparison of the actual number of True Bills returned by the Grand Jury reveals a leap from 1254 in 1998 to 2647 in the year 2007, an increase of 211%. Simply comparing these numbers cannot accurately reflect the increased workload handled by this office. Some might suggest that the numbers could be skewed by "overcharging" certain types of cases. This is not done in Rockingham County. The County Attorney exercises great restraint and consideration when making charging decisions. The County Attorney prefers to track the workload by comparing the number of "case files" opened. A file may have numerous charges, but will involve one investigation and one defendant.

CRIME STATISTICS FOR MATTERS FILED IN SUPERIOR COURT: There is no totally accurate way to measure how "busy" a prosecution office is. However, there are a number of statistics that I measure to give indicators of the volume of work:

- Indictments have increased from 1254 in 1998 to 2647 in 2007;
- 1244 cases were scheduled for trial by the Superior Court in 2007, up from 1116 in 2003;
- 395 defendant's closed files were reopened in 2007 covering approximately 588 reopened charges. The County Attorney's prosecution database was also upgraded in early 2006 enabling us to keep better statistics pertaining to reopened cases. These cases are not counted in the "active" cases. Reopened cases generally require prosecutors to respond to post conviction motions for a variety of requests and to appear at related hearings (Probation Violations). The Court has adopted a liberal policy with regard to accepting and scheduling hearings for these types of pleadings. The matters have become increasingly time consuming for the staff.
- Duty calls from police departments after hours were 388 in 2007, which means each night the attorneys handled police calls;
- Victim/Advocates had 11,519 contacts with the victims and witnesses during 2007;
- Our two part-time investigators handled 337 cases;
- The Attorney General has mandated that County Attorneys handle many of the Petitions for Writ of Habeas Corpus filed by prisoners require our prosecutors to attend hearings at the prison in Concord and at the Coos County Court for matters involving prisoners held in the Berlin facility.
- Under the new Act that became effective January 1, 2007, prosecutors may file a civil commitment petition for recommitment when a sex offender's prison sentence ends and the offender is believed to be a threat to public safety. Pursuant to RSA 135-E:1, an offender can potentially qualify for a five-year minimum civil commitment in a secure psychiatric facility. The County Attorney's prosecutors reviewed 59 Sexually Violent Predator Notifications received from the Department of Corrections.

PROSECUTORS: The County Attorney and his Deputy oversee a staff of 34 in the Superior Court office, including 18 Assistant County Attorneys. The Assistant County Attorneys are divided into teams covering three geographic regions of the county, created by the County Attorney.

The County Attorney continues to be proactive in providing assistance during the earliest stages of a case. Prosecutors are available to answer questions from law enforcement regarding investigations and charging decisions 24 hours a day (388 Duty Calls were handled in 2007). All prosecutors are periodically scheduled to be "on-call" at night and on weekends. Prosecutors are "exempt" employees who do not receive overtime or other consideration for this added duty. The prosecutors recognize that this is an important function that results in better investigations, better prosecutions, and protection of the rights of the citizens of the county. On an average of every night, prosecutors answer calls from police departments.

In addition to these duties, and as noted above, the prosecutors carry an average of over 100 felony cases at all times. By way of contrast, please note that the Public Defenders have a contract with the State that

provides for a maximum *weighted* caseload of 55 cases, including misdemeanors and other duties. Our heavy workload places significant stress on the entire staff.

DISTRICT COURT: While the County Attorney is responsible for criminal prosecution in his County, police departments have traditionally prosecuted their own cases at the District Court level in New Hampshire. The County Attorney's Office provides assistance to departments when requested and occasionally for short periods when departments have been without personnel. The County Attorney has assumed complete responsibility for District Court prosecution under circumstances where the individual department or municipality reimburses the county for the associated cost of providing that service. This is done because the County Attorney does not provide district court prosecutors for all of the towns in Rockingham County.

The Plaistow District Court prosecutor position was created in 2003 with 6 towns having entered a contract with the County Attorneys Office to provider a Prosecutor for the towns. In 2004, the County Attorney's Office was given the authority to hire an administrative employee to assist in the prosecutorial duties of the Plaistow District Court and this position was filled. In 2007, 2113 complaints were handled by the prosecutor which represents 1312 cases. Additionally, in 2007, the Exeter District Court prosecutor position was created with 2 towns having entered the contract, Exeter and Fremont. Thus far, the departments are very happy and it appears to be a success.

The County Attorney provides prosecution for certain towns in the Auburn District Court area including Nottingham and Candia. This office handled a total of 428 misdemeanor cases filed in the Auburn District Court. The County Attorney previously prosecuted cases for Epping and Northwood. Those towns have opted to hire attorneys on a part time basis to act as their prosecutors.

VICTIM/WITNESS COORDINATORS: The County Attorney's Office has three full-time Victim/Witness Coordinators. The Coordinators work primarily on victim cases. They provide information and assistance to people affected by crimes with compassion and professionalism. Coordinators guide victims through the criminal justice process and work to ensure that the victim's rights are protected in accordance with RSA 21-m:8. Each Victim/Witness Coordinators averaged over 384 telephone conferences and more than 46 office conferences with victims and witnesses of crime monthly.

One of the 3 advocates continues to be partially grant funded through the Violence Against Women Act. This grant limits the types of cases that this advocate may work on. The County has been fortunate to keep this grant for so many years. However, it is now a decreasing amount. It is important to maintain the level of services demanded by the Victims Bill of Rights. With the increasing caseload, it will be necessary to add an additional full time advocate in the near future.

INVESTIGATORS: The investigators reviewed approximately 337 cases during 2007. In addition, the investigators handled 8 complaints against individual Police Departments, performed background checks for prospective employees, and also fielded numerous walk-in contacts during 2007. The investigators review all cases involving victims. Other duties of the investigators include but are not limited to assisting law enforcement agencies in follow-up investigations, locating missing witnesses and conducting some interviews.

SUPPORT STAFF: The support staff at the County Attorney's Office consists of an Office Administrator, File Intake Manager, Receptionist, five Administrative Legal Assistants, four Legal Assistants and one Paralegal. The support staff is responsible for duties such as transcribing, drafting, filing and mailing various legal correspondence and pleadings, coordinating and scheduling monthly Grand Jury proceedings, as well as assembling all felony files for review by the Prosecutors. The support staff generated approximately 7,941 trial subpoenas in 2007 and processed approximately 562 cases involving multiple items of trial evidence. Additionally, the office received 27 requests for Interstate Agreement on Detainers (IAD's), 8 requests for Governor's Warrants and the County Attorney approved 195 Out-of-State Arrest transports. The Reception Office averaged an astounding 36,388 incoming telephone calls this year.

MEDICAL EXAMINERS: In every case of a medicolegal death, the Medical Examiner, or an Assistant Deputy Medical Examiner is required to respond and conduct an examination. Assistant Deputy Medical Examiners conducted 188 scene investigations and 212 phone consults this year. We rely on local funeral homes to provide removal and transportation services. It is anticipated that these expenses may continue to rise slightly. However, legislation is centralizing the Medical Examiners Office and administering the ADME's. This relieves the county of the burden and creates a superior system.

CHILD ADVOCACY CENTER OF ROCKINGHAM COUNTY: Our Child Advocacy Center is the first established in New Hampshire. The Child Advocacy Center now provides child friendly forums for multidisciplinary interviews at sites in both Portsmouth and Derry. The Child Advocacy Center was Rockingham County's response to the legislature's mandate that agencies investigating child abuse work cooperatively to minimize the impact on the child. A second Child Advocacy Center site located in Derry was opened in 2003.

The Child Advocacy Center is a non-profit entity that is staffed and funded through grants and fundraising efforts. The County Attorney is on the board of directors and has representatives on the advisory board of the Child Advocacy Center. The model has been so successful that a legislative committee has recommended that our model be implemented statewide. The Governor and Attorney General have supported this model and have made matching funds available to enable the other counties to establish Child Advocacy Centers of their own.

Prosecutors attended 184 interviews at the Child Advocacy Center in 2007. The process is time consuming for the attorneys, but is critical to successful resolutions to these types of cases. As the Court docket becomes more demanding, it will be difficult to keep pace with covering these interviews. In many of the jurisdictions across the country, prosecutors are rotated through full time assignments at their Child Advocacy Centers. Proper coverage for the Child Advocacy Center will be essential for continued success.

FUTURE CHALLENGES AND OPPORTUNITIES: The availability of the internet has provided a new forum for certain criminals and sexual predators. The laws to provide appropriate protections are slowly catching up to meet the threats. Investigating and prosecuting these technology-assisted crimes present new challenges for law enforcement and prosecution. The types of cases that have reached into our communities include a new way to violate a protective order with relative anonymity, cyber stalking, child pornography, solicitation, and identity theft.

The growth of high speed internet access has made the transfer of child pornography easy, fast and inexpensive. The volume and graphic depictions of children being sexually abused is shocking. Law enforcement is fighting to stop the spread of this abuse. Unfortunately, this crime has gone from being statistically insignificant in 1999 to 6% of the caseload in the first 1/3 of 2008.

In closing, I want to commend the entire staff of the Rockingham County Attorney's Office. They are dedicated and compassionate professionals who are committed to the mission of this office. They have and will continue to do what it takes to get the job done. The citizens of this county can be assured that the staff of this office serves them well.

I would also like to thank the Commissioners as well as the entire legislative delegation sitting as the County Convention for their support in equipping the Rockingham County Attorney's Office with the staff and tools necessary to handle the continuing challenges that crime presents to Rockingham County.