Understaffed, undertrained: Deputy attorney general’s critique is a “mandate to add staff and implement changes,” says new county attorney.

By MARK HAYWARD

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Justice is not being effectively administered in the state’s largest county, one of the state’s top prosecutors said in a critical letter sent last month to the newly elected Hillsborough County Attorney.

Deputy New Hampshire Attorney General Jane Young painted a picture of an office struggling with overworked mentors, few policies to give direction and little oversight.

In the March 1 letter, Young laid out several recommendations, which include hiring experienced staff and creating policies and systems that would allow the office to function.

“The current structure of the office does not lead to the effective administration of justice on behalf of the citizens of Hillsborough County,” Young wrote in the letter, which she provided to the New Hampshire Union Leader on request.

The letter was sent when newly elected County Attorney Michael Conlon had just two months on the job.

Since then, the pressure has only gotten worse. Young’s boss — Attorney General Gordon MacDonald — has criticized a confidential deal to drop charges against a police prosecutor.

AG: Poor administration of justice in Hillsborough County

Critique

Last year, Conlon’s predecessor warned that his office was on the “brink of collapse” and asked for a 24 percent increase in his $4.65 million budget, mostly to hire new staff. Then-County Attorney Dennis Hogan ended up with a 2 percent increase to his budget. In office announced a “360-degree review” of the Hillsborough County Attorney Office. In the letter, Young writes about the review: “We concluded that the Hillsborough County Attorney Office lacked a functional organizational structure and was devoid of office policies and procedures specific to the

Young said the AG’s office has a newly authorized position to train prosecutors across the state. But she said that new person cannot start until July 1, and Young told Conlon he cannot wait until July 1.

Young wrote that additional resources are needed for Conlon’s office.
And Hillsborough County victim-witness advocates, legal secretaries, clerks, paralegals and secretaries have voted to change their union from Teamsters to the New England Police Benevolent Association.

Conlon said he’s already taken steps to address the issues raised by Young, including getting the money for two positions that had been approved but not funded in the current budget.

“The problems didn’t go away just because someone new got elected,” Conlon said. He said the problems of workload and turnover are largely budget related, and he has developed a budget proposal and fouryear plan to address his office’s needs. Conlon brings his 2020 budget proposal to county commissioners this morning.

“This letter (from Young) gives me a mandate to add staff and implement changes internally to increase the operational performance of the office,” he said.

November, Hogan, a three-term Republican, was narrowly unseated in an election that slanted heavily toward Democrats.

Neither Hogan nor Conlon had any experience as prosecutors before they were elected to office.

Conlon has said he is a fast learner and received praise from county officials and law enforcement circles after his election.

The most populous county in the state, Hillsborough County is home to the state’s two largest cities, Manchester and Nashua. Each city hosts a superior court, and the Hillsborough County Attorney maintains offices of prosecutors at each courthouse.

The County Attorney’s office handles nearly all felony prosecutions, from narcotic possession to attempted murder.

Last summer, MacDonald’s prosecutorial functions of the office,” Young wrote. She said those concerns remain.

The specifics: The “over-extended” first assistants in each office maintain an “unreasonably full and complex” case load, rendering their ability to manage and mentor other attorneys impossible. The office also lacks a second tier of supervisory attorneys. Young recommended that Conlon hire an experienced attorney to help him supervise, train and assist his prosecutors in pretrial litigation and trial practice.

The office needs prosecution-specific policies and procedures to address topics including conflicts of interest and professional conduct. It needs a case assignment and management system. And it needs a system for oversight and approval of sentencing recommendations. Young recommended that Conlon hire an attorney with substantial county prosecutorial experience to help develop the systems.

Conlon said he is hiring prosecutors and already brought a new one on. The expectation was that the new hire would take on Gill’s cases and free her up to perform the training and organizational tasks mentioned in Young’s letter. He said her loss will have a negative impact on the office.

But he also said “every departure is an opportunity to find new talent.”

“My management team is overworked,” Conlon said. Part of the reason is they took on cases because of the heavy workload of their fellow attorneys, he said.

He said other priorities are developing relationships with other agencies such as police, parole, insurers, local government leaders, community groups and victim-support organizations.

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