

EXHIBIT "A"

PROSECUTION SERVICES

Duties

- A. The Thurston County Prosecuting Attorney will be responsible to assign an employee who is qualified and able to provide the services needed to represent the CITY as the City's primary prosecutor in matters before the Thurston County District Court. This includes representation for all stages of criminal proceedings for criminal misdemeanors and gross misdemeanors, criminal traffic misdemeanors and gross misdemeanors, and contested traffic infractions. The PAO will be present at all stages of criminal proceedings including in-custody bail hearings, arraignments, pre-trial conferences, motion hearings, bench trials, jury confirmation hearings, jury trials, and post conviction/post-trial motions and appeals. The PAO will also represent the CITY at contested traffic hearings when the defendant is represented by counsel, or when witnesses have been called to testify.
- B. The Thurston County Prosecuting Attorney's Office will be responsible for all of the legal support work necessary for the criminal cases of the CITY in the Thurston County District Court.
- C. Represent the City in matters on appeal before the Thurston County Superior Court, Washington State Court of Appeals and the Washington State Supreme Court. These are very infrequent, but would include the writing of a brief in response to the appellant's brief, and appearance at all appellate proceedings. The PAO will timely inform the City Attorney of all matters set for trial and all appeals.
- D. Review TCSO deputy reports referred for charging sufficiency. Respond timely with the necessary communication back to the police department. Meet with the TCSO on a regular basis; communicate regularly and timely, with the TCSO in order to assist with case investigation, to prepare officers as witnesses for evidentiary motions and for trial, and to provide feedback to officers and their superiors on matters relating to charges filed. Provide periodic training sessions for the benefit of the TCSO. CITY will reimburse the PAO for all training materials provided to TCSO employees. Regularly communicate with and provide feedback to the Sheriff or TCSO Command staff on criminal matters relating to police investigation and charging decisions.
- E. The PAO agrees to be available by telephone for communication with witnesses, TCSO, and city staff and provide timely responses to messages during times of unavailability. The PAO will provide a telephone number to the CITY for regular business contacts as well as a telephone number (whether the same or different number) for purposes of police investigation /advice during non-business hours (between 5:00 p.m. and 8:00 a.m.). This number is expected to be used infrequently, and only for emergent legal issues.

- F. The PAO shall have the right to determine which PAO employees will provide prosecution services under this agreement. If the PAO has a conflict of interest on a case, the PAO will arrange for alternative service.
- G. The PAO agrees to timely inform the CITY of issues that will cause liability for the CITY or have the potential to expose the CITY to liability.