



James A. Hardy
Sheriff

Office of the Sheriff
HILLSBOROUGH COUNTY



Arthur L. Durette
Chief Deputy Sheriff

April 21, 2010

Statement of Hillsborough County Sheriff James A. Hardy concerning the circumstances related to the domestic violence incident involving Jonathan Charbonneau October 20, 2009 to October 22, 2009.

On behalf of all the members of the Hillsborough County Sheriff's Office, I again wish to express my sympathy to the family of Melissa Charbonneau. They have been in my thoughts and prayers since the day of these violent events.

I have conducted a thorough review of the involvement of the Sheriff's office in this incident. This included a detailed examination of the actions of members of the Sheriff's office and an analysis of applicable statutes, orders, reports, and court protocols. I cannot comment on the specifics of my internal review because state law precludes me from publicly commenting on personnel matters.

On October 20, 2009, Jonathan Charbonneau, the defendant, was arrested for domestic violence/assault committed against Melissa Charbonneau. This was a criminal arrest not handled by the Sheriff's office. Jonathan Charbonneau posted bail and was released from police custody on October 20, 2009.

On October 21, 2009, Jonathan Charbonneau was arraigned at Manchester District Court on the domestic violence/assault charges. Bail conditions imposed the day before in this criminal matter were reviewed at that arraignment.

Also on October 21, 2009, Melissa Charbonneau filed a petition for divorce and a Temporary Order of Protection from the Hillsborough County Superior Court, Northern District, against Jonathan Charbonneau. The Hillsborough County Sheriff's Office became involved in this matter because of the commencement of civil proceedings. The temporary order of protection did not direct the seizure or confiscation of a firearm.

The failure to have access to information concerning whether or not a firearm had been seized and/or confiscated at the time of the defendant's arrest, at the time bail conditions were first imposed, or at the time bail conditions were reviewed in the criminal matter is a systemic flaw that needs to be corrected.

Existing protocols and New Hampshire law related to domestic violence are clear regarding weapons and confiscation of weapons: weapons should be seized at the time of arrest.

As Sheriff, I will do everything within my authority to apply the resources of this office to insure that statutory obligations are met in these matters, including the statutory obligations of others.

Specifically, I have directed Sheriff's office personnel to review civil filings to determine if there are any criminal issues related to the matters and, where necessary, to take appropriate actions if statutory obligations have not been met in the criminal proceedings.

Beyond my direct actions as Sheriff, I will work to improve the tools available to both victims and law enforcement in similar situations occurring in the future.

Accordingly, I have identified issues that I will bring to the attention of the Attorney General and the Legislature to improve the domestic violence laws, bail policies, and the state criminal code, so that our communities can avoid further tragedies such as this.

I have also applied for available federal grants to allow us to provide more coordinated and streamlined assistance to victims of domestic violence and to make victim services more readily available in our county.

From 1990 through 2008, 175 domestic-related homicides occurred in New Hampshire, accounting for 48% of all homicides occurring in that period of time.

While many do not want to believe that a loved one, whether a spouse, ex-spouse, girlfriend, boyfriend, ex-girlfriend, ex-boyfriend, child, or parent, could be capable of, or would actually commit, a violent act resulting in death, the numbers show it does happen and it has happened on too many occasions in New Hampshire.

By critically reviewing this series of events, thoroughly reviewing current systemic issues and making changes in protocols where appropriate, we can honor Melissa Charbonneau and her family, and other families in like circumstances, by doing all we can to reduce the risk of this happening again.

Respectfully,

James A. Hardy, Sheriff

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