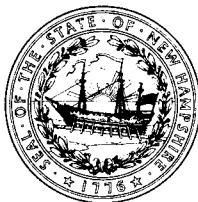


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Be...

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

October 5, 2015

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, NH 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

1. Authorize the Department of Justice to accept and expend a grant in the amount of \$8,115.05 from the New Hampshire Safety Agency for the purpose of hosting a two-day Motor Vehicle Homicide Seminar upon approval of the Governor and Executive Council through December 31, 2015. 100% Transfer from Other Agency.

Funds are to be budgeted in account 02-20-20-201510-8895, Department of Justice, Grant Administration, titled McDuffee Seminar as follows:

<u>Class/Expense</u>	<u>Class Title</u>	<u>Current SFY16 Budget</u>	<u>Increase Amount</u>	<u>Revised SFY16 Budget</u>
067-500559	Training Facilities Rentals	\$0.00	\$7,445.00	\$7,445.00
040-500800	Indirect Cost	\$0.00	\$670.05	\$670.05
Total		\$0.00	\$8,115.05	\$8,115.05

Source of Funds

001-403682	Transfer from Other Agencies	\$0.00	\$8,115.05	\$8,115.05
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2. Subject to approval of paragraph one, authorize the Department of Justice to conduct a two-day seminar for the investigation and prosecution of motor vehicle crashes and incidents of driving while under the influence of alcohol or other drugs at a cost not to exceed \$7,445 scheduled for November 4-5, 2015 at the Police Standards and Training Council Training Facility in Concord, NH. The seminar will be presented to approximately 100 professionals in law enforcement and prosecution at no charge to participants upon approval of the Governor and Executive Council through December 31, 2015. 100% Transfer from Other Agency.

EXPLANATION

Although there are numerous factors that contribute to a fatal crash, alcohol and/or drugs continue to be the predominant factors. In order to successfully prosecute a criminal case stemming from such a crash, it is imperative that the crash be thoroughly investigated by knowledgeable law enforcement officials and translated into a well-developed criminal case which is the foundation of prosecution. Due to the rural nature of the State, traffic safety violations are generally investigated and prosecuted by local law enforcement agencies. As such, regular professional training for these agencies is crucial.

This request will allow the Department of Justice to conduct a two-day motor vehicle homicide course focusing on investigation as well as prosecution and trial techniques. The focus of the seminar will include toxicology and felony blood draws, case law updates, evidence preservation, and instructions on field sobriety tests and court testimony. The course will be offered to certified, full-time officers who are actively involved in the investigation of motor vehicle crashes, as well as local, county, and state prosecutors.

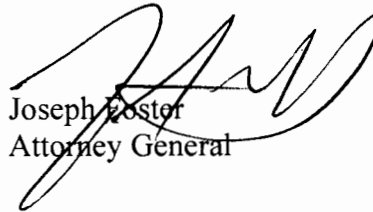
Estimated costs not to exceed \$7,445 are budgeted as follows:

<u>Description</u>	<u>Estimated Cost</u>
Meals for estimated 100 participants per day x 2 days:	\$1,720
Training materials and supplies:	\$1,625
Two (2) Regional Speakers and One (1) National Speaker:	<u>\$4,100</u>
Total Conference Costs:	<u><u>\$7,445</u></u>

In the event that Federal Funds are no longer available, General Funds will not be requested to support this program.

Please let me know if you have any questions concerning this request. Your consideration is greatly appreciated.

Respectfully submitted,


Joseph Foster
Attorney General

JAF/jb

#1280523

Department of Justice
GRANTS FISCAL SITUATION FISCAL YEAR 2016
02-20-20-201510-88950000 McDuffee Seminar

Total Agency Authorization	\$ 8,115
Less Expenditures thru 6/30/15	\$ -
Remaining Authorizatin to Budget	\$ 8,115

Less Current FY16 Budget Authorization	\$ -
Total Available for Budgeting	\$ 8,115

Available to Budget at Later Date	\$ -
REQUESTED ACTION	\$ 8,115

Grant Award Number	Award Amount	Expenses to 6/30/15	Balance
Project #308-16S-005	\$ 8,115	\$ -	\$ 8,115
Prior Year Grant			\$ -
Total			\$ 8,115

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received September 23, 2015	Project Number #308-16S-005
Date Approved September 23, 2015	PSP and Task # 16-02, 04

Part I

1. Project Title J.B. McDuffee Motor Vehicle Seminar	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency DUNS Number 808591127 NH Department of Justice	B. Address of Agency 33 Capitol Street Concord NH 03301-6310
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

4. Contract Duration A. Contract Period Start Date: October 1, 2015 Termination Date: December 31, 2015	Functional Area M6OT - 405d Impaired Driving Low CFDA# 20.616 Program Title Impaired Driving CountermeasuresGrant Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services					
b. Current Expense	\$7,445.00	\$7,445.00			
c. Equipment					
d. Indirect Costs Audit	\$670.05	\$670.05			
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$8,115.05	\$8,115.05			

7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100% (\$8,115.05)</u>

Part II


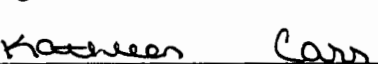
BUDGET AND PERSONNEL DATA	
a. Personnel Services	
*See Proposed Solution (page 3) for explanation of pay rates	
b. Current Expenses See attached	\$7,445.00
c. Equipment	
d. Indirect Costs and Audit Expense \$7,445.00 x 9 percent	\$670.05
e. Contractual Services	
f. Travel Expense	
Total	\$8,115.05

In Kind Match For This Project = \$2,028.76 (405d Funds)


The matching contribution for the JB McDuffee Seminar grant will be derived from NH State General Funds, in the form of payroll and fringe benefits for support staff that assist in organizing the seminar.

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Ann M. Rice	2) Title Deputy Attorney General NH Department of Justice	3) Address 33 Capitol Street Concord, NH 03301-6397
4) Signature X 	5) Telephone Number 271-1202	
B. Authorized Official		
1) Name Rosemary Faretta KATHLEEN CARR	2) Title Director of Administration NH Department of Justice	3) Address 33 Capitol Street Concord, NH 03301-6397
4) Signature X 	5) Telephone Number 271-1234	

Part IV (For HSA Use Only)

1. Approval Date September 24, 2015	2. Signature & Title  John J. Barthelmes, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$8,115.05	

BUDGET			
Current Expenses – Estimated based on 100 participants/day			
Meal Expenses:			
Lunch: \$800 x 2 days	1,620.00		
Delivery Fee	100.00	\$1,720.00	
Materials and Miscellaneous Expenses			
Printing - tabs	\$ 200.00		
Printing - text	675.00		
Binders	350.00		
Case Law Charts	400.00	1,625.00	
Speakers			
Regional Speaker – Schack (not yet confirmed)	600.00		
Regional Speaker – Kwasnoski	2,250.00		
National Speaker – Hanger	1,250.00	4,100.00	
Sub-Total			\$7,445.00
Indirect Cost			
\$7,445.00 x 9 percent			670.05
Total			\$8,115.05

**SCHEDULE A
GENERAL PROJECT INFORMATION**

Description of Project

STATEMENT OF PROBLEM/NEED: Motor vehicle crashes resulting in death or serious bodily injury receive substantial scrutiny under both the criminal and civil law. Those who investigate and prosecute these types of crashes are also subject to substantial public scrutiny.

In 2014 New Hampshire had 89 motor vehicle crashes that resulted in 95 motor vehicle fatalities. Although there are numerous factors that contribute to a fatal crash, alcohol and/or drugs continue to be the predominate factors. In order to successfully prosecute a criminal case stemming from such a crash, it is imperative that the crash be thoroughly investigated by knowledgeable law enforcement officials. That investigation must then be translated into a well-developed criminal case which is the foundation of the prosecution.

With the high level of turnover in both law enforcement agencies and prosecutors' offices, the number of experienced personnel diminishes over time. Coupled with a general lack of consistency in the investigation and prosecution of motor vehicle fatalities throughout the state, this has created a significant need for training in this particular area of the law. Additionally, as always, those officers and prosecutors who have been trained in the past would benefit from an update on changes to the laws and developments in investigative and trial techniques.

Historically, the NH Department of Justice offered an annual seminar on the investigation and prosecution of motor vehicle homicides, but did not have resources for the training in 2005 or 2006. In 2007 the seminar was reintroduced by the Traffic Safety Resource prosecutor. In response to feedback from the 2007 seminar, the training was extended to a two-day training seminar and has had great success and positive feedback since then. The two-day format allows for breakout sessions covering a broad array of topics, as well as eliminating any 'time crunch' pressure for presenters to rush through material.

PROPOSED SOLUTION: The Department of Justice will offer this two-day training to up to 100 participants to include certified full-time officers who are actively involved in the investigation of motor vehicle crashes, as well as local, county, and state prosecutors, at no cost to the participants. The two-day format allows for breakout sessions covering a broad array of topics as well as eliminating any 'time crunch' pressure for presenters to rush through material. The central focus of this seminar is training the first responder to a crash on how to identify and preserve critical evidence and the prosecutor on how to use that evidence in a criminal prosecution.

This year's seminar will include a presentation on pedestrian/motor vehicle fatalities by national renowned speaker, John Kwasnoski. This presentation will focus on the unique evidence that these particular cases produce and what issues first responders need to be aware of. Sheriff Charles Hanger, whose experience includes the arrest (made on a traffic stop) of Oklahoma City bomber Timothy McVeigh, will present The Importance of Traffic Stops. At the time of application Charles Schack is tentatively scheduled to present as well, with a focus on accident reconstruction/evidence prevention. Additional workshops will cover the following topics: Drug Toxicology presented by Colleen Scarnio of the NH State Toxicology Laboratory, the Preservation of Cell Phone Evidence by Chief Todd Faulkner of the Hinsdale Police Department, Critical Minutes in a CMV Crash by Steven Piwowski of the US DOT/FMCSA. An update of case law and instruction on drawing blood in felony DWI's and negligent homicides will be presented by Assistant Attorney General Diana Fenton.

With this expert training provided to law enforcement and prosecution, the need for highly competent investigation and prosecution of motor vehicle fatalities will be addressed.

ANTICIPATED RESULTS: The goal is to increase the skill level of law enforcement officials and prosecutors throughout the investigation and prosecution of criminal cases involving motor vehicle crashes. Improving the quality of investigations and prosecutions will increase the number of convictions, which, in turn, will increase general deterrence and public awareness of the threat that these types of crimes pose to the general public. Public safety will improve when impaired drivers are convicted and sentenced, and removed from the roadways. DWI offenders will be held accountable.

ADDITIONAL CONTRACT CONDITIONS: It is agreed that any materials and resulting publicity relating thereto shall state "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration" or words to that effect.

See attached Addenda and Regulations for Travel and Reimbursement for additional information that is hereby made a part of this contractual agreement.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

2015 JAY MCDUFFEE MOTOR VEHICLE SEMINAR
AGENDA

November 4th & 5th, 2015
Police Standards and Training
Concord, NH

Wednesday, November 4, 2015

- 8:00 – 8:30 **Registration:** Police Standards and Training—TAC Center
- 8:30 – 8:45 **Opening Remarks**
Joseph A. Foster, Attorney General
- 8:45 – 10:30 **How To Testify in a Motor Vehicle Crash Case**
John Kwasnoski, Professor Emeritus of Forensic Physics,
Western New England University
- 10:30 – 10:45 Break
- 10:45 – 12:30 **How To Testify in a Motor Vehicle Crash Case**
John Kwasnoski, Professor Emeritus of Forensic Physics,
Western New England University
- 12:30 – 1:30 Lunch (Provided)
- 1:30 – 2:30 **Felony Blood Draws**
Diana E. Fenton, Assistant Attorney General
- 2:30 – 2:45 Break
- 2:45 – 4:00 **Felony Blood Draws**
Diana E. Fenton, Assistant Attorney General

-----Wrap-up for Day One-----

2015 JAY MCDUFFEE MOTOR VEHICLE SEMINAR
AGENDA

Thursday, November 5, 2015

8:30 – 9:00 **Registration:** Police Standards and Training—TAC Center

9:00 – 9:15 **Welcome & Overview of the Day**

9:15 – 10:45 **Preservation of Cell Phone Evidence**
Chief Todd Faulkner, Hinsdale Police Department

Critical Minutes in a CMV Crash
Steven Piwowarski, Division Administrator US DOT/FMCSA

Drug Toxicology
Colleen Scarneo, State Laboratory

How To Testify to SFSTs in Court
Trooper Michael Pelletier, NH State Police

10:45 – 11:00 Break

11:00 – 12:30 **Preservation of Cell Phone Evidence**
Chief Todd Faulkner, Hinsdale Police Department

Critical Minutes in a CMV Crash
Steven Piwowarski, Division Administrator US DOT/FMCSA

Drug Toxicology
Colleen Scarneo, State Laboratory

How to Testify to SFSTs in Court
Trooper Michael Pelletier, NH State Police

12:30 – 1:30 Lunch (Provided)

1:30 – 2:30 **Case Law Update**
Diana E. Fenton, Assistant Attorney General

2:30-4:00 **The Importance of Traffic Stops**
Sheriff Charlie Hanger, Noble County Oklahoma

-----Evaluations and Wrap-up-----