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FIS 16-148
Replacement



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

September 16, 2016

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

[Signature]
Approved by Fiscal Committee Date 9/16/16

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

Requested Action

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Safety (DOS), Division of State Police, to accept and expend \$128,385.00 of federal pass-through funds from NH Department of Justice for the purpose of hiring a State Police Detective Trooper and a part-time prosecutor. Effective upon Fiscal Committee and Governor and Council approval through June 30, 2017. Funding Source: 100% Agency Income.
2. Pursuant to RSA 124:15, authorize the Department of Safety, Division of State Police, to establish one (1) temporary full-time State Police Detective Trooper (LG 21, D416), one (1) temporary part-time Attorney III (LG 30) to be assigned in the Division of State Police, Major Crime Unit, and to establish a class 046 in an effort to implement best practices in the investigations of adult sexual assault cases. Effective upon Fiscal Committee and Governor and Councils approval through June 30, 2017. Funding Source: 100% Agency Income.

Funds are to be budgeted in SFY2017 in the following account:

02-23-23-234010-33450000 Dept. of Safety – Division of State Police – NHDOJ Grants

Class	Description	Current Adjusted		Revised Appropriation	
		Authorized	Requested Action	SFY 2017	
009-407085	Agency Income	\$ (33,108.21)	\$ (128,385.00)	\$ (161,493.21)	
018-500106	Overtime	\$ 23,203.09	\$ -	\$ 23,203.09	
037-500173	Technology - Hardware	\$ -	\$ 1,000.00	\$ 1,000.00	
039-500188	Telecommunications	\$ -	\$ 495.00	\$ 495.00	
040-500800	Indirect Cost	\$ 3,780.07	\$ -	\$ 3,780.07	
046-500460	Consultants	\$ -	\$ 7,984.00	\$ 7,984.00	
050-500109	Part Time Salaries	\$ -	\$ 36,485.00	\$ 36,485.00	
059-500117	Temp Full Time	\$ -	\$ 54,155.00	\$ 54,155.00	
060-500606	Benefits	\$ 6,125.05	\$ 25,046.00	\$ 31,171.05	
070-500705	In-State Travel	\$ -	\$ 3,220.00	\$ 3,220.00	
	Total	\$ 33,108.21	\$ 128,385.00	\$ 161,493.21	

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Explanation

These pass-through funds will provide for the development and implementation of a network of law enforcement personnel and prosecutors in six NH counties for the purpose of developing and improving best practices not only for the investigations of adult sexual assault cases by law enforcement, but also for increasing the successful prosecution of these cases in the NH courts. The goal is to share expertise between law enforcement and judicial personnel from all six participating counties in order to establish best practices that can be consistently and successfully used throughout the State of New Hampshire. All law enforcement and prosecutor offices seek to gain the necessary expertise to ensure that investigators collect all available evidence in these cases and that prosecutors consider all legal issues and maximize the legal strategies available. The result of this network is anticipated to not only help close the gap between the number of arrests and convictions in adult sexual assault cases, but also strengthen and improve the quality of those convictions, thus increasing the safety of both sexual assault victims and the public.

This item requests authorization for the FY17 portion of the grant award. The remaining grant award funds will be budgeted in FY18 and FY19.

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

- 1) *List of personnel involved:* One (1) temporary full-time State Police Detective Trooper (LG 21, D416) position, one (1) temporary part-time Attorney III (LG 30) position and temporary consultants.
- 2) *Nature, Need, and Duration:* The State Police Detective Trooper and the Attorney III will be assigned in the State Police Major Crime Unit in an effort to implement best practices in the investigations of adult sexual assault case. These positions will remain as long as federal funds are available. The consultants are needed to pay County Attorney staff for assistance with statistics.
- 3) *Relationship to existing agency programs:* These positions will be part of the Division of State Police, Major Crime Unit, with the intention of not only assisting with, but also implementing best practices in the investigations of adult sexual cases.
- 4) *Has a similar program been requested of the legislature and denied?* No
- 5) *Why wasn't funding included in the agency's budget request?* The positions consist of a temporary full-time position and a temporary part-time Attorney III position, which are 100% federally funded. At the time that the budget was prepared the Department was not aware of the need for these positions. The grant will be budgeted in 2018 and 2019 accordingly.
- 6) *Can portions of the grant funds be utilized?* These funds can only be utilized for the purpose of funding this temporary full-time position and part-time position and their related costs.
- 7) *Estimate the funds required to continue this position(s):* Based upon the 2016-2017 Collective Bargaining Agreement, within the pay scale for D416 – 40 hour wage schedule, the amount needed to fund the Detective Trooper position (LG 21, Step 8) for one year would be \$69,555.00 for salaries and an additional \$30,917.00 for benefits for a total of \$100,472.00. The hourly schedule for the part-time Attorney is to be determined. The temporary consulting positions are estimated at \$7,984.00.

Funds are to be budgeted as follows:

Funds in Class 037 are needed to pay for the purchase of a laptop for the State Police Detective.

Funds in Class 039 are needed to pay for the cell phone monthly charges for the State Police Detective.

Funds in Class 046 are needed to pay County Attorney staff for assistance with statistics.

Funds in Class 050 are needed to fund a temporary part-time prosecutor position (Attorney III) to work out of the State Police Major Crime Unit.

Funds in Class 059 are needed to fund a temporary full-time position (State Police Detective Trooper, LG 21) to work out of the State Police Major Crime Unit.

Funds in Class 060 are needed to pay the benefits associated with classes 050 and 059.

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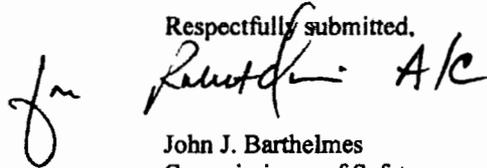
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Funds in Class 070 are needed to pay for the vehicle mileage for the State Police Detective Trooper and the part-time Attorney III.

In the event that Agency Income funds become no longer available General and/or Highway funds will not be requested to support this program.

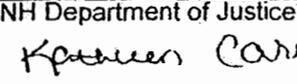
Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Barthelmes". To the left of the main signature is a smaller, stylized signature that looks like "Jm".

John J. Barthelmes
Commissioner of Safety

**Department of Safety
NHDOJ Grants
Fiscal Situation**

Federal Funds Awarded:	
Operation Granite Hammer - 10/7/15-6/30/2017	\$150,000.00
Sexual Assault Justice Initiative Grant - 7/1/16-6/30/2017	\$347,005.00
Total Grant Funds Awarded	<u>\$497,005.00</u>
Less SFY 2016 expenses	<u>(\$116,891.89)</u>
Total	(\$116,891.89)
Net Grant Funds Remaining as of July 1, 2015 (SFY 2016)	\$380,113.11
Less SFY 2016 Appropriation including prior year encumbrances 02-23-23-234010-33450000	(\$33,108.21)
Excess grant funds available to appropriate	<u><u>\$347,004.90</u></u>
This Request	\$128,385.00

STATE OF NEW HAMPSHIRE DEPARTMENT OF JUSTICE GRANT AWARD		
Agency Name:	Dept. of Safety-State Police	Vendor No.: 177878-B001
Program Name:	Sexual Assault Investigative Services	Amount: \$ 347,005.00
Grant Start Date:	07/01/2016	State Grant Number: 2016SAJI03
Grant End Date:	06/30/2017	Federal Grant Number: 2016-SI-AX-K001
Appropriation No.:	02-20-20-201510-5202-072-500574	
Head of Agency	Project Director	Fiscal Officer
John J. Barthelmes Safety Commissioner 33 Hazen Drive Concord, NH 03305 603-223-3856	Lieutenant Scott Gilbert Commander, Major Crimes Dept. of Safety 33 Hazen Drive Concord, NH 03305	Administrator III Department of Safety Division of State Police Office (603)223-8355 Fax (603)271-0336
Federal Grant Name:	Sexual Assault Justice Initiative	
Federal Agency:	United States Department of Justice	
Bureau/Office:	Office of Justice Programs	
CFDA Number:	16.017	
Purpose of Grant:	Sexual Assault Investigative Services	
Program Requirements:	Adherence to Program Conditions and Guidelines.	
Match Requirements:	Match must be spent on program allowable activities.	
Program income Requirements:	Program Income must be reported and spent on program allowable activities.	
Reporting Requirements:	Monthly or quarterly Financial reports. Required Performance reports and audit. Adherence to Program Conditions and Guidelines. Completion of Monitoring forms and processes.	
Approval	Program Agency	NH Department of Justice
Name	 John J. Barthelmes	 Kathleen B. Carr
Title	Safety Commissioner	Director of Administration
Date		8-3-16
All terms of this grant award are not valid unless signed by both authorized parties.		

STATE OF NEW HAMPSHIRE		
DEPARTMENT OF JUSTICE		
GRANT AWARD		
Agency Name:	NH Department of Safety	Vendor No.: 177878-B001
Program Name:	Edward Byrne Memorial JAG Program	Amount: \$ 60,000.00
Grant Start Date:	10/07/2015	State Grant Number: 2016JAG501
Grant End Date:	6/30/2017	Federal Grant Number: 2013-CD-BX-0024
Appropriation No.:	02-20-20-201510-4458-072-500576	
Head of Agency	Project Director	Fiscal Officer
John J. Barthelmes Commissioner Hazen Drive Concord, NH 03301	Tim Pifer Crime Lab Director 271-3573	Elizabeth Bielecki Director of Administration
Federal Grant Name:	Edward J. Byrne Memorial Justice Assistance Grant	
Federal Agency:	United States Department of Justice	
Bureau/Office:	Office of Justice Programs	
CFDA Number:	16.738	
Purpose of Grant:	Targeted forensic lab services	
Financial Requirements:	Monthly or quarterly Financial reports Quarterly performance reports and audit Adherence to State and Federal guidelines and conditions	
Match Requirements:	None	
Reporting Requirements:	Monthly or quarterly Financial reports Annual performance report and audit Adherence to State and Federal guidelines and conditions	
Approval	Program Agency	NH Department of Justice
Name	John J. Barthelmes	Kathleen Carr
Title	Commissioner	Director of Administration
Date		
All terms of this grant award are not valid unless signed by both authorized parties.		

STATE OF NEW HAMPSHIRE		
DEPARTMENT OF JUSTICE		
GRANT AWARD		
Agency Name: NH Department of Safety		Vendor No.: 177878-B001
Program Name Edward Byrne Memorial JAG Program		Amount: \$ 90,000.00
Grant Start Date: 10/07/2015	State Grant Number: 2016JAG500	
Grant End Date: 06/30/2017	Federal Grant Number: 2012-DJ-BX-0400	
Appropriation No.: 02-20-20-201510-4458-072-500576		
Head of Agency	Project Director	Fiscal Officer
John Barthelemes Commissioner 33 Hazen Drive Concord, NH 03301 603-223-8813	Robert L. Quinn Colonel	Elizabeth Bielecki Director of Administration
Federal Grant Name:	Edward Byrne Memorial Justice Assistance Grant Program	
Federal Agency:	United States Department of Justice	
Bureau/Office:	Office of Justice Programs	
CFDA Number:	16.738	
Purpose of Grant:	Drug Interdiction Activities	
Financial Requirements:	See signed Program Conditions and Guidelines.	
Match Requirements:	None.	
Reporting Requirements:	Monthly or quarterly Financial reports Quarterly performance reports and audit Adherence to State and Federal guidelines and conditions	
Approval	Program Agency	NH Department of Justice
Name	John Barthelemes	Kathleen Carr
Title	Commissioner	Director of Administration
Date		
All terms of this grant award are not valid unless signed by both authorized parties.		

TITLE IX ACQUISITION OF LANDS BY UNITED STATES; FEDERAL AID

CHAPTER 124 FEDERAL AID

Miscellaneous

Section 124:15

124:15 Positions Restricted. –

I. In addition to the positions authorized by law, no new personnel positions, or consultants, or both may be created by the acceptance of federal moneys or moneys from any other source unless such positions, or consultants, or both are approved by the fiscal committee of the general court; provided, however, that the governor and council may accept all moneys available for any emergency or disaster as defined by the authority awarding such moneys; and provided further that all such moneys available to the general court or to either of its houses may be accepted by the respective presiding officers with the prior approval of the fiscal committee. Nothing herein shall be construed to affect the provisions of RSA 98:17-a.

II. Every board, agency, department or commission receiving such federal or other moneys shall attempt to apply them in whole or in part to the cost of personnel positions authorized by law so as to reduce the obligation of general funds, but if the salaries of such personnel positions cannot be paid out of such moneys then such positions shall be considered as specified in paragraph I.

III. All such moneys which fund personnel positions subject to the restrictions of this section shall be used only for the purposes or programs specified in the application for approval of the positions or as otherwise authorized by law, and all such moneys which are accepted in accordance with law are hereby appropriated.

Source. 1983, 469:84, eff. July 1, 1983.