

MAY 28 '21 PM 4:16 RCVD

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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

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JOHN M. FORMELLA
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL



May 27, 2021

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a VI, authorize the Department of Justice to accept and expend federal funds in the amount of \$1,429,178 from the American Rescue Plan (ARP) State Fiscal Recovery Funds (FRF) to fund investigation and prosecution of the criminal acts that occurred at the Youth Detention Center (YDC), upon approval of the Fiscal Committee and Governor and Council through June 30, 2023. 100% federal funds.
2. Contingent upon approval of Requested Action #1, pursuant to RSA 124:15, authorize the Department of Justice to create four full time temporary attorney positions, one temporary paralegal position, and one temporary legal assistant for assisting in the investigation and prosecution of criminal acts at the Youth Detention Center (YDC) effective upon Fiscal Committee and Governor and Council approvals through June 30, 2023.

Funds are to be budgeted in FY2022 and FY2023 in the following new account:

02-20-20-201510-24XX, Department of Justice, Division of Public Protection, titled "YDC Investigation ARP" as follows:

All transactions will be accounted for using activity codes to be determined and assigned by the Governor's Office for Emergency Relief and Recovery.

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Class	Description	FY22 Budget	FY23 Budget	Total FY 22/23 Budget
020-500200	Current Expenses	\$ 5,000	\$ 5,000	\$ 10,000
022-500248	Rents-Leases Other Than St	\$ 7,865	\$ 7,865	\$ 15,730
027-582703	Transfers to DoIT	\$ 13,500	\$ 13,500	\$ 27,000
030-500301	Equipment New Replacement	\$ 12,000	\$ 12,000	\$ 24,000
037-500177	Technology - Hardware	\$ 7,200	\$ 7,200	\$ 14,400
038-500173	Technology - Hardware	\$ 7,200	\$ 7,200	\$ 14,400
039-500188	Telecommunications	\$ 5,400	\$ 5,400	\$ 10,800
040-501587	Indirect Costs	\$ 80,000	\$ 80,000	\$ 160,000
041-500801	Audit Fund Set Aside	\$ 1,000	\$ 1,000	\$ 2,000
042-500620	Additional Fringe Benefits	\$ 1,250	\$ 1,250	\$ 2,500
059-500117	Temp Full Time	\$ 369,887	\$ 369,887	\$ 739,774
060-500612	Benefits	\$ 200,487	\$ 200,487	\$ 400,974
070-500704	In State Travel Reimb	\$ 1,800	\$ 1,800	\$ 3,600
080-500717	Out of State Travel Reimb	\$ 2,000	\$ 2,000	\$ 4,000
	TOTAL EXPENSES	\$714,589	\$714,589	\$1,429,178
000-400338		\$714,589	\$714,589	\$1,429,178
	TOTAL REVENUE	\$714,589	\$714,589	\$1,429,178

EXPLANATION

The Department of Justice will utilize American Rescue Plan (ARP) State Fiscal Recovery Funds (FRF) to assist in the investigation and prosecution of the criminal acts that are alleged to have occurred at the Youth Detention Center (YDC). The Department will hire four temporary attorneys, one temporary paralegal, and one temporary legal assistant to assist in interviewing alleged victims, investigating and prosecuting alleged perpetrators, document review and other casework, and any other tasks necessary to support the Department's efforts with respect to YDC. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(C) for the provision of necessary for government services.

The investigation and prosecution of the alleged criminal acts at the YDC is likely to be the largest single criminal investigation and prosecution in the history of the State. The work associated with these efforts presents the Department with a significant but one time need for new temporary staff.

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The Department is requesting funding for these positions through September 30, 2024 for a total amount of \$2,000,000. This request would authorize the expenditure of \$1,429,178 of these funds to fund these positions through June 30, 2023, and the Department expects to return to the Fiscal Committee in the Spring of 2023 to obtain approval to expend the remaining funds necessary to complete the funding of these positions through September 30, 2024.

Funds are budgeted as follows:

Class 020 – Current Expenses – office supplies, paper and printer ink for staff

Class 030 – Equipment – Office furniture for staff

Class 037 – Technology, Hardware – laptops, monitors and docking stations for staff

Class 038 – Technology, Software – standard software required for staff

Class 039 – Telecommunications – phones and phone lines for staff

Class 042 – Additional Fringe Benefits – post retirements expenses for staff

Class 059 – Temp Full Time – for the six temporary full-time positions requested above

Class 060 – Benefits – for the six temporary full-time positions requested above

Class 070 – In State Travel Reimbursement – mileage incurred for work related activities with regards to court proceedings, meetings with stakeholders and other in state travel requirements

Class 080 – Out of State Travel Reimbursement – For anticipated Federal meetings

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

1) *List of Personnel involved:*

Four full-time temporary Attorney

Position # 9TXXXXX

One full-time temporary Paralegal II

Position # 9TXXXXX

One full-time temporary Legal Assistant III

Position # 9TXXXXX

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- 2) *Nature, need and duration:*
The period of performance runs until September 30, 2024.
- 3) *Relationship to existing agency programs:*
These positions will enable a temporary expansion of the Department's criminal investigation and prosecution efforts in order to enable the Department to thoroughly investigate and prosecute cases stemming from alleged criminal acts at YDC.
- 4) *Has similar program been requested of the Legislature and denied?* No
- 5) *Why wasn't funding included in the agency's budget request?*
It was not known that these funds would be available at the time the agency established its FY22/FY23 biennial budget.
- 6) *Can portions of the grant funds be utilized for other purposes?*
These funds can only be used for the purpose of the grant award.
- 7) *Estimate the funds required to continue these positions:*
The need for these positions is expected to be temporary, and the positions will therefore not be continued beyond September 30, 2024.
- 8) *Geographic Area Served:*
Statewide
- 9) *Sources of Funds:*
Federal American Rescue Plan State and Local Fiscal Recovery Funds

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

Sincerely,



John M. Formella
Attorney General

TDK/tdk

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