

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

SEP04'19 PM 1:53 DAS

5D SAM

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 3, 2019

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

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice to amend an existing subgrant with the New Hampshire Department of Corrections, Concord NH (Vendor # 177896-B001, Purchase Order #1061520), approved by the Governor and Executive Council on May 2, 2018, item #103, and amended on December 19, 2018, item #5K, by extending the contract end date from September 30, 2019 to September 30, 2020, for the purpose of providing a residential substance abuse treatment program from the Federal Residential Substance Abuse Treatment Grant Program (RSAT) effective upon approval of the Governor and Executive Council. No additional funds are involved in this time extension.

EXPLANATION

The RSAT is a federal formula grant program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Its purpose is to assist states and units of local government to establish and maintain residential substance abuse treatment programs in correctional and detention facilities where adult and juvenile offenders are incarcerated for a sufficient period of time to permit substance abuse treatment.

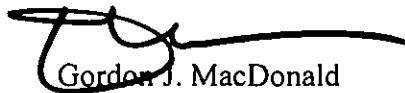
This request is to extend the end date of a dedicated residential treatment program at the NH Department of Corrections in order for the program to continue (100% Federal Funds).

In the event that federal funds become no longer available, general funds will not be requested to support this program.

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
September 3, 2019
Page 2 of 2

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

Respectfully submitted,



Gordon J. MacDonald
Attorney General

#2492770

STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE AND DEPARTMENT OF CORRECTIONS
SECOND MEMORANDUM OF UNDERSTANDING AMENDMENT

This amendment ("Amendment") is by and between the Department of Justice (DOJ) and the New Hampshire Department of Corrections (DOC).

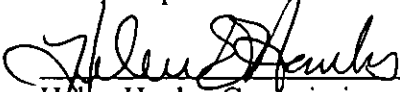
WHEREAS, pursuant to a Memorandum of Understanding ("MOU"), approved by the Governor and Executive Council on May 2, 2018, item #103 and amended on December 19, 2018, item #5k, the DOC agreed to provide services through their Parenting Wisely and other evidence-based treatment upon the terms and conditions specified in the MOU, and in consideration of payment by the DOJ of certain sums specified therein;

WHEREAS, pursuant to the provisions of part III; the MOU term may be extended at the agreement of both parties via Amendment and by approval of Governor and Executive Council.

WHEREAS, the DOC and the DOJ have agreed to amend the MOU in certain aspects;


NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the MOU, and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of MOU
 - a. Completion Date Change from 9/30/2019 to 9/30/2020.
2. Effective Date of Amendment
 - a. This Amendment shall take effect upon approval of the Governor and Executive Council.
3. Continuance of Agreement
 - a. Except as specifically amended and modified by the terms and conditions of this Amendment, the MOU and the obligations of the parties hereunder, shall remain in full force and effect with the terms and conditions set forth herein. IN WITNESS WHEREOF, the parties set their hand as of the day and year first above written.



Helen Hanks, Commissioner
Department of Corrections

9/3/19
Date



Kathleen B. Carr, Director of Administration
Department of Justice

9/3/19
Date

Approved by the Attorney General (Form, Substance and Execution)



Attorney

9/3/19
Date

ATTORNEY GENERAL ^{DEC05'18 AM 9:08 DAS}
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 4, 2018

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

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice to amend an existing subgrant with the New Hampshire Department of Corrections, Concord NH (Vendor # 177896-B001, Purchase Order #1061520), for the purpose of providing a residential substance abuse treatment program from the Federal Residential Substance Abuse Treatment Grant Program (RSAT), approved by the Governor and Executive Council on May 2, 2018, item #103, by extending the contract end date from December 31, 2018 to September 30, 2019, effective upon approval of the Governor and Executive Council. No additional funds are involved in this time extension.

EXPLANATION

The RSAT is a federal formula grant program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Its purpose is to assist states and units of local government to establish and maintain residential substance abuse treatment programs in correctional and detention facilities where adult and juvenile offenders are incarcerated for a sufficient period of time to permit substance abuse treatment.

This request is to extend the end date of a dedicated residential treatment program at the NH Department of Corrections in order for the program to continue (100% Federal Funds).

His Excellency, Governor Christopher T. Sununu
and the Honorable Council

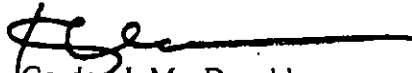
December 4, 2018

Page 2 of 2

In the event that federal funds become 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,



Gordon J. MacDonald
Attorney General

#2230734

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

APR 19 '18 AM 9:13 DAS

SGM
103

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03801-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

April 19, 2018

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

Your Excellency and Members of the Council:

REQUESTED ACTION

Authorize the Department of Justice to enter into subgrants with the agencies listed below totaling \$96,808 for residential substance abuse treatment programs from the Federal Residential Substance Abuse Treatment Grant Program (RSAT) upon Governor and Executive Council approval through December 31, 2018. 100% Federal Funds.

Funds are available as follows: 02-20-20-4475, Residential Substance Abuse Treatment, 072, Grants Federal.

<u>Account</u>	<u>Subgrantee</u>	<u>Vendor #</u>	<u>FY2018 Amount</u>
500574	Grafton County Department of Corrections	177397-B002	\$15,360
500574	Sullivan County Department of Corrections	177482-B007	\$32,000
500574	Merrimack County Department of Corrections	177435-B008	\$28,244
500576	NH Department of Corrections	177896-B001	<u>\$21,204</u>
		Total Subgrants:	<u>\$96,808</u>

EXPLANATION

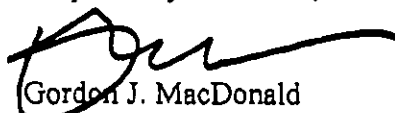
The RSAT is a federal formula grant program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Its purpose is to assist states and units of local government to establish and maintain residential substance abuse treatment programs in correctional and detention facilities where adult and juvenile offenders are incarcerated for a sufficient period of time to permit substance abuse treatment. These subgrants support on-going projects, including the program for women at the Grafton County jail, and dedicated residential treatment programs at the Sullivan County, Merrimack County, and N.H. Department of Corrections facilities.

His Excellency Governor, Christopher T. Sununu
and the Honorable Council
Page 2 of 2

In the event that federal funds become 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,



Gordon J. MacDonald
Attorney General

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into between the NH Department of Justice and the NH Department of Corrections.

I. PURPOSE:

The purpose of this MOU is to assist the New Hampshire Department of Corrections in supplementing its substance use disorder treatment program at the Northern Correctional Facility and the Concord Prison for Men by expanding its curricula to include "Parenting Wisely" and other evidence-based treatment modalities as approved in their application #2017RSA34.

II. BACKGROUND:

The New Hampshire Department of Justice has been designated the State Administering Agency for the Residential Substance Abuse Treatment ("RSAT") Grant Program for the State of New Hampshire. The 2016-2017 RSAT awards were set aside to be combined into one request for proposals to all correctional facilities in the state. Funding is being provided by the US Department of Justice, Bureau of Justice Assistance (BJA) in the form of a formula grant. As with all federal funding, future funding is not guaranteed nor should be expected.

III. TERM OF AGREEMENT:

This subaward will commence upon Governor and Executive Council approval and will expire on December 31, 2018, with the option, at the agreement of both parties, to extend the term of the subaward via Amendment and with the approval of Governor and Executive Council.

IV. AGREEMENT:

Parties to this MOU agree to the following:

NH Department of Corrections will, either directly or through its agents/contractors:

- Follow state guidelines, rules and regulations regarding procurement of supplies and other items pursuant to DOC Application #2016RSA34;
- Adhere to program requirements such as random drug/alcohol testing of participants, provide comprehensive aftercare for participants who leave the program, and maintain a database of program data points (attached as Appendix E).
- Provide either monthly or quarterly expenditure reports within fifteen days of the end of the reporting period to reflect expenditures made against the subgrant award until the award is fully expended;
- Provide a narrative and data on a quarterly basis on the progress of the program, including number of program participants, the ratio of program participants being randomly tested for illicit substances vs. the number of positive tests, the number of participants who successfully complete the program and the disposition of their cases, the

number of participants who were unsuccessful in completing the program and the reason(s) why, and other data points as outlined in Appendix E.

- Adhere to the requirements of the expending of federal funds as outlined in 2 CFR §200 and the Federal Financial Guide.
- Must allow access to backup financial documentation, program protocols and other grant related programmatic and financial materials to the NH Department of Justice and/or the United States Department of Justice at reasonable times as may be requested.
- Submit to enhanced desk reviews and/or site visits by the New Hampshire Department of Justice and/or the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

NH Department of Justice will, either directly or through its agents/contractors:

- Enter into a one-time subgrant not to exceed \$21,204.00 for the express purpose of enhancing the NHDOC's Substance Abuse Treatment Program at the Northern Correctional Facility and the Prison for Men in Concord. Future funding is not guaranteed nor to be expected.
- Provide technical support in managing programs that are funded by federal funds, including advising on allowable vs. disallowed expenses and guidance on quarterly reporting and other programmatic requirements.
- Ensure that the financial and programmatic requirements of the Residential Substance Abuse Treatment Program administered by the Bureau of Justice Assistance are adhered to by virtue of enhanced desk reviews, audits, site visits or other means as deemed necessary. Desk reviews and/or site visits will occur at least one time per calendar year.
- Agree to reimburse timely filed expenditure reports within fourteen days of receipt.

WE, THE UNDERSIGNED have read and agree with this MOU.

By: _____

Gordon J. MacDonald, Attorney General
NH Department of Justice

By: _____

Helen Hanks, Commissioner
NH Department of Corrections

Date: _____

3/2/18

Date: _____

3/2/18

**RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM
GUIDELINES AND CONDITIONS**

I, the below-named individual, on behalf of the below-named agency (hereinafter referred to as "subgrantee"), am legally authorized to submit and accept grants on behalf of the applicant agency, and hereby certify that the grant program outlined in this application package, if funded by Residential Substance Abuse Treatment Program grant funds, will adhere to the following guidelines and conditions:

1. The subgrantee assures that it will comply with the regulations, policies, and guidelines to satisfy requirements of the Office of Justice Programs, Bureau of Justice Assistance, Residential Substance Abuse Treatment Program. This includes random drug testing of RSAT program participants before, during and after participation, and a commitment to providing mandatory aftercare services to participants who have left the program.

2. The subgrantee agrees to adhere to the financial and administrative requirements as set forth in the current edition of the Office of Justice Programs "Financial Guide".

3. The subgrantee assures that federal funds received for this grant program will not be used to supplant State and local funds that would otherwise be available for the program's purpose. The subgrantee further assures that the Residential Substance Abuse Treatment Program grant funds will be expended only for purposes and activities covered by the subgrantee's approved application.

4. The subgrantee agrees to provide information on the program supported with Residential Substance Abuse Treatment Program grant funds as requested by the United States Department of Justice and the New Hampshire Department of Justice, Grants Management Unit, and to retain grant-related documentation for three (3) years after the close of the grant award period.

5. The subgrantee authorizes representatives from the United States Department of Justice and the New Hampshire Department of Justice to access and examine all records, books, papers, and/or documents related to this Residential Substance Abuse Treatment Program. Further, the subgrantee agrees to submit to performance monitoring visits by the New Hampshire Department of Justice and/or the United States Department of Justice on a periodic basis.

6. The subgrantee agrees to maintain detailed time and attendance records for any and all personnel positions funded with Residential Substance Abuse Treatment Program grant funds.

7/24
3/2/18

GUIDELINES AND CONDITIONS (Continued)

7. The subgrantee agrees that all Residential Substance Abuse Treatment Program grant funds will be expended on Residential Substance Abuse Treatment Program allowable activities as described in the subgrantee's program abstract narrative. The subgrantee must obtain prior written approval from the New Hampshire Department of Justice in order to make any changes in program activities, designs, budget plans or the grant ending date which were set forth in the subgrantee's application.

8. Equipment purchased with Residential Substance Abuse Treatment Program grant funds shall be Year 2000 compliant and shall be listed by the subgrantee on the agency inventory. The inventory must include the item description, serial number, cost, location, and percentage of federal Residential Substance Abuse Treatment Program grant funds.

9. The subgrantee agrees that the title to any equipment purchased Residential Substance Abuse Treatment Program funds will revert back to the New Hampshire Department of Justice, Grants Management Unit, when it is no longer being used for Residential Substance Abuse Treatment Program purposes for which it was acquired.

10. The subgrantee agrees to provide for an annual audit of the Residential Substance Abuse Treatment Program. Residential Substance Abuse Treatment Program funds will only pay its prorated share of the audit. This prorated share is the percentage of the Residential Substance Abuse Treatment Program grant award compared to the total agency budget. The audit shall be conducted in accordance with OMB Circular No. A-133 (revised 06/24/97). A copy of the completed audit report and management letters shall be sent to the New Hampshire Department of Justice, Grants Management Unit, annually. If the subgrantee is not required to perform an audit under the revised version of OMB Circular No. A-133, but an audit is still performed, the subgrantee agrees to provide a copy of said audit and management letters to the New Hampshire Department of Justice, Grants Management Unit.

11. The subgrantee and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discriminations, 28 CFR Part 35 and Part 39.

7/27
3/2/18

GUIDELINES AND CONDITIONS (Continued)

12. The subgrantee assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing against the subgrantee on the grounds of race, religion, national origin, sex, age, or disability, a copy of the finding will be submitted to the New Hampshire Department of Justice, Grants Management Unit and to the Office of Justice Programs, Office for Civil Rights, 810 Seventh Street NW, Washington DC 20531.

13. The subgrantee agrees to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Form (I-9). This form is to be used by the subgrantee to verify that persons employed by the subgrantee are eligible to work in the United States.

14. The subgrantee assures that no Federal appropriated funds have been paid or will be paid, by or on behalf of the subgrantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the subgrantee shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

15. Grants are funded for the grant award period noted on the grant award document. No guarantee is given or implied of subsequent funding in future years.

16. Pursuant to 23 USC §§402, 403 and 29 USC §668, the subgrantee agrees to encourage on-the-job seat belt policies and programs for their employees and contractors when operating company-owned, rented, or personally owned vehicles.

17. The subgrantee assures that all programs will conform to the federal grant program requirements. Specifically, such programs must include at a minimum the following statutory requirements: be 6 to 12 months in duration, be in a residential correctional or detention facility, be set apart from the general inmate population, utilize urinalysis or other proven reliable forms of testing, be substantially focused on the substance abuse problems of the inmate, and be intended to develop the cognitive, behavioral, social, vocational, and other skills necessary to solve a substance abuse or related problem.

7/5/18
3/2/18

18. All materials publicizing or resulting from award activities shall contain an acknowledgment of the awarding agency assistance. An acknowledgment of support shall be made through use of the following or comparable footnote: "This project was supported by Award No. 2017-RT-BX-0032 awarded by the Bureau of Justice Assistance, U.S. Department of Justice and administered through the New Hampshire Department of Justice."

19. Any publications (written, visual or sound), whether published through Federal grant funds or matching funds, shall contain the following statements: "This project was supported by Grant No. 2017-RT-BX-0032 awarded by the Bureau of Justice Assistance, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

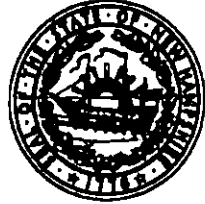
20. The subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries without the express prior written approval of the Office of Justice Programs, US Department of Justice.

21. The subgrantee understands and agrees that the RSAT program be utilizing only evidence-based practices and will be randomly testing RSAT program participants for licit and illicit substances while in the program.

Head of Agency *Helen E. Hanley* Helen E. Hanley Date: 3/2/18

Financial Officer *Robert H. Maddaus* Robert H. Maddaus Date: 3/2/18

DEPARTMENT OF JUSTICE
STATE OF NEW HAMPSHIRE



CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR §67.510, Participants' responsibilities. The intent of this Order was to ensure that no recipient of federal funds had been restricted from conducting business with the federal government due to any of the causes listed in 28 CFR §67.305 and 28 CFR §67.405.

By signing this document, you are certifying that neither your agency, nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any transaction by any Federal department or agency.

If you are unable to sign this certification, you must attach an explanation to this certification.

Helen E. Hanks Commissioner
Name and Title of Authorized Representative

Helen E. Hanks Signature 3/2/18 Date

NH Department of Corrections Concord, NH
Name and Address of Agency