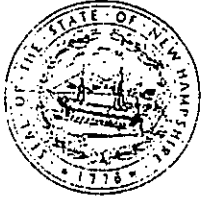


lll m.c



State of New Hampshire

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

ROBERT L. QUINN
COMMISSIONER OF SAFETY

July 25, 2019

The Honorable Mary Jane Wallner, 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 124:15 and contingent upon approval of requested action #2, authorize the Department of Safety, Bureau of Hearings, to retroactively amend Fiscal Item #FIS 18-185 approved on September 21, 2018 and Governor and Council Item #61, approved on October 3, 2018 to continue two existing temporary full-time Department of Safety Hearings Examiner Prosecutor (LG 31) positions and one existing full-time Hearings Paralegal (LG 16) position for the continued prosecution of DWI/DUI cases for New Hampshire State Police in circuit courts statewide. Effective upon Fiscal Committee and Governor and Council approval for the period of July 1, 2019 through September 30, 2019. Funding source: 100% Agency Income.

2. Authorize the Department of Safety, Bureau of Hearings, to retroactively accept and expend federal pass-through funds in the amount of \$89,971.00 from the Department of Safety, Office of Highway Safety, to continue to provide two existing grant-funded prosecutors and one existing paralegal to support the New Hampshire State Police for the prosecution of DWI/DUI alcohol and drug impaired driving cases statewide. Effective upon Governor and Council approval for the period of July 1, 2019 through September 30, 2019. Funding source: 100% Agency Income.

Funding will be budgeted as follows:

02-23-23-231010-51250000 Dept. of Safety – Office of the Commissioner – Hearings-Highway Safety Grants

| <u>Class</u> | <u>Description</u> | <u>SFY 2020 Adjusted Authorized Appropriation</u> | <u>Requested Action #2</u> | <u>Revised SFY 2020 Adjusted Authorized</u> |
|--------------|-----------------------------------|---|--------------------------------|---|
| 009-407085 | Agency Income | (\$0.00) | (\$89,971.00) | (\$89,971.00) |
| 020-500215 | Current Expense | 0.00 | 67.00 | 67.00 |
| 039-500215 | Telecommunications | 0.00 | 1,074.00 | 1,074.00 |
| 040-500800 | Indirect Costs | 0.00 | 11,630.00 | 11,630.00 |
| 059-500117 | Temp Full Time | 0.00 | 49,475.00 | 49,475.00 |
| 060-500601 | Benefits | 0.00 | 21,358.00 | 21,358.00 |
| 070-500705 | In State Travel Reimbursement | 0.00 | 1,667.00 | 1,667.00 |
| 080-500710 | Out of State Travel Reimbursement | 0.00 | 4,700.00 | 4,700.00 |
| | Total | \$0.00 | \$89,971.00 | \$89,971.00 |

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court

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

July 25, 2019

Page 2 of 3

Explanation

This request is retroactive because the attorneys and paralegal have continued working since July 1, 2019 to provide uninterrupted prosecution of DWI/DUI cases and continued support to the New Hampshire State Police at the applicable Troop stations. These federal pass-through funds will provide for the continuation of two existing temporary full-time prosecutor positions and one existing paralegal support position to assist with the prosecution of DWI/DUI cases in circuit courts statewide with an emphasis on the southern and western part of the state. The prosecutor positions were last authorized by the Fiscal Committee as Item # 17-182 on October 20, 2017, and by the Governor and Council as Item #43, approved on October 25, 2017. The paralegal position was authorized by the Fiscal Committee as Item #17-181 on October 20, 2017, and by the Governor and Council as Item #42 on October 25, 2017.

These cases being prosecuted by these positions are not just alcohol-related, but also include driving under the influence of drugs including opioids. The cases that are not being handled by these prosecutors due to caseload are being prosecuted by NH State Police troopers from the Troop stations in the applicable areas. At the present time in trooper prosecuted cases, a trooper may be at a disadvantage when the accused is represented by an attorney who oftentimes is an expert at defending DWI/DUI cases. These temporary full-time prosecutor positions provide not only attorney prosecution of DWI/DUI cases, but also provide additional training to State Police to include having a biannual DWI/DUI focused prosecution school that provides training on DWI/DUI case investigation and on sobriety checkpoints. These attorneys are able to provide guidance in the proper investigation and presentation of DWI/DUI cases along with legal assistance, including answering legal questions by phone and email, reviewing search warrant applications on DWI/DUI cases, and other technical assistance. The one temporary full-time paralegal position provides the prosecutors with support through file preparation, research, and other prosecution case support services.

These positions enable State Troopers to spend more time patrolling and less time on the administrative work that case prosecution requires. These positions allow the state to achieve a greater likelihood of successful case prosecution, and fewer drunk drivers are able to avoid consequences by exploiting legal technicalities.

The funds are to be budgeted as follows:

Funds in Class 39, Telecommunications, are needed to pay for office phones and cell phones.

Funds in Class 40, Indirect Costs, are needed to pay indirect costs on eligible expenses.

Funds in Class 59, Temp Full Time, are needed to pay salaries for these two temporary full-time positions.

Funds in Class 60, Benefits, are needed to pay the benefits associated with these two positions.

Funds in Class 70, In State Travel Reimbursement, are needed to pay expenses associated with the in-state travel required for these positions.

Funds in Class 80, Out of State Travel Reimbursement, are needed to pay for these positions to attend conferences and training related to impaired driving.

Listed below are answers to standard questions required of all Fiscal Committee item requests related to RSA 9:16-a, "Transfers Authorized", RSA 14:30-a, VI, "Expenditure of Funds Over \$100,000 from any Non State Source", or RSA 124:15, "Positions Authorized", and all emergency requests pursuant to "Chapter 145, subparagraph I (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

- 1) *Is the action required of this request a result of the Continuing Resolution for FY 2020?* No, this action would also have been required if an operating budget were enacted.
- 2) *If this request is retroactive, what is the significance and importance of the action being effective from an earlier date?*
The attorneys and paralegal have continued working since July 1, 2019 to provide uninterrupted prosecution of DWI/DUI cases and have been paid from the effective date.

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court

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

July 25, 2019

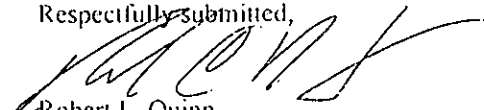
Page 3 of 3

- 3) *Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)* The original authorization for the prosecutors was approved by Fiscal Committee on January 22, 2016 as item #FIS 16-016 and by Governor and Council on February 10, 2016 as item #53. It has been reapproved each year since the original approval. The paralegal was originally approved by Fiscal Committee on October 20, 2017 as item #FIS 17-181 and Governor and Council on October 25, 2017 as item #42, and reapproved each year thereafter.
- 4) *Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?* No.
- 5) *Is this program, in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?* No.
- 6) *Does this program include either positions or consultants and, if so, are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)* All three of the positions are filled. One prosecutor is assigned to Troop A in Epping. The second prosecutor is assigned at Hazen Drive but handles cases in the Troop F area courts. The paralegal is assigned in Concord and supports the Troop F prosecutor as well as at other offices as needed.
- 7) *What would be the effect should this program be discontinued or not initiated as a result of this request being denied?* A denial would result in the loss of three positions. Without the two prosecutors handling critical DWI case prosecutions and the support paralegal, these cases would be prosecuted by State Troopers resulting in less available patrol time due to increased trooper court time and administrative work that would be required to prepare cases.

The following information is provided in accordance with the comptroller's instructional memorandum dated September 12, 1981.

- 1) *List of personnel involved:* Two existing temporary full-time Hearings Examiner Prosecutors (LG 31, Step 6, and LG 31, Step 1) and one existing temporary full-time Hearings Paralegal (LG 16, Step 1)
- 2) *Nature, Need, and Duration:* These positions assist with prosecuting DWI/DUI cases, both alcohol-related and impaired driving cases involving drugs, including opioids. Currently, in the state courts where these cases are being prosecuted, approximately 40% of these cases are being handled by an attorney with the remaining being prosecuted by NH State Troopers. These positions provide for increased attorney prosecution of DWI/DUI cases with the goal being to have all State Police DWI/DUI cases prosecuted by an attorney prosecutor rather than a trooper. These positions will continue as long as funding is received.
- 3) *Relationship to existing agency programs:* The two existing DWI/DUI prosecutors enhance the Department of Safety Prosecution unit which, in turn, benefits State Police and other DOS law enforcement divisions such as Marine Patrol and the Fire Marshall's office. The one existing paralegal assists the two prosecutors by performing the support tasks required for DWI/DUI 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 duration of these positions was unknown at the time the budget was created.
- 6) *Can portions of the grant funds be utilized?* Grant funds are being utilized for these positions.
- 7) *Estimate the funds required to continue this position:* The approximate cost of these positions is \$70,833.00 over the grant period.

Respectfully submitted,



Robert L. Quinn
Commissioner of Safety

Department of Safety
Hearings - Highway Safety Grants
Fiscal Situation

Federal Funds awarded:

| | |
|---|----------------------|
| FFY 2019 - Impaired Driver Prosecutor Paralegal Support Grant 10/1/2018-9/30/2019 | \$ 74,524.78 |
| FFY 2019 - Impaired Driving Prosecutors Grant - 10/1/2018-9/30/2019 | \$ 265,345.89 |
| Total Grant Funds Awarded | \$ 339,870.67 |

| | |
|------------------------|----------------------|
| Less SFY 2019 expenses | \$ 118,700.75 |
| Total | \$ 118,700.75 |

Net Grant Funds Remaining \$ 221,169.92

Less SFY 2020 Adjusted Authorized \$0.00
02-23-23-231010-51250000

Excess grant funds available to appropriate \$ 221,169.92

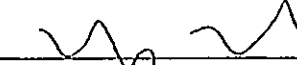
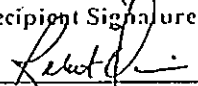
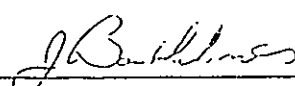
This Request: \$ 89,971.00

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
mutually agree as follows:
GENERAL PROVISIONS

Project Title: Department of Safety Impaired Driving Prosecutors & Paralegal Support Project #: 19-250

1. Identification and Definitions:

| | | | |
|---|---------------------------------|---|---------------------------------------|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Second Floor Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.casko@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify)) | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 223-S047 | 1.6. Effective Date 10/01/18 | 1.7. Completion Date 9/30/19 | 1.8. Grant Limitation \$339,870.67 |
| 1.9. Grant Officer for State Agency John Clegg | | 1.10. State Agency Telephone Number 271-2893 | |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." | | | |
| 1.11. Subrecipient Signature 1  | | 1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator of Hearings/Prosecution NH Department of Safety | |
| Subrecipient Signature 2  | | Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner | |
| Subrecipient Signature 3 | | Name & Title of Subrecipient Signor 3 | |
| 1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal) | | 1.13.2 Name & Title of Notary Public or Justice of the Peace | |
| 1.14. State Agency Signature(s)  | | 1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: <u>8/27/18</u> | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if C & C approval required) By: _____ Assistant Attorney General, On: / / | | | |
| 1.17. Approval by Governor and Council (if applicable) By: _____ On: / / | | | |

2. **SCOPE OF WORK** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-G), the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project")

Subrecipient Initials CC Rud Date 8/27/18

APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

State of New Hampshire
Office of Highway Safety
33 Hazen Drive
Concord, NH 03305

For HSA Use Only

| | |
|---------------|----------------|
| Date Received | Project Number |
| Date Approved | PSP and Task # |

Part I

| | |
|---|--|
| 1. Project Title- Department of Safety Impaired Driving Prosecutor Paralegal Support | 2. Type of Application (Check One) <input type="checkbox"/> Initial <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Continuation |
|---|--|

| | |
|--|--|
| 3. Applicant | |
| A. Name of Agency- Department of Safety Department/Organization/etc- Commissioner's Office- Bureau of Hearings/Prosecution | B. Address of Agency- NH Department of Safety 33 Hazen Concord, NH 03305 |
| 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 |

| | |
|---|---|
| 4. Contract Duration A. Contract Period Start Date: October 1, 2018 Termination Date: September 30, 2019 | 5. Functional Area M60T-405D Impaired Driving Low CFDA# 20.616 Program Title State & Community Highway Safety Funding Source National Highway Traffic Safety Administration |
|---|---|

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 | \$59,960.41 | | | | |
| b. Current Expenses | \$1,390.00 | | | | |
| c. Equipment | | | | | |
| d. Indirect Costs & Audit | \$8,174.37 | | | | |
| e. Contractual Services | | | | | |
| f. Travel Expenses | \$5000 | | | | |
| Total Estimated Costs (Include Non-Federal Share) | \$74,524.78 | | | | |

| |
|--|
| 7. Local Benefit. It is anticipated that the federal share for local benefit will be: 0% |
|--|

Part II

BUDGET AND PERSONNEL DATA

| | | |
|--|---|-----------------------|
| a. Personnel Services - DOS DWI Prosecutor (2)- (1) Labor Grade 31, step 4, \$73,359 & (1) Labor Grade 31, step 7, \$84,143 Salary: \$157,502 Benefits: Social Security: \$9340 Medicare: \$2185 Retirement: \$19,128 Health Insurance: \$34,999 Dental Insurance: \$2563 Life Insurance: \$34 | Salary: \$157,502 Benefits: \$68,249 | \$225,751 |
| b. Current Expenses Telephone (including cell) DOIT Transfers Department of Safety Network Fee | \$250 \$1140 | \$1390 |
| c. Equipment | | |
| d. Indirect Costs and Audit Expense \$236,241.00 x .1232 | \$29,104.89 | \$29,104.89 |
| e. Contractual Services | | |
| f. Travel Expenses. In-State: Milcage, lodging, meals, etc. Out-of-State Conferences: Registration, airfare, meals, lodging, etc. | \$9,100.00 | \$9,100.00 |
| Total | \$265,345.89 | \$265,345.89 * |

In Kind Match For This Project = \$66,336.47(405D fund)

This in kind match shall be supported by the Department of Safety prosecutor positions or related work.

+ 74,524.78 para
4339, 870167 supp

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 Christopher Casco | 2) Title NH Department of Safety Administrator of Hearings/Prosecution | 3) Address 33 Hazen Drive Concord, NH 03305 |
| 4) Signature X | | 5) Telephone Number 223-8017 |
| B. Authorized Official | | |
| 1) Name Steven Lavoie | 2) Title Director of Administration NH Department of Safety | 3) Address 33 Capitol Street Concord, NH 03301-6397 |
| 4) Signature X | | 5) Telephone Number 223-8000 |

Part IV



State of New Hampshire

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

JOHN J. BARTHELMES
COMMISSIONER

Jesca # FIS 18-185
09-21-2018

August 16, 2018

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

GC # 61
10-03-2018

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, authorize the Department of Safety, Bureau of Hearings to amend Fiscal Committee item #17-181, approved on October 20, 2017, and Governor and Council item #42, approved on October 25, 2017, by transferring \$8,723.00 within the account entitled "Hearings-Highway Safety Grants" to realign funding within the grant budget. Effective upon Fiscal Committee and Governor and Council approvals through June 30, 2019. Funding source: 100% Agency Income.
2. Pursuant to RSA 14:30-a, authorize the Department of Safety, Bureau of Hearings to accept and expend federal pass-through funds in the amount of \$247,665.00 from the Department of Safety, Office of Highway Safety, to continue to provide two existing grant-funded prosecutors and one existing paralegal to support the New Hampshire State Police for the prosecution of DWI/DUI alcohol and drug impaired driving cases statewide. Effective upon Fiscal Committee and Governor and Council approvals through June 30, 2019. Funding source: 100% Agency Income.
3. Pursuant to RSA 124:15 and contingent upon approval of requested action #2, authorize the Department of Safety, Bureau of Hearings, to continue two existing temporary full-time Department of Safety Hearings Examiner Prosecutor (LG 31) positions and one existing full-time Hearings Paralegal (LG 16) position for the continued prosecution of DWI/DUI cases for New Hampshire State Police in circuit courts statewide. Effective upon Fiscal Committee Governor and Council approvals through June 30, 2019. Funding source: 100% Agency Income.

Funding will be budgeted as follows:

02-23-25-231010-51250000 Dept. of Safety - Office of the Commissioner - Hearings-Highway Safety Grants

| <u>Class</u> | <u>Description</u> | <u>SFY 2019 Adjusted Authorized Appropriation</u> | <u>Requested Action #1</u> | <u>Requested Action #2</u> | <u>Revised SFY 2019 Adjusted Authorized</u> |
|--------------|---------------------------|---|--------------------------------|--------------------------------|---|
| 009-407085 | Agency Income | (\$296,169.86) | \$0.00 | (\$247,665.00) | (\$543,834.86) |
| 020-500215 | Current Expense | 152.00 | 0.00 | 1,000.00 | 1,152.00 |
| 030-500310 | Equipment New Replacement | 1,767.12 | 0.00 | 0.00 | 1,767.12 |
| 039-500215 | Telecommunications | 1,418.01 | 0.00 | 1,534.00 | 2,952.01 |
| 040-500800 | Indirect Costs | 30,071.65 | 8,723.00 | 18,956.00 | 57,750.65 |
| 059-500117 | Temp Full Time | 125,491.79 | 0.00 | 153,174.00 | 278,665.79 |

Department of Safety
Hearings - Highway Safety Grants
Fiscal Situation

Federal Funds awarded:

| | |
|---|----------------------|
| FFY 2018 - Impaired Driver Prosecutor Paralegal Support Grant 10/1/2017-9/30/2018 | \$ 82,960.46 |
| FFY 2018 - Impaired Driving Prosecutors Grant - 10/1/2017-9/30/2018 | \$ 284,426.56 |
| FFY 2019 - Impaired Driver Prosecutor Paralegal Support Grant 10/1/2018-9/30/2019 | \$ 74,524.78 |
| FFY 2019 - Impaired Driving Prosecutors Grant - 10/1/2018-9/30/2019 | \$ 265,345.89 |
| Total Grant Funds Awarded | <u>\$ 707,257.69</u> |

| | |
|------------------------|----------------------|
| Less SFY 2018 expenses | \$ 163,422.41 |
| Total | <u>\$ 163,422.41</u> |

Net Grant Funds Remaining \$ 543,835.28

Less SFY 2018 Adjusted Authorized \$296,169.86
02-23-23-231010-51250000

Excess grant funds available to appropriate \$ 247,665.42

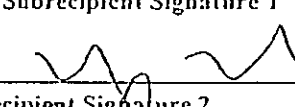
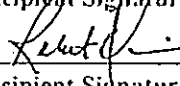
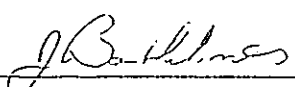
This Request \$ 247,665.00

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Department of Safety Impaired Driving Prosecutors & Paralegal I Support Project #: 19-250

I. Identification and Definitions:

| | | | |
|---|---------------------------------|---|---------------------------------------|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Second Floor Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.casko@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify)) | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 223-8047 | 1.6. Effective Date 10/01/18 | 1.7. Completion Date 9/30/19 | 1.8. Grant Limitation \$339,870.67 |
| 1.9. Grant Officer for State Agency John Clegg | | 1.10. State Agency Telephone Number 271-2893 | |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." | | | |
| 1.11. Subrecipient Signature 1  | | 1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator of Hearings/Prosecution NH Department of Safety | |
| Subrecipient Signature 2  | | Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner | |
| Subrecipient Signature 3 | | Name & Title of Subrecipient Signor 3 | |
| 1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal) | | 1.13.2 Name & Title of Notary Public or Justice of the Peace | |
| 1.14. State Agency Signature(s)  | | 1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: 8/27/18 | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if C & C approval required) By: Assistant Attorney General, On: / / | | | |
| 1.17. Approval by Governor and Council (if applicable) By: On: / / | | | |

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

Subrecipient Initials cc Rud

Part II

BUDGET AND PERSONNEL DATA

| | | |
|---|--|----------------------|
| a. Personnel Services -- DOS DWI Prosecutor Paralegal (I)- Labor Grade 16, step 2, \$35,627 Salary: \$1,317 pay period x 26 pay periods Benefits: Social Security: \$2123 Medicare: \$496.51 Retirement: \$4161 Health Insurance: \$16,616 Dental Insurance: \$921 Life Insurance: \$16.90 | Salary: \$35,626 Benefits: \$24,334.41 \$59,960.41 | \$59,960.41 |
| b. Current Expenses Telephone (including cell) DOIT Transfers Department of Safety Network Fee | \$250 \$1140 | \$1,390.00 |
| c. Equipment | | |
| d. Indirect Costs and Audit Expense \$66,350.41 x .1232 | \$8,174.37 | \$8,174.37 |
| e. Contractual Services | | |
| f. Travel Expenses In-State: Mileage, lodging, meals, etc. Out-of-State Conferences: Registration, airfare, meals, lodging, etc. | \$5000 | \$5000 |
| Total | \$74,524.78 | \$74,524.78 * |

In Kind Match For This Project = \$18,631.20 (405D fund)

This in kind match shall be supported by the Department of Safety prosecutor positions or related work.

+ 265,345.89 per
\$339,870.67

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 Christopher Casco | 2) Title NH Department of Safety Administrator of Hearings/Prosecution | 3) Address 33 Hazen Drive Concord, NH 03305 |
| 4) Signature X | | 5) Telephone Number 223-8047 |
| B. Authorized Official | | |
| 1) Name Steven Lavoic | 2) Title Director of Administration NH Department of Safety | 3) Address 33 Capitol Street Concord, NH 03301-6397 |
| 4) Signature X | | 5) Telephone Number 223-8000 |

Part IV (For HSA Use Only)

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Impaired Driving Prosecutors

Project #: 308-18S-023

1. Identification and Definitions.

| | | | |
|---|---------------------------------|---|---|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.casko@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 223-3888 | 1.6. Effective Date 10/01/17 | 1.7. Completion Date 09/30/18 | 1.8. Grant Limitation \$284,426.56 * |
| 1.9. Grant Officer for State Agency John Clegg | | 1.10. State Agency Telephone Number 271-2893 | |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." | | | |
| 1.11. Subrecipient Signature 1 | | 1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator, Bureau of Hearings Department of Safety | |
| Subrecipient Signature 2 <i>Robert L. Quinn</i> | | Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner | |
| Subrecipient Signature 3 | | Name & Title of Subrecipient Signor 3 | |
| 1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal) | | 1.13.2 Name & Title of Notary Public or Justice of the Peace | |
| 1.14. State Agency Signature(s) <i>John J. Barthelmes</i> | | 1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: <u>10-2-17</u> | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / / | | | |
| 1.17. Approval by Governor and Council (if applicable) By: _____ On: / / | | | |

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-6, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

Subrecipient Initials _____ Date _____

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
September 15, 2017
Page 2 of 3

Explanation

These funds will provide for two (2) temporary full-time paralegal positions to support the prosecution of DWI/DUI cases in circuit courts statewide with an emphasis on the northern and western parts of the state. The cases being prosecuted are not only alcohol-related, but also include driving under the influence of drugs including opioids. Currently, the traveling prosecuting attorneys assigned to areas such as the North Country and the Keene area in the western section of the State are only able to prosecute approximately 50% of the impaired driving cases due to the caseload involving these offenses. The remaining cases are being prosecuted by NH State Police troopers from the troop stations in these areas. In trooper prosecuted cases, a trooper may be at a disadvantage when the accused is represented by an attorney who oftentimes is an expert at defending DWI cases.

These paralegal positions will provide file preparation, research, and other prosecution case support services for the two current grant-funded prosecutors. These positions will also assist these DWI/DUI prosecutors with tasks such as answering legal questions by phone and email, reviewing search warrant applications on DWI cases, thus allowing the prosecutors to provide greater assistance in the larger troops and assume responsibility for the DWI prosecution in all secondary courts in Troops A, B, and D. Other areas of support from these paralegals will be additional training to State Police which will include having DWI focused prosecution schools and mock trial seminars throughout the year, along with training on DWI case investigation and on sobriety checkpoints.

These positions will enhance the DOS prosecution unit's mission to support the effective prosecution of all DWI/DUI cases for State Police, which will result in State Troopers spending more time patrolling and less time on the administrative work that case prosecution requires. This will allow the State to achieve a greater likelihood of successful case prosecution so that fewer drunk drivers are able to avoid consequences by exploiting legal technicalities.

The funds are to be budgeted as follows:

Funds in Class 30, Equipment, are needed to pay for computers.

Funds in Class 39, Telecommunications, are needed to pay for office phones and cell phones.

Funds in Class 40, Indirect Costs, are needed to pay indirect costs on eligible expenses.

Funds in Class 59, Temp Full Time, are needed to pay salaries for these two temporary, full time positions.

Funds in Class 60, Benefits, are needed to pay the benefits associated with these two positions.

Funds in Class 70, In State Travel Reimbursement, are needed to pay expenses associated with the in-state travel required for these positions.

The following information is provided in accordance with the comptroller's instructional memorandum dated September 12, 1981.

1) *List of personnel involved:* Two temporary, full-time Hearings Paralegals (LG 16- step 1, and LG 16 Step 3)

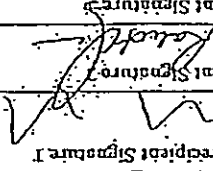
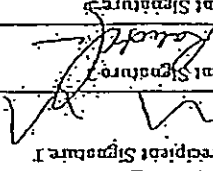
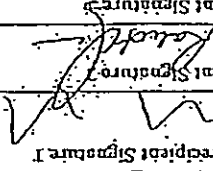
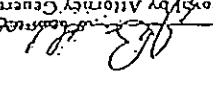
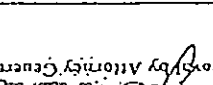
2) *Nature, Need, and Duration:* These positions assist and provide all support work for two (2) attorneys currently prosecuting DWI/DUI cases, both alcohol-related and impaired driving cases involving drugs including opioids. Currently in approximately one-half of the state courts where these cases are being tried, prosecution was previously done by a Department of Safety attorney prosecutor with the remaining cases in these state courts being prosecuted by NH State Troopers. These positions provide for increased support of attorney prosecution of DWI/DUI cases with the goal being to have all State Police DWI cases prosecuted by an attorney rather than a trooper. The support work will include preparing all case files for attorney grant prosecutors, research and writing to support the case prosecution, scheduling hearings and trials for prosecutors, issuing subpoenas to witnesses, and cancelling witnesses when not needed, and acting as the liaison for all case prosecutions with citizens, defense attorneys, and the circuit courts. These positions will continue as long as funding is received.

Department of Safety
Hearings - OHS Grants
Fiscal Situation

| | |
|---|----------------------------|
| Federal Funds awarded: | |
| FFY 2017 - Impaired Driving Prosecutors Grant - 10/1/2016-9/30/2017 | \$ 270,978.16 |
| FFY 2018 - Impaired Driver Prosecutor Paralegal Support Grant 10/1/2016-9/30/2018 | <u>\$ 82,960.46</u> |
| Total Grant Funds Awarded | \$ 353,938.62 |
| | |
| Less SFY 2017 expenses | <u>\$ 134,824.59</u> |
| Total | \$ 134,824.59 |
| | |
| Net Grant Funds Remaining | \$ 219,114.03 |
| | |
| Less SFY 2018 Adjusted Authorized 02-23-23-231010-51250000 | \$136,153.00 |
| | |
| Excess grant funds available to appropriate | <u><u>\$ 82,961.03</u></u> |
| | |
| This Request | \$ 82,960.00 |

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby mutually agree as follows:
 Project Title: Impaired Driving Prosecutors
 Project #: 308-175-095

| | | | |
|--|--|---|--|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.casho@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State 060340564 | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 222-3888 | | 1.6. Effective Date 10/01/16 | |
| 1.9. Grant Officer for State Agency John Clegg | | 1.10. State Agency Telephone Number 771-2893 | |
| 1.7. Completion Date 09/30/17 | | 1.8. Grant Location * 5209787165 | |
| "By signing this form we certify that we have completed with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95b." | | | |
| 1.11. Subrecipient Signature I  | | 1.12. Name & Title of Subrecipient Signor I Christopher Caske, Administrator, Bureau of Hearings Department of Safety | |
| Subrecipient Signature II  | | 1.13. Name & Title of Subrecipient Signor II Robert L. Quinn, DOS Assistant Commissioner | |
| Subrecipient Signature III  | | 1.14. Name & Title of Subrecipient Signor III Brenda L. Hume, Justice of the Peace Justice of the Peace 8-S-20 | |
| 1.13.1 Signature of Notary Public or Justice of the Peace (Seal) Brenda L. Hume | | 1.13.2 Name & Title of Notary Public or Justice of the Peace Justice of the Peace 8-S-20 | |
| 1.13. Acknowledgment: State of New Hampshire, County of Merrim, on 9/28/16 before the undersigned officer, personally appeared the person(s) identified in block 1.12, known to me (or satisfactorily proved) to be the person(s) whose name is signed in block 1.11, and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.14. State Agency Signature(s)  | | 1.15. Name & Title of State Agency Signor(s) Joba J. Bartholme, Commissioner NH Department of Safety Date: 9-29-16 | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if C & C approval required)  | | Assistant Attorney General, On: / / | |
| 1.17. Approval by Governor and Council (if applicable) On: / / | | | |

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (attachee referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (attachee referred to as "the Subrecipient") shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being heretofore referred to as "the Project").

COMMITTEE - 07-2017-02



State of New Hampshire

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

JOHN J. BARTHELME
COMMISSIONER

Fiscal # FIS 17-182
10-20-2017

September 18, 2017

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

GC # 43
10-25-2017

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, authorize the Department of Safety, Bureau of Hearings to retroactively accept and expend funds in the amount of \$284,426.00 from the Department of Safety, Office of Highway Safety, to continue to provide two grant-funded prosecutors to support the New Hampshire State Police for the prosecution of DWI/DUI cases statewide. Effective upon Fiscal Committee and Governor and Council approvals for the period of October 1, 2017 through September 30, 2018. Funding source: 100% Agency Income.

2. Pursuant to RSA 124:15 and contingent upon approval of requested action #1, authorize the Department of Safety, Bureau of Hearings, to retroactively continue two (2) temporary full-time Department of Safety Hearings Examiner Prosecutor (L.G 31) positions for continued prosecution of DWI/DUI cases for New Hampshire State Police in circuit courts statewide. These positions were last authorized by the Fiscal Committee as Item # 17-130, approved on August 25, 2017, and by the Governor and Council as Item #92, approved on August 23, 2017. Effective upon Fiscal Committee Governor and Council approvals for the period of October 1, 2017 through September 30, 2018. Funding source: 100% Agency Income.

Funding will be budgeted as follows:

02-23-23-231010-51250000 Dept. of Safety - Office of the Commissioner - Hearings-Highway Safety Grants

| Class | Description | SFY 2018 Adjusted | Requested Action | Revised SFY 2018 |
|------------|-----------------------------------|--------------------------|------------------|---------------------|
| | | Authorized Appropriation | | Adjusted Authorized |
| 009-407085 | Agency Income | (\$136,153.00) | (\$284,426.00) | (\$420,579.00) |
| 020-500215 | Current Expense | 250.00 | 0.00 | 250.00 |
| 039-500215 | Telecommunications | 479.00 | 1,640.00 | 2,119.00 |
| 040-500800 | Indirect Costs | 14,608.00 | 27,793.00 | 42,401.00 |
| 059-500117 | Temp Full Time | 65,020.00 | 154,006.00 | 219,026.00 |
| 060-500601 | Benefits | 32,836.00 | 74,117.00 | 106,953.00 |
| 070-500705 | In State Travel Reimbursement | 22,960.00 | 23,870.00 | 46,830.00 |
| 080-500710 | Out of State Travel Reimbursement | 0.00 | 3,000.00 | 3,000.00 |
| | Total | \$136,153.00 | \$284,426.00 | \$420,579.00 |

The Honorable Neal M. Kirk, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
September 18, 2017
Page 3 of 3

- 6) *Can portions of the grant funds be utilized?* Grant funds are being utilized for these positions.
- 7) *Estimate the funds required to continue this position:* The approximate cost of these positions is \$228,123.00 over the grant period.

Respectfully submitted,


John J. Barthelmes
Commissioner of Safety

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Impaired Driving Prosecutors

Project #: 308-18S-093

I. Identification and Definitions.

| | | | |
|---|---------------------------------|--|---|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.casko@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 223-3888 | 1.6. Effective Date 10/01/17 | 1.7. Completion Date 09/30/18 | 1.8. Grant Limitation \$284,426.56 * |
| 1.9. Grant Officer for State Agency John Clegg | | 1.10. State Agency Telephone Number 271-2893 | |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." | | | |
| 1.11. Subrecipient Signature 1 | | 1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator, Bureau of Hearings Department of Safety | |
| Subrecipient Signature 2 <i>Robert L. Quinn</i> | | Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner | |
| Subrecipient Signature 3 | | Name & Title of Subrecipient Signor 3 | |
| 1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal) | | 1.13.2 Name & Title of Notary Public or Justice of the Peace | |
| 1.14. State Agency Signature(s) <i>John J. Barthelmes</i> | | 1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: 10-2-17 | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / / | | | |
| 1.17. Approval by Governor and Council (if applicable). By: _____ On: / / | | | |

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:255-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

Subrecipient Initials _____ Date _____
Page 1 of 3



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER

33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

Fiscal # FIS 16-016
01-22-2016

January 4, 2016

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

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

GC#53
02-10-2016

Requested Action

1. Pursuant to RSA 14:30-a, authorize the Department of Safety, Bureau of Hearings to accept and expend funds in the amount of \$257,346.00 from the Department of Safety, Office of Highway Safety, (formerly the NH Highway Safety Agency) for the purpose of providing two (2) additional prosecutors to support the New Hampshire State Police for the prosecution of DWI/DUI court cases statewide. Effective upon Fiscal Committee and Governor and Council approvals through September 30, 2016. Funding source: 100% Agency Income.
2. Pursuant to RSA 124:15 and contingent upon approval of requested action #1, authorize the Department of Safety, Bureau of Hearings, to establish two (2) temporary full-time Department of Safety Hearings Examiner Prosecutor (LG 31) positions for the purpose of prosecuting DWI/DUI and impaired driving cases for New Hampshire State Police statewide in circuit courts. Effective upon Fiscal Committee and Governor and Council approvals through September 30, 2016. Funding source: 100% Agency Income.

Funds are to be budgeted in SFY 2016 in the following account:

02-23-23- 231010-51250000 Dept. of Safety – Office of the Commissioner – Hearings-HSA Grants

| Class | Description | Current SFY 2016 Appropriation | Requested Action | Revised SFY 2016 Adjusted Authorized |
|------------|-------------------------------|-----------------------------------|------------------|--|
| 009-407085 | Miscellaneous Revenue | \$0.00 | (\$257,346.00) | (\$257,346.00) |
| 020-500215 | Current Expense | 0.00 | 250.00 | 250.00 |
| 039-500188 | Telecommunications | 0.00 | 1,140.00 | 1,140.00 |
| 030-500310 | Equipment | 0.00 | 4,000.00 | 4,000.00 |
| 040-500800 | Indirect Costs | 0.00 | 29,384.00 | 29,384.00 |
| 059-500117 | Temp- Full Time | 0.00 | 134,862.00 | 134,862.00 |
| 060-500601 | Benefits | 0.00 | 60,590.00 | 60,590.00 |
| 070-500705 | In State Travel Reimbursement | 0.00 | 22,120.00 | 22,120.00 |
| 080-500710 | Out of State Travel Reimb | 0.00 | 5,000.00 | 5,000.00 |
| | Org 5125 Totals | \$0.00 | \$257,346.00 | \$257,346.00 |

Explanation

These funds will provide for two (2) temporary full-time prosecutor positions to assist with the prosecution of DWI/DUI cases in circuit courts statewide, with an emphasis on the northern and western part of the state. These cases are not only alcohol-

The Honorable Neal M. Kurk, Chairman,
Fiscal committee of the General Court

Her Excellency, Governor Margaret W. Hassan
and the Honorable Council
January 4, 2016
Page 2 of 2

related, but also include driving under the influence of drugs, including opioids. Currently, the traveling prosecuting attorney assigned to areas such as the North Country and the western area of the State is able to prosecute approximately 50% of the impaired driving cases due to the caseload involving these offenses. The remaining cases are being prosecuted by NH State Police Troopers from the Troop stations in these areas.


These temporary, full-time positions will provide not only for attorney prosecution of all DWI/DUI cases, but will also provide additional training to State Police to include having a DWI focused prosecution school twice per year and providing training on DWI case investigation and on sobriety checkpoints. They will be able to provide guidance in the proper investigation and presentation of DWI cases along with legal assistance, including answering legal questions by phone and email, reviewing search warrant applications on DWI cases, and other technical assistance. Moreover, this will allow the current coverage prosecutor to provide greater assistance in the larger troops and assume responsibility of the DWI prosecution in all secondary courts in Troops A, B, and D.

These positions will enable State Troopers to spend more time patrolling and less time on the administrative work that case prosecution requires. It will also allow the state to achieve a greater likelihood of successful case prosecution, and fewer drunk drivers will be able to avoid consequences by exploiting legal technicalities. Currently in trooper prosecuted cases, a trooper may be at a disadvantage when the accused is represented by an attorney who is oftentimes an expert at defending DWI cases.

The following information is provided in accordance with the comptroller's instructional memorandum dated September 12, 1981.

- 1) *List of personnel involved:* Two temporary, full-time Hearings Examiner Prosecutors (LG 31).
- 2) *Nature, Need, and Duration:* These positions will assist with prosecuting DWI/DUI cases, both alcohol-related and impaired driving cases involving drugs including opioids. Currently, in approximately one-half of the state courts in which DWI/DUI cases are being prosecuted, a Department of Safety attorney prosecutes these cases. In the remaining state courts, these cases being prosecuted by NH State Troopers. These positions will provide for increased attorney prosecution of DWI/DUI cases with the goal being to have all DWI cases prosecuted by an attorney prosecutor rather than a Trooper. These positions will continue as long as funding is received.
- 3) *Relationship to existing agency programs:* These two full-time prosecutors will enhance the Department of Safety prosecution unit, which in turn will benefit State Police and other DOS law enforcement divisions such as Marine Patrol and the Fire Marshall's office.
- 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?* It was unknown at the time the budget was developed that this grant would be awarded.
- 6) *Can portions of the grant funds be utilized?* These funds are designated solely for the purpose of alcohol and drug-related driving issues per federal mandates.
- 7) *Estimate the funds required to continue this position:* The approximate cost to continue these positions is \$253,000.00 per year. These positions will end when this funding is no long available.

Respectfully submitted,


John J. Barthelmes
Commissioner of Safety

**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 November 19, 2015 | Project Number #308-15S-057 |
| Date Approved November 20, 2015 | PSP and Task # 16-02, 15 |

Part I

| | |
|---|---|
| 1. Project Title NHSP Impaired Driving Prosecutors (2) | 2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation |
|---|---|

| | |
|---|---|
| 3. Applicant A. Name of Agency DUNS Number 060340564 NH Department of Safety Division of State Police | B. Address of Agency 33 Hazen Drive Concord NH 03305-0011 |
| 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: December 1, 2015 Termination Date: September 30, 2016 | Functional Area M601 - 405d Impaired Driving Low CFDA# 20.616 Program Title Impaired Driving Countermeasures Grant Funding Source National Highway Traffic Safety Administration |
|--|---|

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 | \$195,452.00 | \$195,452.00 | | | |
| b. Current Expense | \$1,390.00 | \$1,390.00 | | | |
| c. Equipment | \$4,000.00 | \$4,000.00 | | | |
| d. Indirect Costs Audit | \$29,384.30 | \$29,384.30 | | | |
| e. Contractual Services | | | | | |
| f. Travel | \$27,120.00 | \$27,120.00 | | | |
| Total Estimated Costs Including Non-Federal Share | \$257,346.30 | \$257,346.30 | | | |

| |
|--|
| 7. Local Benefit: It is anticipated that the federal share for local benefit will be: 0% (\$0.00) |
|--|

BUDGET AND PERSONNEL DATA

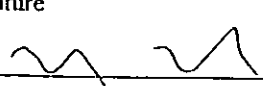
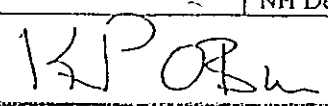
| | | |
|--|--------------|---------------------|
| a. Personnel Services – DOS DWI Prosecutor (2)- Labor Grade 31, step 3 | | |
| Salary: \$2,593.50/pay period x 26 pay periods x 2 | \$134,862.00 | |
| Benefits: Social Security: \$4,181.00 x 2 = \$8,362.00 (6.2%) | 8,362.00 | |
| Medicare: \$978.00 x 2 = \$1,956.00 (1.45%) | 1,956.00 | |
| Retirement: \$8,429.00 x 2 = \$16,858.00 (12.50%) | 16,858.00 | |
| Health Insurance: \$15,772.00 x 2 = \$31,544.00 | 31,544.00 | |
| Dental Insurance: \$924.00 x 2 = \$1,848.00 | 1,848.00 | |
| Life Insurance: \$11.00 x 2 = \$22.00 | 22.00 | \$195,452.00 |
| b. Current Expenses | \$250.00 | |
| Telephone (including cell) | \$1,140.00 | \$1,390.00 |
| c. Equipment (Computers) | \$4,000.00 | \$4,000.00 |
| d. Indirect Costs and Audit Expense | | |
| \$227,962.00 x 12.89 (2016 DOS indirect cost rate) | \$29,384.30 | \$29,384.30 |
| e. Contractual Services | | |
| f. Travel Expenses | | |
| In-State: Mileage, lodging, meals, etc. | \$22,120.00 | |
| Out-of-State Conferences: Registration, airfare, meals, lodging, etc. | 5,000.00 | \$27,120.00 |
| Total | | \$257,346.30 |

The In Kind Match For This Project = \$64,336.58 (405d funds)

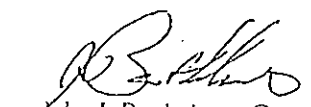
This in kind match shall be supported by the Department of Safety budgeted prosecutor positions or related work.

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 regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

| | | |
|---|--|---|
| A. Project Director | | |
| 1) Name Christopher Casco | 2) Title NH Department of Safety Administrator of Hearings/Prosecution | 3) Address 33 Hazen Drive Concord, NH 03305 |
| 4) Signature  | | 5) Telephone Number 223-8047 |
| B. Authorized Official | | |
| 1) Name Kevin O'Brien | 2) Title Assistant Commissioner NH Department of Safety | 3) Address 33 Capitol Street Concord, NH 03301-6397 |
| 4) Signature  | | 5) Telephone Number 223-8000 |

Part IV (For HSA Use Only)

| | |
|---|---|
| 1. Approval Date | 2. Signature & Title  John J. Barthelmes, Coordinator NH Highway Safety Agency |
| 3. Federal Funds Obligated by this Agreement: | |



State of New Hampshire

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

JOHN J. BARTHELME
 COMMISSIONER

Filed # FIS 17-181
 10-20-2017

September 15, 2017

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

GC # 42
 10-25-2017

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

Requested Action

1. Pursuant to RSA 124:15 and contingent upon approval of requested action #2, authorize the Department of Safety, Bureau of Hearings, to establish two (2) temporary full-time Hearings Paralegal (LG 16) positions for the purpose of supporting the current grant-funded Hearing Examiner prosecutors of DWI/DUI alcohol and drug impaired driving cases for New Hampshire State Police in circuit courts statewide. Effective upon Fiscal Committee and Governor and Council approvals through September 30, 2018. Funding source: 100% Agency Income.
2. Authorize the Department of Safety, Bureau of Hearings, to accept and expend federal pass-through funds in the amount of \$82,960.00 from the Department of Safety, Office of Highway Safety, for the purpose of providing paralegal support to the Hearing Examiner prosecutors for the New Hampshire State Police for the prosecution of DWI/DUI cases statewide. Effective upon Governor and Council approval through September 30, 2018. Funding source: 100% Agency Income.

Funds will be budgeted as follows.

02-23-23-231010-51250000 Dept. of Safety – Office of the Commissioner – Hearings-Highway Safety Grants

| <u>Class</u> | <u>Description</u> | <u>SFY 2018 Adjusted</u> | <u>Requested Action</u> | <u>Revised SFY 2018</u> |
|--------------|-------------------------------|---------------------------------|-------------------------|----------------------------|
| | | <u>Authorized Appropriation</u> | | <u>Adjusted Authorized</u> |
| 009-407055 | Agency Income | (\$136,153.00) | (\$82,960.00) | (\$219,113.00) |
| 020-500215 | Current Expense | 250.00 | 0.00 | 250.00 |
| 050-500311 | Equipment | 0.00 | 4,000.00 | 4,000.00 |
| 039-500215 | Telecommunications | 479.00 | 1,390.00 | 1,869.00 |
| 040-500360 | Indirect Costs | 14,608.00 | 7,716.00 | 22,324.00 |
| 059-500117 | Temp Full Time | 65,020.00 | 34,242.00 | 99,262.00 |
| 060-500601 | Benefits | 32,836.00 | 23,612.00 | 56,448.00 |
| 070-500705 | In State Travel Reimbursement | 22,960.00 | 12,000.00 | 34,960.00 |
| | Total | \$136,153.00 | \$82,960.00 | \$219,113.00 |

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
September 15, 2017
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Explanation

These funds will provide for two (2) temporary full-time paralegal positions to support the prosecution of DWI/DUI cases in circuit courts statewide with an emphasis on the northern and western parts of the state. The cases being prosecuted are not only alcohol-related, but also include driving under the influence of drugs including opioids. Currently, the traveling prosecuting attorneys assigned to areas such as the North Country and the Keene area in the western section of the State are only able to prosecute approximately 50% of the impaired driving cases due to the caseload involving these offenses. The remaining cases are being prosecuted by NH State Police troopers from the troop stations in these areas. In trooper prosecuted cases, a trooper may be at a disadvantage when the accused is represented by an attorney who oftentimes is an expert at defending DWI cases.

These paralegal positions will provide file preparation, research, and other prosecution case support services for the two current grant-funded prosecutors. These positions will also assist these DWI/DUI prosecutors with tasks such as answering legal questions by phone and email, reviewing search warrant applications on DWI cases, thus allowing the prosecutors to provide greater assistance in the larger troops and assume responsibility for the DWI prosecution in all secondary courts in Troops A, B, and D. Other areas of support from these paralegals will be additional training to State Police which will include having DWI focused prosecution schools and mock trial seminars throughout the year, along with training on DWI case investigation and on sobriety checkpoints.

These positions will enhance the DOS prosecution unit's mission to support the effective prosecution of all DWI/DUI cases for State Police, which will result in State Troopers spending more time patrolling and less time on the administrative work that case prosecution requires. This will allow the State to achieve a greater likelihood of successful case prosecution so that fewer drunk drivers are able to avoid consequences by exploiting legal technicalities.

The funds are to be budgeted as follows:

Funds in Class 30, Equipment, are needed to pay for computers.

Funds in Class 39, Telecommunications, are needed to pay for office phones and cell phones.

Funds in Class 40, Indirect Costs, are needed to pay indirect costs on eligible expenses.

Funds in Class 59, Temp Full Time, are needed to pay salaries for these two temporary, full time positions.

Funds in Class 60, Benefits, are needed to pay the benefits associated with these two positions.

Funds in Class 70, In State Travel Reimbursement, are needed to pay expenses associated with the in-state travel required for these positions.

The following information is provided in accordance with the comptroller's instructional memorandum dated September 12, 1981.

1) *List of personnel involved:* Two temporary, full-time Hearings Paralegals (LG 16- step 1, and LG 16 Step 3)

2) *Nature, Need, and Duration:* These positions assist and provide all support work for two (2) attorneys currently prosecuting DWI/DUI cases, both alcohol-related and impaired driving cases involving drugs including opioids. Currently in approximately one-half of the state courts where these cases are being tried, prosecution was previously done by a Department of Safety attorney prosecutor with the remaining cases in these state courts being prosecuted by NH State Troopers. These positions provide for increased support of attorney prosecution of DWI/DUI cases with the goal being to have all State Police DWI cases prosecuted by an attorney rather than a trooper. The support work will include preparing all case files for attorney grant prosecutors, research and writing to support the case prosecution, scheduling hearings and trials for prosecutors, issuing subpoenas to witnesses, and cancelling witnesses when not needed, and acting as the liaison for all case prosecutions with citizens, defense attorneys, and the circuit courts. These positions will continue as long as funding is received.

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court

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

September 15, 2017

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3) *Relationship to existing agency programs:* The two (2) paralegals will support the current DWI prosecutors and, thereby, continue to enhance the Department of Safety Prosecution Unit's prosecution of alcohol and drug impaired driving which, in turn, benefits State Police and other DOS law enforcement divisions.


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?* Due to budget constraints and the limited number of available positions due to reductions of the Highway Fund, it wasn't possible to request these positions as part of the regular budget.

6) *Can portions of the grant funds be utilized?* Since these are full time positions, portions cannot be utilized. There are no restrictions, however, indicating that the full amounts need to be expended.

7) *Estimate the funds required to continue this position:* The approximate cost to continue these positions is \$57,854.00 per year.

Respectfully submitted,



John J. Barthelmes
Commissioner of Safety

Department of Safety
Hearings - OHS Grants
Fiscal Situation

Federal Funds awarded:

| | |
|---|----------------------|
| FFY 2017 - Impaired Driving Prosecutors Grant - 10/1/2016-9/30/2017 | \$ 270,978.16 |
| FFY 2018 - Impaired Driver Prosecutor Paralegal Support Grant 10/1/2016-9/30/2018 | \$ 82,960.46 |
| Total Grant Funds Awarded | <u>\$ 353,938.62</u> |

| | |
|------------------------|----------------------|
| Less SFY 2017 expenses | \$ 134,824.59 |
| Total | <u>\$ 134,824.59</u> |

| | |
|---------------------------|---------------|
| Net Grant Funds Remaining | \$ 219,114.03 |
|---------------------------|---------------|

| | |
|---|--------------|
| Less SFY 2018 Adjusted Authorized 02-23-23-231010-51250000 | \$136,153.00 |
|---|--------------|

| | |
|---|---------------------|
| Excess grant funds available to appropriate | <u>\$ 82,961.03</u> |
|---|---------------------|

| | |
|--------------|--------------|
| This Request | \$ 82,960.00 |
|--------------|--------------|

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Department of Safety Impaired Driving Prosecutors Paralegal Support Project #: 308-18S-111

1. Identification and Definitions.

| | | | |
|---|---------------------------------|---|--|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Second Floor Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.casko@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify)) | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 223-8047 | 1.6. Effective Date 10/01/17 | 1.7. Completion Date 9/30/18 | 1.8. Grant Limitation \$82,960.46 * |
| 1.9. Grant Officer for State Agency John Clegg | | 1.10. State Agency Telephone Number 271-2893 | |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." | | | |
| 1.11. Subrecipient Signature 1 | | 1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator of Hearings/Prosecution NH Department of Safety | |
| Subrecipient Signature 2 <i>Robert L. Quinn</i> | | Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner | |
| Subrecipient Signature 3 | | Name & Title of Subrecipient Signor 3 | |
| 1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal) | | 1.13.2 Name & Title of Notary Public or Justice of the Peace | |
| 1.14. State Agency Signature(s) <i>John J. Barthelmes</i> | | 1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: 10-2-17 | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) | | | |
| By: | | Assistant Attorney General, On: / / | |
| 1.17. Approval by Governor and Council (if applicable) | | | |
| By: | | On: / / | |

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

Subrecipient Initials _____ Date _____
Page 1 of 3

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: Impaired Driving Prosecutors

Project #: 308-17S-095

1. Identification and Definitions.

| | | | |
|---|---------------------------------|--|---|
| 1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety | | 1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305 | |
| 1.3. Subrecipient Name Department of Safety Bureau of Hearings | | 1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305 | |
| Chief's Email Address: N/A | | Grant Contact Email: christopher.caslo@dos.nh.gov | |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State | | 1.4.2 DUNS 060340564 | |
| 1.5. Subrecipient Phone # 223-3888 | 1.6. Effective Date 10/01/16 | 1.7. Completion Date 09/30/17 | 1.8. Grant Limitation \$270,978.16 * |
| 1.9. Grant Officer for State Agency. John Clegg | | 1.10. State Agency Telephone Number 271-2893 | |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." | | | |
| 1.11. Subrecipient Signature 1 | | 1.12. Name & Title of Subrecipient Signor 1 Christopher Caslo, Administrator, Bureau of Hearings Department of Safety | |
| Subrecipient Signature 2 | | Name & Title of Subrecipient Signor 2 Robert L. Quinn, DQS Assistant Commissioner | |
| Subrecipient Signature 3 | | Name & Title of Subrecipient Signor 3 | |
| 1.13. Acknowledgment: State of New Hampshire, County of Merrim, on 9/28/16 before the undersigned officer, personally appeared the person(s) identified in block 1.12, known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. | | | |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal) Brenda L. Hyme | | 1.13.2 Name & Title of Notary Public or Justice of the Peace Brenda L. Hyme, Justice of the Peace | |
| 1.14. State Agency Signature(s) | | 1.15. Name & Title of State Agency Signor(s) John J. Bartholmes, Commissioner NH Department of Safety Date: 9-29-16 | |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: Assistant Attorney General, On: / / | | | |
| 1.17. Approval by Governor and Council (if applicable) By: On: / / | | | |

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project")

Subrecipient Initials CC
Page 1 of 3

Rev. 04/2016

Date 4/28/16

**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.