

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 grantfunded 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:

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

Class	Description	SFY 2020 Adjusted Authorized Appropriation	Requested Action #2	Revised SFY 2020 Adjusted Authorized
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, Charman Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Summi and the Honorable Council July 25, 2019
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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":

- 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/DU 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
Loss CCV 2020 Adjusted Authorized	¢0.00
Less SFY 2020 Adjusted Authorized	\$0.00
02-23-231010-51250000	
1	
Excess grant funds available to appropriate	\$ 221,169.92
This Request	\$ 89,971.00

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

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

1. Identification and Definite)II))				
1.1. State Agency Name New Hampshire Depa Office of Highway Saf	•		1.2. State Agency Address 33 Hazen Drive, Second Floor Concord, NH 03305		
1.3. Subrecipient Name Department of Safety		1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305	s		
Bureau of Hearings					
Chief's Email Address: N/A		Grant Contact Email: christopher.casko@dos.n	h.gov		
1.4.1 Subrecipient Type (St County Govt, College/Univ	ente Govt, City/Town Govt, ersity, Other (Specify)	1.4.2 DUNS 060340564			
1.5. Subrecipient Phone #	1.6. Effective Date	1.7. Completion Date	1.8. Grant Limitation		
223-8047	10/01/18	9/30/19	\$339,870.67		
1.9. Grant Officer for State John Clegg	Agency	1.10. State Agency Teleph 271-2893	one Number		
"By signing this form we co grant, including if applicab	rtify that we have complied with le RSA 31:95-b."	th any public meeting requires	nent for acceptance of this		
1.11. Subrecipient Signatu		1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator of Hearings/Prosecution			
\sim	\wedge	NH Department of Safety			
Subrecipiont Signature 2		Name & Title of Subrecipien	it Signor 2		
Lew -		Robert L. Quinn, DOS Assista			
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3			
officer, personally appeared	ate of New Hampshire, County I the person(s) identified in blo ned in block 1.11., and acknow	ck 1.12., known to me (or satis	factorily proven) to be the		
1.13.1. Signature of Notary Peace (Seal)	Public or Justice of the	1.13.2 Name & Title of Notary Public or Justice of the Peace			
1.14. State Agency Signat	ure(s) 1.15. N	ame & Title of State Agency S	ignor(s)		
John J. Barthelmes, Commissioner NH Department of Safety Date:			ner . Date: <u>E/27/18</u>		
1.16. Approval by Attorne	y General (Form, Substance an	d Execution) (if G & C approv	al required)		
By: Assistant Attorney General, Ou: 1 /					
1.17. Approval by Governor and Council (if applicable)					
By:		On:	/ /		
2 SCOPE OF WORK to enchange	ge for grant fund, provided by the State	of New Hampshire, acting through th	e Agency identified in block 1.1		

SCOPE OF WORK— to exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1
thereinafter referred to its "the State"), purposed to 9.5% 24-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 becomifter referred to as "the Project").

Subrecipient Initials (| Rust | Date |

Rev. 04/2016

APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

				Fo.	r HSA Use Only	
State of New Hampshire Office of Highway Safety 33 Hazen Drive			Dai	e Received	Project	Vumber
Concord, NIT 03305		a Dar	2 Approved	PSP and	Task #	
. Part I				n e an de fra espaina)
1. Project Title-Department of	of Safety Impaired Di	riving	i 2. T	ype of Application (Check One)	
Prosecutor Paralegal Support				lnitial		
				Revision		
<u> </u>	· · · · · · · · · · · · · · · · · · ·		t t	Continuation		
3. Applicant	· · · · · · · · · · · · · · · · · · ·					
A. Name of Agency- Departm	ent of Safety			Address of Agency-	<u> </u>	
Department/Organization/etc-	Commiceionarie Offi	ica Duranu of		Department of Safety azen	<i>'</i>	•
Hearings/Prosecution	Commussioner 2 Offi	ice- Bureau ()	1	azen ord, NH 03305		
C. Government Unit (Check C	ne)			Jame & Address of C	iovernmental Unit	- · · · - · · · · · · · · · · · · · · ·
State City/Town				6 2.		
County		·	State	of New Hampshire		•
Other (specify):	,					
	 		<u></u>			
Contract Duration A. Contract Period				inctional Area M607		Driving Low
Start Date: October 1, 2	018		CFD/		6 & Community Hig	huny Safany
Termination Date: Septe	mber 30, 2019					Safety Administration
6. Description of Project (Desc		dule A) and So				
				chedule B) and Sour	ce of Funds	
Cost Category	Total Budget	Federal Buc		Local Budger	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	į		•			
(Include Non-Federal Share)	\$74,524.78	Process of the San		Provident series and an artist and a series a	magazan aras dal arab ser asse, respecto strust	
7 Local Benefit.	可能 (1744 网络阿拉萨斯 西班牙 多 50 克 化原因 (1855)等 (1355) (1355)	Karistralik edikaben essa (iki ni umusa) (i.	e el mar el maren	n de la composition de la comp	يدو مهادستان د وسامتها دره درسامه بالرواق ما دو بالمسامحة	-
Temporal Company				•		
It is anticipated that the federa	it share for local ben-	efit will be: _ 0)'%.			

,	BUDGET AND PERSONNEL DATA	\ 	·
a Personnel Services - DOS DWI I	Prosecutor (2)- (1)Labor Grade 31, step 4,		
\$73,359 & (1) Labor Grade 31, step	7, \$84,143	,	•
Salary: \$157,502		Salary,\$157,502	
Benefits: Social Security: \$9340			
Medicare: \$2185		Benefits:\$68,249	
Retirement: \$19,128			1
Health Insurance: \$34,999			
Demal Insurance: \$2563			1
Life Insurance: \$34			\$225,751
o. Current Expenses		\$250	
Telephone (including cell)		, \$1140	!
DOIT Transfers		•	İ
Department of Safety Network Fee			£1300
P	<u> </u>		\$1390
:. Equipment	•		
I. Indirect Costs and Audit Expense	·		
5236,241.00 x .1232		\$29,104.89	\$29,104.89
. Contractual Services			
72		\$9,100.00	
. Travel Expenses.	_	\$9,100.00	
n-State: Mileage, lodging, meals, etc.			
Out-of-State Conferences: Registration	on, arrare, mears, roughig, etc.		\$9,100.00
			<u> </u>
Total	·	\$265.345.89	\$265,345.89 ** + 74,524.78 par 43:39,870167
n Kind Match ForThis Project = \$66	336.47(40SD fund)		1 74574.78 pa
his in kind match shall be supported	by the Department of Safety prosecutor positions	or related work.	15-115 (DDD / F)
ins in kind mater shan be supported	by the Department of Streety prosecutor positions	O. I Gillion	4334 810 18 ·1
art III			•
Acceptance of Conditions. It is under	rstood and agreed by the undersigned that a grant i	received as a result o	f this contract is subject (
ic regulations governing grant which	have been furnished (or will be furnished upon re	equest) to the applica	ni.
3			
. Project Director			
) Name	2) Title	3) Address	
Phristopher Casko	NH Department of Safety	33 Hazen Driv	e
	Administrator of Hearings/Prosecution	Concord, NH	
) Signature		5) Telephone	Number
· · · · · · · · · · · · · · · · · · ·		223-8047	
	•		
Audianium Official			
	2) Tide	(3) Address	
) Name	2) Title Discourse of Administration	3) Address	:01
) Name	Director of Administration	33 Capitol Str	
3. Anthorized Official) Name iteven Lavoic		33 Capitol Stro Concord, NH	03301-6397
) Name	Director of Administration	33 Capitol Str	03301-6397

CO-HEAR-08-2018-01



JOHR J. BARTHELMES COMMISSIONER

State of New Hampshire

DEPARTMENT OF SAFETY OFFICE OF THE COMMISSIONER

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

> Jes Cal 4 F15 18-185 August 16, 2018 09-21-2018

The Honorable Neal M. Kurk, 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

GC#61 10-03-2018

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:

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

Class	Description	SFY 2019 Adjusted Authorized Appropriation	Requested Action #1	Requested Action #2	Revised SFY 2019 Adjusted Authorized
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	8,723.60	18,936 00	57,730.65
059-500117	Temp Full Time	125,491.79	0.00	153,174,00	278,665,79

TOD ACCESS: RELAY NH 1-800-755-2954

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	5 284,426.56
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	\$ 707,257.69
Less SFY 2018 expenses	\$ 163,422.41
Total	\$ 163,422.41
	\$ C42 B2E 28
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

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

1. Identification and Definition	008.				
1.1. State Agency Name New Hampshire Depa Office of Highway Sa			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	S .		
Chiel's Email Address:		Grant Contact Email: cbristopher.casko@dos.n	h.90v		
1.4.1 Subrecipient Type (Si County Govt, College/Univ	tate Govt, City/Town Govt, versity, Other (Specify)	1.4.2 DUNS 060340564			
1.5. Subrecipient Phone #	1.6. Effective Date	1.7. Completion Date	1.8. Grant Limitation		
223-8047	10/01/18	9/30/19	\$339,870.67		
1.9. Grant Officer for State John Clegg	: Agency	1.10. State Agency Teleph 271-2893	one Number		
"By signing this form we ce grant, including if applicab	rtify that we have complied wi de RSA 31:95-b."	th any public meeting requirer	ment for acceptance of this		
1.11. Subrecipient Signature 1		1.12. Name & Title of Subrecipient Signor I Christopher Casko Administrator of Hearings/Prosecution NH Department of Safety			
Subrecipion Signalure 2			Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner		
Subrecipient Signature 3		Name & Title of Subrecipien	Name & Title of Subrecipient Signor 3		
officer, personally appeared	ate of New Hampshire, County I the person(s) identified in blo ned in block 1.11., and acknow	ck 1.12., known to me (or satis			
1.13.1. Signature of Notary Peace (Scal)	Public or Justice of the	1.13.2 Name & Title of Notar Peace	1.13.2 Name & Title of Notary Public or Justice of the Peace		
1.14. State Agency Signat	ure(s) 1.15. N:	ome & Title of State Agency Si	gnor(s)		
John J. Barthelmes, Commissioner NII Department of Safety Date: <u>E/27/18</u>					
1.16. Approval by Attorney	General (Form, Substance and	Execution) (if G & C approve	al required)		
Ву:	By: Assistant Attorney General, On: / /				
1.17. Approval by Governo	r'and Council (if applicable)				
On: / /					
SCOPE OF WORK: In exchange	c for grant funds provided by the State	of New Hampshire, acting through the	Agency identified in block 1.1		

(hereinofter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinofter 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").

Subrecipiem Initials
Page 1 of 3

Rev. 04/2016

BUDGET AND PERSONNEL DATA a. Personnel Services -- DOS DWI Prosecutor Paralegal (1)- Labor Grade 16, step Salary: \$35,626 Safary: \$1,317 pay period x 26 pay periods Benefits: Benefits: Social Security: \$2123 \$24,334.41 Medicare: \$496.51 Retirement; \$4161 Health Insurance: \$16,616 Dental Insurance: \$921 \$59,960.41 \$59,960.41 Life Insurance: \$16.90 \$250 b. Current Expenses \$1140 Telephone (including cell) DOIT Transfers Department of Safety Network Fce \$1,390,00 c. Equipment \$8,174.37 d. Indirect Costs and Audit Expense \$8,174.37 \$66,350.41 x .1232 e. Contractual Services \$5000 \f. Travel Expenses In-State: Mileage, lodging, meals, etc. Out-of-State Conferences: Registration, airfare, meals, lodging, etc. \$5000 \$74,524.78 In Kind Match ForThis Project = \$18,631.20 (405D fund) This in kind match shall be supported by the Department of Safety prosecutor positions or related work. 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 3) Address 2) Title 1) Name 33 Hazen Drive NH Department of Safety Christopher Casko Concord, NH 03305 Administrator of Hearings/Prosecution 5) Telephone Number 4) Signature 223-8047 B. Authorized Official 3) Address 1) Name 33 Capitol Street Director of Administration Steven Lavoic Concord, NH 03301-6397 NH Department of Safety 5) Telephone Number 4) Signature

223-8000

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

Project Title: Impaired Driving Prosecutors

Project#: 308-18S-093

Date

1. Identification and Definiti	ons.		· ·		
F.I. State Agency Name New Hampshire Depa Office of Dighway Sul	•		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NTI 03305		
1.3. Subrecipient Name Department of Safety Bureau of Hearings		1.4. Subrecipient Addres 33 Bazen Drive Concord, NE 03305			
Chief's Email Address: N/A		Grant Contact Email: christopher.casko@dos.n	b.gov		
1.4.1 Subrecipient Type (St County Govt, College/Univ State		1.4.2 DUNS 060340564			
1.5. Subrecipient Phone #	1.6. Effective Date	1.7. Completion Date	1.8. Grant Limitation		
223-3888	10/01/17	09/30/18	\$284,126.56		
1.9. Grant Officer for State John Clegg	Agency	1.10. State Agency Teleph 271-2893			
"By signing this form we cen grant, including if applicabl		th any public meeting regalren	nent for acceptance of this		
1.11. Subrecipient Signatur	c 1		1.12. Name & Title of Subrecipient Signor I Christopher Casko Administrator, Bureau of Hearings Department of Safety		
Subrecipiont Signature 2			Inne & Title of Subreclpient Signor 2 Obert L. Quinn, DOS Assistant Commissioner		
Subrecipient Signature 3		Nume & Title of Subrecipient	Name & Title of Subrecipient Signor 3		
officer, personally appeared	the person(s) identified in bloc	of on / / ck 1.12:, known to me (or satisf ledged that he/she executed this	actorily proven) to be the		
1.13.1. Signature of Notary I Peace (Seal)	Public or Justice of the	1.13.2 Name & Title of Notary Peace	.13.2 Name & Title of Notary Public or Justice of the care		
1.14. State Agency Signatur	re(s) 1.15. Na	me & Title of State Agency Sig	mor(s)		
John J. Barthelmes, Commissioner NII Department of Safety Date: 10-2-17					
1.16. Approval by Attorney	General (Form, Substance and	Execution) (if G & Capprova	required)		
By: Assistant Attorney General, On: 1 1					
1.17. Approval by Governor	and Council (if applicable)				
Ву: Оп: 1 /					
Receivables referred to as "the State"), pursuant to RSA 21-P(55-63, the identified and more particularly desert	of New Hampshire, acting through the a Subrecipient identifiest in black 1.3 (h best in the scope of work attached hereto	releasibles referred to as The		

Subrecipient Initials _____ Page 1 of 3

Rev. 04/2016

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 automey 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 MH 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, 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 FFY 2018 - Impaired Driver Prosecutor Paralegal Support Grant 10/1/2016-9/30/2018 Total Grant Funds Awarded	\$ \$	270,978.16 82,960.46 353,938.62
tess 5FY 2017 expenses Total Net Grant Funds Remaining	\$ \$	134,824.59 134,824.59 219,114.03
Less SFY 2018 Adjusted Authorized 02-23-231010-51250000	·	\$136,153.00
Excess grant funds available to appropriate	\$	82,961.03
This Request	\$	82,960.00

The Sinie of Mew Hampshire and the Subiecipient letteby
Munally agree as follows:
GEVERAL PROVISIONS

Project # 308-175-095

Project Tile: Impolred Diving Proseculors

Rev. 04/2016

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77-68-9 : Date:	J. Barthelmer, Commission epartment of Safety		ι 1	0:	710
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State of New Hampshire

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

JOHN J. BARTHELMES COMMISSIONER

Fis 17-182

September 18/2017

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

His Excellency, Governor Christopher T. Summu and the Honorable Council State House
Concord, New Hampshire 03301 60:11 4/3 10-25-2017

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 commune to provide two grantfunded 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 (LG 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:

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

<u>Class</u>	Description	SFY 2018 Adjusted Authorized Appropriation	Requested Action	Revised SFY 2018 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
039-300117	Temp Full Time	65,020,00	154,006,00	219,026.00
060-300601	Benefits -	32,836,00	74,417,00	106,253.00
070-500705	In State Travel Regularizations	32,960,00	23,870,00	46,830.00
080-500710	Oot of State Travel Reimbursement	0.00	3,000,00	3,000.00
	Total	\$156,155,00	\$284,426.00	5/120,579,00

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

His Excellency, Governor Christopher T. Sunum 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

Rev. 04/2016

Project #: 308-18S-093

1. Identification and Definition	ane.		
1.1. State Agency Name	JHS.	1.2. State Agency Addre	
New Hampshire Department of Safety		33 Hazen Drive, Roo	
Office of Highway Saf		Concord, NII 03305	
1.3. Subrecipient Name		L4. Subrecipient Addres	33
Department of Safety		33 Hazen Drive	
Bureau of Hearings		Concord, NB 03305	
Chief's Empil Address: N/A		Grant Contact Email: christopher.casko@dos.nb.gov	
1.4.1 Subrecipient Type (State Govt, City/Town Govt,		1.4.2 DUNS	
County Govt, College/University, Other (Specify)			
State		060340564	
1.5. Subrecipient Phone #	1.6. Effective Date	1.7. Completion Date	1.8. Grant Limitation
223-3888	10/01/17	09/30/18	\$284,426.56
1.9. Grant Officer for State	Agency	1.10. State Agency Telepi	none Number
John Clegg		271-2893	
"By signing this form we ce grant, including if applicable	rtify that we have complied will le RSA 31:95-b."	th any public meeting require	ment for acceptance of this
1.11. Subrecipient Signatus	e 1 '	1.12. Name & Title of Subre	cipient Signor 1
		Christopher Casko Administrator, Bureau of Hearings	
——————————————————————————————————————		Department of Safety	$\Delta V ldsymbol{\perp}$
Subrecipient Signature 2		Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner	
Kalista -	•		
Subrecipient Signature 3	·	Name & Title of Subrecipient Signor 3	
officer, personally appeared	ote of New Hampshire, County the person(s) identified in blo ned in block 1.11., and acknow	ck 1.12., known to me (or satis	, before the undersigned factorily proven) to be the is document in the expacity
1.13.1. Signature of Notary Peace (Seal)	Public or Justice of the	1.13.2 Name & Title of Notary Public or Justice of the Pence	
	·		
1.14. State Agency Signatu	re(s) 1.15. N:	ome & Title of State Agency Si	gnor(s)
Buthedon	Jo. Ni	hn J. Barthelmes, Commission I Department of Safety	Date: 10-2-17
	General (Form, Substance and	l Execution) (if G & C approv	al required)
Ву:	Ass	istant Attorney General, On:	1 1
1.17. Approval by Governor	and Council (if applicable).		
Зу:		On:	<i>I I</i>
receips the colleged to be The State	for grant funds provided by the State (*), pursuant to RSA 21-P35-63, the k identified and more particularly describe Project*).	Subrecipient identified in block 13	(percivation teletted to se nic
	Subrecipient Initials		
Rev. 04/2016 Page 1 of 3		3	Date



State of New Hampshire

DEPARTMENT OF SAFETY OFFICE OF THE COMMISSIONER 33 HAZEN DR. CONCORD, NH 03305

603/271-2791

JOHN J. BARTHELMES COMMISSIONER fis (a)# F15 16-016
01-22-2016

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 CC#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	Telecommuniations	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
01/006-080	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,

Commissioner of Safety

CONTRACTUAL AGREEMENT FOR FIGHWAY SAFETY PROJECT GRANT

State Of New Hampshire Highway Safety Agency		For HSA Use Only			
		Date Received	Project	Number	
78 Regional Drive, Building	; 2		November 19, 2	015 #308-1	55-057
Concord, NH 03301-8530		j	Date Approved	PSP and	
		į	November 20, 2	015 16-02, 1	5 :
Part I w	vetter i e i e i				
1. Project Title	:		2. Type of Application	ı (Check One)	
NHSP Impaired Driving Pro	secutors (2)		X Initial		
		1	Revision Continuation	esa e e e e e e	
F. C.					
A. Name of Agency	UNS Number 0603405		B. Address of Agency		
NFI Department of Safety	O110 1/10m0m 0005405	,,,,,	33 Hazen Drive		
Division of State Police			Concord NH 03305-00	011	· · ·
C. Government Unit (Check (One)	1	D. Namo Address of C	Sovernmental Unit	
X State City/Town			State of New Hampshir	ne	• • •
County			Concord, NH 03301		
Other (specify):				The state of the s	
4. Contract Duration		[]	unctional Area M6OT	- 405d Impaired L	riving Low
A. Contract Period		1673	ΤΌΛ# 20.616		
Stärt Däte:	December 1, 2015		rogram Title Impåir unding Source Nation	ed Driving Counter	
Termination Date:	September 30, 2016		diding Source Manon	atinguway tinine	Date of the second
6. Description of Project (Des	cribe in detail in Scheck	ile A) and Source o	f.Runds:		
	Sudget (Provide itemiza	tion as called for o	Schedule B) and Source	e of Funds	
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
n. Personnel Services	\$195,452.00	\$195,452.0)		
b. Current Expense	\$1,390.00	\$1,390.00	<u> </u>		
c. Equipment	\$4,000.00	\$4,000.00			
d Indirect Costs Audit	\$29,384.30	\$29,384.30)		
c. Contractual Services				·.	
f. Travel	\$27,120.00	\$27,120.00).	 	
Total Estimated Costs		•			
Including Non-Federal Share	\$257,346.30	\$257,346.3	0		<u></u>
7 Level Population					
7. Local Benefit:					
It is anticipated that the federal share for local benefit will be: 0% (\$0.00)					

BUDGET AND PERSONNEL DAT	ГА		
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		
nefits: Social Security: $$4,181.00 \times 2 = $8,362.00 (6.2\%)$	8,362.00		1
\therefore redicare: \$978.00 x 2 = \$1,956.00 (1.45%)	1,956.00		
Retirement: \$8,429.00 x 2 = \$16,858.00 (12.50%)	16,858.00		
Health Insurance: $$15,772.00 \times 2 = $31,544.00$	31,544.00		
Dental Insurance: $5924.00 \times 2 = $1,848.00$	1,848.00		
Life Insurance: $$11.00 \times 2 = 22.00	22.00	\$195,452.00	
b. Current Expenses	\$250.00		
Telephone (including cell)	\$1,140.00		
	İ	·\$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	023,50.130		
f. Travel Expenses	·	<u> </u>	·
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	

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

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

1) Name	2) Title	3) Address
Christopher Casko	NH Department of Safety	33 Hazen Drive
<u>'</u>	Administrator of Hearings/Prosecution	Concord, NH 03305
4) Signature		5) Telephone Number
\times \sim		223-8047
B. Authorized Official		
	2) Title	3) Address
1) Name	2) Title Assistant Commissioner	3) Address 33 Capitol Street
1) Name Kevin O'Brien		3) Address 33 Capitol Street Concord, NH 03301-6397
B. Authorized Official 1) Name Kevin O'Brien 4) Signature	Assistant Commissioner	33 Capitol Street

Part I (For HSA Use Only)

I. Approval Date 2. Signature & Title 3. Federal Funds Obligated by this Agreement: ohn J. Barthelmes, Coordinator

NH Highway Safety Agency



State of New Hampshire

DEPARTMENT OF SAFETY OFFICE OF THE COMMISSIONER

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

JOHN & BARTHELLISS COMMISSIONER

Jucal # F15 17-181

September 15, 2017

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

His Excellency, Governor Christopher T. Summu and the Flonorable Council State Flouse Concord, New Flampshire 03301 GC# 42 10-25-2017

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>	Description	SFY 2018 Adjusted Authorized Appropriation	Requested Action	Revised SFY 2018 Adjusted Authorized
009-407085	Agency Income	(\$136,153.00)	(\$82,960.00)	(\$219,(13.00)
020-500215	Current Expense	250.00	0.00	250.00
030-500311	Equipment	0.00	4,000.00	4,000.00
039-500215	Telecommunications	479.00	1.390.00	1,869.00
040-500800	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
060-300601	Benefits	32,836.00	23,612,00	56,448 90
070-500705	In State Travel Reimbursement	22,960,00	12,000,00	34,960,00
	Total	\$136,153,00	\$\$2,960,00	\$219,115,00

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 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.

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

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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

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Department of Safety Hearings - OHS Grants Fiscal Situation

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Forteral 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	\$ 353,938.62
	`
Less SFY 2017 expenses	\$ 134,824.59
Total	\$ 134,824.59
Net Grant Funds Remaining	\$ 219,114.03
,	
·	\$136,153.00
02-23-23-231010-51250000	
excess grant runds available to appropriate	\$ 82,961.03
MI. o	
This Request	\$ 82,960.00
Less SFY 2018 Adjusted Authorized 02-23-23-231010-51250000 Excess grant funds available to appropriate This Request	\$136,153.00 \$ 82,961.03 \$ 82,960.00

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 Definition	ons.			
1.1. State Agency Name New Hampshire Depa		1.2. State Agency Address 33 Hazen Drive, Second Floor		
Office of Highway Safe	ety		Concord, NU 03305	
1.3. Subrecipient Name Department of Safety		1.4. Subrecipient Address 33 Bazen Drive		
Burcau of Hearings		Concord, NH 03305		
Chief's Email Address:		Grant Contact Email: christopher.casko@dos.n	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#	1.6. Effective Date	1.7. Completion Date 1.8. Grant Limitatio		
223-8047	10/01/17	9/30/18	\$82,960.46	
1.9. Grant Officer for State John Clegg	Agency	1.10. State Agency Teleph 271-2893	ione Number	
"By signing this form we cen grant, including if applicable	rtify that we have complied wit le RSA 31:95-b."	th any public meeting requires	nent for acceptance of this	
1.11. Subrecipient Signatur	re 1	1.12. Name & Title of Subrecipient Signor 1 Christopher Casko Administrator of Hearings/Prosepution		
		NH Department of Safety		
		Name & Title of Subrecipient Signor.2 Robert L. Quinn, DOS Assistant Commissioner		
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3		
officer, personally appeared	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 1.17			
1.13.1. Signature of Notary Peace (Scal)	Public or Justice of the	1.13.2 Name & Title of Notary Public or Justice of the Peace		
1.14. State Agency Signati	ure(s) 1.15. N	ame & Title of State Agency S	ignor(s)	
Bankles	John J. Barthelmes, Commissioner NII Department of Safety Date: 10-2-17			
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required)				
By:	By: Assistant Attorney General, On: / /			
1.17. Approval by Governo	r and Conneil (if applicable)			
Ву:		On:	1 1 .	
SCOPE OF WORK: In exchange for grant finds 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 _____

Rev. 04/2016

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 Definiti	ons.		•	
1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		3.2. Sinte Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305		
1-3. Subrecipient Name Department of Safety Bureau of Heprings		1.4. Subrecipient Address 33 Hazen Drive Concord, NH. 03305		
Chiel's Empil Address: N/A		Grant Contact Email: christopher.cosko@dos.i	Grant Coutrict 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	1.4.2 DUNS	
1.5. Subreciplent Phone B.	1.6. Effective Date	1.7. Completion Date	1.8. Grant Limitation	
223-3888			-5220到到前	
1.9. Grant Officer for State John Clegg		1.10. State Agency Teleph 271-2893		
Present successing it applicant		h any public meeting require	nent for acceptance of this	
L11. Subrecipient Signatur	e 1	.12. Name & Title of Subrecipient Signor I hristopher Casko Administrator, Bureau of Henrings repartment of Safety		
Subrecipient Signaturo 7		Name & Title of Subrecipient Signor 2 Robert L. Quinn, DOS Assistant Commissioner		
Subrecipient Signature#	-	Name & Title of Subrecipient Signor 3		
I.13. Acknowledgment: State of New Hampshire, County of Maryyn, on 9 /28/14 before the undersigned officer, personally opposed 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 be/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) Branda L. Hyme Distince of the Peace Brenda L. Hyme, Distince of the Peace				
John J. Barthelmes, Commissioner NH Department of Safety Date: 9-29-16				
1.16. Approved by Attorney General (Porm, Substance and Execution) (if G & C approval required)				
·	By: Assistant Attorney General, On: / / 1.17. Approval by Governor and Council (if applicable)			
,				
SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, eeting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.nall.preform that work identified and more particularly described in the scope of work orther defend to at the orther forms are the frequent of the particularly described in the scope of work orther days of the frequent of the scope of the provided preferred to at the frequent of the scope of the provided preferred to at the frequent of the scope of the provided preferred to at the frequent of the scope of the provided preferred to at the frequent of the scope of the provided preferred to at the frequent of the scope of the provided preferred to at the frequent of the scope of the provided preferred to at the frequent of the scope of the provided by the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the State of the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the State of New Hampshire, cetting through the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred to at the Agency identified in block 1.1 https://doi.org/10.1007/j.j.com/preferred				

Subrecipient Initials (C
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Date 4 75/1

Rev. 04/2016

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.