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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

July 8, 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 NH 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Justice to **retroactively** amend Fiscal Item #FIS 19-013, approved by the Fiscal Committee of the General Court on January 4, 2019 and item #55, approved by the Governor and Executive Council on January 9, 2019, by extending the end date from June 30, 2019 to September 30, 2019 to accept and expend a grant in the amount of \$70,600 from the National Institute of Justice, Office of Justice Programs, in order to establish a position and an automated system to track the handling and testing of sexual assault kits in New Hampshire upon approval of the Fiscal Committee of the General Court and Governor and Executive Council approvals through September 30, 2019. 100% Federal Funds.
2. Pursuant to RSA 124:15, and contingent on the approval of requested action number one, authorize the Department of Justice to **retroactively** amend Fiscal Item #FIS 19-013, approved by the Fiscal Committee of the General Court on January 4, 2019 and item #55, approved by the Governor and Executive Council on January 9, 2019, by extending the end date from June 30, 2019 to September 30, 2019 for one (1) class 059 full time temporary Program Specialist IV, LG 25 position # 9T2957 to provide oversight of a statewide initiative to enhance the tracking and handling of sexual assault kits and to produce and enhance proper policies and procedures to ensure that all sexual assault kits in the state of New Hampshire are handled in accordance with sexual assault survivors rights upon approval of the Fiscal Committee of the General Court and the Governor and Executive Council through September 30, 2019. 100% Federal Funds.

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

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

July 8, 2019
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Funds are to be budgeted in #02-20-20-201510-2906; Department of Justice Grants Management entitled Sexual Assault Regional Training as follows:

| <u>Class/ Expense</u> | <u>Class Title</u> | <u>Current SFY20 Budget</u> | <u>Increase Amount</u> | <u>Revised SFY20 Budget</u> |
|-------------------------------|---------------------------------|-------------------------------------|----------------------------|-------------------------------------|
| 020-500200 | Current Expense | \$250 | \$200 | \$450 |
| 027-582703 | Transfer to DOIT | \$2,104 | \$9,360 | \$11,464 |
| 037-500174 | Technology Hardware | \$0 | \$5,000 | \$5,000 |
| 038-500177 | Technology Software | \$0 | \$22,988 | \$22,988 |
| 039-500188 | Telecommunications | \$75 | \$300 | \$375 |
| 040-500800 | Indirect Costs | \$0 | \$2,723 | \$2,723 |
| 042-500620 | Additional Fringe Benefits | \$0 | \$2,418 | \$2,418 |
| 050-500109 | Part Time Salaries | \$15,512 | \$0 | \$15,512 |
| 059-500117 | Full Salary-Temporary Employees | \$0 | \$16,362 | \$16,362 |
| 060-500601 | Benefits | \$1,186 | \$9,886 | \$11,072 |
| 067-500557 | Training of Providers | \$1,825 | \$0 | \$1,825 |
| 070-500704 | In-State Travel | \$1,075 | \$1,363 | \$2,438 |
| 080-500714 | Out of State Travel | \$1,113 | \$0 | \$1,113 |
| | | <u>\$23,140</u> | <u>\$70,600</u> | <u>\$93,740</u> |
| <u>Source of Funds</u> | | | | |
| 000-400338 | Grants Federal | \$16,698 | \$70,600 | \$87,298 |
| 009-403681 | Agency Income | \$6,442 | 0 | \$6,442 |
| | | <u>\$23,140</u> | <u>\$70,600</u> | <u>\$93,740</u> |

EXPLANATION

This request is **retroactive** because the beginning date July 1, 2019 associated with this request is in the new biennium. It is the policy of the Fiscal Committee of the General Court to act only on items within the current biennium and this is the first Fiscal Committee meeting in the new biennium.

The Department of Justice was given approval by the Fiscal Committee of the General Court and the Governor and Executive Council to accept and expend grant funds from the National Institute of Justice, Office of Justice Programs, in order to create and hire a temporary full time Program Specialist IV, LG 25, through June 30, 2019 for the purpose of tracking the handling and testing of sexual assault kits in New Hampshire. This request is to continue the position and utilization of the Sexual Assault Management Software (SAMS) through September 30, 2019.

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Fiscal Committee of the General Court

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

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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", or both, 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 FY2020?
No, this action would have been reintroduced to the Fiscal Committee of the General Court at the first Fiscal Year 2020 meeting and Governor and Executive Council after approval of the Fiscal Committee.
2. If this request is **retroactive** what is the significance and importance of the action being effective from an earlier date?
The Department has been actively recruiting for the position and continues to do so. This is a limited time grant to track the handling and testing of sexual assault kits. The candidate must have skills and experience working and training law enforcement and victim service officials. If approved at an earlier date, the Department will be able to continue recruitment efforts.
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).
This program was approved as follows:
Fiscal Item #FIS 19-013, approved Fiscal Committee of the General Court on January 4, 2019 and item #55, approved by the Governor and Executive Council on January 9, 2019 through June 30, 2019. Please see the attached item.
4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?
This funding was not requested in the FY 2018-2019 enacted Budget. This is a discretionary grant which was not available when the FY 2018-2019 budget was crafted at the agency level.
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?
Because this is a discretionary one-time grant, the Department did not include it in the vetoed FY 2020-2021 Operating Budget.

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Fiscal Committee of the General Court

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and the Honorable Council

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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).

This program includes a position. It is currently vacant and the office is actively in the recruitment process.

7. What would be the effect should this program be discontinued or not initiated as a result of this request being denied?

This program is a one-time discretionary grant with a focus on tracking the handling and testing of sexual assault kits. The position, included in the grant, will also train law enforcement and other victim services on the proper procedures for processing sexual assault kits. This is an extremely important grant for victims of sexual assault. If it is denied, the State will not have the resources to track the handling and testing of sexual assault kits. Nor will law enforcement and victim service officials receive much needed training on the importance of processing the kits.

Because the funding for this position is from a one-time discretionary grant, the position is not budgeted in the State Fiscal Year 2020-2021 biennium and the Department will need to go before the Fiscal Committee of the General Court and the Governor and Executive Council in October 2019 in order to maintain the position through the grant period.

This grant will provide New Hampshire with the opportunity to address the systemic issues DOJ has identified regarding sexual assault kit tracking. The Portland, Oregon Police Department has developed a sexual assault database named Sexual Assault Management Software (SAMS) and will give the model for DOJ to utilize. The Portland PD will work with the DOJ and the newly established Program Specialist IV to implement the SAMS system in New Hampshire.

SAMS will provide the DOJ the ability to know where all sexual assault kits are within the State at any given point. There is also the potential to deploy this information to local victim service agencies via a cellphone application. The Program Specialist IV will have the ability to assess the current status of a sexual assault kit at the request of a victim and/or assess the status if an entity has had a kit in its possession for a long period of time.

The Program Specialist IV will coordinate with the Department of Safety Forensic Lab to develop and use a reporting sheet that will obtain the cumulative total of sexual assault evidence, to include samples that are waiting to be tested, all DNA or other appropriate analysis, the total number of kits that should not undergo analysis, and the total number of kits submitted.

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Fiscal Committee of the General Court

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The SAMS program will allow the Program Specialist IV to collect and maintain data that measure statistics on the actual testing of sexual assault kits. This measurement will give the DOJ data to research, report on and follow up on all active sexual assault kits in the State. Data will include, but not be limited to:

- The number of sexual assault kits identified
- The number of sexual assault kits that are processed on time.
- Tracking of tested versus untested sexual assault kits.

The funds are to be budgeted as follows:

The funds in Class 020, Current Expense, will be used for supplies and other operating expenses needed to manage the program.

The funds in Class 027, Transfer to DoIT, will be used to pay for resources needed to work with DOJ on the SAMS data project.

The funds in Class 037, Technology Hardware, will be used for a new PC and accessories for the new position.

The funds in Class 038, Technology Software, will be used for software needed to perform job tasks as well as costs associated with contracting access to the SAMS program.

The funds in Class 039, Telecommunications, will be used for phone/data costs for the new position.

The funds in Class 040, Indirect Costs, will be used to pay indirect cost expense.

The funds in Class 042, Additional Fringe Benefits, will be used to pay post-retirement expenses.

The funds in Class 059, Salary-Temporary Employees, will be used to pay the temporary full time Program Specialist IV through September 30, 2019.

The funds in Class 060, Benefits, will be used to pay the temporary full time position benefits through September 30, 2019.

The funds in Class 070, In-State Travel, will be used to pay mileage for statewide travel.

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

1. *List of personnel involved.* One (1) new full time-temporary position titled Program Specialist IV.
2. *Nature, Need and Duration.* This position is needed to work on the sexual assault tracking system and policies and procedures for testing and handling of sexual assault kits. Costs associated with salary and benefits are anticipated for 36 months but only allowed through Fiscal Committee authorization to September 30, 2019. The DOJ will

The Honorable Mary Jane Wallner, Chairman
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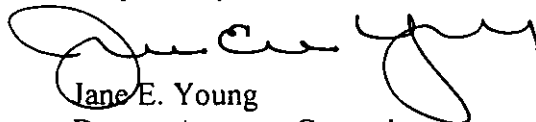
go before Fiscal in October 2019 to request to accept and expend the remaining funds and extend the position.

3. *Relationship to existing agency programs.* This position will work with the DOJ Director of Victim Witness and the Department of Safety Forensic Lab on sexual assault kit analysis.
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?* These funds were not previously budgeted because the grant was awarded on a competitive basis with no guarantee that New Hampshire would receive an award.
6. *Can portions of the grant funds be utilized?* Most of the grant funds in this request will be utilized for the position. The other portion will be used to gain access to the SAMS data system.
7. *Estimate the funds required to continue this position?* It will cost approximately \$70,600 to continue the position through September 30, 2019.

In the event these funds should become unavailable, general funds will not be requested in support of this request.

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

Respectfully submitted,



Jane E. Young
Deputy Attorney General

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

FIS 19 013

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

December 27, 2018

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 NH 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Justice to accept and expend a grant in the amount of \$104,215 from the National Institute of Justice, Office of Justice Programs, in order to establish a position and an automated system to track the handling and testing of sexual assault kits in New Hampshire upon approval of the Fiscal Committee of the General Court and Governor and Council approvals through June 30, 2019. 100% Federal Funds.
2. Pursuant to RSA 124:15, and contingent on the approval of requested action number one, authorize the Department of Justice to establish one (1) full time temporary Program Specialist IV, LG 25 position to provide oversight of a statewide initiative to enhance the tracking and handling of sexual assault kits and to produce and enhance proper policies and procedures to ensure that all sexual assault kits in the state of New Hampshire are handled in accordance with sexual assault survivors rights upon approval of the Fiscal Committee of the General Court and the Governor and Executive Council through June 30 2019. 100% Federal Funds.

Funds are budgeted in 02-20-20-201510-2906; Department of Justice Grants Management entitled *Sexual Assault Regional Training* as follows:

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

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| Class/Expense | Class Title | Current SFY19 Budget | Increase Amount | Revised SFY19 Budget |
|---------------|---------------------------------|----------------------------|--------------------|----------------------------|
| 020-500200 | Current Expense | \$1,000 | \$400 | \$1,400 |
| 027-500290 | Transfer to DOIT | \$9,806 | \$18,720 | \$28,526 |
| 030-500321 | Equipment New/Replace | \$0 | \$0 | \$0 |
| 037-500174 | Technology Hardware | \$0 | \$5,000 | \$5,000 |
| 038-500177 | Technology Software | \$0 | \$22,988 | \$22,988 |
| 039-500188 | Telecommunications | \$300 | \$600 | \$900 |
| 040-500800 | Indirect Costs | \$0 | \$5,445 | \$5,445 |
| 042-500620 | Additional Fringe Benefits | \$0 | \$4,836 | \$4,836 |
| 050-500109 | Part Time Salaries | \$71,818 | \$0 | \$71,818 |
| 059-500117 | Full Salary-Temporary Employees | \$0 | \$27,437 | \$27,437 |
| 060-500601 | Benefits | \$8,916 | \$16,064 | \$24,980 |
| 067-500557 | Training of Providers | \$7,300 | \$0 | \$7,300 |
| 070-500704 | In-State Travel | \$4,300 | \$2,725 | \$7,025 |
| 080-500714 | Out of State Travel | \$4,450 | \$0 | \$4,450 |
| | | <u>\$107,891</u> | <u>\$104,215</u> | <u>\$212,106</u> |
| 000-400338 | Grants Federal | <u>\$107,891</u> | <u>\$104,215</u> | <u>\$212,106</u> |

EXPLANATION

As the chief law enforcement officer in New Hampshire, the Attorney General has the responsibility to ensure that the rights of New Hampshire sexual assault victims are being met. This includes, but is not limited to, knowing the status of sexual assault kits, where the kits are in the testing process and if the kits have been tested. The New Hampshire Department of Justice (DOJ) has identified certain issues such as inconsistencies with when kits are delivered to the State lab and whether analysis is requested for kits. These funds were not previously budgeted because the grant was awarded on a competitive basis with no guarantee that New Hampshire would receive an award.

This grant will provide New Hampshire with the opportunity to address the systemic issues DOJ has identified. The Portland, Oregon Police Department has developed a sexual assault database named Sexual Assault Management Software (SAMS) and will give the model for DOJ to utilize. The Portland PD will work with the DOJ and the newly established Program Specialist IV to implement the SAMS system in New Hampshire.

The Honorable Mary Jane Wallner, Chairman
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SAMS will provide the DOJ the ability to know where all sexual assault kits are within the State at any given point. There is also the potential to deploy this information to local victim service agencies via a cellphone application. The Program Specialist IV will have the ability to assess the current status of a sexual assault kit at the request of a victim and/or assess the status if an entity has had a kit in its possession for a long period of time.

The Program Specialist IV will coordinate with the Department of Safety Forensic Lab to develop and use a reporting sheet that will obtain the cumulative total of sexual assault evidence, to include samples that are waiting to be tested, all DNA or other appropriate analysis, the total number of kits that should not undergo analysis, and the total number of kits submitted.

The SAMS program will allow the Program Specialist IV to collect and maintain data that measure statistics on the actual testing of sexual assault kits. This measurement will give the DOJ data to research, report on and follow up on all active sexual assault kits in the State. Data will include, but not be limited to:

- The number of sexual assault kits identified
- The number of sexual assault kits that are processed on time.
- Tracking of tested versus untested sexual assault kits.

The funds are to be budgeted as follows:

The funds in Class 020, Current Expense, will be used for supplies and other operating expenses needed to manage the program.

The funds in Class 027, Transfer to DoIT, will be used to pay for resources needed to work with DOJ on the SAMS data project.

The funds in Class 037, Technology Hardware, will be used for a new PC and accessories for the new position.

The funds in Class 038, Technology Software, will be used for software needed to perform job tasks as well as costs associated with contracting access to the SAMS program.

The funds in Class 039, Telecommunications, will be used for phone/data costs for the new position.

The funds in Class 040, Indirect Costs, will be used to pay indirect cost expense.

The funds in Class 042, Additional Fringe Benefits, will be used to pay post-retirement expenses.

The funds in Class 059, Salary-Temporary Employees, will be used to pay the temporary full time Program Specialist IV through June 30, 2019.

The funds in Class 060, Benefits, will be used to pay the temporary full time position benefits through June 30, 2019.

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

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and the Honorable Council

December 27, 2018

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The funds in Class 070, In-State Travel, will be used to pay mileage for statewide travel.

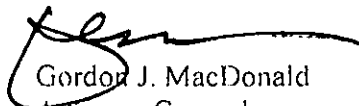
The following information is provided in accordance with the comptroller's instructional memorandum dated September 21, 1981:

1. *List of personnel involved.* One (1) new full time-temporary position titled Program Specialist IV.
2. *Nature, Need and Duration.* This position is needed to work on the sexual assault tracking system and policies and procedures for testing and handling of sexual assault kits. Costs associated with salary and benefits are anticipated for 36 months but only allowed through Fiscal Committee authorization to June 30, 2019. The DOJ will go before Fiscal in July 2019 to request to accept and expend the remaining funds and extend the position.
3. *Relationship to existing agency programs.* This position will work with the DOJ Director of Victim Witness and the Department of Safety Forensic Lab on sexual assault kit analysis.
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?* These funds were not previously budgeted because the grant was awarded on a competitive basis with no guarantee that New Hampshire would receive an award.
6. *Can portions of the grant funds be utilized?* Most of the grant funds in this request will be utilized for the position. The other portion will be used to gain access to the SAMS data system.
7. *Estimate the funds required to continue this position?* It will cost approximately \$86,495 to continue the position through June 30, 2019.

In the event these funds should become unavailable, general funds will not be requested in support of this request.

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

Respectfully submitted,


Gordon J. MacDonald
Attorney General



State Of New Hampshire
DIVISION OF PERSONNEL
Department of Administrative Services
State House Annex – 28 School Street
Concord, New Hampshire 03301

Charles M. Arlinghaus
Commissioner
(603) 271-3201

Lorrie A. Rudis
Director
(603)271-3261.

Date 11/14/18

KATHLEEN CARR
Director of Administration
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

Regarding: Request to establish a full-time temporary Program Specialist IV, LG 25 pay schedule A000 – Position #9T2957.

Dear Ms. Carr:

The Division of Personnel approves your request received on 11/13/18 for the New Hampshire Department of Justice to establish a #9T position as a full-time temporary Program Specialist IV, LG25; pending approval of funding. This position is being established in response to a federal grant received by your agency to support The Victim Witness Program and statewide initiatives with the development of protocols and the tracking and collection of tested and untested sexual assault kits.

This position number will be inactive until you receive funding approval from the Fiscal Committee (per RSA 124:15).

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Classification Section with documentation.

Thank you.

Sincerely,

Marianne Rechy
Classification & Compensation Administrator

Cc: Lorrie A. Rudis, Director of Personnel

SUPPLEMENTAL JOB DESCRIPTION

Classification: Program Specialist IV

Function Code: 7126-020

Position Title: State Victim Witness Program Specialist

Date Established: 11/14/18

Position Number: 9T2957

Last date Amended:

SCOPE OF WORK: To review and plan the development and modification of data, policies and procedures in support of the State Victim Witness programs and initiatives. To provide technical support and program assistance in the implementation, tracking, and collection of data and information, and delivery and processing of sexual assault kits.

ACCOUNTABILITIES:

Reviews and implements policies and procedures for the State Victim Witness program operations, and provides technical assistance with the tracking, recording, and analysis of tested and untested sexual assault kits, statewide.

Develops and implements a statewide tracking system to include the writing of protocols and procedures for collection and testing guidelines of sexual assault kits. Educates and trains key stakeholders to ensure proper implementation and compliance with these procedures.

Develops outreach plans to educate and identify appropriate scope of viable untested sexual assault kits throughout the state; utilizes the Sexual Assault Management System to track and analyze the number of kits tested and communicates with sexual assault victim advocates on testing status.

Coordinate with State Police Forensic Lab and law enforcement to ensure all viable untested sexual assault kits are tested, and provides technical support and training for the implementation and support of new statewide sexual assault kit tracking system program guidelines.

Collect and report performance metrics needed for grant, federal, and state compliance, and reviews and presents data, program status reports, and other information for use by the Department and Director in decision-making and outcome measures.

Act as liaison between information technology vendors and stakeholders to ensure the success of the sexual assault kit tracking software. Collaborates and partners concerning statewide sexual assault initiatives and program to ensure that the Department of Justice and Victim Witness programs support these partnerships and goals.

Analyzes existing and new legislation and resources to identify areas that would impact the State Victim Witness programs, and assists the Director with ensuring that the rights of New Hampshire sexual assault victims are being represented and met.

MINIMUM QUALIFICATIONS:

Education: Master's degree from a recognized college or university with major study in in criminal justice, victim advocacy, public health or related field. Each additional year of approved formal education may be substituted for one year of required work experience.

Experience: Four years' professional experience in criminal justice, victim advocacy, paralegal work, or other law or community service related work, with responsibilities in program research, planning, monitoring, and evaluation.

OR

Education: Bachelor's degree from a recognized college or university with major study in criminal justice, victim advocacy, public health or related field.

Experience: Five years' professional experience in criminal justice, victim advocacy, paralegal work, or other law or community service related work, with responsibilities in program research, planning, monitoring, and evaluation. Each additional year of approved work experience may be substituted for one year of required formal education.

License/Certification: Must have valid driver's license, auto insurance and access to a vehicle for statewide travel.

Special Requirements:

For appointment consideration, Program Specialist IV applicants must successfully participate in a structured interview measuring possession of knowledge, skills and abilities identified as necessary for satisfactory job performance by this class specification. The structured interview is developed and administered, according to Division of Personnel guidelines, by representatives of the state agency in which the vacancy exists.

DISCLAIMER STATEMENT: The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

SIGNATURES:

The above is an accurate reflection of the duties of my position.

Employee's Name and Signature

Date Reviewed

Supervisors Name and Title: _____

The above job description accurately measures this employee's job duties.

Supervisor's Signature

Date Reviewed:

Marianne Rechy

Division of Personnel

11/14/18

Date Approved

Department of Justice
 GRANTS FISCAL SITUATION-FISCAL YEAR 2019
 02-20-20-201510-29060000-FFY 2018 Sexual Assault Regional Training

| | |
|-----------------------------------|--------------------------|
| Total Agency Authorization | \$ 212,106 |
| Less Expenditures to 06/30/2018 | <u>\$ -</u> |
| Remaining Authorization to Budget | \$ 212,106 |
| | |
| Less Current Budget Authorization | <u>\$ 107,891</u> |
| Total Available for Budgeting | \$ 104,215 |
| | |
| Available to Budget at Later Date | <u>\$ -</u> |
| REQUESTED ACTION | <u><u>\$ 104,215</u></u> |

| Grant Award Number | Award Amount | Expenses to 06/30/2018 | Balance |
|--------------------|--------------|------------------------|------------|
| 2018-DN-BX-0163 | \$ 104,215 | \$ - | \$ 104,215 |



U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

Grant

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| | | | |
|--|--|--|----------------------|
| 1. RECIPIENT NAME AND ADDRESS (Including Zip Code) New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301-6312 | | 4. AWARD NUMBER: 2018-DN-BX-016 | |
| | | 5. PROJECT PERIOD: FROM 01/01/2019 TO 12/31/2021 BUDGET PERIOD: FROM 01/01/2019 TO 12/31/2021 | |
| 2a. GRANTEE IRS/VENDOR NO. 026007618 | | 6. AWARD DATE 09/27/2018 | 7. ACTION Initial |
| 2b. GRANTEE DUNS NO. 808591127 | | 8. SUPPLEMENT NUMBER 00 | |
| 3. PROJECT TITLE State of New Hampshire Sexual Assault Forensic Evidence-Inventory, Tracking, and Reporting Program | | 9. PREVIOUS AWARD AMOUNT \$ 0 | |
| | | 10. AMOUNT OF THIS AWARD \$ 333,558 | |
| | | 11. TOTAL AWARD \$ 333,558 | |
| 12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S). | | | |
| 13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY18(NJ - S&LLEA DNA/Other Forensics) Pub. L. No. 113-141, 132 Stat. 348, 421; Pub. L. No. 114-324, section 3(s); 28 USC 530C | | | |
| 14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.741 - DNA Backlog Reduction Program | | | |
| 15. METHOD OF PAYMENT OPRS | | | |
| 16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Matt Dummermuth Principal Deputy Assistant Attorney General | | 18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Kathleen Carr Director of Administration | |
| 17. SIGNATURE OF APPROVING OFFICIAL | | 19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL | 19A. DATE 9/28/18 |
| 20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DN 60 00 00 333558 | | | |
| 21. TONSGT0381 | | | |

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

AWARD CONTINUATION
SHEET
Grant

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PROJECT NUMBER 2018-DN-BX-0163

AWARD DATE 09/27/2018

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



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3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.



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7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). *The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.*

10. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



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11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

12. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

13. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

14. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

15. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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16. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

17. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

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21. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

23. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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24. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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25. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

26. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

27. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

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28. (a) Use of Funds (no DNA testing expenses); No Research

Funds provided under this award shall be used only for the purposes and types of expenses set forth in the fiscal year 2018 program solicitation. The recipient shall ensure that none of the funds under this award are used for DNA testing (such as DNA testing expenses for personnel, equipment, supplies, procurement contracts).

The recipient shall ensure that none of the funds provided under this award are used for research or statistical projects or activities as defined by 28 CFR Part 22 or for research as defined by 28 CFR Part 46. Any questions concerning this provision should be directed to the NIJ grant manager for the award.

(b) Sexual Assault Kit Tracking Requirements

The recipient shall ensure that it tracks and reports on any sexual assault kit within its inventory for a period of not less than twelve months. The recipient shall ensure that any "new" sexual assault kit is incorporated into its inventory within 60 days of possession as set forth in the FY 2018 program solicitation.

If applicable, the recipient agrees to notify NIJ promptly in writing upon determining that any Task 1 (inventory) activities for which the recipient received funds under this fiscal year 2018 award will not be completed within one year after its receipt of the award.

The recipient shall ensure that a unique identifier is assigned to each sexual assault kit tracked with funding under this award. The recipient must identify the date upon which the prosecution of the person(s) to whom any sexual assault kit tracked with funding under this award relates would be time-barred by an applicable statute(s) of limitations.

(c) Reporting of sexual assault kit metrics (posting on appropriate public website required); reports must not include personally identifiable information

The recipient shall ensure that it posts sexual assault kit metrics to an appropriate website hosted by the recipient and open (accessible) to the public every 60 days. The recipient agrees that it will post the first such "60-day" report to its website not later than 60 days after the date of inventory completion specified on a properly-executed inventory certification submitted to NIJ in accordance with the FY 2018 program solicitation.

The recipient shall ensure that "60-day" reports (or any other reports or documentation published under this program) do not contain personally identifiable information or any details about a sexual assault that might lead to the identification of the individuals involved.

The recipient shall provide its "60-day" reports (captured during the applicable semi-annual progress reporting period) in its semi-annual progress reports submitted during the life of this award.

(c) Election to Report on More Frequent Basis

At the sole discretion of a reporting State or unit of local government, sexual assault kit metrics may be reported and posted on the recipient-hosted website on a more frequent basis than the 60-day intervals set out under this program. In the event that a reporting State or unit of local government that receives funds under this award elects to report sexual assault kit metrics on a more frequent basis than at 60-day intervals, the recipient must provide advance written notice to the grant manager of such an election; the writing must state the applicable shortened reporting interval for the specified State or unit of local government (that is, the reporting interval(s) that will be shorter than 60 days).

29. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form (available for viewing at <https://www.gsa.gov/forms-library/federal-financial-report>), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.

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30. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
31. The recipient shall submit a report within 90 days of the end of the award period documenting all relevant project activities during the entire period of support under this award. At a minimum, with respect to funds provided under this FY 2018 award, the final report shall provide: (1) a summary and assessment of the program carried out with the funds made available under this FY 2018 award; (2) data associated with the performance measures set out in the FY 2018 program solicitation. The recipient shall ensure that all data and information necessary for the report are collected throughout the award period. The report must be submitted to the Office of Justice Programs, on-line through <https://grants.ojp.usdoj.gov/>.
32. To assist in information sharing, the award recipient shall provide the NIJ grant manager with a copy of publications (including those prepared for conferences and other presentations) resulting from this award, prior to or simultaneous with their public release. NIJ defines publications as any written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public. Submission of publications prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise. Any publications - excluding press releases and newsletters - whether published at the recipient's or government's expense, shall contain the following statement: "This project was supported by Award No. _____, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice." This statement shall appear on the first page of written publications. For audio and video publications, it shall be included immediately after the title of the publication in the audio or video file.
33. The recipient shall transmit to the NIJ grant manager copies of all official award-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by NIJ where appropriate and to respond to press or public inquiries.
34. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
35. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.
36. Pursuant to 28 C.F.R. Part 18, OJP may suspend or terminate funding under this award before the completion of the project funded by this award, for the recipient's failure to comply with these special conditions or with the project's goals, plans and methodology set forth in the approved application. In the case of suspension, the recipient will be unable to draw down funds until OJP determines that the recipient is in compliance.

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37. Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

38. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

39. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

40. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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41. The recipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

Categorical Exclusion: Based upon the information provided by the recipient in its application for these funds, NIJ has determined and the recipient understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61 (including Appendix D). A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities.

Modifications: Throughout the term of this award, the recipient agrees that for any activities that are the subject of this categorical exclusion, it will inform NIJ of-- (1) any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The recipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has completed any applicable environmental impact review requirements necessitated by the proposed change or new activity (or changed circumstances) and NIJ has concurred in the proposed change or new activity. This approval will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.

42. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
43. The recipient may not obligate, expend, or draw down any award funds for indirect costs, unless and until either -- (1) the recipient submits to OJP a current, federally-approved indirect cost rate agreement, or (2) the recipient determines that it is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and advises OJP in writing of both its eligibility and its election.

The financial review of the budget for this award is pending. If the OJP Office of the Chief Financial Officer (OCFO) determines as part of its financial review that the recipient already has submitted the documentation concerning indirect costs described above, this condition will be released through a Grant Adjustment Notice (GAN) upon completion of the OCFO final budget review.

If the OJP OCFO instead determines as part of its financial review that the recipient has not yet submitted the required documentation concerning indirect costs, this condition will not be released until OJP (including its OCFO) receives and reviews a satisfactory submission.



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SPECIAL CONDITIONS

44. Withholding of funds: Disclosure of pending applications

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued to remove this condition.

45. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded (insert "in part," if applicable) through a grant from the (insert name of OJP component), Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

46. The recipient agrees that \$189,321.00 will be withheld and that the recipient may not obligate, expend, or draw down any funds under this award for expenses directly related to Task 2 (Tracking) or Task 3 (Reporting) until: (1) the recipient has submitted a properly-executed inventory certification using the certification template provided as Appendix 1 to the FY 2018 Sexual Assault Forensic Evidence - Inventory, Tracking, and Reporting Program (SAFE-ITR) solicitation, and (2) a Grant Adjustment Notice has been issued modifying or removing this special condition.

47. Withholding of funds: Disclosure of lobbying

The recipient may not obligate, expend, or draw down any funds under this award until it has provided to the grant manager for this OJP award a complete Disclosure of Lobbying Activities (SF-LLL) form, and OJP has issued a Grant Adjustment Notice to remove this special condition.