



State of New Hampshire

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

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FIS 16 016 *DM*

JOHN J. BARTHELMES
COMMISSIONER

January 4, 2016

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

[Signature]
Approved by Fiscal Committee Date 1/2/16

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

Requested Action

- 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.
- Pursuant to RSA 124:15 and contingent upon approval of requested action #1, authorize the Department of Safety, Bureau of Hearings, to establish two (2) temporary full-time Department of Safety Hearings Examiner Prosecutor (LG 31) positions for the purpose of prosecuting DWI/DUI and impaired driving cases for New Hampshire State Police statewide in circuit courts. Effective upon Fiscal Committee and Governor and Council approvals through September 30, 2016. Funding source: 100% Agency Income.

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

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

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

Explanation

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

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

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

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

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

- 1) *List of personnel involved:* Two temporary, full-time Hearings Examiner Prosecutors (LG 31).
- 2) *Nature, Need, and Duration:* These positions will assist with prosecuting DWI/DUI cases, both alcohol-related and impaired driving cases involving drugs including opioids. Currently, in approximately one-half of the state courts in which DWI/DUI cases are being prosecuted, a Department of Safety attorney prosecutes these cases. In the remaining state courts, these cases being prosecuted by NH State Troopers. These positions will provide for increased attorney prosecution of DWI/DUI cases with the goal being to have all DWI cases prosecuted by an attorney prosecutor rather than a Trooper. These positions will continue as long as funding is received.
- 3) *Relationship to existing agency programs:* These two full-time prosecutors will enhance the Department of Safety prosecution unit, which in turn will benefit State Police and other DOS law enforcement divisions such as Marine Patrol and the Fire Marshall's office.
- 4) *Has a similar program been requested of the legislature and denied?* No.
- 5) *Why wasn't funding included in the agency's budget request?* It was unknown at the time the budget was developed that this grant would be awarded.
- 6) *Can portions of the grant funds be utilized?* These funds are designated solely for the purpose of alcohol and drug-related driving issues per federal mandates.
- 7) *Estimate the funds required to continue this position:* The approximate cost to continue these positions is \$253,000.00 per year. These positions will end when this funding is no long available.

Respectfully submitted,


John J. Barthelmes
Commissioner of Safety

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

State Of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

For HSA Use Only

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

Part I

1. Project Title NHSP Impaired Driving Prosecutors (2)	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant A. Name of Agency DUNS Number 060340564 NH Department of Safety Division of State Police	B. Address of Agency 33 Hazen Drive Concord NH 03305-0011
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

4. Contract Duration A. Contract Period Start Date: December 1, 2015 Termination Date: September 30, 2016	Functional Area M6OT - 405d Impaired Driving Low CFDA# 20.616 Program Title Impaired Driving Countermeasures Grant Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$195,452.00	\$195,452.00			
b. Current Expense	\$1,390.00	\$1,390.00			
c. Equipment	\$4,000.00	\$4,000.00			
d. Indirect Costs Audit	\$29,384.30	\$29,384.30			
e. Contractual Services					
f. Travel	\$27,120.00	\$27,120.00			
Total Estimated Costs Including Non-Federal Share	\$257,346.30	\$257,346.30			

7. Local Benefit:

It is anticipated that the federal share for local benefit will be: 0% (\$0.00)

BUDGET AND PERSONNEL DATA

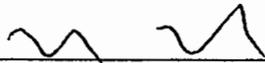
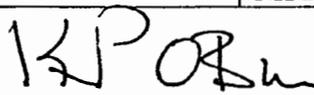
a. Personnel Services – DOS DWI Prosecutor (2)- Labor Grade 31, step 3		
Salary: \$2,593.50/pay period x 26 pay periods x 2	\$134,862.00	
enefits: Social Security: \$4,181.00 x 2 = \$8,362.00 (6.2%)	8,362.00	
edicare: \$978.00 x 2 = \$1,956.00 (1.45%)	1,956.00	
Retirement: \$8,429.00 x 2 = \$16,858.00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

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

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

Part III

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

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

Part IV (For HSA Use Only)

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