

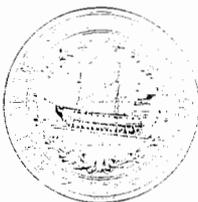
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ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

88 CAPITAL STREET  
CONCORD, NEW HAMPSHIRE 03301-6007

JOSEPH A. POSTER  
ATTORNEY GENERAL

ANN M. RICE  
DEPUTY ATTORNEY GENERAL



July 9, 2015

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

Her Excellency Governor Margaret Wood Hassan  
And the Honorable Council  
State House  
Concord, NH 03301

REQUESTED ACTION

1. Pursuant to RSA 124:15, authorize the Department of Justice to **retroactively** amend FIS #14-057, approved by the Fiscal Committee on April 25, 2014 and by the Governor and Executive Council on May 8, 2014 by extending the end date from June 30, 2015 to a new end date of December 31, 2015 of a full-time temporary Attorney II, Labor Grade 28, within class 059 (Full-Time Temporary) for the purpose of statewide investigations and prosecutions of drug related activities From July 1, 2015 through December 31, 2015 effective upon the approvals of the Fiscal Committee and the Governor and Executive Council. 100% Federal Forfeitures.
2. Authorize the Department of Justice to **retroactively** accept and expend \$51,255 of Federal Forfeitures for the purpose of supporting the full time Attorney II position responsible for the statewide investigations and prosecutions of drug related activities from July 1, 2015 through December 31, 2015 effective upon the approval of the Governor and Executive Council. 100% Federal Forfeitures.

Funds to support this request are anticipated to be available in the following account in State FY2016 upon the availability and continued appropriation of funds in the future operating budget: #02-20-20-2005-2904; Department of Justice, Public Protection, Drug Task Force as follows:

<u>Class</u>	<u>Description</u>	<u>Current Budget</u>	<u>Balance Forward</u>	<u>Requested Action</u>	<u>New Budget</u>
010-500100	Personal Services Perm Class	\$37,048.50	\$0.00	\$0.00	\$37,048.50
013-500132	Personal Services -Unclassif	\$39,494.00	\$0.00	\$0.00	\$39,494.00
014-500134	Personal Services - Unclassif	\$68,692.50	\$0.00	\$0.00	\$68,692.50
018-500106	Overtime	\$5,000.00	\$0.00	\$0.00	\$5,000.00
020-500200	Current Expense	\$4,975.00	\$0.00	\$500.00	\$5,475.00
022-500224	Rents-Leases Other than Sta	\$500.00	\$14.00	\$0.00	\$514.00
027-500800	Transfer to DOIT	\$12,813.50	\$0.00	\$0.00	\$12,813.50
028-500292	Transfer to General Services	\$17,291.50	\$0.00	\$0.00	\$17,291.50
039-500190	Telecommunications	\$7,200.00	\$0.00	\$720.00	\$7,920.00
040-500800	Indirect Costs	\$25,889.50	\$0.00	\$0.00	\$25,889.50
041-500801	Audit Fund Set Aside	\$349.50	\$0.00	\$0.00	\$349.50
042-500620	Additional Fringe Benefits	\$15,249.50	\$0.00	\$0.00	\$15,249.50
059-500109	Full time Temporary Pers.	\$0.00	\$0.00	\$32,500.00	\$32,500.00
060-500601	Benefits	\$74,476.50	\$0.00	\$14,535.00	\$89,011.50
070-500704	In-State Travel	\$0.00	\$0.00	\$1,000.00	\$1,000.00
080-500714	Out of State Travel	\$0.00	\$0.00	\$2,000.00	\$2,000.00
	Total	\$308,980.00	\$14.00	\$51,255.00	\$360,249.00
Revenue					
404813	Drug Task Force	\$308,980.00	\$14.00	\$0.00	\$308,994.00
404896	Federal Forfeitures	\$0.00	\$0.00	\$51,255.00	\$51,255.00
	Total	\$308,980.00	\$14.00	\$51,255.00	\$360,249.00

#### EXPLANATION

**This request is retroactive because the beginning date July 1, 2015 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 approval of this request will allow the Department of Justice to continue the Attorney II position for the Criminal Bureau's Drug Task Force, Drug Prosecution Unit. The Department currently has only one drug prosecutor who, in addition to his prosecutorial responsibilities, is an active member of the Governor's Prescription Drug Task Force, the Therapeutic Marijuana Advisory Council, and the Prescription Monitoring Program Advisory Council.

Illegal drug use and drug related deaths are increasing throughout the State. In particular, the State is now experiencing unprecedented levels of heroin abuse, heroin-related crimes and heroin overdoses. As a result, the Drug Prosecution Unit is experiencing an increase in the number of investigations and prosecution referrals. It is not possible for one attorney to manage the increasing caseload. The funding for this position are funds collected on behalf of the

Department's participation in federal forfeitures. The current balance in the Federal Forfeiture account is \$1,275,655.

The funds will be used to continue an Attorney (class 059) position, current expense (class 020), telecommunications (class 039), benefits related to the position (class 060) and in-state (class 070) and out of state travel (class 080).

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

1. List of personnel involved: Full time temporary Attorney II, Labor Grade 28.
2. Nature, Need, Duration: It is anticipated that this position will be needed through December 31, 2015 and has been requested in the FY 16-17 budget.
3. Relationship to existing agency programs: The DOJ currently has a Drug Task Force consisting of one attorney position, one clerical support position, and two investigators. This position will become part of the current Drug Task Force.
4. Has a similar program been requested of the legislature and denied? No other similar program has been requested or denied.
5. Why wasn't funding included in the agency's budget request? The current budget is based on FY15 figures and it was not anticipated that this position would be needed at the time the FY14-15 budget was being created.
6. Can portions of the grant funds be utilized? No. The forfeitures may only be used for the Drug Task Force.
7. Estimate the funds required to continue this position. The funds to continue this position are approximately \$94,069 in FY2016 100% Federal Forfeitures.

In the event that these funds are no longer available, general funds will not be used to support this request.

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

Respectfully submitted,

  
for Joseph A. Foster  
Attorney General



ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

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5-8-14  
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JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

April 8, 2014

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, NH 03301

Her Excellency Governor Margaret Wood Hassan  
And the Honorable Council  
State House  
Concord, NH 03301

REQUESTED ACTION

1. Pursuant to RSA 124:15, authorize the Department of Justice to create one new full-time temporary Attorney II, Labor Grade 28, within class 059 (Full-Time Temporary) for the purpose of statewide investigations and prosecutions of drug related activities effective upon the approvals of the Fiscal Committee and the Governor and Council through June 30, 2015. 100% Federal Forfeitures.
2. Pursuant to RSA 14:30-a VI, authorize the Department of Justice to accept and expend \$119,820 of Federal Forfeitures for the purpose of supporting the full time Attorney II position responsible for the statewide investigations and prosecutions of drug related activities to be effective with the approvals of the Fiscal Committee and Governor and Council through June 30, 2015. 100% Federal Forfeitures.

These funds are to be budgeted in account #02-20-20-2005-2904 Department of Justice, Public Protection, Drug Task Force as follows:

Drug Task Force		FY 2014			FY 2015		
Class	Description	Current Budget	Requested Action	New Budget	Current Budget	Requested Action	New Budget
010-500100	Personal Svcs. Class	\$65,114	\$0	\$65,114	\$74,097	\$0	\$74,097
013-500132	Personal Services -Unclassif	\$74,296	\$0	\$74,296	\$78,988	\$0	\$78,988
014-500134	Personal Svcs. Unclassif	\$139,400	\$0	\$139,400	\$137,385	\$0	\$137,385
018-500106	Overtime	\$5,000	\$0	\$5,000	\$10,000	\$0	\$10,000
020-500200	Current Expense	\$12,850	\$200	\$13,050	\$9,950	\$500	\$10,450
022-500224	Rents-Leases other than Sta.	\$1,000	\$0	\$1,000	\$1,000	\$0	\$1,000
027-500800	Transfer to DOIT	\$28,424	\$0	\$28,424	\$25,627	\$0	\$25,627
028-500292	Trans. to General Svcs.ces	\$33,482	\$0	\$33,482	\$34,583	\$0	\$34,583
039-500190	Telecommunications	\$14,400	\$120	\$14,520	\$14,400	\$1,200	\$15,600
040-500800	Indirect Costs	\$50,605	\$0	\$50,605	\$51,779	\$0	\$51,779
041-500801	Audit Fund Set Aside	\$683	\$0	\$683	\$699	\$0	\$699
042-500620	Additional Fringe Benefits	\$29,868	\$0	\$29,868	\$30,499	\$0	\$30,499
059-500109	Full time Temporary Pers.	\$0	\$10,000	\$10,000	\$0	\$65,000	\$65,000
060-500601	Benefits	\$140,861	\$4,800	\$145,661	\$148,953	\$31,500	\$180,453
070-500704	In-State Travel	\$0	\$500	\$500	\$0	\$2,000	\$2,000
080-500714	Out of State Travel	\$0	\$0	\$0	\$0	\$4,000	\$4,000
	Total	\$595,983	\$15,620	\$611,603	\$617,960	\$104,200	\$722,160
Revenue							
404813	Drug Task Force	\$595,983	\$0	\$595,983	\$617,960	\$0	\$617,960
404896	Federal Forfeitures	\$0	\$15,620	\$15,620	\$0	\$104,200	\$104,200
	Total	\$595,983	\$15,620	\$611,603	\$617,960	\$104,200	\$722,160

### EXPLANATION

The approval of this request will allow the Department of Justice to hire an Attorney II for the Criminal Bureau's Drug Task Force, Drug Prosecution Unit. The Department currently has only one drug prosecutor who, in addition to his prosecutorial responsibilities, is an active member of the Governor's Prescription Drug Task Force, the Therapeutic Marijuana Advisory Council, and the Prescription Monitoring Program Advisory Council.

Illegal drug use and drug related deaths are increasing throughout the State. In particular, the State is now experiencing unprecedented levels of heroin abuse, heroin-related crimes and heroin overdoses. As a result, the Drug Prosecution Unit is experiencing an increase in the number of investigations and prosecution referrals. It is not possible for one attorney to manage the increasing caseload. The funding for this position are funds collected on behalf of the Department's participation in federal forfeitures. The current balance in the Federal Forfeiture account is \$891,202.

The funds will be used to hire an Attorney (class 059), current expense (class 020), telecommunications (class 039), benefits related to the position (class 060) and in-state (class 070) and out of state travel (class 080).

General Funds will not be utilized should the Federal Funds become unavailable.

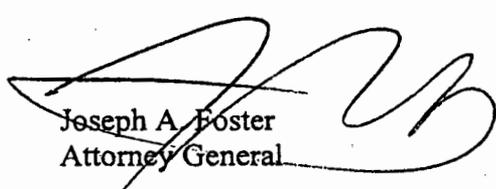
The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

1. List of personnel involved: Full time temporary Attorney II, Labor Grade 28.
2. Nature, Need, Duration: The position is needed to investigate and prosecute drug related cases.
3. Relationship to existing agency programs: The DOJ currently has a Drug Task Force consisting of one attorney position, one clerical support position, and two investigators.
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? Drug cases have increased considerably since the budget was negotiated.
6. Can portions of the grant funds be utilized? No. The forfeitures may only be used for the Drug Task Force.
7. Estimate the funds required to continue this position. The funds to continue this position are approximately \$106,595 salary and benefits plus miscellaneous expenses for each year.

Please let me know if you have any questions concerning this request.

Your consideration is greatly appreciated.

Respectfully submitted,

  
Joseph A. Foster  
Attorney General

JAF/k  
#1026070

**Faretra, Rosemary**

**From:** Elberfeld, Jennifer [Jennifer.Elberfeld@NH.Gov]  
**Sent:** Monday, April 07, 2014 10:48 AM  
**To:** Faretra, Rosemary  
**Subject:** RE: SJD - Attorney - Drug Prosecutor

Dear Ms. Faretra:

This is to notify you that the Division of Personnel conditionally approves of work unit request 136534 to establish a full-time temporary Attorney II, labor grade 28 position, position #9T2717. This approval will be pending Fiscal Committee approval and the sign-off of the Business Office on the PPF you submitted.

*Jennifer Elberfeld  
Classification & Compensation Administrator  
NH Division of Personnel  
28 School St.\*  
(603) 271-1430  
[jennifer.elberfeld@nh.gov](mailto:jennifer.elberfeld@nh.gov)*

\* Effective July 1, 2013 the Division of Personnel's address has changed to:

Division of Personnel  
28 School Street  
Concord, NH 03301

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