

Adopt Chapter Saf-C 2900 to read as follows:

Saf-C-2900 LAW ENFORCEMENT OPIOID ABUSE REDUCTION INITIATIVE

Statutory Authority: 21-P:66

PART Saf-C 2901 PURPOSE AND SCOPE

Saf-C 2901.01 Purpose. The purpose of these rules is to set forth the administrative requirements for the application and approval of grants available to county and local law enforcement agencies for the substance abuse enforcement program established pursuant to RSA 21-P:66.

Saf-C 2901.02 Scope. This chapter shall apply to all county and local law enforcement agencies who apply for grants available under the Substance Abuse Enforcement Program.

PART Saf-C 2902 DEFINITIONS

Saf-C 2902.01 “Commissioner” means commissioner of the New Hampshire department of safety.

Saf-C 2902.02 “Department” means the New Hampshire department of safety.

Saf-C 2902.03 “Drug Monitoring Initiative” or “DMI” means the monthly unclassified publication from the New Hampshire Information and Analysis Center reporting on the data trends of opioids and available at <http://www.dhhs.nh.gov/dcbcs/bdas/data.htm>.

Saf-C 2902.04 “Drug Task Force” means a drug enforcement program staffed by law enforcement personnel from county or local law enforcement agencies.

Saf-C 2902.05 “Information Analysis Center” or “IAC” means “Information and analysis center” as defined by RSA 651-F:1, III.

Saf-C 2902.06 “Overtime” means costs for time worked in excess of normal scheduled duties.

Saf-C 2902.07 “State” means the State of New Hampshire.

Saf-C 2902.08 “Supplant” means to use grant funds to replace funds from non-grant sources.

PART Saf-C 2903 APPLICANT ELIGIBILITY

Saf-C 2903.01 Eligible Applicants.

(a) Eligible applicants include:

- (1) State local law enforcement agencies;
- (2) State county law enforcement agencies.

(b) Eligible applicants are allowed to submit applications for projects with other eligible organizations.

(c) In the case of a multi-jurisdictional applicant in (b) above, the applicant shall designate an organization or one body to serve as the fiduciary agent and assume overall responsibility for the grant.

PART Saf-C 2904 CONDITIONS FOR ELIGIBILITY OF GRANT FUNDING

Saf-C 2904.01 Grant Conditions.

(a) Grant funds awarded pursuant to the substance abuse enforcement program shall support activities for:

(1) The investigation and apprehension of individuals or organizations that are involved in opioid related drug use and trafficking that are identified by:

a. Using statistics and information to place additional patrol and investigative presence at locations, times, and places where there has been a significant convergence of motor vehicle crashes, crimes, and drug use; and

b. Using statistics and information to place additional patrol and investigative presence in corridors known to be used by drug dealers for shipment of illegal drugs into the state;

(2) Absent an emergency, relieving dedicated patrol units from taking calls for service;

(3) Insuring that all officers assigned to grant funded patrol units have been trained in the concept of data-driven policing and have appropriate knowledge of the requirements of the state and federal constitutions;

(4) Promoting multijurisdictional law enforcement collaboration and increased information sharing through the IAC; and

(5) The reduction of opioid sales, abuse, and deaths.

Saf-C 2904.02 Allowable Costs.

(a) Grant funds shall reimburse grantees for employer cost law enforcement overtime costs which are the direct result of participating in the awarded grant activities.

(b) If the grant project utilizes part-time law enforcement officers, only the employer cost of straight time and Medicare will be reimbursed for their participation.

(c) Grant funds shall reimburse employer share of fringe benefits on overtime hours for the grantee's cost of New Hampshire retirement system, Medicare, Workers' Compensation and Unemployment Compensation.

Saf-C 2904.03 Unallowable Costs.

(a) Pursuant to RSA 21-P:66, IV, the following are prohibitions on allowable uses of funds:

- (1) Supplanting locally budgeted and approved funds for routine law enforcement;
- (2) The purchase of evidence or for confidential funds; or
- (3) The purchase of operational equipment.

(b) For the purposes of this section, "operational equipment" includes, but is not limited to:

- (1) Weapons;
- (2) Vests;
- (3) Drones;
- (4) Night vision;
- (5) Radios; or
- (6) Specialized vehicles.

(c) Grant funds for reimbursement of law enforcement overtime costs, pursuant to Saf-C 2904.02(a) above, shall not include reimbursement of costs for time spent traveling to or from any designated grant funded activity, including patrol area.

Saf-C 2904.04 Length of Funding. Applicants may apply for up to 12 months of funding, but no later than the end of the State's biennial fiscal budget on June 30th.

PART Saf-C 2905 FORMAT AND SUBMISSION

Saf-C 2905.01 Application Process.

(a) Applicants shall complete, "Law Enforcement Opioid Abuse Reduction Initiative Application", DSAD 67, effective August, 2016 for consideration.

(b) DSAD 67, effective August, 2016 may be downloaded from <http://www.nh.gov/safety/divisions/homeland/forms.html>

(c) Applications shall only be submitted online to the email address provided in (d) below. Hard copies or facsimiles shall not be accepted.

(d) Completed applications shall be submitted by emailing HomeLandGrants@dos.nh.gov no later than 4:15 p.m. on August 19, 2016. Applications received after the deadline shall be summarily rejected.

Saf-C 2905.02 Law Enforcement Opioid Abuse Reduction Initiative Application, Data Required.

(a) Applicants for grant funding shall submit the following on the Law Enforcement Opioid Abuse Reduction Initiative Application, DSAD 67, effective August, 2016:

- (1) Name of applicant;
- (2) The following information about the primary point of contact:
 - a. Name and title;
 - b. Address and email address; and
 - c. Telephone and facsimile number;
- (3) The following information about the finance officer:
 - a. Name and title;
 - b. Address and email address; and
 - c. Telephone and facsimile number; and
- (4) The following information about the authorizing official pursuant to RSA 31:95-b or RSA 37:6:
 - a. Name and title;
 - b. Address and email address; and
 - c. Telephone and facsimile number.

(b) The named individual in (a)(2) and (3) above shall sign the application.

(c) The named authorized official in (4) above shall sign the application and certify that he or she is authorized under the statutes of the state of New Hampshire to apply for, authorize, or accept the grant funds.

(d) Applicants shall submit the following narratives as a separate document attached to the application:

(1) Community background narrative not to exceed 750 words, including:

a. Summary description of the project and anticipated changes as a result of the proposed project within the applicant's community;

b. Indication as to whether or not the applicant is a member of an established drug task force;

c. Indication as to whether the applicant is a local or county law enforcement agency that has an established drug unit .

(2) Program implementation strategy narrative that includes:

a. A description of the applicant's current opioid problem supported with statistics from DMI and any other source, for the prior 6 months ending on June 30, 2016, including a table that provides:

1. The total number of drug related deaths, as well as deaths related to heroin or fentanyl within applicant's jurisdiction;

2. Felony drug arrests within applicant's jurisdiction;

3. Emergency room visits by county where opioid, opiate, or fentanyl is listed as a chief complaint;

4. Number of individuals admitted to a treatment program for heroin or prescription opiates within the county or applicant's jurisdiction; and

5. Number of incidents where Narcan was administered within the applicant's jurisdiction.

b. A description, not to exceed 500 words, of the local drug enforcement efforts and how the proposed initiative will support the grant goal;

- c. A description in 300 words or less, of the known or anticipated challenges to the effective implementation of the proposed project;
- d. The number of full-time and part-time law enforcement personnel employed by the applicant; and
- e. The number of full-time and part-time law enforcement personnel who will collaboratively work on the proposed project.

(e) For the purposes of (d)(2)a. 3. And 4., an applicant may obtain statistics from another source other than DMI, so long as the source is adequately identified and cited to.

(f) Applicants shall submit statistics and a description of the best practices they intend to use in support of the description listed in (d)(2) b. above.

(g) Applicants shall submit a project funding plan that includes a table that sets forth:

- (1) Number of personnel;
- (2) Number of hours;
- (3) Rate of overtime;
- (4) Rate of part-time cost;
- (5) Total cost; and
- (6) Brief explanation of assignment.

(h) Applicants shall submit a timeline, including milestones and start dates, that provides what will be done, who will do it, and when it will be accomplished. Each milestone listed shall not exceed 25 words.

(i) The authorized official and program manager or contact shall sign a non-supplanting certification, attached as Appendix I.

PART Saf-C 2906 GRANT REVIEW COMMITTEE

Saf-C 2906.01 Grant Review Committee. The commissioner shall establish a grant review committee to evaluate grant applications submitted pursuant to this chapter.

Saf-C 2906.02 Duties and Responsibilities of Grant Review Committee. The duties and responsibilities of the grant review committee is to evaluate grant applications based on these rules, the established grant conditions, and available funding and to forward a recommendation to the commissioner.

Saf-C 2906.03 Membership.

- (a) The grant review committee shall be comprised of the following members:
 - (1) Director of the division of state police or his designee;
 - (2) President of the NH Chiefs of Police Association or designee; and
 - (3) President of the NH Sheriff's Association or designee.
- (b) The Grants Management Unit administrator shall serve as the coordinator to the grant review committee.

Saf-C 2906.04 Conflict of Interest.

- (a) For purposes of this section a "conflict of interest" arises when:
 - (1) Proposals are submitted by members of the committee member's family or employer;
 - (2) When committee members have direct involvement with preparing the grant request;
 - (3) When members may realize a direct personal, professional or financial gain; or
 - (4) Any circumstance when the objectivity of the member might be compromised or perceived as being compromised.
- (b) Any member who has or becomes aware of a conflict of interest as defined in (a) above shall declare their conflict prior to any discussion of the grant project. If the conflict of interest is not known prior to any such discussions, disclosure shall be made as soon as it is known to the committee member.
- (c) Upon declaring a conflict of interest, the committee member shall:
 - (1) Not participate in any discussions concerning the proposal;
 - (2) Absent him or herself during discussion of the proposal; and
 - (3) Abstain from scoring the proposal in question.

PART SAF-C 2907 GRANT REVIEW PROCESS

Saf-2907.01 Grant Review Committee.

(a) Within 60 days of the deadline for submission of grant applications, the grant review committee shall convene to review and score all eligible applications.

(b) Each grant review committee member shall utilize the criteria set forth in these rules and scoring rubric, DSAD 68, effective August, 2016, and attached as Appendix II. The average score of all committee members present and completing the scoring sheet shall be calculated as the final score.

(c) The grant review committee shall submit the completed scoring sheets to the commissioner with their recommendation for funding and how much.

Saf-C 2907.02 Commissioner's Determination.

(a) Upon receipt of the grant review committee's recommendation, the commissioner shall make a final determination as to which projects shall be awarded funds and how much.

(b) The commissioner shall consider the following, but not be limited to:

- (1) Recommendation of the grant review committee;
- (2) Overall impact the project will have on the greatest population;
- (3) Cost and budget; and
- (4) Alignment of proposal with the substance abuse enforcement program pursuant to RSA 21-P:66, and these rules.

Saf-C 2907.03 Grant Determination.

(a) Grant applicants who have been denied funding shall be notified in writing within 30 days of the commissioner's determination.

(b) Grant award recipients shall be notified in writing with the following information:

- (1) Amount of award;
- (2) Deadlines and actions required to accept funds;
- (3) The requirement to complete a memorandum of agreement and comply with all grant fund requirements;
- (4) Notice that recipient is subject to the administrative rules set forth herein;
- (5) Notice that funding is contingent upon approval by the Governor and Executive Council; and

- (6) The web address to view or print a copy of these rules.

PART Saf-C 2908 ADMINISTRATIVE REQUIREMENTS

Saf-C 2908.01 Reimbursement.

- (a) Grantees shall be reimbursed for eligible activities as defined in Saf- C 2904.01.
- (b) Reimbursement requests shall be submitted to the department in the format proscribed by DSAD 69 “Opioid/Heroin Reimbursement Form”, effective August 2016 and attached as Appendix III, on a monthly basis.
- (c) All reimbursement requests shall include at a minimum:
- (1) Documentation supporting payroll related costs, including detailed timecards with hours worked on the grant;
 - (2) Updated monthly statistics related to the reimbursement request;
 - (3) The total monthly reimbursement amount;
 - (4) The cumulative reimbursement amount;
 - (5) The remaining balance of available funds;
 - (6) Law enforcement patrol officer name, rank, and rate of pay per hour; and
 - (7) Contacts with press.
- (d) The grantee, or designee, shall sign the reimbursement request certifying that:
- (1) All reimbursement requests are accurate and represent activities and costs allowed by the grant award; and
 - (2) All interactions intelligence, arrests and seizures have been reported to the IAC.
- (e) Drug task force participants shall be reimbursed by their employer, the local or county law enforcement agency.

Saf-C 2908.02 Suspension or Termination of Funds. The commissioner may suspend or terminate funding for filing a false certification in any application, report, or document used in part of this program.

PART Saf-2909 RECORDKEEPING

Saf-C 2909.01 Recordkeeping.

(a) All grantees shall maintain detailed time and incident records related to activities funded by the substance abuse enforcement program, pursuant to RSA 21-P:66 and these rules, for a period of at least three (3) years.

(b) Grant and supporting documentation shall be made available for inspection and audit by a representative of the department upon request during the grantee's business hours, no later than the next business day.

Appendix I

Certification Statement:

I certify that any funds awarded under the Department of Safety Law Enforcement Opioid Abuse Reduction Initiative Program will be used to supplement existing funds for program activities, and will not replace (supplant) other local or funding sources for routine law enforcement activities. I understand this is a reimbursement-based grant. Municipal invoices and evidence of payment must be submitted to receive grant funds reimbursement.

I have further read and understand the requirements surrounding fraudulent statements and tracking of activities:

_____	***	_____
Print Name (Authorizing Official)		Print Name (Program Manager/Contact)
_____		_____
Signature		Signature
_____		_____
Date		Date

*****THE AUTHORIZING OFFICIAL MUST BE STATUTORILY ALLOWED TO SIGN A CONTRACT FOR THE MUNICIPALITY (i.e. Mayor, City Manager, Town Manager, Chairperson BOS, etc.) PER RSA 31:95-b or RSA 37:6)**

APPENDIX II
**FY 2017 LAW ENFORCEMENT OPIOID ABUSE REDUCTION INITIATIVE PROGRAM APPLICATION
 EVALUATIONS**

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY

OVERALL APPLICANT INFORMATION STRATEGY (35 points maximum)						
1. Is this applicant a Law Enforcement entity which is: COUNTY, LOCAL, or "established joint LE drug force"	0	1	2	3	4	5
2. Is this project a multi-jurisdictional application with all signed letters of support attached? (If a large single department based on size of force this may score 5 as well). A strong and convincing reason for funding in a REGION?	0	1	2	3	4	5
3. Is this Full time Department	0	1	2	3	4	5
4. Is the GOAL of this project reasonable based on: I.A.1	0	1	2	3	4	5
5. Rate the local drug enforcement efforts planned with this and current activities in II.B	0	1	2	3	4	5
6. Are the challenges and solutions to implementation addressed (page 6) in a reasonable manner?	0	1	2	3	4	5
7. Is this a part time Department (Full time Department scores 5, part time only =3, part time partial force =0)	0			3		
REQUIRED ATTACHMENTS. (10 points maximum)						
8. To support the risk informed awarding, does this project include all statistical/ DMI categories & are supporting analysis documents attached (DMI stats, other neutral localized statistics)	0				5	10
SECTION III. PROJECT (25 points maximum)						
9. Rate the severity of the problem as identified by the application based on scale of: local, regional, more? Does this demonstrate a strong vision to support the overall project tied to RSA 21-P:66 , including intelligence gathering and metrics tied to such, communications, high visibility patrols, drug pathway interdiction	0				10	15
10. Rate the proposed solution as identified by the application to mitigate the identified problem. Is this convincing in rationale to fund this department or regional group?	0	1	3	5	7	10
SECTION IV. BUDGET (15 points maximum)						
11. Does the project contain a concise line item budget that adds correctly? ONLY Overtime allowed	0				3	5
12. Are all project costs reasonable, necessary and allowable based on narrative? budget?	0	1	2	3	4	5
13. How cost-effective does the funding plan appear to be given the described needs?	0	1	2	3	4	5
SECTION V. MANAGEMENT (15 points maximum)						
15. Does the applicant provide specific milestones as well as start and end dates within 6 months that are reasonable? (Milestones)	0					5
16. Is the application signed by proper, authorized officials including multi-agency applications	0				3	5
17. Are local funds being used currently and will they be to SUPPLEMENT current efforts and these grant related efforts	0				3	5

TOTAL POINTS

THIS CRITERIA WILL BE COMPLETED BY THE REVIEW COMMITTEE MEMBERS

DSAD 68 (08/2016)

Appendix III



DEPARTMENT OF SAFETY
Law Enforcement Opioid Abuse Reduction Initiative

MUNICIPALITY _____

This is to certify that (insert name): _____

Was assigned overtime to participate in the above activity on:

Date: _____

Location: _____ Amount of reimbursement requested: _____

SIGNED Payroll records must be attached that correspond to this request. Only documented and costs related to this activity are reimbursed. Travel time is not allowed.

Overtime expenses are the result of personnel who worked over and above their normal scheduled work time in the performance of Law Enforcement Opioid Abuse Reduction Initiative activities. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or the awarding agency, whichever is applicable. In no case is dual compensation allowable. Fringe benefits on overtime hours are limited to employee share of NHRS (NH Retirement System) contribution, Medicare, Workers' Compensation, and Unemployment Compensation.

Part-time employees will be reimbursed at straight-time rate.

Certification:

Therefore, I am seeking reimbursement for costs incurred as described above. Documentation will be retained at the Municipal/Agency level and be available for State review and will be retained for three years. I further certify that these costs are an accurate record of those incurred by the listed individual for this specific **Law Enforcement Opioid Abuse Reduction Initiative** and that the individuals have been paid by the municipality.

Sincerely,

Remittance Address:

(Signature Municipal official authorized to sign)

(Print name and phone number)