

**Readopt Saf-C 2900, effective 10-21-19 (Document #12894, Emergency), to read as follows:**

CHAPTER Saf-C-2900 LAW ENFORCEMENT SUBSTANCE ABUSE REDUCTION INITIATIVE

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 “Applicant” means a New Hampshire county, local, or multijurisdictional law enforcement agency that has chosen to apply for grant funding under this chapter.

Saf-C 2902.02 “Authorizing official” means an official exercising authority promulgated under RSA 31:95-b, RSA 37:6, or RSA 23:1. The term includes elected or appointed personnel designated by the elected body of the applicant agency.

Saf-C 2902.03 “Commissioner” means commissioner of the New Hampshire department of safety.

Saf-C 2902.04 “Department” means the New Hampshire department of safety.

Saf-C 2902.05 “Drug Monitoring Initiative” “(DMI)” means the monthly unclassified publication from the New Hampshire Information and Analysis Center (IAC) reporting on the data trends of narcotics and available at <http://www.dhhs.nh.gov/dcbcs/bdas/data.htm> or by signing up for distribution through the IAC.

Saf-C 2902.06 “Drug Task Force” means a drug enforcement program staffed by law enforcement personnel from county or local law enforcement agencies.

Saf-C 2902.07 “Grant Review Committee” means the colonel of the New Hampshire state police or designee, the president of the New Hampshire association of chiefs of police or designee, and the president of the New Hampshire sheriffs association or designee.

Saf-C 2902.07 “Information Analysis Center” “IAC” means “information and analysis center” as defined by RSA 651-F:1, III.

Saf-C 2902.08 “Overtime” means costs for time worked in excess of normal scheduled duties.

Saf-C 2902.09 “State” means the State of New Hampshire.

Saf-C 2902.10 "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 shall include:

- (1) Local law enforcement agencies; and
- (2) County law enforcement agencies.

(b) Eligible applicants shall be 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.

(d) Pursuant to RSA 21-P:66, eligible applicants shall include those who have provided information in the application that demonstrates use of enforcement strategies supported by data that outlines geographic and temporal enforcement and incidents.

#### 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 narcotic-related drug use and trafficking that is 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 illegal 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 unanticipated staff shortages, relieving dedicated patrol units from taking calls for service;
- (3) Promoting multijurisdictional law enforcement collaboration and increased information sharing through the IAC; and
- (4) The reduction of narcotics sales, abuse, and deaths.

##### Saf-C 2904.02 Allowable Costs.

(a) Grant funds shall reimburse grantees for employer law enforcement overtime costs that 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 shall be reimbursed for their participation.

(c) Grant funds shall reimburse the 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 shall be 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;
- (3) The purchase of operational equipment; and

(b) For the purposes of this section, operational equipment shall include:

- (1) Weapons;
- (2) Vests;
- (3) Drones;
- (4) Night vision equipment;
- (5) Radios;
- (6) Specialized vehicles; or
- (7) Other items that are supportive of the enforcement function, but not related to personnel costs.

(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, nor training costs or time spent in training.

Saf-C 2904.04 Length of Funding. Applicants may apply for funding to coincide with the inception of the program in the state fiscal year with termination of grant eligible activities to allow for reimbursement of eligible costs prior to the end of the fiscal year on June 30.

PART Saf-C 2905 FORMAT AND SUBMISSION

Saf-C 2905.01 Application Process.

(a) Applicants shall complete and submit "Law Enforcement Substance Abuse Reduction Initiative Application", DSAD 67, (rev. 05/20), for consideration of a grant award.

(b) DSAD 67, (rev. 05/20), may be downloaded from <https://www.nh.gov/safety/divisions/homeland/index.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](mailto:Homelandgrants@dos.nh.gov) no later than 30 days after the announcement of the availability of grant funds made by the department of safety

through a posting on the department's website and electronic messaging to New Hampshire law enforcement agencies by the IAC. Applications received after the deadline shall be summarily rejected.

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

(a) Applicants for grant funding shall complete and submit the "Law Enforcement Substance Abuse Reduction Initiative Application", DSAD 67, (rev. 05/20).

(b) The authorizing official of the applicant shall identify and provide a justification for any submitted material in the application that the authorizing official believes should not be released pursuant to a request under RSA 91-A.

(c) The authorizing official shall sign and submit the DSAD 67, (rev. 9/19), by the date specified in Saf-C 2905.01(d).

(d) The authorizing official, via his or her signature, shall certify that he or she understands that:

- (1) Any funds awarded be used to supplement existing funds for program activities, and will not supplant other local or funding sources for routine law enforcement activities;
- (2) This program is a reimbursement-based program; and
- (3) Municipal invoices, payroll validation and payment vouchers or cancelled checks shall be submitted to receive grant fund reimbursement.
- (4) To the extent that local data is used in support of an application, the authorizing official shall certify that the data is correct to the best of the official's knowledge.

PART Saf-C 2906 GRANT REVIEW PROCESS

Saf-2906.01 Grant Review Committee.

(a) Within 30 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 contained in Table 2906-1. The average score of all committee members present and completing the scoring sheet shall be calculated as the final score.

(c) The scoring rubric shall include the elements and scoring criteria specified in Table 2906-1, below:

Table 2906-1 Scoring Rubric

Category/Max Points	Scoring Element	Scoring Methodology
<b>Information Strategy (40 points)</b>		
	1. Is this applicant a law enforcement entity with COUNTY, LOCAL, or “established joint LE drug force”?	0 = No 5 = Yes
	2. Is this project a multi-jurisdictional application with all signed letters of support attached?	Yes = 5 pts No = 0 pts
	3. Size of full-time department	30+ Full time LE Officers = 5pts 10-30 Full Time LE = 3 pts 1-10 Full Time LE = 1 pt
	4. Does the multijurisdictional application make a strong and convincing case for regional funding, in the opinion of the Committee?	Yes = 5 pts Partial = 3 pts No = 0 pts
	5. Does the applicant have full-time law enforcement officers?	Yes = 5 pts No = 1 pt
	6. Is the GOAL of this project reasonable based on the DSAD 67 Section I.A.1, the description of the project in the professional judgment of the committee?	Yes = 5 pts Partial = 3 pts No = 1 pt
	7. Rate the effectiveness of local drug enforcement efforts planned with this project and current activities as described in the DSAD 67, section II, the program implementation strategy in the professional opinion of the Committee?	Highly Effective = 5 pts Somewhat Effective = 3 pts Not Effective = 0 pts
	8. Are the challenges and solutions in implementation described in the DSAD section II, the program implementation strategy addressed in a reasonable manner in the professional opinion of the Committee?	Yes = 5 pts Partially = 3 pts No = 0 pts
<b>Required Attachments (10 points)</b>		

Category/Max Points	Scoring Element	Scoring Methodology
	9. Does this project include all statistical/DMI categories & are supporting analysis documents attached (DMI stats, other neutral localized statistics)?	Data provided = 10 pts Partial data provided = 5 pts No data provided = 0 pts
<b>Section III, Project (35 points)</b>		
	10. Rate the severity of the problem as identified by the application based on scale of: local, regional, more?	County-wide or larger = 15 pts Smaller regional problems = 10 pts Local problem = 5 pts
	11. Does this application demonstrate a strong vision to support the overall project tied to RSA 21-P:66, including intelligence gathering and metrics tied to such as communications, high visibility patrols, drug pathway interdiction?	Strong Alignment = 10 pts Somewhat Aligned = 5 pts Not Aligned = 0 pts
	12. Rate the proposed solution as identified by the application to mitigate the identified problem. Is this convincing in rationale to find this department or regional group in the professional judgement of the Committee?	Very convincing = 10 pts Partially convincing = 5 pts Not convincing = 0 pts
<b>Section IV, Budget (15 points)</b>		
	13. Does the proposed project contain a concise line item budget that adds correctly with ONLY overtime and related allowable personnel costs allowed?	Line item budget = 5 pts Partial line item budget = 3 pts No line item budget = 0 pts
	14. Are all proposed project costs reasonable, necessary and allowable based on narrative in the professional opinion of the Committee?	Yes = 5 pts No = 0 pts

Category/Max Points	Scoring Element	Scoring Methodology
	15. How cost effective does the funding plan appear to be given the described needs in the professional opinion of the Committee?	Yes = 5 pts No = 0 pts
<b>Section V. Management (15 points)</b>		
	16. Does the applicant provide specific milestones as well as start and end dates within 6 months that are reasonable (milestones)?	Yes = 5 No = 0
	17. Is the application signed by proper, authorized officials including multi-agency applications?	All Signatures and Proper = 5 pts Some signatures or question = 3 pts No signature or improper = 0 pts
	18. Are local funds being used currently and will they be to SUPPLEMENT current efforts and these grant related efforts?	No supplantation = 5 pts Possible supplantation = 3 pts Supplantation likely = 0 pts

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

Saf-C 2906.02 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 apply the following in determining whether the funding will be effectively used:

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

Saf-C 2906.03 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 within 30 days of the commissioner's determination with the following information:
  - (1) Amount of award;
  - (2) Deadlines and actions required to accept funds;
  - (3) The requirement to complete a memorandum of understanding and comply with all grant fund requirements;
  - (4) Notice that recipient shall be subject to the administrative rules set forth herein;
  - (5) Notice that funding shall be 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 2907 ADMINISTRATIVE REQUIREMENTS

##### Saf-C 2907.01 Reimbursement.

- (a) Grantees shall be reimbursed for eligible activities as defined in Saf- C 2904.01.
- (b) Reimbursement requests shall include requirements as follows:
  - (1) Grantees shall complete and submit a form "Documentation for Reimbursement of Overtime", DSAD 69 (rev. 05/20); and
  - (2) Grantees shall complete and submit a completed form and payroll backup "Substance Abuse Grant Overtime Summary Sheet", DSAD 70, (rev. 05/20).
- (c) The grantee, or designee who has been authorized by the grantee to sign on his or her behalf, shall sign the completed form DSAD 69, (rev. 05/20), reimbursement request certifying that:
  - (1) All reimbursement requests are accurate and represent activities and costs allowed by the grant award;
  - (2) Documentation in support of reimbursement cost shall be retained at the municipality or agency submitting the form DSAD 69, (rev. 05/20), and shall be retained for state review for a period of 3 years;
  - (3) The municipality has paid the individual officers the funds represented on DSAD 69, (rev. 05/20);
  - (4) Dual compensation has not been paid;
  - (5) Fringe benefits requested for reimbursement includes only the employer share of the NH retirement system contribution, medicare, worker's compensation, and unemployment compensation;



(6) Part-time employees will be paid only at the straight time rate for those positions; and

(7) Salaries paid were exclusively in support of the “Law Enforcement Substance Abuse Reduction Initiative” awarded.

(d) As a condition of grant award, all interactions, intelligence, arrests, and seizures have been reported to the IAC using the required deconfliction process and through the use of “Felony Drug Arrest Submission Form” DSSP 432, (rev. 1/18).

(e) Drug task force participants shall be reimbursed by their employer, the local or county law enforcement agency.

Saf-C 2907.02 Suspension or Termination of Funds. The commissioner shall suspend or terminate funding to any awardee if it is discovered that the awardee filed a false certification in any application, report, or document used in part of this program.

**PART Saf-C 2908 RECORDKEEPING**

Saf-C 2908.01 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 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.

**PART Saf-C 2909 RELEASE OF RECORDS UNDER RSA 91-A**

Saf-C 2909.01 Exempt Material Identified by Agency. Applicant agencies believing that any material(s) required for submission under this chapter are exempt from disclosure under RSA 91-A shall clearly identify such material and provide an explanation that describes how the material meets one or more of the exemptions outlined in that statute.

Saf-C 2909.02 Departmental Review. When the department receives a request for disclosure of material submitted under this chapter, the department will undertake a review of the material requested, including any materials identified pursuant to Saf-C 2910.01, and the explanation provided for the applicability of RSA 91-A to the requested material.

Saf-C 2909.03 Departmental Decision; Notification to Applicant. If the department’s determination of the applicability of RSA 91-A to material subject to a specific request differs from the applicant’s determination, prior to the release of information the department shall notify the applicant by email or letter of its determination.

Rule	Specific State Statute the Rule Implements
------	--

Saf-C 2901	RSA 21-P:66, I; RSA 541-A: 7
Saf-C 2902	RSA 21-P:66, I; RSA 541-A:7
Saf-C 2903	RSA 21-P:66, II
Saf-C 2904.01	RSA 21-P:66, II
Saf-C 2904.02	RSA 21-P:66, II (a)
Saf-C 2904.03	RSA 21-P:66, IV
Saf-C 2904.04	RSA 21-P:66, I
Saf-C 2905	RSA 21-P:66, V
Saf-C 2906	RSA 21-P:66, III
Saf-C 2907	RSA 21-P:66, I
Saf-C 2908	RSA 21-P:66, I
Saf-C 2909	RSA 91-A:4; RSA 91-A:5