

Committee Report

REGULAR CALENDAR

February 16, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
420-FN,**

**AN ACT relative to the use of funds in the drug
forfeiture fund. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 420-FN
Title:	relative to the use of funds in the drug forfeiture fund.
Date:	February 16, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The majority of the committee agrees that our state has a serious substance abuse crisis, and that more treatment programs are needed. However, prevention is just as necessary as treatment, and this relatively small funding source is essential for local, county, and state law enforcement agencies. Currently, the Drug Forfeiture Fund is administered by the Attorney General's Office. In Fiscal Year 2020, this fund directed about \$100,000 towards street-level drug investigations, along with a variety of local substance abuse prevention programs. This is the most effective use for that money. This bill would also eliminate the only current funding source for the new and much needed Police Psychological Stability Screening Fund, which was established just last year as part of a bi-partisan law enforcement omnibus bill.

Vote 15-6.

Rep. Timothy Horrigan
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 420-FN, relative to the use of funds in the drug forfeiture fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Judiciary. The majority of the committee agrees that our state has a serious substance abuse crisis, and that more treatment programs are needed. However, prevention is just as necessary as treatment, and this relatively small funding source is essential for local, county, and state law enforcement agencies. Currently, the Drug Forfeiture Fund is administered by the Attorney General's Office. In Fiscal Year 2020, this fund directed about \$100,000 towards street-level drug investigations, along with a variety of local substance abuse prevention programs. This is the most effective use for that money. This bill would also eliminate the only current funding source for the new and much needed Police Psychological Stability Screening Fund, which was established just last year as part of a bi-partisan law enforcement omnibus bill. **Vote 15-6.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB420-FN

BILL TITLE: relative to the use of funds in the drug forfeiture fund

DATE: 2/16/2021

LOB ROOM: Remote

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Mclean Seconded by Rep. Sylvia Vote: 6-14

MOTION: (Please check one box)

OTP OTP/A **ITL** Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Horrigan Seconded by Rep. Simpson Vote: 15-6

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____


MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ___ YES **XX** ___ NO

Minority Report? ___ Yes **XX** No If yes, author, Rep: _____ Motion _____

Respectfully submitted: 
Rep Kurt Wuelper, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM
Roll Call Committee Registers
Report

2021 SESSION

Judiciary

Bill #: HB420 Motion: ITL AM #: _____ Exec Session Date: 2/16/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman			
McLean, Mark Vice Chairman			
Sylvia, Michael J.			
Wuelper, Kurt F. Clerk			
Alexander, Joe H.			
Rice, Kimberly A.			
Silber, Norman J.			
Greene, Bob J.			
Kelley, Diane E.			
Tausch, Lindsay			
Trottier, Douglas R.			
Smith, Marjorie K.			
Berch, Paul S.			
Horrigan, Timothy O.			
DiLorenzo, Charlotte I.			
Chase, Wendy			
Kenney, Cam E.			
Langley, Diane M.			
McBeath, Rebecca Susan			
Paige, Mark			
Simpson, Alexis			
TOTAL VOTE:	6	15	

Rep Kurt Wuelper *Kurt Wuelper*

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM
Roll Call Committee Registers
Report

2021 SESSION

Judiciary

Bill #: HB420 Motion: OTP AM #: _____ Exec Session Date: 2/16/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman			
McLean, Mark Vice Chairman			
Sylvia, Michael J.			
Wuelper, Kurt F. Clerk			X
Alexander, Joe H.			
Rice, Kimberly A.			
Silber, Norman J.			
Greene, Bob J.			
Kelley, Diane E.			
Tausch, Lindsay			
Trottier, Douglas R.			
Smith, Marjorie K.			
Berch, Paul S.			
Horrigan, Timothy O.			
DiLorenzo, Charlotte I.			
Chase, Wendy			
Kenney, Cam E.			
Langley, Diane M.			
McBeath, Rebecca Susan			
Paige, Mark			
Simpson, Alexis			
TOTAL VOTE:	6	14	

Rep Kurt Wuelper *Kurt Wuelper*

Public Hearing

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 420-FN

BILL TITLE:relative to the use of funds in the drug forfeiture fund

DATE:1/26/2021

LOB ROOM: 208

Time Public Hearing Called to Order: 10:40 AM

Time Adjourned: 10:50

Committee Members: Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Rice, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

Bill Sponsors:

Rep. Spillane

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Rice introduced the bill and took no questions.

Rep Spillane Supports This bill had broad bipartisan support and had problems in Ways and Means. These issues have been addressed by better defining what costs must be reimbursed, ensuring police. Departments will get no less money in most cases. Some departments will actually get more. We included a line to allow the department to decide not to seize a vehicle if it is of low value, saving them money.

Q Horrigan A We already reaie money in other ways, but it is msost fitting to have the responsible for the problem pay for the solution. It, is more equitable to ensure current programs can continue but when there is a windfall, turn that money to treatment.

*Josh Albert NH Association of Chiefs of Police Oppose Taking these funds away from law enforcement even if applied to treatment. We are seeing a surge in drug use. These funds support actions against drug traffickers and reduce drug seizures. There are only a few task forces left in our state and their loss would be serious.

Q Gordon: How much money is involved? The amount varies from year to year but speaking for Nashua, we received about \$300,000. Q Langley If these funds were diverted would there be any funding for your task force? A No. Our drug force is totally funded by these monies. Q Horrigan Would the amount of money involved make a significant difference to the treatment community? A As it stands now, any money seized by the state goes to the Attorney General and is divided 45% to law enforcement; 45% stays with the AG office and the last 10% goes to treatment. More money coming in means more money for treatment. In Nashua, we contribute to many other programs. Q Sylvia Do you see a problem with the incentive to seize cash as opposed to seizing drugs? A The money empowers police to do things they could not do otherwise. In Nashua, it lets us investigate drugs coming into the state we could not do otherwise. It also allows for better training without burdening the taxpayer. It really inhibits drug traffickers knowing we have this as a tool.

Jennifer O'Higgins DHHS Info Only HHS uses the money they get for alcohol and drug prevention. Losing the fuds could affect staffing.

Ross Connolly Americans for Prosperity Support I have numerous friends struggle with addiction. Reallocating money from convictions makes sense. Treatment saves money over incarceration. Using a portion of the drug forfeiture fund would send a clear signal that treatment is important. Q Horrigan Are we asking HHS (?) pick winners and losers? A Our position on drug

policy is to look at new ways pf dealing with addiction. WE believe that having prison as the only answer is counterproductive and putting the criminal money go to HHS seems a good way of expanding our options.

A handwritten signature in black ink, appearing to read "Kurt Wuepper". The signature is written in a cursive, somewhat stylized font.

Rep Kurt Wuelper

House Remote Testify

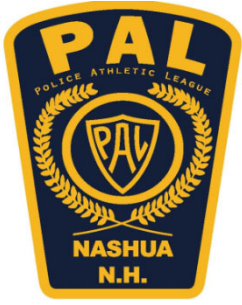
Judiciary Committee Testify List for Bill HB420 on 2021-01-26

Support: 13 Oppose: 3 Neutral: 1 Total to Testify: 5

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Connolly, Ross	rconnolly@afphq.org	A Lobbyist	Americans for Prosperity New Hampshire	Support	Yes (0m)	No	1/22/2021 11:13 AM
Albert, Joshua	albertj@nashuapd.com	A Member of the Public	Myself	Oppose	Yes (0m)	No	1/25/2021 10:37 AM
OHiggins, Jennifer	Jennifer.OHiggins@dhhs.nh.gov	State Agency Staff	DHHS	Neutral	Yes (0m)	No	1/25/2021 6:25 PM
Spillane, James	james@jamespillane.org	An Elected Official	Rockingham 2 - Prime Sponsor	Support	Yes (0m)	No	1/26/2021 10:11 AM
Sytek, Donna	donnasytek@gmail.com	A Member of the Public	Myself	Support	Yes (0m)	No	1/23/2021 9:03 PM
Lekas, Tony	Rep.Tony.Lekas@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2021 4:47 PM
Notter, Jeanine	jeanine.notter@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/26/2021 11:23 AM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2021 2:29 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2021 7:15 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2021 9:03 PM
Ebert, Joseph	joseph.ebert@dos.nh.gov	State Agency Staff	State Police	Oppose	No	No	1/25/2021 10:08 PM
Lekas, Alicia	rep.alicia.lekas@gmail.com	An Elected Official	Hillsborough 37	Support	No	No	1/25/2021 10:20 PM
See, Alvin	absee@4Liberty.net	A Member of the Public	Myself	Support	No	No	1/25/2021 11:24 PM
Reagan, Senator John	kathryn.cummings@leg.state.nh.us	An Elected Official	Myself SD #17	Support	No	No	1/25/2021 10:59 AM
Yokela, Josh	josh.yokela@leg.state.nh.us	An Elected Official	Rockingham 33	Support	No	No	1/25/2021 2:07 PM
Hruska, Jeanne	Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	No	1/25/2021 3:42 PM
Donchess, James	donchessj@nashuanh.gov	An Elected Official	Myself	Oppose	No	No	1/25/2021 4:43 PM

Testimony



NASHUA POLICE ATHLETIC LEAGUE

Non-Profit Serving Youth Since 1989

52 Ash Street
Nashua, NH 03060

Phone: 603-594-3733

website: www.nashuapal.com
email: info@nashuapal.com

BOARD MEMBERS

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Privitar

CHIEF MICHAEL CARIGNAN

Nashua Police Department

MICHELE CHAKAS

Southern NH Medical Center

JAY COHEN

Southern NH University

SIDI CUKO

Southern NH Medical Center

NICHOLAS DAHL

Department of Veterans Affairs

STEVE DICKSON

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Federal Bureau of Prisons

EXECUTIVE DIRECTOR

SHAUN NELSON

PAL OFFICER

OFFICER BENNETT STUSSE

ATHLETIC DIRECTOR

NICK DAHL

GYMNASIUM DIRECTOR

JOSEPH LAPLANTE

Nashua Police Department
Attn: Chief Michael Carignan
28 Officer James Roche Drive
Nashua, NH 03062

January 26, 2021

Dear Chief Carignan,

Nashua PAL (Police Athletic League) is a nonprofit organization dedicated to teaching our youth the values and rewards that can be accomplished through self-determination, belief in one's self, desire, teamwork, and respect for others. Nashua PAL serves over 2,000 youth in Greater Nashua, New Hampshire through education, activity, and leadership programming. The PAL Youth Safe Haven – focus of this funding request – provides free year-round after-school and summer programming to 350-400 at-risk youth per year.

The PAL Youth Safe Haven is centered in the heart of Nashua's "Tree Streets" where gangs, violence, drugs, lack of education, and generational poverty are the distressing reality for PAL youth. The Youth Safe Haven program keeps youth, ages 7-18, actively engaged and education-focused in this neighborhood desperate for positive interaction. Youth are provided with access to quality after-school/summer care in exchange for their positive and productive behavior within their community and school. To remove barriers to participation, the Youth Safe Haven afterschool and summer program is provided to all families at NO cost.

Year round activities include afterschool homework help; 1:1 tutoring; adult and peer mentoring; community service projects; field trips; and quality programming during summer and vacation periods. PAL strives for each youth member to achieve academic success and become productive community members, which is significantly more likely for youth with mentors. Not only does mentoring improve youth self-esteem and school attendance, at-risk youth with a mentor are 46% less likely to start using illegal drugs, and are 55% more likely to enroll in college. Support from the Nashua Police Department's Drug Forfeiture Funding will provide critical youth programming: mentoring activities, educational resource supplies, and community service activities for youth.

Nashua PAL truly appreciates your consideration and your support of youth programs at the PAL Youth Safe Haven. Please do not hesitate to contact me directly with any questions. I can be reached at (603) 594-3733 or Jen@nashuapal.com.

Sincerely,

Jen Miller

Jen Miller
Development Director
Nashua PAL

Testimony
before the House Judiciary Committee
January 26, 2021
HB 420-FN – Relative to the use of funds in the drug forfeiture fund

Dear Chairman Gordon and Members of the Committee:

My name is Josh Albert; I am a Detective Lieutenant with the Nashua Police Department. I have been a NH resident all of my life, and I have been in law enforcement for 19 years. I currently serve as the divisional commander of the Narcotics Unit. Seven of those years have been directly combatting the trafficking of narcotics within Nashua and New England. I am here to testify in **opposition** to HB 420-FN on behalf of my department and also, the NH Association of Chiefs of Police.

We are opposed to HB 420 because if passed, this bill dilutes and re-directs the funds that were originally designated to support drug law enforcement. While I completely understand the need and importance to further fund the establishment of substance misuse addiction, recovery, or rehabilitation centers, programs, or services, taking these funds away from the enforcement side of the epidemic would be counterproductive as we are beginning to see a slight decrease in the opioid epidemic.

The drug forfeiture fund administered by the Attorney General's Office has served the Granite State well over the many years to offset the high cost of conducting resource intensive drug investigations that principally target drug traffickers, not users.

Placing the fund outside of law enforcement and allowing these funds to be re-directed to other than law enforcement purposes defeats the purpose of the fund; it will dilute and diminish the fund permanently. Therefore, over time, the departments that rely on these funds to support investigations which result in the legal seizures of drug trafficker's profits will no longer be able to conduct these investigations, and therefore, seizures of drug profits will be eliminated.

If passed, this bill will cause the drug forfeiture fund to go to zero dollars and place an additional tax burden on residents instead of drug traffickers. The investigations into drug trafficking (through our already small amount of task forces left in the State) is already overburdened and under supported. Taking the funds away that are intended to help hold drug dealers accountable is only going to lead to MORE DRUG TRAFFICKERS, and therefore, a larger victim base and a larger drug epidemic.

In closing, I ask that you find this bill **Inexpedient to Legislate**.

Thank you for your consideration.

Respectfully,

Lt. Josh Albert
Nashua Police Department

1/25/21, 10:37 a.m.

Chief of Police
Allen D. Aldenberg
Assistant Chief
Steven A. Mangone



Commission
Scott R. Spradling, *Chairman*
Charlie Sherman
Manny Content
Eva Castillo
John G. Cronin

CITY OF MANCHESTER *Police Department*

HB 420-FN – Relative to the use of funds in the drug forfeiture fund

Dear Chairman Gordon and Members of the Committee:

My name is John Cunningham; I am a Lieutenant with the Manchester Police Department Special Enforcement Division. I have been a NH resident for the past 25 years, and I have served my community in law enforcement for over 20 years. I am currently assigned as the executive officer for the Special Enforcement Division that encompasses our Special Investigations Unit (our drug investigations unit) and our Street Crime Unit (our drug interdiction unit). I am writing in **opposition** to HB 420-FN on behalf of my department.

Our mission is to stop illegal drugs from entering our communities and hold those that traffic and distribute them accountable. We are part of the solution to help combat this epidemic that spans across all communities and all facets of society.

We are opposed to HB 420 because if passed, it will have a negative effect on our ability to conduct counter drug operations. This bill will have a harmful impact on enforcement operations and will cut funding that was intended to support drug enforcement. We acknowledge that the problem of illegal drugs is a community problem and there are many partners including addiction recovery, mental health and rehabilitation services that play an important role in the equation. Law enforcement is part of the solution and an equal part of the equation. The primary purpose of the asset forfeiture fund is to support law enforcement's role and it's mission to stop the flow of illegal drugs into the state.

If this bill should pass you would dramatically limit our ability to operate effectively. You would take away our already limited funding and hamper our investigations. Law enforcement cannot be operationally effective without the necessary funding to conduct our operations. Make no mistake – by allowing this bill to pass you will have a direct role in defunding drug enforcement operations and increase the supply of drugs into our communities.

Michael L. Briggs Public Safety Building
405 Valley Street • Manchester, New Hampshire 03103 • (603) 668-8711 • FAX: (603) 668-8941
E-mail: ManchesterPD@manchesternh.gov • Website: www.manchesterpd.com

A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



The passage of this bill will not only affect the citizens of Manchester it will have a much broader state wide impact. Manchester is a source City for statewide drug distribution and a supply line for cross boarder drug traffickers. We are constantly targeting those responsible for distributing the illegal drugs. We work closely with our state, local and federal partners but it comes with a high cost. In order to properly fund drug enforcement operations we rely on the Attorney General's Office – asset forfeiture funding. Since 2018, the Manchester Police Department has received over \$104,000 directly from state asset forfeiture funding. By slashing our funding you will negatively affect our ability to carry out our mission. We rely on these funds to be successful.

Allowing these funds to be re-directed to other than law enforcement defeats the purpose of the fund. It will allow drug traffickers to bring more drugs into the communities and will decrease law enforcement effectiveness and over time deplete the fund altogether. Our investigations result in the **legal** seizures of profits and assets from drug traffickers. If we are unable to conduct our investigations the seizures will diminish and the fund will become altogether ineffective.

If this bill is passed, you will limit our capabilities and allow drugs to enter our communities. You will be defunding law enforcement and you will be promoting drug trafficker's ability to bring drugs into our communities. You will have more addicts, more crime and more victims. I ask you to consider the impact you will have on the communities and Granite Staters. Please support our efforts, allow us the funding to operate and the ability to carry out our mission to stop drugs traffickers.

In closing, I ask that you find this bill **Inexpedient to Legislate**.

Thank you for your consideration.

Respectfully,

Lieutenant John Cunningham
Manchester Police Department
Special Enforcement Division

Dear Chairman Gordon and Members of the Committee: Good afternoon, I am Chief Allen D. Aldenberg of the Manchester Police Department. I am writing to all of you in reference to HB 420 and HB 331. I have attached two documents for your consideration which were authored by Lieutenant John Cunningham, who is a supervisor within my Special Enforcement Division (Drug Unit), which articulate very well our concerns with these two bills. I ask that you please take a moment to read them as they provide some valuable insight into how these two bills will negatively impact our drug enforcement actions, not just in Manchester but statewide. I respectfully ask that you vote ITL on these bills. I am happy to meet with any of you to discuss this very important matter further. My contact information is below. Thank you for your time and for your service to the State of NH.

Respectfully,

Allen D. Aldenberg

Allen D. Aldenberg
Chief of Police
Manchester, NH Police Department
405 Valley Street
Manchester, NH 03101
(603) 792-5400
aaldenbe@manchesternh.gov

Testimony
before the House Judiciary Committee
January 26, 2021
HB 420-FN – Relative to the use of funds in the drug forfeiture fund

Dear Chairman Gordon and Members of the Committee:

My name is Josh Albert; I am a Detective Lieutenant with the Nashua Police Department. I have been a NH resident all of my life, and I have been in law enforcement for 19 years. I currently serve as the divisional commander of the Narcotics Unit. Seven of those years have been directly combatting the trafficking of narcotics within Nashua and New England. I am here to testify in **opposition** to HB 420-FN on behalf of my department and also, the NH Association of Chiefs of Police.

We are opposed to HB 420 because if passed, this bill dilutes and re-directs the funds that were originally designated to support drug law enforcement. While I completely understand the need and importance to further fund the establishment of substance misuse addiction, recovery, or rehabilitation centers, programs, or services, taking these funds away from the enforcement side of the epidemic would be counterproductive as we are beginning to see a slight decrease in the opioid epidemic.

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Respectfully,

Lt. Josh Albert
Nashua Police Department

1/25/21, 10:37 a.m.



2 Wellman Avenue, Suite 140
Nashua, New Hampshire 03064

Dedicated to putting the needs of New Hampshire's child abuse victims first

January 27, 2021

Chief Carignan
Nashua Police Department
28 Officer James Roach Dr.
Nashua, NH 03062

Dear Chief Carignan,

The Child Advocacy Center of Hillsborough County (Nashua) is operated by the County Granite State Children's Alliance (GSCA), which is a 501c3 organization representing New Hampshire's network of Child Advocacy Centers (CACs). Our mission is to provide all victims of child abuse a neutral environment where justice, healing, equity, and prevention are fostered through consistent, high quality, and sustaining collaboration of community partners. Child Advocacy Centers are welcoming, friendly facilities and all services are confidential and free of charge. Together with our multidisciplinary partners, we respond to various forms of child abuse, including sexual abuse, felony-level physical abuse, and child witnesses to violence such as a homicide or a serious domestic assault. Each year the CAC in Nashua provides forensic interviews, family support, and follow up services to approximately 200 child victims and their families; 27% of these children are not old enough to attend the first grade.

The Nashua Police Department utilizes CAC services an average of 91 times per year. The CAC cost per child for forensic interview and family support services is approximately \$1,500.00. The average total cost of services provided by the Nashua CAC to the Nashua Police Department free of charge, is \$136,500 annually.

Child Advocacy Centers produce many significant community benefits: allegations of sexual assaults and abuse are thoroughly investigated; more offenders are held accountable; the community is better educated about the problem of child sexual abuse; trauma experienced by children is reduced; non-offending caregivers are empowered to protect and support their children, and children receive prompt and ongoing services to support their healing from the trauma of abuse. It is our goal to help every child victim move beyond their trauma to heal, survive, and thrive.

In Fiscal Year 2022 (July 1, 2021 – June 30, 2022), the proposed financial contributions from the Nashua Police Department Drug Forfeiture Fund will be applied directly to the unfunded portion of the family support specialist position (FSS) at the Child Advocacy Center in Nashua. The FSS ensures that all children who come into CACs receive medical, behavioral health and other supports that help children and families heal from their trauma and navigate through what can be an overwhelming systematic response to child abuse.

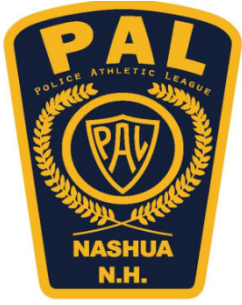
I want to extend my appreciation for the Nashua Police Department's dedication to our multidisciplinary team and the support you have provided our Child Advocacy Center (CAC) in Nashua over the years. At every level, members of the Nashua Police Department have been a wonderful collaborative partner in investigating child abuse within the City of Nashua. Thank you, and should you have any questions, please contact me at (603) 864-0215.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Barrett".

Joy Barrett – Chief Executive Officer

Granite State Children's Alliance/Child Advocacy Center of Hillsborough County (Nashua)



NASHUA POLICE ATHLETIC LEAGUE

Non-Profit Serving Youth Since 1989

52 Ash Street
Nashua, NH 03060

Phone: 603-594-3733

website: www.nashuapal.com
email: info@nashuapal.com

BOARD MEMBERS

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MICHELE CHAKAS

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EXECUTIVE DIRECTOR

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GYMNASIUM DIRECTOR

JOSEPH LAPLANTE

Nashua Police Department
Attn: Chief Michael Carignan
28 Officer James Roche Drive
Nashua, NH 03062

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Nashua PAL (Police Athletic League) is a nonprofit organization dedicated to teaching our youth the values and rewards that can be accomplished through self-determination, belief in one's self, desire, teamwork, and respect for others. Nashua PAL serves over 2,000 youth in Greater Nashua, New Hampshire through education, activity, and leadership programming. The PAL Youth Safe Haven – focus of this funding request – provides free year-round after-school and summer programming to 350-400 at-risk youth per year.

The PAL Youth Safe Haven is centered in the heart of Nashua's "Tree Streets" where gangs, violence, drugs, lack of education, and generational poverty are the distressing reality for PAL youth. The Youth Safe Haven program keeps youth, ages 7-18, actively engaged and education-focused in this neighborhood desperate for positive interaction. Youth are provided with access to quality after-school/summer care in exchange for their positive and productive behavior within their community and school. To remove barriers to participation, the Youth Safe Haven afterschool and summer program is provided to all families at NO cost.

Year round activities include afterschool homework help; 1:1 tutoring; adult and peer mentoring; community service projects; field trips; and quality programming during summer and vacation periods. PAL strives for each youth member to achieve academic success and become productive community members, which is significantly more likely for youth with mentors. Not only does mentoring improve youth self-esteem and school attendance, at-risk youth with a mentor are 46% less likely to start using illegal drugs, and are 55% more likely to enroll in college. Support from the Nashua Police Department's Drug Forfeiture Funding will provide critical youth programming: mentoring activities, educational resource supplies, and community service activities for youth.

Nashua PAL truly appreciates your consideration and your support of youth programs at the PAL Youth Safe Haven. Please do not hesitate to contact me directly with any questions. I can be reached at (603) 594-3733 or Jen@nashuapal.com.

Sincerely,

Jen Miller

Jen Miller
Development Director
Nashua PAL



Jacalyn A. Colburn
Associate Justice

The State of New Hampshire
Superior Court

Hillsborough County Superior Court
Southern District
P.O. Box 2072
Nashua, NH 03061-2072

January 28, 2021

Chief Michael Carignan
Nashua Police Department
28 Officer James Roche Drive
Nashua, NH 03062

RE: Asset Forfeiture Program

Dear Chief Carignan:

As you know, the Nashua Police Department is an integral team member of the Hillsborough County Southern District Adult Drug Court, established in 2014. The Drug Court model uses a team approach in its efforts to enhance community safety by reducing recidivism among high risk offenders who need significant substance misuse treatment. The team is comprised of a supervising judge, licensed substance misuse therapists, case managers, probation officers, prosecutors, defense attorneys, recovery coaches and law enforcement officials.

There are nationally published standards for drug courts, developed from studies spanning 30 years. Many empirical studies have found that drug courts which follow evidence-based approaches are proven to significantly reduce crime. Furthermore, these studies have shown that participation by law enforcement officials improves outcomes, resulting in higher graduation rates as compared to those courts who operate without law enforcement partners. Trainings at the national and regional level are designed to enable all members of the team to gain the knowledge, skill and best practices necessary to their role. The participating officers are critical to our team. They provide updates on community safety to our team and lend support in providing field supervision to our participants in the program. In years past, the Nashua Police Department has used asset forfeiture monies to provide their training. Without it, the ability to train the involved officers would be severely constricted.

In addition to supporting the training of our law enforcement partners, the asset forfeiture funds have provided support for incentives that are an integral part of the drug court model. National studies have established that drug courts that incentivize and reward participants for positive changes in behavior are proven to have higher success rates than those who do not. Through the use of asset forfeiture funds the Nashua Police Department has had the ability to contribute low-cost monetary rewards such as food, haircuts, clothing and pro-social gift certificates as incentives. These important contributions foster progress and long-term success in our participants.

In consideration of the serious impact the asset forfeiture program has on our drug court, we respectfully request that the program be reinstated and continued in order to enable the Nashua Police Department to participate fully in this proven approach to enhancing community safety and reducing substance misuse.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Colburn', written over a horizontal line.

Hon. Jacalyn A. Colburn
Presiding Justice
Hillsborough County-Southern District
Adult Drug Court

Archived: Wednesday, July 7, 2021 9:52:14 AM

From: Albert, Joshua

Sent: Monday, January 25, 2021 3:36:19 PM

To: ~House Judiciary Committee

Subject: Testimony for HB420 and HB331

Importance: Normal

Attachments:

[LT Albert testimonyhb420.docx](#)  [LT Albert testimonyhb331 \(002\).docx](#) 

Dear Representative Gordon, Chair, and Members of the Committee:

Attached is my testimony on HB 331 and HB 420, drug forfeiture.


I will be appearing before your Committee tomorrow to testify, and I look forward to meeting you.

Very Respectfully,

Lieutenant Joshua Albert
Narcotics Intelligence Division
Nashua Police Department
Office-(603) 594-3591
AlbertJ@NashuaPD.com

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Archived: Wednesday, July 7, 2021 9:52:14 AM
From: Albert, Joshua
Sent: Thursday, January 28, 2021 11:17:45 AM
To: ~House Judiciary Committee
Subject: Last Letter of Opposition to HB420 and HB331
Importance: Normal
Attachments:
[PDF 2021 NPD Asset Forfeiture letter.pdf](#) 

Dear Committee Members,

I wanted to follow up on my testimony from January 26th at 10:00am and 10:30am in opposition to HB420 and HB 331. Attached please the last letter from Hillsborough County's Drug Court that will be negatively impacted should these two pieces of legislation pass.

Very Respectfully,

Lieutenant Joshua Albert
Narcotics Intelligence Division
Nashua Police Department
Office-(603) 594-3591
AlbertJ@NashuaPD.com

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Archived: Wednesday, July 7, 2021 9:52:15 AM
From: Albert, Joshua
Sent: Thursday, January 28, 2021 10:50:11 AM
To: ~House Judiciary Committee
Subject: Follow up Letters of opposition to HB420 and HB331
Importance: Normal
Attachments:

[Nashua DAG letter FY22.pdf](#)  [Nashua Police Department Funding Request - Nashua PAL 1.26.21.pdf](#) 

Dear Committee Members,

I wanted to follow up on my testimony from January 26th at 10:00am and 10:30am in opposition to HB420 and HB 331. Attached please find two letters of organizations that will be negatively impacted should these two pieces of legislation pass.

Very Respectfully,

Lieutenant Joshua Albert
Narcotics Intelligence Division
Nashua Police Department
Office-(603) 594-3591
AlbertJ@NashuaPD.com

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2 Wellman Avenue, Suite 140
Nashua, New Hampshire 03064

Dedicated to putting the needs of New Hampshire's child abuse victims first

January 27, 2021

Chief Carignan
Nashua Police Department
28 Officer James Roach Dr.
Nashua, NH 03062

Dear Chief Carignan,

The Child Advocacy Center of Hillsborough County (Nashua) is operated by the County Granite State Children's Alliance (GSCA), which is a 501c3 organization representing New Hampshire's network of Child Advocacy Centers (CACs). Our mission is to provide all victims of child abuse a neutral environment where justice, healing, equity, and prevention are fostered through consistent, high quality, and sustaining collaboration of community partners. Child Advocacy Centers are welcoming, friendly facilities and all services are confidential and free of charge. Together with our multidisciplinary partners, we respond to various forms of child abuse, including sexual abuse, felony-level physical abuse, and child witnesses to violence such as a homicide or a serious domestic assault. Each year the CAC in Nashua provides forensic interviews, family support, and follow up services to approximately 200 child victims and their families; 27% of these children are not old enough to attend the first grade.

The Nashua Police Department utilizes CAC services an average of 91 times per year. The CAC cost per child for forensic interview and family support services is approximately \$1,500.00. The average total cost of services provided by the Nashua CAC to the Nashua Police Department free of charge, is \$136,500 annually.

Child Advocacy Centers produce many significant community benefits: allegations of sexual assaults and abuse are thoroughly investigated; more offenders are held accountable; the community is better educated about the problem of child sexual abuse; trauma experienced by children is reduced; non-offending caregivers are empowered to protect and support their children, and children receive prompt and ongoing services to support their healing from the trauma of abuse. It is our goal to help every child victim move beyond their trauma to heal, survive, and thrive.

In Fiscal Year 2022 (July 1, 2021 – June 30, 2022), the proposed financial contributions from the Nashua Police Department Drug Forfeiture Fund will be applied directly to the unfunded portion of the family support specialist position (FSS) at the Child Advocacy Center in Nashua. The FSS ensures that all children who come into CACs receive medical, behavioral health and other supports that help children and families heal from their trauma and navigate through what can be an overwhelming systematic response to child abuse.

I want to extend my appreciation for the Nashua Police Department's dedication to our multidisciplinary team and the support you have provided our Child Advocacy Center (CAC) in Nashua over the years. At every level, members of the Nashua Police Department have been a wonderful collaborative partner in investigating child abuse within the City of Nashua. Thank you, and should you have any questions, please contact me at (603) 864-0215.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Barrett".

Joy Barrett – Chief Executive Officer

Granite State Children's Alliance/Child Advocacy Center of Hillsborough County (Nashua)

Bill as
Introduced

HB 420-FN - AS INTRODUCED

2021 SESSION

21-0336
04/05

HOUSE BILL **420-FN**

AN ACT relative to the use of funds in the drug forfeiture fund.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Verville, Rock. 2; Rep. Burt, Hills. 39; Sen. Reagan, Dist 17

COMMITTEE: Judiciary

ANALYSIS

This bill amends the administration and distribution of funds in the drug forfeiture fund and permits such funds to be used for the establishment of substance misuse addiction, recovery, or rehabilitation centers, programs, or services.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0336
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the use of funds in the drug forfeiture fund.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subparagraph; Controlled Drug Act; Forfeiture of Items Used in Connection With Drug Offense. Amend RSA 318-B:17-b, I by inserting after subparagraph (e) the following new subparagraph:

(f) U.S. currency or coin in the amount of \$200 or less and a motor vehicle with a market value of \$1,500 or less shall be exempt from seizure or forfeiture under this section. The prosecuting authority may establish a minimum dollar amount in excess of the minimums stated in this subparagraph.

2 Controlled Drug Act; Forfeiture of Items Used in Connections With Drug Offense RSA 318-B:17-b, V is repealed and reenacted to read as follows:

V. Final orders for forfeiture of property under this section shall be implemented by the department of justice and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction.

(a) From the funds available in the drug forfeiture fund established in RSA 318-B:17-c, the department of justice shall, in the following order:

(1) Pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs, and notice of sale from any money forfeited and from the proceeds of any sale or public auction of forfeited items, All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings from the proceeds of any sale or public auction of forfeited items; and

(2) Reimburse all direct costs incurred in the arrest and prosecution of a person for a criminal violation of this chapter on a case by case basis, including the reasonable cost for towing a forfeited vehicle, and the non-personnel operating costs directly related to the investigation of the underlying criminal offense including any funds used in a controlled drug buy. To be reimbursed, a municipality or law enforcement agency shall provide documentation to the department of justice of such direct costs incurred.

(b) Each fiscal year, 10 percent of the balance remaining in the drug forfeiture fund after the expenditures required under subparagraph (a), shall be credited to a special nonlapsing account established in the state treasury for use by the department of health and human services for the purposes established in RSA 318-B:17-c.

(c) Any balance remaining in the drug forfeiture fund shall be administered by the department of health and human services pursuant to the provisions of RSA 318-B:17-c.

3 Controlled Drug Act; Drug Forfeiture Fund. Amend RSA 318-B:17-c, I to read as follows:

I. There is hereby established within the ~~office of the~~ state ~~treasurer~~ **treasury** a special revolving fund to be designated as the drug forfeiture fund. This fund shall be administered by the ~~attorney general~~ **department of health and human services** and may be used to ~~pay~~ **reimburse** the **direct** costs ~~of~~ **to local, county, or state officials incurred by an offender resulting from arrest and prosecution in** local, county and state drug related investigations~~[, as well as drug control law enforcement programs within New Hampshire]~~. The fund may also be used ~~[to pay extraordinary costs of local, county and state drug prosecutions and trial expenses]~~ **for drug treatment, mental health treatment, rehabilitation, prevention or education, or any other program which deters drug or substance misuse or responds to problems created by drugs or substance misuse; for matching funds for grant programs related to drug treatment or prevention; and for any combination of these purposes.**

4 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0336
1/6/21

**HB 420-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the use of funds in the drug forfeiture fund.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General Forfeiture Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Drug

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill amends the administration and distribution of funds in the drug forfeiture fund and permits such funds to be used for the establishment of substance misuse addiction, recovery, or rehabilitation centers, programs, or services.

The Department of Justice indicates this bill first permits the Department use forfeited funds from drug offenses to reimburse itself for the actual costs of the forfeiture proceeding and other related expenses, such as advertising and payment of liens, it then permits the reimbursement of the local law enforcement agency and prosecuting agency for the actual costs of the criminal investigation and prosecution. The balance of funds are then placed in the drug forfeiture fund. The bill also transfers control over the drug forfeiture fund from the Attorney General to Department of Health and Human Services. It limits use of those funds to reimburse local, county, and state officials for costs arising from arrest or prosecution of drug-related investigations. The bill also allows funds to be used for programs designed to prevent drug use or treat substance abuse disorders. The Department reports under current law the distribution is as follows:

- The first \$100,000 of forfeited funds goes into the recently created “police psychological stability screening fund.”
- Of the next \$500,000:
 - 45% of the first is returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure;
 - 10% is deposited into a special nonlapsing account established within the office of the state treasurer for the Department of Health and Human Services;
 - 45% is deposited in the revolving drug forfeiture fund;
 - Of any funds in excess of \$500,000:
 - 10% is deposited into a special nonlapsing account established within the office of the state treasurer for the Department of Health and Human Services and;
 - 90% is deposited in the revolving drug forfeiture fund.

The bill would repeal the recent establishment of “police psychological stability screening fund.”

The Department indicates in FY 2020, drug forfeitures totaled \$121,005. From those funds, the Department of Health and Human Services received \$17,244, municipalities received \$51,534 and the Drug Task Force received \$52,227. All of those funds were used to support Drug Task Force operations through Drug Task Force teams to reduce and confiscate illegal drugs throughout the state.

The Department states the proposed provision that prohibits initiating a forfeiture action against currency valued at \$200 or less and vehicles with a market value of \$1,500 or less would have no fiscal impact because, under current practices, the Department does not bring forfeiture actions against currency or motor vehicles of such low value. The Department states it is uncertain what the costs would be to investigate and prosecute drug-related charges, therefore the overall fiscal impact of the bill is indeterminable. Based on a five year average, \$179,922 is received for the Drug Task Force. The remaining funds are distributed pursuant to statute.

The Department of Health and Human Services currently has a drug forfeiture fund account under the Bureau of Drug and Alcohol Services used for the surveillance of the sale of tobacco and alcohol to minors across the state. The Bureau could expand programming around substance misuse and addiction prevention, intervention and treatment services if the proposed changes provided additional revenue in this account, but the potential increase in revenue is indeterminable. The Department states expansion of the reimbursable activities would necessitate an additional staff person to manage the fund. The Department assumes the position would be a Business Administrator II at a labor grade 24 at an estimated costs of \$82,000 in FY 2022, \$84,000 in FY 2023 and \$87,000 in FY 2024. The Department expects the bill would have an indeterminable impact on state, county and local expenditures.

It is assumed any fiscal impact would occur after July 1, 2021.

AGENCIES CONTACTED:

Departments of Justice and Health and Human Services