

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL**

**FFY2020 Overdose Data to Action –
Operation Helping Hand Grant Program**



**PROGRAM ADMINISTRATION
AND GUIDELINES**

August 2020

STATE OF NEW JERSEY
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PROGRAM ADMINISTRATION AND GUIDELINES

I. ADMINISTRATION

This document has been compiled to assist with the application, program development, and implementation processes, as well as the reporting and compliance requirements, of the FFY2020 Overdose Data to Action – Operation Helping Hand (OHH) Grant Program.

The State of New Jersey, Department of Health (DOH) applied for and received funds from the Center for Disease Control under the FFY2020 Overdose Data to Action grant program. In turn, The State of New Jersey, Department of Law & Public Safety, Office of the Attorney General applied for and received a subaward from DOH to administer the OHH initiative. A total of \$1,000,000 of the subaward from DOH will be offered to up to 21 participating counties to establish or expand OHH, for use by August 31, 2021.

Under the FFY20 OHH grant, \$1,000,000 in formula grant funding will be offered to the 21 counties to establish or expand programs in which law enforcement officers play an active role in identifying individuals with substance use disorders and—together with community partners—serve as a point of entry for treatment and/or recovery support services. The OHH model may be adapted to meet each participating county’s circumstances, but every participating county’s program will involve coordination and collaboration between law enforcement officers, recovery specialists, and mental health professionals to connect individuals suffering from the disease of addiction with treatment and/or recovery support services. However, funds from this award may not be used to cover the direct clinical care itself. Funds may be used to pay for the linkage of individuals to care through the hiring of necessary law enforcement staff, patient navigators, and recovery specialists to coordinate and track the initiative.

The OHH model originated in Bergen County, where law enforcement would offer to immediately connect opioid users who were arrested in operations at known drug hot spots to treatment and/or recovery support services. There are now many different forms of the OHH model, and counties are encouraged to adapt the OHH model to meet their unique circumstances. For example, counties may identify individuals at risk for drug overdoses using law enforcement data and other resources, and then send teams of law enforcement officers, recovery specialists, and other healthcare partners to meet with these individuals about recovery and treatment options—without making any arrests. Other counties have historically offered these connections to recovery and treatment options as a diversion alternative to traditional processing for drug charges, presenting opportunities for individuals who are arrested to have their participation in treatment or recovery services considered towards any charges or sentencing recommendations. Counties also

may adapt the OHH model in a manner that expands on existing programs and/or resources, including but not limited to mobile addiction outreach vans and Municipal Court programs. However, all OHH programs must use law enforcement encounters as the point of entry for treatment and/or recovery support services.

Counties who participated in OHH via the State Fiscal Year (SFY) 2019 Governor Phil Murphy Budget – OHH Grant Program and/or FFY2019 Overdose Data to Action – OHH Grant Program are encouraged to increase the frequency of their operations and/or incorporate and improve on their existing model.

The OAG Consolidated Grants Management Office will award, administer, and monitor subawards made under the OHH initiative, in cooperation with OAG’s Office of the New Jersey Coordinator for Addiction Responses and Enforcement Strategies (NJ CARES). Staff from OAG will be available to provide technical assistance during the award process and subaward period.

The base funding allocation for each County Prosecutor’s office is \$47,619. If not all County Prosecutors’ offices participate, participating County Prosecutors’ offices may be eligible to receive funding up to \$65,000 using a formula determined by NJ CARES.

The funding is for a 12-month period from September 1, 2020 through August 31, 2021. However, an extension may be available for a subrecipient as it relates to unused federal funds remaining at the end of the grant period to cover allowable costs of that grant period if appropriate approvals are obtained.

All inquiries concerning the grant award process should be addressed to:

Office of the Attorney General
NJ CARES
124 Halsey Street
Newark, NJ 07102
OHH Program Manager No.: 609-433-4864
E-mail address: levyk@njdcj.org

II. APPLICATION REQUIREMENTS

A. NOTIFICATION OF PARTICIPATION

Any county wishing to participate in the OHH program must notify NJ CARES, via e-mail at levyk@njdcj.org no later than September 7, 2020. NJ CARES will then provide application and award packages to each county via e-mail, no later than September 14, 2020.

B. SUBMISSION

The application and award packages are due back to NJ CARES by October 16, 2020. One copy of the application and award package must be submitted via e-mail to levyk@njdcj.org.

C. GRANT APPLICATION

The goal of the OHH program is to provide counties with funding to establish, expand, and/or adapt programs in which law enforcement officers play an active role in identifying individuals with substance use disorders and—together with community partners—serve as a point of entry for treatment and/or recovery support services.

Applicants must complete and return the following:

1. The Applicant Information Form
2. The Application Authorization
3. The Program Application Narrative
4. Timeline of Deliverables
5. Federal Single Audit Requirement Certification and Proof (if applicable)
6. The Department of Law & Public Safety Debarred and Suspended Certification and Proof
7. Standard Assurances – Non-Construction Programs Form
8. Certifications Form
9. Subaward Contract
10. Governing Body Resolution & Certification
11. General and Special Conditions

III. PROGRAM GUIDELINES

- The proposed program must involve law enforcement officers playing an active role in identifying individuals with substance use disorders and—together with community partners—serving as a point of entry for treatment and/or recovery support services.
- The proposed program must be based on an OHH model that combines outreach to individuals at risk for drug overdoses with connections to recovery and treatment options, but may be tailored to each county’s circumstances. A County is able to develop and implement a program that involves proactive law enforcement outreach that does not result in arrests, or that offers recovery and treatment as a diversion alternative to traditional processing for drug charges.
- The proposed program must involve law enforcement affirmatively and proactively reaching out to individuals with substance use disorder and **may not** center on a model where individuals walk-in to designated police stations for help at certain times, although walk-in programs may supplement proactive operations. Law enforcement must be a point of referral to treatment and/or recovery support services.
- The proposed program must incorporate the OHH logo into any promotional items, including but not limited to: brochures, palm cards, flyers, outfitted mobile vehicles, tablecloths, and social media posts.
- Each county will be responsible for implementing and effectuating a program that includes the following: engaging and coordinating law enforcement, ensuring that appropriate levels of law enforcement are assigned to implement the program, lining up recovery specialists, other mental health professionals such as patient navigators, and treatment facilities that will have a suitable level of bed availability during the span of the initiative, navigating issues related to treatment coverage, and tracking participant outcomes.
- Counties whose programs involve a law enforcement surge that may significantly increase short-term demand for inpatient treatment should coordinate with each other, through OAG, to stagger their OHH initiatives, so resources such as detoxification facilities are able to meet the increased demand.
- Funds **may not** be used to pay for substance use treatment. Funds may be used to connect individuals suffering from opioid use disorder to care (but not to provide the care itself).
- Funds **may not** be used to purchase naloxone or syringes or in drug disposal programs.
- Funds may be used, for example, to pay for overtime for law enforcement officers, other staff, patient navigators, and recovery specialists to coordinate the initiative, track the participants, provide transportation, and make follow-up calls to those individuals who do not want to participate at the outset of contact of the program.
- Counties are to anticipate a disruption in activities that involve in-person contact due to COVID-19 during the grant period and **must** include a contingency plan for their activities

that would allow their program to remain operational in light of COVID-19 suspending in-person contact and community events. This may include telephonic and/or virtual contact with program participants and the community, and the use of 24/7 Hotline numbers.

- Applicants are responsible for reporting if this application will result in programmatic, budgetary, or commitment overlap with another application or award (i.e. grant, cooperative agreement, or contract) submitted to another funding source in the same fiscal year. Programmatic overlap occurs when (1) substantially the same project is proposed in more than one application or is submitted to two or more funding sources for review and funding consideration or (2) a specific objective and the project design for accomplishing the objective are the same or closely related in two or more applications or awards, regardless of the funding source.

IV. APPLICATION AUTHORIZATION

The submission of any grant application requires the signature of the applicant unit of government's Authorized Official (see **Application Authorization Form**) indicating that the application is authorized by the county government. Signature indicates that the information provided within the application is truthful, accurate, and complete; the applicant intends to comply with all requirements regarding the use of grant funds; and the applicant will use the grant funds to carry out the project as described in the application.

The Authorized Official also acknowledges that they are responsible for authorizing expenditures and disbursing grant funds. The Applicant certifies that all grant funds will be used exclusively for the purposes specified in the grant award; and it will pay for all costs in excess of the grant award.

V. RESOLUTION

Applicants must return a certified Resolution with their Award Package.

The Resolution must contain all data requirements listed on the Required Resolution & Certification Checklist which is provided as a reference document in the Award Package.

The Resolution must be certified by the recording officer and should contain the official seal.

VI. CIVIL RIGHTS COMPLIANCE

Applicants and their contractors are required to comply with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. Applicants are expected to comply with all applicable New Jersey regulations, policies, and guidelines.

VII. DEBARMENT

Applicants and their subcontractors should not obtain goods and services from other agencies which are debarred, suspended, or disqualified from doing business with the State of New Jersey.

Applicants are also expected to comply with state Executive Order No. 34 (March 17, 1976), and state circular letter OMB 93-13-GSA regarding debarments, suspensions, and disqualifications. The State Department of Treasury has an online, searchable database of those individuals, corporations, and agencies who are debarred from conducting business with the State of New Jersey: <http://www.state.nj.us/treasury/revenue/debarment/index.shtml>. In the performance of any grant, Subrecipients cannot conduct business with ineligible firms or individuals who are considered debarred, suspended or disqualified.

VIII. NEW JERSEY PENALTIES FOR CORRUPTION OF PUBLIC RESOURCES

While enacting ethics and government corruption reforms, the New Jersey Legislature enacted Public Law 2007, Chapter 158, which makes knowingly misusing public resources for an unauthorized purpose a crime. N.J.S.A. 2C:27-12. Under the Crime of Corruption of Public Resources an individual commits a crime if (1) the public resource “is subject to an obligation to be used to perform or facilitate the performance of a governmental function or public service,” (2) a person knowingly uses a public resource for an unauthorized purpose, or (3) a person makes “a material representation that is false to a government agency . . . to obtain or retain a public resource, or with the purpose to mislead or deceive any person as to the use or disposition of a public resource.” Id. The Legislature defines a public resource as including grants awarded by the government. Id. Convictions under this act could result in a 20-year prison term and a \$200,000 fine. Id. The Legislature also enhanced public corruption penalties under the Public Corruption Profiteering Penalty Act, N.J.S.A. 2C:30-8, which subjects individuals convicted under public corruption laws, including N.J.S.A. 2C:27-12, to fines up to \$500,000. Under N.J.S.A. 2A:32C-3, a person shall also be subject to civil penalty and treble damages for making false claims under New Jersey's False Claims Act.

IX. SUBRECIPIENT OFFICIAL FILE

Subrecipients are required to maintain a master file for grant documents. The following documents must be available for on-site review by OAG program monitors and auditors:

- A. Copy of approved award package for the grant including: grant contract; Applicant Information Form; Program Narrative; Application Authorization; General and Special Conditions; copy of award letter; the Resolution; copy of deliverables; and related written approvals from OAG.
- B. Copies of all Requests for Reimbursements.

- C. Banking Information: Cash verification, receipts documentation, check register, canceled checks, and bank statements. (if applicable)

X. REPORTING PROCEDURES

A. PROGRAMMATIC REPORTS

- The county must keep track of all partnerships it makes, obstacles it encounters in coordinating the program, and strengths and weaknesses of the initiative it rolled out, and provide this information to the Department.
- The county must agree to track each individual's participation in the program, engagement in services, and progress towards recovery from the inception of the program to one year, and provide this information to the Department.
- Data to be collected and reported will be determined based on the program design adopted in each county. For example, counties may be required to track information about each individual encountered through the program, including: demographic information; date of encounter; whether the offer of treatment was accepted; the type of treatment accepted; insurance information; contact information; treatment provider(s); dispositions in any criminal prosecution; and treatment outcomes at 8 weeks, 3 months, 6 months, and 12 months.

B. FINANCIAL REPORTS

Subrecipients are required to submit Reimbursement Requests that coincide with agreed upon Deliverables.

Reimbursement Request Forms with signatures should be sent, *via e-mail*, to NJ CARES, at levyk@njdcj.org. For each funding request, a separate State of New Jersey Payment Voucher must be submitted.

XI. AUDIT REQUIREMENTS

The Subrecipient must comply with audit requirements located in the State Treasury Department, State Circular, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid, 15-08- OMB, 2 CFR Part 200, Subpart F, Audit Requirements (2 C.F.R. § 200.500, et seq.), and the Government Accountability Office's Generally Accepted Government Auditing Standards (also known as the Yellow Book).

1. Applicants that expend Federal and/or State financial assistance of \$100,000 or more, but less than \$750,000 of Federal or State financial assistance during their fiscal year (including federal pass-through funds), must have either:
 - a. A financial statement audit performed in accordance with Government Auditing Standards (Yellow Book) or
 - b. A program specific audit performed in accordance with 2 C.F.R. § 200.500, et seq., and state policy.

2. For applicants that expend Federal or State financial assistance, (including funds received from the Federal Government or federal funds passed through state agencies) of \$750,000 (**this is an increase in the previous threshold of \$500,000**) or more during their fiscal year must have:
 - a. A single audit performed or
 - b. A program specific audit performed in accordance with 2 C.F.R. § 200.500, et seq., and state policy.
- 3 For applicants receiving less than \$100,000 of State and/or Federal financial assistance, no audit is required.

The Subrecipient must maintain a bookkeeping system, records, and files to account for all monies spent implementing the project. While a preferred system is not specified, subrecipients are expected to conform to accepted accounting standards.

XII. MONITORING OF PROGRAM PERFORMANCE

- A. The Subrecipient must assure that performance goals are being achieved.
- B. The Subrecipient shall inform OAG of the following types of conditions which affect program objectives and performance as soon as they become known:

Problems, delays, or adverse conditions which will materially impair the ability to attain program objectives, prevent meeting time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any OAG assistance required to resolve the situation.

- C. OAG may, at its discretion, make site visits to:
 1. Review program accomplishments and management control systems.
 2. Provide such technical assistance as may be required.
 3. Perform fiscal reviews to ensure grant funds are being properly expended in a timely manner.