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Drunk Driving Enforcement Fund

Program Requirements and Application Instructions

(rev. 11/2021)

I. DEFINITIONS

- A. **“Authorizing Official”** – the chief executive officer (ex. mayor, borough administrator, freeholder, director, county executive) who has signatory authority to accept the funds on behalf of an entity.

NOTE: Police chiefs or sheriffs are not authorizing official titles.

- B. **“DDEF”** or **“Fund”** – the Drunk Driving Enforcement Fund established by [N.J.S.A. 39:4-50.8](#); and the account within the NJ Treasury Department where DDEF funds accumulate before being distributed to [eligible entities](#).
- C. **“DDEF Coordinator”** – the designated manager of [DDEF](#) within the [DHTS](#).
- D. **“DHTS”** – the New Jersey Division of Highway Traffic Safety.
- E. **“Director”** – the Director of the [DHTS](#).
- F. **“DWI”** - driving while under the influence of alcohol or other substances in violation of [NJSA 39:4-50](#).
- G. **“Entity”** - the New Jersey State Police or a county, municipal, or interstate law enforcement agency.



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- H. **“Eligible Entity”** - an [entity](#) that is deemed to have contributed monies to the [DDEF](#) during the [SFY](#) from which monies are made available.
- I. **“Financial Official”** - chief financial officer of the entity responsible for financial administration of the funds for an [entity](#).
- J. **“Local DDEF Budget Account”** – the separate account established within the entities finance office for the purpose of storing and recording funds already paid to the entity from the [DDEF](#). You may not transfer [DDEF](#) funds out of this account for payment through another local account. A summary report for this account may also be known as a “general ledger detail inquiry report” and is generally available from your local finance office. This summary report must show all deposits and expenditures approved in your applications.
- K. **“OAG”** – the New Jersey Office of the Attorney General.
- L. **“Officer”** – a full-time, sworn, law enforcement officer inclusive of titles Police Officer, Patrolman, Trooper, Sheriff, or similar, and including any rank within those positions.
- M. **“Overtime”** or **“OT”** – additional work that supplements an officer’s regular pay. This is usually the [officer’s](#) contractual hourly rate of time-and-a-half but may be a flat contractual rate that all [officers](#) within an entity earn for similar supplemental details. OT rate calculations will be subject to audit by [DHTS](#).
- N. **“Project Director”** - person designated by the [entity](#) to have overall responsibility for administration of the project; the primary point of contact between [DHTS](#) and the [entity](#).
- O. **“SFY”** - State Fiscal Year, a period which commences July 1 and runs through June 30. For example, SFY 2022 starts on July 1, 2021 and ends on June 30, 2022.



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II. INTRODUCTION

- A. The [Drunk Driving Enforcement Fund](#) program is established pursuant to [N.J.S.A. 39:4-50.8](#) and is administered pursuant to N.J.A.C. 13:86 et seq. Authority originally granted to the New Jersey Motor Vehicle Commission was transferred to [DHTS](#) by Reorganization Plan No. 004-1992.
- B. [DHTS](#) is responsible for the administration of the [DDEF](#) (per [N.J.S.A. 39:4-50.8](#)), and the [Director](#) promulgates rules and regulations in order to effectuate the purposes of the [DDEF](#). This DDEF Program Requirements and Application Instructions document contains those rules.
- C. Within the [DDEF](#) Laws and codes, certain powers are granted only to the [New Jersey Attorney General](#).
- D. Surcharges collected upon conviction of [N.J.S.A. 39:4-50](#) and [N.J.S.A. 39:4-50.4a](#) and are made available to eligible entities to enhance their [DWI](#) enforcement programs. Additionally, [eligible entities](#) are proportionally credited funds within the [DDEF](#) that are collected pursuant to the [Alcoholism Treatment and Rehabilitation Act \(N.J.S.A. 26:2B-31 et. seq.\)](#) and the [Alcoholic Beverage Tax Law \(N.J.S.A. 54:43-1.1\)](#).
- E. [DDEF](#) funds can be approved for appropriate supplemental [DWI](#) enforcement measures as authorized by the regulations and approved by the [Director](#).
- F. [DDEF](#) funds are dedicated funds and cannot be used for any other purpose.



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III. IMPORTANT DATES

NOTE: When dates fall on a weekend or legal holiday, the effective date is the previous business day.

A. July 1

1. Start of the [SFY](#).

B. October 1

1. First availability of funds to entities for the current [SFY](#).
2. Opening date to submit a new [DDEF](#) application.
3. Deadline for reports submissions from previous [SFY](#).

C. January 1

1. Deadline for [DHTS](#) to receive new [DDEF](#) application submissions.

D. June 30

1. Close of the [SFY](#) - All grant activity and purchases must be completed.

NOTE: Funds are to be spent during the same [SFY](#) in which they are awarded.



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IV. BUDGETING PROCEDURES

A. Available Funds

1. Available [DDEF](#) funds include court fees from [DWI](#) arrests as well as Bottle Tax funds received during the previous [SFY](#).
2. [Eligible entities](#) may apply for use these amounts during the current [SFY](#). For example, moneys received at [DHTS](#) during SFY 2021 are available to entities in SFY 2022.
3. The amounts are updated once per year and available by contacting hts.ddef@njoag.gov.

B. Local DDEF Budget Account

1. Regulations require that entities create a separate account for [DDEF](#) funds as opposed to using the general treasury account to deposit checks. This account is referred to as the "[Local DDEF Budget Account](#)."
2. A separate line item within the [entities](#) budget should be created for the [DDEF](#).

C. Budgeting

1. Funds are to be spent during the same [SFY](#) in which they are awarded.
2. [Entities](#) are recommended to use the amount earned in the previous fiscal year as their projected [DDEF](#) budget.
3. All [DDEF](#) funds must remain within the [Local DDEF Budget Account](#) until encumbered. All [DDEF](#) expenditures must appear directly on the [Local DDEF Budget Account](#) summary report. Exception: Approved [overtime](#) salaries may be transferred to a payroll account for payment so long as appropriate explanation is noted in the [Local DDEF Budget Account](#) and those notations appear on any summary report for that account.

D. Changes

1. Changes to a [DDEF](#) Application must be submitted in writing and undergo the full [DHTS](#) review as if it were a new application. Changes will not be approved for expenditures that occurred prior to approval of the change request.

E. Carry Forward

1. If an [entity](#) does not disperse the full [DDEF](#) awarded amount before the close of the [SFY](#), the remaining monies must be carried forward into the next [SFY](#).
 - a) Available funds within the [DDEF](#) (NJ Treasury) accounts may accumulate indefinitely, but it is expected that [eligible entities](#) will apply for and use the funds for their [DWI](#) programs regularly.
 - b) [DDEF](#) funds that have been carried forward from previous [SFYs](#) within the [entity's](#) [Local DDEF Budget Account](#) must be spent completely before any future [DDEF](#)



applications will be approved. [DHTS](#) will not approve any new disbursements until all remaining [Local DDEF Budget Account](#) funds are exhausted.

2. [Entities](#) that have accumulated funds within their [Local DDEF Budget Account](#) from prior [SFY](#) payments must:
 - a) Submit a new, one-time, spending plan to disperse all remaining funds within the [Local DDEF Budget Account](#). This plan must:
 - 1) Be signed by the [Project Director](#), the [Financial Official](#), and the [Authorizing Official](#);
 - 2) Comply with all [DDEF](#) spending requirements (ex. $\geq 50\%$ [overtime](#) spending, etc.);
 - 3) Be no longer than three (3) years in duration; and
 - 4) Be approved by the [Director](#) prior to any expenditures.

NOTE: [DHTS](#) will not approve any new [DDEF](#) applications until all remaining [Local DDEF Budget Account](#) funds are exhausted, with the one exception listed below:

- 5) *Exception:* Upon [DHTS](#) approval of a spending plan in accordance within this section, [entities](#) may elect to retain funds that have already been dispersed into their [Local DDEF Budget Account](#) solely for the purchase of a new breath testing instrument (once approved by [OAG](#)). Up to \$25,000.00 per machine may be held within the [Local DDEF Budget Account](#). These funds cannot be used for any other purpose and any funds over the \$25,000.00 per machine must be expended as agreed to in the approved spending plan before any new application for funds will be approved. This exception will expire after SFY 2024 or 24 months after the approval of a new breath test instrument by [OAG](#), whichever is later.

F. Disposition of DDEF purchases

1. Any item purchased with [DDEF](#) funds, other than those designed for one-time use (ex. blood test kits), must remain in the possession of the [entity](#) for a minimum of three (3) years.
2. After three (3) years, the [entity](#) may dispose of items in accordance with their regular disposal procedures. If items are sold or auctioned, the [entity](#) must supplement the law enforcement operating budget with the proceeds.
3. Proceeds from disposition of items less than three (3) years old must be returned to the [Local DDEF Budget Account](#) and be spent in accordance with all of the [DDEF](#) requirements as if they were new a new award (ex. $\geq 50\%$ on law enforcement [overtime](#), etc.). New purchases and activities in this case must be pre-approved by the [DDEF Coordinator](#).

G. "County" funds



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1. Funds designated for "County" use are those collected when a County officer or sheriff's officer have made the associated [DWI](#) arrest. These funds are available to a county law enforcement entity for use in their DWI program.
2. These funds are available to one county law enforcement agency annually.
3. As the chief law enforcement officer in each county, the County Prosecutor will be the designated recipient of County [DDEF](#) funds. He/She may then designate another agency (sheriff's department, county police department, etc.) as the operational recipient of those funds but will be retain responsibility for any required reporting and records retention.
4. The County Prosecutor must sign any application for [DDEF](#) funds as the [Authorizing Official](#).

H. "State" funds

1. Funds designated for "State" use are those collected when a NJ State Police Trooper or other State law enforcement officer has made the associated [DWI](#) arrest.
2. These funds are available to the NJ State Police annually through an automatic fund transfer. No application to [DHTS](#) for funding is required.
3. Reporting is the responsibility of, and maintained by, the NJSP.

I. "Other" funds

1. Funds designated for "Other" use are those collected when the associated [DWI](#) arrest is made by a Federal, interstate, or other type of law enforcement agency.
2. Only certain agencies may qualify for "Other" [DDEF](#) funds. [Entities](#) may contact the [DDEF Coordinator](#) for further information.



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V. APPLICATION INSTRUCTIONS

Application deadlines - See [Important Dates \(Section III.\)](#) above.

Clear Form button – clears all entered information and starts a fresh form (button does not appear on printed copies).

Print Form button – Opens print dialogue box to print the blank or completed form (button does not appear on printed copies).

A. §A. Law Enforcement Agency and Address

1. Complete agency name and mailing address.
2. Only County Prosecutor's Offices may apply for County funds.

B. §B. County

1. County in which the agency is located. Select from dropdown list.
2. For statewide or other multi-county agencies, fill in "Other".

C. §C. State Fiscal Year

1. Fill in the [State Fiscal Year](#) for this application.
2. State Fiscal Years run from July 1 through June 30.
 - a) Ex. SFY 2022 begins on July 1, 2021 and ends on June 30, 2022.
3. Only ONE application may be submitted per [entity](#) per [SFY](#).

D. §D. Total DDEF Funds Available

1. The amount of funds an entity has available can be obtained by contacting [DHTS](#) at hts.ddef@njoag.gov after October 1.
2. The Available Funds include court fees collected from [DWI](#) convictions as well as Bottle Tax funds allocated to the [entity](#). The Available Funds are those funds credited to an [entity](#) during the previous [SFY](#).

E. §E. MANADATORY Expenditures

1. Only written [DHTS](#) approval is required for funds requested here. This application is your request for approval.
2. No funds can be used to reimburse [entities](#) for past expenditures.
3. No application will be accepted unless there is an amount listed here.

NOTE: [Entities](#) may not apply for [Optional Expenditures](#) or [Other Expenditures](#) in anticipation or promise of applying for [Mandatory Expenditures](#) at a later time. The $\geq 50\%$ requirement on [officer overtime](#) must be met within each [SFY](#) for which [DDEF](#) funds are paid.



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4. This amount must be equal to or greater than 50% of the Total [DDEF](#) Funding Request shown on line H.
5. Expenditures here are dedicated only for law enforcement [officer overtime](#) for supplemental [DWI](#) patrols and/or supplemental [DWI](#) checkpoints.
6. These funds cannot supplant regular patrols or assignments. They must supplement a law enforcement [officer's](#) regular duty so they must be for the [officer's overtime](#) rate of pay.
 - a) A formalized contractual flat pay rate may be substituted for [overtime](#) rate so long as that rate is the same for all [officers](#). For example, all [officers](#) get paid the same per hour rate for all checkpoint details.
7. Only the [officer's overtime](#), or flat rate as explained above, may be paid from these funds. No [entity](#) may deduct a fee or any other administrative charge whatsoever from these funds.

F. §F. Optional Expenditures

1. Only written [DHTS](#) approval is required for funds requested here. This application is your request for approval.
2. No funds can be used to reimburse [entities](#) for past expenditures.
3. It is recommended that appropriate purchasing quotes/bids be obtained prior to submitting a [DDEF](#) Application.
 - a) Quotes or bids are not required to be submitted with the application but will likely ensure that the spending later, if approved, matches the fund amounts the entity receives. Changes in prices often create aggravation for [Project Directors](#) and [Financial Officials](#).
4. Officer Salaries
 - a) This is only for [overtime](#) court appearances in connection with prosecution of [DWI](#) violations. Court appearances at an [officer's](#) regular rate of pay are considered part of their regular duties and will not be approved.
5. Audio visual equipment
 - a) [Entities](#) may purchase audio visual equipment to aid in the enforcement or prosecutions of [DWI](#) violations.
6. Breath testing instruments
 - a) [Entities](#) may purchase breath testing equipment and/or supplies to aid in the enforcement or prosecution of [DWI](#) violations.
 - b) Instruments requested must be approved by the NJ Office of the Attorney General pursuant to regulations.
7. Blood test kits
 - a) [Entities](#) may purchase blood testing kits to aid in the enforcement or prosecution of [DWI](#) violations.
8. Safety equipment



- a) [Entities](#) may purchase certain safety equipment to aid in the enforcement or prosecution of [DWI](#) violations. The only approved items are safety equipment such as cones, flares, lighting, and reflective clothing.

NOTE: Any other items must be requested under §G "[Other Expenditures](#)" below.

G. §G. Other Expenditures

1. If you plan to request funds in this section, it is recommended that you contact the [DDEF Coordinator](#) to discuss first.
2. Requests here are required to be approved in writing by the [Attorney General of New Jersey](#) upon recommendation by the [DDEF Coordinator](#) and the [DHTS Director](#). This approval process will take longer than an application without "[Other Expenditures](#)".
 - a) [Entities](#) may request funds for equipment or activities not listed above. These requests are reviewed on a case-by-case basis after a complete review of: the equipment or activity requested; the amount of the proposed expenditure; how the [entity's](#) need will be met by the equipment or activity; and how the equipment or activity will enhance the ability of the [entity](#) to increase enforcement of [DWI](#) violations.
3. Approvals for any "[Other Expenditures](#)" may not supersede the ≥50% mandatory spending rule on [officer overtime](#).
4. An approval for [Other Expenditures](#) on one [SFY](#) application, does not constitute any ongoing or recurring approval to make similar purchases in future [SFYs](#). Recurring expenditures must be reapproved each [SFY](#).

H. §H. Total DDEF Funding Requested

1. Add up entries E1+F1+F2+F3+F4+F5+G1 and write that amount here.
2. This is your [entities](#) total request for this application. Entities are expected to spend this full amount within the current [SFY](#).

I. §I. DDEF fund balance after this payment

1. Subtract the Total DDEF Funding Request (line H) from the Total DDEF Funds available (line D). Enter that amount here.
2. This is the balance available to [entity](#) in the next [SFY](#). It will be added to any new funding allocated to the [entity](#).

J. §J. Assurances & Certifications

1. The submission of a [DDEF](#) Application certifies that:
 - a) The [DDEF](#) funding will be expended and administered in accordance with [DDEF](#) Application and all applicable Laws, rules, and regulations;



- b) The [DDEF](#) funding will be expended and administered in accordance with these [DDEF Program Requirements and Application Instructions](#);
- c) The [DDEF](#) funding will be used to increase [DWI](#) enforcement and prosecution;
- d) The [DDEF](#) funding will be used in addition to, and not in place of, existing patrols or equipment;
- e) The information contained in the application is true and accurate to the best of each of the signatory's knowledge; and
- f) [DHTS](#) staff may review any records, papers, items, or other materials related to the entity's [DDEF](#) program at any time during [SFY](#), for up to three (3) years after the end of the [SFY](#), or after any funds carried forward from a previous [SFYs](#) are expended - whichever is longer.

K. §K. [Project Director](#)

- 1. Name – print the name of the person that will be responsible for answering questions about the application, administering any award activities and purchases if approved, and will complete all required reporting. This person cannot be the same person as the [Financial Official](#) or [Authorizing Official](#) listed on this application.
- 2. Title – official title. This person can be anyone employed by the [entity](#).
- 3. Signature – Sign on a hard copy/printed paper. The words “*Sign in ink on hard copy*” will disappear when printed.
- 4. [Project Director's](#) email address – enter an official email address. This will serve as the primary point of contact for the [entity](#) for application related inquiries.

L. §L. [Financial Official](#)

- 1. Name – print the name of the person who is the chief financial officer of the entity ultimately responsible for financial administration. This person cannot be the same person as the [Project Director](#) or [Authorizing Official](#) listed on this application.
- 2. Title – official title. Examples of acceptable titles can include Chief Finance Officer, Chief Budget Officer, or Head Accountant.
- 3. Signature – Sign on a hard copy/printed paper. The words “*Sign in ink on hard copy*” will disappear when printed.

M. §M. [Authorizing Official](#)

- 1. Name – print the name of the chief executive officer who has signatory authority to approve application on behalf of the [entity](#). This person cannot be the same person as the [Project Director](#) or [Financial Official](#) listed on this application.
- 2. Title – official title. Examples of acceptable titles can include Mayor, Town/County Administrator, County Commissioner Director, or County Executive. Only a County Prosecutor may sign as the Authorizing Official when applying for “County” funds.



NOTE: Chiefs of Police or Sheriffs are NOT authorizing official titles.

3. Signature – Sign on a hard copy/printed paper. The words “Sign in ink on hard copy” will disappear when printed.

N. DHTS USE ONLY

1. Do not complete any information in this section. It is intended for DHTS personnel only.

O. Submission

1. Completed and signed applications can be submitted:
 - a) By mail
 - 1) Mailing address: NJ Division of Highway Traffic Safety, Attn: DDEF Program, PO Box 048, Trenton, NJ 08625-0048.
 - 2) Return receipt recommended.
 - b) By email
 - 1) **Email address: HTS.DDEF@NJOAG.GOV**
 - 2) Email submissions should be in *.pdf* format.
 - 3) Important: email submissions are not considered officially received until confirmed by [DHTS](#) staff. Please allow 3-5 business days for a reply.
2. Be sure to save a copy of application for your records.

REMEMBER: Attach all reports as required.

Applications will not be reviewed unless all previous reports have been submitted.



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VI. REPORTING

A. Reporting is required for all [DDEF](#) funds awarded.

1. Reports must be received by [DHTS](#) no later than 90 days after close of the [SFY](#) (October 1).
2. An [entity](#) that does not comply with the reporting requirements may be deemed “at risk” and be subject to enhanced requirements and other potential penalties.
3. No applications from an [entity](#) will be reviewed unless reporting from all previous [SFYs](#) has been received and reviewed by [DHTS](#).
4. Reporting is completed through attaching a [Local DDEF Budget Account](#) summary report (also known as a “general ledger detail inquiry report”; available from your local finance office) showing all [Local DDEF Budget Account](#) activities for the previous [SFY](#).

NOTE: *If funds have been carried forward from previous [SFYs](#), then reports for each of those [SFYs](#) must be attached as well.*

B. Audit and Records Retention

1. Upon notice by [DHTS](#) or [OAG](#), [entities](#) will make any and all items and/or records pertaining to [DDEF](#) activities, purchases, budget accounts, and other relevant materials available for inspection, copying, or audit for three (3) years after the closeout of the project.
 - a) Example #1 – the [entity](#) spends all funds approved in the [DDEF](#) Application within the [SFY](#) and the [Local DDEF Budget Account](#) has a zero balance:
 - 1) Records must be maintained by the [entity](#) for three (3) years after the end of the [SFY](#).
 - b) Example #2 – The [entity](#) has remaining funds in their [Local DDEF Budget Account](#) that have been carried forward from previous [SFYs](#):
 - 1) Any previous project years that did not result in completion of the approved purchases and activities are still active projects. The [entity](#) must maintain all records for all active projects, and for three (3) more years after they are finally closed out.

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