

Resolution # _____

**RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT
FROM MIDDLESEX COUNTY REGARDING ITS
DRUG RECOGNITION EXPERT PROGRAM**

WHEREAS, Middlesex County has received funds from the NJ Division of Highway Traffic Safety, for its 2021-2022 Middlesex County Drug Recognition Expert (DRE) Callout Program Grant (Grant #Fed-2022-MiddlesexCounty-00254) (the “Program”); and

WHEREAS, the funds available are used to reimburse federal, state, county and municipal law enforcement agencies in Middlesex County (the “County”) who have DREs on their staff and who assist other law enforcement with their DRE service needs; and

WHEREAS, the Middlesex County Prosecutors Office has applied for and received a grant in the amount of \$70,580.00 in regard to said Program, for the period October 1, 2021 through September 30, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of North Brunswick, that the appropriate municipal officials be and are hereby authorized to accept a portion of the grant provided to Middlesex County from the NJ Division of Highway Traffic Safety, in the amount of \$15,000 for (1) DRE’s in regard to the County Drug Recognition Expert (DRE) Program.

BE IT FURTHER RESOLVED, that the appropriate municipal officials are authorized to execute such documents in order to effectuate receipt of said funds.

Cavel Gallimore
Township CFO

Joseph Battaglia
Township Chief of Police

Justine Progebin
Township Administrator

Ronald Gordon
Township Attorney
Certified as to form

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution passed by the Township Council of the Township of North Brunswick at a meeting duly held on this 6th day of December 2021.

Lisa Russo
Township Clerk

RECORDED VOTE:

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA				
LOPEZ				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MAYOR WOMACK				



Middlesex County

Adopted

Resolution: 21-1070-R

Administration Building
75 Bayard Street
New Brunswick, NJ
08901

File Number: 21-1070-R

Authorize Execution And Submission Of The Application To The State Of New Jersey, Department Of Highway Traffic Safety For The 2021-2022 Middlesex County Drug Recognition Expert (DRE) Callout Program Grant (Grant #FED-2022-Middlesex County-00254) Which Makes Available To The Middlesex County Department Of Public Safety And Health, Office Of The County Prosecutor \$70,580.00 In Grant Funds (No Match) To Support The Countywide DRE Program, With A Grant Period Of October 1, 2021 To September 30, 2022; And Authorize Execution Of Subaward And Special Conditions Upon Receipt

WHEREAS, there is available from the NJ Division of Highway Traffic Safety, Grant money to fund County Drug Recognition Expert (DRE); and

WHEREAS, the funds available will be used to reimburse law enforcement agencies in the County who have Drug Recognition Experts on their staff and who utilize other law enforcement for their Drug Recognition Expert services; and

WHEREAS, the Middlesex County Prosecutors Office is applying for \$70,580.00 in Grant money for said program for the period October 1, 2021 through September 30, 2022 which require no matching funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Middlesex that the Office of the Middlesex County Prosecutor shall be and is hereby authorized to electronically submit the 2021-2022 Middlesex County Drug Recognition Expert (DRE) Callout Program Grant (Grant #FED-2022-Middlesex County-00254) to the NJ State Office of Highway Safety for Grant monies in the amount of \$70,580.00 for the period October 1, 2021 through September 30, 2022, which will be utilized to reimburse law enforcement agencies in the County who have Drug Recognition Experts on their staff and who utilize other law enforcement for their Drug Recognition Expert Services;

BE IT FURTHER RESOLVED that the County of Middlesex shall be authorized to accept the subgrant award and special conditions associated with the grant;

BE IT FURTHER RESOLVED that the funds available will be used to reimburse law enforcement agencies in the County who have Drug Recognition Experts on their staff and who utilize other law enforcement for their Drug Recognition Expert services;

BE IT FURTHER RESOLVED that the Clerk of this Board shall forward certified copies of this resolution to the NJ Division of Highway Traffic Safety.

August 19, 2021



Middlesex County

Adopted

Resolution: 21-1070-R

Administration Building
75 Bayard Street
New Brunswick, NJ
08901

Giuseppe Pruiti, CFO

7/19/2021

Approved as to form and legality

Alessandro Bardini, Deputy County Counsel

7/21/2021

Shanti Narra, County Commissioner Deputy Director

8/24/2021

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles E. Tomaro, County Commissioner
SECONDER:	Leslie Koppel, County Commissioner
AYES:	Charles Kenny, Leslie Koppel, Chanelle Scott McCullum, Shanti Narra, Charles E. Tomaro, Ronald G. Rios
ABSENT:	Claribel Azcona-Barber

I, Amy R. Petrocelli, Clerk of the Board of County Commissioners of the County of Middlesex and State of New Jersey, do hereby certify that the above is a true copy of a resolution adopted at a meeting of the Board held on August 19, 2021

Amy R. Petrocelli, Clerk of the Board

8/24/2021

August 19, 2021

**MEMORANDUM OF AGREEMENT (MOA) TO PARTICIPATE IN THE
COUNTYWIDE DRUG RECOGNITION EXPERT (DRE) INITIATIVE**

WHEREAS, over the past number of decades, law enforcement has made a concerted effort to reduce the number of fatal and serious bodily injury motor vehicle crashes attributed to vehicles being operated by persons who are impaired or under the influence due to the ingestion of alcohol and/or drugs; and

WHEREAS, these law enforcement efforts have proven to have a positive impact upon reduction of such crashes, thereby reducing the number of deaths and injuries in the State; and

WHEREAS, law enforcement needs to maintain its vigilance in addressing this socially unaccepted conduct; and

WHEREAS, there has been an increase in the use of non-alcoholic related intoxicants, both legal and illegal, that cannot be detected by the Alco-Test instrument, some of which are attributable to the opioid epidemic as well as the legalization of medical marijuana; and

WHEREAS, certified Drug Recognition Experts (hereinafter *DREs*) are trained to detect the use of intoxicants, both alcoholic related or non-alcoholic related, by vehicle operators, many of which may otherwise go undetected; and

WHEREAS, there are a limited number of *DREs* available to conduct the requisite tests to determine if an operator of a vehicle is under the influence/impaired; and

WHEREAS, it is recognized that due to the limited availability of *DREs* in the county there is a justification for collectively pooling this resource to make their services available on a county-wide level.

THEREFORE, the Middlesex County Prosecutor's Office is hereby establishing a countywide initiative whereby participating *DREs* will provide *DRE* evaluation services throughout the county in accordance with this *MOA*.

REQUIREMENTS OF PARTICIPATING PARTIES TO THIS MOA:

**THE LAW ENFORCEMENT AGENCIES THAT HAVE DREs ON STAFF
AGREE TO THE FOLLOWING:**

- *DREs* to be included in the network of *DREs* who are either on-call list (for set weekend duty coverage) or placed on a call-out list (for weekday coverage and emergency call-outs on weekends) to provide this service to all law enforcement agencies in the County of Middlesex.

- *DREs* will be allowed to attend trial preparation and court sessions as required and consistent with *MCPO* Directive #72 to provide testimony related to *DRE* examinations conducted because of an activation.
- The employing agency will initially provide the requisite financial compensation to their *DRE* who is called out, and/or attending trial preparation or providing courtroom testimony, as required, at the rate of pay agreed upon between the employing agency and their *DRE(s)*. The employing agency will then be reimbursed the allowable costs from the grant. (NOTE: *DREs* who serve on the on-call (weekend) list will be eligible for compensation at a rate of pay established by the grant and derived solely from the grant. The employing agency has no financial responsibility associated with a *DRE* serving on the on-call list.)
- The employing agency shall determine their policy concerning whether a *DRE* who has been activated by a call-out will need to respond to his/her employing agency station to take an agency vehicle or to be allowed to respond with his/her personal vehicle.
- The employing agency of the *DRE* agrees to determine if the agency will provide for any costs to the *DRE* that exceed those covered by the grant.
- The employing agency must provide for workers compensation coverage for their *DRE* whenever he/she is activated for a response within the County of Middlesex.
- The employing agency will assume all liability(ies) associated with the actions of their *DRE* whenever he/she is deployed to provide *DRE* services or actions taken as a result of his/her *DRE* activations.
- If the grant funding is no longer available, the agencies supplying *DREs* to this initiative have the right to immediately terminate their participation in this *MOA*.
- If the grant funding is no longer available, and the *DRE* has outstanding cases that have yet to go to trial, the employing agency shall make the *DRE* available to fulfill his/her obligations that were derived from the *DRE* examinations and will be responsible for compensating the *DRE* accordingly for the full amount owed. There will be no reimbursements from the *MCPO*.

DRE RESPONSIBILITIES:

- Must agree to be included in this initiative to receive notifications of the need for a *DRE* and be willing to respond when available anywhere in the County of Middlesex to provide this service, regardless of the time of day or day of the week.
- Must fulfill their obligations related to attending trial preparation meetings and providing courtroom testimony related to their *DRE* activities.
- Must maintain all requisite *DRE* related certifications to be a member and/or continue to be included as an active participant in this initiative.
- Shall comply with all County Directive(s) associated with this initiative.

DRE RESPONSE PROTOCOL: *DREs* may be activated in accordance with the County Directive(s) concerning this initiative.

COUNTY RESPONSIBILITIES:

- The *MCPO* will be responsible for managing any funding associated with the grant provided to support this initiative.

- If grant funds are available, the MCPO will provide reimbursements to the participating agencies at the grant approved rates.
- If/when the grant funding is no longer available, the MCPO will not provide any type of reimbursement for the deployment of DREs.

COMPENSATION RATES:

- On-call – Weekends - \$100.00 per day
- Call out - \$60.00 per hour, with a minimum of 4 hours and a maximum of 7 hours
- Trial Preparation & Courtroom Testimony- \$60.00 hour, with a minimum 2 hours and a maximum of 4 hours (NOTE: Funding for courtroom testimony is limited to 2 appearances for the same case)

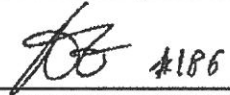
NORTH BRUNSWICK
AGENCY NAME

JOSEPH A. BATTAGLIA
AGENCY CHIEF/DIRECTOR (PRINTED)


AGENCY CHIEF/DIRECTOR (SIGNED)

10/13/2021
DATE

KONSTANTINOS TRAVLOS
AGENCY DRE (PRINTED)

 #186
AGENCY DRE (SIGNED)

10/06/21
DATE

LT. FRANK SUTTER
COUNTY DRE COORDINATOR (PRINTED)


COUNTY DRE COORDINATOR (SIGNED)

10-13-21
DATE


YOLANDA CICCONE
COUNTY PROSECUTOR

10/18/21
DATE

(Revised 3/19/2021)



MIDDLESEX COUNTY PROSECUTOR'S OFFICE

TERMS & CONDITIONS

Personnel Being Cross Sworn to Serve on the Middlesex County Multi-Jurisdictional Drug Recognition Expert (DRE) Task Force

TERMS DEFINED

"Cross-Sworn" – the procedural step in which law enforcement personnel take an oath of office administered by the County Prosecutor (or his/her designee) to serve under the direct supervision of the MCPO for the purposes of providing DRE related law enforcement services within the County of Middlesex. This oath gives them county-wide law enforcement authority while working under the umbrellas of the DRE Task Force.

"County DRE Coordinator" – the law enforcement officer who has been designated by the County Prosecutor to supervise all aspects of the DRE Task Force, and who shall submit reports as required to the Prosecutor, or his/her designee concerning the DRE Task Force activities.

"DRE" – the officer who is certified as a drug recognition expert (aka "DRE") and is designated by the employing agency to be cross sworn to serve on the DRE Task Force.

"DRE Task Force" – a group of certified DRE's who are employed by various law enforcement agencies in the County of Middlesex who have been assembled to create a group that is capable and certified to provide DRE's services throughout the county consistent with applicable Memorandums of Agreement and MCPO Directives. For the purposes of this document, the DRE Task Force is under the direct supervision of a County DRE Coordinator, who has been so designated by the MCPO.

"Employing Agency" – the agency which employs the officer on a full-time basis but is designated the officer to be cross sworn to work under the direct supervision of the MCPO during multi-jurisdictional operations/investigations.

"MCPO" – Middlesex County Prosecutor's Office, which is the agency that has the legal authority to manage a county-wide operations/investigations.

"Parties of this Agreement" (hereinafter referred to as "Parties") – The MCPO, the Employing Agency and the DRE.

CONDITIONS

The Parties agree to the following conditions associated with the authority and responsibilities of being Cross Sworn.

- DRE's must be cross-sworn and this "*Terms & Conditions*" document executed by the Parties.
- DRE's shall fall under the direction and supervision of County DRE Coordinator, who is a law enforcement professional so designated by the MCPO.
- DRE's are responsible for reporting to both the County DRE Coordinator of any vacation, sick time (includes FMLA, FLA and/or workers compensation), personal time or compensatory time being taken off where they will not be available to provide DRE related services.
- The MCPO is be responsible for providing reimbursement to the employing agency for costs associated with a DRE being on-call pay, called-out, overtime costs and court appearances at a rate and amount authorized by the grant designed to fund the DRE Task Force. Said reimbursements are limited to those services provided in accordance with the MOA and applicable MCPO Directives.
- DRE's shall not identify themselves as a member of the MCPO unless it is in the performance of their legal duties.
- For the duration of their assignment to the DRE Task Force, DRE's are required to continue to meet all mandatory training requirements as delineated by the Attorney General guidelines/directives as well as maintaining all requisite DRE certifications.
- DRE's are required to comply with the Employing Agency Rules & Regulations and policies for the duration of their assignment. If there is any conflict between the Employing Agency's Rules & Regulations and policies and those of the DRE Task Force, the County DRE Coordinator will confer with the Chief of County Detectives to determine which Rules & Regulations/policies will prevail for the given circumstance.
- DRE's are required to surrender to the County DRE Coordinator all DRE related equipment that was assigned to them during their assignment to the DRE Task Force.

NORTH BRUNSWICK

Agency Name



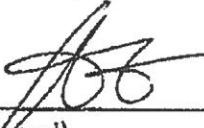
Employing Agency Chief/Director
(Signature)

10/13/2021

Date

KONSTANTINOS TRAVLOS

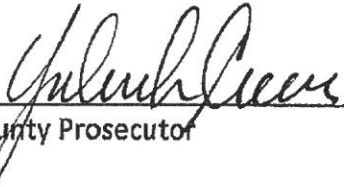
DRE (Printed)



DRE (Signed)

10/06/21

Date



County Prosecutor

10/18/21

Date

Revised 7/10/20