

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

**SFY2019 Governor Phil Murphy Budget –
Operation Helping Hand**



**PROGRAM ADMINISTRATION
AND GUIDELINES**

June 2019

STATE OF NEW JERSEY
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PROGRAM ADMINISTRATION AND GUIDELINES

I. ADMINISTRATION

This document has been compiled to assist in the application, program development, and implementation processes, as well as the reporting and compliance requirements, of the SFY 2019 Governor Phil Murphy Budget – Operation Helping Hand (OHH).

The State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) received funds from the SFY2019 Governor Murphy Budget to administer the OHH initiative. A total of \$2,100,000 of the budget will be awarded to participating counties, for use by August 31, 2020.

Under the OHH initiative, counties are eligible to receive grant funding to establish or expand programs like Bergen County’s model OHH 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.

Bergen County’s model OHH began as a modern take on the “open air drug market sweep.” Over five days, a team of law enforcement officers would arrest individuals buying heroin – or, in some cases, other narcotics – at known open air drug markets in Paterson—focusing on regular drug users with a higher risk of overdose. When the users are brought to the police station or prosecutor’s office for processing on drug charges, recovery specialists and mental health professionals are waiting to connect them with treatment and/or recovery support services. The charges are not dropped if the user accepts help, but every effort is made to place him or her on the path to recovery. Users are told that if they successfully complete treatment, that information will be provided to the sentencing court for its consideration. Anyone interested in treatment is promptly connected with appropriate inpatient or outpatient programs. Although the operation lasts about one week, it requires advance planning and coordination among public and private partners, including law enforcement and community agencies. Reserving beds so that the individuals may be directed to treatment immediately is a key component of the program. Recovery specialists follow-up with individuals who do not immediately agree to treatment.

Counties may adapt the OHH model to meet their unique circumstances. For example, instead of arresting individuals who purchase drugs at a single open air drug market, counties may identify multiple locations for surveillance during their weeklong surge operations. Alternatively, 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 arrest. 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 that offer municipal court defendants, who are not eligible for drug court, the chance to be connected to treatment or recovery services. However, all OHH programs will use law enforcement encounters as the point of entry for treatment and/or recovery support services.

Counties that already have participated in OHH are encouraged to increase the frequency of these operations, incorporate and improve on their existing model, and share data to reduce the number of overdose-related deaths.

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 \$100,000. If not all County Prosecutors' offices participate, the remainder of the \$2,100,000 in funding will be divided among participating County Prosecutors' offices using a formula determined by NJ CARES.

The funding is for a 12-month period from September 1, 2019 through August 31, 2020.

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

Office of the Attorney General
NJ CARES
124 Halsey Street
Newark, NJ 07102
Main No.: 973-648-7446
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 July 1, 2019. NJ CARES will then provide application and award packages to each county via e-mail, no later than July 10, 2019.

B. SUBMISSION

Application and award packages are due to NJ CARES by August 19, 2019. 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 like Bergen County's model OHH 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. The Program Timeline of Deliverables/Milestones
5. Subaward Contract
6. Governing Body Resolution & Certification
7. 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 Bergen County's OHH model, but may be tailored to each county's circumstances. Thus, although Bergen County's OHH model involves arrests of substance abusers, a county is able to initiate a program that does not involve law enforcement making arrests.
- The proposed program must involve law enforcement affirmatively reaching out to individuals with substance abuse disorder and **may not** center on a model, where

individuals walk-in to designated police stations for help at certain times. Law enforcement must be a point of referral to treatment and/or recovery support services.

- Each county will be responsible for implementing and effectuating a program similar to OHH, which includes the following: engaging and coordinating law enforcement and addiction community efforts; ensuring that appropriate levels of law enforcement are assigned to plan, manage, and implement the program; lining up recovery specialists, clinical 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 abuse treatment. Funds may be used to connect individuals suffering from substance use disorder to care (but not to provide the care itself).
- Funds may be used to support the planning, establishment, and ongoing management and operation of OHH initiatives, which include, but are not limited to paying for: overtime or comp time for law enforcement officers engaging in OHH activities; hiring 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 onset of the program; necessary equipment, materials, and supplies, including food and beverages and pre-paid phones for individuals being connected to care and mobile van outfitting expenses for mobile van operations; transportation expenses; refreshments for participants engaged in outreach events; training; and educational outreach efforts that promote the program.
- Funds may also be used to purchase harm reduction products, such as naloxone, but the harm reduction product being purchased **must** be used by law enforcement for law enforcement purposes only during a response in an OHH operation and not to distribute to the community.
- The program narrative must include a proposed budget of what the county intends to use the funds to purchase.
- Each county must make a representative of its office available to OAG for any presentations or events OAG may run that involves OHH.

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 & 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 \$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 subject 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 OAG.

- The county must agree to track each individual’s participation in the program, engagement in services, and progress towards recovery for the length of the funded program, and provide this information to OAG.
- 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 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.