

**CHAPTER 80A**

**BODY ARMOR REPLACEMENT FUND PROGRAM**

**Authority**

52:17B-4.4 and 101.

**Source and Effective Date**

R.2004 d.15, effective January 5, 2004.  
See: 35 N.J.R. 2836(b), 36 N.J.R. 198(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 80A, Body Armor Replacement Fund Program, expires on July 4, 2009. See: 41 N.J.R. 96(a).

**Chapter Historical Note**

Chapter 80A, Body Armor Replacement Fund Program, was adopted as R.1998 d.287, effective June 1, 1998. See: 30 N.J.R. 1200(a), 30 N.J.R. 2051(a). Chapter 80A, Body Armor Replacement Fund Program, expired on November 28, 2003.

Chapter 80A, Body Armor Replacement Fund Program, was adopted as new rules by R.2004 d.16, effective January 5, 2004. See: Source and Effective Date.

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**SUBCHAPTER 1. PURPOSE, SCOPE, DEFINITIONS**

**13:80A-1.1 Purpose**

This chapter describes the process to award grants from the Body Armor Replacement Fund program, enacted pursuant to the Body Armor Replacement Fund Act. It establishes guide-

lines for the receipt of program funds and procedures to ensure grantee accountability. The program is established in order to make grants to local law enforcement agencies, the Division of State Police and the Department of Corrections for the purchase of body armor for the law enforcement officers and corrections officers of those agencies.

**13:80A-1.2 Scope**

The rules contained in this chapter shall govern the award of initial and successive grants for body armor from the Body Armor Replacement Fund.

**13:80A-1.3 Legal authority**

The Attorney General has delegated to the Director of the Division of Criminal Justice, Department of Law and Public Safety, the responsibility to administer this program and to establish the rules deemed necessary to effectuate the purposes of the Fund, as established under P.L. 1997, c.177 (N.J.S.A. 52:17B-4.4).

**13:80A-1.4 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Body Armor Replacement Fund Act, P.L. 1997, c.177 (N.J.S.A. 52:17B-4.4).

“Annual replacement allotment” means the number of vests required to equip one-fifth of an applicant agency’s total number of local law enforcement officers, State Department of Corrections officers or State police officers or troopers, as defined within this chapter, with body armor.

“Applicant” means any local law enforcement agency, the Division of State Police, the State Department of Corrections or the Juvenile Justice Commission that makes application for a Body Armor Replacement Fund grant.

“Applicant agency head” means the person who is the chief executive officer of the law enforcement or correctional organization applying for a grant under this program.

“Body armor” means a body vest designed to be worn on the body for protection against blunt force trauma associated either with the impact of a firearm projectile or from a knife or other pointed instrument, and which meets or exceeds either of the following applicable standards: “Ballistic resistant body armor” means a vest or similar article which is manufactured of bullet resistant fabric that conforms to National Institute of Justice (NIJ) Standard-0101.03 (as amended and supplemented). “Stab resistant body armor” means a vest or similar article which is manufactured of material that conforms to or exceeds the minimum performance standards contained in the State of California specifi-

cation established for body vest thrust protection entitled “Test Methods and Procedures; Armor, Thrust, Insert; 8470-BS001; November, 1994” or any stab resistant vest authorized for purchase under any current State of New Jersey contract.

“Chief financial officer” means, except in the case of a municipality, the director of revenue and finance, comptroller, treasurer, collector or other financial officer of a local unit of government or of the State agency applying for the grant. In the case of a municipality, the chief financial officer means the person appointed pursuant to section 5 of P.L. 1988, c.100 (N.J.S.A. 40A:9-140.10).

“Director” means the Director of the Division of Criminal Justice.

“Eligible applicant” means an applicant that timely files a completed application with the Division of Criminal Justice, requests body armor for its eligible officers and certifies that it will utilize grant funds to purchase body armor for its eligible officers.

“Eligible officer” means a local law enforcement officer, or Division of State Police trooper or officer or State Department of Corrections officer.

“Fund” means the Body Armor Replacement Fund.

“Governing body” means the governing body of a county or the commission, council, board or body having control of the finances of a municipality or any other local unit of government.

“Local law enforcement agency” means any police force or organization in a municipality or county which has, by statute or ordinance, the responsibility of detecting crime and enforcing the general criminal laws of this State. For purposes of this chapter, it also includes any municipal or county jail, detention center or correctional facility.

“Local law enforcement officer” means any full-time, sworn, permanently appointed county or municipal officer who has the full power to arrest and who regularly exercises police powers regarding the enforcement of the general criminal laws of this State. For purposes of this chapter, in accordance with the provisions of the Act, it also includes a full-time, sworn, permanently appointed officer of any county or local jail, detention center or correctional facility. The term “local law enforcement officer” includes, but is not necessarily limited to:

1. Municipal police officer;
2. Sheriffs’ officer;
3. County court attendant;
4. County corrections officer;
5. County police officer;

6. County park police officer;
7. County prosecutors’ investigator;
8. County prosecutors’ detective; and
9. Local housing police officer, guard or patrolman.

“Local unit” means a county or municipality.

“Program” means the Body Armor Replacement Fund Program.

“State Department of Corrections officer” means corrections officers, correction investigators and parole officers of the State Department of Corrections or State Juvenile Justice corrections officers of the Juvenile Justice Commission.

“State fiscal year” means a fiscal year which runs between July 1 through June 30.

“State police officer or trooper” means sworn members of the Division of State Police.

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## SUBCHAPTER 2. BODY ARMOR REPLACEMENT PROGRAM

### 13:80A-2.1 Fund uses and limitations

(a) All of the monies deposited in the fund from the preceding State fiscal year shall be available annually for grants for the purchase of body armor, exclusive of the allocations made by the Act to the Department of Law and Public Safety for administrative expenses of the grant program and to the Department of Personnel for the operation of the Law Enforcement Officer Crisis Intervention Services Telephone Hotline.

(b) All funds received by a grantee shall be used exclusively for the purchase of body armor for its eligible officers.

### 13:80A-2.2 Notification of availability and award of grants

(a) The Division of Criminal Justice shall publish, annually, a notice of availability of funds in the New Jersey Register.

(b) The Division of Criminal Justice shall mail grant applications upon request.

(c) Program grants shall be awarded once annually.

### 13:80A-2.3 Application for funds

To apply for funds, each applicant shall submit a completed application to the Division of Criminal Justice by the deadline date specified in the notice of availability of funds published in the New Jersey Register.

**13:80A-2.4 Application components**

(a) A completed application for program funds shall include the following minimum information:

1. The governmental level and type of agency;
2. The name, address and contact information for the applicant agency and its head;
3. The name, address and contact information of the agency's governing body and its chief financial officer;
4. Eligible officer information;
5. Disclosure of status of prior body armor fund awards and number of vests purchased;
6. A certification signed by the applicant agency head and the governing body's chief financial officer, that the information contained in the application is true to the best of their knowledge and belief, and that all grant funds will be used exclusively for the purpose specified in the grant award; and
7. Additional information concerning applicants' officers, the age, condition, and usage of the officers' body armor, the applicants' crime rates and any relevant factors regarding risk of injury or death to applicants' officers, may be requested by the Division of Criminal Justice for planning purposes.

(b) The Division of Criminal Justice may require additional information from an applicant beyond that requested in the application form.

**13:80A-2.5 Confidentiality**

Applications for grants under this program and any supporting documentation are not public records for the purpose of P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.). These documents are confidential and shall not be released except to law enforcement personnel in connection with their official duties.

SUBCHAPTER 3. PROGRAM GRANTS

**13:80A-3.1 Initial and successive program grants**

Initial grants to eligible applicants shall be awarded at the conclusion of the State Fiscal Year 1998. Successive grants shall be awarded following the conclusion of ensuing State fiscal years, upon determination of available funds.

**13:80A-3.2 Selection criteria**

(a) Each applicant that submits a completed application by the deadline date specified in the notice of availability of funds shall be eligible to receive a base grant award.

(b) The Division of Criminal Justice shall notify any applicant that has submitted an incomplete application or who has been determined to be ineligible to receive an award, of that fact and the reasons therefor.

**13:80A-3.3 Requests for reconsideration; no appeal of awards**

(a) Within 10 days after receipt of notification of a determination of ineligibility to receive a grant, an applicant may submit additional information to the Division of Criminal Justice which shall reconsider the grant application.

(b) No appeal shall be considered of any award made to a grantee.

**13:80A-3.4 Grant award process**

(a) Each eligible applicant shall receive the same base grant award in an amount determined by the Director. The minimum base grant award shall be \$500.00.

(b) Consistent with the implementing legislation's goal of a five-year replacement program, each eligible applicant shall be qualified to receive additional grant funds to assist in offsetting the costs of achieving its annual replacement allotment, if funds are available.

(c) Additional grant funds shall be distributed to eligible applicants if available funds remain from the amount of monies deposited in the Fund as of June 30 minus allotments made by the Act to the Department of Law and Public Safety for administrative expenses and to the Department of Personnel for the Law Enforcement Officer Crisis Intervention Services Hot Line, and the amount necessary to make all of the base grant awards.

(d) The additional award to an eligible applicant shall be determined using the following formula:

$$\text{Additional award} = \frac{\text{(eligible applicant's annual replacement allotment)}}{\text{(Total of all eligible applicants' annual replacement allotments)}} \times \text{available funds}$$

(e) Each applicant shall be notified of its base grant award and additional grant award at the time it receives its grant check.

(f) The Director reserves the right to adjust, in a subsequent year, any individual grant award upon determination that the applicant's prior grant award was based upon a computational or informational error.

(g) The rules of this chapter may be relaxed by the Attorney General under extraordinary circumstances and as a matter of officer safety, to authorize the distribution of a portion of the Fund as special grant funds to assist eligible applicants in the premature replacement of body armor above their eligible applicants' annual replacement allotments. Extraordinary circumstances involve a Statewide distribution

to eligible applicants when a model of body armor, that is in current use by eligible officers, and is potentially defective and where the eligible applicant can certify that it has insufficient funds to replace these vests. Based on the availability of special grant funds, each eligible applicant, within the time frames set forth by the Director, may apply for a special fund award.

1. The special grant award to an eligible applicant shall be determined using the following formula:

(eligible applicant's number of questioned body armor purchased that is in current use) divided by (approximate total number of eligible applicants' number of questioned body armor that is in current use) times (available special grant funds).

2. After each eligible agency is notified and given an opportunity to apply for a special grant within the time frames set forth by the Director, any money remaining in the special grant fund shall revert back into the Fund.

Amended by R.2006 d.218, effective June 19, 2006.

See: 38 N.J.R. 1163(a), 38 N.J.R. 2730(a).

Added (g).

Public Notice: Notice of Availability of Funds: Body Armor Replacement Fund

See: 38 N.J.R. 2747(a).

### **13:80A-3.5 Deposit of grant monies; unallowable expenses**

(a) The grant award shall be forwarded to the chief financial officer for deposit into an appropriate account.

(b) No indirect costs or administrative expenses shall be deducted from these program funds by a grantee or its governing body.

### **13:80A-3.6 Body armor eligible to be purchased**

(a) An applicant shall purchase only ballistic resistant body vests that meet the standards for such body armor as defined at N.J.A.C. 13:80A-1.4. An applicant shall purchase only ballistic resistant body armor models identified in the Fall, 1997 edition of the Consumer Product List (CPL), as amended and supplemented, published by the National Institute of Justice (NIJ), National Law Enforcement and Corrections Technology Center as having met the requirements of Ballistic Resistance of Police Armor: NIJ Standard-0101.03 (April 1987) or as subsequently amended by the NIJ.

1. In accordance with the above provision, the applicant agency head, in the reasonable exercise of discretion, shall determine the threat level, style and model of body armor to be purchased for the eligible officers.

(b) An applicant shall purchase only stab resistant body vests that meet the standards for such body armor as defined at N.J.A.C. 13:80A-1.4.

1. In accordance with the above provision, the applicant agency head, in the reasonable exercise of discretion, shall determine the threat level, style and model of body armor to be purchased for the eligible officers.

(c) Except as provided in (c)1 below, the applicant agency head, in the reasonable exercise of discretion, shall determine the replacement program and the scheduling of eligible officers to receive body armor.

1. The State Department of Corrections shall establish a distribution schedule that gives first priority to State corrections officers assigned inmate supervision and control responsibilities in the State's maximum security correctional facilities and second priority to those officers assigned inmate supervision and control responsibilities in the State's medium security correctional facilities.

## **SUBCHAPTER 4. GRANTEE ACCOUNTABILITY**

### **13:80A-4.1 Expenditure of funds; return of unexpended funds**

(a) Each agency that receives a grant shall make every reasonable effort to expend the award within one year of receipt.

(b) The Division of Criminal Justice may require the return of all funds not expended within one year of receipt, unless the grantee demonstrates that good cause exists to retain the funds.

### **13:80A-4.2 Reporting requirements**

Applicants shall maintain a bookkeeping system, records, invoices and separate grant files to account for all grant monies received and expended and they shall be made available to the Division of Criminal Justice upon request.