

CHAPTER 79**SAFE AND SECURE COMMUNITIES PROGRAM****Authority**

N.J.S.A. 52:17B-168.

Source and Effective Date

R.2004 d.159, effective March 24, 2004.
See: 35 N.J.R. 4444(a), 36 N.J.R. 1953(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 79, Safe and Secure Communities Program, expires on September 20, 2009. See: 41 N.J.R. 1978(a).

Chapter Historical Note

Chapter 79, Safe and Secure Communities Program, was adopted as emergency new rules R.1993 d.476, effective August 27, 1993 (to expire October 26, 1993). The provisions of R.1993 d.476 were readopted as R.1993 d.596, effective October 22, 1993. See: 25 N.J.R. 4511(a), 25 N.J.R. 5353(a).

Pursuant to Executive Order No. 66(1978), Chapter 79, Safe and Secure Communities Program, was readopted as R.1998 d.511, effective September 25, 1998. See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a)

Chapter 79, Safe and Secure Communities Program, was readopted as R.2004 d.159, effective March 24, 2004. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. PURPOSE, SCOPE, DEFINITIONS**

- 13:79-1.1 Purpose
- 13:79-1.2 Scope
- 13:79-1.3 Definitions

SUBCHAPTER 2. THE SAFE AND SECURE COMMUNITIES PROGRAM

- 13:79-2.1 Program objectives
- 13:79-2.2 Fund use and limitations
- 13:79-2.3 Notification and award of funds
- 13:79-2.4 Application for funds
- 13:79-2.5 Confidentiality
- 13:79-2.6 (Reserved)

SUBCHAPTER 3. PROGRAM GRANTS

- 13:79-3.1 Project grants
- 13:79-3.2 Initial project grants
- 13:79-3.3 Successive project grants
- 13:79-3.4 No appeals allowed
- 13:79-3.5 through 13:79-3.8 (Reserved)

SUBCHAPTER 4. GRANTEE ACCOUNTABILITY

- 13:79-4.1 Certification
- 13:79-4.2 Agreement prerequisites
- 13:79-4.3 Reporting

SUBCHAPTER 5. ASSISTANCE FOR GRANTEES

- 13:79-5.1 Technical and operational assistance

SUBCHAPTER 1. PURPOSE, SCOPE, DEFINITIONS**13:79-1.1 Purpose**

This chapter describes the grants available from the Safe Neighborhoods Services Fund pursuant to the Safe and Secure Communities Act and establishes guidelines for the receipt of program funds and procedures to ensure grantee accountability.

13:79-1.2 Scope

The rules contained in this chapter shall govern the award of law enforcement personnel grants from the Safe Neighborhoods Services Fund pursuant to the Safe and Secure Communities Act.

Amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Deleted "and law enforcement equipment grants" following "personnel grants".

13:79-1.3 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 Safe and Secure Communities Act, P.L. 1993, c.220 (N.J.S.A. 52:17B-159 et seq.).

"Baseline regular complement of officers and other law enforcement personnel" means the number of police officers and other law enforcement personnel on a municipality's force as of December 31, 1993.

"Eligible municipality" means a municipality that applied for and was awarded an initial grant for a law enforcement project under the Act during the first two program years following August 2, 1993, even if the municipality did not immediately accept its initial grant award.

"Fringe benefits" means payments made by the employer for an employee's retirement, social security, health and dental insurance, workers compensation, and unemployment, disability and survivor's insurance.

"Fund" means the Safe Neighborhoods Services Fund.

"Law enforcement project" or "project" means a project employing police officers for which a grant is awarded pursuant to this program.

"Other law enforcement personnel" means non-police employees who enhance a project's law enforcement capacity by performing paperwork and related support services, thereby allowing police officers to devote more time to direct community policing duties.

“Program” means the “Safe and Secure Communities Program.”

Amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Added “Baseline regular complement of officers and other law enforcement personnel”; deleted “Commissioner” and “Law enforcement equipment” or “equipment”; and rewrote “Eligible municipality”.

SUBCHAPTER 2. THE SAFE AND SECURE COMMUNITIES PROGRAM

13:79-2.1 Program objectives

(a) The Safe and Secure Communities Program is designed to provide assistance to municipalities for programs which accomplish the following objectives, as warranted by the needs of the community:

1. Policing in a community-oriented manner through an emphasis on the use of foot patrols, personal interaction between police officers and residents, and participation in community crime prevention programs;
2. Targeting law enforcement activities toward the specific needs of persons who live or work in a particular neighborhood, such as children, senior citizens, or merchants;
3. Encouraging resident involvement in activities that contribute to crime prevention, including citizen patrols, safe houses, neighborhood watch groups, and crime prevention educational programs;
4. Reducing the incidence of criminal behavior, such as drug trafficking or youth gang activity, that disrupts the normal functioning of a community;
5. Implementing the Violent Offenders Removal Program (VORP) to identify and expeditiously apprehend violent criminals who operate within a targeted area; and
6. Developing other innovative strategies which hold promise for preventing or reducing crime within a defined neighborhood or with respect to a particular demographic group within the municipality.

13:79-2.2 Fund use and limitations

(a) Of the monies deposited in the fund, 100 percent shall be available for approved law enforcement projects exclusive of the allocation to the Attorney General to enable the Division of Criminal Justice to provide technical and operational assistance to grantees.

(b) Notwithstanding any law or regulation to the contrary, a municipality may expend grant moneys in the local budget year in which they are received.

Amended by R.1998 d.511, effective October 19, 1998.

See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Rewrote (a); deleted former (b); and recodified former (c) as (b).

13:79-2.3 Notification and award of funds

Subject to the availability of funds, upon approval of an application, a successive project grant shall be awarded to an eligible municipality to commence after the termination of its prior grant.

Amended by R.1998 d.511, effective October 19, 1998.

See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Rewrote the section.

13:79-2.4 Application for funds

All municipalities applying for funds for law enforcement personnel grants must submit proposals to the Division of Criminal Justice by the deadline dates specified in the notification letter from the Division of Criminal Justice.

Amended by R.1998 d.511, effective October 19, 1998.

See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Rewrote the section.

13:79-2.5 Confidentiality

An application for a grant under this program and any supporting documentation are not public records for purposes 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.

Recodified from N.J.A.C. 13:79-2.6 by R.1998 d.511, effective October 19, 1998.

See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Former N.J.A.C. 13:79-2.5, Application components for initial program grants, was repealed.

13:79-2.6 (Reserved)

Recodified to N.J.A.C. 13:79-2.5 by R.1998 d.511, effective October 19, 1998.

See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

Section was “Confidentiality”.

SUBCHAPTER 3. PROGRAM GRANTS

13:79-3.1 Project grants

(a) An eligible municipality may apply to the Division of Criminal Justice for a grant from the fund to be used exclusively to pay the salaries of police officers and other law enforcement personnel deployed in a law enforcement project which is designed to meet the objectives of the program, but in no event shall the amount of a successive grant exceed a municipality’s initial grant award amount and a successive grant shall be proportionately reduced if a municipality reduces the number of personnel funded from the grant.

(b) A municipality which receives a grant for a law enforcement project shall be responsible for paying the fringe benefits of all police officers or other law enforcement personnel hired, which shall be deemed the local cash match. Requests for overtime funds will not be considered.

(c) A municipality shall agree, as a condition of a grant awarded pursuant to this Act, not to reduce its baseline regular complement of police officers and other law enforcement personnel, and any officers and any other law enforcement personnel funded by a Safe and Secure Communities grant.

(d) A municipality which receives a grant for a law enforcement project shall be responsible for paying all costs in excess of the grant award.

(e) A grant funded project shall operate for at least a one-year period.

Amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Rewrote the section.

13:79-3.2 Initial project grants

No new initial grants for law enforcement projects shall be awarded.

Amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Rewrote the section.

13:79-3.3 Successive project grants

(a) The selection process and criteria for a successive project grant is as follows:

1. The Division of Criminal Justice shall accept an application for a successive project grant, from any eligible municipality.

i. The Division shall consider awarding successive funding in a subsequent year to extend a project, subject to availability of funds.

ii. An application for successive funding shall be filed on forms provided and within the time period specified by the Division. Such forms shall include: an application authorization, budget, grant agreement certification, general conditions, council resolution of participation and a description of the activities and accomplishments achieved under the prior grant.

2. The Division shall review a filed application to determine whether or not a project is operating in accordance with these rules and is effectively meeting the objectives of the project to justify continued funding.

i. The Division shall award a successive grant to an eligible municipality which demonstrates that its project is operating in accordance with these rules and is effectively meeting the objectives of the project to justify continued funding.

ii. The Division shall notify an eligible municipality if its application for a successive grant has been found either to not demonstrate that its project is operating in accordance with these rules or that it is not effectively meeting the objectives of the project to justify continued funding.

(1) The Division shall allow an eligible municipality 10 days after receipt of notification of its grant denial, to submit additional application information and request reconsideration of its grant application.

(2) The Division shall consider imposing special conditions to address a deficient application as an alternative to an absolute denial.

(3) Failure of a municipality to comply with special conditions imposed upon its grant award shall be grounds for an absolute denial of any successive grant applications filed by such municipality.

(b) The Director shall forward contracts to the Attorney General for the award of successive project grants.

(c) The Attorney General shall execute the contracts forwarded by the Director, on behalf of the State.

Recodified from N.J.A.C. 13:79-3.7 and amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Rewrote the section. Former N.J.A.C. 13:79-3.3, Project continuation grants, was repealed.

13:79-3.4 No appeals allowed

No appeals shall be allowed except as provided for the reconsideration of a denied grant application as specified in N.J.A.C. 13:79-3.3(a)2ii(1).

Recodified from N.J.A.C. 13:79-3.8 and amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Rewrote the section. Former N.J.A.C. 13:79-3.4, Equipment grants, was repealed.

13:79-3.5 (Reserved)

Repealed by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Section was "Initial equipment grants".

13:79-3.6 (Reserved)

Repealed by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Section was "Selection criteria".

13:79-3.7 (Reserved)

Recodified to N.J.A.C. 13:79-3.3 by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Section was "Grant selection process".

13:79-3.8 (Reserved)

Recodified to N.J.A.C. 13:79-3.4 by R.1998 d.511, effective October 19, 1998.

See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
Section was "Reconsideration".

SUBCHAPTER 4. GRANTEE ACCOUNTABILITY

13:79-4.1 Certification

(a) A municipality selected as a grant recipient under this program shall certify that all grant funds shall be used exclusively for the purposes specified in the grant award.

(b) A municipality selected as a law enforcement personnel grant recipient shall certify that it shall not reduce its regular complement of police officers and other law enforcement personnel during any grant period.

13:79-4.2 Agreement prerequisites

(a) Prior to entering into an agreement with the Division of Criminal Justice to receive grant funds, a municipality selected as a grant recipient under this program shall provide:

1. An application authorization form signed by the mayor or other chief administrative or executive officer of the municipality and a resolution by the municipal governing body authorizing the municipality to enter into an agreement with the Division of Criminal Justice for the funds; and

2. Authorization by the governing body for the provision of fringe benefit expenses.

Amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).
In (a), rewrote 2 and deleted former 3.

13:79-4.3 Reporting

(a) A municipality selected as a grant recipient under this program will be required to meet the Division of Criminal Justice programmatic and fiscal reporting standards, including:

1. Submission of quarterly narrative and statistical reports to the Division of Criminal Justice describing program activities and progress for the award period;

2. Submission of quarterly fiscal reports to the Division of Criminal Justice;

3. Maintenance of a bookkeeping system, records, and separate grant files to account for all grant monies spent and all matching funds contributed to the program; and

4. Maintenance of a separate account for all grant monies.

(b) Subgrantee accounting systems shall conform to generally accepted accounting standards.

Amended by R.1998 d.511, effective October 19, 1998.
See: 30 N.J.R. 2999(a), 30 N.J.R. 3852(a).

In (a), substituted "quarterly" for "monthly" in 2 and deleted "and all matching funds contributed to the program" from the end of 4; and added a new (b).

SUBCHAPTER 5. ASSISTANCE FOR GRANTEEES

13:79-5.1 Technical and operational assistance

(a) The Division of Criminal Justice shall provide technical and operational assistance to grantees, which shall include:

1. Assistance in implementing an effective community policing program, including training and development of operational plans, schedules, and strategies; and

2. Coordination of and assistance with violent offender removal programs (VORP).