MEMORANDUM

TO: Honorable Eliana Pintor Marin, Chairwoman
Assembly Budget and Appropriations Committee

FROM: Gurbir S. Grewal
Attorney General

DATE: April 30, 2019

SUBJECT: Assembly Budget and Appropriations Committee
Follow-Up Questions and Answers

In accordance with your request, enclosed please find the Department’s responses to the Assembly Budget and Appropriations Committee Follow-Up Questions. Please contact William Cranford at 292-9660 if you have any questions.

Enclosures

C: Jennifer Davenport, First Assistant Attorney General
Andrew Bruck, Executive Assistant Attorney General
B. Stephan Finkel, Assistant Attorney General, Director, Legislative Affairs
William H. Cranford, Acting Administrator
Kristen Sleeper, Director, Budget and Grant Operations
David Ridolfino, Director, Office of Management and Budget
Assemblyman Benson

Among the FY 2020 proposed firearm related fee increases, the permit to carry fee, initial application and renewal, would increase to $400, from $20. Would this increased fee apply to permits issued to retired police officers?

The proposed firearm fee increases do not include an increase to the Retired Law Enforcement Officer Permit to Carry fee.

Assemblyman Burzichelli

During the hearing you noted that Drug Enforcement Recognition (DRE) training certification programs are being conducted Statewide in preparation for the legalization of recreational marijuana use by adults. It was indicated that 519 New Jersey law enforcement officers have obtained the DRE certification. Please provide an overview of how to incorporate DRE certification training on the academy level for State Police, county, and local law enforcement recruits to ensure prior to graduating these officers have the DRE related training.

The NJSP Alcohol and Drug Testing Unit is committed to training law enforcement officers as DREs, and currently trains 80 - 100 each year. As noted, New Jersey has 519 DREs, which ranks second in the country only to California. DRE trainings are offered to officers free of charge, and NJSP receives grant funds from the Division of Highway Traffic Safety to support this effort. NJSP gives preference on trainings to law enforcement agencies that have no DREs or a proportionately low number of them.

At this time, there are no plans to incorporate DRE certification training to law enforcement recruits in an academy setting. DRE certification requires prerequisite courses, including Standardized Field Sobriety Testing (SFST) and Advanced Roadside impaired Driving Enforcement (ARIDE), which are best suited for officers with experience in the field. In addition, the length of time to complete SFST, ARIDE, and DRE courses would run at least seven weeks, which would present a challenge to completing these courses within an academy's current educational and training calendar.

It was indicated during the hearing that the Department of Treasury determined the proposed increases in firearm fees, however the Department of Law and Public Safety provided information on which the recommended fees were based. Please provide the research you offered during the hearing regarding neighboring states' firearms related fees. Additionally, please provide the number of crimes involving a firearm which is legally registered and legally owned by the person committing the crime in comparison to all firearm related crimes.
Comparison information -- Permit to Purchase

- NJ - $2 (proposed increase to $50)
- NYC - $340, good for 3 years (NY State allows locals to set fee)
- MD - $75
- CT - $35
- PA - $20
- DE does not have permit to purchase fee

Comparison information -- Permit to Carry

- NJ - $50 (inclusive of $30 fee established by the courts) (proposed increase to $400)
- CT - $70
- MD - $75
- MA - $100
- DE, NYC, PA do not have permit to carry fees

Comparison information -- NICS Background Checks

(NJ is designated as full Point of Contact or POC State. Feds allow POC States to conduct their own background checks using State and Federal databases, including FBI's NICS database)

- NJ - $15 (proposed $45)
- NY State - $130
- DE - $52
- CT - $75
- PA - $2

The New Jersey State Police Firearms Investigation Unit does not maintain information regarding the number of or percentage of firearms that were legally obtained and used by the legal registered owner to commit a crime.

Since September 11, 2001, New Jersey has attempted to achieve interoperable communications between State, county, and municipal governments. Please provide an update on where the State is in the process of implementing interoperability between our State, county, and municipal emergency responders. Please provide the costs estimated to implement the upgrades of the “P25” system. Please include information on any funds which have been allocated for implementing the upgrades.

The following improvements have been made to interoperability since 9/11/2001:
1. Six additional State Communications Channels were added in 2002 (channels 5 through 10).

2. Implementation of the P25 system which gave the State Inter-RF Subsystem Interface (ISSI) capability on the State Network. (ISSI is an IP network interface that allows P25 trunked systems to be connected using IP based gateway technologies for direct end-to-end digital interoperability.) In 2009 P25 was added in the Urban Areas Security Initiative Region which included five additional State Communications channels (channels 11 through 15) to the State Network. The State system currently has ISSI connections with Camden County, Mercer County, Morris County, and Bergen County. There are proposed connections with Atlantic, Gloucester, Ocean, Monmouth and Burlington Counties.

3. Multiple county and local agencies now operate on the State Network and have interoperability with any other agency utilizing the State Network.

4. The State has offered any agency with 800 MHz radio capability access to State Communications Channels at no charge.

5. AT1 connection was made with the Pennsylvania State system to allow for interoperability between NJ & PA (Bridge Commission, Highway Maintenance and Police).

State Police recently began discussions with State contract vendor Motorola on the P25 radio upgrade proposal. Further details on the projected cost and timeline of implementation will become available if and when a contract is executed.

Assemblyman DiMaio

Please provide the number of firearms legally purchased in New Jersey.

The National Instant Criminal Background Check System (NICS) is a federally mandated national system in which the New Jersey State Police, State Bureau of Identification, NICS Unit is the designated entity responsible for conducting the required background check at the point of sale or transfer of a firearm in New Jersey.

NICS is used by Federal Firearms Licensees (FFL) to determine whether a prospective buyer is eligible to receive a firearm. Before selling the firearm, the FFL submits a criminal background check to the NICS Unit to ensure that each customer does not have a criminal record or is not otherwise ineligible to make a purchase or transfer of a firearm.

The number of transaction requests that the NICS Unit receives does not necessarily represent the number of firearms legally sold in New Jersey. In New Jersey, a FFL can sell more than one firearm or long gun to an eligible individual under one NICS background check. And a NICS background check request itself does not indicate that a
sale has occurred. Overall, NICS background checks indicate the potential receivers of firearms.

In addition, only handguns are required to be registered at the time of purchase. Long guns (rifles and shotguns) may be registered voluntarily by the purchaser at a later date, not at the point of sale. Therefore, the majority of the firearms that are purchased legally and tracked within State Police Firearms Investigations Unit (FIU) are likely to be handguns.

Transaction information from FFL gun dealers in the calendar year 2018:

- Total transaction NICS background requests received from a dealer: 91,096
- Dealer requests for potential hand gun(s) transfers: 50,027
- Dealer requests for potential long guns(s) transfers: 38,724
- Dealer requests for potential of both hand gun(s) and long gun(s) combined: 2,345

Assemblywoman Munoz

There appears to be a shortage of home health aides in our State and at one point there had been a backlog in processing the license applications of home health aides, nurses, and nurse assistants. Please provide an update of licensure application and renewal backlogs at the Board of Nursing, including the applications for home health aides and nurses. How was funding added to the Board of Nursing's budget to reduce backlogs utilized? Please advise if you would recommend the restoration of this funding. Please elaborate on whether you would recommend an increase in DCA Board of Nursing staff or any of the other DCA boards?

There is no significant backlog in certified homemaker-home health aide application processing, with initial applications currently being reviewed within 72 business hours of being received. After the Board transitioned to an online application process as of May 1, 2018, the backlog has decreased substantially. As of April 1, 2019, all initial applications up to and including those entered online on March 27, 2019 have received an initial review.

The Division maintains constant communication with the two major homemaker-home health aide associations (Home Care & Hospice Association of NJ and Home Health Services Association of NJ) to monitor feedback from the field for application processing speeds and other issues applicants may have with the application process.

Application processing backlogs for nurse applicants have been reduced since the fall 2017. For individuals who apply after taking the national exam in New Jersey, their
applications are reviewed within 48 hours of submission. Applicants who already hold licenses in other states are reviewed in approximately three weeks.

Certified Nurse Aide (CNA) application processing does not fall within the Division of Consumer Affairs; the Department of Health certifies and regulates the CNAs.

License renewals are processed through an online system, and are not backlogged.

In FY2018, an extra appropriation of $250,000 was added for hiring temporary staff to address the backlog of HHA applications. The Division does not require another appropriation.

The Board of Nursing is staffed by 31 full-time Division employees and 11 temporary staffers. The Board includes a new Associate Director of Discipline who began on April 1, 2019, and will welcome an Associate Director of Education who will be starting July 1, 2019. Staffing for Board of Nursing application processing meets the needs of the Board.

The Division continues to work to backfill positions across all units and professional boards to ensure staffing is properly aligned to meet its statutory obligations.

Assemblywoman Pintor Marin

Over the past year, there has been a Statewide effort to combat opioid addiction. Please provide an overview of the Operation Helping Hand initiative and any statistics available evaluating the success of the program.

Operation Helping Hand started in Bergen County in 2016 when Attorney General Grewal was serving as County Prosecutor. The Bergen County Operation Helping Hand initiative is an innovative program in which opioid-addicted individuals who are arrested for drug offenses are offered the opportunity to pursue treatment and/or recovery support services. The Bergen County program involves a coordinated effort by law enforcement and healthcare partners to guide addicted individuals from the street into recovery, typically over the course of weeklong initiatives during which participating agencies and providers dedicate additional resources to fighting opioid addiction.

The Department of Law and Public Safety (Department) expanded Operation Helping Hand in 2018 into other counties in two phases. First, in June 2018, Union, Morris, Passaic, and Sussex Counties joined Bergen County in a coordinated five-county initiative using Bergen County's original Operation Helping Hand model. Second, in Fall 2018, the Department invited all counties to apply for a total of $1 million in funding to establish or expand existing diversion programs that rely on proactive outreach by law enforcement, and community partnerships with healthcare and recovery service providers, to help individuals defeat addiction. The Department anticipates that 17
counties will use Operation Helping Hand grant funds to establish or expand existing diversion programs by August 2019.

Bergen County’s Operation Helping Hand model has demonstrated success in terms of the number of individuals encountered by law enforcement who choose treatment and recovery support options. Over the course of four Operation Helping Hand initiatives held in Bergen County from August 2016 through March 2018, police encountered about 126 individuals who had purchased heroin, and 75 percent of those individuals accepted offers of detox, treatment, and/or recovery support services. In the five-county initiative in June 2018, 148 out of 177 individuals – or five out of every six – accepted the offer of treatment or recovery support services.

Tracking individuals’ experience with treatment and recovery over longer periods poses challenges. But the available data are promising. Three months after the June 2018 initiative, for example, Union County found that 23 out of 83 individuals (over 27%) who had chosen treatment and/or recovery support services continued to rely on treatment and/or recovery support services. For Bergen County, 6 out of 25 individuals (24%) remained in recovery six months after the June 2018 initiative. The 17 counties that are expected to run Operation Helping Hand initiatives by August 2019 will be tracking and reporting data to enable the Department to evaluate their success. The Department will evaluate the data as they become available.

The Division of State Police compensation contracts with the State recently have been renegotiated after having been frozen since 2012. Please provide an update on the differences in retention and morale based on the recent unfreezing of these contracts.

Negotiations that unfroze Trooper salary increments were concluded on October 3, 2018, and the resulting payroll adjustments were implemented on March 22, 2019 and retroactive to March 31, 2018. From January 1, 2012 through April 29, 2019, 30 members resigned, and of that amount, 23 resigned after steps were frozen in September 2015. As of April 29, 2019, there have been no resignations since March 22, 2019.