



OFFICE OF THE COUNTY PROSECUTOR

**MERCER COUNTY
COURT HOUSE
P.O. BOX 8068**


JOSEPH L. BOCCHINI, JR.
Prosecutor

**TRENTON, NEW JERSEY 08650-0068
PHONE: (609) 989-6350
(609) 989-6305
FAX #: (609) 989-0161**

ANGELO J. ONOFRI
First Assistant Prosecutor

**POLICE CHIEF'S MEMORANDUM
14-02**

**TO: ALL CHIEFS OF POLICE/POLICE DIRECTORS/
SHERIFF JACK KEMLER**

**FROM: ANGELO J. ONOFRI
FIRST ASSISTANT PROSECUTOR** 

RE: TEMPORARY PROCEDURE FOR EVIDENTIAL BREATH TEST

DATE: MARCH 4, 2014

Attached please find the memorandum issued by Phillip Aronow, Chief, Prosecutors Supervision and Coordination Bureau, concerning the "Temporary Procedures for Evidential Breath Testing Utilizing the Alcotest Instrument." The temporary procedures will be in effect from 2:00 a.m. on March 9, 2014 to April 6, 2014.

The temporary procedures are necessitated due to the change in the ending date of Daylight Savings Time.

The attached memorandum is self-explanatory.

AJO/pc



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
PO BOX 085
TRENTON, NJ 08625-0085
TELEPHONE: (609) 984-6500

JOHN J. HOFFMAN
Acting Attorney General

ELIE HONIG
Director

February 28, 2014

TO: All County Prosecutors
Colonel Joseph Fuentes, Superintendent, NJSP
All Municipal Prosecutors
All Law Enforcement Executives

**Re: Temporary Procedure for Evidential Breath Tests
Utilizing Alcotest Instrument for
Daylight Savings Time Period March 9-April 6, 2014**

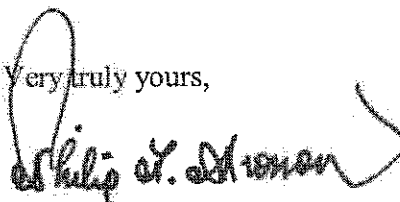
In 2005, President Bush signed the Energy Policy Act of 2005, 42 U.S.C. sec. 15801. This Act, the relevant portion of which is attached, changes the dates of Daylight Savings Time effective 2007. As a result, Daylight Savings Time will begin on the second Sunday in March (March 9, 2014) instead of the first Sunday in April (April 6, 2014).

The Alcotest 7110 MKIII-C New Jersey firmware version 3.11 is configured to automatically convert to Daylight Savings Time based on the pre-2007 timetable. Therefore, instead of changing to Daylight Savings Time on March 9, 2014, the Alcotest 7110 MK III-C will change on April 6, 2014. Prior to April 6, 2014, the instrument will continue to record all times, both printed and electronic, with an "S" suffix, indicating Standard Time. At 02:00 on April 6, 2014, the instrument's time recording will automatically change to a "D" suffix, indicating Daylight Savings Time.

The instrument's recordation of Standard Time rather than Daylight Savings Time does not affect the method of analysis or the accuracy of the readings. All current procedures for the processing of arrested intoxicated drivers are to continue, including the 20 minute observation period currently part of the regular protocol. However, because the Alcotest is set to read in Standard Time during that period of time, Breath Test Operators should enter the time of arrest in the Alcotest instrument in Standard Time (one hour earlier than Daylight Savings Time). Entries on all other documents related to the arrest (*e.g.*, police reports) should reflect Daylight Savings Time effective March 9, 2014.



Please inform all local law enforcement personnel to direct any questions regarding the implementation of this interim procedure to their respective County Prosecutor's Office.

Very truly yours,


Assistant Attorney General Philip S. Aronow
Chief, Prosecutors Supervision and Training Bureau

c: DAG Michael Williams, Counsel to the Director
A/Lt. Matteo Russo, Unit Head, NJSP Alcohol & Drug Testing Unit
Traffic Records Unit, Criminal Justice Records Bureau, NJSP
Dr. Howard Baum, Ph.D., Director, NJSP Office of Forensic Science