March 4, 2011

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 13-April 3, 2011

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 13, 2011) instead of the first Sunday in April (April 3, 2011).

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 13, 2011, the Alcotest 7110 MK III-C will change on April 3, 2011. Prior to April 3, 2011, the instrument will continue to record all times, both printed and electronic, with an “S” suffix, indicating Standard Time. At 02:00 on April 3, 2011, 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 13, 2011.
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,

Hester Agudosi
Chief, Prosecutors Supervision and Coordination Bureau

c: Stephen Taylor, Director, Division of Criminal Justice
Dermot O’Grady, Deputy Director, Division of Criminal Justice

SFC. Craig Potter, Supervisor, NJSP Alcohol & Drug Testing Unit
Traffic Records Unit, Criminal Justice Records Bureau, NJSP
Dr. Howard Baum, Ph.D.,Director, NJSP Office of Forensic Science
March 4, 2011

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

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RE: FRIDAY MAILING

Dear Prosecutor:

Enclosed please find:


Please distribute this information to All Law Enforcement and Chief Executives within your jurisdiction.

Very truly yours,

Hester Agudosi, Chief
Prosecutors Supervision&Coordination Bureau

Enclosures
   c: Distribution List

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