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MEMORANDUM

TO: Camden County Chiefs of Police,
All Municipal Prosecutors

FROM: Prosecutor Warren W. Faulk 

DATE: October 16, 2012

RE: Temporary Procedure Utilizing Alcotest Instrument
For Standard Time Period October 28 to November 4, 2012

Memo # 12-014

Enclosed please find a copy of memorandum from the Office of the Attorney General detailing the temporary procedure for utilizing the Alcotest Instrument for the standard time period of October 28th through November 4th.

Thank you for your attention in this matter.

/jb
Enc.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
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JEFFREY S. CHIESA
Attorney General

STEPHEN J. TAYLOR
Director

October 5, 2012

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

**Re: Temporary Procedure for Evidential Breath Test Utilizing
Alcotest Instrument for Standard Time Period October 28 - November 4, 2012**

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 end on the first Sunday in November instead of the last Sunday in October. Therefore, we will revert to Eastern Standard Time on Sunday, November 4, 2012, instead of Sunday, October 28, 2012.

The Alcotest 7110 MKIII-C New Jersey firmware version 3.11 is configured to automatically revert to Eastern Standard Time based on the pre-2007 timetable. Therefore, instead of changing to Eastern Standard Time on November 4, 2012, the Alcotest 7110 MK III-C will change on October 28, 2012. Commencing at 02:00 on October 28, 2012, the instrument will record all times, both printed and electronic, with an "S" suffix, indicating Standard 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 for the week between October 28 and November 4, 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 which will remain in effect until November 4, 2012.



Please inform all local law enforcement personnel to direct any questions regarding the implementation of this interim procedure to their respective New Jersey State Police Breath Test Coordinator or the Municipal Prosecutor Supervisor within the respective County Prosecutor's Office.

Very truly yours,



Hester Agudosi, Chief
Prosecutors Supervision and Coordination Bureau

- c: AAG Stephen J. Taylor, Director, Division of Criminal Justice
- AAG Boris Moczula, Deputy Director, Division of Criminal Justice
- DSFC Patrick Guilfoyle, NJSP Alcohol & Drug Testing Unit
- Traffic Records Unit, Criminal Justice Records Bureau, NJSP
- Dr. Howard Baum, Director, NJSP Office of Forensic Science