



Office of the Governor

Criminal Justice Division

Grantee Guide:

Body-Worn Camera Program

January 2015

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Body-Worn Camera Program Grantee Guide

This Grantee Guide is a reference for questions arising in the application for, and administration of, grants awarded through the Body-Worn Camera Program of the Governor’s Criminal Justice Division (CJD). It contains information on procedures, eligible purchases and purposes, conditions, and the availability of other resources.

The goal of CJD is to provide needed funding to improve public safety and support victims of crime by addressing system gaps and promoting innovative solutions to common problems. CJD is awarding grants through this program to purchase body-worn cameras and digital storage systems to serve as a tool in a law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes.

This guide should not be considered to contain only required procedures and conditions for this grant program. Applicants should also consult the Body-Worn Camera Program Funding Announcement, the CJD Guide to Grants, the Texas Administrative Code, the Required Conditions memo, and applicable state laws and regulations.

Eligibility for Final Applications

CJD accepted preliminary applications for the grant program from October 26 to December 7, 2015. As required by state law, CJD only accepted applications from municipal police departments and sheriff’s offices that employ officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles; or are primary responders who respond directly to calls for assistance from the public. (See Chapter 1701, Occupations Code, Subchapter N as amended by SB 158, 84th Legislature.)

As was detailed in the funding announcement, only agencies that filed a complete preliminary application by the deadline and received a preliminary allocation from CJD on January 19, 2016, are eligible to file final applications.

Grant Application Procedures

Timeline

| Action | Date |
|---|-----------------------------|
| Funding announcement release | October 26, 2015 |
| Preliminary application system opens | October 26, 2015 |
| Preliminary application due from applicants | December 7, 2015 by 5PM CST |
| Notice of preliminary funding decisions | January 19, 2016 |
| Earliest final applications accepted | January 20, 2016 |
| Final date to submit an final application | July 15, 2016 by 5PM CST |
| Earliest grantee start date | March 1, 2016 |
| Latest grantee start date | August 15, 2016 |

Final Application Process

Organizations that have received a preliminary allocation should follow this process to apply for grant funds:

- **Step One – Obtain your DUNS number:** If you have not done so already, obtain your agency’s DUNS number or register for one at <http://www.dnb.com/get-a-duns-number.html>.
- **Step Two – Verify your SAM registration:** Make sure your federal System for Awards Management (SAM) registration is up-to-date or, if you have not registered, do so at <https://www.sam.gov/portal/SAM/>.
- **Step Three – Register for eGrants:** If you have not done so already, register for a state eGrants account at <https://egrants.gov.texas.gov/>.
- **Step Four – Open a Final Application on eGrants:** If you are unfamiliar with the eGrants system, it may be useful to consult the eGrants Guide to Creating an Application, available at: https://egrants.gov.texas.gov/FileDirectory/eGrants_Users_Guide_Appsv3.pdf.

Information and Materials Required for Final Application

In order to complete and submit a final application, you will need to collect the following:

- **Project Budget:** The project budget must be set at the time of application and included in the “Budget” tab in the eGrants application. While it is possible to file an adjustment to the budget once the grant period has begun, applicants should determine which make and model of camera they will purchase, any associated equipment necessary for the operation of the cameras, the video storage system to be utilized, and the price for each. The budget must be broken out by line-item whenever components are purchased separately. Equipment purchases under \$5,000 should be classified as “supplies” and equipment purchases over \$5,000 should be classified as “equipment.” Services, such as video storage services or separately purchased maintenance plans, should be classified as “Contractual and Professional Services”. Enter details of all line items, including any specific make/model of equipment or components of a contract, in the description field.
- **Authorized Official Resolution:** A resolution from the governing body of the agency designating the authorized official must be uploaded in the “Documents” tab. The resolution should follow the CJD sample resolution available at: <http://gov.texas.gov/cjd/bodycams>.
- **Local Prosecutor Coordination Letter:** A letter from the local district attorney or county attorney who prosecutes felony crimes in the jurisdiction of the agency must be uploaded in the “Documents” tab. The letter must express that the prosecutor intends to actively use the evidence created through the use of body cameras funded by the grant and that they intend to participate in the discussions with the grantee on the development of the law enforcement agency’s body-worn camera policies.

Rolling Application and Award Process

CJD understands that some departments may choose to delay their body-worn camera programs to take the time needed to carefully consider their policies and training programs or to identify matching funds. As a result, CJD will process grant applications that are submitted through eGrants as they arrive. While CJD will work to process applications as quickly as possible, applicants should plan to expect a four to six week review and approval period following submission of the application. The open period for applications is January 20 through July 15, 2016.

Accepting the Award

Upon notification of the final award, review the award notification and agreement and accept it along with its conditions. You may do so as early as March 1, 2016 and no later than August 15, 2016.

Your one-year grant period begins when you formally accept the award. Any local matching funds must receive final approval or be obligated during the grant period, or may be approved or obligated before the grant period if they are specifically designated as a match for this grant. Any body-worn camera program purchases you wish to get reimbursed must also occur during the grant period.

For more guidance on “supplanting” funds (the use of grant funds to replace funds already committed to the same purpose), see the U.S. Department of Justice’s Financial Management Guide.

Requesting Reimbursement Funds

Filing Financial Status Reports

Once a grantee has obligated all funds they wish to get reimbursed, the grantee must file a final financial status report (FSR) via eGrants. Grantees may file multiple FSRs if needed but will be required to file required FSRs due at the end of each state fiscal quarter. The final FSR must be filed no later than 90 days after the end of the grant period, but can be submitted at any time during the project period. Any funds not obligated by the end of the grant period, not expended by 90 days after the end of the grant period, or not requested in the single financial status report will revert to CJD.

NOTE: To expedite payments and ease reporting requirements for this funding source, CJD encourages grantees to submit one FSR marked “Final” once all funds have been obligated.

Match Requirement

Grantees must provide matching funds equal to 25% of any CJD award amount. The match requirement can be met through cash or in-kind contributions. Match funds may not be in the form of discounts or contributions from camera or storage vendors.

Equipment Standards

Cameras purchased with grant funds should meet the minimum standards established by the U.S. Department of Justice in its Body-Worn Camera Pilot Implementation Program FY 2015 Competitive Grant Announcement, available at: <https://www.bja.gov/Funding/15BWCsol.pdf>

Eligible Expenses

Grant funds are restricted to the cost of body-worn cameras, digital video storage, and retrieval systems or services. CJD will not pay for any service or subscription-based support that exceeds the cost prorated to the one-year project period.

Grant funds must be used to equip officers employed directly by a municipal police department or a county sheriff's office. Funds may not be used to equip officers employed by other agencies that are not eligible for this funding.

Required TCOLE Report

Grantees must submit an online report to the Texas Commission on Law Enforcement (TCOLE) at <https://www.tcole.texas.gov/> within 30 days of the date the grantee submits its request for reimbursement to CJD. CJD may not release funds until it has confirmed with TCOLE that the report has been filed.

Further, as a condition of funding, each grantee must also file follow-up reports via the TCOLE website 12, 24, and 36 months after the initial report, for a total of three annual reports. Each of these reports will include information covering the previous 12 months:

- 1) Any expenditures on cameras during the previous year, including the make, model and cost of cameras;
- 2) Any expenditures on video storage during the previous year, including the method and cost of video storage and the amount of storage required;
- 3) Impact evaluation information including the following incidents during the previous year:
 - number of public complaints filed against officers or the agency;
 - number of public complaints sustained (i.e. those that were not dismissed);
 - number of use of force incidents (as defined by the applicant);
 - number of arrests for resisting arrest, search, or transportation (Texas Penal Code Sec. 38.03);
 - number of arrests for evading arrest or detention (Texas Penal Code Sec. 38.04);
 - number of arrests for hindering apprehension or prosecution (Texas Penal Code Sec. 38.05); and
 - number of arrests for interference with public duties (Texas Penal Code Sec. 38.15).

Required Policies

A grantee, before CJD can reimburse for any costs, must have developed and have in place all policies required under Subchapter N, Chapter 1701, Occupations Code, including the policy required under Sec. 1701.655. Departments that actively operated a program as of September 1, 2015 have until September 1, 2016 to implement compliant policies. Such a policy must ensure that cameras are activated only for law enforcement purposes and must include:

- guidelines for when a peace officer should activate a camera or discontinue a recording in progress, including the need for privacy in certain situations or locations;
- provisions relating to data retention, including a minimum retention period of 90 days;

- provisions relating to storage of video and audio, including backup copies and data security;
- guidelines for public access, through open records requests, where the recordings are public information;
- provisions entitling an officer to access any recording of an incident involving that officer prior to being required to make a statement;
- procedures for supervisory or internal review;
- the methods for handling and documenting equipment and malfunctions of equipment;
- a provision that law enforcement officers may not be required to keep a body-worn camera activated for the full period of their duty shift; and
- all policies adopted must be consistent with the Federal Rules of Evidence and the Texas Rules of Evidence.

TCOLE has developed model policies posted on its website, which may be helpful in establishing agency policies. For agencies that operated a body-worn camera program on September 1, 2015, these policies are not required to be implemented until September 1, 2016.

Required Training

All officers who will be equipped with cameras purchased under the program must be trained before doing so in official duty and CJD cannot reimburse any costs until this training has occurred. Such training must comply with the requirements of Sec. 1701.656, Occupations Code, which requires that, prior to operating a body-worn camera program, the grantee must train the officers who will wear the cameras as well as any other personnel who will come into contact with the video and audio data obtained through the program.

To assist law enforcement agencies in this task, TCOLE has developed a training program for the use of body-worn cameras, which is posted on its website. Law enforcement agencies, however, may use their own training, that of another agency or department, an existing training curriculum, or that of TCOLE to satisfy the requirements of this program. However, all such training must meet any minimum standards established by TCOLE and must be approved by TCOLE.

For agencies that operated a body-worn camera program on September 1, 2015, this training is not required until September 1, 2016.

Other information

The Texas Department of Information Resources (DIR) is establishing a cooperative purchasing program for body-worn cameras. Grantees may wish to check with DIR to determine if they can receive better pricing through the department, or to compare vendor offers against the department's pricing. DIR is also actively seeking agencies wishing to test a cloud-based video storage system and may offer incentives to participate.

Conditions and Rules

Ineligible Costs and Activities

Grant funds may not be used to support the following services, activities, and costs:

- 1) Costs ancillary to the purchase of cameras, storage, or the program operation, such as policy development, training costs, staff, or any other item determined ineligible or unreasonable by CJD.
- 2) Any other prohibition imposed by federal, state, or local law.

Agencies may not use grant funds to purchase cameras or storage in excess of the level at which every front line officer in the agency is equipped with a camera and the requisite storage. (“Front-line officer” is defined as officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles; or are primary responders who respond directly to calls for assistance from the public.) For example, if an agency has 40 front-line officers, and 10 are already equipped with cameras or funds have already been dedicated specifically to equipping 10 officers, that agency may purchase a maximum of 30 cameras and the requisite storage and accessories. This restriction only applies to cameras owned by the agency that are currently functioning and have been purchased in the six months prior to the filing of the final grant application. For example, if an agency has 40 front-line officers and 10 of those officers operate personal cameras and an additional 20 officers operate cameras purchased 9 months ago, that agency may use still grant funds to purchase up to 40 cameras.

Standard CJD Requirements

CJD Regulations. Grantees must comply with the standards applicable to this funding source cited in the Texas Administrative Code (1 TAC Chapter 3), and all statutes, requirements, and guidelines applicable to this funding.

Uniform Crime Reports. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the three previous years.

Criminal History Reporting. The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2010 through 2014.

Statutory Requirements

Chapter 1701, Occupations Code, Subchapter N governs this grant program as well as the use of body-worn cameras by law enforcement in general. CJD strongly encourages all applicants to read this statute prior to applying for funds as it contains other legal requirements as well as criminal penalties for certain unapproved releases of digital information. It is critical that all law enforcement agencies using body-worn cameras have a clear understanding of this statute and all rules governing these programs as they are both state law and conditions of funding.

About CJD

Our mission at the Criminal Justice Division is to direct much needed resources to those who are committed to making Texas a safer place and those who help victims of crime to recover and feel safe again. In carrying out this mission, we are committed to helping our grantees by actively finding ways for them to accomplish their goals and by making sure that we always have our eye to identifying the approaches that work best. We envision positive and beneficial working relationships with our grantees where we provide as much assistance as is needed and where we are always ready with answers, not burdensome restrictions or requirements.

CJD is providing over \$250 million in funding to hundreds of organizations during state fiscal year 2016 for juvenile justice, delinquency prevention, victims services, law enforcement, prosecution, courts, specialty courts, prevention of child sex trafficking, and other types of projects to benefit Texans.