



Office of the Governor

Criminal Justice Division

Funding Announcement:

***Body-Worn Camera Program,
Second-Round Funding Announcement***

November 15, 2016

Opportunity Snapshot

Below is a high-level overview of many of the elements of this opportunity. Full information is provided in the funding announcement that follows.

Purpose

The purpose of this announcement is to aid municipal police departments and county sheriffs' offices in establishing or enhancing body-worn camera (BWC) programs.

Funds Available

It is anticipated that up to \$2.2 million may be funded under this announcement.

Process

Applicants first complete an application. CJD will then make funding decisions – including any limitations on costs or award amount – and notify each applicant. Selected applicants may then accept grant to receive those funds, as long as they meet all required conditions.

Budget

There is no minimum or maximum request under this program, however, applicants should consider the overall spending cap and CJD's desire to provide resources to as many departments as possible. CJD reserves the right to establish funding limits following receipt of all preliminary applications to provide for broad implementation of the program. Funds may only be used for the one-time purchase of cameras and to procure digital video storage resources (not to exceed one year).

Match

Grantees must provide matching funds equal to 20% of the total project cost. 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.

Project Periods

A project funded may not exceed a 12-month period.

Organizational Eligibility

Applications may be submitted by municipal police departments and county sheriff's departments that employ officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles, or are primary responders to calls for assistance from the public.

Contact Information

If additional information is needed, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

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Body-Worn Camera Program

The goal of the Criminal Justice Division 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 accepting applications for the purchase of body 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.

If you are interested in applying for a grant under this program, follow the five-step process outlined below.

- **Step One - Review the Process:** Become familiar with this funding announcement and the process used for this particular program.
- **Step Two - Consider the Requirements:** Consider the eligibility requirements as well as what will be required of successful applicants.
- **Step Three - Apply in eGrants.** Compile and submit your application. For information on how to apply online, or to register for the system, go to <http://egrants.gov.texas.gov>.
- **Step Four - Review your Preliminary Funding Decision.** Receive a funding decision from CJD regarding whether you will be funded, how much funding you are eligible to receive, and any limitations.
- **Step Five – Accept the Award.** Upon notification of the final award, review the award notification and agreement and accept it along with its conditions.

Step 1: Review the Process

Overview

Applicants may submit an application through CJD’s eGrants system at <https://eGrants.gov.texas.gov/> .

Timeline

Action	Date
Funding Announcement Release	November 15, 2016
Online System Opening Date	November 15, 2016
Application Deadline	January 16, 2017 at 5PM CST
Earliest Start Date	March 1, 2017
Latest End Date	April 30, 2018

Submission Methods

Per Rule §3.7 of the Texas Administrative Code, all applications must be submitted and certified to CJD via the eGrants system by the applicant's authorized official on or before the deadline listed above. CJD will strictly interpret this requirement and any application not submitted and certified by the deadline will be considered ineligible for funding under this solicitation. For assistance in certifying an application, please see the "Guide to Creating an Application" link located at <https://egrants.gov.texas.gov/>.

Step 2: Consider the Requirements

Organizational Eligibility

Applications may be submitted by municipal police departments and county sheriff's departments 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.)

Funding and Project Period Limits

It is anticipated that up to \$2.2 million may be funded under this announcement. This amount represents the full level of funding available. No additional funding will be made available in state fiscal years 2016 or 2017. (Funds are authorized under SB 158 and appropriated in Sec. 18.73 of the General Appropriations Act of the 84th Legislature.) The number of awards will depend upon the quantity and reasonableness of costs of the applications received.

A project funded may not exceed a one-year grant period.

Match Requirement

Grantees must provide matching funds equal to 20% of the total project cost. The match requirement may 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.

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 who are regularly 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. Funds may not be used to equip officers employed by other agencies that are not eligible for this funding.

The Texas Department of Information Resources (DIR) has negotiated discounted prices on body camera equipment with several different vendors. Contacts and prices may be viewed at this link:

<http://dir.texas.gov/View-Search/Contracts.aspx?keyword=body%20cameras> . For more information, contact Dana L. Collins at dana.collins@dir.texas.gov or 512-936-2233. DIR is also actively seeking agencies wishing to test a cloud-based video storage system and may offer incentives to participate. For more information, contact Tere Shade at terese.shade@dir.texas.gov or 512-475-4700.

Ineligible Costs and Activities

Grant funds may not be used to support the services, activities, and costs designated as ineligible in CJD's *Guide to Grants*: Grant funds may also not be used to support the following services, activities, and costs:

1. salaries;
2. supplanting or use of grant funds to replace any other existing federal, state or local funds
3. any other prohibition imposed by federal, state or local law or regulation;
4. any portion of the salary of, or any other compensation for an elected or appointed government official;
5. indirect costs;
6. 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; and
7. any other prohibition imposed by federal, state, or local law.

Reporting Requirements

Financial and Progress Reports. At the end of each state fiscal quarter during the one-year grant period, grantees will be required to submit a financial status report via eGrants in the format required by CJD.

Performance Reports. Each grantee must agree to 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 final request for reimbursement to CJD, indicating that all purchases are complete. As a condition of funding, each grantee must file follow-up reports via the TCOLE website 12, 24, and 36 months later, 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).

Program-Specific Requirements

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.

Department 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. 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 for publication available at <https://www.tcole.texas.gov/content/body-worn-cameras>, which may be helpful in establishing agency policies. All policies adopted by grantees must abide by any minimum standards established by TCOLE.

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.

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To assist law enforcement agencies in this task, TCOLE has developed training programs for the use of body-worn cameras. 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.

Sustainment. Grantees must agree to maintain the equipment, replace broken or nonworking equipment, and maintain adequate digital video storage for a period of not less than three years from the date of final grant award.

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.

Immigration and Customs Enforcement Requests. An application requirement pertaining to full compliance with Department of Homeland Security detainer requests applies to all municipal or county governments that include a department that detains individuals after arrest for a criminal violation. This requirement is met when the applicant submits both a letter and a certification as part of their application.

The letter must contain text specified by OOG (available at http://gov.texas.gov/cjd/dhs_detainerrequest) and be signed and dated by the head of each relevant department that detains individuals after arrest. (In most cases, this will be the county sheriff.) The certification (text in eGrants and also available at http://gov.texas.gov/cjd/dhs_detainerrequest) is made by the authorized official submitting the application on behalf of the grantee, and pertains to the actions of the relevant department that detains individuals after arrest.

OOG, at its sole discretion, may accept a copy of any such the letter for all grants applied for by the county or municipality for a period of two years after the letter date. If that period expires during the project period, a grantee must submit an updated letter in order to remain in compliance with this requirement. The certification must be made by the authorized official for each application the county or municipality submits to OOG. Failure to submit a certification and to submit and maintain a valid letter will result in denial of all applications that benefit the department and may result in denial of applications submitted by other departments or subdivisions of the county or municipality, at OOG's sole discretion.

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.

Step 3: Apply via eGrants

Basics

To apply to CJD for these grants, you must complete or make sure you have already completed some standard requirements. All of the following are needed to apply within eGrants:

- Applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <http://fedgov.dnb.com/webform/displayHomePage.do>).
- Applicants must be registered in the federal System for Award Management (SAM) database located at <https://www.sam.gov/> and maintain an active registration throughout the grant period.
- Applicants must have or register for an account in eGrants at <https://eGrants.gov.texas.gov/>.

District Attorney Coordination Letter

Before an applicant can receive reimbursement funds, they must upload a letter from the local district attorney expressing that they actively use the evidence created through the use of body cameras and will participate in the law enforcement agency's BWC policy development. More information and a sample resolution are available at <http://gov.texas.gov/cjd/bodycams>.

Governing Board Letter

Before an applicant can receive reimbursement funds, they must upload a copy of a resolution from their governing body designating an individual as the responsible official for the grant, committing to work with the District Attorney in the development of BWC policies and trainings and granting access to video evidence. The resolution must also contain a commitment to maintain the cameras and equipment purchased under the grant for at least three years, and an estimated budget needed to accomplish that. More information and a sample resolution are available at <http://gov.texas.gov/cjd/bodycams>.

Step 4: Funding Decisions and Grant Acceptance

Selection and Fund Allocation Criteria

CJD will review the applications to understand the overall demand for the program and for significant variations in costs per unit (both for cameras and the cost for storage on a per camera basis). After this review, CJD will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair share cuts may allow for broader distribution and a higher number of new body-worn camera programs while still remaining effective. Additionally, CJD may consider other factors in determining which programs to fund, such as geographic distribution, fairness among different sizes of population areas, need based on crime rate or other similar factors, including economic factors. If the interest in grant funds exceeds available funding, CJD may not fund all applications or may only award part of the amount requested.

Applications from prior recipients of body camera grant funds awarded by the Office of the Governor will be considered, but priority may be given to those agencies who have not yet received such awards.

Step 5: Accept the Award

Applicants that receive funding through the final award process will need to follow the instructions found within the award to accept the grant officially. CJD cannot reimburse grantees for funds until all training is provided and policies are in place (see Step 3). As a result, awards may include conditions requiring those activities to be completed and certified to CJD prior to release of funds.

Appendix: Research and Reference Material on Body-Worn Camera Programs

The Bureau of Justice Assistance has developed a Body-Worn Camera Toolkit that serves as a clearinghouse for information and available research on these programs. The toolkit includes a large set of reports and information including guidance, research, and project evaluations. Much of the information below about resources is excerpted from BJA's toolkit. The toolkit can be found at: <https://www.bja.gov/bwc/>

Resource Highlights

There are several useful resources on body-worn cameras (BWC). The Police Executive Research Forum (PERF) and the Office of Community Oriented Policing Services (COPS) Office published a report in 2014 that examined key issues and offered policy recommendations. The report was based on survey responses from 254 agencies, interviews with 40 law enforcement executives who have implemented BWCs, and outcomes from a one-day conference held on September 11, 2013, that included more than 200 law enforcement executives, scholars, and experts. In April 2014, the Office of Justice Programs Diagnostic Center published a report that described the core issues surrounding the technology and examined the state of research on those issues (White, 2014). In March 2014, the National Institute of Justice (NIJ) published a market survey that compared BWC vendors across a range of categories. There is also a growing number of published evaluations that examine the implementation, impact, and consequences of body-worn cameras. The BJA web site and toolkit is intended to be a clearinghouse of the latest available research, reports, and knowledge on the technology.

For additional information, see:

- BJA offers a variety of technology resources including a Market Survey on Body-Worn Cameras compares the different commonly available cameras against a variety of technology capabilities. <https://www.bja.gov/bwc/Topics-Technology.html>
- Police Executive Research Forum (PERF) for the Office of Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned: <http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>
- Office of Justice Programs Diagnostic Center, Police Officer Body-Worn Cameras: Assessing the Evidence: <https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>
- National Law Enforcement and Corrections Technology Center (NLECTC) for the National Institute of Justice, Primer on Body-Worn Cameras for Law Enforcement: <https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf>

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.