

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2022-1 Rule Number Saf-C 9700

<p>1. Agency Name & Address:</p> <p>Department of Safety 33 Hazen Drive Concord, NH 03304</p>	<p>2. RSA Authority: <u>RSA 105-D:3</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p><input type="checkbox"/> Adopt</p> <p><input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.)</p> <p><input type="checkbox"/> Repeal</p> <p><input type="checkbox"/> Readoption</p> <p><input checked="" type="checkbox"/> Readoption w/amendment</p>
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5. Short Title: **Body-Worn and Dashboard Camera Grant Fund Rules**

6. Contact person for copies and questions:

Name:	Marta Modigliani	Title:	Administrator
Address:	Department of Safety 33 Hazen Drive Concord, NH 03305	Phone #:	603 227-0040

7. The rulemaking notice appeared in the Rulemaking Register on January 13, 2022

SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET AND ONE COPY OF THE FOLLOWING: (optional to number correspondingly)

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

9. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

10. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).

11. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

Notice Number 2021-1

Rule Number Saf-C 9700

<p>1. Agency Name & Address:</p> <p>Department of Safety 33 Hazen Drive Concord, NH 03305</p>	<p>2. RSA Authority: <u>RSA 105-D:3</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Body-Worn and Dashboard Camera Grant Fund**

6. (a) Summary of what the rule says and of any proposed amendments:

The proposed rulemaking adopts Saf-C 9700 as regular rules. The proposed rulemaking sets forth the administrative requirements for the application and approval of grants available to local municipal law enforcement agencies and county sheriff's departments for the body-worn and dashboard camera fund established pursuant to RSA 105-D:3.

6. (b) Brief description of the groups affected:

The groups affected by the proposed rules are local municipal law enforcement agencies and county sheriff's departments that apply for grants to fund body-worn and dashboard cameras; and, the Department of Safety.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Saf-C 9700	RSA 105-D:3

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Marta Modigliani**

Title: **Administrator**

Address: **Department of Safety, Legal Unit
33 Hazen Drive
Concord, NH 03305**

Phone #: **603-227-0040**

Fax#: **603-271-1033**

E-mail: **rules@dos.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, February 14, 2022 at 8:15 a.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, February 4, 2022 at 10:00 a.m.**

Place: **New Hampshire Police Standards and Training
17 Institute Drive
Concord, NH 03301
Tactical Center**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 21-151, dated 12/28/2021

Fiscal Impact Statement for Department of Safety rules governing Body-Worn and Dashboard Camera Grant Fund. [Saf-C 9700]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable as these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

There are no costs attributable to the proposed rules. Any costs or benefits are attributable to RSA 105-D:3, adopted as part of House Bill 2 in the 2021 legislative session (chapter 91:144) and not the rules.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

- 1. The proposed rule create a new voluntary program and corresponding responsibility. The rules apply only if local municipal law enforcement agencies or county sheriff's departments make application for grants available under the body-worn and dashboard camera fund while funds are available.**
- 2. The proposed rules do not mandate or assign a program or responsibility to any political subdivision of the state in such a way as to increase the costs the political subdivision must pay.**
- 3. No state funding is necessary because the proposed rule does not mandate or assign a program or responsibility to any political subdivision so as to increase the costs the political subdivision must pay.**

Readopt with amendment Saf-C 9700, effective January 28, 2022 (Int. Doc. #13338) to read as follows:

CHAPTER Saf-C 9700 BODY-WORN AND DASHBOARD CAMERA FUND

PART Saf-C 9701 PURPOSE AND SCOPE

Saf-C 9701.01 Purpose. The purpose of these rules is to set forth the administrative requirements for the application and approval of grants available to local municipal law enforcement agencies and county sheriff's departments for the body-worn and dashboard camera fund established pursuant to RSA 105-D:3.

Saf-C 9701.02 Scope. This chapter shall apply to all local municipal law enforcement agencies and county sheriff's departments, with arrest powers, who apply for grants available under the body-worn and dashboard camera fund while funds are available.

PART Saf-C 9702 DEFINITIONS

Saf-C 9702.01 "Applicant" means a New Hampshire local municipal law enforcement agency and county sheriff's department, with arrest powers, that has chosen to apply for grant funding under this chapter.

Saf-C 9702.02 "Authorizing official" means an official exercising authority promulgated under RSA 31:95-b, RSA 37:6, or RSA 23:1.

Saf-C 9702.03 "Commissioner" means commissioner of the New Hampshire department of safety or his or her designee.

Saf-C 9702.04 "Dashboard camera" means a forward-facing video recording device installed on the dashboard of a law enforcement vehicle.

Saf-C 9702.05 "Department" means the New Hampshire department of safety.

Saf-C 9702.06 "State" means the State of New Hampshire.

Saf-C 9702.07 "Supplant" means to use grant funds to replace funds from non-grant sources.

PART Saf-C 9703 APPLICANT ELIGIBILITY

Saf-C 9703.01 Eligible Applicants. Eligible applicants shall include local municipal law enforcement agencies or county sheriff's department that employ sworn law enforcement officers with arrest powers.

PART Saf-C 9704 CONDITIONS FOR ELIGIBILITY OF GRANT FUNDING

Saf-C 9704.01 Grant Conditions.

(a) Grant funds awarded pursuant to the body-worn and dashboard camera fund shall support activities for encouraging local law enforcement agencies to equip officers with body-worn cameras and agency vehicles with dashboard cameras.

(b) Grantees awarded funds under this chapter shall agree to maintain a program for the body-worn cameras or dashboard cameras for a minimum of 5 years from the official award date.

Saf-C 9704.02 Allowable Costs.

(a) Grant funds shall reimburse grantees for 50% of the cost, up to a maximum of \$50,000 per entity, for the following expenses:

- (1) Purchase of body-worn or dashboard cameras;
- (2) Ongoing software maintenance expenses of body-worn or dashboard cameras; or
- (3) Costs related to the maintenance and storage of data recorded by body-worn and dashboard cameras.

(b) The unreimbursable portion of these purchases shall be funded from any locally available, non-grant funds.

Saf-C 9704.03 Prohibited Costs.

(a) The following shall be prohibited uses of the grant funds:

- (1) Supplanting locally budgeted and approved funds for items covered by this grant;
- (2) Any expenses incurred prior to or after the grant period identified in award documents;
- (3) Any expenses incurred under a contract that was in place prior to the grant award or after the grant period; and
- (4) Any expenses related to evidence rated analysis or redaction activities.

Saf-C 9704.04 Length of Funding. Grant recipients may apply for reimbursement for a period of up to 60 months.

PART Saf-C 9705 FORMAT AND SUBMISSION

Saf-C 9705.01 Application Process.

(a) Applicants shall complete and submit the “2022-23 Body-Worn and Dashboard Camera Fund Grant Application”, version 1.3, for consideration of a grant award.

(b) This application may be downloaded from:

<http://www.nh.gov/safety/divisions/homeland/index.html>.

(c) Applications shall only be submitted online to the email address provided in (d) below. Hard copies or facsimiles shall not be accepted.

(d) Completed applications shall be submitted by emailing Homelandgrants@dos.nh.gov no later than 45 days after the release of the grant application. Applications received after the deadline shall be summarily rejected.

(e) After initial application and award period, if funds still remain, additional grants shall be issued based on availability.

Saf-C 9705.02 Body-Worn and Dashboard Camera Fund Initiative Application, Data Required.

(a) The following information about the authorizing official pursuant to RSA 31:95-b, RSA 37:6, or RSA 23:1, financial point of contact, and program contact shall be included with the “Body-Worn and Dashboard Camera Fund Grant Application”:

- (1) Name and title;
- (2) Address and email address; and
- (3) Telephone number:

(b) The named authorized official in (a)(1) above shall complete and sign the application and certify that he or she is authorized under the statutes of the state of New Hampshire to apply for, authorize, or accept the grant funds.

(c) Applicants shall submit the following information:

- (1) Total number of full-time and part-time law enforcement personnel and total number of agency vehicles, if applying for vehicle dashboard cameras;
- (2) The number of currently deployed body-worn and dashboard cameras that the applicant presently has;
- (3) The number of body-worn cameras or dashboard cameras requested;
- (4) Estimate total project costs for purchasing, implementing and maintaining items listed in (3) above, including any estimate for any maintenance or ongoing storage fees;
- (5) Identify if purchases are new or replacements; and
- (6) Amount of grant funding requested at 50% of the cost up to \$50,000.

(d) Applicants shall submit a timeline, including milestones and start dates, that provides what will be done, who will do it, and when it will be accomplished. Each milestone listed shall not exceed 25 words.

(e) The authorizing official of the applicant shall identify and provide a justification for any submitted material in the application that should not be released pursuant to a request under RSA 91-A.

(f) The authorizing official shall sign and submit the application by the date specified in the application.

(g) The authorizing official, via his or her signature, shall certify that he or she understands that:

- (1) Any funds awarded be used to supplement existing funds for program activities, and will not supplant other local or funding sources for items already locally budgeted;

- (2) This program is a reimbursement-based program;
- (3) Municipal invoices and proof of payment shall be submitted to receive grant fund reimbursement in the amount of 50% of total invoice amounts up to \$50,000; and
- (4) The applicant shall commit to maintain this body camera program for a period of 5 years after the grant reimbursement is made for to the applicant.

PART Saf-C 9706 GRANT REVIEW PROCESS

Saf-C 9706.01 Commissioner's Determination.

(a) Pursuant to RSA 541-A:29, within 30 days of receipt of an application, the commissioner shall review the application and notify the applicant of any apparent errors or omissions.

(b) The commissioner shall review each application, and shall score each application, taking into account:

- (1) The number of currently deployed body-worn and dashboard cameras that the applicant presently has;
- (2) The percentage of the applicant's officers who presently have body-worn and dashboard cameras;
- (3) The amount of the grant award as a percentage of the total project cost to implement a body-worn or dashboard camera systems; and
- (4) The type of cameras requested, weighted in favor of those applicants seeking to implement body-worn cameras.

(c) The commissioner shall publish a scoring rubric and attach it to the application.

(d) The commissioner is authorized to adjust award amounts to a lower amount than applied for when deemed appropriate based on overall impact on the greatest population, cost and budget, and alignment of application with the program guidelines.

Saf-C 9706.02 Grant Determination.

(a) Grant applicants shall be notified in writing of the commissioner's determination within 60 days of the commissioner's receipt of the application, unless the time period has been extended pursuant to RSA 541-A:29, IV.

(b) Grant award recipients shall be notified of the following information:

- (1) Amount of award;
- (2) Deadlines and actions required to accept funds;
- (3) The requirement to complete a memorandum of agreement and comply with all grant fund requirements;

- (4) Notice that recipient shall be subject to the administrative rules set forth herein;
- (5) Notice that funding shall be contingent upon approval by the Governor and Executive Council; and
- (6) The following web address, http://www.gencourt.state.nh.us/rules/state_agencies/saf-c.html, to view or print a copy of these rules.

PART Saf-C 9707 ADMINISTRATIVE REQUIREMENTS

Saf-C 9707.01 Reimbursement.

- (a) Grantees shall be reimbursed for eligible expenses as provided in Saf- C 9704.
- (b) Reimbursement requests shall be on grantee’s letterhead and include the following requirements:
 - (1) Total amount of purchase;
 - (2) Identify 50% of purchase amount being requested for reimbursement, up to \$50,000; and
 - (3) Name and address that payment should be issued to.
- (c) The grantee, or designee who has been authorized by the grantee to sign on his or her behalf, shall sign the completed form reimbursement request certifying that:
 - (1) All reimbursement requests are accurate and represent activities and costs allowed by the grant award; and
 - (2) Grant items purchased did not supplant locally budgeted and approved funds for the items purchased.

Saf-C 9707.02 Suspension or Termination of Funds. The commissioner shall suspend or terminate funding to any awardee if it is discovered that the awardee filed a false certification in any application, report, or document used in part of this program.

PART Saf-C 9708 RECORDKEEPING

Saf-C 9708.01 Recordkeeping.

- (a) All grantees shall maintain all records related to their grant application and any financial records related to the implementation of body-worn or dashboard camera funds pursuant to RSA 105-D:3 and these rules, for a period of at least 3 years.
- (b) Grant and supporting documentation shall be made available for inspection and audit by a representative of the department upon request during the grantee’s business hours, no later than the next business day.

PART Saf-C 9709 RELEASE OF RECORDS UNDER RSA 91-A

Saf-C 9709.01 Public Records. All grant applications and records maintained by the department shall be public records subject to RSA 91-A, *et seq.*

APPENDIX

Rule	Statute
Saf-C 9701 – Saf-C 9702	RSA 541-A:7
Saf-C 9703.01	RSA 105-D:3, III
Saf-C 9704	RSA 105-D:3, II (a), and IV
Saf-C 9705.01	RSA 105-D:3, IV and RSA 541-A:19-b
Saf-C 9705.02	RSA 105-D:3, IV
Saf-C 9706	RSA 105-D:3, IV and RSA 541-A:29
Saf-C 9707 and Saf-C 9708	RSA 105-D:3, IV
Saf-C 9709	RSA 91-A and RSA 105-D:3, IV