

270-RICR-60-00-01

TITLE 270 – DEPARTMENT OF PUBLIC SAFETY

CHAPTER 60 – STATEWIDE BODY-WORN CAMERA

SUBCHAPTER 00 – N/A

PART 1 – Rules and Regulations Governing Statewide Body-Worn Grant Program

1.1 Purpose

These Rules and Regulations (the “Rules”) are promulgated to set forth the principles, policies, and practices of the Rhode Island Department of Public Safety (the “Department”) in implementing and administering R.I. Gen. Laws Chapter 42-161, the Statewide Body-Worn Camera Program (the “Program”).

1.2 Authority

These Rules are promulgated pursuant to R.I. Gen. Laws Chapter 42-161. These Rules have been prepared in accordance with the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

1.3 Scope

- A. These Rules shall apply to any application received by the Department for a grant under the Program. Notwithstanding anything contained in these Rules to the contrary, the Department shall have and may exercise all general powers set forth in the Program that are necessary or convenient to affect its purposes and these Rules shall be liberally construed so as to permit the Department to effectuate the purposes of the Program and other applicable State laws and Regulations.
- B. The Department, upon a written determination by its Director, may provide exemption from the application of such portion of these Rules as may be warranted by extenuating circumstances arising from such application.
- C. The Department will only grant such exemptions as it determines are authorized by law and consistent with the purposes of the Program and the safeguarding of public funds. The Department shall have no obligation to grant an exemption in any case, even if extenuating circumstances exist.
- D. Nothing within these Rules entitles an eligible Applicant to funds under the Program. The availability of Program funds may be subject to the General Assembly's annual appropriations process.

E. All Applicants must follow these Rules and any actions taken by the Department pursuant to these Rules, the Department's general powers set forth in the Program, and other applicable State laws and Regulations. Following these Rules, Applicants must file an Implementation Grant Application or Expansion Grant Application under §§ 1.7 and 1.9 of this Part and provide the Department with any such other information the Department deems appropriate, and Applicants must submit any certifications, requests, or reports required by the Department under § 1.11(D) of this Part.

1.4 Severability

If any provision of these Rules, or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules shall not be affected thereby.

1.5 Definitions

“Applicant” means an entity that applies for a Grant under the Program and these Rules.

“Attorney General” means the Attorney General for the State of Rhode Island.

“Body-worn camera” means a video and audio recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the actions and interactions of the officer and the public.

“Department” means the Rhode Island Department of Public Safety established pursuant to R.I. Gen. Laws Chapter 42-7.3.

“Expansion grant application” means the application, promulgated by the Department, which must be completed and submitted by an Applicant in order for the Applicant to qualify for an Expansion Grant pursuant to the requirements of the Program and these Rules.

“Expansion grant” means a supplementary monetary award from the Department to an Applicant, that has previously been awarded an Implementation Grant, granted under R.I. Gen. Laws § 42-161-3 and these Rules for the purpose of expanding the number of body-worn cameras in use by the Applicant’s police department.

“Grant” means an Implementation Grant or Expansion Grant.

“Grant agreement” means a contract between the Applicant and the Department under which a Grant is awarded.

“Implementation grant application” means the application, promulgated by the Department, which must be completed and submitted by an Applicant in order for

the Applicant to qualify for an Implementation Grant pursuant to the requirements of the Program and these Rules.

“Implementation grant” means a monetary award to an Applicant from the Department granted under R.I. Gen. Laws § 42-161-3 and these Rules for the purpose of implementing a well-defined program to facilitate the adoption of body-worn cameras by Rhode Island police departments.

“Program” means R.I. Gen. Laws Chapter 42-161, known as the Statewide Body-Worn Camera Program.

“State” means the State of Rhode Island.

“Statewide Body-Worn Camera Policies” means the Rules and Regulations promulgated by the Department and the Attorney General pursuant to R.I. Gen. Laws § 42-161-4.

1.6 Eligibility for an Implementation Grant

To be an eligible Applicant for an Implementation Grant under the Program, the Applicant must be a Rhode Island State or Municipal law enforcement agency. The primary goal of the Program is to equip all frontline patrol officers and supervisors with body-worn cameras. The Department may further expand eligibility for an Implementation Grant under the Program if funds are available and as the Department deems appropriate.

1.7 Implementation Grant Application

A. An Applicant for an Implementation Grant shall file an Implementation Grant Application in the form prescribed by the Department and available on the Department’s website. The Implementation Grant Application shall require, at a minimum, that the Applicant provide the following information:

1. The name of the Applicant and contact information for the individual(s) primarily responsible for oversight and management of the Implementation Grant Application;
2. The number of police officers the Applicant seeks to equip with body-worn cameras;
3. Authorization from the Applicant’s Police Chief and the municipality’s Mayor, city/town Manager, city/town Administrator, or other authorizing person or body to apply for the Implementation Grant;
4. And such other information as the Department deems appropriate.

1.8 Eligibility for an Expansion Grant

To be an eligible Applicant for an Expansion Grant under the Program, the Applicant must be a Rhode Island State or Municipal law enforcement agency. The purpose of an Expansion Grant is to increase the number of body-worn cameras in use by the Applicant's police department.

1.9 Expansion Grant Application

A. If funds available under the Program are uncommitted, the Department may make available, on the Department's website, an Expansion Grant Application in the form prescribed by the Department. An Applicant for an Expansion Grant shall file an Expansion Grant Application and the Expansion Grant Application shall require, at a minimum, that the Applicant provide the following information:

1. The name of the Applicant and contact information for the individual(s) primarily responsible for oversight and management of the Expansion Grant Application;
2. The number of police officers the Applicant has equipped with body-worn cameras using Expansion Grant funds;
3. The number of additional police officers the Applicant seeks to equip with body-worn cameras;
4. Authorization from the Applicant's Police Chief and the municipality's Mayor, city/town Manager, city/town Administrator, or other authorizing person or body to apply for the Expansion Grant;
5. And such other information as the Department deems appropriate.

1.10 Application Review and Approval

- A. The Department shall conduct a review of the applications for Implementation Grants and Expansion Grants. The Department may set periodic application deadlines that will be made publicly available.
- B. Each application shall be reviewed to confirm compliance with the Program and these Rules, and the Department may reject any incomplete or deficient application.
- C. The Department may require the submission of additional information in connection with any application or the revision of an application and may permit the resubmission of an application rejected as being incomplete or deficient.
- D. After submission of a complete application and review by the Department in accordance with the requirements of the Program and these Rules, the Department will determine whether to award an Implementation Grant or

Expansion Grant to the Applicant. This determination will be based on the Applicant's need, as demonstrated through the number of officers the Applicant seeks to equip with body-worn cameras, the available Program funds, and any other criteria established by the Department.

1.11 Grant Award and Agreement

- A. In order to promote the broad adoption of body-worn cameras by Rhode Island police departments, Grant amounts will be based on the number of police officers an Applicant seeks to equip with body-worn cameras and the Department may determine and set an appropriate, annual per-officer or per-camera Grant amount. This Grant amount will be intended to account for an Applicant's costs of purchasing or leasing body-worn cameras and related hardware, software, and storage, as well as the Applicant's costs in operating body-worn cameras. In recognition of the burden of operating body-worn cameras placed on Applicants with fewer administrative staff, the Department may also determine additional Grant amounts for these Applicants.
- B. Upon approval of a Grant for an Applicant, the Department and the Applicant will enter into a Grant Agreement before any Grant amount can be provided to the Applicant.
- C. In order to safeguard the expenditure of public funds and ensure that the disbursement of funds furthers the objectives of the Program, the Grant Agreement shall include, among others, the following terms:
1. The maximum Grant amount;
 2. A description of the project for which the Grant has been awarded and a requirement that the Grant can only be used for work outlined in that description;
 3. The timing of the disbursement of the Grant funds, which may be over a period of years;
 4. An indemnification provision;
 5. Any other provisions that the Department determines are appropriate.
- D. The Grant Agreement shall also provide that the Applicant must certify, in a form to be determined by the Department, that the Applicant's police department has adopted the Statewide Body-Worn Camera Policy before any Grant amount can be provided to the Applicant.
- E. Through the Grant Agreement, the Department may also require the Applicant to certify or report the Applicant's expenses incurred through the project and/or submit requests for reimbursement, in a form determined by the Department, before awarded Grant funds are provided to the Applicant.

1.12 Revocation

- A. If any information provided by an Applicant in its Application is found to be willfully false, the Department shall deny the issuance of or revoke any Grant in whole or in part, which revocation shall be in addition to any other penalties that the Applicant and/or the relevant officials of the Applicant may be subject to under applicable law.
- B. If any information provided by an Applicant in any certification under § 1.11(C) of this Part, or any other document submitted to the Department following the approval of a Grant, is found to be willfully false, the Department may revoke any Grant in whole or in part, which revocation shall be in addition to any other penalties that the Applicant and/or the relevant officials of the Applicant may be subject to under applicable law.
- C. If an Applicant uses Grant funds on expenses that are not authorized by the Grant Agreement, these Rules, or the Program, the Department may recoup such unauthorized expenses and may revoke a Grant, in addition to any other penalties that the Applicant and/or the relevant officials of the Applicant may be subject to under applicable law.
- D. The Department may provide for additional rights and remedies in any Grant Agreement, which will be in addition to the rights provided under this Rule.

1.13 Discretion and Judicial Review

- A. The Department shall not have the obligation to issue any Grant or make any other award or grant any benefits under the Program or these Rules and may decline to issue a Grant to any Applicant, including those who have submitted a completed Application that meets the eligibility requirements of §§ 1.6 and 1.8 of this Part.
- B. A review of an Application shall not constitute a “contested case” under R.I. Gen. Laws § 42-35-9, the Administrative Procedures Act, and no opportunity to object to an Application shall be afforded, nor shall judicial review be available from a decision rendered by the Department in connection with any Application.

1.14 Administration and Examination of Records

The Department may examine any books, paper, records, or memoranda bearing upon the approval of Grants awarded under the Program and may require the attendance of any person executing any Application, report, or other statement, or of any officer or employee of any municipality, or the attendance of any other person, and may examine such person under oath respecting any matter which the Department deems pertinent or material in determining eligibility for grant funds under the Program.