



U.S. Department of Justice

Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

September 26, 2018

Chairman Edward Scofield  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959-8600

Dear Chairman Scofield:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 18 Body-Worn Camera Policy and Implementation Program in the amount of \$123,000 for County of Nevada.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Lauren Troy, Program Manager at (202) 598-7739; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Matt Dummermuth".

Matt Dummermuth  
Principal Deputy Assistant Attorney General

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, NW  
Washington, DC 20531

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### OCR Letter to All Recipients

September 26, 2018

Chairman Edward Scofield  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959-8600

Dear Chairman Scofield:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

#### Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <https://ojp.gov/about/ocr/vawafaqs.htm>.

#### Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

### **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

### **Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion**

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

SAA's and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

### **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: *Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013)*, available at [https://ojp.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

### **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

### **Meeting the EEOP Requirement**

An EEOP is a comprehensive document that analyzes a recipient's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a recipient's workforce. As a recipient of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at [EEOPforms@usdoj.gov](mailto:EEOPforms@usdoj.gov).

### **Meeting the Requirement to Submit Findings of Discrimination**

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

### **Ensuring the Compliance of Subrecipients**

SAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm>.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



U.S. Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) County of Nevada 950 Maidu Avenue Nevada City, CA 95959-8600		4. AWARD NUMBER: 2018-BC-BX-0006	
2a. GRANTEE IRS/VENDOR NO. 946000522		5. PROJECT PERIOD: FROM 10/01/2018 TO 09/30/2021 BUDGET PERIOD: FROM 10/01/2018 TO 09/30/2021	
2b. GRANTEE DUNS NO. 010979029		6. AWARD DATE 09/26/2018	7. ACTION Initial
3. PROJECT TITLE Body-Worn Camera Policy and Implementation Program		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 123,000	
		11. TOTAL AWARD \$ 123,000	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY18(BJA - Body-Worn Camera Program) Pub. L. No. 115-141, 132 Stat 348, 422			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.835 - Body Worn Camera Policy and Implementation Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Matt Dummermuth Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Edward Scofield Chairman	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR    FUND CODE    BUD. ACT.    OFC.    DIV. REG.    SUB.    POMS    AMOUNT X    B    BC    80    00    00       123000		21. TBCUGT0224	



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PROJECT NUMBER 2018-BC-BX-0006

AWARD DATE 09/26/2018

*SPECIAL CONDITIONS*

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



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PROJECT NUMBER 2018-BC-BX-0006

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*SPECIAL CONDITIONS*

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.



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*SPECIAL CONDITIONS*

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

10. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.





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11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

12. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

13. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

14. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

15. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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16. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

17. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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*SPECIAL CONDITIONS*

21. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

23. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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*SPECIAL CONDITIONS*

24. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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25. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

26. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

27. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

28. The award recipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.

29. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

30. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.



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31. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

32. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

33. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

34. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



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35. Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

36. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

37. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2018-BC-BX-0006 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.



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38. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (<https://bjapmt.ojp.gov/>). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.
39. The recipient is authorized to obligate, expend, or draw down funds in an amount not to exceed 10% of this award for the sole purpose of developing a Body-Worn Camera (BWC) policy. The BWC policy must be submitted no later than 180 days of award acceptance, unless an extension for good cause shown has been granted by BJA. The recipient is not authorized to incur any additional obligations, make any additional expenditures, or draw down any additional funds until BJA has approved the recipient's completed BWC policy and has issued a Grant Adjustment Notice (GAN) removing this condition.
40. Required attendance at BJA-sponsored events  

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
41. The recipient is authorized to incur obligations, expend, and draw down funds for travel, lodging, and per diem costs only, in an amount not to exceed \$15,000, for the sole purpose of attending a required OJP conference associated with this grant award. The grantee is not authorized to incur any additional obligations, or make any additional expenditures or draw downs until the awarding agency and the Office of the Chief Financial Officer (OCFO) has reviewed and approved the recipient's budget and budget narrative, and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.





**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File  
**From:** Orbin Terry, NEPA Coordinator  
**Subject:** Categorical Exclusion for County of Nevada

Awards under this program will be used to plan or implement a body worn camera program. None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction.
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species.
- (3) A renovation which will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion. Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.



U.S. Department of Justice  
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## GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

### Grant

PROJECT NUMBER  
2018-BC-BX-0006

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This project is supported under FY18(BJA - Body-Worn Camera Program) Pub. L. No. 115-141, 132 Stat 348, 422

1. STAFF CONTACT (Name & telephone number)

Lauren Troy  
(202) 598-7739

2. PROJECT DIRECTOR (Name, address & telephone number)

Mike Walsh  
Sheriff's Lieutenant  
950 Maidu Avenue  
Nevada City, CA 95959  
(530) 265-1601

3a. TITLE OF THE PROGRAM

Category 2: Implementation Or Expansion of BWC Programs for Small and Mid-sized Agencies

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

Body-Worn Camera Policy and Implementation Program

5. NAME & ADDRESS OF GRANTEE

County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959-8600

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2018 TO: 09/30/2021

8. BUDGET PERIOD

FROM: 10/01/2018 TO: 09/30/2021

9. AMOUNT OF AWARD

\$ 123,000

10. DATE OF AWARD

09/26/2018

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Body Worn Camera Policy and Implementation program (BWC PIP) provides funding to limited public agencies (i.e., states, units of local government, (including tribal government, recognized by the Secretary of the Interior), combinations of such states or units, or any department, agency, or instrumentality of the foregoing), that perform criminal justice functions; and national and regional public and private entities, including for-profit (commercial) and nonprofit organizations (including tribal nonprofit or for-profit organizations), faith-based and community organizations, and institutions of higher education (including tribal institutions of higher education) that support initiatives to improve the functioning of the criminal justice system. For-profit organizations must agree to forgo any profit or management fee.

The BWC PIP, funded under the 2017 Department of Justice Appropriations Act (P.L. 115-31), will support the implementation of body-worn camera programs in law enforcement agencies across the country. The intent of the program is to help agencies develop, implement, and evaluate a BWC program as one tool in a law

enforcement agency's comprehensive problem solving approach to enhance officer safety and build community trust. Elements of such an approach include: implementation of a BWC program developed in a planned and phased approach; collaboration that leverages partnerships with cross-agency criminal justice stakeholders including prosecutors and advocacy organizations; implementation of appropriate privacy policies; implementation of operational procedures and tracking mechanisms; training of officers, administrators, and associated agencies requiring access to digital multimedia evidence; and the adoption of practices and deployment of BWC programs appropriately addressing operational requirements.

CA/NCF

## Body-Worn Camera Policy and Implementation Program—Narrative

*a. Description of the Issue: Demographics/Metrics* - The Nevada County Sheriff's Office (NCSO) is a rural, mid-sized department that has jurisdiction over 974 square miles and serves a county of almost 100,000 residents. With a \$33,385 per capita income, the racial makeup is 91.4% White, 0.4% African American, 1.1% Native American, 1.3% Asian/Pacific Islander, 3.2%, 8.5% Hispanic or Latino and 2.7% from other races (according to 2016 Census data). The NCSO employs 71 sworn officers with patrol activities or daily citizen interactions in the field. In 2017 NCSO handled 43,474 calls for service, 6,984 reports, 1,248 arrests and 3 homicides. The NCSO, with jurisdiction over the entire county, is the largest of the four law enforcement agencies serving Nevada County. Of the four agencies, it is the only one which does not currently use Body Worn Cameras (BWCs). The NCSO respectfully requests funding to support a first-time BWC implementation program to enhance its effectiveness and improve both public and officer safety. BWCs would provide NCSO with superior evidence documentation as well as increased accountability and transparency.

**Need for BWCs** - Due to the large geographic territory, NCSO Deputies deployed in the field often patrol and respond to calls alone and without timely backup or the proven benefit of BWCs. In this dynamic, BWCs would enhance the safety of both the officers and the public. A recent study found that when BWCs are deployed, members of the public submit fewer officer misconduct complaints, and the video record protects police from frivolous complaints.<sup>1</sup> According to a study involving more than 400 police officers in the Las Vegas Metropolitan Police Department, BWC wearing officers generated significantly fewer complaints and use of force reports relative to control officers without cameras. BWC wearing officers also made more

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<sup>1</sup> The Benefits of Body-Worn Cameras at the Las Vegas Metropolitan Police Department; Anthony Braga, Ph.D., James R. Coldren, Jr., Ph.D., William Sousa, Ph.D., Denise Rodriguez, M.A., Omer Alper, Ph.D.; September 28, 2017; Office of Justice Programs

arrests and issued more citations than their non-BWC wearing controls. Officers who wore them were less likely, by more than 14 percent, to be called out in citizen complaints than those who did not.<sup>2</sup>

The study's cost-benefit analysis revealed that a reduction in complaints against officers resulted in substantial cost and time savings for the police department. BWCs have been shown to have beneficial effects while reducing departments' bottom line. The study estimated the net savings per BWC wearing officer to fall between \$2,909 and \$3,178 annually.<sup>3</sup> Thus, from a police effectiveness, public safety and expense standpoint, BWCs would provide significant benefits to both the NCSO and the citizenry it serves.

The NCSO is the only agency in the County that does not deploy BWCs, meaning that the largest law enforcement division in the County is lacking in the latest safety enhancing technology for the people it employs and the people it protects. Nevada County's small population and below-average household incomes lead to a small tax base, making it very difficult for the NCSO to purchase an adequate BWC system without additional financial assistance. Since research shows that BWCs reduce the use of force, reduce complaints and produce positive impacts, there is also moral cost to not using bodycams.<sup>4</sup>

**BWC Purchase Request** - This proposal seeks to provide 82 new BWCs for 71 sworn officers and those with patrol activities or regular citizen interaction outside of the agency. The BWCs would be utilized by the Narcotics Unit, Major Crimes Unit, SWAT, Boating, and Animal Control Units, as well as 10 Jail Officers who have regular interaction with inmates. Deploying BWCs in the county jail will provide additional transparency, accountability, and cohesion

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<sup>2</sup> The Benefits of Body-Worn Cameras at the Las Vegas Metropolitan Police Department; Anthony Braga, Ph.D., James R. Coldren, Jr., Ph.D., William Sousa, Ph.D., Denise Rodriguez, M.A., Omer Alper, Ph.D.; September 28, 2017; Office of Justice Programs

<sup>3</sup> The Benefits of Body-Worn Cameras at the Las Vegas Metropolitan Police Department; Anthony Braga, Ph.D., James R. Coldren, Jr., Ph.D., William Sousa, Ph.D., Denise Rodriguez, M.A., Omer Alper, Ph.D.; September 28, 2017; Office of Justice Programs

<sup>4</sup> Should We See Everything a Cop Sees; McKenzie Funk; Oct. 18, 2016 <https://www.nytimes.com/2016/10/23/magazine/police-body-cameras.html>

between the criminal justice organizations in Nevada County. The BWCs purchased will meet the technical criteria of the 18 core operating characteristics articulated by the National Institute of Justice. The NCSO currently uses the WatchGuard In-Car Video System which offers a compatible BWC, which will be assessed, along with other BWC systems, and one will be purchased for deployment as described below. All Digital Multimedia Evidence (DME) will be uploaded to a secure, internal server, with minimal officer action and no removable media. The system NCSO purchases will meet the specifications outlined by the Bureau of Justice Assistance (BJA) to provide a secure chain of custody for evidence collection. The NCSO does not have any pending grant applications for the purchase, implementation or deployment of BWCs.

**Leveraging DME** - DME is a powerful tool that helps judges, juries, investigators, and prosecutors accurately, professionally, and ethically adjudicate criminal cases. NCSO will soundly develop and implement BWC policies so that DME will be readily available to investigators, prosecutors, judges, juries, and other interested parties. The primary concern of adjudication is seeking the truth. DME provides an innovative, honest perspective that helps decision makers discern truth and achieve justice. In Nevada County, such DME would be a powerful tool for prosecutors and the Sheriff's Office to use to work together towards justice. This grant will help make DME much more viable in Nevada County by providing the NCSO with the funds necessary to purchase a comprehensive BWC system which ensures unit integrity and a secure chain of evidence, connecting the goals of law enforcement and prosecutors.

The Nevada County Sheriff's Office has secured the commitment and support of the Nevada County District Attorney's Office (DA) and Public Defender's Office (PD) in the policy development, planning, and implementation of the BWC program. The DA is thrilled at the

prospect of purchasing BWCs which will integrate a secure data storage system for all Nevada County DME, preserving the chain of evidence and thereby making evidence from BWCs carry much greater weight in a court of law.

**BWC Impact** - Since the NCSO has been assessing the issues surrounding BWC deployment for the past two years, staff have begun discussions around the hurdles typically experienced in program implementation, particularly in regard to addressing officer concerns on the subject. Officers are aware of the role cameras play in officer safety, de-escalating citizen interactions, reducing complaints, as well as the help that video footage can provide in adjudication. In most cases, the NCSO anticipates that officers will be allowed to review footage before making official statements or testifying in court which will enhance the evidentiary value of the DME by giving them a video record of the event to guide reporting and in court testimony. The NCSO will review DME as required and randomly for training and evaluative purposes.

The NCSO understands that by providing a video record of officer activity, BWCs can make their operations more transparent to the public and help resolve questions following an encounter between officers and members of the public. BWCs can help prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department in order to promote increased accountability.<sup>5</sup> Like other agencies using BWCs, the NCSO expects to experience fewer complaints and an improvement in encounters between officers and the public.

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<sup>5</sup> Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum. 2014. Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned. Washington, DC: Office of Community Oriented Policing Services. [www.justice.gov/iso/opa/resources/472014912134715246869.pdf](http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf).

***b. Project Design and Implementation:*** The NCSO recognizes that BWCs are powerful and effective tools that help to ensure accountability, due process, and most importantly safety. Based on the positive results from the In-Car Video program and understanding the salience of issues regarding interactions between police officers and citizens across the country, the NCSO is excited to lead the effort to create a collaborative BWC policy for Nevada County. One of the most important aspects of operating a BWC program is guaranteeing the integrity of DME generated by the cameras. It is essential to the due process rights of our citizens for the Sheriff's Office to ensure that all evidence is handled in an uncompromising manner at all times. The NCSO's overarching goal in applying for this grant is to give department personnel and prosecutors the tools they need to keep their practices in line with their policies, to efficiently and fairly administer justice, and ensure accountability to State and Federal laws, and the community.

**Planning Phase** – During months one through nine the NCSO will solicit input from local stakeholder agencies, county leaders and community groups in order to leverage partnership input to address policy, training, deployment, and procurement requirements. The BWC initiative has the full support and commitment of the DA's Office, as evidenced by the accompanying Letter of Support from District Attorney Clifford Newell. Other key collaborative partners include the Public Defender's Office (See attached Letter of Support), the Superior Court, the Nevada County CEO's Office, County Counsel and NCSO's Jail Commander, Captain Jeff Pettitt, all of whom will be included in the BWC Implementation Task Force (Task Force), which will meet monthly during the policy planning and implementation phases of this project. The NCSO will also engage the Truckee, Grass Valley and Nevada City Police Departments to leverage insight and experience with their own BWC programs, with a goal of



developing policy, and best practices around training, procurement and deployment of BWCs. By engaging external justice stakeholders in a manner that optimizes transparency and accountability in officer-citizen encounters, the NCSO will seek to ensure that expectations about the impact of BWCs are reasonable and their outcomes obtainable.

**Public Outreach** - NCSO's Community Oriented Policing Program (COPP) gives officers the opportunity to interact with and gain the trust of the residents of our community by providing a forum for the NCSO to interact with residents in a friendly, informative way. Through the COPP and the efforts of our two School Resource Officers, the NCSO has a strong presence in Nevada County Schools. The Sheriff and his deputies regularly participate in events and assemblies at local schools, educating students, teachers, and parents on public safety issues. These efforts currently consist primarily of drug and alcohol education through the Coalition for a Drug Free Nevada County and K-9 programs. Beginning in the 2018-2019 school year, the NCSO will integrate BWC education and training into their outreach efforts. Officers will offer training and demonstrate to students, faculty and community members how BWCs work and explain the reasons for using them, focusing on the propensity of BWCs to promote good behavior from citizens and officers, and to protect the constitutional rights of all involved. This forum will provide one avenue for the public to provide feedback on community needs and concerns regarding BWC implementation.

Collaborating with advocacy groups and community stakeholders to develop this program would simply be the latest project in a long line of citizen engagement activities conducted by the NCSO. The NCSO has been operating a Neighborhood Watch program for many years and collaborating with citizen leaders to keep residential neighborhoods safe from crime. In addition to their school system and neighborhood watch efforts, the NCSO also has a long history of

participation and engagement with its Boating Education and Outreach Program, getting valuable community input and engaging families with information about boating and public safety, building trust and relationships along the way.

The BWC program has the potential to significantly enhance these outreach efforts. While BWCs have important functional purposes, they will also be very interesting and exciting to community members, particularly children, in demonstrations. The NCSO can easily integrate BWC training into their existing community outreach efforts at no added cost, providing a forum for discussion on crucial issues by engaging community members with the intrigue of new, exciting technology. The NCSO will also utilize these forums to manage expectations for the BWC program, informing the public of the limitations of video evidence and of situations in which video evidence may not be available.

**BWC Policy Development** - While many of the finer policy points will be developed throughout the collaborative process, the NCSO has identified a number of critical issues and objectives that must be addressed by the BWC Task Force during the Planning Phase. These include: developing operational procedures and tracking mechanisms that address the use, review, access, storage, retention, redaction, and expungement of digital video and audio evidence; outlining a commitment to leveraging the evidentiary value of BWCs and DME into administrative and field operations in order to develop better criminal justice outcomes; and designing policies that address the inherent BWC privacy matters and related legal liabilities regarding the release of information on civil rights, victims' rights, domestic violence and juveniles. In addition, the NCSO will review and update its Use of Force policy and related training to reflect issues arising out of BWC implementation.

Based on recommendations by the Police Executive Research Forum (PERF), the NCSO intends to allow officers a degree of discretion in using BWCs but will also create a policy which more comprehensively addresses situations where cameras should always be used. While assigned officers will be mandated to wear department supplied BWCs, a key component of officer discretion will be allowing officers to refrain from recording in certain sensitive situations like those involving juveniles, strip searches or intelligence gathering conversations. The most common and viable approach, according to PERF, is to require officers to activate their cameras when responding to calls for service and during all law enforcement-related encounters and activities. Officers will likely be required to document incidents where they utilize discretion to not record interactions with the public in situations where it may otherwise be required, as well as each time a BWC is activated or not activated in official incident reports.

**BWC Training** - The PERF report concludes that “rigorous, ongoing officer training” regarding policy and protocols is essential for effective use of the technology. Therefore, one of the most important aspects of this Phase is training for officers and supervisors deploying BWCs, as well for the DA, PD, Court personnel and the NCSO Evidence Technician. Prior to deployment, officers must be trained on BWC adopted policies, proper documentation, relevant State and Federal Laws governing consent, privacy, evidence, public disclosure, in addition to downloading DME and storage, which will all be compiled in a training manual for future use. In addition, the NCSO will also provide training for all Task Force agencies so that they can better understand: how to properly manage and access data, technology limitations and how the DME may be used in court.

**Implementation Phase** – The results of the Planning Phase will be assessed through the Policy Review Scorecard developed by the BJA during month 10. The NCSO will work with the

BJA TTA Provider to document and validate the policy development process in order to demonstrate that the NCSO has met the policy development requirements. Upon Scorecard approval by the BJA TTA Provider, the NCSO will purchase the BWCs. During months 10 through 16, the NCSO will formalize the plan developed, procure and implement deployment of BWCs based on the policies created by the BWC Task Force during the Planning Phase.

The BWC Task Force will continue to meet monthly to assess the program's performance measures and conduct ongoing training and outreach. The NCSO will continue to provide officer training, disseminate BWC Training Manuals and will begin to collect performance measures to evaluate the effectiveness of the BWC program and to assess whether the program is achieving its goals and objectives during months 17 through 36. This data will be used to fine tune and improve program operation and policy considerations.

**Partnership with Allied Criminal Justice Agencies** - Partner agencies that will be impacted by the use of BWCs and related DME are the DA, PD, County Counsel and the Superior Court, all of whom will be part of the BWC Task Force convened to develop BWC policies and best practices. The DA, PD and NCSO have already begun discussions on policy and implementation issues after reviewing the benefits and limitations of evidence generated by BWCs. The DA and NCSO have discussed policies that would allow them to receive and store NCSO DME in similar formats that they are receiving from other local police agencies and neighboring counties. This will result in reducing costs and time spent processing DME and preparing evidence for court. Another topic under discussion is "chain of evidence", in order to develop policies that will ensure all DME produced for investigations and court is recorded and stored in a manner that will ensure its evidential integrity and admissibility for court. The PD has started a dialogue on how to best manage and minimize the increased labor

costs associated with processing and working with DME for both of their agencies, as well as the most efficient way to conduct BWC training for the PD, DA, County Counsel and Court staff.

**National BWC Meeting** - Lt. Walsh is the BWC Project Manager and point person for the NCSO and will be attending the mandatory national meeting along with another NCSO officer who will be assigned later. The travel expenses will be covered by the NCSO as part of the matching funds requirement. They will attend the optional regional conference if additional NCSO funding is available.

**Tracking and Policies Regarding Legal Liabilities and Privacy** - The NCSO intends to create a new policy and tracking mechanisms that address the use, review, access, retention, redaction, expungement and storage of DME during the BWC Planning Phase. Keeping in mind the legal requirements by incident category for storing certain type of evidentiary DME for longer periods and the 60-90 day retention period for non-evidentiary video advocated by the PERF, the NCSO's BWC Evidence Technician will develop data storage policies in accordance with available server storage capacity, with long term storage requirements absorbed by the current data storage limits for no additional cost.

The BWC Evidence Technician is experienced in responding to Freedom of Information Act (FOIA) requests regarding DME from the In-Car Video Systems and understands the proper procedures and legal liabilities that surround FOIA. The NCSO will administer FOIA requests for BWC footage consistent with department policy and California State Code. No videos will be released without the express approval of the NCSO command.

As technology advances and expectations of privacy evolve, it is critical that law enforcement agencies carefully consider how the technology they use affects the public's

privacy rights. BWCs raise many privacy issues that have not been considered before. Unlike many traditional surveillance methods, BWCs can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. In addition, while stationary surveillance cameras generally cover only public spaces, BWCs give officers the ability to record inside private homes and to film sensitive situations that might emerge during calls for service. The NCSO appreciates that it must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. This requires making careful decisions about when officers will be required to activate cameras, how long recorded data should be retained, who has access to the footage, who owns the recorded data, and how to handle internal and external requests for disclosure. All of these issues, as well as issues involving civil rights, domestic violence, juvenile, and other victim's groups' rights will be addressed and policies created during the BWC Planning Phase.

The NCSO follows California Penal Code Section 632 which makes it illegal for a person to record a confidential communication without the consent of all parties to that communication. However, California Penal Code section 633, has an express exemption for law enforcement. Section 633 clarifies the exception by emphasizing that Section 632 does not prohibit any police officer from overhearing or recording any communication that they could lawfully overhear or record. In other words, if an officer is legally allowed to be where they are, there is no state law that prohibits the officer from recording their interaction(s). This is supported by caselaw that explains a person has no expectation of privacy when they are engaged in an interaction with

police (i.e., no expectation of privacy in the back of a patrol car, in jail, etc.). Therefore, no state law or constitutional provision exists that prohibits audio recording.<sup>6</sup>

**c. Capabilities and Competencies: Previous Technology Deployment** - The NCSO has a long history of successful integration of new technology into their policies, procedures, and practices. The Sheriff's Office began using a digital records management system (RMS) in 2004, In-Car computers in 2005 and began using In-Car Video systems in their patrol cars in 2012. The RMS, In-car video and the In-Car computer program implementations were highly successful and provide a model for BWC implementation. All of the sworn officers and office staff are trained and proficient in utilizing digital solutions to better perform their jobs. The NCSO BWC Project Manager, Lt. Michael Walsh brings 18 years of law enforcement experienced with extensive training and understands the major issues facing law enforcement today. He has extensive experience developing and writing policies for the Sheriff's Office. In addition to helping initiate the In-Car Video program and In-Car Computer program, he is currently the manager of the Department's mobile data computers, radio systems and current in-car video systems. He is currently assisting with the implementation of a digital card access system for all Sheriff's Office doors and computers. The NCSO has a trained Evidence Technician who has extensive experience managing data from a variety of sources and who is skilled in using DME in an evidentiary capacity. The NCSO anticipates having an Evidence Technician dedicated full time to the BWC program, handling all requests for criminal, civil and public disclosure of DME. The NCSO also has a talented finance team that is skilled in administering the requirements of diverse funding streams.

The NCSO will devote significant time and manpower towards the goal of developing and implementing new BWC policies. Upon grant approval, Lt. Walsh will convene the BWC

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<sup>6</sup> Report on Body Worn Cameras, E.P. Ramirez; [https://www.bja.gov/bwc/pdfs/14-005\\_Report\\_BODY\\_WORN\\_CAMERAS.pdf](https://www.bja.gov/bwc/pdfs/14-005_Report_BODY_WORN_CAMERAS.pdf)

Task Force and commence the process of policy planning and implement a robust BWC program. The Evidence Technician assigned to the BWC program has 6 years of experience managing DME from the In-Car Video Systems and will start training on managing the BWC DME in anticipation of criminal, civil and public disclosure.

**Stakeholder Support** - Letters of support documenting a high level of commitment from the DA and PD's offices are attached herein, as well as the NCSO's affirmation that it will review BWC digital footage periodically to enhance officer safety. In an effort to mitigate risk of injury and other adverse outcomes, the NCSO will review and assess BWC digital footage for purposes of refining BWC use in a manner that optimizes officer safety. These letters provide evidence of key stakeholder commitment to collaborating on BWC policy development and have already sparked conversations regarding the choice of technology and streamlining startup costs (which are considerable).

**d. Plans for Continuity** - As one of the costliest aspects of BWC implementation is data storage, the NCSO anticipates that the long-term budget costs will be minimal since there is currently ample server capacity where the In-Car video DME is stored preventing large, upfront equipment costs. Routine maintenance that follows can also be absorbed by special revenue fund allocations received by the NCSO. There will be unit replacement costs associated with damage or unit failure (after the 3-year warranty) and labor costs associated with DME processing, storage, public requests, etc. which the NCSO plans to cover using Special Revenue funds. The NCSO receives approximately \$500,000 each fiscal year in special revenues as a statutory allocation by the State of California for funding new programs and projects. These funds will be used to fund the 100% FTE salary of the BWC Evidence Technician and other startup costs for the BWC program. The NCSO also has access to State



and Federal asset forfeiture funds which can also be allocated to fund projects like the BWC program. With ample revenue streams to support the BWC program, the NCSO does not anticipate problems funding the in-kind match or supporting the BWC program after the end of the grant funding in in year 3.

The BWC Task Force will continue to meet quarterly, or as needed, after the Planning and Implementation Phases have ended in order to address the need for BWC policy revision and updates.

*e. Plan for Collecting Data for Performance Measures* - The NCSO's process for measuring performance and personnel assigned are explained in the objectives below.

*Objective 1: Improve transparency and accountability in encounters between police and the public by deploying BWCs and train law enforcement personnel on appropriate body-worn camera privacy policies and operational procedures.*

The performance measures for this objective will be the percent of eligible officers within the department wearing BWCs and the percentage of officers trained on the policies and procedures including usage, analysis, and management. Lt. Michael Walsh will collect the data and will be responsible for measuring the results of this objective and Sergeant Sean Scales, NCSO's Personnel and Training Officer, will lead all officers in mandatory BWC training sessions. The results will be used to evaluate the impact of the program by establishing a target of having 100% of eligible NCSO Officers trained and equipped with BWCs.

*Objective 2: Establish privacy policies and operational procedures governing body-worn cameras that are transparent, accessible to the public and address BWC issues involving legal liabilities of FOIA, civil rights, domestic violence, juvenile groups, and victim's groups.*

The performance measures for this objective will be the number of new policies developed that address the key BWC policy and procedure areas (data management and retention, recording discretion, documentation of failure to record, review of footage, etc.), the percent decrease in the number of public complaints, the percent decrease in substantiated citizen-officer complaints, and the percent decrease in the number of use-of-force complaints filed. Lt. Walsh and staff will be responsible for measuring the results of this objective. For each of these performance measures, the NCSO will collect and analyze data on a monthly basis with October 2018 serving as the baseline for comparison.

***Objective 3:** Implementation of a body-worn camera program developed in a planned and phased approach that first achieves broad stakeholder, local political leadership, community engagement and then leverages partnership input to address policy, training, deployment, and ultimately procurement related requirements.*

The performance measures for this objective will be the number of external partners participating in the body-worn camera initiative, the number of external partners who commit their participation in the program formally through a Memorandum of Understanding or Letter of Support and the number of new staff positions (if any) created/classified as a result of the BWC initiative. Lt. Walsh will be responsible for measuring the results of this objective.

**BJA TTA Provider** - The NSCO and Lt. Walsh are committed to successfully demonstrating the development of BWC policies that are purposefully, deliberative and comprehensive to the BJA TTA provider (Provider). They will work diligently with the Provider to exhibit appropriate policy development and internal law enforcement adoption prior to full funding being released by BJA for BWC procurement and implementation.