

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
OFFICE OF PROGRAM DEVELOPMENT & FUNDING
GRANT OPPORTUNITY
2013 VIDEO RECORDING OF STATEMENTS EQUIPMENT GRANTS
REQUEST FOR APPLICATIONS (RFA)**

APPLICATION HIGHLIGHTS

1. The maximum application amount is **\$50,000** (\$5,000 per agency, per location).
2. The **application deadline is 3:00 p.m., Friday, August 30, 2013.**
3. Applications **MUST** be submitted via the New York State Division of Criminal Justice Services (NYS DCJS) Grants Management System (GMS).
4. If you are not already registered to access NYS DCJS GMS, registration forms and instructions can be found inside the application. **This should be a priority for non-registered users to maximize the time to become familiar with the GMS prior to submitting an application.**
5. This is a competitive process with eligibility limited to non-New York City counties.
6. **This is a one-time grant.** There will be no refunding of these applications.
7. Applications submitted after the deadline will not be considered for funding.

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APPLICATIONS (RFA)

I. Introduction

The New York State Division of Criminal Justice Services, Office of Program Development & Funding announces the availability of funding to county District Attorneys outside the City of New York for the purchase of video recording equipment for capturing statements to police and/or prosecutors. The Video Recording of Statements Program is part of the Division of Criminal Justice Services' (DCJS) comprehensive strategy to reduce crime in New York State.

Funding will be competitively awarded with priority given to agencies that currently do not have video recording equipment, subject to the stipulation that agencies with the greatest number of arrests in 2012 for select felony offenses (Class A Non-Drug, PL 125 Class B VFO, PL 130 class B VFO) will be given first consideration. However, the equipment may be utilized to record statements pertaining to a wide variety of charges, as suggested in the sample protocol in Appendix A. This program requires the county District Attorney to work with all local law enforcement agencies, including the Office of the Sheriff, to select the agencies that will receive the video recording equipment and to submit the application on their behalf. A plan detailing the distribution of the equipment throughout the county will need to be submitted with the application. Each county should strive for maximum coverage within its jurisdiction. The funding is to be used only for the purchase and installation of video recording of statements equipment, including upgrades to existing equipment to ensure proper functioning (e.g., wiring), but cannot be used for construction or renovation of an interview room.

II. Appropriation and Availability of Funds

Contingent upon available appropriation, approximately \$1,000,000 in state General Fund local assistance and FFY 2011 Byrne Justice Assistance Grant (JAG) funds are available for award under this one-time RFA, with a maximum possible award of \$50,000 per county (\$5,000 per agency, per location). Grant award agreements will be for a twelve-month period with anticipated contract start dates between October 1, 2013 and January 1, 2014.

There is no match requirement for this grant program.

Funding available under this program must supplement, not supplant, non-grant funds that would otherwise be available for expenditure on the proposed program. Any potential supplanting will be subject to application review or post-award monitoring and audit. If it appears as though there is a supplanting issue, the applicant or grantee will be required to submit documentation demonstrating that the reduction in non-grant resources occurred for

reasons other than the receipt or expected receipt of these funds.

III. Eligibility Requirements

District Attorneys' offices outside the City of New York may apply for these funds. Applications require line item budgets and only one application will be accepted from each county.

The District Attorney in each county will be responsible for the overall management of the project and will collaborate with local agencies who receive the equipment to establish or update existing protocols and/or procedures regarding video recording of statements.

Eligible Agencies

Eligible Video Recording of Statements implementing agencies are limited to local (non-State) law enforcement (County Sheriff and/or City, Town, Village Police Departments) and/or prosecutorial participants (District Attorneys' offices) outside of New York City.

Ineligible Costs

Video Recording of Statements Equipment grant funds are only available for the purchase and installation of video recording equipment and necessary infrastructure such as wiring, but cannot be utilized for the construction or renovation (including but not limited to soundproofing) of interview rooms.

Note: Advance Requests will not be entertained for any Video Recording of Statements application.

IV. Special Conditions and Prohibitions

No JAG funds may be expended outside of the JAG purpose areas. Even within the purpose areas, JAG funds may not be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless the U.S. Department of Justice, Bureau of Justice Assistance (BJA) certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.
- Real estate.

- Construction projects (other than penal or correctional institutions).
- Any similar matters.

No monies from this award may be obligated to support the investigation, seizure, or closure of clandestine methamphetamine laboratories until such time as DCJS has a mitigation plan in place which meets all applicable Federal, State and local laws and regulations and DCJS has the capability to ensure compliance and monitor activities.

V. Award Methodology

Applications will be rated using a two-tiered system of review. All applications are subject to review on the following Tier 1 and Tier 2 criteria:

Tier 1: Qualifying Information

Qualifying information is information that must be provided or criteria that must be met in order for an application to be advanced to Tier 2 of the review process. **Any application that does not meet all of the criteria outlined in this section will be automatically disqualified from further review.**

All applications MUST:

- be submitted by an eligible applicant (a county District Attorney's office outside the City of New York);
- be submitted on-line via the DCJS Grants Management System (GMS) by the stated deadline; and
- be complete (including responses to RFA Questions #1-4, the program work plan, and project budget located within GMS).

Tier 2: Application Scoring Process

All applications submitted by the deadline and meeting all of the criteria outlined in Tier 1, "Qualifying Information", will be subject to Tier 2 of the review process. Applications will be rated by multiple staff members of the Division of Criminal Justice Services.

The review process involves the use of a rating scale that will result in a total maximum score of 10 points. Applications will be scored at least twice, and those scores will be averaged to obtain the final score for the Tier 2 review. Applicants must receive an average score of **at least 7** on this RFA to be eligible for funding.

If the total amount of funding requested exceeds available resources, priority will be given to agencies with the greatest volume of 2012 arrests for Class A Non-Drug, PL 125 Class B VFO, and PL 130 class B VFO felony offenses, subject to the stipulation that agencies that do not currently have equipment will be awarded funds before those looking to upgrade regardless of arrest volume. Applications will be scored based on the following points distribution for responses to RFA Questions #1-4 and the proposed project budget:

Program Specific Questions:

- 1 Detailed Plan** – Provide a detailed plan showing the planned distribution (agencies and physical location of said agencies) of funding for new video recording equipment which demonstrates maximum county coverage. (Note: applicants must include a list of any/all agencies within their respective county that currently possess video recording of statements equipment). **(0-2 points)**

- 2 Agencies & Their Roles** – Provide a list of agencies that will collaborate and implement the project and clearly state the roles and responsibilities each agency will assume to ensure the success of the project. **(0-2 points)**

- 3 Protocols/Procedures** – Provide copies of any existing protocols and/or procedures regarding video recording of statements **OR** a plan to develop protocols and/or procedures regarding video recording of statements (see example in Appendix A). **(0-3 points)**

- 4 Budget** – Provide justification as to the reasonableness of the cost(s) associated with the proposed project as outlined in the project budget. (Note: A vendor quote for each participating agency/location is required – any costs beyond \$5,000 per agency, per location will be the responsibility of the implementing agency). **(0-3 points)**

M/WBE and EEO Requirements (0 points)

The New York State Division of Criminal Justice Services (DCJS) recognizes its obligation under New York State Executive law Article 15-A to promote opportunities for the participation of certified minority-and women-owned business enterprises, as well as the employment of minority group members and women in the performance of DCJS contracts.

Effective April 1, 2013, all DCJS grant contracts require grant recipients to document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of grant contracts, as well as the employment of minority

group members and women.

Accordingly, applicants must submit both a (1) Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and (2) M/WBE Equal Employment Opportunity Staffing Plan as attachments to their GMS application as instructed in RFA Appendix C.

DCJS will review the submitted Local Assistance M/WBE Equal Employment Opportunity Staffing Plan and the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form and advise the applicant of DCJS' acceptance once an award determination is made.

Applicants should use the program work plan contained in Appendix A to complete the work plan section of the GMS application.

VI. Selection and Award

Funding decisions will be made based on the final score of each application, subject to the additional stipulation regarding prioritization of requests from agencies with the greatest arrest volumes for specified offenses. Applicants must receive an average score of **at least 7** on this RFA to be eligible for funding. The actual award amount will be dependent upon the magnitude and severity of need, soundness of the proposed distribution strategy and its relation to the requested budget. DCJS will prepare one contract with each county that submits a successful application.

VII. Application

DUNS Number

All applicants **MUST obtain** a DUNS (Data Universal Numbering System) number. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling **1-866-705-5711** or by applying online at <http://fedgov.dnb.com/webform/displayHomePage.do>. You must provide your DUNS number as part of your application.

Central Contractor Registration (CCR) Database

All applicants (other than individuals) for federal financial assistance must maintain current

registrations in the **Central Contractor Registration (CCR)** database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. **Please note**, however, that CCR registration must be updated or renewed **at least once per year** to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

DCJS Grants Management System (GMS)

Applications must be submitted on-line via the DCJS GMS. No other format of application will be accepted. Applicants who do not currently have access to GMS must first submit a GMS Registration Form. (See Appendix B attached.) It is strongly suggested that the GMS User Manual be downloaded from the following web address:
<http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Additionally, the authorized signer of contracts for any agency, hereafter referred to as the signatory, must submit a separate GMS eSignature registration form. This allows general access to GMS as well as allows for eSignature of grants. All applications, once approved, will be processed as eSignature contracts. Failure by an applicant not to have an authorized signatory with eSignature rights will prevent submission of the application. Both GMS registration forms can be e-mailed to dcjsfunding@dcjs.ny.gov or faxed to (518) 457-1186.

A simplified set of instructions for submitting the application within GMS can be found in Appendix B. When accessing GMS to complete an application, click “Project>New”, then select “*Video Recording of Statements Equipment Grant*” as the funding program to begin entering your application.

For GMS technical assistance, please call the GMS helpline at (518) 457-9787.

VIII. Timetable

August 30, 2013, 3:00 p.m. - Application Deadline

On or about October 1, 2013 - Award Announcements

IX. Approval

Awards will be made by the Executive Deputy Commissioner of the Division of Criminal Justice Services based on the criteria described in Section VI, “Selection and Award”. DCJS reserves the right to award a reduced amount based on the reasonableness of budget costs.

X. Notification of Award

All applicants will be notified by DCJS in writing as to whether or not they received an award. Contracts will then be negotiated for successful applicants.

XI. Administration of Contracts

Contract approval – All contracts are subject to the approval of the Attorney General and the Office of the State Comptroller of the State of New York, and until said approval has been received and indicated thereon, the contract shall be of no force and effect.

Contract period - DCJS will enter into contracts with grantees for a twelve month project period subject to the availability of grant funding. DCJS reserves the right to modify the contract period in the best interests of the State.

Contract activities - All activities must have prior approval from DCJS and meet guidelines established by the State of New York and the Federal government as applicable.

Contract changes - The contracts resulting from this RFA may be executed, extended, increased, decreased, terminated, renewed, amended, or renegotiated at the discretion of the Executive Deputy Commissioner of the Division of Criminal Justice Services.

Records - Grantees will keep books, ledgers, receipts, work records, consultant agreements and inventory records pertinent to the project and consistent with DCJS contractual provisions and guidelines and the DOJ/OJP Financial Guide as applicable.

Liability - Nothing in the contract between DCJS and the grantee shall impose liability on the State of New York or DCJS for injury incurred during the performance of approved activities or caused by the use of equipment purchased with grant funds.

Payments - Payments will be made pursuant to a schedule specified in the contract between DCJS and the grant award recipients. Funds will not be available until approved by State control agencies. Generally, payments are made quarterly.

Reports - A progress report of the grantee's activities under this contract will be due quarterly pursuant to a schedule specified in the contract between DCJS and the grantee.

Byrne JAG Quarterly Programmatic Reporting Requirements - Consistent with the federal government's emphasis on accountability and transparency, reporting requirements under the Byrne JAG grant program expand upon DCJS's standard reporting requirements for grants. In addition to the submission of program progress reports as outlined in Appendix A-

1 of the grant contract, grantees are also required to report quarterly through the federal Performance Measurement Tool (PMT) to the federal Bureau of Justice Assistance (BJA) on performance measures. The grantee will sign onto the PMT utilizing the ID, password and instructions provided by DCJS and follow appropriate procedures to report data within 15 days after the end of the calendar quarter. Information about these Performance Measures can be found at: <https://www.bjaperformancetools.org/>

Review - The grantee's performance in all areas mentioned above, in addition to the services contracted for, will be monitored periodically by DCJS. Monitoring activities will take the form of site visits, records inspections, written and telephone communication, or other methods deemed necessary by DCJS to ascertain the quality and quantity of grantee activities.

Disposition of allocations - DCJS reserves the right to reject applications, deny awards, or defer applications for future consideration based on insufficient information in the application, lack of accompanying documentation, the inappropriateness of the project proposed, an organizational history of unsuccessful projects of a similar nature, or a history of contract non-compliance.

Revocation of funds - Funds awarded to an applicant who does not implement an approved project within 90 days of the award date may be revoked and reallocated to another applicant at the discretion of the Executive Deputy Commissioner of the Division of Criminal Justice Services.

Mandatory contract provisions - Any contracts negotiated as a result of this RFA shall be subject to the provisions of Appendix A and Appendix A-1, which contain the standard clauses for all New York State contracts. Copies of these appendices are available upon request and on the DCJS website at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Audit - Grantees awarded federal Byrne JAG funds must agree to comply with organizational audit requirements of OMB Circular A-133.

XII. RFA Technical Assistance

Requests for technical assistance with accessing and using GMS may be directed to the DCJS Office of Program Development & Funding at (518) 457-9787. Non-GMS questions regarding this RFA may be emailed to funding@dcjs.ny.gov through Friday, August 2 2013. Please reference "*Video Recording of Statements RFA*" in your email subject line. On Wednesday, August 7, 2013 DCJS will post answers to received questions on our website at <http://www.criminaljustice.ny.gov/ofpa/newrfp.htm>, without identifying questioners.

Appendix A

Standard Program Work Plan

Example Protocol

Video Recording of Statements Standard Program Work Plan

Goal: To enhance law enforcement efforts and prosecution outcomes through videotaping of interviews and interrogations from beginning to end.

Objective #1: Enhance the technological capabilities within (*enter county name*) County through acquisition of video recording equipment to be utilized during investigations. Equipment will be distributed to various local agencies to achieve maximum coverage within the county.

Task #1 for Objective #1: The district attorney will work with local law enforcement agencies with the implementation of video recording of statements initiative and with the administration of the grant.

Performance Measures for Task #1:

1. Number of local law enforcement agencies to receive video recording of statements equipment.
2. Law enforcement agencies in the county who will receive video recording of statements equipment.

Task #2 for Objective #1: Purchase and installation of video recording equipment in identified recipient agencies.

Performance Measures for Task #2:

1. Maintain purchase records in compliance with all federal, state, and local procurement guidelines.
2. Maintain an inventory record of video recording of statements equipment purchased under this contract. (Records must be made available to DCJS, upon request).

Task #3 for Objective #1: Provide training to staff in the proper operation of the video recording equipment.

Performance Measures for Task #3:

1. Number of staff at each recipient agency who received training in the proper operational use of the equipment.

Task #4 for Objective #1: In compliance with the established departmental protocol, (see Objective #2) utilize the video recording equipment during interviews and interrogations.

Performance Measures for Task #4:

1. Number of video recorded statements.

2. Number of video recorded statements forwarded to the District Attorney's office to be used as case evidence. (Breakdown to be made by recipient agency).

Objective #2: Improve the effectiveness of case evidence through video recorded interview and interrogation training; and establish departmental protocols regarding video recording of statements from beginning to end.

Task #1 for Objective #2: Provide investigatory personnel with interview techniques training to enhance their interview and interrogation abilities.

Performance Measures for Task #1:

1. Number of staff at each recipient agency who received training in video recording of interviews and interrogations techniques. (Breakdown to be made by recipient agency).

Task #2 for Objective #2: Each recipient agency will collaborate with the District Attorney's office to develop and implement a departmental protocol regarding the video recording of statements.

Performance Measures for Task #2:

1. Include in the first Quarterly Progress Report (QPR) an attached copy of the department protocol regarding the video recording of statements for each recipient agency. (In the event that a county-wide protocol regarding the video recording of statements is adopted, said protocol may be submitted in lieu of individual agency submissions).

EXAMPLE PROTOCOL VIDEO RECORDING OF SUSPECTS' STATEMENTS

I. PURPOSE

The purpose of this policy is to establish guidelines for the video recording of suspect statements from beginning to end provided either in non-custodial or custodial circumstances and the management, associated use, storage and retrieval of the video recordings. This policy is intended to reduce the risk of wrongful conviction of innocent persons and to ensure that the highest quality evidence possible is obtained from the video recording of suspect statements.

Video recording is intended to:

- accurately capture statements and events during the course of either custodial or non-custodial questioning;
- enhance the ability to document and review statements and actions for internal reporting requirements and for courtroom preparation and presentation;
- capture video and audio information for use in current and future investigations;
- document acknowledgment of and rigid adherence to suspects' rights and the law;
- allow the questioning process to become part of the investigation's collection of information, rather than simply a means to secure an admission or a confession;
- allow the opportunity to review the process that led to the confession or admission; and,
- preserve the integrity of officers and the investigative process.

II. POLICY

Video recording provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. To maximize the effectiveness of video recording and the integrity of the audio and video documentation, officers assigned the use of video recording devices shall adhere to the operational objectives and protocols outlined in this policy.

III. APPLICABLE CRIMES

Video recording is mandatory for:

- A.) Any custodial questioning of adults (persons 16 years of age or older) for the following violent or serious crimes:

- PL 105.15 – Conspiracy in the Second Degree ("B" Felony)
- PL 105.17 – Conspiracy in the First Degree ("A-I" Felony)
- PL 115.08 – Criminal Facilitation in the First Degree ("B" Felony)
- PL 120.07 – Gang Assault in the First Degree ("B" Felony)
- PL 120.10 – Assault in the First Degree ("B" Felony)
- PL 120.11 – Aggravated Assault Upon a Police Officer or Peace Officer ("B" Felony)
- PL 125.20 – Manslaughter in the First Degree ("B" Felony)
- PL 125.25 – Murder in the Second Degree ("A-1" Felony)
- PL 125.27 – Murder in the First Degree ("A-1" Felony)
- PL 130.35 – Rape in the First Degree ("B" Felony)
- PL 130.50 – Criminal Sexual Act in the First Degree ("B" Felony)
- PL 130.70 – Aggravated Sexual Abuse in the First Degree ("B" Felony)
- PL 130.75 – Course of Sexual Conduct Against a Child in the First Degree ("B" Felony)
- PL 135.20 – Kidnapping in the Second Degree ("B" Felony)
- PL 135.25 – Kidnapping in the First Degree ("A-1" Felony)
- PL 140.30 – Burglary in the First Degree ("B" Felony)
- PL 145.12 – Criminal Mischief in the First Degree ("B" Felony)
- PL 150.15 – Arson in the Second Degree ("B" Felony)
- PL 150.20 – Arson in the First Degree ("A-I" Felony)
- PL 155.42 – Grand Larceny in the First Degree ("B" Felony)
- PL 158.25 – Welfare Fraud in the First Degree ("B" Felony)
- PL 160.15 – Robbery in the First Degree ("B" Felony)
- PL 165.54 – Criminal Possession of Stolen Property in the First Degree ("B")
- PL 176.30 – Insurance Fraud in the First Degree ("B" Felony)
- PL 200.04 – Bribery in the First Degree ("B" Felony)
- PL 200.12 – Bribe Receiving in the First Degree ("B" Felony)
- PL 215.13 – Tampering with a Witness in the First Degree ("B" Felony)
- PL 215.17 – Intimidating a Victim or Witness in the First Degree ("B" Felony)
- PL 220.16 – Criminal Possession of a Controlled Substance in the Third Degree ("B" Felony)
- PL 220.18 – Criminal Possession of a Controlled Substance in the Second Degree ("A-II" Felony)
- PL 220.21 – Criminal Possession of a Controlled Substance in the First Degree ("A-I" Felony)

PL 220.39 – Criminal Sale of a Controlled Substance in the Third Degree ("B" Felony)

PL 220.41 – Criminal Sale of a Controlled Substance in the Second Degree ("A-II" Felony)

PL 220.43 – Criminal Sale of a Controlled Substance in the First Degree ("A-I" Felony)

PL 220.44 – Criminal Sale of a Controlled Substance in or near School Grounds ("B" Felony)

PL 230.32 – Promoting Prostitution in the First Degree ("B" Felony)

PL 265.04 – Criminal Possession of a Dangerous Weapon in the First Degree ("B" Felony)

PL 265.09 – Criminal Use of a Firearm in the First Degree ("B" Felony)

PL 265.13 – Criminal Sale of a Firearm in the First Degree ("B" Felony)

PL 460.20 – Enterprise Corruption ("B" Felony)

PL 470.20 – Money Laundering in the First Degree ("B" Felony)

PL 470.24 – Money Laundering in Support of Terrorism in the First Degree ("B" Felony)

PL 490.35 – Hindering Prosecution of Terrorism in the First Degree ("B" Felony)

PL 490.40 – Criminal Possession of a Chemical Weapon or Biological Weapon in the Second Degree ("B" Felony)

PL 490.45 – Criminal Possession of a Chemical Weapon or Biological Weapon in the First Degree ("A-1" Felony)

PL 490.47 – Criminal Use of a Chemical Weapon or Biological Weapon in the Third Degree ("B" Felony)

PL 490.50 – Criminal Use of a Chemical Weapon or Biological Weapon in the Second Degree ("A-II" Felony)

PL 490.55 – Criminal Use of a Chemical Weapon or Biological Weapon in the First Degree ("A-I" Felony)

B.) Any non-custodial questioning of adults (persons 16 years of age or older), where the individual to be questioned will voluntarily appear at the department for questioning, for the following violent or serious crimes:

PL 105.15 – Conspiracy in the Second Degree ("B" Felony)

PL 105.17 – Conspiracy in the First Degree ("A-I" Felony)

PL 115.08 – Criminal Facilitation in the First Degree ("B" Felony)

PL 120.07 – Gang Assault in the First Degree ("B" Felony)

PL 120.10 – Assault in the First Degree ("B" Felony)

PL 120.11 – Aggravated Assault Upon a Police Officer or Peace Officer ("B" Felony)

PL 125.20 – Manslaughter in the First Degree ("B" Felony)

PL 125.25 – Murder in the Second Degree ("A-1" Felony)

PL 125.27 – Murder in the First Degree ("A-1" Felony)

PL 130.35 – Rape in the First Degree ("B" Felony)
PL 130.50 – Criminal Sexual Act in the First Degree ("B" Felony)
PL 130.70 – Aggravated Sexual Abuse in the First Degree ("B" Felony)
PL 130.75 – Course of Sexual Conduct Against a Child in the First Degree
("B" Felony)
PL 135.20 – Kidnapping in the Second Degree ("B" Felony)
PL 135.25 – Kidnapping in the First Degree ("A-1" Felony)
PL 140.30 – Burglary in the First Degree ("B" Felony)
PL 145.12 – Criminal Mischief in the First Degree ("B" Felony)
PL 150.15 – Arson in the Second Degree ("B" Felony)
PL 150.20 – Arson in the First Degree ("A-I" Felony)
PL 155.42 – Grand Larceny in the First Degree ("B" Felony)
PL 158.25 – Welfare Fraud in the First Degree ("B" Felony)
PL 160.15 – Robbery in the First Degree ("B" Felony)
PL 165.54 – Criminal Possession of Stolen Property in the First Degree ("B")
PL 176.30 – Insurance Fraud in the First Degree ("B" Felony)
PL 200.04 – Bribery in the First Degree ("B" Felony)
PL 200.12 – Bribe Receiving in the First Degree ("B" Felony)
PL 215.13 – Tampering with a Witness in the First Degree ("B" Felony)
PL 215.17 – Intimidating a Victim or Witness in the First Degree ("B" Felony)
PL 220.16 – Criminal Possession of a Controlled Substance in the Third Degree
("B" Felony)
PL 220.18 – Criminal Possession of a Controlled Substance in the Second Degree
("A-II" Felony)
PL 220.21 – Criminal Possession of a Controlled Substance in the First Degree
("A-I" Felony)
PL 220.39 – Criminal Sale of a Controlled Substance in the Third Degree
("B" Felony)
PL 220.41 – Criminal Sale of a Controlled Substance in the Second Degree
("A-II" Felony)
PL 220.43 – Criminal Sale of a Controlled Substance in the First Degree
("A-I" Felony)
PL 220.44 – Criminal Sale of a Controlled Substance in or near School Grounds
("B" Felony)
PL 230.32 – Promoting Prostitution in the First Degree ("B" Felony)
PL 265.04 – Criminal Possession of a Dangerous Weapon in the First Degree
("B" Felony)
PL 265.09 – Criminal Use of a Firearm in the First Degree ("B" Felony)
PL 265.13 – Criminal Sale of a Firearm in the First Degree ("B" Felony)
PL 460.20 – Enterprise Corruption ("B" Felony)
PL 470.20 – Money Laundering in the First Degree ("B" Felony)
PL 470.24 – Money Laundering in Support of Terrorism in the First Degree
("B" Felony)

- PL 490.35 – Hindering Prosecution of Terrorism in the First Degree ("B" Felony)
- PL 490.40 – Criminal Possession of a Chemical Weapon or Biological Weapon in the Second Degree ("B" Felony)
- PL 490.45 – Criminal Possession of a Chemical Weapon or Biological Weapon in the First Degree ("A-1" Felony)
- PL 490.47 – Criminal Use of a Chemical Weapon or Biological Weapon in the Third Degree ("B" Felony)
- PL 490.50 – Criminal Use of a Chemical Weapon or Biological Weapon in the Second Degree ("A-II" Felony)
- PL 490.55 – Criminal Use of a Chemical Weapon or Biological Weapon in the First Degree ("A-I" Felony)

- C.) Any situation or incident that the officer, through training and experience, believes should be video recorded.

IV. EQUIPMENT

A digital format to record suspect statements will be utilized. The suspect's statements are recorded by a digital video recorder (DVR) onto a hard drive. From the DVR hard drive suspects' statements can be replicated onto portable storage media (CD, DVD, etc.).

V. EQUIPMENT ACCESS

To ensure integrity of the system, access to the digital video recorder (DVR) hard drive for purposes of copying, deleting files, etc. is password protected. No unauthorized access is permissible. Access is granted to the appropriate System Administrator. Employees granted access must ensure they log off the system when not in immediate use. The Chief and/or Commander may grant additional limited access based on operational necessity.

VI. PROCEDURES

- A.) Interview Procedures:

- 1.) When possible and practical all custodial and non-custodial questioning for the crimes herein set forth shall be video recorded from beginning to end.
- 2.) Video recording may not be possible in the following circumstances and shall be documented accordingly:
 - in non-custodial circumstances the defendant will not voluntarily

- appear at the department;
- the recording device does not work and there is no other device reasonably available;
- the officer operating the recording device inadvertently fails to operate it properly;
- during the interrogation, the recording device malfunctions without the officer's knowledge; or
- a person makes a statement to law enforcement spontaneously or in response to a routine booking question.

- 3.) The following guidelines shall be strictly followed when video recording a suspect interview:
- a.) Interviews shall take place in the rooms designated and equipped for video recording.
 - b.) Ideally, two investigators/detectives shall be present during the interview process. Exceptions shall depend on the circumstances and/or the requests of the person being interviewed.
 - c.) Before beginning a recording, ensure that the recording device has enough recording space remaining to record a complete interview, or that additional recording space is reasonably available.
 - d.) When using the video recorder, try to position the device to capture the physical images and words of both the questioner and the suspect.
 - e.) Officers shall ensure that the volume from other electronic devices, including police radios, does not interfere with the recordings quality of the recordings.
 - f.) When ready to begin questioning, turn the recording device(s) on at the beginning of the interview while the interviewee is sitting alone in the interview room. The entire interview shall be recorded commencing with the interviewer(s) entering the room. The suspect need not be informed that he/she is being video recorded and the topic of recording should not be discussed with the suspect.
 - g.) At the beginning of a recording, allow the device(s) to record

approximately 10 seconds of blank space in which no speaking occurs. After approximately 10 seconds have elapsed, the interviewer(s) shall self-identify, and identify the case name or number, name of the person being questioned and the date, time, and location of the questioning. Date and time "stamping" of the video recording is encouraged.

- h.) Confirm with the suspect, on the recording, that this is the beginning of the contact.
- i.) If the suspect is in custody, advise the suspect of his *Miranda* warnings. Have the defendant verbally acknowledge understanding of each of his rights and waiver of those rights on the video recording.
- j.) If the defendant is not in custody, have the defendant acknowledge that he is voluntarily attending the interview and that he understands that he has the right to terminate the interview at anytime and leave the department.
- k.) Try to ensure that suspect's statements will be audible and comprehensible on playback. If a suspect makes a statement in a soft voice or does not enunciate clearly, ask the suspect to repeat their statement(s). If a suspect uses slang that might be difficult for a future audience to comprehend, ask the suspect to clarify the statement by using more conventional language.
- l.) If the recording device stops functioning at any point during the interview, wait for an appropriate opportunity to pause the questioning. Determine whether the recording device can be restored. If it cannot be restored, use discretion to determine whether questioning should be continued without recording or whether it should be resumed at a later time.
- m.) Document in writing the time and nature of any irregularities that occur with the recording equipment.
- n.) Recordings shall be continuous and uninterrupted during the interview process. Should the need arise for either the subject or detectives to leave the interview room, recording devices shall continue to operate without interruption. Once the recording has commenced, it **MUST** stay on. During questioning, if the suspect asks for and receives food, drink, cigarettes, access to toilet, etc.,

this should be noted on the recording.

- o.) After the suspect has provided all of the pertinent information, a written statement including a written waiver of the suspects Miranda rights shall be taken. This procedure will also be recorded.
 - 1.) Electronic recording is not a substitute for traditional methods of memorializing interviews. Defendants might not dispute the questioner's version of what occurred during an interview, and some cases might, therefore, be resolved based on written reports alone, thus minimizing the costs of copying or transcribing recordings.
 - 2.) Written statements are important because they can provide clear and concise evidence of guilt. Statements also tend to demonstrate that incriminating statements were made voluntarily. It is not necessary for written statements to include all the details of an interview. It is sufficient to summarize the relevant portions.
- p.) When custodial questioning is complete, state your name, case name or number, names of the person being interviewed or questioned and the date, time and location of the questioning.
- q.) Video recorded statements are recorded to a secure system. Once an investigator has completed a video recorded interview, it will be his / her responsibility to notify the appropriate System Administrator who will then make an original copy from the hard drive. Once the original DVD is made, the following steps will be utilized by the System Administrator to ensure the security of the original DVD.
 - 1.) Write directly on the DVD for identification purposes the name and initials of the system administrator, case name or number, the name(s) of the officers doing the questioning, the name of the person being questioned, and the date, time, and location of the questioning.
 - 2.) Place the DVD in a plastic storage case and enter the information in the department's video logbook.
 - 3.) Safeguard and document the chain of custody and submit

the DVD to the evidence custodian(s) accordingly.

4.) Duplications of the original DVD shall only be made by the System Administrator.

r.) In order to support investigation and future prosecution, write a report summarizing what occurred during questioning.

s.) Notice **ABSOLUTELY MUST** be given to the prosecution about the existence of the video recorded statement, so that the prosecution can provide adequate notice under CPL Section 710.30. **Failure to so notify the prosecution of the recorded interview could result in a court ruling prohibiting the use of the defendant's statements.**

t.) A copy of the interview (DVD) shall be made for the District Attorney.

B.) Equipment maintenance

1.) It is the responsibility of this department to ensure the audio and video recording equipment is available and properly set up.

2.) Personnel are responsible for inspection and general maintenance of the equipment assigned.

3.) Malfunctions, damage or theft of equipment shall be reported to the immediate supervisor promptly if recording equipment fails or malfunctions, a subsequent written report is required and shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.

C.) Reports

1.) To help ensure accuracy and consistency of accounts, officers shall review recordings when preparing written reports of events.

D.) Duplication/dissemination/destruction of recorded media:

1.) All recording media, recorded images and audio recordings are the property of this department.

2.) Unofficial or unauthorized dissemination outside of the department is

strictly prohibited.

- 3.) To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department.
- 4.) When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
- 5.) At the conclusion of any trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted for retention and storage.
- 6.) Officers shall not erase, destroy, alter, reuse, modify or tamper with any recordings whether they are located on the digital video recorder (DVR) hard drive or on portable storage media (CD, DVD, Flash Card, etc.). Only a supervisor or system administrator may erase previously captured recordings in accordance with the laws, rules, and procedures applicable to the handling of evidence in all criminal cases.

Dated: _____

Chief/Commanding Officer

Appendix B

GMS Registration Form

GMS Signatory Registration Form

Helpful Hints for GMS

Final Checklist



NYS Division of Criminal Justice Services
Alfred E. Smith Building
80 S. Swan Street
Albany, NY 12210
Phone: (518) 457-8462
<http://criminaljustice.ny.gov>

Office of Program Development and Funding

GMS USER REGISTRATION

In order to complete grant applications online to DCJS, your agency must register with the GMS system. Do so by submitting this Registration Request form – and the attached IRS W-9 form – via email attachment to dcjsfunding@dcjs.ny.gov. When your request has been processed, you will be sent a username and instructions. Please download the GMS User Manual at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Please allow 3-5 business days for your Registration Request to be processed.

Registrant Information (all fields are required):

Agency:

EIN (Tax ID#):

Registrant:

Title:

Address:

Address2: (if applicable)

City/State:

Zip:

Email:

Phone: (Ex.: (555) 111-1111)

DCJS #s of Current Grants (if applicable):

NOTE: You must also complete IRS form W-9, Request for Taxpayer Identification Number and Certification, in order for your registration to be processed. Faxed signatures are acceptable. Download the form at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>. Fax to (518) 457-1186. Indicate here that form W-9 has been completed and faxed:



NYS Division of Criminal Justice Services
Alfred E. Smith Building
80 S., Swan Street
Albany, NY 12210
Phone: (518) 457-8462
<http://criminaljustice.ny.gov>

Office of Program Development and Funding

GMS SIGNATORY REGISTRATION

In order to complete grant applications online to DCJS, your agency must register with the GMS system. Do so by submitting this Registration Request form via email attachment to funding@dcjs.ny.gov. When your request has been processed, you will be sent a username and instructions. Please download the GMS User Manual at: <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Please allow 3-5 business days for your Registration Request to be processed.

Registrant Information (all fields are required):

Agency:

EIN (Tax ID#):

Authorized Signing Official:

Title:

Address:

Address2: (if applicable)

City/State:

Zip:

Email:

Phone: (Ex.: (555) 111-1111)

Basis for signing authority (Ex., executive officer, authorized by municipal charter, e.g.)

DCJS #s of Current Grants (if applicable):

NOTE: If your agency has not yet submitted IRS form W-9, Request for Taxpayer Identification Number and Certification, you will be required to do so. Download the form at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Helpful Hints

First time GMS users should download the GMS User Manual located at <http://www.criminaljustice.ny.gov/ofpa/gms.htm>.

Persons familiar with NYS-DCJS GMS can use the following as a simplified guideline.

The following instructions apply **ONLY** to the Video Recording of Statements Equipment Grants applications as previously described.

Sign on to GMS.

Go to project grid. Click the “*New*” button at the top of the project grid.

This will take you to a screen that says “Select a Program Office” in a drop-down box format. Find and highlight “*Video Recording of Statements Equipment Grant*”.

Then click “*Create Project*”. (Note: The resulting project will start with ST13)

In the newly created project, complete following modules:

> **General**

Complete the text screens and press save.

> **Participants/Contacts**

Click on “**Add Participant**” and in the search prompt that appears type in your agency name. This should take you to a list, find your agency, click in the blue section of your agency name. This will prompt a drop down list that defaults to “Grantee”. Click Add.

Click on “**Add Contact**” and in the search prompt that appears type in the last name of the person to be added. This should take you to a list, find the person to be added and click in the blue section of the name. This will prompt a drop down list that defaults to “Primary”. Ensure you do this until you have added a **minimum of Primary, Signatory and Fiscal contacts**.

Note: If the signatory you try to add is not eSignature registered, you will get an error message and will not be allowed to add that person at that time. You will NOT be able to submit the application without a signatory attached.

> **Budget**

Click “Create a budget version” for your agency (grantee). There is no match requirement for this program. (Note: Advance Requests will not be entertained for any Video Recording of Statements Equipment application).

> Work Plan

Fill in the “Project Goal text box and click “*Save.*”

Click “*Create New Objective*” and fill in the text box and click “*Save*”

Click “*Add Task to this Objective*” and fill in the text box and click “*Save*” (**Note:** This can be repeated, as needed, for multiple tasks.)

Click “*Add Performance Measure to this Task*” and fill in the text box and click “*Save*” (**Note:** This can be repeated, as needed, for multiple performance Measures.)

> Questions

Refer to RFA Section IV (“Award Methodology”) for specific questions to be completed using the GMS Questions module.

Go to the Questions tab and respond to questions #1-4. Click in the blue section of the question which will take you to an answer box in which you will enter your response for each question.

When submitting responses to questions using a separate attachment, enter “See Attached” in your response to each question and follow the instructions for using the GMS Attachment module provided below. Please be sure to reference each question in your attached response (Ex. #1, #2, etc.).

Hint: You should work in a word processing document for any long answers. DCJS-GMS will time out after 30 minutes and you will lose any unsaved material. Cutting and pasting from a word processing software document will prevent you from losing any work in this manner.

Applicants should use the program workplan contained in Appendix A to complete the workplan section of the GMS application

> Acceptance

Click in the blue lettering anywhere under “*Assurances*”.

This will bring you to a list of Certified Assurances. Read the assurances carefully and at the bottom of the list (if they are acceptable), click the “*Certify*” button. This will automatically fill in the “Certified by” and “Certified Date” fields, as GMS will recognize the user based upon user name and password when signing on to GMS.

> Attachments

For the *required* vendor quote (See Section IV, “Award Methodology”) GMS will accept this as an uploaded attachment. You may click on “*Attachment*” (and upload it there). **Note:** Follow the instructions in the GMS Users Manual for Attachments.

When you have completed all of the above requirements, click the “*Submit*” button.

FINAL CHECKLIST

Before sending your application, make sure that you have:

- Responded to Questions #1-4. (GMS will not permit you to submit an application without making entries for all three questions.)
- Completed the Budget and Work Plan sections.
- Attached a copy of the required vendor quote(s) for each participating agency/location. (GMS will not permit you to submit an application without making an attachment).
- Certified all applicable Certified Assurances and Certifications.
- Completed and attached the Local Assistance M/WBE Equal Employment Opportunity Staffing Plan and the Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form as instructed in Section V and RFA Appendix C.

**The application must be submitted online via the
NYSDCJS GMS no later than 3:00 p.m. on Friday, August 30, 2013**

Appendix C

Contractor Requirements and Procedures for Business Participation Opportunities for
NYS Certified Minority and Women-Owned Business Enterprises and Equal Employment
Opportunities for Minority Group Members and Women

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NYS CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A, DCJS recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DCJS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DCJS establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Equal Employment Opportunity Requirements

Pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DCJS hereby establishes an overall goal of 20% for MWBE participation, 14% for Minority-Owned Business Enterprises ("MBE") participation and 6% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DCJS may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

Contractors shall attempt to utilize, in good faith, any MBE or WBE identified within its Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DCJS. For guidance on how DCJS will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8. Contractors must document "good faith efforts" to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract. Criteria for demonstrating “good faith efforts” include but are not limited to any of the following and should be maintained by the contractor for audit purposes:

1. A completed, acceptable Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form
2. Copies of relevant plans provided to MWBEs specifying terms and conditions of contract
3. Copies of advertisements for solicitations which should be placed in appropriate general circulation, trade and minority & women oriented publications
4. Written solicitations made to certified MWBEs listed in the directory
5. Documented evidence that the contractor has contacted all MWBE’s who have expressed interest

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DCJS may withhold payment from the Contractor as liquidated damages and/or provide for other appropriate remedies. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a bidder on the Contract (“Bidder”) agrees to submit the following documents and information as evidence of compliance. These forms may be found on the DCJS public website at <http://www.criminaljustice.ny.gov/ofpa/forms.htm>.

Document Type	Planning Document and Instructions	Reporting Document and Instructions
Staffing Documents	Submit <i>Local Assistance MWBE Equal Employment Opportunity Staffing Plan</i> with application	Submit <i>Local Assistance MWBE Workforce Employment Utilization Report</i> with final claim
Subcontractor Utilization Documents	Submit <i>Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form</i> with application	Submit appropriate <i>Detailed Itemization Forms</i> quarterly, with claim

DCJS will review the submitted Local Assistance MWBE Equal Employment Opportunity Staffing Plan and the Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form and advise the Bidder of DCJS acceptance once an award determination is made.

If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within (7) seven business days of receipt, by submitting a written remedy in response to the notice of deficiency, via mail to DCJS, 80 S. Swan St., Albany, NY 12210 or by facsimile to (518) 457-1186. If the written remedy that is submitted is not timely or is found by DCJS to be inadequate, DCJS shall notify the Bidder and direct the Bidder to submit within (5) five business days a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

DCJS may disqualify a Bidder as being non-responsive under the following circumstances:

- a). If a Bidder fails to submit a Local Assistance MWBE Equal Employment Opportunity Staffing Plan;
- b). If a Bidder fails to submit a Local Assistance MWBE Subcontractor/Supplier Utilization Proposal
- c). Form;
- d). If a Bidder fails to submit a written remedy to a notice of deficiency; or
- e). If DCJS determines that the Bidder has failed to document good faith efforts.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.