



**STATE OF VERMONT**  
JOINT FISCAL OFFICE

**MEMORANDUM**

To: Senate Appropriations Committee Members  
From: Daniel Dickerson, Fiscal Analyst  
Date: February 6, 2015  
Subject: Grant Request #2738, #2739, #2740, #2741, #2742, #2743

You are receiving these requests because a new Joint Fiscal Committee has not yet been named for this biennium. Enclosed please find six (6) items that the Joint Fiscal Office has received from the administration. Two (2) limited-service positions are associated with these requests.

**JFO #2738** – One (1) limited-service position within the Department of Public Safety to provide maintenance and repair services for all transmitting/receiving equipment, lifeline voting systems, the C3 Maestro IP radio consoles installed at the State Public Safety Answering Points (PSAPs) and testing equipment, all in support of the SOV Lifeline.

*[JFO received 2/5/15]*

**JFO #2739** – \$166,000 grant from the Reclaiming Futures National Program Office at Portland State University, Oregon. The grant is to the Vermont Court Diversion Program through the Attorney General's Office. These funds will be used to improve the juvenile justice system in Vermont through the use of substance abuse and mental health screening and assessment and SBIRT (Screening, Brief Intervention, and Referral to Treatment). The funds will support contracts, training, and operational costs associated with the implementation of the project plans.

*[JFO received 2/5/15]*

**JFO #2740** – \$15,000 grant from the Falconwood Foundation Inc. to the Vermont Department of Finance and Management. These funds will cover a portion of the costs associated with implementation and administration of the new law that requires labeling of food produced from genetic engineering. The donated funds will be deposited in the Vermont Food Fight Fund.

*[JFO received 2/5/15]*

**JFO #2741** – \$25,000 grant from the Cropp Cooperative, Inc. Organic Valley to the Vermont Department of Finance and Management. These funds will cover a portion of the costs associated with implementation and administration of the new law that requires labeling of food produced from genetic engineering. The donated funds will be deposited in the Vermont Food Fight Fund.

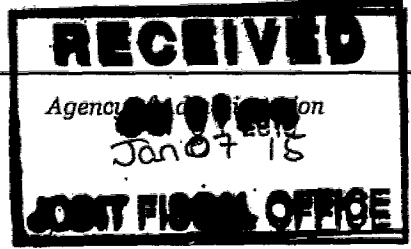
*[JFO received 2/5/15]*

**JFO #2742** – \$21,593 grant from the Department of Justice Office of Justice Programs to the Vermont Department of Public Safety. These funds will be used for planning, training and education for all agencies responsible for safeguarding communities and preventing prison rape. [*JFO received 1/7/15*]

**JFO #2743** – One (1) limited-service position within the Department of Health to be funded from the Environmental Public Health Tracking Grant, originally approved by the Joint Fiscal Committee in 2009. The title of the position will be Epidemiologist IV and will provide capacity to conduct analysis of epidemiological data and perform outreach efforts.

Please review the enclosed materials and notify the Joint Fiscal Office (Daniel Dickerson at (802) 828-2472; [ddickerson@leg.state.vt.us](mailto:ddickerson@leg.state.vt.us)) if you have questions.

JFO 2742



State of Vermont  
Department of Finance & Management  
109 State Street, Pavilion Building  
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STATE OF VERMONT  
FINANCE & MANAGEMENT GRANT REVIEW FORM

<b>Grant Summary:</b>	Federal funding to support planning, training and education about the federal Prison Rape Elimination Act (PREA).				
<b>Date:</b>	12/23/2014				
<b>Department:</b>	Department of Public Safety				
<b>Legal Title of Grant:</b>	Prison Rape Elimination Act (PREA) Reallocation Funds				
<b>Federal Catalog #:</b>	16,751				
<b>Grant/Donor Name and Address:</b>	Office of Justice Programs				
<b>Grant Period:</b>	From: 10/1/2014		To: 6/30/2015		
<b>Grant/Donation</b>	\$21,593				
	<b>SFY 1</b>	<b>SFY 2</b>	<b>SFY 3</b>	<b>Total</b>	<b>Comments</b>
<b>Grant Amount:</b>	\$21,593	\$ .	\$	\$21,593	

<b>Position Information:</b>	<b># Positions</b>	<b>Explanation/Comments</b>
	0	

**Additional Comments:** Grant requires no matching state or local funds. Financial penalties for Vermont's non-compliance with the federal Sexual Offender Registration and Notification Act (SORNA) have been made available for this alternate purpose.

<b>Has Vantage budget detail been reviewed and reconciled?</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	(Analyst Initial)
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<b>Department of Finance &amp; Management</b>	<i>[Signature]</i>	(Initial) <b>DB</b>
<b>Secretary of Administration</b>	<i>[Signature]</i>	(Initial)
<b>Sent To Joint Fiscal Office</b>	<i>1/5/15</i>	Date



**STATE OF VERMONT REQUEST FOR GRANT (\*) ACCEPTANCE (Form AA-1)**

**BASIC GRANT INFORMATION**

<b>1. Agency:</b>	
<b>2. Department:</b>	Public Safety
<b>3. Program:</b>	Vermont State Police
<b>4. Legal Title of Grant:</b>	Prison Rape Elimination Act (PREA) Reallocation Funds
<b>5. Federal Catalog #:</b>	16.751
<b>6. Grant/Donor Name and Address:</b>	Office of Justice Programs Prison Rape Elimination Act (PREA) Reallocation Funds Washington, DC 20531
<b>7. Grant Period:</b>	<b>From:</b> 10/1/2014 <b>To:</b> 9/30/2015
<b>8. Purpose of Grant:</b>	Planning, training and education regarding PREA compliance to all stakeholders in Vermont.
<b>9. Impact on existing program if grant is not Accepted:</b>	DPS will not be compliant with the provisions of PREA.

**BUDGET INFORMATION**

	SFY 1	SFY 2	SFY 3	Comments
	FY 15	FY	FY	
<b>Expenditures:</b>				
Personal Services	\$	\$	\$	
Operating Expenses	\$	\$	\$	
Grants	\$21,593	\$	\$	
<b>Total</b>	\$	\$	\$	
<b>Revenues:</b>				
State Funds:	\$	\$	\$	
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:	\$21,593	\$	\$	
(Direct Costs)	\$	\$	\$	
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source )	\$	\$	\$	
<b>Total</b>	\$21,593	\$	\$	

<b>Appropriation No:</b>	2140010000	<b>Amount:</b>	\$21,593
			\$
			\$
			\$
			\$
			\$
			\$

**STATE OF VERMONT REQUEST FOR GRANT (\*) ACCEPTANCE (Form AA-1)**

		<b>Total</b> \$21,593
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Has current fiscal year budget detail been entered into Vantage?  Yes  No, 4897

**PERSONAL SERVICE INFORMATION**

11. Will monies from this grant be used to fund one or more Personal Service Contracts?  Yes  No  
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: \_\_\_\_\_ Agreed by: \_\_\_\_\_ (initial)

12. Limited Service Position Information:	# Positions	Title
<b>Total Positions</b>		

12a. Equipment and space for these positions:  Is presently available.  Can be obtained with available funds.

**13. AUTHORIZATION AGENCY/DEPARTMENT**

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: <i>[Signature]</i>	Date: 12/18/14
	Title: Commissioner/Deputy Commissioner	
	Signature: _____	Date: _____
	Title: _____	

**14. SECRETARY OF ADMINISTRATION**

<input checked="" type="checkbox"/>	Approved:	(Secretary or designee signature) <i>[Signature]</i>	Date: 12/29/14
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**15. ACTION BY GOVERNOR**

<input checked="" type="checkbox"/>	Check One Box: Accepted	(Governor's signature) <i>[Signature]</i>	Date: 1/2/15
<input type="checkbox"/>	Rejected		

**16. DOCUMENTATION REQUIRED**

Required GRANT Documentation	
<input type="checkbox"/> Request Memo <input type="checkbox"/> Dept. project approval (if applicable) <input type="checkbox"/> Notice of Award <input type="checkbox"/> Grant Agreement <input type="checkbox"/> Grant Budget	<input type="checkbox"/> Notice of Donation (if any) <input type="checkbox"/> Grant (Project) Timeline (if applicable) <input type="checkbox"/> Request for Extension (if applicable) <input type="checkbox"/> Form AA-1PN attached (if applicable)

**and Form AA-1**

(\*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5).



**State of Vermont  
Department of Public Safety  
Grants Management Unit  
103 South Main Street  
Waterbury, VT 05671**

**December 12, 2014**

**To: David Beatty, Finance & Management Budget Analyst**

**From: Sara J. Small, Grants Management Specialist**

**Re: AA-1 for sub award agreement with Federal Grant Award #2014-XT-BX-0025 – Prison Rape Elimination Act (PREA) Reallocation Funds**

I have prepared the AA-1 grant acceptance form for the PREA grant that has been awarded to the Department of Public Safety. These grant funds will be used for planning, training and education for all agencies responsible for safeguarding communities and preventing prison rape.

Please let me know if you have any additional questions.

Thank you,

A handwritten signature in black ink that reads "Sara J. Small". The signature is written in a cursive style with a large initial 'S'.

Sara J. Small  
Grants Management Specialist  
Vermont Department of Public Safety  
DPS Grants Unit  
103 S. Main Street  
Waterbury, VT 05671-2101  
Sara.Small@state.vt.us  
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Cc: Erin Lawrence  
Richard Hallenbeck

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## **Program Narrative For:**

### **2014 PRISION RAPE ELIMINATION ACT (PREA) REALLOCATION FUNDS**

#### **A. Statement of the Problem**

This assistance will be used for planning, training and education for all agencies responsible for safeguarding communities and preventing prison rape. The Vermont Department of Public Safety (DPS) will collaborate with the Vermont Department of Corrections (DOC) regarding the planning, training and education of the reallocated Edward Byrne Memorial Grant (JAG) Program monies towards the Prison Rape Elimination Act of 2003 (PREA) compliance for the state of Vermont. The focus and bulk of the resources will be used to cross inform and train each agency in their respective roles with PREA incidents. DOC will work with DPS in planning statewide stakeholder summits, workshops and/or seminars in order to meet the learning and leadership out comes necessary for all agencies regarding PREA compliance.

#### **B. Project Goals and Objectives**

Reallocated funds will be used to assist Vermont's PREA duties and requirements as they relate to PREA compliance. It has been determined that planning, training and education regarding PREA to all stakeholders in Vermont is first and foremost necessary towards reaching PREA compliance. In order to reach these goals and objectives the stakeholders in Vermont need to be made aware of the goals of PREA regarding prevention, detection, reduction, and punishment of those responsible for committing sexual abuse in Vermont confinement facilities. DOC will be responsible state agency for the planning and implementing of PREA training and education for all of Vermont's stakeholders. Note: it has been determined that the key stakeholders in Vermont are but are not limited to: the Vermont Department of Corrections, Vermont Agency of Human Services Investigations Unit, Vermont Department of Public Safety and the Vermont State's Attorneys. DPS will contract the entire amount of PREA reallocated funds (if awarded) to DOC and the monies will be used for all PREA compliance related expenses in regards to training and education of all Vermont's stakeholders.

There are many expenses incurred in order to host summits, workshops and/or seminars some of the anticipated expenses include but are not limited to;

- salary and benefits for DOC employees working on PREA (planning/training/education)
- travel (mileage, hotel, etc. – per VT State policy)
- supplies (training and education materials)
- contractual expenses (meeting room rentals, guest speakers, audio video expenses, etc.)

The following list of topics (by PREA standards) are what is proposed for training and educational summits, workshops and/or seminars for all key stakeholders in Vermont:

**Policies to ensure referrals of allegations for investigations**

- The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.
- If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.
- Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.
- Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

**Objective: Documentation of Roles and Responsibility**

- Review mutual policy regarding the criminal investigations of institutional sexual abuse and sexual assault.



### **Specialized training: Investigations**

- In addition to the general training provided to all employees pursuant to § 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

### **Objective: Host a Joint Specialized Investigations Training**

Training to be provided by a selected bidder (RFP), topics to include:

- ❖ PREA refresher and overview of the PREA investigative standards
- ❖ Overview of state doc investigative policies and procedures - state staff
- ❖ Foundations for a successful investigation
- ❖ First responder responsibilities
- ❖ Initial interview
- ❖ Medical-legal response to sexual assault
- ❖ Corrections culture and boundary issues
- ❖ Legal overview including Miranda and Garrity issues
- ❖ Interviewing
- ❖ Report writing
- ❖ Prosecution issues

### **Criminal and administrative agency investigations**

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.
- Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

#### **Administrative investigations:**

- Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

- Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**Disciplinary sanctions for staff**

- Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

**Objectives:**

- Document roles and responsibilities for criminal investigations of institutional sexual abuse and sexual assault.

**Reporting to inmates**

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:
  - The staff member is no longer posted within the inmate's unit;
  - The staff member is no longer employed at the facility;

- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever
- The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented.
- An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

Objectives:

- Document roles and responsibilities for criminal investigations of institutional sexual abuse and sexual assault.

**Corrective action for contractors and volunteers**

- Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Objectives:

- Include in mutual policy roles and responsibilities documentation for criminal investigations of institutional sexual abuse and sexual assault.