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TO: Members of the House Judiciary Committee
FROM: Jennifer Poehlmann, J.D.
Executive Director, Vermont Center for Crime Victim Services
RE: Miscellaneous Judiciary Bill: Sec. 5. 13 V.S.A. § 3281
DATE: February 28, 2024

STOP BONUS INCENTIVE

The Department of Justice's Office on Violence Against Women is offering a 10% incentive on the state's STOP (Services, Training, Officers, and Prosecution) formula grant program. STOP provides funding to law enforcement, prosecution, victim advocacy and the courts, to foster interdisciplinary collaboration and promote innovative practices in responding to crimes of domestic violence, sexual assault, and stalking.

This incentive is pursuant to section 5903 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, which explains that states can receive an increase in STOP Program funds, equal to ten percent of the average of the state grant over the past three years, if they have a law in effect that provides sexual assault survivors the rights, at a minimum, under 18 U.S.C. § 3772. The applicable rights are the same as those already in Vermont statute, except for the line that the sexual assault survivor has the right to **"be informed of the status and location of a sexual assault evidence collection kit."** The federal requirement, and the state statutes are included at the end of this document. Our understanding is that all the sexual assault evidence kits in Vermont are stored at the State Laboratory in Waterbury, which is very different from other states.

Including this line within the Sexual Assault Survivors Bill of Rights would enable the state to gain an additional \$83,000 bonus on this grant program, per year, for the next four years. That's \$332,000 over four years. This will be a tremendous help in stabilizing this funding stream. The timing could not be more perfect as the Center is about to release a competitive application for subgrants commencing July 1, for the state fiscal year 2025. These grants are to be renewed, non-competitively, for four years. And this will enable the programs to keep up with inflation and boost incentives to apply. This grant, like so many of the Center's programs, has been level funded for a decade. This results in a significant erosion of the amount of time STOP funded positions can dedicate to this work.

The STOP grant is currently supporting programs such as the Multidisciplinary Interview and Training Center (MITC) in Windsor County, that provides interviews to survivors of gender-based violence in Windsor County and builds capacity for effective law enforcement response by increasing capacity and expertise statewide. This program has trained dozens of professionals statewide in obtaining certification in Forensic Experiential Interviewing which focuses on the neurobiology of trauma. This improves the



interactions between law enforcement and victims, creates a safe, therapeutic, and comfortable environment for the victims and witnesses. It helps law enforcement to better understand how trauma affects memory and recall and allows for better quality information for the case.

The STOP grant also supports multidisciplinary teams in Chittenden, Caledonia, Orleans, Addison, and Rutland. The STOP program prioritizes supporting racial equity and support for underserved communities, by providing grants to SafeSpace at the Pride Center, the Association of Africans Living in Vermont, Disability Rights Vermont and the Maquam Bay of Missisquoi, Inc.

Vermont's Statute:

Title 13 : Crimes and Criminal Procedure
Chapter 072 : Sexual Assault
Subchapter 002 : Sentencing, Treatment, And Supervision
(Cite as: 13 V.S.A. § 3281)

§ 3281. Sexual assault survivors' rights

(a) Short title. This section may be cited as the "Bill of Rights for Sexual Assault Survivors."

(b) Definition. As used in this section, "sexual assault survivor" means a person who is a victim of an alleged sexual offense.

(c) Survivors' rights. When a sexual assault survivor makes a verbal or written report to a law enforcement officer, emergency department, sexual assault nurse examiner, or victim's advocate of an alleged sexual offense, the recipient of the report shall provide written notification to the survivor that he or she has the following rights:

(1) The right to receive a medical forensic examination and any related toxicology testing at no cost to the survivor in accordance with 32 V.S.A. § 1407, irrespective of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, he or she shall have the following additional rights:

(A) the right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection;

(B) the right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations;

(C) the right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit;

(D) the right to be informed of a DNA profile match on a kit reported to law enforcement or on a confidential kit, on a toxicology report, or on a medical record documenting a medical forensic examination, if the disclosure would not impede or compromise an ongoing investigation; and

(E) upon written request from the survivor, the right to:

(i) receive written notification from the appropriate official with custody not later than 60 days before the date of the kit's intended destruction or disposal; and

(ii) be granted further preservation of the kit or its probative contents.

(2) The right to consult with a sexual assault advocate.

(3) The right to information concerning the availability of protective orders and policies related to the enforcement of protective orders.

(4) The right to information about the availability of, and eligibility for, victim compensation and restitution.

(5) The right to information about confidentiality.

(d) Notification protocols. The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner Program, in consultation with other parties referred to in this section, shall develop protocols and written materials to assist all responsible entities in providing notification to victims. (Added 2017, No. 44, § 4.)

As required by OVW:

Sexual Assault Survivors Bill of Rights

This is **STOP Program** incentive funding for states and territories whose laws provide certain rights for sexual assault survivors. This incentive funding, which will be implemented in a manner similar to Rape Survivor Child Custody Act (RSCCA) funding, will be available to qualifying states in FY 2023.

Pursuant to section 5903 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, states can receive an increase in STOP Program funds if they have a law in effect that provides to sexual assault survivors the rights, at a minimum, under 18 U.S.C. § 3772. The applicable rights are:

(1) The right not to be prevented from, or charged for, receiving a medical forensic examination.

(2) The right to—

(A) subject to paragraph (3), have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(B) be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination,

- if such disclosure would not impede or compromise an ongoing investigation;
- (C) be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit; and
- (D) be informed of the status and location of a sexual assault evidence collection kit.

(3) The right to—

- (A) upon written request, receive written notification from the appropriate official with custody not later than 60 days before the date of the intended destruction or disposal; and
- (B) upon written request, be granted further preservation of the kit or its probative contents.

(4) The right to be informed of all these enumerated rights.