

Public Safety Modernization Strategy - Updated 01-31-2020 V.2

Budget Stabilization -> State Asset Modernization -> State Support for PS Modernization -> CJ System Modernization

Background

For more than 50 years there have been explorations of consolidating and modernizing State public safety assets and operations. The reports and studies have encouraged policy makers to unify our efforts and simplify organization and delivery mechanisms. As the cost and complexity of the criminal justice system, fire prevention and response, law enforcement operations, special teams, emergency management, communications, training, and other components of 21st century public safety have increased, our fragmented approach delivers good service to Vermonters. That level of service, and value for our investment, could be enhanced across the board by a more mindful and approach to delivering and supporting an integrated suite of public safety services and supports and modernization of our criminal justice delivery system.

More than 22 reports and statutory drafts that were readily available, dating back to 1969, were reviewed in drafting this strategy. Fourteen (14) reports related to consolidation and organization of overall public safety (primarily law enforcement) assets. Four (4) related to dispatch consolidation. The consistent themes include recommendations for consolidation and streamlining organization of state and local agencies and units. Copies of these reports and a brief synopsis of the known reports is available on request.

Introduction

This outline provides an array of options to organize State public safety assets and operations (Section A), a roadmap for the future delivery of State assets that support partner organizations (Section B), and a model for modernization of criminal justice system delivery (Section C). Taken together, these create a foundation for near and long-term planning, system modernization, and a roadmap for future investments.

These plans are designed as viewed through these decision-making lenses.

1. Delivering the best public safety service(s) to Vermonters
2. Modernizing public safety operations, training, and service delivery
3. Simplification of operations to produce consistent, reproducible results
4. Efficiency and affordability

5 priorities to enable and support modernization (2019-2021)

These near-term priorities have been identified. They provide a foundation and building blocks for the next stages of public safety and criminal justice system modernization and include:

1. Simplify organization of assets and service delivery to provide more unified mechanisms support enhancements to other components of the systems. (Section A)

2. Enhance and modernize training to support ever-increasing complexity in the operating environment. (Section A)
3. Develop a modern foundation for criminal justice data collection and analysis that can better inform resource deployment and assessment of outcomes. (Section A & B)
4. Develop and standardize statewide alternative justice “off ramps.” Embed social workers trained in mental health and substance abuse intervention with first responders. (Section C)
5. Modernize statewide Department of Corrections facilities to reduce facility operating cost and enable reinvestment in programming.

Section A - Organization of State assets and operations

Summary

This outline lays the foundation for the creation of the Agency of Public Safety. Only components that relate to emergency operations (except Emergency Medical Services), emergency operations support, and criminal investigation are contemplated in this assessment.

The new agency would incorporate:

- current components of the Department of Public Safety;
- emergency services communications;
- fire service and law enforcement training;
- state law enforcement operations; and
- emergency services and investigatory support service assets

Not contemplated in this proposal is incorporation of:

- Emergency Medical Services (because of the direct connection to healthcare delivery and physician licensing).
- Regulatory (non-criminal) enforcement assets such as Secretary of State investigators, medical malpractice board, etc.
- Vermont Department of Corrections
- State’s Attorneys & Sheriffs

DRAFT Organizational Structure

Outlined below is a draft structure for an Agency of Public Safety. This draft works from an initial outline proposed by legislators in S.198 and a number of prior studies (at least 6 that are known) and reports on this topic, some dating back decades (the first known study was conducted in 1969). This outline makes alterations to the frameworks provided historically in an effort to minimize additional staff overhead during transition and simplify operations under easily identifiable sub-units. The model also seeks minimal disruption of essential functions of government.

Agency of Public Safety - Secretary

Dept. of Fire Safety (Comm.)

Inspection Division
Investigation Unit
Prevention & Safety Unit
Technical Response Unit
-HazMat Team
-USAR/Swift Water Team

Dept. of Law Enforcement (Comm.)

Capitol Police – Chief
Fish & Wildlife Enforcement – Col.
Liquor Enforcement – Chief
Motor Vehicle Enforcement – Col.
(Special Investigation Units)
VT State Police – Col.

Support Services (Dep. Sec.)

Administrative Division
Communications Division
-E911
-PASPs
- Radio Technology Unit
Emergency Management Div.
Data Analysis Unit
Fleet Services Division
Forensic Lab Division
Training Division
-VCJTC
-FSTC
-Training Facility
VT Crime Information Center
-Sex Offender Registry

Operational Notes

This plan does not propose to unify law enforcement operations under a single entity. There are five distinct divisions of law enforcement in existence today. They remain proposed here, though organized within a single agency. Co-locating them within a single agency will enhance their relationship to one and other and make the whole more effective. Sharing assets, facilities, specialized vehicles, technology, and support services will lead to better shared workflows, and some long-term cost savings. Not proposed, is a merging of pay structures as no operational or job description changes are contemplated and, more importantly, pay structures are governed by collective bargaining and a classification system.

Law enforcement entities that currently provide support to other functions of State government, such as the Department of Fish & Wildlife, would maintain those support functions both near and long term. Continuing to memorialize these roles in statute will be an important component of this effort.

The role the Criminal Justice Training Council as a guiding entity for training and training policy development would remain, though without the need to directly supervise the Director day-to-day or craft the budget.

Similarly, the role of the 911 Board would remain the policy arm of 911 communications as well as becoming advisory to the Agency of Public Safety as the supervising organization.

Benefits

The benefits of modernizing our approach to public safety, and to delivery of government more broadly, include but are not limited to (additional commentary is possible for each of these categories):

1. Administrative savings over time. Consolidation of some support functions, including a range of cost centers ranging from support personnel to facilities, vehicles, information technology systems, and equipment will likely result in medium to long term cost savings and/or flattening of cost increases in these areas.
2. Enhanced effectiveness of targeted areas for improvement. Coordinated operations (e.g. motor vehicle, alcohol, other enforcement initiatives, training, and operational modernization such as fair and impartial policing or justice system modernization) coordinated across multiple units within one span of control will create faster, more robust results. Additionally, as budgets continue to tighten over time, efficiencies will assist in maintaining critical staffing levels for each area of operation.
3. Decreasing, with an eye toward eliminating, redundancy, complexity, and duplicate costs through more mindful and robust sharing of facilities, equipment, infrastructure, and technology creating cost savings and operational efficiencies and cost savings over time.
4. Reduction in complexity / simplification of field operations strategy to better inform and contribute to other, upstream, components of the criminal justice system. Having a single entity feeding information and coordinating strategy with prosecutors, corrections, and Courts will yield a variety of efficiencies - some known and others unknown.
5. Increased collaboration or the inverse, reduction in collaboration and operational variations caused by changes in leadership across multiple organizations the entities currently reside within.
6. Accelerating the modernization of technology, data driven decision-making, training, and operations by providing a more unified focus on improving service delivery across all public safety.
7. Elevating the entirety of public safety operations, and budget construction, to a cabinet level within State government.
8. Perhaps most important - providing easier access to services for Vermonters through unified communication systems, technology assets, and – eventually – single points of access for public safety services.

Section B - Organization of State support assets for partner agencies

Over the past two decades as technology has evolved, State support of public safety operations outside of State government has grown in a fragmented and inconsistent way. For example, some public safety organizations receive dispatching services while others pay for services elsewhere.

Information technology support has also grown in an inefficient and sometimes haphazard way.

Technology services are provided using a variety of differing cost models, some that do not recover the full cost of providing those services creating a scenario where the state is subsidizing IT costs for some but not all municipal agencies.

Other core supports provided statewide include but are not limited to:

- Criminal justice training and certification
- Emergency Management training and large-scale coordination
- Fire service training support, fire prevention education support, and emergency operations support including hazardous materials response, urban search and rescue and swift water rescue coordination.
- Law enforcement support for communications, complex investigations, special teams (ranging from major crimes to SCUBA)

There are a variety of ways to categorize the supports that the State provides to partner organizations.

One way to categorize these supports is as follows.

Statewide Public Safety Supports – existing framework

1. Training, certification, and planning support
2. Direct emergency response and special teams support
3. Support services and technology
 - a. Communications
 - i. Statewide radio technology systems support (non-municipal or other systems)
 - ii. 911 system
 - iii. Dispatching services (provided on an ad hoc basis)
 - b. Core law enforcement communications network
 - i. National and Vermont Crime Information Center
 - ii. National and Vermont Telecommunications Network infrastructure
 - iii. Computer Aided Dispatch & Records Management (include multiple components such as ETicketing, crime mapping, etc)
 - iv. Centralized Arrest Warrant and Relief From Abuse Order holding system (FUTURE)
 - c. Ancillary technology services
 - i. Email
 - ii. Office support software licensing
 - d. Forensic lab services

Charges for these services, when they exist, are inconsistent and often do not represent the cost of providing the service. Below is an annotated outline of the manner in which the state charges for these services.

Statewide Public Safety Supports – Current Cost Sharing / Cost Recovery Structures

1. Training, certification, and planning support – *some limited cost recovery for in-service trainings and extensive sharing of the cost of course delivery through shared instructors*
2. Direct emergency response and special teams support – *no cost recovery*
3. Support services and technology
 - a. Communications
 - i. Statewide radio technology systems support (non-municipal or other systems) – *no cost recovery*
 - ii. 911 system – *no cost recovery*
 - iii. Dispatching services (provided on an ad hoc basis) – *no cost recovery AND 4 other regional public safety communications, as well as many individual dispatch centers, exist in parallel to two centers (PSAPs) operated by the State*
 - b. Core law enforcement communications network
 - i. National and Vermont Crime Information Center – *cost recovery based on formula*
 - ii. National and Vermont Telecommunications Network infrastructure – *cost recovery based on formula*
 - iii. Computer Aided Dispatch & Records Management (include multiple components such as ETicketing, crime mapping, etc – service provided is limited) – *cost recovery based on formula*
 - iv. Centralized Arrest Warrant and Relief From Abuse Order holding system – *not currently provided – future system*
 - c. Ancillary technology services
 - i. Email – *cost recovery BUT costs recovered do not cover the State cost to provide*
 - ii. Office support software licensing – *cost recovery BUT costs recovered do not cover the State cost to provide*
 - d. Forensic lab services – *no cost recovery*

Proposed below is a modernized delivery and cost sharing model for statewide public safety supports.

Statewide Public Safety Supports – Proposed Cost Sharing / Cost Recovery Structures

1. Training, certification, and planning support – *UNCHANGED some limited cost recovery for in-service trainings and extensive sharing of the cost of course delivery through shared instructors*
2. Direct emergency response and special teams support – *UNCHANGED no cost recovery*
3. Support services and technology
 - a. Communications
 - i. Statewide radio technology systems support (non-municipal or other systems) – *UNCHANGED no cost recovery*
 - ii. 911 system – *UNCHANGED no cost recovery*
 - iii. Dispatching services (provided on an ad hoc basis) – *SEE BELOW FOR FULL STRATEGY – Phase in simplified, modest cost recovery for agencies*

that choose to use the State PSAPs for continued service. Agencies may also look to other existing regional communication centers for service, possibly at lower cost.

- b. Core law enforcement communications network
 - i. National and Vermont Crime Information Center – *ELIMINATE COST RECOVERY / BILLING to partner agencies and provide this service as a core function of state government*
 - ii. National and Vermont Telecommunications Network infrastructure – *ELIMINATE COST RECOVERY / BILLING to partner agencies and provide this service as a core function of state government*
 - iii. Connectivity changes – *reduce cost for connectivity to the VLETS/NLETS systems by modernizing the connectivity model to a software-based system (from a hardware based system)*
 - iv. Computer Aided Dispatch & Records Management (CAD/RMS) (include multiple components such as ETicketing, crime mapping, etc – service provided is limited) – *create a new shared cost model with agencies who share the new (RFP pending responses) CAD/RMS*
 - v. Centralized Arrest Warrant and Relief From Abuse Order holding system – *not currently provided – future system to be deployed in 2020 - NO COST RECOVERY / BILLING to partner agencies and provide this service as a core function of state government*
- c. Ancillary technology services
 - i. Email – *REWORK this service and facilitate direct relationships between partners and vendors with state contracts*
 - ii. Office support software licensing – *REWORK this service and facilitate direct relationships between partners and vendors with state contracts*
- d. Forensic lab services – *no cost recovery*
- e. Modernization of fingerprinting technology (AFIS) – *cost reductions for agencies*
- f. Firearms storage – *no cost recovery for assistance with excess storage needs related to domestic violence or abuse prevention order firearms*

Section C - Organization of State assets and operations

This section includes an outline / map of modern delivery of criminal justice. Among the goals is to deliver predictable services statewide.

Criminal Justice & Community Health System Modernization Model

KEY TENETS

- Resources invested lower on the scale are more efficient/effective and less expensive
- For low level offenses, swift, community-based interventions are more effective than, slow, traditional approaches
- When community-based approaches fail the traditional justice system must predictably hold offenders accountable
- A mindful continuum (viewed below from the bottom up) of options are all essential system components – each used in a balanced way under correct, evidence-based, circumstances

STAGE 4: COURTS / CORRECTIONS - JAILS

- Reserved for offenders who fail at stages 1 through 3 and/or serious offenses
- Swift, predictable use of the system for the punitive and corrective measures
- Requires some modernization to improve the speed and predictability of outcomes including: Need for streamlined case tracking and information systems that enable/inform continuity

STAGE 3: ALTERNATIVE SANCTIONS

- Municipal /civil tickets for low-level offenses
- Restorative Justice - pre-arrest diversion via local “Community Justice Centers”
- Traditional Court Diversion & reparative boards
- Rapid arraignment & judicially directed intervention w/wrap around services, combined with assessment tools upon entry into the system
- Mental health & substance abuse services
- Referrals based on risk and need assessment (e.g. Arnold tool if validated)

----- *BEHAVIOR CROSSES FROM DISORDER & SERVICE RESPONSE TO CRIME* -----

STAGE 2: OUTREACH & INTERVENTION

- 70 to 85% of responses/events are service-based, pre-crime calls: mental health, substance abuse, social service/family/youth issues
- Programs / offramps include: mental health & substance abuse/social work outreach; job training; youth centers; pre-arrest restorative justice / etc.

STAGE 1: EDUCATION & PREVENTION

- Led by youth, parents, educators/schools, social service & community organizations, & public safety agencies
- Accessible substance abuse & mental health services
- Youth center services and educational supports
- Community policing & crime prevention initiatives

APPENDIX A

STATUTORY FRAMEWORK ROADMAP FOR MODERNIZATION

Modernizing the organization of public safety assets includes at least minor alterations to existing statutory frameworks. Below is a preliminary roadmap of statutory items to be reviewed.

911 System

[30 V.S.A. § 7052](#). Vermont Enhanced 911 Board

[30 V.S.A. § 7053](#). Board; responsibilities; Emergency Services

[30 V.S.A. § 7054](#). Funding

Overarching Law Enforcement statutes

[20 V.S.A. § 1883](#). State law enforcement; memorandum of understanding

[20 V.S.A. § 2351a](#). Definitions [Law enforcement officer definition]

[13 V.S.A. § 3019](#). Disarming a law enforcement officer

[23 V.S.A. § 4](#). Definitions Subdivision 11 [Definition of law enforcement officer; also referenced below]

Vermont Criminal Justice Training Council

[20 V.S.A. § 2351](#). Creation and purpose of Council

[20 V.S.A. § 2355](#). Council powers and duties

[20 V.S.A. § 2357](#). Powers and duties of the Executive Director

Vermont Fire Service Training Council

[20 V.S.A. § 3152](#). Vermont Fire Service Training Council created

[20 V.S.A. § 3153](#). Powers and duties

[20 V.S.A. § 3157](#). Division of fire safety special fund

Motor Vehicle Enforcement / Inspectors

[23 V.S.A. § 1](#). Administration and enforcement of title

[23 V.S.A. § 103](#). Appointment of officials and inspectors

[23 V.S.A. § 4](#). Definitions See subdivision (11)(c)

Admin Rules - 14 050 043. Organization of Department of Motor Vehicles

CVE Unit:

Title 5 : Aeronautics And Surface Transportation Generally
Chapter 028 : Transportation Of Hazardous Materials

§ 2001. Transportation of hazardous materials

Title 5 : Aeronautics And Surface Transportation Generally

Chapter 028 : Transportation Of Hazardous Materials

§ 2003. Transportation of radioactive materials; preferred routes

Title 5 : Aeronautics And Surface Transportation Generally

Chapter 029 : Motor Carrier Safety Standards

§ 2101. Motor carrier safety standard rules

§ 1222a. Emissions of diesel-powered commercial vehicles

§ 3021. General powers of Commissioner

Admin Rules - 14 055 001. Rules for Transportation of Hazardous Materials

Admin Rules - 14 050 036. Rules for Motor Carrier Safety Standards

Admin Rules - 14 050 052. DMV RULE NO. 53 - EMISSION SMOKE INSPECTION OF DIESEL-POWERED COMMERCIAL MOTOR VEHICLES

Admin Rules - 14 050 038. Commercial Driver License Program

INVESTIGATION UNIT:

Admin Rules - 14 050 050. Vermont Dealer Licensing and Schedule of Penalties and Suspension

Admin Rules - 14 050 049. Rules Governing Appeals of Administrative Penalties Imposed on Licensed Inspection Stations/Mechanics

Admin Rules - 14 050 053. IGNITION INTERLOCK PROGRAM

Admin Rules - 14 050 054. APPEALS OF ADMINISTRATIVE PENALTIES IMPOSED ON LICENSED VERMONT MOTOR VEHICLE DEALERS

DMV Grants etc.

Federal Grant Requirements – currently DMV is the Grantee for FMCSA funding under 49 CFR and the FAST ACT.

MCSAP Basic (formula grant) – funds inspection activity and required state Commercial Vehicle Safety Plan (CVSP)

ITD High Priority (competitive grant) – directed details to include focused inspections of passenger carriers

ITD CVIEW (competitive grant) – funding the sharing of information related to CMV safety data via a dash board in state and with other states conducting CMV enforcement

ITD CDL (competitive grant) funds activities related to improving CDL driver data and convictions

PRISM (competitive grant) funded DMV's 17 ALPR's and are used to screen for the detection of motor carriers operating after being subjected to a Federal Out Of Service Order (OOSO) for safety.

FMCSA was asked about changes would there be to the division of roles as grantee or sub-grantee and this the federal guidance:

Although FMCSA is responsible for monitoring the direct actions of their Grantees, Grantees are responsible for certifying the compliance with OMB requirements for their SubGrantees. Table 2, Governing Regulations for Sub-Grantees notes the key regulations governing Sub-Grantees. These regulations and their applicability will be noted throughout the Manual; however, a general knowledge is advised.

If Organization Receives a SubAward then Subpart E will apply for State, Local, or Indian Tribal Government and Grantee will use OMB Circular A-102, 2 CFR Part 225 (OMB Circular A-87), and OMB Circular A-133

Monitoring and Oversight is the primary responsibility of FMCSA, but involves the Grantee and/or their designees as well. Sub-Grantees are subject to the same regulations and requirements as the Grantee. Therefore, it is the responsibility of the Grantee to monitor its SubGrantees in a fashion similar to that of FMCSA's monitoring of the Grantee. Oversight includes reviews of written reports and data submissions. It also includes the use of other formal monitoring activities such as scheduled Program and Process Reviews conducted in accordance with the FMCSA Grant Manager's Monitoring Plan. FMCSA monitoring includes any informal communications that ensure that projects are progressing in accordance with the grant.

6.5 SUB-GRANTEE OVERSIGHT AND REPORTING RESPONSIBILITIES
6.5.1 Sub-Grantee Oversight and Reporting Responsibilities Grantees are responsible for monitoring their Sub-Grantees by assessing their quality of performance and determining adherence to administrative and fiscal compliance. Grantees are also responsible for addressing Sub-Grantee management deficiencies and developing corrective actions, and documenting monitoring activities so that FMCSA can validate monitoring activities and results. Grantees should report any problems with Sub-Grantees to FMCSA.
6.5.2 Sub-Grantee Management If the Sub-Grantee uses a competitive process for sub-awards, it should be full and open and peer reviewed. Grantees must also verify that Sub-Grantees are not on the Excluded Parties List, debarred or suspended, or have outstanding Federal debt. Grantees are expected to advise SubGrantees regarding the Federal cost principles and ensure their compliance. Grantees must require Sub-Grantees to provide the same invoice documentation that FMCSA requires of the Grantee.³¹ Sub-Grantees need to adhere to the uniform administrative requirements and regulations that pertain to their particular type of organization. As a general rule, Sub-Grantees should sign a sub-grant award similar to the FMCSA Grant Award with the same or similar Terms and Conditions. Any terms and conditions included in the Grant Award for the Grantee flow down to the Sub-Grantee. Sub-Grantees must perform PreAward due diligence and utilize as many aspects of the FMCSA process and requirements as possible. Grantees and Sub-Grantees should develop monitoring plans and Grantees may consider using the FMCSA training slides to train Sub-Grantees. The Financial Assistance Agreement General Provisions and Assurances, attached to the NGA, detail General Requirements pertaining to Sub-Grantees, in Section 4c.

DMV maintains a state Size & Weight Plan and Size & Weight Certification with FHWA and as required by 23 CFR.

DMV also receives funding under the Statewide Transportation Improvement Program (STIP) that has used for rehabbing the Fair Haven and Putney scales as well as portable scales used by inspectors. DMV maintains the test press used to certify portable scales with the Agency of Agriculture – Weights & Measures Division at the AOT Central Garage.

Capitol Police

[2 V.S.A. § 64](#). Employment of assistants; Capitol Police; training; uniforms and equipment

[2 V.S.A. § 70](#). Capitol Police Department

[2 V.S.A. § 991](#). Capitol Complex Security Advisory Committee [Section 991 repealed effective June 30, 2019.]

Fish and Wildlife Enforcement

[3 V.S.A. § 2871](#). Department of Fish and Wildlife

But see, [3 V.S.A. § 2824](#). Transfer of personnel and appropriations

[10 V.S.A. § 4041](#). Department of Fish and Wildlife; Fish and Wildlife Board; members, term, chair

[10 V.S.A. § 4047](#). Department of Fish and Wildlife funds

[10 V.S.A. § 4132](#). General duties of Commissioner

[10 V.S.A. § 4191](#). Game wardens, number, record

[10 V.S.A. § 4193](#). Seizure; power to arrest

[10 V.S.A. § 4195](#). Power as to forest fires; payment

[10 V.S.A. § 4199](#). Reciprocal assistance agreements

[10 V.S.A. § 4504](#). Duties of prosecutor and warden

[10 App. V.S.A. § 18](#). Governing the importation and possession of wild animals, excluding fish (subdivision 8.1)

Liquor Enforcement

[7 V.S.A. § 104](#). Duties; authority to resolve alleged violations

But see [7 V.S.A. § 105](#). Duties of Attorney General

[7 V.S.A. § 108](#). Enforcement by Board; regulations; forms and reports

[7 V.S.A. § 202](#). Licenses to enforcement officer or control commissioner; exceptions

[7 V.S.A. § 561](#). Authority of liquor control investigators; arrest for unlawfully manufacturing, possessing, or transporting alcoholic beverages; seizure of property

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