



STATE'S ATTORNEYS FY24 Budget

Program Description: Under 24 VSA, a State's Attorney and SA office is established in each county. The State's Attorney and Deputy State's Attorneys prosecute offenses committed within the county, enforce Vermont laws, and take other actions to uphold the constitution. The State's Attorney and DSA's also collect fines and other demands or sums of money due to the State or county. The State's Attorneys and DSA's prosecute the criminal cases including manslaughter, homicide, sexual and domestic assault, abuse and neglect of children and vulnerable persons, drug trafficking, impaired driving offenses, thefts, post-conviction relief proceedings, and certain civil matters. A State's Attorney appoints Deputy State's Attorneys, Victim Advocates, and Administrative staff for their offices.

Budget Issues and Pressures for FY24

Staffing: \$231,869 in vacancy savings will require us to hold 4 DSA positions open until we recapture the reduction in vacancy savings. We also cut \$48,000 in GF operating expenses.

The challenges of recruiting and retaining employees in the face of workforce shortages is difficult enough; but, add to these issues these facts:

- The Vermont Court system has 7,000 backlogged cases in addition to the new cases being entered daily. The SAS staff will handle the vast majority of these cases.
- SAS prosecutors carry 350-400 cases - estimated 10x the caseload of other attorneys in state govt.
- Significant increase in violent crime in Vermont.
- "Second look" legislation, there are currently 318 new sentencing hearings, and each year more eligible, and additional cases as new defendants are sentenced.
- SAS staff members' schedules are chiefly driven by the Judiciary and since the judges are now holding in-person hearings, SAS is finding it difficult to recruit since other State departments are continuing their work from home. We have lost a number of employees who have transferred to other State jobs for remote-work options and much reduced workloads. SAS has become a training-ground for other agencies.
- We had made progress in the first contract (7/5/2020-6/30/2022) for our staff salaries vis-à-vis the comparative positions in the other SoV departments. Given the need to remain competitive with comparable agencies, we have been working to address competitive salaries and pay equity issues, which will affect our FY24 salary "roll out" costs.
- Our administrative support staff are still struggling under the work that was 'transferred' from the Judiciary staff to our staff following the implementation of the Judiciary's Odyssey and E-File and serve implementation.
- Changes in statute create additional work for our staff without commensurate (permanent) staffing. For example, Mid-point probation review was instituted without any additional resources to SAS to help handle, and were also made retroactive, so the workload impacts are likely to be greater than initially anticipated.
- Sealing and expungement. This continues to be a significant issue. We remain concern that if expungement/sealing laws are expanded without allocating additional administrative and attorney positions (b/c redactions frequently require substantial record review), our offices will remain overwhelmed with this work.

Requests for budgetary assistance:

SAS cannot effectively operate or clear the court case backlog without permanent staff. Given the workload faced by our staff, we need more permanent positions in all areas: deputy state's attorneys, victim advocates, and administrative staff.

In addition, we need assurances that the one-time, legislatively approved, "ARPA-Converted-to-State-GF funds", allocated to SAS in a separate budget line, will be available for SAS to continue utilizing for the temporary and limited service positions that have been approved for SAS for the purposes of "clearing the backlog".

The Governor's 10-Point Public Safety Enhancement and Violence Prevention Action Plan: Governor Scott has directed the commissioner of Public Safety and other agency and department executives – in partnership with other law enforcement entities, prosecutors, and the judiciary – to implement a 10-point plan focused on three core goals:

- To reinforce frontline law enforcement capacity and prioritize immediate reduction, prevention and prosecution of violent crime statewide;
- To expand prosecution capacity and help the courts address a backlog of cases; and
- To prioritize long-term violence prevention policies, systems, and services.

NONE of the Governor's Taskforce goals can be achieved without the State's Attorneys, Deputy State's Attorneys, SAS Victim Advocates, and our Administrative support staff. The State's Attorneys must be provided additional personnel to achieve these goals.

Goals and Objectives: Ensure that Vermont's criminal justice system and outcomes are impartial, equitable and unbiased. Promote outcomes in our casework that are positive for an individual's rehabilitation and societal reintegration. Adopt effective models/best practices to reduce incarceration, particularly in misdemeanors and addiction and mental health cases by referrals to appropriate services and treatment programs, diversion and other alternative-sanctions programs, with appropriate means to ensure compliance and the safety of victims. Continue to protect the safety of the public, and to provide support and effective prosecution that provides justice for crime victims and their families. Improve our IT systems to collect relevant data and statistical information on bail and charging decisions, pleas, convictions, and placements in diversion and other alternative sanctions programs.



SHERIFFS FY24 Budget Issues

Program Description:

The Sheriffs' positions were created by the Vermont Constitution and are elected by the county voters to a 4-year term. The statute also confirms the establishment of sheriff departments, 24 VSA § 290: "A sheriff's department is established in each county consisting of the elected sheriff in each county, and such deputy sheriffs and supporting staff as may be appointed by the sheriff".

The Department of State's Attorneys and Sheriffs (SAS), under 24 V.S.A. § 367, provides the administrative and budgetary oversight and structure for the Sheriffs for the transportation and extradition work. The State General Fund pays for 14 Sheriffs, 20+ Transport Deputies, 1 Program Coordinator, and 1 Executive Staff Assistant. Sheriffs provide professional law enforcement services, including transport of prisoners, mentally ill persons, and juveniles who are in the custody of the State of Vermont.

Under 24 V.S.A. § 290 (b), the Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners and persons with a mental condition or psychiatric disability are paid by the State of Vermont. Transport work is conducted primarily through State-employee Deputy Sheriffs, and supplemented through non-State employee per diem deputies. Sheriffs are responsible for the service of all criminal process documents and provide security services, including during high-risk hearings or trials.

The statute also permits the State-paid Transport Deputies to conduct "general law enforcement duties" when not engaged in transports. This "other" work is to be 'cleared' through the Department of State's Attorneys and Sheriffs to ensure that there is no conflict or double-dipping. Sheriffs may not bill the Department for work performed on any private contracts. Areas that SAS has been approving for 'other'/general law enforcement duties include court security, assistance to VTDOC with inter-facility transports or transports back to point of origin after remote hearings, visibility patrols in communities and on school campuses, requests from other state agencies for additional security in special circumstances, etc.

During the 2022 Legislative session, some significant changes were made to the statutory language governing the State Transport Deputies in two (2) areas:

1. Act No. 125 (S.220). An act relating to State-paid deputy sheriffs:

This act permitted the State-paid Deputy Transport Sheriffs to collectively bargain on a statewide basis under the State Employees Labor Relations Act and designated the Department of State's Attorney and Sheriffs as the deputies' employer for purposes of collective bargaining. This act also permits the Executive Director of the Department of State's Attorney and Sheriffs to designate one State-paid deputy assigned to the central office as a confidential employee who is not part of the bargaining unit. This act also dissolves the existing collective bargaining unit for the State-paid deputies in Chittenden County in order to permit those deputies to collectively bargain under the State Employees Labor Relations Act. Effective Date: July 1, 2022

2. Act No. 185 FY23 Appropriations Bill

This act gave the Executive Director of the Vermont Department of State's Attorneys and Sheriffs more authority to oversee and direct the State Transport Deputies positions and program. It also permitted the Department to

collaborate with the Sheriffs to determine an appropriate reimbursement rate for per diem staff of the Sheriffs' own offices when assisting in transportation.

Under the Act 185 language, 24 V.S.A. § 290 was amended to read:

“The positions and their funding shall be assigned to the Department of State’s Attorneys and Sheriffs. The Executive Director shall have the authority to determine job duties for the position, assignment of positions to county, regular and temporary work locations, assistance to other State agencies and departments, timesheet systems, daily work logs, and to have final approval of personnel matters including, but not limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and termination. The Sheriffs shall have an Executive Committee of not more than five current Sheriffs, elected for a two-year term by a vote of the Sheriffs held not later than January 15, for a term starting February 1. The Executive Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two members at large. The Executive Committee shall meet at least quarterly to provide input to the Department of State’s Attorneys and Sheriffs regarding budget, legislation, personnel and policies, and the assignment of positions, when vacancies arise, for efficient use of resources.”

Under the Act 185 language, 32 V.S.A. § 1591(2) was amended to read:

(2) For the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability:

(A) For necessary assistance in arresting or transporting prisoners, juveniles, or persons with mental illness, the State’s Attorneys and Sheriffs Executive Director shall annually set the per hour chargeable rate for each deputy sheriff or assistant so required to assist in the transport. The Executive Director shall consult with the Sheriffs Association before setting the per hour chargeable rate. The sheriff shall provide the documentation required by the Department. The deputy sheriff or assistant shall not receive compensation under this subsection if otherwise compensated from any other funding source for the same hours during which such transportation is performed.

Key Budget Issues

1. A critical issue will be the newly authorized collective bargaining rights for the State Transport Deputies, which will require additional costs for the Department for contract negotiations and contract terms' implementation.
2. With the restart of the Courts, the transports to and from court will impact the Department’s significant, prior reductions in the Transport program’s Per Diem and Mileage lines in the budget. Because Vermont uses its statewide correctional facility system for pretrial detention, there is a high demand for long-distance in-state transports of pretrial detainees from prisons to court appearances.

Goals and Objectives:

Increase coordination between the Courts, Sheriffs and DOC, AHS and other State agencies to facilitate the transports, eliminate duplicative efforts in transports, and assist the State with tasks that the State Transport Deputies could perform.

Help implement strategies to reduce the total number of inmate transports to create efficiencies, reduce costs, and have a positive impact both on those in the custody and the staff who conduct transports.

Ensure that all State Transport Deputies and Per Diems are properly trained and prepared for risks relating to transport work.

Increase use of technology to reduce transport needs and increase accountability in the program.

Reference Material: Information regarding the State Transport Deputies and program:

Citation	Name	Pertinent quote and/or description
3 V.S.A. § 455(a)(9)(B)	Definitions	Includes in the definition of "Employee" for the Vermont Employees' Retirement System "full-time deputy sheriffs compensated by the State of Vermont whose primary function is transports."
13 V.S.A. § 4903	Transporting prisoner through State	"Whenever an offender is apprehended in a neighboring state, and it may be necessary to transport him or her through this State to the place where the offense was committed, a Superior Court judge, upon application and proof that lawful process has issued against the offender, shall issue a warrant under his or her hand and seal, directed to a sheriff or his or her deputy, or to a person by name who shall be sworn to the faithful performance of his or her duty, authorizing such conveyance."
24 V.S.A. § 290(b)	County sheriff's department	"Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners and persons with a mental condition or psychiatric disability shall be paid by the State of Vermont. The positions and their funding shall be assigned to the Department of State's Attorneys and Sheriffs. The Executive Director shall have the authority to determine job duties for the position, assignment of positions to county, regular and temporary work locations, assistance to other State agencies and departments, timesheet systems, daily work logs, and to have final approval of personnel matters including, but not limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and termination."
24 V.S.A. § 296	Transportation of prisoners	"All commitments to a State correctional facility or to any other place named by the Commissioner of Corrections or committing court shall be made by any sheriff, deputy sheriff, State Police officer, police officer, or constable in the State, or the Commissioner of Corrections or his or her authorized agent."
24 V.S.A. § 367(c)(1)	Department of State's Attorneys and Sheriffs	"The Executive Director shall monitor the sheriff's transport budget and report to the sheriffs on a monthly basis the status of the budget. He or she shall provide centralized support services for the State's Attorneys and sheriffs with respect to budgetary planning, training, and office management, and perform such other duties as the Executive Committee directs."
32 V.S.A. § 1591	Sheriffs and other officers	"There shall be paid to sheriffs' departments and constables in civil causes and to sheriffs, deputy sheriffs, and constables for the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability the following fees...." (1)(D) – "The Executive Director of the Department of State's Attorneys and Sheriffs shall develop a uniform reporting system to reflect: (i) civil process received by a sheriff's department; (ii) payments made to a sheriff's department for service, including fees and reimbursements; (iii) payments made by the sheriff's department to deputy sheriffs for serving process; and (iv) disbursements for other necessary expenses." (2)(A) – "(2) For the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability: (A) For necessary assistance in

		<p>arresting or transporting prisoners, juveniles, or persons with mental illness, the State's Attorneys and Sheriffs Executive Director shall annually set the per hour chargeable rate for each deputy sheriff or assistant so required to assist in the transport. The Executive Director shall consult with the Sheriffs Association before setting the per hour chargeable rate. The sheriff shall provide the documentation required by the Department. The deputy sheriff or assistant shall not receive compensation under this subsection if otherwise compensated from any other funding source for the same hours during which such transportation is performed.”</p> <p>(2)(C) – “For the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability:... (C) For each mile of actual travel, for transporting prisoners, juveniles, and patients with a mental condition or psychiatric disability: (i) \$0.05 more per mile than the rate allowed State employees under the terms of the prevailing contract between the State and the Vermont State Employees’ Association, Inc.; or (ii) \$0.20 more per mile than the rate allowed State employees under the terms of the prevailing contract between the State and the Vermont State Employees' Association, Inc. when four or more prisoners, juveniles, or patients receiving mental health services are transported in a single vehicle designed to carry six or more passengers in addition to the driver.”</p>
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SAS Victim Advocates FY24 Budget

This budget allocation is a new budget allocation to the Department of State's Attorneys and Sheriffs (SAS). Previously, the funding for the State's SAS 27 Victim Advocates was from a grant to SAS from the Vt. Center for Crime Victim Services (CCVS) in Waterbury, Vt. CCVS received its funding from the USDOJ Victims of Crime Act (VOCA), and we were one of many sub-recipients of VOCA funding from CCVS.

In the 2022 legislative session, CCVS requested that the Legislature directly fund, through State of Vermont General Fund, the money for the entire costs of the 27 State Victim Advocate positions. The legislature approved this request and created a new budget allocation line in the SAS budget of \$2,571,497. Salaries, benefits, and other expenses formerly associated with the federal funding are now under this separate State GF appropriation. As such, this new budget will reflect a "100% increase" in all the detailed lines because there is no prior year experience in this budget.

Budget Concerns: Salary and Benefits may total \$2,475,000, plus \$105,000 for the salary and benefits of the Limited-Service Victim Advocate Program Coordinator (Note: SAS will seek continuation of this LS position). We are concerned that these total personnel costs might require us to hold open positions to meet the budget allocation.

The Vermont Court system has 7,000 backlogged cases in addition to the new cases being entered daily. SAS staff will be handling the vast majority of these cases. State Victim Advocates have extremely high caseload, and legislation often creates new work tasks for which no corresponding increase in Victim Advocate staffing has occurred.

The Department had been trying to achieve comparable paygrades with other Victim Advocates in the State system for years (i.e., VSP Victim Advocate, VSP Law Enforcement Liaison, DOC Victim Services). During the most recent round of contract negotiations between SAS and VSEA, we adjusted the paygrade of our SAS Victim Advocates from PG22 to PG24. The costs of this upgrade will roll out into the FY24 budget as well.

Requests for budgetary assistance: SAS cannot effectively operate or clear the court case backlog without more permanent positions in all areas: deputy state's attorneys, victim advocates, and administrative staff. In addition, we need assurances that the one-time (legislatively approved) ARPA-Converted-to-State-GF funds, which was allocated to us in a separate budget line, will be available for SAS to continue utilizing for the temporary and limited service positions that have been approved for SAS for the purposes of "clearing the backlog". We need to know that our Department can carry forward that money into FY24, otherwise, we will have to lay off the temp and limited service staff that are helping this Department keep its head barely above water.

As we bargained in good faith to reach agreement with the union, the economic stresses for the workforce (such as 40-year high prices for groceries, gas prices not seen since the Great Recession of 2008), as well as relatively high staff turnover led us to incorporate fair and reasonable salary adjustments. While the "ARPA-Converted-to-State-GF" money has taken pressure off the SA budget for the short-term, increases in salaries and other benefits have rollout costs in the "out-years" that have to be considered vis-à-vis our FY24 budget.

The Governor's 10-Point Public Safety Enhancement and Violence Prevention Action Plan: Governor Scott has directed the commissioner of Public Safety and other agency and department executives – in partnership with other law enforcement entities, prosecutors, and the judiciary – to implement a 10-point plan focused on three core goals:

- To reinforce frontline law enforcement capacity and prioritize immediate reduction, prevention and prosecution of violent crime statewide;
- To expand prosecution capacity and help the courts address a backlog of cases; and
- To prioritize long-term violence prevention policies, systems, and services.
- The Attorney General's Office has also agreed to expand the State's capacity for prosecuting major crimes, including all levels of violence associated with drug and human trafficking, and the Judiciary has prioritized eliminating its case backlog to ensure these prosecutions can move forward in a timely manner.

None of the Governor's Taskforce goals can be achieved without the State's Attorneys, Deputy State's Attorneys, SAS Victim Advocates, and our Administrative support staff. The State's Attorneys must be provided additional personnel to achieve these goals.

Goals and Objectives:

Continue to protect the safety of the public, and to provide support and effective prosecution that provides justice for crime victims and their families.

Improve our IT systems to collect relevant data and statistical information.

The Role of the SAS Victim Advocate (taken, in part, from the VA job specification):

Advocacy, coordination, and guidance of services for victims of crime. The position works to reduce the adverse impacts of criminal victimization to ensure fair and appropriate treatment of the victim by the entities with whom the victim may expect to interact (state's attorneys, law enforcement, courts, corrections, etc.). Makes appropriate referrals for support and assistance to address issues that result from victimization. Manages caseload in a timely and effective manner to ensure assistance to victims. Provides assistance and information to the victim in navigating the criminal justice system. Identifies the needs and concerns of the victim and transmit that information to appropriate parties. Apprises victims of their rights. Provides timely and accurate information to victims about the status of the criminal case and seeks their input. Provides notification of key events (e.g., scheduled depositions, arraignments, conferences, jury draw, court dates) and may be required to attend, as necessary. Helps victims understand the necessary documentation for restitution or compensation.



SPECIAL INVESTIGATION UNITS FY24 Budget

Program Description: The Special Investigation Units (SIUs) are multi-agency taskforces providing criminal investigations in response to reports of sexual assaults and serious child abuse. In FY22, there were 1,390 referrals to the SIU's resulting in 544 full investigations. The framework for the SIUs is established under 24 V.S.A. § 1940. The professional staff within the units are trained to deal with the complex and sensitive nature of sex crimes. The SIUs integrate the work of law enforcement, prosecutors, victim advocates, child advocacy centers, domestic violence agencies and mental health professional – all to support the victims of these serious crimes. The goal of the legislation has been to provide all Vermonters with access to the services of the SIUs. The Department of State's Attorneys and Sheriffs is tasked with coordinating the work to provide access to SIUs across the state. Regional SIUs apply for grants from the SIU Grants Board to fund personnel and operating expenses.

Program Support Grants: These grants support the SIU's administrative and operational expenses. Each SIU has a part-time director and other staff (e.g., forensic investigator, administrative support, etc.) to manage the multi-disciplinary SIU teams, case-flow, and to facilitate the work with victims. SIU's co-locate or affiliate with the Child Advocacy Centers in their counties.

Law Enforcement Grants: These grants are presently approved for 12 law enforcement grants around the State under 24 V.S.A. §1940. The funding from SIU grants allows local law enforcement to dedicate investigators to the SIUs and makes it possible for smaller police departments to participate. A SIU can also contract for law enforcement investigatory work. Combined with the services of VSP, municipal agencies and the Sheriffs, these positions constitute the core of the specialized law enforcement investigators within the SIUs. Grants.

Key Budget Issues

Budget pressures for the SIU's include funding for program growth, law enforcement supports, additional trainings, and new initiatives. A major challenge that exists right now is the ability to staff the SIU's with law enforcement personnel. The recruitment and retention problems facing law enforcement agencies in Vermont and across the country are making it difficult for Vermont law enforcement agencies to commit to or dedicate a staff person to the Special Investigations Unit. However, the volume and complexity of these cases clearly supports the need for SIU services around the state.

Goals and Objectives:

To further develop services in each county and personnel with expertise to investigate these crimes and work with victims. Continued support for national accreditation through National Children's Alliance for Child Advocacy Centers which provides an independent, objective review of SI unit operations to ensure appropriate structure and functionality.

Continued support of training programs addressing sex crimes and victimization, including forensic and advance forensic interviews; interviewing children and vulnerable adults; technology, such as mobile device investigations. Vermont SIUs and the Child Advocacy Center have implemented an outcome measurement system developed by the National Children's Alliance.

The statewide annual Forensic Interview Training (basic and advanced trainings) for law enforcement, DCF, prosecutors, and other individuals involved in sexual assault investigations were held in May and will be held again this year. Approximately 60 individuals attend each year.

A recently funded SIU Program goal was the start-up of a pilot project of a part-time Training Coordinator position in Windham County. The Training Coordinator is working with elementary school-aged children to educate and broaden awareness of what are inappropriate interactions so that the children can be more confident to communicate with their parents, teachers, or other adults when some type of abuse is happening to them. The initial training has been with 4th-grade students, and the surveys from the teachers have been excellent.