

Testimony on S17 for Senate Government Operations from Jeanette White, March 14, 2023

Good Afternoon Senator Hardy, committee members, Olivia

This is more terrifying than I expected it to be. So please bear with me. Also I might jump around or sound a bit confused at times – when I prepared this it was referring to draft 3.2, I just a few minutes ago saw draft 3.3.

I was hoping to be able to come and visit someday but sadly that hasn't worked out yet. I do want to thank you all for your hard work on many issues and for being the committee to get the first bill of the biennium passed. Senator Doyle always insisted that this committee get the first bill and you have made him proud.

As you probably know, for some years I have been working with law enforcement to make positive changes. Working with Senators, House members, law enforcement agencies, AG office, Criminal Justice Council and advocacy groups there have been many positive steps to further support what I believe is good law enforcement in Vermont. It of course can be improved and for the most part law enforcement is supportive and collaborative.

A few words about our sheriffs. By now you have heard what a unique institution it is compared to sheriffs in other states – and the way most of us think of sheriffs – that they are there to protect us. I won't say much more except to say that it is confusing to people – mainly because of the way we fund them and assign duties and therefore impact their service. But they are an essential component of our public safety system – performing many tasks, among them serving our most rural areas.

So to S17. I know you have heard from all the players. Just want to add my perspective as someone with no real vested interest except to make sure that we acknowledge and respect the office of sheriff and not do any harm.

I had some comments on Page 1, line 18 but won't repeat them since you have already deleted it. I feel that was the right thing to do.

Sec 3 – the auditors' language is primarily clarifying. My only comment is around the cost. Sheriff's budget for planned audits so they are prepared. There might perhaps be a fund that would cover the costs of unexpected audits since the sheriff's offices are funded in such an unsustainable manner so they have no place to pull funds for this unexpected cost.

Sec 4 – conflict of interest. This seems a bit complicated. Under the guidance of Senator Pollina, the GA passed a State Code of Ethics that includes a conflict of interest section. Why not, instead of carving out sheriffs, just include them in the State Code. If there are two separate ones with any differences it might be confusing for many – especially transport deputies who are state employees and sheriff department employees. You did talk about whether or not municipal and county folks are covered under the State Code – they are not. Assistant judges, I believe, would be covered by the Judicial Code in their judicial duties but in their administrative duties they would not be covered. (during the meeting Senator Vyhovsky pointed out that there are carve outs for certain professions. They are not actually carve outs with a whole different set of rules

as this one would be, instead there is an acknowledgement that many professions have standards and as long as they meet the State Code they would both apply. But the State Code is the floor)

(f) on page 8 – the court house security contract language is great. Thank you. I hope it sticks.

Sec 6 – I really have no comment on the process or which agency does what when – that is better left to the agencies. But I would suggest that if sheriffs perform this service there be compensation and that is ideally would come from crime victim services. It does seem odd to have to pay sheriffs to do this but on the other hand we don't fund them and require that they find their funding where they can. I think crime victim services used to reimburse for this so maybe it should go back there. I do agree totally with Senator White that the victims themselves should not be charged.

Sec 9 – I don't see one. It seems to jump from Sec 8 to Sec 10.

Sec 11 – is brand new. Can't really comment on it intelligently. (forgot to say this but is in my notes – I would suggest three public members be added, only agencies or organizations are currently represented – one by Governor, one by Senate and one by House). I will comment on duty number 6. It says “not related to public safety service”. I believe that really everything the sheriffs do is related to public safety. All the contracts they have with towns, DCF, DOC, ski areas, highway projects – it is all addressing public safety. If what you are trying to do is somehow end the business or entrepreneurial aspect of the sheriffs office, there is a simple way to do that – make sure they are adequately and sustainably funded.

One important thing that I want to say is not a comment on what is in the bill but what is not in the bill. Knowing that the misconduct of some sheriffs has been a concern I was surprised that the written suggestions from the Sheriff Association weren't more fully considered. They never appeared in any draft and as far as I could tell from watching the sessions they were never discussed by the committee. They were pretty specific about ways to deal with those offending sheriffs. And they were offered in good faith by the Association yet they seem to have just vanished into thin air.

Back to Section 5 -I realize this issue of the 5% has caused a lot of angst and the optics are not good. My understanding is that this came about some time in the 80's because it was easier than trying to raise the salaries. I know you have heard that there about 170 positions in DPS that have higher salaries than the sheriffs. I also looked up some other statistics and some deputy state's attorney make more than the sheriffs. While the sheriff salaries might seem okay compared to the average Vermonter, they are not. Given what the sheriffs are responsible for they need to be reviewed. Just one example of their unique responsibilities is that they are personally liable for misconduct of their deputies unlike any other law enforcement agency head.

In this 5% issue there are a couple distinct issues. One is that the sheriff can add it to his/her own salary. I think we understand where that came from. I would suggest that until the compensation study is done, this statute remain as it is currently written. Perhaps put a sunset on it – maybe the end of June 2024. That gives time to address any of the recommendations from the study and will guarantee that in any case it will be looked at again.

The other issue is around what is meant by admin fee. I write grants/contracts with HUD, other federal agencies and foundations. They almost always allow a certain amount – usually 15-20% for admin fess. Every department in state government gets grants/contracts, some specify the admin fee amount, in other cases the State just takes it from the contract/grant. That is often as high as 20%. It makes no sense to first limit this one agency to 5% admin fee and then to tell it how to use it. Imagine if we tried to tell ACCD or AHS that they could only use a 5% admin fee and then they were told how they could use it. Admin fees are used for many things – grant managers, grant administrators, reimbursement for procurement costs, grant writers, overhead costs, etc.

I would urge you to do nothing with this section, leave the statute as it is, impose a sunset and then if salaries are addressed, delete the whole section and let the sheriffs departments handle admin fees the same way all the other departments and agencies do.

Thank you so much for listening to me. I know your time this week is precocious so I appreciate it.