

1 S.17

2 An act relating to sheriff reforms

3 The House proposes to the Senate to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

5 * * * Findings * * *

6 Sec. 1. FINDINGS

7 The General Assembly finds that:

8 (1) Sheriffs provide essential public safety services to the State,
9 counties, and communities of Vermont.

10 (2) Incidents of criminal and unprofessional behavior by elected sheriffs
11 and sheriff's deputies have shaken the public's trust in the office of sheriff.

12 (3) The office of sheriff requires reform to provide more consistent
13 structure, financial practices, accountability, and increased transparency.

14 (4) While criminal charges or misconduct may lead to sanctions on
15 Vermont sheriffs, including decertification by the Vermont Criminal Justice
16 Council, removal from office can only be achieved through expiration of term,
17 resignation, or impeachment by the General Assembly.

18 * * * Audits * * *

19 Sec. 2. 24 V.S.A. § 290 is amended to read:

20 § 290. COUNTY SHERIFF'S DEPARTMENT

21 * * *

1 (d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff,
2 ~~or upon notice of the resignation of the sheriff, an announcement that the~~
3 incumbent sheriff will not seek reelection, or an announcement that the
4 incumbent sheriff intends to resign, whichever occurs earliest, all financial
5 disbursements from the accounts of the department, including the transfer of
6 real or personal property, or other assets, of the department, shall be co-signed
7 by the sheriff and the at least one assistant judges judge in that county. The
8 sheriff shall provide a written transition plan to the assistant judges of that
9 county and the Sheriffs' Executive Committee detailing all anticipated
10 disbursements or transfers of departmental assets. Assistant judges shall
11 consult with the Department and Sheriff's Executive Committee prior to co-
12 signing any disbursements or transfer of sheriff's department assets. If the
13 assistant judges refuse to co-sign a disbursement or transfer of sheriff's
14 department assets, the Sheriffs' Executive Committee may instead approve the
15 disbursements or transfer of sheriff's department assets and shall thereafter
16 inform the sheriff and the assistant judges of the county of the Committee's
17 decision.

18 (2) ~~A~~ An assistant judge shall forward the sheriff's written transition
19 plan and a report of all financial disbursements ~~or~~ and transfers made pursuant
20 to this subsection shall be forwarded by the assistant judges to the Auditor of

1 Accounts within 15 days ~~of completion of the out-going sheriff's duties~~
2 following the sheriff leaving office.

3 Sec. 3. 24 V.S.A. § 290b is amended to read:

4 § 290b. AUDITS

5 * * *

6 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a
7 uniform system of accounts, controls, and procedures for the sheriff's
8 department, which accurately reflects the receipt and disbursement of all funds
9 by the department, the sheriff, and all employees of the department. The
10 uniform system shall include:

11 * * *

12 (8) procedures and controls ~~which~~ that identify revenues received from
13 public entities through appropriations or grants from the federal, State, or local
14 governments from revenues received through contracts with private entities;
15 ~~and~~

16 (9) procedures to notify the Auditor of Accounts and the Department of
17 State's Attorneys and Sheriffs of the establishment and activities of any
18 nonpublic organization of which the sheriff or any employee of the sheriff is a
19 director or participant and that has a mission or purpose of supplementing the
20 efforts of the sheriff's department; and

1 that is not greater than that of other individuals generally affected by the
2 outcome of the matter.

3 (b) A sheriff or deputy sheriff shall avoid any conflict of interest or the
4 appearance of a conflict of interest. When confronted with a conflict of
5 interest or an appearance of a conflict of interest, a sheriff or deputy sheriff
6 shall disclose the conflict of interest to the Sheriff's Executive Committee,
7 recuse themselves from the matter, and not take further action on the matter.

8 (c) The Department of State's Attorneys and Sheriffs shall establish
9 procedures for forwarding ethics complaints from any source to the State
10 Ethics Commission based on the procedures set forth in 3 V.S.A. § 1223.

11 (d) Nothing in this section shall require a sheriff or deputy sheriff to
12 disclose confidential information or information that is otherwise privileged
13 under law. "Confidential information," as used in this subsection, means
14 information that is exempt from public inspection and copying under 1 V.S.A.
15 § 315 et seq. or is otherwise designated by law as confidential.

16 Sec. 4a. 24 V.S.A. § 315 is added to read:

17 § 315. SHERIFFS; ANNUAL DISCLOSURE

18 (a) Annually, each sheriff shall file with the State Ethics Commission a
19 disclosure form that contains the following information in regard to the
20 previous 12 months:

1 (1) Each source, but not amount, of personal income of the sheriff and
2 of the sheriff's spouse or domestic partner, and of the sheriff together with the
3 sheriff's spouse or domestic partner, that totals more than \$5,000.00, including
4 any of the sources meeting that total described as follows:

5 (A) employment, including the employer or business name and
6 address and, if self-employed, a description of the nature of the self-
7 employment without needing to disclose any individual clients; and

8 (B) investments, described generally as "investment income."

9 (2) Any board, commission, or other entity that is regulated by law or
10 that receives funding from the State on which the sheriff served and the
11 sheriff's position on that entity.

12 (3) Any company of which the sheriff or the sheriff's spouse or
13 domestic partner, or the sheriff together with the sheriff's spouse or domestic
14 partner, owned more than 10 percent.

15 (4) Any lease or contract with the State held or entered into by:

16 (A) the sheriff or the sheriff's spouse or domestic partner; or

17 (B) a company of which the sheriff or the sheriff's spouse or
18 domestic partner, or the sheriff together with the sheriff's spouse or domestic
19 partner, owned more than 10 percent.

20 (b) In addition, if a sheriff's spouse or domestic partner is a lobbyist, the
21 sheriff shall disclose that fact and provide the name of the sheriff's spouse or

1 domestic partner and, if applicable, the name of that individual's lobbying
2 firm.

3 (c)(1) Disclosure forms shall contain the statement, "I certify that the
4 information provided on all pages of this disclosure form is true to the best of
5 my knowledge, information, and belief."

6 (2) Each sheriff shall sign the disclosure form in order to certify it in
7 accordance with this subsection.

8 (d)(1) A sheriff shall file the disclosure form on or before January 15 of
9 each year or, if the sheriff is appointed after January 15, within 10 days after
10 that appointment.

11 (2) A sheriff who filed this disclosure form as a candidate in accordance
12 with 17 V.S.A. § 2414 in the preceding year and whose disclosure information
13 has not changed since that filing may update that filing to indicate that there
14 has been no change.

15 * * * Sheriff's Department Compensation and Benefits * * *

16 Sec. 5. 24 V.S.A. § 291a is amended to read:

17 § 291a. CONTRACTS

18 * * *

19 (b) A contract made with a town, city, village, or county to provide law
20 enforcement or related services shall contain provisions governing the
21 following subjects as best suit the needs of the parties:

1 * * *

2 (4) the type, frequency, and information to be contained in reports
3 submitted by the sheriff's department to the town, city, village, or county;

4 * * *

5 (c) A contract under this section may contain provisions for compensation
6 to the sheriff for administration of the contract and related services. No
7 compensation may be paid to a sheriff for administration of the contract or
8 related services unless the contract sets forth in writing the rate or method of
9 calculation for the compensation and a schedule of payment; provided that a
10 sheriff's compensation for administration shall not exceed five percent of the
11 contract. A sheriff's rate of compensation shall be at a rate equivalent to other
12 employees of the department who provide similar services under the contract.
13 Compensation to the sheriff shall be made in accordance with the schedule set
14 forth in the contract but in no event may a sheriff be compensated for
15 administration of the contract and related services unless the compensation is
16 made in the same calendar year in which the revenue was received by the
17 department under the contract. Funds derived from charges for the
18 administration of a contract, if used for sheriff, sheriff deputy, or other
19 departmental employee compensation, bonuses, salary supplements, retirement
20 contributions, or employment benefits, shall be expended in accordance with
21 the model policy created and maintained by the Department of State's

1 Attorneys and Sheriffs. Willful failure to comply with this policy shall
2 constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

3 * * *

4 (f) An agreement or contract for sheriff's departments to provide law
5 enforcement or security services to county and State courthouses shall be
6 subject to a single, statewide contracted rate of pay for such services over all
7 county and State courthouses.

8 Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS
9 MODEL POLICY

10 (a) On or before January 1, 2024, the Department of State's Attorneys and
11 Sheriffs, after receiving input from the sheriffs, the Auditor of Accounts, and
12 the Department of Human Resources, shall develop the Sheriff's Departments
13 Compensation and Benefits Model Policy and submit it for review and
14 approval to the Vermont Criminal Justice Council. The Vermont Criminal
15 Justice Council may, in consultation with the Department of State's Attorneys
16 and Sheriffs, subsequently alter and update the Model Policy.

17 (b) The Sheriff's Departments Compensation and Benefits Model Policy
18 shall address the structure and use of funds for compensation, bonuses, salary
19 supplements, retirement contributions, and employment benefits for sheriffs,
20 sheriff's deputies, and other departmental employees.

1 Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;
2 POSITION

3 The following position is created in the Department of State's Attorneys
4 and Sheriffs: one full-time, exempt Director of Sheriffs' Operations.

5 Sec. 5d. 24 V.S.A. § 290(b) is amended to read:

6 (b) Full-time State deputy sheriffs whose primary responsibility is
7 transportation of prisoners ~~and~~ persons with a mental condition or psychiatric
8 disability, or juveniles being transported to court or to a court-ordered facility
9 shall be paid by the State of Vermont. The positions and their funding shall be
10 assigned to the Department of State's Attorneys and Sheriffs. The Executive
11 Director shall have the authority to determine job duties for the position,
12 assignment of positions to county, regular and temporary work locations,
13 assistance to other State agencies and departments, timesheet systems, daily
14 work logs, and to have final approval of personnel matters, including, but not
15 limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and
16 termination. The sheriffs shall have an Executive Committee of not more than
17 five current sheriffs, elected for a two-year term by a vote of the sheriffs held
18 not later than January 15, for a term starting February 1. The Executive
19 Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two
20 members at large. The Executive Committee shall meet at least quarterly to
21 provide input to the Department of State's Attorneys and sheriffs regarding

1 budget, legislation, personnel and policies, and the assignment of positions,
2 when vacancies arise, for efficient use of resources.

3 * * * Sheriff Duties * * *

4 Sec. 6. 24 V.S.A. § 293 is amended to read:

5 § 293. DUTIES

6 (a) A sheriff so commissioned and sworn shall serve and execute lawful
7 writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to
8 the precept thereof, and do all other things pertaining to the office of sheriff.

9 (b) A sheriff shall maintain a record of the sheriff's work schedule,
10 including work days, leave taken, and any remote work performed outside the
11 sheriff's district for a period of more than three days.

12 (c) If an individual who has a relief from abuse order pursuant to 15 V.S.A.
13 § 1103 requires assistance in the retrieval of personal belongings from the
14 individual's residence and that individual requests assistance from a sheriff's
15 department providing law enforcement services in the county in which that
16 individual resides, the sheriff's department shall provide the assistance.

17 Sec. 6a. 20 V.S.A. chapter 209 is added to read:

18 CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

19 § 4661. PROHIBITION; STANDBY FEES

20 No law enforcement officer or law enforcement agency shall seek a fee
21 from the individual seeking assistance or being assisted in the retrieval of

1 personal belongings or the personal belongings of the individual's dependents
2 from the individual's residence, pursuant to 24 V.S.A. § 293(c), or any
3 representative of that individual.

4 Sec. 6b. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY

5 SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

6 On or before January 15, 2024, the Department of State's Attorneys and
7 Sheriffs, in consultation with the State sheriffs and the Vermont Network
8 Against Domestic and Sexual Violence, shall report to the House Committee
9 on Government Operations and Military Affairs and the Senate Committee on
10 Government Operations data, as available through December 1, 2023,
11 regarding sheriff's departments' assistance in the retrieval of personal
12 belongings of domestic violence survivors pursuant to 24 V.S.A. § 293(c),
13 including the aggregate number of episodes of assistance provided, the time
14 spent, and the costs accumulated by sheriff's departments for providing this
15 assistance.

16 Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE

17 SECURITY; REPORT

18 On or before December 1, 2023, the Judiciary, in consultation with the
19 Department of State's Attorneys and Sheriffs, the Vermont Sheriffs'
20 Association, Vermont State Employees' Association, and other relevant
21 stakeholders, shall report to the House Committee on Government Operations

1 and Military Affairs and the Senate Committee on Government Operations on
2 the number of sheriff's deputies needed to be made available to provide law
3 enforcement and security services to county and State courthouses to facilitate
4 regular courthouse operations. The report shall also include recommendations
5 regarding any needed creation of classified positions responsible for
6 courthouse security services, similar to the classified position of transport
7 deputy, and any corresponding budget request for these positions.

8 Sec. 8. 24 V.S.A. § 299 is amended to read:

9 § 299. DUTIES AS PEACE OFFICER

10 A sheriff shall preserve the peace, ~~and suppress, with force and strong hand,~~
11 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to
12 20 V.S.A. chapter 151. He or she A sheriff may apprehend, without warrant,
13 ~~persons~~ individuals assembled in disturbance of the peace; and bring them
14 before a the Criminal Division of the Superior Court, which shall proceed with
15 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
16 process issued by ~~such~~ the court.

17 * * * Repeal of Penalty for Refusal to Assist a Sheriff * * *

18 Sec. 9. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

19 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

* * * Sheriff's Departments Reform Report * * *

Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

On or before November 15, 2023, the Department of State's Attorneys and Sheriffs, in consultation with the Vermont Criminal Justice Council, the Auditor of Accounts, the Vermont Association of County Judges, the Chief Superior Court Judge, and the Vermont Sheriffs Association, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the following:

(1) recommended policies and best practices to be included in standard operating procedures, manuals and policy manuals;

(2) increasing efficiency and equity in the delivery of public safety services by sheriff's departments;

(3) recommendations for the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, and benefits;

(4) the duties of sheriffs, including law enforcement and administration of sheriff's departments;

(5) recommended membership and duties of an advisory commission for sheriffs comparable to, or combined with, the Vermont State Police Advisory Commission, as related to both conduct and administration of sheriff's departments;

9 * * * Effective Dates * * *

11 This act shall take effect on passage, except that Sec. 5 (amending
12 24 V.S.A. § 291a) shall take effect on January 1, 2024.