

1 S.17

2 An act relating to sheriff reforms

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Unprofessional Conduct of Law Enforcement Officers Reviewable by the

5 Vermont Criminal Justice Council * * *

6 Sec. 1. 20 V.S.A. § 2401 is amended to read:

7 § 2401. DEFINITIONS

8 As used in this subchapter:

9 * * *

10 (2) “Category B conduct” means gross professional misconduct
11 amounting to actions on duty or under authority of the State, or both, that
12 involve willful failure to comply with a State-required policy or substantial
13 deviation from professional conduct as defined by the law enforcement
14 agency’s policy or, if not defined by the agency’s policy, then as defined by
15 Council policy, and shall include:

16 (A) sexual harassment involving physical contact or misuse of
17 position;

18 (B) misuse of official position for personal or economic gain;

19 (C) excessive use of force under authority of the State, first offense;

20 (D) biased enforcement;

1 (E) use of electronic criminal records database for personal, political,
2 or economic gain;

3 (F) placing a person in a chokehold;

4 (G) failing to intervene and report to a supervisor when the officer
5 observes another officer placing a person in a chokehold or using excessive
6 force;

7 (H) gross negligence or willful misconduct in the performance of
8 duties; and

9 (I) abuse of the powers granted through law enforcement officer
10 certification pursuant to section 2358 of this title.

11 * * *

12 * * * Audits * * *

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

14 § 290. COUNTY SHERIFF'S DEPARTMENT

15 * * *

16 (d) Upon the election of a sheriff-elect who is not the incumbent sheriff, ~~or~~
17 ~~upon notice of the resignation of the sheriff,~~ an announcement that the
18 incumbent sheriff will not seek reelection, or an announcement that the
19 incumbent sheriff intends to resign, whichever occurs earliest, all financial
20 disbursements from the accounts of the department, including the transfer of
21 real or personal property, or other assets, of the department, shall be co-signed

1 by the sheriff and the assistant judges. A report of all financial disbursements
2 or transfers made pursuant to this subsection shall be forwarded by the
3 assistant judges to the Auditor of Accounts within 15 days ~~of completion of the~~
4 ~~out-going sheriff's duties~~ following the sheriff leaving office.

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

6 § 290b. AUDITS

7 * * *

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

13 * * *

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

18 (9) procedures to notify the Auditor of Accounts and the Department of
19 State's Attorneys and Sheriffs of the establishment and activities of any
20 nonpublic organization of which the sheriff or any employee of the sheriff is a

1 director and that has a mission or purpose of supplementing the efforts of the
2 sheriff's department; and

3 (10) other procedures and requirements as the Auditor of Accounts
4 deems necessary.

5 (c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at
6 any time examine the records, accounts, books, papers, contracts, reports, and
7 other materials of the county sheriff departments as they pertain to the
8 financial transactions, obligations, assets, and receipts of that department. The
9 Auditor ~~or his or her designee shall conduct an audit of the accounts for a~~
10 ~~sheriff's department whenever the incumbent sheriff leaves office, and the~~
11 ~~auditor shall charge for the~~ any associated costs of the report pursuant to in the
12 same manner described in 32 V.S.A. § 168(b).

13 * * *

14 Sec. 4. 24 V.S.A. § 314 is added to read:

15 § 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF

16 INTEREST

17 (a) As used in this section, "conflict of interest" means an interest of a
18 sheriff or deputy sheriff that is in conflict with the proper discharge of the
19 sheriff's or deputy sheriff's official duties due to a significant personal or
20 financial interest of the sheriff or deputy sheriff, of a person within the
21 sheriff's or deputy sheriff's immediate family, of the sheriff's or deputy

1 sheriff's business associate, or of an organization of which the sheriff or
2 deputy sheriff is affiliated. "Conflict of interest" does not include any interest
3 that is not greater than that of any other persons generally affected by the
4 outcome of a matter.

5 (b) A sheriff or deputy sheriff shall avoid any conflict of interest or the
6 appearance of a conflict of interest. Except as otherwise provided in
7 subsections (c) of this section, when confronted with a conflict of interest or an
8 appearance of a conflict of interest, a sheriff or deputy sheriff shall disclose the
9 conflict of interest to the Sheriff's Executive Committee, recuse themselves
10 from the matter, and not take further action on the matter.

11 (c) A conflict of interest may be approved by the majority vote of the
12 Sheriff's Executive Committee only if the material facts of the conflict of
13 interest are disclosed or known to the Sheriff's Executive Committee. If a
14 conflict of interest is approved, the sheriff or deputy sheriff may then act on the
15 matter at issue.

16 (d) The Department of State's Attorneys and Sheriffs shall establish
17 procedures for handling ethics complaints from any source based on the
18 procedures set forth in 3 V.S.A. § 1223. The procedures shall be included in
19 any standard operating procedures manual or policy manual followed by
20 sheriffs and deputy sheriff pursuant to subsection 293(c) of this title.

1 (e) Nothing in this section shall require a sheriff or deputy sheriff to
2 disclose confidential information or information that is otherwise privileged
3 under law.

4 * * * Sheriff Contracts * * *

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

6 § 291a. CONTRACTS

7 * * *

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

11 * * *

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

14 * * *

15 ~~(c) A contract under this section may contain provisions for compensation~~
16 ~~to the sheriff for administration of the contract and related services. No~~
17 ~~compensation may be paid to a sheriff for administration of the contract or~~
18 ~~related services unless the contract sets forth in writing the rate or method of~~
19 ~~calculation for the compensation and a schedule of payment; provided that a~~
20 ~~sheriff's compensation for administration shall not exceed five percent of the~~
21 ~~contract. A sheriff's rate of compensation shall be at a rate equivalent to other~~

1 ~~employees of the department who provide similar services under the contract.~~
2 ~~Compensation to the sheriff shall be made in accordance with the schedule set~~
3 ~~forth in the contract but in no event may a sheriff be compensated for~~
4 ~~administration of the contract and related services unless the compensation is~~
5 ~~made in the same calendar year in which the revenue was received by the~~
6 ~~department under the contract. A contract under this section may contain~~
7 ~~provisions for an administrative overhead fee at a rate not to exceed five~~
8 ~~percent of the contract. Funds derived from contract administrative overhead~~
9 ~~fees shall be kept in a separate account held by the sheriff's department and~~
10 ~~used by the sheriff's department only for the costs of necessary departmental~~
11 ~~expenses not covered by State or county funds, including the cost of vehicles,~~
12 ~~uniforms, equipment, training, and professional services. Funds derived from~~
13 ~~contract administrative overhead fees shall not be used for sheriff, sheriff~~
14 ~~deputy, or other departmental employee compensation, bonuses, salary~~
15 ~~supplements, retirement contributions, or employment benefits.~~

16 * * *

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

1 Sec. 5a. USE OF ADMINISTRATIVE OVERHEAD FUNDS IN 2023
2 AND 2024

3 Notwithstanding 24 V.S.A. § 291a(c), in calendar years 2023 and 2024, a
4 sheriff's department may use funds derived from contract administrative
5 overhead fees to make supplemental salary payments to a sheriff of not more
6 than 50 percent of the annual compensation for a sheriff, provided that the
7 sheriff has been in office at least two years, and to any employee of a sheriff's
8 department or a sheriff that has been in office less than two years of not more
9 than 10 percent of the annual compensation for the employee. Funds derived
10 from contract administrative overhead fees shall not be used for any other
11 bonus or supplemental employment benefit payment.

12 * * * Sheriff Duties * * *

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

14 § 293. DUTIES

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

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

1 (c) Each sheriff's department shall comply with the provisions of the
2 standard operating procedures manuals and policy manuals created and
3 maintained by the Department of State's Attorneys and Sheriffs.

4 (d) Sheriff's departments providing law enforcement services in the county
5 in which an individual who has a relief from abuse order pursuant to 15 V.S.A.
6 § 1103 resides shall have a duty to assist in the retrieval of personal belongings
7 of the individual and that individual's dependents from the individual's
8 residence. A sheriff's department shall not seek a fee from the individual
9 being assisted in the retrieval of personal belongings from the residence or any
10 representative of that individual.

11 Sec. 7. 24 V.S.A. § 293(e) is added to read:

12 (e) A sheriff shall provide a minimum of one deputy sheriff, certified as a
13 law enforcement officer in accordance with 20 V.S.A. § 2358, for law
14 enforcement and security services for each county and State courthouse within
15 the sheriff's county of jurisdiction in accordance with section 291a of this title.

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

17 § 299. DUTIES AS PEACE OFFICER

18 ~~A sheriff shall preserve the peace, and suppress, with force and strong hand,~~
19 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to 20
20 V.S.A. chapter 151. He or she A sheriff may apprehend, without warrant,
21 ~~persons~~ individuals assembled in disturbance of the peace; and bring them

1 before a the Criminal Division of the Superior Court, which shall proceed with
2 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
3 process issued by ~~such~~ the court.

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

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

6 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

7 * * * Sheriff's Departments Oversight Task Force and Report * * *

8 Sec. 10. SHERIFF'S DEPARTMENTS OVERSIGHT TASK FORCE;

9 REPORT

10 (a) Creation. There is created the Sheriff's Departments Oversight Task
11 Force to examine issues in implementing reforms and accountability across
12 Vermont Sheriff's Department.

13 (b) Membership. The Sheriff's Departments Oversight Task Force shall be
14 composed of the following members:

15 (1) one member appointed by the Department of State's Attorneys and
16 Sheriffs;

17 (2) one member appointed by the Department of Human Resources;

18 (3) one member appointed by the Attorney General's Office;

19 (4) one member appointed by the Vermont Sheriffs' Association;

20 (5) one member appointed by the State Auditor;

21 (6) one member appointed by the Vermont Criminal Justice Council;

1 (7) one member appointed by the Vermont Association of County

2 Judges;

3 (8) one member of an organization focused on law enforcement reform,
4 who shall be appointed by the Speaker of the House; and

5 (9) one member of a different organization focused on law enforcement
6 reform, who shall be appointed by the Senate Committee on Committees.

7 (c) Powers and duties. The Sheriff's Departments Oversight Task Force
8 shall consider issues relating to oversight of sheriff's departments, including
9 the following:

10 (1) creating and maintaining policies and best practices to be included in
11 standard operating procedures manuals and policy manuals;

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

14 (3) the compensation structure and levels of sheriffs, deputies, and
15 departmental staff, including salaries, overtime, retirement, benefits, and
16 bonuses, and the appropriate employment status of courthouse security
17 deputies;

18 (4) the duties of sheriffs, as related to both law enforcement and
19 administration of sheriff's departments;

20 (5) oversight of sheriffs, as related to both conduct and administration of
21 sheriff's departments;

1 (6) creating a sustainable funding model for sheriff's departments that is
2 not based on contracts for services;

3 (7) reorganizing the Department of State's Attorneys and Sheriffs to
4 better provide oversight and support for State's Attorneys and sheriffs; and

5 (8) determining the scope and timing of public sector management
6 training that sheriffs should receive upon election and on a continuing basis to
7 ensure departmental operations and management of public funds are consistent
8 with generally accepted standards.

9 (d) Assistance. The Sheriff's Departments Oversight Task Force shall have
10 the administrative, technical, and legal assistance of the Department of State's
11 Attorneys and Sheriffs.

12 (e) Report. On or before November 15, 2023, the Sheriff's Departments
13 Oversight Task Force shall report to the House Committee on Government
14 Operations and Military Affairs and the Senate Committee on Government
15 Operations with its findings and any recommendations for legislative action.

16 (f) Meetings.

17 (1) The member of the Sheriff's Departments Oversight Task Force
18 designated by the Department of State's Attorneys and Sheriffs shall call the
19 first meeting of the Sheriff's Departments Oversight Task Force to occur on or
20 before July 1, 2023.

1 (2) The Sheriff’s Departments Oversight Task Force shall select a chair
2 from among its members at the first meeting.

3 (3) A majority of the members of the Sheriff’s Departments Oversight
4 Task Force shall constitute a quorum.

5 (4) The Sheriff’s Departments Oversight Task Force shall cease to exist
6 on July 1, 2024.

7 (g) Compensation and reimbursement.

8 The members of the public Sheriff’s Departments Oversight Task Force
9 who are appointed from an organization focused on law enforcement reform
10 shall be entitled to per diem compensation as permitted under 32 V.S.A.
11 § 1010 for not more than five meetings, provided that those members are not
12 paid for their services by the organization for which the member is
13 representing on the Sheriff’s Departments Oversight Task Force. These
14 payments shall be made from monies appropriated to the Department of State’s
15 Attorneys and Sheriffs.

16 (h) Appropriation. The sum of \$1,000.00 is appropriated to the Department
17 of State’s Attorneys and Sheriffs from the General Fund in fiscal year 2024 for
18 per diem compensation for members of the Committee.

1

* * * Effective Dates * * *

2

Sec. 11. EFFECTIVE DATES

3

This act shall take effect on passage, except that Sec. 7 (adding 24 V.S.A.

4

§ 293(e)) shall take effect on July 1, 2024.