

Bill Overview

S.17: An Act Relating To Sheriff Reforms

***** Unprofessional Conduct of Law Enforcement Officers Reviewable by the Vermont
Criminal Justice Council *****

Sec. 1 amends [20 V.S.A. § 2401 \(definitions\)](#), the statute pertaining to conduct violations that may result in a law enforcement officer losing their certification to perform law enforcement functions. It adds two new categories to “Category B conduct,” specifically, (H) “gross negligence or willful misconduct in the performance of duties” and (I) “abuse of the powers granted through law enforcement officer certification.” For reference, “Category B conduct” namely entails gross professional misconduct and willful failure to comply with a State-required policy.

- Note: This is the same section of law that would be amended by H.476 (An act relating to miscellaneous changes to law enforcement officer training laws (“Domestic Violence Fatality Review Commission recommendations”)), Sec. 3, which add two items to Category B conduct: (H) “attempting to cause or causing physical harm to a family or household member, or placing a family or household member in fear of imminent serious physical harm,” and (I) violation of the ‘Domestic Violence by Law Enforcement Model’ Policy.

***** Audits *****

Sec. 2 amends [24 V.S.A. § 290 \(county sheriff’s department\)](#) to add certain circumstances of a sheriff exiting office as triggering provisions regarding financial disbursements and transfer of assets to be co-signed by the sheriff and assistant judges.

Sec. 3 amends [24 V.S.A. § 290b \(audits\)](#) to require that sheriff’s departments cover the costs of audits. It also will require sheriff’s departments to inform the Auditor if a sheriff or deputy establishes a nonpublic organization of which the sheriff or any employee of the sheriff is a director and that has a mission or purpose of supplementing the efforts of the sheriff’s department. The organization’s activities must be subsequently reported to the Auditor as well.

***** Conflicts of Interest *****

Sec. 4 adds 24 V.S.A. § 314 to create ‘conflict of interest’ requirements for sheriffs and deputies. In brief, a conflict of interest is defined as an interest that is in conflict with the proper discharge of official duties due to a significant personal or financial interest. Sheriffs and deputy sheriffs are to recuse themselves from any matter where there is an appearance of conflicts and actual conflicts unless the Sheriff’s Executive Committee approves the conflict. The Department of State’s Attorneys and Sheriffs will establish procedures for handling ethics complaints from any source based on the procedures set forth in [3 V.S.A. § 1223 \(procedures for handling complaints\)](#), part of the existing State Code of Ethics ([3 V.S.A. Chapter 31](#)).

* * * Sheriff Contracts * * *

Sec. 5 amends [24 V.S.A. § 291a \(contracts\)](#) subsection (c) and adds a new subsection (f). (Note: the amendments to (b) correct outdated terminology; this section applies to *all* the contracts to which sheriff’s departments are a party, not only municipal contracts.)

Subsection (c), as modified, would permit administrative overhead fees in sheriff’s departments’ contract, but to limit the use of such derived funds only for the costs of necessary departmental expenses not covered by State or county funds, including the cost of vehicles, uniforms, equipment, training, and professional services.

The new subsection (f) would require an agreement or contract for sheriff’s departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted for these services over all county and State courthouses. See Sec. 7, which codifies this as a sheriff’s duty.

Sec. 5a is session law that temporarily—in calendar years 2023 and 2024 —will allow administrative overhead fees to be used to supplement “salary payments to a sheriff of not more than 50 percent of the annual compensation for a sheriff, provided that the sheriff has been in office at least two years, and to any employee of a sheriff’s department or a sheriff that has been in office less than two years of not more than 10 percent of the annual compensation for the employee.”

* * * Sheriff Duties * * *

Sec. 6 will amend [24 V.S.A. § 293 \(duties\)](#) adding three new subsections ((b)-(d)) and duties for sheriffs: (b) a requirement that sheriffs maintain a record of their work schedules; (c) a requirement that sheriff’s departments shall comply with the standard operating procedures manuals and policy manuals created by the Department of State’s Attorneys and Sheriffs; and (d) sheriff’s departments provide assistance to individuals with a “relief from abuse order” to retrieve personal belongings, and do so without seeking a fee.

Sec. 7 will add [24 V.S.A. § 293\(e\)](#) requiring sheriffs to provide a minimum of one deputy sheriff, certified as a law enforcement officer in accordance with 20 V.S.A. § 2358, for law enforcement and security services for each county and State courthouse. This will have a later effective date. See Sec. 5, regarding contracting, above.

Sec. 8 amends [24 V.S.A. § 299 \(Duties as Peace Officer\)](#) to modernize use-of-force terminology, bringing this into conformity with existing language with 20 V.S.A. chapter 151.

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

Sec. 9 will repeal [24 V.S.A. § 301 \(penalty for refusal to assist\)](#), the penalty for refusing to assist a sheriff.

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

Sec. 10 will create the “Sheriff’s Departments Oversight Task Force.”

(b) Membership:

- (1) one member appointed by the Department of State’s Attorneys and Sheriffs;
- (2) one member appointed by the Department of Human Resources;
- (3) one member appointed by the Attorney General’s Office;
- (4) one member appointed by the Vermont Sheriffs’ Association;
- (5) one member appointed by the State Auditor;
- (6) one member appointed by the Vermont Criminal Justice Council;
- (7) one member appointed by the Vermont Association of County Judges;
- (8) one member of an organization focused on law enforcement reform, who shall be appointed by the Speaker of the House; and
- (9) one member of a different organization focused on law enforcement reform, who shall be appointed by the Senate Committee on Committees.

(c) Powers and duties. The Sheriff’s Departments Oversight Task Force shall consider issues relating to oversight of sheriffs’ departments, including the following:

- (1) creating and maintaining 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) the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, benefits, and bonuses, and the appropriate employment status of courthouse security deputies;
- (4) the duties of sheriffs, as related to both law enforcement and administration of sheriff’s departments;
- (5) oversight of sheriffs, as related to both conduct and administration of sheriff’s departments;
- (6) creating a sustainable funding model for sheriff’s departments that is not based on contracts for services;
- (7) reorganizing the Department of State’s Attorneys and Sheriffs to better provide oversight and support for State’s Attorneys and sheriffs; and
- (8) determining the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public funds are consistent with generally accepted standards.

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

The Sheriff's Departments Oversight Task Force shall cease to exist on July 1, 2024.

* * * Effective Dates * * *

Sec. 11, "Effective Dates," has the provisions of the bill will take effect on passage, except that Sec. 7 (adding 24 V.S.A. § 293(e) requiring a deputy sheriff at each county and State courthouse), which shall take effect on July 1, 2024.