

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which  
3 was referred Senate Bill No. 17 entitled “An act relating to sheriff reforms”  
4 respectfully reports that it has considered the same and recommends that the  
5 House propose to the Senate that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Findings \* \* \*

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

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

12 (2) Incidents of criminal and unprofessional behavior by elected sheriffs  
13 and sheriff’s deputies have shaken the public’s trust in the office of sheriff.

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

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

20 \* \* \* Audits \* \* \*

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

1 § 290. COUNTY SHERIFF'S DEPARTMENT

2 \* \* \*

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

20 (2) ~~A~~ An assistant judge shall forward the sheriff's written transition  
21 plan and a report of all financial disbursements ~~or~~ and transfers made pursuant

1 to this subsection ~~shall be forwarded by the assistant judges~~ to the Auditor of  
2 Accounts within 15 days ~~of completion of the out-going sheriff's duties~~  
3 following the sheriff leaving office.

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

5 § 290b. AUDITS

6 \* \* \*

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

12 \* \* \*

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

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

1           (10) other procedures and requirements as the Auditor of Accounts  
2           deems necessary.

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

11           \* \* \*

12           \* \* \* Conflict of Interest \* \* \*

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

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

16           (a) Sheriffs and deputy sheriffs are considered public servants for the  
17           purposes of 3 V.S.A. § 1202(1). A conflict of interest may also exist when a  
18           member of a sheriff's or deputy sheriff's immediate family or household, or  
19           the sheriff's or deputy sheriff's business associate, or an organization with  
20           which the sheriff or deputy sheriff is affiliated, interferes with the proper  
21           discharge of a lawful duty. A conflict of interest does not include any interest

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

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

12 (d) Nothing in this section shall require a sheriff or deputy sheriff to  
13 disclose confidential information or information that is otherwise privileged  
14 under law. "Confidential information," as used in this subsection, means  
15 information that is exempt from public inspection and copying under 1 V.S.A.  
16 § 315 et seq. or is otherwise designated by law as confidential.

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

18 § 315. SHERIFFS; ANNUAL DISCLOSURE

19 (a) Annually, each sheriff shall file with the State Ethics Commission a  
20 disclosure form that contains the following information in regard to the  
21 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 on or before January 15 of each  
9 year or, if the sheriff is appointed after January 15, within 10 days after that  
10 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  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*  
  
\* \* \*

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

(c) A contract under this section may contain provisions for compensation to the sheriff for administration of the contract and related services. No compensation may be paid to a sheriff for administration of the contract or related services unless the contract sets forth in writing the rate or method of calculation for the compensation and a schedule of payment; provided that a sheriff’s compensation for administration shall not exceed five percent of the contract. A sheriff’s rate of compensation shall be at a rate equivalent to other employees of the department who provide similar services under the contract. Compensation to the sheriff shall be made in accordance with the schedule set forth in the contract but in no event may a sheriff be compensated for administration of the contract and related services unless the compensation is made in the same calendar year in which the revenue was received by the department under the contract. Funds derived from charges for the administration of a contract, if used for sheriff, sheriff deputy, or other departmental employee compensation, bonuses, salary supplements, retirement contributions, or employment benefits, shall be expended in accordance with 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 a 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           (c) On or before July 1, 2024, each sheriff’s department shall adopt the  
2           model Sheriff’s Departments Compensation and Benefits Model Policy. A  
3           sheriff’s department may include additional provisions to the Model Policy in  
4           its own policy, provided none of these provisions contradict any provisions of  
5           the Model Policy.

6           Sec. 5b. 24 V.S.A. § 367 is amended to read:

7           § 367. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS

8   \* \* \*

9           (e)(1) The Executive Director of the Department of State’s Attorneys and  
10           Sheriffs, in consultation with the Sheriff’s Executive Committee, shall appoint  
11           a Director of Sheriffs’ Operations who shall serve at the pleasure of the  
12           Executive Director.

13           (2) The Director of Sheriffs’ Operations shall provide centralized  
14           support services for the sheriffs with respect to budgetary planning, policy  
15           development and compliance, training, and office management, and perform  
16           such other duties as directed by the Executive Director.

17           (3) The Director of Sheriffs’ Operations shall develop, maintain, and  
18           provide to each sheriff’s department model policies on operational topics  
19           including service of civil process, relief from abuse orders, transportation of  
20           prisoners, ethics, and sheriffs’ responsibilities.

21           Sec. 5c. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS;

1                   POSITION

2                   (a) The following position is created in the Department of State’s Attorneys  
3                   and Sheriffs: one full-time, exempt Director of sheriff’s Operations.

4                   (b) The Director of Sheriffs’ Operations shall be funded by a charge  
5                   assessed on each Sheriff’s Department.

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

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

1 provide input to the Department of State’s Attorneys and sheriffs regarding  
2 budget, legislation, personnel and policies, and the assignment of positions,  
3 when vacancies arise, for efficient use of resources.

4 \* \* \* Sheriff Duties \* \* \*

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

6 § 293. DUTIES

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

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

13 (c) Each sheriff’s department shall comply with the provisions of the  
14 standard operating procedures manuals and policy manuals created and  
15 maintained by the Department of State’s Attorneys and Sheriffs.

16 (d) If an individual who has a relief from abuse order pursuant to 15 V.S.A.  
17 § 1103 requires assistance in the retrieval of personal belongings from the  
18 individual’s residence, and the individual requests assistance from a sheriff’s  
19 department providing law enforcement services for the county in which that  
20 individual resides, the sheriff’s department shall provide the assistance. A  
21 sheriff’s department shall not seek a fee from the individual being assisted in

1 the retrieval of personal belongings from the residence or any representative of  
2 that individual.

3 Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE  
4 SECURITY; REPORT

5 On or before December 1, 2023, the Judiciary, in consultation with the  
6 Department of State's Attorneys and Sheriffs, the Vermont Sheriffs'  
7 Association, Vermont State Employees' Association, and other relevant  
8 stakeholders shall report to the House Committee on Government Operations  
9 and Military Affairs and the Senate Committee on Government Operations on  
10 the number of sheriff's deputies needed to be made available to provide law  
11 enforcement and security services to county and State courthouses to facilitate  
12 regular courthouse operations. The report shall also include recommendations  
13 regarding any needed creation of classified positions responsible for  
14 courthouse security services, similar to the classified position of transport  
15 deputy, and any corresponding budget request for these positions.

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 Reform Report \* \* \*

8 Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

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

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

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

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

