

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 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 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:

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

15 (d) Sheriff's departments providing law enforcement services in the county
16 in which an individual who has a relief from abuse order pursuant to 15 V.S.A.
17 § 1103 resides shall have a duty to assist in the retrieval of personal belongings
18 of the individual and that individual's dependents from the individual's
19 residence; provided, however, that no other primary law enforcement agency
20 for that location is available within a reasonable timeframe to provide the
21 assistance. "Primary law enforcement agency," as used in this subsection,

1 shall mean a law enforcement agency responsible for providing law
2 enforcement services in a certain town, city, or village by statute or contract.

3 (e) No law enforcement officer or law enforcement agency shall seek a fee
4 from the individual seeking assistance or being assisted in the retrieval of
5 personal belongings from the residence pursuant to subsection (d) of this
6 section or any representative of that individual.

7 **Sec. 6a. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY**
8 **SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT**

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

19 **Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE**
20 **SECURITY; REPORT**

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

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

13 § 299. DUTIES AS PEACE OFFICER

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

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

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

2 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

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

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

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

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

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

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

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

20 (5) recommended membership and duties of an advisory commission for
21 sheriffs comparable to, or combined with, the Vermont State Police Advisory

1 Commission, as related to both conduct and administration of sheriff's
2 departments;

3 (6) the creation of a sustainable funding model for sheriff's departments,
4 including the consolidation or reorganization of sheriff's departments;

5 (7) recommendations for the Department of State's Attorneys and Sheriffs
6 to better provide oversight and support for State's Attorneys and sheriffs; and

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

11 * * * Effective Dates * * *

12 Sec. 11. EFFECTIVE DATES

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

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16
17
18 (Committee vote: _____)

19 _____
20 Representative _____

21 FOR THE COMMITTEE