

Jeanette White Testimony on S17  
March 12, 2023

Good Afternoon,

Even after 20 years in the Senate I find this terrifying. Not that you are terrifying but just to be here talking to you. The job of the witness is to give you the best information to convince you that I know what I am talking about and that you should pay attention to me.

So how much, how little to say. For me, on the topic I could talk all day or I could be really brief. Maybe somewhere in between.

Now I understand why Frank Bryan, UVM political science professor used to addressing groups, he said his palms were sweating and he was terrified when he testified to SGO.

For those of you that I have not yet met, this is an area that I have been working on for many years. Over those years, with input and support from law enforcement, many positive changes have been made. Two as examples – we now have level II and level II certification instead of full and part time officers and the CJC has adopted categories of offenses and potential sanction. But these have all been done working with law enforcement. S17 feels mor like doing to rather than doing with.

Remember I am not the expert here – you will hear from those who have much more expertise – in fact you just heard from Sheriff Anderson who is much more knowledgeable. But these are my thought on the bill from my experience working on these issues.

Section 1 – what I heard from CJC was that the addition of H & I was not necessarily harmful but unnecessary and might cause confusion. They are the experts here.

Sec 2&3 – this all makes sense but just make sure that somehow Sheriff departments have resources to pay for unexpected audits – they budget for the routine ones. And just as an aside – and here I will probably disagree with my colleague from the past – Tim Ashe – but ask questions. For example, indeed there was \$400K paid in bonuses but ask why. My understanding is that it was meant to cover health care and retirement benefits and lack of raises for 2 years. So look at the reasons, not just the outcome.

Sec 4 – not sure why there is a separate conflict of interest and ethics policy for sheriffs. The GA spent years defining a State Code of Ethics that includes a conflict of interest policy. Sheriffs and transport deputies are paid by the state so may be covered, I'm not sure. If not, or even if so, simply extend the State Coe to cover sheriffs departments.

Sec 5 – This issue has clearly caused a lot of consternation. Excuse me if you have already heard all this. It seems this was put in statute because it was easier than trying to raise sheriffs salaries to the level of other law enforcement supervisors. But this whole issue is largely misunderstood but is a goo one-liner to get people riled up. There are a couple discreet issues here.

First is the salary issue. In the larger scheme sheriffs are underpaid – and as an aside, they are the only law enforcement officers who are PERSONALLY responsible for the action of their deputies. So if a deputy is sued, the sheriff can also be personally sued. And yet their comparable pay is less.

The second issue is the admin fee. Almost everyone who deals with grants and contracts is allowed to have an admin fee. This is often 10-20%. Sometimes the amount is dictated by the grantor, sometimes by the grantee. I deal with grant/contracts all the time and this is very common. In fact I would guess that the state itself takes an admin fee of up to 20% on many grants/contracts. If you look up admin fees you will find it covers many things – write the contract/grant (in the case of sheriffs this means meeting with the towns and other entities), supervise staff, prepare budget, do reports, hire grant managers, actually administer the grant, etc. Nowhere do the statutes tell AHS or any other agency or department how much they can charge as an admin fee. Yet we limit sheriffs to 5%. This leads to the next discreet issue. Use of the admin fee..

Not only do we tell sheriffs how much they can have as an admin fee, we tell them what they can use it for. 5a is a partial attempt to solve this. But it will sunset. The hope is that the salary issue will be addressed by the study and the 5% issue related to sheriff salaries will go away. However when 5a sunsets, if Sec 5 remains, it will still limit what the admin fee can be used for. For example it couldn't be used to pay a grants manager or pay for benefits. And why would we care about that. Imagine if we told AHS that they couldn't pay a grants manager with the admin fee – or just in general define what they could use it for. They would not be happy.

Sec 6 requires sheriffs to keep a work schedule. This is very poorly defined and there might be questions about how detailed it is. If it indeed is limited to just recording the days, not the schedule that might be okay. But it could go way beyond that. It says work schedule to include – to include is not limiting, so how much more could be required. And who will require it? And who will have access to it, who will review it, and how will it be used. For example if a sheriff meets with school groups, individuals, etc. is that legitimate or open to criticism. If detailed it could be used to vilify sheriff.

Sec 6 also requires sheriffs to retrieve belongs for people who have a relief from abuse order, and they are not allowed to charge. My understanding is that there is currently a system in place for doing this but it is not dictated by statute. Be careful that by defining the system it does not interfere with current understandings. The other question here is how is the sheriff compensated – I agree it should not be by the victim (these are the types of costs that could be covered by some admin fees but in this bill they cannot because they cannot be used for deputy pay). These situations may be complicated. They could be volatile requiring more than one deputy, and they could take considerable time depending on what is to be removed.

I would also like to address what is not in the bill. As I understand it the impetus for this bill was to address rogue sheriffs. As far as I can tell this bill does nothing to curb rogues sheriffs or any sheriffs actions. The way to do that is to beef up the sanctions. I am pretty sure this is not unconstitutional. It can be done through the CJC in collaboration with the Sheriffs Association and the Dept of Sheriffs and States Attorneys. This not lead to the removal of the sheriff but it will be able to limit their ability to continue as a law enforcement officer so will limit their

duties. The Sheriffs Association presented some suggestions that may provide some of this. If there is a Sheriffs Oversight Committee set up just be careful what we mean by oversight. CHC has oversight, work with them but oversight is not necessarily the same as investigating and sanctioning so just be careful.

So my specific recommendations:

- 1) Extend the State Code of Ethics to Sheriffs Departments
- 2) Leave the statute the way it currently exists concerning the 5% until the salary study is done. Even better eliminate it and pay the sheriffs and let them figure out admin costs and how to use them just as we do for all state agencies, departments.
- 3) If necessary, if we can't actually pay sheriffs a decent salary, add a section that limits the sheriff from using any fees (admin or otherwise) to increase their salary to more than 50% of the base pay (that is how many positions in the Pay Act are treated)
- 4) If you leave the 5%, don't prohibit it to be used to cover benefits.
- 5) On the sheriffs time cards – take out “including” and just have them record days worked, leave time and time away from district over three days. Carefully define who will review and have access. I suggest only the Dept of Sheriffs and States Attorneys.
- 6) Figure out a way to pay for time spent healing those with relief from abuse orders.
- 7) Work with the Sheriff Association and CJC to develop and impose sanctions on actions of rogue sheriffs rather than paint them all with the same brush

Sheriffs are an important part of our law enforcement system. The structure under which they operate is flawed but the way to address that is to work with them to help change the system, not make the system even more difficult.

Thank you for your time and attention.