

1 TO THE HONORABLE SENATE:

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

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

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

10 § 2401. DEFINITIONS

11 As used in this subchapter:

12 * * *

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

19 (A) sexual harassment involving physical contact or misuse of
20 position;

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

- 1 (C) excessive use of force under authority of the State, first offense;
2 (D) biased enforcement;
3 (E) use of electronic criminal records database for personal, political,
4 or economic gain;
5 (F) placing a person in a chokehold;
6 (G) failing to intervene and report to a supervisor when the officer
7 observes another officer placing a person in a chokehold or using excessive
8 force;
9 (H) gross negligence or willful misconduct in the performance of
10 duties; and
11 (I) abuse of the powers granted through law enforcement officer
12 certification pursuant to section 2358 of this title.

13 * * *
14 * * * Audits * * *

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

16 § 290. COUNTY SHERIFF’S DEPARTMENT

17 * * *

18 (b) Full-time State deputy sheriffs whose primary responsibility is
19 transportation of prisoners and persons with a mental condition or psychiatric
20 disability shall be paid by the State of Vermont. The positions and their
21 funding shall be assigned to the Department of State’s Attorneys and Sheriffs.

1 The Executive Director shall have the authority to determine job duties for the
2 position, assignment of positions to county, regular and temporary work
3 locations, assistance to other State agencies and departments, timesheet
4 systems, daily work logs, and to have final approval of personnel matters,
5 including, but not limited to, approval for hiring, paygrade assignment, hiring
6 rate, discipline, and termination. ~~The sheriffs shall have an Executive
7 Committee of not more than five current sheriffs, elected for a two-year term
8 by a vote of the sheriffs held not later than January 15, for a term starting
9 February 1. The Executive Committee shall have a Chair, Vice Chair,
10 Secretary Treasurer, and two members at large. The Executive Committee
11 shall meet at least quarterly to provide input to the Department of State's
12 Attorneys and sheriffs regarding budget, legislation, personnel and policies,
13 and the assignment of positions, when vacancies arise, for efficient use of
14 resources.~~

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 re-election 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) A standard operating procedures manual or policy manual created by
17 the Department of State's Attorneys and Sheriffs may impose additional
18 requirements relating to conflicts of interest on sheriffs and deputy sheriffs.

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

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* * * Sheriff Contracts * * *

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

§ 291a. CONTRACTS

* * *

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

* * *

(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~~

1 ~~administration of the contract and related services unless the compensation is~~
2 ~~made in the same calendar year in which the revenue was received by the~~
3 ~~department under the contract. A contract under this section may contain~~
4 ~~provisions for an administrative overhead fee at a rate not to exceed five~~
5 ~~percent of the contract. Funds derived from contract administrative overhead~~
6 ~~fees shall be kept in a separate account held by the sheriff's department and~~
7 ~~used by the sheriff's department only for the costs of necessary departmental~~
8 ~~expenses not covered by State or county funds, including the cost of vehicles,~~
9 ~~uniforms, equipment, training, and professional services. Funds derived from~~
10 ~~contract administrative overhead fees shall not be used for sheriff, sheriff~~
11 ~~deputy, or other departmental employee compensation, bonuses, salary~~
12 ~~supplements, retirement contributions, or employment benefits.~~

13 * * *

14 (f) An agreement or contract for sheriff's departments to provide law
15 enforcement or security services to county and State courthouses shall be
16 subject to a single, statewide contracted rate of pay for such services over all
17 county and State courthouses. The rate of pay shall be \$51.00 per hour
18 beginning on July 1, 2024, and shall be increased annually thereafter by two
19 percent, which shall be subject to the availability of funds appropriated for this
20 purpose.

21 * * * Sheriff Duties * * *

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

2 § 293. DUTIES

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

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

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

12 (d) Sheriff's departments shall have a duty to assist in the retrieval of
13 personal belongings from the residence of an individual who has a relief from
14 abuse order pursuant to 15 V.S.A. § 1103 and that individual's dependents. A
15 sheriff's department, when assisting in the retrieval of personal belongings
16 from the residence of an individual who has a relief from abuse order pursuant
17 to 15 V.S.A. § 1103 or that individual's dependents, shall not seek a fee from
18 the individual or the individual's dependents being assisted or any
19 representative of that person.

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

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

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

6 § 299. DUTIES AS PEACE OFFICER

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

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

15 Sec. 10. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

16 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

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

2 Sec. 11. SHERIFF'S DEPARTMENTS OVERSIGHT TASK FORCE;

3 REPORT

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

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

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

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

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

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

14 (5) one member, appointed by the State Auditor;

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

16 (7) assistant judge, appointed by the Assitance judges association; and

17 (8) a member of an organization focused on law enforcement reform,
18 who shall be appointed by the Speaker of the House; and

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

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

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

6 (2) increasing efficiency in the delivery of public safety services by
7 sheriff’s departments;

8 (3) the compensation structure and levels of sheriffs, deputies, and
9 departmental staff, including salaries, overtime, retirement, benefits, and
10 bonuses;

11 (4) the duties of sheriffs, as related to both law enforcement and
12 administration of sheriff’s departments;

13 (5) oversight of sheriffs, as related to both conduct and administration of
14 sheriff’s departments;

15 (6) examining sources of sheriff’s departments’ revenue sources in
16 relation to the use of revenues for public safety services provided by sheriff’s
17 departments and uses not related to public safety services; and

18 (7) reorganizing the Department of State’s Attorneys and Sheriffs to
19 better support the duties and operations of state’s attorneys and sheriffs.

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

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

8 (f) Meetings.

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

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

15 (3) A majority of the members of the Sheriff's Departments Oversight
16 Task Force shall constitute a quorum.

17 (4) The Sheriff's Departments Oversight Task Force shall cease to exist
18 on July 1, 2024.

19 (g) Compensation and reimbursement.

20 The members of the public Sheriff's Departments Oversight Task Force
21 who are appointed from an organization focused on law enforcement reform

1 shall be entitled to per diem compensation as permitted under 32 V.S.A.
2 § 1010 for not more than five meetings, provided that those members are not
3 paid for their services by the organization for which the member is
4 representing on the Sheriff's Departments Oversight Task Force. These
5 payments shall be made from monies appropriated to the Department of State's
6 Attorneys and Sheriffs.

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

10 * * * Effective Dates * * *

11 Sec. 12. EFFECTIVE DATE

12 This act shall take effect on passage, except Sec. 7 (adding 24 V.S.A. §
13 293(e)), which shall take effect on July 1, 2024.

14

15

16

17 (Committee vote: _____)

18

19

Senator _____

20

FOR THE COMMITTEE