

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.

* * * Audits * * *

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

§ 290. COUNTY SHERIFF'S DEPARTMENT

* * *

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

1 director or participant and that has a mission or purpose of supplementing the
2 efforts of the 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 * * * Conflict of Interest * * *

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

16 § 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF
17 INTEREST

18 (a) Sheriffs and deputy sheriffs are considered public servants for the
19 purposes of 3 V.S.A. § 1202(1). A conflict of interest may also exist when a
20 member of a sheriff's or deputy sheriff's immediate family or household, or
21 the sheriff's or deputy sheriff's business associate, or an organization with

1 which the sheriff or deputy sheriff is affiliated, interferes with the proper
2 discharge of a lawful duty. A conflict of interest does not include any interest
3 that is not greater than that of other individuals generally affected by the
4 outcome of the matter.

5 (b) A sheriff or deputy sheriff shall avoid any conflict of interest or the
6 appearance of a conflict of interest. When confronted with a conflict of
7 interest or an appearance of a conflict of interest, a sheriff or deputy sheriff
8 shall disclose the conflict of interest to the Sheriff’s Executive Committee,
9 recuse themselves from the matter, and not take further action on the matter.

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

13 (d) Nothing in this section shall require a sheriff or deputy sheriff to
14 disclose confidential information or information that is otherwise privileged
15 under law. “Confidential information,” as used in this subsection, means
16 information that is exempt from public inspection and copying under 1 V.S.A.
17 § 315 et seq. or is otherwise designated by law as confidential.

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

2 § 315. SHERIFFS; ANNUAL DISCLOSURE

3 (a) Annually, each sheriff shall file with the State Ethics Commission a
4 disclosure form that contains the following information in regard to the
5 previous 12 months:

6 (1) Each source, but not amount, of personal income of the sheriff and
7 of the sheriff's spouse or domestic partner, and of the sheriff together with the
8 sheriff's spouse or domestic partner, that totals more than \$5,000.00, including
9 any of the sources meeting that total described as follows:

10 (A) employment, including the employer or business name and
11 address and, if self-employed, a description of the nature of the self-
12 employment without needing to disclose any individual clients; and

13 (B) investments, described generally as "investment income."

14 (2) Any board, commission, or other entity that is regulated by law or
15 that receives funding from the State on which the sheriff served and the
16 sheriff's position on that entity.

17 (3) Any 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 (4) Any lease or contract with the State held or entered into by:

21 (A) the sheriff or the sheriff's spouse or domestic partner; or

1 (B) a company of which the sheriff or the sheriff’s spouse or
2 domestic partner, or the sheriff together with the sheriff’s spouse or domestic
3 partner, owned more than 10 percent.

4 (b) In addition, if a sheriff’s spouse or domestic partner is a lobbyist, the
5 sheriff shall disclose that fact and provide the name of the sheriff’s spouse or
6 domestic partner and, if applicable, the name of that individual’s lobbying
7 firm.

8 (c)(1) Disclosure forms shall contain the statement, “I certify that the
9 information provided on all pages of this disclosure form is true to the best of
10 my knowledge, information, and belief.”

11 (2) Each sheriff shall sign the disclosure form in order to certify it in
12 accordance with this subsection.

13 (d)(1) A sheriff shall file the disclosure form on or before January 15 of
14 each year or, if the sheriff is appointed after January 15, within 10 days after
15 that appointment.

16 (2) A sheriff who filed this disclosure form as a candidate in accordance
17 with 17 V.S.A. § 2414 in the preceding year and whose disclosure information
18 has not changed since that filing may update that filing to indicate that there
19 has been no change.

1 * * * Sheriff’s Department Compensation and Benefits * * *

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

3 § 291a. CONTRACTS

4 * * *

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

8 * * *

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

11 * * *

12 (c) A contract under this section may contain provisions for compensation to
13 the sheriff for administration of the contract and related services. No
14 compensation may be paid to a sheriff for administration of the contract or
15 related services unless the contract sets forth in writing the rate or method of
16 calculation for the compensation and a schedule of payment; provided that a
17 sheriff’s compensation for administration shall not exceed five percent of the
18 contract. A sheriff’s rate of compensation shall be at a rate equivalent to other
19 employees of the department who provide similar services under the contract.
20 Compensation to the sheriff shall be made in accordance with the schedule set
21 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. Funds derived from charges for the
4 administration of a contract, if used for sheriff, sheriff deputy, or other
5 departmental employee compensation, bonuses, salary supplements, retirement
6 contributions, or employment benefits, shall be expended in accordance with
7 the model policy created and maintained by the Department of State’s
8 Attorneys and Sheriffs. Willful failure to comply with this policy shall
9 constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

10 * * *

11 (f) An agreement or contract for sheriff’s departments to provide law
12 enforcement or security services to county and State courthouses shall be
13 subject to a single, statewide contracted rate of pay for such services over all
14 county and State courthouses.

15 Sec. 5a. SHERIFF’S DEPARTMENTS COMPENSATION AND BENEFITS

16 MODEL POLICY

17 (a) On or before January 1, 2024, the Department of State’s Attorneys and
18 Sheriffs, after receiving input from the sheriffs, the Auditor of Accounts, and
19 the Department of Human Resources, shall develop the Sheriff’s Departments
20 Compensation and Benefits Model Policy and submit it for review and
21 approval to the Vermont Criminal Justice Council. The Vermont Criminal

1 Justice Council may, in consultation with the Department of State’s Attorneys
2 and Sheriffs, subsequently alter and update the Model Policy.

3 (b) The Sheriff’s Departments Compensation and Benefits Model Policy
4 shall address the structure and use of funds for compensation, bonuses, salary
5 supplements, retirement contributions, and employment benefits for sheriffs,
6 sheriff’s deputies, and other departmental employees.

7 (c) On or before July 1, 2024, each sheriff’s department shall adopt the
8 model Sheriff’s Departments Compensation and Benefits Model Policy. A
9 sheriff’s department may include additional provisions to the Model Policy in
10 its own policy, provided that none of these provisions contradict any
11 provisions of the Model Policy.

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

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

14 * * *

15 (e)(1) The Executive Director of the Department of State’s Attorneys and
16 Sheriffs, in consultation with the Sheriff’s Executive Committee, shall appoint
17 a Director of Sheriffs’ Operations who shall serve at the pleasure of the
18 Executive Director.

19 (2) The Director of Sheriffs’ Operations shall provide centralized
20 support services for the sheriffs with respect to budgetary planning, policy

1 development and compliance, training, and office management, and perform
2 such other duties as directed by the Executive Director.

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

7 Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;
8 POSITION

9 The following position is created in the Department of State's Attorneys
10 and Sheriffs: one full-time, exempt Director of Sheriffs' Operations.

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

12 (b) Full-time State deputy sheriffs whose primary responsibility is
13 transportation of prisoners ~~and~~, persons with a mental condition or psychiatric
14 disability, or juveniles being transported to court or to a court-ordered facility
15 shall be paid by the State of Vermont. The positions and their funding shall be
16 assigned to the Department of State's Attorneys and Sheriffs. The Executive
17 Director shall have the authority to determine job duties for the position,
18 assignment of positions to county, regular and temporary work locations,
19 assistance to other State agencies and departments, timesheet systems, daily
20 work logs, and to have final approval of personnel matters, including, but not
21 limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and

1 termination. The sheriffs shall have an Executive Committee of not more than
2 five current sheriffs, elected for a two-year term by a vote of the sheriffs held
3 not later than January 15, for a term starting February 1. The Executive
4 Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two
5 members at large. The Executive Committee shall meet at least quarterly to
6 provide input to the Department of State’s Attorneys and sheriffs regarding
7 budget, legislation, personnel and policies, and the assignment of positions,
8 when vacancies arise, for efficient use of resources.

9 * * * Sheriff Duties * * *

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

11 § 293. DUTIES

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

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

18 (c) If an individual who has a relief from abuse order pursuant to 15 V.S.A.
19 § 1103 requires assistance in the retrieval of personal belongings from the
20 individual’s residence and that individual requests assistance from a sheriff’s

1 department providing law enforcement services in the county in which that
2 individual resides, the sheriff's department shall provide the assistance.

3 Sec. 6a. 20 V.S.A. chapter 209 is added to read:

4 CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

5 § 4661. PROHIBITION; STANDBY FEES

6 No law enforcement officer or law enforcement agency shall seek a fee
7 from the individual seeking assistance or being assisted in the retrieval of
8 personal belongings or the personal belongings of the individual's dependents
9 from the individual's residence, pursuant to 24 V.S.A. § 293(c), or any
10 representative of that individual.

11 Sec. 6b. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY

12 SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

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

1 spent, and the costs accumulated by sheriff's departments for providing this
2 assistance.

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;

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

3 (5) recommended membership and duties of an advisory commission for
4 sheriffs comparable to, or combined with, the Vermont State Police Advisory
5 Commission, as related to both conduct and administration of sheriff's
6 departments;

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

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

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

15 * * * Effective Dates * * *

16 Sec. 11. EFFECTIVE DATES

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

19
20
21

1 (Committee vote: _____)

2

3

Representative _____

4

FOR THE COMMITTEE