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S.17

An act relating to sheriff reforms

It is hereby enacted by the

TO THE HOUSE OF REPRESENTATIVES:

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

\* \* \* Findings \* \* \*

Sec. 1. FINDINGS

The General Assembly of the State finds that:

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

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

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

(4) While criminal charges or misconduct may lead to sanctions on Vermont sheriffs, including decertification by the Vermont Criminal Justice Council,





1 Executive Committee detailing all anticipated disbursements or transfers of  
2 departmental assets. Assistant judges shall consult with the Department and  
3 Sheriff's Executive Committee prior to co-signing any disbursements or  
4 transfer of sheriff's department assets. If the assistant judges refuse to co-sign  
5 a disbursement or transfer of sheriff's department assets, the Sheriffs'  
6 Executive Committee may instead approve the disbursements or transfer of  
7 sheriff's department assets and shall thereafter inform the sheriff and the  
8 assistant judges of the county of the Committee's decision.

9 (2) ~~A~~ An assistant judge shall forward the sheriff's written transition  
10 plan and a report of all financial disbursements ~~or~~ and transfers made pursuant  
11 to this subsection ~~shall be forwarded by the assistant judges~~ to the Auditor of  
12 Accounts within 15 days ~~of completion of the out-going sheriff's duties~~  
13 following the sheriff leaving office.

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

15 § 290b. AUDITS

16 \* \* \*

17 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a  
18 uniform system of accounts, controls, and procedures for the sheriff's  
19 department, which accurately reflects the receipt and disbursement of all funds  
20 by the department, the sheriff, and all employees of the department. The  
21 uniform system shall include:

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\* \* \*

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

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

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

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

\* \* \*

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

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

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

(a) As used in this section, “Sheriffs and deputy sheriffs are considered public servants for the purposes of 3 V.S.A. § 1202(1). A conflict of interest” means an interest of may also exist when a sheriff or deputy sheriff that is in conflict with the proper discharge of the sheriff’s or deputy sheriff’s official duties due to a significant personal or financial interest of the sheriff or deputy sheriff, of a person within the member of a sheriff’s or deputy sheriff’s immediate family, of or household, or the sheriff’s or deputy sheriff’s business associate, or of an organization of with which the sheriff or deputy sheriff is affiliated. “Conflict, interferes with the proper discharge of a lawful duty. A conflict of interest” does not include any interest that is not greater than that of any other persons individuals generally affected by the outcome of a the matter.

(b) A sheriff or deputy sheriff shall avoid any conflict of interest or the appearance of a conflict of interest. Except as otherwise provided in subsections (c) of this section, when When confronted with a conflict of interest or an appearance of a conflict of interest, a sheriff or deputy sheriff

1 shall disclose the conflict of interest to the Sheriff’s Executive Committee,  
2 recuse themselves from the matter, and not take further action on the matter.

3 ~~(e) A conflict of interest may be approved by the majority vote of the~~  
4 ~~Sheriff’s Executive Committee only if the material facts of the conflict of~~  
5 ~~interest are disclosed or known to the Sheriff’s Executive Committee. If a~~  
6 ~~conflict of interest is approved, the sheriff or deputy sheriff may then act on the~~  
7 ~~matter at issue.~~

8 ~~(c) The Department of State’s Attorneys and Sheriffs shall establish~~  
9 ~~procedures for handling forwarding ethics complaints from any source to the~~  
10 ~~State Ethics Commission based on the procedures set forth in 3 V.S.A. § 1223.~~  
11 ~~The procedures shall be included in any standard operating procedures manual~~  
12 ~~or policy manual followed by sheriffs and deputy sheriff pursuant to subsection~~  
13 ~~293(c) of this title.~~

14 ~~(ed) Nothing in this section shall require a sheriff or deputy sheriff to~~  
15 ~~disclose confidential information or information that is otherwise privileged~~  
16 ~~under law. “Confidential information,” as used in this subsection, means~~  
17 ~~information that is exempt from public inspection and copying under 1 V.S.A.~~  
18 ~~§ 315 et seq. or is otherwise designated by law as confidential.~~

19 ~~\*\*\* Sheriff Contracts \*\*\*~~

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 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~~Funds derived from charges  
11 for the administration of a contract, if used for sheriff, sheriff deputy, or other  
12 departmental employee compensation, bonuses, salary supplements, retirement  
13 contributions, or employment benefits, shall be expended in accordance with  
14 the model policy created and maintained by the Department of State's  
15 Attorneys and Sheriffs. Willful failure to comply with this policy shall  
16 constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

17 \* \* \*

18 (f) An agreement or contract for sheriff's departments to provide law  
19 enforcement or security services to county and State courthouses shall be  
20 subject to a single, statewide contracted rate of pay for such services over all  
21 county and State courthouses.

1     Sec. 5a. ~~USE OF ADMINISTRATIVE OVERHEAD FUNDS IN~~  
2     ~~2023~~SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS  
3             ~~AND MODEL POLICY~~

4             (a) On or before January 1, 2024, the Department of State's Attorneys and  
5             Sheriffs, after receiving input from the sheriffs, the Auditor of Accounts, and  
6             the Department of Human Resources, shall develop the Sheriff's Departments  
7             Compensation and Benefits Model Policy and submit it for review and  
8             approval to the Vermont Criminal Justice Council. The Vermont Criminal  
9             Justice Council may, in consultation with the Department of State's Attorneys  
10            and Sheriffs, subsequently alter and update the Model Policy.

11            ~~Notwithstanding 24 V.S.A. § 291a(c), in calendar years 2023 and 2024, a~~  
12            ~~sheriff's department may use funds derived from contract administrative~~  
13            ~~overhead fees to make supplemental salary payments to a sheriff of not more~~  
14            ~~than 50 percent of the annual compensation for a sheriff, provided that the~~  
15            ~~sheriff has been in office at least two years, and to any employee of a sheriff's~~  
16            ~~department or a sheriff that has been in office less than two years of not more~~  
17            ~~than 10 percent of the annual compensation for the employee. Funds derived~~  
18            ~~from contract administrative overhead fees shall not be used for any other~~  
19            ~~bonus or supplemental employment benefit payment.~~

20            (b) The Sheriff's Departments Compensation and Benefits Model Policy  
21            shall address the structure and use of funds for compensation, bonuses, salary

1 supplements, retirement contributions, and employment benefits for sheriffs,  
2 sheriff’s deputies, and other departmental employees.

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

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

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

10 \* \* \*

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

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

19 (3) The Director of Sheriffs’ Operations shall develop, maintain, and  
20 provide to each sheriff’s department model policies on operational topics,

1 including service of civil process, relief from abuse orders, transportation of  
2 prisoners, ethics, and sheriffs' responsibilities.

3 Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;

4         POSITION

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

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

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

1 members at large. The Executive Committee shall meet at least quarterly to  
2 provide input to the Department of State’s Attorneys and sheriffs regarding  
3 budget, legislation, personnel and policies, and the assignment of positions,  
4 when vacancies arise, for efficient use of resources.

5 \* \* \* Sheriff Duties \* \* \*

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

7 § 293. DUTIES

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

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

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

17 (d) ~~Sheriff’s departments providing law enforcement services in the county~~  
18 ~~in which~~ If an individual who has a relief from abuse order pursuant to 15  
19 V.S.A. § 1103 ~~resides shall have a duty to assist~~requires assistance in the  
20 retrieval of personal belongings ~~of the from the individual’s residence and that~~  
21 individual ~~and that individual’s dependents from the individual’s residence.~~ A

1 requests assistance from a sheriff's department providing law enforcement  
2 services in the county in which that individual resides, the sheriff's department  
3 shall ~~not~~ provide the assistance.

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

5 CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

6 § 4661. PROHIBITION; STANDBY FEES

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

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

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

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

18 SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

19 On or before January 15, 2024, the Department of State's Attorneys and  
20 Sheriffs, in consultation with the State sheriffs and the Vermont Network  
21 Against Domestic and Sexual Violence, shall report to the House Committee



1 on Government Operations and Military Affairs and the Senate Committee on  
2 Government Operations data, as available through December 1, 2023,  
3 regarding sheriff's departments' assistance in the retrieval of personal  
4 belongings of domestic violence survivors pursuant to 24 V.S.A. § 293(c),  
5 including the aggregate number of episodes of assistance provided, the time  
6 spent, and the costs accumulated by sheriff's departments for providing this  
7 assistance.

8 Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE

9 SECURITY; REPORT

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

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

1 § 299. DUTIES AS PEACE OFFICER

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

9 \* \* \* Repeal of Penalty for Refusal to Assist a Sheriff \* \* \*

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

11 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

12 \* \* \* Sheriff's Departments ~~Oversight Task Force and Reform~~ Report \* \* \*

13 Sec. 10. SHERIFF'S DEPARTMENTS ~~OVERSIGHT TASK FORCE;~~

14 ~~REFORM;~~ REPORT

15 ~~(a) Creation. There is created the Sheriff's Departments Oversight Task~~  
16 ~~Force to examine issues in implementing reforms and accountability across~~  
17 ~~Vermont Sheriff's Department.~~

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

20 ~~(1) one member appointed by~~ On or before November 15, 2023, the  
21 Department of State's Attorneys and Sheriffs;

- 1           ~~(2) one member appointed by the Department of Human Resources;~~
- 2           ~~(3) one member appointed by the Attorney General's Office;~~
- 3           ~~(4) one member appointed by the Vermont Sheriffs' Association;~~
- 4           ~~(5) one member appointed by the State Auditor;~~
- 5           ~~(6) one member appointed by, in consultation with the Vermont~~  
6 Criminal Justice Council;
- 7           ~~(7) one member appointed by, the Auditor of Accounts, the Vermont~~  
8 Association of County Judges;
- 9           ~~(8) one member of an organization focused on law enforcement reform,~~  
10 who shall be appointed by the Speaker of, the Chief Superior Court Judge, and  
11 the Vermont Sheriffs Association, shall report to the House; Committee on  
12 Government Operations and Military Affairs and
- 13           ~~(9) one member of a different organization focused on law enforcement~~  
14 reform, who shall be appointed by the Senate Committee on  
15 Committees. Government Operations on the following:
- 16           ~~(c) Powers and duties. The Sheriff's Departments Oversight Task Force~~  
17 shall consider issues relating to oversight of sheriff's departments, including  
18 the following:
- 19           ~~(1) creating and maintaining recommended policies and best practices to be~~  
20 included in standard operating procedures, manuals and policy manuals;

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

3           (3) recommendations for the compensation structure and levels of sheriffs,  
4           deputies, and departmental staff, including salaries, overtime, retirement,  
5           benefits, and bonuses, and the appropriate employment status of courthouse  
6           security deputies; and benefits;

7           (4) the duties of sheriffs, as related to both including law enforcement and  
8           administration of sheriff's departments;

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

13           (6) creating the creation of a sustainable funding model for sheriff's  
14           departments that is not based on contracts for services, including the  
15           consolidation or reorganization of sheriff's departments;

16           (7) reorganizing recommendations for the Department of State's Attorneys  
17           and Sheriffs to better provide oversight and support for State's Attorneys and  
18           sheriffs; and

19           (8) determining recommendations for the scope and timing of public sector  
20           management training that sheriffs should receive upon election and on a

1 continuing basis to ensure departmental operations and management of public  
2 funds are consistent with generally accepted standards.

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

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

10 ~~(f) Meetings.~~

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

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

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

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

21 ~~(g) Compensation and reimbursement.~~



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Representative

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FOR THE COMMITTEE