

1 S.17

2 Introduced by Senators Sears, Hardy, Baruth, Campion, Clarkson, Hashim,
3 Ram Hinsdale, Vyhovsky, Watson and White

4 Referred to Committee on Judiciary

5 Date: January 17, 2023

6 Subject: Municipal and county government; counties; county officers; powers
7 and duties; sheriffs

8 Statement of purpose of bill as introduced: This bill proposes to add
9 subcategories of unprofessional conduct for law enforcement officers
10 reviewable by the Vermont Criminal Justice Council, prohibit sheriffs from
11 collecting compensation for administration of contracts or related services,
12 repeal the penalty for refusal to assist a sheriff, and require the Secretary of
13 State and the Department of State's Attorneys and Sheriffs to review and
14 report on the number of sheriff's departments.

15 An act relating to sheriff reforms

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 ~~*** Unprofessional Conduct of Law Enforcement Officers Reviewable by the~~

18 ~~Vermont Criminal Justice Council ***~~

19 ~~Sec. 1. 20 V.S.A. § 2401 is amended to read.~~

1 § 2401. DEFINITIONS

2 Terms used in this subchapter:

3 * * *

4 (2) "Category B conduct" means gross professional misconduct
5 amounting to actions on duty or under authority of the State, or both, that
6 involve willful failure to comply with a State-required policy or substantial
7 deviation from professional conduct as defined by the law enforcement
8 agency's policy or, if not defined by the agency's policy, then as defined by
9 Council policy, and shall include any one or more of the following:

- 10 (A) sexual harassment involving physical contact or misuse of
11 position;
- 12 (B) misuse of official position for personal or economic gain;
- 13 (C) excessive use of force under authority of the State, first offense;
- 14 (D) biased enforcement;
- 15 (E) use of electronic criminal records database for personal, political,
16 or economic gain;
- 17 (F) placing a person in a chokehold;
- 18 (G) failing to intervene and report to a supervisor when the officer
19 observes another officer placing a person in a chokehold or using excessive
20 force,

1 ~~(H) gross negligence or willful misconduct in the performance of~~
2 duties; and

3 (I) abuse of the powers granted through law enforcement officer
4 certification pursuant to section 2358 of this title.

5 * * *

6 * * * Sheriff Contracts * * *

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

8 § 291a. CONTRACTS

9 * * *

10 (b) A contract made with a ~~town~~ municipality or county to provide law
11 enforcement or related services shall contain provisions governing the
12 following subjects as best suit the needs of the parties:

13 * * *

14 (4) the type, frequency, and information to be contained in reports
15 submitted by the sheriff's department to the ~~town~~ municipality or county;

16 * * *

17 (c) A contract under this section ~~may~~ shall not contain provisions for
18 compensation to the sheriff for administration of the contract and related
19 services. ~~No compensation may be paid to a sheriff for administration of the~~
20 ~~contract or related services unless the contract sets forth in writing the rate or~~
21 ~~method of calculation for the compensation and a schedule of payment;~~

1 ~~provided that a sheriff's compensation for administration shall not exceed five~~
2 ~~percent of the contract.~~ A sheriff's rate of compensation shall be at a rate
3 equivalent to other employees of the department who provide similar services
4 under the contract. Compensation to the sheriff shall be made in accordance
5 with the schedule set forth in the contract, but in no event may a sheriff be
6 compensated for administration of the contract and related services unless the
7 compensation is made in the same calendar year in which the revenue was
8 received by the department under the contract.

9 * * *

10 * * * Duties as Peace Officer * * *

11 Sec. 3. 24 V.S.A. § 299 is amended to read:

12 § 299. DUTIES AS PEACE OFFICER

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

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

21 ~~SEC. 4. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF~~

1 ~~20 V.S.A. § 201 (penalty for refusal to assist) is repealed.~~

2 * * * Report * * *

3 Sec. 5. REVIEW OF NUMBER OF SHERIFF'S DEPARTMENTS; REPORT

4 On or before January 1, 2024, the Secretary of State and the Department of
5 State's Attorneys and Sheriffs shall report to the House Committee on
6 Government Operations and Military Affairs and the Senate Committee on
7 Government Operations with findings and any recommendations for legislative
8 action on:

9 (1) the necessary number of sheriff's departments in the State; and

10 (2) the precise boundaries of any proposed district in which a sheriff's
11 department is to be established.

12 * * * Effective Date * * *

13 Sec. 6. EFFECTIVE DATE

14 ~~This act shall take effect on passage.~~

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

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

~~*§ 2401. DEFINITIONS*~~

~~*As used in this subchapter:*~~

~~** * **~~

~~*(2) "Category B conduct" means gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency's policy or, if not defined by the agency's policy, then as defined by Council policy, and shall include:*~~

- ~~(A) sexual harassment involving physical contact or misuse of position;~~
- ~~(B) misuse of official position for personal or economic gain;~~
- ~~(C) excessive use of force under authority of the State, first offense;~~
- ~~(D) biased enforcement;~~
- ~~(E) use of electronic criminal records database for personal, political, or economic gain;~~
- ~~(F) placing a person in a chokehold;~~
- ~~(G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a chokehold or using excessive force;~~
- ~~(H) gross negligence or willful misconduct in the performance of duties; and~~
- ~~(I) abuse of the powers granted through law enforcement officer certification pursuant to section 2358 of this title.~~

~~***~~

~~*** Audits ***~~

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

~~§ 290. COUNTY SHERIFF'S DEPARTMENT~~

~~***~~

~~(b) Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners and persons with a mental condition or psychiatric disability shall be paid by the State of Vermont. The positions and their funding shall be assigned to the Department of State's Attorneys and Sheriffs. The Executive Director shall have the authority to determine job duties for the position, assignment of positions to county, regular and temporary work locations, assistance to other State agencies and departments, timesheet systems, daily work logs, and to have final approval of personnel matters, including, but not limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and termination. The sheriffs shall have an Executive Committee of not more than five current sheriffs, elected for a two-year term by a vote of the sheriffs held not later than January 15, for a term starting February 1. The Executive Committee shall have a Chair, Vice Chair, Secretary-Treasurer, and two members at large. The Executive Committee shall meet at least quarterly to provide input to the Department of State's Attorneys and sheriffs regarding budget, legislation, personnel, and policies, and to~~

~~ignment of positions, when vacancies arise, for efficient use of resources.~~

~~***~~

~~(a) 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 re-election 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 assistant judges. A report of all financial disbursements or transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days of completion of the out-going sheriff's duties following the sheriff leaving office.~~

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

~~§ 290. COUNTY SHERIFF'S DEPARTMENT~~

~~***~~

~~(d) 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 assistant judges. A report of all financial disbursements or transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days of completion of the out-going sheriff's duties following the sheriff leaving office.~~

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

~~§ 290b. AUDITS~~

~~***~~

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

~~***~~

~~(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~~

~~ities, 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 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).~~

~~***~~

~~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, "conflict of interest" means an interest of 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 sheriff's or deputy sheriff's immediate family, of the sheriff's or deputy sheriff's business associate, or of an organization of which the sheriff or deputy sheriff is affiliated. "Conflict of interest" does not include any interest that is not greater than that of any other persons generally affected by the outcome of a 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 confronted with a conflict of interest or an appearance of a conflict of interest, a sheriff or deputy sheriff shall disclose the conflict of interest to the Sheriff's Executive Committee, recuse themselves from the matter, and not take further action on the matter.~~

~~(c) A conflict of interest may be approved by the majority vote of the Sheriff's Executive Committee only if the material facts of the conflict of interest are disclosed or known to the Sheriff's Executive Committee. If~~

~~conflict of interest is approved, the sheriff or deputy sheriff may then act on the matter at issue.~~

~~(c) The standard operating procedures manual or policy manual created by the Department of State's Attorneys and Sheriffs may impose additional requirements relating to conflicts of interest on sheriffs and deputy sheriffs.~~

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

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

~~* * * 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 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. A contract under this section may contain~~

~~provisions for an administrative overhead fee at a rate not to exceed five percent of the contract. Funds derived from contract administrative overhead fees shall be kept in a separate account held by the sheriff's department and used by the sheriff's department only for the costs of necessary departmental expenses not covered by State or county funds, including the cost of vehicles, uniforms, equipment, training, and professional services. Funds derived from contract administrative overhead fees shall not be used for sheriff, sheriff deputy, or other departmental employee compensation, bonuses, salary supplements, retirement contributions, or employment benefits.~~

~~***~~

~~(f) An agreement or contract for sheriff's departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted rate of pay for such services over all county and State courthouses. The rate of pay shall be \$51.00 per hour beginning on July 1, 2023. The contract amount that was in effect for the immediately preceding year shall be increased by the unadjusted percentage change in the CPI figure from the last reporting date available next prior to the beginning month of the next fiscal year for which the adjustment is made. Should the percentage change be negative, the State reserves the right to adjust the yearly contract amount accordingly. As used in this subsection, "CPI" means the Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.~~

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

~~Sec. 5a. USE OF ADMINISTRATIVE OVERHEAD FUNDS IN 2023
AND 2024~~

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

~~*** Sheriff Duties ***~~

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

~~§ 293. DUTIES~~

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

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

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

~~(d) Sheriff's departments providing law enforcement services in the county in which an individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 resides shall have a duty to assist in the retrieval of personal belongings of the individual and that individual's dependents from the individual's residence. A sheriff's department shall not seek a fee from the individual being assisted in the retrieval of personal belongings from the residence or any representative of that individual.~~

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

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

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

~~§ 299. DUTIES AS PEACE OFFICER~~

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

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

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

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

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

~~Sec. 11-10. SHERIFF'S DEPARTMENTS OVERSIGHT TASK FORCE,
REPORT~~

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

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

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

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

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

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

~~(5) one member appointed by the State Auditor;~~

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

~~(7) one member appointed by the Vermont Association of County Judges;~~

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

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

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

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

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

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

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

~~(5) oversight of sheriffs, as related to both conduct and administration of sheriff's departments.~~

~~(6) creating a sustainable funding model for sheriff's departments that is not based on contracts for services; and~~

~~(7) reorganizing the Department of State's Attorneys and Sheriffs to better provide oversight and support for state's attorneys and sheriffs.~~

~~(c) Powers and duties. The Sheriff's Departments Oversight Task Force shall consider issues relating to oversight of sheriff's departments, including the following:~~

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

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

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

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

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

~~(5) oversight of sheriffs, as related to both conduct and administration of sheriff's departments;~~

~~(6) creating a sustainable funding model for sheriff's departments that is not based on contracts for services;~~

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

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

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

~~(e) Report. On or before November 15, 2023, the Sheriff's Departments Oversight Task Force shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government~~

Operations with its findings and any recommendations for legislative action.

(f) Meetings.

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

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

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

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

(g) Compensation and reimbursement.

The members of the public Sheriff's Departments Oversight Task Force who are appointed from an organization focused on law enforcement reform shall be entitled to per diem compensation as permitted under 32 V.S.A. § 1010 for not more than five meetings, provided that those members are not paid for their services by the organization for which the member is representing on the Sheriff's Departments Oversight Task Force. These payments shall be made from monies appropriated to the Department of State's Attorneys and Sheriffs.

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

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 7 (adding 24 V.S.A. § 202(a)) shall take effect on July 1, 2024.

Sec. 1. FINDINGS

The General Assembly 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, removal from office can only be achieved through expiration of term, 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.~~

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

~~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, and the sheriff shall, within two weeks, provide the Department of State's Attorneys and Sheriffs, the Auditor of Accounts, and the assistant judges of that county with a written list of all transfers of departmental assets and financial disbursements to a single source, in aggregate, greater than \$10,000.00 anticipated to occur before the sheriff leaves office. Assistant judges shall consult with the Director of Sheriffs' Operations when considering whether to co-sign any transfers of departmental assets or financial disbursements to a single source, in aggregate, greater than \$10,000.00. The assistant judges shall not unreasonably refuse to co-sign any disbursements or transfer of sheriff's department assets.

(2) A report of all financial disbursements ~~or~~ and transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days ~~of completion of the out-going sheriff's duties following the sheriff leaving office.~~

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

§ 290b. AUDITS

** * **

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

** * **

(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) Sheriffs and deputy sheriffs are considered public servants for the purposes of 3 V.S.A. § 1202(1). A conflict of interest may also exist when a member of a sheriff's or deputy sheriff's immediate family or household, or the sheriff's or deputy sheriff's business associate, or an organization with which the sheriff or deputy sheriff is affiliated, 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 other individuals generally affected by the outcome of the matter.

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

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

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

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

§ 315. SHERIFFS; ANNUAL DISCLOSURE

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

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

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

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

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

(3) Any company of which the sheriff or the sheriff's spouse or domestic partner, or the sheriff together with the sheriff's spouse or domestic partner, owned more than 10 percent.

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

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

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

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

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

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

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

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

** * * Sheriff's Department Compensation and Benefits * * **

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 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 Attorneys and Sheriffs. Willful failure to comply with this policy shall constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

** * **

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

~~*Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS
MODEL POLICY*~~

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

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

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

*Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS
MODEL POLICY*

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

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

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

(d) Notwithstanding 24 V.S.A. § 291a(c), prior to a sheriff's department adopting the Sheriff's Departments Compensation and Benefits Model Policy, a sheriff's department may use funds derived from contract administrative overhead fees to make supplemental salary payments to a sheriff of not more

than 50 percent of the annual compensation for a sheriff, provided that the sheriff has been in office at least two years, and to any employee of a sheriff's department or a sheriff that has been in office less than two years of not more than 10 percent of the annual compensation for the employee. Funds derived from contract administrative overhead fees shall not be used for any other bonus or supplemental employment benefit payment.

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

§ 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

* * *

(e)(1) The Executive Director of the Department of State's Attorneys and Sheriffs ~~in consultation with the Sheriff's Executive Committee~~ shall appoint a Director of Sheriffs' Operations who shall serve at the pleasure of the Executive Director.

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

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

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

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

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

(b) Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners ~~and~~ persons with a mental condition or psychiatric disability, or juveniles being transported to court or to a court-ordered facility shall be paid by the State of Vermont. The positions and their funding shall be assigned to the Department of State's Attorneys and Sheriffs. The Executive Director shall have the authority to determine job duties for the position, assignment of positions to county, regular and temporary work locations, assistance to other State agencies and departments, timesheet systems, daily work logs, and to have final approval of personnel matters, including, but not limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and termination. The sheriffs shall have an Executive Committee of not more than five current sheriffs, elected for a two-year term by a vote of the sheriffs

held not later than January 15, for a term starting February 1. The Executive Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two members at large. The Executive Committee shall meet at least quarterly to provide input to the Department of State's Attorneys and sheriffs regarding budget, legislation, personnel and policies, and the assignment of positions, when vacancies arise, for efficient use of resources.

** * * Sheriff Duties * * **

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

§ 293. DUTIES

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

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

(c) If an individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 requires assistance in the retrieval of personal belongings from the individual's residence and that individual requests assistance from a sheriff's department providing law enforcement services in the county in which that individual resides, the sheriff's department shall provide the assistance.

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

CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

§ 4661. PROHIBITION; STANDBY FEES

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

Sec. 6b. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

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

including the aggregate number of episodes of assistance provided, the time spent, and the costs accumulated by sheriff's departments for providing this assistance.

Sec. 6c. 24 V.S.A. § 293(d) is added to read:

(d) A sheriff shall provide law enforcement and security services for each county and State courthouse within the sheriff's county of jurisdiction in accordance with section 291a of this title.

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

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

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

§ 299. DUTIES AS PEACE OFFICER

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

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

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

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

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

~~Sec. 10. SHERIFF'S DEPARTMENTS REFORM, REPORT~~

~~On or before November 15, 2023, the Department of State's Attorneys and Sheriffs, in consultation with the Vermont Criminal Justice Council, the~~

~~Auditor of Accounts, the Vermont Association of County Judges, the Chief Superior Court Judge, and the Vermont Sheriffs Association, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the following:~~

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

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

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

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

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

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

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

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

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

~~On or before November 15, 2023, the Department of State's Attorneys and Sheriffs and the Vermont Criminal Justice Council, in consultation with the Auditor of Accounts, the Department of Human Resources, the Vermont Association of County Judges, the Chief Superior Court Judge, the Vermont Sheriffs' Association, and organizations focused on law enforcement reform, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the following:~~

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

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

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

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

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

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

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

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

** * * Effective Dates * * **

~~Sec. 11. EFFECTIVE DATES~~

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

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 5 (amending 24 V.S.A. § 29a) and 6c (adding 24 V.S.A. § 293(d)) shall take effect on January 1, 2024.