



Vermont Department of State's Attorneys and Sheriffs
Office of the Executive Director

Policy: Primary Responsibilities of State-Paid Transport Deputies
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Issued by: Tim Lueders-Dumont, Esq., Executive Director, Department of State's Attorneys and Sheriffs (SAS EDO or the Department)

Purpose: To outline the primary responsibilities and task limitations of SAS State-Paid Transport Deputies (SAS Transport Deputies) to ensure efficient and effective transportation of individuals in State custody for court-related proceedings.

Scope: This policy applies to all SAS Transport Deputies whose primary responsibility is the transportation of certain persons in the custody of the State of Vermont, primarily for criminal court appearances. Pursuant to 24 V.S.A. § 290(b), the SAS Executive Director "shall have the authority to determine job duties" of State-Paid Transport Deputies and the assignment of positions to county Sheriffs' Offices.

The work of SAS Transport Deputies includes assisting other Sheriffs' Offices and their staff with court-ordered transports when requested.¹ A request for assistance from another county must be referred to and approved by the supervising Sheriff.

It is preferable that transports take place during regular State business hours; however, the Department recognizes that the judges and court staff are not always cognizant of the fiscal impact to the Department's budget, nor the physical impact to the Department's SAS Transport Deputy staff members. In order to ensure proper fiscal and personnel management, if a transport needs to occur outside of State business hours, the SAS Transport Deputy/Deputies need to request prior approval from the Sheriff if the transport work will result in overtime and/or comp time. That Sheriff must then provide the proper notification and documentation to SAS EDO.

To ensure best practices and minimize liability, all individuals that represent as female, or where the individual has informed the court,² or the transport team, that they identify as female, or if they are being transported from the Chittenden Regional Correctional Facility (CRCF), will be accompanied by two transport deputies during transport.

¹ This situation might arise when SAS Transport Deputies from County X are fully occupied with other transports and thus assistance is requested from SAS Transport Deputies in County Y. Another scenario is when an individual needs transportation across multiple counties to or from a facility. In such cases, coordination and communication among Sheriffs, SAS Transport Deputies, and, as needed, the Director of Sheriffs' Operations and the SAS EDO are essential for successful logistics and best practices.

² Including where the court relays this information to the transport team.

SAS Transport Deputies' Responsibilities:

Criminal Court Transport.

- Transporting individuals who are in the custody of the State of Vermont, primarily for criminal court appearances. This does not include those transports covered by a separate contract with Vermont's Agency of Human Services (AHS) (e.g., DCF, DAIL, DMH, DOC, etc.) or other contracts. Transports for civil court appearances must be pre-authorized by the SAS EDO but are generally prohibited.

Family Division Transport.

- Where there has been a court order, transporting individuals who are detained and in the custody of the State of Vermont for:
 - Youthful Offenders (YO) Hearings,
 - Juvenile Delinquency Hearings,
 - Termination of Parental Rights (TPR) Hearings, but only until allocated funds are exhausted and only after approval by SAS EDO.

Extraditions.

- Facilitate the transport of individuals where an extradition order has been issued, and where the extradition work by a SAS Transport Deputy or Sheriff has been approved for payment by the SAS EDO.

Security at Final Relief from Abuse (RFA) Property Retrievals.

- SAS Transport Deputies may only assist with security during property retrievals as part of final RFA security measures, as approved by SAS EDO

Warrant Turn-Ins.

- Assist, as long as not otherwise engaged in, or obligated during that same timeframe, with their primary transport duties, in the transport for individuals who turn themselves in at court on a warrant and then require transport to a Vermont Department of Corrections' (DOC) facility from the courthouse. It should be noted that any law enforcement officer, and any law enforcement agency, including municipal officers and Vermont State Police, may be ordered by a court to transport a person to a facility from a courthouse and vice versa. It should be noted that a judge may also order DOC to transport a person.

Additional SAS Transport Deputies' Duties:

SAS Transport Deputies may perform duties listed below at the discretion of your Sheriff, but only when such activities occur during State business hours, and when not otherwise engaged in, or obligated during that same timeframe, with their primary transport duties. Activities listed below may not be performed if they will require overtime/comp time, or the use of per diems, unless explicitly pre-authorized by the SAS EDO.

- Assist municipal police or Vermont State Police in transporting individuals on a warrant.
- Facilitate transport under a mittimus order that is not a court-ordered transport.
- Conduct facility-to-facility transport in preparation for a transport of a defendant to court, but only when DOC has first been asked to move the defendant, and only when DOC has informed the Sheriff

or the SAS Transport Deputy, in writing, that they are unable to move a defendant after a request has been submitted.

- When there are no scheduled transports and none expected for the day, an SAS Transport Deputy may perform other duties that have been approved by SAS EDO. Those duties may not conflict with their transport duties or result in the SAS Transport Deputy's time being charged to another State or federal agency/department or private contract at the same time it is being charged to the SAS. Any questions or disputes regarding allowable assignments or other non-transport work assignments must be reviewed and decided by the SAS Executive Director.
- Deputies must adhere to all relevant State of Vermont and federal laws and regulations; policies of the SAS, their Sheriff, and the VCJC while performing their duties.

Work Task Exclusions:

SAS Transport Deputies are not responsible for the following:

- Department for Children and Families (DCF) transports, which fall under AHS contracts.
- Mental Health (MH) transports, which fall under MH contracts under AHS (DMH, DAIL, etc.), unless it involves a criminal case and not otherwise covered by an existing contract.
- Certain status conferences³ (see *footnote 3 below*), unless it is a court-ordered transport for a motion hearing, change-of-plea hearing, trial, sentencing hearing, or other serious hearing where an in-person appearance is required by a court order. It should be noted that if a Judge orders a person to be transported for a status conference, the court or parties may expect or intend for that event to potentially include a change-of-plea, or other dispositional-related outcome. As such, the transport team should inquire, as soon as possible, with court staff and parties to obtain further information. Questions concerning status conferences often require further inquiry by the transport team, or Sheriff, with court staff and prosecutorial staff. The SAS EDO can assist in facilitating communication between SAS Transport Deputies and SAS prosecutorial staff.
- SAS Transport Deputies must not engage in any task or activity while on duty that conflicts with their duties as an SAS Transport Deputy or their duties as a sworn law enforcement officer.

Approval and Oversight: Any transport activities outside the defined responsibilities require prior approval from the SAS EDO. Approval can be obtained from the Department of SAS by contacting the Director of Sheriffs' Operations, or if not available, SAS Executive Assistant.

Review and Amendments: This policy is subject to periodic alteration and review at the discretion of the SAS EDO and may be amended as necessary. Any changes will be sent to each Sheriff and SAS Transport Deputy in writing.

³ NOTE: a hearing listed as a "status conference" may be mislabeled by court staff and may sometimes evolve into a change-of-plea hearing or even be intended to be a change-of-plea event. If the transport team has questions about the nature of a court event that is labeled as a "status conference," they should contact the involved Deputy State's Attorney or State's Attorney—or court staff—as soon as possible. If there is any possibility of a plea agreement or change-of-plea, prioritizing that transport is beneficial as it may result in a release from a DOC facility and final case disposition (which will result in future savings). However, if a court hearing is labeled as a "status conference" and if that event conflicts with more time-sensitive proceedings like a bail hearing, sentencing, or trial, those higher-priority events MUST take precedence.