

## **RANDOLPH POLICE DEPARTMENT – FREQUENTLY-ASKED-QUESTIONS (FAQS)**

**[UPDATED 3/6/2023 – updates are marked in yellow; the only other change was in the formatting, to retain the original page count (6).]**

### ***Q: Why is the Town proposing to re-establish a municipal police department?***

A: The Town received a call on February 2<sup>nd</sup> from the Orange County sheriff stating that he was unable to staff the Randolph police services contract. The Town then received a letter from the sheriff on February 6<sup>th</sup>, essentially terminating the contract immediately (30 days of notice is required in the agreement).

The Town is without law enforcement services, outside of the Vermont State Police providing coverage or response in scenarios where it is absolutely necessary.

The Town spoke with law enforcement agencies at the municipal, county, and state levels in the month or two preceding the sheriff's decision to terminate about potential contract options, in an attempt to prepare for this possibility. Unfortunately, none were willing or able to provide the same level of service.

The remaining option to continue to provide the community with 120 hours of certified (professional) law enforcement coverage is to re-start a municipal police department.

### ***Q: Why was the law enforcement services contract with the Orange County Sheriff's Department terminated?***

A: There is an insufficient number of deputies and staff generally at the Orange County Sheriff's Department (OCSD). In that February 2<sup>nd</sup> call, the Town was told that only five deputies remained and that four were needed to staff the county courthouse. In November 2022, the number of employees at OCSD was 28.

### ***Q: What is proposed as a municipal police department – is it the same as the Randolph Police Department from before?***

A: The department is built around the 120-hour per week model the contract instituted. The number of hours was determined as appropriate during the public process that occurred when the switch was made to OCSD.

The proposed FY24 budget includes four sworn police officers (including the chief), all certified Level III, and an administrative assistant. Short and long-term, the Town will also likely need to augment its resources with part-time or "special" officers who have Level II or Level III certifications.

At this staffing level, maintaining the 120-hour schedule may prove difficult at times, when factoring in vacancies, planned absences, and illness.

For comparison's sake, the last iteration of a municipal police department featured six full-time and two permanent part-time employees.

### ***Q: Has the Town already begun hiring department employees?***

A: Yes. The Town has hired Scott Clouatre, formerly of OCSD, to serve as chief. Scott was the primary contact and lead for the Town during its contract with OCSD, is well-respected by the community, and fully familiar with the public safety needs in Randolph.

The Town has also hired an administrative assistant, Rosemary Noel; Rosemary is also a former OCSD employee and law enforcement veteran. When or if necessary, the Town may also deploy Rosemary in a support role for other municipal functions (adding a much-needed layer of operational resilience to the organization). Rosemary's time, if used for other municipal tasks, would be billed to the appropriate fund.

**UPDATED:** The Town has retained the services of Bill Bohnyak, former Orange County Sheriff and Vermont law enforcement veteran, for assistance with the tasks required for the establishment of a municipal police department. The primary task, as of this writing, has centered on radio communications and dispatch services.

***Q: What is the proposed municipal police budget for FY24? How does that compare to what the contract amount would have been?***

A: The proposed FY24 Police District budget is \$771,387. The Town's total for contracted services would have been \$348,725.

***Q: Why is a Police Department so expensive, as compared to the contract?***

A: The Town is carrying all of the costs as compared to paying an inclusive hourly rate.

The Town built the proposed FY24 police budget through a combination of localized data and knowledge, prior experience, modeling, and by using municipal police budgets in either similar-sized communities (based on total population) or from similar-sized departments. As is practice in all budgeting categories and across funds, the Town budgeted conservatively.

An example of a conservative budget practice can be found in the Town's portion of health insurance costs. For FY24, the Town's projected premium shares for police employees are included at a family plan level (nearly \$29,575 per employee, and \$148,000 total). Once hires are made, future budgets will include costs based upon who is hired and the level of coverage required. This can substantially lower health insurance costs – the difference in FY24 between a family plan and a single plan is a little more than \$19,000 per employee, for example.

When comparing costs with other municipal police department budgets, a retirement system choice made decades ago also matters. Randolph is one of two municipalities who joined the Vermont State Employees Retirement System (VSERS) rather than the Vermont Municipal Employees Retirement System (VMERS). The State recently raised the employer's contribution for the Town's VSERS pool to 21.4% of gross pay. For VMERS Group B (among the most common for municipal employees) the employer contribution is 6%. That difference is equivalent to nearly \$53,000, when using projected FY24 numbers.

***Q: How much needs to be raised by taxes?***

A: The total amount of taxes to be raised from the Police District for FY24 as proposed is \$499,487.

That amount is **not** all “new” money or increased funding. The contract would have required the Town to raise \$343,225 from taxes for FY24; the approximately \$15,000 change from FY23 is tied to the loss of one-time funds (a prior surplus) and would happen regardless.

When using the more accurate prior projection for FY24, the proposed “new” amount to be raised by taxes from the Police District is \$156,262.

***Q: Isn’t there a proposed increase in the amount for policing in the General Fund as well?***

A: Yes. The proposed budget for FY24 includes a \$100,000 transfer from the General Fund to the Police District. This is an increase in the amount paid for law enforcement townwide from \$25,000 to \$100,000 (+\$75,000). The increased transfer will enable more frequent patrols and response outside of the district, and shares more of the cost of policing broadly.

The increased General Fund transfer is not one-time money, but rather intended as an on-going contribution.

***Q: Are there one-time funds involved?***

A: Yes.

There is a one-time allocation of \$100,000 in Federal ARPA funds proposed for operating costs for FY24.

The Selectboard also authorized the use of \$200,000 in ARPA funds for start-up costs, such as vehicle purchases, equipment (body cameras, fingerprint machines, radios, safety equipment, and so on), and office fit-up. Any unused funds will be returned to the general pool of ARPA funds.

After these two uses, the Town still has more than one million dollars in ARPA funds to allocate to projects or for other uses.

***Q: What is the projected impact on taxpayers, both inside and outside of the Police District?***

A: The Police District tax rate, if the FY24 budget is approved, is projected to increase from \$0.2272 per \$100 of assessed value to \$0.3448 per \$100 of assessed value. For comparison’s sake, the FY19 Police District tax rate (the last set to support a municipal police department) was \$0.3946 per \$100 of assessed value, or nearly five cents **more** than the rate projected for FY24.

The estimated FY24 tax rates are based on the grand list values used to set rates for FY23, after the three-year average annual growth rate is applied (0.5% townwide and 0.17% for the Police District).

The first table shows the estimated increases inside and outside of the Police District.

	<b><u>Inside the Police District</u></b>	<b><u>Outside the Police District</u></b>
General Fund Transfer	+0.0167	+0.0167
Police Fund	+0.1176	\$0.000
<b>TOTAL</b>	<b>+0.01343</b>	<b>+0.0167</b>

Without the combination of an increased General Fund transfer and the use of one-time funds, the projected tax rate in the Police District *would have more than doubled* between FY23 and FY24.

The second and third tables show the projected annual and monthly increases for taxpayers inside and outside of the Police District with properties valued between \$150,000 and \$300,000.

<b>Inside the Police District</b>	<b>\$150,000</b>	<b>\$200,000</b>	<b>\$300,000</b>
Annual Increase	\$201.45	\$268.60	\$402.90
Monthly Increase	\$16.79	\$22.38	\$33.58

<b>Outside the Police District</b>	<b>\$150,000</b>	<b>\$200,000</b>	<b>\$300,000</b>
Annual Increase	\$25.05	\$33.40	\$50.10
Monthly Increase	\$2.09	\$2.78	\$4.18

Please note – these tables show the tax impacts of policing costs only; overall tax impacts for FY24 can be found in the annual report or with the FY24 budget documents (available at [www.randolphvt.org](http://www.randolphvt.org) or at the Town Offices). The total tax rates shown in those documents also include the local agreement rate (\$0.0041 per \$100 of assessed value).

***Q: What about the other non-tax revenues listed, such as the contracts for service and high-utilization user payments?***

A: When and where appropriate and possible, the Town will look to provide contract police services. This could be provision of an officer for traffic control during a project in Randolph, or a small contract for service with a neighboring community.

The Town is engaging high-utilization users – organizations or entities that provide a regional and/or statewide benefit (Gifford Medical Center and the high school are primary examples) and have the potential to use police services more frequently than others – to discuss proportionate shares of the cost of policing. The amount included in the budget is an estimate, as the conversations with those organizations have yet to fully begin.

***Q: Did the Town ever consider a constable, as opposed to a municipal Police Department?***

A: No. Replacing 120-hours of professional, fully-certified law enforcement services with an uncertified or under-certified elected or appointed constable was not considered.

When the Town last performed an analysis on its policing services in 2018, a constable was not included in the list of options. The focus at that time was on contracted and municipal policing services, with the “no service” (generalized Vermont State Police coverage) option included and left unselected.

***Q: Why wouldn't a constable work for Randolph?***

A: In short, a constable is unable to provide the law enforcement services needed.

More than a decade ago, the State removed the ability of constables to practice law enforcement without training and certification. This was done due to concerns about safety, accountability, and liability.

In data provided by the Vermont Criminal Justice Council (VCJC), the entity responsible for the training and certification of law enforcement personnel, there are 58 individuals in 48 municipalities serving as elected or appointed constables. Only 13 are confirmed as having law enforcement certifications of Level II or Level III; 12 of those individuals are currently employed by a municipal, state, or county law enforcement agency.

The majority (45%) of constables in Vermont are uncertified; when combined with those failing to report certification level, nearly 80% are either uncertified or have an unknown (and likely uncertified) status. What also cannot be ascertained is whether or not the communities for which constables are listed have voted to limit the individual's law enforcement capabilities – Barnard, for example, lists the constable's duties as consisting only of situations involving dogs and domestic animals.

Many of the communities are also not applicable benchmarks – populations are small, there is no commercial or service core, and the communities are overwhelmingly rural. For context, the list includes Walden (population 935), Athens (population 442), Baltimore (population 244), and Norton (population 169).

The communities that are closer in both size and the level of regional or seasonal activity have municipal police departments or contracts with another agency (municipal or county).

***Q: Why does certification level matter?***

A: In short, the level of certification dictates what a law enforcement officer can and cannot do.

If Randolph were to elect a constable, or appoint one, with no law enforcement certification or experience, the individual would be unable to do anything but those duties listed in 20 V.S.A. §1936a (killing injured deer, removing unruly individuals from Town Meeting, serving civil process, and so on). To achieve the lowest level of law enforcement certification (Level I), the individual would need to complete 138 hours of educational programming offered by the Vermont Police Academy. If the individual successfully completes all required tasks in a 12-month period, during which they also need to be supervised by a Level II or Level III certified officer, the following duties could then be performed:

- Security details, including courtroom security.
- Transports.
- Vehicle escorts.
- Traffic control (to clarify – this is not speed enforcement, this is traffic control for an accident or construction scene).
- Protecting or providing assistance to an individual in imminent or recent danger.
- Detaining or arresting an individual the officer, “reasonably,” believes has committed a crime in their presence, or a felony under Vermont law.

The first three bullets are comprised of tasks municipal departments generally do not perform or need (and Randolph is no exception). If any circumstance described in the last two bullets occurs, the Level I officer has to call a Level II or III certified officer to respond and assume law enforcement authority. Worth also noting is that the last two bullets provide reactive capabilities, and not proactive or investigatory ones.

The level of detail is intended to further highlight that a constable is not an equivalent replacement option. Those with Level II and Level III certifications, working regular hours in a public safety capacity, tend to be police officers.

Details on Level II or Level III certifications are not included here, but can be found online; essentially those levels of certification allow an officer to provide the public safety services required in most or all circumstances.

***Q: What about the constable model in Bethel?***

A: Bethel budgets for a total of 20 hours per week for two constables. The constables are employed full-time by other law enforcement entities, which is where and how law enforcement certification has been maintained. In recent years, the challenge has been in seeing those hours actually used in the community, with the constables primarily employed as law enforcement officers elsewhere. Bethel has also considered other options, such as a contract model, within the past year. Common duties performed by the constables are those related to dogs and speeding.

***Q: If the Town re-starts its Police Department, won't this also mean a building will be needed?***

A: The plan is to use the existing law enforcement space on Salisbury Street, with modest upgrades and adjustments. There is no other building plan at this time.

***Q: Why should police costs be borne only by those in the Police District? Wouldn't an expansion of the district's boundaries or having a townwide department be appropriate?***

A: The policy questions about who pays have been preliminarily considered, and can continue to be. In order to meet the Town's more immediate public safety needs, the decision was to re-start a municipal police department as existed prior while proposing an increase in the amount paid from the General Fund for policing.

***UPDATED:*** The Articles of Merger from 1984 have provided some level of clarity on what the Police District was called at the time of formation (as a, "special service district"), as well as its boundaries (the former village's lines).

***Q: What about a regional policing model?***

A: A regional police entity, providing service to multiple towns, is a possibility – though such entities take time to shape, let alone implement. There is no current analog in Vermont, wherein multiple municipalities operate a shared law enforcement agency.

***UPDATED:***

***Q: Who is eligible to vote on Article 5 (the proposed Police District budget for FY24)?***

A: Only residents of the Police District are eligible to vote on Article 5 on Tuesday (3/7).