

Report of the Law Enforcement Working Group

Prepared in accordance with:

Sec. 300 of No. 66 of the Acts of 2003

November 2003

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Statutory Charge

Sec. 300 of No. 66 of the Acts of 2003.

Sec. 300. LAW ENFORCEMENT WORKING GROUP

(a) A law enforcement summer study working group shall be convened for the purpose of studying law enforcement in Vermont and making recommendations to the governor and the general assembly for improvements, encompassing the following:

- (1) all state, county and local functions;
- (2) clarification of roles and responsibilities at each level; and
- (3) effective and economical use of municipal, county and state officers.

(b) The working group shall consist of one representative each from the department of public safety, the state's attorneys association, the sheriffs association, the Vermont chiefs of police association, and the Vermont league of cities and towns; one state trooper selected by the Vermont state employees association; one member from the governor's criminal justice cabinet; one member each from the house committees on judiciary, government operations and appropriations, appointed by the speaker of the house; and one member each from the senate committees on judiciary, government operations and appropriations, appointed by the senate committee on committees. In addition, one representative each from the U.S. attorney's office for Vermont and the Vermont attorney general's office and one member of the Vermont criminal justice training council shall be invited to participate as observers.

(c) The group shall meet from July through October 2003. Legislative members shall be entitled to per diem compensation for no more than six meetings and reimbursement for expenses in accordance with 2 V.S.A. § 406.

(d) The working group shall have the assistance and cooperation of the governor's office and all pertinent state and local agencies and departments. The legislative council and the joint fiscal office shall provide professional and administrative support for the group.

(e) Findings and recommendations of the working group, including proposals for administrative and legislative action, shall be presented to the governor and the legislature by November 1, 2003. The governor shall address the recommendations in the proposed state budget for fiscal year 2005, and the legislature shall address them during the 2004 legislative session.

Findings and Recommendations

The working group findings and recommendations are summarized in three areas:

- I. Responsibility for Law Enforcement Services in Vermont
- II. Factors Effecting All Law Enforcement Agencies in the State
- III. Comprehensive Approach for the Future

I. Responsibility for Law Enforcement Services

Findings

The Law Enforcement Working Group engaged in detailed discussions regarding the responsibility and authority for law enforcement services. These discussions resulted in the following general findings:

- There is a growing concern in rural communities about increased demands for police services.
- Consistent local police presence is an appropriate and proven method to meet local law enforcement needs.
- The Vermont State Police (VSP) are not currently equipped to provide a dedicated local police presence in the 200 communities that do not have a municipal police force.
- Several options are available to municipalities to provide consistent local police presence.
- Strong and effective coordination between the VSP and local and county law enforcement agencies is essential.

Changing Needs For Law Enforcement Services

Public safety issues facing the region and the nation are a significant factor driving the law enforcement needs in Vermont. Specifically, the impact of substance abuse and addiction and the cycle of crime that ensues have led to an increase in quality-of-life crimes. Even though so-called “major crime” – murder, rape, robbery, arson - is rare, the incidence of other crimes is increasing.

The working group has found that police response to emergency situations and major crime is satisfactory. However, some communities are concerned that they are receiving fewer law enforcement services than they would like. These concerns relate to long response times for complaints of less serious crimes and quality-of-life issues. For example, in rural areas, drug offenses, liquor violations, and vandalism are commonplace and often occur without detection, investigation, or prosecution. Furthermore, when a local law enforcement presence

is nonexistent, a deputy sheriff or state trooper called for back-up may not be readily available.

Changing policies have resulted in increased demands on law enforcement and have further complicated the provision of services to sparsely populated areas. For example, many police agencies now have a "2 officer response" policy for certain types of calls. Increased demands on police make it difficult to provide proper follow-up services to victims. In the traditional economic equation, the demand for services has grown significantly in many rural communities while the supply has remained static or diminished because of difficulty with recruitment and retention. Current state practice assigns primary enforcement responsibility to the state police for all towns that do not have their own police departments and for towns that do not have full, 'round-the-clock law enforcement coverage. However, individuals and communities do not have a clear understanding of what this means in terms of law enforcement response and follow-up to nonemergency events.

Levels of Law Enforcement Service Differ Across Communities

The working group finds that levels of law enforcement service vary across Vermont communities. This is primarily a result of local decisions to provide additional service in the form of contracts with sheriffs or state police or through the creation and funding of a local police department.

There are 50 towns with municipal police departments that are supported on the local tax property tax base. Approximately 100 communities pay for additional law enforcement services through contracts with the sheriffs' office or the state police. In the case of some police departments and most contractual arrangements, law enforcement coverage is part-time. In many cases, the contracts are for very small amounts of time, less than 20 hours-per-week. Roughly 100 towns believe the need for local law enforcement services does not warrant the additional expense and rely solely on the basic level of service that the county sheriff and state police provide.

Some towns may benefit from the location of a state police barracks. There is a perception that towns that do not provide additional local law enforcement services at a level commensurate with their population are taking more than their fair share of the basic level of state police services available to all communities. Some communities that have not provided additional police services expect the state police to meet their changing needs and do not realize the state police may not be able to respond to every nonemergency call because of other demands and priorities.

Primary Responsibility For Law Enforcement

As many Vermont communities face growth and changes, their demand for additional law enforcement services has increased. For 200-plus towns and 300 miles of federal interstate, the state police are the primary law enforcement agency responsible for providing full, 'round-the-clock response in cases of emergency. Because of personnel resource limitations, the average trooper on duty is responsible for covering 4.1 towns per shift. This distribution

of troopers requires extensive and continuous prioritization of resource distribution. All calls for services are prioritized by resource availability and the seriousness of the call.

A survey by the Rural Law Enforcement Committee in 2000 indicated that the vast majority of respondents was satisfied with the level of law enforcement services in Vermont. In the last few years, Vermont has seen a number of rural communities that wish to increase their existing law enforcement presence with enhanced “quality-of-life” services, either through funding a local department or constable, or contracting with the state police or sheriff. These types of services generally require a constant, visible presence in or around a community center. Requests for these types of services generally fall low on the prioritization process with the state police simply because of a lack of resources.

To meet the demand for additional police presence, a number of Vermont communities have entered into contractual agreements with a variety of law enforcement agencies. While the contracts have been successful in temporarily filling community needs, this action has led to fragmentation and duplication of law enforcement services in many areas. In some cases, the contractual law enforcement agency in the community may only respond to those services identified in the contract, with the primary agency still required to respond to the community for all serious complaints. Duplication frequently occurs when the primary and secondary law enforcement agencies fail to communicate their coverage hours or patrol areas. In this scenario, the primary agency may have a patrol unit assigned to a town because of a recent increase in property crimes. The secondary agency may also be present to satisfy a contractual obligation or regional enforcement project. With state-limited resources, Vermont cannot afford to have this type of duplicate coverage. In many cases, the contractual law enforcement agency in the community may only respond to those services identified in the contract, with the primary agency still required to respond to the community for all serious complaints.

When basic law enforcement services are compared to other emergency response services such as fire and ambulance, the pressure for local provision of services differs. If a town does not budget for fire and ambulance service, that service will not be provided, generally an unacceptable position for most communities. However, in regard to police services, the state police are the default, the primary responder, if there is no local effort. The choice for fire service is black and white, while the choice for additional police services is harder for communities to assess and decide. One important point is that fire and ambulance services, especially for smaller communities, are often provided through the combined resources of two or more towns.

State Police Service (Noncontract)

The State Police services include, but are not limited to, the following:

- Providing 24/7 police-related services to the 200-plus towns and cities that do not maintain a police department. VSP does not have field personnel working 24 hours per day but responds to complaints that warrant immediate response by calling out troopers.

- Providing full police-related services to those towns that have police departments but are not staffed 24 hours a day and require the VSP to cover certain shifts.
- Responding to local and contract sheriff department patrols for back-up situations when requested and warranted.
- Conducting or assisting with major criminal investigations in local police department areas when requested to do so by local law enforcement or the state's attorney or when required by statute.
- Conducting special investigations in local police department or sheriff areas when requested to do so.
- Providing special team response to any jurisdiction that requests such a team when the activation of the team is warranted.

County Sheriffs Services (Noncontract)

The office of sheriff has its origin in old England and dates back over one thousand years. Appointed by the King, the sheriff was charged with keeping the peace and serving the courts. It is the oldest public office in recorded history. In Vermont, the office of sheriff was created by the Vermont Constitution. While specific roles and responsibilities were not delineated, it is clear that the operative model of the era was the "Sheriff as keeper of the laws." In fact, the county sheriff functioned as the chief law enforcement officer, jailer, and court officer until the mid-twentieth century. As population centers grew and travel became easier, larger towns began to provide expanded police coverage. These services augmented those provided by the sheriff, and the local constables. Municipalities began to create police departments to respond to the increasing demand for police services. The many duties and responsibilities of the sheriff combined with a lack of resources limited the availability of "patrol time" and necessitated that the sheriff prioritize duties. (A situation not unlike what exists today in Vermont with the state police.)

In recognition of the inevitable need to provide broad-based statewide police services, the department of public safety was created in 1947. (*See* section 1811 et seq. of Title 20.) During the next two decades, the general police duties of the sheriff diminished. In the early 1970s, the county sheriff began to emerge once again as a full partner within the law enforcement community. It had become clear that there existed gaps in police services which needed to be provided to towns within a county. Sheriffs were able to tailor their services to meet the particular needs of a town. Generally, these services were and are provided to areas of the state that rely on the state police as their primary provider of law enforcement services. Municipalities in many cases desire more police services than the state police are able to provide and, as such, contract with sheriff's departments to supplement the basic state police response. This, of course, comes at an added cost to the municipalities; however, as has been suggested, in many cases, these contracts focus on "quality of life" issues that are seen as necessary and very important to the citizens. Presently, nearly 100 towns in Vermont have some sort of contract with a sheriff's department, municipal police department, or the state police for "additional or specialized" law enforcement services over and above what is provided by the state police in areas that do not have municipal police departments. In large part, it is the contracts with municipalities and other entities that have provided sheriff's

departments the revenue sources necessary to hire staff, obtain equipment, and purchase and operate vehicles to do the many other duties and responsibilities imposed on the sheriff; both statutorily and by long-standing practice or local demand. (*See* 24 V.S.A. § 291a.)

Sheriffs have broad responsibility, but limited resources from the state and county. Vermont's 14 county sheriffs and their departments presently employ 155 full-time sworn officers, 239 part-time officers, and 67 clerical/civilian personnel for a total workforce of 461 persons. There are 217 vehicles owned by the departments. The total funding spent by or on behalf of the sheriffs is in excess of \$12 million. A summary of the sheriffs' duties is included in the appendix.

Local Police Department Services

There are 50 local police departments in Vermont with a total of 610 officers. Local police departments are responsible for the enforcement state laws and local ordinances, as well as federal law. The vast majority of the workload of local police departments is the enforcement of state laws.

Municipal law enforcement agencies respond to, investigate, and follow up all calls for services that occur in their city or town. The state police are called for assistance by smaller municipal police departments on more serious crimes such as homicides; however, local departments routinely back-up the state police and sheriffs. The Vermont Association of Chiefs of Police feels this protocol has worked well and should continue.

Town Constable Services

The office of town constable exists in each community in the state. The training and law enforcement certification of the individuals filling this office varies widely across the state. According to the Vermont League of Cities and Towns' 2003 Census Report, of the 219 towns that responded, 80% of constables do not have restricted law enforcement authority and 87% are not required to take any training. The appendix of this report contains a list of law enforcement duties that constables may perform. In some towns, the constable's duties are restricted by the community because of lack of law enforcement training and certification.

The concern regarding constables identified by the working group is primarily how to ensure that the level of authority a constable is allowed to exercise is warranted by the law enforcement qualifications of the individual holding the position of constable. One specific concern is that under current law, temporary special police officers operate under the supervision of the constable. This could result in a situation where a trained officer may be under the direction of an untrained constable.

Specialized Investigation Units

The working group heard from the Attorney General regarding the creation of the Chittenden County Unit for Special Investigations (CUSI). CUSI is a multi agency task force that exists to provide criminal investigation services in response to reports of sexual assault. Other serious child abuse and neglect. Such cases require special expertise in order to better protect victims and to enable successful prosecutions of agencies, prosecutors, the Vermont Department of

Social and Rehabilitation Services and victim advocacy groups. Specialized law enforcement units, such as CUSI, are authorized by 24 V.S.A. § 1938. This report proposes amending § 1938 to allow police agencies to create inter-municipal units to provide not only specialized units but also general police services.

Recommendations

1. Local Police Presence Options

The working group recommends a strategy be developed to inform communities and citizens about the need for community policing. As a result of past practice and a lack of a clear and consistently applied policy, the current understanding is that the state police are the primary law enforcement agency for all law enforcement needs in towns without local police service or in the off hours of local departments. The working group recommends that The Law Enforcement Advisory Board (see page 11 of this report) should develop this strategy.

Options for communities to provide local law enforcement include:

- a. Each municipality is encouraged to determine the level of primary local law enforcement that is appropriate for that community.
- b. Primary local law enforcement may be provided by any one, or a combination of, town constable, municipal police, intermunicipal agreement, or contract with the county sheriff or Vermont state police.
- c. Contiguous rural towns may consider cooperating to provide primary criminal and traffic law enforcement within a police district (e.g. Hardwick) or multiple-town sheriff's contract (e.g. Hyde Park, Johnson, and Wolcott).

Such an approach will enable the state police to continue to concentrate on major crime, drug interdiction, and interstate highway safety, while providing backup as needed to local and regional officers for emergencies and criminal offenses.

The level and means of providing primary local law enforcement in a particular town is a local selectboard and voter decision. The working group recommends a strategy that guides communities on how to assess their current and future needs. Existing law enforcement agencies should provide a team response to communities seeking additional services. Communities should provide their citizens information about which law enforcement agency should be called under nonemergency circumstances.

2. The Role of the State Police

In communities without primary law enforcement coverage by a local department, the state police are the primary providers of law enforcement services in emergency situations and for incidents of major crime. The state police rely on working in close partnership with local and county agencies to accomplish that mission

The state police should continue to prioritize their resources on major criminal and motor vehicle enforcement initiatives such as death investigations, assaults, drugs, major property crimes, DWI, and highway safety. Those communities that require additional law enforcement presence beyond traditional public safety services should be encouraged to develop a local presence. That presence, while left to the communities to identify, should clearly articulate roles and responsibilities of the sharing law enforcement agencies. Roles should not overlap, as this leads to fragmentation of services and duplication of the minimal services that exist. The state police should continue to be the lead law enforcement agency for major public safety issues facing Vermont. Those communities that feel the need to enhance the law enforcement presence in their jurisdiction should be expected to develop a local solution. Enhanced local law enforcement services in rural Vermont, particularly those involving “quality of life” services, would not be best served by the state police.

3. Facilitate Communities’ Ability to Work Together to Enhance Local Services

The working group supports amending existing law to enable communities to choose to partner with other communities to enhance local law enforcement service. The purpose of this amendment is to remove barriers to intermunicipal cooperation around police services. (Please see Appendix C for the text of the amendment recommended by the working group.)

The working group supports the creation of special investigation units. However, funding has been a significant barrier to the creation and operation of such units. Legislation has previously been proposed (see H.500 of 2001 and S.191 of 1999) to allow the state to provide grants to cover some costs of the operation of such units. The working group recognizes the need to find sustainable funding for special units as well as general police services.

4. Amend Statute for Supervision of Special Police Officers

The working group supports an amendment that provides the communities a choice between selectboard or constable oversight of special officers in communities without a municipal law enforcement department. (Please see Appendix A for the text of the amendment.) The working group also recommends that any amendment to the special officer statute make clear that the individual officer is responsible for maintaining training and certification requirements and reporting compliance with “Rule 32” to the supervising entity. (The text of Rule 32 is included in Appendix D.)

5. Joint Approach to Clarification of Elected Constable Duties

The working group recommends that the Vermont league of cities and towns and the Vermont criminal justice training council develop a “white paper” guide for towns and constables. The goal of this project would be to educate selectboards, constables, and the public as to what a constable may and may not do and explain what a town’s liability would be in these situations. This guide would increase awareness of all involved and result in more accountable and professional use of the constable as a law enforcement resource.

6. Amendments to County Support for Sheriffs

A subcommittee of the working group explored the possibility of permitting assistant judges, upon recommendation of a special committee, to raise county taxes for the purpose of expanding funding for the county sheriff. The working group did not take a position on the proposal. The working group believes that the intermunicipal legislation contained in this report allows towns to share resources and provide for greater local police coverage. (Please see Appendix F for the proposed language of the subcommittee.)

II. Factors Affecting All Levels of Law Enforcement

The working group found that there are several staffing and operational factors that all Vermont law enforcement agencies are facing. Currently, it is estimated there are approximately 80 vacant law enforcement officer positions.

Findings

Recruitment and Retention

The ability of agencies to recruit new people to the law enforcement field and to retain existing personnel has been a challenge for several years. In some cases, vacancies are due to available resources, and in many cases the vacancies reflect a lack of qualified recruits. The number of young people interested in law enforcement careers is small. This is an issue that other states and even federal agencies face. The impact in Vermont is compounded by the ability of other agencies to “poach” Vermont officers with more attractive compensation and particularly retirement packages.

Several ideas were expressed during the working group’s meeting to address recruitment and retention issues. These include educational incentive programs similar to those the state offers to health-care professionals that would provide loan and loan forgiveness incentives to law enforcement students who commit to service for a certain period of time in Vermont.

The working group also heard that a primary barrier to retention, especially at the local level, is the lack of a standard or enhanced retirement system.

Training

Training needs include:

- Updating the training facility to support current and future numbers of trainees.
- Updating the training facility to teach modern police training techniques to more trainees.
- Developing training programs which will allow potential officers to complete the full-time certification program over a longer period of time rather than in the 16-week residential program. (The academy is currently working with graduate students at Norwich University to assess needs and potential programs for this purpose.)
- Funding to implement the alternative certification programs by hiring instructors and monitoring staff.

- Further dialogue with Criminal Justice Programs at the collegiate level to determine their desire to offer a certification program.
- Financial assistance for the academy for the purpose of monitoring the college program to determine if minimum standards are met.
- Updating recruiting and retention practices so the academy can work more closely with individual departments to fill vacancies.
- Updating resources, both financial and structural, for the academy, focusing on staff, facility upgrade, and equipment, to fulfill the statutory mission of training and technical assistance to departments in need. This would include additional education in community policing, racial and ethnic education, dealing with people who are challenged either mentally or physically, to mention only a few.

Dispatching

The lack of and cost of dispatching services is a limiting factor to both the improving local law enforcement and the creation of new police departments. Dispatching services continue to be a requirement for effective law enforcement services within rural areas. Full dispatching services include the handling of emergency, nonemergency and administrative calls for service, along with providing radio transmission of information to the law enforcement officer. However, there are also other levels of dispatch service such as receiving emergency calls and dispatching for “life safety” purposes.

The state police stated they do not have the capacity to accept contracts to provide dispatching services to any organizations other than those it currently serves. Expanding the use of the state system is a resource issue. One-time funding and federal funding are available for equipment purchases, but a lack of ongoing funding to pay for call-takers and dispatchers is a barrier to expanding the use of the service.

The working group believes that all entities providing law enforcement and emergency services should be professionally dispatched. However, the creation of the E 9-1-1 system indicates that the receiving and processing of emergency calls, not all calls for service, is a state responsibility. Therefore, the working group believes that it also should be a state responsibility to ensure that an emergency call is always transferred to an emergency service provider and that no emergency service provider should be without a mechanism to receive these calls. Further, the state has a responsibility to ensure that “life safety” radio communication be provided to those law enforcement officers who need to communicate with a dispatcher to ensure their safety.

Specific recommendations regarding dispatching can also be found in the 2003 report of the Committee to Study Critical Communication and Dispatching Problems. The committee was formed by the Commissioner of Public Safety at the request of Representative Cola Hudson and Senator Bill Doyle. The committee was asked to:

- Examine the depth of the problem of providing dispatch services to emergency service providers;

- Recommend a course of action that can be addressed by the General Assembly when it convenes in January 2004;
- Document why the recommendation is the best solution; and
- Provide, if possible, identification of potential revenue sources.

III. Comprehensive Approach For the Future

The demands placed upon Vermont law enforcement are changing rapidly and are exacerbated by an increase in substance abuse. Municipal, county, and state law enforcement agencies are being asked to address a number of issues, many of which are cross-jurisdictional issues. Thus, it has become very important to approach law enforcement issues in a comprehensive manner. Because funding is limited, it is vital that all law enforcement entities work together to provide Vermonters with the greatest level of service for the funds provided.

Vermont law enforcement agencies should be congratulated on the effort they have made to facilitate cooperation among the various agencies. They all share the same goals of protecting the public and bringing criminals to justice. They also share many common problems: recruitment of new officers, inadequate retirement benefits, increasing demands from the public, homeland security issues, and issues surrounding dispatching.

Recommendation

Establishment of a Law Enforcement Advisory Board

The working group recommends the establishment of a permanent Law Enforcement Advisory Board. This entity would be a collective voice for the needs of all levels of law enforcement: local, county, and state. It is intended that this entity would provide guidance and leadership to the governor and legislators on strategies to address the law enforcement needs of the state.

The Law Enforcement Advisory Board would consist of the following members:

1. the director of the state police
2. the commissioner of the department of public safety or his or her designee
3. a sheriff appointed by the department of state's attorneys and sheriffs
4. a municipal police chief appointed by the Vermont association of chiefs of police
5. a state's attorney appointed by the department of state's attorneys and sheriffs
6. two representatives appointed by the league of cities and towns, one representing a town with a police department and one representing a town without a police department
7. the attorney general or his or her designee
8. the U.S. attorney or his or her designee
9. the executive director of the Vermont police academy
10. a non-management representative appointed by the Vermont police association.

The advisory board would elect a chair and a vicechair, and the positions would rotate among the various member representatives. Each member would serve a term of two years. The board would meet no fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including but not limited to, retirement benefits, recruitment of officers, training needs, homeland security issues, dispatching, and comprehensive drug enforcement. The board would present its findings and recommendations in brief summary to the general assembly and the governor annually by November 1.

The working group believes this permanent group would provide an ongoing formal review process of law enforcement policies and practices with a goal of developing a comprehensive approach to providing the best services to Vermonters given monies available. The advisory board can also become an effective educational group for Vermonters about the many public safety challenges we face.

The working group recommends that the advisory board be funded with an initial budget of \$75,000 to develop recruitment and retention programs for people who want to enter law enforcement as a profession. The first year the advisory board should also work with the House and Senate committees on government operations to develop a phased-in common retirement plan for all law enforcement personnel.

Appendix A – Special Police Officer Amendment

Appendix B – Constables’ Duties

CONSTABLE

Duties that a constable may perform under Vermont statutes:

4 V.S.A. § 446	Serve as court officer.
7 V.S.A. §§ 104, 564, 571, 600, 659	Enforce alcohol laws.
10 V.S.A. §§ 4748, 4749	Deal with injured deer or dogs chasing deer.
13 V.S.A. § 901	Quell riots.
13 V.S.A. § 1812	Seize forged or counterfeit notes or coins and the instruments used for making them.
13 V.S.A. § 2137	Seize illegal gambling equipment.
13 V.S.A. § 3404	Arrest persons suspected of treason or related offenses.
13 V.S.A. § 3762	Search for remains of dead person that have been disinterred and concealed, as ordered by district court judge.
13 V.S.A. §§ 4947, 4953	Assist in extradition.
14 V.S.A. § 3005	Apprehend guardian who refuses to give up guardianship for a minor child.
15 V.S.A. § 714	Assist in enforcing liens in divorce, desertion, and support cases.
16 V.S.A. § 1125	Act as truant officer <i>ex officio</i> .
17 V.S.A. § 2659	Preserve order at meetings and elections.
18 V.S.A. § 7105	Arrest and return persons who have escaped from a state mental hospital or training school.
20 V.S.A. § 27	Be recruited as auxiliary state police in civil defense emergencies.
20 V.S.A. § 2221	Be employed by the governor to help preserve the public peace.
20 V.S.A. § 3134	Seize illegal fireworks and explosives.
20 V.S.A. §§ 3624, 3745	Humanely destroy unlicensed dogs when a warrant has been issued.
21 V.S.A. § 263	Seize dangerous substances without warrant.
23 V.S.A. §§ 2084, 3831	Report theft or recovery of motor vehicles or motor boats.
24 V.S.A. § 296	Transport prisoners or mental patients.
24 V.S.A. § 301	Require a citizen to assist him or her in the execution of certain duties.
24 V.S.A. § 1529	Collect taxes if no tax collector is appointed.
24 V.S.A. § 1937	Make reciprocal arrangements with police in neighboring states.
32 V.S.A. § 3109	Be hired by the state commissioner of taxes to collect taxes.
32 V.S.A. § 5079(d)	Take possession of illegally moved mobile homes.
32 V.S.A. § 5139	Collect delinquent property tax.
V.R.Cr.P. Rule #3	Arrest without warrant, in certain circumstances, or issue a citation.
V.R.Cr.P. Rule #4	Request a summons or an arrest warrant.

Appendix C – Intermunicipal Police Service Recommendation

Appendix D – Text of Rule 32

RULE 32. ANNUAL MANDATORY IN-SERVICE TRAINING FOR FULL-TIME AND PART-TIME LAW ENFORCEMENT OFFICERS

(20 V.S.A. 2355 (a)(7))

- a. The calendar year following certification as a basic training graduate, and every calendar year thereafter, each full-time permanent law enforcement officer shall participate in a minimum of twenty-five (25) hours of certified or certifiable in-service training (such training shall include first aid and firearms qualifications). Such training shall include firearms re-qualification and first aid unless currently certified in first aid.
- b. The calendar year following certification as a basic training graduate, and every calendar year thereafter, each part-time law enforcement officer shall participate in a minimum of thirty (30) hours of certified or certifiable in-service training. (Such training shall include first aid and firearms qualification). Such training shall include firearms re-qualification and first aid unless currently certified in first aid.
- c. The law enforcement agency head shall submit to the Executive Director a report, in writing, summarizing the in-service training received by members of that agency during the previous calendar year. Said report shall be submitted prior to March 1st of every year, and shall be in a format approved by the Council.
- d. The agency's training records shall be available for review by a representative of the Council staff upon reasonable notice.

Appendix E – Sheriffs’ Duties

A sheriff so commissioned and sworn shall serve and execute lawful writs, warrants and processes directed to him, according to the precept thereof, and do all other things pertaining to the office of sheriff. (24 V.S.A. § 293)

A sheriff shall preserve the peace, and suppress, with force and strong hand, if necessary, unlawful disorder. He may apprehend, without warrant, persons assembled in disturbance of the peace, and bring them before a district court, which shall proceed with such person . . . (24 V.S.A. § 299)

A sheriff’s department is established in each county. It shall consist of the elected sheriff in each county, and such deputy sheriffs and supporting staff as may be appointed by the sheriff . . . (24 V.S.A. § 290)

A sheriff may appoint deputies, one or more of whom shall be a woman. With the approval of the attorney general, a sheriff may appoint special deputies, who need not be residents of the state. The duties of such special deputy sheriffs shall be the same as those imposed by law on sheriffs and other peace officers in the enforcement of the criminal law . . . (24 V.S.A. § 307)

SHERIFFS’ SERVICES PROVIDED (NON-CONTRACT)

- State funding to transport prisoners, mental patients, and juveniles; this service includes the responsibility to pick up and transport to court or jail persons arrested anywhere and any time on arrest warrants. (This service to the state is substantially under-funded and is “subsidized” by the sheriffs’ resources and revenues from other sources.)
- Service of criminal process and civil process. (This includes arrest warrants and court-issued subpoenas and judicial summonses, execution of governor’s warrants, and extraditions.)
- Service of domestic violence “Relief from Abuse Orders,” both emergency and nonemergency orders, and the statutorily mandated assistance to victims of domestic violence.
- Warrant Holding Stations. Several sheriff’s offices are the holding stations for arrest warrants and relief from abuse orders allowing 24/7 confirmation and access to all police agencies. This necessary state service is provided without any funding from the state.
- VIN verification services. State law mandates that motor vehicles previously registered outside of Vermont be visually verified by law enforcement personnel. Sheriffs are being asked to perform this service more and more as state police in many areas are not able to do this.

- Court officer services and court security to all Vermont Courts (over and above contractual services provided to the Court Administrator's office)
- County Identification Centers. Most sheriff's offices are the location where the public goes to have fingerprints taken, as is required by law for certain employment, adoptions, federal background checks, military matters, passport and security clearances, etc.
- Emergency Service Dispatch Centers. All sheriffs provide some level of EMS dispatch services. Several sheriffs provide county-wide dispatch services to their areas. None receive any funding from the state to do this.
- County Jails. Several sheriffs still maintain and operate county jails that house short-term state prisoners without compensation from the state.
- Court-ordered check-ins. All courts regularly order pretrial conditions of release for defendants that require them to personally check in at a police department daily. Often this includes that the defendant be administered an Alco-sensor test to insure no use of alcohol. It is not unusual to have 30 or 40 persons a day check in at a sheriff's office. There is no compensation from the state or the courts to provide this service.
- Court-ordered holdings. Oftentimes a judge will order that a defendant surrender firearms to the sheriff while a case is pending before the court or a judge will order a sheriff to take children into custody for transfer to another parent or guardian. There is no compensation or funding for this from the state.
- General police services. As law enforcement officers of the state, sheriffs and their staffs regularly are called upon to provide a full range of police services to the public. The demand for this service is increasing as other police resources are not able to meet the expectations and demands placed on them. This is an extremely difficult area for sheriffs, as there is no present ability for government funding for general police services. (See Kennedy Subcommittee report and recommendations attached to this document)
- Police backup assistance and response. Sheriffs are regularly called upon to assist local police and state police officers when needed and/or requested. Also more and more sheriffs are responding to calls for service due to shortage or non-availability of state police officers.
- Sheriffs conduct or assist with special investigations in all areas of their counties when requested to do so by a local police agency, the state's attorney, the state police, or the public.
- Snowmobile enforcement and public education classes for snowmobile, boating safety, hunter programs, and D.A.R.E. are conducted in several areas of the state by sheriff's departments.
- Bad check investigations.
- Traffic Enforcement Services. In addition to those services provided to municipalities under contract, sheriffs regularly enforce traffic laws by virtue of their presence on the highways performing other duties. This service provides an additional police presence and visibility to the state at no direct cost. (It should be noted that a recent review showed that sheriffs issued traffic tickets totaling approximately \$2 million in fine revenue for the state and/or municipalities in a one-year period.)

- Training instructors for police academy. Many sheriffs provide instructors to the training council on a regular basis.
- Sheriffs regularly participate in specialized highway safety programs designed to reduce alcohol-impaired operation, improve seatbelt and child safety seat use, and reduce traffic accidents and speeding.

Appendix F – Sheriff Law Enforcement Budget

The working group had many discussions on the issues of the sheriffs' budget needs and options to change current law with regard to the sheriffs' budget. The working group did not reach a consensus on this issue. The document included here was the recommendation of a sub-committee but does not represent a recommendation from the working group.

Appendix G – Memo from Legislative Council Re: Law Enforcement Authority

Vermont Legislative Council

115 State Street • Montpelier, VT 05633-5301 • (802) 828-2231 • Fax: (802) 828-2424

Memorandum

To: Law Enforcement Working Group

From: Michele Childs

Date: September 8, 2003

Subject: Statutory Authority of Law Enforcement Entities

A review of the Vermont statutes for guidance as to the specific authority of the various law enforcement agencies operating in this state is a little confusing, to say the least. I have provided you with the most relevant statutes relating to the authority of sheriffs, state police, municipal police, and constables. To help you see the big picture, I'd like to outline some of the basics. Please note that this is a general review of statutory authority, and the various law enforcement agencies perform a number of functions that may not be directly or specifically addressed through the statutes or in this memo.

The office of sheriff is unique in the law enforcement community and in Vermont law in that it is the oldest law enforcement office, created, but not defined, by the Vermont Constitution. Vermont Constitution, Chapter II, §§ 25, 43, 50, and 53. Vermont law provides that a sheriff's department is established in each county and consists of the elected sheriff and the deputy sheriffs and support staff appointed by the sheriff. 24 V.S.A. § 290. General law enforcement authority for sheriffs with respect to criminal matters is set forth in 24 V.S.A. § 299 which states that a sheriff shall "preserve the peace, and suppress, with force and strong hand, if necessary, unlawful disorder. He may apprehend, without warrant, persons assembled in disturbance of the peace, and bring them before a district court, which shall proceed with such persons brought before it by process issued by such court." 24 V.S.A. § 299. The sheriff is also commissioned to serve and execute lawful writs, warrants, and processes and transport prisoners and persons committed to a state mental institution. 12 V.S.A. § 691, 24 V.S.A. § 293 and 24 V.S.A. § 296. The sheriff may contract with the state of Vermont, one or more towns within or without the county, an agency of the United States, or any nongovernmental entity to provide law enforcement services or other related services, including security, dispatch for police, fire or ambulance services, or centralized support services. 24 V.S.A. §291a.

A sheriff may exercise law enforcement powers statewide in criminal matters only if he or she has completed the training requirements established by the Vermont criminal justice training council. 24 V.S.A. § 312 and 20 V.S.A. § 2358. Deputy sheriffs who complete training requirements established by the council may exercise law enforcement powers statewide in criminal matters. Deputy sheriffs who do not complete the training requirements of the council may service civil process under the supervision of the sheriff, but they may not carry a firearm in the performance of their duties and do not have arrest powers. 24 V.S.A. § 307.

The department of public safety and the state police are created by statute. The stated purpose of the department is to “[consolidate] certain existing police and investigative agencies, to promote the detection and prevention of crime generally, and to participate in searches for lost or missing persons, and to assist in case of statewide or local disasters or emergencies.” 20 V.S.A. § 1811. The department, in addition to other law enforcement duties, is directed to enforce the law with respect to the patrol of highways and the operation of traffic, maintenance of identification and records, and the office of fire marshal. 20 V.S.A. § 1813. The department is directed to work cooperatively with any other department, police force, or federal authority to prevent and detect crime and apprehend criminals. 20 V.S.A. § 1815. The state police are designated as peace officers and have the same powers with respect to criminal matters and enforcement of the laws relating to such as sheriffs, constables, and local police have in their respective jurisdictions. 20 V.S.A. § 1914. The state police also have the same authority as game wardens to enforce the fish and wildlife laws of the state. 20 V.S.A. § 1915.

A municipality may establish a police department and appoint a police chief and police officers. 24 V.S.A. § 1931. Police officers have the same powers as sheriffs in criminal matters and in serving criminal process. Powers granted to police may be exercised statewide. 24 V.S.A. § 1935. Prior to exercising their authority, police must successfully complete training as provided by the council. 24 V.S.A. § 1936. If the select board elects not to establish a police department, it still may appoint temporary police officers and specify their terms and duties. 24 V.S.A. § 1931. Temporary police officers shall serve under the direction and control of the local constable. 24 V.S.A. § 1936.

The authority for constables to exercise law enforcement powers is, perhaps, the most obscure. Constables are mentioned in the Vermont constitution, but there is no definition or detailing of the duties of a constable in the document. Vermont Constitution, Chapter II, § 47. There are dozens of statutes addressing specific authority of constables (to aid the town health officer, shoot injured deer, etc.), yet there does not appear to be any general statute conferring law enforcement powers in criminal matters to constables. Rather, the statutes appear to presume that constables have this authority historically, but do not actually confer the authority.

Constables are elected locally unless a town votes to allow the municipal legislative body to appoint the constables. A constable’s term is for one year unless the town specifically elects the constable for a two-year term. 17 V.S.A. § 2646. Several town charters address constables and, in general, provide that they shall have the same authority as sheriffs. Rule 54

of the Vermont Rules of Criminal Procedure includes constable in the definition of a law enforcement officer, however court rules are, by nature, procedural and not substantive, and not dispositive of where the authority initially derives. V.R.Cr.P. 54(c)(6). Constables have the same power as sheriffs in serving civil and criminal process. 12 V.S.A. §§ 691 and 693.

A town may vote to prohibit constables from exercising any law enforcement authority or from exercising any law enforcement authority without having successfully completed training proscribed by the council. 24 V.S.A. § 1936a. Notwithstanding whether or not a constable is permitted law enforcement authority, a constable may still perform various duties, including, but not limited to, service of civil or criminal process, destruction of animals, and transportation of prisoners and mental patients. 24 V.S.A. § 1936a. A municipal legislative body may vote to allow a constable from another town to exercise law enforcement authority in its municipality if the constable is not prohibited from exercising that authority in his or her own town, the constable has completed the training requirements provided by the council, and the exercise of the authority is conducted in accordance with policies and procedures adopted by the municipal body. 24 V.S.A. § 1936a.

Appendix H – Members of the Working Group

Sen. Susan Bartlett

Jim Coons, Addison County Sheriff

Peter Hall, US State's Attorney

William Harkness, Vermont State Trooper, VSEA Representative

Rep. Michael Kainen

Rep. Sylvia Kennedy

Ron Morrell, Director Vermont Criminal Justice Training Council

Sen. Kevin Mullin

Brett Van Noordt, Chief of Police Milton, Police Chiefs Association

Todd Odit, Vermont League Of Cities And Towns

Rep. Albert Perry

Kerry Sleeper, Commissioner Public Safety

Sen. Richard Sears

Bill Sorrell, Attorney General

Jane Woodruff, Director of the State's Attorney

Susanne Young, Governor's Counsel