

What authority do constables have and what training do they need to exercise their authority?

All constables, whether full- or part-time, first or second constable, appointed or elected, have powers specifically enumerated in 24 V.S.A. § 1936a(b). These include the power to serve civil or criminal process (12 V.S.A. § 691), destroy animals (20 V.S.A. Chapter 193), kill injured deer (10 V.S.A. § 4749), assist the health officer in the discharge of his or her duties (18 V.S.A. § 617), serve as a district court officer (4 V.S.A. § 296), remove disorderly people from town meeting (17 V.S.A. § 2659), and collect taxes when no tax collector is elected (24 V.S.A. § 1529). Any additional authority constables have is determined by the municipality they serve. For instance, municipalities, through their selectboards, may direct their constables to enforce civil ordinances. Selectboards may also direct their constables to enforce criminal ordinances if their constables have law enforcement authority. See below for law enforcement authority prerequisites.

Additionally, municipalities may vote at special or annual town meetings to prohibit constables from exercising any law enforcement authority whatsoever. Please note that, while elected constables are ordinarily exempt from all training requirements, a municipality may vote to require them to complete training before exercising any law enforcement authority.

The Vermont Criminal Justice Training Council is statutorily charged with adopting rules and regulations governing law enforcement officer training requirements. Constables who exercise law enforcement powers are considered “law enforcement officers” and cannot exercise those powers before completing the basic training requirements prescribed by the Council. Under these rules, full-time constables (those employed for more than 32 hours per week and more than 25 weeks per year) must satisfactorily complete a minimum of 550 hours of training within six months of their date of appointment before exercising full law enforcement powers. Part-time constables must satisfactorily complete a minimum of 58 hours of classroom instruction in order to receive a provisional 12-month certification. This certificate allows part-time constables to exercise law enforcement powers, but only under the direct supervision and control of fully certified law enforcement officers. In order to exercise full law enforcement authority, part-time constables must complete an additional 110 hours of training during a 12-month period. Constables, whether full- or part-time, cannot exercise their law enforcement powers on a piecemeal basis subject to the satisfactory completion of only a portion of their training. Vermont Criminal Justice Training Council Rules and Regulations, available at <http://www.vcjtc.state.vt.us/rules.htm>. See Rules 22, 23, 31.

As a reminder, constables with full law enforcement authority have the power of search, seizure and arrest within the municipality. Generally, the only difference between constables with full law enforcement authority and other law enforcement officers is that their jurisdiction is limited to the boundaries of the municipality they serve.

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