

Our town's elected constable performs law enforcement in town. We understand that as of July 1, 2012, all constables that perform law enforcement must receive certification. What does this consist of?

It is true that after July 1, 2012, all constables (either appointed or elected) are required to have criminal justice training before exercising law enforcement authority. 24 V.S.A. § 1936a and 20 V.S.A. § 2358 (d). Law enforcement authority of a town constable includes the powers of search, seizure, and arrest within the town. V.R.Cr.P. 3, 41. However, unlike other law enforcement officers, constables do not have statewide jurisdiction. Their jurisdiction is limited to the boundaries of the town in which they serve. *State v. Hart*, 149 Vt. 104 (1987). One exception exists: constables with law enforcement authority may transport a person whom he or she arrested for driving under the influence (DUI) to a police department outside the town for processing, and the constable may complete the processing if the Vermont Criminal Justice Training Council (police academy) has certified him or her to do so. 24 V.S.A. § 1936a (c). Generally, constables are considered part-time officers. However, the police academy makes the determination of whether an officer is full-time or part-time. 20 V.S.A. § 2358(d).

To become a *certified* law enforcement officer, a town constable must complete training with the police academy. To enroll in the academy, the applicant must be 18 years of age, have a high school diploma or a GED, and must pass a written examination, a physical examination and test, a background and character check, and a psychological test.

An elected constable who doesn't or is unable to complete training cannot be removed from office, however he or she would be prohibited from conducting law enforcement. For more information on certification, visit the Criminal Justice Training Council's website, www.vcjtc.state.vt.us/PartTimeCert.htm, or call 802-438-6228.

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