

# Policing Options for Local Governments

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Cities, towns, and villages in Vermont have several options to consider when they decide to establish or increase law enforcement presence in their jurisdictions. Developed by the Vermont League of Cities and Towns (VLCT), in conjunction with the Law Enforcement Advisory Board (LEAB), the material below explores these options and related issues of cost, equipment and training responsibilities, certification requirements, and lines of authority.

Law enforcement options available to local officials include policing contracts with agencies such as the state police or county sheriffs; municipal constables certified in law enforcement; special investigative units to investigate sex crimes, child abuse, domestic violence and crimes against people with disabilities; creating a police department; or entering into an intermunicipal police services agreement with another municipality.

## Contracting for Law Enforcement Services

A municipality may increase its law enforcement presence by entering into a contract for services with the county sheriff's department, another municipality's police department, or the Vermont State Police.

Contracts made between communities and law enforcement agencies may contain any provisions to which the parties agree.

Typical provisions include:

- Services to be provided, including enforcement of state statutes or town ordinances or both;
- Schedules for coverage and targeted enforcement, e.g., focus on speeding;
- Rates of compensation, allocation of expenses, total cost of contract and method of payment;
- Ownership of any property acquired under the contract;
- Type and frequency of information to be contained in reports submitted by the contracting agency to the town;
- Methods adopted to resolve disputes between the contracted parties;
- Commencement and termination date of the services provided and provisions to renew them; and
- Such other items not inconsistent with law as may be agreed upon.

Examples of additional services a law enforcement agency can provide include:

- DUI prevention/enforcement programs

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- Snowmobile enforcement
  - Operation Lifesaver
  - Neighborhood Watch, Explorer Scouts, and Youth Cadets

Use of contracted services in no way diminishes the coverage a community would ordinarily receive from another law enforcement agency, most typically the Vermont State Police. Contracts generally provide for enhanced coverage to address particular concerns residents may have, such as additional traffic enforcement or extra coverage dedicated specifically to their communities. Cost for contracted services is based on the number of hours a law enforcement officer works in the town and the rate charged by the law enforcement agency for personnel and use of a vehicle. The officer is still considered an employee of the law enforcement agency providing services, so costs associated with maintaining officer certification, training, equipment purchase, and officer support are usually borne by the agency unless other arrangements are made. That officer is also subject to that agency's rules and policies.

### **Constables as an Option in Rural Policing**

Vermont law requires that each community elect a first constable

and provides that a second constable may be elected if desired. The voters of a municipality may decide to appoint rather than elect their constable. All constables – whether full- or part-time, first or second, appointed or elected – have certain powers as enumerated in 24 V.S.A. § 1936a (b). These include the power to serve civil or criminal process, destroy animals, kill injured deer, assist the health officer in the discharge of his or her duties, serve as a district court officer, remove disorderly people from town meeting, and collect taxes when no tax collector is elected.

No training is required before allowing a constable to perform the duties specified above. Any additional authority a constable may exercise is determined by the municipality in which he or she serves. Some constables who have had the requisite training and are certified by the Vermont Criminal Justice Training Council may exercise law enforcement authority. Unlike other law enforcement officers in Vermont, the law enforcement authority of constables is limited to the boundaries of their respective communities, except for the service of criminal process. The constable often provides an excellent source of local demographic knowledge, and in most communities throughout Vermont, the constable is a tremendous

asset and support to other law enforcement agencies functioning within the constable's jurisdiction.

A constable must be certified to exercise law enforcement authority. The costs and time commitment associated with training, equipment, administrative record keeping, and lack of control over constable activities are often cited as deterrents to communities that consider the constable as an option for regular law enforcement activities.

Many communities presently use the constable as a supplement to an established police department, a contractual agreement with another police agency or the state police. This includes providing back-up services within the community, responding to non-emergency calls for service, and local ordinance or regulation enforcement.

### **Special Police Officers**

Selectboards may appoint temporary police officers (also referred to as special officers) within their community. Absent an established police department, the special officer's authority



is also limited to the specific community. If the legislative body of a municipality does not establish a police department or appoint a police chief, special officers may serve at the direction of the legislative body of the municipality.

### **Intermunicipal Cooperation and Services and Intermunicipal Police Services Agreements**

Vermont law allows for cities, towns, and incorporated villages to enter into agreements to provide intermunicipal police services.

Two statutes address this. Title 24, Chapter 121, § 4901, Intermunicipal Cooperation and Services, Interlocal Contracts, would apply if two or more municipalities, none of which had an existing police department, wanted to pool resources and create a police department. The overall management structure for

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this agency would be similar to that used in union school districts, i.e., a separate governing body is formed with representatives from each participating jurisdiction.

The second applicable statute, 24 V.S.A. § 1938, Intermunicipal Police Services Agreement, assumes that the municipalities desiring to enter into an agreement already have law enforcement agencies of their own but want to share resources. For example, one municipality may have a detective division and the other doesn't. The governing bodies of any interested municipalities may, without voter approval, enter into written agreements describing the scope of services, the duties and responsibilities of each participant, and the governing authority for the law enforcement officers. The agreements also need to address the issues of equipment and supplies. Officers covered by such an agreement remain employees of the donor municipality.

Law enforcement officers working for these types of agencies are considered municipal officers. As such, they possess authority and are subject to the same training and certification requirements as any other law enforcement officer, and the department itself is directly accountable to the jurisdiction's governing body.

## **Establish a Municipal Police Department**

A selectboard or the town manager – if there is a town manager form of government – may establish a police department and appoint police officers and a chief of police, pursuant to 24 V.S.A. § 1931. Cost will be a significant factor for any town thinking of establishing a police department.



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Police chiefs in Vermont municipalities have direction and control of their entire police force, except as otherwise provided. Officers shall be sworn and hold office unless removed for cause. Police officers employed by a police department have the same powers as sheriffs in criminal matters, enforcement of laws, and serving criminal process.

### **Conclusion**

Municipalities have a number of options when considering how best to provide law enforcement

services to their residents. Contracting for additional services and increasing the role of the constable are the options most commonly used, but municipalities may also enter into municipal police service agreements. Each option has advantages and disadvantages. The LEAB and VLCT do not prefer any one option. Members of the law enforcement community are prepared and willing to meet with municipal officials to discuss any issues in order to help them choose the services they feel would best suit their residents.



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This brochure was produced jointly by the Vermont League of Cities and Towns (VLCT) and the Vermont Law Enforcement Advisory Board (LEAB).

The Vermont Department of Public Safety's LEAB was created in 2004 pursuant to 24 V.S.A. § 1939. The Board's mission is to advise and report to the Commissioner of Public Safety, the Governor, and the General Assembly on issues that affect the cooperation and coordination of more than one law enforcement agency. The Board shall also provide educational resources to Vermonters about public safety challenges in the state and develop policies and recommendations for law enforcement priority needs.

VLCT was founded in 1967 as a nonprofit, nonpartisan organization dedicated to serving and strengthening Vermont local government. Today, VLCT supports its member municipalities by offering them representation before the state and federal governments, an extensive educational and technical assistance program, and a comprehensive insurance program.

**For more information contact:**

VLCT Municipal Assistance Center  
89 Main Street, Suite 4  
Montpelier VT 05602  
info@vlct.org  
802-229-9111

