

Summary of Changes to Law Enforcement Officer Certification

CURRENT LAW

A law enforcement officer can obtain either **part-time certification** or **full-time certification**.

- Part-time officers receive between approximately one-fourth to one-fifth of the initial basic training that full-time certified officers receive to become certified.
- The only distinction between the two levels of certification is that part-time officers are restricted in the number of hours they can practice each week; there is no distinction in the scope of practice between the two levels.

JULY 1, 2015, VIA 2014 ACT NO. 141 (H.765)

- On July 1, 2015, part-time and full-time certification will be replaced with three new levels of law enforcement officer certification: **Levels I, II, and III**.
 - Each level has a different scope of practice — with Level I having the most restricted scope of practice and Level III having full law enforcement authority — based on the training of the officer.
 - *See ATTACHMENT A* for more details regarding each new level of certification.
- 2014, Act No. 141 provides that on the effective date of July 1, 2015:
 - A part-time certified officer will be considered a Level II certified officer (unless the officer submits in writing that he or she would like to be considered Level I certified);

- A full-time certified officer will be considered a Level III certified officer (unless the officer submits in writing that he or she would like to be considered Level I or Level II certified); and
- Any special certification held by a part- or full-time certified officer will transfer to his or her new level of certification.
- The Act also required the Vermont Criminal Justice Training Council (VCJTC) to report back to the House and Senate Committees on Government Operations regarding any recommended changes to the scope of practice of any of the three new levels of certification.

***JULY 1, 2015, VIA 2015's S.124, AS PROPOSED TO BE AMENDED BY THE
SENATE COMMITTEE ON GOVERNMENT OPERATIONS***

S.124, as proposed to be amended by the Senate Committee on Government Operations, would make the following changes to the scopes of practice of Level I and Level II certified officers on July 1, 2015 (the effective date for the three new levels of certification), based on the VCJTC's recommendations:

- In addition to detaining an individual who a **Level I or Level II officer** reasonably believes committed a crime in the presence of the officer or a felony under Vermont law, those officers would also be able to arrest those persons.
- The scope of practice of a **Level II officer** would be expanded.
 - *See ATTACHMENT B* for details on how Level II scope of practice is recommended to change.

ATTACHMENT A

Levels of Law Enforcement Officer Certification Under 2014, Act No. 141

LEVEL I CERTIFICATION

Training

- Approximately 110-120 hours of basic training
- 30 hours of annual in-service training

Scope of Practice

- Security, transport, vehicle escorts, and traffic control.
- Reacting in the four specified emergency situations, * which require the Level I certified officer to call upon another officer certified to respond and assume law enforcement authority over the incident.

LEVEL II CERTIFICATION

Training

- Approximately 198 hours of basic training
- 30 hours of annual in-service training

Scope of Practice

- Investigating these specific matters:
 - 13 V.S.A. chapter 7 (advertisements);
 - 13 V.S.A. chapter 8 (humane and proper treatment of animals);
 - 13 V.S.A. chapter 19, subchapter 1 (riots);
 - 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1026 (disorderly conduct), and 1031 (interference with access to emergency services);
 - 13 V.S.A. chapter 35 (escape);
 - 13 V.S.A. chapter 41 (false alarms and reports);
 - 13 V.S.A. chapter 45 (flags and ensigns);
 - 13 V.S.A. chapter 47 (frauds);
 - 13 V.S.A. chapter 49 (fraud in commercial transactions);
 - 13 V.S.A. chapter 51 (gambling and lotteries);
 - 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement);

* Four specified emergency situations:

- (I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;
- (II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;
- (III) detain an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or
- (IV) detain an individual whom the officer reasonably believes has committed a felony under Vermont law.

- 13 V.S.A. chapter 67 (public justice and public officers);
- 13 V.S.A. chapter 69 (railroads);
- 13 V.S.A. chapter 77 (trees and plants);
- 13 V.S.A. chapter 81 (trespass and malicious injuries to property);
- 13 V.S.A. chapter 83 (vagrants);
- 13 V.S.A. chapter 85 (weapons);
- any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102;
- municipal ordinance violations;
- any matter within the jurisdiction of a game warden or deputy game warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens); and
- any matter within the scope of practice of a Level I law enforcement officer.
- Reacting in the four specified emergency situations* and responding to calls regarding alleged crimes in progress.
 - However, if a Level II certified officer so reacts or responds and that reaction or response is outside his or her scope of practice, the officer is required to call upon another officer certified to respond and assume law enforcement authority over the incident.
- A Level II certified officer may also practice in additional areas based on a special certification or training approved in writing by the Council pursuant to rule.

LEVEL III CERTIFICATION

Training

- Approximately 850-1100 hours of basic training
- 30 hours of annual in-service training

Scope of Practice

- Full law enforcement authority

ATTACHMENT B

Level II Officers' Scope of Practice

<u>2014, Act No. 141</u>	<u>2015, S.124, with SGO amendment</u>
<ul style="list-style-type: none"> • 13 V.S.A. chapter 7 (advertisements); • 13 V.S.A. chapter 8 (humane and proper treatment of animals); • 13 V.S.A. chapter 19, subchapter 1 (riots); • 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1026 (disorderly conduct), and 1031 (interference with access to emergency services); • 13 V.S.A. chapter 35 (escape); • 13 V.S.A. chapter 41 (false alarms and reports); • 13 V.S.A. chapter 45 (flags and ensigns); • 13 V.S.A. chapter 47 (frauds); • 13 V.S.A. chapter 49 (fraud in commercial transactions); • 13 V.S.A. chapter 51 (gambling and lotteries); • 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement); • 13 V.S.A. chapter 67 (public justice and public officers); • 13 V.S.A. chapter 69 (railroads); • 13 V.S.A. chapter 77 (trees and plants); • 13 V.S.A. chapter 81 (trespass and malicious injuries to property); • 13 V.S.A. chapter 83 (vagrants); • 13 V.S.A. chapter 85 (weapons); • any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102; • municipal ordinance violations; • any matter within the jurisdiction of a game warden or deputy game 	<ul style="list-style-type: none"> • <i>EVERYTHING IN THE LEFT COLUMN and in addition:</i> • 7 V.S.A. § 658 (sale or furnishing to minors; enabling consumption by minors); • 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting fires), and 509 (attempts); • 13 V.S.A. §§ 1025 (recklessly endangering another person), 1027 (disturbing peace by use of telephone or other electronic communications), 1030 (violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child), 1042 (domestic assault), and 1062 (stalking) • 18 V.S.A. § 4230(a) (marijuana possession) • 18 V.S.A. § 4231(a) (cocaine possession); • 18 V.S.A. § 4232(a) (LSD possession); • 18 V.S.A. § 4233(a) (heroin possession); • 18 V.S.A. § 4234(a) (depressant, stimulant, or narcotic drug possession); • 18 V.S.A. § 4234a(a) (methamphetamine possession); • 18 V.S.A. § 4235(b) (hallucinogenic drug possession); • 18 V.S.A. § 4235a(a) (ecstasy possession); • 18 V.S.A. § 4476 (drug paraphernalia offenses); • 21 V.S.A. § 692(c)(2) (criminal violation of stop work order);

<p>warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens);</p> <ul style="list-style-type: none"> • any matter within the scope of practice of a Level I law enforcement officer; • additional areas based on a special certification or training approved in writing by the Council • Reacting in the four specified emergency situations[*]; and • Responding to calls regarding alleged crimes in progress. 	<ul style="list-style-type: none"> • any misdemeanor set forth in Title 23 of the Vermont Statutes Annotated, except for 23 V.S.A. ch. 13, subch. 13 (drunken driving); • any motor vehicle accident that includes property damage and injuries, as permitted by the Council by rule; and • When reacting to the four specified emergency situations, a Level II could also arrest the persons described below* in (III) and (IV).
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* Four specified emergency situations:

- (I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;
- (II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;
- (III) detain **or arrest** an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or
- (IV) detain **or arrest** an individual whom the officer reasonably believes has committed a felony under Vermont law.