

Overview of Law Enforcement Officer Basic Training and Annual In-Service Training Requirements

The Vermont Criminal Justice Training Council regulates law enforcement officer requirements for basic training (to obtain initial certification) and annual in-service training (to renew certification). Statute allows the Council to establish general training requirements, both administratively and by rule, but statute also establishes specific training requirements. This document reviews these requirements. In this document:

- yellow highlighting = training requirements established by the Council
- grey highlighting = training requirements specifically required by statute

20 V.S.A. § 2355: COUNCIL POWERS AND DUTIES

(a) The Council shall adopt rules with respect to:

(1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs;

(2) minimum courses of study, attendance requirements, and equipment and facilities to be required at approved law enforcement officer training schools and off-site training programs;

(3) minimum qualifications for instructors at approved law enforcement officer training schools and off-site training programs;

(4) minimum basic training for law enforcement officers in each level of law enforcement officer certification and the time within which that training shall be completed;

(5) [Repealed.]

(6) minimum annual in-service training requirements for law enforcement officers in each level of law enforcement officer certification;

(7) minimum courses of training for other criminal justice personnel;

(8) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications;

(9) recertification of persons who have not been employed as law enforcement officers for a three-year period;

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GENERAL TRAINING REQUIREMENTS

(10) a definition of criminal justice personnel and criminal justice training for purposes of this title; and

(11) [Repealed.]

(12) permitting its Executive Director to grant up to a 60-day waiver to a law enforcement officer who has failed to meet his or her annual in-service training requirements but who is able to complete those training requirements within the time period permitted by the Executive Director.

(b) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council may also offer the basic officer's course for pre-service students and educational outreach courses for the public, including firearms safety and use of force.

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(d) The Council may, in addition:

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(2) perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter.

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(g) The Council shall develop and maintain a comprehensive drug training program.

[20 V.S.A. § 2357](#) POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

The Executive Director of the Council, on behalf of the Council, shall have the following powers and duties, subject to the supervision of the Council and to be exercised only in accordance with rules adopted under this chapter:

(1) to approve, on applications made in advance, criminal justice personnel training programs and their lesson plans and instructors, to issue certificates of approval to those programs, and to revoke those approvals or certificates;

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GENERAL TRAINING REQUIREMENTS

(2) to certify, as qualified, instructors at approved criminal justice personnel training schools and to issue appropriate certificates to those instructors;

(3) to certify criminal justice personnel who have satisfactorily completed approved training programs and to issue appropriate certificates to them;

(4) to cause studies and surveys to be made relating to the establishment, operation, and approval of criminal justice training schools;

(5) to consult and cooperate with law enforcement officer criminal justice training schools:

(A) to recommend a course of study in crime prevention for law enforcement students; and

(B) for the development of advanced in-service training programs for law enforcement officers, which shall include a course of study on crime prevention;

(6) to consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study including a course of study on crime prevention, where appropriate;

(7) to consult and cooperate with other departments and agencies of the State and federal government concerned with criminal justice personnel training;

(8) [Repealed.]

(9) to perform such other acts as may be necessary or appropriate to carry out his or her powers and duties as set forth in this chapter;

(10) to report to the Council at each regular meeting of the Council and at such other times as may be required; and

(11) to approve and accept pre-service and military students for any of the basic training courses set forth in section 2358 of this chapter.

20 V.S.A. § 2358 MINIMUM TRAINING STANDARDS; DEFINITIONS

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TRAINING REQUIREMENTS FOR EACH
CERTIFICATION LEVEL

(a) Unless waived by the Council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority as a law enforcement officer without completing a basic training course and annual in-service training within a time and manner prescribed by the Council by rule.

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

(A) An applicant for certification as a Level I law enforcement officer shall first complete an off-site training program prior to entering and completing Level I basic training. Level I basic training shall include training to react to the circumstances described in subdivision (B) of this subdivision (1).

(B)(i) The scope of practice of a Level I law enforcement officer shall be limited to security, transport, vehicle escorts, and traffic control, as those terms are defined by the Council, except that a Level I officer may react in the following circumstances if the officer determines that it is necessary to do any of the following:

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(2) **Level II certification.**

(A) An applicant for certification as a Level II law enforcement officer shall first complete Level II basic training and may then become certified in a specialized practice area as set forth in subdivision (B)(ii) of this subdivision (2). Level II basic training shall include training to respond to calls regarding alleged crimes in progress and to react to the circumstances described in subdivision (B)(iii) of this subdivision (2).

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(ii) In addition to the scope of practice permitted under subdivision (i) of this subdivision (B), a Level II law enforcement officer may also practice in additional areas approved in writing by the Council based on a special certification or training approved by the Council.

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(3) **Level III certification.**

(A) An applicant for certification as a Level III law enforcement officer shall complete Level III basic training.

(B) The scope of practice of a Level III law enforcement officer shall include all law enforcement authority.

(c) All programs required by this section shall be approved by the Council. Completion of a program shall be established by a certificate to that effect signed by the Executive Director of the Council.

(d) [Repealed.]

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council and

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ANTI-BIAS TRAINING

training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subsection 2366(a) of this title.

(2) On or before December 31, 2018, law enforcement officers shall receive a minimum of four hours of training as required by this subsection.

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(3) In order to remain certified, law enforcement officers shall receive a refresher course on the training required by this subsection during every odd-numbered year in a program approved by the Vermont Criminal Justice Training Council.

(4) The Criminal Justice Training Council shall, on an annual basis, report to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel regarding:

(A) the adoption and implementation of the Panel's recommended data collection methods and trainings and policies pursuant to 3 V.S.A. § 168(f)(2) and (3);

(B) the incorporation of implicit bias training into the requirements of basic training pursuant to this subsection; and

(C) the implementation of all trainings as required by this subsection.

[20 V.S.A. § 2361](#). ADDITIONAL TRAINING

(a) Nothing in this chapter prohibits any State agency, department, or office or any municipality or county of the State from providing additional training beyond basic training to its personnel where no certification is requested of or required by the Council or its Executive Director.

(b) The head of a State agency, department, or office, a municipality's chief of police, or a sheriff may seek certification from the Council for any in-service training he or she may provide to his or her employees.

[20 V.S.A. § 2364](#): STATE POLICE, BASIC TRAINING

Basic training programs for Vermont state police officers, including curriculum, location, duration, and selection of instructors and other personnel, shall be developed and conducted by the commissioner of public safety and submitted to the criminal justice training council for approval in accordance with the minimum standards promulgated by rule under this chapter.

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VSP BASIC TRAINING

[20 V.S.A. § 2365](#): DOMESTIC VIOLENCE TRAINING

(a) In order to remain certified, law enforcement officers shall receive by 2011 at least eight hours of domestic violence training in a program approved by the Vermont Criminal Justice Training Council and the Vermont Network Against Domestic and Sexual Violence.

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DOMESTIC VIOLENCE TRAINING

Commented [BW8]: One-time training due by 2011

(b) Law enforcement officers shall receive domestic violence retraining every two years in a program approved by the Vermont Criminal Justice Training Council.

(c) The Vermont Police Academy shall employ a domestic violence trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to domestic violence. Funding for this position shall be transferred by the Center for Crime Victim Services from the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.

[20 V.S.A. § 2365a](#). SEARCH AND RESCUE TRAINING

A person shall receive search and rescue training approved by the Vermont Criminal Justice Training Council and the Vermont Search and Rescue Council as part of basic training in order to become certified as a law enforcement officer.

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SEARCH AND RESCUE TRAINING

[20 V.S.A. § 2365b](#). ANIMAL CRUELTY RESPONSE TRAINING

As part of basic training in order to become certified as a Level II and Level III law enforcement officer, a person shall receive a two-hour training module on animal cruelty investigations as approved by the Vermont Criminal Justice Training Council and the Animal Cruelty Investigation Advisory Board.

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ANIMAL CRUELTY RESPONSE TRAINING

[20 V.S.A. § 2366](#). LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
POLICING POLICY; RACE DATA COLLECTION

(a)(1) On or before March 1, 2018, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes each component of the Criminal Justice Training Council's model fair and impartial policing policy. Such agencies and constables may include additional restrictions on agency members' communication and involvement with federal immigration authorities or communications regarding citizenship or immigration status. Agencies and constables may not adopt a policy that allows for greater communication or involvement with federal immigration authorities than is permitted under the model policy.

(2) On or before January 1 of every even-numbered year, the Criminal Justice Training Council, in consultation with others, including the Attorney General and the Human Rights Commission, shall review and, if necessary, update the model fair and impartial policing policy. If the policy is updated, the Council, in consultation with the Office of the Attorney General, shall follow the procedure set forth in subsection (b) of this section and shall have six months after January 1 to complete that procedure.

(b) The Criminal Justice Training Council, in consultation with the Office of the Attorney General, shall review the policies of law enforcement agencies and constables required to adopt a policy pursuant to subsection (a) of this section, to ensure those policies comply with subdivision (a)(1) of this section. If the Council, in consultation with the Office of the Attorney General, finds that a policy does not comply with subdivision (a)(1) of this section, it shall work with the law enforcement agency or constable to bring the policy into compliance. If, after consultation with the Council and the Office of the Attorney General, the law enforcement agency or constable fails to adopt a policy that complies with subdivision (a)(1) of this section on or before July 1, 2019, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the Council. A finding of compliance with subdivision (a)(1) shall not constitute a finding of compliance with any other applicable law.

(c) Annually, as part of their annual training report to the Council, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall report to the Council whether the agency or officer has

adopted a fair and impartial policing policy in accordance with subsections (a) and (b) of this section. The Criminal Justice Training Council shall determine, as part of the Council's annual certification of training requirements, whether current officers have received training on fair and impartial policing as required by 20 V.S.A. § 2358(e).

(d) Annually, on or before July 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary regarding which departments and officers have adopted a fair and impartial policing policy and whether officers have received training on fair and impartial policing.

(e)(1) On or before September 1, 2014, every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

- (A) the age, gender, and race of the driver;
- (B) the reason for the stop;
- (C) the type of search conducted, if any;
- (D) the evidence located, if any; and
- (E) the outcome of the stop, including whether:
 - (i) a written warning was issued;
 - (ii) a citation for a civil violation was issued;
 - (iii) a citation or arrest for a misdemeanor or a felony occurred; or
 - (iv) no subsequent action was taken.

(2) Law enforcement agencies shall work with the Criminal Justice Training Council and a vendor chosen by the Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

(3) On or before September 1, 2016 and annually thereafter, law enforcement agencies shall provide the data collected under this subsection to the vendor chosen by the Criminal Justice Training Council under subdivision (2) of this subsection or, in the event the vendor is unable to continue receiving data under this section, to the Council. Law enforcement agencies shall provide the data collected under this subsection in an electronic format specified by the receiving entity.

(4) The data provided pursuant to subdivision (3) of this subsection shall be posted electronically in a manner that is analyzable and accessible to the public on the receiving agency's website.

(f) Nothing in this section is intended to prohibit or impede any public agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644. To the extent any State or local law enforcement policy or practice conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that policy or practice is, to the extent of the conflict, abolished.

[20 V.S.A. § 2367](#). STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;
REPORTING

(a) As used in this section:

(1) "Electronic control device" means a device primarily designed to disrupt an individual's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

(2) “Law enforcement officer” means a sheriff, deputy sheriff, police officer, Capitol Police officer, State game warden, State Police officer, constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, and a certified law enforcement officer employed by a State branch, agency, or department, including the Department of Motor Vehicles, the Agency of Natural Resources, the Office of the Attorney General, the Department of State’s Attorney, the Secretary of State, and the Department of Liquor and Lottery.

(b) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for the use of electronic control devices. Prior to any use of or intent to use an electronic control device, every State, county, municipal, or other law enforcement agency and every constable who is not employed by a law enforcement agency shall adopt this policy. If a law enforcement agency or officer was required to adopt a policy pursuant to this subsection but failed to do so on or before January 1, 2016, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Law Enforcement Advisory Board. The policy shall include the following provisions:

(1) Electronic control devices are less-lethal, but not necessarily nonlethal, alternatives to lethal force.

(2) Officers may deploy an electronic control device only:

(A) against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to others or themselves; or

(B) if, without further action or intervention by the officer, injuries to the subject or others will likely occur.

(3) Neither an officer, a subject, or a third party has actually to suffer an injury before an officer is permitted to use an electronic control device, and officers are not required to use alternatives that increase the danger to the public or themselves.

(4) When it is safe to do so, officers shall attempt to de-escalate situations and shall provide a warning prior to deploying an electronic control device.

(5) Electronic control devices shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resisting subjects. The act of fleeing or of destroying evidence, in and of itself, does not justify the use of an electronic control device.

(6) The use of electronic control devices shall comply with all recommendations by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.

(7) Electronic control devices shall be used in a manner that recognizes the potential additional risks that can result from situations:

(A) involving persons who are in an emotional crisis that may interfere with their ability to understand the consequences of their actions or to follow directions;

(B) involving persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions; and

(C) involving higher risk populations that may be more susceptible to injury as a result of electronic control devices.

(8) Electronic control devices shall not be used on animals unless necessary to deter vicious or aggressive behavior that threatens the safety of officers or others.

(c) The Criminal Justice Training Council shall adopt rules and develop training to ensure that the policies and standards of this section are met. The Criminal Justice Training Council shall ensure that a law enforcement officer receives appropriate and sufficient training before becoming authorized to carry or use an electronic control device.

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ELECTRONIC CONTROL DEVICE TRAINING

(d) On or before June 30, 2017, every State, county, municipal, or other law enforcement agency that employs one or more certified law enforcement officers shall ensure that all officers have completed the training established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable who is not employed by a law enforcement agency shall have completed this training.

Commented [BW12]: One-time training due by 6/30/17.

(e) The Criminal Justice Training Council shall coordinate training initiatives with the Department of Mental Health related to law enforcement interventions, training for joint law enforcement and mental health crisis team responses, and enhanced capacity for mental health emergency responses.

(f) Every State, county, municipal, or other law enforcement agency and every constable who is not employed by a law enforcement agency shall report all incidents involving the use of an electronic control device to the Criminal Justice Training Council in a form to be determined by the Council.

(g) The Law Enforcement Advisory Board shall:

(1) study and make recommendations as to whether officers authorized to carry electronic control devices should be required to wear body cameras; and

(2) establish a policy on the calibration and testing of electronic control devices.

(3), (4) [Repealed.]