

6. The Subcommittee determined that the facts established by the investigation of the complaint supported a finding of unprofessional conduct and, by vote on July 26, 2021, concluded in relevant part that Respondent had engaged in Category B conduct.

7. Based on the Subcommittee's determination, the State specifically alleges that, while on duty on February 4, 2021, Respondent conducted a motor vehicle stop of a Dodge Charger with New York license plates, allegedly coming from a residence at 322 Terrace St. (Ave.) Williston where a 911 call was previously placed regarding someone knocking on the door. When other officers were dispatched to such residence, Respondent left another matter in progress (welfare check) to respond to 322 Terrace St. (Ave.) Williston. While a fellow officer had indicated that the Dodge Charger with New York license plates had come from that residence apparently based on tracks left in the snow, such vehicle was not operated by an individual matching the description of the individual knocking on the door at that residence. Respondent nonetheless conducted a motor vehicle stop without reasonable suspicion or probable cause. Further, Respondent requested and secured voluntary consent from the operator of such vehicle to search the vehicle despite no reasonable suspicion or probable cause to believe that there were any controlled substances or any other items related to potential criminal activity in the car.

Conclusions of Law

8. Vermont law sets forth three categories of law enforcement officer unprofessional conduct: Category A, Category B and Category C. *See* 20 V.S.A. § 2401(1)-(3) (categories defined).

9. As relevant to this matter, Category B conduct is defined as "gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve

willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency's policy or if not defined by the agency's policy, then as defined by Council policy" and specifically includes "biased enforcement." 20 V.S.A. § 2401(2).

10. The State alleges that Respondent engaged in Category B conduct as described above in violation of the following Williston Police Department policies: General Order 104 (Rules and Regulations), effective date July 27, 2015, including § 2(A); General Order 123 (Investigative Motor Vehicle Stops), Automobile Searches, issued February 20, 2014, including §§ A, C(1); and General Order 176 (Fair and Impartial Policing), effective January 25, 2019, including at §§ II(a), III(c).

11. Respondent acknowledges that if this matter were to proceed to a contested hearing, the State may prove that Respondent engaged in prohibited Category B conduct.

12. Consistent with Respondent's cooperation with the Council, Respondent acknowledges that if the State were to file charges it may satisfy its burden at a hearing and a finding adverse to Respondent may be entered by the Council pursuant to 20 V.S.A. §§ 2401, 2405-2407 and 3 V.S.A. § 812.

13. In the interest of resolving this matter, the Respondent and the State agree to enter this Stipulation and Consent Order, in lieu of proceeding to hearing.

14. The Council adopts as its facts and conclusions in this matter Paragraphs 1 through 7 above and Respondent agrees that this is an adequate basis for the Council actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.

15. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Council, Respondent has determined that Respondent shall enter into this agreement with the Council. Respondent enters no further admissions here, but to resolve this matter without further time, expense, and uncertainty Respondent has concluded that this agreement is acceptable and in the best interest of the parties. Both parties understand that Respondent, by entering into this Agreement, does not stipulate to the accuracy, tenor, or implications of the facts asserted herein. Respondent, while not contesting said facts, is entering into this Agreement as an accommodation. Nothing in this paragraph is intended to challenge the legal sufficiency of this Agreement.

16. Respondent agrees and understands that by executing this document Respondent is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Council in this matter, to be presented with evidence, to cross-examine witnesses, to offer evidence of his own to contest any allegations by the State or to appeal from this Stipulation and Consent Order.

17. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order

18. The parties agree that upon the Council's acceptance of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be resolved by the Council. Thereafter, the Council will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.

19. This Stipulation and Consent Order is conditioned upon its acceptance by the Council. If the Council rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Council does not accept this agreement in its current form, Respondent shall not assert in any subsequent proceeding any claim of prejudice

from any such prior consideration. If the Council rejects any part of this agreement, none of its terms shall bind Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, it shall be kept in strict confidence, and it shall be without prejudice to any future unprofessional conduct disciplinary proceeding and the Council's final determination of any charge against Respondent.

20. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Council file, shall constitute an enforceable legal agreement, and may and shall be reported to other authorities, including the International Association of Law Enforcement Standards and Training National Decertification Index. In exchange for the actions by the Council, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

21. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Council, it may enter an order implementing the terms and conditions herein.

Order

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, and on the basis of the consent of Respondent, it is hereby ORDERED that:

1. Respondent's Vermont law enforcement officer certification shall be PERMANENTLY REVOKED effective September 14, 2022, with no option of recertification.
2. Respondent shall provide a complete copy of this Stipulation and Consent Order to any Vermont law enforcement agency for which he works or to any prospective Vermont law enforcement agency to which he makes application for employment, as well as to any state

regulatory body or other certification authority related to law enforcement officers in any location or jurisdiction where he may apply for law enforcement officer employment, for so long as this Stipulation and Consent Order remains in effect.

3. Respondent shall bear all costs of complying with the terms and conditions of this Stipulation and Consent Order.

4. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

RESPONDENT

By: DocuSigned by:
Travis J. Trybulski
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Travis Trybulski
Respondent
Dated: 9/7/2022

STATE OF VERMONT

By: DocuSigned by:
Heather Simons
E6DFF4DE620540A...
Heather Simons
Executive Director
Vermont Criminal Justice Council
Dated: 9/7/2022

Approved as to Legal Form:

By: DocuSigned by:
Jacob Humbert
F543FBA539E64F3...
Jacob A. Humbert
Assistant Attorney General
Administrative Prosecuting Attorney
Dated: 9/7/2022

