

5. The Council's Professional Regulation Subcommittee ("Subcommittee") reviewed and processed the complaint pursuant to 20 VS.A. Chapter 151, Subchapter 2.

6. The Subcommittee determined that the facts established by the investigation of the complaint, and Respondent's subsequent guilty plea to simple assault, supported a finding of unprofessional conduct and, by vote on October 19, 2023, concluded in relevant part that Respondent had engaged in Category A conduct and/or Category B conduct.

7. Based on the Subcommittee's determination, the State specifically alleges that, Respondent violated the St. Albans Police Department's Use of Force Policy while on duty. The State alleges that on March 19, 2019, Respondent used excessive and unnecessary force in controlling and restraining Ms. Connolly, who was being held in the department's holding cell. Ms. Connolly, with her hands cuffed behind her back, was kicking the door to the holding cell. Respondent requested that Ms. Connolly stop kicking the door. Ms. Connolly stood up, moved toward Respondent, and said "no." Respondent then struck her in the upper body with his arm causing her to fall backwards into the cell. She did not have her hands available to break her fall, so she landed on her back on the holding cell seat. Ms. Connolly became agitated. She stood up and kicked out toward Respondent. Respondent deflected the kick and then forcibly shoved Ms. Connolly back onto the bench and pinned her in place, at which point she stopped being combative. Respondent then punched her in the face near the eye area and forcefully removed her from the cell throwing her onto the ground. With her hands cuffed behind her back, Ms. Connolly could not stop her fall forward, resulting in her head hitting the ground. In reviewing the incident, the internal investigation found that Respondent's actions were excessive, unnecessary, and a disproportionate use of force under a totality of the circumstances.

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 was defined in 2019 as “gross professional misconduct amounting to actions on duty or under color of authority, 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.” *Id.* § 2401(2).

10. The State alleges that Respondent engaged in Category B conduct when he used unreasonable and unnecessary force while restraining and controlling a person in custody given the totality of the circumstances and therefore his actions violated his department’s Use of Force Policy. Specifically, St. Albans General Rules of Conduct: 12, “Use of Force-General – Officers shall use only the minimum force necessary to accomplish a legitimate law enforcement purpose.”

11. St. Albans Police Department’s Use of Force Policy was in effect at the time of the incident. Respondent was informed of his department’s Use of Force Policy prior to this incident. A substantial deviation from his department’s Use of Force Policy is a Category B violation, second offense, that is actionable by the Council. 20 V.S.A. §§ 2401(2)(C), 2407(a)¹.

¹ In 2019, the Council was only allowed to act on Category B violations that were second offenses, no matter what policy was violated. This is Respondent’s second Category B, violation. In March of 2022, PRS Docket # 2929ZZU, the Professional Regulation Subcommittee found that Respondent violated the St. Alban’s Police Department’s Response to Resistance Policy, Section V(B) for failing to report a use of force incident stemming from an incident on June 8, 2019. The Council informed Respondent of the Category B, first offense finding via certified mail. Respondent received this notification on May 14, 2022. This letter forewarned Respondent that a second or subsequent Category B violation may subject him to a Council sanction, up to and including permanent revocation of his Vermont law enforcement certification.

12. Respondent was on duty at the time of the incident.

13. Respondent acknowledges that if this matter were to proceed to a contested hearing, the State could prove that Respondent engaged in Category B conduct as “gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve...substantial deviation from professional conduct as defined by the law enforcement agency’s policy.... and shall include: (C) excessive use of force under authority of the State, first offense; ...”). 20 V.S.A. 2401(2)(c).

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

15. 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.

16. The Council adopts as its facts and conclusions in this matter Paragraphs 1 through 7 above and Respondent agrees, without admitting these facts and conclusions, 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.

17. 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.

18. 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 a specification of charges and 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.

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

20. 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.

21. 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.

22. 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 of the Council, as set forth herein, Respondent expressly agrees to be bound by this Consent Order.


23. 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 May 21, 2024, 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 this Consent Order.


DATED at _____, Vermont this 5 day of May, 2024.

By: 

Jason Lawton
Respondent

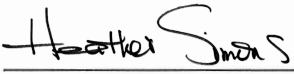
Approved as to Legal Form:

DATED at Rutland, Vermont, this 8 day of May, 2024.

By: 

Kaveh S. Shahi, Esq.
Counsel for Respondent

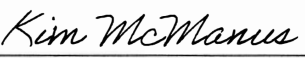
DATED at Pittsford, Vermont, this 14th day of May, 2024.

By: 

Heather Simons
Executive Director
Vermont Criminal Justice Council

Approved as to Legal Form:

DATED at Pittsford, Vermont this 14th day of May 2024.

By: 

Kim McManus
Associate General Counsel
Vermont Criminal Justice Council

AS TO IN RE: Jason Lawton, VCJC Docket No. PRS 2020PNB

:

**APPROVED AND ORDERED
VERMONT CRIMINAL JUSTICE COUNCIL**

Bill Sorrell

DocuSigned by:
Bill Sorrell
9B65BC386BEF444...

DATED: 5/22/2024

ENTERED AND EFFECTIVE: 5/22/2024