

NOTICE OF HEARING

September 28, 2023

VCJC PRS Docket No. 2020PE1

RE: Hearing to consider imposition of sanctions, up to and including permanent revocation, against the Level III Vermont law enforcement officer certification held by Stephen Bunnell.

Please take notice that pursuant to the authority vested in the Vermont Criminal Justice Council under 20 V.S.A. §§ 2401, 2405 and 2406 a hearing will be held before the Council **at the Vermont Fire Academy, 93 Davidson Drive, Pittsford, Vermont 05763 and remotely via Microsoft Teams on December 19, 2023 at 9:00AM.**

The hearing will be held as a formal contested case hearing under the Vermont Administrative Procedure Act and will be held to consider the imposition of sanctions, up to and including permanent revocation, against the Vermont law enforcement officer certification held by Stephen Bunnell for alleged unprofessional conduct pursuant to 20 V.S.A. § 2401(1)(B) (Category A conduct, misdemeanor committed while on duty), 20 V.S.A. § 2401(1)(C)(ix) (Category A conduct misdemeanor committed off duty), 20 V.S.A. § 2404(a)(1)(A) (agency investigation of Category A conduct), 20 V.S.A. § 2405 (Council sanction procedure) and 20 V.S.A. § 2406(a) (permitted Council sanctions), which are set forth and specified below along with other relevant authority.

- 20 V.S.A. § 2401(1) provides:

(1) “Category A conduct” means:

(A) A felony.

(B) A misdemeanor that is committed while on duty and did not involve the legitimate performance of duty.

(C) Any of the following misdemeanors, if committed off duty:

- simple assault, second offense;
- domestic assault;
- false reports and statements;
- driving under the influence, second offense;
- violation of a relief from abuse order or of a condition of release;



- (vi) stalking;
- (vii) false pretenses;
- (xii) possession of a regulated substance, second offense.
- (viii) voyeurism;
- (ix) prostitution or soliciting prostitution;
- (x) distribution of a regulated substance;
- (xi) simple assault on a law enforcement officer; or
- (xii) possession of a regulated substance, second offense.

- 20 V.S.A. § 2401(5) provides:

“Unprofessional conduct” means Category A, B, or C conduct.

- 20 V.S.A. § 2404(a)(1)(A) provides:

Agency investigations of Category A and B conduct.

(1)(A) Each law enforcement agency shall conduct a valid investigation of any complaint alleging that a law enforcement officer employed by the agency committed Category A or Category B conduct. An agency shall conclude its investigation even if the officer resigns from the agency during the course of the investigation.

- 20 V.S.A. § 2405:

Except as otherwise provided in this subchapter, the Council shall conduct its proceedings in accordance with the Vermont Administrative Procedure Act. This includes the ability to summarily suspend the certification of a law enforcement officer in accordance with 3 V.S.A. § 814(c).

- 20 V.S.A. § 2406(a) provides:

Generally. The Council may impose any of the following sanctions on a law enforcement officer’s certification upon its finding that a law enforcement officer committed unprofessional conduct:

(1) written warning;

(2) suspension, but to run concurrently with the length and time of any suspension imposed by a law enforcement agency with an effective internal affairs program, which shall amount to suspension for time already served if an officer has already served a suspension imposed by his or her agency with such a program;

(3) revocation, with the option of recertification at the discretion of the Council; or

(4) permanent revocation.

It is alleged that you have engaged in Category A unprofessional conduct in violation of the above identified authority. Specifically, it is alleged:

1. Stephen Bunnell (referred to herein as “Bunnell”) at the time of the allegation below, was employed as a deputy with the Caledonia County Sheriff’s Department. Bunnell resigned from Caledonia County Sheriff’s Department on October 07, 2020. He is currently not employed by any law enforcement agency in Vermont.
2. Bunnell holds a Level III law enforcement certification from the Vermont Criminal Justice Council. He received his Level III certification on November 19, 1999.

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3. On or about April 02, 2020, the Caledonia County Sheriff’s Department received a complaint that Bunnell was communicating with a woman in a manner that suggested that favors were being exchanged for nude photos. Det. Sgt. Jacob Metayer, Vermont State Police, was assigned to investigate the complaint.
4. During Det. Metayer’s investigation, he found evidence that Bunnell offered several women money in exchange for nude photographs. There was also evidence that he solicited a woman for sexual intercourse in exchange for money and that he paid a woman for sexual intercourse. Bunnell admitted, during his interview with Det. Metayer, that he had paid two women, T.E. and J.B, money in exchange for nude photos.
5. On September 21, 2021, the Caledonia County State’s Attorney’s office filed four charges against Bunnell: one count of Prohibited Acts – engage in Prostitution, 13 V.S.A. § 2632(a)(8); two counts of Prohibited Conduct, first offense, 13 V.S.A. § 2601a(a); and one count of Prohibited Conduct – Procure or Solicit, 13 V.S.A. § 2632(a)(6).
6. On September 27, 2021, count three was amended on the record to Disturbing the Peace by Electronic Means, 13 V.S.A. § 1027(a). The Vermont Superior Court, Caledonia Unit,

Criminal Division found probable cause for all four counts with the amendment to count three.

7. On March 07, 2022, Mr. Bunnell pled guilty to counts two and three of the State's Amended Information.
8. Count two of the State's Information read as follows: "Stephen Bunnell, in the County of Caledonia, in St. Johnsbury during the Summer of 2019, engaged in open and gross lewdness, to wit: requested nude photographs via electronic means making no effort at concealment or privacy and offering to pay for them, in violation of 13 V.S.A. § 2601a(a).
9. Attached to Mr. Bunnell's plea agreement was a "Stipulation of Facts Supporting Plea Agreement." Mr. Bunnell agreed to the following facts regarding count two: "During the summer of 2019, I, Stephen Bunnell, intentionally requested nude photographs from [J.B] while in St. Johnsbury. I requested these photographs via text message on cell phones and via Facebook messenger from [J.B] and offered to pay her for them. I made these requests openly and with no effort to conceal them from [J.B.] or others. Given [J.B.]'s involvement in the criminal justice system, and my knowledge of it, I agree that these requests were lewd."
10. According to J.B., as noted in Det. Metayer's probable cause affidavit. Bunnell would either meet J.B. at her mother's home in St. Johnsbury, or she would meet him by the side of the road, to give her money. She reported that she sometimes met him to receive money when he was on duty and driving his cruiser.
11. The Court ordered Bunnell to a two-year deferred sentence for count two, Prohibited Conduct. His deferred sentence agreement included numerous probation conditions including but not limited to a no contact provision for each victim and successful participation in, and completion of, a sex offender treatment program as directed by the Department of Corrections. Bunnell paid a \$100 fine for count three, Disturbing the Peace by Electronic Means.
12. If the Council finds that the facts presented support that Bunnell committed the misdemeanor of Prohibited Conduct while on duty and his behavior did not involve a legitimate performance of duty, then this act constitutes unprofessional conduct as a

misdemeanor committed while on duty and is sanctionable as Category A conduct by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2401(1)(B).

13. Alternatively, the Council may find that the facts support that Bunnell committed the misdemeanor of Prostitution, 13 V.S.A. § 2632(a)(6) (“A person shall not procure or solicit or offer to procure or solicit a person for the purpose of prostitution, lewdness, or assignation.”) “[T]he ordinary meaning of lewdness is sexualized behavior that is shocking or repulsive to the community.” *In re A.P.*, 2020 VT 86 ¶ 20. Bunnell admitted that requesting the nude photos was a lewd act particularly since he requested the photos from a woman who he knew was involved in the criminal justice system. There is no evidence to suggest that Bunnell requested the photos for any other purpose than lewdness. Bunnell, as a known law enforcement officer, requested nude photos in exchange for money from a person he knew was in a vulnerable state – a person with a criminal history with a drug addiction. This is sexualized behavior that is shocking and repulsive to the community at large and to the professionals who work within law enforcement.
14. A misdemeanor of Prostitution, 13 V.S.A. § 2632(a)(6) constitutes unprofessional conduct as it is a misdemeanor, that even if committed off duty, is sanctionable as Category A conduct by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2401(1)(C)(ix).

The Council shall determine whether such alleged violations set forth above re: VCJC PRS Docket Nos. 2020PE1 did occur as specified herein.

The hearing shall be conducted by the Council in accordance with the Vermont Administrative Procedure Act (3 V.S.A. §§ 809-816). Pursuant to 3 V.S.A. § 809(c), you shall have an opportunity by yourself or through your attorney to appear at said hearing to present evidence and argument on all issues involved in this case and bring before the Council all pertinent facts that you believe will have a bearing on the issues involved in this case.

All correspondence and documents pertaining to this matter should be sent to the Vermont Criminal Justice Council, 317 Academy Road, Pittsford, Vermont, 05763, to my attention.

Dated September 28, 2023, at Pittsford, Vermont.

A handwritten signature in black ink that reads "Heather Simons". The signature is written in a cursive style with a large, prominent 'S' at the end.

Heather Simons, Executive Director
Vermont Criminal Justice Council