

**STATE OF VERMONT
VERMONT CRIMINAL JUSTICE COUNCIL**

In re: James Hemond)
) VCJC PRS Docket No. 20242T3P
)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont and James Hemond, and stipulate and agree as follows:

1. James Hemond (“Respondent”) of Waterford, Vermont holds a Vermont Level III law enforcement officer certification originally issued on or about November 30, 2007 as a full-time certification by the then-Vermont Criminal Justice Council.

2. Jurisdiction in this matter vests with the Vermont Criminal Justice Council (“Council”) pursuant to 20 V.S.A. §§ 2351, 2401-2411, 3 V.S.A. §§ 809-814 and other authority.

3. Respondent acknowledges that he voluntarily enters this Stipulation and Consent Order. He agrees and understands that, by executing this document, he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Council in this matter, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest any of the State’s allegations or findings. 20 V.S.A. § 2405; 3 V.S.A. §§ 809, 814.

Findings of Fact

4. The Council Professional Regulation Subcommittee (“Subcommittee”) reviewed and processed a complaint in VCJC PRS Docket No. 20242T3P pursuant to 20 VS.A. §§ 2401-2411.

5. The Subcommittee concluded that the facts established by the investigation of the complaint in VCJC PRS Docket No. 20242T3P support a finding of unprofessional conduct and, by its vote on August 01, 2024 further concluded that Respondent had engaged in Category C conduct. Specifically, the State alleges that Respondent knowingly allowed a Level II provisional officer to work without the direct supervision and control of a fully certified Vermont Law Enforcement Officer thereby violating 20 V.S.A. 2401(3)(F) (“knowing employment of an individual in a position or for duties for which the individual lacks proper certification[.]”)

6. On April 16, 2024, Respondent reported an Act 56 complaint to the VCJC involving a Level II provisional officer in his department. At the time of the report, Respondent recognized that he may be subject to a Category C conduct violation as his Level II provisional deputy was unsupervised at the time of the deputy’s alleged unprofessional conduct.

7. Respondent was aware that when two of his officers are working in the local courthouse that one officer is needed at the front door for security while the other officer is needed in, or near, one of the courtrooms when court is in session. With this knowledge, Respondent assigned a Level II provisional officer to work in the courthouse with a supervising officer. The Level II provisional officer was assigned to work security at the front door of the courthouse. The supervising officer regularly left the Level II provisional officer alone when the supervising officer needed to provide security in the courtroom. At the time of the provisional deputy’s alleged unprofessional conduct, his supervising fully certified officer was on the fourth floor of the courthouse while the provisional officer was on the second floor, conducting security for the courthouse, alone. The Level II provisional officer was not under direct control or supervision at the time of his alleged unprofessional conduct. Respondent was aware that the

staffing needs of the courthouse would cause his Level II provisional officer to be without direct control and supervision on a regular basis.

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.

9. As relevant to this matter, Category C conduct is defined as “misconduct pertaining to Council process or operations[.]” *Id.* at § 2401(3). Category C conduct includes the “knowing employment of an individual in a position or for duties for which the individual lack proper certification[.]” *Id.* at § 2401(3)(F).

10. The Council adopts as its facts and conclusions in this matter Paragraphs 4 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.

11. 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.

12. 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.

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

14. 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.

15. 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, and it shall be without prejudice to any future unprofessional conduct disciplinary proceeding and the Council's final determination of any charge against Respondent.

16. 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 and shall constitute an enforceable legal agreement. 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.

17. 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, based on the foregoing and the consent of Respondent, it is hereby

ORDERED that:

1. Respondent shall be issued a **WRITTEN WARNING** for the conduct set forth above.
2. Respondent shall successfully complete the following **Level II class** at the **Vermont Police Academy by June 30, 2025:**
 - a. **Scope of Authority Training** provided by the **Vermont Police Academy.**
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 agrees that any failure by him to comply with the terms and conditions of this **Stipulation and Consent Order** shall constitute **Category C** conduct under **20 V.S.A. § 2401(3)** and may subject Respondent to additional unprofessional conduct disciplinary action.

[Remainder of Page Intentionally Left Blank]

RESPONDENT

By: James Hemond
F38043F45B6E448...
James Hemond
Respondent

Dated: 11/8/2024 | 7:49:30 AM PST

Approved as to Legal Form for Respondent:

By: N/A 
Attorney for Respondent

Dated: 11/8/24

STATE OF VERMONT

By: Christopher Brickell
Christopher Brickell
Executive Director
Vermont Criminal Justice Council

Dated: 11/5/24

Approved as to Legal Form for the State of Vermont:

By: Kim McManus
Kim McManus
Associate General Counsel
Vermont Criminal Justice Council

Dated: 11/05/2024

**AS TO IN RE: James Hemond, VCJC PRS DOCKET NOS. 20242T3P:
APPROVED AND ORDERED
VERMONT CRIMINAL JUSTICE COUNCIL**

Signed by:

William Clements

B6024DBA42D949B...

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DATED: 12/19/2024 _____

ENTERED AND EFFECTIVE: 11/19/2024 _____