



# Vermont Criminal Justice Council

## Council Meeting Minutes

February 20, 2024

9:00 AM

Microsoft Teams Meeting

### **Members in Attendance Public Session:**

William Sorrell, Chair – Governor Appointed

Brian Searles – Governor Appointed

Shawn Pratt - Governor Appointed

Scott LaValley - Governor Appointed

Daniel Guerra - Governor Appointed

Christopher Louras – Governor Appointed

James Whitcomb –Proxy for Commissioner Jennifer Morrison, Dept. of Public Safety

Glenn Boyde – Proxy for Commissioner Nick Deml, Dept. of Corrections

Scott Davidson – Proxy for Commissioner Wanda Minoli, Dept. of Motor Vehicles

Christopher Herrick – Commissioner Dept. of Fish and Wildlife

Justin Stedman – Proxy for Commissioner, VT Fish & Wildlife

Erin Jacobsen – Proxy for Attorney General Charity Clark

Lori Vadakin – Proxy for Commissioner Emily Hawes, Department of Mental Health

Timothy Lueders-Dumont – Proxy for Executive Director John Campbell, Dept. of SAS

Xusana Davis –Executive Director, Office of Racial Equity

Jennifer Frank – VT Chief’s Association

Kelly Price – Vermont State Employees Association

Mark Anderson – VT Sheriff’s Association

Trevor Whipple – VT League of Cities and Towns

Sadie Donovan – Proxy for Jennifer Poehlmann, Center for Crime Victim Services

Cassandra Burdyshaw – VT Human Rights Commission

Amanda Garces – Proxy for Cassandra Burdyshaw, Human Rights Commission

### **Other Attendees:**

Christopher Brickell – Vermont Criminal Justice Council

Ken Hawkins – Vermont Criminal Justice Council

Kim McManus – Vermont Criminal Justice Council

Jennifer Firpo – Vermont Criminal Justice Council

Kenneth Hawkins – Vermont Criminal Justice Council

Jennifer Hier – Vermont Criminal Justice Council

Austin Bach – Vermont Criminal Justice Council

Audi Guha – VT Digger



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**Call to Order:** VCJC Chair Bill Sorrell 8:55

**Additions or Deletions to the Agenda:** *Vermont Criminal Justice Council Chair, William Sorrell*

Motion made by Chair Sorrell to add welcome of new council member Daniel Guerra, second by Erin Jacobsen, all in favor. Motion passed.

**Welcome Daniel Guerra:** *Vermont Criminal Justice Council Chair, William Sorrell*

Chair Sorrell gave a brief history on the NAACP Governor-appointed seat on the Council. Daniel Guerra introduced himself as the new representative for the NAACP.

**Docket # PRS2020PE1 Stephen Bunnell** – *Vermont Criminal Justice Council, Associate General Counsel, Kim McManus*

- Kim gave a brief process review to all council members for stipulated agreements.
- Stephen Bunnell was a certified Level III officer for Caledonia County Sheriff's Department.
- The Subcommittee, when reviewing the investigative material, found that there was evidence to support a Category A conduct charge.
- Mr. Bunnell admitted guilt to two misdemeanors on March 7<sup>th</sup>, 2022, in Vermont's Superior Court, Caledonia Unit Criminal Division. One count of prohibited conduct, Title 13, Section 2601(a) and one count of disturbing the peace by electronic means for the prohibited conduct charge.
- The State alleges that respondent engaged in and admitted to a Category A conduct by virtue of engaging in prohibited conduct. This misdemeanor occurred on duty and did not involve a legitimate performance of duty. The respondent acknowledges that if the matter went to hearing that the State could prove the respondent engaged in prohibited conduct.

*Discussion Ensued: Bill Sorrell - Why did the internal investigation take that long after the plea of guilty or findings of guilty to two misdemeanors and then the time to get to us? Information was not available.*

- The stipulation calls for the permanent revocation of his Level III certification as a law enforcement officer in the state.

*Chris Herrick made a motion to accept the stipulated agreement, second by Mark Anderson, all in favor, the motion passed.*

**Docket # PRS2020GNU Lance Martel** – *Vermont Criminal Justice Council, Associate General Counsel, Kim McManus*

- Mr. Martel was working for the Essex Police Department when an allegation was made that Mr. Martel was participating in active voyeurism.



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- VSP Jesse Robson conducted an investigation into the allegation of voyeurism and opened seven more cases for a variety of reasons.
- One case of voyeurism was charged by the Chittenden County States Attorney's Office as a misdemeanor. The Professional Regulation Subcommittee reviewed the misdemeanor charge. Probable cause was found but the case was dismissed two months later. *(The Council does not need to have a conviction to find criminal behavior by a preponderance of the evidence.)*
- The allegation is that Mr. Martel, while off duty, committed an act of voyeurism.
  - o *Voyeurism is one of the enumerated misdemeanors that an officer can be held accountable for by this Council if committed while off duty.*
- The Professional Regulation Subcommittee wished for permanent revocation. Mr. Martel was opposed. Through discussions with Mr. Martel, he was agreeable to revocation of his certification with the opportunity to reapply in the future.
- The order stipulates that Mr. Martel could apply for law enforcement certification after a period of seven years has passed since the date of his revocation. Any future recertification would require the successful completion of a Council basic training program and any additional required training by the Council. The order is not a guarantee or a right for entrance into a Council program and the Council maintains full discretion as to whether or not he would be eligible to reapply in the future. His name will also be posted on the National Decertification Index.
- Mr. Martel has agreed that the State has enough evidence to go forward with a hearing.
- The Council does not have a conviction, if a hearing was needed, the young woman whose picture was taken would need to testify publicly. *For consideration:*
  - o Mr. Martel left Essex Police Department soon after the allegations and has not been working in law enforcement for the last three years. After an additional seven years of revocation Mr. Martel would have a total of ten years out of law enforcement. If he were to reapply for certification the misdemeanor would still be available.
  - o The Council should balance the need for the harmed person to have to go to a public hearing and whether or not this stipulated agreement can meet the Council's needs right now.

*Comment: Erin Jacobsen – "...I hope that we can see more responses like this. We understand that people can make mistakes and if they are able to acknowledge those mistakes and take accountability (repay harm do the required work) then there does not need to be a permanent sanction.*

*Erin Jacobsen makes a motion to approve the stipulated agreement, second by Brian Searles, all in favor.*



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**Fair and Impartial Policing Subcommittee:** *Vermont Criminal Justice Council Chair, William Sorrell and Associate General Counsel, Kim McManus.*

- *Bill Sorrell did a review of the history and current status of the FIP policy. Kim McManus did a review of the current status of the FIP subcommittee.*
- *The FIP Subcommittee met February 13<sup>th</sup>. The subcommittee agreed that for the five specific proposals in their report, they are not going to revisit or revote on those matters.*
- *FIP subcommittee created a working group of stakeholders that would review feedback received from the Chiefs Association, Sheriff's Association, and Tim Lueders-Dumont.*
  - o *Working Group will see if there are other parts of the policy that can be edited to streamline the number of decisions the Council will need to make when reviewing the policy.*
  - o *Working Group is made up of Amanda Garces from the Human Rights Commission, Xusanna Davis, Erin Jacobsen, Kim McManus, Migrant Justice, and the ACLU. Recommendations will go to the FIP Subcommittee. After the FIP subcommittee reviews they will send a final proposal to the Council.*
- *March 7<sup>th</sup> Council meeting Kim McManus will do an overview of the legal issues, so everyone feels prepared. On April 2<sup>nd</sup> the Council will review the policy.*
- *Two new members are needed on the FIP subcommittee. Daniel Guerra will fill one of those vacancies.*

**General Discussion:** Discussion was had on how the minutes should be captured for the February 7<sup>th</sup> meeting. Bill Sorrell suggested that a thorough synopsis of all comments are reflected in the minutes and the recording be made available.

Mark Anderson asked how the Council makes public statements, when time is available to prepare and when information needs to be provided quickly (examples were given). *Should this process be discussed and codified and how do we make sure that it is inclusive of the Council but flexible?*

Motion to adjourn: Chair Sorrell made a motion to adjourn, second by Brian Searles, no discussion. All in favor.

Meeting adjourned: 10:06