

## NOTICE OF HEARING

### VCJC PRS Docket No. 2020JLF

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

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 Davison Drive, Pittsford, Vermont 05763 and remotely via Microsoft Teams on September 13, 2022 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 an including permanent revocation without ability to reapply, against the Vermont law enforcement officer certification held by Travis Trybulski for alleged unprofessional conduct pursuant to 20 V.S.A. § 2401(2), (5) (Category B conduct deemed unprofessional conduct), 20 V.S.A. § 2404(a)(1)(A) (agency investigation of Category B 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(2) provides:

“Category B conduct” means 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 shall include:

- (A) sexual harassment involving physical contact or misuse of position;
- (B) misuse of official position for personal or economic gain;
- (C) excessive use of force under authority of the State, first offense;
- (D) biased enforcement;
- (E) use of electronic criminal records database for personal, political, or economic gain;
- (F) placing a person in a chokehold;
- (G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a chokehold or using excessive force.

- 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.

- 20 V.S.A. § 2407(a), (b):

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action, except that the Council may take action for a first offense under subdivision 2401(2)(C) (excessive use of force under authority of the State), 2401(2)(F) (placing a person in a chokehold), or 2401(2)(G) (failing to intervene and report

to a supervisor when an officer observes another officer placing a person in a chokehold or using excessive force) of this chapter.

(b) "Offense" defined. As used in this section, an "offense" means any offense committed by a law enforcement officer during the course of his or her certification, and includes any offenses committed during employment at a previous law enforcement agency.

*VCJC PRS Docket No. 2020JLF: It is alleged that you have engaged in Category B (second offense) misconduct in violation of the above identified authority. Specifically, on February 4, 2021, you 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, you 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. You nonetheless conducted a motor vehicle stop without reasonable suspicion or probable cause. Further, you 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.*

*After such February 4, 2021 incident and Williston Police Department investigation, Chittenden County State's Attorney Sarah George issued a Brady/Giglio letter to Williston Police Department Chief Patrick Foley, dated March 9, 2021, stating that SA George would not call you as a witness or accept any criminal cases from you moving forward, citing your violations of the Williston Police Department's Fair and Impartial Policing Policy.*

*Your above-described conduct represents violations of the following Williston Police Department policies:*

- *Williston Police Department, General Order 104 (Rules and Regulations), effective date July 27, 2015, including § 2(A):*

*The following acts by a member of this department are prohibited or restricted. This list is not all-inclusive. Members must also adhere to all General Orders and the Town Personnel Policies. . . A. Conduct unbecoming an officer. This shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that, which impairs the operation, or efficiency of the department or the officer.*

- *Williston Police Department, General Order 123 (Investigative Motor Vehicle Stops), Automobile Searches, issued February 20, 2014, including §§ A, C(1):*

*Whenever a member views contraband, wanted persons, stolen property, or evidence of a crime in plain view inside a motor vehicle, such evidence can be lawfully seized without a warrant.*

\* \* \*

*1. If a member has probable cause to believe that a crime has been or is about to be committed and that evidence of that crime or contraband will be found in the vehicle the member shall:*

*(a) Ask the operator for consent to search the vehicle. If the operator consents, it is advisable, but not required, that the consent be reduced to writing.*

*(b) If the operator declines, the member shall again request consent, explaining to the operator that he/she has probable cause to believe that evidence of a crime or contraband will be found in the vehicle and that if consent is not obtained that the he/she will “apply to a judge for a search warrant”.*

- *Williston Police Department, General Order 176 (Fair and Impartial Policing), effective January 25, 2019, including at §§ II(a), III(c):*

*As required by law, all enforcement actions by law enforcement officers, such as investigation, detentions, traffic stops, arrests, searches and seizures, etc. must be based on reasonable suspicion, probable cause or other or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.*

\* \* \*

*To cultivate and foster transparency and trust with all communities each [agency member] shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so: . . . Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and the [agency member] conveys the purpose of the reasonable delays.*

The Council shall determine whether or not such alleged violation(s) set forth above re: VCJC PRS Docket No. 2020JLF 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 August 2, 2022 at Pittsford, Vermont.

Vermont Criminal Justice Council

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.

Executive Director