

**Criminal Justice Council  
Vermont Police Academy**  
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## NOTICE OF HEARING

July 20, 2022

### VCJC PRS Docket No. 2020GNU

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

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 Sept. 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 Lance Martel for alleged unprofessional conduct pursuant to 20 V.S.A. § 2401(1)(C)(viii) (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:**

- (i) simple assault, second offense;
- (ii) domestic assault;
- (iii) false reports and statements;
- (iv) driving under the influence, second offense;
- (v) violation of a relief from abuse order or of a condition of release;
- (vi) stalking;
- (vii) false pretenses;
- (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.  
(Emphasis added.)

- 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 that:

VCJC PRS Docket No. 2020GNU (Category A)

1. Lance Martel has a Level III law enforcement certification from the Vermont Criminal Justice Council. He was certified as a Level III officer on November 22, 2013. Prior to his Level III certification, Mr. Martel was certified as a Level II officer on July 03, 2013. He was employed as a law enforcement officer by the Barre City Police Department from March 04, 2013 to July 01, 2013; the Richmond Police Department from June 27, 2013 to May 22, 2015; and the Essex Police Department from May 25, 2015 to November 02, 2021.
2. On May 21, 2021, B.R., a female adult, filed a complaint with the Essex Police Department alleging that then Corporal Lance Martel possessed photos or videos of her that were sexual in nature, and that she had not provided consent for Martel to possess these images.
3. After an initial conversation with B.R., and a consultation with the Chittenden County State's Attorney's Office, Chief Ron Hoague, Essex Police Department (EPD) contacted the Vermont State Police (VSP) to request that VSP investigate Martel for potential criminal conduct; specifically, the allegation of voyeurism.
4. On June 08, 2021, VSP Detective Jesse Robson, Westminster Barracks, was assigned as the investigator.
5. Based on the initial statements provided by B.R., Tpr. Robson applied for, and was granted, a search warrant for Martel's iCloud records to seek evidence of voyeurism.
6. In reviewing the results of Martel's iCloud account, Tpr. Robson observed a nude photo. In a probable cause affidavit dated, October 29, 2021, Tpr. Robson described the photo as, "a photo that appeared to be a screenshot that contained nudity; specifically, bare developed female breasts. The female's face was visible in the screenshot as was an Instagram username...The photo included a caption 'flash was bright' and a bar along the top of the photo that was partially bold and partially thinner than the bold part."

7. Tpr. Robson deduced that Instagram has a feature within its direct message application that allows a user to send a photo so that it is visible for a time and then the photo disappears. The bar along the top of the photo that is bold, and then thins, acts as a countdown to when the photo disappears.
8. Based on this information, Tpr. Robson suspected that this photo was a screenshot of a photo that was intended to disappear and not remain in Lance Martel's possession.
9. Further investigation led Tpr. Robson to locate the person whose username was visible in the photo. This person is an adult female, K.G.
10. K.G. confirmed that the username in the photo had been her username in the past. K.G. confirmed that she knew Lance Martel.
11. Tpr. Robson interviewed K.G. via Facetime. K.G. observed and recognized the photo. In a sworn oral statement, K.G. stated that she had sent the photo to Martel in the summer of 2020 and that she did not tell Martel it was okay to take a screenshot, she further stated that she had never been informed by Martel that he had taken a screenshot.
12. Based on the information gathered during his investigation Tpr. Robson prepared a probable cause affidavit supporting a charge of voyeurism, signed on October 29, 2021, and submitted the affidavit to the Chittenden County State's Attorney's office.
13. On December 16, 2021, the Vermont Superior Court, Chittenden Unit, Criminal Division, found probable cause for, and Lance Martel was arraigned on, one charge of voyeurism pursuant to 13 V.S.A. § 2605(b)(2) in Docket No. 21-CR-10508.
14. The charging Information read as follows, "Lance Martel, in the County of Chittenden, at Essex on or about June 2020-August 2020, intentionally viewed, photographed, filmed or recorded in any format the intimate areas of another person, to wit: the breasts of K.G...., without that person's knowledge and consent and under circumstances in which the person has a reasonable expectation of privacy, in violation of 13 V.S.A. § 2605(b)(2)."
15. Docket No. 21-CR-10508 was dismissed by the State without prejudice on February 23, 2022.
16. The totality of Det. Robson's investigation revealed a disturbing pattern of inappropriate behavior involving seven other women. Due to the nature and circumstances of those allegations, the case involving K.G.'s was the only allegation that moved forward to a criminal charge. However, the information gathered involving the seven other women

formed the basis for ten policy violation allegations. While these policy violations are not actionable by the Council on their own under current law, the investigation into the other allegations provides ample evidence that Lance Martel acted intentionally when he captured the screenshot of K.G. without her permission.

17. The charge of voyeurism, and the behavior supporting that charge, constitutes unprofessional conduct as one of the enumerated misdemeanors that, even when committed off duty, is sanctionable as Category A conduct by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2401(1)(C)(viii).

The Council shall determine whether such an alleged violation set forth above re: VCJC PRS Docket Nos. 2020NGU 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, for my attention.

Dated July 20, 2023, 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 horizontal line underneath the name.

Heather Simons, Executive Director