

**STATE OF VERMONT
VERMONT CRIMINAL JUSTICE COUNCIL**

In re: Stephen Bunnell)
) VCJC Docket No. PRS 2020PE1
)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont and Stephen Bunnell, and agree and stipulate as follows:

1. Stephen Bunnell (“Respondent”) of St. Johnsbury, Vermont holds a Level III Vermont Law Enforcement Officer Certification issued by the Vermont Criminal Justice Council on November 19, 1999. Respondent is not employed currently by any law enforcement agency in Vermont.

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 further acknowledges that he had the advice of counsel or the opportunity to seek advice regarding the matter before the Council and in reviewing this Stipulation and Consent Order. He agrees and understands that, by exercising 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. Council staff received an unprofessional conduct complaint in this matter against Respondent on or about April 2, 2020.

5. After the Vermont State Police completed its criminal investigation, Sheriff Hemond, Caledonia County Sheriff's Department, finalized the unprofessional conduct internal investigation, and submitted the same to the Council on May 31, 2023.

6. The Council Professional Regulation Subcommittee ("Subcommittee") reviewed and processed the complaint pursuant to 20 V.S.A. Chapter 151, Subchapter 2.

7. The Subcommittee determined that the facts established by the investigation of the complaint supported a finding of unprofessional conduct and, by vote July 7, 2023, concluded in relevant part that Respondent had engaged in Category A conduct.

8. Based on the Subcommittee's determination, the State specifically alleges that, Respondent admitted guilty to two misdemeanors on March 07, 2022 in the Vermont Superior Court, Caledonia Unit, Criminal Division. The two misdemeanors included one count of Prohibited Conduct, 13 V.S.A. § 2601a(a); and one count of Disturbing the Peace by Electronic Means, 13 V.S.A. § 1027(a).

9. For the Prohibited Conduct charge, respondent admitted to engaging "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). Attached to Respondent's plea agreement was a "Stipulation of Facts Supporting Plea Agreement." In this document, Respondent agreed to the following facts: "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. In the probable cause affidavit supporting the above charge, Respondent sometimes met J.B. and gave her money while he was on duty, driving his department's marked cruiser.

Conclusions of Law

9. 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(1)-(3) (categories defined).

10. As relevant to this matter, Category A conduct is defined as felonies, misdemeanors "committed while on duty and did not involve the legitimate performance of duty" and specifically identified misdemeanors committed while off-duty. *Id.* § 2401(1).

11. The State alleges that Respondent engaged in, and admitted to, Category A conduct by virtue of engaging in prohibited conduct, 13 V.S.A. 2601a(a). This misdemeanor crime occurred while Respondent was on duty and did not involve a legitimate performance of duty and is therefore actionable by the Council. *See* 20 V.S.A. 2401(1)(B)

12. Respondent acknowledges that if this matter were to proceed to a contested hearing, the State could prove that Respondent engaged in prohibited Category A conduct. *See* 20 V.S.A. § 2401(1)(B)

13. Consistent with Respondent's cooperation with the Council, Respondent acknowledges that if the State could satisfy its burden at a hearing and a finding adverse to Respondent could be entered by the Council pursuant to 20 V.S.A. §§ 2401, 2405-2407 and 3 V.S.A. § 812.

14. In the interest of resolving this matter, the Respondent and the State agree to enter this Stipulation and Consent Order, in lieu of proceeding to hearing.

15. The Council adopts as its facts and conclusions in this matter Paragraphs 1 through 10 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.

16. 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.

17. 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.

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

19. 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.

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

21. 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, shall constitute an enforceable legal agreement, and may and shall be reported to other authorities, including the International Association of Law Enforcement Standards and Training National Decertification Index. 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.

22. 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, on the basis of the foregoing Findings of Fact and Conclusions of Law, and on the basis of the consent of Respondent, it is hereby ORDERED that:


1. Respondent's Vermont law enforcement officer certification shall be PERMANENTLY REVOKED effective January 16, 2024, with no option of recertification.
2. Respondent shall provide a complete copy of this Stipulation and Consent Order to any Vermont law enforcement agency for which he works or to any prospective Vermont law

enforcement agency to which he makes application for employment, as well as to any state regulatory body or other certification authority related to law enforcement officers in any location or jurisdiction where he may apply for law enforcement officer employment, for so long as this Stipulation and Consent Order remains in effect.

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.

DATED at St. Johnsbury, Vermont this 9th day of January, 2024.

By: 
Subject Officer
Respondent

DATED at Pittsford, Vermont, this 11th day of January, 2024.

By: /s/ Heather Simons
Heather Simons
Executive Director
Vermont Criminal Justice Council

Approved as to Legal Form:

DATED at Pittsford, Vermont this 9th day of January 2024.

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

**AS TO *IN RE*: Stephen Bunnell, VCJC Docket No. PRS 2020PE1:
APPROVED AND ORDERED
VERMONT CRIMINAL JUSTICE COUNCIL**

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DATED: _____

ENTERED AND EFFECTIVE: _____