

DEFENDANT John Grismore
DOB 04/28/1973 AGE 49
ADDRESS
192 Buck Hollow Rd
Fairfax, VT 05454

ARRAIGNMENT DATE October 24, 2022
SA CASE ID 22-16085
ASSIGNED (D)SA: Douglas DiSabito Esq. ERN: 4480
POLICE DEPT VSP-Williston
INVESTIGATING OFFICER Det. Sgt. Daniel Trottier
VICTIM ADVOCATE David Sicard
INCIDENT NO. 22A1005125

STATE OF VERMONT

SUPERIOR COURT
FRANKLIN UNIT

STATE OF VERMONT

CRIMINAL DIVISION

v.

DOCKET NO. 22-CR-_____

JOHN GRISMORE

INFORMATION BY STATE'S ATTORNEY

By the authority of the State of Vermont, the State's Attorney for Franklin County, upon the oath of office charges:

COUNT 1 OF 1

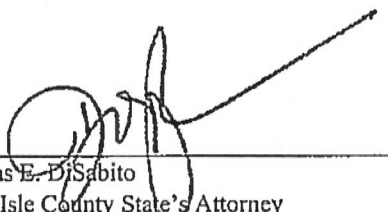
CHARGE CODE: 13V1023A1 | CODE ID: 116 | OFFENSE CLASS: M
CHARGE NAME: ASSAULT - SIMPLE

John Grismore, in the County of Franklin, at St. Albans, on or about August 7, 2022, recklessly caused bodily injury to another, TO WIT, Jeremy Burrows, in violation of 13 V.S.A. § 1023(a)(1).

Penalty: Imprisoned not more than 1 year or fined not more than \$1,000.00 or both.

Against the peace and dignity of the State.

DATED: October 21, 2022




Douglas E. DiSabito
Grand Isle County State's Attorney
Franklin County Deputy State's Attorney

Referral(s) if applicable: No Diversion Referral - *Crime of Violence*

This information has been presented to me and I have found probable cause.

DATED: _____



Martin A. Maley
Superior Court Judge
Signed electronically

Superior Court Judge

10/24/2022



AFFIDAVIT
VERMONT STATE POLICE
STATE OF VERMONT



CASE#: 22A1005125

FRANKLIN COUNTY, ss.

Now comes Detective Sergeant Daniel Trottier, affiant, being duly sworn and on oath, deposes and says he has probable cause to believe John Grismore (DOB: 04/28/1973), has committed the offense(s) of Simple Assault in violation of Title 13, Vermont Statutes Annotated, section 1023.

- 1) I am a law enforcement officer in the State of Vermont. I have been employed by the Vermont State Police and certified by the Vermont Criminal Justice Training Council for the past 19 years. I have been a Detective Sergeant since 2015 and, I am currently assigned to the State Police Bureau of Criminal Investigations (BCI) out of the Williston Barracks.
- 2) On 08/11/2022, I was contacted by Lt John MacCallum, Commander of the Troop A-West BCI division. He advised the State Police had been contacted by Franklin County Sheriff Roger Langevin concerning an incident that occurred at the Sheriff's Department on 08/07/22. I was advised the incident involved a member of the Sheriff's Department kicking a prisoner and the State Police was asked to conduct an investigation to determine if criminal charges were warranted.
- 3) Upon receiving the information, I contacted Sheriff Roger Langevin to obtain the contact information of Deputies Karry Andileigh and Christopher Major who made the initial complaint. After speaking with Langevin, I contacted both Andileigh and Major and they agreed to speak with me later that afternoon.
- 4) At approximately 1500 hours, I met with Christopher Major at the Sheriff's Department and obtained a recorded interview. Also present during the interview, was Lt Mark Lauer of the Franklin County Sheriff's Department. In the interview Major provided the following information: Major and Deputy Karry Andileigh were dispatched to a report of a drunk and disorderly male and were advised his mother wanted him removed from the residence. Upon arriving at the residence, they came into contact with the male, Jeremy Burrows, and eventually arrested him. They did so because, he became assaultive towards them and, he was intoxicated. Burrows was subsequently brought to the Franklin County Sheriff's Office for processing and was secured to a bench. This was done by placing a pair of leg shackles to each of Burrows' ankles and attaching them to a bar under the bench he was sitting on. He also had his hands handcuffed behind his back. When Burrows was secured, Major placed his body camera in a position to be able to record Burrows as Major and Andileigh completed the necessary paperwork. When they arrived at the office, Captain John Grismore was there (in shorts and a t shirt) and Major and Andileigh reported to him about their use of force taking Burrows into custody.

While completing paperwork, Major noted Burrows stood up from the bench and attempted to walk away from it. As Burrows walked away, the shackles on his legs caused him to fall face first to the floor. Major and Andileigh entered the processing room and stood Burrows up and placed him back on the bench in a seated position. Burrows stood up again and Major told Burrows, if he walked forward he was going to fall down. As Major and Andileigh were dealing with Burrows, Grismore was standing in the doorway and asked for a key. Burrows again tried to walk forward and at this time, Grismore placed his hand on Major's shoulder and kicked Burrows. After this, Major walked to the opposite side of Burrows in order to retrieve another set of shackles to better secure Burrows. As Major did this, Grismore kicked Burrows a second time and Major observed Andileigh step in between Grismore and Burrows. After this, Grismore exited the processing room and Major shackled Burrows' handcuffed hands to the wall to better limit his movement. Grismore then re-entered the processing room and placed a spit mask over Burrows' head. Major stated he responded to a different call and later, he and Andileigh discussed who they should contact for the second use of force incident. They contacted Sgt Vaillancourt and Lt Miles, both members of the Sheriff's Department. Major advised he felt Burrows was secured and was not a threat as, both feet were shackled and he was limited in his movement. He also stated he believed the kicks by Grismore were not "cool" and at no time during this interaction, did he observe Burrows attempt to spit on any of the Deputies.

- 5) Following the interview with Major, I interviewed Deputy Karry Andileigh. Lt Mark Lauer was also present during this interview. In her interview, Andileigh advised the following: Andileigh advised she and Major arrived at the Sheriff's Office and shackled Jeremy Burrows to a bench. After doing so, they exited the room and Major placed a body camera to record Burrows. Andileigh began to write an affidavit and Captain Grismore entered and asked what happened. Andileigh advised it was at this time, she and Major reported their use of force taking Burrows into custody. Andileigh said as they were talking to Grismore, she observed Burrows fall so, she and Major entered the processing room and assisted Burrows. She advised she did not observe any obvious physical injuries to Burrows at this time. Andileigh advised as they were trying to get Burrows to sit down, she had to "put her hands" on Burrows to do so and he was getting vocal. As she was doing this, she noted Grismore kick Burrows and use his foot to hold Burrows from getting back up. She stated when this happened, she and Major both looked at each other and then Grismore kicked Burrows a second time which, in her opinion, was "really aggressive." Andileigh said after this second kick, she positioned herself between Burrows and Grismore to redirect Grismore. She did not remember Grismore leaving the room but, he did get a spit mask and place it over Burrows' head. She then helped Major shackle Burrows' hands to the bench to secure him better and Grismore called for AM CARE (EMS services). Burrows was checked over by EMS and the hospital refused to see Burrows because he was intoxicated. Andileigh stated there was a discussion about how to report the second use of force, due to Grismore being a direct supervisor and also being involved in the use of force incident. She advised Grismore told her not to report it and he would take care reporting it. Andileigh said after Burrows was "dropped off at prison", she spoke with Sgt Vaillancourt and sent an email

to Lt Miles about the use of force. She said she later called Lt Miles to better explain the situation. When asked, Andileigh said Grismore's use of force was not necessary.

- 6) After conducting these interviews, I made several attempts to contact and interview the victim, Jeremy Burrows through his Attorney. On two occasions, just prior to the interview times, I was advised by Burrows' attorney he would not be able to attend. On a third attempt, I was able to interview Burrows at UVM Medical Center on 09/09/22. In this interview Burrows advised the following: On the day in question, he was highly intoxicated and was brought "to the station". He advised he became upset and aggravated because he had to go to the bathroom and he stood up. He advised after he stood up, he fell down and the woman and male came in to help him to his feet. There was a man with no uniform on and Burrows was not sure where he came from but, this male kicked him 1 time and it hurt. Burrows stated he felt pain from this kick and then he was kicked two more times in the groin, which again caused him pain. Burrows stated on a scale of 1-10, he felt pain of a 6. He advised he told the officers during his interaction with them, he wanted to kill himself and they refused to take him to the hospital. He also advised he was not familiar with the person who kicked him and had never met him before.

- 7) On 08/31/2022, I was forwarded an email Grismore sent to Lt Jerry Partin, the Station Commander of the St Albans barracks. Grismore was asking for information so he could be interviewed about this incident. I replied to his email and we agreed to meet on 09/06/22 at the St Albans barracks. In these emails, Grismore also asked if I would like a copy of the statement he provided to the Sheriff's Department as part of their internal investigation. I advised him I would accept any documentation he wished to provide me. On 09/06/22, when Grismore arrived for the interview, he was asked if his attorney would be joining him. Grismore replied he retained an attorney for the civil part of this investigation but, did not need him for the criminal investigation. I advised Grismore I reviewed his statement and asked if he had anything further he would like to tell me. He said he did not. I advised him I had some questions after reviewing the statement so, if he did not have anything further to provide, I would just ask him the questions I had. Grismore agreed to answer any questions I had. Based on my questions, I was provided the following information: He was not working on the day in question. He went to the office to get caught up on some work because it was so hot out. While at the office, he heard Deputies Andileigh and Major get dispatched to a call. He was familiar with the general area of the call as it was an area they would be called to frequently. He was not familiar with the particular address or parties involved. When the Deputies arrived at the Sheriff's Department with a male in custody (Jeremy Burrows), the male was calm and following directions. After the male was secured in the processing room he was provided details of the incident which resulted in the male being taken into custody. He was advised at the time, Burrows had spit on Deputy Major. He advised he later learned Deputy Major was spit on multiple times. As he was helping the Deputies with paperwork, Burrows was observed on video to be exhibiting mood swings. Going from calm to yelling profanities. At one point, Burrows was observed to have fallen on the floor and the two Deputies entered the room to assist him back to his seat. Grismore monitored this interaction from the doorway. As they got Burrows back to his feet and seated, Grismore observed Burrows begin to escalate and become aggressive towards the

two deputies. He observed Burrows to continue moving towards Deputy Major despite commands not to, and Deputy Andileigh was having trouble trying to physically control Burrows. Grismore entered the room to assist and used his foot to push Burrows into a seated position. After he did this, Deputy Major moved to retrieve another pair of shackles to secure Burrows better. Burrows stood up again from the seat and reared his head back and made a sound Grismore recognized as someone getting ready to spit. Grismore believed Burrows was about to spit on him or Deputy Andileigh and perceived that as an attempt to assault them. Grismore again, this time more forcefully, kicked Burrows to prevent him from doing so. After this second kick, Grismore left the room and returned with a spit mask which he placed over Burrows' head. Grismore also advised he was in plain clothes that day and did not have any other tools at his disposal when dealing with Burrows. He also expressed concern of getting into a physical altercation with Burrows due to having Rheumatoid Arthritis in his shoulder and there being potential he could get injured. He advised he did not have any specific issues that day, just a concern of the possibility of injury. Grismore advised neither of the Deputies specifically asked for his assistance at any time but, he felt he could be of assistance due to Burrows' behavior. When asked about the discrepancy between his belief he used appropriate force and, the Deputies' belief he used more force than was necessary, Grismore stated they were wrong and they did not have the experience he had. He stated he had approximately 25 years of experience and they had several years at most. Grismore said he did not try to deescalate the situation because, Andileigh had been trying and her efforts were not working and she was more skilled at it due to her training. Also, in his opinion, there was no time to make an attempt to de-escalate. He said he used the force he believed was necessary to prevent further injury to himself, the other Deputies and Burrows.

- 8) I was provided a copy of the body camera footage of both Andileigh and Major for the incident in its entirety from Lt Mark Lauer. Andileigh's camera was turned off when she arrived at the Sheriff's Department so, it did not capture any footage of the incident in question. In reviewing the footage I noted the following: For this particular investigation, I will not discuss the incident in detail that led to Burrows being taken into custody but, in that incident, it is important to note, Burrows was assaultive towards Andileigh and Major and he also spit on Major several times. In Vermont, under Title 13 VSA 1028(b)(1), spitting on a protected professional while performing a lawful duty is a misdemeanor offense. Upon arriving at the Sheriff's Department, Burrows is compliant and allows Andileigh and Major to secure him without incident. When he is secured, he is placed on a bench, that was separated into three sections by metal, mesh grates. Beneath the bench is a metal bar running the length of the entire bench. Burrows has his hands handcuffed behind his back and, has a shackle attached to each ankle which is secured to the metal bar under the bench. At 28:00 minutes into the video, Burrows was observed standing and then sitting down. He begins to talk loudly saying he wants a lawyer and he is handcuffed and did nothing wrong. Someone then responds to him and says he will not be getting a lawyer at the moment. He continues to ask for a lawyer and at 32:15 he is observed spitting on the floor, yelling "fuck em" and he then hits his head against the metal partition. After hitting his head Burrows says "ow, that hurt". At 32:29 he stands up and begins to move back and forth and then starts to walk away from the

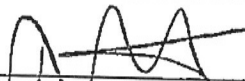
bench. When he reaches the end of his shackles, he falls face first onto the floor and lands on his chest. He immediately states again "ow, that hurt." Andileigh and Major enter and begin to help Burrows to his feet. Again, at this time he is cooperative and not resisting in anyway. While they are helping Burrows back to the seat, he again states they have him in handcuffs and Major tells him it is because of his behavior. Major asks Burrows if he would like rescue to respond and assess him. Burrows responds he wants to go to the hospital and he wants to kill himself. Major responds by saying "well, you aren't gonna do that here." Once seated, Burrows asks Major if he is bleeding and Major tells him he does not see any blood. Burrows is heard saying something inaudible but Major responds "don't try to make yourself bleed." Burrows asks to go to the hospital and Major tells him rescue has been called.

- 9) At 34:00 into the video Burrows' demeanor begins to change. He stands up quickly and begins to walk toward Major. Major puts his hand out to stop Burrows from getting any closer and tells him he is shackled and if he walks any further, he will fall. At the same time this is happening, Andileigh begins to try to control Burrows by grabbing his right shoulder and right elbow. Andileigh is able to move Burrows away from Major and back to the bench. Andileigh asks Burrows if he will have a seat and Major tells him if he does not sit down, he (Major) will put a shackle on him (Burrows). It is hard to make out what Burrows is saying but, it sounded like "you think I'm scared you fucking faggot". Burrows turns his body away from Andileigh who still has a hold of his right arm and she begins to try and control him again by pushing against Burrows' chest. Major looks behind his right side and Grismore is seen entering the video. Grismore gets between Andileigh and Major, grabs a hold of Major's right shirt sleeve and kicks Burrows in the abdomen forcing Burrows back into a seated position on the bench. Burrows moves a little and Grismore pushes back with his foot and hits Burrows' groin and his foot then lands on Burrows' right inner thigh. Grismore and Burrows then begin to yell at each other. Grismore is telling Burrows to sit down and Burrows is saying the kick was on camera. Grismore replies "I don't care". Burrows stands up and begins to adjust his feet and is saying something inaudible. At the same time, Andileigh is yelling at Burrows to sit down and still trying to control him by his right arm. Burrows is seen rearing his head back in a movement that would be similar to getting ready to spit. In response to this, Grismore again kicks Burrows into a seated position on the bench. Andileigh then moves to her right and gets in between Grismore and Burrows. Burrows stays seated on the bench and Grismore leaves the frame momentarily. Burrows is seen talking to Andileigh repeating Grismore kicked him and he (Grismore) is in trouble. Grismore then reenters the video and puts a spit mask on Burrows. Burrows says he didn't spit and Grismore responds by yelling "you just tried to spit at me!" Major then places a shackle to Burrows' handcuffed hands. Burrows asks if they can take it off and Major replies "nope". They all then leave the room at 35:40. In total, this interaction lasts approximately 2 minutes from the time Burrows stands up and falls to the floor, until he is shackled and all officers leave the room. It was later brought to my attention Grismore provided public statements on 09/21/22 to Northwest Access Television and on 09/23/22 to WCAX news. In reviewing these interviews, I did not learn of any new information that had not already been provided to me.

- 10) On 10/05/22, at 1800 hours, I contacted Andileigh and Major to clarify some information provided in their statements. I spoke to both Andileigh and Major on speaker phone, as they were working together at the time. From them I obtained the following information. Neither of the Deputies heard Grismore identify himself to Burrows as a police officer or, as their immediate supervisor. Major said when Burrows was first secured in the processing room, Burrows asked Grismore a question and he, Grismore, told Burrows he was not on duty that day. The only commands either Deputy heard Grismore give Burrows were approximately 5 times, he told Burrows to sit down. Neither Deputy observed or, heard Grismore try any de-escalation efforts. Major was spit on the right side of his face two times while dealing with Burrows during the initial call at the residence. The Deputies gave Grismore a very detailed, verbal account of the use of force incident at the residence and neither reported being injured during that interaction. Major did not have any concerns for his health and did not tell Grismore he had any concerns after being spit on. Neither Deputy knew of any health conditions Burrows might have had, that gave them a greater concern about being spit on and, neither of the Deputies sought medical treatment following this incident. Andileigh stepped in between Grismore and Burrows because she thought Grismore would kick him again and, she felt she needed to do something to prevent injury to Burrows. While doing this, she said she had no concern she would be spit on by Burrows.
- 11) On 10/06/2022, I received copies of all training records for the Deputies involved. I noted as of 12/31/2021, Andileigh and Grismore completed the required UOF training and Major had not. I also noted on 06/10/2022, Andileigh received a certificate for completing a "Realistic De-Escalation Instructor Course". This certificate was issued by the Force Science Institute.
- 12) On 10/17/2022, I forwarded my investigation to Franklin County Deputy State's Attorney John Lavoie. I was later advised the investigation was transferred to Grand Isle County State's Attorney Doug DiSabito. On 10/19/2022, I received an email from DiSabito saying he had reviewed the investigation and determined Grismore should be issued a citation for Simple Assault. On 10/21/2022, Grismore's Attorney accepted a citation on behalf of Grismore. Fingerprints and photographs were not taken so it is asked that as part of Grismore's conditions of release, he be required to submit these.

Subscribed and sworn to before me on,

Friday, October 21, 2022



 (Notary Public)



 (Daniel A Trottier)

Friday, October 21, 2022

Form 332

TO: John Grismore
First, Middle, Last
DOB: 4/28/73
PHONE #: (802) 393-2112

STATE OF VERMONT
Superior Court
Criminal Division

Unit: Franklin

Case 22A1005125

CITATION

BY THE AUTHORITY OF THE STATE OF VERMONT, you are hereby ordered to appear before a judicial officer at the Superior Court of Vermont, Criminal Division at the following time and place:

Date	<u>10/24/22</u>	Time	<u>1300 hours</u>
Town/City	<u>St. Albans</u>		
Offense	<u>Simple Assault</u>		

to answer to the charge of

An information charging you with this offense will be presented at the time of your appearance.

IF YOU DO NOT APPEAR AT THE TIME AND PLACE ORDERED, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOU MAY BE SUBJECT TO ADDITIONAL CHARGES AND PENALTIES.

Date Issued:	<u>10/21/22</u>	Town/City	<u>St. Albans</u>	Unit	<u>Franklin</u>
Signature Issuing Officer	[Signature]		Title/Dept.	<u>Angela Baker, VT State Police</u>	
I received this Citation on:	Date	Signature Defendant	[Signature]		
	<u>10/21/2022</u>				

2/15 SML

White - Court's Copy

Yellow - Officer's Copy

Pink - Defendant's Copy