

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

Nov.10, 2022

VCJC PRS Docket No. 2020YFJ

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

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 December 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, against the Vermont law enforcement officer certification held by Christopher Matott for alleged unprofessional conduct pursuant to 20 V.S.A. § 2401(1)(C)(ii) and (v) (Category A conduct misdemeanors 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.

- 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 three instances of Category A unprofessional conduct in violation of the above identified authority. Specifically, it is alleged:

VCJC PRS Docket No. 2020YFJ (Category A)

1. Christopher Matott has a Level III law enforcement certification from the Vermont Criminal Justice Council. He was first certified as a Level III officer on November 21, 2014. He was employed by the Winooski Police Department in Winooski, Vermont as a law enforcement officer from July 18, 2017 until March 26, 2020
2. On February 20, 2020 Christopher Matott was arraigned on a charge of misdemeanor domestic assault pursuant to 13 V.S.A. § 1042 in docket number 9-2-20 Gicr in Vermont Superior Court, Grand Isle Criminal Division. He pled not guilty at arraignment.¹
3. The charging Information for that offense reads as follows: “Christopher Matott, in the County of Grand Isle, at Alburgh, on or about July 12, 2019, willfully caused a family or household member, TO WIT, J.M., to fear imminent serious bodily injury, in violation of 13 V.S.A. § 1042.”
4. Christopher Matott was issued conditions of release at his arraignment on that charge including condition 14 which reads: “You must not have contact with [J.M.] ... This includes in person, in writing, by telephone, by e-mail, or through a third person regardless of whether you are in jail or released.” Christopher Matott signed a copy of his conditions of release acknowledging receipt on February 20, 2020.
5. On March 23, 2020 the Court amended Christopher Matott’s conditions of release by stipulation in docket 9-2-20 Gicr. Those amendments allowed contact between Christopher Matott and J.M. via text messaging only for the purpose of discussing parent/child contact, and incidental contact during parent/child contact exchanges [but] he was not to be alone with [J.M.] at any time during parent/child contact exchanges. Christopher Matott signed amended conditions of release on March 30, 2020 acknowledging receipt.
6. On June 4, 2020 Christopher Matott was arraigned on a charge in docket number 27-6-20 Gicr of violating his conditions of release pursuant to 13 V.S.A. § 7559(e). The charging Information for that charge read: “Christopher Matott, in the County of Grand Isle, at Alburgh, between April 4, 2020 and April 30, 2020, being subject to release conditions issued under 13 V.S.A. § 7554, violated condition # 14 as amended by ## 34 and 35, in Docket No. 9-2-20 Gicr, in violation of 13 V.S.A. § 7559(e).” He pled not guilty at arraignment.
7. On April 19, 2021 Christopher Matott was arraigned in docket number 21-CR-02931 and pled not guilty on an additional charge of violating his conditions of release pursuant to 13 V.S.A. § 7559(e). The charging Information for that charge read: “Christopher Matott, in the County of Grand Isle, at Alburgh, on or about March 14, 2021, being subject to release conditions issued under 13 V.S.A. § 7554, violated COR # 14 as amended by COR # 34 in Docket No. 9-2-20 Gicr, in violation of 13 V.S.A. § 7559(e).”
8. On September 29, 2022 Christopher Matott entered into a plea agreement whereby he pled guilty to a misdemeanor charge of domestic assault in docket number 9-2-20 Gicr and one count each of violation of conditions of release in docket numbers 27-6-20 Gicr and 21-CR-02931. The Court accepted his plea and sentenced him on those criminal offenses.
9. Christopher Matott agreed at his change of plea hearing that the factual basis for the domestic assault conviction was contained in paragraph 15 of the probable cause affidavit

¹ To the extent that Christopher Matott may have also been arraigned on other charges at the time of the charges detailed herein, those charges are not included here, as they are not the subject of the Category A violations alleged in this Notice of Hearing.

written by Detective Trooper Michael Mattuchio, dated February 19, 2020. The probable cause affidavit recounts Christopher Matott's behavior toward J.M. as it is captured in an audio recording. The relevant portion of the probable cause affidavit is as follows:

The first recording is dated, and time stamped on July 12, 2019 at 1010 pm in Alburg[sic]. In summary, you can hear [Christopher Matott] extremely angry and the Victim crying. You hear [Christopher Matott] say, "stop the tears or I'll punch you in the fuckin face". He continuously tells the Victim to "shut the fuck up". He calls her a "piece of shit", he asks[sic] the female to take a paternity test and to get out of his life. [Christopher Matott] said, "you deserve nothing in life". You then hear [Christopher Matott] punch something and say, "I wish that was your face. I've never wanted to hit anybody but you, you little cunt you bitch you have to tell my friends I beat you. You deserve to have your face broken. The old me would have slit your throat open. I don't know you think your[sic] fucking with. I don't care about your ex boyfriends; I will kill every single person important to you". He then a few minutes later says he "will ruin her life". He says that he is leaving and taking his son before he kills her. You then hear the Victim say, "Please don't". [Christopher Matott] also made a comment to the Victim, stating, "Last night was asinine and I wanted to murder you in your sleep, but I didn't". [Christopher Matott] says he never laid a hand on her in his life. She begs [Christopher Matott] to let her calm down.

10. Christopher Matott agreed to the factual basis for his conviction for violation of conditions of release in 9-2-20 Gicr as it was articulated by the prosecutor, Douglas DiSabito, at the change of plea hearing. That factual basis was as follows:

At the same residence in Alburgh, where J.M. was residing at the time, between April 4th and April 30th, Mr. Matott was subject to conditions of release in docket number 9-2-20. Condition 14 as amended by number 34 and number 35, and that was having contact with [J.M.] in person, and also making statements to her in text messages outside of the parameters of condition 14.

11. At the change of plea hearing, Christopher Matott further agreed to the following factual basis for his conviction of violation of conditions of release in docket number 21-CR-02931:

In Alburgh, on or about March 14th, 2021, the allegation is that Mr. Matott again, violated condition 14 as amended by condition 34 in docket number 9-2-20, having contact outside of the parameters.

12. The domestic assault conviction and the two violations of conditions of release convictions constitute unprofessional conduct as they are misdemeanors committed off

duty that are sanctionable as Category A conduct by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2401(1)(C)(ii) and (v).

The Council shall determine whether such alleged violations set forth above re: VCJC PRS Docket Nos. 2020YFJ 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 November 10, 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 horizontal line underneath the name.

Executive Director, Heather Simons