

AMENDED NOTICE OF HEARING

January 11, 2024

VCJC PRS Docket No. 2020V50

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

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 February 20, 2024 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 Zachary Gauthier for alleged unprofessional conduct pursuant to 20 V.S.A. § 2401(1)(C)(iii) 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;
 - (xii) possession of a regulated substance, second offense.
 - (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 three instances of Category A unprofessional conduct in violation of the above identified authority. Specifically, it is alleged:

1. Zachary Gauthier (referred to herein as “Gauthier”), at the time of the allegations below, was employed as a Detective with the Vermont State Police (VSP). Gauthier resigned from VSP on April 15, 2022. He is currently not employed by any law enforcement agency in Vermont.
2. Gauthier holds a Level III law enforcement certification from the Vermont Criminal Justice Council. He received his Level III certification on May 24, 2013.

VCJC PRS Docket No. 2020V50 (Category A)

1. On or about February 10, 2022, Vermont State Police received an online complaint from Jaymee Gauthier alleging that then Detective Zachary Gauthier had verbally and emotionally harassed her, that he had lied to his chain of command about a hand injury, and that he may be stalking her.
2. On the same day, Det. Eric Albright of VSP received a copy of a Temporary Relief from Abuse Order from Vermont Superior Court, Windsor Unit, in which, Gauthier was identified as the defendant and Ms. Gauthier as the plaintiff. Docket No. 22-FA-344.
3. A Final Relief from Abuse Order was granted on February 24, 2022.
4. In the Affidavit in support of the request for a Relief from Abuse Order, Ms. Gauthier reported, among other allegations, that Gauthier had punched the family dog’s head with his hand, that he had injured his hand as a result of the hit, and that he had lied about how he had injured his hand to the Vermont State Police, his employer.
5. An internal investigation by VSP was ordered on the same day as the complaint was filed and the temporary relief from abuse order was granted. As a result of VSP’s internal investigation into the complaint and a subsequent investigation by Springfield Police Department, Gauthier was ultimately charged with one count of Perjury, one count of

Cruelty to Animals, one count of Violation of Abuse Prevention Order, and one count of Violation of Conditions of Release.

6. On January 10, 2023, Gauthier entered into a global plea agreement. As part of this agreement, his Perjury charge was amended to a False Reports to Law Enforcement Authorities, a misdemeanor.
7. On January 10, 2023, Gauthier pled guilty to three misdemeanors in Vermont Superior Court, Washington Unit, Criminal Division:
 - a. In Docket No. 22-CR-03326, he pled guilty to one count of Violation of Abuse Prevention Order, 13 V.S.A. § 1030(a); that “Zachary Gauthier, in the County of Windsor, at Springfield, between on or about March 10, 2022 and on or about April 14, 2022, intentionally committed an act prohibited by a court or who failed to perform an act ordered by a court in violation of an abuse prevention order issued under 15 V.S.A. § 1030(a).”
 - b. In Docket No. 22-CR-03327, he pled guilty to one count of False Reports to Law Enforcement Authorities, 13 V.S.A. § 1754(a); that “Zachary Gauthier, in the County of Washington, at Springfield, on or about April 6, 2023, knowingly gave false information to any law enforcement officer with purpose to deflect an investigation from himself, in violation of 13 V.S.A. § 1754(a).”
 - c. In Docket No. 22-CR-11059, he pled guilty to one count of Violation of Conditions of Release, 13 V.S.A. § 7559(e); that “Zachary Gauthier, in the county of Windsor, at or near Springfield, between on or about August 1, 2022 and on or about October 31, 2022, being subject to release conditions under 13 V.S.A. § 7554, violated condition #14 in Docket No. 22-CR-03326, by having direct contact with J.G. by text message, in violation of 13 V.S.A. § 7559(e).”
8. The Court accepted his plea as knowing and voluntary. The Court sentenced him, in total, to three to six months to serve, all suspended during a term of probation of 2 years.
9. The underlying facts that formed the basis for the three misdemeanors are contained in the probable cause affidavits for docket numbers: 22-CR-03326, 22-CR-03327, and 22-CR-11059. While the convictions alone permit the Council to act, the facts and/or

witnesses included in the probable cause affidavits for the convictions will be presented to the Council at the July 18, 2023 hearing, if needed.

10. Gauthier's misdemeanor convictions for a false report, a violation of abuse prevention order, and a violation of conditions of release constitute unprofessional conduct as they are each a misdemeanor that even if committed off duty are sanctionable as Category A conduct by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2401(1)(C)(iii) and (v).

The Council shall determine whether such alleged violations set forth above re: VCJC PRS Docket No. 2020V50 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 October 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, flowing style.

Heather Simons, Executive Director