



COLORADO
DEPARTMENT OF
PUBLIC SAFETY

MEMORANDUM

Chief James M. Wolfenbarger
Colorado State Patrol

DATE: November 3, 2011

TO: Major Bratt

FROM: Captain Ed Clark, 1453

SUBJECT: Sergeant Laing's Complaint

On September 8, 2011 at approximately 1700 hours Regional Communication Manager [REDACTED] informed me of a traffic complaint on Sergeant Laing that occurred on September 5, 2011 at 1352 hours. The complaint was that Sergeant Laing was off duty and in his privately owned vehicle. He was west bound on I-70 at approximately the Clifton exit in Mesa County, State of Colorado. [REDACTED] states that he was driving his pickup, towing his 5th wheel camper, and pulling an ATV trailer behind the camper. [REDACTED] states that Sergeant Laing was doing approximately 90 mph. This was causing the ATV trailer to whip around. [REDACTED] states that she was attempting to pull up and warn Sergeant Laing of the situation with the ATV trailer. Sergeant Laing wouldn't allow traffic to pass and when they did get along side of him he waived his badge out the window.

I attempted to contact [REDACTED] several times over a four week period. I would leave a message weekly and would call at different times of the day to attempt to get a hold of her. I did an internet search on her name and was not able to find an alternate phone number. All I have for the investigation is [REDACTED] initial recorded statement to dispatch.

I wanted to talk with [REDACTED] prior to speaking with Sergeant Laing about this incident. Due to the delay and being unable to speak with [REDACTED] I spoke with Sergeant Laing on October 7th, 2011 during lunch. Sergeant Laing informed me that the incident actually occurred on Highway 50 at 32 road. Sergeant Laing stated the vehicle came up along side of him and started waving and flipping him off. Sergeant Laing stated that he was passing two vehicles while traveling up a hill. He said that when he was going to return to the right lane he observed a vehicle gaining on him quickly in the right lane. Sergeant Laing states that he was going to wait for the vehicle to pass him on the right and then return to the right lane. As the vehicle approached on his right side he observed the driver apparently yelling at him and flipping him off. The vehicle would serve dangerously towards Sergeant Laing's vehicle. Sergeant Laing stated the held up his badge and yelled at the driver to "knock it off." He stated at that point the driver left him alone and continued down the road.

I explained policy 306.02 Off Duty Conduct to Sergeant Laing. I asked Sergeant Laing if he tried calling the vehicle into dispatch. Sergeant Laing stated that he did not. He stated that he did not feel safe pulling the camper and talking on the phone. Sergeant Laing also stated that he did not realize that he was required to call the jurisdiction involved.

In my opinion Sergeant Laing did not act in accordance with State Patrol Policy. I also do not think that dispatch handled the call correctly either. It is my opinion that upon realizing that a CSP member was involved in a traffic complaint the dispatcher should have immediately notified a patrol supervisor. This current situation took over three days to be brought to my attention. I could not find a specific policy that requires dispatch to make that notification, but in my opinion it is common sense. I recommend the complaint be classified as "sustained."