



Completed Internal Investigation Summary

Colorado State Patrol

Date of alleged misconduct: 2/11/2022

Title and name of the subject of the investigation: Trooper Scott Wermuth

Name of the complainant: [REDACTED]

Investigator(s): Sergeant Brian DeLange

Blue Team Case Number: L12022-011

Completed by Appointing Authority: Major Brian C. Lyons, 5385

Date Completed: 4/21/2022

Allegation(s)(Check all that apply):

- (Discourteous/Rude/Unprofessional/Inappropriate) Behavior or Comments
- (Failure/Neglected/Incompetent) to Perform Duties
- Abuse of Authority
- Biased Policing
- Civil Rights Violation (Arrest)
- Civil Rights Violation (Search)
- Civil Rights Violation (Other)
- Discrimination
- Excessive Use of Force
- Harassment
- Improper Use of Weapon
- Lying/Dishonesty
- Member Arrested/Charged
- Off-Duty Misconduct
- Sexual Harassment
- Sexual Misconduct
- Theft
- Workplace Violence

Summary of the Allegation(s):

On February 11, 2022, Trooper Scott Wermuth responded to a two-vehicle, head-on crash on Colorado Highway 67. [REDACTED], one of the drivers involved in the crash, was not transported to the hospital. Trooper Wermuth investigated the crash and determined the other driver, who had been transported to the hospital, failed to yield one-half the roadway to [REDACTED]. Trooper Wermuth did not cite [REDACTED] for any violations and, after the road was cleared, transported [REDACTED] to his home. Upon arriving at [REDACTED] home, Trooper Wermuth found [REDACTED] unresponsive and determined [REDACTED] was highly intoxicated by alcohol. Trooper Wermuth called for medical attention for [REDACTED] was transported by ambulance to a hospital. Based on [REDACTED] review of the case file, they discovered Trooper Wermuth intentionally shut off his L3 dash cam and did not conduct a complete and thorough crash or impaired driver investigation in this case. [REDACTED] provided this information to [REDACTED] and an internal member conduct complaint was filed on February 23, 2022.

Statement of Fact(s) and the Investigative Process:

Sergeant Brian DeLange investigated the complaint and during the course of his investigation, determined the following:

Based on the facts of the case obtained, I find it is more likely than not WERMUTH failed/neglected or was incompetent to perform his duties. This conclusion is based upon the following information:

- WERMUTH stated he believed he failed to perform his duties in the investigation of the crash involving SULLIVAN. WERMUTH admitted to failing to correctly attribute observations he had made of SULLIVAN to alcohol impairment. Moreover, WERMUTH admitted he failed to even question [REDACTED] about alcohol consumption.
- In addition to failing to investigate the possibility [REDACTED] was impaired by or under the influence of alcohol, WERMUTH admitted his investigation of the crash itself lacked thoroughness. Combining the issue of the crash investigation and alcohol being present, WERMUTH stated, "I could at least put on the crash report form that I suspected alcohol, but I had no ability to verify that he had drunk it before or after the crash. Even with that information, I don't think I would have changed who I thought the at-fault driver was, and I realize that that decision was probably the result of that crash investigation or bad analysis of the evidence that was there." {L12022-011 Subject pt. 2 pg. 45 line 33-pg. 46 line 2}
- WERMUTH also cited his decision not to activate his in-car camera upon discovering [REDACTED] unresponsive in his back seat was a willful violation of policy and called into question his credibility.

Based on the facts of the case obtained, I find it is more likely than not WERMUTH abused his authority. This conclusion is based upon the following information:

- WERMUTH investigated a two-vehicle crash. WERMUTH found evidence that, at the very least, [REDACTED] possessed an open alcohol container. WERMUTH agreed he withheld the evidence which could possibly have an unfair impact upon the other driver involved in the crash by preventing the other driver from presenting an alternative explanation of the crash.

Based on the facts of the case obtained, I find it is more likely than not WERMUTH's conduct was inappropriate and unprofessional. This conclusion is based upon the following information:

- In addition to the inappropriate and unprofessional conduct discussed above, WERMUTH admitted cursing at [REDACTED] when WERMUTH discovered him unresponsive and likely intoxicated.

Based on the facts of the case obtained, I find it is more likely than not WERMUTH lied or was dishonest. This conclusion is based upon the following information:

- WERMUTH immediately admitted the memorandum he wrote at the direction of his supervision, addressed to ██████████ contained a false statement because he wrote, "During my inventory I did not find any other indicators for alcohol use." WERMUTH admitted he discovered an empty alcohol container in the center console of ██████████ vehicle during the inventory.
- WERMUTH also admitted he was dishonest with his supervision when he was being verbally questioned about the events with ██████████ because he omitted the information about the discovery of the empty alcohol container.

On April 13, 2022, Wermuth requested a phone conference with ██████████ and ██████████ where he resigned from the Colorado State Patrol, effective immediately, based on his actions and misconduct with this incident and subsequent internal investigation.

Finding(s):

SUSTAINED: *The allegation is found to be factual and substantiated by competent evidence.*

NOT SUSTAINED: *Insufficient evidence exists to prove or disprove the allegation. This disposition shall also be assigned to any anonymous complaint which, after investigation, lacks corroborative information or evidence.*

UNFOUNDED: *The allegation is not supported by the facts, or is determined to be a false allegation.*

EXONERATED: *The allegation is factual and did occur, however, the member acted lawfully and properly within State Patrol policy and the scope of acceptable conduct.*

CLOSED: *Investigation of the allegation was terminated. The reason for closing the case file will be stated.*

Discourteous/Rude/Unprofessional/Inappropriate Behavior or Comments - Sustained.

Failure/Neglected/Incompetent to Perform Duties - Sustained.

Abuse of Authority - Sustained.

Lying/Dishonesty - Sustained.

Rationale for Finding(s):

After a careful review of the investigation completed by Sergeant Brian DeLange, and my review of all related items associated with this complaint, I have determined the allegations of misconduct brought forth by ██████████ to ██████████ regarding former Trooper Scott Wermuth's conduct on February 11, 2022, have been substantiated by competent evidence and acknowledged as factual by former Trooper Scott Wermuth as having occurred. Therefore, this complaint is Sustained.

Major Brian C. Lyons, 5385 

Appointing Authority Signature

Copy Sent to:

Complainant 4/28/2022 By: Email

Member Click or tap to enter a date. By: Choose an item.

Requestor Click or tap to enter a date. By: Choose an item.

Regional Commander 4/28/2022 By: Email

Professional Standards Case File 4/28/2022 By: Email

Information contained within this document is being released pursuant to Colorado Revised Statute 24-72-303 which requires that a completed internal investigative case file regarding allegations of misconduct of a peace officer involving a member of the public be open to public inspection.