



Completed Internal Investigation Summary

Colorado State Patrol

Date of alleged misconduct: 9/20/2018

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

Name of the complainant: [REDACTED]

Investigator(s): Sergeant Jason Jones

Blue Team Case Number: L22021-118

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

Date Completed: 9/21/2021

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 September 20, 2018, [REDACTED] was arrested by Trooper Scott Wermuth for suspicion of driving under the influence of drugs, possession of not more than two ounces of marijuana, and possession of suspected Schedule II controlled substance. The charges against [REDACTED] were subsequently dismissed by the 4th Judicial District Attorney's Office. On July 8, 2021, Teller County District Court Judge Scott A. Sells granted a motion requiring the seized property, identified as [REDACTED], be returned to [REDACTED] subsequently filed a complaint alleging misconduct of Abuse of Authority by Trooper Wermuth on July 15, 2021.

Statement of Fact(s) and the Investigative Process:

Sergeant Jason Jones investigated the complaint and during the course of his investigation, determined the following:

There is no probable cause for the traffic contact involving [REDACTED] on 09/20/18. The traffic contact was made based on what Trooper Wermuth later described as reasonable suspicion based on his "training and experience" at the time of the contact (making four right turns). The 4th Judicial District and Department of Revenue did not agree that there was probable cause or reasonable suspicion to initiate a traffic stop and dropped all legal proceedings while also requiring the return of [REDACTED] stone that was suspected methamphetamine. The stone / suspected methamphetamine was never tested by CBI and has since been returned to Lindvig on August 25, 2021.

The criminal case against [REDACTED] was dismissed on November 5, 2018.

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.*

Abuse of Authority- Sustained

Rationale for Finding(s):

After a careful review of the investigation completed by Sergeant Jason Jones and my review of all related items associated with this complaint, I have determined the allegations made by [REDACTED] regarding Abuse of Authority by Trooper Scott Wermuth during an arrest on September 20, 2018, are factual and substantiated by competent evidence. Therefore, this complaint is sustained and Trooper Wermuth's conduct will be handled internally.

Major Brian C. Lyons, 5385 *B. C. Lyons 5385*

Appointing Authority Signature

Copy Sent to:

- Complainant 9/21/2021 By: Email
- Member 9/21/2021 By: Email
- Requestor 9/21/2021 By: Email
- Regional Commander 9/21/2021 By: Email
- Professional Standards Case File 9/21/2021 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.