



# Completed Internal Investigation Summary

## Colorado State Patrol

**Date of alleged misconduct:** 1/3/2022

**Title and name of the subject of the investigation:** Trooper Spencer Davis

**Name of the complainant:** [REDACTED]

**Investigator(s):** Sergeant Ryan Barba

**Blue Team Case Number:** L12022-001

**Completed by Appointing Authority:** Major David Rollins

**Date Completed:** 6/9/2022

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### **Allegation(s):**

(Failure/Neglected/Incompetent) to Perform Duties  
Lying/Dishonesty

### **Summary of the Allegation(s):**

On January 3, 2022, Trooper Spencer Davis was making a left-hand turn from Peak One Boulevard into the parking lot of the Frisco Troop Office. Trooper Davis activated his Digital Video Evidence System believing he had struck a hard piece of snow that caused damage to the front bumper of his patrol car. Trooper Davis allegedly failed to report the traffic crash immediately to an on-duty supervisor.

Trooper Davis was directed to author a memorandum describing the traffic crash and the damage to his patrol vehicle. It was determined by [REDACTED] and [REDACTED] that there seemed to be inconsistencies with Trooper Davis's account of how the damage occurred to his patrol vehicle.

### **Statement of Fact(s) and the Investigative Process:**

Sergeant Ryan Barba investigated the complaint. He reviewed the video, interviewed witnesses, inspected photographs, and listened to audio recordings. Below are his investigative findings.

*It is more likely than not DAVIS lied or was dishonest in his written accounts of a patrol vehicle traffic crash. This conclusion is derived upon the following information:*

- DAVIS authored an email to [REDACTED] and [REDACTED] regarding, amongst other things,

damage to his patrol vehicle. In the email, DAVIS wrote, "I performed my vehicle inspection last night as I went on duty. I noticed a lot of snow build up on the front base of my vehicle from the weather, so I could not see the lower plastic portion. I had no indication of any damage."

Additionally, in a memorandum DAVIS authored and signed, he wrote "I inspect my vehicle everyday as I start my shift. I did not observe any cracked piece missing from the same area that was damaged as I started my shift on January 3, 2022, at approximately 1700 hours."

The implication of the written statements by DAVIS is that he checked his patrol vehicle for damage. However, DAVIS admitted he did not check his patrol vehicle for damage during his pre-shift inspection as he indicated in both his email and memorandum.

- DAVIS also indicated there was a large buildup of snow and ice on the front bumper of his patrol vehicle, specifically at the location of the damage, as an explanation as to why he could not see the damage. However, a picture of his patrol car 58 minutes after his shift began, confirmed that his vehicle was free of any snow or ice in the damaged area. This appears to be a dishonest statement in an official document written by DAVIS.

- When asked why he reported that his patrol vehicle was snow-packed, DAVIS stated, "Yeah, so I had remembered it being" a lot of snow buildup on my vehicle whenever I started my shift that day." I specifically remember it being" on the front end of my push bumper as ice and snow. Obviously, I'm wrong in that. There is no ice and snow. I can see that (referring to a picture of his patrol car captured by the Frisco Police Departments' body camera). {L12022-001 Subject Interview pg. 36, ln. 11-15}

It is more likely than not DAVIS failed, neglected, or was incompetent while performing his duties when reporting a patrol vehicle crash. This conclusion is derived upon the following information:

- DAVIS admitted he did not report the traffic crash correctly. DAVIS stated, "I was wrong in that (referring to his failure to properly notify supervision of a patrol vehicle crash). I didn't inspect my vehicle. I didn't report it correctly, and I've been really clear about that, and I take full ownership of that." {L12022-001 Subject Interview pg. 32, ln. 32-33, pg. 33, ln. 1-2}

- DAVIS admitted to violating General Orders 2 and 9 when he failed to inspect his patrol vehicles as required per policy.

### **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.

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(Failure/Neglected/Incompetent) to Perform Duties - SUSTAINED  
Lying/Dishonesty - SUSTAINED

**Rationale for Finding(s):**

Trooper Davis claimed he inspected his vehicle prior to his shift on January 3, 2022. The manner in which he claimed he inspected his vehicle changed several times through the investigation. Eventually, during the PSS interview, Davis admitted that he did not perform a complete and proper inspection of his vehicle prior to his shift. Trooper Davis also expressed that he started doing daily vehicle inspections after the incident on January 3, 2022, but he worked at least six shifts between when the damage occurred to the push bumper on January 5, 2022, and the day he reported the damage on January 16, 2022. Trooper Davis explained to PSS, "I just neglected to do what I was supposed to do."

Clearly, Trooper Davis neglected to perform his duties. By his own admission, he did not perform the vehicle inspections as expected of him, as he was trained, or as he previously reported in writing to his supervision through email and memo format. Additionally, Trooper Davis mislead his supervision when he claimed he performed a vehicle inspection and did not see damage prior to his shift on January 3, 2022. Trooper Davis' account of performing a pre-shift vehicle inspection on January 3, reporting it at least twice to his supervisors, was dishonest. Therefore, both allegations are sustained.

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Appointing Authority Signature

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| <input type="checkbox"/> Complainant (Internal conduct complaint)              | By:           |
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| <input checked="" type="checkbox"/> Professional Standards Case File 6/23/2022 | By: Blue Team |

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