



Lexington-Fayette Urban County
Division of Police
PERSONNEL ORDER
Lexington, Kentucky

DATE OF ISSUE
March 18, 2021

EFFECTIVE DATE
March 11, 2021

NUMBER
PO:21-103

TO:
WRITTEN REPRIMAND

AMENDS:

INDEX AS:
OFFICER
RACHAEL CURNUTTE

RESCINDS:

Officer Rachael Curnutte is hereby given a Written Reprimand for violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule, Section 1.40, Preventable Collisions. In addition to this Written Reprimand, it was recommended and approved that Officer Curnutte loses her Home Fleet Vehicle Privileges for two (2) weeks. This Written Reprimand and loss of home fleet privileges was approved by the Urban County Council on March 11, 2021.

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh

LEXINGTON POLICE DEPARTMENT

AGREEMENT OF CONFORMITY WITH KRS 95.450 / 15.520 AND RELEASE

FORM 113 (8/20)

An allegation has been made that: Officer Rachael Curnutte #57481

has committed the offense of:
Preventable Collisions

which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.520

(list other applicable law or rule)

General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.40 Preventable Collisions

in that on the Oct/Nov/Jan day(s) of 23/9/11, 20 20/21 he/she allegedly:

Officer Rachael Curnutte has been involved in three (3) at fault collisions within a twelve (12) month period. The collisions occurred on January 11, 2021; November 9, 2020; and October 23, 2020.

I have read KRS 95.450, 95.460 and 15.520, and attest that I fully understand all rights guaranteed by these statutes, including the rights to have formal charges preferred and a hearing conducted on those charges.

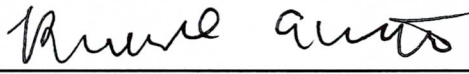
Further, I, with knowledge of the provisions and my rights under KRS 95.450, 95.460, and 15.520 and in consideration of the recommendation of the Chief of Police of the Lexington Police Department, acknowledge that the appropriate punishment for this conduct is:

Written Reprimand and two (2) weeks suspension of Home Fleet.

I do hereby voluntarily accept the above disciplinary action, provided that the punishment awarded by the Urban County Council will not exceed the above recommendation of the Chief of Police.

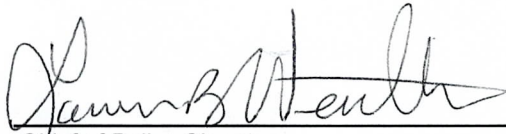
If the Urban County Council rejects the above recommendation, I will be so notified, in which case I may withdraw my acceptance, and will be entitled to all rights, as applicable, under KRS 95.450, 95.460 and 15.520, and this agreement will not be used against me or by me in any hearing in determination of my guilt or punishment.

In further consideration of the acceptance of the above recommendation and penalty by the Urban County Council, I do for myself, my heirs, legal representatives, as assigns hereby expressly release and forever discharge the Lexington-Fayette Urban County Government, its officers, agents, employees, and their successors and assigns from all claims, demands, actions, damages or causes of action and from all liability for damages of whatsoever kind, nature of description that I ever had, now have or may have against the aforementioned entities created by or arising out of the action contained herein.



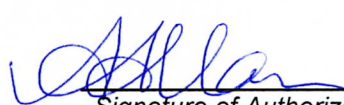
Employee Signature

3/1/2021
Date



Chief of Police Signature

3/1/2021
Date

ACTION BY URBAN COUNTY COUNCIL	
<input checked="" type="checkbox"/>	APPROVE ABOVE RECOMMENDATION
<input type="checkbox"/>	DISAPPROVE ABOVE RECOMMENDATION
 _____ Signature of Authorized Representative of Urban County Council	
<u>3-11-2021</u>	

SUSPENSION SERVICE GUIDELINES:

Suspensions will be served as outlined in General Order series 1973-02 Disciplinary Procedures of Sworn Officers.



Lexington-Fayette Urban County
Division of Police
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
February 18, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0024

TO: Kenneth Armstrong, Commissioner
Department of Public Safety

FROM: Lawrence B. Weathers
Chief of Police

SUBJECT:
Disciplinary Recommendation
P.I.U.2021.F.001
Officer Rachael Curnutte

I met with Officer Rachael Curnutte on February 12, 2021, and have determined this as "Improper Conduct" for violation of:

- General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.40 – Preventable Collisions

I have recommended a **Written Reprimand** and two (2) weeks suspension of Home Fleet for the violation. I have included the summary of this formal complaint for your information.

Officer Curnutte accepted this discipline on February 12, 2021.

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment

cc: Assistant Chief Maynard
Public Integrity Unit



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
January 26, 2021

EFFECTIVE DATE

NUMBER
PIU 21-004

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Formal P.I.U.21.F.001 Officer Rachael Curnutte Summary</p>
<p>FROM: Lieutenant David Biroshik Bureau of Investigation Public Integrity Unit</p>	

This memorandum will provide a synopsis of the investigation; however, other supporting documents may be viewed in conjunction with this memorandum.

On January 14, 2021 Lieutenant Chris Cooper filed a formal complaint against Officer Rachael Curnutte 57481 for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.40 – Preventable Collisions, which states:

“Officers shall operate department vehicles at all times in such a manner so as to avoid being involved in preventable collisions”.

Investigation

Officer Curnutte has been involved in three (3) at fault accidents in a three (3) month period. These individual collisions will be documented and reviewed below.

The first incident occurred on October 23, 2020 in the parking lot of Speedway, located at 3393 Tates Creek Road. Officer Curnutte was leaving in the Patrol Wagon when she misjudged the distance between two cars parked in the lot. As she drove between the two she collided with one of the cars parked on the right side of the wagon causing minor damage to the car. At the time of the incident there were no individuals being transported in the wagon and there were no injuries.

During this first incident Officer Curnutte was further distracted by a female individual walking through the parking lot that she believed was intoxicated. Officer Curnutte admits this played a part in the collision, as she did not have full attention on her driving and the clearance between vehicles.

The second incident occurred on November 9, 2020 in the parking lot of a business located at 854 S. Broadway. Officer Curnutte was operating the Patrol Wagon this date and had pulled into the address to transport an arrestee. When pulling into the lot she misjudged the height of the businesses awning and struck it with the top of the vehicle. The Patrol Wagon and the awning sustained minor damage and although she was already transporting one individual no one was injured.

The third incident occurred January 11, 2021 at _____ . On this date Officer Curnutte was en route to a call on _____ when she inadvertently passed the address. She observed there was no traffic approaching her so she began backing up in the roadway. While backing she failed to observe an unoccupied vehicle parked on the side of the roadway. Her inattention caused her to strike it with her front bumper of her cruiser causing minor damage to both vehicles

Officer Rachel Curnutte's Interview

Officer Curnutte was interviewed in the PIU office on Monday January 25, 2021 at approximately 1400hrs. During this interview we discussed various issues that may be causing her collisions.

The first and most obvious reason for the collisions, admitted by Officer Curnutte is her lack of attention to her surroundings. She realizes she is "moving too fast" and not making herself aware of various hazards, while operating department vehicles. Her goal for this behavior is to force herself to slow down and be more vigilant in recognizing these situations, prior to putting herself into a position to having another collision. She does recall 2 collisions she had prior to being employed by the Police Department, that were similar in nature, so she realizes this is a problem she needs to work on.

Another possible solution she is looking into is having her eyes checked. She does not believe this is a factor, but she has an appointment next week just to make sure.

Officer Curnutte does appear to understand why she has amassed 3 collisions in such a short period of time. She appears to be willing to work hard on correcting her weaknesses and avoid any other incidents. Her attitude during the interview was extremely good and appeared to be open to suggestions, or additional training to help her avoid any future collisions.

Conclusion

Officer Curnutte does in fact have 3 documented "At Fault" collisions in a 3 month time period. Based on the fact these fall within a 1 year period she has violated General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.40 – Preventable Collisions.



Lexington Police Department
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE

EFFECTIVE DATE

NUMBER

PIU: 21-001

TO:

Assistant Chief Brian Maynard
Bureau of Patrol

SUBJECT:

FORMAL COMPLAINT

FROM:

Lieutenant David Biroshik
Bureau of Investigation
Public Integrity Unit

COMPLAINANT: Lieutenant Christopher Cooper

ACCUSED OFC.: Officer Rachael Curnutte

ALLEGATION: Violation of General Order 1973-02K, Disciplinary Procedure, Appendix B, Operational Rule 1.40 - Preventable Collisions

ALLEGED CIRCUMSTANCES: Officer Rachael Curnutte has been involved in three (3) at fault collisions within a twelve (12) month period. The collisions occurred on January 11, 2021; November 9, 2020; and October 23, 2020.

ACTION REQUESTED:

- The Bureau Commander and Officer Curnutte should sign the Acknowledgment Sheet and process this complaint.
- The Commanding Officer should provide the attached copy of the Form 111 and the Officer's Rights Packet to Officer Curnutte.
- Officer Curnutte should contact the Public Integrity Unit to arrange for a time to provide a formal statement.

	<u>DATE</u>	<u>TIME</u>
Bureau Commander <u>[Signature]</u>	1-20-21	0900
Unit Commander <u>[Signature]</u>	01-15-21	1355
Officer <u>Thomas Christ</u>	1-15-21	1351
Returned to the Public Integrity Unit <u>[Signature]</u>	1/22/21	1400

[Signature]
 Lieutenant David Biroschik
 Bureau of Investigation
 Public Integrity Unit

mr

enclosures

cc: Chief Lawrence Weathers
 file - PIU2021F-001

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-001

Member(s) Involved Officer Rachael Curnutte		Employee No. 57481	D.O.B.	D.O.E 4/15/2019	Present Assignment Patrol / Second / East
Complainant Lieutenant Chris Cooper		Address-Apt. No. - Zip Code 150 E. Main Street 40507			Telephone No. 859-258-3600
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main Street 40507			Telephone No. 859-258-3600
Date of Incident Various Dates	Time of Incident N/A	Location of Incident Various Locations	Date and Time Reported January 14, 2021 / 1330		How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

Brief Description of Allegations:

Officer Rachael Curnutte has been involved in three (3) at fault collisions within a twelve (12) month period. The collisions occurred on January 11, 2021; November 9, 2020; and October 23, 2020.

If the above is true, Officer Rachael Curnutte is in violation of General Order 1973-02K, Disciplinary Procedure, Appendix B, Operational Rule 1.40 - Preventable Collisions, which states:

"Officers shall operate department vehicles at all times in such a manner so as to avoid being involved in preventable collisions."

I swear/affirm that the facts set out above are true to the best of my knowledge and belief.

Chris Cooper ⁴³²¹⁰ Date: 01-14-2021
(Complainant)

Subscribed and sworn before me this date: 1-14-21 *Melanie K. Votaw*
(Date) (Notary)

My Commission Expires: 2-3-2021

Witnesses:
Name _____ Address _____ Phone Number _____

Recorded By: Melanie Votaw, Bureau of Investigation, Public Integrity Unit

(Rev. 10/19)

Chief of Police (or "Designee"):

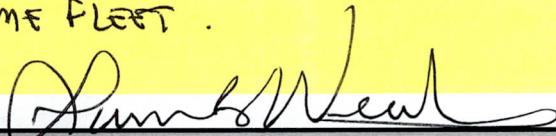
Policy Violation	Finding
1973-0216 COLLISIONS OR. 1.4D PREVENTABLE	<input type="checkbox"/> Proper Conduct
	<input checked="" type="checkbox"/> Improper Conduct
	<input type="checkbox"/> Insufficient Evidence
	<input type="checkbox"/> Policy Failure
	<input type="checkbox"/> Unfounded

Chief of Police Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

WRITTEN REPRIMAND AND 2 WEEKS SUSPENSION OF HOME FLEET.

Signature:  Date: 02/08/2021

Disciplinary Review Board

Policy Violation	Finding
	<input type="checkbox"/> Proper Conduct
	<input type="checkbox"/> Improper Conduct
	<input type="checkbox"/> Insufficient Evidence
	<input type="checkbox"/> Policy Failure
	<input type="checkbox"/> Unfounded

Disciplinary Review Board Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

Signature: _____ Date: _____

Chief of Police 2nd Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

Signature: _____ Date: _____

Proper Conduct: Allegation is true; the action of the agency or the officer was consistent with agency policy.
Improper Conduct: The allegation is true; the action of the agency or the officer was inconsistent with agency policy.
Insufficient Evidence: There is insufficient proof to confirm or to refute the allegation.
Policy Failure: The action of the agency or the officer was consistent with agency policy, but the policy did not take into account the circumstances present in this instance.
Unfounded Complaint: Either the allegation is demonstrably false or there is no credible evidence to support it.