



LEXINGTON POLICE DEPARTMENT
PERSONNEL ORDER
 Lexington, Kentucky

DATE OF ISSUE
 May 14, 2021

EFFECTIVE DATE
 May 20, 2021

NUMBER
 PO:21-184

TO: SUSPENSION WITHOUT PAY	AMENDS:
INDEX AS: OFFICER RAY ASBURY	RESCINDS:

Effective, Thursday, May 20, 2021, Officer Ray Asbury will be suspended without pay for one (1) day, for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department, specifically; General Order 2011-02J, Weapons Policy, III, B, 6

Officer Asbury is to surrender all police credentials and division-owned equipment. Officer Asbury's suspension from duty eliminates his right to carry concealed deadly weapons, make arrests, and any other law enforcement duties.

The Urban County Council approved this suspension on May 6, 2021.

 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 Ray Asbury #54220

has committed the offense of:
Violating any Rules of the Department - Weapons Policy

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 of Sworn Officers, Appendix B, Operational Rule 1.35
Violating any Rules of the Department, General Order 2011-02J Weapons Policy.

in that on the 3rd day(s) of February, 20 2021 he/she allegedly:

On the above listed date Officer Ray Asbury was at a cabin in Gatlinburg, Tennessee with a group of fellow officers. Officer Asbury was consuming alcohol while off-duty and was armed with a firearm.

This is Officer Asbury's first formal complaint since being employed on October 19, 2015.

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:

One (1) Day Suspension Without Pay.

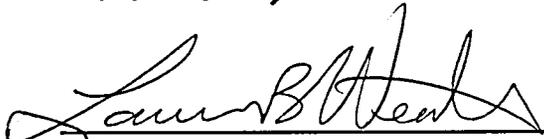
I do hereby voluntarily accept the above disciplinary action, provided that the punishment awarded by the Urban County Council will not exceed the above recommendation of the Chief of Police.

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 of 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

4-21-2021
Date


Chief of Police Signature

4/21/2021
Date

ACTION BY URBAN COUNTY COUNCIL

APPROVE ABOVE RECOMMENDATION

DISAPPROVE ABOVE RECOMMENDATION

5/6/2021


Signature of Authorized Representative of
Urban County Council

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
April 7, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0052

TO: Kenneth Armstrong, Commissioner
Department of Public Safety

SUBJECT: Disciplinary Recommendation
P.I.U.2021.F.004
Officer Ray Asbury

FROM: Lawrence B. Weathers
Chief of Police

I met with Officer Ray Asbury on April 6, 2021, and have determined this as “Improper Conduct” for violation of:

- General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department, specifically; General Order 2011-02J, Weapons Policy, III, B, 6

I have reviewed the interview recording and recommend **one (1) Day Suspension Without Pay** for the violation. I have included the summary of this formal complaint for your information.

Officer Asbury accepted this discipline on April 5, 2021.

Lawrence B. Weathers

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
03/21/2021

EFFECTIVE DATE
03/21/2021

NUMBER
PIU 21-022

TO: Lawrence Weathers Chief of Police	SUBJECT: Summary of Formal Complaint on Officer Ray Asbury, PIU 2021F-004
FROM: Lieutenant Matt Brotherton Bureau of Investigation - Public Integrity Unit	

Sir,

This memorandum will provide a summary of the investigation into the Formal Complaint filed by Lt. Randall Combs on Officer Ray Asbury, 54220. According to the Formal Complaint:

On or about the evening hours of February 3rd or the early morning hours of February 4th, Officer Ray Asbury was consuming alcohol while off-duty and was armed with a firearm.

If the above is true, Officer Asbury is in violation of G.O. 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department, specifically: GO 2011-02J Weapons Policy, III, B, 6 which states:

Off-duty Officers who consume or plan to consume alcohol shall not be armed.

Investigation

On February 15th, 2021, an inquiry was authorized to examine actions of Lexington Police Officers during a trip to Tennessee from February 2nd through February 4th, 2021. Pursuant to the inquiry, I interviewed Officer Ray Asbury. During the interview, Officer Asbury stated that he was armed after having been drinking alcoholic beverages. Due to the potential policy violation, Lt. Combs filed the above described 111.

Interview with Officer Ray Asbury

On March 19th, 2021, at approximately 1534, Lt. Biroshik and I interviewed Officer Asbury in the PIU office. During the interview, we again discussed the trip to Tennessee that Officer Asbury took with other officers from February 2nd to February 4th. On that trip, the officers rented a cabin where they spent several days. The majority of the conversation was limited to the specific allegation of the Formal Charge: that Officer Asbury was armed after having consumed alcohol.

Officer Asbury stated that he was drinking alcohol during the day and into the evening of February 3rd. He stated that later in the evening, he changed from his swim trunks into his regular clothes and armed himself with his pistol. He then went outside of the cabin, and sat in his car listening to music, armed. Officer Asbury acknowledged that he then slept on the floor in a hallway of the cabin, while armed. A photo was taken of Officer Asbury that shows him asleep on the floor in the hallway, with what appears to be a pistol holstered in his waistband. His hand is on the pistol.

During our conversation, I asked Officer Asbury if he believed he had violated policy. Officer Asbury stated that in the past, he has consumed alcohol while armed, when he has been at a restaurant and has had a beer while armed. He acknowledged that on more than one occasion, he has been armed and had a drink. He recognized that on these occasions, he was in violation of GO 2011-02J Weapons Policy, III, B, 6: *Off-duty Officers who consume or plan to consume alcohol shall not be armed*, because he was consuming alcohol while armed.

However, Officer Asbury did not believe he violated policy during the events in Tennessee because he armed himself after having consumed alcohol. He believes that he was not intoxicated when he armed himself. I pointed out that the other officers who observed him sleeping on the floor armed described him as having been drunk and that he passed out. Officer Asbury disputed that he was intoxicated while he was armed.

Officer Asbury acknowledged that the times when he has worn his pistol while having a drink with dinner, he was in violation of the policy, even though he was unaware that policy prohibits being armed while consuming alcohol. In regards to the events in Tennessee, Officer Asbury does not believe he violated policy due to not having been armed prior to, or while consuming alcohol. Officer Asbury does not believe that he acted irresponsibly or recklessly by being armed after having been drinking, sitting in his car, and then sleeping in the hallway with his hand on his pistol.

Conclusion

Officer Asbury went to Tennessee with multiple officers for a vacation that was spent in a rented cabin. During his time there, he stayed in and around the cabin. Ultimately, on the evening of February 3rd, he armed himself after having been drinking alcoholic beverages. While Officer Asbury does not believe that he was intoxicated in the evening hours, Officers and who were interviewed during the prior inquiry, both stated that Officer Asbury was intoxicated. Both of them also described Officer Asbury as having “passed-out” while armed.

Even though Officer Asbury maintains that he was unaware of a policy that prohibits alcohol consumption while armed, PowerDMS files show that Officer Asbury signed GO 2011-02J Weapons Policy on June 21st, 2019. Officer Asbury does not dispute that he signed that he had received the policy.

Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit

cc: file – PIU 2021F-004



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 March 15, 2021

EFFECTIVE DATE

NUMBER
 PIU: 21-016

TO:
 Assistant Chief Brian Maynard
 Bureau of Patrol

SUBJECT:
 FORMAL COMPLAINT

FROM:
 Lieutenant Matthew Brotherton
 Bureau of Investigation
 Public Integrity Unit

COMPLAINANT: Lieutenant Randall Combs

ACCUSED OFC.: Officer Ray Asbury

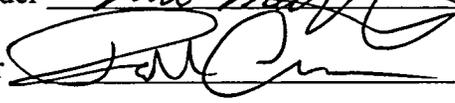
ALLEGATION: Violation of G.O. 1973-O2K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department, specifically: GO 2011-02J Weapons Policy, III, B, 6 which states:

Off-duty Officers who consume or plan to consume alcohol shall not be armed.

ALLEGED CIRCUMSTANCES: On or about the evening hours of February 3rd or the early morning hours of February 4th, Officer Ray Asbury was consuming alcohol while off-duty and was armed with a firearm.

ACTION REQUESTED:

- The Bureau Commander and Officer Asbury 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 Asbury.
- Officer Asbury should contact the Public Integrity Unit to arrange for a time to provide a formal statement.

	<u>DATE</u>	<u>TIME</u>
Bureau Commander 	3/15/21	1245
Unit Commander 	3/15/21	1245
Officer <u>R. O'Leary 5122</u>	3-15-21	2230
Returned to the Public Integrity Unit	<u>MLBROTHERTON</u>	<u>03/19/21 08:30</u>


Lieutenant Matthew Brotherton
Bureau of Investigation
Public Integrity Unit

mr

enclosures

cc: Chief Lawrence Weathers
file - PIU2021F-004

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU 2021F-004

Member(s) Involved Asbury, R. J.		Employee No. 54220	D.O.B. n/a	D.O.E 10/19/2015	Present Assignment BOP West 3rd
Complainant Lt. Randall Combs		Address-Apt. No. - Zip Code 150 E. Main			Telephone No. n/a
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main			Telephone No. n/a
Date of Incident 2/3/2021	Time of Incident unk	Location of Incident Tennessee	Date and Time Reported 3/15/2021	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email	

Brief Description of Allegations:

On or about the evening hours of February 3rd or the early morning hours of February 4th, Officer Ray Asbury was consuming alcohol while off-duty and was armed with a firearm.

If the above is true, Officer Asbury is in violation of G.O. 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department, specifically: GO 2011-02J Weapons Policy, III, B, 6 which states:

Off-duty Officers who consume or plan to consume alcohol shall not be armed.

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

 43981 Date: 3-15-21
(Complainant)

Subscribed and sworn before me this date: 3-15-21 (Date) Melanie R. Votaw #KMP2001A (Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name _____ Address _____ Phone Number _____

