



LEXINGTON POLICE DEPARTMENT

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

June 10 , 2021

Mr. Daniel Spilling

RE: Formal Complaint PIU2021F-007—Detective Steven Cobb

Dear Mr. Spilling,

The Public Integrity Unit completed the investigation of your Formal Complaint against Detective Steven Cobb for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02—Misconduct.

After reviewing the investigative summary, Chief Lawrence Weathers determined the disposition of the complaint as “Unfounded”. Chief Weathers has recommended that no further action be taken with regard to this complaint.

Formal Complaint PIU2021F-007 regarding Detective Steven Cobb is closed.

Please feel free to contact the Public Integrity Unit if you have any questions regarding this determination.

Sincerely,

Lieutenant Matthew Brotherton
Bureau of Investigation
Public Integrity Unit
(859) 258-3625

cc: Chief Lawrence Weathers
Asst. Roger Holland
Detective Steven Cobb
File – PIU2021F-007



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

DATE OF ISSUE
June 3, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0077

TO:
Kenneth Armstrong, Commissioner
Department of Public Safety

SUBJECT:
Disciplinary Recommendation
PIU2021F-007
Detective Steven Cobb

FROM:
Lawrence B. Weathers
Chief of Police

I met with Detective Steven Cobb on June 3, 2021, and am recommending this case be administratively closed as "Unfounded" due to insufficient evidence for violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct.

I find that there does not appear to be sufficient evidence produced to sustain this complaint.

I have included the summary of this formal complaint for your review.

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
05/31/2021

EFFECTIVE DATE
05/31/2021

NUMBER
PIU 21-054

TO:
Lawrence Weathers
Chief of Police

SUBJECT:
Summary of Formal Complaint on Detective
Steven Cobb, PIU2021F-007

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 on by Mr. Daniel Spilling alleging improper conduct by Det. Steve Cobb. According to the Formal Complaint, Detective Cobb, when filing a criminal complaint against Mr. Spilling, left out exculpatory information. Mr. Spilling alleged that Det. Cobb misled the Fayette County Attorney's Office and the Court in order to "get [Mr. Spilling] arrested."

If the above allegations are true, Detective S. Cobb is in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02--Misconduct:

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity, honesty, judgement, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer.

Investigation

Mr. Spilling has a significant history of issues with his neighbor and what he believes is an inadequate response by the Police Department. He has expressed his frustration multiple times, including an informal complaint filed against Det. Cobb on April 4th, 2021. Sgt. Merker reviewed the informal complaint and found it to be without merit. The informal complaint was unfounded and documented via a BlueTeam report. After the informal complaint was unfounded, Mr. Spilling filed a formal complaint against Det. Cobb; I have reviewed the informal complaint and concur with Sgt. Merker's conclusion.

On May 21st, 2021 at approximately 1330, I spoke with Mr. Spilling by phone to clarify his complaint on Det. Cobb. Mr. Spilling agreed that his complaint on Det. Cobb is composed of two points:

- Det. Cobb, in the criminal complaint that he filed with the Fayette County Attorney's Office, omitted exculpatory information that would have led to the County Attorney's Office not approving the complaint. According to Mr. Spilling, Det. Cobb did not sufficiently add context to Mr. Spilling's words, neglecting to state that Mr. Spilling would only take action if the opposing party came onto his property.

- Det. Cobb intentionally omitted the exculpatory language, committing perjury “by omission”.

Following the receipt of the Formal Complaint and the conversation with Mr. Spilling, I reviewed both allegations. Additionally, Mr. Spilling demanded that when reviewing his complaints against Det. Cobb, I also take into account the entirety of his and his mother’s interactions with and the activities that occurred at residence. Pursuant to Mr. Spilling’s request, I reviewed a file folder that he submitted with his formal complaint as well as a jump drive that he submitted that included video and audio files; I reviewed all of the submitted information.

The information submitted by Mr. Spilling shows significant issues that occurred between him and his former neighbor, . Throughout his interactions with law enforcement, Mr. Spilling was understandably frustrated. During the course of his issues with his neighbor, Mr. Spilling had substantial contact with law enforcement that included numerous emails to (retired) Commander David Lyons and Det. Cobb.

On 05/22/2018, Det. Cobb submitted a criminal complaint against Mr. Spilling for the charge of Terroristic Threatening Third Degree. The complaint was reviewed by Amy Thurman and Jennifer Wade of the Fayette County Attorney’s Office on 05/23/2018; a warrant was issued for Mr. Spilling’s arrest by Judge Bouvier on 05/23/2018 at 14:34. The warrant for arrest was served at 19:28 by Officer Heiner of the Lexington Police Department.

Allegation 1: Det. Cobb omitted exculpatory information:

Mr. Spilling contends Det. Cobb did not convey the totality of the circumstances between Mr. Spilling and his neighbor; specifically, alleging Det. Cobb misled the court by portraying Mr. Spilling as someone who was looking to initiate conflict, as opposed to someone expressing a desire to defend himself. Mr. Spilling argues that Det. Cobb did not include “comes into our yard” in the language in the criminal complaint, thereby hiding Mr. Spilling’s self-defense interests.

In Det. Cobb’s criminal complaint, he includes language from an email sent to (retired) Commander Lyons by Mr. Spilling on April 16th, 2018:

got me a gun, he scares my mother again by touching one blade of our grass, only one way to look at it, he is coming to make good on threats. We will let the people of Lexington decide and the state and nation can make up their mind. I really can’t believe this might turn Lexington into the next city of racial unrest. O well. I have had enough.

In this email, Mr. Spilling states “one blade of our grass”; this supports a reasonable inference that Mr. Spilling is referencing someone coming into his yard.

Additionally, Det. Cobb submitted the entire texts of multiple email conversations between Mr. Spilling Det. Cobb and Commander Lyons. In several of the emails submitted to the FCAO that were also available for review by Judge Bouvier, Mr. Spilling qualifies his threats as being contingent on Mr. Sparks crossing his property boundaries. Also, the Fayette County Attorney’s Office was familiar with Mr. Spilling from the multiple issues he was having with his neighbor.

I have reviewed the submitted criminal complaint, the supporting documentation, and spoken with Fayette County Assistant Attorney Jason Rothrock. It is my opinion that Det. Cobb submitted sufficient information for Judge Bouvier to make an informed, unbiased decision.

Allegation 2: Det. Cobb committed perjury:

Mr. Spilling contends that by not including exculpatory information, Det. Cobb committed perjury "from omission". Perjury requires a false statement under oath. Perjury by omission is not a crime.

Conclusion

Having reviewed Mr. Spilling's allegations, the information submitted by Mr. Spilling, and the relevant court filings, I do not believe that Det. Cobb mischaracterized the nature of Mr. Spilling's statements.



Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit

cc: file – PIU 2021F-007



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 May 6, 2021

EFFECTIVE DATE

NUMBER
 PIU: 21-036

TO: Assistant Chief Roger Holland Bureau of Investigation	SUBJECT: <p style="text-align: center;">FORMAL COMPLAINT</p>
FROM: Lieutenant Matthew Brotherton Bureau of Investigation Public Integrity Unit	

COMPLAINANT: Mr. Daniel Spilling

ACCUSED OFC.: Detective Steven Cobb

ALLEGATION: Violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02--Misconduct

ALLEGED CIRCUMSTANCES: I am writing claiming perjury against Steven Cobb. 2016 Lexington had an record number of murders, The Mayor, County Attorney and Chief of Police asked for help in stopping innocent children from being murdered by houses on high activity. My 78 year-old mother and myself answered call to duty and joined the preventive side (snitching) over reactionary side (overwhelming grief and anger of child being murdered)

My Neighbor was one of those houses.

My neighbor used the race card every second. It helped him get away with putting my 78 year-old mother in ER. Got me arrested, put on WKYT cost me what little life saving I had \$4000 to defend against a story that was not possibly true. All from using race card.

In April 2018 my neighbor started escalating his actions against us. He threw 20 four inch nails under my truck, it was caught on video. Called police no report was made. He then started putting his pit bull on a ten foot rope. When ever 78 year-old mother was outside he would walk his pit bull from the sidewalk, allowing pit bull ten feet into yard, scaring an already scared elderly lady. Called police, no report taken. I came home on 05/20/18 to a 78 year-old lady in tears and shaking in fear.

My neighbor was escalating his actions and the police refused to help, So I wrote an email to Commander DLyons and Detective Steven Cobb saying I will "fuck this man up if he trespasses onto our yard in order to scare a 78 year-old lady."

Detective Cobb with held the "comes into our yard" That is Perjury from omission. He Mislead the courts in order to get me arrested. Made it sound as if I was going head hunting, when it was clear in my email "if he comes onto our property to make good on threats

Detective Cobb come to my home 05/16/2018. Was told I will start standing my ground, I am allowed to protect my Mother and property. No more looking out windows, He was also informed of me having to bag 20 four inch nails and videos and walk into County Attorney Office, also informed of continue escalation of violence being shown by neighbor, that included use of pit bull. He was shown guns, fighting, butcher knife, drugs, knock on our door at two and three in the morning from people looking for drugs.

Detective Steven Cobb 39917 committed Perjury under Oath of his Sworn Statement.

That Perjury has cost me a lot of money and aged my 78 year-old Mother rapidly.

The courts would not have issued a arrest warrant for me if they would have known it said "comes onto our property"

I know this because I asked County Attorney.

Thank you
Respectfully
Daniel S

If the above allegations are true, Detective S. Cobb is in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02--Misconduct:

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity, honesty, judgement, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer.

ACTION REQUESTED:

- The Bureau Commander and Detective Cobb 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 Detective Cobb.
- Detective Cobb 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><i>[Signature]</i></u>	<u>5/10/21</u>	<u>1221</u>
Supervisor <u><i>LT. P. J. B...</i></u>	<u>05-10-21</u>	<u>1210</u>
Officer <u><i>[Signature]</i></u>	<u>05-10-21</u>	<u>1210</u>

Accused officer would like the Public Integrity Unit to notify the FOP President or their designee that a formal complaint is filed against them. (Circle One) YES or NO

Returned to the Public Integrity Unit *[Signature]*

[Signature]
 Lieutenant Matthew Brotherton
 Bureau of Investigation
 Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers
 file - PIU2021F-007

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU 2021F-007

Member(s) Involved Cobb, Steven		Employee No. 39917	D.O.B. N/A	D.O.E 6/11/2001	Present Assignment BOI
Complainant Spilling, Daniel		Address-Apt. No. - Zip Code			Telephone No.
Employed By		Business Address - Zip Code			Telephone No.
Date of Incident 5/23/2018	Time of Incident Unk.	Location of Incident 1328 Sequoia Drive	Date and Time Reported 04/19/21 @ 1101		How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Person <input checked="" type="checkbox"/> Email

Brief Description of Allegations:

I am writing claiming perjury against Steven Cobb. 2016 Lexington had an record number of murders, The Mayor, County Attorney and Chief of Police asked for help in stopping innocent children from being murdered by houses on high activity. My 78 year-old mother and myself answered call to duty and joined the preventive side (snitching) over reactionary side (overwhelming grief and anger of child being murdered)

My Neighbor was one of those houses.

My neighbor used the race card every second. It helped him get away with putting my 78 year-old mother in ER. Got me arrested, put on WKYT cost me what little life saving I had \$4000 to defend against a story that was not possibly true. All from using race card.

In April 2018 my neighbor started escalating his actions against us. He threw 20 four inch nails under my truck, it was caught on video. Called police no report was made. He then started putting his pit bull on a ten foot rope. When ever 78 year-old mother was outside he would walk his pit bull from the sidewalk, allowing pit bull ten feet into yard, scaring an already scared elderly lady. Called police, no report taken. I came home on 05/20/18 to a 78 year-old lady in tears and shaking in fear.

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

Daniel Spilling
(Complainant)

Date: 05/06/2021

Subscribed and sworn before me this date: 5/6/21 Melanie R Votaw KYNP 20919
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name	Address	Phone Number
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**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU 2021F-007

Member(s) Involved Cobb, Steven		Employee No. 39917	D.O.B. N/A	D.O.E 6/11/2001	Present Assignment BOI
Complainant Spilling, Daniel		Address-Apt. No. - Zip Code			Telephone No.
Employed By		Business Address - Zip Code			Telephone No.
Date of Incident 5/23/2021	Time of Incident Unk	Location of Incident 1328 Sequoia Drive	Date and Time Reported 04/19/21@1101	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Person <input checked="" type="checkbox"/> Email	

Brief Description of Allegations

My neighbor was escalating his actions and the police refused to help, So I wrote an email to Commander DLyons and Detective Steven Cobb saying I will "fuck this man up if he trespasses onto our yard in order to scare a 78 year-old lady."

Detective Cobb with held the "comes into our yard" That is Perjury from omission. He Mislead the courts in order to get me arrested. Made it sound as if I was going head hunting, when it was clear in my email "if he comes onto our property to make good on threats

Detective Cobb come to my home 05/16/2018. Was told I will start standing my ground, I am allowed to protect my Mother and property. No more looking out windows, He was also informed of me having to bag 20 four inch nails and videos and walk into County Attorney Office, also informed of continue escalation of violence being shown by neighbor, that included use of pit bull. He was shown guns, fighting, butcher knife, drugs, knock on our door at two and three in the morning from people looking for drugs.

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Thank you
Respectfully
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Allegations Continued

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

Danue Spiller Date: 05/06/2021
(Complainant)

Subscribed and sworn before me this date: 5/6/21 Melanie R. Votaw-KyNP 20919
(Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name _____ Address _____ Phone Number _____

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

LEXINGTON POLICE DEPARTMENT CITIZEN COMMENT FORM

**If you wish to be contacted for follow up and/or notified of the findings regarding the information you provided, please provide your contact information below. If you simply want to make us aware of specific conduct and behavior while remaining anonymous and without further notification, you can leave the personal information section blank.*

Today's Date/Time: 04/19/2021

Reporting Party Information (optional*):

Name*: Daniel Spilling

Address*: _____

Phone*: _____ E-mail*: _____

Involved Employee(s) Information (if known):

Name(s):	Employee (badge)#:	Vehicle#:
<u>Steven Cobb</u>	<u>39917</u>	

Date and approximate time of incident: 05/20/2018

Case Number (if known): _____

Location of incident: Home.

Summary of Incident:

I am writing claiming perjury against Steven Cobb. 2016 Lexington had an record number of murders, The Mayor, County Attorney and Chief of Police asked for help in stopping innocent children from being murdered by houses on high activity. My 78 year-old mother and myself answered call to duty and joined the preventive side (snitching) over reactionary side(overwhelming grief and anger of child being murdered)
My Neighbor was one of those houses.
My neighbor used the race card every second. It helped him get away with putting my 78 year-old mother in ER. Got me arrested, put on WKYT cost me what little life saving I had \$4000 to defend against a story that was not possibly true. All from using race card.
In April 2018 my neighbor started escalating his actions against us. He threw 20 four inch nails under my truck, it was caught on video. Called police no report was made. He then started putting his pit bull on a ten foot rope. When ever 78 year-old mother was outside he would walk his pit bull from sidewalk, allowing pit bull ten feet into yard, scaring an already scared elderly lady. Called police, no report taken.
I came home on 05/20/2018 to a 78 year old lady in tears and shaking in fear.

(Continue on page 2 if necessary)

If you would like to discuss your matter with someone, contact the Public Integrity Unit (PIU): Mon-Fri: 8am – 4pm, in person, by phone, or email to schedule an appointment:



150 E. Main St
Lexington, KY 40507
859-258-3625
.comment@lexingtonpolice.ky.gov

(Continued summary from page 1)

My neighbor was escalating his actions and the police refused to help, So I wrote an email to Commander DLyons, and Detective Steven Cobb saying I will "fuck this man up if he trespasses onto our yard in order to scare an 78 year-old lady."

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