



LEXINGTON POLICE DEPARTMENT
PERSONNEL ORDER
 Lexington, Kentucky

DATE OF ISSUE
 August 19, 2021

EFFECTIVE DATE
 August 16, 2021

NUMBER
 PO:21-308

TO:
 SUSPENSION WITHOUT PAY

AMENDS:

INDEX AS:
 DETECTIVE
 ROBERT TERRY

RESCINDS:

Effective, Monday, August 16, 2021, Detective Robert Terry 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, (GO 2011-08F – Emergency and Pursuit Driving).

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

Upon return to duty, Detective Terry will be scheduled for one (1) week Home Fleet suspension, beginning August 16th – 22nd, 2021.

The Urban County Council approved this suspension on August 12, 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 Robert Terry #38279

has committed the offense of:
Violating Any Rules of the Department - Emergency and Pursuit Driving

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 (GO 2011-08F Emergency and Pursuit Driving)

in that on the 26th day(s) of April, 20 21 he/she allegedly:

On Monday, April 26, 2021 Detective Robert Terry engaged in a vehicle pursuit of a known suspect with felony warrants for his arrest. The suspect's reckless vehicle operation created substantial risk to the public during the pursuit and posed no immediate danger just prior to the pursuit.

Once it was apparent the suspect was fleeing from his attempt to stop the vehicle combined with the suspect's reckless operation of his vehicle, Detective Terry should have disengaged any attempt to stop the vehicle. Detective Terry violated the above listed policy which states "Unless a greater hazard would result, a pursuit should not be initiated if the subject(s) can be identified with enough certainty that they can be apprehended at a later time."

This is Detective Terry's first sustained formal complaint since being employed on February 21, 2000. He understands his actions were against policy and has accepted full responsibility.

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, and one (1) week Suspension of Home Fleet privilege

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.

Mark P. [Signature] 38279
Employee Signature

07/06/2021
Date

[Signature]
Chief of Police Signature

07/06/2021
Date

ACTION BY URBAN COUNTY COUNCIL

8/12/2021

APPROVE ABOVE RECOMMENDATION

DISAPPROVE ABOVE RECOMMENDATION

[Signature]
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

June 30, 2021

EFFECTIVE DATE

NUMBER
 COP:
 21-0091

TO: Kenneth Armstrong, Commissioner
 Department of Public Safety

SUBJECT: Disciplinary Recommendation
 P.I.U.2021.F.009
 Detective Robert Terry


FROM: Lawrence B. Weathers
 Chief of Police

I met with Detective Robert Terry on June 29, 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 (GO 2011-08F Emergency and Pursuit Driving)

I have viewed the Body Worn Camera, and recommend **one (1) day Suspension without Pay, and one (1) week Suspension of Home Fleet privilege** for the violation. I have included the summary of this formal complaint for your information.

Detective Terry accepted this discipline on June 29, 2021.

Lawrence B. Weathers 

Lawrence B. Weathers
 Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
June 7, 2021

EFFECTIVE DATE

NUMBER
PIU 21-

TO:
Lawrence Weathers
Chief of Police

SUBJECT:
Formal P.I.U.21.F.009
Officer Robert Terry
Summary

FROM:
Lieutenant David Biroshik
Bureau of Investigation
Public Integrity Unit

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

On May 26, 2021 Lieutenant Matthew Greathouse filed a formal complaint against Officer Robert Terry 38279 for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department, G.O. 2011-08F Emergency and Pursuit Driving.

Allegations:

On Monday April 26, 2021, at approximately 14:32 hours, Detective Robert Terry engaged in a vehicle pursuit while assisting the U.S. Marshall's in the apprehension of a wanted suspect with warrants for felony offenses. While monitoring radio traffic he heard the suspect had left his residence in a vehicle and subsequently observed the vehicle on near Officer Terry activated his emergency equipment and attempted to catch up with the suspect. The suspect accelerated to high speeds on a heavily traveled roadway and began driving in a reckless manner.

While observing this behavior, Detective Terry continued with the pursuit as the suspect entered traffic heading the wrong way on towards and through the red light, where he continued inbound. Detective Terry continued to pursue the suspect vehicle and appeared to attempt to transmit radio traffic at this point, however was unable to get through on the radio. It is just prior to the suspect's vehicle crossing into oncoming traffic on near where the suspect was involved in a single vehicle collision, that dispatch is notified of the pursuit. After the collision, the suspect immediately fled on foot and was apprehended by other units on

While the suspect was wanted for felony warrants, police personnel knew the suspect's name and information prior to the pursuit. The suspect's reckless vehicle operation created substantial risk to the public during the pursuit and posed no immediate danger prior. Detective Terry should have terminated the pursuit when he realized the suspect was fleeing in a reckless manner and attempted to pick him up at a later time and location.

Investigation

After receiving the complaint I reviewed the BWC Footage involved in the case. From that footage the following observations can be made.

Officer Terry can be observed pursuing a known suspect on _____ towards _____ with moderate to heavy traffic in the vicinity. The suspect is not obeying traffic regulations and is obviously fleeing from him. As both vehicles approach _____ the suspect maneuvers into the opposing lane, to get around vehicles that are stopped at the traffic signal. At this time there is no traffic coming towards the suspect and Officer Terry does stay in the correct lanes, maneuvering through and around the cars.

After getting through the traffic and onto _____, the suspect vehicle can be seen heading inbound, crossing over _____. Officer Terry continues to pursue and attempts to advise radio of the situation. As he approaches _____ he is able to see the suspect has wrecked his vehicle and is now running on foot through their property. Over the course of a short foot pursuit other units at the scene are able to secure the suspect and take him into custody.

Officer Robert Terry's Interview

I interviewed Officer Terry in the PIU Office on June 1, 2021. During the interview Officer Terry did admit to his temporary lapse in judgement, by pursuing the known suspect. He advised his mindset was of concern in not apprehending him, due to his alleged violent past and the crimes they were attempting to charge him with. He was regretful for his actions and vowed not to violate policy again.

Conclusion

After investigating this incident it is obvious that Officer Terry did in fact violate G.O. 2011-08F Emergency and Pursuit Driving policy. He operated his cruiser in a manner that violated policy.



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 May 26, 2021

EFFECTIVE DATE

NUMBER
 PIU: 21-044

TO:
 Assistant Chief Roger Holland
 Bureau of Investigation

SUBJECT:
 FORMAL COMPLAINT

FROM:
 Lieutenant David Biroschik
 Bureau of Investigation
 Public Integrity Unit

COMPLAINANT: Lieutenant Matthew Greathouse

ACCUSED OFC.: Detective Robert Terry

ALLEGATION: Violating General Order G.O. 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department (GO 2011-08F Emergency and Pursuit Driving)

ALLEGED CIRCUMSTANCES: On Monday April 26, 2021, at approximately 14:32 hours, Detective Robert Terry engaged in a vehicle pursuit while assisting the U.S. Marshall's in the apprehension of a wanted suspect with warrants for felony offenses. While monitoring radio traffic he heard the suspect had left his residence in a vehicle and subsequently observed the vehicle on near

Officer Terry activated his emergency equipment and attempted to catch up with the suspect. The suspect accelerated to high speeds on a heavily traveled roadway and began driving in a reckless manner. While observing this behavior, Detective Terry continued with the pursuit as the suspect entered traffic heading the wrong way on towards and through the red light, where he continued inbound. Detective Terry continued to pursue the suspect vehicle and appeared to attempt to transmit radio traffic at this point, however was unable to get through on the radio. It is just prior to the suspect's vehicle crossing into oncoming traffic on near where the suspect was involved in a single vehicle collision, that dispatch is notified of the pursuit. After the collision, the suspect immediately fled on foot and was apprehended by other units on

While the suspect was wanted for felony warrants, police personnel knew the suspect's name and information prior to the pursuit. The suspect's reckless vehicle operation created substantial risk to the public during the pursuit and posed no immediate danger prior. Detective Terry should have terminated the pursuit when he realized the suspect was fleeing in a reckless manner and attempted to pick him up at a later time and location.

ACTION REQUESTED:

- The Bureau Commander and Detective Terry 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 Terry.
- Detective Terry 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>Albert L. Johnson</u>	<u>5/26/21</u>	<u>13:58</u>
Supervisor	<u>Matthew G. Smith 37502</u>	<u>5/26/21</u>	<u>1145</u>
Officer	<u>[Signature] 38279</u>	<u>05/24/2021</u>	<u>1145</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 RETURNED 1430 5/26/21 DB

LT. D. Biroshik
Lieutenant David Biroshik
Bureau of Investigation
Public Integrity Unit

mrV

enclosures

cc: Chief Lawrence Weathers
file - PIU2021F-009

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-009

Member(s) Involved Officer Robert Terry		Employee No. 38279	D.O.B. 2/21/2000	D.O.E 2/21/2000	Present Assignment BOI / Gang Unit
Complainant Lieutenant Matt Greathouse		Address-Apt. No. - Zip Code 150 E. Main St. Lexington, Ky 40507			Telephone No. 859-258-3600
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main St. Lexington, Ky 40507			Telephone No. 859-258-3600
Date of Incident 4/26/2021	Time of Incident 14:32	Location of Incident	Date and Time Reported 5/24/2021	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Person <input type="checkbox"/> Email	

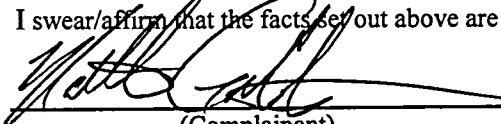
Brief Description of Allegations:

On Monday April 26, 2021, at approximately 14:32 hours, Detective Robert Terry engaged in a vehicle pursuit while assisting the U.S. Marshall's in the apprehension of a wanted suspect with warrants for felony offenses. While monitoring radio traffic he heard the suspect had left his residence in a vehicle and subsequently observed the vehicle on _____ near _____. Officer Terry activated his emergency equipment and attempted to catch up with the suspect. The suspect accelerated to high speeds on a heavily traveled roadway and began driving in a reckless manner. While observing this behavior, Detective Terry continued with the pursuit as the suspect entered traffic heading the wrong way on _____ towards _____ and through the red light, where he continued inbound. Detective Terry continued to pursue the suspect vehicle and appeared to attempt to transmit radio traffic at this point, however was unable to get through on the radio. It is just prior to the suspect's vehicle crossing into oncoming traffic on _____ near _____ where the suspect was involved in a single vehicle collision, that dispatch is notified of the pursuit. After the collision, the suspect immediately fled on foot and was apprehended by other units on _____.

While the suspect was wanted for felony warrants, police personnel knew the suspect's name and information prior to the pursuit. The suspect's reckless vehicle operation created substantial risk to the public during the pursuit and posed no immediate danger prior.

Continued on Page #2

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



(Complainant) Date: 5/26/21

Subscribed and sworn before me this date: 5/26/21 Melanie R. Votaw-KYNP2019
(Date) (Notary)

My Commission Expires:

Witnesses:

Name _____ Address _____ Phone Number _____

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-009

Member(s) Involved Officer Robert Terry		Employee No. 38279	D.O.B. 2/21/2000	D.O.E	Present Assignment BOI / Gang Unit
Complainant Lieutenant Matt Greathouse		Address-Apt. No. - Zip Code 150 E. Main, Lexington Ky 40507		Telephone No. 859-258-3600	
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main, Lexington Ky 40507		Telephone No. 859-258-3600	
Date of Incident 4/26/2021	Time of Incident 14:32	Location of Incident	Date and Time Reported 5/24/2021	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email	

Brief Description of Allegations

Detective Terry should have terminated the pursuit when he realized the suspect was fleeing in a reckless manner and attempted to pick him up at a later time and location.

If the above is true, Detective Terry 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 (GO 2011-08F Emergency and Pursuit Driving)

File Number: PIU2021F-009
Involved Member: Officer Robert Terry

Allegations Continued

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

_____ Date:
(Complainant)

Subscribed and sworn before me this date: _____ (Notary)

My Commission Expires:

Witnesses:

Name _____ Address _____ Phone Number _____

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

Chief of Police (or "Designee"):

Policy Violation	Finding
EO 1973-0216 OR 1.35 VIOLATING ANY RULES OF THE DEPT.	<input type="checkbox"/> Proper Conduct
EO 2011-08F EMERGENCY AND PURSUIT DRIVING	<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:

VIEWED BWC UPL TERRY RECOMMEND 1 DAY SUSPENSION W/O PAY - UPON RETURN TO DUTY ONE WEEK SUSPENSION OF HOME FLEET

Signature:

Laura Stewart

Date: 06/29/2021

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.