



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

DATE OF ISSUE
August 31, 2021

EFFECTIVE DATE
August 26, 2021

NUMBER
PO:21-322

TO:
WRITTEN REPRIMAND

AMENDS:

INDEX AS:
**OFFICER
MATTHEW BARRET T**

RESCINDS:

Officer Matthew Barrett is hereby given a Written Reprimand for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule, Section 1.08, Accountability and Responsibility.

This Written Reprimand was approved by the Urban County Council on August 26, 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 Matthew Barrett #56661

has committed the offense of:
Accountability and Responsibility

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 1.08
Accountability and Responsibility

in that on the 3 day(s) of July, 20 21 he/she allegedly:

On July 3, 2021 Officer M. Barrett failed to report to duty as previously scheduled. Officer Barrett previously submitted a leave request for this date and he was denied due to staffing levels. On Saturday, July 3rd Officer Barrett notified his supervisor that he was sick and would be able to report for duty. After further inquiry it was determined that Officer Barrett was not sick, but was out of town on vacation.

Officer Barrett violated the above policy which states "Officers shall report for duty, including court and overtime assignments, at the time and place required, being both physically and mentally fit, and properly equipped and aware of the information required for the proper performance of his duties".

This is Officer Barrett's first sustained formal complaint since being employed on May 14, 2018. He understands his actions violated 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:

Written Reprimand

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.

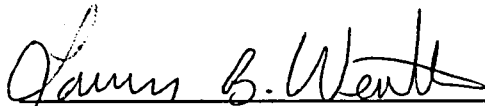
If the Urban County Council rejects the above recommendation, I will be so notified, in which case I may withdraw my acceptance, and will be entitled to all rights, as applicable, under KRS 95.450, 95.460 and 15.520, and this agreement will not be used against me or by me in any hearing in determination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



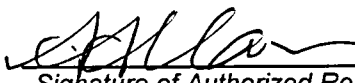
Employee Signature

8/18/21
Date



Chief of Police Signature

8/18/2021
Date

<p style="text-align: center;">ACTION BY URBAN COUNTY COUNCIL</p> <p><input checked="" type="checkbox"/> APPROVE ABOVE RECOMMENDATION</p> <p><input type="checkbox"/> DISAPPROVE ABOVE RECOMMENDATION</p> <p style="text-align: right;"><u>8/26/2021</u></p> <p style="text-align: center;"> _____ Signature of Authorized Representative of Urban County Council</p>

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

August 12, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0130

TO:

Kenneth Armstrong, Commissioner
Department of Public Safety

FROM:

Lawrence B. Weathers
Chief of Police

SUBJECT:

Disciplinary Recommendation
P.I.U.2021.F.015
Officer Matthew Barrett

I met with Officer Matthew Barrett on August 11, 2021, and have determined this as "Improper Conduct" for violation of:

- General Order 1973-02K - Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.08 – Accountability and Responsibility

I have recommended a **Written Reprimand** for the violation. I have included the summary of this formal complaint for your information.

Officer Barrett accepted this discipline on August 11, 2021.

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
07/29/2021

EFFECTIVE DATE
07/29/2021

NUMBER
PIU 21-078

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Summary of Formal Complaint on Ofc. Matthew Barrett, PIU2021F-015</p>
<p>FROM: Lieutenant Matt Brotherton Bureau of Investigation - Public Integrity Unit</p>	

Sir,

This memorandum will provide a summary of the investigation into the Formal Complaint filed by Lt. Larry Kinnard against Officer Matthew Barrett. According to the Complaint:

On 07/03/2021, Officer Matthew Barrett failed to report to duty as he was scheduled. On or about 4/12/2021, Officer Barret submitted a leave request to Lt. Kinnard asking to take off 7/2-4/2021. On 05/02/2021, pursuant to the Officer / Sergeant CBA, Lt. Kinnard formally denied the leave request for 07/3-4/2021.

On Saturday 7/3/2021, Officer Barrett contacted Sergeant Ruebsam and indicated that he was "sick" and would not be able to work. Sergeant Ruebsam clarified with Officer Barrett if he was really sick or just calling in to take off since he was previously denied leave this date. Officer Barrett indicated that he was not sick, but would not be able to come in to work this date since he was out of town. Officer Barrett was marked sick on the roster for 07/03/2021 since he did not report for duty.

If the above allegations true, then Officer Matthew Barrett violated **General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.08 Accountability and Responsibility: *Officers shall report for duty, including court and overtime assignments, at the time and place required, being both physically and mentally fit, and properly equipped and aware of the information required for the proper performance of his duties.***

Investigation

Pursuant to the filing of the Formal Complaint, memos were submitted by Lt. Kinnard and Sgt. Ruebsam, Officer Barrett's chain of command. According to the memos submitted, Officer Barrett submitted leave requests in May requesting multiple days off, to include July 3rd and 4th. Lt. Kinnard denied the 3rd and 4th due to holiday staffing requirements. According to Lt. Kinnard's memo, Officer Barrett informed Lt. Kinnard that he had a planned vacation and had already paid for it.

On July 3rd, according to Sgt. Ruebsam and Lt. Kinnard, Officer Barrett contacted Sgt. Ruebsam by text requesting Sick Leave for July 3rd. Sgt. Ruebsam contacted Lt. Kinnard, inquiring about beat staffing due to someone calling in sick. When Lt. Kinnard found out that it was Officer Barrett, he informed Sgt. Ruebsam about Officer Barrett's holiday plans. Sgt. Ruebsam then confronted

Officer Barrett, who acknowledged that he, in-fact was not sick, but was instead out of town on vacation. Ofc. Barrett was not present for his July 3rd shift but did work his July 4th shift.

Interview with Officer Barrett

On July 20th, 2021, Lt. David Biroshchik and I spoke with Officer Barrett in the PIU Office. The interview was recorded.

During the conversation with Officer Barrett, he stated that he had submitted a leave request for July 1st through July 4th, 2021. Officer Barrett said that the 3rd and 4th were denied by Lt. Kinnard. He acknowledged that Lt. Kinnard told him that the leave was denied due to staffing levels and suggested to Officer Barrett to try and find someone who would switch with him. Officer Barrett was unable to find someone to cover his July 3rd and 4th shifts.

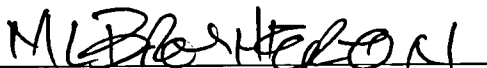
According to Officer Barrett, on Saturday July 3rd, he was out-of-town on vacation and contacted Sgt. Ruebsam and requested sick leave and did not work his scheduled July 3rd shift. Following advice from Sgt. Ruebsam, Officer Barrett was back at work on July 4th.

Officer Barrett stated that he had ridden out-of-town with a friend and the friend was not driving back to town until the end of the July 4th weekend; Officer Barrett acknowledged that his poor planning prevented him from returning to work. He stated that what he did was not fair to the shift and his co-workers.

Officer Barrett recognized that what he did created an imposition on his shift, was not appropriate, and was a violation of policy.

Conclusion

Officer Barrett, after having a leave request denied, left town on vacation, without making arrangements to be back for his scheduled shift. Additionally, Ofc. Barrett attempted to use Sick Leave when his vacation request had already been denied.


Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit

cc: file – PIU 2021F-015



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 July 13, 2021

EFFECTIVE DATE

NUMBER
 PIU: 21-069

TO: Assistant Chief Brian Maynard Bureau of Patrol	SUBJECT: FORMAL COMPLAINT
FROM: Lieutenant Matthew Brotherton Bureau of Investigation Public Integrity Unit	

COMPLAINANT: Lt. Larry Kinnard

ACCUSED OFC.: Officer Matthew Barrett

ALLEGATION: Violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.08 Accountability and Responsibility

ALLEGED CIRCUMSTANCES: On 07/03/2021, Officer Matthew Barrett failed to report to duty as he was scheduled. On or about 4/12/2021, Officer Barret submitted a leave request to Lt. Kinnard asking to take off 7/2-4/2021. On 05/02/2021, pursuant to the Officer / Sergeant CBA, Lt. Kinnard formally denied the leave request for 07/3-4/2021.

On Saturday 7/3/2021, Officer Barrett contacted Sgt. Ruebsam and indicated that he was “sick” and would not be able to work. Sgt. Ruebsam clarified with Officer Barrett if he was really sick or just calling in to take off since he was previously denied leave this date. Officer Barrett indicated that he was not sick, but would not be able to come in to work this date since he was out of town. Officer Barrett was marked sick on the roster for 07/03/2021 since he did not report for duty.

ACTION REQUESTED:

- The Bureau Commander and Officer Barrett 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 Barrett.
- Officer Barrett 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>C. Seamy 45984</u>	<u>07-13-21</u>	<u>1654</u>
Supervisor	<u>Lauphuan 39444</u>	<u>07-13-21</u>	<u>1654</u>
Officer	<u>[Signature] 56661</u>	<u>07-13-21</u>	<u>1645</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

mr v

enclosures

cc: Chief Lawrence Weathers
 file - PIU2021F-015

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-015

Member(s) Involved Barrett, Matthew		Employee No. 56661	D.O.B.	D.O.E 5/14/2018	Present Assignment BOP - Central/2nd
Complainant Lt. Larry Kinnard		Address-Apt. No. - Zip Code			Telephone No.
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main			Telephone No.
Date of Incident 7/3/2021	Time of Incident 1600	Location of Incident N/A		Date and Time Reported 7/14/2021	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

Brief Description of Allegations:

On 07/03/2021, Officer Matthew Barrett failed to report to duty as he was scheduled. On or about 4/12/2021, Officer Barret submitted a leave request to Lt. Kinnard asking to take off 7/2-4/2021. On 05/02/2021, pursuant to the Officer / Sergeant CBA, Lt. Kinnard formally denied the leave request for 07/3-4/2021.

On Saturday 7/3/2021, Officer Barrett contacted Sgt. Ruebasam and indicated that he was "sick" and would not be able to work. Sgt. Ruebsam clarified with Officer Barrett if he was really sick or just calling in to take off since he was previously denied leave this date. Officer Barrett indicated that he was not sick, but would not be able to come in to work this date since he was out of town. Officer Barrett was marked sick on the roster for 07/03/2021 since he did not report for duty.

If the above allegations true, then Officer Matthew Barrett violated **General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.08 Accountability and Responsibility: Officers shall report for duty, including court and overtime assignments, at the time and place required, being both physically and mentally fit, and properly equipped and aware of the information required for the proper performance of his duties.**

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

Larry Kinnard
(Complainant) Date: 7/13/21

Subscribed and sworn before me this date: 7/13/21 (Date) Melanie R. Votaw-K/INP 2019 (Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name _____ Address _____ Phone Number _____

Chief of Police (or "Designee"):

Policy Violation

Finding

GO 1973-02K OR 1.08 ACCOUNTABILITY AND RESPONSIBILITY

- Proper Conduct
- Improper Conduct
- Insufficient Evidence
- Policy Failure
- Unfounded

Chief of Police Recommendation

- Recommend Case Be Closed
- Corrective Training Recommended
- Below Disciplinary Action Recommended

Comments:

WRITTEN REPRIMAND

Signature:

[Handwritten Signature]

Date: 08/11/2021

Disciplinary Review Board

Policy Violation

Finding

- Proper Conduct
- Improper Conduct
- Insufficient Evidence
- Policy Failure
- 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.