



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

DATE OF ISSUE
August 31, 2021

EFFECTIVE DATE
August 26, 2021

NUMBER
PO:21-321

TO:
WRITTEN REPRIMAND

AMENDS:

INDEX AS:
OFFICER
SAMUEL FERGUSON

RESCINDS:

Officer Samuel Ferguson is hereby given a Written Reprimand for violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.40 – Preventable Collisions. In addition to this Written Reprimand, it was recommended and approved that Officer Ferguson loses his Home Fleet Vehicle Privileges for two (2) weeks.

This Written Reprimand and Home Fleet Suspension was approved by the Urban County Council on August 26, 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 Samuel Ferguson #55488

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 Various day(s) of Various, 20 20-21 he/she allegedly:

Officer Samuel Ferguson has been involved in three (3) at fault collisions within a twelve (12) month period. The collisions occurred on July 6, 2020, June 14, 2021 and June 20, 2021. The collisions resulted in minor property damage and no members of the police department or the public were injured. Officer Ferguson completed driver retraining on June 24, 2021.

Officer Ferguson took full responsibility for each of the collisions and he will continue to work on being more aware of his surroundings to prevent future collisions.

This is Officer Ferguson's first formal complaint since being employed on March 6, 2017.

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) week 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.

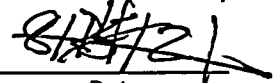
If the Urban County Council rejects the above recommendation, I will be so notified, in which case I may withdraw my acceptance, and will be entitled to all rights, as applicable, under KRS 95.450, 95.460 and 15.520, and this agreement will not be used against me or by me in any hearing in determination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

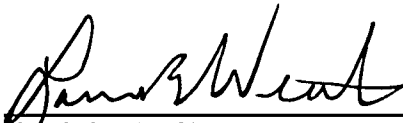


Employee Signature

8/24/21 SF



Date



Chief of Police Signature

8/24/21
Date

ACTION BY URBAN COUNTY COUNCIL

APPROVE ABOVE RECOMMENDATION

DISAPPROVE ABOVE RECOMMENDATION



8/26/2021

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

August 13, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0131

TO:

Kenneth Armstrong, Commissioner
Department of Public Safety

SUBJECT:

Disciplinary Recommendation
P.I.U.2021.F.014
Officer Samuel Ferguson

FROM:

Lawrence B. Weathers
Chief of Police

I met with Officer Samuel Ferguson on August 12, 2021, and have determined this as "Improper Conduct" for violation of:

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

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

Officer Ferguson accepted this discipline on August 13, 2021.

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
July 29, 2021

EFFECTIVE DATE

NUMBER
PIU 21-079

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Formal P.I.U.21.F.014 Officer Samuel Ferguson 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 July 14, 2021 Lieutenant Jeff Jackson filed a formal complaint against Officer Samuel Ferguson 55488 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 Ferguson has been involved in three (3) at fault accidents in an eleven (11) month period. These individual collisions will be documented and reviewed below.

The first incident occurred on July 6, 2020 in the parking lot located at [redacted]. He responded to the scene to back an officer, who was out with a suspicious subject near the [redacted] restaurant. When arriving in the area Officer Ferguson pulled into the [redacted] parking lot just prior to the officer. Not realizing he could not get to the officer through the lot, he made the decision to pull through a grassy median between the two businesses. When pulling through the median he misjudged how deep the “gulley” was and the bottom of his car dug on the ground, this then caused the screw to the oil pan to break loose allowing all of the oil to drain out.

The second incident occurred on June 14, 2021 at 901 Floyd Drive. At this location he had pulled beside another officer to talk, when he was pulling out to leave he misjudged the distance between the two cars causing his tire and fender to scratch the other cruiser.

The third incident occurred on June 20, 2021 in the parking located at Short Street / Mill Street. Officer Ferguson had been monitoring the area in his cruiser due to the large number of people in the area. When he went to leave he misjudged the distance between him and another car, causing him to back into another car parked in the lot.

Officer Samuel Ferguson's Interview

Officer Ferguson was interviewed in the PIU office on Tuesday July 28, 2021 at approximately 2200hrs. During this interview he admitted to having three at fault accidents, taking ownership for each. He advised they were caused by lack of attention on his part and being in too much of a hurry when responding to calls. He advised that he attended drivers re-training after his second collision and he believes this will help to prevent any other collisions in the future. He also advised he no longer parks closely to other vehicles and pays extra attention when driving near them.

Conclusion

Officer Ferguson does in fact have 3 documented "At Fault" collisions in an 11 month time period. Based on the fact these fall within a 1 year period he 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
 07/14/21

EFFECTIVE DATE

NUMBER
 PIU 21-066

TO: Assistant Chief Brian Maynarad Bureau of Patrol	SUBJECT: FORMAL COMPLAINT
FROM: Lieutenant David Biroshik Bureau of Investigation Public Integrity Unit	

COMPLAINANT: Lieutenant Jeffery Jackson

ACCUSED OFC.: Officer Samuel Ferguson

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

ALLEGED CIRCUMSTANCES: On June 20, 2021 Officer Samuel Ferguson was involved in an at-fault vehicle collision while operating his assigned patrol vehicle which was documented via Health and Safety #4625. Officer Ferguson was previously reported to be involved in at-fault collisions while operating a police vehicle on 07/06/2020 as documented on Health and Safety #4016 and also on 06/14/2021 which is documented on Health and Safety #4609. Officer Ferguson has previously received two Coaching and Counseling Forms as well as driver retraining in response to these incidents.

ACTION REQUESTED:

- The Bureau Commander and Officer Ferguson 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 Ferguson.
- Officer Ferguson 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. Sawyer 43984</u>	<u>7-11-21</u>	<u>2220</u>
Supervisor	<u>Lt. J. Jackson 41912</u>	<u>7/14/21</u>	<u>2215</u>
Officer	<u>San Fe</u>		<u>515488</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 D. Biroschik 7/19/21

Lt. David Biroschik
 Lieutenant David Biroschik
 Bureau of Investigation
 Public Integrity Unit

mr

enclosures

cc: Chief Lawrence Weathers
 file - PIU2021F-014

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-014

Member(s) Involved Officer Samuel Ferguson		Employee No. 55488	D.O.B.	D.O.E 3/6/2017	Present Assignment BOP / Central / Third Shift
Complainant Lieutenant Jeff Jackson		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	Time of Incident Various	Location of Incident Various	Date and Time Reported	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email	

Brief Description of Allegations:

On June 20, 2021 Officer Samuel Ferguson was involved in an at-fault vehicle collision while operating his assigned patrol vehicle which was documented via Health and Safety #4625. Officer Ferguson was previously reported to be involved in at-fault collisions while operating a police vehicle on 07/06/2020 as documented on Health and Safety #4016 and also on 06/14/2021 which is documented on Health and Safety #4609. Officer Ferguson has previously received two Coaching and Counseling Forms as well as driver retraining in response to these incidents.

If the above is true Officer Ferguson has been involved in three (3) at fault collisions within a twelve (12) month period and 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.

J. J. Jackson LT. Jeff Jackson Date: 7/14/2021
(Complainant)

Subscribed and sworn before me this date: 7-14-21 Melanie R Votaw K/P/NP 2019
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name _____ Address _____ Phone Number _____

Chief of Police (or "Designee"):

Policy Violation	Finding
GD 1973-02K OR 140 PREVENTABLE COLLISIONS	<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

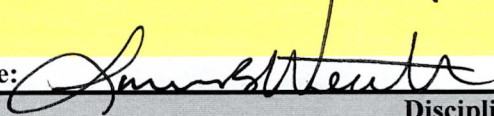
Chief of Police Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

REVIEWED PIU SUMMARY: RECOMMENDED WRITTEN REPRIMAND AND TWO WEEK SUSPENSION OF HOMELEAVE,

Signature:



Date: 08/12/21

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.