



LEXINGTON POLICE DEPARTMENT
PERSONNEL ORDER
Lexington, Kentucky

DATE OF ISSUE
August 10, 2021

EFFECTIVE DATE
August 16, 2021

NUMBER
PO:21-291

TO:
RETIREMENT

AMENDS:

INDEX AS:
SERGEANT
JASON ROTHERMUND

RESCINDS:

This is to advise on the retirement of Sergeant Jason Rothermund on Years of Service, to be effective Monday, August 16, 2021.

Lawrence B. Weathers
Chief of Police

LBW/rmh



Lexington-Fayette Urban County
Division of Police

MEMORANDUM

Lexington, Kentucky

DATE OF ISSUE

August 4, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0125

TO:

Commander Chad Bacon
Public Integrity Unit

SUBJECT:

Formal Complaint
PIU2021F-008
Sergeant Jason Rothermund

FROM:

Lawrence B. Weathers
Chief of Police

I am recommending that Sergeant Jason Rothermund be scheduled to go before the Disciplinary Review Board in regards to his Formal Complaint (PIU2021F-008).

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment

cc: Public Integrity Unit



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
July 14, 2021

EFFECTIVE DATE
July 14, 2021

NUMBER
PIU 21-072

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Formal P.I.U.21.F.008 Sergeant Jason Rothermund Summary</p>
<p>FROM: Commander Chad Bacon 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 May 17, 2021 Commander Jackie Newman filed a formal complaint against Sergeant Jason Rothermund for violations of the 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.

General Order 1973-025K, Disciplinary Procedures, Appendix B, Operational Rule 1.36 Insubordination:

Insubordination is deliberate malicious behavior and misconduct which reflects on the efficiency and effective performance of the job. It is the responsibility of all supervisors to take corrective action based on the rule, and the responsibility of supervisors to explain this rule to officers under their supervision. An officer is insubordinate when they fail to follow a lawful order given by a supervisor, or they use disrespectful or abusive language or actions towards a supervisor.

Allegations:

During the week of April 12th, 2021 members of the Canine Unit brought forth multiple concerns regarding Sergeant Jason Rothermund's inappropriate and unprofessional conduct towards them and other members of the department. Initial inappropriate conduct allegations include situations as follows:

- On April 1, 2021, Sergeant Rothermund yelled and used profanity towards Officer Scott Burch at the range over his personal equipment in the presence of his peers.
- Officer Scott Burch was in the break room at the K9 Kennel and Sergeant Rothermund came up behind him and physically put his hands around Officer Scott Burch's neck.
- Sergeant Rothermund asked the question "how does it feel not to be the only female in the unit" to Officer Scott Burch in front of other members of the unit.
- While training at Master Station Park, Sergeant Rothermund physically grabbed Officer Joseph Lusardi by the front of his vest and yelled at him.
- On April 7, 2021, Sergeant Rothermund responded to assist with a track at _____ for _____. While tracking with his dog, his BWC caught an interaction with an officer on perimeter. Sergeant Rothermund used profanity towards a Patrol Officer and berated him for not staying in his vehicle.

On Friday, April 16, 2021 Sergeant Jason Rothermund was transferred to a Level 2 Administrative Assignment within the Bureau of Administration. Pursuant to the administrative assignment, Sgt. Rothermund's access to the Canine Facility was restricted. The Chief's Office sent Sgt. Rothermund a copy of the orders related to the administrative assignment. His chain of command provided him with a hard copy of the administrative orders and gave him verbal notice not to be in the Canine Facility.

- On Wednesday, May 5, 2021 members of the Canine Unit observed Sgt. Rothermund inside the Canine Facility.

Investigation

Sgt. Rothermund indicated to his supervisors he had concerns with Lieutenant Matt Brotherton and Lieutenant David Biroshik being involved with the investigation. As a result of his concerns, I was assigned as the lead investigator for the investigation and Chief Lawrence Weathers assigned Lieutenant Paul Boyles to assist with the investigation. Lt. Paul Boyles previous assignment was in the Public Integrity Unit.

On Friday, May 21, 2021 I sent an email requesting members of the Canine Unit to submit a memorandum regarding their observations or knowledge of inappropriate or unprofessional conduct involving Sgt. Jason Rothermund. Once the memorandums were compiled and reviewed, interviews were conducted in the Public Integrity Unit office.

During interviews with members of the Canine Unit, officers provided multiple incidents of unprofessional conduct on behalf of Sergeant Rothermund and they are summarized below:

On April 1, 2021 the Canine Unit was at the Police Range qualifying with a new drop holster. Officer Burch's belt didn't fit properly and this deficiency was addressed by the Training Staff. Sergeant Rothermund approached Officer Burch in front of his fellow officers and members of the training staff. Sergeant Rothermund yelled "go fix your fucking belt. You're fucking embarrassing me". Officer Burch described this as being berated and demeaned in front of his peers. He described Sergeant Rothermund as "furious" and "utterly inappropriate".

Several members of the Canine Unit witnessed this incident and described it as unprofessional and uncalled for. Officer Jarvis Harris, in his interview, also described the incident as "berating" and recalls seeing Officer Burch in tears. Both he and Officer Hallock, also interviewed, believed the incident occurred primarily because Sergeant Rothermund was made to feel embarrassed in front of Sergeant Kidd and the training staff. Officer Hallock recalled that at an earlier training session with the new belts, Sergeant Rothermund saw the issues that Officer Burch was having with the belt and was laughing about it, calling him a "gunslinger".

In his interview, regarding this incident Sergeant Rothermund said the following:

- Sergeant Rothermund didn't recall this incident occurring as described by the other officers that were present at the range. He described the situation as him talking to Officer Burch, but it was highly probable that he was talking louder than normal due to having "eyes and ears on" at the range. He described himself as being frustrated and embarrassed because another supervisor noticed the equipment issue. He doesn't recall him addressing the situation as yelling at or berating Officer Burch. He may have used profanity, but doesn't remember any specifics if he did. He can't say that he didn't use profanity, but it's not unlike him; it just happens sometimes.
- When Sergeant Rothermund was asked if he thinks how he addressed the situation was appropriate, he stated he thought addressing the situation at the time was appropriate. He doesn't feel how he addressed the situation was out of line.
- Sergeant Rothermund stated that he made it clear to Officer Burch that he was deficient regarding his effort in the unit in 2019. He stated that while he liked Officer Burch, he needed quite a bit of instruction at times. At one point in the interview he described Officer Burch as the "weak link" in an otherwise high-performing unit. When asked, Sergeant Rothermund stated that these deficiencies were documented in Officer Burch's performance appraisal. A review of this appraisal showed no mention of deficiencies and that Officer Burch was given "Meets" or "Exceeds" in all categories. Indeed, he was marked as "Exceeds" in both Teamwork and Response to Supervision by Sergeant Rothermund, and described Officer Burch as a "valuable member of the canine unit".

In early March, 2021 Sergeant Rothermund sent a group text to members of the Canine Unit asking them to clean the kennel due to company coming down to the facility. Officer Burch inquired about who was coming to the kennel and Sergeant Rothermund responded "ur mom". Officer Burch replied "God you are so funny" and Sergeant Rothermund later responded "and u are almost still in canine."

Officer Burch saw this as a continued pattern of belittling and said he felt singled out and picked on. He stated that he began to avoid contact with Sergeant Rothermund due to ongoing "anxiety" and feeling that he was walking on "eggshells". Officer Burch stated that he did not want to go to work and "would rather deal with protesters" than have contact with Sergeant Rothermund.

- Sergeant Rothermund stated it was meant to be a joke and not serious in nature. He stated that he "never made the correlation" between this particular statement and his previous encounters with Officer Burch when he told him that he "needed to step up his game."

On March 25, 2021 several officers, including Officer Burch, were at Masterson Station Park training with their canines. Sergeant Rothermund showed up at the park and at some point made the comment to Officer Burch "how does it feel not being the only female in the unit".

- Sergeant Rothermund saw this allegation on the formal complaint form, but he doesn't recall saying those words specifically. He felt this wasn't anything derogatory towards Officer Burch or anyone else. This was just an off-hand joke and is regrettable if it offended anyone. He didn't intend to harass anyone, but it was a joking conversation. He further explained that nobody said anything to him when he made the comment and further acknowledged it wasn't their responsibility to say anything at the time. He stated he couldn't take the comment back and he wasn't given the opportunity or an inkling that it was offensive to anyone.
- When specifically asked if he was implying by the comment that Officer Burch was weak or inferior, Sergeant Rothermund stated that he had no recollection of what his intent was. In the context of Officer Weckerling's recent assignment to the unit, he stated that he had the utmost respect for her.

On a separate occasion Officer Burch completed a successful building search and then went back to the Canine Kennel. Sergeant Rothermund came into the kennel and put his hands near Officer Burch's neck and in a shaking motion said something to the effect "I'm proud of you...you did good today". Although Sergeant Rothermund was praising Officer Burch, he felt it was awkward and inappropriate especially after previous incidents with Sergeant Rothermund.

- Sergeant Rothermund couldn't recall this incident, but stated it sounds like something he would do. He has a big personality and is the first person to praise someone for doing a good job. When asked about thinking back to the prior incidents leading up to this incident, could he see how Officer Burch perceived this differently? Sergeant Rothermund thinks they are two separate things and this was a positive situation. He wouldn't correlate the negatives with an encouraging act.

In March of 2021 Officer Weckerling was selected for a position within the Canine Unit. Officer Weckerling was helping train Sergeant Rothermund's canine by laying a track near the Canine Facility. Sgt. Rothermund was having trouble establishing the track and became visibly upset, yelling and using profanity towards Officer Weckerling. After Sergeant Rothermund calmed down he told Officer Weckerling something to the effect of "I was ready to fire you".

- Sergeant Rothermund couldn't recall any incident where he used profanity or blamed Officer Weckerling for her mistakes. Sergeant Rothermund went on to explain the track near the Canine Facility. He indicated he joked with her about throwing him off the track. He didn't recall ever using profanity, being upset or even being frustrated during the track. He actually thought it was a good thing. Sergeant Rothermund doesn't recall making the statement that he was ready to fire Officer Weckerling.

On April 7, 2021 Sergeant Rothermund responded to _____ to assist tracking a _____ involved in a _____ call. Sergeant Rothermund deployed his canine on a track and he was notified there was an officer out of his vehicle in the direction the _____. Sergeant Rothermund made the comment to another officer "where is this idiot at...where is this fucking idiot at" (referring to the officer on perimeter). Once he located the involved officer he stated "what are you doing...get back to your car you're fucking up the track". As he got closer to the officer he stated "did you go back there...stay by your car the next time on a perimeter...do you understand?" This incident was captured on Sergeant Rothermund's Body Worn Camera.

Officer Newton was present for this incident and in his interview described Sergeant Rothermund's behavior towards the patrol officer as "inappropriate". After the incident, Sergeant Rothermund showed members of the unit his BWC video to demonstrate how his dog handled the track. During the viewing of the BWC, Officer Dawson, Officer Grider, and Officer Owens described Sergeant Rothermund as "bragging" about how he yelled at the officer. Officer Dawson described Sergeant Rothermund's comments about the incident as "inappropriate".

- Sergeant Rothermund remembers this incident due to it being listed on the formal complaint. He was frustrated with the situation due to the officer putting his canine team in harms way on such a serious call. He had to yell across the parking to get the officer's attention and he described the officer as being nonchalant about it. He acknowledged using profanity towards the officer. He further advised he wasn't mad at the officer, but frustrated with the situation. He didn't recall calling the officer any names and if he did say anything he was far enough away from the officer where he couldn't hear him.

In early April 2021 Sergeant Rothermund scheduled a pre-inspection at Masterson Station Park for a Command Inspection that was scheduled on April 29, 2021. Officer Lusardi thought the inspection was scheduled for 1700 hours and he arrived ten minutes late for the inspection. Sergeant Rothermund inquired why he was late for the inspection. Officer Lusardi apologized and told him he mixed up the times. Sergeant Rothermund responded by saying "are you high". After the inspection Officer Lusardi and a few fellow officers conducted training tracks and then went back to his vehicle. Sergeant Rothermund pulled up behind his cruiser and approached Officer Lusardi. Sergeant Rothermund proceeded to grab Officer Lusardi with both hands under his outer-vest and pulled him towards him to where they were face to face. Sergeant Rothermund stated "I cannot believe you Fucking would do that" referring to Officer Lusardi being late for inspection. Officer Lusardi apologized for being late and told him it wouldn't happen again. Sergeant Rothermund went on to explain that he spent the last two hours talking with Lieutenant Brand about keeping him in the unit. Another officer was present at this point and Sergeant Rothermund told him "Lusardi you have worked with me long enough and you know how I control people. I instill fear in them."

- Sergeant Rothermund recalls Officer Lusardi being late for the inspection and jokingly gave him a hard time about it while they were in formation. He didn't think it was a big deal and didn't see it as a major impact on their operation. He didn't remember how he specifically addressed the situation with Officer Lusardi. After the inspection he recalls Lieutenant Brand staying around for a couple hours after the inspection and they talked about a lot of things. He doesn't recall having a conversation with Lieutenant Brand about removing Officer Lusardi from the unit and doesn't believe Lieutenant Brand would say that. Sergeant Rothermund feels that he would stick up for Officer Lusardi and that he's a good officer. Sergeant Rothermund doesn't recall approaching Officer Lusardi after this conversation, physically grabbing him by the vest or making any further comment to him.

During an ERU training day a couple officers questioned Sergeant Rothermund's decision on how they would use a canine during an apprehension with ERU. They questioned his decision based on their training and experience that the tactic could get an officer seriously injured or killed. The officers described Sergeant Rothermund as being angry and made a statement to Officer Hallock "don't ever fucking do that again". During the meeting with the officers he

also made a comment something to the effect of “I’m the Sergeant and I’m the big dick here...what I say goes”.

- Sergeant Rothermund remembered this incident and he responded by pulling Officer Hallock off to the side. He told Officer Hallock that if he had an issue to come to him directly and not in front of other people. He remembers talking to the group after the training exercise about numerous things, but he didn’t specifically address the issue involving Officer Hallock. Sergeant Rothermund doesn’t recall making the statement outlined above.

On Friday, April 16, 2021 Sergeant Rothermund was placed on a Level 2 Administrative Assignment pending the investigation. Commander Jackie Newman and Assistant Chief Shawn Coleman met with Sergeant Rothermund to discuss his administrative assignment as well as his duty restrictions and provided him a copy of the Personnel Order with the restrictions. One of the duty restrictions was his access to the Canine Facility was restricted. During this meeting Commander Newman and Assistant Chief Coleman instructed him not to be on the property at the Canine Kennel and if he needed something from the Canine Kennel he was to contact a supervisor to be escorted onto the property. On May 5, 2021 Sgt. Rothermund showed up to the Canine Kennel to drop off some equipment and to see his canine partner. Sgt. Rothermund spoke to officers at the Canine Kennel and as he was leaving he told Officer Jarvis Harris “Hey Harris, by the way you never saw me, I was never here”.

- Sergeant Rothermund acknowledged he received a hard copy of the Personnel Order, but he doesn’t recall Commander Newman and Assistant Chief Coleman providing any specific instructions about the restrictions. Sergeant Rothermund acknowledged that he went to the Canine Facility a couple weeks after being placed on an Administrative Assignment. In his opinion he wasn’t doing anything wrong by going to the facility to retrieve or drop off some equipment. He doesn’t recall being told by his supervisors not to be at the facility. He thought it meant he wasn’t to hang around canine facility influencing the investigation or inquiry, but he didn’t realize he wasn’t supposed to be on the property. He recalls speaking with Officer Harris, but he doesn’t recall making any comment to Officer Harris about not seeing him there. He did acknowledge when he first arrived at the kennel he may have said something to the effect “I’m not here...don’t talk to me” because he wouldn’t want to influence anyone during the investigation.

Conclusion

At the conclusion of his interview, Sergeant Rothermund was asked to respond point by point to the allegations made against him. Regarding the incidents involving Officer Burch at the range and Officer Lusardi at Masterson Station Park, Sergeant Rothermund stated that he did

not recall those incidents in detail and did not believe they were as the officers described. He states that his actions at the range were appropriate corrective measures and that if he raised his voice it would have been because he was wearing range hearing protection at the time. Sergeant Rothermund states that he does not recall laying hands on Officer Lusardi, but does not deny that he did. The officers themselves, along with several witnesses to both events, have very clear recollections of these incidents and consistently describe Sergeant Rothermund's handling of the incidents as inappropriate. Regarding the incident where Sergeant Rothermund placed his hands around Officer Burch's neck while congratulating him, Sergeant Rothermund described this as his way of showing affection and support, akin to the way a coach would behave with a player. Regarding the comment he made about Officer Burch no longer being the only female in the unit now that Officer Weckerling was assigned to the Canine Unit, Sergeant Rothermund stated that he regretted saying it and that he did not intend to give offense. He stated that he did not "recall that specific verbiage" but did not intend it to give offense. He could not advise what such a comment was intended to communicate. He also stated that he did not see it as part of his larger performance issues with Officer Burch. Regarding the incident with the patrol officer at _____, Sergeant Rothermund reiterated that he was expressing his frustration at being placed in dangerous and tactically disadvantageous position by the officer's actions. Finally, regarding the allegation of Insubordination for being at the canine facility after being specifically ordered not to be, Sergeant Rothermund stated he did not recall being specifically told in absolute terms not to be at the facility. He stated that it was his understanding that he was to have no contact with the members of the unit during the investigation, but did not think that meant he was to have no presence at the facility when alone. He further stated that he was emotional at the time of the meeting with Commander Newman and Assistant Chief Coleman and that if the instruction was as specific as alleged he did not recall it. As for his comment to Officer Harris, "you never saw me", Sergeant Rothermund said that he made that statement in order to avoid having any conversation with Officer Harris.

Sergeant Rothermund was pointedly asked about the notable lapses in his memory. It was pointed out to him that he has rather detailed memories of significant details surrounding the events he was asked about, but does not remember the specific events that led up to this charge. He replied that he "could take offense at the inference" but that he was trying to respond to the allegations without dates, times, or contexts. He stated that he disagreed with the inference. When asked to provide a more complete context for these allegations he could not do so.

Another pattern of behavior that was noted during the interview regarded his reaction to his perception that he is being embarrassed or becomes frustrated. On several occasions he responds to these incidents by yelling at officers and threatening to fire or remove them from the unit. This occurred during a training track with Officer Weckerling, during a training exercise with ERU involving Officers Harris and Hallock, after an inspection with Officer Lusardi, and the incident at the range with Officer Burch. When this pattern was pointed out to him, his response was that these incidents were "taken out of context". When asked to provide more context, he stated that everyone knows that he goes to bat for his subordinates and that he has a

good relationship with all of his employees. When it was pointed out to him that the investigation was based on what his subordinates had to say, he stated that he did not believe that it was an accurate representation of the full picture of the Canine Unit and the closeness that he and the unit share.

Overall, there appears to be significant discrepancies between the perceptions of the officers in the Canine Unit and the perceptions of Sergeant Rothermund, both as to individual incidents and to the functioning of the unit overall. Perhaps most illustrative of the divide in perceptions regards the incident that initiated the inquiry and formal charges: Officer Weckerling's concerns about being able to perform both as a canine handler and as the ERU videographer. In her interview she stated that Sergeant Rothermund made it clear that a position in the unit, especially as a new handler who would be required to attend trainings, would require significant demands on her time. She said that while he never came to her and outright told her to quit her position with ERU, he made it clear that her priority would have to be the Canine Unit. After she spoke with ERU about stepping down from the position she stated that Sergeant Rothermund seemed upset that she had decided to remain and encouraged her to quit after that. Sergeant Rothermund described the conversation he had with Officer Weckerling in far different terms. He stated that it was her that told him she was being pressured by ERU and was not happy with how Sergeant Bardin addressed her concerns. According to Sergeant Rothermund, Officer Weckerling "wanted to give everything she had to the Canine Unit" and that Sergeant Bardin's response was to accuse her of "screwing the unit over". According to Sergeant Rothermund, Officer Weckerling then told him she received numerous calls from members of ERU telling her that quitting ERU would be a black spot on her career. There does not seem to be much common ground between these two accounts.

Regarding the perceptions of the overall functioning of the unit, all twelve members of the unit that were interviewed described Sergeant Rothermund's leadership of the unit in negative terms. Many said that while they liked him personally they did not believe him to be a good supervisor. Officer Murray, who nominated Sergeant Rothermund for a Supervisor of the Year award based on his initial time supervising the unit, stated that in the end Sergeant Rothermund had created a "toxic" work environment. He stated that Sergeant Rothermund cultivated disagreements, created numerous inefficiencies with regard to training, and that morale in the unit was not good. These sentiments were echoed by Officer Harris who stated that Sergeant Rothermund set different standards for himself and for those he supervised. Officer Harris, along with several others, confirm the perception that Sergeant Rothermund was motivated by his own ego in his decisions and his approach to handling those he supervised. Many agreed that he was very controlling and that he did lead by "fear and intimidation". Many also feared retaliation if they crossed him – that it was "his way or the highway" and "if you do not like it, there's the door". Every officer in the unit noted the marked difference in unit performance and morale since Sergeant Rothermund was removed as the unit supervisor; many feared retaliation from him should he be allowed to return.

When told about the details regarding what the members of the canine unit said about Sergeant Rothermund and his leadership of the unit, Sergeant Rothermund responded that they were not

the "full context" of his relationship with the unit. When asked to provide that context, Sergeant Rothermund could not do so.

The allegation of Misconduct appears to be sustained. The allegations of physically accosting Officer Lusardi were witnessed by other officers and not denied by Sergeant Rothermund. Taken together with the incident at the range with Officer Burch, along with other incidents of inappropriate behavior towards him and other officers, these incidents demonstrate a pattern of behavior that does not "reflect most favorably on the department" and casts doubt on Sergeant Rothermund's "judgement and character". His leadership of the unit, attested to by all who were interviewed, created an environment of fear and intimidation, of low morale, encouraged avoidance by officers of Sergeant Rothermund, and unnecessarily introduced difficulties in coordinating and properly training the handlers. In short, his method of leadership in the unit does appear to have impaired "the operation and efficiency" of the Lexington Police Department Canine Unit.

Further, the allegation of Insubordination appears to be sustained. Commander Newman distinctly states that Sergeant Rothermund was given clear directions that he was not to be in the canine facility for any reason. Sergeant Rothermund does not categorically deny that this is what he was told, stating that he was very emotional during this meeting and did not recall the directive prohibiting his presence at the facility to be so restrictive. His statement to Officer Harris would seem to contradict this narrative by Sergeant Rothermund. It seems clear that Sergeant Rothermund failed "to follow a lawful order given by a supervisor" and there is evidence that this was "deliberate behavior."

Commander Chad Bacon
Bureau of Investigation
Public Integrity Unit



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 May 17, 2021

EFFECTIVE DATE

NUMBER
 PIU: 21-039

TO: Assistant Chief Shawn Coleman
 Bureau of Special Operations

SUBJECT: FORMAL COMPLAINT

FROM: Commander Chad Bacon
 Bureau of Investigation
 Public Integrity Unit

COMPLAINANT: Commander Jackie Newman

ACCUSED OFC.: Sergeant Jason Rothermund

ALLEGATION: Violation General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct and General Order 1973-025K, Disciplinary Procedures, Appendix B, Operational Rule 1.36 - Insubordination.

ALLEGED CIRCUMSTANCES: During the week of April 12th, 2021 members of the Canine Unit brought forth multiple concerns regarding Sergeant Jason Rothermund’s inappropriate and unprofessional conduct towards them and other members of the department. Initial inappropriate conduct allegations include situations as follows:

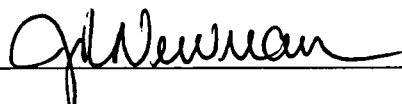
- On April 1, 2021, Sergeant Rothermund yelled and used profanity towards Officer Scott Burch at the range over his personal equipment in the presence of his peers.
- Officer Scott Burch was in the break room at the K9 kennel and Sergeant Rothermund came up behind him and physically put his hands around Officer Scott Burch’s neck.
- Sergeant Rothermund asked the question “how does it feel not to be the only female in the unit” to Officer Scott Burch in front of other members of the unit.
- While training at Masterson Station Park, Sergeant Rothermund physically grabbed Officer Joseph Lusardi by the front of his shirt and ballistic vest and yelled at him.
- On April 7, 2021, Sergeant Rothermund responded to assist with a track at _____ for _____. While tracking with his dog, his BWC caught an interaction with an officer on perimeter. Sergeant Rothermund used profanity towards a Patrol officer and berated him for not staying in his vehicle.

The allegation brought forth by officers under his command indicates Sergeant Rothermund’s actions have impaired the operations and efficiency of the officers under his command, the Canine Unit, and the Department. This conduct casts doubt on his integrity and judgment, while reflecting unfavorably on the Department.


On Friday, April 16, 2021 Sergeant Jason Rothermund was transferred to a Level 2 Administrative Assignment within the Bureau of Administration. Pursuant to the administrative assignment, Sgt. Rothermund's access to the Canine Facility was restricted. The Chief's Office sent Sgt. Rothermund a copy of the orders related to the administrative assignment. His chain of command provided him with a hard copy of the administrative orders and gave him verbal notice not to be in the Canine Facility.

ACTION REQUESTED:

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

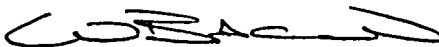
Bureau Commander  5/17/21 1435

Supervisor _____

Officer  #44005 5/17/21 1432

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 ~~MLB Rothermund~~ 05/17/21 1630


Commander Chad Bacon
Bureau of Investigation
Public Integrity Unit

mrj

enclosures

cc: Chief Lawrence Weathers
file – PIU2021F-008

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-008

Member(s) Involved Sergeant Jason Rothermund		Employee No. 44005	D.O.B.	D.O.E 3/21/2005	Present Assignment BOA
Complainant Commander Jackie Newman		Address-Apt. No. - Zip Code 150 E. Main Street			Telephone No. N/A
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main Street			Telephone No. N/A
Date of Incident Various	Time of Incident Various	Location of Incident Various Locations		Date and Time Reported 05/07/2021 @ 1447	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Person <input checked="" type="checkbox"/> Email

Brief Description of Allegations:

During the week of April 12th, 2021 members of the Canine Unit brought forth multiple concerns regarding Sergeant Jason Rothermund's inappropriate and unprofessional conduct towards them and other members of the department. Initial inappropriate conduct allegations include situations as follows:

- On April 1, 2021, Sergeant Rothermund yelled and used profanity towards Officer Scott Burch at the range over his personal equipment in the presence of his peers.
- Officer Scott Burch was in the break room at the K9 Kennel and Sergeant Rothermund came up behind him and physically put his hands around Officer Scott Burch's neck.
- Sergeant Rothermund asked the question "how does it feel not to be the only female in the unit" to Officer Scott Burch in front of other members of the unit.
- While training at Masterson Station Park, Sergeant Rothermund physically grabbed Officer Joseph Lusardi by the front of his shirt and ballistic vest and yelled at him.
- On April 7, 2021, Sergeant Rothermund responded to assist with a track at _____ for _____. While tracking with his dog, his BWC caught an interaction with an officer on perimeter. Sergeant Rothermund used profanity towards a Patrol officer and berated him for not staying in his vehicle.

Continued on Form 111 Pg. 1 extended

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

Comm. *J. Newman* Date: 5/17/21
(Complainant)

Subscribed and sworn before me this date: 5/17/21 Melanie R. Votaw KYNP 20919
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name _____ Address _____ Phone Number _____

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-008

Member(s) Involved Sergeant Jason Rothermund		Employee No. 44005	D.O.B.	D.O.E 3/21/2005	Present Assignment BOA
Complainant Commander Jackie Newman		Address-Apt. No. - Zip Code 150 E. Main Street			Telephone No. N/A
Employed By Lexington Police Department		Business Address - Zip Code 150 E. Main Street			Telephone No. N/A
Date of Incident Various	Time of Incident Various	Location of Incident Various		Date and Time Reported 05/07/2021 @ 1447	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Person <input checked="" type="checkbox"/> Email

Brief Description of Allegations

***Continued from Form 111 Pg. 1**

The allegations brought forth by officers under his command indicates Sergeant Rothermund's actions have impaired the operations and efficiency of the officers under his command, the Canine Unit, and the Department. This conduct casts doubt on his integrity and judgment, while reflecting unfavorably on the Department.

If the above allegations are true, Sergeant Rothermund would be 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.

On Friday, April 16, 2021 Sergeant Jason Rothermund was transferred to a Level 2 Administrative Assignment within the Bureau of Administration. Pursuant to the administrative assignment, Sgt. Rothermund's access to the Canine Facility was restricted. The Chief's Office sent Sgt. Rothermund a copy of the orders related to the administrative assignment. His chain of command provided him with a hard copy of the administrative orders and gave him verbal notice not to be in the Canine Facility.

On Wednesday, May 5, 2021 members of the Canine Unit observed Sgt. Rothermund inside the Canine Facility.

***Continued on Allegations Continued Page**

Allegations Continued

*Continued from Form 111 Pg. 2

If the above allegations are true, Sgt. Rothermund would be in violation of General Order 1973-025K, Disciplinary Procedures, Appendix B, Operational Rule 1.36 Insubordination:

Insubordination is deliberate malicious behavior and misconduct which reflects on the efficiency and effective performance of the job. It is the responsibility of all supervisors to take corrective action based on the rule, and the responsibility of supervisors to explain this rule to officers under their supervision. An officer is insubordinate when they fail to follow a lawful order given by a supervisor, or they use disrespectful or abusive language or actions towards a supervisor.

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

Comm. J. Newma Date: 5/17/21
(Complainant)

Subscribed and sworn before me this date: 5/17/21

Melanie R. Votaw ^{KYNP} 2019
(Notary)

My Commission Expires: 2-3-2025

Witnesses:

Name _____ Address _____ Phone Number _____

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

Chief of Police (or "Designee"):

Policy Violation	Finding
601973-02461 OR 102 MISCONDUCT 601973-02564 OR 136 INSUBORDINATION	<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 BWC, LISTENED TO PIN INTERVIEWS ROTH, ARMUND, HALLOCK, HARRIS
LUSARDI, WELCHOLLIN, BURCH, REVIEWED ~~SUMMARY~~ SUMMARY FROM PIN
RECOMMEND TO DISCIPLINARY REVIEW BOARD

Signature: *[Signature]* Date: 08/03/2021

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.