



LEXINGTON POLICE DEPARTMENT  
**PERSONNEL ORDER**  
Lexington, Kentucky

DATE OF ISSUE September 15, 2021	EFFECTIVE DATE September 15, 2021	NUMBER PO:21-354
-------------------------------------	--------------------------------------	---------------------

TO: RESIGNATION	AMENDS:
INDEX AS: OFFICER JEREMIAH TERRY	RESCINDS:

This is to advise of the resignation of Officer Jeremiah Terry to be effective, September 15, 2021.

*Lawrence B. Weathers*

\_\_\_\_\_  
Lawrence B. Weathers  
Chief of Police

LBW/rmh



LEXINGTON POLICE  
DEPARTMENT  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE  
September 28, 2021

EFFECTIVE DATE

NUMBER  
PIU 21-104

TO:  
Lawrence Weathers  
Chief of Police

SUBJECT:  
Formal P.I.U.21.F.019  
Officer Jeremiah 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 September 7, 2021 Lieutenant Daniel Burnett filed a Formal Complaint against Officer Jeremiah Terry 53661 for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.02 – Misconduct, which states “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”

Lieutenant Burnett also filed a Formal Complaint against Officer Jeremiah Terry for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.30 – Abuse of Law Enforcement Authority or Position, which states Officers shall not permit the use of any official document by unauthorized persons. Officers are prohibited from using any law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.

**Allegation**

On May 5, 2021 around approximately 1140 hours a female complainant advised she was driving through Lexington when a marked Lexington Police Cruiser drove up close to her vehicle as if he were getting ready to pull her over. As she prepared to be pulled over the cruiser drove by her without initiating any actions.

At 1447 hours the same day she began receiving text messages through the Facebook Messenger App. The messages were from an unknown individual identified by the name of . Two of the messages were erased before she could read them, but the third message sent at 1518 hours read "Always dance and sing that hard in your car?" The Complainant looked on Facebook to identify the individual sending the messages, which appeared to be a Lexington Police Officer later identified as Officer Jeremiah Terry #53661.

It appears at this time Officer Terry used his police authority to gather personal information from the complainant's license plate to further his personal interest.

## **Investigation**

Upon receiving the Formal Complaint, I contacted the victim in this incident identified as Ms. Cattera Mills. Ms. Mills advised me that on May 5, 2021 she was in Lexington completing some errands when she noticed a police cruiser traveling very close to her vehicle. She advised that the cruiser stayed behind her for a short time, traveling through multiple traffic signals. The closeness of the cruiser was odd to her leading her to believe she was about to be pulled over. In the end she was not pulled over, but she did think the officer's behavior was strange.

Ms. Mills then advised a few hours later she started receiving messages through her "Facebook Messenger" from someone identified as . The first messages were sent and then unsent before she could read them. Approximately 10-15 minutes after the first messages started one came through that read "Always dance and sing that hard in your car"? She had no idea who the sender was and even though she asked, she received no response. Also during the time she received multiple "friend's request" through Facebook from the same individual.

Ms. Mills began thinking about the message and realized when the police cruiser was behind her she was dancing and singing loudly to a song on the radio, which was another reason she thought she was going to be pulled over. She then opened up the account the messages were coming from on Facebook and observed several photos of a police officer she had never met before, taken with pictures with what appears to be family members. Ms. Mills then decided she was going to complain about what she thought was inappropriate behavior to the agency. She reached out by phone and was later contacted by Lieutenant Daniel Burnett who she provided all of the listed information.

After my initial contact with Ms. Mills I requested all MDC traffic from Officer Terry be gathered to determine if he ran Ms. Mills by name, or her license plate of . On September 2, 2021 I received an email back from Lieutenant Richardson that stated Officer Terry did in fact run Ms. Mill's license plate on May 5, 2021 at 1142 hours. This is the exact date Ms. Mills advised the incident occurred and during the same time frame she describes the cruiser driving extremely close to her vehicle.

On September 10, 2021 Lieutenant Matt Brotherton and I interviewed Sergeant Matt Silver in the Public Integrity Office. Sgt. Silver was Officer Terry's supervisor at the time this incident allegedly occurred. During the interview, Sgt. Silver advised prior to receiving the photos from Ms. Mills he was directed by Lt. Burnett to talk to Officer Terry about the alleged incident. Ms. Mills had reached out to Lieutenant Burnett, but had not emailed the photos yet, but was able to provide the last name of the officer as Terry, based upon the email that showed up on the Facebook account. Not knowing a lot about the case, Sgt. Silver explained the complaint to Officer Terry along with Ms. Mill's allegations and asked if he knew anything about it. Officer Terry denied knowing anything about the allegations and denied running anyone license plate to benefit him personally. When discussing this exchange with Sergeant Silver he believes he was very clear with his questions and that Officer Terry was dishonest in his response.

## Officer Terry Interview

Officer Terry was scheduled to be interviewed in the Public Integrity Unit on Wednesday September 15, 2021 at 1300 hrs. On that day around 1000 hours he contacted me by phone and advised he had just turned his Letter of Resignation to Lieutenant D. Burnett. He advised the date of resignation was that day and he would not be coming in for his interview.

## Conclusion

This incident has caused many emotions for Ms. Mills. She stated because of Officer Terry's malicious behavior she now feels like she has to look over her shoulder when she drives throughout Lexington. She is extremely uncomfortable that he was able to abuse his powers as a police officer and obtain personal records of hers, including her current and previous addresses, just because "he liked what he saw". As a college student who is majoring in law enforcement she understands that there are incidents that police need to legally check license plates for legitimate reasons, but she knows this was not one of those times.

With the information provided to the Lexington Police Department by Ms. Cattera Mills and the information received back documenting Officer Terry's Mobile Data Computer traffic, it is very apparent that he did in fact violate policy for which he has been accused based on the allegation presented. He did use his position to gain law enforcement information to benefit himself personally, which violates General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.30 – Abuse of Law Enforcement Authority or Position.

He also violated General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.02 – Misconduct, when he cast doubt on his integrity, honesty, judgement, and character by gaining information on a citizen for his own personal gain instead of a valid law enforcement reason. These actions brought disrepute, and discredit upon himself as an employee of the department, and impaired the operation and efficiency of the department and office.

I would recommend that both charges be marked as sustained.



Lexington Police Department  
**MEMORANDUM**  
 Lexington, Kentucky

DATE OF ISSUE

September 7, 2021

EFFECTIVE DATE

NUMBER

PIU: 21-099

TO:

Assistant Chief Brian Maynard  
 Bureau of Patrol

SUBJECT:

FORMAL COMPLAINT

FROM:

Lieutenant David Biroshik  
 Bureau of Investigation  
 Public Integrity Unit

**COMPLAINANT:** Lieutenant Daniel Burnett

**ACCUSED OFC.:** Officer Jeremiah Terry

**ALLEGATION:** Violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct and General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.30 - Abuse of Law Enforcement Authority or Position.

**ALLEGED CIRCUMSTANCES:** On May 5, 2021 around approximately 1140 a female complainant advised she was driving through Lexington when a marked Lexington Police Cruiser drove up close to her vehicle as if he were getting ready to pull her over. As she prepared being pulled over the cruiser drove by her without initiating any actions.

At 1447 hours the same day she began receiving text messages through the Facebook Messenger App. The messages were from an unknown individual identified by the name of . Two of the messages were erased before she could read them, but the third message sent at 1518 read "Always dance and sing that hard in your car?" The Complainant looked on Facebook to identify the individual sending the messages it appeared to be a Lexington Police Officer later identified as Officer Jeremiah Terry 53661.

It appears at this time Officer Terry used his police authority to gather personal information from the complainant's License Plate to further his personal interest.

**ACTION REQUESTED:**

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

DATE

TIME

Bureau Commander Vini Motta 09-08-21 0841

Supervisor D. B. # 44366 09-07-21 1650

Officer Jeremy 09-07-21 1650

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 LT. D. Biroschik 33732

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

mr v

enclosures

cc: Chief Lawrence Weathers  
file - PIU2021F-019

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: PIU 2021F-019

Member(s) Involved Officer Jeremiah Terry		Employee No. 53661	D.O.B.	D.O.E 5/4/2015	Present Assignment Patrol / West Sector - First
Complainant Lt. Daniel Burnett		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 5/5/2021	Time of Incident 1518	Location of Incident N/A		Date and Time Reported 7-Sep-21	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

**Brief Description of Allegations:**

On May 5, 2021 around approximately 1140 a female complainant advised she was driving through Lexington when a marked Lexington Police Cruiser drove up close to her vehicle as if he were getting ready to pull her over. As she prepared being pulled over the cruiser drove by her without initiating any actions.

At 1447 hours the same day she began receiving text messages through the Facebook Messenger App. The messages were from an unknown individual identified by the name of . Two of the messages were erased before she could read them, but the third message sent at 1518 read "Always dance and sing that hard in your car?" The Complainant looked on Facebook to identify the individual sending the messages it appeared to be a Lexington Police Officer later identified as Officer Jeremiah Terry 53661.

It appears at this time Officer Terry used his police authority to gather personal information from the complainant's License Plate to further his personal interest.

**If the above allegations are true, Officer Terry will 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 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

- Continued on Extended Page -

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

Daniel Burnett 44366 Date: 09-07-2021  
(Complainant)

Subscribed and sworn before me this date: September 7th 2021 Nichelle R. Riddle  
(Date) (Notary) KYNP 4366

My Commission Expires: April 21, 2025

**Witnesses:**

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone Number \_\_\_\_\_

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: PIU 2021F-019

Member(s) Involved Officer Jeremiah Terry		Employee No. 53661	D.O.B.	D.O.E 5/4/2015	Present Assignment Patrol / West Sector - First
Complainant Lt. Daniel Burnett		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 5/5/2021	Time of Incident 1518	Location of Incident N/A		Date and Time Reported 7-Sep-21	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

**Allegations Continued:**

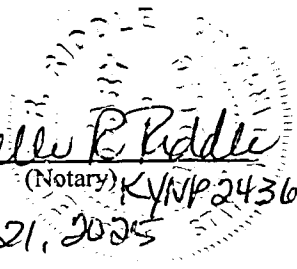
**If the above allegations are true, Officer Terry will be in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.30 - Abuse of Law Enforcement Authority or Position:**

Officers shall not permit the use of any official document by unauthorized persons. Officers are prohibited from using any law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.

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

Daniel Burnett 44366      Date: 09-07-2021  
(Complainant)

Subscribed and sworn before me this date: September 7th 2021

  
Michelle R. Piddle  
 (Notary) KYNP 24366  
 My Commission Expires: April 21, 2025

**Witnesses:**

Name	Address	Phone Number
------	---------	--------------



Chief of Police (or "Designee"):

Policy Violation	Finding
	<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

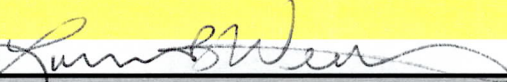
Chief of Police Recommendation

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

Comments:

REVIEWED INFO AND SYNOPSIS PROVIDED BY PIU. OFFICER RESIGNED PRIOR TO DISCIPLINARY RECOMMENDATION

Signature:



Date:

10/11/2021

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:

Commissioner of Public Safety:

Approved Recommendation of Chief of Police     Disapprove Recommendation of Chief of Police

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.