

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

October 19, 2021

Ms. April Taylor

RE: Formal Complaint PIU2021F-011—Officer Nicholas Gray

Dear Ms. Taylor,

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Nicholas Gray for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

After reviewing the investigative summary and the body worn camera video, Chief Lawrence Weathers determined the disposition of the complaint as "Unfounded". Chief Weathers has recommended that no further action be taken with regard to this complaint.

Formal Complaint PIU2021F-011 regarding Officer Nicholas Gray is closed.

Please feel free to contact the Public Integrity Unit if you have any questions regarding this determination.

Sincerely,

Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit (859) 258-3625



150 East Main Street • Lexington, KY 40507 • (859) 258-3600

October 19, 2021

Ms. Brandy Hosner

RE: Formal Complaint PIU2021F-011—Officer Nicholas Gray

Dear Ms. Hosner.

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Nicholas Gray for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

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Sincerely,

Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit (859) 258-3625



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October 19, 2021

Garret Gabriel

RE: Formal Complaint PIU2021F-011—Officer Nicholas Gray

Dear Garret Gabriel,

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Nicholas Gray for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

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Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit (859) 258-3625



150 East Main Street • Lexington, KY 40507 • (859) 258-3600

October 19, 2021

Ms. Jamila Green

RE: Formal Complaint PIU2021F-011—Officer Nicholas Gray

Dear Ms. Green,

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Nicholas Gray for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

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Sincerely,

Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit (859) 258-3625



150 East Main Street • Lexington, KY 40507 • (859) 258-3600

October 19, 2021

Ms. Jessica Bowman

RE: Formal Complaint PIU2021F-011—Officer Nicholas Gray

Dear Ms. Bowman,

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Nicholas Gray for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

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Sincerely,

Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit (859) 258-3625



150 East Main Street • Lexington, KY 40507 • (859) 258-3600

October 19, 2021

Mr. Richard O'Neill

RE: Formal Complaint PIU2021F-010—Officer Nicholas Gray

Dear O'Neill,

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Nicholas Gray for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

After reviewing the investigative summary and the body worn camera video, Chief Lawrence Weathers determined the disposition of the complaint as "Unfounded". Chief Weathers has recommended that no further action be taken with regard to this complaint.

Formal Complaint PIU2021F-011 regarding Officer Nicholas Gray is closed.

Please feel free to contact the Public Integrity Unit if you have any questions regarding this determination.

Sincerely,

Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit (859) 258-3625



Lexington-Fayette Urban County Division of Police MEMORANDUM

Lexington, Kentucky

DATE OF ISSUE

October 18, 2021

EFFECTIVE DATE

NUMBER COP: 21-0176

TO:
Kenneth Armstrong, Commissioner
Department of Public Safety

FROM:
Lawrence B. Weathers
Chief of Police

SUBJECT:
Disciplinary Recommendation
PIU2021F-011
Officer Nicholas Gray

I met with Officer Nicholas Gray on October 18, 2021, and am recommending this case be administratively closed as "Unfounded" due to insufficient evidence for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with.

I find that there does not appear to be sufficient evidence produced to sustain this complaint. Body Worn Camera and Public Integrity Unit synopsis was reviewed.

I have included the summary of this formal complaint for your review.

Somewa B. Weathers

Lawrence B. Weathers Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE DEPARTMENT MEMORANDUM Lexington, Kentucky

ORANDUM September 30, 2021

DATE OF ISSUE

EFFECTIVE DATE

NUMBER

PIU 21-103

O:	SUBJECT:
Lawrence Weathers	Formal P.I.U.21.F.011
Chief of Police	Officer Nicholas Gray Summary
ROM:	<u> </u>
Lieutenant David Biroschik	
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 25, 2021 the below listed citizens filed a formal complaint against Officer Nicholas Gray 54257 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

Citizens

Jessica Bowman Garret Gabriel Jamila Green Brandy Hosner Richard O'Neill April Taylor

Allegations:

On March 30, 2021, Officer Nicolas Gray responded to the same call Officer Wade was already on scene. At 9 seconds into his body camera footage, his speedometer appears to show 56 mph. which Gray strikes while in the wrong lane of the road.

Gray states twice (11:15 and 12:23) that he was going to try to pull in front of . Using a vehicle to try to bring a human being to a stop who poses no direct threat to any human life is in violation of GO 1991-02K V B 4, 5 due to the fact that the National Highway and Traffic Safety Administration estimates that 80 percent of pedestrians are killed when hit at 40 mph, and Gray admits to going that fast as he approached the intersection of Garden Springs and Larkspur where was known to be running from.

Gray is also in violation of KRS 189.940 because his siren is not on as he approaches the intersection when he is traveling over the speed limit and leaves his lane of traffic. It is also a violation of GO 2011-08F IV B:

- Officers shall weigh the seriousness of the situation against the hazards to themselves and the public generated by their emergency driving.
- When an officer initiates operating their vehicle as an emergency vehicle the officer shall:
 - 1. Activate the vehicle's emergency lights and siren and respond with both emergency lights and siren in continuous operation.
 - 2. Place their body-worn camera in Event Mode.
 - 3. The vehicle's lights and siren shall remain activated and in continuous operation for the duration of the emergency driving response.

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Gray's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case.

Gray also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Gray also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Gray helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

Gray admits in body camera footage to not having his seatbelt on at the time of the collision, a violation of GO 1973-03R F

Investigation

On March 30, 2021 Officer Gray was conducting an extra patrol in the area of Talisman Drive when he heard on the "police radio", Officer Wade advised he was in a foot pursuit with someone armed with a knife on Larkspur Drive. He was unfamiliar with the area, so he entered the address into his GPS and realized the location was only a short distance away. He immediately headed in the direction of the foot pursuit to assist.

While in route to the incident he does not recall when he attempted to turn his lights and siren on, although he believes it was when he turned onto Garden Springs Drive. He recalls reaching down and hitting the button to activate the equipment, but does not recall if his actions activated both emergency lights and siren, or just emergency lights. On BWC Footage at the scene the day of the incident he states he did not have his siren on, but turned his lights on as he approached the intersection.

While approaching the intersection of Larkspur Drive he observed the suspect, later identified as running down Larkspur turning right onto Garden Springs. It appeared to Officer Gray that he was going to continue running down Garden Springs along the sidewalk, so he decided to try to drive past the foot pursuit and pull off to the side of the road after he cleared them. His hope was this would either change 's direction so officers could apprehend him or he could grab him as he ran by. His intention was to travel around the foot pursuit into the oncoming lane of traffic, to allow a safer distance when passing. While

attempting to go around , his attention was in front of him making sure there were no approaching cars or pedestrians. It was at this time that quickly and erratically ran in front of Officer Gray's cruiser causing the collision.

It is at this point that Officer Gray activated his body camera, exited his car and proceeded over to provide medical assistance. Officer Gray and Officer Wade rolled over attempting to locate the knife he was carrying and then contacted dispatch to request an ambulance to come to the scene. The officers at the scene including Officer Gray provided care to checking his vitals and ensuring he remained still until the Lexington Fire Department arrived. Once they arrived, Officer Gray advised them he thought there was something wrong with sback. He also told them he didn't roll him over to check on it, meaning he didn't rolled him over to check his back, not attempting to hide the fact he had rolled him over earlier looking for the weapon.

The Collision Reconstruction Unit responded to the scene and began their investigation into the incident. Upon completing their investigation, the incident information was forwarded to the Kentucky State Police for their subsequent review. The determination by both agencies was that the collision was solely the result of section to cross Garden Springs Drive, outside of the intersection in front a police cruiser with emergency lights activated. It was this sole action that led to a series of reactions, which ultimately resulted in this collision.

The investigation did reveal that Officer Gray, while responding to assist an officer who was out with a subject armed with a knife, was traveling above the posted speed limit in the moments just before the collision. However, he was responding to an emergency situation making his response necessary and reasonable. Officer Gray's reaction to saction of entering the roadway was reasonable and he took evasive actions expected of a motorist. While sinjuries were severe, Officer Gray's application of heavy braking reduced his speed prior to impact minimizing the severity of injuries sustained in what became an inevitable and unavoidable collision.

KRS 189.570 defines the responsibilities of pedestrians when walking on or near a roadway. More specifically, (6)(a) states: "Every pedestrian crossing a roadway at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway". while fleeing from police, failed to yield the right-of-way to oncoming traffic resulting in the collision.

Lacking an explanation from it is unknown whether or not he saw Officer Gray's vehicle before entering the roadway. During the investigation there were no objects or other reasons to suggest could not or would not have seen the approaching police cruiser with emergency lights activated. In addition, the intermittent siren can be heard on Officer Wade's BWC while he was running behind and investigators were not advised of any prior hearing loss experienced by Therefore, it is reasonable to believe could also hear the intermittent siren approaching or, at a minimum, be able to determine from which direction the police cruiser was approaching.

Incidents Prior to the Collision

The incidents that occurred prior to the collision help gain a better perspective to why officers were attempting to apprehend

On March 29th and 30th, 2021

had entered

Kroger and made verbal threats both times to hurt and kill employees. During the Kroger investigation on March 30th officers attempted to apprehend him on Maywick Drive, where threw a bottle at officers and threatened to kill them. then ran from the officers, to which they followed him for a brief moment, they then decided not to push the incident by chasing him, but go by his house and look for him there. Officer Farrell who has had contact with in the past decided that if wasn't at his home he would swear warrants out for his arrest.

Also on March 30th a social worker had contacted the police and asked that they be dispatched to shome, due to him calling and threatening to kill other social workers and making statements that were concerning, such as the "Mexican Cartel" were after him. It was while investigating this call that pulled a knife out and threatened to kill the officers at the scene. While officers were attempting to de-escalate the situation ran from the scene, down the street eventually running in front of Officer Gray's vehicle.

's mental state was not only that of someone having a mental crisis, but one that was threatening and dangerous if not apprehended.

Conclusion

The above allegations related to Officer Gray's emergency operation of his police vehicle (driving in excess of the posted speed limit, emergency lights and siren not in continuous operation) and use of his body worn camera were investigated. These policy violations occurred prior to the collision and were addressed at the bureau level through and retraining.

The allegations related to Officer Gray's conduct post collision are outlined below:

1. Gray also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Gray helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

Officer Gray advised the Fire Department he thought there was something wrong with 's back. He told them he didn't roll him over to check on it, meaning he didn't roll him over to check his back for injuries. This was not an attempt to hide the fact he rolled him over looking for a weapon to secure for everyone's safety.

2. Gray admits in body camera footage to not having his seatbelt on at the time of the collision, a violation of GO 1973-03R F

During the investigation conducted by the Collision Reconstruction Unit, Officer Gray advised as he approached the scene he removed his seatbelt prior to the collision in anticipation of a foot pursuit.

In summary, the Collision Reconstruction Unit and the Kentucky State Police determined the policy violations that occurred prior to the collisions were not contributing factors that led to the collision between Officer Gray's vehicle and

The contributing factors that did lead to this collision were
's violent behavior and his decision to run into the roadway without the right of way.

The allegations against Officer Gray that occurred after the collision are unfounded. I believe his statements were misinterpreted, his actions post collision were within policy and expected from an officer during an interaction with a violent subject armed with a deadly weapon.



Lexington Police Department MEMORANDUM Lexington, Kentucky

DATE OF ISSUE 06/03/2021

06/03/2021

NUMBER

PIU: 21-051

TO:
Assistant Chief Shawn Coleman
Bureau of Special Operations

FROM:
Lieutenant David Biroschik
Bureau of Investigation
Public Integrity Unit

COMPLAINANT: Jessica Bowman, Garret Gabriel, Jamila Green, Brandy Hosner, Richard

O'Neill, April Taylor

ACCUSED OFC .: Officer Nicholas Gray

ALLEGATION: Violation of General Order 1991-02K Response to Resistance, General Order 2011-08F

Emergency and Pursuit Driving, General Order 1973-03R Operation and Maintenance

of Department Vehicles and KRS 189.940.

ALLEGED CIRCUMSTANCES: (Copied from written statement provided by complainants)

On March 30, 2021, Officer Nicolas Gray responded to the same call Officer Wade was already on scene for. At 9 seconds into his body camera footage, his speedometer appears to while in the wrong lane of the road. Gray states twice (11:15 show 56 mph. Gray strikes . Using a vehicle to try to bring a and 12:23) that he was going to try to pull in front of human being to a stop who poses no direct threat to any human life is in violation of GO 1991-02K \bar{V} B 4, 5 due to the fact that the National Highway and Traffic Safety Administration estimates that 80 percent of pedestrians are killed when hit at 40 mph, and Gray admits to going that fast as he approached the intersection of Garden Springs and was known to be running from. Gray is also in violation of KRS Larkspur where 189.940 because his siren is not on as he approaches the intersection when he is traveling over the speed limit and leaves his lane of traffic. It is also a violation of GO 2011-08F IV B: "1. Officers shall weigh the seriousness of the situation against the hazards to themselves and the public generated by their emergency driving. 2. When an officer initiates operating their vehicle as an emergency vehicle the officer shall: a. Activate the vehicle's emergency lights and siren and respond with both emergency lights and siren in continuous operation. b. Place their body-worn camera in Event Mode. 3. The vehicle's lights and siren shall rema According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is This means his siren should have been audible on exiting his vehicle after striking Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's

who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious. Gray admits in body camera footage to not having his seatbelt on at the time of the collision, a violation of GO 1973-03R F in activated and in continuous operation for the duration of the emergency driving response."

ACTION REQUESTED:

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

	DATE	<u>TIME</u>
Bureau Commander Of Wewman	6-4-2	1033
Supervisor Om Jull	6-3-21	1355
Officer A	6-3-207	1355
	•	

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

Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit mrv enclosures

cc: Chief Lawrence Weathers file – PIU2021F-011

Form 111

D.O.B.

Employee No.

54257

D.O.E

10/19/2015

Member(s) Involved

Gray, Nicholas

Complainant

File #: 2021F-011

(Rev. 10/19)

Present Assignment

BOSO

Telephone No.

I		Address-Apt. No Zip Code		Telephone 1	No.
Bowman, Jessica					
Employed By		Business Address - Zip Code	·	Telephone l	No.
Date of Incident	Time of Incident	Location of Incident	Date and Time	Reported	How Reported:
3/30/2021		Garden Springs	5/25/2021		Letter Phone Persor Email
Brief Description o	of Allegations:				
		Gray responded to the same			
for. At 9 seconds in	to his body camer	a footage, his speedometer	appears to show	w 56 mph.	Gray strikes
while in the w	rrong lane of the r	oad. Gray states twice (11:	15 and 12:23) t	hat he was	going to try to
pull in front of		to try to bring a human bei			
		1991-02K V B 4, 5 due to t			
Traffic Safety Adm	inistration estimat	es that 80 percent of pedes	trians are killed	l when hit	at 40 mph, and
Gray admits to goin	g that fast as he a	pproached the intersection	of Garden Sprii	ngs and La	rkspur where
Long was known to	be running from.				
Gray is also in viola	ation of KRS 189.	940 because his siren is not	t on as he appro	aches the	intersection when
he is traveling over	the speed limit an	d leaves his lane of traffic.	It is also a viol	ation of G	O 2011-08F IV B:
		ss of the situation against t	he hazards to th	nemselves	and
the public generated					
		their vehicle as an emerger			all:
a. Activate the vehice	cle's emergency li	ghts and siren and respond	with both eme	rgency	
lights and siren in c	ontinuous operation	on.			
b. Place their body-					
3. The vehicle's light	hts and siren shall	remain activated and in co	ntinuous operat	tion for the	•
		mamma 17			
duration of the eme	rgency driving res	ponse.			
		ponse. true to the best of my knowledg	e and belief.		
		true to the best of my knowledg	e and belief.		
I swear/affirm that the f	facts set out above are		e and belief.		
	facts set out above are	true to the best of my knowledg	4	D) [.]	
I swear/affirm that the f	facts set out above are	true to the best of my knowledg	e and belief.	<u>K Votau</u> (Notary	
I swear/affirm that the f	facts set out above are	true to the best of my knowledg Date: 5/25/2021 5/25/2021 (Date)	4	K Votau (Notary 2-3	<u>v-KYNP2091</u> -2025
I swear/affirm that the f	facts set out above are	true to the best of my knowledg Date: 5/25/2021 5/25/2021 (Date)	Melanie	K Votac (Notary 2-3	<u>v-KYNP2091</u> -3025

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

Form 111 File #: 2021F-011

Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Assignment		
Gray, Nicholas	s		54257 10/2	10/19/2015	BOSO		
Complainant See page 1		Address-Apt. No Zip Code			Telephone No.		
Employed By		Business Address - Zip Code			Telephone N	No.	
Date of Incident	Time of Incident	Location of Incident		Date and Time Reported		How Reported:	
3/30/2021		Garden Spri	ngs	5/25/2021		☐ Letter ☐ Phone ☐ Person ☐ Email	

Brief Description of Allegations

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

	of Police (or "Designe	e"):	
Policy Violation		10 110	Finding
G.O. 1973-02K O.R. 1.35 Violating	Any Rules of the		Proper Conduct
Department		_	Improper Conduct
G.O. 2011-08F Emergancy and Pursui	t Driving	L	Insufficient Evidence
			Policy Failure Unfounded
Chief	of Police Recommendat	tion	Ontounded
NY	Training Recommended	T T	Below Disciplinary Action Recommend
Comments:	•		, , , , , , , , , , , , , , , , , , , ,
I reviewed BWC and synopsis provide	ed by the Public I	ntee	rity Unit.
		100	
The officer's response prior to the	collision was re	view	ed and addressed at the
Bureau level, and was appropriately reference to the collision is unfou	y dealt with. The	07/6	erall complaint made in
	nded.		
Signature: Sam Without			Date: 10, 18.2021
	iplinary Review Board		以1980年,1982年
Policy Violation			Finding
		111	Proper Conduct
		111	Improper Conduct
		111	Insufficient Evidence
		ዙ	Policy Failure
Disairline - F	Review Board Recomm		Unfounded
	A STATE OF THE PERSON NAMED IN COLUMN 2 IS NOT THE OWNER, THE PERSON NAM	enda	The second secon
Comments:	Training Recommended		Below Disciplinary Action Recommende
Signature:			Date:
	olice 2nd Recommenda	tion	
The second secon	raining Recommended	Total State of the last	Below Disciplinary Action Recommende
omments:			
gnature:			Date:
oper Conduct: Allegation is true; the action of the agenc	v or the officer was consisten	t with	agency policy.
proper Conduct: The allegation is true; the action of the			•
sufficient Evidence: There is insufficient proof to confirm			Period benedit
licy Failure: The action of the agency or the officer was co		but th	e policy did not take into account the
cumstances present in this instance.	agenej ponej,	ui	- F J and more time and advantage
founded Complaint: Either the allegation is demonstrable	v false or there is no credible	evide	ence to support it

Form 111

File #: 2021F-011

Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Ass	signment
Gray, Nicholas		54257		10/19/2015 BOSO		
Complainant		Address-Apt. No	o Zip Code		Telephone 1	No.
Gabriel, Garret						
Employed By		Business Addres	s - Zip Code		Telephone	No.
Date of Incident	Time of Incident	Location o	f Incident	Date and Tim	e Reported	How Reported:
3/30/2021		Garden Sprin	gs	5/25/2021		☐ Letter ☐ Phone ☐ Persor ☐ Email
pull in front of any human life is in Traffic Safety Admit Gray admits to going	Officer Nicolas of his body camer rong lane of the running a vehicle violation of GO inistration estimated that fast as he as be running from tion of KRS 189. The speed limit and high the seriousne by their emergentitiates operating le's emergency limitates operating that income and siren shall gency driving restricts set out above are thank of the speed limit and siren shall gency driving restricts set out above are thank of the speed limit and siren shall gency driving restricts set out above are thank of the speed limit and siren shall gency driving restricts set out above are thank of the speed limit and siren shall gency driving restricts set out above are thank of the speed limit and siren shall gency driving restricts set out above are thank of the speed limit and siren shall gency driving restricts and siren shall gency drivin	a footage, his soad. Gray state to try to bring 1991-02K V Bres that 80 percepproached the 940 because his lates of the situation of their vehicle and siren on. Their vehicle and siren on. The true to the best of true to the best of the situation activates the second of the situation.	speedometers twice (11: a human be 4, 5 due to 1 ent of pedes intersection as siren is none of traffiction against the san emerge and respondent and in confident and in confide	appears to she 15 and 12:23) ing to a stop we the fact that the strians are kille of Garden Spr t on as he appr t to as he appr t is also a vice the hazards to a concept vehicle the d with both em continuous operations	that he was tho poses no e National I d when hit ings and La roaches the plation of G themselves e officer shi ergency ation for the	Gray strikes so going to try to o direct threat to Highway and at 40 mph, and arkspur where intersection when to 2011-08F IV B: and all:
Witnesses:			•	•		_

Name

Address

Phone Number

Form 111

File #: 2021F-011

Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Assi	ignment	
Gray, Nicholas	54257		54257 10.	10/19/2015	BOSO	BOSO	
Complainant		Address-Apt. No Zip Code			Telephone No.		
See page 1							
Employed By		Business Address - Zip Code			Telephone No.		
Date of Incident	Time of Incident	Location of In	cident	Date and Time	Reported	How Reported:	
3/30/2021		Garden Spri	ings	5/25/2021			Phone Email

Brief Description of Allegations

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

	Chief of Police (or "Designe	e"):	
	licy Violation		Finding
G.O. 1973-02K O.R. 1.3	5 Violating Any Rules of the		Proper Conduct
Department			Improper Conduct
G.O. 2011-08F Emergency	and Pursuit Driving		Insufficient Evidence
	国人名德斯·西里克里克里克·克特·克斯尔克		Policy Failure
		X	Unfounded
	Chief of Police Recommendat	ion	
Recommend Case Be Closed	Corrective Training Recommended		Below Disciplinary Action Recommended
Comments:			
I reviewed BWC and syno	psis provided by the Public I	nteg	grity Unit.
The officer's response	prior to the collision was re-		
Bureau level, and was a	ppropriately dealt with. The	ATEM	red and addressed at the
reference to the collisi	ion is unfounded	0.01	erail complaint made in
			11/14/201
Signature:	Men		Date: /0/18/202/
	Disciplinary Review Board		
Poli	cy Violation		Finding
			Proper Conduct
			Improper Conduct
			Insufficient Evidence
All the second s			Policy Failure
		Ш	Unfounded
MAN OF THE PARTY O	Disciplinary Review Board Recomme	enda	
Recommend Case Be Closed	Corrective Training Recommended		Below Disciplinary Action Recommended
Signature:			Date:
	Chief of Police 2nd Recommenda	tion	
Recommend Case Be Closed	Corrective Training Recommended		Below Disciplinary Action Recommended
Comments:			
Continue a second			A SECURITION OF THE PERSON OF
Signature:			Date:
roper Conduct: Allegation is true; the	action of the agency or the officer was consisten	t with	agency policy.
	ie; the action of the agency or the officer was inc		
nsufficient Evidence: There is insuffici	ent proof to confirm or to refute the allegation. or the officer was consistent with agency policy,		
rcumstances present in this instance.			5. 120
nfounded Complaint: Fither the allege	tion is demonstrably false or there is no credible	evid	ence to support it

Form 111

File #: 2021F-011

		10.			1 110	2021. 011
Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Ass	ignment
Gray, Nicholas		54257		10/19/2015	BOSO	
Complainant	<u> </u>	Address-Apt. No Zip Code		Telephone No.		
Green, Jamilla						<u></u>
Employed By		Business Addre	ss - Zip Code		Telephone l	No.
Date of Incident	Time of Incident	Location o	of Incident	Date and Tim	e Reported	How Reported:
3/30/2021		Garden Sprin	egs	5/25/2021		Letter Phone Persor Email
pull in front of any human life is in Traffic Safety Admi Gray admits to goin	officer Nicolas of the his body camer rong lane of the rusing a vehicle violation of GO inistration estimate g that fast as he appearance of KRS 189. The speed limit and eigh the seriousned by their emergent initiates operating cle's emergency limitiates operating cle's emergency limitiates operating cle's emergency limitiates and siren shall regency driving restants set out above are limitated.	a footage, his oad. Gray state to try to bring 1991-02K V Bres that 80 perceptroached the 940 because his lars of the situated driving. Their vehicle and sirent on. The vent Mode. The remain activations of the best of the	speedometer es twice (11: g a human bei 4, 5 due to to cent of pedes intersection is siren is not une of traffic, tion against t as an emerge and respond ted and in co of my knowledg 5/2/ 2) Muli ate)	appears to sho 15 and 12:23) ing to a stop we he fact that the trians are kille of Garden Spr. It on as he appr. It is also a violate hazards to the hazards to the with both emonstration operate and belief.	that he was ho poses no e National I d when hit ings and La coaches the lation of G chemselves e officer sha ergency	Gray strikes going to try to direct threat to Highway and at 40 mph, and arkspur where intersection when O 2011-08F IV B: and all:
			My Cor	nmission Expires	J-50	102-1
Witnesses:		Address			Phone Num	ıber

Name

Address

orm 111 File #: 2021F-011

							_
Member(s) Involved		Employee No.	D.O.B.	Present Assignment			
Gray, Nicholas		54257		10/19/2015	BOSO		
Complainant		Address-Apt. No Zip Code			Telephone No.		
See page 1							
Employed By		Business Address - Zip Code			Telephone No.		
Date of Incident	Time of Incident	Location of In	cident	Date and Time	Reported	How Reported:	
3/30/2021		Garden Spri	ngs	5/25/2021		Letter Pho	

Brief Description of Allegations

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

Chief of Police (or "Designed	e"):
Policy Violation	Finding
G.O. 1973-02K O.R. 1.35 Violating Any Rules of the	Proper Conduct
Department C. O. 2011 COP P. C. C.	Improper Conduct
G.O. 2011-08F Emergency and Pursuit Driving	Insufficient Evidence
	Policy Failure
Chief of Police Recommendat	Unfounded
Recommend Case Be Closed Corrective Training Recommended	
Comments:	Below Disciplinary Action Recommender
I reviewed BWC and synopsis provided by the Public In	
The officer's response prior to the collision was rev	viewed and addressed at the
nureau level, and was appropriately dealt with. The	overall complaint made in
reference to the collision is unfounded.	1 1
Signature: San 24 1	Date: 10/19/202/
Disciplinary Review Board	
Policy Violation	Finding
	Proper Conduct
	Improper Conduct
	Insufficient Evidence
	Policy Failure
	Unfounded
Disciplinary Review Board Recomme	endation
Recommend Case Be Closed Corrective Training Recommended	Below Disciplinary Action Recommended
Signature:	Date:
Chief of Police 2nd Recommendat	tion
Recommend Case Be Closed Corrective Training Recommended	Below Disciplinary Action Recommended
Comments:	
ignature:	Date:
roper Conduct: Allegation is true; the action of the agency or the officer was consistent	
nproper Conduct: The allegation is true; the action of the agency or the officer was inc	
sufficient Evidence: There is insufficient proof to confirm or to refute the allegation.	
olicy Failure: The action of the agency or the officer was consistent with agency policy,	but the policy did not take into account the
rcumstances present in this instance.	

Form 111

File #: 2021F-011

		10.			1110 // 6	20211 011	
Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Ass	ignment	
Gray, Nicholas		54257		10/19/2015	BOSO		
Complainant		Address-Apt. N	o Zip Code	•	Telephone l	No.	_
Hosner, Brandy							
Employed By		Business Addre	ss - Zip Code		Telephone l	No.	
Date of Incident	Time of Incident	Location of	of Incident	Date and Tim	ne Reported	How Reported:	
3/30/2021		Garden Sprin	ıgs	5/25/2021		I= =	Phone Email
Date of Incident Time of Incident Location of Incident Date and Time Reported How Reported: 3/30/2021 Garden Springs 5/25/2021							to i hen
Witnesses:			-	-			

Name

Address

Phone Number

File #: 2021F-011

Member(s) involved		Employee No.	D.O.B.	D.O.E	Present Ass	ignment
Gray, Nicholas		54257		10/19/2015	BOSO	
Complainant See page 1		Address-Apt. No Zip Code		Telephone No.		
Employed By		Business Addr	ess - Zip Code		Telephone 1	No.
Date of Incident	Time of Incident	Location of Inc	cident	Date and Time	Reported	How Reported:
3/30/2021		Garden Spri	ngs	5/25/2021		☐ Letter ☐ Phone ☐ Person ☐ Email

Brief Description of Allegations

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

Chief of Police (or "Designed	e"):	
Policy Violation	THE PARTY OF	Finding
G.O. 1973-02K O.R. 1.35 Violating Any Rules of the		Proper Conduct
Department		Improper Conduct
G.O. 2011-08F Emergency and Pursuit Driving		Insufficient Evidence
		Policy Failure
		Unfounded
Chief of Police Recommendat	ion	
Recommend Case Be Closed Corrective Training Recommended		Below Disciplinary Action Recommended
Comments:		
I reviewed BWC and synopsis provided by the Public In	ntegri	ity Unit.
The officer's response prior to the collision was re-		
Bureau level, and was appropriately dealt with. The	ATEMEC	and addressed at the
reference to the coldision is unfounded.	O'EL	all complaint made in
Simulation		21 14/10/2011
	19050000000	Date: 10/18/707/
Disciplinary Review Board		
Policy Violation		Finding
		roper Conduct
		mproper Conduct
	THE REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN COLUMN TWO IN COLUM	nsufficient Evidence
		olicy Failure Infounded
Disciplinary Review Board Recommo		2000
Recommend Case Be Closed Corrective Training Recommended	THE RESIDENCE PROPERTY.	ALC: YOU SHOULD SEE THE RESERVE OF THE PARTY
Comments:	В	elow Disciplinary Action Recommended
Signature.		
Signature: Chief of Police 2nd Recommenda	**	Date:
	Ten Committee of the Park	
Recommend Case Be Closed Corrective Training Recommended Comments:	Be	low Disciplinary Action Recommended
Comments:		The state of the s
		The state of the s
		100000000000000000000000000000000000000
Signature:		Date:
Proper Conduct: Allegation is true; the action of the agency or the officer was consisten	t with ac	
mproper Conduct: The allegation is true; the action of the agency or the officer was inc	_	
nsufficient Evidence: There is insufficient proof to confirm or to refute the allegation.	onsisten	with agency policy.
olicy Failure: The action of the agency or the officer was consistent with agency policy, ircumstances present in this instance.	but the p	olicy did not take into account the

Form 111

File #: 2021F-011

Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Ass	ionment	
Gray, Nicholas		54257	D.O.D.	10/19/2015	BOSO	-g	
Complainant		Address-Apt. N	o Zin Code	10/17/2015	Telephone 1	No.	
O'Neill, Richard			o. Dip odao				
Employed By		Business Addre	ss - Zip Code		Telephone l	No.	
Date of Incident	Time of Incident	Location o	f Incident	Date and Time	Reported	How Reported:	
3/30/2021		Garden Sprin	gs	5/25/2021			Phone Email
Brief Description o							
On March 30, 2021,							е
for. At 9 seconds int							
	rong lane of the r						
	. Using a vehicle						to
any human life is in							
Traffic Safety Admi							1
	be running from.						
Gray is also in violation							
he is traveling over t							√B:
"1. Officers shall we	eigh the seriousne	ss of the situa	tion against t	he hazards to t	hemselves	and	
the public generated							
2. When an officer is						all:	
a. Activate the vehic	ele's emergency li	ights and siren	and respond	with both eme	ergency		
lights and siren in co	-						
b. Place their body-v							
3. The vehicle's ligh			ted and in co	ntinuous opera	tion for the	e	
duration of the emer	gency driving res	ponse."					
I swear/affirm that the fa	acts set out above are	true to the best of	of my knowledg	e and belief.			
The Miller	7	Date: 5/2	T/21				
(Compla	inant)	_					
Subscribed and swom		05/25	120214	Nelaniey	K.Volau	WKYNP2C	291
		(Di	•		~ ~	- 2025	
Witnesses:			My Cor	nmission Expires		00-3	
VV (UII COOCO).		Address			Phone Nurr	ıber	

Form 111

File #: 2021F-011

Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Assi	ignment
Gray, Nicholas		54257		10/19/2015	воѕо	
Complainant		Address-Apt. 1	No Zip Code	· · · · · · · · · · · · · · · · · · ·	Telephone N	No.
See page 1						
Employed By		Business Addr	ess - Zip Code		Telephone N	io.
Date of Incident	Time of Incident	Location of In-	cident	Date and Time	Reported	How Reported:
3/30/2021		Garden Spri	ngs	5/25/2021		☐ Letter ☐ Phor ☐ Person ☐ Ema

Brief Description of Allegations

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

Chief of Police (c	r "Designee"):
Policy Violation	Finding
G.O. 1973-02K O.R. 1.35 Violating Any Rules	
Department	☐ Improper Conduct
G.O. 2011-08F Emergency and Pursuit Driving	
	Policy Failure
Chief of Police Re	[X] Unfounded
Recommend Case Be Closed Corrective Training Rec	The second control of the second seco
Comments:	ommended Below Disciplinary Action Recommended
The state of the s	D.114. T
I reviewed BWC and synopsis provided by the	
The officer's response prior to the collision	n was reviewed and addressed at the
Bureau level, and was appropriately dealt w	ith. The overall complaint made in
reference to the collision is unfounded.	1 /
Signature: Som 3 Hours	Date: /6/18/20Z-1
Disciplinary Re	
Policy Violation	Finding
	☐ Proper Conduct
	☐ Improper Conduct
	☐ Insufficient Evidence
	☐ Policy Failure
	Unfounded
Disciplinary Review Boar	
Recommend Case Be Closed Corrective Training Reco	mmended Below Disciplinary Action Recommended
Signature:	Date:
Chief of Police 2nd Re	commendation
Recommend Case Be Closed Corrective Training Reco	nmended Below Disciplinary Action Recommended
Comments:	
Signature:	Date:
roper Conduct: Allegation is true; the action of the agency or the officer	was consistent with agency policy.
nproper Conduct: The allegation is true; the action of the agency or the	The state of the s
sufficient Evidence: There is insufficient proof to confirm or to refute the	
olicy Failure: The action of the agency or the officer was consistent with a	
roumstances present in this instance.	is no credible evidence to support it

Form 111

File #: 2021F-011

·			<u> </u>		"I ·		
Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Ass	ignment	
Gray, Nicholas		54257		10/19/2015	BOSO		
Complainant		Address-Apt. N	o Zip Code		Telephone :	No.	
Taylor, April							
Employed By		Business Addre	Business Address - Zip Code			Telephone No.	
Date of Incident	Time of Incident	Location o	f Incident	Date and Tim	e Reported	How Reported:	
3/30/2021		Garden Springs 5/25		5/25/2021		Letter Pho	
while in the way pull in front of any human life is in Traffic Safety Admit Gray admits to going was known to Gray is also in violate he is traveling over the public generated 2. When an officer is a. Activate the vehiclights and siren in cob. Place their body-value of the emerical control of	Officer Nicolas to his body camer rong lane of the rusing a vehicle violation of GO mistration estimate that fast as he as be running from tion of KRS 189. The speed limit are high the seriousnes by their emerger mitiates operating the's emergency lontinuous operation of the speed limit are speed limi	Gray responded to the same call Office footage, his speedometer appears to coad. Gray states twice (11:15 and 12 to try to bring a human being to a state that 80 percent of pedestrians are approached the intersection of Garden 1940 because his siren is not on as he and leaves his lane of traffic. It is also sess of the situation against the hazard next driving. It is the state of the intersection of Garden 1940 because his siren is not on as he and leaves his lane of traffic. It is also sess of the situation against the hazard next driving. It is also be stated and in continuous sights and siren and respond with botton. Event Mode. I remain activated and in continuous sponse." The true to the best of my knowledge and believe that th		appears to she 15 and 12:23) ing to a stop whe fact that the trians are killed of Garden Sprate on as he appropriate the hazards to she hazards to she with both embed with both embed and belief.	that he was the poses nee National I d when hit ings and La coaches the elation of G themselves e officer sh ergency ation for th	Gray strikes going to try to o direct threat to Highway and at 40 mph, and arkspur where intersection where O 2011-08F IV I and all:	
_			My Co	mmission Expires	s: 0-3	aus	
Witnesses:		Address			Phone Nun	nber	

Name

Address

File #: 2021F-011

Member(s) Involved		Employee No.	D.O.B.	D.O.E	Present Ass	ignment
Gray, Nicholas		54257		10/19/2015	BOSO	
Complainant See page 1		Address-Apt. ?	No Zip Code		Telephone 1	No.
Employed By		Business Addr	ess - Zip Code		Telephone I	No.
Date of Incident 3/30/2021	Time of Incident	Location of In-		Date and Time 5/25/2021	Reported	How Reported: Letter Phone Person Email

Brief Description of Allegations

According to GO 2011-08F V C 2, Gray should have activated his lights and sirens along with his body camera "upon undertaking a pursuit." His body camera audio comes on as he is exiting his vehicle after striking. This means his siren should have been audible on Wade's body camera footage during and before the time that Grey's vehicle is seen coming through the intersection of Garden Spring and Larkspur. However, this is not the case. Grey also admits to not turning on his lights until he gets to that intersection, meaning he was engaged in emergency response and speeding without his lights on. Grey also lies to EMT's who arrive to treat by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Grey helped roll over immediately after hitting him to look for a knife, prior to assessing his state of consciousness or stabilizing his neck when he had an obvious head injury. This violates GO 1991-02K V E 1 by not immediately calling for an ambulance prior to looking for a knife on a person who was obviously unconscious.

Chief of Police (or "Design	
Policy Violation	Finding
G.O. 1973-02K O.R. 1.35 Violating Any Rules of the	
Department G.O. 2011-08F Emergency and Pursuit Driving	Improper Conduct
G.O. 2011-00F Emergency and Pursuit Driving	Insufficient Evidence
Control of the part of the par	Policy Failure Unfounded
Chief of Police Recommends	LA)
Recommend Case Be Closed Corrective Training Recommended	Below Disciplinary Action Recommer
Comments:	
I reviewed BWC and synopsis provided by the Public	Integrity Unit
The officer's response prior to the collision was r	eviewed and addressed at the
Bureau level, and was appropriately dealt with. The reference to the collision is unfounded.	e overall complaint made in
1 5 1 1	
Signature: Sant Allu	Date: /0 //8 /202/
Disciplinary Review Boar	<u>d</u>
Policy Violation	Finding
	Proper Conduct
	Improper Conduct
	Insufficient Evidence
	Policy Failure Unfounded
Disciplinary Review Board Recomm	
Recommend Case Be Closed Corrective Training Recommended	Below Disciplinary Action Recommend
Comments:	Below Disciplinary Action Recommend
Signature:	Date:
Chief of Police 2nd Recommend	
Recommend Case Be Closed Corrective Training Recommended	Below Disciplinary Action Recommend
omments:	
gnature:	Date:
oper Conduct: Allegation is true; the action of the agency or the officer was consiste	ent with agency policy.
aproper Conduct: The allegation is true; the action of the agency or the officer was in	
sufficient Evidence: There is insufficient proof to confirm or to refute the allegation.	
licy Failure: The action of the agency or the officer was consistent with agency policy	
cumstances present in this instance. Ifounded Complaint: Either the allegation is demonstrably false or there is no credit	