



## LEXINGTON POLICE DEPARTMENT

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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 Biroshik  
Bureau of Investigation  
Public Integrity Unit  
(859) 258-3625

cc: Chief Lawrence Weathers  
Asst. Roger Holland  
Officer Nicolas Gray  
File – PIU2021F-011



## LEXINGTON POLICE DEPARTMENT

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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.

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,

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

cc: Chief Lawrence Weathers  
Asst. Roger Holland  
Officer Nicholas Gray  
File – PIU2021F-011



## LEXINGTON POLICE DEPARTMENT

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

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.

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.

---

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

cc: Chief Lawrence Weathers  
Asst. Roger Holland  
Officer Nicholas Gray  
File – PIU2021F-011





## LEXINGTON POLICE DEPARTMENT

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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.

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,

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

cc: Chief Lawrence Weathers  
Asst. Roger Holland  
Officer Nicholas Gray  
File – PIU2021F-011



## LEXINGTON POLICE DEPARTMENT

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.

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 Biroshik  
Bureau of Investigation  
Public Integrity Unit  
(859) 258-3625

cc: Chief Lawrence Weathers  
Asst. Roger Holland  
Officer Nicholas Gray  
File – PIU2021F-011



## LEXINGTON POLICE DEPARTMENT

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,

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

cc: Chief Lawrence Weathers  
Asst. Roger Holland  
Officer Nicholas Gray  
File – PIU2021F-011



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

SUBJECT:

Disciplinary Recommendation  
PIU2021F-011  
Officer Nicholas Gray

FROM:

Lawrence B. Weathers  
Chief of Police

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.

Lawrence B. Weathers  
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE  
DEPARTMENT  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE  
September 30, 2021

EFFECTIVE DATE

NUMBER  
PIU 21-103

|   |  |
|---|--|
| <b>TO:</b><br>Lawrence Weathers<br>Chief of Police  | <b>SUBJECT:</b><br>Formal P.I.U.21.F.011<br>Officer Nicholas Gray<br>Summary |
| <b>FROM:</b><br>Lieutenant David Biroshik<br>Bureau of Investigation<br>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 \_\_\_\_\_ 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 \_\_\_\_\_'s back. He also told them he didn't roll him over to check on it, meaning he didn't roll 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 \_\_\_\_\_'s decision 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 \_\_\_\_\_'s action of entering the roadway was reasonable and he took evasive actions expected of a motorist. While \_\_\_\_\_'s injuries 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 29<sup>th</sup> and 30<sup>th</sup>, 2021 \_\_\_\_\_ had entered

Kroger and made verbal threats both times to hurt and kill employees. During the Kroger investigation on March 30<sup>th</sup> officers attempted to apprehend him on Maywick Drive, where [redacted] threw a bottle at officers and threatened to kill them. [redacted] 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 [redacted] in the past decided that if [redacted] wasn't at his home he would swear warrants out for his arrest.

Also on March 30<sup>th</sup> a social worker had contacted the police and asked that they be dispatched to [redacted] s home, 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 [redacted] pulled a knife out and threatened to kill the officers at the scene. While officers were attempting to de-escalate the situation [redacted] ran from the scene, down the street eventually running in front of Officer Gray's vehicle.

[redacted] 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 [redacted] 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 [redacted] by stating, "Not sure what he has going on in the back. We didn't rotate him to look." Gray helped roll [redacted] 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 [redacted] 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

EFFECTIVE DATE  
 06/03/2021

NUMBER  
 PIU: 21-051

|   |   |
|---|---|
| <b>TO:</b><br>Assistant Chief Shawn Coleman<br>Bureau of Special Operations                   | <b>SUBJECT:</b><br><br>FORMAL COMPLAINT |
| <b>FROM:</b><br>Lieutenant David Biroshik<br>Bureau of Investigation<br>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 show 56 mph. 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: "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 remain on." 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. 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.

|                                   | <u>DATE</u>     | <u>TIME</u> |
|-----------------------------------|-----------------|-------------|
| Bureau Commander <u>J. Newman</u> | <u>6-4-21</u>   | <u>1033</u> |
| Supervisor <u>J. M. Smith</u>     | <u>6-3-21</u>   | <u>1355</u> |
| Officer <u>[Signature]</u>        | <u>6-3-2021</u> | <u>1355</u> |

Accused officer would like the Public Integrity Unit to notify the FOP President or their designee that a formal complaint is filed against them. (Circle One) YES or NO

Returned to the Public Integrity Unit L. D. Biroschik 3373

Lieutenant David Biroschik  
Bureau of Investigation  
Public Integrity Unit  
mrv  
enclosures

cc: Chief Lawrence Weathers  
file - PIU2021F-011

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |        |                                     |  |
|--------------------------------------|------------------|--|--------|-------------------------------------|--|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B. | D.O.E<br>10/19/2015                 | Present Assignment<br>BOSO   |
| Complainant<br>Bowman, Jessica       |                  | Address-Apt. No. - Zip Code            |        |                                     | Telephone No.  |
| Employed By                          |                  | Business Address - Zip Code            |        |                                     | Telephone No.  |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs |        | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> Email |

**Brief Description of Allegations:**

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 show 56 mph. 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 Long 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: "1. Officers shall weigh the seriousness of the situation against the hazards to themselves and the public generated by their emergency driving.

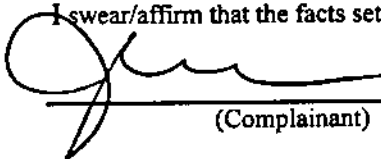
2. When an officer initiates operating their vehicle as an emergency vehicle the officer shall:

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 remain activated and in continuous operation for the duration of the emergency driving response."

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

  
\_\_\_\_\_  
(Complainant)

Date: 5/25/2021

Subscribed and sworn before me this date: 5/25/2021   
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:

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

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>See page 1            |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> 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.

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



Chief of Police (or "Designee"):

| Policy Violation  | Finding  |
|---|--|
| G.O. 1973-02K O.R. 1.35 Violating Any Rules of the Department | <input type="checkbox"/> Proper Conduct        |
| G.O. 2011-08F Emergency and Pursuit Driving                   | <input type="checkbox"/> Improper Conduct      |
|   | <input type="checkbox"/> Insufficient Evidence |
|   | <input type="checkbox"/> Policy Failure        |
|   | <input checked="" type="checkbox"/> Unfounded  |

Chief of Police Recommendation

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

Comments:

I reviewed BWC and synopsis provided by the Public Integrity Unit. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with. The overall complaint made in reference to the collision is unfounded.

Signature: *[Handwritten Signature]*

Date: 10.18.2021

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:

[Empty comment box]

Signature:

Date:

Chief of Police 2nd Recommendation

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

Comments:

[Empty comment box]

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.

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>Gabriel, Garret       |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> Email |                            |

**Brief Description of Allegations:**

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 show 56 mph. 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: "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 remain activated and in continuous operation for the duration of the emergency driving response."

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

*Nicholas Gray* Date: 5/25/21  
(Complainant)

Subscribed and sworn before me this date: 5/25/21 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 #: 2021F-011

|                                      |                  |  |                                     |                     |  |
|--------------------------------------|------------------|--|-------------------------------------|---------------------|--|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015 | Present Assignment<br>BOSO   |
| Complainant<br>See page 1            |                  | Address-Apt. No. - Zip Code            |                                     |                     | Telephone No.  |
| Employed By                          |                  | Business Address - Zip Code            |                                     |                     | Telephone No.  |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 |                     | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> 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.

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



**Chief of Police (or "Designee"):**

| Policy Violation  | Finding  |
|---|--|
| G.O. 1973-02K O.R. 1.35 Violating Any Rules of the Department | <input type="checkbox"/> Proper Conduct        |
| G.O. 2011-08F Emergency and Pursuit Driving                   | <input type="checkbox"/> Improper Conduct      |
|   | <input type="checkbox"/> Insufficient Evidence |
|   | <input type="checkbox"/> Policy Failure        |
|   | <input checked="" type="checkbox"/> Unfounded  |

**Chief of Police Recommendation**

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

**Comments:**

I reviewed BWC and synopsis provided by the Public Integrity Unit. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with. The overall complaint made in reference to the collision is unfounded.

**Signature:** *[Handwritten Signature]*

**Date:** 10/18/2021

**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:**

[Redacted Comments]

**Signature:**

**Date:**

**Chief of Police 2nd Recommendation**

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

**Comments:**

[Redacted 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.



**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>Green, Jamilla        |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> Email |                            |

**Brief Description of Allegations:**

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 show 56 mph. 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: "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 remain activated and in continuous operation for the duration of the emergency driving response."

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

Jamilla Green Date: 5/25/21  
(Complainant)

Subscribed and sworn before me this date: 5/25/21 Melanie R. Votaw KYNP20919  
(Date) (Notary)

My Commission Expires: 2-3-2021

Witnesses:  
Name Address Phone Number

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>See page 1            |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> 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.

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



**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>Hosner, Brandy        |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> Email |                            |

**Brief Description of Allegations:**

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 show 56 mph. 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: "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 remain activated and in continuous operation for the duration of the emergency driving response."

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

Brandy Hosner Date: 5/25/2021  
(Complainant)

Subscribed and sworn before me this date: 5/25/2021 Melanie R. Votaw KYNP 20919  
(Date) (Notary)

My Commission Expires: 2-3-2021

Witnesses:

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

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>See page 1            |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> 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.

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



**Chief of Police (or "Designee"):**

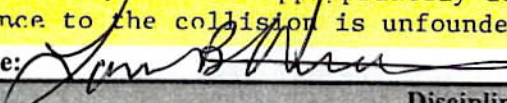
| Policy Violation  | Finding  |
|---|--|
| G.O. 1973-02K O.R. 1.35 Violating Any Rules of the Department | <input type="checkbox"/> Proper Conduct        |
| G.O. 2011-08F Emergency and Pursuit Driving                   | <input type="checkbox"/> Improper Conduct      |
|   | <input type="checkbox"/> Insufficient Evidence |
|   | <input type="checkbox"/> Policy Failure        |
|   | <input checked="" type="checkbox"/> Unfounded  |

**Chief of Police Recommendation**

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

**Comments:**

I reviewed BWC and synopsis provided by the Public Integrity Unit. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with. The overall complaint made in reference to the collision is unfounded.

**Signature:** 

**Date:** 10/18/2021

**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.

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>O'Neill, Richard      |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> Email |                            |

**Brief Description of Allegations:**

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 show 56 mph. 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: "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 remain activated and in continuous operation for the duration of the emergency driving response."

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

R. O'Neill Date: 5/25/21  
(Complainant)

Subscribed and sworn before me this date: 05/25/2021 Melanie R. Votaw KYNP20919  
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:  
Name Address Phone Number



**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>See page 1            |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> 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.

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



**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>Taylor, April         |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> Email |                            |

**Brief Description of Allegations:**

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 show 56 mph. 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: "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 remain activated and in continuous operation for the duration of the emergency driving response."

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

April Taylor Date: 5/25/21  
(Complainant)

Subscribed and sworn before me this date: 5/25/21 Melanie R Votaw KyNP 2019  
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:  
Name Address Phone Number

**Lexington Police Department  
Formal Complaint  
Form 111**

File #: 2021F-011

|                                      |                  |  |                                     |  |                            |
|--------------------------------------|------------------|--|-------------------------------------|--|----------------------------|
| Member(s) Involved<br>Gray, Nicholas |                  | Employee No.<br>54257                  | D.O.B.                              | D.O.E<br>10/19/2015  | Present Assignment<br>BOSO |
| Complainant<br>See page 1            |                  | Address-Apt. No. - Zip Code            |                                     |  | Telephone No.              |
| Employed By                          |                  | Business Address - Zip Code            |                                     |  | Telephone No.              |
| Date of Incident<br>3/30/2021        | Time of Incident | Location of Incident<br>Garden Springs | Date and Time Reported<br>5/25/2021 | How Reported:<br><input type="checkbox"/> Letter <input type="checkbox"/> Phone<br><input checked="" type="checkbox"/> Person <input type="checkbox"/> 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.

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



Chief of Police (or "Designee"):

| Policy Violation  | Finding  |
|---|--|
| G.O. 1973-02K O.R. 1.35 Violating Any Rules of the Department | <input type="checkbox"/> Proper Conduct        |
| G.O. 2011-08F Emergency and Pursuit Driving                   | <input type="checkbox"/> Improper Conduct      |
|   | <input type="checkbox"/> Insufficient Evidence |
|   | <input type="checkbox"/> Policy Failure        |
|   | <input checked="" type="checkbox"/> Unfounded  |

Chief of Police Recommendation

Recommend Case Be Closed     Corrective Training Recommended     Below Disciplinary Action Recommended

Comments:

I reviewed BWC and synopsis provided by the Public Integrity Unit. The officer's response prior to the collision was reviewed and addressed at the Bureau level, and was appropriately dealt with. The overall complaint made in reference to the collision is unfounded.

Signature: *[Handwritten Signature]*

Date: 10/18/2021

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.