



LEXINGTON POLICE DEPARTMENT
PERSONNEL ORDER
 Lexington, Kentucky

DATE OF ISSUE
 January 26, 2022

EFFECTIVE DATE
 January 17, 2022

NUMBER
 PO:22-030

TO: SUSPENSION WITHOUT PAY	AMENDS:
INDEX AS: OFFICER JAMES CHISM	RESCINDS:

Effective, Monday, January 17th – Sunday, January 30th, 2022, Officer James Chism will be suspended without pay for two (2) weeks, for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct.

Officer Chism is to surrender all police credentials and division-owned equipment. Officer Chism’s suspension from duty eliminates his right to carry concealed deadly weapons, make arrests, and any other law enforcement duties.

The Urban County Council approved this suspension on January 13, 2022.

Lawrence B. Weathers

 Lawrence B. Weathers
 Chief of Police

LBW/rmh

LEXINGTON POLICE DEPARTMENT

AGREEMENT OF CONFORMITY WITH KRS 95.450 / 15.520 AND RELEASE

FORM 113 (8/20)

An allegation has been made that:

Officer James Chism #56670

has committed the offense of:

Misconduct

which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.520

(list other applicable law or rule)

General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02

in that on the 25th day(s) of June, 20 21 he/she allegedly:

On June 25, 2021 at approximately 0130 hours, Officer Chism was dispatched to Maywick View and Roanoke Road where he located and arrested a disorderly subject. While waiting for the patrol wagon to arrive and transport the subject to FCDC, the female subject continued attempts to aggravate and verbally berate Officer Chism to a point she was able to get a negative response from him. Officer Chism should have been able to de-escalate the situation based on his training and experience, but instead he contributed to escalating the encounter which ultimately led to the subject kicking Officer Chism.

After being kicked, Officer Chism once again failed to de-escalate the situation and his response was unprofessional.

Officer Chism violated the above policy which states "officers shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the department and not to cast doubt on the officer's integrity, honesty, judgement or character.

I have read KRS 95.450, 95.460 and 15.520, and attest that I fully understand all rights guaranteed by these statutes, including the rights to have formal charges preferred and a hearing conducted on those charges.


Further, I, with knowledge of the provisions and my rights under KRS 95.450, 95.460, and 15.520 and in consideration of the recommendation of the Chief of Police of the Lexington Police Department, acknowledge that the appropriate punishment for this conduct is:

Two (2) weeks Suspension Without Pay

I do hereby voluntarily accept the above disciplinary action, provided that the punishment awarded by the Urban County Council will not exceed the above recommendation of the Chief of Police.

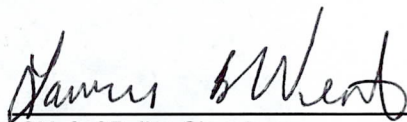
If the Urban County Council rejects the above recommendation, I will be so notified, in which case I may withdraw my acceptance, and will be entitled to all rights, as applicable, under KRS 95.450, 95.460 and 15.520, and this agreement will not be used against me or by me in any hearing in determination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

In further consideration of the acceptance of the above recommendation and penalty by the Urban County Council, I do for myself, my heirs, legal representatives, as assigns hereby expressly release and forever discharge the Lexington-Fayette Urban County Government, its officers, agents, employees, and their successors and assigns from all claims, demands, actions, damages or causes of action and from all liability for damages of whatsoever kind, nature of description that I ever had, now have or may have against the aforementioned entities created by or arising out of the action contained herein.



Employee Signature

12/21/21
Date



Chief of Police Signature

12/21/21
Date

ACTION BY URBAN COUNTY COUNCIL

APPROVE ABOVE RECOMMENDATION

DISAPPROVE ABOVE RECOMMENDATION



Signature of Authorized Representative of
Urban County Council

SUSPENSION SERVICE GUIDELINES:

Suspensions will be served as outlined in General Order series 1973-02 Disciplinary Procedures of Sworn Officers.



Lexington-Fayette Urban County
Division of Police

MEMORANDUM

Lexington, Kentucky

DATE OF ISSUE

November 22, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0195

TO:

Kenneth Armstrong, Commissioner
Department of Public Safety

FROM:

Lawrence B. Weathers
Chief of Police

SUBJECT:

Disciplinary Recommendation
PIU2021F-021
Officer James Chism

I met with Officer James Chism on November 18, 2021, and have determined this as "Improper Conduct" for violation of:

- General Order 1973-02K - Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct

I have recommended a two (2) week **Suspension Without Pay** for the violation. I have included the summary of this formal complaint for your information. Body Worn Camera and Synopsis was reviewed.

Officer Chism accepted this discipline on November 21, 2021.

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
11/3/2021

EFFECTIVE DATE
11/3/2021

NUMBER
PIU 21-124

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Summary of Formal Complaint on Officer James Chism, PIU 2021F-021</p>
<p>FROM: Lieutenant Matt Brotherton Bureau of Investigation - Public Integrity Unit</p>	

Sir,

This memorandum will provide a summary of the investigation into the Formal Complaint filed by Lt. Brian Martin on Officer James "Drew" Chism, 56670. According to the Formal Complaint:

On June 25th, 2021 at approximately 0130hrs, Officer Chism was dispatched to Maywick View and Roanoke Road where he located and arrested a disorderly suspect. While waiting for the patrol wagon to arrive to transport the suspect to FCDC, the female suspect continued attempts to aggravate and verbally berate Officer Chism to a point where she was able to get a negative response from him. Officer Chism should have been able to de-escalate the situation based on his training, but instead he contributed to escalating the encounter which ultimately led to the suspect kicking Officer Chism. Officer Chism's reaction to being kicked was unprofessional. Officer Chism failed to once again de-escalate the situation and ended up advising the suspect, "you're fucking lucky you're in handcuffs" and "you're lucky I don't make you eat your fucking teeth".

If the above allegations are true, Officer James Chism has violated **General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 Misconduct**, which states

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and not to cast doubt on the officer's integrity, honesty, judgement, or character.

Investigation

Pursuant to the signing of the Formal Complaint, I reviewed all submitted reports, BWC, and memoranda. Below is a synopsis of the event consistent with all documentation:

On June 25th, 2021 at approximately 01:27, Officers James Chism 56670 and Rachel Williams 56234 were dispatched to the area of Maywick View and Roanoke to investigate a report of a disorderly subject. As they arrived on scene, they encountered a subject known to them as _____ ; _____ was located in front of Lexington Fire Station 14, 1528 Roanoke Road.

As they continued their interactions with _____ Officers Chism and Williams decided that they were going to place her under arrest and charge her with Public Intoxication; _____ was then handcuffed and placed under arrest. The officers then waited with _____ in front of the Fire Station while they waited for a Patrol Wagon to arrive to transport

As the officers waited for the Wagon, Officer Williams went to her car to complete the paperwork and Officer Chism stayed with _____. During the time while he was waiting with her, _____ continued to be verbally abusive toward Officer Chism. Officer Chism responded by asking _____ if she wanted him to contact Officer Hazlett—someone that he knew did not like—antagonizing _____. _____ eventually stood up, faces Officer Chism, and kicked him, attempting to kick him in his groin. The kick struck Officer Chism's upper thigh and then _____ returned to a seated position. Officer Chism then stated "you're fuckin' lucky you're in handcuffs. That's all I got to fuckin' say." And he said, "you're lucky I don't make you eat your fuckin' teeth"; "sit the fuck down and stay down"; then to Officer Williams: "you gonna load her in there before I lose my fuckin' shit"?

Ultimately, _____ is transported to FCDC by the Patrol Wagon without further incident.

A review of Officer Williams' BWC shows what appears to be Officer Chism shoving _____ to the ground when she attempts to stand back up, after she sits down after the kick. It is at that point that Officer Chism says "sit the fuck down and stay down".

The incident was initially reviewed by Officer Chism's chain of command. Officer Chism was sent to Crisis Intervention retraining, September 13, 2021; according to Lt. Martin, the retraining was ineffective.

Interview with Officer James Chism

On October 19, 2021 at approximately 1400, Lt. Biroshik and I interviewed Officer Chism in the PIU office. Please refer to the recording for additional details.

During the interview, Officer Chism described his actions as failing to properly deescalate the incident. He initially stated that he lost his cool and "said some things that he shouldn't have said" after _____ assaulted him. He acknowledged that he should have walked away from the scene and let another officer handle _____. Officer Chism acknowledged that he should not have antagonized _____ by stating that he was going to bring other officers over that she didn't like.

When asked about his actions leading up to _____ kicking him, Officer Chism acknowledged that he knew _____ from prior occasions and that she often fought police. He also acknowledged that he did not maintain adequate control of her and allowed her to be standing up where she was able to kick him.

In the memorandum that he submitted pursuant to the complaint, he states:

attempted to get up another time and I saw her out of the corner of my eye. I reached out with my left hand and told her to sit down. She reacted to my reach by flinching backwards and she went back to the ground on her butt without me touching her. She laid on her back and I told her to "sit the fuck down and stay down."

Officer Chism, when shown Officer Williams' BWC, first stated that it showed he "wouldn't let [] up" and that it "looks like I shoved her". Officer Chism then stated that he does not remember shoving [] and that he does not know whether he did or not.


Officer Chism stated that he lost his composure and failed to deescalate; however, he was unable to explain what it was that made him act in an unprofessional manner. He additionally stated that it was inappropriate for him to antagonize [] by referencing the other officers on whom she had negatively fixated.

Conclusion

The allegations in the Formal Complaint, concerning the inappropriate language, are not contested by Officer Chism. Clearly captured on BWC are his use of profanity and his statements where he makes comments intended to antagonize []. Officer Chism's actions were not consistent with CIT training.

Officer Chism's failure to maintain proper control of [] when she was under arrest allowed her to be in a position to strike him.

When Officer Chism used his left hand to push [] as she was attempting to return to a standing position, she falls backward onto the ground; [] suffered no injuries.


Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit

cc: file – PIU 2021F-021



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 10/11/2021

EFFECTIVE DATE
 10/11/2021

NUMBER
 PIU: 21-111

TO:
 Assistant Chief Brian Maynard
 Bureau of Patrol

SUBJECT:
 FORMAL COMPLAINT

FROM:
 Lt. Matt Brotherton
 Bureau of Investigation
 Public Integrity Unit

COMPLAINANT: Lt. Brian Martin

ACCUSED OFC.: Ofc. James Chism

ALLEGATION: Violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 Misconduct

ALLEGED CIRCUMSTANCES:

On June 25th, 2021 at approximately 0130hrs, Officer Chism was dispatched to Maywick View and Roanoke Road where he located and arrested a disorderly suspect. While waiting for the patrol wagon to arrive to transport the suspect to FCDC, the female suspect continued attempts to aggravate and verbally berate Officer Chism to a point where she was able to get a negative response from him. Officer Chism should have been able to de-escalate the situation based on his training, but instead he contributed to escalating the encounter which ultimately led to the suspect kicking Officer Chism. Officer Chism's reaction to being kicked was unprofessional. Officer Chism failed to once again de-escalate the situation and ended up advising the suspect, "you're fucking lucky you're in handcuffs" and "you're lucky I don't make you eat your fucking teeth".

If the above allegations are true, Officer James Chism has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 Misconduct, which states

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and not to cast doubt on the officer's integrity, honesty, judgement, or character.

ACTION REQUESTED:

- The Bureau Commander and Ofc. James Chism 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 Ofc. Chism.
- Ofc. Chism 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>Commander Jesse [Signature]</u>	<u>10-15-21</u>	<u>0830</u>
Supervisor <u>Lt. Brian Martin</u>	<u>10/15/2021</u>	<u>0247</u>
Officer <u>James A. Chism</u>	<u>10/15/2021</u>	<u>0247</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 [Signature] 10/15/21 1030

[Signature]
Lt. Matt Brotherton
Bureau of Investigation
Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers
file - PIU2021F-021

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-021

Member(s) Involved Chism, James		Employee No. 56670	D.O.B.	D.O.E 5/14/2018	Present Assignment Patrol East Sector 3rd
Complainant Lt. Brian Martin		Address-Apt. No. - Zip Code 150 E. Main St.			Telephone No. 859 258 3600
Employed By		Business Address - Zip Code			Telephone No.
Date of Incident June 25th, 2021	Time of Incident c.01:30	Location of Incident Maywick View/Roanoke Road		Date and Time Reported 10/1/2021	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

Brief Description of Allegations:

On June 25th, 2021 at approximately 0130hrs, Officer Chism was dispatched to Maywick View and Roanoke Road where he located and arrested a disorderly suspect. While waiting for the patrol wagon to arrive to transport the suspect to FCDC, the female suspect continued attempts to aggravate and verbally berate Officer Chism to a point where she was able to get a negative response from him. Officer Chism should have been able to de-escalate the situation based on his training, but instead he contributed to escalating the encounter which ultimately led to the suspect kicking Officer Chism. Officer Chism's reaction to being kicked was unprofessional. Officer Chism failed to once again de-escalate the situation and ended up advising the suspect, "you're fucking lucky you're in handcuffs" and "you're lucky I don't make you eat your fucking teeth".

If the above allegations are true, Officer James Chism has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 Misconduct, which states


Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and not to cast doubt on the officer's integrity, honesty, judgement, or character

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



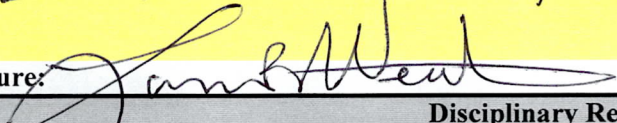
(Complainant)

Date: 10-11-21

Subscribed and sworn before me this date: 10-11-21 
(Date) (Notary)

My Commission Expires: 2-3-2025

Witnesses:
Name _____ Address _____ Phone Number _____

Chief of Police (or "Designee"):	
Policy Violation	Finding
G-O. 1973-0214 OR 1.02 MISCONDUCT	<input type="checkbox"/> Proper Conduct <input checked="" type="checkbox"/> Improper Conduct <input type="checkbox"/> Insufficient Evidence <input type="checkbox"/> Policy Failure <input type="checkbox"/> Unfounded
Chief of Police Recommendation	
<input type="checkbox"/> Recommend Case Be Closed <input type="checkbox"/> Corrective Training Recommended <input checked="" type="checkbox"/> Below Disciplinary Action Recommended	
Comments: IMPROPER CONDUCT - BWC REVIEWED, SYNOPSIS REVIEWED (WILLIAMSON CHISM) RECOMMEND 2 WEEKS SUSPENSION WITHOUT PAY	
Signature: 	Date: 11/18/2021
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	
<input type="checkbox"/> Recommend Case Be Closed <input type="checkbox"/> Corrective Training Recommended <input type="checkbox"/> Below Disciplinary Action Recommended	
Comments: 	
Signature: _____	Date: _____
Chief of Police 2nd Recommendation	
<input type="checkbox"/> Recommend Case Be Closed <input type="checkbox"/> Corrective Training Recommended <input type="checkbox"/> Below Disciplinary Action Recommended	
Comments: 	
Signature: _____	Date: _____
<p>Proper Conduct: Allegation is true; the action of the agency or the officer was consistent with agency policy.</p> <p>Improper Conduct: The allegation is true; the action of the agency or the officer was inconsistent with agency policy.</p> <p>Insufficient Evidence: There is insufficient proof to confirm or to refute the allegation.</p> <p>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.</p> <p>Unfounded Complaint: Either the allegation is demonstrably false or there is no credible evidence to support it.</p>	