



LEXINGTON POLICE DEPARTMENT

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

January 20, 2022

Ms. Kathy Seaton

RE: Formal Complaint PIU2021F-023 – Officer Brent Berezna

The Public Integrity Unit completed the investigation of your Formal Complaint against Officer Brent Berezna for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct.

After reviewing the investigative summary, 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-023 regarding Officer Brent Berezna is closed.

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

Sincerely,

Lieutenant Matthew Brotherton
Bureau of Investigation
Public Integrity Unit
(859) 258-3625



Lexington-Fayette Urban County
Division of Police

MEMORANDUM

Lexington, Kentucky

DATE OF ISSUE

January 19, 2022

EFFECTIVE DATE

NUMBER
COP:
22-0002

TO:

Kenneth Armstrong, Commissioner
Department of Public Safety

SUBJECT:

Disciplinary Recommendation
PIU2021F-023
Officer Brent Berezna

FROM:

Lawrence B. Weathers
Chief of Police

I met with Officer Brent Berezna on January 19, 2022, 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 1.02 – Misconduct.

I find that there does not appear to be sufficient evidence produced to sustain this complaint. Public Integrity Unit summary was reviewed.

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

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment

**LEXINGTON POLICE DEPARTMENT
FORMAL COMPLAINT FORM**

FORM 111 (5/21)

File #: PIU 2021F-023

FOR OFFICIAL USE ONLY

Employee Involved: Bereznak, Brent			Employee #: 49740	Hire Date: 08/20/2012
Present Assignment: Bureau of Special Operations, C.L.E.A.R.				
Complainant: Seaton, Kathryn			Complainant Address:	
Complainant Phone #:	Alternate Complainant Phone #:	Complainant Email:		
Date of Incident: 01/2021	Time of Incident: N/A	Location of Incident: Fayette County	Date and Time Reported: 11/01/21	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

DESCRIPTION OF ALLEGATIONS:

On January 21st, 2021, Ms. Seaton, suspecting that a tracking device had been placed on her vehicle without her knowledge, took her vehicle to an auto service business; the auto service technicians located a tracking device attached to her vehicle. Ms. Seaton subsequently confronted Ofc. Brent Bereznak, whom, at the time, she was dating. Ms. Seaton recorded her confrontation of Ofc. Bereznak; during the interaction, Ofc. Bereznak acknowledges that he placed the tracker on Ms. Seaton's vehicle.

Ms. Seaton alleges that Ofc. Bereznak's actions constitute a violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct:

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity, honesty, judgment, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer.

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

Complainant Signature: *Kathryn Seaton* Date: 11-1-2021
 Subscribed and sworn before me this date: 11-1-2021 *Melanie R. Votaw-Ky NP 20919*
 (Date) (Notary)
 My Commission Expires: 2-3-2025

Witness:
 Name: _____ Address: _____ Phone: _____

Recorded By: Bureau of Investigation, Public Integrity Unit



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
December 17, 2021

EFFECTIVE DATE

NUMBER
PIU 21-142

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Summary of Formal Complaint on Officer Brent Berezna, PIU 2021F-023</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 on November 1st, 2021 by Ms. Kathy Seaton on Officer Brent Berezna. According to the Formal Complaint:

On January 21st, 2021, Ms. Seaton, suspecting that a tracking device had been placed on her vehicle without her knowledge, took her vehicle to an auto service business; the auto service technicians located a tracking device attached to her vehicle. Ms. Seaton subsequently confronted Ofc. Brent Berezna, whom, at the time, she was dating. Ms. Seaton recorded her confrontation of Ofc. Berezna; during the interaction, Ofc. Berezna acknowledges that he placed the tracker on Ms. Seaton's vehicle.

*Ms. Seaton alleges that Ofc. Berezna's actions constitute a violation of **General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct:***

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Investigation

On August 31st, 2021, Lexington Police Officers responded to _____, the home of Lexington Officer Brent Berezna, for _____ Ms. Seaton and Officer Berezna had been dating for approximately 18 months, with her staying at his house for large portions of time. On this date, Officer Berezna contacted the police department due to a physical disorder.

Pursuant to the call and the subsequent investigation, Officer Rachel Kennedy arrested Officer Berezna's girlfriend Kathy Seaton, and charged her with _____, Criminal Mischief 1st degree, and Intimidating a Participant in a Legal Process. On October 1st, Ms. Seaton pled guilty to the following amended charges: Harassment with Physical Contact (No Injury), Criminal Mischief 2nd, and Criminal Attempt to wit Intimidating a Participant in a Legal Process.

During the resolution of the criminal case, Ms. Seaton, through her attorney, told prosecutors that, in January of 2021, she located a GPS tracker on her car that she believed was put there, without her knowledge or consent, by Officer Berezna. Ms. Seaton also conveyed that she had a recording of her confronting Officer Berezna and him acknowledging he placed it on her vehicle. Ms. Seaton's allegations concerning the tracker were reviewed by the Fayette and Jessamine County Attorney's Offices and both offices declined criminal prosecution for the placement of the tracker. Ms. Seaton subsequently filed a formal complaint against Officer Berezna alleging Misconduct.

Following the filing of the formal complaint, Ms. Seaton supplied a receipt from an automotive shop and a recording of a conversation between her and Officer Berezna. The receipt, dated January 21st, 2021, states that the service shop located a tracker under the rear bumper of a vehicle, after being suspected by Ms. Seaton. The recording, from January 23rd, 2021, contains a confrontation by Ms. Seaton when she accuses Officer Berezna of placing the tracker on her vehicle without her knowledge.

In the recording, Officer Berezna initially acknowledges that he put the tracker on the vehicle because of "trust issues" in the relationship. He later challenges her and suggests that the tracker was placed on the car by a subject with whom she was in a prior relationship. When she alleges that his fingerprints are on the tracker, he responds that they would be there because she just handed it to him. Ultimately, he acknowledges that he put the tracker on the vehicle without her knowledge because of prior trust issues in the relationship.

Interviews with Officer Brent Berezna

Officer Berezna was interviewed in the PIU office on November 10th, 2021 and December 7th, 2021. Both times, Lt. Biroshik and I conducted the interviews and Officer Berezna was accompanied by

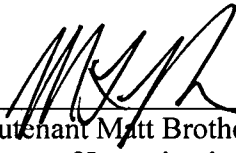
In both interviews, Officer Berezna denied putting the tracker on Ms. Seaton's vehicle without her knowledge. He stated that she put the tracker on her vehicle in order to attempt to regain his trust following honesty issues in the relationship.

Following the first interview, Officer Berezna supplied the GPS tracker that was in question and its purchase information. The tracker is personally owned by Officer Berezna. The data from the tracker supports Ms. Seaton's allegations.

Conclusion

Concerning the allegations in the Formal Complaint, that Officer Berezna placed the GPS tracker on Ms. Seaton's vehicle without her knowledge or consent, the evidence reviewed by this office has led to the conclusion that Officer Berezna did, in fact, put the tracker on the vehicle without Ms. Seaton's knowledge.

The Fayette County Attorney's Office has advised that putting a tracker on someone's vehicle without their knowledge is not a violation of the law. Additionally, the issue of whether Officer Berezna placed the tracker on the vehicle without Ms. Seaton's knowledge does not pertain to his official duties. Ms. Seaton's allegation pertains to the personal relationship between her and Officer Berezna.



Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit

cc: file – PIU 2021F-023



Lexington Police Department
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
November 1, 2021

EFFECTIVE DATE

NUMBER
PIU: 21-118

TO:
Assistant Chief Shawn Coleman
Bureau of Special Operations

FROM:
Lieutenant Matthew Brotherton
Bureau of Investigation
Public Integrity Unit

SUBJECT:
FORMAL COMPLAINT

COMPLAINANT: Ms. Kathy Seaton

ACCUSED OFC.: Officer Brent Berezna

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

ALLEGED CIRCUMSTANCES: On January 21st, 2021, Ms. Seaton, suspecting that a tracking device had been placed on her vehicle without her knowledge, took her vehicle to an auto service business; the auto service technicians located a tracking device attached to her vehicle. Ms. Seaton subsequently confronted Ofc. Brent Berezna, whom, at the time, she was dating. Ms. Seaton recorded her confrontation of Ofc. Berezna; during the interaction, Ofc. Berezna acknowledges that he placed the tracker on Ms. Seaton's vehicle.

ACTION REQUESTED:

- The Bureau Commander and Officer Berezna 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 Berezna.
- Officer Berezna 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. Neuman</u>	<u>11/2/21</u>	<u>1145</u>
Supervisor	<u>[Signature]</u>	<u>11/3/21</u>	<u>1804</u>
Officer	<u>[Signature] 49740</u>	<u>11/2/2021</u>	<u>15:09</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] 11/04/21 0800

[Signature]
 Lieutenant Matthew Brotherton
 Bureau of Investigation
 Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers
 file - PIU2021F-023

**LEXINGTON POLICE DEPARTMENT
FORMAL COMPLAINT FORM**

FORM 111 (5/21)

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Complainant: Seaton, Kathryn			Complainant Address:	
Complainant Phone #:	Alternate Complainant Phone #:	Complainant Email:		
Date of Incident: 01/2021	Time of Incident: N/A	Location of Incident: Fayette County	Date and Time Reported: 11/01/21	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

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

Complainant Signature: *Kathryn Seaton* Date: Nov 1, 2021
 Subscribed and sworn before me this date: 11-1-2021 *Melanie R. Volow KY NP 20919*
(Date) (Notary)
 My Commission Expires: 2-3-2025

Witness:
 Name: _____ Address: _____ Phone: _____

Recorded By: Bureau of Investigation, Public Integrity Unit