



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

DATE OF ISSUE  
 April 25, 2022

EFFECTIVE DATE  
 April 29, 2022

NUMBER  
 PO:22-137

TO:  
 SUSPENSION WITHOUT PAY

AMENDS:

INDEX AS:  
 OFFICER  
 DUANE BAILLIO

RESCINDS:

Effective, Friday, April 29, 2022, Officer Duane Baillio will be suspended without pay for one (1) day, for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 – Body-Worn Camera Procedures.

Officer Baillio is to surrender all police credentials and division-owned equipment. Officer Baillio’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 April 14, 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 Duane Baillio #42799

has committed the offense of:  
Body Worn Camera Procedures

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 1.04 Body-Worn Camera Procedures

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

On or about December 30, 2021 Officer Duane Baillio failed to activate his Body Worn Camera (BWC) per policy on a call for service. Between the dates of January 9, 2021 and December 30, 2021, Officer Baillio had eight incidents involving BWC errors or issues. Of the eight incidents, six were failure to activate, one late activation and one equipment failure. The listed incidents where Officer Baillio failed to activate his BWC did not involve a critical incident or arise from a complaint filed by a citizen.

At the conclusion of the investigation it was determined Officer Baillio violated the above policy which states: "Officers issued body-worn cameras shall wear and use them, as outlined in department policies, to record contacts and interactions that occur between officers and members of the public, suspects, and others in a wide variety of situations to promote transparency in accordance with state law and accountability for officers and the community through objective evidence."

This is Officer Baillio's first sustained formal complaint since his employment since March 8, 2004.

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:

**One (1) day 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.

*D.M. Baillie* 42799  
Employee Signature

3/28/2022  
Date

*James B. Weather*  
Chief of Police Signature

3/28/2022  
Date

<b>ACTION BY URBAN COUNTY COUNCIL</b>	
<input checked="" type="checkbox"/>	APPROVE ABOVE RECOMMENDATION <i>4/14/2022</i>
<input type="checkbox"/>	DISAPPROVE ABOVE RECOMMENDATION
<u><i>[Signature]</i></u> 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

March 21, 2022

EFFECTIVE DATE

NUMBER  
COP:  
22-0068

TO:

Kenneth Armstrong, Commissioner  
Department of Public Safety

SUBJECT:

Disciplinary Recommendation  
PIU2022F-002  
Officer Duane Baillio

FROM:

Lawrence B. Weathers  
Chief of Police

I met with Officer Duane Baillio on March 16, 2022, and have determined this as "Improper Conduct" for violation of:

- General Order 1973-02K - Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 – Body-Worn Camera Procedures

I have recommended a one (1) day **Suspension Without Pay** for the violation. I have included the summary of this formal complaint for your information. Reviewed PIU synopsis regarding the complaint.

Officer Baillio accepted this discipline on March 18, 2022.

Lawrence B. Weathers  
Chief of Police

LBW/rmh

Attachment



**LEXINGTON POLICE DEPARTMENT  
FORMAL COMPLAINT FORM**

FORM 111 (5/21)

File #: PIU2022F-002

FOR OFFICIAL USE ONLY

Employee Involved: Officer Duane Baillio			Employee #: 42799	Hire Date: 03/08/2004
Present Assignment: Bureau of Patrol / West Sector				
Complainant: Lieutenant Daniel Burnett 44366		Complainant Address: 150 E. Main Street, Lexington Kentucky 40507		
Complainant Phone #: (859) 258-3600	Alternate Complainant Phone #:	Complainant Email:		
Date of Incident: Various	Time of Incident: Various	Location of Incident: Lexington, Kentucky	Date and Time Reported: 02/03/2022 / 1100	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

**DESCRIPTION OF ALLEGATIONS:**

On or about December 30, 2021 Officer Duane Baillio was discovered to not have activated his BWC per policy on a call for service. Between the dates of 1/9/2021 and 12/30/2021 Officer Baillio had 8 incidents involving body camera errors or issues, which included six failure to activate and one attempt failure. Officer Baillio received prior on 8/23/21 and 11/18/21 regarding LPD's body worn camera policy. His supervisor discussed ways and strategies to ensure he turns on his body own camera in a timely manner. During both Officer Baillio was also instructed that officers shall place their BWC in event mode prior to their arrival on a call or at the initiation of any other official contact, or non-contact enforcement actions.

If these allegations are true then Officer Duane Baillio has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 Body-Worn Camera Procedures which states:

"Officers issued body-worn cameras shall wear and use them, as outlined in department policies, to record contacts and interactions that occur between officers and members of the public, suspects, and others in a wide variety of situations to promote transparency in accordance with state law and accountability for officers and the community through objective evidence."

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

Complainant Signature: Daniel Burnett 44366 Date: 02-22-2022  
 Subscribed and sworn before me this date: 2-22-22 (Date) Melanie R. Votaw KYNP 2019 (Notary)  
 My Commission Expires: 2-3-2025

**Witness:**  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Recorded By: Bureau of Investigation, Public Integrity Unit

File #: PIU2022F-002 Employee: Officer Duane Baillio

**CHIEF OF POLICE**

[Finding: PC=Proper Conduct, IC=Improper Conduct, IE=Insufficient Evidence, PF=Policy Failure, UC=Unfounded Complaint]

Finding **Policy Violation**

<input checked="" type="checkbox"/> IC	General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 Body-Worn Camera Procedures

Chief of Police Recommendation:  Case Be Closed  Corrective Training  Disciplinary Action (see below)

Materials Reviewed: Reviewed PIU synopsis.

Comments:

Assistant Chief Eric Lowe and I met with Officer Baillio on 03.16.2021. Officer Baillio understands he needs to be accountable. I recommend 1 day suspension without pay.

Signature: *Shirley B. Weather* Date: 03.16.2022

**DISCIPLINARY REVIEW BOARD**

Finding **Policy Violation**


Disciplinary Review Board Recommendation:  Case Be Closed  Corrective Training  Disciplinary Action (see below)

Comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CHIEF OF POLICE FINAL RECOMMENDATION**

Case Be Closed  Corrective Training  Disciplinary Action (see below)

Comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



LEXINGTON POLICE  
DEPARTMENT  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE  
March 10, 2022

EFFECTIVE DATE

NUMBER  
PIU 22-023

<b>TO:</b> Lawrence Weathers Chief of Police	<b>SUBJECT:</b> Formal PIU 2022F-002 Officer Duane Baillio Summary
<b>FROM:</b> Lieutenant David Biroshik Bureau of Investigation Public Integrity Unit	

This memorandum will provide a synopsis of the investigation; however, other supporting documents may be viewed in conjunction with this memorandum.

On February 22, 2022 Lieutenant D. Burnett filed a formal complaint against Officer Duane Baillio for the violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.04 – Body-Worn Camera Procedures.

**Allegations:**

On or about December 30, 2021 Officer Duane Baillio was discovered to not have activated his BWC per policy on a call for service. Between the dates of 1/9/2021 and 12/30/2021 Officer Baillio had 8 incidents involving body camera errors or issues, which included six failure to activate, one attempt failure and one equipment failure. Officer Baillio received prior on 8/23/21 and 11/18/21 regarding LPD’s body worn camera policy. His supervisor discussed ways and strategies to ensure he turns on his body worn camera in a timely manner. During both , Officer Baillio was also instructed that officers shall place their BWC in event mode prior to their arrival on a call or at the initiation of any other official contact, or non-contact enforcement actions.

If these allegations are true then Officer Duane Baillio has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 Body-Worn Camera Procedures which states:

“Officers issued body-worn cameras shall wear and use them, as outlined in department policies, to record contacts and interactions that occur between officers and members of the public, suspects, and others in a wide variety of situations to promote transparency in accordance with state law and accountability for officers and the community through objective evidence.”

**Investigation**

After the Formal Complaint was received in the Public Integrity Unit, I reviewed all Blue Team reports completed by Officer Baillio for failing to activate his body worn camera. Between the dates of January 9<sup>th</sup>, 2021 – December 28<sup>th</sup>, 2021 there were a total of 8 reports that were completed for separate incidents. The incidents are listed below along with the disposition of each:

1. January 9<sup>th</sup>, 2021 – Attempt Failure
2. March 21<sup>st</sup>, 2021 – Failed to Activate
3. May 19<sup>th</sup>, 2021 – Failed to Activate
4. May 25<sup>th</sup>, 2021 – Failed to Activate
5. July 26<sup>th</sup>, 2021 – Failed to Activate
6. September 12<sup>th</sup>, 2021 – Cable / Battery
7. October 15<sup>th</sup>, 2021 – Failed to Activate
8. December 28<sup>th</sup>, 2021 – Failed to Activate

During this time period Officer Baillio had a total of 764 BWC activations for a total of 221.70 total hours of video.

Also during this time, a total of 3 \_\_\_\_\_ were completed while working to resolve the BWC issues with Officer Baillio. The first \_\_\_\_\_ was completed on August 24<sup>th</sup>, 2021 when Sergeant Sharapov discussed 5 separate incidents he failed to activate his camera prior to the beginning of the call. They discussed the policy regarding BWC's and decided to randomly check his activity each month.

The second \_\_\_\_\_ was issued on November 18, 2021. During this \_\_\_\_\_ they again discussed policy and reviewed the incidents that he failed to properly record, which were now at 7. Officer Baillio was also issued a new body worn camera system and they discussed the best place to put on his uniform to ensure the proper activation.

The third \_\_\_\_\_ issued was on January 27<sup>th</sup>, 2022 for an incident that occurred on December 30<sup>th</sup>, 2021. During this incident he failed to activate his camera on time to catch the length of the call in its entirety.

### **Officer Baillio's Interview**

Officer Baillio was interviewed in the Public Integrity office on March 2<sup>nd</sup>, 2022. At this time he confirmed the number of BWC Failures was accurate, although he could not remember each individual incident in its entirety. He understood the importance of documenting all calls that he is on and understands the importance of the BWC Policy. He also understands why he is being charged for these policy violations and agrees with the reasoning.

Officer Baillio stated he and his supervisors have discussed his issue with BWC activation and various ways to get better at remembering to do so. The new 1 piece BWC he believes has helped a lot, due to the placement on his body and being able to see the indicator lights on the camera. He also has consciously made an effort to stop touching his BWC throughout the calls, which started when he started worrying about not activating it. He has placed signs in his cruiser to remind himself to activate the camera as he exits his cruiser and he has also began activating it as he receives his dispatched calls, instead of waiting until he arrives.

### **Lt. Daniel Burnett's Interview**

Lt. Daniel Burnett is one of Officer Duane Baillio's supervisors and he asked to be interviewed regarding this Formal Charge.



Lt. Burnett advised that Officer Baillio is an excellent officer who he believes truly has tried to correct the issues with activating his Body Worn Camera on time. He and Sergeant Sharapov have had multiple conversations with him discussing division policy, objectives and ideas to assist with him remembering to activate his camera. Lt. Burnett describes Officer Baillio's attitude as excellent and very committed to correcting his issues. Each time they discuss the issues, Officer Baillio agrees with the concerns and understands why he was formally charged.

Lt. Burnett advised he has no concerns with Officer Baillio outside of these failure to activate issues and he strongly believes Officer Baillio will be able to correct them in the future.

### **Summary**

Officer Baillio failed to activate his Body Worn Camera six separate times, had one late activation and one equipment failure in the year 2021. The listed incidents where Officer Baillio failed to activate his BWC did not involve a critical incident or arise from a complaint filed by a citizen. His supervisors have documented these incidents on three separate  
and have continued to work with him to correct the problem in the future. Officer Baillio remains committed to following the policies laid out by the Lexington Police Department, but based on these incidents I recommend the allegation that he has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 Body-Worn Camera Procedures be sustained.



Lexington Police Department  
**MEMORANDUM**  
 Lexington, Kentucky

DATE OF ISSUE  
 February 22, 2022

EFFECTIVE DATE

NUMBER  
 PIU: 22-013

TO:  
 Assistant Chief Brian Maynard  
 Bureau of Patrol

SUBJECT:  
 FORMAL COMPLAINT

FROM:  
 Lieutenant David Biroshik  
 Bureau of Investigation  
 Public Integrity Unit

**COMPLAINANT:** Lieutenant Daniel Burnett

**ACCUSED OFC.:** Officer Duane Baillio

**ALLEGATION:** Violating General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.04 Body-Worn Camera Procedures


**ALLEGED CIRCUMSTANCES:** On or about December 30, 2021 Officer Duane Baillio was discovered to not have activated his BWC per policy on a call for service. Between the dates of 1/9/2021 and 12/30/2021 Officer Baillio had 8 incidents involving body camera errors or issues, which included six failure to activate and one attempt failure. Officer Baillio received prior on 8/23/21 and 11/18/21 regarding LPD's body worn camera policy. His supervisor discussed ways and strategies to ensure he turns on his body own camera in a timely manner. During both , Officer Baillio was also instructed that officers shall place their BWC in event mode prior to their arrival on a call or at the initiation of any other official contact, or non-contact enforcement actions.

**ACTION REQUESTED:**

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

DATE

TIME

Bureau Commander  2/22/22 1126

Supervisor D-1 ~~327~~ 44366 2-22-2022 1020

Officer DM. Baillie 42799 2/22/2022 1020

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

Returned to the Public Integrity Unit LT. D. Biroschik 2/22/22 1136

LT. D. Biroschik

Lieutenant David Biroschik  
Bureau of Investigation  
Public Integrity Unit

mrV

enclosures

cc: Chief Lawrence Weathers  
file – PIU2022F-002