



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

DATE OF ISSUE  
 December 1, 2022

EFFECTIVE DATE  
 December 5, 2022

NUMBER  
 PO:22-465

TO:  
 SUSPENSION WITHOUT PAY

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INDEX AS:  
 OFFICER  
 BENJAMIN STARKEY

AMENDS:

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RESCINDS:

Effective, Monday, December 5, 2022, Officer Benjamin Starkey will be suspended without pay for one (1) day, for violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Section 1.07 – Conduct Towards the Public and Conduct Toward Department Employees.

Officer Starkey is to surrender all police credentials and division-owned equipment. Officer Starkey’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 June 23, 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 Benjamin Starkey #49766

has committed the offense of:  
Conduct Toward the Public and Conduct Toward Department Employees

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 Section 1.07

in that on the 7th day(s) of December, 20 21 he/she allegedly:

On December 7th, 2021 Officer Benjamin Starkey violated the Operational Rules by distributing an altered photo to a fellow employee. The photograph included a department employee's picture that was unprofessional and demeaning to that employee. The above listed policy states:

- Officers shall conduct themselves in a manner that fosters cooperation among employees of this department, showing respect and courtesy. Officers shall be civil and professional in their dealings with other employees at all times.

- Officers shall not use language or engage in any acts that threaten, demean, harass, intimidate, or torment other employees, to include applicants for employment, volunteers, interns, or any individual engaged in department-sponsored mentoring activities.

- No officer shall use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the officer's use of Internet or social networking sites outside of the workplace.

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.

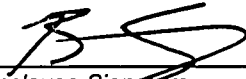
Further, I, with knowledge of the provisions and my rights under KRS 95.450, 95.460, and 15.520 and in consideration of the recommendation of the Chief of Police of the Lexington Police Department, acknowledge that the appropriate punishment for this conduct is:

**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.

  
\_\_\_\_\_  
Employee Signature

6/10/22  
Date

  
\_\_\_\_\_  
Chief of Police Signature

6/10/22  
Date

<b>ACTION BY URBAN COUNTY COUNCIL</b>	
<input checked="" type="checkbox"/>	APPROVE ABOVE RECOMMENDATION
<input type="checkbox"/>	DISAPPROVE ABOVE RECOMMENDATION
<p><u>6/23/2022</u></p>  _____ 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

May 31, 2022

EFFECTIVE DATE

NUMBER  
COP:  
22-0108

TO:

Kenneth Armstrong, Commissioner  
Department of Public Safety

FROM:

Lawrence B. Weathers  
Chief of Police

SUBJECT:

Disciplinary Recommendation  
PIU2022F-004  
Officer Benjamin Starkey

I met with Officer Benjamin Starkey on May 24, 2022, and have determined this as "Improper Conduct" for violation of:

- General Order 1973-02K - Disciplinary Procedures of Sworn Officers, Section 1.07 – Conduct Toward the Public and Conduct Toward Department Employees

I have recommended a one (1) day **Suspension Without Pay** for the violation, and ensure that Officer Starkey has completed policy and review training recommended by Human Resources. I have included the summary of this formal complaint for your information. Reviewed PIU synopsis and Human Resources investigative summary regarding the complaint.

Officer Starkey accepted this discipline on May 25, 2022.

Lawrence B. Weathers  
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE  
DEPARTMENT  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE  
April 25<sup>th</sup>, 2022

EFFECTIVE DATE

NUMBER  
PIU 22-051

TO:  
Chief Lawrence Weathers  
Chief of Police

SUBJECT:  
Formal P.I.U.22.F.004  
Officer Ben Starkey  
Summary

FROM:  
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 March 3<sup>rd</sup>, 2022 Lieutenant Darin Salyer filed a formal complaint against Officer Ben Starkey for the violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.07 – Conduct Toward the Public and Conduct Toward Department Employees

**Allegations:**

On or about December 7th, 2021 Officer Benjamin Starkey violated the Operational Rules by distributing a photo that included a department employee’s picture that was unprofessional and demeaning to that employee. The image was an altered photo from the departments Facebook page which showed a large phallic image superimposed over a trophy.

If the above is true than Officer Starkey is in violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers Section 1.07 Conduct Toward the Public and Conduct Toward Department Employees, which states:

- Officers shall conduct themselves in a manner that fosters cooperation among employees of this department, showing respect and courtesy. Officers shall be civil and professional in their dealings with other employees at all times.
- Officers shall not use language or engage in any acts that threaten, demean, harass, intimidate, or torment other employees, to include applicants for employment, volunteers, interns, or any individual engaged in department-sponsored mentoring activities.
- No officer shall use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the officer's use of Internet or social networking sites outside of the workplace.
- The department considers unprofessional conduct, harassment, discrimination, and retaliation of others to be serious employee misconduct.

## Human Resources Investigation

On or about December 8<sup>th</sup> 2021 the Division of Human Resources opened an investigation into a photo that had been altered, where \_\_\_\_\_ was receiving the “ \_\_\_\_\_ ” from Chief Weathers, for work done on several cases in 2020. In this photo an award that Chief Weathers was handing to \_\_\_\_\_ was altered to show her receiving a large purple phallic image instead. During their investigation the following officers were interviewed: \_\_\_\_\_, Officer Adam Ray, Officer Ben Starkey and Officer Joseph Williams.

During these interviews it was determined that Officer Ray texted the photo to Officer Starkey, who then sent it to Officer Williams, who then sent it to \_\_\_\_\_. Each individual denied altering the photo, but did admit to sending it. Officer Ray appearing to be the originator of the text advised he had received it on the “Signal App”, it had already automatically erased and he did not remember who he had received it from originally.

At the conclusion of the Human Resources investigation the determination and recommendation from them were as follows: *“As for Ray, he admittedly forwarded the photo shopped picture, because he thought Starkey would find it funny. As the photo shopped picture was inappropriate and sexual in nature, added to the fact that \_\_\_\_\_ is a \_\_\_\_\_ in the \_\_\_\_\_ and Weathers is the Chief of Police, the Division of Human Resources recommends that the Division of Police review the findings of this investigation for possible consideration of administrative action based on the actions of Ray.”*

Further recommendations continued with the following: *“ It is further recommended that both Ray and Starkey complete “The Right Side of the Line” – a formal review of CAO Policy #5R: Policy and Procedure for Harassment Complaints presented by the Division of Human Resources at the earliest possible opportunity.”*

Once the HR Investigation was completed Lieutenant Darin Salyer filed a Formal Complaint against Officer Adam Ray and Officer Ben Starkey on March 3<sup>rd</sup>, 2022 for their part in the incident.

## PIU Investigation

During the investigation by the Public Integrity Unit it was determined, by interviewing all of the officers involved the incident occurred as described below.

Officer Starkey and Officer Joseph Williams were in the Downtown Entertainment District Office at 200 E. Main Street preparing for their shift. While sitting in the same room Officer Starkey received the altered photo from Officer Ray. When he received the photo he laughed, but did not show it to anyone. Officer Williams inquired to why he was laughing and that is when Officer Starkey showed him the photo. Officer Williams thought the photo was funny and asked Officer Starkey to send it to him. Officer Starkey knew that Officer Williams and \_\_\_\_\_ were close friends and he knew he would show her, so he sent it to him believing \_\_\_\_\_ would also find it funny.

After receiving the photo Officer Williams then sent it to \_\_\_\_\_ who responded back with either a “laughing emoji” or the letters LOL. It was several hours later at an event both Officer Williams and \_\_\_\_\_ were attending that she texted him and told him she was offended by the photo and asked him to erase it. Officer Williams did so immediately.

Also around this time all officers working in the Bureau of Special Operations received an email or text originating from Lt. Darin Salyer that there was an inappropriate photo circulating around and if anyone had it, they were to erase it immediately. At this time Officer Starkey erased the photo, without sending it, or showing it to anyone else.

During the investigation by the Public Integrity Unit it was decided by supervisors in the Bureau of Special Operations that Formal Charges would also be filed against Officer Joseph Williams. Lieutenant Darin Salyer filed those charges on March 29<sup>th</sup>, 2022.

### **Officer Ben Starkey’s Interview**

Officer Ben Starkey was interviewed in the Public Integrity Unit’s office at Headquarters on March 16<sup>th</sup>, 2022 by Lt. Matt Brotherton and myself.

Officer Starkey described the incident to us and advised he had received the altered photo from Officer Adam Ray. He did believe the photo to be funny and laughed when he saw it. He did not show or offer to show it to anyone on his own after he received it. When asked by Officer Williams to see it and ultimately sent it to him he didn’t think much about it because he knew Officer Williams was extremely good friends with \_\_\_\_\_ and if he sent it to her he trusted he would know whether she would be offended or not.

After receiving the text from his supervisors advising everyone to erase the altered photo if they had it, he immediately did and did not show or send it to anyone else. He also advised his intentions were never to offend anyone and it bothered him that he played a part in something that did.

### **Officer Adam Ray’s Interview**

Officer Adam Ray was interviewed in the Public Integrity Unit by Lieutenant Matt Brotherton and myself on March 18<sup>th</sup>, 2022.

During this interview Officer Ray advised he wanted to be honest and admitted to being the originator of the altered photo. He advised he obtained a copy of the photo where Chief Weathers was handing the award to \_\_\_\_\_ and superimposed a photo of a large purple phallus in its place. He then sent the photo to Officer Starkey, because he said they have a similar sense of humor. He stated he did not send the photo to anyone else and erased it when receiving the text from his supervisors. Officer Ray stated he did not mean to cause anyone to get upset, or to offend anyone, it was just a juvenile attempt and humor.

It should be noted that during his interview with the cities HR Department Officer Ray denied altering the photo. When asked about the discrepancies he admitted to lying during the investigation with the HR Investigator Alecia Smith.

## 's Interview

was interviewed in the Public Integrity Office by Lieutenant Matt Brotherton and myself on March 23<sup>rd</sup>, 2022.

explained that on December 7<sup>th</sup>, 2021 she had received the altered photo from Officer Williams via text message. She initially believed it was a duplicate message of the true photo he had sent her congratulating her on receiving the award earlier in the day. When she questioned him on why he was sending it to her again, she looked closer and realized the photo was altered.

She advised it was upsetting to receive a photo like this, due to the fact that she won the award for helping victims in . She advised as the night went on she became more upset until she reached out to Officer Williams and asked him to erase the photo. She then felt she needed to let Melinda Weathers know about the photo, who she is very good friends with, so she sent her the photo and called her to explain. The next day at work she talked with Lieutenant Muller about the photo and her understanding on who possibly made it.

advised she is very good friends with Officer Williams and knows he did not sent it to her to upset her. She thought it would be easier to see it as a joke if he had altered the photo himself, instead of someone outside her "circle" of close friends.

## Officer Joe William's Interview

Officer Joe William's was interviewed in the Public Integrity's Offices by Lieutenant Matt Brotherton and myself on April 18<sup>th</sup>, 2022.

During this interview he does state he asked Officer Starkey to send him the altered photo after seeing it. He did think it was funny and wanted to send it to , who he believed would think it was funny also, plus he wanted her to know it was being sent around. She sent back either a "laughing emoji", or an LOL, but did not make him aware she was offended until later in the evening.

It was approximately 3-4 hours later that while at an event together that sent him a text asking if he still had the photo. Officer Williams advised her he did still have the photo, it was at this point that she told him she was upset about it and offended. She asked him to erase the photo and he complied.

Officer Williams describes his relationship with as very close, similar to a brother and sister. His intentions were never to offend anyone, only to show her something he thought she would think was funny and to advise her other people may have the photo.

## Conclusion



In conclusion of the investigation it can be determined without doubt that Officer Adam Ray altered the photo in question. He then sent it to Officer Starkey and then was dishonest during his interview with the city's Human Resource Investigator. Officer Starkey did in fact send the photo to Officer Williams, only after being asked to do so. Officer Williams did in fact send the photo to believing she would think it was funny and to let her know the photo had been made.



Lexington Police Department  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE  
March 3, 2022

EFFECTIVE DATE

NUMBER  
PIU: 22-027

TO:  
Assistant Chief Shawn Coleman  
Bureau of Patrol

SUBJECT:  
FORMAL COMPLAINT

FROM:  
Lieutenant David Biroshik  
Bureau of Investigation  
Public Integrity Unit

**COMPLAINANT:** Lieutenant Darin Salyer

**ACCUSED OFC.:** Officer Benjamin Starkey

**ALLEGATION:** Violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers  
Section 1.07 Conduct Toward the Public and Conduct Toward Department Employees

**ALLEGED CIRCUMSTANCES:** On or about December 7th, 2021 Officer Benjamin Starkey violated the Operational Rules by distributing a photo that included a department employee's picture that was unprofessional and demeaning to that employee. The image was an altered photo from the departments Facebook page which showed a large phallic image superimposed over a trophy.

**ACTION REQUESTED:**

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

DATE

TIME

3/8/22

1200

Bureau Commander J. Newman

Supervisor D. S. [Signature]

Officer [Signature]

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 D. Biroschik 3/8/22 14:26

LT. D. Biroschik  
Lieutenant David Biroschik  
Bureau of Investigation  
Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers  
file – PIU2022F-004

**LEXINGTON POLICE DEPARTMENT  
FORMAL COMPLAINT FORM**

FORM 111 (5/21)

File #: PIU 2022F-004

FOR OFFICIAL USE ONLY

Employee Involved: Officer Benjamin Starkey		Employee #: 49766	Hire Date: 08/20/2012
Present Assignment: Bureau of Special Operations / Downtown Entertainment District			
Complainant: Lieutenant Darin Salyer 41917		Complainant Address: 150 E. Main Street, Lexington Kentucky 40507	
Complainant Phone #: (859) 258-3600	Alternate Complainant Phone #:	Complainant Email:	
Date of Incident: 12/07/2021	Time of Incident: 1438	Location of Incident: 200 E. Main Street, Lexington Kentucky	Date and Time Reported:  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 7th, 2021 Officer Benjamin Starkey violated the Operational Rules by distributing a photo that included a department employee's picture that was unprofessional and demeaning to that employee. The image was an altered photo from the departments Facebook page which showed a large phallic image superimposed over a trophy.

If the above is true than Officer Starkey is in violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers Section 1.07 Conduct Toward the Public and Conduct Toward Department Employees, which states:

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- Officers shall not use language or engage in any acts that threaten, demean, harass, intimidate, or torment other employees, to include applicants for employment, volunteers, interns, or any individual engaged in department-sponsored mentoring activities.
- No officer shall use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the officer's use of Internet or social networking sites outside of the workplace.
- The department considers unprofessional conduct, harassment, discrimination, and retaliation of others to be serious employee misconduct.

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

Complainant Signature: *D. Salyer* Date: 3-3-2022  
 Subscribed and sworn before me this date: March 3, 2022 Shannon KYNP7428  
(Date) (Notary)  
 My Commission Expires: May 14, 2024

Witness: *[Signature]* Address: 150 E. MAIN Phone: 258-3605  
 Name: [Signature]

Recorded By: Bureau of Investigation, Public Integrity Unit

File #: PIU 2022F-004

Employee: Officer Benjamin Starkey

**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 Section 1.07 Conduct Toward the Public and Conduct Toward Department

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

Materials Reviewed: Reviewed PIU synopsis and Human Resources investigative summary

Comments:

Improper Conduct recommend 1 day suspension without pay and ensure Officer Starkey has completed policy and review training recommended by Human Resources.

Signature: *Aurora B. Weather*

Date: 05-27-2022

**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: \_\_\_\_\_