



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

DATE OF ISSUE

October 17, 2023

EFFECTIVE DATE

November 6, 2023

NUMBER

PO:23-448

TO:

SUSPENSION WITHOUT PAY

AMENDS:

INDEX AS:

OFFICER  
JOHN MCFULL / 57188

RESCINDS:

Effective Monday, November 6 - 19, 2023, Officer John McFaul will be placed in a suspended without pay status for two (2) weeks for violation of G.O. 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department.

Officer McFaul is not authorized to enter any Government work site or other employee only area while suspended. Officer McFaul must surrender any Police Department and Urban County Government property, including keys and identification.

Officer McFaul will also be scheduled for a thirty (30) day suspension of Home Fleet.

A handwritten signature in dark ink, reading "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 John McFaull 57188

has committed the offense of:

Engaging in an unauthorized pursuit

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 1.35-  
Violating Any Rules of the Department

in that on the 5th day(s) of June, 20 23 he/she allegedly:

Officer John McFaull was involved in a vehicle pursuit where the occupants were only wanted for a non-violent felony (stolen car). Officer McFaull was given an order to discontinue the pursuit and he failed to obey the lawful order.

Officer McFaull took full responsibility for his actions.

This is Officer McFaull's first formal pursuit since his hire on April 15, 2019.

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:

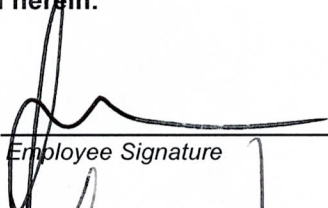
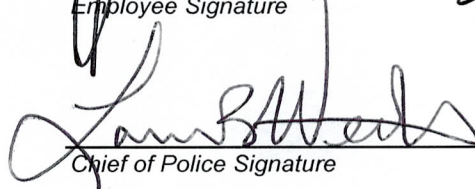
Two (2) week suspension without pay and thirty (30) day suspension of home fleet.

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.

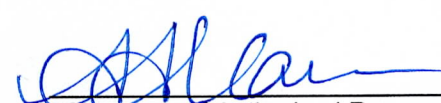
 Employee Signature	<u>57188</u>	<u>10/02/23</u> Date
 Chief of Police Signature	<u>24598</u>	<u>10/02/23</u> Date

**ACTION BY URBAN COUNTY COUNCIL**

10/12/2023

☒ 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

September 15, 2023

EFFECTIVE DATE

NUMBER  
COP:  
23-0266

TO:

Kenneth Armstrong, Commissioner  
Department of Public Safety

FROM:

Lawrence B. Weathers  
Chief of Police

SUBJECT:


Disciplinary Recommendation  
PIU2023F-006  
Officer John McFaull

I met with Officer John McFaull on September 15, 2023, and have determined this as  
“Improper Conduct” for violation of:

- General Order 1973-02K - Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 – Violating Any Rules of the Department

I have recommended a two (2) week Suspension without Pay, and thirty (30) day suspension of Home Fleet.

Officer McFaull accepted this discipline on September 15, 2023.

*Lawrence B. Weathers*  


Lawrence B. Weathers  
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE  
DEPARTMENT  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE  
8/1/2023

EFFECTIVE DATE

NUMBER  
PIU: 23-067

TO:  
Lawrence Weathers  
Chief of Police

SUBJECT:  
Formal PIU2023F-006  
Officer John McFaul 57188  
Summary

FROM:  
Lieutenant Jeff Jackson  
Bureau of Investigation  
Public Integrity Unit

Sir,

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

On July 11, 2023 Lieutenant Samantha Moore filed a formal complaint against Officer John McFaul that alleged the following:

On June 5, 2023, Officer McFaul was involved in a vehicle pursuit where the occupants were wanted for only non-violent felonies. At the time of the pursuit it appears the only charges available were for operating a stolen vehicle. Officer McFaul participated in the pursuit in a heavily populated and traveled area of Lexington, during a time of day known for heavy traffic. During the pursuit Officer McFaul was given instructions by Sgt. Whitcomb via the radio to "not chase" and only Air One would pursue/follow the vehicle if they fled prior to the Officers attempting the initial traffic stop. Officer McFaul failed to obey this directive and chose to continue pursuing the vehicle failing to notify via radio that they were in pursuit of the vehicle.

If the above allegation is true, Officer McFaul has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department by his actions of pursuing a vehicle against LPD Policy and Training.

**Investigation**

On June 5, 2022, Officer McFaul was involved in a vehicle pursuit where the occupants were wanted for only non-violent felonies, the vehicle having been stolen. Officer McFaul participated in the pursuit during a time of day known for heavy traffic. During the pursuit Officer McFaul was given instructions by a supervisor via dispatch not to pursue, and that only Air1 would be involved if the vehicle fled. Officer McFaul failed to obey this directive and continued pursuing the vehicle, failing to notify via radio that they were in pursuit.

As part of the investigation, the dispatch recording for the duration of Officer McFaul's involvement in the pursuit was requested. This audio log, in conjunction with involved officer's body worn cameras

and Air1's video, was reviewed in order to construct a clear narrative of the events, with radio traffic and unit numbers matched up to that day's rosters.

Officer Olmstead, as unit 114B advised West sector dispatch that he was going to in Central sector after he was advised that a stolen vehicle he had previously recovered that same morning was now showing on the License Plate Reader (FLOCK) system stolen a second time as being in the area of Newtown and Charles. This vehicle had been reported stolen from around 0755hrs the same morning. Officer McFaull, as unit 114A, advised West sector channel he would be on the call as well. He then switched his hand held radio over to Central and left his vehicle mounted radio on the West sector channel, and advised dispatch that he would be on Central sector's channel. At 1536hrs Officer McFaull advised Central sector's channel that he would be in route to Chiles Avenue as well.

Patrol units eventually located the stolen vehicle, a black 2018 Honda Accord with in the area of South Broadway and Red Mile after striking a vehicle and fleeing. Sergeant Nicholas Whitcomb advised all units via Central dispatch to hold off on any traffic stop until Air1 was in the area, an order that dispatch repeated, but Officer McFaull did not acknowledge. Officer Olmstead further advised that the vehicle was running red lights and evading him, seeing him despite not having activated his emergency equipment, lights, or sirens. Sergeant Whitcomb issued an order on Central's channel to back off the vehicle, but keep circulating. Officer Olmstead acknowledged the order, advising that he still had not activated his emergency equipment. He further advised that the vehicle was proceeding inbound (on Broadway) past Maxwell. Officer Olmstead would advise Central dispatch shortly after that the vehicle was stationary northbound on Broadway stopped at Vine Street. He added that the vehicle turned around in the opposing traffic lane to head back southbound on Broadway. Dispatch at this time reminded all officers on that channel that the radio was still restricted in reference to the stolen vehicle. Sergeant Whitcomb asked the status of Air1 at this time, to which Flight Officer Bige Towery responded that they were about to launch and head to the scene. Unit 214 B, Officer Matt Barrett, advised radio that he observed through the windshield that there were at least two occupants in the stolen vehicle. Sergeant Whitcomb again advised dispatch that officers were not to chase the vehicle or light it up, and to only follow at a distance. Dispatch reiterated this on the radio, and Officer Olmstead again acknowledged this, giving a location of Broadway and Cedar approaching Oliver Lewis Way. Officer McFaull was not near the vehicle at this point, and did not acknowledge this, as it would have added extra radio traffic.

Unit 819, Sergeant Tyson Carroll, advised dispatch at this point that two subjects could be observed in the vehicle looking back at police. This was as the Intel Unit monitored the developments via the Real Time Intelligence Center cameras from headquarters. Officer McFaull gave clarification that the vehicle would have a significant amount of damage to the front. The Sheriff deputies who were also monitoring the dispatch traffic advised on Central's channel that they observed the vehicle occupants opening the doors, with the driver appearing to push an object down in the seat next to the door. Units behind the vehicle acknowledged this, giving the location that the vehicle was currently at as being on Broadway at Angliana, and that traffic was backed up. Officer McFaull's body worn camera shows he activated his emergency equipment while proceeding South on Broadway at Bolivar. Officer McFaull terminated his signal 9 response as he approached Maxwell on Broadway, assumedly in response to Sergeant Whitcomb's order to not pursue. As he was wearing an earpiece for his police radio, no Central channel transmissions could be heard on his body worn camera. He stopped and briefly spoke to Officer Barrett, who had pulled next to him and advised him to leave his emergency lights deactivated. Officer McFaull advised Central dispatch that he was approximately two car lengths in front of the suspect vehicle at this point, near the Cookout Restaurant on South Broadway approaching Red Mile. Flight

Officer Towery advised from Air 1 that the units and suspect vehicle were approaching a collision near Red Mile, the aforementioned original collision that the suspect vehicle had fled from. Officer Robert McCullough was the unit dispatched to that report.

Officer McFaull advised that the vehicle was turning into the apartment complex on Angliana, which unit 214B, Officer Barrett, clarified that it was likely the complex next to the Cookout Restaurant based on their last given location. Officer McFaull activated his emergency equipment at that point. This was in response to Officer Olmstead's radio traffic. At 1604hrs, per the timestamp on his (Olmstead's) body worn camera, Officer Olmstead advised dispatch on Central that he was in pursuit of the suspect vehicle, giving his location as Angliana approaching the storage units. Sergeant Whitcomb at that point broadcast on Central radio that pursuing was a negative, and to let Air1 continue following the vehicle. Officer McFaull had left his emergency equipment activated for approximately 2 minutes (body worn camera timestamp 5:55 to 7:42) before terminating his emergency equipment near Angliana and Versailles Road.

Flight Officer Towery asked for the last location as the camera onboard Air1 appeared to have malfunctioned. Officer Olmstead had acknowledged Sergeant Whitcomb's order and shut down his emergency equipment, and advised radio he had disengaged. Officer Olmstead gave the suspect vehicle location as Angliana and Versailles turning right onto High Street. Unit 250, Neighborhood Resource Officer Caleb Brill, verified the location to radio and reiterated that he and Officer Olmstead were not in pursuit.

Shortly after that point, dispatch's audio log recorded Flight Officer Towery giving direction updates for the vehicle, with no mention being made of Officers McFaull and Olmstead following the vehicle. The pursuit was re-engaged with the suspect vehicle reported as turning from High onto Broadway northbound. As the pursuit resumed, Officer McFaull's vehicle can be seen from both his perspective and Air1's camera. These perspectives showed him close behind the vehicle as it fled north through downtown, alternatively turning from Broadway onto 3<sup>rd</sup> Street and from there onto North Limestone, with him chasing the suspect vehicle through the red light on 3<sup>rd</sup> Street through the Upper Street intersection without slowing, or safely clearing the intersection. Officer McFaull then turned left from 3<sup>rd</sup> Street onto Limestone northbound against the red light without slowing to clear the intersection, although he did change his siren tone repeatedly. He then proceeded through the red light on Limestone at 4<sup>th</sup> Street without slowing, again changing his siren tone repeatedly. The vehicles involved, including the suspect vehicle, Officer Olmstead and Officer McFaull, continued throughout the downtown area in rush hour traffic as well as residential areas to include Fairlawn Avenue until all reached the intersection of New Circle while on North Broadway. At this point all three vehicles entered the oncoming lanes of travel in order to go around the stopped northbound traffic, and cross New Circle Road against the red light. This was done while slowing to clear the intersection and changing the siren tone repeatedly.

All three continued northbound on Broadway, to merge onto I-75 southbound, and can be observed on Air 1's camera driving around traffic on the ramp onto I-75 on the shoulder as the pursuit continued. Officer McFaull advised West sector radio at this time of the vehicles location, but gave no indication that he was involved in a pursuit. This was in response to the West channel dispatcher giving an update of the vehicle's location, of which Air1 had advised dispatch. This would continue on both I-75 south, out I-64 east to Hume Road and back onto I-75 south, to exit at Winchester Road and out Hume Road.

As the vehicle travelled on I-64 Officer McFaull transmitted on Central sector's channel, asking Flight Officer Towery if they were approaching the county line. This was in an effort to answer acting

Sergeant Eric Taylor, Unit 110B, who asked on West sector Radio if the vehicles were approaching the county line. Sergeant Taylor also asked if officers were following the vehicle, or in pursuit. Officer McFaull responded that they were following the vehicle with lights activated at a distance in order to give other driver's early warning on the highway. His siren can also be heard in the background of his transmission. Officer McFaull estimated that the police vehicles were approximately 300 meters back behind the vehicle. Acting Sergeant Taylor acknowledged the answer, but did not advise Officer McFaull to terminate the pursuit. West sector dispatch gave updates in this timeframe, around 1634 hours, repeatedly advising that Air 1 was following the vehicle but not in pursuit. This occurred multiple times.

As the vehicle was reported by Flight Officer Towery to be on Hume Road, Unit 100, Commander Matt Brotherton, had become aware of the pursuit and inquired if officers were in pursuit. When advised that units 114A, McFaull, and 114B, Olmstead, were involved, he terminated the pursuit, which all officers acknowledged. Officer McFaull had advised that he had lost sight of the fleeing vehicle, having been farther back than Officer Olmstead. Air1 advised they would continue to follow the vehicle and give updates for the requested KSP response. After 27 minutes 44 seconds of recording, Officer McFaull's body worn camera was deactivated as he cleared the pursuit and the call. At 1644 Officer McFaull transmitted on West sector channel that he was Code 3 (assistance given) for his part. The fleeing vehicle would eventually be stopped by KSP after striking one of their vehicles and a house out of county, and all occupants taken into custody.

### **Interview with Officer John McFaull**

I interviewed Officer McFaull on Friday, July 23<sup>rd</sup>, 2023 at 1105 in the PIU office, along with Lieutenant David Biroshik about the pursuit that occurred on June 5<sup>th</sup> 2023 and his involvement.

Officer McFaull stated the following:

Officers had received a FLOCK alert on a vehicle that had been stolen twice on the day in question, which Officer M. Olmstead had recovered once already. The second theft was due to the suspects from the original theft still being in possession of the keys. Officer McFaull joined Officer Olmstead to assist in recovering it a second time. He advised that an unknown (to him) Central sector unit had spotted it in Central sector, and upon Officer Olmstead advising dispatch that he had gotten behind it, Officer McFaull activated his emergency equipment in order to reach him, but then deactivated his equipment upon getting close to the known location near the Cookout restaurant on South Broadway.

McFaull advised that he and another Central Sector officer turned around as the suspect vehicle turned in traffic, but did not get close or activate their emergency equipment. He advised that Officer Olmstead began following the suspect vehicle as it once again turned around heading south on Broadway from the Vine Street intersection. McFaull advised that they were told to wait until Air1 got in place to follow the vehicle, which occurred in the vicinity of Cookout restaurant again. McFaull advised that the officers actually passed the vehicle so as not to arouse suspicion, and ended up in front of the suspect vehicle. When the vehicle turned in to Newtown Crossings apartments, Officer Olmstead attempted to stop the vehicle leading to it fleeing. Officer McFaull advised he joined in the pursuit at this point, activating his emergency



equipment. He advised that as he turned the corner, he observed a vehicle matching the fleeing vehicle and took off his seatbelt, believing he was about to make contact with the stolen vehicle. This would not be the suspect vehicle, however. He then continued onto Angliana, but was no longer in the pursuit, as Officer Olmstead had continued on behind the actual vehicle.

After hearing Air1 giving the vehicle location as Maxwell and Broadway as the location where it was stopped, Officer McFaull activated his equipment again, and began pursuing it as it fled north on Broadway. He advised it turned right on 3<sup>rd</sup> street and then left heading north on Limestone. He was not sure about which street it turned left on at that point, agreeing when I asked if it was Fairlawn Avenue. Once it turned right back onto Broadway heading north, Officer McFaull was directly behind the vehicle while Officer Olmstead followed behind him. He stated that West sector was made aware of the pursuit as they got onto the highway, at which point Officer McFaull advised he was getting a "bad feeling" about the pursuit, backing off to give what he described as an early warning to the other motorists. He did not want to leave Officer Olmstead, and stayed in the pursuit with his equipment activated. The vehicle merged onto I-64, at which point Officer McFaull advised he knew he should have terminated the pursuit. He advised that Air1 was continually calling the pursuit. As the pursuit went from I-64 onto the 110 exit, Officer McFaull stated he had lost all visual. He stated he stayed in the same area until Commander Brotherton terminated the pursuit, at which point he deactivated all his equipment and returned towards town. He stayed close to the area of the 113 exit of Newtown as KSP was making a stop on the vehicle, and joined a sheriff's deputy in responding with their emergency equipment to back the stop, until hearing that the vehicle again fled from KSP. Officer McFaull advised he returned to roll call at that point.

When asked about the pursuit's beginning at Broadway and Vine, Officer McFaull advised that he was in the lead, until all vehicles involved reached the interstate, at which time Officer Olmstead took the lead role. McFaull advised me that although it was clear on the radio that Sergeant Whitcomb terminated the pursuit when listening to it with Lieutenant Samantha Moore afterwards, he did not recall hearing the terminate order at the time. He acknowledged as well that he should have gotten on the radio, particularly when the pursuit reached the highway, and terminated the pursuit.

Officer McFaull, when asked, advised that the intersection on Broadway and Vine Streets were the most congested, and calling the traffic in the area between Vine and 3<sup>rd</sup> street as busy but not heavily congested. He did not recall the conditions on Broadway at New Circle when asked, where all three vehicles entered the opposing lane of travel to go around the stopped cars and through the intersection. Officer McFaull did confirm that all three vehicles went around the slower traffic on the ramp onto I-75 during the chase. He also clarified that during that time frame, his "bad feeling" started.

When asked about the amount of times he appeared on his body worn camera taking his seat belt on and off, Officer McFaull advised that during those instances he believed the vehicle was stopping and that there was a possibility of a foot pursuit occurring.

Officer McFaull does not believe the danger of the pursuit was justified by the crime being committed, in hindsight. He acknowledged that it was a mistake, and that in the future Air1 should be the only pursuing vehicle in these instances. If involved in this type of call again, he intends to terminate immediately even if other officers are involved. Officer McFaull also acknowledged that he had gone through quarterly pursuit training in roll call.

The interview ended at 1122.

### Conclusion

Officer McFaull does not dispute any of the findings and takes full responsibility for his actions.

Officer McFaull engaged in a pursuit of a stolen vehicle, with no other charges than the non-violent theft of the vehicle. Officer McFaull did not obey an order to terminate the pursuit given by a supervisor, and did not self-terminate at any point until ordered to do so by a commander. He did not recall hearing the termination order at the time of the pursuit. All sworn officers are required to constantly evaluate the risk of pursuing a vehicle against the severity of any existing charges or threat to the public, even in the absence of a supervisor's orders. The recruit academy training as well as quarterly roll call pursuit training is clear about departmental policy regarding pursuits, and that they are not to be initiated for non-violent felonies. General Order 2011-08F Emergency and Pursuit Driving also outlines all circumstances and conditions that must be met to initiate and continue a pursuit.

(e-mailed)

Lieutenant Jeff Jackson  
Bureau of Investigation  
Public Integrity/Unit

cc: file - PIU2023F-006



Lexington Police Department  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE

July 11, 2023

EFFECTIVE DATE

NUMBER

PIU: 23-054

TO:

Assistant Chief Brian Maynard  
Bureau of Patrol

SUBJECT:

FORMAL COMPLAINT

FROM:

Lieutenant Jeffery Jackson  
Bureau of Investigation  
Public Integrity Unit

**COMPLAINANT:** Lieutenant Samantha Moore

**ACCUSED OFC.:** Officer John McFaull

**ALLEGATION:** Violating General Order 1973-02K Disciplinary Procedures of Sworn Officers,  
Appendix B, Operational Rule 1.35 - Violating Any Rules of the Department.

**ALLEGED CIRCUMSTANCES:** On June 5, 2022, Officer McFaull was involved in a vehicle pursuit where the occupants were wanted for only non-violent felonies. At the time of the pursuit it appears the only charges available were for operating a stolen vehicle. Officer McFaull participated in the pursuit in a heavily populated and traveled area of Lexington, during a time of day known for heavy traffic. During the pursuit Officer McFaull was given instructions by Sgt. Whitcomb via the radio to "not chase" and only Air One would pursue/follow the vehicle if they fled prior to the Officers attempting the initial traffic stop. Officer McFaull failed to obey this directive and chose to continuing pursuing the vehicle all the while, also failing to notify via radio that they were in pursuit of the vehicle.

**ACTION REQUESTED:**

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

Bureau Commander MLT [Signature] 07/14/23 1315  
Supervisor LT Samantha Moore 7-14-23 0739  
Officer [Signature] 57158 07/14/23 0739

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] 7/18/23

[Signature]  
Lieutenant Jeffery Jackson  
Bureau of Investigation  
Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers  
file - PIU2023F-006



**LEXINGTON POLICE DEPARTMENT  
FORMAL COMPLAINT FORM**

FORM 111 (5/21)

File #: PIU 2023F-006

**FOR OFFICIAL USE ONLY**

Employee Involved: Officer John McFaull			Employee #: 57188	Hire Date: 04/15/2019
Present Assignment: Bureau of Patrol, West Sector				
Complainant: Lt. Samantha Moore		Complainant Address: 150 East Main Street, Lexington KY 40507		
Complainant Phone #: (859) 258-3600	Alternate Complainant Phone #:	Complainant Email: smoore@lexingtonpolice.ky.gov		
Date of Incident: 5/5/2023	Time of Incident: 1600	Location of Incident: South Broadway / Angliana Drive	Date and Time Reported: 7/3/2023	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

**DESCRIPTION OF ALLEGATIONS:**

On June 5, 2023, Officer McFaull was involved in a vehicle pursuit where the occupants were wanted for only non-violent felonies. At the time of the pursuit it appears the only charges available were for operating a stolen vehicle. Officer McFaull participated in the pursuit in a heavily populated and traveled area of Lexington, during a time of day known for heavy traffic. During the pursuit Officer McFaull was given instructions by Sgt. Whitcomb via the radio to "not chase" and only Air One would pursue/follow the vehicle if they fled prior to the Officers attempting the initial traffic stop. Officer McFaull failed to obey this directive and chose to continuing pursuing the vehicle all the while, also failing to notify via radio that they were in pursuit of the vehicle.

If the above allegation is true, Officer McFaull has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department by his actions of pursuing a vehicle against LPD Policy and Training.

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

Complainant Signature: Samantha Moore 44982 Date: 7-11-23

Subscribed and sworn before me this date: 7-11-23 (Date) Melanie R. Volaw Ky NP 2019 (Notary)

My Commission Expires: 2-3-2025

**Witness:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Recorded By: Bureau of Investigation, Public Integrity Unit

File #: PIU 2023F-006Employee: Officer John McFaul**CHIEF OF POLICE**

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

Finding

Policy Violation

IC	General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating Any Rules of the Department

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

Materials Reviewed:

Reviewed PIU synopsis

Comments:

Recommend two weeks suspension without pay and upon return to duty 30 day suspension of home fleet.

Signature:

*Shirley B. Weather*Date: 9/15/2023**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: \_\_\_\_\_

FOR OFFICIAL USE ONLY