

LEXINGTON POLICE DEPARTMENT PERSONNEL ORDER Lexington, Kentucky

October 17, 2023

DATE OF ISSUE

EFFECTIVE DATE

November 6, 2023

NUMBER

PO:23-446

TO: SUSPENSION WITHOUT PAY	AMENDS:
INDEX AS: OFFICER MARCUS OLMSTEAD / 59396	RESCINDS:

Effective Monday, November 6 - 19, 2023, Officer Marcus Olmstead 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 and Operational Rule 1.13 – Operation of Vehicles.

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

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

Favrence 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 be	Officer Marcus	Officer Marcus Olmstead 59396				
has committed the o Engaging in an unau		ursuit and not wearii	ng a seatbelt			
which constitutes mi (list other applicable la General Order 1973-0 Violating Rules of the	iw or rule) D2K Disciplinary Pr	ocedures of Sworn	Officers, App	endix B, Opera	tional Rule 1.35-	
in that on the	5th	day(s) of	June	, 20 _23	_ he/she allegedly:	
felony (stolen car). C	Officer Olmstead was		scontinue the	pursuit and he	wanted for a non-violent failed to obey the lawful quired by KRS and	
Officer Olmstead too	ok full responsibility	for his actions.				
This is Officer Olmste	ead's first formal co	mplaint since his hire	on May 23, 20	022.		
		4				
				· ••		
I have read KRS 95.4 statutes, including th						
Further, I, with know consideration of the that the appropriate	recommendation of	of the Chief of Police	under KRS 95 of the Lexing	i.450, 95.460, a gton Police De	nd 15.520 and in partment, acknowledge	
Two (2) week susper	nsion without pay a	and thirty (30) day su	spension of	home fleet.		
I do hereby voluntari	ly accept the above	e disciplinary action	, provided the	at the punishm	ent 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

Thirt of Police Signature

9/25/23 Date

9 27 23 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

September 15, 2023

EFFECTIVE DATE

NUMBER COP: 23-0265

Kenneth Armstrong, Commissioner Department of Public Safety

Lawrence B. Weathers FROM:

Chief of Police

Disciplinary Recommendation PIU2023F-007

Officer Marcus Olmstead

I met with Officer Marcus Olmstead on September 14, 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
- General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.13 – Operation of Vehicles

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

Officer Olmstead accepted this discipline on September 14, 2023.

Lawrence B. Weathers

Lawrence B. Weathers

LBW/rmh

Chief of Police

Attachment



LEXINGTON POLICE DEPARTMENT MEMORANDUM Lexington, Kentucky

8/1/2023

DATE OF ISSUE

EFFECTIVE DATE

NUMBER

PIU: 23-066

TO:
Lawrence Weathers
Chief of Police

FROM:
Lieutenant Jeff Jackson
Bureau of Investigation
Public Integrity Unit

SUBJECT:
Formal PIU2023F-007
Officer Marcus Olmstead 59396
Summary

Sir,

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

On July 11th, 2023 Lieutenant Samantha Moore filed a formal complaint against Officer Marcus Olmstead that alleged the following:

On June 5, 2023, Officer Olmstead 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 Olmstead 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 Olmstead 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 Olmstead failed to obey this directive and chose to continue 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 Olmstead 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.

During the Pursuit it appears from BWC Footage that Officer Olmstead was not wearing his seatbelt.

If the above allegation is true, Officer Olmstead has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.13 - Operation of Vehicles, which states: Officers should operate department vehicles in a careful and prudent manner and shall obey all laws of the state.

Investigation

On June 5, 2022, Officer Olmstead was involved in a vehicle pursuit where the occupants were wanted for only non-violent felonies, the vehicle having been stolen. Officer Olmstead participated in the pursuit during a time of day known for heavy traffic. During the pursuit Officer Olmstead was given instructions by a supervisor via dispatch not to pursue and that only Airl would be involved if the

vehicle fled. Officer Olmstead failed to obey this directive and continued pursuing the vehicle, failing to notify via radio that they were in pursuit.

During the pursuit it appears from BWC Footage that Officer Olmstead was not wearing his seatbelt.

As part of the investigation, the dispatch recording for the duration of Officer Olmstead's involvement in the pursuit was requested. This audio log, in conjunction with the 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 notified West sector dispatch that he was going to in Central sector after he was advised that a stolen vehicle he had recovered that same morning was now showing on the License Plate Reader (FLOCK) system as being in the area of Newtown and Charles. This vehicle had been reported stolen from around 0755 the same morning. 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. After advising Central dispatch that the vehicle was likely still mobile per the FLOCK cameras, he advised he would attempt to locate and stop it.

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 and Officer Olmstead acknowledged. 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 and 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.

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. 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 Avenue, and that traffic was backed-up. Unit 114A, Officer John 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 Air1 that the units and suspect vehicle were approaching a collision near Red Mile Road, the

aforementioned original collision that the suspect vehicle had fled from. Officer Robert McCullough was the unit dispatched to that report.

Unit 214A, Officer Barrett, advised that the vehicle was turning into the apartment complex on Angliana Avenue, which unit 114B, Officer Olmstead, clarified that it was likely the complex next to the Cookout Restaurant based on their last given location.

At 1604, per the timestamp on his 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. He can also be seen at this point putting on his seatbelt as he is pursuing the vehicle with his emergency equipment activated. Sergeant Whitcomb at that point broadcast on Central radio that pursuing is a negative, and to let Air 1 continue following the vehicle. Flight Officer Towery asked for the last location as the camera onboard Air1 appeared to have malfunctioned. Officer Olmstead acknowledged Sergeant Whitcomb's order by shutting down his emergency equipment and advising radio he has disengaged, and giving 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 consists of Flight Officer Towery giving direction updates for the vehicle, with no mention being made of Officers Olmstead and McFaull following the vehicle. Officer Olmstead's body worn camera shows his actions during the pursuit, which began again as he activated his emergency equipment while turning left from Maxwell onto Broadway heading Northbound, as the suspect vehicle was reported as turning from High onto Broadway northbound. As the pursuit continued, his vehicle can be seen from both his perspective and Air 1's camera. These perspectives show him close behind the vehicle as it fled North through downtown, alternatively turning from Broadway onto 3rd Street and from there onto North Limestone, with him pursuing the suspect vehicle through the red light on Limestone Northbound through the 4th Street intersection without slowing, or safely clearing the intersection. The vehicles involved, including the suspect vehicle, Officer Olmstead and Officer McFaull, continued throughout the downtown area and 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. All three continued northbound on Broadway, to merge onto I-75 southbound, and can be observed driving around traffic on the ramp onto I-75 on the shoulder as the pursuit continued. 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, 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 acknowledged the answer, but did not advise Officer McFaull to terminate the pursuit.

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, with Air 1 advising they would continue to follow the vehicle and give updates for the requested KSP response. At 22 minutes 17 seconds, Officer Olmstead's body worn camera is deactivated as he clears the pursuit. 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 Marcus Olmstead

I interviewed Officer Marcus Olmstead on Friday July 28th, 2023 at 1221 in the Public Integrity Unit office. Lt. David Biroschik was also present.

Officer Olmstead stated the following:

Officer Olmstead initially took a stolen vehicle report earlier in the day for the vehicle that was eventually pursued that date, along with another vehicle. Both vehicles were recovered, with the black Honda Accord being stolen again later on that date. The vehicle hit on Flock in the area of Broadway, near Red Mile, at which time officers attempted to conduct a felony stop. The vehicle fled and was pursued through the apartment complex (Newtown Crossings) and onto Angliana Avenue. From there it fled onto Versailles where Officer Olmstead lost visual of it and terminated his emergency equipment. When asked if he called out the pursuit on the radio, Officer Olmstead advised that he did not think he did.

Officer Olmstead then stated that Airl observed the vehicle at Maxwell and Broadway, at which point he re-engaged his emergency equipment to catch up to it to initiate an arrest. He stated then that the vehicle fled, and he pursued it until it got onto I-75. It fled onto I-64, where it continued until turning around and returning to I-75. He further stated it exited onto a road unknown to him, with him following until the pursuit was terminated by Commander Brotherton. He deactivated his emergency equipment and circulated the area until returning to roll call.

When asked if he recalled stating on the radio shortly into the pursuit into Newtown Crossing that he was in pursuit, he advised he did not. When asked if he was wearing his seatbelt, as his body worn camera showed him putting it on shortly into the pursuit, he advised that he must not have been. He stated he normally has it on, but believed that he did not have it on at that moment as he was preparing to jump out of his vehicle if the suspects fled on foot.

When asked what the traffic conditions were when the pursuit began, Officer Olmstead stated that the traffic was heavy, as it was "3-ish in the afternoon". He re-iterated that it was "thick traffic". When asked if he believed the offense committed was worth the risk of the pursuit, Officer Olmstead stated that with hindsight being 20/20, that no, it was not worth it. He further added that this was due to it being a non-violent felony, which he knows is against department policy.

When asked if he recalled any of his actions during clearing the intersections, Broadway at New Circle in particular, he advised he did not recall going into oncoming lanes to go around stopped vehicles in traffic. Officer Olmstead did recall going around cars on the ramp merging from North Broadway onto I-75. He also advised that in the moment it did not occur to him that the pursuit was not worth the risk. When asked why he did not give road and traffic conditions, he stated that he did not as he believed he was so "in the moment".

When asked, Officer Olmstead did confirm that he did complete pursuit training in the academy, which he recalled consisted of a PowerPoint presentation, as well as evasive driving training at the Richmond track.

Officer Olmstead, when asked, stated he was aware of the pursuit policy, and that he should have never pursued the vehicle. He stated, however, that he did not recall hearing Sergeant Whitcomb terminating the pursuit at its outset, nor does he recall acknowledging the order on the radio, attributing it to auditory exclusion.

Officer Olmstead stated that the incident has made him look at his policing closely, and when asked what he will do the next time a stolen vehicle flees from him, he stated that he will not pursue it. He also confirmed that prior to the pursuit, he was aware of departmental policy prohibiting pursuits in situations such as this.

Conclusion

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

Officer Olmstead failed to have his seatbelt engaged as required by policy when operating a division owned vehicle.

Officer Olmstead engaged in a pursuit of a stolen vehicle, with no other charges than the non-violent theft of the vehicle. Officer Olmstead 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 basic training 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-007



Lexington Police Department MEMORANDUM Lexington, Kentucky

DATE OF ISSUE
July 11, 2023

EFFECTIVE DATE

NUMBER

PIU: 23-057

Assistant Chief Brian Maynard
Bureau of Patrol

FROM:
Lieutenant Jeffery Jackson
Bureau of Investigation
Public Integrity Unit

COMPLAINANT: Lieutenant Samantha Moore

ACCUSED OFC.: Officer Marcus Olmstead

ALLEGATION: Violating General Order 1973-02K Disciplinary Procedures of Sworn Officers,

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

Appendix B, Operational Rule 1.13 – Operation of Vehicles.

ALLEGED CIRCUMSTANCES: On June 5, 2022, Officer Olmstead 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 Olmstead 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 Olmstead 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 Olmstead 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.

During the Pursuit it appears from BWC Footage that Officer Olmstead was not wearing his seatbelt.

ACTION REQUESTED:

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

	<u>DATE</u>	<u>TIME</u>
Bureau Commander MERCI-KERCAL	7/14/5	13 145C
Supervisor LT. Samartha Moore	_ '7-13·z	
Supervisor LT. Samantha Moore Officer M. Olmster	7/13/23	0730
Accused officer would like the Public Integrity Unit to notif		nt or their designee
Returned to the Public Integrity Unit	7/18/23	

The depart Jeffery Jackson Bureau of Investigation Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers file – PIU2023F-007

FORM 111 (5/21)

LEXINGTON POLICE DEPARTMENT FORMAL COMPLAINT FORM

File #: PIU 2023	3F-007		FOR OF	FFICIAL USE ONLY				
Employee Involve Officer Marcus		 ქ			E	mployee #: 59396	Hire Date: 05/23/2022	
Present Assignm Bureau Of Pati		Secto	r	- A - A - A - A - A - A - A - A - A - A			I	
Complainant: Lt. Samantha	• • •		•	Complainant Address: 150 E. Main Street, L	exington KY 4	10507		
Complainant Pho	one #:	Altern	ate Complainant Phone #:	Complainant Email:				
(859) 258-			l control of backdoor.	smoore@lexingtonpo				
5/5/2023	1600		Location of Incident: South Broadway / Ang			e Reported: 023	How Reported: □Letter □Phone ☑Person □Email	
ESCRIPTION O	F ALLEGA	TIONS	3:					
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Complainant Sign Subscribed and			martha Me this date: 7-11-2	3 <u>Mel</u>	Date: Mu R	Votaw	KyNP20	
			(Date)	My Commis	sion Expires:	2-3	2025	
Vitness:						D!-		
lame:		_	A	\ddress:		Pnor	ne:	

File #:	PIL	J 2	023	F-(007
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Employee: Officer Marcus Olmstead

CHIEF OF POLICE

F] inding		Proper Conduct, IC=Improper Conduct, IE=Insufficient Evidence, PF=P Policy Violation	Policy Failure, UC=Unfounded Complaint]
IC		er 1973-02K Disciplinary Procedures of Swom Officers, Appendix B, Operationa	al Rule 1.13 - Operation of Vehicles
IC	+	er 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operationa	
	of Police Reco als Reviewed:		iplinary Action (see below)
omm	ents:		
Reco	mmend two w	reeks suspension without pay and upon return to duty 30 day suspensi	ion of home fleet.
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•		DISCIPLINARY REVIEW BOARD	
nding		Policy Violation	
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iscipl omm	inary Review ents:	Board Recommendation: Case Be Closed Corrective Training	g Disciplinary Action (see below)
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omm	ents:	CHIEF OF POLICE FINAL RECOMMENDATION Case Be Closed Corrective Training Disciplinary	
	<u></u>		
			-
			Date: