



LEXINGTON POLICE DEPARTMENT
PERSONNEL ORDER
Lexington, Kentucky

DATE OF ISSUE

October 23, 2023

EFFECTIVE DATE

November 1, 2023

NUMBER

PO:23-460

TO:

SUSPENDED WITHOUT PAY

AMENDS:

INDEX AS:

SERGEANT
PHILLIP JOHNSON / 52633

RESCINDS:

Effective November 1 - 30, 2023, Sergeant Phillip Johnson will be placed in a suspended without pay status for one month (160 Hours) for violation of G.O. 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct and Operational Rule 1.19 Department Reports.

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

This discipline was approved by Council on October 12, 2023.

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:

Sergeant Phillip Johnson #52633

has committed the offense of:

Misconduct, Department Reports

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, Appendix B, Operational Rule 1.02 - Misconduct and Operational Rule 1.19 Department Reports

in that on the June day(s) of 26, 20 23 he/she allegedly:

While responding to a disorder, Sergeant Phillip Johnson used force to affect an arrest causing a minor injury to the suspect's lip. Sergeant Johnson failed to complete the required paperwork related to the response to resistance and failed to notify a supervisor per policy.

During the incident Sergeant Johnson's behavior was unprofessional. Probable cause was stipulated in court, but the case was ultimately dismissed. Sergeant Johnson took full responsibility for the incident and his violations of policy.

At the conclusion of the investigation it was determined Sergeant Phillip Johnson was in violation of Operational Rule 1.02 Misconduct and Operational Rule 1.19 Department Reports

This is Sergeant's Johnson's first sustained formal complaint since his employment began on 2013.

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 Month (160 Hours) suspension without pay

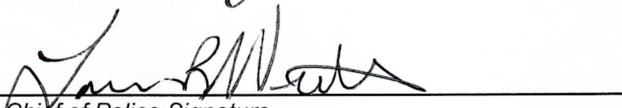
I do hereby voluntarily accept the above disciplinary action, provided that the punishment awarded by the Urban County Council will not exceed the above recommendation of the Chief of Police.

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

10/5/2023
Date


Chief of Police Signature

10/5/2023
Date

ACTION BY URBAN COUNTY COUNCIL




APPROVE ABOVE RECOMMENDATION

10/12/2023



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 29, 2023

EFFECTIVE DATE

NUMBER
COP:
23-0274

TO:

Kenneth Armstrong, Commissioner
Department of Public Safety

FROM:

Lawrence B. Weathers
Chief of Police

SUBJECT:

Disciplinary Recommendation
PIU2023F-010
Sergeant Phillip Johnson

I met with Sergeant Phillip Johnson on September 26, 2023, and have determined this as
“Improper Conduct” for violation of:

- General Order 1973-02K - Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct
- General Order 1973-02K – Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.19 – Department Reports

I have recommended a one month (160 hours) Suspension without Pay.

Sergeant Johnson accepted this discipline on September 27, 2023.

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
September 6th 2023

EFFECTIVE DATE

NUMBER
PIU 23-081

TO: Commander Jacqueline Newman Bureau of Investigation Public Integrity Unit	SUBJECT: Formal PIU.F.2023-010 Sergeant Phillip Johnson Summary
FROM: Lieutenant David Biroschik 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.

Allegations:

On June 26, 2023 the Lexington Police Department received notification from the Fayette County Attorney's Office regarding their concerns of an arrest incident involving Sergeant Phillip Johnson from May 27, 2023. The reported concerns involved the overall conduct of Sergeant Johnson during the incident and questioning if the arrested subject's behavior met the elements of the criminal offense (Alcohol Intoxication). On July 13, 2023 during a pretrial conference the charge related to this incident was dismissed, however the judge stipulated probable cause for the arrest.

During an inquiry into the incident, it was discovered the subject was forcefully taken to the ground and sustained a minor injury to his face. Sergeant Johnson failed to request appropriate medical assistance or document/report the incident as required by policy and procedures. Sergeant Johnson's conduct during this incident was unprofessional and not consistent with his training or expectations set by the Lexington Police Department.

If the above allegations are true, Sergeant Johnson is in violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct and Operational Rule 1.19 - Department Reports.

Investigation

My investigation into this incident began by viewing Sergeant Johnson's BWC Footage, along with numerous other videos from officers that were present at the scene during the incident. At the time of the incident there were a large number of citizens in the area scattered along the sidewalk and surrounding streets. Many of the officers present were working a special assignment to ensure the crowds did not get out of control and everyone remained safe. Sergeant Johnson's specific incident occurred as he responded to a disorderly crowd that were upset after other CLEAR officers had arrested an individual in front of a bar located at 367 W. Short Street.

As Sergeant Johnson arrived at the scene he observed multiple people standing in the roadway, but close to the sidewalk. He removed his O.C. and began shaking it as he moved through the crowd telling people to move out of the street. The first area of concern involved a citizen who walked up to him to say something, Sergeant Johnson turned around and pushed him away back towards the sidewalk. Although not a forceful shove, it was still unnecessary physical contact with a citizen. Sergeant Johnson continued to walk through the crowd yelling for them to get out of the street when he came up to a subject filming the incident. He went up to the individual and "smacked" the phone from his hand and pushed him towards the sidewalk. The individual did not drop the phone on the ground, but did catch it with his arm preventing the fall.

It was at this time that Sergeant Johnson made his first contact with the individual he later arrested, identified as Romero Ramiro. Mr. Ramiro is approximately two feet from the curb when Sergeant Johnson pushed him and told him to get out of the street. As Sergeant Johnson moves on telling others to do the same Mr. Ramiro can be seen attempting to get onto the sidewalk, but is unable to do so due to a large planter and several people unavoidably blocking his attempt. Sergeant Johnson then turned around and saw him still in the street, he proceeded to grab his arm and take him into custody. Mr. Ramiro does pull away slightly, to which Sergeant Johnson responds to by spinning him around and forcefully taking him to the ground, by a modified Arm Bar Takedown, along with his other hand behind his head. Sergeant Johnson does not say anything to Mr. Ramiro prior to the second exchange, nor does he explain to him why he has grabbed his arm, or taken him into custody.

After handcuffing Mr. Ramiro, Sergeant Johnson stands him up and begins walking him from the area, it is at this time you can see blood coming from either Mr. Ramiro's mouth or nose. Sergeant Johnson never checks to see if he is ok, nor does he check to see if he needs medical treatment. He instead walks him over to a cruiser and begins searching him. Sergeant Johnson then makes a comment about Mr. Ramiro "peeing" himself and the intoxication level he is at. After searching Mr. Ramiro he hands him off to another officer to place him into the transport wagon while he completes the arrest citation for Alcohol Intoxication.

Discrepancies and Policy Violations

During this incident there are several things that draw concern. There were policy violations and discrepancies in the paperwork completed by Sergeant Johnson. These issues are laid out below:

1. Immediately upon Sergeant Johnson's arrival to the scene he begins physically pushing citizens who were standing in the street. He exhibits very little patience, or de-escalation techniques to get people to stop observing the disorder and move on from the scene. His actions were not in line with what the agency teaches and employs and in some ways made things worse as the people he interacted with became upset and stayed around to argue with him.
2. Mr. Ramiro was obviously injured by Sergeant Johnson's decision to forcefully take him to the ground. The amount of blood on his face was obvious and significant enough that Sergeant Johnson could not say he didn't see it. With this he failed to administer any type of first aid, nor did he have the Lexington Fire Department respond to the scene to check on the injury as mandated in General Order 1991-02 Response to Resistance.

3. When any officer that works for the Lexington Police Department uses force to affect an arrest, they must contact their supervisor per General Order 1991-02 Response to Resistance. In this case Sergeant Johnson did in fact use force to arrest Mr. Ramiro and he failed to contact a supervisor as mandated to do.
4. Sergeant Johnson failed to complete a Blueteam Report documenting the Response to Resistance he was just involved in while arresting Mr. Ramiro.
5. Sergeant Johnson documents on Mr. Ramiro's Arrest Citation that he was observed in a public place manifestly under the influence of alcohol. He listed multiple observations of watery eyes, smelled of alcoholic beverages, standing in the roadway and urinating on himself and being a danger to himself or others.

In Sergeant Johnson's arrest report he states the reason he made contact with Mr. Ramiro and grabbed his arm was to take him to a cruiser and cite him for the Pedestrian Safety Ordinance, for standing in the roadway. He further states while attempting to do so Mr. Ramiro pushed away and tried to flee. Sergeant Johnson only documents that he was able to keep control of him and then placed him in handcuffs, not mentioning the incident of taking him to the ground.

These two discrepancies were later admitted to by Sergeant Johnson during his interview when he stated Alcohol Intoxication was not the best charge, but after he took him to the ground he had to be arrested for something.

Sergeant Phillip Johnson's Interview's

On Wednesday July 19th, 2023 Sergeant Phillip Johnson was interviewed in the Public Integrity Unit's Office by myself and Lieutenant Jackson, as a part of the official Inquiry. During this interview the incident in question, along with other things that occurred the evening of May 27th, 2023 were discussed.

Sergeant Johnson began by advising on May 27th, 2023 he was the only supervisor working the "downtown special assignment" along with 19 officers in and around the Short Street corridor. On this night in particular he was moving from one disorder to another when he heard over the radio officers advising of another disorder in front of 367 W. Short Street. Upon his arrival he observed multiple people in the roadway, he began at this time to order them to move to the sidewalk. We then watched the BWC Footage from his camera, along with others and discussed his actions.

Sergeant Johnson admitted to being frustrated that evening with the entire environment. He also without hesitation admitted that his actions that night were unprofessional and improper. He acknowledged that Alcohol Intoxication was probably not the best charge against Mr. Ramiro and he absolutely should have had an ambulance come to the scene to check his injuries. He also stated that a Blueteam Report should have been completed for the Response to Resistance and that it "just got missed".

When he arrived at the disorder he admitted to pushing multiple individuals, but stated he was not trying to "shove" them, he only meant to push them to get their attention. He acknowledges

that pushing the cell phone from the citizen's hand was wrong and the reason he had done so was again that he was frustrated no one was listening to the officers there.

Throughout the interview Sergeant Johnson appeared to have a solid grasp of how his actions with Mr. Ramiro and some of the citizens present were unprofessional and against policy. He also appeared to be concerned on how his behavior reflected against the Lexington Police Department.

On September 5th, 2023 Sergeant Johnson came to the Public Integrity Unit a second time for an official Formal Interview. Prior to Sergeant Johnson's Formal Interview I advised him that I did not have any further questions for him, based upon the fact I had gathered everything I thought was necessary during the Inquiry. I did give him the opportunity to skip the second interview, which he declined requesting to come in anyway.

When Sergeant Johnson came in, he once again apologized for his actions and stated he knew they did not fall within Department expectations. He was frustrated the night of the incident and because of that things were not followed through with as they should have been. He acknowledged that he was responsible for the issues that occurred at the scene and he takes full responsibility for them. He did not attempt to make excuses for the event, but "owned" his actions completely.

Conclusion

After completing this Formal Investigation it does appear that Sergeant Johnson's actions on May 27th, 2023 were violations of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct and Operational Rule 1.19 - Department Reports.

Sergeant Johnson's actions were not within policy, nor did they meet the expectations handed down by the Lexington Police Department. Not only was he unprofessional during the initial disorder, he did not fill out proper paperwork, or complete the necessary follow-up required when someone is injured during an arrest.



Lexington Police Department
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE

August 15, 2023

EFFECTIVE DATE

NUMBER

PIU: 23-075

TO:

Assistant Chief Shawn Coleman
Bureau of Special Operations

SUBJECT:

FORMAL COMPLAINT

FROM:

Lieutenant David Biroschik
Bureau of Investigation
Public Integrity Unit

COMPLAINANT: Commander Albert Johnson

ACCUSED OFC.: Sergeant Phillip Johnson

ALLEGATION: Violating General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02 – Misconduct and Operational Rule 1.19 – Department Reports.

ALLEGED CIRCUMSTANCES: On June 26, 2023 the Lexington Police Department received notification from the Fayette County Attorney's Office regarding their concerns of an arrest incident involving Sergeant Phillip Johnson from May 27, 2023. The reported concerns involved the overall conduct of Sergeant Johnson during the incident and questioning if the arrested subject's behavior met the elements of the criminal offense (Alcohol Intoxication). On July 13, 2023 during a pretrial conference the charge related to this incident was dismissed, however the judge stipulated probable cause for the arrest.

During an inquiry into the incident, it was discovered the subject was forcefully taken to the ground and sustained a minor injury to his face. Sergeant Johnson failed to request appropriate medical assistance or document/report the incident as required by policy and procedures. Sergeant Johnson's conduct during this incident was unprofessional and not consistent with his training or expectations set by the Lexington Police Department.

ACTION REQUESTED:

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

DATE

TIME

Bureau Commander Albert L. Johnson 8/22/23 14:31

Supervisor _____

Officer X Johnson 52633

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. Jeff Jones 08/23/23 (0700)

Lt. David Birochik

Lieutenant David Birochik

Bureau of Investigation

Public Integrity Unit

mrv

enclosures

cc: Chief Lawrence Weathers
file – PIU2023F-010

FOR OFFICIAL USE ONLY

File #: PIU2023F-010

Recorded By: Bureau of Investigation, Public Integrity Unit

File #: PIU2023F-010Employee: Sergeant Phillip Johnson**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 1.02 – Misconduct
IC	General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.19 - Department Reports.

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

Materials Reviewed:

Reviewed PIU summary

Comments:

Recommended 1 month suspension (160 hours) without pay.

Signature: *Shirley B. Weather*Date: 09.26.2023**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: _____

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