



LEXINGTON POLICE DEPARTMENT
PERSONNEL ORDER
Lexington, Kentucky

DATE OF ISSUE
July 7, 2022

EFFECTIVE DATE
July 20, 2022

NUMBER
PO:22-244

TO:
RETIREMENT

AMENDS:

INDEX AS:
SERGEANT
DANIEL FLEISCHER

RESCINDS:

This is to advise on the retirement of Sergeant Daniel Fleischer on Years of Service, to be effective, July 20, 2022.

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh



Lexington-Fayette Urban County
Division of Police
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
August 30, 2022

EFFECTIVE DATE

NUMBER
COP:
22-0162

TO:
Kenneth Armstrong, Commissioner
Department of Public Safety

SUBJECT:
Disciplinary Recommendation
Sergeant Daniel Fleischer
PIU2022F-009 / PIU2022F-011

FROM:
Lawrence B. Weathers
Chief of Police

Prior to me meeting with Sergeant Daniel Fleischer in regards to a violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.11 – Unsatisfactory Performance and General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 - Misconduct, he retired, effective July 20, 2022.

Based on the information provided, I have sustained the complaint and determine his conduct to be improper. Sergeant Fleischer's actions reflected unfavorable upon him as an officer. Public Integrity Unit summary was reviewed.

I have included the summary of this formal complaint for your review.

Lawrence B. Weathers

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
August 16, 2022

EFFECTIVE DATE

NUMBER
PIU 22-078

<p>TO: Chief Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Formal PIU 2022F-009 & 2022F-011 Sergeant Danny Fleischer Summary</p>
<p>FROM: Lieutenant David Biroschik Bureau of Investigation Public Integrity Unit</p>	

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

On June 1st, 2022 Lieutenant Daniel Burnett filed a formal complaint against Sergeant Daniel Fleischer for the violation of General Order 1973-02K, Disciplinary Procedures of Sworn Officers Appendix B, Operational Rule 1.11 – Unsatisfactory Performance / Inefficiency.

Allegations:

On May 9th Sergeant Fleischer was _____ for administrative issues involving turning overtime slips in late, and through the month of April failing to complete administrative tasks regarding response to several tasks assigned via email until asked about the status. This included a Crime Stopper Complaint, Property Issue, Search Record Issue and schedule adjustment for an officer without updating the roster or notifying a fellow supervisor.

On Monday May 23, 2022 at 0700, Sergeant Fleischer’s squad reported to West Sector Roll Call for their Command Inspection. Several officers at inspection were visibly frustrated and totally unprepared. Upon further review, it was determined although told about the inspection over a week in advance Sergeant Fleischer had failed to advise his squad of the event until the night before, after receiving a reminder text from his lieutenant.

On Monday May 23rd it was determined that Sergeant Fleischer failed to email a response back to Lieutenant Burnett on issues that he was directed to respond back to on the same date on May 18th, 2022.

If the above allegations are true then Sergeant Fleischer has violated General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.11 Unsatisfactory Performance / Inefficiency since he has failed to properly perform the duties and assume the responsibilities of his position.

The repeated inability to perform assigned tasks and failure to conform to work standards established for the position of patrol sergeant. His failure to provide a response to assigned tasks on multiple occasions and failure to inform his squad of a command inspection in a timely fashion negatively impacted his officers, our shift and the overall operations of the department.

Lieutenant Daniel Burnett's Interview

Lieutenant Daniel Burnett was interviewed on June 21st, 2022 at Headquarters in the Public Integrity Office by Lieutenant Matt Brotherton and myself. During this interview Lieutenant Burnett described multiple instances of Sergeant Fleischer having difficulty keeping up with his administrative task and assignments. Lieutenant Burnett began working in West Sector / First Shift Patrol in August of 2021 and immediately began having concerns with Sergeant Fleischer's ability to complete assignments and task by the issued due date. He estimated that at best Sergeant Fleischer would only respond to 50-75 percent of emails and he would constantly have to ask him for follow-ups or remind him of the task.

Lieutenant Burnett stated keeping Sergeant Fleischer on task was always difficult to do throughout this time. Towards the end of April 2022 Sergeant Fleischer turned an overtime slip in over 2 weeks late, which he was cautioned by civilian staff this occurred often. He failed to respond regarding several tasks, failed to complete a Crime Stoppers Complaint, failed to correct a Property and Evidence issue and failed to have an officer complete a correction on a Search Form. On May 9, 2022 Lieutenant Burnett _____ and went over organizational strategies that may assist Sergeant Fleischer in the future.

After _____, Lieutenant Burnett once again emailed his expectations to all of his sergeants. Part of these expectations reminded all of them that reading emails daily and responding to them was an essential part of being a sergeant. Even with this reminder and _____, Sergeant Fleischer still was not completing his tasks as expected.

On May 23rd 2022 Lieutenant Burnett was conducting a Formal Inspection of the officers on his shift. It was apparent during the inspection that Sergeant Fleischer's squad was unprepared and not ready for the inspection. Upon inquiring about their inadequacies, it was determined that Sergeant Fleischer had forgotten to tell his squad about the inspection, until the night before when he was reminded of the inspection by a text from Lieutenant Burnett. This text went out to all of the sergeants reminding them of the inspection. The fact that Sergeant Fleischer had not told his squad until the night before did not give the officers adequate time to prepare.

On May 25th Lieutenant Burnett _____ to Sergeant Fleisher for his failure to advise his squad of the upcoming Command Inspection, along with his failure to respond to two task assigned to him on May 18th 2022. One of the task involved BWC Errors that needed correction, and the other was acknowledgment of receipt and understanding of updated Shift Sergeant Guidelines, both of which he failed to acknowledge.

During the interview Lieutenant Burnett theorized why Sergeant Fleischer may have been struggling with his administrative assignments. He had always heard that the administrative side of being a supervisor was a weakness of Sergeant Fleischer and that he often had been given some latitude on his deficiencies, due to his seniority on the department. He also believed that the amount of hours that he worked caused his work to lack the quality that is expected. He knew that the amount of hours that he worked on and off-duty was significant and he believed he was too tired to fully meet expectations.

Lieutenant Burnett also described an incident on February 6th, 2022 where Sergeant Fleischer failed to show up for work, without calling any supervisor to advise them he would not be in. On this date Lieutenant Burnett decided to work and came in on a normally scheduled day off. Sergeant Fleischer's failure to report to a regularly scheduled workday would have left the shift without a supervisor except for Lieutenant Burnett's last minute decision to work.

Investigation

Prior to scheduling an interview with Sergeant Fleischer I obtained all of the hours he had worked on and off duty. I was able to obtain records from Human Resources for his work related overtime and Guardian Security for his off-duty hours. I also looked at the previous rosters to confirm the hours he worked on duty. I looked back to August of 2021, since this was the time Lieutenant Burnett began working in Patrol and when he stated he began seeing issues with Sergeant Fleischer. Once I obtained all of the hours I was able to place them all into a spread sheet and compare them all together.

Immediately after organizing all of the hours Sergeant Fleischer had worked, from August 1st 2021 through June 4th, 2022, multiple discrepancies were observed. It appears that he had worked a total of eleven shifts at the Police Department, at the same time he was being paid by Guardian Security, for work he was allegedly completing for them. There was also one incident where he had declared he had worked two shifts for Guardian Security at the same time, in separate locations and was compensated for both. There were also multiple dates that showed he worked over 20 hours consecutively and on some dates over 35 hours without a break. There were also multiple errors throughout the roster that supports Lieutenant Burnett's allegation of subpar administrative abilities.

Once the apparent discrepancies were located the information was reviewed by Commander Metcalf and Lieutenant Burnett. It was at this time that the decision was made to place additional Formal Complaint on Sergeant Fleischer for Misconduct. This Complaint internally identified as 2022F-011 was reviewed and served to him on July 6th, 2022. The Formal Complaint stated:

On Wednesday June 1st, 2022 a Formal Complaint was filed against Sergeant Daniel Fleischer for Unsatisfactory Performance. During the course of that investigation documents were gathered that appeared to show he was compensated for working multiple shifts for the Police Department, while he was compensated for working at the same time for an off-duty security company and other shift(s) at the agency. In discussing the totality of Sergeant Fleischer's attendance and performance, it was also revealed that on Sunday February 6th, 2022 Sergeant Fleischer failed to show up for his regularly assigned shift on Patrol without calling his supervisor to advise him or ask permission to be absent. He was contacted by Lieutenant Burnett to see if he was working. Sergeant Fleischer advised that due to unforeseen circumstances he was unable to report for duty.

If the above allegations are true, Sergeant Fleischer would be in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct:

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity,

honesty, judgement, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer.

Conclusion

Evidence gathered throughout the investigation supports Lieutenant Burnett's allegations of subpar administrative abilities by Sergeant Fleischer. There were

along with conversations discussing ways to minimize deficiencies to acceptable levels. There is also evidence to support the claims that Sergeant Fleischer was compensated for working multiple shifts within the agency, while be compensated for working other assignments, on and off duty at the same time. Guardian Security was made aware of the discrepancies and overlapping shifts.

Once all the information was compiled, Sergeant Fleischer was scheduled to be interviewed on July 26th, 2022. Sergeant Fleischer retired on years of years of service prior to his scheduled interview. His retirement was effective July 20th, 2022.



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE
 July 6, 2022

EFFECTIVE DATE

NUMBER
 PIU: 22-071

TO:
 Assistant Chief Brian Maynard
 Bureau of Patrol

SUBJECT:
 FORMAL COMPLAINT

FROM:
 Lieutenant David Biroshik
 Bureau of Investigation
 Public Integrity Unit

COMPLAINANT: Lieutenant Daniel Burnett

ACCUSED OFC.: Sergeant Daniel Fleischer

ALLEGATION: Violating General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct

ALLEGED CIRCUMSTANCES: On Wednesday June 1st, 2022 a Formal Complaint was filed against Sergeant Daniel Fleischer for Unsatisfactory Performance. During the course of that investigation documents were gathered that appeared to show he was compensated for working multiple shifts for the Police Department, while he was compensated for working at the same time for an off-duty security company and other shift(s) at the agency. In discussing the totality of Sergeant Fleischer's attendance and performance, it was also revealed that on Sunday February 6th, 2022 Sergeant Fleischer failed to show up for his regularly assigned shift on Patrol without calling his supervisor to advise him or ask permission to be absent. He was contacted by Lieutenant Burnett to see if he was working. Sergeant Fleischer advised that due to unforeseen circumstances he was unable to report for duty.

ACTION REQUESTED:

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

DATE

TIME

Bureau Commander [Signature] 07-06-2022 1405

Supervisor [Signature] 07-06-2022 1405

Officer [Signature] 31223 7/6/22 1405

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

Returned to the Public Integrity Unit LT. D. Biroschik 7/6/22 1515

[Signature]
Lieutenant David Biroschik
Bureau of Investigation
Public Integrity Unit

mrV

enclosures

cc: Chief Lawrence Weathers
file – PIU2022F-011

**LEXINGTON POLICE DEPARTMENT
FORMAL COMPLAINT FORM**

FORM 111 (5/21)

File #: PIU 2022F-011

FOR OFFICIAL USE ONLY

Employee Involved: Sergeant Daniel Fleischer			Employee #: 31223	Hire Date: 08/15/1994
Present Assignment: Bureau of Patrol / West Sector / First Shift				
Complainant: Lieutenant Daniel Burnett 44366			Complainant Address: 150 E. Main Street	
Complainant Phone #: (859) 258-3600	Alternate Complainant Phone #:	Complainant Email: dburnett@lexingtonpolice.ky.gov		
Date of Incident: Various	Time of Incident: Various	Location of Incident: Various	Date and Time Reported: 07/06/2022 - 1300	How Reported: <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Person <input type="checkbox"/> Email

DESCRIPTION OF ALLEGATIONS:

On Wednesday June 1st, 2022 a Formal Complaint was filed against Sergeant Daniel Fleischer for Unsatisfactory Performance. During the course of that investigation documents were gathered that appeared to show he was compensated for working multiple shifts for the Police Department, while he was compensated for working at the same time for an off-duty security company and other shift(s) at the agency. In discussing the totality of Sergeant Fleischer's attendance and performance, it was also revealed that on Sunday February 6th, 2022 Sergeant Fleischer failed to show up for his regularly assigned shift on Patrol without calling his supervisor to advise him or ask permission to be absent. He was contacted by Lieutenant Burnett to see if he was working. Sergeant Fleischer advised that due to unforeseen circumstances he was unable to report for duty.

If the above allegations are true, Sergeant Fleischer would be in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct:

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity, honesty, judgement, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer.

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. Burnett* 44366 Date: 07-06-2022

Subscribed and sworn before me this date: 7-6-22 *Melanie R. Votaw*
(Date) (Notary)

My Commission Expires: 2-3-2025

Witness:

Name: _____ Address: _____ Phone: _____

Recorded By: Bureau of Investigation, Public Integrity Unit

File #: PIU 2022F-011 Employee: Sergeant Daniel Fleischer

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, Appendix B, Operational Rule 1.02	Misconduct:

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

Materials Reviewed: PIU summary

Comments:
Recommend case be closed due to Sergeant Fleischer retiring before the disciplinary process was completed.

Signature: *Andrew B. Weather* Date: August 30, 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: _____