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# CHATTANOOGA POLICE DEPARTMENT

## OFFICE OF INTERNAL AFFAIRS

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<b>CASE NUMBER:</b> 2016-30	<b>TYPE OF REPORT:</b> Initial Investigative Report	
<b>SUBMITTED BY</b> ( <i>Title &amp; Name</i> )  Lieutenant Toby Hewitt 293/61437	<b>SUBMITTED DATE</b>  December 20, 2016	Page 1 of 3 Pages

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**INVOLVED OFFICERS:**                      **FTO Benjamin Piazza 884 / 70792**  
Neighborhood Policing Bureau  
Charlie Sector / North / Evening Shift

**ALLEGATION:**                              **Unsatisfactory Performance**  
**Untruthfulness**

### COMPLAINT

On August 31, 2016, Sgt. Peter Turk sent an Administrative Investigation Report up his Chain of Command through Blue Team regarding concerns with FTO Benjamin Piazza's performance. At the time, FTO Piazza was assigned as an investigator with the Street Crimes Response Team. Sgt. Turk became aware that FTO Piazza had not complied with requests from the Hamilton County District Attorney's Office to submit case file documentation relating to a large number of criminal cases originated by FTO Piazza. Sgt. Turk ordered FTO Piazza to comply with the requests. When Sgt. Turk followed up on the order, FTO Piazza told him that he had submitted the requested information and fulfilled his responsibilities. Sgt. Turk later received communication from the District Attorney's Office that FTO Piazza had not submitted the requested case file information.

## INVESTIGATION

A copy of Sgt. Turk's Administrative Investigation Report, which was routed up his Chain of Command through Blue Team has been added to the IA 2016-30 Case File (IAPro). After reviewing that report, I requested that Sgt. Turk provide clarity on the specific behaviors exhibited by FTO Piazza. On December 6, 2016, Sgt. Turk provided me with a more concise reporting of events and behaviors related to this investigation of FTO Piazza's actions. The following information was submitted by Sgt. Turk (original document added to the IA 2016-30 Case File in IAPro).

"July 2016-

1. Learned that Inv. Piazza had a large number of missing case files in the DA's Office.
2. I instructed Inv. Piazza to get with the DA's office and take care of the missing files.
3. Several days later I asked Inv. Piazza if all the missing paperwork had been turned in, and he advised that everything had been turned in.
4. Heather Elmore at the DA's office confirmed in August that none of the paperwork had been turned in.

August 2016-

1. On August 31, 2016 Inv. Piazza was instructed by me to report to the office at 0800, and to bring all his case files to get the requested paperwork to the DA's office.
2. Inv. Piazza did not come to the office. When I contacted him he stated he was at the DA's office.
3. In the administrative conference room on August 31, 2016 I asked Inv. Piazza if he had completed all the DA's office paperwork requests. He replied that he had.
4. At 1335 hours on August 31, 2016 I received an email from Heather Elmore stating Inv. Piazza had come to the DA's office at 1300 hours, left at 1325 hours, and had turned in 3 alcohol influence forms. They needed paperwork from around 40 cases.
5. In a meeting with Inv. Piazza at 1700 hours on the same day Inv. Piazza made the following statements.
  - A. He stated that he was at the DA's office at 0830 turning in paperwork.
  - B. He changed the statement to he was at the DA's office, but they were not in the office.
  - C. He then changed the statement to he was in Sgt. Akins office printing off paperwork.
  - D. He stated he returned to the DA's office later and turned in "most" of the paperwork.
6. I spoke with Sgt. Akins. He advised that he texted Inv. Piazza at 0935 hours because he was being asked for in court. Inv. Piazza informed him that he had to be in a meeting but would be there as soon as he could (he was not told to be at the meeting). He also told Akins that he had been at the DA's office earlier dropping off paperwork.

September 1, 2016 - I went with Inv. Piazza to the DA's office to watch him turn paperwork in for between 30 and 40 cases."

I also spoke with Heather Elmore, DUI/Vehicular Homicide Support Staff member of the Hamilton County District Attorney's Office. Ms. Elmore provided me with copies of email and text communications between her office and FTO Piazza relating to multiple requests for case file information from him. Those

documents were added to the IA 2016-30 Case File (IAPro).

**INTERVIEW:** FTO Benjamin Piazza 884 / 70792  
**DATE / TIME:** December 07, 2016 (Wednesday) 1114 hrs.  
**LOCATION:** Office of Internal Affairs  
**INTERVIEWER:** Lt. Toby Hewitt 293/61437

**On 12-07-16, FTO BEN PIAZZA provided a recorded statement in reference to IA Case #2016-30. He acknowledged and signed the CPD Employee Rights and Responsibilities Form, which was added to the case file in IAPro. A summary of his statement is as follows, and is not verbatim:**

There were a large number of criminal cases, mostly DUI related, pending criminal prosecution stemming from arrests he made while assigned to the Neighborhood Policing Bureau and prior to his assignment to the Street Crimes Response Team (SCRT). He had received requests from the DA's Office for supplemental documents and, at times, had provided the documentation. There were some instances in which supplemental information was requested, which did not exist as part of his case files. He acknowledged that he became somewhat overwhelmed by the outstanding documentation that was requested of him and took ownership of the fact that he had not supplied the requested information in a timely manner. He did not want his SCRT supervisors to think that he was irresponsible with his case file preparation. FTO Piazza admitted that he told Sgt. Turk that he had taken care of providing the DA's Office with the requested information when, in fact, he had not done so. He said he was not intentionally attempting to mislead Sgt. Turk, but that he was trying to buy time in order to fulfill the requests without Sgt. Turk having to become further involved. When the situation rose to the level of Sgt. Turk's continued involvement, he ultimately met with Heather Elmore at the DA's Office (along with Sgt. Turk) and provided her with all of the available documentation relating to numerous cases pending criminal prosecution.

***\*Complete details of FTO BEN PIAZZA'S statement can be found on the recording of his interview, which was added to the IA #2016-30 Case File (IAPro / Video Oversight).***

**END OF REPORT**

**Lt. Toby Hewitt #293**