
CHATTANOOGA POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
REPORT OF INVESTIGATION

CASE NUMBER: 2015-16	TYPE OF REPORT: Investigative Report	
SUBMITTED BY (Title & Name) Sergeant Jeff Gaines, 728/42494	SUBMITTED DATE 8-6-15	Page 1 of 5 Pages

INVOLVED OFFICER(S): Benjamin Piazza, 884/70792

ALLEGATION: Excessive Use of Force

COMPLAINT

On 7-7-15, Freddie Lee Hodges, B/M, DOB: 8-15-77, address of 714 W. 42nd St and phone number of (423) 821-1727, came to the Internal Affairs office to file an excessive use of force complaint against Officer Piazza. Officer Piazza arrested Mr. Hodges for Criminal Trespassing and Disorderly Conduct on 6-15-15 at 0100hrs on a call that originated at 901 Carter St at the Days Inn. Mr. Hodges had been trespassed from the property but had returned and refused to leave when asked by the staff.

INVESTIGATION

7-9-15: I was assigned this complaint of Excessive Use of Force for follow-up.

7-11-15: I started my investigation by reviewing the arrested report by Officer Piazza to ascertain the specifics of the arrest. This arrest report will become a part of this case file. In summarizing Officer Piazza's arrest report, he stated that he responded to 901 Carter St (Days Inn) on a party trespassing on the property. Once on the scene, contact was made with the individual who was later found to be Freddie Hodges. Mr. Hodges stated that he was waiting on someone but verified that staff at the hotel advised him to leave. When told that he would have to leave by Officer Piazza or risk being arrested for trespassing, Mr. Hodges stated that they were harassing him. Staff at the hotel advised that Mr. Hodges had already been trespassed. Mr. Hodges was arrested for criminal trespass and disorderly conduct due to as he was being arrested; he began using profanity towards Officer Piazza that was loud and verbally abusive. As Officer Piazza arrived with Mr. Hodges at the Hamilton County Jail, he stated that Mr. Hodges flopped out of his car onto the ground and began yelling assault, he needs a doctor and why did you snatch me out of the car. Officer Piazza stated he helped him up and escorted him into the jail without incidence. Once inside the jail, he became uncooperative with the jail staff and refused to sign any paperwork. He demanded to be taken to Erlanger for his injuries but refused to be seen by the nurse at the

jail. 2 large bags of his belongings were turned in to the Chattanooga Police Property Division. In viewing Officer Piazza's ICVARS downloads, I could not find one for this transport.

I also reviewed medical documents (3 pages) and a written statement (1 page) provided by Mr. Hodges. These documents will become a part of this case file. Documents from Physicians Care, 4747 Hwy 58, Chattanooga, TN, and dated 6-16-15 showed that Mr. Hodges was seen by them on that date at 1115hrs. His chief complaint was for having constant joint pain of the left wrist since 6-14-15. He also states that he was assaulted by a police officer on Monday morning at 0200hrs which would have been 6-15-15. The documents also showed that he had complaints of wounds to his left hand, right hip pain and stiff neck. The paperwork showed that Mr. Hodges stated that he was punched in the face by his mother and wanted the police called. The only thing marked [REDACTED]. He was given a [REDACTED] for [REDACTED] and discharged at 1155hrs. Mr. Hodges written statement does not detail what his complaint is against Officer Piazza or any police officer other than he was assaulted, robbed, and cut by an officer in East Ridge. He goes on to make other statements as to an Alyassa Smith leaving with his belongings; the courts playing with his cases; having guns pulled on him for 7 years; being harassed by the police; the police using girls to set him up to sell drugs and getting people killed and robbed; and doctors are playing with his health and tried to poison him.

7-17-15/0958hrs: I attempted to make contact with Mr. Hodges at phone number 423-821-1727. The phone rang several times with no answer and there was no voice mail to leave a message.

-1000hrs: I called 423-308-9473, another number listed for Mr. Hodges, and received a message that "the person you called is unavailable" and was not given an option to leave a voice message. Attempts will be made to locate Mr. Hodges at the address he gave at 714 W. 42nd St.

-I checked Mr. Hodges court disposition for the arrest made by Officer Piazza and found that they were bound over to the Grand Jury on 6-25-15. In checking his Criminal Court History, Mr. Hodges has 10 cases set for trial in Criminal Court on 8-24-15. These charges included Criminal Trespassing, Disorderly Conduct, Domestic Assault, Possession of Marijuana for Resale, Possession of Drug Paraphernalia, Resisting Arrest, Evading Arrest, Harassment, Misuse of 911 and Aggravated Domestic Assault.

7-20-15/0920hrs: I sent Ronald Bernard, Hamilton County IT, an email requesting any video they have of the Hamilton County's salleyport and intake areas the time of Officer Piazza arrest of Mr. Hodges.

-0946hrs: I again called the number 423-821-1727 and made contact with an Irvin McCullough, a cousin of Mr. Hodges. He advised that Mr. Hodges lived with him at one time at 714. W. 42nd St. but does not now and does not know how to get in touch with him. He advised that he has returned all mail sent to his residence addressed to Mr. Hodges back to the sender. I left him my contact information to give to Mr. Hodges in the event he

makes contact with him.

-0950hrs: I again called the number 423-308-9473 and received the same message “the person you called is unavailable”. There was not an option to leave a voice message. Since it was found that Mr. Hodges no longer lives at 714 W. 42nd St attempts will be made to locate him at his last home of record at 3624 Saluda St, Chattanooga, TN. At 1040hrs

-1040hrs: I sent Officer Piazza an email to ascertain a time of when I can schedule an interview with him.

7-21-15/1149hrs: I responded to 3624 Saluda St in an attempt to locate Mr. Hodges. This is an address he listed on his latest arrest report. I made contact with his mother, Catherine Hodges, who advised that she has not seen Mr. Hodges or have had any contact with him. She advised that he doesn't come around her house. I left my card for her to give to Mr. Hodges in the event that she makes contact with him.

7-24-17/2017hrs: Officer Piazza replied to my previous email stating that he has filed legal aid paperwork through the FOP to have representation and is awaiting their decision.

7-27-17/1345hrs: I picked up a copy of the requested video from Christie Vanderwaal with Hamilton County IT and will become a part of this case file. The DVD given contained several camera angles at the jail and at different times while Mr. Hodges was being processed and contained no sound. The only coverage of the salleyport area is when Officer Piazza and Mr. Hodges are walking through the intake doors (Video CH32). It shows Officer Piazza holding onto Mr. Hodges right arm as they come into camera view and go through the doors. There does not appear to be any conflict between the two at this time. Video A shows both coming into the intake area with Mr. Hodges walking left to sit down and Officer Piazza leaves back out and returns with his laptop. Video B shows Mr. Hodges communicating with the intake officers while seated and later shows intake officers talking with Mr. Hodges at the counter, attempting to get him to sign documents placed on the counter. Mr. Hodges picks up a pen and says something to the intake officers but never signs any paperwork and sits back down. Video B also shows that a nurse come to the intake area and goes over to talk with Mr. Hodges but was apparently refused by Mr. Hodges as she approaches him but leaves after briefing talking to him without performing any evaluations on him. Video B continues to show Mr. Hodges communicating with intake officers and later shows him being taking back to the booking area. Mr. Hodges did not appear to be combative in the video and appear to follow orders given to him. Video C is footage from the booking area and just shows Mr. Hodges walking in and out of camera view. Video D is another angle of the footage contained in Video B. Video CH15 and Ch17 shows the area in booking where inmates are held. There are 4 files named Video CH20, taken at different times, that just shows Officer Piazza at his laptop. None of the videos depicts if Mr. Hodges has an injury as he appears to be moving and doing functions normally.

-1449hrs: I sent a reply to Officer Piazza's email requesting a timeframe on when he will know legal aid will be available. A response was sent by Officer Piazza stating that he is still waiting on contact from the attorney's office.

8-4-15/1720hrs: Officer Piazza called me via mobile phone and advised that he has been unable to meet with the attorney and would like to come in and give a statement. A date and time of 8-5-15 at 0830hrs was set.

8-5-15/0830hrs. I conducted an interview at the Office of Internal Affairs with Officer Piazza. An audio recording was made of this interview and will become a part of this case file. Officer Piazza was advised of his employee rights and responsibilities and signed the form which will become a part of this case file. The following is a summary of Officer Piazza's statement to me and is not verbatim: Officer Piazza responded to a call at the Days Inn at 901 Carter St. Staff there had call to report a person on the property who they wanted to leave. On arrival, Officer Piazza approached the individual and found him to be Freddie Hodges who had been trespassed from the property. Officer Piazza stated to Mr. Hodges that the staff wants him to leave and he responded back with he is waiting on his girlfriend. After conversing back and forth with Mr. Hodges, Officer Piazza advised him that if he did not leave he would be arrested. At that time, Mr. Hodges began using profanities and advised that he did not care about going to jail. At his time, Mr. Hodges was placed under arrest. Officer Piazza stated that during the transport to jail, Mr. Hodges continued to use profane language. Officer Piazza stated that once at the jail and as he attempted to get Mr. Hodges out of the car, he sat at the edge of the seat while still in the car and would not get out. Officer Piazza stated that as he reached in to grab Mr. Hodges arm to help him out, he flopped out of the vehicle, landed on the ground and began yelling assault. He advised that this was more of a rolling out of the vehicle onto the ground and landing on his right side. Officer Piazza stated that he held onto Mr. Hodges arm as he walked him into the jail in the event he tries to fall again. Officer Piazza stated that once in the booking area, Mr. Hodges continued to use profane language and refused to sign any of his paper work. Officer Piazza stated at this time that Mr. Hodges did not have any visible injuries but Mr. Hodges did state that his arm was broken. Officer Piazza could not remember if he had his ICVARS running or not (End of Summary).

SUMMARY

On 7-7-15, Freddie Lee Hodges came to the Internal Affairs office to file an excessive use of force complaint against Officer Benjamin Piazza. The written statement Mr. Hodges provided is not clear as to what his allegations are as to this complaint. During this investigation, I have attempted to locate Mr. Hodges to schedule him for an interview so that the specifics of his complaint can be obtained but have been unsuccessful. Mr. Hodges has not been able to be reached by the cell number he gave and the message "the person you called is unavailable" is received when called. I have not able to leave a voice mail at this number. The other number

was to cousin, Irvin McCullough, who advised that Mr. Hodges does not live with him at 714. W. 42nd St., an address that Mr. Hodges used as an address for him in this complaint, and that he has no way to contact him. I went to the address listed on his arrest report at 3624 Saluda St and made contact with his mother, Catherine Hodges, who advised that she does not see Mr. Hodges or know where he could be. I left my contact information with both Mr. McCullough and Ms. Hodges to give to Mr. Hodges in the event they see him. My interview with Officer Piazza did not find that he used any force against Mr. Hodges other than helping him up after he stated that Mr. Hodges threw himself on the ground and leading him into the jail. Video footage obtained from Hamilton County IT Department during the booking process did not show any physical interaction between Officer Piazza and Mr. Hodges in the salleyport area other than when Mr. Hodges was led into jail by Officer Piazza. The videos did not show any further physical interaction between Officer Piazza and Mr. Hodges once inside. I could not find any ICVARS footage of Officer Piazza's transporting Mr. Hodges to jail. In reviewing video of the intake area, Mr. Hodges is seen walking in through the doors and taking a seat. He did not appear agitated at the time. He appeared in the video to be directing comments towards intake officers while seated. Later in the video, the nurse is seen going to Mr. Hodges and talking with him, but leaves shortly afterwards and left without examining him. It was found through Mr. Hodges booking paperwork that he refused to allow the nurse to check him out and refused to sign Inmate Risk assessment Form even though checked on the form was him needing medical attention, on medication and receives disability assistance. Since Mr. Hodges was not checked by medical personnel, there are no documentation of injuries to him while at the jail other than his complaint of left wrist pain. None of the videos depicts if Mr. Hodges has an injury as he appears to be moving and doing functions normally. Mr. Hodges provided documents during his initial visit to this office from a medical visit at Physicians Care, 4747 Hwy 58 Chattanooga, dated 6-16-15. His chief complaint was for joint pain of the left wrist he stated has been hurting since 6-14-15. He told them that he was assaulted by a police officer on Monday morning at 0200hrs which would have been 6-15-16. He also stated to them that he was punched in the face by his mother and wanted the police called. He complained of having wounds to his left hand, right hip and a stiff neck. He was discharged with having only being treated for [REDACTED] and [REDACTED] and given a [REDACTED] for [REDACTED] (End of Summary).