

**CHATTANOOGA POLICE DEPARTMENT**  
INTERNAL AFFAIRS DIVISION  
**REPORT OF INVESTIGATION**

<b>CASE NUMBER:</b> 2010-09	<b>TYPE OF REPORT:</b> Internal Affairs Commander's Recommendation	
<b>SUBMITTED BY (Title &amp; Name)</b> Captain Wm. K. Neblette 568	<b>SUBMITTED DATE</b> 8 March 2010	Page 1 of 2 Pages

**Fire Marshall David Brooks (Chattanooga Fire Department) ----- Fact Finding**

Chief Randy Parker requested the Internal Affairs Division of the Police Department conduct a fact finding inquiry into alleged actions of Fire Marshall David Brooks. Fire Department Captain Craig Haney approached Chief Parker's administration alleging Fire Marshall Brooks had abused his position to gain advantage over him allowing him to ultimately engage in an extra marital affair with Mrs. Kelli Haney, Captain Haney's wife. Reportedly some of the meetings occurred while Marshall Brooks was on duty as Fire Marshall.

**Conclusion of Fact**

Police Internal Affairs Investigator Sarah Moody was assigned to look into the matter. She requested a copy of Marshall Brooks' city email activity. (*City email describes activities that occur on the City Of Chattanooga's network and computer hardware devices*) She was supplied with a copy of Marshall Brooks' email account and she reviewed some 16,000 emails. She did not read each email but looked for patterns regarding sender/receiver information. She did not find any evidence of or direct reference to sexual scheduling or other discussion of such matters on or recorded in Fire Marshall Brook's email account. Regarding the allegation of the city computer network being used improperly, no direct evidence to support such action was found. **No direct evidence was discovered in this investigation pointing to Fire Marshall Brooks misusing his city email account.**

Investigator Moody inquired into specific instances of abuse of office Captain Haney suspected. Captain Haney reported he was concerned Marshall Brooks would possibly have input regarding;

- His promotional opportunities
- Any actions taken toward him regarding disciplinary issues
- Use his ability to access Haney's work schedule to arrange rendezvous with is wife

Investigator Moody asked if Captain Haney had suffered any of these concerns thus far. Captain Haney informed her no regarding the first two (promotions and disciplinary actions) he was concerned over the third one concerning access to his schedule being used to arrange meetings with his wife might have occurred. Investigator Moody informed me of these concerns immediately after the interview. I contacted Chief Parker and relayed these concerns to him. Chief Parker informed me that in the current Fire Department operations the

Fire Marshall is not involved in promotional decisions and only involved in disciplinary issues that deal directly with one of his subordinates, Captain Haney does not fall into that category. The third concern regarding Fire Marshall Brooks knowing his work schedule to allow for discrete meetings with his wife is not a valid concern in my opinion. Considering Kelli Haney admits to be a willing participant in these meetings she would know her husbands schedule and could introduce that information into the relationship. **This Investigation has not identified any abuse of Office on the part of Fire Marshall Brooks.**

During the interview process it was determined that on or about November 18<sup>th</sup> 2009 a concerning encounter occurred. Both Mrs. Kelli Haney and Fire Marshall Brooks admit they met at a rental property belonging to Brooks. Reportedly the two met during lunchtime at the property and engaged in a sexual encounter. This one instance was the only sexual encounter that has been identified as occurring during normal work hours (on duty).

Chattanooga Fire Department Standard Operating Procedures section 3.4.02 seems to address this situation. As Fire Marshall, an appointed public office a person's actions are under public scrutiny especially while on duty. The admitted action of meeting and having sex during work hours in my opinion would be Conduct Unbecoming and I recommend a finding of **Sustained** regarding **Conduct Unbecoming a Public Employee**. Included below are the Chattanooga Fire Department SOP and related City Code citations.

Chattanooga Fire Department Standard Operating Procedures section 3.4.02

**Disgraceful public conduct or language toward the public or fellow member, or abusive public criticism of supervisors or other public officials.**

Chattanooga City Code section 2-176 (b) (6)

**(b) Disciplinary action up to and including dismissal may be taken for any just cause including, but not limited to, the following:**

**(6) Conduct unbecoming a public employee;**

Captain Ken Neblette  
Commander, Internal Affairs