

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

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| <b>CASE NUMBER:</b><br>IAD #2010-09  | <b>TYPE OF REPORT:</b><br>Investigative Report            |                      |
| <b>SUBMITTED BY (Title &amp; Name)</b><br>Investigator Sarah Moody #1005/62325 | <b>SUBMITTED DATE</b><br>February 26 <sup>th</sup> , 2010 | Page 1 of<br>5 Pages |

**Fire Marshall David L. Brooks**

**Allegation- Conduct Unbecoming**

**Complaint**

On January 28<sup>th</sup>, 2010 Fire Chief Parker requested the Office of Internal Affairs investigate an allegation brought against Fire Marshall David L. Brooks for Conduct Unbecoming. The complainant, Fire Captain Craig Haney, alleged that his wife, Kelli Haney, had a sexual relationship with Fire Marshall David L. Brooks. Craig Haney brought the complaint because he believes that his career could be adversely affected as a direct result of this affair. This would be possible if David Brooks was allowed to make decisions regarding his promotions or his possible disciplinary actions.

**Investigation**

**Interview: Complainant Craig Haney**

**Date and Time: February 4th, 2010 at 0920 hours**

**Location: Office of Internal Affairs**

**Interviewer: Inv. S. Moody #1005/62325**

**Employee Rights and Responsibilities: Signed and Acknowledged**

I asked Captain Haney to explain why he was making the complaint against David L. Brooks. Captain Haney stated he recently found out his wife, Kelli Haney, was having an affair with David Brooks. He believed this affair lasted about four months. Captain Haney stated his primary concern was that in his position, David Brooks is ultimately his supervisor as a Chief. Craig Haney stated he did not feel as if it was appropriate for David Brooks to have an input in decisions that involved his career.

Captain Haney told me he was David Brooks' supervisor for about four years. He believed the two were friends. He stated he even recommended David Brooks for his position as Fire Marshall when he was removed in 2009.

Captain Haney stated when he confronted his wife she admitted to the affair. Captain Haney confessed he did attempt to confront Chief Brooks about the incident. He told Chief Brooks to stop contacting his wife and advised him if he received "one inkling of this in the fire department" he would go further with his complaint. Craig Haney stated he heard rumors of the affair in the Fire Department and at that point decided to go forward with his complaint.

I asked Craig Haney to explain Chief Brooks' position and how it would relate to or affect Captain Haney's position. Captain Haney stated David Brooks is an assistant Chief and would therefore have a voice in promotional decisions and also disciplinary actions.

I asked Craig Haney if he had knowledge of when Kelli Haney and David Brooks' affair began. Captain Haney stated he believed it began in September 2009 and the majority of the meetings occurred while he was at work at the Fire Hall. Captain Haney stated David Brooks had the ability to pull up his schedule and would know if he was going to be at the Fire Hall all day. I interjected at this point that Kelli Haney could also provide this information.

Craig Haney discovered his wife was having an affair after he found emails between Kelli Haney and David Brooks on his personal computer. I asked Captain Haney if the emails led him to believe that Kelli Haney and David Brooks were meeting for sex while David Brooks was on duty. Captain Haney stated it did not appear that they were meeting while Chief Brooks was on duty.

At this point Captain Haney and I discussed Kelli Haney's personal email account. Captain Haney stated he did not feel comfortable bringing in the entire email contents because Kelli Haney believed it painted her "in a bad light." I advised Craig Haney that because Kelli Haney's personal email account is her property she has a reasonable expectation of privacy.

I asked Captain Haney when he last spoke to David Brooks. Captain Haney stated he sent David Brooks a text message a few weeks prior in attempts to set up a time to meet. He continued by stating David Brooks never responded. Since that date, he claims he has not attempted contact with David Brooks.

I asked Craig Haney if he has felt the affects of David Brooks and Kelli Haney's affair in his daily work. Craig Haney denied feeling any affects but he also stated he has not been in any trouble since finding out about the affair.

## **Interview: Kelli Haney**

**Date and Time: February 16<sup>th</sup>, 2010 at 1300 hours**

**Location: Office of Internal Affairs**

**Interviewer: Inv. S. Moody #1005/62325**

I asked Kelli Haney if she had been threatened or forced into making her statement to me. Mrs. Haney stated she was making her statement of her own free will. I asked Kelli Haney to begin by explaining her relationship with David Brooks. Mrs. Haney stated she and David Brooks have been friends for approximately ten years. The two began to speak more frequently in June of 2009 after Mrs. Haney discovered her husband, Craig Haney, allegedly cheated on her for a period of time dating prior to their son's birth. Kelli Haney stated in September of 2009 she and David Brooks first slept together.

I asked Kelli Haney if she recalled where the first sexual encounter between she and David Brooks occurred. She stated it occurred on a Saturday night in September of 2009. The two had sex in the back of David Brooks' personal vehicle (a green Nissan Armada) in the parking lot of Redoubt Soccer Field. Kelli Haney stated David Brooks was not on duty at the time of that encounter.

Kelli Haney stated she could recall only one sexual encounter between she and David Brooks that occurred while he was on duty with the Fire Department. On November 18<sup>th</sup>, 2009 around 1030 hours Mrs. Haney met David Brooks at his rental property on Scruggs Street. I asked Mrs. Haney if David Brooks was in uniform and she stated "yes." Mrs. Haney also stated that David Brooks drove his city issued vehicle (a white Ford Taurus) to meet her but denied that their sexual encounter occurred in the vehicle. Mrs. Haney stated she preformed oral sex on David Brooks on that date.

I asked Mrs. Haney if David Brooks drove his city vehicle to other sexual encounters that the two had even if he was not on duty. Mrs. Haney stated she believed most times the two met to have sex David Brooks

was in his personal vehicle.

I asked Mrs. Haney if there was a location that the two generally met at and she replied that they generally met for sex at Randy Stargin's residence. Randy Stargin is also employed as a Fireman. Kelli Haney stated Randy Stargin's house is on Oak Street. I asked if she saw Randy Stargin at the residence and she stated "no" that he was always at work.

Mrs. Haney was questioned when she last had sex with David Brooks and she replied "December 31<sup>st</sup>." Mrs. Haney stated David Brooks was not on duty and the two again met at Randy Stargin's residence. Mrs. Haney stated she has not seen David Brooks since that day. Kelli Haney told me the last time she spoke to David Brooks was January 4<sup>th</sup>, 2010. I asked Mrs. Haney if David Brooks has attempted to contact her through anyone else and she stated that he has not.

I asked Kelli Haney if she knew Randy Stargin very well and she replied that she did not know him very well. Kelli Haney told me she sent Randy Stargin a text on one occasion but probably wouldn't even recognize him if she saw him in person.

I questioned Kelli Haney about her knowledge of David Brooks' use of his city email account to set up sexual meetings. Kelli Haney stated she did not believe he used his city email account in the planning of sexual encounters. She stated David Brooks possibly opened her emails to his private account on his city computer. I asked Kelli Haney if she had any knowledge of David Brooks opening emails containing sexual pictures of her on his city issued computer. Kelli Haney replied "yes he did."

I asked Kelli Haney how long she was employed with the City of Chattanooga and she stated approximately one year. Kelli Haney's employment with the city ended October 19<sup>th</sup>, 2009. I asked Mrs. Haney if she resigned because of David Brooks and she replied "no." Mrs. Haney stated she resigned because of personal issues with her teenage son. I also asked Kelli Haney if David Brooks was ever her supervisor and she replied "no."

I asked Kelli Haney if there was anything she would like to add to her statement and she replied that she had a recent discussion with her husband, Craig Haney, where she asked him what he would do if nothing happened to David Brooks. Kelli Haney claims her husband stated "I guess we will just have to move on." Kelli Haney stated her concern was that Craig Haney's career would be adversely affected by her affair with David Brooks.

I asked Kelli Haney if David Brooks ever called her from his city issued cell phone and she stated she couldn't recall if he did, but she didn't believe that to be the case. I asked Kelli Haney if she remembered David Brooks' personal cell phone number and she stated it was \*\*\*-\*\*\*\*.

**Interview: Fire Marshall David L. Brooks**

**Date and Time: February 16<sup>th</sup>, 2010 at 1410 hours**

**Location: Office of Internal Affairs**

**Interviewer: Inv. S. Moody #1005/62325**

**Employee Rights and Responsibilities: Signed and Acknowledged**

I asked Chief Brooks to read and sign the Employee Rights and Responsibilities form at which time I reminded him he was subject to termination if it was found he was untruthful.

I asked Chief Brooks to explain the relationship he had with Kelli Haney. Chief Brooks explained that he had known Kelli Haney through Craig Haney and that the three had a casual friendship. Chief Brooks stated that he and Kelli Haney had numerous mutual interests and from those interests a friendship began.

Chief Brooks stated he received a phone call from Kelli Haney late in the evening in the summer of 2009. Kelli Haney asked David Brooks if he would meet her to discuss a fight she had with her husband, Craig Haney.

David Brooks stated he told his wife what was going on and met Ms. Haney at Parkridge Hospital so the two would be out in the open. He stated the two talked for about two hours regarding the marital troubles that Kelli and Craig were having. David Brooks stated during the conversation she told him there were some domestic violence issues between she and Craig Haney.

Chief Brooks stated the following Monday he told Craig Haney that the two had met and discussed their marital problems. Chief Brooks stated Craig Haney didn't express any concern with the two talking.

Chief Brooks stated Kelli Haney contacted him to rent some property from him and when they met to look at the property the two talked for a long time regarding her marital problems. I asked when this occurred and he stated either June or July of 2009.

Chief Brooks stated he began to experience some problems in his marriage as well and he turned to Kelli Haney as a friend. Chief Brooks told me he and Kelli Haney discovered they had numerous common interests and began to speak more frequently.

I asked Chief Brooks if he recalled when their relationship became sexual. Chief Brooks replied "August." I asked Chief Brooks where he and Kelli Haney met to have sex. He stated the two have met at a hotel, some of his rental properties, and at Randy Stargin's house.

I asked Chief Brooks if any of the sexual encounters he had with Kelli Haney occurred while he was on duty. Chief Brooks initially stated that they did not have sex while he was on duty. Later in the interview I asked Chief Brooks to clarify his statement. Chief Brooks finally admitted that the two did meet while he was on duty sometime in November and Kelli Haney preformed oral sex on him in his rental house. I asked Chief Brooks what time this happened and he said around 12:00 or 12:30 p.m. when he was supposed to be taking his lunch break.

I asked Chief Brooks if he was in uniform when he met Kelli Haney to have sex. He stated he would meet her after work and sometimes he would be in uniform. I asked David Brooks what his work hours generally consist of and he stated he usually works from 8 a.m. to 4:30 p.m. I questioned David Brooks if he is called out for work related duties. He replied that from time to time he is called out but it rarely occurs.

I asked Chief Brooks if he and Kelly Haney had any sexual encounter in his city issued vehicle to which he replied "no." I questioned Chief Brooks if he used his city email to set up sexual encounters with Kelli Haney and he replied "no."

I asked Chief Brooks when his last sexual encounter with Kelli Haney was and he replied November or December. I asked Chief Brooks when his relationship with Kelli Haney ended and he replied sometime around New Years Eve. Chief Brooks could not remember the exact day that he and Kelli last spoke but he did recall that soon after Craig Haney called him and told him to stop calling Kelli Haney.

I asked Chief Brooks if Kelli Haney has since attempted to contact him by phone and he replied he did not think so. He stated he received a request through his Blackberry for a messenger request but he ignored it because he thought it might be Craig Haney.

I asked Chief Brooks if he accessed sexual pictures of Kelli Haney that may have been sent to his personal email through his city computer. Chief Brooks struggled to answer this question. He finally stated he didn't think he did.

I asked Chief Brooks if Kelli Haney was considered his subordinate while she worked for the City of Chattanooga. Chief Brooks replied "no."

Chief Brooks was questioned if he has had any contact with Craig Haney since January 4<sup>th</sup>. Chief Brooks stated Craig Haney called him numerous times one day, soon after January 4<sup>th</sup>, requesting the two meet to talk.

I asked Chief Brooks if he thinks his relationship with Kelli Haney will affect his professional relationship with Craig Haney. Chief Brooks replied "I don't think so." I asked Chief Brooks if Craig Haney was under his immediate supervision. Chief Brooks stated "no." Chief Brooks was questioned if his involvement was necessary regarding disciplinary action or promotion of Craig Haney. David Brooks replied that he asked when he took the position as Fire Marshall to only be involved in decisions involving his division. Craig Haney works in operations which would be completely unrelated to his position.

I questioned Chief Brooks if it was a possibility that he and Craig Haney would have to work together in some facet. Chief Brooks admitted it was a possibility but he doubted it due to the fact that prior to working in the same division together they had never worked together.

At this point I asked Chief Brooks if there was any statement he made that he would like to clarify or if there was anything he would like to say on the record. Chief Brooks replied that he would like to say he is very embarrassed about the entire incident. He stated he had no intention at the beginning of his friendship with Kelli Haney for it to develop into the relationship it turned into. Chief Brooks stated his friendship with Kelli Haney was a strong friendship and he wished it would have stayed that way.

### **Summary**

In September of 2009 Kelli Haney and Fire Marshall David L. Brooks began a four month extramarital affair. Kelli Haney is a former City of Chattanooga employee and the wife of Fire Captain Craig Haney. David Brooks worked for Craig Haney for about four years while he was the acting Fire Marshall. In July of 2009 Craig Haney was removed as the Fire Marshall and David Brooks assumed his position in October of 2009.

Both Kelli Haney and David Brooks admitted to having one sexual encounter while David Brooks was on duty. This meeting occurred on November 18<sup>th</sup>, 2009. David Brooks stated this sexual encounter happened while he was taking his lunch break. Neither Kelli Haney, David Brooks, nor Craig Haney provided information that led this investigator to believe that there was another instance of inappropriate behavior while David Brooks was on duty.

The Office of Internal Affairs examined David Brooks' email account and found no indication in the 16,000 emails that the account was being used for anything illicit. This investigator did not find any evidence to show that David Brooks was abusing his city issued vehicle or cell phone.

Craig Haney provided numerous emails between Kelli Haney and David Brooks.

Captain Haney expressed concern that David Brooks would possibly be in a position to adversely affect his career. Upon speaking with both Craig Haney and David Brooks it seems apparent that if these men have interactions with each other it will be on a very limited basis.