

CHATTANOOGA POLICE DEPARTMENT
OFFICE of INTERNAL AFFAIRS
REPORT OF INVESTIGATION

CASE NUMBER	SUBMITTED BY (Title & Name)	SUBMITTED DATE	PAGE COUNT
2018-11	Sgt. Kevin Trussell #596	03/16/2018	20

INVOLVED OFFICER(S):

Lieutenant Craig Joel # 916
Criminal Investigations Bureau

ALLEGATION(S):

Conduct Unbecoming

INCIDENT

On 02/02/2018 at approximately 1856hrs, the Hamilton County Sheriff's Office (HCSO) responded to call of an intoxicated person at [REDACTED]. The information given by the complainant was a man in a black Ford car was falling over drunk. The caller advised the intoxicated subject was laying down in his car, and the caller was afraid the intoxicated subject was about to drive off in his vehicle. The caller specified it appeared to be newer Ford Fusion possibly an undercover police vehicle. The caller advised the intoxicated subject began walking towards the dock, and the caller then advised the intoxicated subject was getting into the vehicle, trying to start the vehicle. The caller then advised there were two people trying to stop him because they can tell he's clearly not okay. Ultimately, the HCSO arrived on scene and encountered the intoxicated individual who was identified as Chattanooga Police Lieutenant Craig Joel # 916.

EVIDENCE

- Surveillance footage from Island Cove Marina capturing the incident in its entirety on 02/02/2018 from 1834hrs to 2054hrs.
- Recorded call from complaint to Hamilton County Communications Division labeled *Ext327_020218_at_1853*.
- CAD and Dispatch records related to case # 18-003343 labeled *HCSO 18-003343* and *East_020218_1854to2023*.
- Initial Miscellaneous report submitted by Deputy Charlene Choate # 3018 labeled *HCSO Report _18-003343*.
- Supplement report submitted by Deputy Charlene Choate # 3018 labeled *HCSO Report Supplement*

18-003343.

- Deputy Charlene Choate # 3018 Patrol Log for 02/02/2018 labeled *Deputy Choate Log Sheet*.
- Deputy John Robbs # 2729 Patrol Log for 02/02/2018 labeled *Deputy Robb log Sheet*.
- Lt. Craig Joel # 916 Firearms records form showing a Springfield XD9 as his off duty weapon labeled *Lt. Joel Firearm Records*.

INTERVIEWS

INTERVIEW: Deputy Charlene Choate # 3018 HCSO
DATE / TIME: 02/21/2018 @ 1802hrs
LOCATION: Hamilton County Sheriff's Office East Annex
INTERVIEWER: Sgt. Kevin Trussell # 596

On 02/21/2018, Deputy Charlene Choate # 3018 of the Hamilton County Sheriff's Office provided a recorded statement in reference to IA Case # 2018-11. Detective Robert Lee with the HCSO Internal Affairs Division was also present for the interview. A summary of her statement is as follows, and is not verbatim:

Deputy Choate responded to the call involving Lt. Craig Joel. She stated she got a call from dispatch about an intoxicated subject who was slumped over the steering wheel of his vehicle. The subject had gotten out of the vehicle and had fallen down at one point. When Deputy Choate arrived she did not see Lt. Joel in the vehicle, but did see the black Ford Fusion described in the call. She noticed the vehicle had government tags. Deputy Choate described a man in a long black jacket and jeans as the subject related to this call. She noted that the vehicle described in the call was a law enforcement vehicle when she observed it on scene. Deputy Choate stated on her initial encounter with Lt. Craig Joel he was questioning who called them and why they were there. At that point, Deputy Choate stated she did not know who he was or that he was a law enforcement officer. Deputy Choate said as she was speaking with Lt. Craig Joel he kept trying to reach in his pockets. For officer safety reasons she decided to put Lt. Joel in handcuffs at that point. She said that when they were trying to put handcuffs on Lt. Joel, he was tensing his body, so they had to use a little extra force to get the handcuffs on him. A pat down search was performed on Lt. Joel, and he was placed into the back of Deputy Choate's patrol vehicle. Deputy Robbs, who responded to the call with her, knew who Lt. Joel was. Deputy Choate then called Corporal Eric Baxter to let him know what she had encountered. Lt. Ricky Jones (HCSO) then called Deputy Choate and advised her that he had made contact with someone from CPD, and they would be

on their way to the scene also. In the meantime, Deputy Choate stated they did not find keys to the Ford Fusion on Lt. Joel's person. While speaking to Lt. Joel about entry into the car, Lt. Joel told Deputy Choate, "If you don't know how to get into a car you don't need to be a deputy on the road." Lt. Joel eventually gave the door code to the car to Deputy Robbs. Deputy Robbs made entry into the car and found Lt. Joel's service weapon and badge in the driver's side floorboard. The key fob to the vehicle was found inside the vehicle as well. Chattanooga Police Department personnel arrived and Deputy Choate remembered the names McPherson and DePrimo, but could not remember the third person. The CPD personnel spoke to Lt. Joel at some point.

Deputy Choate stated she didn't want to take Lt. Joel to jail. She further advised the only applicable charge was public intoxication because she never saw Lt. Joel in the vehicle described in the call. Deputy Choate stated she was trying hard to work with Lt. Joel to avoid arresting him, but he was mouthy the entire time saying things like "Just take me to jail!" Eventually, Lt. Joel was released at the [REDACTED] to Lt. DePrimo of the Chattanooga Police Department.

Deputy Choate stated she had probable cause to arrest Lt. Joel for public intoxication. Deputy Choate said the decision not to arrest Lt. Joel was her choice, and she was not influenced by anyone from the Chattanooga Police Department on her decision not to arrest Lt. Joel.

Deputy Choate stated she was told by Lt. Rick Jones (HCSO) to make the initial incident report generic. She was later asked by Deputy Chief Lowery (HCSO) to submit a more detailed report related to this incident.

**Complete details of Deputy Charlene Choate's #3018 statement can be found on the recording of her interview, which was added to the IA # 2018-11 Case File (IAPro).*

INTERVIEW: Corporal Eric Baxter # 2540 HCSO
DATE / TIME: 02/21/2018 @ 1825hrs
LOCATION: Hamilton County Sheriff's Office East Annex
INTERVIEWER: Sgt. Kevin Trussell # 596

On 02/21/2018, Corporal Eric Baxter # 2540 with the Hamilton County Sheriff's Office provided a recorded statement in reference to IA Case #2018-11. Detective Robert Lee with the HCSO Internal Affairs was also

present for the interview. A summary of his statement is as follows, and is not verbatim:

Corporal Baxter stated he got a phone call from Deputy Choate and she informed him of the situation she had encountered. He then notified Lt. Jones of the situation. Thirty or forty five minutes passed and he didn't hear anything else about the situation. Corporal Baxter said he then went to the scene to see what was happening. Lt. DePrimo was speaking to Lt. Joel, who was in the back of a police car. Corporal Baxter observed Lt. Joel "squirming" around a lot in the back of the police vehicle, and he went to ask him if he was okay. Lt. Joel responded with "I don't know what's going on, just take me to jail!" Corporal Baxter stated Lt. Joel was agitated and at one point Corporal Baxter told him to stop being a jerk.

Corporal Baxter said Lt. Joel was intoxicated, and "you could smell it on him pretty strong." Based on what Corporal Baxter observed, he believed there was probable cause to arrest Lt. Joel for public intoxication. Deputy Choate or Deputy Robbs mentioned the gun and badge, but he stated he didn't know where it was in relation to Lt. Joel.

Lt. Jones suggested Lt. Joel be taken to a different location to be released because there were a lot of people watching from the vicinity of the Amigos parking lot. He was taken to the [REDACTED] and released to Lt. Deprimo. Corporal Baxter stated he did not know how the decision was reached to release Lt. Joel. He saw Lt. Jones, A/C McPherson, and Cpt. McCullough talking and he felt it wasn't his place to be involved in that conversation.

**Complete details of Corporal Eric Baxter's # 2540 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro).*

INTERVIEW: Lt. Ricky Jones # 1196 (HCSO)
DATE / TIME: 02/21/2018 @ 1837hrs
LOCATION: Hamilton County Sheriff's Office East Annex
INTERVIEWER: Sgt. Kevin Trussell # 596

On 02/21/2018, Lt. Ricky Jones # 1196 with Hamilton County Sheriff's Office provided a recorded statement in reference to IA Case #2018-11. Detective Robert Lee with the HCSO Internal Affairs was also present for the interview. A summary of his statement is as follows, and is not verbatim:

Lt. Jones stated he was notified by Corporal Baxter about the incident related to Lt. Craig Joel. Lt. Jones responded to scene. He said that Lt. Joel was handcuffed in the back seat of a patrol vehicle upon his arrival. Lt. DePrimo was already on scene. Lt. Jones determined that since Lt. Joel was going to be released that event needed to take place at a different location due to the fact a crowd was watching the scene from the parking lot area.

Lt. Jones said he could tell that Lt. Joel had been drinking and at one point he was crying. The city police vehicle was parked at the [REDACTED], but Lt. Joel was not observed in the vehicle. Lt. Jones was aware that Lt. Joel's badge and gun were in the car also, and Lt. Jones stated someone from CPD took possession of them.

Lt. Jones told Deputy Choate it was her decision to make on whether or not to arrest Lt. Joel.

**Complete details of Lt. Ricky Jones # 1196 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro).*

INTERVIEW: Deputy John Robbs # 2729 (HCSO)
DATE / TIME: 02/26/2018 @ 1805hrs
LOCATION: Hamilton County Sheriff's Office West Annex
INTERVIEWER: Sgt. Kevin Trussell # 596

On 02/26/2018, Deputy John Robbs # 2729 with the Hamilton County Sheriff's Office provided a recorded statement in reference to IA Case # 2018-11. Detective Robert Lee with the HCSO Internal Affairs Division was also present for the interview. A summary of his statement is as follows, and is not verbatim:

Deputy Robbs stated he responded to the call regarding to Lt. Joel. On his arrival, he and Deputy Choate made contact with the individual who was believed to be the subject of this call. There were two other individuals standing with the person. One of the men standing with Lt. Joel at that time stated that he had observed a gun in the car Lt. Joel was attempting to get into. Deputy Robbs was told the gun was in the floorboard on the driver's side of the black Ford Fusion. Lt. Joel was asked who the car belonged to, and he was belligerent with his responses. Lt. Joel kept telling Deputy Choate to "take him to jail" and he seemed upset with Deputy Choate. Lt. Joel could not provide the keys to the car, but gave Deputy Robbs the code to the door. Deputy

Robbs opened the door and located a firearm in the driver's side floorboard along with Mr. Joel's badge. Deputy Robbs described the firearm as a black Springfield Arms sub compact. Deputy Robbs secured the weapon at that point, and his chain of command was notified. Other Chattanooga Police personnel responded to the scene, but he wasn't sure of their names.

Lt. Joel told Deputy Robbs that he was going through a divorce, and never denied drinking. Lt. Joel told Deputy Robbs that he drove the vehicle in question (Ford Fusion) to that location.

Deputy Robbs said he told Chattanooga Police personnel who had arrived on scene what had initially occurred. Deputy Robbs stated Lt. Joel was being passive-aggressive with Deputy Choate, but while he was being handcuffed Deputy Robbs did not let the situation rise to the level of resisting on Lt. Joel's part. He wasn't docile, but was upset.

Deputy Robbs stated the choice was made to change locations to release Lt. Joel into the custody of Lt. DePrimo. He was told he could get back in service by his supervisor at that point.

Deputy Robbs stated Lt. Joel eventually calmed down, but had his initial behavior continued he would have been arrested. Deputy Robbs said that he didn't think Lt. Joel could have driven a vehicle based on his intoxication level. Lt. Joel seemed pretty confident with his behavior, and it didn't seem to bother him when he got caught. He obviously knew what he was doing was wrong, being in law enforcement, but his overall attitude of taunting them to take him to jail was inappropriate.

Deputy Choate had the ultimate decision on whether or not to arrest Lt. Joel. No one told her what to do in this case. Deputy Robbs said Lt. Joel should have known better, and if it had been anyone else they would have went to jail. Deputy Robbs stated, based on his observations and facts he had obtained that night on this particular call, Lt. Joel was driving under the influence.

**Complete details of Deputy John Robb's # 2729 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro).*

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INTERVIEW: Lt. Jim DePrimo # 781
DATE / TIME: 02/28/2018 @ 1256hrs
LOCATION: Office of Internal Affairs
INTERVIEWER: Sgt. Kevin Trussell # 596

On 02/28/2018, Lt. Jim DePrimo provided a recorded statement in reference to IA Case #2018-11. He acknowledged and signed the CPD Employee Rights and Responsibilities Form, which was added to the case file in IAPro. Lt. Toby Hewitt # 293 was also present for the interview. A summary of his statement is as follows, and is not verbatim:

Lt. DePrimo stated he was contacted by Lt. Austin Garrett in regarding the incident. Lt. Garrett advised him that he had been informed by Captain Mark King with the HCSO that Lt. Joel had been discovered acting disorderly and drunk, and deputies were out with him. When Lt. DePrimo arrived on scene he observed Lt. Joel handcuffed in the back of a HCSO vehicle. Lt. DePrimo spoke with the deputies to find out what was happening, and he was told that Lt. Joel was drunk and acting disorderly. The decision had already been made not to take Lt. Joel to jail when Lt. DePrimo arrived on scene. Captain McCullough and A/C McPherson also arrived on scene around that point. It was decided that since Lt. Joel was not going to be arrested he needed to be removed from this situation. Lt. Joel's police vehicle was on scene and wasn't parked correctly. Captain McCullough eventually moved the vehicle into a correct parking spot. Lt. Joel was transported to a different location where Lt. DePrimo took custody of him. They left and went to the Waffle House in Cleveland to have coffee, eat, and talk. Lt. DePrimo stated that Lt. Joel was intoxicated. When Lt. Joel sobered up he was taken to his residence in [REDACTED]. Lt. DePrimo left Lt. Joel at that point.

Lt. DePrimo said that Lt. Joel had mentioned he had been staying on his boat at the [REDACTED]. Lt. Joel also told him that he didn't understand what happened. Lt. Joel knew he was drunk, but didn't know how he came to be in handcuffs. Lt. Joel's gun and badge were in his police vehicle, but not on his person.

The HCSO deputies told him that Lt. Joel was belligerent and showing out. Everyone in the Amigos restaurant could see his behavior. They used handcuffing Lt. Joel as a last resort. Lt. DePrimo stated the conversations with HCSO supervision were related to who Lt. Joel would be released to, and the decision to not arrest Lt. Joel had already been made when he arrived. Lt. DePrimo made it clear to the HCSD personnel that the decision was theirs to make on whether or not to arrest Lt. Joel.

Lt. DePrimo stated that Lt. Joel was very emotional, and it was a teary eyed weepy version of an intoxicated person. Lt. DePrimo said based on his observations of Lt. Joel, he would have been too intoxicated to drive a vehicle. Lt. DePrimo did not see Lt. Joel consume any alcohol while in his presence.

**Complete details of Lt. Jim DePrimo's # 781 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro).*

INTERVIEW: Captain Zach McCullough # 835
DATE / TIME: 03/05/2018 @ 1257hrs
LOCATION: Office of Internal Affairs
INTERVIEWER: Sgt. Kevin Trussell # 596

On 03/05/2018, Captain Zach McCullough # 835 provided a recorded statement in reference to IA Case # 2018-11. He acknowledged and signed the CPD Employee Rights and Responsibilities Form, which was added to the case file in IAPro. Lt. Toby Hewitt # 293 was also present for the interview. A summary of his statement is as follows, and is not verbatim:

Captain McCullough was contacted at approximately 1930hrs on 02/02/2018 by Deputy Chief Eric Tucker. D/C Tucker advised Cpt. McCullough of the situation with Lt. Joel, and he asked Cpt. McCullough to go to the scene and assess the situation. Cpt. McCullough notified Lt. DePrimo and A/C McPherson also about his response. Once on scene of the incident, Cpt. McCullough was informed that Lt. Joel was intoxicated in the parking lot and had been detained by the HCSO. Cpt. McCullough observed Lt. Joel's unmarked police vehicle parked in a loading area, not in a parking space. Cpt. McCullough stated that the HCSO had already made the decision not to arrest Lt. Joel at that point. It was reported to Cpt. McCullough that Lt. Joel was observed stumbling around the parking lot, and he almost fell into the water at some point. It was reported that Lt. Joel had not driven his vehicle nor was he in possession of a weapon. When Lt. Joel was encountered by the HCSO he was walking towards his vehicle.

Cpt. McCullough stated he had a brief interaction with Lt. Joel and described him as having an odor of alcohol, glassy eyes, and disoriented. Lt. Joel asked Cpt. McCullough "What the fuck man; what happened?"

Cpt. McCullough described to him what he had been told and that he was going to be released into CPD custody. Cpt. McCullough then moved Lt. Joel's police vehicle into a parking spot, and Lt. Joel was released to Lt. DePrimo. While moving the vehicle Cpt. McCullough stated he observed a Springfield XD pistol and Lt. Joel's badge in the car. Cpt. McCullough kept the keys to the car and gave them back to Lt. Joel on Sunday following this incident at the SportsBarn in Hixson. Lt. DePrimo took Lt. Joel to get coffee and clear things up before he was taken home on the evening of the incident at the direction of Cpt. McCullough.

The HCSO deputies who encountered Lt. Joel indicated that Lt. Joel was not entirely cooperative during the incident. The deputies also stated they did not observe Lt. Joel driving or inside the vehicle, but he was walking towards the car when they encountered him. Based on his observations and experience, Captain McCullough stated that Lt. Joel was intoxicated to the level he would not have been able to drive a vehicle.

Captain McCullough stated that he did not observe anything from Chattanooga Police personnel that would have influenced the decision by the HCSO to not arrest Lt. Joel. He stated he did not observe anyone from either agency discussing the incident report that would be submitted or what should be contained in that report. *Cpt. McCullough was shown the initial incident report that was submitted by the HCSO, and then shown the supplement that was submitted later by HCSO.* In regards to the supplement, Cpt. McCullough stated it clearly described information he was not privileged to regarding this incident. Specifically, regarding the action of Lt. Joel being in the car while intoxicated and the vehicle was running. Cpt. McCullough further stated that without further corroboration of Lt. Joel being in the car, he didn't feel as though a DUI case could have been made. If the deputies would have observed Lt. Joel in physical control of the vehicle clearly an arrest for DUI would have been justified. Public Intoxication would have been the appropriate charge with the set of facts that were reported. Cpt. McCullough stated the initial report was the most accurate information related to what he was told when he arrived on scene that evening. He was not given the additional information that was included in the supplement report. Cpt. McCullough intentionally asked if Lt. Joel was in the car or armed, and he was told "no" by HCSO personnel on scene.

**Complete details of Captain McCullough's # 835 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro).*

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INTERVIEW: Assistant Chief Edwin McPherson # 752
DATE / TIME: 03/08/2018 @ 1025hrs
LOCATION: Office of Internal Affairs
INTERVIEWER: Sgt. Kevin Trussell # 596

On 03/08/2018, Assistant Chief Edwin McPherson # 752 provided a recorded statement in reference to IA Case #2018-11. He acknowledged and signed the CPD Employee Rights and Responsibilities Form, which was added to the case file in IAPro. Lt. Toby Hewitt # 293 was also present for the interview. A summary of his statement is as follows, and is not verbatim:

A/C McPherson stated he responded to the incident involving Lt. Joel on 02/02/2018. Deputy Chief Tucker called him and advised him of the situation. A/C McPherson stated he didn't encounter Lt. Joel on scene, but spoke to Lt. Ricky Jones with the HCSO. A/C McPherson was advised that when deputies encountered Lt. Joel he became disorderly at some point. Specifically, Lt. Joel may have pulled away from the deputy at some point while being handcuffed.

A/C McPherson stated his reason for responding to the scene was he thought that Lt. Joel was being arrested in a city vehicle. He was there to make the notifications to the executive staff and Internal Affairs. A/C McPherson was told that Lt. Joel was not in the car and he wasn't armed at the time deputies encountered him. A/C McPherson stated he stepped back at that point, knowing he would be involved in the disciplinary process with Lt. Joel. A/C McPherson stated he advised Lt. Ricky Jones that he was not there to influence the decisions being made regarding Lt. Joel in any way. A/C McPherson said he nor any Chattanooga Police personnel tried to influence the decisions made by the HCSO regarding this incident. The decision not to arrest Lt. Joel was told to him, but he did not know exactly when that decision was made by the HCSO. Lt. Joel was released to the CPD Watch Commander at a different location because the HCSO decided not to arrest Lt. Joel.

A/C McPherson stated he spoke with Deputy Chief Lowery (HCSO) a few days later about the report, but doesn't remember the exact content of that conversation. He recalled Deputy Chief Lowery saying something about how they were going to look at the report. *A/C McPherson was shown the original report that the HCSO submitted.* He stated he guessed it was under the interpretation of the person that wrote it, but could not say how they should have written the report on this incident. The supplement report was shown to A/C

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McPherson, and he stated it was more in line than the initial report. He stated he had spoken to Deputy Chief Lowery about some upcoming warrant operations, and the topic of the report on this incident did come up. He said that Deputy Chief Lowery mentioned that Internal Affairs was wanting a more in depth report, but could not recall which particular agency had made that request.

A/C McPherson was not directed to respond to the scene by Deputy Chief Tucker, but chose to respond. He further stated he lives in close proximity the location of the incident. He stated that he was prepared to make notifications, should that be necessary, when he arrived on scene.

A/C McPherson reiterated he did not interact with Lt. Joel at any point in time on scene during his response the incident.

**Complete details of Assistant Chief McPherson's #752 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro / Video Oversight).*

INTERVIEW: Lt. Craig Joel # 916
DATE / TIME: 03/12/2018 @ 1030hrs
LOCATION: Office of Internal Affairs
INTERVIEWER: Sgt. Kevin Trussell # 596

On 03/12/2018, Lieutenant Craig Joel # 916 provided a recorded statement in reference to IA Case #2018-11. He acknowledged and signed the CPD Employee Rights and Responsibilities Form, which was added to the case file in IAPro. Sgt. Michael Joiner # 504 was present as a representative at the request of Lt. Joel. Lt. Toby Hewitt # 293 was also present from Internal Affairs. A summary of his statement is as follows, and is not verbatim:

Lt. Craig Joel said 02/02/2018 was the final day of In Service training and doesn't recall what time he was released that day. Lt. Joel stated he has been staying primarily on his boat at the [REDACTED], which he refers to as his residence. He and some friends had gotten together after work and were drinking for hours on his boat (residence). He stated he was also [REDACTED] at the time. During this time while consuming alcohol, Lt. Joel recalled going from his residence (boat) to get purple Gatorade out of his vehicle (unmarked Ford Fusion) around dinnertime. This is when he remembers encountering a deputy. He said had no weapon or car

keys on him at the time. The deputy flagged him over to her and he had interaction with her. He remembers the deputy being curt and rude. He stated he was going to let the deputy know that this is his residence, he's safe, and was not driving. After that, he said he doesn't remember much about the rest of the interaction with the deputy. After about forty five minutes in the back of the police vehicle, where he was detained, he remembered speaking to Captain McCullough and being released to the CPD Watch Commander. He and Lt. DePrimo then went and got something to eat. He stated he was very emotional during this incident.

Lt. Joel was asked to clarify some of the information he had just recalled. He said the get together after work with friends took place on his boat, which he refers to as his residence. The Gatorade he was retrieving was in his police vehicle in the parking lot at the [REDACTED], where he encountered the deputies. He doesn't recall the deputies telling him why they had responded to the scene.

He met with Cpt. McCullough on the Sunday after the incident, and Cpt. McCullough insisted he take his city vehicle keys back. Lt. Joel stated it wasn't necessary under the circumstances. He was advised there would be a meeting the following morning related to the incident that had occurred on 02/02/2018.

A meeting took place on Monday following the incident which included A/C McPherson, Captain McCullough and Deputy Chief Tucker presiding. He was told he didn't need an employee representative at the meeting as this was a non-discipline related meeting. Lt. Joel said that, just prior to this meeting, he had made [REDACTED]. He stated he had been through the [REDACTED] before and didn't like the previous outcome. He brought this up in this meeting also when it was recommended he go through [REDACTED]. He agreed to go through [REDACTED] and has been to [REDACTED]. He was notified at some point by the Chief of Police that his amended duty status has nothing to do with the [REDACTED], but the disciplinary aspect at this point. Lt. Joel stated he is currently on modified duty and that is tied to this case.

Lt. Joel stated he left In Service on the date in question and went straight to the [REDACTED] to his residence (boat). At that point, Lt. Joel's friends came to his boat and they began drinking. He stated he was drinking Sailor Jerry Rum and Coke Zero. He said he has no idea how much alcohol he consumed. He stated he was absolutely intoxicated. He stated at no point while he was intoxicated was he armed or displaying police insignia on his clothing. He said he locked his keys in his car and did not drive his city vehicle while he was intoxicated. He stated he had locked his weapon in the glove box in the car, and he also locked his keys in the

car before he started drinking that afternoon. Lt. Joel was asked how he would retrieve the Gatorade from his vehicle if the keys were locked inside the vehicle. He said the vehicle has a numerical PIN code panel on the door so the vehicle can be accessed without the key fob.

Lt. Joel said he didn't really remember any of the interaction he had with the deputies. He said he could not remember because he had been drinking for at least two hours prior to that interaction with them. He stated he had no idea how much he had drank only why he was drinking.

Lt. Joel said he has not been told by anyone why the HCSO responded to the incident. He stated he has not contacted anyone in the HCSO about the incident.

Lt. Joel stated, regarding this incident that "at the end of the day he was at the house drinking and encountered deputies in the parking lot." He said it's complicated because of who he is and where he is employed.

Lt. Joel stated he didn't recognize any of the deputies that responded to the incident. Lt. Joel said he had been living on his boat the entire week of In Service. He stated he did not go to his primary residence, where his wife resides, on the day of the incident. He again reiterated that he left straight from In Service on Friday 02/02/2018, and went straight to his residence at the [REDACTED]. There were no stops in between.

Lt. DePrimo took him back to his primary residence, where his wife resides, after they had coffee following the incident with the deputies. There were no issues with that drop off. Lt. Joel stated he did not have a personal vehicle at the marina, only his city vehicle was on scene.

**Complete details of Lt. Craig Joel's # 916 statement can be found on the recording of his interview, which was added to the IA # 2018-11 Case File (IAPro / Video Oversight).*

Summary of Investigation

On 02/02/2018 at approximately 1855hrs, The Hamilton County Sheriff's Office (HCSO) was dispatched to a call of an intoxicated person at [REDACTED]. HCSO Deputy Charlene Choate, and Deputy John Robbs initially responded to the call. The information given to the deputies by dispatch was that a white male

in a black coat was slumped over the steering wheel of a black Ford Fusion by the dumpsters. The caller advised the subject was intoxicated and had gotten out of the vehicle and was walking towards the docks. It was reported the intoxicated subject could barely stand up straight and had fallen down. The reporting party further advised the intoxicated male subject got back in the car and was trying to start the vehicle, but someone was trying to stop him from getting back into the car. The caller then had to go and no other information was provided. The complete call from the complainant to the HCSO had been added to this case file in IAPro labeled *Ext327_020218_at_1853*. The CAD and dispatch records have also been added to this case file in IAPro labeled *East_020218_1854to2023* and *HCSO 18-003343*

Deputy Choate and Deputy Robbs arrived on scene at approximately 1904hrs. They located the intoxicated subject of the call walking from the pier towards them. The black Ford Fusion described in the call was also on scene. Deputy Choate recalled the Ford Fusion had government tags and she knew it was a police vehicle. Deputy Choate and Deputy Robbs both described Lt. Joel as uncooperative during their initial interaction with him. Deputy Robbs described Lt. Joel as confident in his behavior; not concerned that he had been caught. Deputy Robbs recalled there were two unidentified men standing with Lt. Joel, and one of the men told Deputy Robbs they observed a gun in the floorboard of the vehicle that Lt. Joel was trying to get into. Deputy Choate said that Lt. Joel was questioning why they were there and who had called them. Deputy Choate further stated that while she was interacting with Lt. Joel, he kept trying to put his hands in his pockets. She decided at that point to put him in handcuffs and while doing so Lt. Joel was tensing his body and was uncooperative. Deputy Robbs stated he did not allow Lt. Joel's actions get to the point of resisting the officers. Once Lt. Joel was handcuffed he was placed in the back seat of Deputy Choate's vehicle. Deputy Choate notified her chain of command about the situation and what had occurred up to that point. Deputy Choate stated that while Lt. Joel was handcuffed in the back of her vehicle he was still being uncooperative. She stated that she did not find the keys to the city vehicle on Lt. Joel's person and was asking him where the keys were located to the vehicle. Lt. Joel said to her, "If you don't know how to get into a car you don't need to be a deputy on the road." Lt. Joel eventually gave Deputy Robbs the passcode to the city vehicle. Lt. Joel's vehicle has a numerical pass code on the door that allows entry into to the vehicle without the key fob. Deputy Robbs gained entry into the vehicle and found a black Springfield Arms pistol and a CPD badge in the driver's side floorboard. Deputy Robbs secured the weapon and badge at that point while the county chain of command was being notified for their response.

Corporal Eric Baxter and Lt. Ricky Jones responded to the scene. Both Corporal Baxter and Lt. Jones stated

they observed Lt. Joel to be intoxicated. At one point Corporal Baxter said he went to ask Lt. Joel if he was okay, and Lt. Joel responded with "I don't know what's going on, just take me to jail." Corporal Baxter stated at one point he told Lt. Joel to stop being a jerk to his officers. Both Corporal Baxter and Lt. Jones were aware that Lt. Joel had a firearm and badge, but as to possessing those items they were not exactly sure of that specific information.

Lt. Jim DePrimo # 781 was the first Chattanooga Police Department representative to arrive on scene. Lt. DePrimo stated he was contacted by Lt. Austin Garrett and given a brief summary of what was happening. He stated it was relayed to him that Lt. Joel was drunk and disorderly and deputies were out with him around the marina. Once on scene, Lt. DePrimo stated that he inquired to the HCSO personnel about what had happened regarding Lt. Joel. Lt. DePrimo stated the choice to not arrest Lt. Joel had already been made. He further stated that he made it very clear to HCSO personnel that the decision to arrest or not arrest Lt. Joel was solely up to them. The situation culminated in a logistical plan related to where Lt. Joel was to go once he was released from HCSO custody. Cpt. Zach McCullough and A/C Edwin McPherson arrived on scene around that time. Both were initially contacted by Deputy Chief Tucker regarding this incident. A/C McPherson stated he notified Deputy Chief Tucker that he would be responding to the scene. A/C McPherson stated he did not have any contact with Lt. Joel, but spoke to Lt. Ricky Jones. He further advised he thought Lt. Joel was being arrested in a city vehicle. When he learned that was not true, he stepped back from the situation because he knew he would be a part of the disciplinary process. Lt. DePrimo and Cpt. McCullough both had interaction with Lt. Joel and both described Lt. Joel as intoxicated. Both Lt. DePrimo and Cpt. McCullough stated that Lt. Joel would have been too intoxicated to drive a vehicle based on their observations and experience.

Ultimately, Lt. Joel was transferred into the custody of Lt. DePrimo at the [REDACTED], which is about one mile from the location of incident. Lt. Ricky Jones said he made the decision to move locations for the transfer because a crowd was gathering and watching them around the Amigo's parking lot. Once the transfer of custody took place, Lt. DePrimo took Lt. Joel to the Waffle House in Cleveland to sober up. He later took Lt. Joel to his residence where Lt. Joel's wife also resides, not Lt. Joel's residence at the [REDACTED].

Based upon what Cpt. McCullough and Lt. DePrimo observed and were told on scene, they had no evidence to conclude that Lt. Joel was in his city vehicle or armed at the time he was encountered by the HCSO. Cpt. McCullough stated he specifically asked HCSO personnel if Lt. Joel was in the car or armed. He was told Lt. Joel was neither. Cpt. McCullough also stated, after reading the in depth supplement report submitted by the HCSO, he was not provided that detailed information while he was on scene of the incident. Cpt. McCullough

further stated based on the supplement report further corroboration of Lt. Joel being in the car would have been needed to justify a DUI arrest of Lt. Joel.

A miscellaneous report was submitted by Deputy Choate related to this incident. The report is very vague and doesn't accurately describe the events that took place related to this incident. The initial report has been added to this case in IAPro labeled *HCSO Report _18-003343*. Deputy Choate stated she was told to keep the report vague, but was later informed to submit a supplement report providing more details regarding this incident. The supplement report is more comprehensive and includes information from the complainant related to Lt. Joel being slumped over the steering wheel of his city vehicle, and starting the engine of the vehicle. For further details, the supplement report has been added to this case file in IAPro labeled *HCSO Report Supplement 18-003343*.

Lt. Joel stated in his interview with Internal Affairs that 02/02/2018 was the last day of his scheduled In Service training. He said he left directly from the training center when he was released that day and went directly to his residence, which is his boat at the [REDACTED]. There were no stops in between on his route to the [REDACTED]. Lt. Joel stated he has primarily been staying on his boat due to personal issues. Lt. Joel stated that, earlier in the week he and some friends had loosely planned a get together on his boat on 02/02/2018. Lt. Joel said when he arrived at the [REDACTED] he locked his weapon in the glove box and locked his keys in the car before he started drinking alcohol that afternoon. In close proximity to his arrival at his residence (boat) after In Service training, he and some friends began drinking alcohol on his boat. He said he was drinking Sailor Jerry Rum and Coke Zero mixed drinks. Lt. Joel stated he had no idea how much alcohol he had consumed, and admitted that he was absolutely intoxicated. Lt. Joel said that at no point while he was intoxicated did he drive his city vehicle, possess a firearm, or possess his car keys.

Lt. Joel recalled that he was walking from his boat (residence) to his city vehicle to get purple Gatorade out of the vehicle around dinnertime. He stated he remembered encountering a deputy who flagged him over to where she was located. He said he remembered the deputy being rude to him. Lt. Joel stated he didn't remember any more details about his interaction with the HCSO. Lt. Joel said he didn't remember because he had been drinking alcohol for at least two hours prior to his interaction with the deputies. He also stated he was [REDACTED] at the time. Lt. Joel said about forty five minutes passed while he was in the back of the HCSO vehicle, and he remembered speaking to Captain McCullough and then being released to the Watch Commander. He recalled going with Lt. DePrimo to get something to eat, and stated he was very emotional

during this incident. Lt. Joel said during his interview that at the end of the day he was at his residence drinking and encountered deputies in the parking lot. He said the complications from this case come from who he is and where he is employed.

Surveillance footage was obtained from the [REDACTED] that captured the entirety of the incident in question. The footage has been added to the physical case file IA #2018-11 in a DVD labeled "original". The file is too large to add into IAPro electronically.

The footage is not consistent with Lt. Joel's statement to Internal Affairs. *The following is a description of the obtained surveillance footage:*

The surveillance footage begins at 1834hrs prior to the complainant calling for assistance from the HCSO. The footage also begins with Lt. Joel's city vehicle not observed parked in the lot that was described by Lt. Joel and the complainant who called the HCSO. Lt. Joel's city vehicle can then be seen driving into the parking lot area near his boat slip at approximately 1848hrs. The vehicle is observed parking near a loading area in close proximity to the dumpsters that belong to Amigo's restaurant. When the vehicle arrives on scene the front driver side door is opened. Lt. Joel exits the vehicle approximately one minute later out of the drivers' position. Lt. Joel is wearing a long black coat that was described by the complainant that called police, and also what Lt. Joel himself described he was wearing during the incident. No other occupants are observed exiting the vehicle. As Lt. Joel exits the vehicle he appears extremely unsteady on his feet and leans on the back of the vehicle. Lt. Joel then walks towards the boat slip area appearing very unsteady as he walks. He then stops and turns around walking back to his city vehicle. When he arrives back at his vehicle he leans over the top of the roof of the vehicle for a moment. He then unlocks the vehicle as indicated by the taillights and headlights illuminating. He leans inside the vehicle for a few moments while the driver's door remains open. Around this time two unknown individuals can be observed walking from the pier area. One of the individuals walks in close proximity to Lt. Joel, and they appear to have a brief interaction. The individual then walks away from Lt. Joel. Lt. Joel then shuts his driver side door and locks the car. He then walks towards the pier area again. Lt. Joel then stops and goes back to his city vehicle again. As he approaches his vehicle, still unsteady on his feet, he moves past his vehicle into the parking lot area. Lt. Joel is observed exhibiting indications of extreme intoxication and almost falling down at one point. He balances on one leg at one point, almost falling onto the pavement. Lt. Joel then stumbles back to his vehicle to the driver side door. Lt. Joel stands at the driver side of the vehicle for a few moments, and the lights are again activated signaling that the

vehicle is unlocked. Lt. Joel then gets into the vehicle, in the driver's seat, and the driver side door is closed. The upper brake light on the back windshield is activated signaling that the brake pedal is being depressed. At this point, two unidentified individuals can be seen walking towards Lt. Joel as he is sitting in the driver's seat. The individuals are coming from direction of the Amigo's restaurant. One of the individuals knocks on the driver's door window to get Lt. Joel's attention and the driver side door is then opened. Lt. Joel and the two unidentified individuals have a brief interaction then Lt. Joel exits the vehicle. Lt. Joel, along with the two individuals, then begin walking towards the pier area. Lt. Joel then walks back to his vehicle and appears to be locking the vehicle. Lt. Joel then walks towards the pier with the two individuals at 1857hrs.

Approximately seven minutes later, at 1904hrs, HCSO Deputies Choate and Robbs arrive on scene of the dispatched call related to Lt. Joel. Almost immediately upon the HCSO arrival, Lt. Joel and the two individuals he walked down the pier with can be seen returning towards the deputies. Deputy Choate exits her vehicle and appears to signal the group as she is walking towards them. She and Deputy Robbs wait at Lt. Joel's vehicle as the group walks towards them. One of the individuals goes directly to Deputy Robbs and speaks to him, while Lt. Joel and the other individual speak to Deputy Choate separately. Lt. Joel then turns and walks towards the vehicle, and it appears he is told to stop by Deputy Choate based on his body language. While this is going on, Deputy Robbs appears to focus on something inside the vehicle as he shines his flashlight into the passenger side window and quickly goes to the driver side window shining his light into the vehicle. Lt. Joel and the two deputies then have an interaction for a few moments. The two unidentified individuals are standing behind the deputies at this point observing. During this interaction with Deputy Choate and Robbs, Deputy Choate is observed moving closer to Lt. Joel and then physically moving him to the rear of the vehicle. Deputy Robbs also assists her with this action. It appears at this point that Lt. Joel is being handcuffed by the HCSO deputies. There is a brief struggle as the deputies are trying to handcuff Lt. Joel. The handcuffing procedure is then completed and Lt. Joel is placed in the back of Deputy Choate's vehicle. The total time from Lt. Joel's initial interaction with the HCSO deputies to the time he is placed in handcuffs is four minutes. Lt. Joel was in custody at approximately 1908hrs.

After Lt. Joel was placed into custody and secured in the HCSO vehicle both deputies return to Lt. Joel's vehicle. At this point one of the unidentified individuals has left the scene walking back towards Amigo's. The other individual remained on scene to speak with the deputies. After speaking with Deputy Choate for just a brief moment this individual leaves the scene and is seen walking back towards Amigo's restaurant.

Deputy Choate and Deputy Robbs cannot access Lt. Joel's vehicle and go speak with Lt. Joel in the back of the Deputy Choate's vehicle. After conversation, Deputy Robbs can be seen walking back to Lt. Joel's city vehicle and unlocking the car. When he opened the driver side door he immediately observed something in the driver side floorboard and removed the items from Lt. Joel's vehicle placing them on the roof of the car. Deputy Robbs stated in his interview it was a Springfield pistol and a City of Chattanooga police badge that he found in the floorboard. The deputies appear to complete a search of the vehicle. At 1927hrs an additional HCSO deputy arrives on scene. Approximately one minute later it appears two additional HCSO deputies arrive on scene. At 1943hrs, the additional HCSO vehicles that arrived depart the scene. There is nothing noted while they were on scene. Around this same time, Deputy Choate and Robbs move their vehicles away from the original scene to across the parking lot. At 1952hrs a black Ford Fusion arrives on scene and parks next to the deputies. This appears to be Lt. Jim DePrimo. He speaks with the HCSO personnel momentarily and possibly spoke with Lt. Joel in the back of Deputy Choate's vehicle. At 1957hrs a HCSO vehicle arrives on scene. At 2001hrs A/C McPherson arrives on scene and is greeted by law enforcement personnel, but it cannot be determined with whom he is speaking. At 2003hrs, Cpt. McCullough arrives on scene and speaks with A/C McPherson and other law enforcement personnel. At 2006hrs it appears that Cpt. McCullough goes to speak with Lt. Joel. At 2010hrs, Cpt. McCullough returns to where A/C McPherson is standing in close proximity to where Lt. Joel is in Deputy Choate's vehicle. There appears to be a very brief conversation that takes place at this point amongst the group of officers. At 2011hrs, the group disperses. A/C McPherson returns to his vehicle and leaves the scene, and Cpt. McCullough goes to Lt. Joel's city vehicle and moves the vehicle into a proper parking space. Lt. DePrimo also leaves the scene behind a HCSO vehicle. This is the point, based upon information provided in interviews, where Lt. Joel is taken to the [REDACTED] [REDACTED] and transferred to the custody of Lt. DePrimo. After moving Lt. Joel's city vehicle, Cpt. McCullough leaves the initial scene at 2016hrs.

The surveillance video is noted in dd/mm/yyyy format. The provider of this video footage stated the time notation is ahead of current time by one day and ten minutes due to previous lighting strikes in the area. This was documented accordingly by Electronic Surveillance Technician Mark Hamilton relating to this particular video footage.

Based upon this video evidence that was found and the content it depicts, there is evidence that Lt. Joel drove his city vehicle while he was intoxicated. The video evidence depicts Lt. Joel exhibiting signs of extreme intoxication as he exits his city vehicle after he is observed driving into the marina parking lot. This is

corroborated by the complainant who notified the HCSO, HCSO personnel who initially encountered Lt. Joel, and others that had contact Lt. Joel during this incident. Lt. Joel stated in his interview he had been drinking alcohol for at least two hours prior to his contact with the HCSO. He further stated he could not remember his interaction with the HCSO because he was too intoxicated at that point, and he also stated was medicated while consuming alcohol. Everyone interviewed that had contact with Lt. Joel during this incident, stated he was intoxicated to the level he could not drive a vehicle. There is also evidence that Lt. Joel was in possession of his off duty firearm while intoxicated due to the fact it was found in the driver side floorboard of his city vehicle. Lt. Joel's police badge was also found next to his off duty firearm in his city vehicle during the incident.

Lt. Joel stated in his interview with Internal Affairs a [REDACTED] was initiated for him after the incident on 02/02/2018. Specifically, that plan was initiated on 02/05/2018 during his meeting with his chain of command and Deputy Chief Tucker. Lt. Joel also offered during his interview that he made an [REDACTED] [REDACTED] just prior to the meeting with his chain of command on 02/05/2018, but after the incident under investigation on 02/02/2018. Lt. Joel also stated there are two parts related to this case referring to the Internal Affairs investigation, and the [REDACTED]. He stated that Human Resources has some level of involvement at this point with the [REDACTED]. This investigation was focused on the events that occurred on 02/02/2018.

The Chattanooga Police Department Office of Internal Affairs was not notified on the date of incident, but was notified on 02/05/2018 via Blue Team reporting. Lt. Craig Joel was placed on Administrative Leave on 02/05/2018, which was amended to a "modified duty" status on 02/19/2018, which is still in effect at the time of this report.

There was no ICVARS or body camera footage available from the HCSO or CPD related to this incident.

There was no evidence found that anyone from the Chattanooga Police Department influenced the decision to not arrest Lt. Joel during this incident.