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July 12, 2024



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**Iowa Attorney General's Review  
of Officer Involved Death**

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Incident of March 25, 2024  
Waterloo, Black Hawk County, Iowa  
Waterloo Police Department, Iowa Division of Criminal Investigation  
Subject Involved: John Carl Piazza

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## **Executive Summary**

Following its review of the investigation conducted by Iowa Division of Criminal Investigation, the Iowa Attorney General's Office concludes that the fatal shooting of John Carl Piazza by law enforcement on March 25, 2024, was justified. Piazza's actions set in motion and continued the circumstances that gave rise to reasonable fears that the lives of responding officers, and others in his vicinity, were in grave danger. The use of deadly force was therefore justified. The Attorney General's Office therefore concludes that criminal charges are not warranted and considers the investigation to be closed.

## **Authority and Process**

A law enforcement officer fatally shot John Carl Piazza during an incident that occurred on March 25, 2024, at his home located at 1204 Hartman Avenue in Waterloo, Iowa. The incident involved the Waterloo Police Department.

The Iowa Division of Criminal Investigation (DCI) investigated the incident, and its investigation is complete. DCI collected numerous statements and other evidence. The Attorney General's Office has authority under Iowa Code § 13.12 to assess any officer-involved death to determine whether criminal charges are warranted. The Office has had a full opportunity to review the findings of the investigation and discuss the investigation with the assigned agent. All law enforcement reports,

including any audio or video recordings, will be returned to the DCI when this report is issued.

### **Pertinent Facts**

On March 25, 2024, at approximately 11:56 a.m., Black Hawk County Communications Center received a call from a physician at Mercy One Hospital in Cedar Falls, Iowa, that a patient, John Carl Piazza, had visited the hospital seeking help for anxiety, but had left the hospital very angry and talking about wanting to kill something. The physician found Piazza's behavior concerning and requested that a welfare check be conducted. Waterloo officers, along with an Elevate counselor, went to Piazza's residence at 120 Harman Ave. in Waterloo where they observed Piazza traveling to a Casey's convenience store. Piazza carried a black handgun in his waistband. The officers decided not to interact with Piazza at that time.

At approximately 2:46 p.m., the Waterloo Communications Center received a 911 call from an employee of Kuennen's Automotive Clinic, formerly Victory Motors Auto Shop, located at 2701 Falls Ave. in Waterloo. This address is in the immediate vicinity of Piazza's residence (see map, page 6 below). The caller reported that his neighbor, Piazza, whom the caller knew, had entered the shop demanding to see the owner, who was not present. He reported that Piazza was angry, put a gun to his head, fired a round off in the shop, and said: "You better f\*\*\*ing call

him if you don't want to die today. I'm over this shit." The caller reported that Piazza left saying he was coming back with an AR-15. The caller reported that Piazza had just come back to the shop and shattered the glass in a door trying to get back inside the shop.

Multiple Waterloo Police officers were dispatched to the area of Kuennen's Automotive and Piazza's residence. The Waterloo Police Department's BearCat armored vehicle was also activated and dispatched to the scene. Officers took up covered positions surrounding the home knowing from the earlier 911 calls that Piazza was armed and dangerous. Several officers saw Piazza inside his residence, periodically appearing and disappearing from windows in the home. Efforts were made to contact Piazza by telephone, but Piazza did not answer.

The BearCat arrived on scene at approximately 3:00 p.m. driven by Waterloo Police Officer Kenneth Schaff. It took up a position in the street outside Piazza's residence. Officer Schaff used the vehicle's PA system to loudly advise Piazza to come out of the home with his hands in view. Shortly thereafter, Officer Schaff saw Piazza pointing a shotgun directly at him from a window in the house. He ducked below the vehicle's windshield believing that he was about to be fired upon. He simultaneously announced over his radio that Piazza was pointing his shotgun. Waterloo Police Officer Keaton Northup had by this time taken up a position behind the rear passenger side of the BearCat with a clear view of the window in which Piazza had been seen pointing the shotgun.

As he was doing so, a civilian vehicle was passing down the roadway directly in front of the Piazza residence. He directed the vehicle out of the area. Upon returning his attention to the house, he saw the weapon pointing out of the Piazza residence and heard Officer Schaff's radio transmission about the same. He then fired a single shot at Piazza from his service rifle at approximately 3:05 p.m. Piazza was seen going down from the window. These events were recorded on both officers' body cameras. When officers entered the residence, Piazza was dead from a single gunshot wound to the head. Subsequent autopsy of Piazza confirmed that he died from this gunshot wound. It also revealed that Piazza had a blood alcohol concentration of 0.130 ng/100 mL and a Delta-9 Carboxy THC level of 110 ng/mL.

Shortly after the events described above, at approximately 3:10 p.m., the Waterloo Communications Center received a 911 call from the Liquor and Tobacco Outlet located at 2844 University Avenue in Waterloo. The caller reported that at about 2:09 p.m. a male, later identified as Piazza, entered the store wearing a black handgun in a holster on his right side. Piazza told the caller to give him whiskey. The caller reported that he retrieved a bottle of whiskey and put it on the counter and was given \$30.00 in cash. When the caller tried to give Piazza his change from the purchase, Piazza stated: "I could f\*\*\*ing end you! I could f\*\*\*ing kill you!" and then left the store. Waterloo Police officers were dispatched to the liquor store and obtained the surveillance video which captured these

events. Because of the delay in making this 911 call, the events reported by the liquor store employee occurred before Piazza was shot and killed. The GoogleEarth map below shows the locations of the liquor store, Kuennen's Automotive, and the Piazza residence.



In a later interview with Piazza's wife, she advised that she had attended the Mercy One hospital visit with Piazza on the morning of March 25. She stated that after the couple returned home to Waterloo, Piazza got many of his guns out on the counter. She tried to calm him down. Piazza told her that if the cops showed up "it's going to be a shootout." He told her that he was going to go to the bar. She reported that she told him that if he started drinking again, she was walking away. Piazza left and when he returned home, he got more guns out. Piazza told his wife to get him a bottle of whiskey. After she refused, Piazza told her to leave the home because he did not want her to get hurt. She complied.

A search of Piazza's home revealed a .308 rifle stationed next to an upstairs window with extra ammunition next to it. Piazza had multiple handguns, an AR-15 with armor piercing rounds, and multiple magazines of ammunition in the kitchen area of the residence. A loaded and chambered 12-gauge shotgun was on top of Piazza. Piazza had multiple loaded pistols and a rifle magazine on his person. A note on the kitchen counter stated, "I'm sorry."

### **Applicable Law**

To be justified, the force used by the officers who fired the shots that killed Piazza must have been reasonable. Reasonable force is that force which a reasonable person, in like circumstances, would judge necessary to prevent an injury or loss. It can include deadly force if it is reasonable for a person to believe that such force is necessary to avoid injury or risk to the person's or another's life or safety, and it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code §§ 704.1, 704.2 and 704.3.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Under *Graham*, reasonableness of police use of force cannot be evaluated from the perspective of a civilian or the perspective afforded by 20/20 hindsight. The Court further stated

that the fact law enforcement officers are often required to react quickly in tense, uncertain, and rapidly evolving situations is a factor that must be considered in determining reasonableness. Since *Graham*, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

### **Analysis**

The actions of Officer Northup who fired his weapon upon Piazza were legally justified. The decision to fire at Piazza was reasonable under the circumstances. Piazza set in motion and continued the circumstances that brought about his death. His actions gave rise to reasonable fears that the lives of all officers, neighborhood residents, and passing motor vehicles in his vicinity were in grave danger. Piazza repeatedly refused officers' efforts to have him surrender peacefully. He then pointed his weapon at an officer. Officer Northup was justified in using deadly force against Piazza to end the continuing threat to the lives and safety that he posed to officers and nearby civilians.

### **Conclusion**

Having determined that all law enforcement officers involved acted with legal justification, the Iowa Attorney General's Office considers the criminal investigation into this incident to be closed.