

**East Baton Rouge District Attorney's
First Annual Report of Officer Involved Shootings: 2016**

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Introduction

Last year was a tough year for our country and our parish as concerns about officer involved shootings galvanized the nation with concern and protests. Baton Rouge was thrust into the national spotlight with the death of Alton Sterling followed by protests and the murder of three peace officers, over a span of three weeks.

The District Attorney, Louisiana State Police Superintendent, East Baton Rouge Sheriff, and Baton Rouge Police Chief have worked for many years on specific protocols concerning the investigation of officer involved deadly shootings. Those nation leading protocols came into effect January 1, 2016.

To continue to demonstrate leadership and ensure transparency with these cases, the District Attorney will now issue an annual report.

Officer Involved Shootings 2016

Citizen Deaths

1. **Calvin Smith.** On February 13, 2016, Baton Rouge City Police (BRCPD) received reports of property damage and shots fired in the area of Harry Drive and Monet Avenue in Baton Rouge. Office Theodore Smith was dispatched, made contact with the complainant, and obtained descriptions of the suspect and of the suspect's vehicle. Office Smith located the suspect driving his vehicle on Tom Drive at Airline Highway. The suspect fled at high speed with Officer Smith in pursuit. Officer Sean Garic joined the pursuit. Both officers attempted to stop the suspect on Fairfields Avenue, where the suspect immediately exited his vehicle firing a semi-automatic rifle at both officers. Both officers returned fire with their pistols killing the suspect, Calvin Smith.

Investigated by: BRCPD

Final report: issued May 9, 2016.

Formal determination by District Attorney: Justified officer shooting.

2. **Travis Stevenson.** On February 23, 2016 at approximately 8:30 p.m., East Baton Rouge Sheriff's Office (EBRSO) deputies responded to a 911 call in the Gardere area. Upon arrival, they spoke with the complainant who advised that her boyfriend, Travis Stevenson (DOB: 9/2/67), sprayed her and her daughter with pepper spray and then fled from the residence in his champagne/white Cadillac. While deputies were still at the scene, Stevenson called the complainant. When asked to surrender himself, Stevenson stated he was going to jump off the Mississippi River Bridge. Deputies immediately began searching for Stevenson. Shortly before 10:00 p.m., they located him in his vehicle parked next to an apartment building on Smith Street near Terrace Avenue. A deputy parked directly behind the Cadillac and approached on foot. Upon seeing Stevenson sitting in the driver's seat, the deputy gave loud verbal commands for Stevenson to exit the vehicle. Stevenson refused to comply and actively attempted to escape by ramming his vehicle backward into the deputy's vehicle and rapidly accelerating forward into a metal pole next to the building. During this process, a deputy broke the driver's side window in an effort to remove Stevenson from the vehicle. Stevenson continued to rapidly accelerate backward and forward endangering the deputies. Four of the responding deputies discharged their firearms. Stevenson was struck several times, resulting in his death. The incident was not recorded on any dash cameras or body cameras and there is no video of this incident known to law enforcement. Following EBRSO protocols, Sheriff Sid Gautreaux requested that Louisiana State Police (LSP) conduct the investigation of this deputy involved shooting.

Investigated by: LSP

Final report issued: September 22, 2016.

Formal determination by District Attorney: Justified officer shooting.

3. **Alton Sterling.** In the early morning hours of July 5, 2016, Baton Rouge City Police (BRCPD) officers were dispatched to a complaint of a man brandishing a weapon and threatening another in public. Officers Blane Salamoni and Howie Lake II responded and encountered Alton Sterling. During this encounter Alton Sterling was shot and killed. The exact circumstances currently await the results of a pending federal investigation. Two graphic civilian videos were released over social media causing great distress for our community.

Investigated by: FBI

Final report: Pending an investigation with the FBI and the United States Department of Justice.

Formal determination by US Attorney: Pending an investigation with the United States Attorney and the United States Department of Justice.

4. **Gavin Long.** On Sunday, July 17, 2016, Baton Rouge City Police (BRCPD) dispatch received a call about a suspicious person with a weapon at the location of the Benny's

Car Wash on Airline Highway. Deputy Brad Garafola was already present at the scene. Shortly thereafter city police SRT officers responded to calls of shots fired and officers down. During the ensuing confrontation, that resulted in the deaths of Deputy Garafola, Officer Montrell Jackson, and Officer Matthew Gerald, Gavin Long was shot and killed. Following local protocols concerning officer involved shootings, the Louisiana State Police (LSP) was requested to conduct the investigation of this shooting involving deputies and officers.

Investigated by: LSP

Final report: Pending investigation with the Louisiana State Police.

Formal determination by District Attorney: Pending investigation with the Louisiana State Police.

5. **Terrel Walker.** On Sunday November 27, 2016, East Baton Rouge Sheriff (EBRSO) deputies responded to a shooting on Essen Lane. They located the victim of the shooting, April Peck, dying from multiple gunshots. Voluntary first responders had also been shot and run over by the shooter, Terrel Walker, Peck's boyfriend. When Walker opened fire on deputies nearby on Bluebonnet Boulevard, he was shot and killed.

Investigated by: LSP

Final report: Pending investigation with the Louisiana State Police.

Formal determination by District Attorney: Pending investigation with the Louisiana State Police.

Peace Officer Deaths

1. **Brad Garafola, EBRSO.** On Sunday, July 17, 2016, Baton Rouge City Police (BRCPD) dispatch received a call about a suspicious person with a weapon at the location of the Benny's Car Wash on Airline Highway. Deputy Brad Garafola was already present at the scene. Shortly thereafter BRCPD SRT officers responded to calls of shots fired and officers down. During the ensuing confrontation, that resulted in the deaths of Deputy Garafola, Officer Montrell Jackson, and Officer Matthew Gerald, Gavin Long was shot and killed. Following local protocols concerning officer involved shootings, the Louisiana State Police (LSP) was requested to conduct the investigation of this shooting involving deputies and officers.

Final report: Pending investigation with the Louisiana State Police.

Formal determination by District Attorney: Pending investigation with the Louisiana State Police.

2. **Montrell Jackson, BRCPD.** On Sunday, July 17, 2016, Baton Rouge City Police (BRCPD) dispatch received a call about a suspicious person with a weapon at the location of the Benny's Car Wash on Airline Highway. Deputy Brad Garafola was already present at the scene. Shortly thereafter BRCPD SRT officers responded to calls of shots fired and officers down. During the ensuing confrontation, that resulted in the

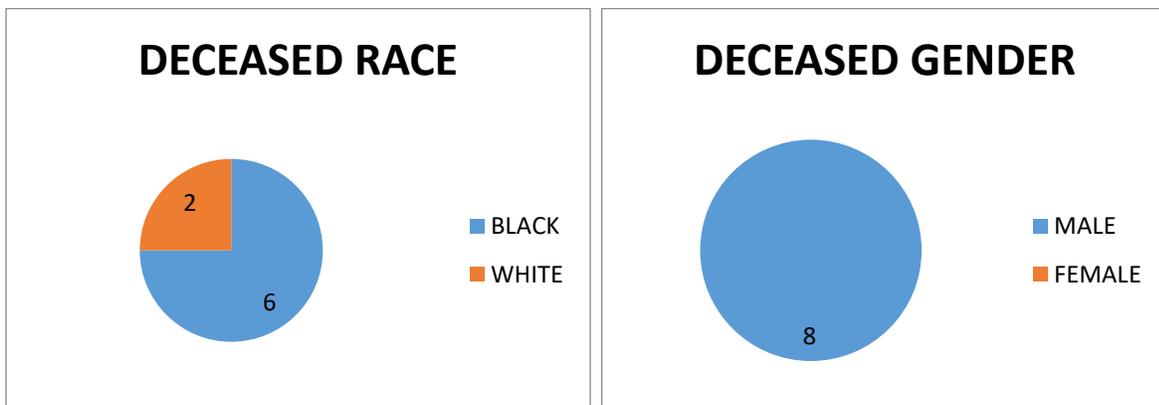
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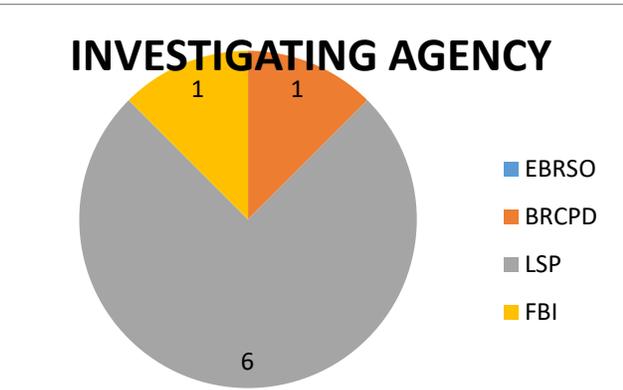
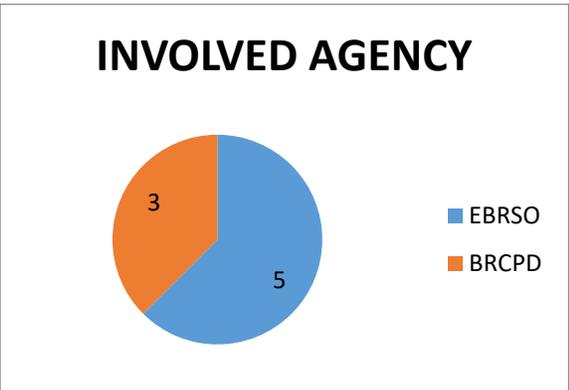
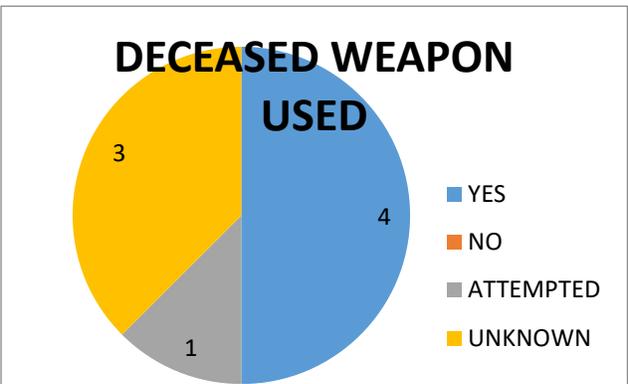
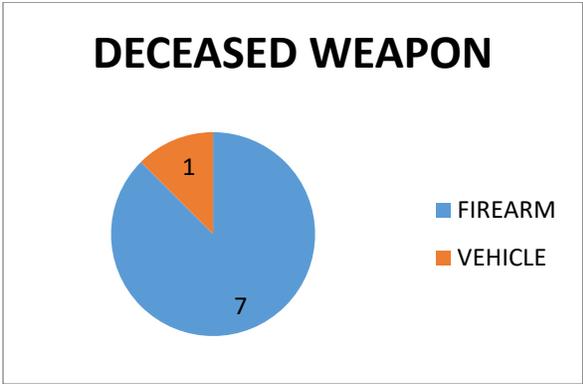
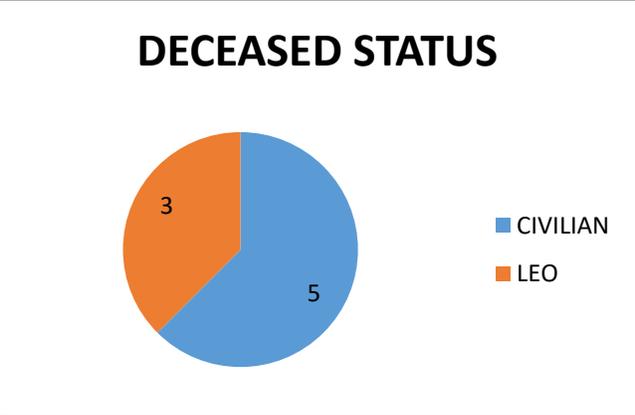
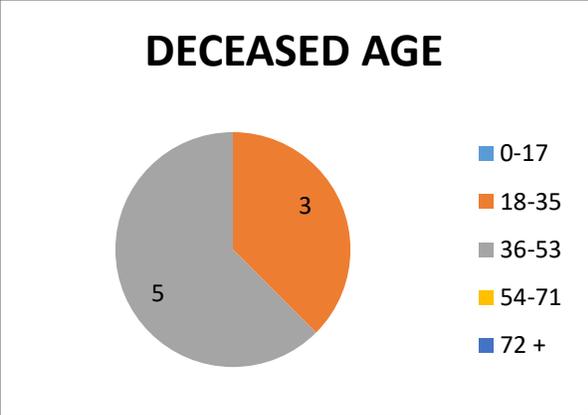
Final report: Pending investigation with the Louisiana State Police.
Formal determination by District Attorney: Pending investigation with the Louisiana State Police.

- Matthew Gerald, BRCPD.** On Sunday, July 17, 2016, Baton Rouge City Police (BRCPD) dispatch received a call about a suspicious person with a weapon at the location of the Benny's Car Wash on Airline Highway. Deputy Brad Garafola was already present at the scene. Shortly thereafter BRCPD SRT officers responded to calls of shots fired and officers down. During the ensuing confrontation, that resulted in the deaths of Deputy Garafola, Officer Montrell Jackson, and Officer Matthew Gerald, Gavin Long was shot and killed. Following local protocols concerning officer involved shootings, the Louisiana State Police (LSP) was requested to conduct the investigation of this shooting involving deputies and officers.

Final report: Pending investigation with the Louisiana State Police.
Formal determination by District Attorney: Pending an investigation with the Louisiana State Police.

STATISTICS





CONCLUSIONS

This the first report by the District Attorney to publish an annual review of his formal determinations of officer involved shootings. These decisions will never be quick nor easy for

any District Attorney. During 2016, I published two decisions with an average time to publication of 6 months for decisions that did not require presentment to a grand jury. Presentment of these cases to a grand jury will likely take longer and, due to the secrecy laws governing the grand jury process, will result in less information being made publically available early in the process. In cases presented to the grand jury, a complete release of all public information will have to wait for the conclusion of both the grand jury process and the subsequent trial process to protect the defendant's right to a fair trial, to protect the state's evidence, to prevent witness tampering, and to avoid prejudicing potential jurors.

Both law enforcement and prosecution authorities have spent much of last year examining the best practices for reducing the number of officer involved shootings nationwide. I have been fortunate to participate in many of these national efforts. One of the emerging lessons from across our nation is that in 28 percent of the fatal shootings nationwide (38% in Baton Rouge) the person who died was shooting at officers or someone else and in additional 31 percent of the incidents, the person who died was pointing a gun. I join my law enforcement partners in recognizing that when a suspect is threatening an officer or a member of the public with a firearm, the officer will rarely have any other option than to use deadly force to stop a firearm threat. I also join my law enforcement partners in recognizing that an equally large number of these shootings, 25% nationally (50% in Baton Rouge), involve persons suffering from mental illness. This fact alone suggests our entire community must take greater responsibility for treatment and care of the mentally ill.

The national research also indicates that in 16% of fatal encounters with police, the subject was armed with a knife; in 5% the subject was armed with a vehicle, and in 9%, the subject was unarmed. I applaud both nation and local law enforcement efforts to develop and implement new methods designed to de-escalate non-firearm encounters without using deadly force.

Finally, I would like to recognize the outstanding work of our local law enforcement agencies in quickly developing the protocols and memorandum s of understanding needed to ensure greater transparency in the investigation of these difficult cases. I am also grateful to the Louisiana State Police (LSP) who have volunteered, at great expense and burden to themselves, to provide the independent investigation resources needed for our local law enforcement agencies. I have personally reviewed each LSP report and have found the quality and thoroughness of their work to be outstanding.

POSTSCRIPT: PREPARING FOR A FEDERAL ALTON STERLING DECISION

Last year's officer involved shooting of Alton Sterling ignited our community's emotions that were expressed in weeks of protests. Many of the protesters expressed their concern that too many African-American lives are lost each year to violence and to officer shootings. In 2016, Baton Rouge lost 62 lives to homicide. In the vast majority of these crimes in Baton Rouge, both the killer and the victim were African-American. Yet, as you see from this report, only a few of these deaths occurred in an officer involved shooting. Despite these few numbers, I believe every

life lost at the hands of an officer represents a failure by our entire community to successfully address these individuals' problems beforehand.

I recognize that our local law enforcement and prosecutors have not done much in the past to ensure the transparency and accountability of officer involved shootings. During 2016, however, I am pleased that Baton Rouge led the nation in such transparency. Both the Baton Rouge City Police and the East Baton Rouge Sheriff's Office entered into agreements with the Louisiana State Police to ensure an independent investigation of every police shooting that takes the life of a citizen.

The Alton Sterling case is even more unique as it is currently being independently investigated, at the request of local and state law enforcement, the Governor, and the District Attorney, by both the Federal Bureau of Investigation and the U.S. Department of Justice. As our Mayor has herself said, none of us know any timeline for the release of this decision. Further, I cannot participate in this decision as I have recused my office from this matter. As the Chief Prosecutor for our parish, however, I can advise our community that I expect the Justice Department to be as thorough as they were in Ferguson, Missouri. That report that took seven months to release. So I certainly do expect the federal authorities to release their decision in the first part of 2017.

With this release on everyone's mind, I join the Mayor in calling upon our community to await the federal decision, take time to fully understand the decision when it is issued, and, then, if any public response occurs, ask that such public responses be both peaceful and factual. As we have seen too often in today's world of instant media, social messages can run away from the truth in the rapid circulation of false and incorrect information. Last year, the city of Charlotte, North Carolina, was set on fire by those who believed and recirculated false rumors that the suspect in that case did not have a gun! Had they simply waited for the release of the prosecutor's report, the city would have saved nearly \$5 million dollars that could have been better spent improving their city and the lives of their citizens.

Baton Rouge has already shown the world that it knows how to protest peacefully. If persons decide to protest after a federal Alton Sterling decision, they will be expected to follow the guidelines established by and agreed by all parties in federal court – that protesters cannot protest on interstate highways at all, that they can protest on roadways when closed by law enforcement for that purpose, preferably with a permit, and that they can protest on sidewalks as long as their protest does not impede other pedestrians.

Since the last protests, the City and law enforcement have worked hard to ensure each citizen is able to communicate with law enforcement about protest plans so that law enforcement can assist with these plans and keep protesters safe. The Mayor has recently offered to work with protesters by designating free-speech venues for safe gatherings. As District Attorney, my office will continue to protect the rights of those who lawfully protest and will continue to prosecute those who do not follow the law, the federal agreement, and the lawful commands of law enforcement to disperse.

Thank you.

Hillar C. Moore, III