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PARISH OF EAST BATON ROUGE

*Second Annual Report of
Officer Involved Shootings: 2017*

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Introduction

In 2016, this office began a practice of reviewing annually every officer involved shooting that resulted in death. For 2016, we reported on 5 citizen deaths and 3 officer deaths. We are able to report fewer numbers for 2017: 3 citizen deaths and 1 officer death.

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. These nation-leading protocols came into effect January 1, 2016.

In our effort to continue to demonstrate leadership and ensure transparency with these cases, the District Attorney now issues this annual report. Please be cognizant that any synopsis provided below does not represent a final understanding of the incident if a formal determination has yet to be issued.

Officer Involved Shootings 2017

Citizen Deaths

- **Brandon Wiley.** In the evening of March 18, 2017, East Baton Rouge Sheriff Office (EBRSO) deputies went to the location of Classic Cuts hair salon to interview Brandon Wiley as a suspect in the rape of a 15 year old. Upon their arrival, a struggle ensued between Wiley and Deputy Shawn Anderson resulting in both Wiley and Anderson being killed by gun fire. There was no dash cam video or body worn camera video available at this incident.

Investigated by: LSP

Final report: issued 10/24/17

Formal determination by District Attorney: Pending review

- **Jordan Frazier.** On June 13, 2017, during a traffic stop an armed passenger exited the vehicle with a gun and was killed by a Baton Rouge City Police Officer (BRCPD). There was no dash cam video or body worn camera video available from this incident.

Investigated by: LSP

Final report: issued 11/13/17

Formal determination by District Attorney: Pending review

- **Calvin Toney.** In the evening hours of November 13, 2017, a BRCPD officer was accompanying a Department of Children and Family Services caseworker to investigate the status of child in the custody of Calvin Toney. During an altercation with Toney, the officer shot Toney, killing him. Body worn camera footage was recovered from this incident.

Investigated by: LSP

Final report: pending receipt.

Formal determination by District Attorney: Pending review

Peace Officer Deaths

- **Shawn Anderson.** In the evening of March 18, 2017, East Baton Rouge Sheriff Office (EBRSO) deputies went to the location of Classic Cuts hair salon to interview Brandon Wiley as a suspect in the rape of a 15 year old. Upon their arrival, a struggle ensued between Wiley and Deputy Shawn Anderson resulting in both Wiley and Anderson being killed by gun fire. There was no dash cam video or body worn camera video available at this incident.

Investigated by: LSP

Final report: issued 10/24/17

Formal determination by District Attorney: Pending review

STATISTICS

CONCLUSIONS

This is the second report by the District Attorney publishing an annual review of officer involved shootings. We have learned that these reviews consume a significant amount of law enforcement and prosecutor time. No additional funding or staffing has been provided to my office as a result of these reviews, despite consuming full-time investigative resources. During 2017, I published two decisions with an average time to publication of 11 months for decisions that did not require presentment to a grand jury. These decisions will never be quick nor easy for any District Attorney. Presentment of these cases to a grand jury would take even longer and, due to the secrecy laws governing the grand jury process, would 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 may have to await 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 past two years 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 the person who died was shooting at officers or someone. 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 (and as much as 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 recent efforts in Baton Rouge, as well as in our nation, to reduce fatal encounters involving vehicle-only attacks. I further applaud both national and local 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 being among the first in the nation with protocols and memorandums of understandings addressing officer involved shootings. As these protocols have come into to place, we are seeing 100% of post-officer involved shootings being investigated by the Louisiana State Police (LSP). I appreciate the efforts of LSP, on an entirely voluntarily basis, and 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.

Thank you.

Hillar C. Moore, III