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## **Baton Rouge DA Moore promising transparency in police shooting investigations**



*Advocate staff photo by PATRICK DENNIS --East Baton Rouge District Attorney Hillar Moore holds a press conference to announce the release of the report of a Police shooting where two officers were wounded and the suspect kill*

*Moore said evidence from body cameras and the police vehicle vindicate the actions of the officers.*

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East Baton Rouge Parish District Attorney Hillar Moore III is promising greater transparency in the handling of fatal police shootings in which officers are cleared of wrongdoing or are not charged by a grand jury.

Experts are praising the steps he's outlined to achieve that objective, describing it as a model approach that will help reassure the public that investigations of police shootings have been handled properly.

Moore said prosecutors will take a more active role in investigations of all fatal police shootings and will provide reports to the public that document their evidence and reasoning if no charges are brought against the officers involved.

Prosecutors will be walking the scenes of shootings, Moore said, and will be observing all interviews with witnesses and the officers involved under a new set of procedures introduced earlier this year.

The Feb. 13 **deadly shooting of 22-year-old Calvin Smith** by officers after Smith opened fire with an assault rifle was the first case handled under the new procedures, Moore said.

Along with an announcement at a news conference Monday **clearing two Baton Rouge police officers** in the fatal Feb. 13 shootout, the district attorney also released dramatic video of the shooting from dashboard and body cameras, a 10-page report, crime scene photographs and other pieces of evidence.

Although assistant district attorneys are involved in all homicide cases in the parish, Moore said his office is taking extra steps to ensure prosecutors are on hand for every interview in cases of fatal police shootings.

Assistant district attorneys will observe the interviews, take notes and consult with detectives about possible questions for witnesses, Moore said. The district attorney said that would make it easier to thoroughly evaluate the case at the end of the investigation.

“There will be more scrutiny in these cases, and ultimately, the decision is going to come to me,” Moore said. “If you disagree with my reasons, I understand, but (this report) lays out why I did what I did.”

The new protocol was inspired by similar policies put into effect by prosecutors elsewhere, including in Denver, St. Louis, Minneapolis and Phoenix.

A report released in May 2015 by the **President’s Task Force on 21st Century Policing** makes similar recommendations, and experts who spoke with The Advocate said they’re quickly becoming best practices.

“Being open with the public, making information available, breaking down this wall of secrecy – it looks like a model effort here,” said Samuel Walker, a retired professor of criminal justice at the University of Nebraska at Omaha who testified about police shootings to the President’s Task Force. “This is long overdue.”

Moore said he began reviewing the District Attorney’s Office’s handling of police shooting cases several years ago, but high-profile incidents – and volatile public reactions – in places like Ferguson, Missouri, Baltimore and Chicago have demanded increasing attention to how authorities handle such cases.

Moore said his office is now turning its attention to reviewing the Louisiana State Police’s investigation of the **Feb. 23 fatal shooting of 48-year-old Travis Stevenson**, who was shot several times in his car by four East Baton Rouge Parish sheriff’s deputies in Old South Baton Rouge after allegedly trying to ram a deputy. State Police turned over its report on the shooting to the District Attorney’s Office two weeks ago.

Unlike in the Baton Rouge police shooting of Smith, no video exists of the fatal encounter between deputies and Stevenson. Deputies had blocked Stevenson’s car into a parking spot on Terrace Avenue and were attempting to pull him from the car in the moments before the shooting.

While evidence in the Smith shooting, including the harrowing video footage, clearly indicated the officers acted appropriately under the circumstances, Moore conceded that publicly explaining his decision in a less clear-cut and more controversial case will prove more challenging.

“In a case where someone opens fire on police officers, it’s not hard to determine they acted appropriately,” said Kate Levine, a professor of law at New York University. “There could be one where the correct decision is not to prosecute but where the actions of the officers are still really ugly and unflattering to the police department and the prosecutors. They’ll have to release a transparent report about that, too.”

Even in jurisdiction that already follow similar protocols, public outrage can still boil in the wake of fatal shootings, especially of unarmed citizens.

The District Attorney’s Office in Denver began closely tracking investigations and releasing public reports following a controversial 1996 shooting of a man by off-duty cops. Still, protestors and civil rights groups blasted the Police Department and took to the streets following the January 2015 shooting of a 17-year-old girl who was driving a stolen car.

Denver District Attorney Mitchell Morrissey wrote in a letter clearing the officers that the teenager swerved toward an officer and the shooting was “justifiable in light of the manner in which she drove the car.”

Philip Stinson, a professor of criminal justice at Bowling Green State University who studies police shootings, called releasing reports like the one of Smith’s death “a step in the right direction.” But he said it doesn’t address what he sees as the main issue in allowing local prosecutors to handle shooting by local law enforcement.

“The problem with all these cases is, in the day-to-day work of a prosecutor, they have to deal with and rely on the work of law enforcement officers,” Stinson said. “There’s an inherent conflict as a result. We have seen instances where, during the prosecution of a police officer for a crime, where police are being less than cooperative in day-to-day cases.”

In several states, the attorney general’s office handles all fatal police shootings. Elsewhere, prosecutors in neighboring jurisdictions are called in to review those cases.

Moore said he’d likely recuse himself from some cases involving police officers or deputies he knows well but said he’s confident he can review cases objectively.

“I was elected to make tough decisions,” Moore said. “It’s hard to overlook facts.”

Levine, the law professor, said the public generally has little insight into a district attorney’s decisions, especially when prosecutors decide not to bring charges.

“It is a very progressive move on the part of a district attorney’s office to provide any transparency when they decide not to bring any charge,” Levine said.

“These are ones I don’t sleep at night on because it’s a potential divider of a community,” Moore said. “My answers have to be solid and based in fact and law, but it’s just not always black and white.”

Editor’s note: This article was changed May 15, 2016, to correct the spelling of the first name of Philip Stinson, a professor of criminal justice at Bowling Green State University who studies police shootings; and changed on May 16, 2016 to correct the first name of the New York University law professor.

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