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PARISH OF EAST BATON ROUGE

IN RE: TRAVIS STEVENSON

The final report of the circumstances, the investigation, and the determination of criminal responsibility for the officer involved death of Travis Stevenson on February 23, 2016.

ISSUED September 22, 2016

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I. INTRODUCTION

A. Summary

On February 23, 2016 at approximately 8:30 p.m., East Baton Rouge Sheriff 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 his effort to remove Stevenson from the vehicle. Stevenson continued to rapidly accelerate backward and forward in the vicinity where the deputies were standing. 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. Furthermore, 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.

B. Role of the District Attorney

Under the Louisiana Constitution, the District Attorney is designated the Chief Prosecuting Officer in charge of every criminal prosecution in his district. He has the power to bring any state criminal charge and the power to dismiss any state criminal charge. He is assisted in his efforts by the Grand Jury which also exercises independent constitutional authority. Louisiana law requires the District Attorney to bring to the Grand Jury all charges whenever the District Attorney determines he needs to seek a life or death sentence. In Louisiana, only the Grand Jury may return an indictment for first or second degree murder in the event of an intentional

and unjustified taking of a human life. Before the District Attorney may bring any charge before the Grand Jury, he must legally determine that he has sufficient evidence to warrant a conviction by trial where the standard of proof will be “beyond any reasonable doubt.”

For many years, the District Attorney has worked closely with local law enforcement agencies to address officer involved deaths. Local law enforcement agencies employ protocols that require immediate reporting to the District Attorney of any officer involved death and require the participation of the District Attorney in all stages of an investigation into the criminal responsibility for an officer involved death.

The role of the District Attorney in these investigations and in conducting this review is limited to determining whether a criminal violation of Louisiana law has occurred, whether any living person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The District Attorney does not establish law enforcement agency policy, procedures, and training requirements. The District Attorney does not have any responsibility for determining disciplinary action or pursuing civil litigation in these matters.

C. Death of Travis Stevenson

On February 13, 2016 at approximately 8:30 p.m., Citizen K.P. [called 911](#) to report that her boyfriend, Travis Stevenson, had physically assaulted her and her twenty year old daughter. K.P. explained that she had been in a relationship with Stevenson while estranged from her husband. When her husband called her that night, Stevenson became upset and sprayed her with [pepper spray](#) while they were at [her apartment](#). He also swung an empty beer bottle at her, hitting the [wall](#). When K.P.’s daughter came to her aid, Stevenson also assaulted her with pepper spray. While K.P. was on the phone with 911, Stevenson grabbed the phone from her and fled the scene in a white or champagne Cadillac sedan with a temporary license plate in the back window. K.P placed a second [911 call](#) after Stevenson left.

While deputies were investigating this incident, Stevenson called K.P. and deputies were able to speak directly with Stevenson. They advised Stevenson they needed to meet with him to discuss the attack on K.P. Stevenson declined to meet with deputies. He told them he was not going back to jail and he wanted to die. Stevenson stated he was going to [jump off](#) the Mississippi River Bridge.

Deputies immediately began searching for Stevenson to prevent him from injuring himself and to arrest him for domestic violence. At 9:50 p.m., Stevenson sent a [text message](#) to K.P. stating that he was going to kill himself. As deputies were searching in the area of the bridge, Stevenson's cellphone signal was located near Terrace Avenue and Eddie Robinson Sr. Drive.

At approximately 9:53 p.m., Lieutenant Michael Birdwell [located](#) Stevenson's vehicle parked next to an apartment building on Smith Street near [Terrace Avenue](#). He parked his fully marked EBRSO unit behind Stevenson's vehicle, [blocking Stevenson's vehicle in](#) between the unit and the building. Lieutenant Birdwell approached the Cadillac on foot, saw Stevenson seated in the driver's seat, and gave loud verbal commands for him to exit the vehicle. The dash camera in Lieutenant Birdwell's unit was not recording because he did not use his bar lights (which activate the camera's operation) when he parked behind Stevenson's vehicle. It should be noted that due to the direction the unit was facing, the incident would not have been captured by the dash camera if it had been activated.

EBRSO detectives arrived on scene to assist Lieutenant Birdwell with the arrest of Stevenson and also began instructing Stevenson to get out of the vehicle. The detectives' vehicles are not equipped with dash cameras. Stevenson ignored every command to exit the Cadillac. Lieutenant Birdwell's primary concern was having Stevenson comply with his orders and exit the vehicle. He attempted to remove Stevenson from the car by breaking the driver's side window with his [tactical knife](#) that was equipped with a [glass](#) breaking point. Lieutenant Birdwell [sustained minor lacerations](#) in the process, but was unable to pull Stevenson out of the Cadillac. Stevenson accelerated backwards into the marked unit while Lieutenant Birdwell was attempting to extract him. Stevenson then accelerated rapidly forward, striking and [bending a pole](#) next to the apartment building, and partially dislodging the [front bumper](#) of the Cadillac. He continued to operate his vehicle in this manner approximately three more times trying to escape.

When Detective Shannon Broussard, Detective Charles Montgomery, Detective Scott Henning, Detective Christopher Masters, and Sergeant Verner Budd III arrived on scene, they realized that Lieutenant Birdwell's position between the Cadillac, a parked car, and the apartment building placed him directly in the escape path of the vehicle. Sergeant Budd heard the loud crash of Stevenson's vehicle impacting Lieutenant Birdwell's unit. He also saw Stevenson ram the [metal pole](#) near Lieutenant Birdwell. Sergeant Budd then ran to check on Lieutenant Birdwell to see if he was injured. Sergeant Budd thought Stevenson's car was immobilized from hitting the pole. Soon after Sergeant Budd reached Lieutenant Birdwell, however, Stevenson was able to put the Cadillac in reverse and back up.

Detective Henning yelled to Stevenson to get out of the car and Stevenson shouted back “kill me, kill me”. When the vehicle began travelling forward again, Sergeant Budd and Detective Henning opened fire to protect the life of Lieutenant Birdwell. Detective Henning fired one shot; Sergeant Budd fired four shots.

Detective Broussard attempted to immobilize the car by shooting and popping the rear driver’s side [tire](#). Even though the tire was partially [deflated](#), Stevenson was still able to drive the Cadillac forward towards Lieutenant Birdwell and Sergeant Budd. Detective Montgomery was aware of [Lieutenant Birdwell’s hazardous position](#) and heard the engine racing. He fired six shots to prevent Stevenson from driving the Cadillac forward again. Neither Detective Masters nor Lieutenant Birdwell fired their office issued weapons. They did not want to risk injuring or killing the other deputies who were in their line of fire.

Stevenson was struck multiple times and died at the scene. Deputies [radioed](#) in that shots were fired and requested EMS assistance for a “Code 3” (urgent). After EMS and dispatch were notified, the scene was secured with crime scene tape. The deputies directly involved in the incident turned over their weapons and were isolated from one another.

Crime scene officers located twenty (20) fired [cartridge cases](#) at the scene. Forensic scientists with the Louisiana State Police Crime Laboratory determined that six (6) of the rounds were fired from Detective Charles Montgomery’s department issued Glock 9 mm pistol; ten (10) of the rounds were fired from Detective Shannon Broussard’s department issued Glock .40 caliber pistol; and four (4) of the rounds were fired from Sergeant Verner Budd III’s personally owned Glock 9 mm pistol. Although Detective Scott Henning fired one round from his personally owned Glock 9 mm pistol, that cartridge case was not recovered.

Crime scene officers identified multiple exterior bullet holes in the [front windshield](#), [rear driver’s side door](#), and [rear driver’s side tire](#) of the Cadillac. They located seven bullets and one piece of copper jacket inside the car. Through the use of trajectory rods, investigators were able to determine the paths of the bullets [inside the car](#).

When LSP detectives arrived and assessed the scene, they determined that Lieutenant Birdwell was boxed into a [3.9 foot area](#) between Stevenson’s car and the parked car. They noted that Stevenson’s car was still in [reverse](#) and up against the marked unit. They observed a [large can of pepper spray](#) near the driver’s seat and a second, smaller can on Stevenson’s [key chain](#). Lieutenant Birdwell’s marked unit, weighing 6700 pounds, was pushed approximately 2-3 feet during these collisions and the [side airbags](#) deployed. [Tires marks](#) were left in the street each time the unit was pushed

sideways and came to rest. The surface between the street and the apartment building was a combination of gravel and dirt. Investigators observed [well-worn tire tracks](#) in that area and connected them with the tires of the Cadillac and the metal pole. Based upon the formations in the ground material and some black colored tire marks, it appeared that the front driver's side tire was spinning. Stevenson's Cadillac was a [front wheel drive model](#).

LSP interviewed several witnesses who saw or heard the incident and learned the following:

Citizen J.C. heard deputies command Stevenson multiple times: "get out of the car". She observed one deputy fire two shots to protect him from being run over.

Citizen L.R. also heard the command "get of the car" and gunshots.

Citizen N.J. heard the commands "get out of the car" or "stop the car" and gunshots.

Citizen K.A. heard the commands "turn your car off" and gun shots.

Citizen L.J. heard the commands "get out of the car or I will shoot."

Citizen J.T. heard what sounded like a car wreck and then gunshots.

Citizen D.A. heard the commands "get out of the car" and then gunshots.

Citizen R.M. heard multiple commands from multiple persons "get of the car". She saw the vehicle traveling back and forth.

On February 24, 2016, LSP interviewed the deputies involved in order to fully understand the events that occurred. The deputies' recollections were all similar. Each reported that they instructed Stevenson to get out of the vehicle. Furthermore, the deputies all realized that Lieutenant Birdwell was directly in Stevenson's escape path and was in imminent danger. Based upon the deputies' interviews and the physical damage to the Cadillac, it is apparent that some of the shots were fired at the tires in attempts to immobilize it. None of the deputies involved expected the situation to escalate as quickly as it did. Less than three minutes passed from when deputies located the Cadillac to when deputies radioed shots fired and send EMS Code 3.

The forensic pathologist determined that Stevenson sustained seven gunshot wounds. Five bullets were recovered from his body. Forensic

scientists with the Louisiana State Police Crime Laboratory determined that two of the five bullets were fired from Detective Montgomery's firearm. The remaining three bullets lacked sufficient individual detail for an identification, but could have been fired from Detective Montgomery's firearm. Furthermore, the autopsy report confirmed Stevenson was under the influence of alcohol and drugs at the time of his death. His blood alcohol concentration was noted as 0.142 and his urine tested positive for Cocaine and THC (Marijuana).

LSP investigators determined that this shooting was based upon multiple deputies' concerns that Stevenson's rapid acceleration backward and forward of his vehicle several times placed them, particularly Lieutenant Birdwell, in imminent danger. Furthermore, all of the deputies' statements were consistent with their locations and actions at the scene, as well as the physical evidence. The LSP investigation reflects no criminal misconduct on behalf of the deputies involved.

East Baton Rouge Parish District Attorney Hillar C. Moore, III, three Assistant District Attorneys, and one District Attorney Investigator responded to the scene and observed every critical step in the investigation, including the subsequent interviews of the EBRSO deputies and other witnesses.

II. OTHER MATTERS CONSIDERED

NOTE: While this information may not have been known to all of the deputies at the time of the shooting, it is relevant in understanding the events that occurred on the morning of February 23, 2016.

- A. According to the [EMS report](#) which contains information regarding past medical history, Travis Stevenson had a history of schizophrenia and bi-polar disorder. Additionally, he suffered from hypertension, diabetes, and hypercholesterolemia. While it appears that Stevenson was prescribed medications for his ailments, it is unclear if he was actively taking his medication at the time of the incident.
- B. February 23, 2016, was not the first time Stevenson had considered suicide. According to an [EMS report](#) from May 9, 2015, Stevenson was having suicidal thoughts and was intending to overdose on a variety of pills.

III. STATEMENT OF LAW

A. Murder

Under Louisiana law, the intentional killing of another human being is defined as Second Degree Murder and is punishable by a mandatory sentence of life in prison. When this murder occurs during the perpetration of another crime, such as an armed robbery; against special classes of persons, such as children or the elderly; or involves the killing of more than one person; then the murder is defined as a First Degree Murder that can be punished by a sentence of death. If the District Attorney seeks to prosecute either of these crimes, he is required to bring them before a Grand Jury for indictment. [LA CCRP 437](#)

B. Justification

Louisiana law provides each citizen with the right to defend themselves and to “meet force with force,” including deadly force to meet deadly force. This right to use deadly force, however, is limited only to circumstances in which human life is endangered. Deadly force may not be used to protect things and property. Police officers, just like any other citizen, are entitled to use deadly force when their life or the life of another citizen is threatened. [LA R.S. 14:20](#)

C. Retreat

The laws of Louisiana do not require any citizen to retreat when faced with deadly force. [LA R.S. 14:20](#)

D. Grand Jury

Since the founding of the United States, the Grand Jury has been a vital part of the many checks and balances in our criminal justice system. It is comprised of 12 citizens who sit for approximately six month terms evaluating whether certain cases, particularly murder cases, proceed to trial. They examine all evidence in secret primarily for two reasons: to protect those testifying from others who have not yet been arrested, and to protect the reputations of those against whom criminal charges may not be brought. To serve as a check on all, the Grand Jury is an independent constitutional body that is independent from the courts, law enforcement, and the District Attorney. The District Attorney is designated as only a legal advisor to the Grand Jury, is required to be present at all proceedings before the Grand Jury, but is excluded from the Grand Jury's deliberations as they decide their verdict. The Grand Jury can return any one of three verdicts: A True Bill of Indictment (authorizing criminal charges), A No True Bill of Indictment (declining criminal charges), and A Pretermitted Matter. [LA CCRP 444](#) A Pretermitted Matter means that the Grand Jury members were unable reach a sufficient consensus (9 out of 12 votes) to render a verdict.

E. District Attorney

The District Attorney presents murder cases to the Grand Jury. In doing so, he is bound legally and ethically by certain standards. First, he must determine the evidence he has to present "if unexplained and uncontradicted, warrants a conviction." [LA CCRP 443](#) Second, under the Rules of Professional Conduct required of all prosecutors (Rule 3.8), he is required to "refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause." [Rule 3.8](#)

IV. DISCUSSION

A. Issues

Whether any person may be held criminally responsible for the death of Travis Stevenson?

B. Application of Law

The death of any human being is a tragedy that all persons are legally required to avoid. When laws are broken and a death occurs, law enforcement agencies are called to respond and investigate the circumstances of the death and forward their reports to the District Attorney to determine whether any person is criminally responsible. When law enforcement is responsible for the death, they must immediately report the death to the District Attorney who will join them in all critical stages of the investigation. This is one of the most serious responsibilities of the District Attorney.

Second degree murder is the killing of a human being when the offender has a specific intent to kill or to inflict great bodily harm. [LA R.S. 14.30.1](#) A second degree murder is legally justified when committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself or another from that danger. [LA R.S. 14:20](#)

For a law enforcement officer, as with any other citizen, the law provides that the use of force must be reasonable. The United States Supreme Court specifically requires that the “reasonableness” of force by an officer be judged from the perspective of an officer at the scene, rather than judged with the benefit of hindsight. [Graham v. Connor](#), 490 U.S. 389 (1989).

C. Analysis

The evidence reviewed by the District Attorney, attached and made part of this report, substantiates that Travis Stevenson was killed at the hands of others. This same evidence also demonstrates that their actions were justified. The unprovoked actions of Travis Stevenson, specifically his rapid and repeated acceleration of his car into a metal pole and a marked unit in an attempt to escape, placed the deputies in imminent fear of death to another deputy, namely Lieutenant Birdwell who was caught between the accelerating car, a parked car and the apartment building. When faced with deadly force to themselves and others, no reasonable person, including other law enforcement officers, would have acted differently. The death of Travis Stevenson was legally justified and no criminal

responsibility can be found for the deputies involved as they were legally exercising their rights of self-defense and defense-of-others.

D. Conclusion

In accordance with my oath and duty to uphold the constitution and laws of both the United States and the State of Louisiana, as District Attorney for the 19th Judicial District, Parish of East Baton Rouge, I issue this final report into the circumstances and death of Travis Stevenson. Travis Stevenson was killed by deputies in the course and scope of their employment as law enforcement officers and under circumstances where their use of deadly force was legally justified. It is my determination as District Attorney that there is no probable cause of criminal responsibility to present to a Grand Jury in the matter of the death of Travis Stevenson.

Signed: HCM III
Hillar C. Moore, III

Date: September 22, 2016

V. LISTING OF EVIDENCE

A. Dispatch and 911 Calls

1. [911 Call Innovation Park](#)
2. [Second 911 Call from Innovation Park](#)
3. [CAD Display Innovation Park](#)
4. [CAD Display Car Located](#)
5. [Dispatch Recording Bridge](#)
6. [Dispatch Recording Car Located](#)
7. [Dispatch Recording Send EMS Shots Fired](#)

B. Photos

1. [Pepper Spray Used at Initial Incident](#)
2. [Pepper Spray Residue on Walls](#)
3. [Damaged Wall in Apartment](#)
4. [Terrace Ave Sign at Crime Scene](#)
5. [Crime Scene from Corner View](#)
6. [Closer View of Stevenson's Car](#)
7. [Front of Stevenson's Car and Damaged Pole](#)
8. [Damaged Pole](#)
9. [Closer View of Pole](#)
10. [Front View of Stevenson's Car and Tire Tracks](#)
11. [Close Up of Damaged Front Bumper](#)
12. [Damaged Front Bumper](#)
13. [Stevenson's Car Impact on EBRSO Unit](#)
14. [Tire Marks from EBRSO Unit Being Pushed](#)
15. [Tire Marks from EBRSO Unit Close Up](#)
16. [Airbag Deployed in EBRSO Unit](#)
17. [Final Location of EBRSO Unit](#)
18. [Proximity of Stevenson's Car and Tire Tracks to Nearby Car](#)
19. [Well Worn Tire Tracks from Stevenson's Car](#)
20. [Stevenson's Gear Stick Still in Reverse](#)
21. [Crime Scene Markers Showing Shell Casings](#)
22. [Crime Scene Marker Showing Shell Casings 2](#)
23. [Crime Scene Markers Showing Shell Casings on Top of Car](#)
24. [Pepper Spray in Front Seat of Car](#)
25. [Pepper Spray on Key Ring](#)
26. [End of Lt. Birdwell's Knife Used to Break Window](#)
27. [Injuries to Lt. Birdwell's Arm from Breaking Window](#)
28. [Window Glass from Car](#)
29. [Side View of Car](#)
30. [Front Windshield of Car](#)
31. [Rear Driver's Side Door](#)
32. [Driver's Side Rear Flat Tire with Trajectory Rods](#)
33. [Driver's Side Flat Tire](#)
34. [Interior of Car with Trajectory Rods](#)

- C. Police Reports
 - 1. [Initial EBRSO Report](#)
 - 2. [LSP Investigation Report](#)
 - 3. [Memorandum of Investigation 1](#)
 - 4. [Memorandum of Investigation 2](#)
 - 5. [Memorandum of Investigation 3](#)
 - 6. [Memorandum of Investigation 4](#)

- D. [Officer Location Diagram](#)

- E. [Crime Scene Measurement Diagram](#)

- F. [Overall Crime Scene Diagram](#)

- G. [Measurements](#)

- H. [Stevenson's Injuries Diagram](#)

- I. [Autopsy and Toxicology Reports](#)

- J. [EMS Run Report 2016](#)

- K. [EMS Run Report 2015](#)

- L. [Ballistics Reports](#)

- M. [DNA Analysis](#)

- N. [Text Messages](#)

- O. [Cadillac Make and Model Information](#)