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19TH JUDICIAL DISTRICT ATTORNEY

PARISH OF EAST BATON ROUGE

IN RE: TERREL WALKER

The final report of the circumstances, the investigation, and the determination of criminal responsibility for the officer involved death of Terrel Walker on November 27, 2016.

ISSUED December 5, 2017

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I. INTRODUCTION

A. 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.

B. Summary

On Sunday, November 27, 2016, multiple 911 callers reported that a woman, later identified as April Peck, was pushed out of a vehicle on Essen Lane at United Plaza after being shot. When good samaritans stopped to aid Peck, a dark colored vehicle drove directly at the good samaritans and Peck, striking two of them and Peck. The driver jumped out of the vehicle and began shooting at the gathered crowd. The driver, later identified as Terrel Walker, then got back into his vehicle and drove away. Moments later, Baton Rouge Police Department (BRPD) and East Baton Rouge Sheriff's Office (EBRSO) arrived at the scene. EBRSO handled the investigation because the incident occurred in their jurisdiction. EBRSO detectives and uniform patrol began looking for the dark colored vehicle, which now had significant and distinguishable damage from hitting the good samaritans. Detectives used Walker's cell phone's GPS location to find Walker. An EBRSO detective proceeded to pursue Walker as he ran across I-10 and stopped near the I-10 eastbound exit ramp at Bluebonnet Boulevard. As the detective was trying to reason with Walker by talking with him and by giving him loud verbal commands to show his hands, Walker fired his pistol at the detective. The detective and a SWAT member who had arrived to the Bluebonnet Boulevard ramp returned fire, striking Walker. Walker was handcuffed, his gun was secured, and he was transported to the hospital where he later died from his injuries. The incident was not recorded on any dash camera or body camera. Furthermore, there is no video of this incident known to law enforcement. Following EBRSO protocols for deputy involved shootings, Louisiana State Police conducted the investigation into this shooting.

C. Death of Terrel Walker

At approximately 5:35 p.m. on Sunday, November 27, 2016, numerous [911 calls](#) were made relating to an incident at the corner of United Plaza and Essen Lane. Both the Baton Rouge Police Department (BRPD) and the East Baton Rouge Sheriff's Office (EBRSO) were alerted to respond to the scene. A 911 caller reported that a black male shot a female, pushed her out of a car into the [roadway](#), then made a u-turn and drove away. Another [911 caller](#) stated that somebody in a dark colored, four-door car had shot a female while she was lying in the roadway. Citizen 1 called in and stated that he was with the female who was shot and was trying to help her. Citizen 2, who was traveling with Citizen 1 down Essen Lane when the shooting occurred, also began to help the female. Citizen 2 told

the [911](#) dispatcher that she was trying to assess the location of the numerous bullet wounds on the victim and noted that one of the wounds was in the stomach. In a statement to EBRSO detectives, Citizen 1 stated that he heard two or three gunshots while at the red light at the intersection of Essen Lane and United Plaza. He then saw a dark colored, four-door sedan pull into the intersection and make a u-turn. After the dark colored vehicle drove away, Citizen 1 was able to see a female lying on the ground near the intersection. While Citizen 1 and Citizen 2 were assessing the female's wounds, another person, Citizen 3, arrived on [scene](#) to assist. Shortly after Citizen 3 arrived on the scene, Emergency Medical Services (EMS) also arrived. Citizen 3 reported that while he was trying to help the injured female, a dark colored [Chevrolet Malibu](#) drove directly at all of those assisting the female. The Chevrolet [struck](#) Citizen 1, Citizen 3, and the injured female. After the impact, a black male exited the vehicle and began shooting first at Citizen 3 and then at others nearby. Citizen 1 stated that he played dead and hoped the male would not shoot him. One of the EMS workers recalled hearing the male yell [numerous threats](#) as he was [firing shots](#) at those assisting the injured female. After chasing and shooting at those assisting the female, the male walked back toward his car where Citizen 1 and Citizen 3 were lying on the ground. The male shot Citizen 3 again and then got into the Chevrolet Malibu and fled the scene, [hitting the EMS ambulance](#) with his vehicle as he drove away. Shortly thereafter, BRPD officers and EBRSO deputies arrived on scene. [EMS](#) began to render aid to the injured female and Citizen 3 and transported both of them to the hospital. Citizen 3 survived his injuries; however, the female, identified as April Peck, died from her injuries.

EBRSO detectives identified April Peck through her name tag for a local department store. Additionally, detectives confirmed her identity through her driver's license photo. Detectives then went to the local department store to view the last known surveillance footage of Peck. In the surveillance video, Peck can be seen leaving work and getting into a dark colored sedan that appears to match the vehicle description given by witnesses at the crime scene. Detectives then searched law enforcement databases for more information related to Peck and discovered she was the victim in two domestic abuse battery incidents earlier in the month. In these reports, Peck's live-in boyfriend, Terrel Walker, was accused of battering her. Additionally, detectives learned that Walker had been transported to hospitals in the past for mental health evaluations. EBRSO detectives developed Walker as the suspect for the homicide of April Peck. EBRSO detectives and assisting deputies began to search for Terrel

Walker and the Chevrolet Malibu. Detectives obtained Walker's cell phone number from previous police reports and contacted his cell phone provider for GPS coordinates. These coordinates showed Walker in the vicinity between North Mall Drive, where his vehicle was later found, and Bluebonnet Boulevard.

EBRSO detectives were searching this [vicinity](#) when Detective 1 contacted Walker walking on the I-10 westbound entrance ramp. Detective 1 called for backup and pulled over to the side of the road to wait for backup to arrive. Detective 1 relayed information on locating the suspect over the detectives' radio channel, which is not recorded. SWAT Member 1 arrived and assisted Detective 1 by pulling in front of him since SWAT 1 had a fully marked EBRSO unit. SWAT 1 began to follow Walker down the entrance ramp and activated the emergency lights and sirens in his unit so Walker would know the police were behind him. SWAT 1 commanded that Walker stop walking so that they could speak with him. At this point, Detective 1 pulled over and got out of his unit to try to make contact with Walker. SWAT 1 joined Detective 1 on foot; they both followed behind Walker and gave him verbal commands to stop walking and talk to them. Walker continued walking forward, keeping his back to the deputies and his hands inside of his jacket. When Walker was approximately thirty yards away, he turned around and said, "I didn't do nothing, man" and then fled on foot across the interstate. Detective 1 chased Walker on foot across the interstate, while SWAT 1 returned to his unit to pursue Walker in his vehicle.

Detective 1 chased Walker and called out his location using the detectives' channel on the radio. Walker ran over the I-10 eastbound exit ramp to the wooded, grassy area to the east of the exit ramp. Walker attempted to jump the fence at the back of the wooded area and failed. Walker then dove to the ground and laid flat in the [ditch](#) next to the fence. Detective 1 caught up to Walker and stood near the roadway to maintain a safe distance. Detective 1 continually gave Walker loud, verbal commands, such as: "Terrel, let me see your hands;" "stand up, let me see your hands;" and "it doesn't have to be like this." At this point, Detective 1 realized that he was not wearing his protective vest; his [location](#) was illuminated by lights from the nearby interstate; he had no cover; and that his backup had not arrived yet. Detective 1 started to move side to side to present a more difficult target. He had his radio out, but in an attempt to keep Walker calm, he kept his [Glock 9mm pistol](#) in his holster. SWAT 1 arrived on the exit ramp, parked, and exited his unit with his office issued

[Daniel Defense rifle](#). SWAT 1 went to the rear passenger side of his [vehicle](#) and observed Walker lying down in the ditch moving his hands. Detective 1 also observed Walker moving his arms, but he could not tell what Walker was doing. Detective 1 gave Walker loud verbal commands instructing Walker to show his hands to the detective. Detective 1 heard Walker say something indistinguishable. Detective 1 then saw a bright muzzle flash aimed at him and heard a gunshot. Detective 1 instinctively un-holstered his firearm and fired at Walker. Detective 1 emptied his magazine by firing all [eleven rounds](#), and then ran to the tree line for cover. Meanwhile, SWAT 1 saw Walker shoot at Detective 1. SWAT 1 fired [three rounds](#) at Walker in order to stop Walker from killing Detective 1. SWAT 1 held cover on Walker until more units arrived to assist.

Moments later, Detective 2 arrived on scene and instructed Detective 1 to come to his unit for cover. Detective 1 ran to Detective 2's unit where Detective 2 gave him an additional magazine for his firearm and they both held cover on Walker. Deputy 1 arrived on scene and also held cover near SWAT 1. Captain 1 arrived on scene and observed Walker [lying in the ditch](#). He could not tell whether Walker was deceased; therefore, Captain 1 decided to wait for a ballistic shield before approaching Walker. Once a shield arrived, Deputy 1, Captain 1, and SWAT 1 slowly approached Walker. As they were approaching Walker, Captain 1 noticed a [Smith and Wesson 9mm pistol](#) on the ground near Walker's right hand. The location of the pistol was quickly photographed before it was moved and secured due to safety concerns. Additionally, a 9mm [cartridge case](#) was found near Walker. Deputy 1 checked Walker for signs of life and detected a faint pulse. Captain 1 called for EMS while SWAT 1 handcuffed Walker and Deputy 1 held cover. The three deputies then retreated back to the exit ramp, taking Walker's [pistol](#) with them to secure it. Captain 1 placed Walker's pistol on the [hood](#) of SWAT 1's [unit](#). SWAT 1 held cover on Walker while waiting for [EMS](#) to arrive. EMS arrived and transported Walker to the hospital, where he later died. The scene was then secured and Louisiana State Police (LSP) was called to conduct a deputy involved shooting investigation per EBRSO's protocols.

Walker's [autopsy](#) listed his cause of death as multiple gunshot wounds. Walker sustained a total of five gunshot wounds. Walker was struck in the chest, right thigh, left thigh and lower leg, and left buttock. Three of the five projectiles were recovered from his body. Forensic scientists with the Louisiana State Police Crime Laboratory determined the bullets recovered from the autopsy were fired from Detective 1's firearm. Furthermore,

Walker's [toxicology report](#) showed that Walker's blood alcohol concentration at the time of death was 0.028g/100mL. Additionally, Walker had concentrations of amphetamine, methamphetamine, hydrocodone, phencyclidine, and tetrahydrocannabinol (THC) which indicated the use of both drugs and alcohol prior to his death.

LSP's investigation did not reveal anything which constituted probable cause for criminal charges against Detective 1 or SWAT member 1.

During the investigation, East Baton Rouge District Attorney Hillar C. Moore, III, one First Assistant District Attorney, and two District Attorney Investigators responded to the scene and observed every critical step in the investigation, including the subsequent interviews of the deputies involved.

II. OTHER MATTERS CONSIDERED

NOTE: While this information was unknown to the deputies at the time of the shooting, it is relevant to understanding the events that occurred on November 27, 2016.

A. Terrel Walker's Mental Health History

Both medical records and police reports show that Terrel Walker had an extensive history of mental illness. Walker was diagnosed with schizophrenia and known to discontinue taking his medication which led to hallucinations and paranoia. Two weeks prior to November 27, 2016, Walker was brought to the hospital by BRPD for a psychiatric evaluation. At the time of his death, Walker's mental illness combined with the mixture of narcotics in his system would have likely caused him to be restless, aggressive, psychotic, and have an altered mental status.

B. Terrel Walker's History of Domestic Violence

Terrel Walker had a significant history of domestic violence. Within a seventeen month period prior to November 27, 2016, the police were called five times related to incidents involving Walker allegedly committing acts of domestic violence. Two of these domestic violence incidents led to Walker being brought to the hospital for mental health treatment. Walker also had two protective orders filed against him by previous partners, including April Peck. Additionally, less than twenty

four hours before her death, April Peck told a family member that she did not want Walker to kill her and that she was afraid of him.

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 that 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 Terrel Walker?

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 Terrel Walker was killed at the hands of others, specifically an East Baton Rouge Sheriff’s Office deputy. This same evidence also demonstrates that his actions were justified. Specifically, these deputies were placed in an extremely dangerous situation and feared for the life of another deputy or themselves. When faced with deadly force to themselves and others, no reasonable person, including other law enforcement officers, would have acted differently. The death of Terrel Walker was legally justified and no criminal responsibility can be found for the deputy involved as he was legally exercising his 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 Terrel Walker. Terrel Walker was killed by an East Baton Rouge Sheriff’s Office deputy in the course and scope of his employment as a law enforcement officer and under circumstances where the 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 Terrel Walker.

Signed: HCM III

Date: December 5, 2017

Hillar C. Moore, III

V. LISTING OF EVIDENCE

- A. Dispatch and 911 Calls
 1. [BRPD CAD Screen](#)
 2. [EBRSO CAD Screens](#)
 3. [911 Call United Plaza and Essen 1](#)
 4. [911 Call United Plaza and Essen 2](#)
 5. [911 Call United Plaza and Essen 3](#)
 6. [EMS Radio Traffic from United Plaza and Essen](#)

- B. Police Reports
 1. [LSP Case Report](#)
 2. [BRPD Crime Scene Report](#)
 3. [EBRSO Report](#)
 4. [BRPD United Plaza Report](#)

- C. [Terrel Walker's Autopsy Report](#)

- D. [Terrel Walker's Toxicology Report](#)

- E. Crime Lab Reports
 1. [Crime Lab Firearms Report](#)
 2. [Crime Lab DNA Report](#)

- F. [EMS Report](#)

- G. Photos
 1. [Intersection at United Plaza and Essen Blvd](#)
 2. [Intersection at United Plaza and Essen Blvd with markers](#)
 3. [Close up of where Peck was being assisted](#)
 4. [Cartridge Cases from Walker's gun](#)
 5. [Front view of Chevrolet Malibu](#)
 6. [Close up Front view of Chevrolet Malibu](#)
 7. [Side view of Chevrolet Malibu](#)
 8. [SWAT Member 1's EBRSO Unit and rifle cartridge casings](#)
 9. [Close up of SWAT Member 1's rifle](#)
 10. [Detective 1's pistol cartridge casings](#)
 11. [Close up of Detective 1's pistol](#)
 12. [Walker near his pistol](#)
 13. [Walker's location in woods](#)

14. [Close up of Walker's location in woods](#)
15. [Close up of cartridge casings from Walker's pistol](#)
16. [View of where Detective 1 was located from Walker's location](#)
17. [View of where SWAT Member 1 was located from Walker's location](#)
18. [Walker's pistol on EBRSO unit 1](#)
19. [Walker's pistol on EBRSO unit 2](#)
20. [Close up of Walker's pistol 1](#)
21. [Close up of Walker's pistol 2](#)

H. [Crime Scene Diagram](#)

I. [Map](#)