

Good afternoon, I am Attorney General Jeff Landry.

I am here today to report the findings and conclusions of the Louisiana Department of Justice investigation into the shooting of Alton Sterling. Before I get started, I want to let you know that, after my remarks, we will distribute a copy of a **detailed report** containing our findings and conclusions to each of you.

**I encourage you to take your time and thoroughly review the report you will be provided.**

Moments before this press conference, I met with the family of Alton Sterling to discuss the State's investigation and our findings and conclusions. I would again like to extend my deepest sympathies to the family. Regardless of the circumstances, they have suffered the pain of losing a loved one to violence. As we all know, there is a tremendous amount pain and suffering caused by the premature loss of a loved one. I ask that everyone keep the family in their prayers and ask that God watch over them as they go on.

As many of you know, in the days following the shooting of Mr. Sterling, some elected officials and local citizens called for the United States Department of Justice to take the leading role in the investigation. Once that decision was made, our office immediately reached out to the U.S. Attorney's Office to discuss what input and privilege we would have to the investigative materials during the pendency of the federal investigation. The response was that **no portion** of the federal investigation would be made available to our office until the federal investigation was concluded and a decision was rendered. This effectively sidelined our office until the federal investigation was complete.

On May 3, 2017, the Acting United States Attorney for the Middle District of Louisiana delivered his decision not to prosecute anyone for the death of Alton Sterling. Within twenty-four hours of the

announcement, our office sent a team of investigators to the USDOJ office in New Orleans in an effort to obtain the investigative materials gathered and utilized by them in their decision-making process. Given the protocols for the transfer of evidence from the FBI to the State, our office was able to obtain investigative materials from the FBI on May 31, 2017 and from the U.S. Attorney's Office on June 1, 2017.

While that was Day 331 for the family and the community, it was day one for us. From day one, we began the process of inventorying, sorting, reviewing, and analyzing the materials received. The following is what we found:

In the early morning hours of July 5, 2016, the Baton Rouge Police Department received a 911 call from a person who alleged to have been assaulted by a man with a firearm, selling CD's in front of the Triple S Food Mart.

A review of the video evidence and information provided by the United States Department of Justice found that at approximately 00:16 hours, Alton Sterling was seen in the front of the Triple S Food Mart apparently selling CD's. He clearly matched the description given by the 911 caller. About this time, he is seen confronting someone with what is later determined to be a firearm that had been concealed in his **right front pocket**. Approximately twenty-five minutes later, Baton Rouge City Police Officers Howie Lake and Blane Salamoni arrived.

Officer Lake was the first to arrive with Officer Salamoni arriving shortly thereafter. As the officers approached Mr. Sterling, he was apparently engaged in what appeared to be a transaction with two females. Arriving first, Officer Lake interrupted the transaction and gave Mr. Sterling instructions to place his hands on a vehicle parked nearby. Mr. Sterling does not comply with Officer Lake's instructions, and Officer Lake then attempts to physically control Mr. Sterling's hands in an effort to place his hands on the vehicle.

Officer Salamoni, who arrives as Mr. Sterling is resisting Officer Lake's commands, attempts to assist Officer Lake in gaining control of Mr. Sterling's hands. During the initial struggle, while refusing to submit to the officer's request, Mr. Sterling spins around and pulls his right arm away from Officer Salamoni. At this point, Officer Salamoni draws his firearm from his holster and gives Mr. Sterling a loud, aggressive, verbal command and threatens to shoot him if he does not comply. This level of verbal escalation appears to momentarily be effective as the officers are able to direct Mr. Sterling to the vehicle and attempt to place him in custody.

During this portion of the event, Officer Salamoni's weapon remained trained on Mr. Sterling **at an arms length**.

Despite the aggressive purposeful tone of Officer Salamoni, Mr. Sterling **again begins to resist** as Officer Lake continues his attempts to gain control of Mr. Sterling's hands after he was directed to the vehicle.

Failing again to gain control of Mr. Sterling, Officer Salamoni steps away from Mr. Sterling and takes a defensive position while keeping his weapon drawn on Mr. Sterling. At this point, Officer Salamoni tells Officer Lake to "taze" Mr. Sterling. Officer Lake then steps away from Mr. Sterling and deploys his taser with little effect. Mr. Sterling momentarily falls to his knees but continues to be non-compliant and then stands facing Officer Lake. Officer Salamoni told Officer Lake to "taze" Mr. Sterling again, for the second time. The second deployment of the taser has no effect.

After observing Mr. Sterling being tased twice, **with little or no effect**, Officer Salamoni **holsters** his weapon and tackles Mr. Sterling as Mr. Sterling continued to face Officer Lake. As Officer Salamoni tackles Mr. Sterling, they both fall to the ground with Officer Salamoni landing on top of Mr. Sterling near, and partially under, a parked car.

The struggle then takes place on the ground, as Officer Salamoni attempts to control Mr. Sterling's right arm while Officer Lake kneels down next to Mr. Sterling and attempted to control his left arm.

In discussing these events, we must be mindful that what I am describing took place **very quickly** and involved two officers who had good reason to believe that Mr. Sterling was **armed with a firearm** - and that he was **continuously resisting**.

While engaged in the struggle on the ground, Officer Salamoni is heard saying "he's got a gun" or words to that effect. Throughout the struggle on the ground, both officers continuously tried to gain control of Mr. Sterling's hands while he actively resists.

Next, Officer Salamoni is observed attempting to remove his handgun from his holster and says "if you move I swear to God" or words to that effect. At this point, **no shots had been fired**. While the officers continue to struggle with Mr. Sterling, Officer Salamoni can be heard excitedly saying "he's got a gun." At this point, **no shots had been fired**.

It should be noted that, during this portion of the struggle, Mr. Sterling was positioned in a manner that concealed the lower right half of his body and, more particularly, his right front pocket.

As the struggle continues, several more attempts to control Mr. Sterling's hands are made. Officer Salamoni then can be heard loudly saying "**he's going for the gun!**" Officer Salamoni then fires three shots into the chest of Mr. Sterling and rolled slightly away from him keeping his handgun trained on Mr. Sterling.

At this point, Officer Lake appears to stand and point his handgun at Mr. Sterling, providing cover for Officer Salamoni who was on the ground in close proximity to Mr. Sterling. Mr. Sterling then quickly sits up and rolls to his left away from Officer Salamoni. It is important to note that

as Mr. Sterling rolled away from Officer Salamoni, his hands and right side appear to be concealed from the view of both officers. As Mr. Sterling attempts to get up, Officer Salamoni fires three additional shots into the back of Mr. Sterling. These shots incapacitate Mr. Sterling.

Officer Lake then quickly approaches Mr. Sterling and removes a loaded .38 caliber handgun from his right front pocket.

These are the facts.

This investigation included an examination and re-examination of **all** of the evidence provided by the federal government including witness statements, photographs, video evidence (original and enhanced), **toxicology reports, the use of force expert reports, and other types of evidence.** As you can imagine, the amount of material generated by the USDOJ over the course of a ten-month investigation was **voluminous.**

**Once our office was satisfied that the federal materials were thoroughly reviewed, and analyzed, we initiated a further state investigation into the evidence provided. Our investigation included, among other actions, contacting – independently – the eye-witnesses to the event to review their description of the event to determine if any additional information could be gathered and evaluated.**

Let me be very clear – our objective was to conduct a full and thorough examination of the evidence obtained from the federal government **before** any additional investigative steps were taken and certainly before any conclusions were drawn. This process was to be conducted irrespective of any pressure to come to a quick conclusion.

Not in this investigation **or in any other** do we sacrifice completeness for speed.

**Our investigation has concluded** Officers Lake and Salamoni attempted to make a lawful arrest of Alton Sterling based upon probable cause. During that encounter, Mr. Sterling continued to resist the officers' efforts. The officers used verbal commands of varying degrees and tried to control Mr. Sterling with several non-lethal techniques.

Toxicology reports showed the presence of several scheduled and illegal substances – **drugs** – in Mr. Sterling's system at the time of the incident. Considering this, it is reasonable that Mr. Sterling was under the influence and that contributed to his non-compliance.

Throughout the encounter, the officers attempted several non-lethal techniques to gain compliance and control of Mr. Sterling's hands. Their efforts to do so were a direct result of the information relayed to them by the BRPD dispatcher that Mr. Sterling was armed with a firearm. Therefore, their attempts to gain control of Mr. Sterling's hands were well-founded and reasonable under the circumstances and under Louisiana law. Furthermore, the officers' concern that he was armed and dangerous was, in fact, subsequently verified as correct.

The seminal question presented is whether Officers Howie Lake and Blane Salamoni can be held criminally responsible for the death of Alton Sterling under applicable laws of the State of Louisiana.

Our job was **not** to determine whether BRPD policy was followed or if certain tactics or language were more appropriate than others.

After a thorough and exhaustive review of the evidence, the facts that can be established beyond a reasonable doubt, the law and jurisprudence of the State of Louisiana, and the obligations of prosecutors under the Code of Professional Conduct – the Louisiana Department of Justice cannot proceed with a prosecution of either Officer Howie Lake or Officer Blane Salamoni.

This decision was not taken lightly. We came to this conclusion after countless hours of reviewing the evidence gathered and turned over by the U.S. Department of Justice including voluminous documents, many photographs, and extensive video evidence – and after our own interviews of eye witnesses to the event.

Before a prosecutor brings a case before a Grand Jury, he must determine whether he has sufficient evidence to warrant a conviction based on the facts of the case upon a fair and thorough review of the evidence and the applicable law. The standard of proof for any criminal charge is proof beyond a reasonable doubt. This is the highest standard of proof in the law. **Every element of any crime contemplated must meet this test. That is, every element of any crime contemplated must be proven beyond a reasonable doubt. This is true in both state and federal prosecutions. There is not a lesser burden in state criminal cases when compared to federal criminal cases.**

As I previously mentioned – the opinions of use of force experts, two to be specific, were used in the analysis by both the U.S. Department of Justice and by our office. Each expert was selected by the U.S. Department of Justice and each independently concluded that both officers acted in a reasonable and justified manner in the shooting death of Mr. Sterling.

Career staff members of the U.S. Department of Justice came to same conclusion after the federal investigation relative to federal law.

In drawing our conclusion, the Louisiana Department of Justice has considered all of the evidence compiled by the U.S. Department of Justice, the opinions of the independent experts used by the USDOJ, our independent investigation and review, including our own independent, direct interviews of the eye-witnesses, and every aspect of the applicable laws.

As with every criminal case – we must analyze the evidence, the law, and the facts and draw conclusions; but we are always mindful of the human element. I know the Sterling family is hurting. I know they may not agree with this decision. I am ever-mindful that a mother who prematurely loses a son, or a child who loses a father, experiences a pain that no one should have to endure. I am asking that everyone considers the family in the coming days and spend time and energy in lifting them up, rather than creating further division. I pray that God blesses and keeps the Sterling family through this difficult time, and I thank you for your attention today.