



HILLAR C. MOORE, III  
19<sup>TH</sup> JUDICIAL DISTRICT ATTORNEY  
PARISH OF EAST BATON ROUGE

## ***IN RE: GAVIN LONG***

The final report of the circumstances, the investigation, and the determination of criminal responsibility for the officer involved death of Gavin Long on July 17, 2016.

**ISSUED June 30, 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, July 17, 2016, Baton Rouge Police Department Officer Matthew Gerald was notified about a suspicious person with a rifle outside of the B-Quik Store where Officer Gerald had stopped to get a drink. Officer Gerald radioed for backup and was met by Corporal Montrell Jackson and East Baton Rouge Sheriff's Office Deputy Bradford Garafola, who was working a detail at the B-Quik. While looking for the suspicious person, Officer Gerald, Corporal Jackson, and Deputy Garafola were ambushed and killed in the line of duty by Gavin Long. Officers from both the Baton Rouge Police Department and East Baton Rouge Sheriff's Office responded to calls of shots fired and officers down. After injuring Corporal Chad Montgomery, Deputy Nicholas Tullier, and Sergeant Bruce Simmons, Long engaged in a gun fight with members of Baton Rouge Police Department's Special Response Team and was killed. Following local protocols for officer involved shootings, the Louisiana State Police conducted the investigation of this shooting involving deputies and officers.

## C. Death of Gavin Long

A review of closed circuit camera footage obtained from the Benny's Car Wash and B-Quik convenience store shows that on Sunday, July 17, 2016, by 8:35:00 a.m., Officer Matthew Gerald (8211) and Corporal Montrell Jackson (3519) of the Baton Rouge Police Department (BRPD) and Deputy Bradford Garafola (F12) of the East Baton Rouge Sheriff's Office (EBRSO) were on the premises of the [9600 block of Airline Highway](#) for a variety of reasons. [Deputy Garafola](#) was working an extra duty assignment at the Benny's Car Wash and B-Quik. When he arrived on the premises, Deputy Garafola parked his unmarked EBRSO vehicle in the parking space closest to the entrance to the convenience store. [Corporal Jackson](#) stopped at the B-Quik to purchase a bottle of water, put air in his tires, and wash his marked BRPD unit before parking at the edge of the car wash lot facing the Fitness Expo building. While [Officer Gerald](#) was at the [red light](#) at Airline Highway and Hammond Aire waiting to turn left into the B-Quik parking lot, a white Chevrolet Malibu pulled up next to him. Unbeknownst to Officer Gerald, Gavin Long was the driver of the Chevrolet Malibu. Once the light turned green, Officer Gerald completed his turn and parked his marked BRPD unit in the furthest parking spot to

the right of the entrance to the convenience store, next to a narrow alley. Officer Gerald then went inside to purchase two energy drinks.

Long watched Officer Gerald turn into the B-Quick parking lot. He then drove to Old Hammond Highway and made an illegal U-turn, in front of oncoming traffic, onto Airline Highway. Long turned into the parking lot of the Hair Crown Beauty Supply Store (Hair Crown) located next to the B-Quick. At 8:35:41 a.m., he parked his white [Chevrolet Malibu rental car](#) in the side driveway of Hair Crown. Long, armed with an [Israel Weapon Industries \(IWI\) Tavor semi-automatic rifle](#) with an illuminated reflex [sight](#), exited his vehicle and approached Officer Gerald's BRPD unit which was still parked outside of the convenience store. Long raised his weapon slightly at the marked police unit as if he was going to execute the vehicle's occupant; Officer Gerald, however, was still inside the B-Quick. Long then went back to his Malibu, drove through the parking lot of Hair Crown and exited onto Carolyn Sue Drive.

After seeing Long armed with the semi-automatic rifle, an unidentified civilian witness ran inside the B-Quick and alerted Officer Gerald that there was a man armed with a rifle walking outside. R.P., the day-time manager of B-Quick and Benny's Car Wash, overheard the witness' statements and exited the store with Officer Gerald to look for Long. Deputy Garafola, who was also inside the B-Quick, followed the two men outside to assist in the search. At 8:39:17 a.m., Officer Gerald [requested additional units](#) to meet him at the B-Quick at Airline and Old Hammond. Deputy Garafola, who was not wearing his vest, went to his assigned unit to retrieve his ballistic vest. While Deputy Garafola was putting on his vest, Corporal Jackson left his location in the car wash parking lot near the Fitness Expo and returned to B-Quick to assist Officer Gerald and Deputy Garafola. At 8:39:29 a.m., Corporal Jackson requested additional units due to a ["guy with a rifle next to the building."](#)

After Long found Officer Gerald's vehicle unoccupied and left the B-Quick area by means of Carolyn Sue Drive, he turned onto Old Hammond Highway and then onto Airline Highway. As Long drove past [the B-Quick and Benny's location](#), he had a clear view of Officer Gerald and Deputy Garafola in the parking lot. Long then passed the Fitness Expo building where Corporal Jackson was parked at the time. After passing Corporal Jackson, Long turned around near the Formosa Computer Service and Repair parking lot and drove back toward the B-Quick area.

Surveillance footage shows Long travelled against traffic on the shoulder of Airline Highway toward the Fitness Expo for approximately four hundred feet. Long turned into and parked in the rear lot behind the Fitness Expo building. Long exited the vehicle, armed with the IWI Tavor semi-automatic rifle, and swiftly made his way toward the direction of the three officers who were searching for him. Long passed multiple civilians while he was walking [behind Benny's Car Wash and B-Quik](#) building on his way to where the officers were last seen. Citizen E.W. stated that he saw Long exit a white Chevrolet Malibu that was parked behind the Fitness Expo and run behind Benny's Car Wash toward the B-Quik and Hair Crown building. Citizen R. P. stated it appeared as if Long briefly [checked](#) to see if Corporal Jackson and Officer Gerald's BRPD units were occupied as he walked past them. Long followed the natural layout of the buildings and proceeded to the front of the Hair Crown building.

At approximately 8:40:21 a.m., Deputy Garafola [radioed](#) into dispatch that he was assisting two BRPD officers looking for an armed subject. At 8:40:55 a.m., Officer Gerald [radioed](#) their location at the backside of the Hair Crown building. Almost immediately after Officer Gerald finished his radio transmission, Long ambushed Corporal Jackson and Officer Gerald from the Airline Highway end of the Hair Crown driveway. Officer Gerald and Corporal Jackson were searching for Long with their backs to Airline Highway when Long approached the officers from behind and fatally wounded both officers. At this time, Deputy Garafola was out of Long's view because he was walking ahead of the BRPD officers and was already along the far backside of Hair Crown. As shots were being fired, Deputy Garafola took cover behind a dumpster that was located next to him behind the building. At 8:41:51 a.m., Deputy Garafola radioed [shots fired and officer down](#) behind the building. Although fatally wounded, Officer Gerald was able to transmit his final radio call, "[shots fired](#)" at 8:41:59 a.m.

BRPD Corporal Chad Montgomery and his partner, Officer 1, were one of the first responding units that arrived at the scene. As Corporal Montgomery pulled into the Hair Crown driveway, Long fired multiple shots at their [marked BRPD unit](#). Long [struck](#) both the rear passenger side window and the front windshield, with one of the bullets hitting Corporal Montgomery on the right side of his head, just above his ear. Corporal Montgomery's [dash camera](#) was also struck by the bullet, disabling it. Corporal Montgomery and his partner exited the unit while it was still

moving to respond to the active shooter, causing the [unit](#) to roll into Corporal Jackson's unit. Corporal Montgomery fired two shots using his department issued 9 millimeter Glock 17 pistol in the direction where he believed Long was located. Corporal Montgomery stated that he fired the shots in an attempt to protect himself and the lives of his fellow officers. At approximately 8:42:46 a.m., Corporal Montgomery radioed that there were [three officers down](#). At approximately 8:43:27 a.m., Corporal Montgomery [radioed](#) that shots were still being fired and he was wounded.

Meanwhile, Deputy Garafola left his position of cover when he saw Officer Gerald lying on the ground next to the corner of the Hair Crown building. As Deputy Garafola approached Officer Gerald, Long came around the corner of the Hair Crown and fired shots at Deputy Garafola. When confronted, Deputy Garafola attempted to create distance by moving away from Long while returning fire using his department issued .40 caliber Glock 22 pistol. Deputy Garafola continued to shoot at Long, even after falling to the ground. In total, Deputy Garafola fired thirteen rounds at Long; however, Deputy Garafola was fatally wounded. Long then turned to Officer Gerald and fired two more rounds into the already deceased officer.

Long then positioned himself between Carolyn Sue Drive and the Hair Crown. He fired [ten rounds](#) at a distance at officers arriving on Airline Highway to set up a perimeter. BRPD Third District Officer 2 and his partner, Officer 3, travelled from the Traffic Division on Florida Boulevard in their [marked BRPD unit](#). They were met with active gunfire directed toward them from the side of the [Benny's Warehouse building](#), which is behind the Hair Crown. Officer 2 saw Long running along the side of the Hair Crown building wearing a black shirt, black pants, and a black mask. Officer 2 saw Long go down on one knee and shoot his rifle at Officer 2 and his partner. Concerned for his life, Officer 2 retrieved his department issued Bushmaster .223 caliber rifle from his trunk and fired at Long. Officer 2 noted that Long did not appear to be struck by any bullets. Bullet holes were found on the [poles](#) in the direction where Officer 2 and Officer 3 were located. Officer 2 later discovered a bullet hole in his [unit's trunk lid](#).

Concurrently, at 8:44:26 a.m., EBRSO Deputy Nicholas Tullier (T82) arrived at the Fitness Expo, exited his [marked EBRSO unit](#), and examined Long's rental vehicle. EBRSO Sergeant Bruce Simmons (T81) also

arrived on scene at the Fitness Expo in his EBRSO marked unit behind Deputy Tullier. During this time, out of sight of the deputies, Long swiftly moved through the wooded area behind Benny's Car Wash and headed back toward his car, where Deputy Tullier and Sergeant Simmons were located. [Sergeant Simmons](#) exited his unit, loaded his shotgun, and proceeded to walk to the rear of Deputy Tullier's unit. At approximately 8:45:32 a.m., Long fired shots at Deputy Tullier and Sergeant Simmons from the [grassy, wooded area](#) behind the gravel parking lot. [Deputy Tullier](#) was shot first as he was walking back to his unit after he had briefly checked Long's rental vehicle. Deputy Tullier dropped to the ground after being shot in the stomach. Deputy Tullier then struggled to climb inside his [unit](#). Long continued firing at Deputy Tullier, striking him in the head and shoulder while he was inside his unit. Sergeant Simmons heard shots being fired and saw Deputy Tullier fall to the ground; however, he could not see the shooter. While Sergeant Simmons was moving toward Deputy Tullier, Long shot Sergeant Simmons in the left arm, completely disabling it. Sergeant Simmons ran to the side of the Fitness Expo in order to gain cover. At 8:45:48 a.m., Sergeant Simmons radioed that [he and Deputy Tullier had both been shot](#) and that shots were fired behind the Old Floyd Brown's, which is the current Fitness Expo. Minutes later, Sergeant Simmons [radioed](#) again that he was shot and clarified that he was hit in the left arm. During this time, BRPD officers radioed that the shots had shattered [the glass](#) at the Fitness Expo.

Meanwhile, members of BRPD's Special Response Team (SRT) learned of the shooting incident and proceeded to the scene directly from BRPD Headquarters, which is a short distance away on Airline Highway. Members of SRT were stationed at BRPD Headquarters due to the recent protests in Baton Rouge. Four SRT members, SRT 1, SRT 2, SRT 3, and SRT 4, arrived on scene in two separate unmarked units and parked in front of the B-Quik near the gas pumps. Shortly thereafter, SRT 5 and SRT 6 arrived in their [unmarked black Chevrolet Tahoe](#) and parked by the [Benny's Car Wash sign](#) adjacent to Airline Highway, next to the Fitness Expo. As soon as SRT 5 exited his unit, he saw Long standing at the back of the Fitness Expo parking lot. SRT 5 reported that Long was dressed in all black, armed with a tan colored rifle, and had a black mask covering his face. SRT 5 saw Long focus on him and his partner. As a result, they [took cover](#) just as Long began to fire at them. At 8:45:57 a.m., a BRPD officer [radioed](#) to all to "take cover; more shots fired." SRT 5 recalled hearing the sound of the bullets flying past him and also striking the [metal](#)



[pole](#) he was using for cover while he was being shot at by Long. SRT 5 returned fire using his department issued Colt Defense M4LE rifle; SRT 6 returned fire using his department issued Colt Defense AR-15 A3 rifle. SRT 5 fired until he expended his entire magazine of ammunition. As SRT 5 was firing the last round in his magazine, Long appeared to have been hit and fell to the ground with his rifle in close proximity to his hands. Long is seen on surveillance footage falling to the ground while turning to a prone position at 8:46:15 a.m.; however, he still is clearly alive and moving toward his gun which was in the vicinity of his hands.

During this time, Citizen R.P. made a [911 call](#) stating that there was a guy with an assault rifle who was shooting at cops and that multiple shots were fired by both the cops and the subject.

SRT 1 and SRT 2 went to the vehicle loading area for the car wash at Benny's. When they arrived, Long was already lying on the ground with his hands near his rifle. SRT 1 recalled seeing Long lying prone on the ground and moving his hands toward his rifle which was within his reach. SRT 2 focused on Long while providing cover for SRT members in order for SRT to get closer to Long as he was lying prone.

SRT 3 and SRT 4 initially ran near the fence by the car wash until they heard shots being fired in opposite directions. Not wanting to be caught in crossfire, they ran toward the front of Benny's Car Wash where they met up with SRT 5 and SRT 6. As SRT 5 advanced with SRT 6, SRT 4, and SRT 3 toward Long, they stopped briefly at an EBRSO marked unit. The driver door was open and inside of the vehicle was Deputy Tullier who was gravely injured and unresponsive. SRT members radioed that there was another officer down; they kept advancing toward Long while another group of officers assisted Deputy Tullier. A group of BRPD officers transferred Deputy Tullier into a BRPD unit at 8:49:16 a.m. and brought him to a waiting ambulance for transport to the hospital.

SRT 2 heard the loud verbal commands given to Long, who at the time was not moving but was still breathing. SRT 3 recalled hearing numerous law enforcement officers screaming "Don't move!" at Long. As SRT members closed in, SRT 3 observed Long moving his hands and believed that Long was either attempting to detonate some kind of explosive device or reach for the rifle. SRT 3 fired two rounds at Long using his Colt M4LE semi-automatic rifle. SRT 2 saw Long reach again for his rifle, which was

still positioned near his hands. SRT 1 yelled out, “Moving!” as Long reached toward his rifle. Fearing Long was going to re-arm himself and kill the approaching officers, SRT 1 and SRT 2 fired their department issued Colt M4LE semi-automatic rifles at Long until Long was no longer a threat to officers. Simultaneously, SRT 1, SRT 3, SRT 5, and SRT 6 also saw Long move toward his rifle causing each of them to shoot at Long. All five officers who fired their weapons were using their department issued rifles. SRT 4 was providing sweeping cover and did not see Long reach for his rifle; therefore, he did not fire his weapon. According to the surveillance footage, these shots were fired at 8:49:28 a.m. At 8:51:57 a.m., SRT 5 radioed, “We have a [shooter down](#) behind the Fitness Expo. Black male [in] black fatigues; may be wearing body armor. He is armed with an assault rifle. He is down.”

The officers surrounding Long’s body could see that he was wearing some type of vest and feared it contained explosives. A sweep was done of Long’s rental vehicle to check for any hidden explosives that could endanger the lives of first responders. Items removed from Long’s rental vehicle were left near the vehicle once they were cleared for safety. Once it was learned that the car did not contain explosive devices, a search warrant was obtained to go through the contents of the car. In order to ensure the safety of those on scene, a remote controlled [bomb investigation robot](#) was requested to check Long’s body for explosives. The robot arrived on scene and was deployed less than an hour after the fatal shots were fired at Long. Long can be seen through the bomb robot camera with his [hand still on his rifle](#). After Long’s body was checked by the robot, EBRSO Bomb Technician 1 put on a bomb suit and further searched Long’s body and clothing for hazardous materials. Long had no explosives on his body and the vest he was wearing was a bullet resistant vest. EBRSO’s “[bear cat](#),” which is an armored personnel carrier, was used for cover during this time.

Louisiana State Police (LSP) conducted the investigation of the shooting and the events surrounding it. While at the scene, they worked to determine if Gavin Long acted alone or whether there was another possible shooter. There was speculation about another black male in dark clothes also shooting at law enforcement. One factor fueling this speculation was a black male in dark clothing fleeing the scene. That male was later stopped, interviewed, and determined to be a civilian with no ties to the shooting. Another factor for this speculation was the sheer amount

of damage Long was able to do in such little time. Long moved quickly and proficiently. Additionally, Long was using different ammunitions, one type being [green tip steel penetrator](#). The green tip steel penetrator is designed for increased penetration at long distances. SRT 2, who is a former Army Ranger, stated that he believed Long had training due to “the totality of the damage he caused with that rifle... I would say [Long] had some type of training. The way he moved, the way he engaged, the shot placement – I would say he was trained.” Similarly, SRT 6 also noted that “[Long] had skill. He honed in on us immediately... He laid effective fire.” SRT 2 and SRT 6 were both correct regarding Long’s training. Through LSP’s investigation, investigators learned that Long had previously served five years in the United States Marine Corps. Long served as a Marine from 2005 to 2010. According to Long's service record, his Military Occupational Specialty was Data Network Specialist. Additionally, as with all Marine Corps enlisted personnel, Long was trained as a rifleman before he was allowed to enter a specialty.

While the B-Quik area was being secured and investigated, [West Baton Rouge Sheriff's Office](#) (WBRSO) received a 911 call at 10:53 a.m. regarding two suspicious subjects inside the Wal-Mart in Brusly, Louisiana. By this time, news of the shooting incident had spread to other law enforcement agencies as well as civilians. A civilian called to alert authorities that he saw a black male wearing black tactical pants and black combat boots enter Wal-Mart, go to the bathroom and change into new clothes while the other black male who was with him purchased a shirt. The two black males then left Wal-Mart which is when WBRSO and the Addis Police Department performed a traffic stop. Due to the two subjects’ behavior and the extenuating circumstances, WBRSO deputies detained the subjects and brought them to LSP Headquarters to be questioned. After interviewing the two men and verifying their statements, LSP determined that they had no involvement in the shooting incident.

The Federal Bureau of Investigation (FBI) assisted LSP with gathering information on Long and his movements leading up to July 17, 2016. Through investigative efforts, it was learned that Long arrived in Baton Rouge on July 12, 2016 and checked into the La Quinta Inn on South Acadian Thruway. The following day, he checked out of the La Quinta and then checked into the Microtel Inn and Suites on Harding Boulevard. He stayed one night at the Microtel Inn and Suites before going back to the La Quinta Inn on South Acadian Thruway on July 14, 2016. On July

15, 2016, Long checked out of the La Quinta Inn and checked into the Super 8 Motel on Reiger Road. On July 16, 2016, Long checked out of the Super 8 Motel and checked into the Knights Inn Motel on Gwenadele Avenue continuing a pattern of one night stays. At 7:54 a.m., the morning of the shooting, Long checked out of the Knights Inn Motel.

Search warrants were obtained for many of Long's belongings, including his rental car, laptop, and cell phone. The search of Long's rental car revealed two backpacks, a box of live ammunition, binoculars, and a paper atlas along with clothes and a suitcase. A [black Stag Arms STAG-15 semiautomatic rifle](#) and a [9 millimeter Springfield XD-9 semiautomatic pistol](#) were also found in the car. Additionally, Long left a copy of his [suicide note](#) in the front passenger seat of the car. The search of Long's laptop showed it was used to search for the addresses, phone numbers, and biographical information of the two BRPD officers involved in the Alton Sterling shooting. A search of Long's cell phone revealed videos, that he posted to YouTube, consisting of Long driving around Baton Rouge trying to sell his book and talk to local residents. On Thursday, July 14, 2016, Long took a [video](#) of himself driving around with citizen D.W. discussing a variety of topics. Long approached D.W. and offered to pay him \$50.00 to show Long where he could burn compact discs of his book. While in the car, Long asked D.W. about the recent protests and told D.W. how "brothers need to stand up for their rights." Long also talked about the time he spent in [Africa](#). Before they parted ways, Long gave D.W. a copy of his book and wrote the name of his website page, "Convos with Cosmo," inside of the book.

The East Baton Rouge Coroner's Office performed the autopsies on the deceased law enforcement officers and on Long. As per the Coroner's Office standard protocol, the toxicology analyses were performed by NMS Labs. The manner of death for Corporal Jackson, Officer Gerald, Deputy Garafola, and Long were all listed as homicide, meaning that the deaths were caused intentionally by another person. Corporal [Jackson's autopsy report](#) concluded that he died as the result of multiple gunshot wounds. The report lists four separate gunshot wounds to his face and trunk. Corporal [Jackson's toxicology](#) report detected no drugs or alcohol in his system. Officer [Gerald's autopsy report](#) concluded that he died of multiple gunshot wounds. The report lists seven separate gunshot wounds to his head, trunk, and limbs. Officer [Gerald's toxicology](#) report detected no drugs or alcohol in his system. Deputy [Garafola's autopsy report](#)

concluded that he died of multiple gunshot wounds. The report lists five separate gunshot wounds to his head, hip, and trunk. Deputy [Garafola's toxicology](#) report detected no drugs or alcohol in his system. Gavin [Long's autopsy report](#) concluded that he died of multiple gunshot wounds. The report lists forty-five separate gunshot wounds to various parts of his body. [Long's toxicology](#) report detected both the drug methamphetamine and a blood alcohol concentration of .021 g/100mL in his system.

Louisiana State Police Crime Laboratory forensic scientists photographed and processed the crime scene and attended each autopsy. They collected numerous pieces of evidence for analysis, including multiple cartridge cases, bullets, fragments, and firearms. Overall, investigators located forty-three of the cartridge cases that were ejected from Long's [IWI Tavor semi-automatic rifle](#) throughout the crime scene. Multiple factors, however, likely prevented them from locating every cartridge case fired from Long's rifle. Both the bear cat and BRPD unit that transported Deputy Tullier could have scattered the cartridge cases. Additionally, Long fired multiple rounds from the wooded area behind Fitness Expo. Investigators collected forty-two cartridge cases fired by BRPD SRT 5 and SRT 6 when they engaged in the gunfight with Long from the Benny's sign pole, as well as forty-seven cartridge cases fired by the five SRT members who shot at Long when he reached for his rifle. The [recovered cartridge cases](#) correspond to the known shooting positions of Long and the law enforcement officers as shown in the surveillance footage.

Once the crime scene was secured, East Baton Rouge Parish District Attorney Hillar C. Moore, III, five Assistant District Attorneys, and four District Attorney Investigators responded to the scene and observed every critical step in the investigation, including the subsequent interviews of law enforcement officers involved in the shooting, law enforcement witnesses, and civilian witnesses. Additionally, one Assistant District Attorney and two District Attorney Investigators monitored the event from the BRPD Headquarters.

In summary, on July 17, 2016, within thirteen minutes and fifty five seconds, Gavin Long arrived at the location of Benny's Car Wash and B-Quik, checked to see if a parked marked police unit was occupied, left the scene and subsequently returned to the scene, killing three law enforcement officers and wounding three more before getting in a gunfight with officers during which he lost his life.

## II. OTHER MATTERS CONSIDERED

NOTE: While this information was unknown to the officers at the time of the shooting, it is relevant to understanding the events that occurred on the morning of July 17, 2016, which was coincidentally Long's birthday. The Office of the East Baton Rouge District Attorney does not want to risk the glorification of Long so while material may exist, we have chosen not to include live hyperlinks to the material.

### A. [Cosmo Ausar Setepenra Alias and Sovereign Citizenship](#)

On April 16, 2015, Long submitted paperwork from the [United Washitaw de Dugdahmoundyah Mu'ur Nation](#) to "correct" his name from Gavin Eugene Long to [Cosmo Ausar Setepenra](#) with the Jackson County Recorder of Deeds in Kansas City, Missouri. In the submitted paperwork, Long stated he "revokes, rescind, and make void" all powers of attorney. Additionally, he included the "Inter-American Declaration on the Rights of Indigenous People" form with his paperwork. The Washitaw Nation of Mu'urs is a known sovereign citizen group. Author J.J. MacNab, who is an expert on anti-government extremism, previously told *The Kansas City Star* that Long was "one hundred percent sovereign citizen" and that he fell into the Moorish Sovereign category. McNab described the Washitaw Nation of Mu'urs as a group who "believes that they are indigenous to the continent and therefore above all federal, state and local laws."<sup>1</sup>

### B. Social Media Postings

#### 1. [YouTube](#)

Long has multiple videos posted to his YouTube account, "Convos with Cosmo," including one where Long states that he is in Dallas, Texas. Long posted the video on July 7, 2016, which was three days after five law enforcement officers were ambushed and killed. In the video, Long states that "100% of revolutions, of victims fighting their oppressors... have been successful through fighting back, through bloodshed." He goes on to talk about how he does not believe protesting is ever successful because "revenue and blood" are the only thing that gets through to oppressors.

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<sup>1</sup> Bergen, Katy, et al. "Kansas City man identified as suspect in killings of three Baton Rouge police officers." *Kansas City Star* [Kansas City, MO], 17 July 2016, <http://www.kansascity.com/news/local/article90183857.html>. Accessed 1 Aug 2016.

2. [Website](#)  
It should be noted that Long's website, "[Convos with Cosmo](#)" is no longer active.
3. [Twitter](#)  
Long's Twitter account, "Convos with Cosmo" remains active and his [past tweets](#) can still be seen, including posts from when he was in Dallas and Baton Rouge.
4. [Podcasts](#)  
It should be noted that although iTunes shows the list of Long's podcasts, the podcasts are no longer available to be listened to or downloaded; however, Long posted several podcasts on various other websites.

B. Noteworthy documents found in Long's rental vehicle

1. Long left a lengthy [suicide note](#) in his white Chevrolet Malibu rental vehicle. In the note, Long wrote that he knew people would not believe that he was "suspected of committing such horrendous acts of violence." Additionally, he talked about the "destruction" he must inflict "upon bad cops as well as good cops in hopes that the good cops (which are the majority) will be able to stand together and enact justice and punishment against bad cops".
2. Long also had a [printout](#) of Hadith 318 from an Islamic holy book, Sahih al-Bukhari Vol. 8, Book of Invocations. The printout is mostly in Arabic; however, there are a few written sentences in English. The translated portion reads:

Narrated Shaddad bin Aus: The Prophet said, "The most superior way of asking for forgiveness from Allah is: 'Allahumma anta Rabbi la ilaha illa anta, Anta Khalaqtani wa ana abduka, wa ana 'ala ahdika wa wa'dika mastata'tu, A'udhu bika min Sharri ma sana'tu, abu'u Laka bini'matika 'alaiya, wa Abu Laka bidhanbi faghfirli innahu la yaghfiru adhdhunuba illa anta.' The Prophet added. "If somebody recites it during the day with firm faith in it, and dies on the same day before the evening, he will be from the people of Paradise; and if somebody recites it at night with firm faith in it, and dies before the morning, he will be from the people of Paradise." (Sahih al-Bukhari Vol. 8, Book of Invocations Hadith 318).

There are multiple reasons to deem this printout as noteworthy. It references asking forgiveness from Allah and includes a prayer passage wherein it states that repeating the prayer and dying on the same day



guarantees the person will go to paradise. The printout, in conjuncture with his suicide note, appears to support evidence of a premeditated attack on law enforcement that Long did not plan to survive.

### 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 Gavin Long?

##### 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 Gavin Long was killed at the hands of others, specifically Baton Rouge Police Department officers. This same evidence also demonstrates that their actions were justified. Specifically, these officers were placed in an extremely dangerous situation and feared for the life of another officer, 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 Gavin

Long was legally justified and no criminal responsibility can be found for the officers 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 19<sup>th</sup> Judicial District, Parish of East Baton Rouge, I issue this final report into the circumstances and death of Gavin Long. Gavin Long was killed by Baton Rouge Police Department's Special Response Team members 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 Gavin Long.

Signed: HCM III  
Hillar C. Moore, III

Date: June 30, 2017

V. LISTING OF EVIDENCE

A. Dispatch and 911 Calls

1. [CAD Display BRPD 8211](#)
2. [CAD Display EBRSO F12](#)
3. [BRPD Remarks Associated with Scene](#)
4. [EBRSO Remarks Associated with Scene](#)
5. [911 Call from Benny's Manager](#)
6. [Combined BRPD and EBRSO Dispatch](#)

B. Police Reports

1. [Initial Report](#)
2. [Case Report](#)
3. [MOI 16-4802](#)
4. [MOI 16-4804](#)
5. [MOI 16-4805](#)
6. [MOI 16-4816.1](#)
7. [MOI 16-4843](#)
8. [MOI 16-4855](#)
9. [MOI 16-4863](#)
10. [MOI 16-4866](#)
11. [MOI 16-4868](#)
12. [MOI 16-4874](#)
13. [MOI 16-4880](#)
14. [MOI 16-4901](#)
15. [MOI 16-4907](#)
16. [MOI 16-4954](#)
17. [MOI 16-4992](#)
18. [MOI 16-5084](#)
19. [MOI 16-5084.1](#)
20. [MOI 16-5418](#)
21. [MOI 16-9742.2](#)
22. [MOI 16-4792.1](#)
23. [EBRSO Initial Report – Supplemental Report 2](#)
24. [EBRSO Supplemental Reports 3 - 5](#)
25. [EBRSO Supplemental Reports 6 – 9](#)
26. [EBRSO Supplemental Reports 10 – 15](#)
27. [EBRSO Supplemental Reports 16 – 20](#)
28. [West Baton Rouge Report](#)

- C. Autopsy Reports
  - 1. [Bradford Garafola Autopsy Report](#)
  - 2. [Matthew Gerald Autopsy Report](#)
  - 3. [Montrell Jackson Autopsy Report](#)
  - 4. [Gavin Long Autopsy Report](#)
  
- D. Toxicology Reports
  - 1. [Bradford Garafola Toxicology Report](#)
  - 2. [Matthew Gerald Toxicology Report](#)
  - 3. [Montrell Jackson Toxicology Report](#)
  - 4. [Gavin Long Toxicology Report](#)
  
- E. [Ballistics Report](#)
  
- F. Crime Lab Reports
  - 1. [Crime Lab Report 1](#)
  - 2. [Crime Lab Report 2](#)
  - 3. [Crime Lab Report 3](#)
  - 4. [Crime Lab Report 4](#)
  - 5. [Crime Lab Report 5](#)
  - 6. [Crime Lab Report 6](#)
  - 7. [Crime Lab Report 7](#)
  - 8. [Crime Lab Report 8](#)
  - 9. [Crime Lab Report 9](#)
  - 10. [Crime Lab Report 10](#)
  - 11. [Crime Lab Report 11](#)
  - 12. [Crime Lab Report 12](#)
  
- G. [Dash Camera Video – Unit 1343](#)
  
- H. Presentations
  - 1. [Visual Overview with Narration by District Attorney Hillar C. Moore, III](#)
  - 2. [Visual Presentation with BRPD and EBRSO Dispatch Recordings](#)
  - 3. [PowerPoint with Screenshots from Closed Circuit Camera Footage](#)
  - 4. [Video Footage from Closed Circuit Camera Footage](#)