



MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

Commissioner Sean Tindell

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Contact: Bailey Martin
Email: bmartin@dps.ms.gov

VEHICLE CAMERA FOOTAGE CLEARS TROOPER IN MCCOMB INCIDENT

JACKSON, Miss. – The Mississippi Department of Public Safety (“DPS”), the Mississippi Highway Safety Patrol (“MHSP”) and the Mississippi Bureau of Investigation (“MBI”) have completed all necessary inquiries into an incident involving a state trooper that occurred in McComb on August 5, 2022. This incident has been the subject of significant attention on social media and with media outlets. Commissioner Sean Tindell commented, “While DPS and MHSP recognize and respect the right of citizens to observe, and even record, law enforcement officers executing their duties, those rights are not without limitations. As you will see, this event is a prime example of how even a routine traffic stop can quickly turn into a dangerous situation for both citizens and law enforcement officers when subjects resist arrest and when uninvolved persons interfere.”

Pursuant to recent policy changes of this administration to create greater transparency, the agency’s video footage of the incident is today being released. The video being released combines and synchronizes footage from the involved trooper’s dash and in-cab cameras with the phone video that has been widely circulated on social media. The relevant events of August 5 are timestamped below, as follows:

Trooper Hayden Falvey initiated a traffic stop on Eugene Lewis after observing Mr. Lewis on Delaware Avenue in McComb traveling at a high rate of speed, passing vehicles on the right, not wearing a seatbelt and speeding up to travel through an intersection after the light turned from green to yellow.

Trooper Falvey pursued E. Lewis, ultimately stopping him on Schmidt Road. This area is rural and unpopulated. When approaching E. Lewis’ vehicle, Trooper Falvey smelled a strong odor of burnt marijuana coming from the vehicle. He noted that E. Lewis’ eyes were bloodshot and glassy and that there was a strong odor of burnt marijuana on his breath. It was determined at that time that E. Lewis’ driver license was suspended and that he was driving without liability insurance. E. Lewis admitted to Trooper Falvey that there may be a burnt marijuana cigarette, or “roach,” in his vehicle. [0:55]. He also admitted that he had smoked marijuana about 45 minutes to 1 hour prior to the traffic stop. [1:10].

Having developed probable cause that E. Lewis was driving his vehicle under the influence of marijuana and may be in possession of illegal narcotics, Trooper Falvey placed E. Lewis in handcuffs and began searching his vehicle. [2:10]. During the vehicle search, Gary and Derrius Lewis drove up in a Dodge Charger, stopped in the road, and exited their vehicle. [14:45]. They identified themselves

as E. Lewis' brothers. [15:00]. Because he had no backup and was in an unpopulated area, Trooper Falvey directed G. Lewis and D. Lewis to return to their vehicle and leave the scene. This order was given for the safety of Trooper Falvey and all involved. After initially protesting, G. Lewis and D. Lewis left the scene.

When Trooper Falvey advised E. Lewis that he was under arrest and attempted to place and restrain him in the front passenger seat of Trooper Falvey's police cruiser, E. Lewis became belligerent and physically resisted. [16:45]. At this time, Trooper Falvey radioed Dispatch and requested assistance. [18:28]. Trooper Falvey was still attempting to place the resisting E. Lewis into the cruiser and buckle him in when G. Lewis and D. Lewis returned to the scene, again stopped in the road and again exited their vehicle. [18:50]. Believing that he had buckled E. Lewis into the front seat of his cruiser, Trooper Falvey stepped to the back of the cruiser and again directed G. Lewis and D. Lewis to return to their vehicle and leave the scene. [19:06]. Unfortunately, E. Lewis had not been buckled in, and he immediately exited the vehicle and began shouting at Trooper Falvey.

All three Lewis men ignored repeated commands by Trooper Falvey to return to their respective vehicles (E. Lewis to the police cruiser). All three men continuously shouted expletives at Trooper Falvey and made it clear that they had no intention of following his commands. This placed Trooper Falvey in an untenable position and created a dangerous situation for all four men. Nevertheless, Trooper Falvey never struck any of the Lewis men or used any force beyond the necessary restraining techniques used upon E. Lewis.

Eventually, another man pulled up to the scene. [21:00]. Keeping his distance, he asked Trooper Falvey if he needed to call someone to come assist. [21:25]. Trooper Falvey advised him that additional police were already on the way and asked the man to watch G. Lewis and D. Lewis and make sure that they did not attack Trooper Falvey from behind while he worked to place E. Lewis back in the police cruiser. The man agreed, and Trooper Falvey commenced his efforts to place E. Lewis back in the cruiser. E. Lewis physically resisted these efforts, resulting in both E. Lewis and Trooper Falvey falling to the ground. [21:31]. Trooper Falvey immediately worked to secure E. Lewis with his knees and legs so that he (Falvey) would have access to the tools on his belt in case G. Lewis and/or D. Lewis approached him. Eventually, E. Lewis indicated that he would willingly move to the cruiser. [24:13]. Trooper Falvey helped E. Lewis to his feet and brought him back to the passenger side, front seat of the cruiser. E. Lewis again resisted Trooper Falvey's efforts to place him fully in the vehicle, but Falvey was ultimately able to secure him with the vehicle's seatbelt. [24:40].

Once E. Lewis was secured in the cruiser, Trooper Falvey approached G. Lewis and D. Lewis, advising both men that they were under arrest. [25:15]. At this time, Trooper Joshua Huhn arrived at the scene and assisted Trooper Falvey with completing his arrests. [26:15]. Trooper Falvey noticed that D. Lewis had a strong odor of intoxicating beverage from his breath and was slurring his speech. D. Lewis admitted to drinking earlier but refused a preliminary breath test ("PBT"). G. Lewis was unable to produce a valid driver's license, and the tag on his vehicle was expired.

E. Lewis indicated that he needed to go to the hospital. [30:27]. Trooper Falvey immediately contacted Dispatch again and requested an ambulance. [30:31]. E. Lewis began violently thrashing around in the police cruiser and damaging equipment therein. [30:55]. Paramedics ultimately arrived on the scene, examined E. Lewis and determined that 1) his vital signs were normal, 2) no injuries were observed and 3) he was medically clear to be transported to jail.

Pursuant to MHSP procedure, all three men were ultimately transported to the county's holding facility, the Pike County Jail. Eugene Lewis was charged with Careless Driving, Seatbelt Violation, Disregard for

Traffic Device, Window Tint Violation, No Proof of Insurance, DUI Other 1st Offense, Resisting Arrest, and Failure to Comply. Gary Lewis was charged with two counts of Obstructing a Public Street, Resisting Arrest, Failure to Comply, No Driver's License on Demand, Seatbelt Violation, Expired Tag, Improperly Displayed Tag, and Window Tint Violation. Derrius Lewis was charged with Resisting Arrest, Failure to Comply, Public Drunkenness, and Disturbing the Peace.

"A review of this incident by MBI agents and command staff produced no evidence of criminal conduct by the trooper throughout the encounter," said Lt. Col. Charles Haynes, Director of MBI.

DPS and MHSP take all allegations of excessive force and other employee misconduct seriously. Such allegations will always be investigated and given due consideration. Given the number of traffic stops and other interactions between law enforcement officers and members of the public that occur every day, unpleasant incidents are an unfortunate inevitability. "MHSP's internal review of this matter revealed no evidence of excessive force," said Lt. Col. Malachi Sanders, Director of the MHSP Enforcement Division. "All evidence indicates that Trooper Falvey demonstrated exemplary patience, judgment and skill in maintaining the safety of all involved throughout what could have easily become a tragic incident."

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