Diverse Interactions: Race and Implicit Bias in the Legal Research Classroom

Legal Research Skill/Objective:

Task #1:

Task #2:

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Task #2:
Stephon Clark Was Shot 8 Times Primarily in His Back, Family-Ordered Autopsy Finds


PROQUEST DOCUMENT LINK

ABSTRACT (ENGLISH)
A lawyer for the family said the findings proved that Mr. Clark could not have been moving in a threatening fashion toward Sacramento officers when they opened fire.

FULL TEXT
Stephon Clark, the unarmed black man who was fatally shot last week by Sacramento police officers, was struck eight times, mostly in his back, according to an independent autopsy released Friday, raising significant questions about the police account that he was a threat to officers when he was hit.

The autopsy—commissioned by the family of Mr. Clark, 22, and conducted by Dr. Bennet Omalu, a private medical examiner—showed that he was shot three times in his lower back, twice near his right shoulder, once in his neck and once under an armpit. He was also shot in the leg. The neck wound was from the side, the doctor found, and he said that while the shot to the leg hit Mr. Clark in the front, it appeared to have been fired after he was already falling.

“He was shot from the back,” Dr. Omalu said Friday at a news conference. Standing next to diagrams of the findings, he said that seven of the shots could have had a “fatal capacity.” He described severe damage to Mr. Clark’s body, including a shattered vertebrae, a collapsed lung and an arm broken into “tiny bits.”

“He bled massively,” said Dr. Omalu, who became nationally known for his fight with the National Football League over head injuries to its players.

Dr. Omalu said he believed the first bullet to hit Mr. Clark on his side caused him to turn, so he was facing away from the officers when they fired the barrage of bullets.

The Sacramento police on Friday said they had not viewed the autopsy and declined to comment, saying it was “inappropriate” because the investigation was continuing. “We acknowledge the importance of this case to all in our community,” the police said in a statement.

Protesters in California’s capital have taken to the streets nearly every day since Mr. Clark was killed on March 18, demanding that the city’s leadership fire the two officers involved.

Mr. Clark’s family have accused the police department of trying to cover up misconduct by its officers and decided to conduct its own autopsy.

Video showed officers shouting at Mr. Clark minutes after the shooting stopped. “We need to know if you’re O.K.,”
an officer yelled about three minutes after the gunfire ended. "We need to get you medics but we can't go over to
get you help unless we know you don't have a weapon."

Dr. Omalu said the autopsy suggested that Mr. Clark lived for three to 10 minutes after the shooting, adding to
questions about the amount of time it took to get him treatment. Medical assistance did not arrive until about six
minutes after the shooting.

Dr. Omalu said that he could not determine if Mr. Clark would have survived if he had received medical attention
more quickly, but "every minute you wait decreases probability of survival."

In its initial account, the Police Department said Mr. Clark had “advanced toward the officers” while holding what
they believed to be a firearm. In body camera footage provided by the police, it is not clear which direction Mr.
Clark is facing and the family’s lawyer, Benjamin Crump, said the independent autopsy contradicted the assertion
by the police that he was a threat.

Mr. Crump said the results proved that Mr. Clark could not have been moving toward the officers in a threatening
fashion when they opened fire.

“These findings from the independent autopsy contradict the police narrative that we’ve been told,” he said. “This
independent autopsy affirms that Stephon was not a threat to police and was slain in another senseless police
killing under increasingly questionable circumstances.”

Outside experts who have examined the case say it will be difficult to determine whether the officers could be held
criminally accountable. The Supreme Court has sided with the police in fatal shootings if it is shown that officers
reasonably believe their lives were in danger.

Justin Nix, who teaches policing at the University of Nebraska Omaha, said, “Any police shooting on camera is
going to look bad. But when the guy is on his stomach and they continue to shoot, a lot of people are going to be
bothered by it.”

Mr. Nix agreed the autopsy undercut the police’s version of events, but said: “He’s facing slightly in their direction.
And it is possible they felt he was still reaching for what they thought was a gun.”

David A. Harris, a professor at the University of Pittsburgh School of Law who studies police accountability, said
the officers were at a disadvantage because they were relying on information about the suspect from a police
helicopter circling overhead.

Once they confront the suspect however, the officers order Mr. Clark to “show” his hands, rather than raise his
hands, which Mr. Clark may have been doing when he was shot, Mr. Harris said.

But he said that if the officers perceived that Mr. Clark was armed and moving toward them, they are trained to
shoot. “It is not clear they could have done anything differently,” he said.

The shots to Mr. Clark’s back were “not enough by itself to seal a negative judgment,” he said. In part because, “the
victim’s body may have turned after the shooting began, and it is still unclear whether they could see that he had
turned.”
The Sacramento police chief, Daniel Hahn, requested assistance from the California Department of Justice earlier this week, headed by Attorney General Xavier Becerra, to join the department’s investigation as an independent party. Mr. Hahn said he hoped that step would reassure residents that the investigation would be impartial.

The episode began when two officers were dispatched to the Meadowview neighborhood in South Sacramento to investigate a report that someone was breaking car windows. A county sheriff’s department helicopter joined the search and hovered above, at one point telling officers that a suspect had picked up a crowbar.

The officers eventually spotted Mr. Clark, who appears to have run from them into his grandmother’s backyard. In body camera video, an officer is heard shouting the word “gun” repeatedly and opening fire almost immediately. No weapon was found on Mr. Clark’s body; the only object found was his cellphone.

After other officers arrived, the two officers involved in the shooting muted the audio on their body cameras as they discussed what had happened, which has also drawn criticism.

Mr. Clark’s funeral was on Thursday, attended by hundreds of mourners, including the Rev. Al Sharpton and other leaders from the Black Lives Matter movement. Mr. Clark’s brother, Stevante, pleaded with supporters not to forget his brother. Protests over the shooting, which have spread nationwide, are planned to continue on Saturday.

Credit: Frances Robles and Jose A. Del Real

DETAILS

| Subject: | Police; Investigations |
| Location: | California Sacramento County California Sacramento California |
| People: | Becerra, Xavier Clark, Stephon Crump, Benjamin Robles, Frances |
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