

# Police shooting video inflames debate

Associated Press

NORTH CHARLESTON, S.C. — The fatal shooting of a black man running from a white police officer inflamed the nation's debate over police use of force Wednesday, and the mayor and police chief of South Carolina's third-largest city said they were "sickened" by what a bystander's video revealed.

The officer, who has been charged with murder, was fired, and the mayor said he ordered enough body cameras for every officer on the street. But that did little to quell the outrage of an angry crowd at North Charleston's City Hall, and the officials were shouted down by protesters calling for justice.

The officer reported that he fired in self-defense after the suspect he pulled over Saturday for a broken brake light grabbed his stun gun. Police shared his version with the public and promised a full investigation.

But the officer's story quickly unraveled after a nervous bystander's shaky video was shared with the dead man's family and then the world.

It shows Patrolman Michael Thomas Slager firing repeatedly at Walter Lamer Scott as the unarmed 50-year-old tries to flee.

The video begins with what appears to be a brief physical altercation over the officer's Taser, which falls to the ground shortly before the officer pulls out his Glock pistol and fires eight times. Scott then crumples to the ground about 30 feet away. Not once in the moments before or during the shooting can the officer be heard yelling "stop" or telling the man to surrender.

Moments later, the officer is seen walking back and picking up what appears to be the Taser, then returning to drop it at Scott's feet as another officer arrives to check the dying man's condition.

The video changed everything, authorities and advocates said Wednesday.

"What if there was no video? What if there was no witness, or 'hero' as I call him, to come forward?" L. Chris Stewart, a lawyer for the dead man's family, told The Associated Press. "We didn't know he existed. He came out of the blue."

Slager was promptly abandoned by his attorney and charged with murder after the video was made public by the slain man's family Tuesday afternoon.

Mayor Keith Summey announced that the officer was immediately fired and that he's ordering 150 more body cameras, so that every uniformed officer on the street will wear one, a key demand of the Black Lives Matter movement that is growing nationwide.

"I have watched the video. And I was sickened by what I saw. And I have not watched it since," Police Chief Eddie Driggers said.

The news conference was meant to quiet the uproar, but both the mayor and chief were interrupted by chants of "no justice, no peace" and other shouted questions they said they could not answer.

Outside City Hall, local organizer Muhiyidin D'Baha repeatedly hollered, "Eight shots in the back!" through a bullhorn. The crowd yelled, "In the back!" in response, aiming to coin a new phrase to supplant the "hands up, don't shoot!" refrain that grew out of



AP Photo/Courtesy of L. Chris Stewart  
In this April 4 frame from video provided by Attorney L. Chris Stewart representing the family of Walter Lamer Scott, Scott runs away from city patrolman Michael Thomas Slager, right, in North Charleston, S.C.

### IS THERE A FEDERAL STANDARD TO JUDGE USE OF FORCE?

Yes. The Supreme Court held in a 1989 case, *Graham v. Connor*, that the appropriateness of use of force by officers "must be judged from the perspective of a reasonable officer on the scene," rather than evaluated through 20/20 hindsight.

That standard is designed to take into account that police officers are frequently asked to make split-second decisions during fast-evolving confrontations, and should not be subject to overly harsh second guessing. The Justice Department cited that legal threshold last month when it declined to prosecute former Ferguson, Missouri police officer Darren Wilson in the shooting death last summer of an unarmed black 18-year-old.

### CAN POLICE OFFICERS SHOOT AT FLEEING INDIVIDUALS?

Only in very narrow circumstances. A seminal 1985 Supreme Court case, *Tennessee vs. Garner*, held that the police may not shoot at a fleeing person unless the officer reasonably believes that the individual poses a significant physical danger to the officer or others in the community. That means officers are expected to take other, less-lethal action during a foot or car pursuit unless the person being chased is seen as an immediate safety risk.

In other words, a police officer who fires at a fleeing man who a moment earlier murdered a convenience store clerk may have reasonable grounds to argue that the shooting was justified. But if that same robber never fired his own weapon, the officer would likely have a much harder argument.

"You don't shoot fleeing felons. You apprehend them unless there are exigent circumstances — emergencies — that require urgent police action to safeguard the community as a whole," said Greg Gilbertson, a police practices expert and criminal justice professor at Centralia College in Washington state.

other officer-involved killings.

Scott's family and Stewart appealed to keep protests peaceful, saying the murder charge shows the system is working in this case so far.

But Stewart does plan to sue police, and said they acted decisively only because of the video, which was recorded by a whispering man who tried to avoid the officers' attention as he peered over a chain-link fence into the empty lot where Scott died.

That man, Fayden Santana, told NBC on Wednesday that he approached the scene because he noticed Slager controlling Scott on the ground and heard the sound of a Taser before Scott got loose and ran away.

"I remember the police had control of the situation," Santana said. "He had control of Scott. And Scott was trying just to get away from the Taser."

Local police turned over the investigation to state law enforcement. The video also prompted the FBI and the Justice Department's civil rights prosecutors to announce a federal probe Wednesday. At the White House, spokesman Josh Earnest said the video is "awfully hard to watch" and said

he wouldn't be surprised if President Barack Obama has seen it, "given the amount of media attention that this issue has received."

This video prompted defense attorney David Aylor to drop his client the day after asserting that he fired to save his life. Slager appeared without a lawyer at his first court hearing Tuesday and was held without bond for murder, which could put him in prison for 30 years to life.

Police also said investigators are reviewing a police dash-cam video that may show the beginnings of the traffic stop, and they released radio dispatch traffic, including the sound of Slager breathing heavily as he chases Scott into the empty lot. A passenger in Scott's car also was detained, according to the police reports.

The video begins after both men have left their cars, and after Slager appears to hit Scott with a Taser. Scott pulls away, and the object falls to the ground, trailing wires. Slager then recovers the object and drops it near the body as a black officer approaches. Then, he picks it up again as the officers talk.

# Tsarnaev guilty of all charges in Boston Marathon bombing

BOSTON (AP) — Dzhokhar Tsarnaev was convicted on all charges Wednesday in the Boston Marathon bombing by a jury that will now decide whether the 21-year-old should be executed or shown mercy for what his lawyer says was a crime masterminded by his big brother.

The former college student folded his arms, fidgeted and looked down at the defense table in federal court as he listened to one guilty verdict after another on all 30 counts against him, including conspiracy and deadly use of a weapon of mass destruction. Seventeen of those counts are punishable by death.

The verdict, reached after a day and a half of deliberations, was practically a foregone conclusion, given his lawyer's startling admission at the trial's outset that Tsarnaev carried out the terror attack with his now-dead older brother, Tamerlan.

The two shrapnel-packed pressure-cooker bombs that exploded near the finish line on April 15, 2013, killed three spectators and wounded more than 260 other people, turning the traditionally celebratory home stretch of the world-famous race into a scene of carnage and putting the city on edge for days.

Tsarnaev was found responsible not only for those deaths but for the killing of a Massachusetts Institute of Technology police officer who was gunned down days later.

"Guilty like we all knew he would be. Great jurors," said Sydney Corcoran, who nearly bled to death after shrapnel severed a major artery.

Karen Brassard, who suffered wounds on her legs, said: "It's not a happy occasion, but it's something. ... One more step behind us."

She said Tsarnaev appeared "arrogant" and uninterested during the trial, and she wasn't surprised when she saw no remorse on his face as the verdicts were read. She refused to say whether she believes he deserves the death penalty, but she rejected the defense argument that he was simply following his brother's lead.

"He was in college. He was a grown man who knew what the consequences would be," Brassard said. "I believe he was 'all in' with



Tsarnaev

"Guilty, like we all knew he would be. Great jurors."

— Sydney Corcoran, Seriously injured in the Boston Marathon bombing

the brother."

Tsarnaev's lawyers left the courthouse without commenting.

In the trial's next phase, which could begin as early as Monday, the jury will hear evidence on whether he should get the death penalty or spend the rest of his life in prison.

In a bid to save him from a death sentence, defense attorney Judy Clarke has argued that Tsarnaev fell under the influence of his radicalized brother. She repeatedly referred to Dzhokhar — then 19 — as a "kid" and a "teenager."

"If not for Tamerlan, it would not have happened," she told the jury during closing arguments.

Prosecutors, however, portrayed the brothers — ethnic Chechens who moved to the United States from Russia more than a decade ago — as full partners in a brutal and coldblooded plan to punish the U.S. for its wars in Muslim countries. Jihadist writings, lectures and videos were found on both their computers, though the defense argued that Tamerlan downloaded the material and sent it to his brother.

Tamerlan, 26, died when he was shot by police and run over by his brother during a chaotic getaway attempt days after the bombing.

In Russia, Tsarnaev's father, Anzor Tsarnaev, told The Associated Press that he would have no comment.

## BRIEFLY

### Standoff erupts when mom comes for kids in polygamous town

SALT LAKE CITY (AP) — Efforts by a former member of Warren Jeffs' sect to retrieve her four children from a polygamous community led to a lengthy standoff after dozens of followers surrounded the woman's van and some allegedly threw chickens at it.

Deputies were in Colorado City, Arizona, for seven hours Friday until they received a search warrant to enter the home of an aunt who refused to give the kids to their mother, said Trish Carter, spokeswoman for the Mohave County Sheriff's Office.

Nobody was hurt, but officials were preparing to fly in more deputies to the remote location because they were so concerned.

When it was finally over, officials escorted Sabrina Tetzner and her four children across the Utah state line.

Tetzner recently received sole custody of her children — ages now 8, 9, 12 and 13 — and went to get them from an aunt's home.

But the aunt wouldn't let Tetzner take the children, and a crowd of about 50 people surrounded Tetzner's white van, Carter said. Some in the mob of mostly women in long dresses even threw chickens at the vehicle, she said.

No arrests have been made in the standoff.

### Senate creating secret encyclopedia of spy programs

WASHINGTON (AP) — Trying to get a handle on hundreds of sensitive, closely held surveillance programs, a Senate committee is compiling a secret encyclopedia of American intelligence collection. It's part of an effort to improve congressional oversight of the government's sprawling global spying effort.

Sen. Dianne Feinstein launched the review in October 2013, after a leak by former National Security Agency systems administrator Edward Snowden disclosed that the NSA had been eavesdropping on German Chancellor Angela Merkel's cellphone. Four months earlier, Snowden had revealed the existence of other programs that vacuumed up Americans' and foreigners' phone call records and electronic communications.

But when it comes to surveillance under Executive Order 12333, which authorizes foreign intelligence collection overseas without a court order, there are so many programs that even the executive branch has trouble keeping track of them, Feinstein said. Many are so sensitive that only a handful of people are authorized to know the details, which complicates the management challenge.

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