

Minneapolis police clear officers in fatal shooting of Jamar Clark

RAY SANCHEZ OCTOBER 21, 2016



CNN —

A Minneapolis Police Department internal investigation concluded Friday that two officers involved in the November 2015 fatal shooting of Jamar Clark did not violate department policies and will not face discipline.

“The officers will not be charged criminally and we have concluded there were no violations of MPD policy,” police Chief Janeé Harteau said at a press conference.

The announcement clears the way for officers Mark Ringgenberg and Dustin Schwarze to leave desk duty, to which they’ve been assigned since the

fatal shooting, and resume policing the streets of Minneapolis. The Clark family had hoped for “justice” in the form of internal discipline following decisions by the federal and state governments to not pursue criminal charges.

The US Justice Department in June declined to prosecute the officers, saying it found “insufficient evidence” for criminal civil rights charges.

The DOJ’s decision followed a separate investigation in March by Minnesota’s Bureau of Criminal Apprehension (BCA), which concluded that the officers acted in self-defense and would not face criminal charges for the killing.

“The investigative standards were extremely high in both the BCA investigation and MPD’s internal affairs investigation and I have the utmost confidence in their findings,” Harteau said on Friday.

Clark, a 24-year-old African American, was shot during a scuffle with the white officers in front of an apartment building during the early hours of November 15, 2015.

Schwarze shot Clark only after Ringgenberg scuffled with the young man, according to the BCA findings. Clark allegedly took control of the officer’s gun and Ringgenberg told Schwarze to open fire.

Harteau said the department’s internal investigation confirmed those findings.

“I have concluded the use of deadly force in the line of duty was necessary to protect an officer from apparent death or great bodily harm,” she said. “I

fully understand that the impact of this incident has been devastating first and foremost, for the Clark family,” she added. “It has also had broader implications on this police department and the city it serves.”

Albert Goins, an attorney for the Clark family, told CNN that they were not satisfied with the investigation’s conclusions.

“We are not impressed,” Goins said. “So far as I can see this was not a thorough or full-fledged internal investigation.”

Goins lamented that the officers involved would not face any type of discipline.

“I’ve represented police officers,” he said. “They can be disciplined for very little. There is even a disciplinary procedure for using improper language towards a citizen. In this case they took this young man’s life in under 60 seconds. The conclusion is just amazing. They took this man’s life without cause. They weren’t going to in any way to implicate themselves in any wrong doing.”

“This report shows the internal investigators gave the officers every benefit of the doubt,” he added.

The November shooting sparked weeks of protests in Minneapolis, including an 18-day sit-in at a police station in the city’s north end. The Black Lives Matter movement and other local groups led those protests, drawing national attention to the shooting.

The protests were largely peaceful, but turned violent when counter-protesters shot and injured activists occupying the police station. Three

white men were arrested for the incident.

A scuffle turns deadly

Police reports and subsequent investigations demonstrated that on the morning of November 15 Clark had attacked his girlfriend, interfered with paramedics attempting to transport her to the hospital and refused officers' demands to remove his hands from his pockets, according to Hennepin County Attorney Mike Freeman, who announced the BCA findings in March.

Ringgenberg and Schwarze then took Clark to the ground in an attempt to place handcuffs on him, but during the scuffle, Ringgenberg landed on top of Clark, who then went for that officer's gun, the prosecutor said.

According to Freeman, Ringgenberg said when he felt his gun move from his right hip to the small of his back, he reached back to the top of his gun and felt Clark's "whole" hand on the weapon.

The officer told his partner, "He's got my gun," Freeman said.

"Ringgenberg believed he was going to die ... because he had no control over his gun," Freeman said. "Ringgenberg felt that Clark didn't care what happened to him and remembered thinking that he didn't want his partner to die with his gun."

'I'm ready to die'

Schwarze dropped the handcuffs and took out his gun, according to the prosecutor. Schwarze told investigators he put the gun to the edge of Clark's

mouth and said, "Let go or I'm gonna shoot you."

Schwarze told investigators that Clark looked directly at him and said, "I'm ready to die." Schwarze said the "only thing I could think of to do was to save our lives and anyone else in the immediate area so I pulled the trigger," according to the prosecutor.

The gun did not fire because the slide was partially pulled back, Freeman said. Schwarze heard Ringgenberg saying, "Shoot him."

Schwarze pulled the trigger again and fired, the prosecutor said. Clark was shot about 61 seconds after the officers first confronted him.

"At the time he was shot, Clark was attempting to gain control of Ringgenberg's firearm. Ringgenberg reasonably believed that if Clark had succeeded in removing his firearm from his holster, Clark would have shot both officers as well as exposing third parties to danger of injury by firearm," Freeman said.

Clark died at a hospital one day after being shot.

Several witnesses said Clark was restrained when a bullet struck him in the head. One witness told CNN he thought Clark was in handcuffs. Police and attorneys have disputed those allegations.

Freeman addressed the witnesses' accounts during a March news conference, calling them conflicting. Of 20 witnesses, he said, two said Clark was not handcuffed, six said they were uncertain and 12 said he was handcuffed, though they disagreed on whether he was handcuffed with his hands in front of him, his hands behind him or only on his left hand.



Freeman said none of the witnesses reported hearing Clark say he was ready to die.

Forensic evidence further demonstrated that Clark had no wrist wounds that would have resulted from being handcuffed during the tussle, and blood found on the handcuffs suggests they were on the ground, not on Clark's wrists, when he was shot, Freeman said.

Clark's death is the latest in a string of controversial police killings that include those of Michael Brown in Ferguson, Missouri; Eric Garner in New York; Freddie Gray in Baltimore; and Philando Castile in St. Anthony, Minnesota.

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