

The Salt Lake Tribune

Video shows Utah nurse screaming, being handcuffed after refusing to take blood from unconscious victim



By Pamela Manson

Published: August 31, 2017
Updated: September 10, 2017

A nurse says she was assaulted and illegally arrested by a Salt Lake City police detective for following a hospital policy that does not allow blood draws from unconscious patients.

Footage from University Hospital and officer body cameras shows Detective Jeff Payne and nurse Alex Wubbels in a standoff over whether the policeman should be allowed to get a blood sample from a patient who had been injured in a July 26 collision in northern Utah that left another driver dead.

Wubbels says blood cannot be taken from an unconscious patient unless the patient is under arrest, unless there is a warrant allowing the draw or unless the patient consents. The detective acknowledges in the footage that none of those requirements is in place, but he insists that he has the authority to obtain the draw, according to the footage.

At one point, Payne threatens to take Wubbels to jail if he doesn't get the sample, and he accuses her of interfering with a criminal case.

"I either go away with blood in vials or body in tow," Payne says.

After Wubbels consults with several hospital officials and repeats the policy, Payne tells her she is under arrest and grabs her, pulling her arms behind her back and handcuffing her. The footage shows the detective dragging Wubbels out of the

hospital and putting her inside a patrol car as she screams, “Help! Help! Somebody help me! Stop! Stop! I did nothing wrong!”

A University of Utah police officer and other officers, who provide security for the hospital, were present at time of the arrest and did not intervene.

As he stands in the hospital parking lot after the arrest, Payne says to another officer that he wonders how this event will affect an off-duty job transporting patients for an ambulance company.

“I’ll bring them all the transients and take good patients elsewhere,” Payne says.

Parts of the footage were shown Thursday at a news conference at the office of Karra Porter, a Salt Lake City attorney representing Wubbels.

Salt Lake police Sgt. Brandon Shearer said the department started an internal investigation, which is ongoing, in response to the incident.

Payne was suspended from the department’s blood-draw program — where officers are trained as phlebotomists so they can get blood samples — but he remains on duty with the Police Department, Shearer said. The department also has held training for the officers in the program as a result of the incident, he said.

In a written report, Payne said he was responding to a request from Logan police to get the blood sample, to determine whether the patient had illicit substances in his system at the time of the crash. Payne explained the “exigent circumstances and implied consent law” to Wubbels, but, according to his report, she said “her policies won’t allow me to obtain the blood sample without a warrant.”

Payne — who says he wanted the blood sample to protect the patient, not punish him — said he was advised by Lt. James Tracy, the watch commander on duty that night, to arrest Wubbels for interfering with a police investigation if she refused to let him get the sample, according to his report.

Tracy said in his report that he spoke on the phone with Wubbels and told her he believed that they had implied consent to get the sample, but she cut him off and said she would not allow the draw without a warrant. He then went to the hospital and tried to tell the nurse why she was in custody, but “she appeared to not want to hear my explanation,” Tracy wrote.

Porter, however, said “implied consent” has not been the law in Utah since 2007, and the U.S. Supreme Court ruled in 2016 that the Constitution permits warrantless breath tests in drunken-driving arrests, but not warrantless blood tests. She stressed that the patient was always considered the victim in the case and never was suspected of wrongdoing.

No claim or lawsuit has been filed, Porter said, but she has had discussions with Salt Lake City police and she believes the department will educate its officers.

Wubbels said she has heard anecdotally of other health care workers being bullied and harassed by police, and that these videos prove that there is a problem.

“I can’t sit on this video and not attempt to speak out both to re-educate and inform,” she said. Police agencies “need to be having conversations about what is appropriate intervention.”

Wubbels, who was not charged, said she has watched the footage four or five times and said, “It hurts to relive it.”

She never said “no” when Payne asked to take a blood sample; she merely explained the blood draw policy to him, according to Wubbels, who also said she was trying to keep her patient safe and do things the right way.

Porter and Wubbels declined to release information about the patient, but Payne’s report identifies him as 43-year-old William Gray, a reserve officer in the Rigby, Idaho, Police Department, who suffered burns during a July 26 crash in Cache County.

Gray is a truck driver when he is not serving as a reserve police officer, according to the Idaho State Journal.

At about 2 p.m. on July 26, Gray was driving a semi north on State Road 89/91 near Sardine Canyon when a man fleeing from the Utah Highway Patrol crashed a pickup truck into him head-on, according to Logan police, who investigated the collision.

The crash caused an explosion and fire, Logan police have said. Gray was on fire when he exited the semi. The driver of the pickup truck, Marcos Torres, 26, died at the scene.

Police have said Torres was fleeing from the UHP after other drivers reported him driving recklessly.

Wubbels, an Alpine skier who competed in the Winter Olympics in 1998 and 2002, when her last name was Shaffer, has worked as a nurse at University Hospital since 2009.



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NFL

Michael Bennett Says Las Vegas Police Pointed Gun at Him After Mayweather Fight

Michael Bennett says he was restrained, had gun pointed at him by Las Vegas Police

By SCOOPY AXSON September 06, 2017

Seattle Seahawks defensive end Michael Bennett says he was restrained and had a gun pointed at him by officers of the Las Vegas Police Department last month for no reason other than being black and being at the "wrong place at the wrong time."

Bennett posted a message on social media describing the incident. TMZ posted video of Bennett being detained on its website.

Bennett says he was in Las Vegas on Aug. 26 on his day off to attend the Floyd Mayweather-Conor McGregor fight. After the fight, Bennett says he headed back to his hotel when he heard what he thought were gunshots.

He says he ran away from the area seeking safety when he was confronted by a Las Vegas police officer who ordered him to the ground. The Las Vegas police department undersheriff said Bennett running from the scene was the reason the officer detained him, and the officer did not have his body camera on at the time of the incident, according to Gregg Bell of *The News Tribune*.

In the video posted by TMZ, Bennett is seen face-down on the sidewalk being cuffed by an officer while he insists, "I wasn't doing nothing, man!"

"All I could think of was 'I'm going to die for no other reason than being black and my skin color is somehow a threat.'

"Terrified and confused by what was taking place, a second officer came over and forcefully jammed his knee into my back making it difficult for me to breathe," Bennett wrote.

Dear World,

On Saturday, August 26, 2017 I was in Las Vegas to attend the Mayweather-McGregor fight on my day off. After the fight while heading back to my hotel several hundred people heard what sounded like gun shots. Like many of the people in the area I ran away from the sound, looking for safety. Las Vegas police officers singled me out and pointed their guns at me for doing nothing more than simply being a black man in the wrong place at the wrong time.



Michael Bennett
@mosesbread72

Equality.

7:01 AM - Sep 6, 2017

398K 238K people are talking about this

Bennett says his fingers went numb because the handcuffs were so tight. He repeatedly asks the officers what he did to be handcuffed.

Later, Bennett says he was placed into the back of a police car and only released when officers verified his name and that he was professional football player.

"The system failed me," Bennett wrote. "I can only imagine what Eric Garner, Michael Brown, Trayvon Martin, Tamir Rice and Charleena Lyles felt."

Las Vegas Metropolitan Police Department undersheriff Kevin McMahill gave a press conference regarding the incident. McMahill said that when officers arrived at the Casino, Bennett ran out and hopped a fence, which McMahill said led officers to believe that Bennett might be involved in the incident. McMahill said a supervisor explained the situation to Bennett and that Bennett said he had no problem with what the officers had done.

Bennett says he has hired an attorney to investigate the incident and that he plans to explore his legal options, including a potential civil suit for violation of his civil rights.

Seahawks coach Pete Carroll released a statement in support of Bennett.

Michael Bennett unfortunately experienced a horrendous incident on August 27. We are thankful he is safe, and we take this opportunity to say that we stand in support of him and anyone facing inequalities.

What happened with Michael is a classic illustration of the reality of inequality demonstrated daily.

May this incident inspire all of us to respond with compassion when inequalities are brought to light, and allow us to have the courage to stand for change.

We can do better.



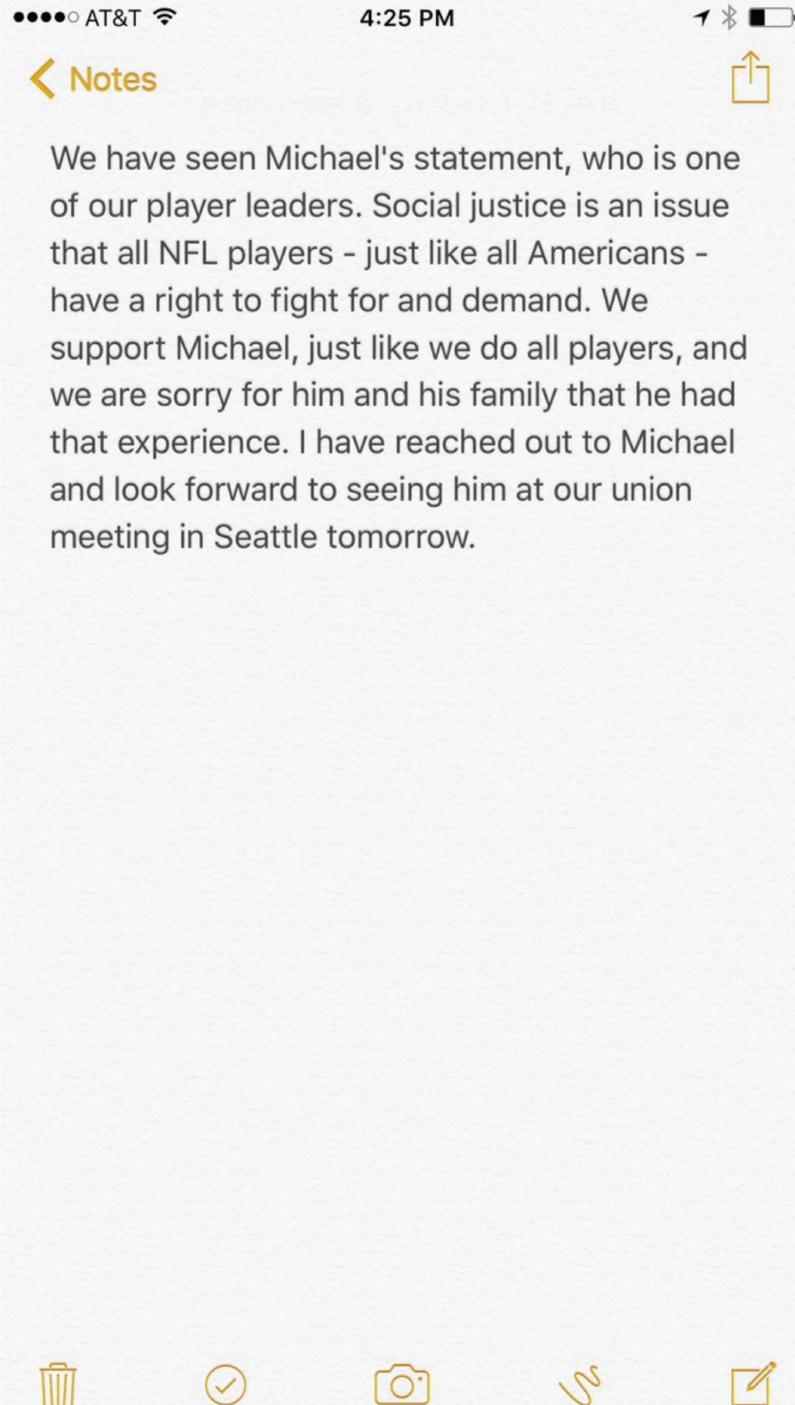
Pete Carroll
@PeteCarroll

May this incident inspire all of us to respond with compassion and courage

1:16 PM - Sep 6, 2017

18K 6,362 people are talking about this

NFL Players Association executive director DeMaurice Smith also tweeted his support for the Seahawks defensive lineman.



DeMaurice Smith
@DeSmithNFLPA

.@mosesbread72 is one of the best. We should all support him.

My statement:

1:29 PM - Sep 6, 2017

356 203 people are talking about this

Commissioner Roger Goodell sent out an official statement saying, "the issues Michael has been raising deserve serious attention from all of our leaders in every community."



STATEMENT FROM
NFL COMMISSIONER ROGER GOODELL

Michael Bennett represents the best of the NFL – a leader on his team and in his community. Our foremost concern is the welfare of Michael and his family. While we understand the Las Vegas police department will address this later this evening, the issues Michael has been raising deserve serious attention from all of our leaders in every community. We will support Michael and all NFL players in promoting mutual respect between law enforcement and the communities they loyally serve and fair and equal treatment under the law.



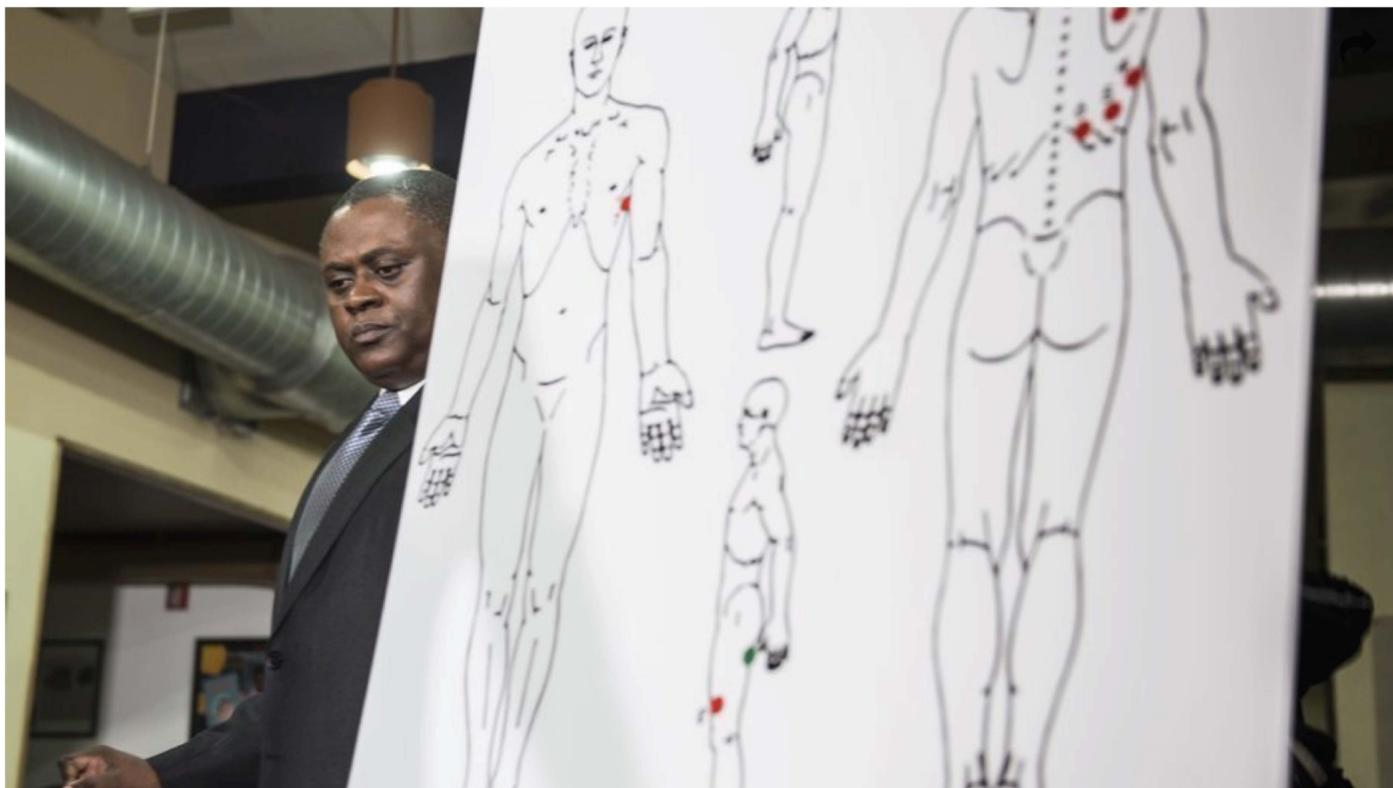
Brian McCarthy
@NFLprguy

.@nflcommish statement on Michael Bennett

3:45 PM - Sep 6, 2017

2,143 1,194 people are talking about this

Bennett has said he plans to protest all season during the playing of the national anthem to shed a light on racial injustice in the United States.



LATEST NEWS

Stephon Clark shot six times in back – eight times in all – private autopsy says

BY SAM STANTON, TONY BIZJAK AND NASHHELLY CHAVEZ
SStanton@sacbee.com

March 30, 2018 10:58 AM

Updated March 30, 2018 09:24 PM

Stephon Clark was shot six times in the back and eight times total by Sacramento police officers, according to a private autopsy released Friday by his family's legal team, a finding that increased tensions in a city already on edge about the shooting of the unarmed black man.

The review concluded that Clark was not facing officers when they opened fire and hit him first in the side. The force of that round spun him around with his back to officers, and six rounds penetrated his back moving in a forward trajectory, the Clark family legal team said.

The last shot struck his left thigh area as Clark was falling or had fallen, the autopsy found.

Clark family attorney Benjamin Crump said the autopsy "affirms that Stephon was not a threat to police and was slain in another senseless police killing under increasingly questionable circumstances."

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The review was conducted by prominent pathologist Dr. Bennet Omalu, the former chief medical examiner in San Joaquin County best known for his research on football-related concussions. His findings were released at a Friday morning press conference held by Crump and other attorneys representing Clark's family.

The legal team showed some confusion Friday. The team first said Clark was not struck in the front, but later revised its press release to say one shot did enter through the front and did not specify which one.

The team also released two different autopsy drawings, one showing the first round striking Clark on the left side, another showing the round entering on the right. The legal team said the drawing with the entry point on the right side was accurate.

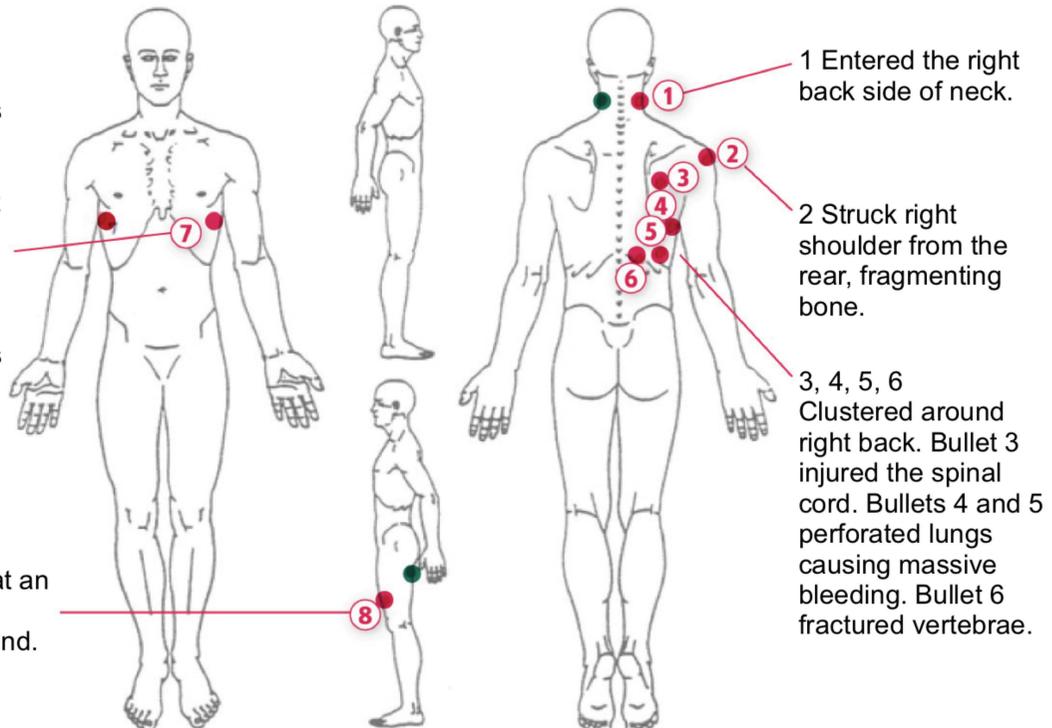
AUTOPSY DIAGRAM

According to the autopsy that Dr. Bennet Omalu performed for the Clark family, Stephon Clark was hit by eight bullets. The bullet numbers are for reference only, and do not indicate the sequence of impact. Key points from Omalu's analysis:

● Entrance ● Exit

7 Entered side. Omalu theorizes this could have been the first bullet to hit Clark, and its impact rotated Clark to expose his back to the next shots fired. The legal team issued two diagrams Friday – one with this shot on the left, the other with it on the right.

8 Entered left thigh at an angle, as Clark was falling or on the ground. Only shot that was unlikely to be fatal.



Note: The diagram released by the Clark legal team showing the Bullet 7 wound on Clark's right side can be seen here.

Source: Dr. Bennet Omalu

Sharon Okada / The Sacramento Bee

Clark, 22, was killed March 18 after Sacramento police received reports of a car burglar in the Meadowview area. Two officers followed Clark into the backyard of his grandparents' home, where they ordered him to show his hands. One officer is heard saying "gun" before the officers fired 20 shots at Clark, according to body camera video released by police three days after the shooting.

Clark was later found to be carrying only a cellphone.

"The proposition that he was facing the officers is inconsistent with the prevailing forensic evidence," the pathologist said.

"He was facing the house, with his left to the officers," Omalu said. "He wasn't facing the officers. His left back was facing the officers."

Omalu said it took 3 to 10 minutes for Clark to die: "It was not an instant death." Activists and family members have criticized the two officers for waiting to render medical aid.

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These are the top stories and videos in our ongoing coverage of the Stephon Clark shooting



I am Stephon Clark – but by the grace of God I'm still living



Justice for Stephon Clark must start with righting injustice in Sacramento



Brace yourself. Investigating the officers who shot Stephon Clark could take months



As Stephon Clark's community mourns him, will Sacramento leaders do right?

In a statement, the Sacramento Police Department said it has not yet received the official Sacramento County coroner's report. That review is separate from a joint investigation being conducted by the Sacramento County DA's Office and the state Department of Justice.

"Further comment by the Sacramento Police Department prior to the release of the Coroner's report along with the official review by the Sacramento County District Attorney and the California Department of Justice would be inappropriate at this time," Sacramento police said. "We acknowledge the importance of this case to all in our community and we are committed to a thorough and comprehensive investigation."

Mayor Darrell Steinberg responded to the autopsy Friday by asking "from the bottom of my heart" that protests be nonviolent and vowing that the city will make changes in police procedures.

"From the moment we saw the video we knew the details of this horrific shooting were graphic and disturbing," he said in an afternoon statement. "We have an obligation to everyone involved, including the family of Stephon Clark, to wait for the full findings and results from the official autopsy and investigation."

"As the mayor of our city, I assure the community and the public that we will aggressively seek answers to all of the questions the community is rightfully asking. As important, we will aggressively seek appropriate change to the protocols and training that led to this unacceptable outcome."





Lawyer Ben Crump describes how the private autopsy of Stephon Clark performed by Dr. Bennet Omalu, who was hired by Clark's family, differs from the description given by police. **Sam Stanton**

Since the release of body camera tapes and aerial video from a sheriff's helicopter, Black Lives Matter and other activist groups have staged protests against the police and demanded that Sacramento District Attorney Anne Marie Schubert file criminal charges against the officers.

The protests have shut down rush hour traffic several times, blocked thousands of fans from attending two Sacramento Kings games, disrupted a City Council meeting and closed Interstate 5.

The last demonstration came Thursday night, when angry marchers shut down traffic on I and J streets and faced off in a loud confrontation with half a dozen Sacramento bicycle officers.

Despite some heated moments, the protests have mostly remained peaceful, with only two arrests to date.

Tanya Faison of Black Lives Matter, who was at the press conference, said she is disgusted by what she learned. "I can't predict how the community is going to react," she said, "but I don't think it is going to be without a reaction."

Later in the day, Black Lives Matter held a protest for 8 p.m. Friday at City Hall, dubbed "Shot 7 Times in His Back! In the Streets!"

Omalu said the initial round entered Clark's side before six rounds struck him in the back. But the pathologist suggested one could "reasonably conclude" that the initial bullet was a seventh one in his back. That has led some, including Black Lives Matter, to say he was struck seven times in the back.

By 8:30 p.m. Friday, a crowd of about 200 had gathered, and protest signs were being handed out. Those in the City Hall plaza were calm and quiet. There hadn't been any chanting, speeches or marching yet.

The high-profile nature of the case, which has sparked national outrage, prompted state Attorney General Xavier Becerra to announce his office will oversee the investigation. Federal authorities say they also will monitor progress by state and local officials.



Gregory King and Marcus Strother of Sacramento share their feelings after Dr. Bennet Omalu revealed his findings on the autopsy of Stephon Clark. Hector Amezcua

The family's legal team, which is expected to file a federal civil rights lawsuit, ordered the independent autopsy for Clark, who was buried Thursday.

The Sacramento County Coroner's Office conducted its official autopsy earlier this month, but those results are not expected to become public until the Sacramento District Attorney's Office completes its investigation of the shooting.

Coroner Kim Gin declined to discuss her autopsy results. In a statement Friday, she wrote, "The report is not completed yet because we are waiting for the toxicology results. It will be sent to the DA at that time. I don't know how long that will be. I cannot comment on our results other than the information I've already released on the cause and manner which is multiple gunshot wounds and the manner being a homicide."

Coroners refer to any death of a human caused by another person as a "homicide." They use the term without judgment about motive or legality.

Jim Bueermann, a former police officer and president of the Police Foundation, a national nonprofit that studies police techniques, said it is hard to know just based on bullet-entry points what happened at a shooting scene.

Bueermann, who reviewed the Clark shooting video, said the first of multiple bullets can cause a body to spin.

"If you time how long it takes for each officer to shoot 10 rounds, it is an amazingly short period," he said. "In a shooting, it is not unusual for the person to be shot and to spin and move around. Could he have spun as a result of the first few rounds?"

Bueerman said he can't offer any analysis of the Clark shooting based on his view of the video. That will require a forensics expert to piece all elements of the shooting moment together, and that is a complicated process.

Bueerman said the video does show that the officers not only believed he had a gun but thought they may have been fired upon.

"You can hear them asking each other if they got hit. They are wrong, obviously, but that is what they believed."

The shooting has spawned intense criticism of the officers for firing on Clark and for the number of rounds they shot at him, but law enforcement officers have noted that such incidents typically require split-second decisions in adrenaline-fueled situations.

"All I can say is, things happen very rapidly," said former Placer sheriff's Deputy Chuck Bardo, who was in the October 2014 gunfight with convicted cop killer Luis Bracamontes. "I fired 13 rounds from my gun in a matter of seconds."

"Things happen so rapidly out there, you're forced to make a decision that's permanent in a matter of seconds, and you've got to be right. The scary thing for law enforcement is, we're reacting to somebody else's actions, which means we're already behind the 8 ball."

Delays in releasing autopsy results by the Sacramento County coroner's office have sparked criticism and a legal challenge from Sacramento defense attorney Stewart Katz, who said the coroner's policy and the DA's pace of investigating shootings are inadequate.

The last officer-involved shooting investigation completed by the DA's office for public review was a Sept. 13, 2017 report on the November 2016 shooting death of Logan Augustine by a sheriff's deputy at a Carmichael convenience market.

Since that shooting, at least six other officer-involved shootings - including the Clark shooting - have occurred in Sacramento County, according to a Bee analysis. Five were in 2017.

The DA's written policy calls for the office to issue findings within 90 days of the "receipt of all necessary reports and materials, unless there is cause for delay."

Earlier Friday, the Sacramento NAACP chapter presented leadership awards to several local women officers during its annual prayer breakfast, attended by Sacramento Police Department Chief Daniel Hahn, Sacramento County Sheriff Scott Jones and California Attorney General Xavier Becerra. The honorees, all African American, were retired police officers Felicia Allen and Flossie Crump, and sheriff's deputy Annica Hagadorn.

Betty Williams, NAACP local chapter president, said the organization was among those who pushed successfully this week to get Becerra to agree to investigate the Clark shooting. Williams said her group decided to go ahead and honor law enforcement despite the current unrest.

"I was going to push forward anyway because I think these three women were deserving and we needed to understand how to separate the two," Williams said.

Hahn, the city's first African American police chief, received a standing ovation from the breakfast crowd.

"So, that just tells you about Sacramento and our healing process. We're not there yet but we recognize that we are in the process of healing and that he's part of that process," Williams said.



The Sacramento Police Department has released helicopter footage of the Stephon Clark shooting where officers fatally shot the unarmed black man who was holding his cellphone in his grandparents' backyard. Sacramento Police Department