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News Release

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Administrative Findings of Frank Clark Shooting Incident

The Durham Police Department has concluded its administrative investigation into the officer-involved fatal shooting of Mr. Frank Clark, which occurred November 22, 2016, in the McDougald Terrace community. The department's internal investigation focused on identifying policy or procedural violations that may have occurred during the incident. Findings are as follows:

On November 22, 2016, at approximately 12:30 p.m., five officers from the Durham Police Department's Violent Incident Response Team went to McDougald Terrace in an effort to make citizen contacts. Upon their arrival, officers first attempted to follow-up on information they had received indicating that a suspect in a recent shooting had been staying in one of the apartments. Upon completing the investigative follow-up, the officers dispersed within the community to pursue their efforts at making citizen contacts.

Officer Barkley, who has several years of experience working in McDougald Terrace and thus, significant familiarity with the community, began driving down Truman Street when he stopped and noticed a man, whom he did not recognize, standing near a dumpster in the parking lot. When a female resident came out of her apartment to throw away her trash, Officer Barkley noticed that the man walked away only to immediately return to the same spot by the dumpster once the resident had re-entered her apartment. Deciding to speak with the individual, later identified as Mr. Frank Clark, Officer Barkley pulled his unmarked vehicle into the parking lot. As Officer Barkley, who was wearing a full police uniform, rolled his window down and became visible to Mr. Clark, Clark immediately turned and walked away between two buildings. Officer Barkley exited his vehicle, but lost sight of Mr. Clark.

Officer Barkley radioed the other officers with a description of the man who appeared to be avoiding him. Within a few seconds, Officer Southerland saw the man in front of Building-60. Officer Southerland rolled down his passenger window and engaged Mr. Clark in conversation. After exiting his vehicle, the two met on the sidewalk and continued to talk. Realizing that Mr. Clark appeared nervous by his trembling voice and shaking hands, Officer Southerland reassured Mr. Clark that he was not under arrest nor being detained; that he only wanted to talk with him briefly about recent incidents in the area. Officer Southerland stated Mr. Clark seemed to relax at this point. During the conversation, Officer Southerland observed that Mr. Clark had his hands in his pants pockets and appeared to be trying to adjust or hold onto something near his waistband. Officer Goss arrived while Officer Southerland was talking to Mr. Clark, but

remained seated in his vehicle. Officer Southerland then called Officer Barkley to let him know that he was speaking with the man Officer Barkley had attempted to approach earlier and asked if Officer Barkley wanted to talk to him as well. After Officer Barkley indicated that he did, Officer Southerland asked Mr. Clark if he was willing to talk to Officer Barkley. Mr. Clark responded, "Oh Bark. Yeah, I know Bark." Officer Southerland leaned against his car at this time to wait on Officer Barkley.

Officer Barkley arrived a short time later and began to talk to Mr. Clark. Officer Goss got out of his car about the same time Officer Barkley arrived, but remained by his vehicle. As Officer Barkley began to make inquiries about what Clark was doing in the area, Officer Barkley observed that Mr. Clark seemed to be unusually nervous by his shaking hands and trembling voice. Once Officer Barkley asked Mr. Clark why he was so nervous and why he had tried to avoid him earlier, Officer Barkley noted that Mr. Clark then became even more nervous as his entire body began to shake. Officer Barkley stated that he asked these questions loudly to heighten the awareness of the other officers.

In response, Officer Southerland began approaching Officer Barkley and Mr. Clark. Concerned for his safety, Officer Barkley told Mr. Clark he was going to do a quick pat-down for weapons. Mr. Clark raised his forearms only, keeping his upper arms and elbows close to his body. Mr. Clark only proceeded to inch his arms up as Officer Barkley continued to instruct him to raise them higher. As Officer Barkley reached in towards Mr. Clark's body to begin the pat-down, Clark punched Officer Barkley in the face and a struggle ensued. Officer Barkley attempted to control Mr. Clark from the front while Officer Southerland approached from behind to assist. Officer Southerland described that he could feel Mr. Clark repeatedly trying to yank something from his waistband. After several hard pulls, Mr. Clark fired his gun and, at the same time, Officer Southerland felt sudden and intense pain in his knee.

After the shot was fired, Officer Barkley backed away from Mr. Clark not knowing for certain from where the shot came. Officer Barkley then saw that Mr. Clark had a gun and was still struggling with Officer Southerland. While the struggle continued, Mr. Clark pointed his gun at Officer Barkley who drew his weapon in response. Officer Barkley did not fire his weapon fearing he would strike Officer Southerland. Officer Southerland, believing he was shot as the pain in his knee intensified, pushed Mr. Clark away from him. As Southerland was falling, he drew his weapon as well. As Clark turned to flee, he pointed his gun back in the direction of Officer Barkley, and fired a second shot causing Officer Barkley to begin firing at Mr. Clark. Officer Barkley fired six shots, striking Mr. Clark twice.

Officer Barkley and Officer Goss then went to Officer Southerland to assess his condition and began to call for back-up and EMS. Once they determined Officer Southerland was not in fact shot, but had apparently sustained a serious knee injury during the struggle, they began to attend to Mr. Clark and secure the scene.

The administrative investigation included independent interviews of the officers, as well as thorough reviews of physical and forensics evidence, the criminal investigative file compiled by the State Bureau of Investigation (SBI) and the conclusions of the Durham County District Attorney. After two separate community canvasses by the State Bureau of Investigation, and press releases by the Durham Police Department requesting assistance from anyone with first-hand information, no citizens who actually witnessed the incident were identified. Based upon the foregoing, the Durham Police Department found that the three officers involved violated no administrative policy or procedure during the incident.

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