

Victimology Case Study of Scott and Fleeing

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The killing of Walter Scott by North Charleston police officer Michael Slager on April 4, 2015, provides a serious case for examining victimology, victim precipitation, contributory conduct, reasonable perception, and proximate cause. The original essay incorrectly refers to “Scott” and “Fleeing” as though fleeing were a second person and states that Scott reached for the officer’s gun. Video evidence showed Slager firing repeatedly at Scott as Scott ran away after a traffic stop and physical encounter involving a Taser. Slager later pleaded guilty to a federal civil-rights offense and received a twenty-year sentence. Victimology can analyze Scott’s decision to flee and the circumstances of the encounter, but it must not convert those facts into moral or legal responsibility for an unjustified shooting. A person’s unlawful or risky conduct does not authorize unlimited police force.

Case Background

Slager stopped Scott’s vehicle because of a nonfunctioning brake light. Scott left the vehicle and ran. Slager pursued him into an open area, where the two men had an encounter involving the officer’s Taser. Bystander Feidin Santana recorded the later portion on video. The recording showed Scott moving away while Slager fired eight shots, striking him from behind. The video contradicted the initial official account that Slager fired because Scott took or reached for the Taser and posed an immediate threat.

Scott died at the scene. Slager was charged in state court with murder, but the trial ended in a mistrial after the jury could not reach a unanimous verdict. He later pleaded guilty in federal court to violating Scott’s civil rights by using excessive force. (U.S. Department of Justice, 2017) The federal judge found the conduct consistent with second-degree murder for sentencing purposes and imposed a twenty-year prison sentence.

What Is Victimology?

Victimology is the study of people harmed by crime, abuse of power, accidents, and other victimizing events. It examines experiences, risk factors, consequences, institutional responses, reporting, compensation, and prevention. Victimology should center harm and accountability while recognizing that vulnerability and exposure are shaped by social conditions.

Early victimology sometimes classified victims according to their alleged contribution to events. These approaches generated useful questions about interaction but also encouraged victim blaming. Modern analysis distinguishes explaining context from excusing the offender. A victim’s behavior can be relevant to sequence and risk without transferring responsibility for the offender’s disproportionate or

unlawful action.

Victim Precipitation Theory

Victim precipitation theory proposes that in some events the victim's conduct may initiate, encourage, or contribute to the interaction leading to harm. Active precipitation involves provocative action, while passive precipitation describes characteristics or circumstances that increase risk without deliberate provocation. The theory has been applied to homicide, assault, and other offenses.

Its application requires caution. The word "precipitation" can make a causal contribution sound like moral fault. In domestic violence, sexual assault, hate crime, and police violence, offenders often rationalize harmful conduct by emphasizing the victim's behavior. Analysis should ask whether the response was lawful, necessary, and proportionate rather than assuming that the first rule violation determines responsibility for everything that follows.

Did Scott Precipitate the Encounter?

Scott's decision to flee changed the encounter and caused Slager to pursue him. It may have increased danger and made the situation more difficult. Scott reportedly had concerns about an outstanding child-support warrant, which may help explain his fear, though it did not create a legal right to flee. From a descriptive perspective, flight contributed to the sequence.

That contribution did not justify shooting him as he ran away. By the time captured on video, Scott was moving farther from Slager and did not appear to pose an immediate threat of death or serious injury. Victim precipitation cannot transform flight into authorization for deadly force.

Contributory Negligence Is Not the Correct Criminal Standard

The original prompt asks whether Scott's conduct amounted to contributory negligence. Contributory negligence is primarily a civil tort doctrine that can bar or reduce recovery when a plaintiff's lack of reasonable care contributes to injury, depending on jurisdiction. It is not the standard for determining whether a police officer committed criminal homicide or violated civil rights.

In a civil wrongful-death case, comparative or contributory fault arguments might be raised concerning events leading to harm, subject to state law. However, intentional or reckless misconduct and constitutional violations are treated differently from ordinary negligence, and many jurisdictions limit comparison between intentional torts and negligent conduct. The central legal question remains whether the officer's use of force was objectively reasonable under the circumstances.

The Reasonable-Person Standard

Negligence law commonly compares conduct with that of a reasonably prudent person under similar circumstances. Scott's flight can be described as an unreasonable and unlawful response to a traffic stop because it increased risk and obstructed the encounter. Understanding why he fled does not require claiming it was prudent.

Slager was not evaluated merely as an ordinary civilian. Police use of force is judged from the perspective of a reasonable officer on the scene, considering the facts and the need for split-second decisions. (*Graham v. Connor*, 1989) This standard recognizes danger and uncertainty but does not accept an officer's subjective assertion automatically. Video, distance, direction of movement, warnings, available alternatives, and the immediacy of threat all matter.

Deadly Force and a Fleeing Person

The Supreme Court's decision in *Tennessee v. Garner* held that deadly force may not be used to prevent escape of every fleeing felony suspect. (*Tennessee v. Garner*, 1985) It is generally constitutionally unreasonable unless the officer has probable cause to believe the person poses a significant threat of death or serious physical injury to the officer or others. The nature of the original offense and the person's current behavior are relevant.

Scott had been stopped for an equipment violation, and the recorded shots occurred as he fled. The video was decisive because it undermined the claim of an immediate threat. Running from police is not itself evidence that the person is armed or dangerous.

The Role of the Taser

The encounter before the video's clearest sequence involved a Taser, and Slager initially claimed that Scott took it. Even if Scott had briefly gained control during the struggle, the threat must be evaluated at the moment deadly force was used. A threat that existed seconds earlier may end when the person is unarmed and moving away.

The video also showed Slager retrieving an object and placing or dropping it near Scott after the shooting. This conduct intensified concern about the reliability of the initial account. Evidence handling and truthful reporting are central to justice because a false narrative can turn a victim into the alleged aggressor.

Proximate Cause

Proximate cause limits legal responsibility to harms sufficiently connected with the risk created by conduct. In criminal law, causation includes factual and legal components, although terminology differs. Slager's gunshots were the direct factual cause of Scott's death. Scott's flight created the pursuit but did not break the causal chain between the shooting and death.

The original essay suggests that Scott's running "instigated" the shooting and therefore caused the result. That confuses background sequence with legal cause. An officer's independent decision to use unjustified deadly force is not treated as a natural and unavoidable consequence of a person fleeing. Slager remained responsible for evaluating the threat and complying with constitutional standards.

Foreseeability

It is foreseeable that fleeing a traffic stop may lead to pursuit, arrest, physical restraint, charges, or injury. It is not a legally acceptable premise that unlawful fatal shooting is the ordinary consequence for which the fleeing person bears primary responsibility. Foreseeability does not eliminate another actor's duty or make disproportionate force reasonable.

Victimology should distinguish "this behavior increased exposure to danger" from "the victim deserved or caused the offender's choice." Prevention messages can advise people not to flee while maintaining complete opposition to unlawful violence.

Race and the Social Context

Scott was a Black man, and the case became part of national concern about police encounters with Black residents. Racial context does not prove the motive of every individual officer, but it affects public trust and the interpretation of repeated patterns. Historical experience with discriminatory stops, force, and false official accounts can shape why communities demand independent evidence.

Analysis should use data and avoid claiming that one case establishes every allegation about policing. It should also avoid treating the incident as isolated from institutions. Recruitment, training, supervision, traffic policy, discipline, prosecution, and transparency affect the conditions in which individual decisions occur.

The Bystander Video

Feidin Santana's recording changed the legal and public understanding of the case. Without it, the initial narrative may have remained dominant. Bystander video can increase accountability, but

recording can place witnesses at risk, and footage may be incomplete or traumatic. Preservation, authentication, and context matter.

The case also supports clear policies on body-worn cameras and evidence disclosure. Cameras are useful only when activated, retained, and reviewed. They should not become tools for surveillance without privacy safeguards.

Official Narratives and Credibility

When official statements conflict with evidence, trust is damaged beyond one case. Police reports and public statements carry authority and can shape charging, media coverage, and community judgment. Officers have ethical and legal duties to report force accurately. Supervisors should investigate inconsistencies rather than defend an account automatically.

Institutions can improve credibility through independent investigation, timely correction, transparent policy, and discipline for false reporting. Loyalty to a profession should include protecting its integrity from misconduct.

Impact on Scott's Family

Victimology examines the secondary victims of homicide, including family and community. Scott's death caused grief, financial and emotional loss, public exposure, and prolonged legal proceedings. Families may need information, participation, compensation, counseling, and respect from institutions.

Public debate can further harm families when the victim's entire life is examined to justify the death. Relevant evidence should be distinguished from character attacks. A person does not lose the right to lawful treatment because of debt, prior arrest, family conflict, or mistakes.

Impact on the Community

The shooting intensified distrust of traffic enforcement and police accounts. Distrust can reduce reporting and cooperation, making public safety more difficult. Community response included protest, advocacy, and demands for camera use, training, and accountability.

Rebuilding trust requires more than one conviction. Residents evaluate ordinary encounters, complaint handling, disparities, and whether reforms continue after public attention fades. Community engagement should include critics rather than only supportive organizations.

Legal Accountability

State murder proceedings ended in mistrial, but the federal civil-rights prosecution produced a guilty plea and sentence. The different proceedings illustrate that one event can violate both state criminal law and federal constitutional rights. Federal prosecution does not automatically occur in every police shooting; jurisdiction and proof requirements are specific.

Slager's sentence recognized the seriousness of depriving Scott of the right to be free from unreasonable force. The case demonstrates that officers can be held criminally responsible, though accountability often depends on evidence, prosecutors, and institutional willingness.

Policy Lessons

Low-level equipment stops can escalate and should be evaluated for public-safety value and disparate impact. Departments can limit unnecessary pretextual stops, train officers in foot-pursuit decision-making, require de-escalation where feasible, and clarify when pursuit should end. Supervisors should review force and Taser incidents systematically.

Body cameras, independent investigation, duty to intervene, evidence integrity, and transparent discipline can strengthen accountability. Policies must be enforced. Written rules without consequence do not change behavior.

Victim-Blaming and Prevention

It is possible to advise people that fleeing police is dangerous and unlawful without using that advice to excuse excessive force. Prevention should address both sides: residents should know legal and safety options, while officers must use proportionate force and respect constitutional rights. Responsibility is allocated according to each person's conduct and legal duty.

Victim precipitation theory becomes harmful when it focuses intensely on a victim's minor or unrelated behavior while treating the offender's choice as inevitable. A balanced account recognizes sequence but centers the act that produced the unlawful harm.

Conclusion

Walter Scott's decision to flee contributed to the sequence of events and exposed him to pursuit, but it did not justify Michael Slager's use of deadly force as Scott ran away. Contributory negligence is a civil tort concept and is not the proper standard for deciding criminal or constitutional responsibility. The reasonable-officer standard required assessment of the immediate threat at the moment of

shooting. The gunshots were the direct and proximate cause of Scott's death, and Slager's decision was not an unavoidable consequence of flight. The bystander video corrected a false or misleading initial narrative and made accountability possible. Victimology can analyze Scott's behavior, fear, vulnerability, and social context, but it must not transfer responsibility for disproportionate force to the person killed. The case supports reform of traffic enforcement, force policy, evidence integrity, supervision, and independent accountability.

References

Tennessee v. Garner, 471 U.S. 1 (1985).

Graham v. Connor, 490 U.S. 386 (1989).

U.S. Department of Justice. (2017). *Former North Charleston police officer Michael Slager sentenced to 20 years in prison for federal civil rights offense*.

Daigle, L. E. (2018). *Victimology: The essentials* (3rd ed.). Sage.

Karmen, A. (2016). *Crime victims: An introduction to victimology* (9th ed.). Cengage.