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Estate of Police Shooting Victim, Terence Crutcher, Appeals Dismissal of Civil Rights Lawsuit

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Gibson Dunn and Solomon Simmons Law today on behalf of the Estate of police shooting victim, Terence Crutcher, appealed the dismissal of a civil rights lawsuit arising out of Mr. Crutcher's killing.

On September 16, 2016, a Tulsa Police Officer shot and killed Terence Crutcher while he was unarmed with his hands raised. The police officer who killed Mr. Crutcher approached him as he was walking down the street and then senselessly and violently escalated the encounter to deadly force within minutes. Mr. Crutcher's killing is captured on video—which was released shortly after his death following public outrage. The video shows that the officer pursued Mr. Crutcher with her gun pointed at his back as he walked slowly toward his car parked in the street. The video then shows Mr. Crutcher with his hands raised as the officer fires her weapon at him with a bullet that entered under his raised right arm. At the time of his death, Mr. Crutcher had no weapon and was not under arrest. The Tulsa County District Attorney charged the officer with first-degree manslaughter, but she was acquitted after trial in May 2017.

Mr. Crutcher's Estate filed this civil rights lawsuit seven years ago, alleging the officer and the City of Tulsa violated Mr. Crutcher's Fourth and Fourteenth Amendment Rights. After years of delays, the lower court dismissed the case, ruling the officer was entitled to "qualified immunity," despite shooting an unarmed man whose hands were held in the air. The lower court also dismissed claims against the City of Tulsa for its unconstitutional police practices that resulted in the shooting.

The Estate's appeal contends that the lower court's ruling was grievously wrong. The court refused to consider the evidence the Estate put forward, failed to apply governing Supreme Court and appellate case law, and disregarded forty years of precedent forbidding officers from using deadly force against unarmed Americans—like Mr. Crutcher—who pose no threat. The court also dismissed the claims against the City, ruling the Estate did not establish "any link" between Mr. Crutcher's killing and the unconstitutional police practices alleged, holding the Estate to the wrong pleading standard, and ignoring the Estate's detailed allegations, including the officer's own admission that it was her police training that dictated that she shoot an unarmed Mr. Crutcher.

The Estate seeks reversal in the U.S. Court of Appeals for the Tenth Circuit and is asking the appellate court to order that the case proceed to trial.

Karin Portlock, partner at Gibson Dunn, stated: "Eight years ago today, Terence Crutcher—a son, brother, and father—was senselessly killed. He was unarmed and holding his hands up when a Tulsa police officer shot him and ended his life. The court's dismissal of his family's lawsuit was deeply flawed and unjust. It is fundamental to our Constitution and our rights as Americans that an officer cannot shoot an unarmed person who poses no threat. We are honored and privileged to represent the Crutcher family in this appeal and stand with them in their enduring pursuit of justice for Terence Crutcher."

Damario Solomon-Simmons of Solomon Simmons Law also stated: "While I am confident that after watching the video of an unarmed, non-threatening Terence being shot while his hands were in the air, the Tenth Circuit will reverse the district court's unjust dismissal of our case, we remain heartbroken that Terence's unnecessary and unconstitutional shooting was yet another example of the City of Tulsa's deadly police culture, unconstitutional policing, and overall culture of excessive force.

Today, as I have for the last eight years as their lead counsel and decades-long family friend, I stand with the Crutcher family to remember Terence, and recommit to our work holding the City of Tulsa and Officer Betty Shelby accountable and seeking justice for Terence."

Rev. Crutcher, Mr. Crutcher's father, stated: "Over the last eight years not a day has gone by without thinking about Terence. My family and I are haunted by the video of my son being gunned down while unarmed and with his hands up. We just can't understand

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why, when Terence needed help from Officer Betty Shelby, she instead shot and killed him for no reason. Nothing will ever take away the pain Terence's death has caused our family, but we can't even begin to try to heal if his killers are not held liable. We are praying that the Tenth Circuit court allows us to move forward with the trial against Shelby and the City of Tulsa."

The brief is available here.

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