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Tenth Circuit Arguments Held in Appeal of Dismissal of Civil Rights Case Brought by Estate of Police Shooting Victim Terence Crutcher

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On May 14th, the Tenth Circuit heard oral argument in a civil rights appeal arising from the death of Terence Crutcher, who was unarmed and had his hands raised when he was shot and killed by a Tulsa police officer in 2016. Gibson Dunn, with co-counsel SolomonSimmonsLaw, represents Mr. Crutcher's Estate for purposes of the appeal.

On behalf of Mr. Crutcher's Estate, New York partner Karin Portlock argued before the Tenth Circuit that Officer Shelby violated Mr. Crutcher's constitutional right to be free from deadly force. Ms. Portlock emphasized that the video of the shooting clearly shows that Mr. Crutcher was shot with his hands up, violating forty years of precedent forbidding officers from using deadly force against an unarmed person, like Mr. Crutcher, who posed no threat.

Ms. Portlock also argued that the Estate is entitled to discovery into widespread, unconstitutional police practices within the Tulsa Police Department. She highlighted for the Court that the officer justified her decision to shoot Mr. Crutcher on the basis of police training she received and that the City of Tulsa was on notice of systemic issues within the Tulsa Police Department that encouraged officers to use excessive force.

The Estate is asking the appellate court to reverse the district court's decisions and allow the case to proceed to trial.

Following the argument, Ms. Portlock said: "Terence Crutcher's killing was gravely unconstitutional. We are honored to represent the Crutcher family in this fight, and trust the Tenth Circuit will remand this case for a trial so that justice can be served."

Co-counsel, Damario Solomon-Simmons, commented: "Qualified immunity was never meant to grant officers a license to shoot first and answer never, nor to shield a police department whose own training primed that deadly decision. We asked the Tenth Circuit to send this case to trial so an Oklahoma jury—not legal technicalities—can decide what Terence's family already knows: Terence's life mattered, his killing was unjustified, and Betty Shelby and the City of Tulsa must be held accountable."

The Crutcher family said: "We relive the pain of Terence's death every day, but we've never stopped fighting for truth and accountability. This appeal matters—not just for our family, but for every family who's been told their loved one's life didn't matter. We're thankful to our legal team and to all those who continue to stand with us."

Public access to the argument recording is available here. (https://www.ca10.uscourts.gov/sites/ca10/files/oralarguments/24-5058.mp3).

Related People

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The Gibson Dunn team is led by New York partners Karin Portlock and Lee Crain and includes New York associates Aiyanna Isom, Julia Ross, and Mary Otoo, and former associate Claire Madill.

Case Background

On September 16, 2016, Officer Betty Shelby approached Mr. Crutcher as he was walking down the street and then 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 at the time he was killed, Mr. Crutcher's hands were raised, he had no weapon, and he 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 brought a civil rights lawsuit against the officer and the City of Tulsa in June 2017, but the lower court granted the officer qualified immunity and dismissed the Estate's claims against the City for unconstitutional police practices. Those rulings are now on appeal.

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