

**Opening Remarks of Dr. Tiffany Crutcher for the
21st Century Policing Briefing
Rayburn House Office Building Room 2060
Monday, May 13, 2019**

Good morning. I am Dr. Tiffany Crutcher. Thank you to members of Congress, the NAACP Legal Defense and Educational Fund, and other co-sponsoring organizations for hosting this important congressional staff briefing.

THE FATAL POLICE-SHOOTING OF MY TWIN BROTHER TERENCE CRUTCHER

On September 16, 2016, my twin brother Terence Crutcher was executed by a Tulsa, OK police officer by the name of Betty Shelby. On the day of Terence's murder, he attended his first day of school at Tulsa Community College where he was enrolled in a music appreciation class. Shortly after leaving the college, his SUV stalled in the middle of a road in North Tulsa, a community where my siblings and I grew up. On this day, then Tulsa police officer Betty Shelby was heading to a domestic violence call and just so happen to see my brother's SUV in the middle of the road and decided to abandon her initial call to check things out. When she encountered my brother's vehicle, according to the initial police report and her sworn testimony, Officer Shelby cleared the vehicle finding no weapons and stated that when she encountered Terence, he did not threaten her physically nor verbally. She stated that my brother was either high on something or having a mental health break down; yet she shot him. Terence had no weapon, he was not being belligerent, and his hands were in the air.

Former Tulsa officer Shelby stated during a news interview about the shooting that she feared for her life and Terence "caused the situation to happen," because he didn't comply.¹ She never saw a weapon but claimed Terence was reaching in his vehicle for a gun, a vehicle that she checked when she arrived on the scene we must not forget.

¹ Bill Whitaker, *Officer Betty Shelby on Terence Crutcher Shooting*, 60 Minutes, April 2, 2017, <https://www.cbsnews.com/news/terence-crutcher-unarmed-black-man-shooting-60-minutes-2/>

That day, there were Tulsa Police officers in a helicopter looming hundreds of feet in the air who stated that Terence "looks like a bade dude."² After the shooting, not one Tulsa Police officer who arrived at the scene stopped to help Terence, but ran to make sure that Betty Shelby was ok while my twin laid on the ground and bled to death like road kill. Shelby was a trained and licensed emergency medical technician (EMT) but failed to follow her training according to a personal message I received from her EMT instructor. My brother Terence was not a fleeing felon; he was not suspected of committing a crime, nor was he under arrest. Yet they treated this brother, father, son, black man with struggles, and student who was intentionally trying to better his life through education like an armed criminal.

I can't help but think about how Dylann Roof, a young white male who shot up a black church in South Caroling killing 9 people was apprehended by police without incident. By comparison, Dylann Roof was treated with dignity and respect and afforded the opportunity to go to Burger King after his arrest because he was hungry,³ and Terence got a bullet to his lungs because he needed help.

After watching the video of my brother's horrific murder by Officer Shelby my family demanded that charges be filed immediately against her and one week later, she was indicted. Our family also requested a federal investigation of the shooting by the U.S. Department of Justice (DOJ). Things were going as they should, and my family and community were hopeful that justice would prevail. But, in May 2017, a Tulsa jury acquitted Officer Betty Shelby on all charges and she received over \$35,000 in back pay after being on unpaid leave.⁴ Although jurors acquitted Betty Shelby, they wrote a letter stating that some jurors felt she was not blameless, and she was unfit to be a patrol officer.⁵ Ultimately, Shelby resigned from the Tulsa Police

² *Id.*

³ Todd Sumlin, *Charleston shooting suspect's Burger King meal gets national attention*, The Charlotte Observer, June 24, 2015, <https://www.charlotteobserver.com/news/local/article25394389.html>.

⁴ Associated Press, *The Latest: Acquitted Tulsa cop receiving back pay*, May 23, 2017, <https://www.apnews.com/3c723554272f4360947c847b0b0c7356>

⁵ CNN Wire, *Jury explains why they acquitted Tulsa police officer in fatal shooting of Terence Crutcher*, Oklahoma News 4, May 22, 2017, <https://kfor.com/2017/05/22/jury-explains-why-they-acquitted-tulsa-police-officer-in-fatal-shooting-of-terence-crutcher/>.

Department (TPD) and went to work in a neighboring county. She is now traveling the across the state of Oklahoma and the country teaching a course to law enforcement on "How to Survive the Aftermath of a Critical Incident,"⁶ and a most recently a firearms safety course for the National Rifle Association.⁷

On the night of the verdict, I told the world that I would not rest until major police reforms occurred at the TPD. Over the past year and a half, I've organized a consistent movement to demand change and policing reform in Tulsa OK in the partnership with the NAACP Legal Defense Fund (LDF) and Tulsa leaders.

POLICING REFORM EFFORTS IN TULSA

While waiting for close to two years for the DOJ to determine if prosecutors should indict Officer Shelby for a federal civil rights violation, my family strengthened our organizing efforts at the local level. In April 2018, the City of Tulsa released its first annual *Equality Indicator* report showing that Black citizens in Tulsa were 5 times more likely to be victims of use of force and 2 times more likely to be arrested by the TPD. These numbers were alarming being that Blacks in Tulsa represent 11 percent of the population. Tulsans and I wanted to know why these racial disparities exist. So, with the help of the NAACP LDF, I organized a reform campaign under an initiative of the Terence Crutcher Foundation that I founded one year after Terence was killed.

In May 2018, LDF assisted with drafting and submitting a letter to Tulsa's mayor and city council chair commenting on the city's police reform efforts as of that date, which supposedly mirrored recommendations made by the federal President's Task Force on 21st Century Policing Final Report.⁸ We recommended the immediate implementation of six reforms and that the Tulsa City Council hold public hearings

⁶ Corey Jones, *Betty Shelby teaching course for officers on 'surviving the aftermath of a critical incident'*, The Tulsa World, Aug. 24, 2018, https://www.tulsaworld.com/news/local/betty-shelby-teaching-course-for-officers-on-surviving-the-aftermath/article_9388a019-cd03-5890-9757-069a5bf9706d.html

⁷, Channel 2 News Tulsa, April 24, 2019, <https://www.kjrh.com/news/local-news/betty-shelby-to-teach-nra-firearms-course-in-may>

⁸⁸ NAACP LDF, *Civil Rights and Faith Leaders Send Tulsa Mayor and City Council Chair Letter Demanding Police Reforms*, May 31, 2018, <https://www.naacpldf.org/press-release/civil-rights-faith-leaders-send-tulsa-mayor-city-council-chair-letter-demanding-police-reforms/>.

to determine why inequities exist. Nearly 50 community stakeholders, activists, clergy members, and citizens of Tulsa signed the letter along with the President of LDF Sherrilyn Ifill and the former US attorney for Oklahoma, Danny Williams.

After waiting for almost a year for the Tulsa City Council to decide to hold hearings, in March 2019, LDF, the ACLU of Oklahoma and other local leaders helped us to organize our own public hearings on racial disparities in policing.⁹ Almost 200 Tulsans attended and provided comments on policing practices in our city. Finally, under much public pressure, last month, the Tulsa City Council scheduled its first round of municipal-led public hearings.¹⁰ It is our goal to address every indicator of the Equality Report that indicate racially biased policing with the hope of pushing major changes in policing policies.

DOJ'S INVESTIGATION OF TERENCE CRUTCHER'S FATAL POLICE SHOOTING

While our efforts were moving forward at the local level, in March 2019, we finally received notice from DOJ officials that they had arrived at a decision and wanted to meet with my family to share the news. After looking at the evidence and Betty Shelby's background, I had great expectation that this meeting with the DOJ would finally be the moment my family was waiting for - some measure of justice. Well, my expectations were completely off. DOJ officials declined to prosecute Shelby under 18 U.S.C. 242.

They shared with me in so many words that because of the way the laws are written that it was almost next to impossible to prove beyond a reasonable doubt in these cases of police misconduct and use of force. I then asked one question, trying to remain strong and hopeful for my community - "Do I have any other options?" DOJ officials stated that I would have to go to Congress to change the laws. I held my head up and stated, well that's exactly what I will do which is why I am here today

⁹ Kelsey Schlotthauer, Racially biased policing at issue in public forum tonight in north Tulsa, Tulsa World, Mar. 7, 2019, https://www.tulsaworld.com/news/local/racially-biased-policing-at-issue-in-public-forum-tonight-in/article_7e5e1cec-0a53-5b4d-9d77-e425040a17fd.html

¹⁰ Kevin Canfield, *City councilors select panelists, location for June Equality Indicators public meeting*, Tulsa World, May 8, 2019, https://www.tulsaworld.com/news/local/government-and-politics/city-councilors-select-panelists-location-for-june-equality-indicators-public/article_f6951163-373a-5077-9d1e-d5f595bb9619.html.

on Capitol Hill. I feel that we are in a state of emergency as it relates to black lives in America and mandatory intervention is needed now. **So, where do we go from here?**

SOLUTIONS

After the decision came down from the DOJ, I consulted with individuals for whom I have a tremendous amount of respect, including Rev. Al Sharpton, President and founder of the National Action Network, attorney Monique Dixon, Deputy Director of Policy and Director of State Advocacy at NAACP LDF, civil rights attorney Ben Crump, and my family's attorney, Damario Solomon-Simmons to share with them my burning desire to change and reform the laws that give bad cops the authority to commit legal murder without consequence. They all agreed that the laws are in desperate need of change. So, I decided to launch a national campaign against BAD COPS to demand four things:

- 1. Change or create a new standard for bringing criminal charges under 18 U.S.C. 242. The current standard requires an officer to have willfully engaged in excessive force, which means prosecutors must prove beyond a reasonable doubt that the officer acted with specific intent to do something unlawful. In practice, it's a nearly impossible standard to meet and too many families have not been able to get justice for the deaths of their loved ones at the hands of the police.**

According to the U.S. Attorney's letter declining to press charges against Shelby - this is one of the highest standards of intent imposed by law. The decision not to indict was limited strictly to the Department's inability to meet the high legal standard required to prosecute the case under the federal civil rights statute; it did not reflect an assessment of any other aspect of the shooting.

A "recklessness" standard could be a fairer standard and provide families with a way to get justice at the federal level. Under this standard, one would have to prove that the officer acted with "reckless disregard" for the victim's rights.

- 2. Abolish the use of qualified immunity to protect officers when they should be held liable for their misconduct.** Qualified immunity has

become an “absolute shield” for law enforcement officers. It sends a message to law enforcement officers that clearly unreasonable conduct, including the killing of unarmed black men, will go unpunished. It also delays the resolution of cases, sometimes for years, as courts consider the issue. This is a great hardship to families.

3. The DOJ should take proactive steps to open a pattern or practice investigation of police departments, under 34 U.S.C. 12601, where police violence has occurred.

- i. If DOJ decides not to move forward with a criminal investigation under 18 USC 242, the government should be required to automatically refer the matter to the section of DOJ that conducts civil rights pattern or practice investigations of police departments to assess whether the incident that prompted the criminal investigation is just one of many.
- ii. Congress should consider oversight hearings to make sure that (1) the Civil Rights Division is acting on its authority to conduct pattern or practice investigations of police departments and (2) has the resources to do so.

4. Oversight over federal money to state and local police departments should be increased.

- i. There should be much greater oversight over how state and local law enforcement agencies are spending the money they receive from the federal government. We’re not seeing the promised changes in our communities.
- ii. Some of those funds should go directly to the community organizations that are doing the real work to reform policing.

Thank you so much for your time. I urge each congressional staff to encourage your boss to consider seriously the recommendations made by all panelists today and take steps to demonstrate that BLACK LIVES MATTER.