

LOCAL

Family sues ex-Tucson cop for fatally shooting man in wheelchair

Civil lawsuit follows criminal manslaughter charges vs. ex-officer Ryan Remington

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Courtesy the Richards family

Richard Lee Richards

A civil rights suit was filed Monday by the family of a 61-year-old man fatally shot in the back by a Tucson police officer last November.

In the lawsuit, attorney John H. Bradley wrote that then-Officer Ryan Remington (<https://www.tucsonsentinel.com/tag/ryan+remington/>) "intentionally" shot Richard Lee Richards in the back as he left the scene of a alleged shoplifting incident riding a motorized scooter, and the officer's actions were "excessive, unjustifiable, and unnecessary force."

Remington was swiftly fired from the Tucson Police Department after the incident on Tucson's South Side last year.

The 18-page suit names Remington and the city of Tucson as defendants (https://www.tucsonsentinel.com/documents/doc/091922_richard_suit_doc), and claims that Remington violated Richards' right to be "free from unreasonable seizure." It also alleges that Richards was discriminated against because of his disability.

Remington was working on a "special duty assignment" on Nov. 29, 2021, as a security guard when he responded to Walmart employees who said Richards had shoplifted a toolbox, and threatened a worker with a knife. Body-worn camera footage, combined with surveillance footage showed Remington followed

As Richards rolled over the threshold, Remington fired a salvo of shots, followed by one last shot. Richards slumped in the chair of the motorized scooter, and then crumpled to his left, onto the ground.

"That Remington fired the first eight shots at the back of Richards as he sat there confined in his wheelchair was unconscionable and disturbing," Bradley wrote. "But the pause after the eighth shot, followed by the ninth shot, evidences Remington's depraved state of mind and ought to shock the conscience of all human beings."

"This lawsuit seeks to achieve a measure of justice for Richard Lee Richards (<https://www.tucson sentinel.com/tag/richard+lee+richards>) and his survivors by establishing the obvious: An officer cannot shoot in the back and kill a slow-moving shoplifting suspect in a wheelchair, without warning, when no one is in imminent danger," Bradley wrote.

A day after the incident, Chris Magnus, at the time TPD's chief, called a press conference where he told reporters he was "deeply disturbed and troubled" (https://www.tucson sentinel.com/local/report/082522_remington_prosecution/ex-tucson-cop-face-manslaughter-charges-fatally-shooting-man-wheelchair/) by Remington's action. Following his statements, Magnus—who resigned as chief after being confirmed as the head of U.S. Customs and Border Protection—announced he was firing Remington, a four-year veteran of TPD, after he violated "multiple aspects" of the department's use-of-force policy when he shot Richards.

Current TPD Chief Chad Kasmir completed the process of terminating Remington (https://www.tucson sentinel.com/local/report/082522_remington_prosecution/ex-tucson-cop-face-manslaughter-charges-fatally-shooting-man-wheelchair/) from the force in January. While Remington was fired by TPD, he remains a certified police officer.

The Pima County Attorney's Office announced an investigation in December. Nearly nine months later, Pima County Attorney Laura Conover announced a grand jury indicted Remington (https://www.tucson sentinel.com/local/report/082522_remington_prosecution/ex-tucson-cop-face-manslaughter-charges-fatally-shooting-man-wheelchair/) on a single charge of manslaughter. On Sept. 2, Remington pleaded not guilty to manslaughter (https://www.tucson sentinel.com/local/report/090222_remington_hearing/ex-tucson-cop-pleads-not-guilty-manslaughter-fatal-shooting-man-wheelchair/) for the killing, and he faces trial later this year or in early 2023.

Remington's lawyer, Mike Storie (<https://www.tucson sentinel.com/tag/mike+storie>), harshly criticized Magnus' statements that day, as well as a statement released by Tucson Mayor Regina Romero, calling them "ridiculous" and "horribly irresponsible." Storie also said the manslaughter indictment was the result

During a hearing in a Tucson court in that criminal case, Storie said the incident lasted for five minutes, and the body-cam footage that was released failed to show the ways in which Richards could have been a threat as he drove his mobility scooter through the parking lot before the incident escalated.

Remington, the defense attorney said, was not required to "gamble his life" on whether Richards was stuck in the scooter, and he added that using other options to stop Richards, including the use of a taser or other less-lethal weapons, were "contrary to Remington's training."

However, Bradley said in statement "this was not a rapidly changing, dynamic situation where law enforcement officers are called upon to make difficult split-second decisions."

"This was a slow-moving seven-minute walk alongside someone in a battery-powered wheelchair that, according to the manufacturer and the video itself, has a maximum speed of 5 miles per hour," Bradley said in a written statement. "The video of Remington shooting and killing Mr. Richards while he was in a wheelchair rightly shocks the conscience of the country. Nothing Mr. Richards did, might have done, or failed to do justified him being shot in the back nine times."

Storie did not respond to the Sentinel's questions about the federal civil suit Monday.

City Attorney Mike Rankin has a policy of not publicly commenting about ongoing litigation. City officials, including the mayor, have tempered their comments on the incident since last winter.

TPD officials have not provided details about how officers are trained to deal with people in wheelchairs, including motorized scooters, and whether they are informed about the location of "off" switches on mobility devices. Many have power switches readily accessible from the back.

Remington was hired by TPD on Jan. 6, 2017, officials said. His termination was effective a day before his fourth anniversary on the force, last January.

Civil rights, disability suit filed by family

"Our goal in filing this lawsuit is to obtain a measure of justice for Richard Lee Richards and his family," said Bradley in a prepared statement. "Mr. Remington's shooting and killing of Mr. Richards instead of using, or even attempting to use, a method of non-deadly force violated Mr. Richards's right to be free from unreasonable seizure and to be free from discrimination because of his disability."

"Mr. Remington's actions were unconscionable, unreasonable, and in intentional disregard of Mr. Richards's rights," Bradley wrote, adding Remington's actions "caused deep sorrow, anguish, and trauma to Mr. Richards's family. The constitutional violations here are obvious and they are on video."

In the lawsuit, Bradley wrote that "forensic analysis" of video captured by security cameras and body-worn cameras from Tucson Police officers showed Richards' wheelchair was "no longer in a forward motion" when Remington fired his weapon, and "the knife was not in Richards' hands" when the ninth shot was fired."

"Remington had just spent the past six minutes walking alongside Richards, within arms' reach for much of the time, across several parking lots," Bradley wrote. "At no point during Remington's frequent contact with dispatch did Remington say he feared for his safety or thought that Richards was a threat." Bradley noted Richards remained seated in the wheelchair during the incident, and he was sitting on used Merits Health P301 Gemini Power Wheelchair, "which according to the manufacturer specifications, has a maximum speed of five miles per hour and a maximum ground clearance of four inches."

Additionally, he added "at no point during Remington's encounter with Richards did Remington pull out his Taser or attempt to employ any less lethal option despite having ample opportunity to do so." He also noted Remington failed to carry pepper spray, which he was required to carry under TPD policy. Further, he said that Remington had been told another officer, referred to only as Gastelum in court documents, was about to arrive armed with a Flex—a shotgun that could fire "less-lethal" rubber bullets.

"Based on his communication with fellow officers and radio broadcasts and on his training and experience, Remington should have reasonably concluded that he had additional personnel en route and less lethal tools available in the form of a less lethal rubber bullet shotgun, Tasers, batons, and pepper spray," Bradley wrote.

Richards said he was "too close" to use his Taser, but Bradley wrote video "demonstrates that Remington was capable of walking and positioning himself at any angle and any distance from Richards, who was confined to his wheelchair."

As Richards got the door of the Lowe's, TPD Officer Stephanie Taylor warned him "do not go into that store, sir." However, Remington did not draw his Taser, or attempt to use any other less-lethal device, Bradley wrote. He also did not warn Richards he was going to shoot him.

As Richards drove into the store in his wheelchair, Taylor said, "Stop now, you need to...."

At that moment, Remington pulled out his sidearm and fired a salvo of shots, followed by one last shot.

"After Remington fired the first eight shots, he paused," Bradley wrote. He said Richard was no longer moving forward, he had dropped the knife and was unarmed, and he was "hunched over from the seven hollow point bullets that had torn into his body.

Richards was "immobilized" and only Remington and another officer were in the area, Bradley wrote. "After he paused, on the above facts, Remington fired a ninth shot into Richards body anyway."

Bradley also noted that officers worked to handcuff the wounded man. While Bradley wrote that Remington went to handcuff the bleeding Richards, it was Taylor who worked to bind the man's hands while Remington immediately declared he would get his "I-FAK," a term for a medical kit, and began to run.

Richards was declared dead at the scene.

The lawsuit seeks damages to "redress the deprivation" of Richards' civil rights, and includes a claim against the city of Tucson and Remington under the Americans with Disabilities Act.

"Justice requires that Remington be held accountable for shooting eight shots into Richards's body and killing him," Bradley wrote. "Punitive damages are necessary to punish Remington for firing the first eight shots and especially for firing the ninth shot."