

ARIZONA

Lawsuit filed against Tucson, police officer in fatal shooting of man in wheelchair

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A wrongful death and civil rights lawsuit has been filed against Tucson and a former police officer criminally charged for gunning down a man in a wheelchair as he moved away from police with his back to them.

Former officer Ryan Remington was officially fired Jan. 5 by Tucson police upon completion of an internal department investigation into the Nov. 29 shooting death of Richard Lee Richards, 61.

Remington shot nine times at Richards outside a Lowe's store entrance near Valencia Road and Oak Tree Drive in south Tucson. Richards was suspected of shoplifting from a nearby Walmart. The firing came a day short of the officer completing five years at the department.

Filed Monday in federal court on behalf of Richards' estate, the lawsuit's wrongful death claim contends Remington never gave Richards warning he was going to shoot him, did not have his pepper spray on him as required and issued by the city and never drew the stun gun he carried.

"That Remington fired the first eight shots at the back of Richards as he sat there confined in his wheelchair was unconscionable and disturbing. 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," the lawsuit reads.

Richards' estate is being represented by Strang Bradley, a law firm based out of Madison, Wisc.

Remington's lawyer, Michael Storie, did not respond to a request for comment.

"People might be offended by the number of times he shot," Storie said in a Dec. 1 press conference about the shooting, shortly after adding, "Police business is messy at times."

Suit: Violation of Richards' rights

The suit describes Richards being shot and his body falling out of his wheelchair onto the pavement with Remington spending 20 seconds trying to handcuff him instead of trying to save him from dying.

The day after Richards' death, Tucson police Chief Chris Magnus and Tucson Mayor Regina Romero denounced Remington.

"To be very clear, I am deeply disturbed and troubled by Officer Remington's actions. His use of deadly force in this incident is a clear violation of department policy and directly contradicts multiple aspects of our use of force and training," Magnus said.

Romero said Remington's actions were "unconscionable and indefensible."

A grand jury on Aug. 24 indicted Remington on felony manslaughter, according to Pima County Attorney's Office spokesperson C.T. Revere.

The wrongful suit argues Remington violated the slain man's Fourth Amendment rights through "excessive force" and also violated the Americans with Disabilities Act (ADA).

The suit contends the Tucson did not train officers on interactions with wheelchair users, did not adopt a policy to protect them and did not conduct a self-evaluation plan under the ADA. The suit goes on to allege the city discriminated or did not accommodate Richards.

Richards relied on a wheelchair as he was disabled from a broken hip and could not care for himself, according to the suit.

"One of the most shocking aspects of the video is that Mr. Remington shot and killed Mr. Richards while he was sitting in a wheelchair. Mr. Richards as a disabled man has the same rights as all other Americans. He was not below the law.," said John Bradley, a plaintiff's lawyer on the case, in an email.

Tucson's city attorney, Mike Rankin, declined to comment on the lawsuit.

Though the trial-by-jury suit is not seeking a specific dollar amount for its claims, it is seeking punitive damages.

The Nov. 29, 2021 shooting

An employee at a Walmart on S. Midvale Park Road near Valencia Road suspected Richards was shoplifting a toolbox on the evening he was killed. The employee alleged he asked to see a receipt and Richards instead pulled out a knife and said, "Here's your receipt." Remington, who was working off-duty security at the Walmart, responded.

Security camera footage shows Remington and Richards, in his motorized wheelchair, as they move about close to each other in a parking lot. Remington can be heard in released audio as he radios dispatch and accuses Richards of pulling a knife on him while a dispatcher confirms police backup.

The suit states that for a third of a mile, Remington followed Richards, who was in a used wheelchair with a maximum speed of 5 mph. Richards, the suit continues, discarded the toolset he was accused of stealing in the parking lot with Walmart employees retrieving it.

Responding Tucson Police Officer Stephanie Taylor's body camera footage shows her running out of her vehicle towards Remington and Richards near the store entrance.

"Stop. He's got his knife in his other hand. Stop going to the store, sir," Remington is heard saying on bodycam footage.

Taylor draws her gun and says, "Stop now. You need to" before being cut off by Remington firing his gun.

The suit maintains the Walmart employee said Richards did not make "direct threats" against him. The suit maintains Remington never told dispatch he feared for his safety or thought Richards was a threat.

The suit asserts Remington did not shoot Richards as an act of self-defense or to defend anyone else as Richards was trying to evade, did not pose an "imminent threat" and did not threaten the officer or a nearby Lowe's clerk.

Remington, the suit contends, acknowledged an officer was on his way with a rubber bullet shotgun and knew through his radio that five additional units and a supervisor were responding to his location. Additionally, the suit notes Remington was wearing a bulletproof vest.

"This has been very hard on our family. There is not a day that goes by that I do not think about Richard and the way that he died. If it weren't for Ryan Remington's actions, Richard

would have turned 62 last week. We love Richard and we miss him,” read a statement from Victoria Richards, Richard Lee Richards’ sister and his estate’s administrator.

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