



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff,)
)
vs.)
)
BETTY JO SHELBY,)
Defendant.)

Case No. CF-16-5138

DISTRICT COURT
FILED

MAY 19 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

NOTICE OF LETTER

The foreperson for the jury contacted the Court and requested that his letter be published. The Court will file it of record.

JUDGE DOUG DRUMMOND

May 19, 2017

RE: Jury Deliberation, Betty Shelby Manslaughter Trial
Media Release

I was a Juror and Jury Foreman who deliberated on the Betty Shelby Trial. I am providing this statement in effort to placate the desire of various media members to interview members of the Jury.

Before I begin, I have instructions that I request you respect with regard to this correspondence and what you choose to do with it:

1. As of the trial's end, each Juror was adamant about staying as anonymous as possible. We ask that members of the media do not try to seek out our identities or to try to interact with us in any way. Please respect our privacy.
2. I suspect that once completed, this letter may be somewhat lengthy, at least with regard to how you might release information from it. I understand that editing, sound bites or snippets are part of reporting that are necessary to keep news concise, but it is also a tool for reporters to edit comments to serve the angle for which they personally see the story. I do not ask, but rather implore you to maintain the continuity of the concepts presented in this letter and, to the best of your ability, preserve the intentions for which each of these concepts are discussed.

The Jury in this case has been keenly aware of the significance of its outcome to our community. We do not want to be misrepresented in any way shape or form. We trust that you will respect our desire to be represented accurately.

3. This letter attempts to capture the thoughts of the Jury as a whole as accurately as is reasonable. This however, should not be viewed to represent any individual's thoughts or beliefs as each arrived at their decision independently and of their own accord. It is possible that I may mischaracterize an individual's thoughts, though I will do my best to stay away from matters where I cannot generalize the thought process of the Jury as a whole, though it should be understood that the intensity and language any individual Juror might use to describe the same concepts may be different.

Before I get into the details that we want to share, I want to thank Judge Drummond, his bailiff Walt, the Sherriff's Office, Courtroom Deputies and staff of the court who made the Jury feel comfortable and safe for the duration of the trial, and after the verdict was reached. In addition, I want to thank Steve Kunzweiler, the Tulsa County District Attorney for his kind words regarding the Jury and its efforts during a post-trial interview. Even if he was not pleased with the outcome, I have a great amount of respect in the way he handled the matter and for his regard of the Jury's efforts in coming to its decision.

On the Matter of the Open Window:

It is clear to the Jury after intensely studying the video, still photos, and testimony that the windows to the SUV driven by Terrance Crutcher that evening were open and that the Jury believes from said evidence that Terrance Crutcher did in fact reach into the window disobeying the instructions of the police officers on location.

On the Matter of the Instant in which Terrance Crutcher was shot:

The Jury concluded that any officer put in that situation at that *exact moment* and regardless of the skin color, gender or size of the suspect, would have performed the same way, which is in accordance with their law enforcement training. By all evidence presented, that instant required action, which two officers took simultaneously. That moment, according to the evidence presented, was unfortunate and tragic, but justifiable due to the actions of the suspect.

On the Matter of the Moments Proceeding the Weapons Discharge:

While Officer Shelby made a justifiable decision at the very moment she pulled the trigger according to her training, when reviewing the moments before she discharged her weapon, the jury wonders and some believe that she had other options available to subdue Mr. Crutcher before he reached his car. What is unclear based on the testimony and the evidence presented in that courtroom, was whether her judgement at that time was in accordance to her training as a police officer in the line of duty or whether her training allowed her to holster her service weapon and draw her Taser instead. There was no evidence presented that she was acting outside of her training, or even if her training allowed her flexibility of a decision at that point. All discussion of what her training requires in that instant, as presented in the trial, favored the Defense's case.

The Jury, without knowledge of the guidelines learned through law enforcement training, believes that a Taser attempt to subdue Mr. Crutcher *before* he reached his vehicle could have saved his life and that potential scenario was seemingly an option available to her; however, there was no evidence presented that her extensive training allowed such an option. The Jury could not, beyond a reasonable doubt, conclude that she did anything outside of her duties and training as a police officer in that situation. This was critical to the verdict rendered. Because of this perceived option that she may have had, many on the Jury could never get comfortable with the concept of Betty Shelby being blameless for Mr. Crutcher's death, but due to the lack of direct or even circumstantial evidence that she was acting outside of her training in the 30 feet prior to Mr. Crutcher reaching the window of that SUV, the Jury was forced by the rule of law to render a not guilty verdict.

On the Matter of Heat of Passion:

The Jury was provided very specific instructions regarding the Heat of Passion aspect of the Manslaughter in the First Degree charge. Key to these instructions was that the intense emotion had to dominate the person's thought process at the very instant the act of homicide was committed. Evidence presented led the Jury to believe that Officer Shelby was indeed fearful, increasingly so as the incident escalated. However, the Jury concluded that she did act within the confines of her training at that very moment when the homicide was committed. The evidence presented did not prove beyond a reasonable doubt anything to the contrary that Training, not fear, dominated in her choice to perform that action at that time she discharged her weapon, which was evidenced at least in part by the fact that two officers simultaneously fired their weapons in response to Mr. Crutcher's actions.

On the Matter of Deliberation.

I am confident this was a strong jury and it was an honor to serve with them. Each took his or her respective civic duty and the oath made to the court very seriously. Each was engaged in the process, taking notes of the extensive and complicated evidence and testimony brought before them. Each honored the instructions given by the Judge throughout the process. The deliberation, though long, was extremely efficient with regard to the ground it covered in reviewing and discussing the evidence. The members of the Jury were collaborative and respectful of each others views as we muddled through a very complicated matter.

In addition to the review of the testimony and evidence presented in court, we also very carefully studied and considered the judges instructions which guided the Jury in how to reach its conclusions under the narrow constraints of the law.

I believe that I speak for the whole of the Jury, when I say that the general public in these types of cases are unaware of just how specifically the rule of law dictates how a Jury must reach a verdict. The State, in this case, had the burden to prove guilt to each element of the respective charge, beyond a reasonable doubt. Some elements are extremely specific, which makes it more challenging for the prosecution to cross that barrier of "beyond a reasonable doubt". In this case, after extensive deliberation, we the Jury, in accordance with the instructions provided by the Court and through examination of all evidence presented, could not overcome guilt beyond a reasonable doubt and consequently delivered a "not guilty" verdict.

On the Matter of Terrance Crutcher's History

Terrance Crutcher had an arrest history and multiple outstanding arrest warrants. Guilt in previous incidents, were not considered as a means to justify Officer Shelby's actions.

On the Matter of Differential Treatment of Police Officers who use Deadly Force.

There were multiple lines of questioning or evidence pertaining to whether or not Police Officers should be treated differently with regard to a deadly force incident than an everyday citizen would be treated. This was considered to be outside of the scope of evidence required for the Jury to reach a verdict as to the Manslaughter charges against Officer Shelby. Certainly, the testimony raised questions as to this differential treatment, specifically: "Should an officer be questioned preliminarily as soon after the incident as possible?", as a citizen would be, and "Should an officer be allowed to view video evidence of an incident before a preliminary interview?", a luxury not afforded a common citizen. The Jury discussed this matter briefly, and by consensus would recommend that the policy be reviewed and reconsidered by the TPD Chief of Police and TPD administrators.

On the Matter of Betty Shelby's Future

As stated herein, the Jury under the confines of the law found Betty Shelby Not Guilty, yet we question her judgment as a law enforcement officer. It is possible that she acted exactly as her training would dictate and no option was available otherwise, but to people not trained in law enforcement, it seems that an option might have been there. We encourage the Chief of Police and the administrators at the Tulsa Police Department to take a detailed and earnest review of all points of her encounter with Mr. Crutcher. If she had any opportunity or flexibility of judgment to subdue the suspect with a less lethal force in the moments before the event culminated tragically, then her ability and judgment as an officer under pressure has to be called into question, and serious consideration given to whether she be allowed to return to practicing law enforcement.

I hope this has been informative as to the decision rendered by the Jury. It has been noted in accounts that members of the Jury were emotional as the verdict was read in court. It was a very weighty decision and the burden of making it takes an emotional toll on a person.

I cannot exactly capture the perspective of each individual member of the Jury though I hope that these generalized statements will serve as sufficient summary. You, as media, may be approached by an individual member of the Jury who wishes to speak on their own accord; however, please let them approach you and respect their wishes to remain unidentified.

Sincerely,

The Jury Foreman