

Ninth Circuit Court of Appeals Vacates Decision in Police Shooting Case

Los Angeles – December 30, 2019: The Ninth Circuit Court of Appeals vacated a jury verdict in a civil case brought by the mother of a mentally ill black man who was killed by a police officer in Bakersfield, allowing a new trial to move forward that would admit lay testimony from the victim’s mother to prove that the officer should have recognized that the man was exhibiting signs of mental illness and followed specialized protocols for encountering mentally ill individuals.

Crowell & Moring represented Leslie Laray Crawford, the mother of Michael Dozer, who died in a police shooting in 2014. The case alleged a Fourth Amendment excessive force violation under 42 U.S.C. § 1983, the Civil Rights Act of 1871. The Ninth Circuit panel, led by Judge Gary Feinerman, held that the exclusion of the mother’s testimony was an abuse of discretion, reversing a District Court judge’s decision that allowed the defense to successfully convince a jury that there was no evidence of mental illness and imply that the deceased was on the drug PCP at the time of death.

Existing case law was not clear on whether lay testimony regarding exhibited mental illness could be introduced in police shooting cases, and so this decision will allow plaintiffs in other cases to introduce this type of lay testimony. With this type of testimony, plaintiffs may be able to more effectively argue that a police officer should have recognized signs of mental illness and therefore should have acted in accordance with the specialized training that officers receive on encounters with mentally ill individuals.

Partner [Emily T. Kuwahara](#) and associate [Alice Hall-Partyka](#) handled this matter on a *pro bono* basis.

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Crowell & Moring LLP is an international law firm with more than 550 lawyers representing clients in litigation and arbitration, regulatory, and transactional matters. The firm is internationally recognized for its representation of Fortune 500 companies in high-stakes litigation, as well as its ongoing commitment to *pro bono* service and diversity. The firm has offices in Washington, D.C., New York, Los Angeles, San Francisco, Orange County, London, and Brussels.

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