

LR police killing in 2016 draws family's lawsuit

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A family member of a man fatally shot by Little Rock police last year filed a federal civil-rights lawsuit against the department Thursday.

The suit accuses officer Dennis Hutchins of using excessive force in the killing of Roy Lee Richards Jr., 46, on the morning of Oct. 25. Hutchins and officer Juston Tyer encountered Richards at 12:47 a.m. after responding to a report of two men fighting outside a house at 514 E. Eighth St., according to police. The department said Richards got a rifle from a nearby vehicle after police arrived.

Richards reportedly began chasing the other man and pointing the rifle at the man's back. That's when Hutchins, armed with a .223-caliber Bushmaster rifle, shot and killed Richards, according to police.

The rifle Richards was carrying was later found to be an air rifle.

Little Rock police investigated the killing and provided its findings to prosecutors, who cleared Hutchins of any legal wrongdoing in the case. Hutchins has since returned to duty.

Richards' sister, Vanessa Cole, filed the civil-rights lawsuit Thursday. Police Chief Kenton Buckner and the city are listed as defendants along with Hutchins.

In addition to excessive force, the suit accuses Hutchins of misleading investigators about the circumstances of the killing and violating numerous department regulations in his handling of the encounter.

One of those violations, the suit says, occurred when Hutchins wielded a semi-au-

to that early morning by officers who never gave him a warning, who shouldn't have been using an assault rifle," said Chicago attorney Mike Laux who, along with Little Rock law firm Dodds, Kidd, Ryan and Rowan, is representing Cole.

Laux announced the lawsuit at a news conference Thursday morning. Cole was in attendance, as were Richards' two sons.

"My brother was shot in the head, but it blew the family's brains out," Cole said.

It was a family member with whom Richards was fighting on the night police were called to the house on East Eighth Street.

Richards' uncle, Derrell Underwood, called 911 and said Richards was in his yard and drunk, according to recordings released under the Arkansas Freedom of Information Act. Underwood said he wanted Richards to leave.

"Now don't hurt him, I just want him out of my yard and away from my house," he told the 911 dispatcher.

One of Underwood's neighbors also called 911. He said a man in a vehicle had driven into the middle of his neighbor's yard and was honking his horn and yelling.

"He's making a lot of noise," the man said.

The caller said that when he asked the man to stop honking the horn, the man started threatening him.

"I don't think he's violent, he's just being verbally violent," the caller said.

Another neighbor called 911 and said Richards was armed.

"There's a man with a gun, he's pulled it out, he's gonna shoot my neighbor," the caller said.

Hutchins told investigators that he shot Richards because Richards was pointing a gun at Underwood's back and ap-

wake a relative when "shots rang out."

"When Roy got shot," Underwood says in the video, "I was in the house."

An Eighth Street resident who the lawsuit says witnessed the shooting also said Underwood had gone inside and closed the door before the shooting occurred, according to the lawsuit.

The lawsuit states that the air rifle Richards was carrying was pointed at the ground when Hutchins opened fire and that Richards did not pose "an objectively reasonable threat of imminent death or serious physical injury," circumstances required for officers to use deadly force.

Police spokesman Lt. Steve McClanahan said the department does not comment on pending litigation.

City Attorney Tom Carpenter, after a brief review of the lawsuit Thursday, sent a message to Mayor Mark Stodola and the city's Board of Directors informing them of the litigation.

Carpenter wrote that Laux filed the suit "perhaps because the rifle that Mr. Richards was brandishing turned out to be a nonlethal weapon." But he wrote that the gun's lethality had "nothing to do with the reasonableness of the [officer's] perspective" and that the lawsuit applies "20/20 hindsight to a situation under vastly different circumstances."

Laux, who has represented the families of other people killed by Little Rock police, said Thursday that Cole filed suit because the police investigation of her brother's killings was "slanted, biased, fixed, not legitimate."

Cole is seeking compensatory and punitive damages.

Information for this article was contributed by Ryan Tarinelli of the Arkansas Democrat-Gazette.

Excessive Force

Air Rifle pointed at the ground

Pepper Spray

Objective reasonable threat of imminent death or serious physical injury

Use of deadly force is then permitted