

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Tuttle v. City of Oklahoma City

728 F.2d 456 (10th Cir. 1984) · Decided February 28, 1984

SUMMARY

The United States Court of Appeals for the Tenth Circuit reviewed a § 1983 action arising from the fatal shooting of William Tuttle by an Oklahoma City police officer. The court upheld the jury’s finding that the officer acted in good faith and affirmed the municipality’s liability based on grossly negligent training and deliberate indifference, including where the evidence involved a single incident coupled with independent proof of inadequate training. The court also affirmed the damages judgment.

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	William E. Doyle; Barrett
JURISDICTION	Federal
DECIDED	February 28, 1984
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cross-appeals from a jury verdict and judgment in a 42 U.S.C. § 1983 action tried in the United States District Court for the Western District of Oklahoma.
STANDARD OF REVIEW	The court reviewed denial of the City's motions for directed verdict and judgment notwithstanding the verdict for sufficiency of the evidence, reviewed the jury instructions as a whole for legal error, and considered whether the evidence was sufficient to submit Officer Rotramel's good-faith defense to the jury.
PRECEDENTIAL VALUE	Published federal appellate opinion
PARTIES	City of Oklahoma City, Julian Rotramel v. Rose Marie Tuttle

TOPICS

- section 1983
- qualified immunity
- municipal liability
- police misconduct
- appellate procedure

PRACTICE AREAS

- civil rights
- constitutional law
- municipal liability
- police misconduct
- appellate procedure

QUESTIONS PRESENTED

1. Whether the district court erred by submitting Officer Rotramel's good-faith defense to the jury rather than directing a verdict against him.
2. Whether the evidence was sufficient to submit the City's liability for inadequate training and supervision to the jury and to deny the City's motions for directed verdict and judgment notwithstanding the verdict.
3. Whether the jury instructions correctly stated the law governing municipal liability under § 1983 and affirmative defenses.
4. Whether a single incident of police misconduct can, together with independent evidence of inadequate training, support municipal liability for deliberate indifference.
5. Whether the damages judgment should be set aside or remitted.

HOLDINGS

1. The district court properly submitted the good-faith defense to the jury because evidence, viewed in Rotramel's favor, could support a finding that he reasonably believed his actions were justified.
2. The City was not entitled to judgment as a matter of law because the evidence was sufficient for the jury to find grossly negligent training and deliberate indifference to constitutional rights.
3. The jury instructions, considered as a whole, correctly stated the applicable law and required proof that the City's policy or custom, including an implicit policy inferred from omissions, amounted to gross negligence or deliberate indifference and proximately caused the constitutional deprivation.
4. A single incident is not an absolute bar to municipal liability when the incident, coupled with independent evidence, plainly demonstrates complete lack of training and deliberate indifference to constitutional rights.

KEY QUOTATIONS

“An officer’s good faith is not an absolute defense to charges; it is an affirmative defense that must be pleaded and proved by the defendant officer.” (459)

“The single incident rule is not to be considered as an absolute where the circumstances plainly show a complete lack of training.” (461)

FACTUAL BACKGROUND

Police Officer Julian Rotramel responded to a report of an armed robbery at the We’ll Do Club in Oklahoma City. The bartender informed him that no robbery had occurred, and William Tuttle attempted to leave without brandishing a weapon or making an overt threat. Rotramel nevertheless shot Tuttle in the back; Tuttle died shortly thereafter. The evidence also showed that Rotramel had limited training, admitted violating police policy, and was sent alone to respond to a suspected robbery.

PROCEDURAL HISTORY

Rose Marie Tuttle sued Oklahoma City and Officer Julian Rotramel under § 1983 after Rotramel shot and killed her husband. The jury awarded Tuttle \$1,500,000 in actual damages against the City, found for Rotramel based

on his good-faith defense, and the district court entered judgment accordingly. The City appealed the judgment against it, and Tuttle cross-appealed the verdict for Rotramel and the order requiring her to pay his costs.

DISPOSITION

affirmed

CASES CITED

- Pierson v. Ray, 386 U.S. 547, 554, 557 (1967)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Wood v. Strickland, 420 U.S. 308, 322 (1975)
- Scheuer v. Rhodes, 416 U.S. 232, 247-48 (1974)
- Gomez v. Toledo, 446 U.S. 635 (1980)
- Martin v. Duffie, 463 F.2d 464, 468 (10th Cir. 1972)
- Butler v. Goldblatt Bros., Inc., 589 F.2d 323, 326 (7th Cir. 1978)
- Owens v. Haas, 601 F.2d 1242 (2d Cir. 1979)
- Leite v. City of Providence, 463 F. Supp. 585, 590-91 (D.R.I. 1978)
- United States v. Jenkins, 701 F.2d 850 (10th Cir. 1983)
- McClelland v. Facteau, 610 F.2d 693, 696 (10th Cir. 1979)