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PUNISHMENT ISN'T A COPS JOB (PART II)

In Memphis, unremitting violence helps sabotage the craft



For Police Issues by Julius (Jay) Wachtel. During the evening hours of January 7, Memphis Police Department's "Scorpion" anti-crime unit set the stage for yet another memorial to police abuse. A few days later, after Tyre Nichols died from his injuries, residents adorned the spot of his final encounter, transforming a residential streetcorner into an ode for a twenty-nine year old California transplant whom few had really known.

That place, the intersection of Castlegate and Bear Creek lanes, was where officers intercepted Mr. Nichols after he fled from their colleagues. His first encounter, at Baines and Ross Roads, where authorities say they stopped him for reckless driving, was captured by a pole-mounted camera and the bodycam of a late-arriving cop. (Click [here](#) for our condensed version of the video.)

Unfortunately, that's the only video that's been released of that first stop. So we can't tell whether there really was a pressing, let alone legitimate reason to make the stop. Nor whether Mr. Nichols, who is depicted being dragged out of his car by an angry, cursing cop, had *really* refused to peacefully exit the vehicle.



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All along, Mr. Nichols speaks calmly. But he evidently offered some physical resistance, and the officers used pepper-spray and a Taser (third image). Even so, Mr. Nichols quickly managed to break free and run off (fourth image).



As members of a special team, the officers who made the stop were in an unmarked car. That could have worried Mr. Nichols from the start. Their aggressiveness and crude language may have also come as a shock. We don't know whether Mr. Nichols was under the influence of drugs, leading him to be uncooperative and combative, such as what's been attributed to persons in the throes of "[excited delirium](#)." Police later [asked Mr. Nichols' mother](#) if her son was on drugs, as he had displayed "superhuman strength" when they tried to apply handcuffs. But she said that the tall, skinny man suffered from [Crohn's disease](#). That's a substantial disability. And during the struggle at the first stop location, one of the cops got accidentally hit with pepper-spray (click [here](#) for a brief clip that depicts the officer's partner rinsing out his eyes.) That dousing might have relaxed the cops' grip on Mr. Nichols.

Whatever enabled the man's escape, the initial encounter demonstrates a lack of tactical aptitude. Contrast that with what happened at the start of the disastrous incident after which this essay is entitled, [the murder of George Floyd](#), when a rookie cop got the drug-addled man out of his car, in handcuffs and on the sidewalk without causing him any harm. Floyd's supposedly drug-induced "superhuman strength" came later, when he violently resisted being seated in a police car. ([See the testimony](#) of MPD Lt. Johnny Mercil and MPD medical support coordinator Officer Nicole Mackenzie during Chauvin's trial.)

Once he broke free, Mr. Nichols hot-footed it to his mother's house. It's located in one of Memphis' nicer areas, about a half-mile away. Alas, another Scorpion crew caught up with him as he entered the neighborhood. That encounter, which involved twice as many cops as the first, was grotesquely violent



from the start, with officers mercilessly kicking and pummeling Mr. Nichols (left image) and repeatedly dousing him with pepper spray (right image). About six minutes later, once Mr. Nichols was virtually unresponsive, they dragged him away (left image) and



propped him against one of their cars (right image.) (Click [here](#) for our condensed version of the polecam video, and [here](#) and [here](#) for our condensed versions of officer bodycam videos.)

Most of our information came from the videos and the veritable flood of news coverage. (Click [here](#) for the *Associated Press* Nichols “hub”, with links to each of their stories.) Other than the videos, little has been officially released. On January 20, two weeks after the encounter, Memphis PD Chief Cerelyn “CJ” Davis posted [a brief notice](#) announcing the firing, earlier that day, of the five officers who encountered Mr. Nichols at the streetcorner. One week later she delivered [a video address](#). Her remarks (click [here](#) for a transcript) implicitly attributed their “egregious” behavior for his death. Calling her cops’ conduct “heinous, reckless and inhumane”, a violation of “basic human rights” and “the opposite” of what they were sworn to do, she promised “a complete and independent review...on all of the Memphis Police Department’s specialized units.” ([According to the AP](#), as of February 7 six Memphis officers have been fired over the incident and a seventh was removed from duty.)



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Still, the Chief didn't say that police were *solely* to blame for the horrific outcome:

I promise full and complete cooperation from the Memphis Police Department with the Department of Justice, the FBI, the Tennessee Bureau of Investigation, and the Shelby County District Attorney's office to determine the entire scope of facts that contributed to Tyree Nichols death.

So far, none of these agencies have released their reports. Shelby County's Coroner is also yet to publicly weigh in. However, [according to a lawyer retained by the Nichols family](#), "preliminary findings" issued by "a highly regarded, nationally renowned forensic pathologist" revealed that Mr. Nichols "suffered extensive bleeding caused by a severe beating." Whether drugs or a prior medical condition might played a role in his death is yet to be announced.

Medical issues aside, did Mr. Nichols' behavior during the initial stop make things worse? [A police report](#) filed by the "Scorpions" supposedly stated that Nichols was a suspect in an aggravated assault, that he was "sweating profusely and irate" when he got out of the car, that he grabbed for an officer's gun, and that he pulled on the cops' belts (ostensibly, to get a gun). But nothing was said about the officers' use of force. Really, given the horrific police conduct captured on the videos, Mr. Nichols' physical condition and behavior now seem beside the point. Fundamentally, we have a replay of another shameful saga. Had Derek Chauvin not forcibly held him down for those infamous six minutes, a man who *had* committed a (minor) crime, who *did* have drugs in his system, and who *did* exhibit seemingly "superhuman strength" would have come out alive.

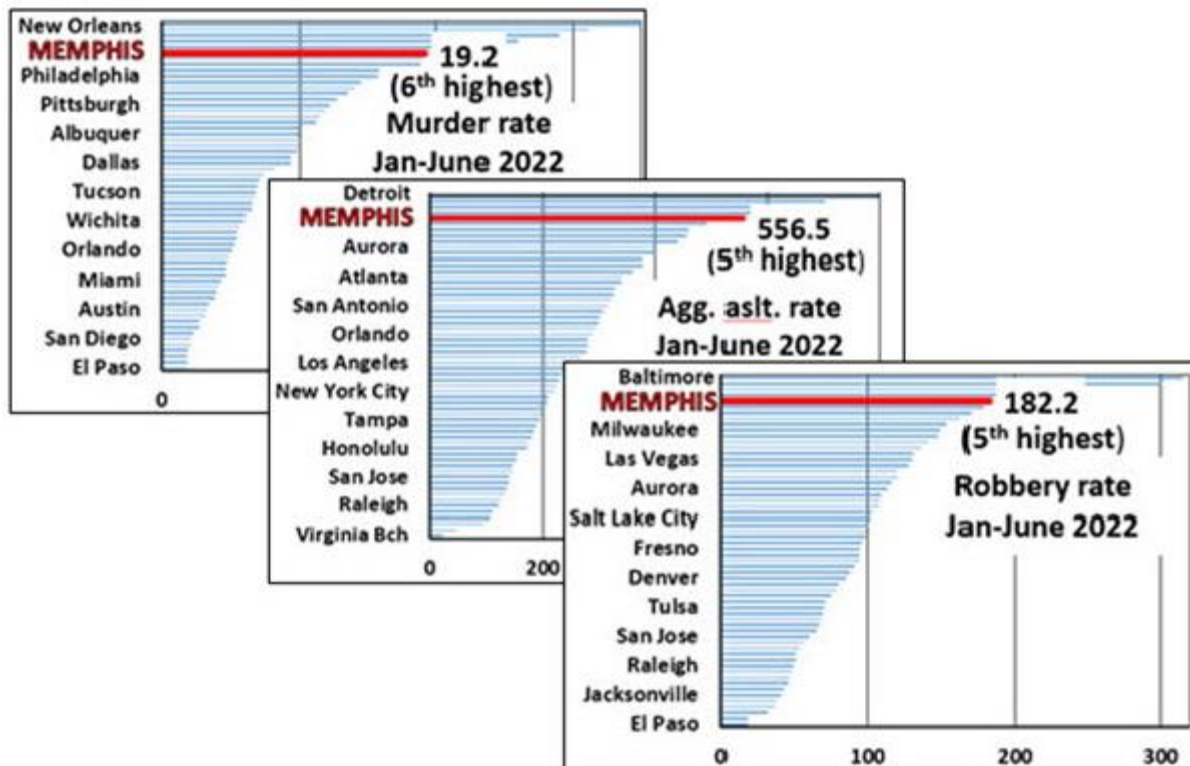
Had the Memphis cops not savagely beat Mr. Nichols, he, too would have unquestionably survived. But they did. So were they rogues from the start? Demetrius Haley, the officer who pulled Mr. Nichols from his car, was a former prison guard. Three years before becoming a cop [he reportedly participated in a "savage beating"](#) that led to a Federal lawsuit. Yet Memphis hired him anyway.

["Three \(In?\)explicable Shootings"](#) and ["Black on Black"](#) discuss other encounters between Black cops and Black citizens that ended poorly. But our essays are cluttered with examples of "easily rattled, risk-intolerant, impulsive or aggressive" White cops as well. And their deficiencies were often no secret. Consider the Minneapolis cop who [shot and killed a 9-1-1 caller](#) for the "crime" of walking up to his car. Not only did he stack up serious complaints during his first two years on the job, but his fitness to be a cop was questioned by psychiatrists when he was hired. And there's the tragic November 2014 [shooting of Tamir Rice](#), a 12-year old Cleveland boy. He was gunned down by a rookie who had been pressed to resign by his former agency. Here's what that department's deputy chief said:

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He could not follow simple directions, could not communicate clear thoughts nor recollections, and his handgun performance was dismal...I do not believe time, nor training, will be able to change or correct the deficiencies...

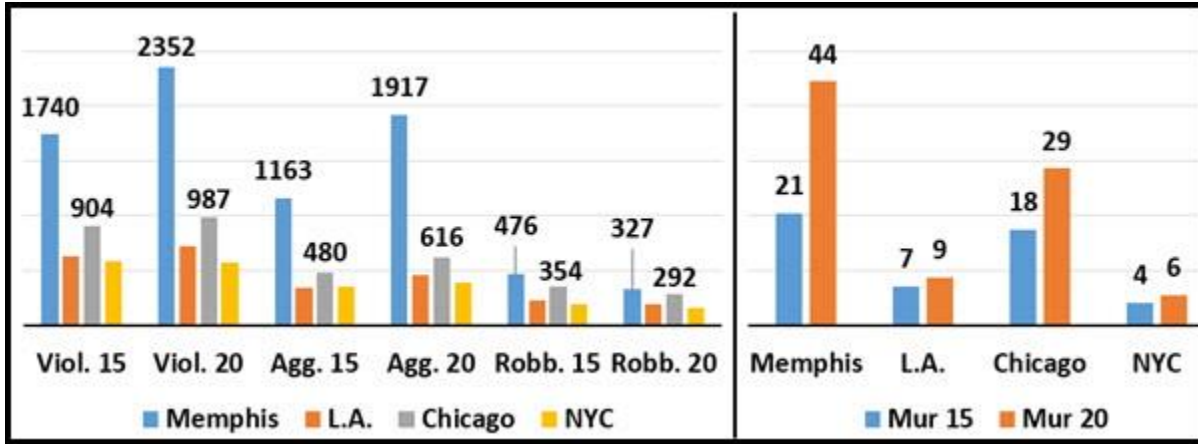
How did “the craft of policing” sink to the level displayed by the “Scorpions”? Let’s start by assessing a central feature of the police workplace: crime. According to [a recent survey](#) by the Major Cities Chiefs Association, here’s where Memphis sat, violent crime-wise, during the first six months of last year:



(MCCA reported data for seventy agencies, but we only calculated crime rates per 100,000 pop. for the sixty metropolitan police departments whose [population base](#) could be readily determined. Also remember that these are *six-month* rates).

Memphis’ violent crime problem is nothing new. Turning to the [UCR](#), here’s how its 2015 and 2020 *full-year* crime rates compared with our “usual suspects” (L.A., Chicago and New York City):

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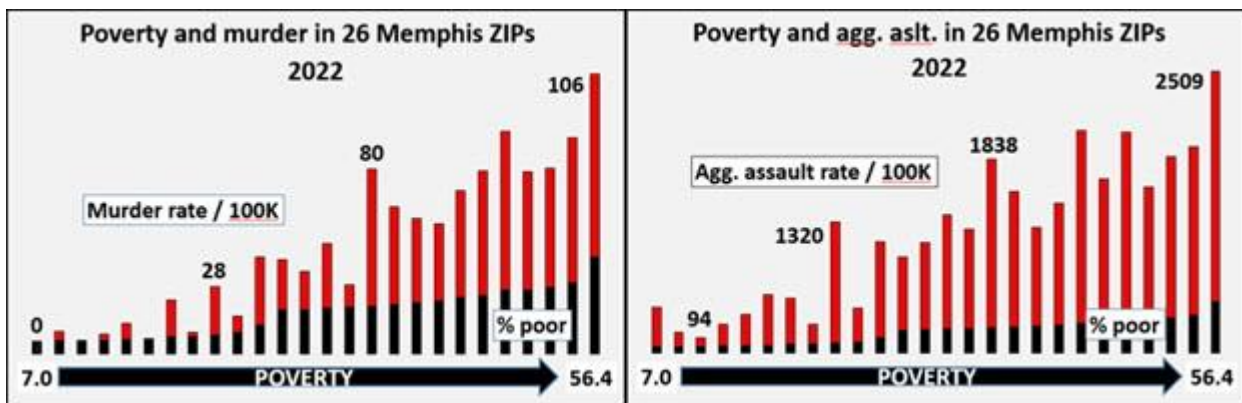


Again, these are rates per 100,000 population. Their underlying frequencies are also very revealing. For example, Memphis (pop. 657,936) reported 135 murders and 11,449 violent crimes in 2015. Los Angeles (pop. 3,962,726), a city six times in population, suffered *twice* as many murders (282) and *a bit more than twice* as many violent crimes (25,156).

And it gets worse *within*. Drawing violent crime data from the [Memphis hub](#), and poverty data from the [Census](#), we calculated full-year, per/100,000 rates for murder, aggravated assault and robbery for each of the city’s twenty-six unique ZIP codes. We used correlation (the “r” statistic) to assess the relationships between poverty and crime (“r” ranges from zero to one: zero means no relationship, one denotes a lock-step association):

<i>r</i>	Murder	Agg aslt	Robb
Poverty	0.91	0.9	0.59

These *r*’s suggest that poverty, murder and aggravated assault are essentially two sides of the same coin. And robbery isn’t far behind. These sobering messages are also conveyed by the graphs and the table (both list Zip’s by poverty, from low to high):



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Prior essays, most recently [“What’s Up? Violence”](#) and [“Woke Up, America!”](#), emphasized the criminogenic effects of poverty. [“Fix Those Neighborhoods!”](#) pointed out that cities need lots of “prosperous neighborhoods” to keep their overall violence stat’s down. With nearly one in four residents in poverty, that’s where Memphis falls decidedly short. Its 2022 citywide murder rate, a nasty 33, is higher than the rates of LAPD’s notoriously violent [77th. Street Division](#) (pop. 175,000), which came in at 30, and NYPD’s chronically beset [73rd. precinct](#) (pop. 86,000), which scored an extreme (by Big Apple standards) 26. Indeed, the 37 per 100,000 rate where Mr. Nichols’ first encounter with police took place – Raines & Ross roads, Zip 38115 – is one of eleven that exceed the city’s overall 33; and most, by comfortable margins (38126, where more than half live in poverty, scored a soul-churning 106.)

So what’s our point? Prosperity can give cops a relatively peaceful environment in which to ply their craft. But there’s precious little prosperity *or* peace in Memphis, a city literally awash in violence. It’s that carnage that in November 2021 led the police chief [to deploy teams](#) – they were impolitically named “Scorpion” – to conduct what are essentially stop-and-frisk campaigns. As one might have expected, their aggressive posture quickly generated blowback. That’s not unlike what similar projects encountered elsewhere. [“A Recipe for Disaster”](#) and [“Turning Cops Into Liars”](#) described the travails of LAPD’s Metro teams, which focused on violence-ridden “hot spots”. Its members were repeatedly accused of making needless stops, using excessive force, and justifying their unseemly behavior by lying on reports. Like issues long plagued the L.A. County Sheriff’s Dept., which continues struggling with [“deputy gangs.”](#) Similar problems have beset anti-crime campaigns in Chicago, New York City and elsewhere. Some of these programs were disbanded, but surges in violence that accompanied the pandemic brought many back.

What happened in Memphis may not be unique. Its exhaustive visual documentation, though, is one for the record books. What’s more, it wasn’t just one or two cops, who could be blamed as outliers. So far, *more than a dozen officers* (including two Shelby

Memphis 2022 rates				
Zip	Pov	Murd	Ag Aslt	Robb
38120	7	0	428	48
38018	8	5	152	44
38125	8	0	94	19
38117	8	4	237	135
38133	8	9	346	46
38119	9	0	554	117
38141	10	21	506	69
38016	10	2	217	60
38103	11	28	1320	513
38134	13	9	366	93
38104	17	39	1048	450
38111	25	29	794	408
38128	26	22	947	177
38115	27	37	1241	372
38122	27	13	1084	414
38107	28	80	1838	458
38116	29	56	1474	272
38112	30	49	1077	189
38109	31	45	1330	200
38114	33	62	2099	399
38118	34	72	1559	809
38105	37	92	2042	717
38127	37	69	1448	206
38108	38	69	1763	318
38106	41	84	1840	337
38126	56	106	2509	406
City	23	33	954	249

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County deputies) have been implicated in the brutal episode. Their “job done” nonchalance after pummeling Mr. Nichols – they mill about exchanging casual talk – fits that “[culture of violence and bravado](#)” which the head of Memphis’ NAACP chapter, Van Turner, believes has infected policing throughout the U.S. As we watched the videos, the thrashing conveyed an angry fusion reminiscent of how George Floyd was treated after he fought the cops. Punishing someone with a merciless beating, as in Memphis, or by relentlessly pinning them to the ground and ignoring their pleas, as in Minneapolis, really *is* “two sides of the same coin.”

What’s to be done? As usual, police executives have taken to rulemaking. [A recently enacted LAPD regulation](#) prohibits pretextual stops unless officers have “articulable information” that a citizen’s behavior could lead to serious injury or death. And there’s Chicago PD’s [5.777 word foot-chase policy](#), whose complexities led the police union to (justifiably, we think) characterize it as a “no-foot-chase” policy.

Of course, limiting stops and chases *will* keep some terrible things from happening. Perhaps a balance can be struck so that imposing limits won’t encourage evildoers and compromise public safety. Still, having worked in policing, we’re skeptical that rules alone will keep cops from responding emotionally, and particularly in highly charged, violence-laden environments such as Memphis. What’s needed? We could start by frankly discussing such things in the academy and at all levels of police organizations. How can the craft of policing – it *is* an art form, by the way – be practiced so that it resists the unholy influences of the workplace? And we mean the *whole* environment: both citizens *and* cops.

Give it a whirl. And if you do, let us know how it pans out!