



Seth Herald | Getty Images of North America Protesters block traffic on Jan. 27 as they rally against the fatal police assault of Tyre Nichols in Memphis, Tenn.

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GUEST COLUMNIST

The officers mingled for almost half an hour, chatting about the chase and the takedown. The pace of events in Memphis — so rushed the officers panted and swore — had slowed to a standstill. The modest Memphis neighborhood surrounding the intersection faded away as they moved about in a bubble of their own making.

Within their world, the officers, at least seven in close proximity to one another, ignored the person who had been only minutes before the subject of their focus and actions. They appeared unafraid in the moment, comfortable with what had just unfolded. All the while, Tyre Nichols — a handcuffed Black man — lay in agony, in obvious distress, unable to remain upright and completely incapable of offering resistance of any kind.

The community and the world watched the same Memphis scene in replay based on body cameras and, critically, a pole-mounted camera. The pervasive and collective outrage that resulted from viewing the videos, as if the nation was trying to exorcise a demon, is the latest reaction to violent misconduct by members of law enforcement. Not every law enforcement officer is implicated by the Memphis five, but the profession as a whole is entangled in it at this point.

I spent years investigating and prosecuting federal, state and local law enforcement officers who committed crimes. I also worked in partnership with investigators as a state attorney and as a federal prosecutor. My father was a career FBI special agent, and my younger brother is a retired Drug Enforcement Administration special agent. I have prosecuted or investigated numerous police cases that involved videotaped beatings of handcuffed individuals or those in police custody. The Memphis videos are not as rare as we would hope or want to believe. However, this time could be different.

The videos from Memphis show a horrific physical beating in unequivocal

terms, but if one watches closely, they also depict with equal clarity the officers' mindset, their group motive and their reflexive plan to inflict summary punishment on someone. The evidence in police cases rarely allows the civilian community such a stark, intimate view of officers before, during and after an egregious attack on a citizen. This video tells more of the story, and this country appears more willing to watch and listen.

The beating death of Nichols represents what is fundamentally wrong with local policing in America. The utter lack of self-judgment by the officers on scene about what just occurred when measured against the average citizens' disgust from watching the videos is the chasm preventing reform in law enforcement. That gap, more than the number of blows striking Nichols, is the marker the country must use to judge whether change is even possible.

The professionalization of American law enforcement over the last several decades is real, but so is the increased power and politicization of police unions and the pernicious culture within law enforcement of covering for fellow officers, no matter what the misdeed. Police chiefs — and other command-level officers — are better versed in modern techniques and more equipped with ample resources to lead than ever before. However, imposed change from the top down doesn't work in policing.

The us-versus-them mentality of street cops isn't limited to the streets. It lives in the line officers' views of their own department leadership. Policies from on high are ignored, often with little more than short-term bureaucratic consequences. More effective use-of-force continuums and de-escalation techniques are only as good as the buy-in from the average officer who might use force against someone.

The distance between what line officers see and what the civilian world observes (including the unique perspective of people of color, especially Black men), has to be acknowledged as the true challenge. A comprehensive shift in the approach officers take in performing their jobs must occur. No longer can the true, but grossly inadequate, line of "serve and protect" provide a shield from the internal catharsis so needed in policing. The calls for change are getting ever louder, but we seem unable to close the gap because it's not based on mere perspective, but a lack of a shared vision of the role of policing.

The videos released of the Memphis officers stopping, hunting, beating and then ignoring Nichols don't need interpretation. The officers present — individually and collectively — lacked the one trait that best serves a law enforcement officer, that is, empathy as their guiding principle. That applies whether a person the officer encounters is friend or foe. As just one clear example of this proposition, law enforcement policies

throughout the country require an officer to render medical aid to someone who no longer poses a threat, even when the officer just caused the injury.

Like Nichols himself, the videos depicting the officers' infliction of summary punishment should cry out to any reasonable person. But it is the officers' indifference to him as he lay immobile on the pavement that needs to echo. The officers' unmistakable absence of empathy is the stark reminder of wrong and right; it also is the difference between present and possible.

Sadly, we know from the many times we hear of incident after incident of police misconduct across the country that the breach remains wide.

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