



WATCHDOG

New Age Of Transparency Hasn't Arrived For Most MPD Cases

Memphis police have shot or killed seven people since late November. Authorities have released bodycam footage in just one of those cases: The beating death of Tyre Nichols



By **Laura Faith Kebede** & **Marc Perrusquia**
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Ashley McKenzie Smith, right, joined family members Friday at the site where her son Jaylin McKenzie was killed by Memphis police in December. (Houston Cofield)

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Ever since her 20-year-old son was killed by Memphis police nearly two months ago, Ashley McKenzie Smith has been fighting to receive basic information about his final moments.

“Everything we know is what’s on the Internet,” she said. “If Jaylin was totally in the wrong, they would have already released the video.”

The official response to the shooting death of her son, Jaylin Keshawn McKenzie, stands in sharp contrast to the Memphis Police Department’s handling of the beating death of Tyre Nichols.


MPD’s swift release of body camera footage and the quick firing and prosecution of officers involved in Nichols’s death have prompted nationwide praise. Even civil rights attorney Ben Crump, who is representing Nichols’s family, hailed the development as a model of transparency.

Yet an examination by the Institute for Public Service Reporting found the Nichols case is an outlier among major use-of-force cases in Memphis. According to the Tennessee Bureau of Investigation, MPD officers have shot or killed at least seven people since late November, the latest coming Thursday when an officer was critically wounded while exchanging gunfire with a man killed inside a public library in East Memphis.

Transparency advocates say timely release of information builds community trust and helps protect police who act lawfully during dangerous encounters, yet authorities haven’t publicly released a single frame of video in any of those cases except the Jan. 7 beating of Nichols.

“So much of how they operate is under a cloud that you can’t see through,” said reformist Josh Spickler, who questions the narrative advanced in the New York Times and other national media outlets that MPD’s handling of the Nichols’s case represents a “shift” in how police respond to use-of-force controversies.

“I don’t think it represents a turning point so much as a response to a particularly heinous and awful video,” said Spickler, executive director of Just City, a nonprofit criminal justice reform organization.

 Jaylin McKenzie at his 20th birthday party, ten months before his shooting death. (family photo)

Jaylin McKenzie at his 20th birthday party, ten months before his shooting death. (family photo)

“There aren’t many governments or police departments in America, I can’t imagine, who would not have responded to something this awful in this manner. But that doesn’t change the fact that the police department in the city of Memphis has long operated without any accountability, with very little accountability or transparency.”

Part of the problem preventing timely release of key details in use-of-force incidents is that delays are baked into state law.

“Each of the investigations you’ve referenced remains active and ongoing,” TBI spokesperson Keli McAlister wrote in an email that said the state law enforcement agency is limited in the details it can release while a case is ongoing.

However, state law doesn’t preclude local authorities from quickly releasing bodycam footage and other details on their own.

“In the case of the Tyre Nichols case, that video was not released by our agency,” TBI said in a follow-up email.

MPD released that video, deviating from past actions. Typically, MPD and the Shelby County District Attorney’s Office have waited on TBI investigations that can take a year or more before video and other details are released.


“It shouldn’t take a year. It’s inexplicable to the public why it would take a year,” said transparency advocate Deborah Fisher. Some jurisdictions produce bodycam footage must faster, she said, pointing to Colorado which requires police to release unredacted footage within 21 days following a complaint of police misconduct.

“As every month passes, people are like, well. Why aren’t they letting that out?” said Fisher, executive director of the Tennessee Coalition for Open Government, a nonprofit that advocates for public access to government records and proceedings.

Flurry of cases

Since her son’s death, Smith, who lives in Atlanta, has set up news alerts on her phone trying to learn more about MPD. She’s been alarmed at how many reports of police shootings she saw.

“These are people you’re supposed to trust,” said Smith, who hasn’t left her house since her son’s death Dec. 16 except for the funeral and a trip to Memphis to see where he was killed.


 Ashley McKenzie Smith at the site where her son Jaylin McKenzie was killed by Memphis police in December. (Houston Cofield)

Ashley McKenzie Smith at the site where her son Jaylin McKenzie was killed by Memphis police in December. (Houston Cofield)

Memphis police initially said Smith’s son had fired at officers. According to police, it happened as Jaylin McKenzie and three others fled a traffic stop the night of Dec. 16. Smith said her family has asked for the police report, bodycam footage and details on the officers involved but have received

none of it. Police wouldn't even share if a gun had actually been recovered from the scene, she said.

"We know nothing. We are blindsided," she said. "I literally buried my son and I still don't know what's wrong or what happened that night."

 Jaylin McKenzie and his mom, Ashley McKenzie Smith, at his high school graduation in 2020. (family photo)

Jaylin McKenzie and his mom, Ashley McKenzie Smith, at his high school graduation in 2020. (family photo)


McKenzie's death is among a flurry of police shootings in Memphis over the past eleven weeks.

Officers have shot six people in that time. Four of them died.

A fifth person, Nichols, 29, died after police punched, kicked, clubbed and pepper-sprayed him following a traffic stop Jan. 7 by members of MPD's SCORPION squad, a special unit that patrolled crime "hot spots" in unmarked cars. He died three days later.

The fatal shootings include the Dec. 9 death of Latoris A. Taylor, 40, whom police say had shot at officers who were chasing him during the investigation of a carjacking in Westwood. Also killed was James West Jr., 39, of Sarah, Mississippi. Police said West died during an exchange of gunfire during the investigation of a suspicious vehicle at a gas station in Parkway Village. An officer received minor injuries during the still-unexplained altercation.

Earlier this week, police shot and killed a man during an exchange of gunfire inside the Poplar-White Station Library in East Memphis where an officer was critically injured when he was struck by gunfire. Killed was Torence Jackson Jr., 28, of Indianapolis. Authorities said the shooting followed a reported trespassing at a nearby business that led to a separate confrontation inside the library at 5094 Poplar Avenue.

 Police Thursday outside the fatal shooting scene at the Poplar-White Station Library (Tina Lum)

Police Thursday outside the fatal shooting scene at the Poplar-White Station Library (Tina Lum)

The use-of-force investigations follow a familiar path: Shelby County District Attorney Steve Mulroy asks the TBI to investigate. During the investigation, bodycam footage and most other details – including the names of officers – typically are withheld. The investigations generally take several months or a year or longer to complete, when footage and sensitive details are then released.

Asked Thursday if authorities had released bodycam footage, reports, or names of officers in five police shootings in November and December – or

whether there were plans to speed release following the beating death of Nichols – District Attorney spokesperson Erica R. Williams said in an email, “None of that has been released to the public as they are ongoing investigations being conducted by TBI.”

Asked the same, MPD public affairs manager Kim Elder said in an email, “These are ongoing TBI investigations. Any additional information at this time would have to come from TBI.”

TBI’s McAlister pointed to a [state law](#) that allows the agency to release information or evidence from officer-involved shooting investigations only after “the completion of the prosecutorial function” or after prosecutors elect to either not charge an officer or have secured a conviction.

The Institute asked in a follow-up email if there was a way to release bodycam and other footage more quickly. But by then McAlister was no longer available; she was out the door and on her way to yet another police shooting: The exchange of gunfire inside the Poplar-White Station Library.

“I’m fielding inquiries for Keli as she responds to the current OIS (officer-involved shooting) in Memphis,” TBI spokesperson Susan Niland wrote in a reply email.

“The statute that Keli sent you applies to what TBI is able or not able to provide.”

Turning point?

But as Memphis officials proved last month, they have the capability of releasing footage and other sensitive details on their own.

“It is absolutely incumbent on me ... (that) we communicate with honesty and transparency and that there is absolute accountability for those responsible for Tyre’s death,” Police Chief Cerelyn “C.J.” Davis said in a rare [video statement](#) on Jan. 25 explaining the swift response.

Yet even now, many people – including Nichols’s family – are skeptical about MPD’s commitment to transparency.

Fatal Use-of-Force Incidents

Nov. 21, 2022: Police shoot a 15-year-old youth in North Memphis as he drives off in a car reported stolen. He drives about a half a mile, then crashes. He survives and is charged with second-degree murder and aggravated assault against a first responder. An officer also is treated for non-critical injuries, police say.

Dec. 5, 2022: An officer shoots and kills James West Jr., 39, of Sarah, Mississippi, during a

“When we got the news, it was very, very difficult. It was surrounded by lies and deceit, trying to cover it up,” Nichols’s stepfather, Rodney Wells, told mourners at Nichols’s funeral Wednesday at Mississippi Boulevard Christian Church.

The New York Times reported earlier this week that the initial incident report written by officers in the hours following the Jan. 7 encounter with Nichols “was starkly at odds with what videos have since revealed.”

The document reportedly describes Nichols as an aggressive suspect who “had started to fight” with officers and had even reached for an officer’s gun – allegations that don’t appear in the videos released by MPD. The Times said a photograph of the police report was first posted online by controversial talk show host Thaddeus Matthews. District Attorney Mulroy, in turn, said he had a copy of a report “with the same account,” the newspaper reported.

In an email to The Institute earlier this week, Mulroy spokesperson Williams said Mulroy “can’t confirm that to be the official report, (but) says the narrative in that report is the same one that he’s seen.”

Civil rights attorney David Henderson told NBC News earlier this week he finds the report extremely troubling.

“What this really reflects is what the true motivations of the Memphis Police Department were from the

reported exchange of gunfire in Parkway Village. Police said the officer was called to a gas station to check a “suspicious vehicle”. It’s unclear how the situation escalated.

Dec. 9, 2022: Police shoot and kill Latoris A. Taylor, 40, while investigating a carjacking in Westwood. Police say Taylor was shot during a foot chase after he fired at an officer.

Dec. 16, 2022: Police shoot and kill Jaylin Keshawn McKenzie, 20, following a traffic stop near Parkway Village. Police say McKenzie was shot during an exchange of gunfire with police while fleeing on foot.

Dec. 27, 2022: An unnamed man is shot in North Memphis during the investigation of a stolen car. Police said they approached a parked car when they found a man sleeping behind the wheel with a handgun in his lap. During a struggle, police shot the man. He survived.

Jan. 7, 2023: Tyre Nichols, 29, is beaten to death following a traffic stop in the Parkway Village-Hickory Hill area. Police initially contend Nichols was irate and reached for an officer’s gun, but video footage contradicts that.

Feb. 2, 2023: A 28-year-old man is shot and killed inside the Poplar-White Station Public Library following a reported exchange of gunfire in which an officer is critically injured.

beginning,” said Henderson, a Dallas-based lawyer and former assistant district attorney in San Antonio. “You want to give them credit and say what they’re trying to do is hold these people accountable for the wrong that they did to Tyre Nichols. But the truth is that part of what they’re trying to do is cover up the way that policing is handled in Memphis.”

Transparency advocate Fisher said, moving forward, officials should strike the proper balance between protecting the integrity of investigations and informing the public.

“Police do need some time to do interviews, you know, and to investigate before the bodycam footage or other footage is seen by the people they’re investigating,” she said. “So they need some time to to accomplish that and to gather evidence. There’s no question there. Right? No question. However, it does seem to take way too long....

“If they were getting things out there sooner, and I don’t know what sooner would be – 30 days or something like that – people wouldn’t be suspicious.”

As for Smith, mother of police shooting victim Jaylin McKenzie, trust in the police has become a difficult proposition.

For Christmas, she bought a police uniform for her step-daughter to add to her dress up collection. The night after her son was killed, she pulled the gift out from under the Christmas tree.

“I have no faith in the police. They’re scary at this point to me,” she said. “It’s scary when you send your kids out and not just some regular person that’s taking your child’s life but someone that you’re supposed to trust and have the utmost respect for is the one breaking the community down.”

Topics: Jaylin Keshawn McKenzie, Josh Spickler, Memphis Police Department, Tyre Nichols

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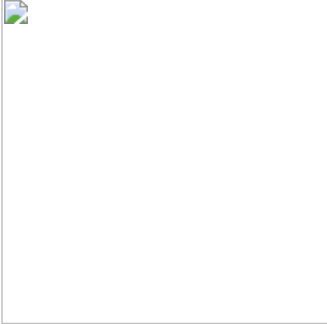
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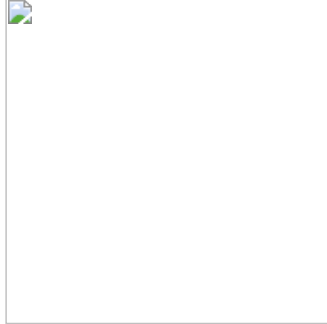
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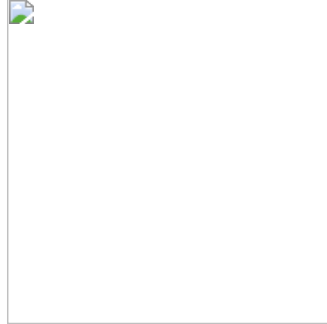
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