

Lawsuit in Nichols' death is amended

Memphis police 'code of silence' highlighted in updated complaint

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In early December, attorneys representing RowVaughn Wells – Tyre Nichols' mother – filed a motion that notified the court of their intent to file an amended lawsuit.

The move was opposed in legal filings by the city of Memphis, Tennessee, and multiple other defendants. Other defense attorneys said the new complaint would be detrimental to them since it would require them to start, essentially, from square one for their motions.

The motion was heard and ultimately granted in federal court Jan. 3. During that hearing, attorneys said the new complaint contained details learned from the federal criminal trial that ended in early October 2024.

Despite arguments that the amended lawsuit would be the same at its core, the amended lawsuit – filed the same day it was granted by a judge – completely restructures Wells' case against the city.

The original complaint acted more as a timeline of sorts, detailing the history of the city hiring Cerelyn "C.J." Davis as its police chief, the creation of the SCORPION Unit and then Nichols' fatal beating in January 2023. It also focused on decisions made by Davis and had a sharper focus on the SCORPION Unit.

The amended complaint takes a broader look at the Memphis Police Department, highlighting problems that took place before Nichols' beating, and some that took place before Davis was hired. It pulls emphasis away from Davis as a primary target of the litigation, instead alleging that MPD has a longstanding culture of violating the rights of citizens.

It says that culture takes the form of the "run tax," a term used to describe punitive force for suspects who run from or are perceived as disrespectful to officers, and a wider code of silence.



RowVaughn Wells, the mother of Tyre Nichols, has amended her lawsuit over the death of her son at the hands of the Memphis Police Department.

CHRIS DAY/COMMERCIAL APPEAL FILE

Both concepts were presented during the federal criminal trial through officer testimony.

The updated lawsuit sues Davis in both her official and individual capacities. In her official capacity as the policymaker for the Memphis Police Department, she is essentially being sued as a representative of the city of Memphis. However, suing her in her individual capacity, which involves allegations that she gave direct orders to violate civil rights, requires meeting a different legal standard.

Despite this, Davis is less prominently featured in the amended complaint compared to the original. The first three sections of the original complaint focused heavily on Davis, examining her hiring, her role in establishing the SCORPION Unit, her tenure in Atlanta, and her involvement with the now-disbanded RED DOG Unit. These sections allege that she should have been aware of the risks associated with saturation policing.

The amended complaint, in comparison, leads with describing the practices seen in footage from Nichols' beating as

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Amended lawsuit from RowVaughn Wells
 Tyre Nichols' mother

“widespread” and further alleges that there is a “longstanding custom of brutalizing civilians without justification.”

The lawsuit includes allegations mirrored in the U.S. Department of Justice's pattern-or-practice findings report.

The first section also alleges that officers would punish suspects with a “run tax” and that the MPD culture encourages officers to protect each other by exaggerating a suspect's behavior when describing the use of force.

“This fabrication and manipulation of evidence was enabled by an entrenched code of silence within the MPD,” the amended complaint said. “The code of silence meant that MPD officers would fail to report violations by other officers and would assist other officers in covering up violations. It was widely known within the MPD that an MPD officer who broke the code of silence could expect retaliation from other MPD officers. Because of this culture, MPD officers feared that if they broke the code of silence, they would be labeled a ‘snitch,’ would face social isolation from fellow officers and might not get help from other officers when they needed it in the field.”

The last sentence was taken directly from testimony of one MPD officer during trial.

In line with taking a wider look at the department, the lawsuit also names additional instances where officers used force. Those incidents date back to 2015, long before Davis was confirmed as police chief and well before the SCORPION Unit was established.

The original complaint cited seven instances of police using force, involving nine individuals, all related to the SCORPION Unit. In contrast, the amended complaint lists 21 instances involving 24 individuals. This new list includes other high-profile cases, such as the 2015 killing of 19-year-old Darius Stewart by an officer.

By the middle of the amended lawsuit, which is about the same length as the original, it returns to a similar format, detailing the Nichols beating. The main differences in these sections are the added details from the city's second release of body camera footage from the night Nichols was beaten.

Neither version of the lawsuit specifies the amount of damages being sought. However, notable civil rights attorney Ben Crump, who represents Wells, stated after the original filing that they were seeking \$550 million.