



## Philando Castile Case: A Charge Is One Thing, A Conviction Is Another

*Officer Jeronimo Yanez has been charged with second-degree manslaughter. But getting a conviction will be an uphill battle for prosecutors*

James King

November 16, 2016

A Minnesota police officer who fatally shot Philando Castile earlier this year was charged with second-degree manslaughter on Wednesday after prosecutors determined that the officer had no reason to use deadly force. But prosecutors have their work cut out for them—convicting a cop of a crime rarely happens.

Officer Jeronimo Yanez shot Castile on July 6 during a traffic stop in a suburb of St. Paul, Minnesota. Castile's girlfriend streamed the aftermath of the shooting on Facebook Live, where she's heard saying, "Please, officer, don't tell me that you just did this to him," as her boyfriend lay slumped over and bleeding in the seat next to her. "You shot four bullets into him, sir. He was just getting his license and registration, sir."

Even with what Castile's supporters perceive as fairly damning video evidence against Officer Yanez, and the criminal charges announced Wednesday, the data is stacked against them when it comes to a conviction.

Only 32 percent of law enforcement officers charged with crimes are convicted, according to data from the Bureau of Justice Statistics. For the general public, the conviction rate is about 68 percent.

Even when cops are convicted of crimes they are incarcerated at a much lower rate than everyone else. Those who are incarcerated after a conviction tend to do less time than the general public.

According to the data, law enforcement officials convicted of crimes are jailed about 36 percent of the time while the incarceration rate for the general public is 70 percent. Cops sentenced to time in jail or prison have an average sentence of 34.6 months compared to 49 months for the general public.

"It's very rare that an officer gets charged with a homicide offense resulting from their on-duty conduct even though people are killed on a fairly regular basis," Philip Stinson, an assistant professor of criminal justice at Bowling Green State University, told the Wall Street Journal in 2014.



vocativ

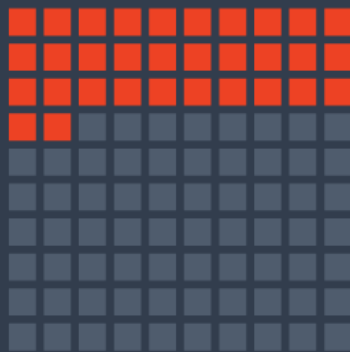
KAITLYN KELLY / SOURCE: U.S. BUREAU OF JUSTICE STATISTICS

# To Protect But Not To Serve Time

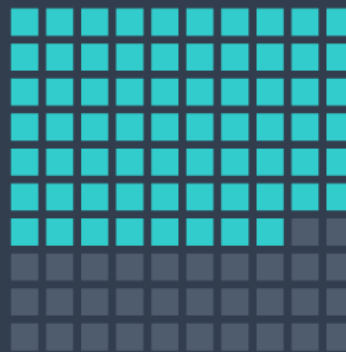
Cops are convicted less and serve less time than the general public

## Conviction rate

LAW ENFORCEMENT: 32%

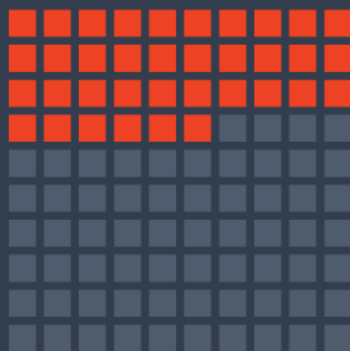


GENERAL PUBLIC: 68%

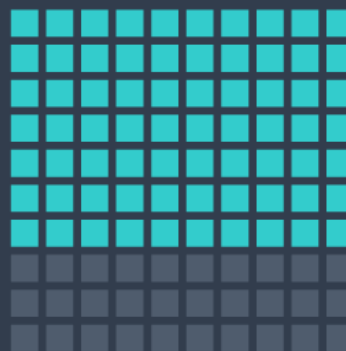


## Incarceration rate

LAW ENFORCEMENT: 36%



GENERAL PUBLIC: 70%



## Average sentence length

LAW ENFORCEMENT: 35 MO.



GENERAL PUBLIC: 49 MO.



A 2011 report from the Cato Institute's National Police Misconduct Reporting Project found that states that fail to prosecute police officers charged with crimes have a higher rate of police misconduct reports. "There appears to be a correlation between higher misconduct rates and ineffective prosecution of criminal police misconduct charges when we see how the states with the worst prosecution rates rank in the lower 50th percentile for misconduct," the report found.

Castile's death sparked outrage and protests, and calls to charge Yanez in his death. His death is one of two officer-involved deaths that many see as the impetus for a deadly attack on police officers in Dallas just a few days later.

According to Castile's girlfriend, he told Yanez that he had a weapon in the vehicle but that he was licensed to carry it. She's heard on the video of the aftermath saying that Yanez "asked him for license and registration. He told him that it was in his wallet, but he had a pistol on him because he's licensed to carry. The officer said don't move. As he was putting his hands back up, the officer shot him in the arm four or five times."

Yanez's lawyers said that Castile didn't follow his commands. He's due in court Friday.