



Derek Chauvin Will Be Sentenced Today Over George Floyd's Murder

Bill Chappell

June 25, 2021

A Minnesota judge will sentence Derek Chauvin for the murder of George Floyd — a punishment that is being closely watched, with prosecutors requesting a 30-year sentence.

In April, a jury found the former Minneapolis police officer, who is white, guilty of murdering Floyd, who was Black, last year. The killing triggered massive protests against racial injustice and also prompted reviews of the police use of force — including how much the law should protect officers when someone dies in their custody.

Chauvin was seen on video pressing his knee onto Floyd's neck for 9 minutes and 29 seconds as Floyd lay facedown on the asphalt outside a convenience store with his hands cuffed behind his back. The police had been called to the store after Floyd allegedly used a counterfeit \$20 bill to pay for cigarettes.

The guilty verdict against Chauvin was hailed as a civil rights victory. His prison sentence is now being awaited as a possible affirmation of that victory.

Chauvin has been jailed since his guilty verdict. He will be in court for Friday's sentencing hearing, wearing a suit rather than a prisoner's uniform by a special order of the court.

Under Minnesota law, people sentenced to prison become eligible to be considered for parole after serving two-thirds of their sentence, as long as they've had no disciplinary problems while in custody.

Lawyers are arguing over aggravating factors

Minnesota guidelines called for Chauvin to be sentenced to around 12 1/2 years for second-degree unintentional murder, given his lack of prior criminal history. But state prosecutors have pushed for a 30-year term, saying Chauvin "acted with particular cruelty," among other aggravating factors in the case.

The prosecution also cited Chauvin's abuse of a position of authority and Floyd's killing in front of children and other witnesses, saying his punishment requires an "upward departure" from the

guidelines. Judge Peter Cahill agreed, saying that aggravating factors had been proven beyond a reasonable doubt.

Eric Nelson, Chauvin's defense attorney, is asking for Chauvin to be sentenced to probation along with time already served, saying that Chauvin, 45, would likely be a target in prison. He also says that with the support of his family and friends, Chauvin still has the potential to be a positive influence on his community.

Chauvin was found guilty of unintentional second-degree murder, third-degree murder, and second-degree manslaughter. But he's being punished only for the most serious charge: second-degree murder while committing a felony. In Minnesota, a person convicted of multiple crimes that happened at the same time is typically only sentenced for the most severe charge.

The state's maximum prison term for second-degree unintentional murder is 40 years, although the sentencing guidelines for second-degree unintentional murder largely taper off at 24 years.

Chauvin also faces federal charges

Weeks after Chauvin was found guilty of murdering Floyd, the Justice Department announced federal criminal charges against him and three of his fellow former officers over Floyd's death.

A federal grand jury indicted the four on charges of violating Floyd's civil rights, with Chauvin accused of using excessive force and ignoring the medical emergency that ended in Floyd's death.

The other former officers — J. Alexander Kueng, Thomas Lane and Tou Thao — are also accused of not getting immediate medical help for Floyd, with Kueng and Thao facing an addition charge of failing to intervene and showing "deliberate indifference" to Floyd's predicament.

The grand jury also indicted Chauvin over an arrest he made in 2017, in which he allegedly used a neck restraint and beat a teenager with a flashlight.

No trial date has been announced for the federal charges.

The three other former officers were already facing a state trial in August, on charges of aiding and abetting. But that trial has now been postponed until March of 2022.

All four of the Minneapolis officers involved in Floyd's death were fired days after the incident.

Police killings rarely result in criminal charges

Floyd's murder and other high-profile cases, such as the police killing of Breonna Taylor in Louisville, Ky., have put intense scrutiny on the police use of deadly force against Black people, particularly by white officers.

An NPR investigation from early this year found that police officers in the U.S. shot and killed at least 135 unarmed Black men and women since 2015, and that at least 75% of the officers were white.

Law enforcement officers in the U.S. killed 1,099 people in 2019 — by far the most in any wealthy democracy in both raw numbers and per capita, according to the Prison Policy Initiative.

Those killings result in only a small number of officers being charged with a crime each year, and convictions of police on murder charges are very rare.

Last year brought a spike in the number of officers who died on duty, but as in most years, traffic incidents accounted for the largest share of those deaths.

Chauvin case propelled calls to change policing in the U.S.

The uproar over Floyd's death has helped change how some police departments train officers to use force, particularly chokeholds or carotid restraint holds.

But as NPR reported last summer, bans on neck restraints have been mostly ineffective or unenforced. Chauvin's actions against Floyd, for instance, were described by Minneapolis Police Chief Medaria Arradondo as violating the department's policies on the use of force, as well de-escalation and rendering aid.

Advocates of police reform also say it's time to limit or revoke qualified immunity — a legal doctrine established by the Supreme Court in 1967 that has been used to shield officers from facing liability for egregious actions while on-duty.

"The people pushing for this change say the Supreme Court has tightened qualified immunity so much in recent decades that it's become nearly impossible for courts to recognize even blatant examples of police misconduct as illegal," NPR's Martin Kaste reported last year. "But police see things very differently. For them, qualified immunity has become a necessary safe harbor in a fast-paced, often dangerous job."

Qualified immunity's critics range from far-left activists to the libertarian Cato Institute.

A federal judge joined the critics last year, saying that while an officer in a case before him was protected by the doctrine, qualified immunity should be tossed into "the dustbin of history."