



## **The trial of Derek Chauvin is a rarity, but convictions of officers are even rarer**

Ash-har Quraishi

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CHICAGO — When former Minneapolis police officer Derek Chauvin goes on trial for the killing of George Floyd, the odds may be in his favor. Following a year of intense protests, the voices calling for accountability may be getting louder but statistically, police prosecutions are rare, even in the face of potentially damning video evidence.

Chauvin is charged with second-degree murder, second-degree manslaughter and third-degree murder. The charges stem from a May incident, where he was caught on camera kneeling on George Floyd's neck for almost nine minutes.

"I think anyone who watches this video and hasn't even sort of a cursory familiarity with what happened here, I think would have to conclude that this was egregious, unconscionable and unlawful misconduct," said Jay Schweikert, a policy analyst with the Cato Institute's Project on Criminal Justice.

In the years following the 2014 killing of unarmed teen Michael Brown by Ferguson police officer Darren Wilson, the calls for accountability have grown stronger. Yet, it's extremely rare for police officers to face serious legal consequences for using excessive force or even killing civilians.

"It takes a lot of political will to bring prosecutions against members of law enforcement in the first place," explained Schweikert. "And in general, prosecutors are very reluctant to do that."

The Supreme Court also gives police officers a great deal of leeway in their use of force, saying that it "...must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

"It's one of objective reasonableness, so if their subjective belief is that there was a threat because they're afraid of Black men, that's not objectively reasonable," said Philip Stinson, criminal justice professor at Bowling Green State University.

In Kenosha, this past September, protests and riots broke out after police officer Rusten Sheskey fired seven shots into Jacob Blake's back, paralyzing him. No charges were filed.

"Many police officers have a fear of Black men and Black boys, and that is what's driving a lot of what we see," said Stinson.

The 2014 fatal shooting of 12-year-old Tamir Rice in Cleveland was especially striking, says Schweikert. Rice, who was playing with a realistic-looking pellet gun, was shot dead by an officer just two seconds after he arrived on the scene.

“I think it's shocking, that case in particular, because, as I recall, there wasn't even an attempt to secure criminal charges in that case,” said Schweikert.

Even when charges are secured, officers are seldomly convicted. Juries and courts are reluctant to second guess the split-second, life-or-death decisions of police officers in potentially dangerous situations.

According to a statistical analysis by Bowling Green State University, since 2005, 138 police officers were arrested for shooting and killing someone while on duty. While 44 were convicted of a crime, most were for lesser offenses. Only seven officers were convicted of murder.

“About 1,000 times each year, an on-duty police officer shoots and kills someone,” said Stinson. “And it's actually a very rare event that an officer is charged with murder or manslaughter resulting from one of those shootings.”

It's a rare event that will soon begin inside a Minneapolis courtroom. The question will be whether the Chauvin trial results in an exception or a rule.