

**KILLING OF GEORGE FLOYD
ESSAYS**

By

Julius Wachtel

As originally published in
POLICEISSUES.ORG

(c) 2007-2020 Julius Wachtel

Permission to reproduce in part or in whole granted for
non-commercial purposes only

Posted 6/26/20

DON'T “DIVEST” – INVEST!

***Stripping money from the police is foolish.
So is ignoring the plight of poverty-stricken neighborhoods.***

For Police Issues by Julius (Jay) Wachtel. George Floyd’s legacy has reached Oregon. After admitting that being white has unfairly worked to his advantage, [Mayor Ted Wheeler pledged](#) to take funds from the police and other city departments and use them to invest in economically disadvantaged areas. He also urged a rethinking of law enforcement’s role and warned that some police units would lose funding. Among them is the department’s [violence reduction team](#), which has been in operation since 2019. According to one of its operatives, [the squad investigated 426 shootings last year](#). Among these were a number of inter-gang battles involving multiple shooters.

Portland also got [a new chief, Jack Lovell](#). A veteran African-American officer, he pledged to “better align” public and officer views of how policing ought be done. With [thirty-six homicides in 2019](#) and [“an unprecedented wave”](#) of twenty-three shootings during the first ten days of 2020, he clearly faces a tough task. Still, outgoing chief Jamie Resch (a white female) described him as “the exact right person at the exact right moment.” She hopes that his influence as well as the redirected funds will help stem the violence that besets Portland’s poor areas.

Where *does* Portland stand, violence wise? According to the [UCR](#), its 2018 crime rate, 5.2/1,000, is about on par with New York City. While that’s considerably higher than the U.S. overall (3.7), it’s nonetheless much better than the 7.2 posted by Minneapolis, that other city we’ll talk about. Still, as essays in our [“Neighborhoods”](#) section have repeatedly argued, when it comes to crime it’s not really about cities: it’s about places *within* cities. And

Person	Assault Offenses	9,103
	Homicide Offenses	35
	Human Trafficking Offenses	25
	Kidnapping/Abduction	47
	Sex Offenses	695
	Sex Offenses, Nonforcible	25
	Total	9,930
Property	Arson	258
	Bribery	3
	Burglary	4,190
	Counterfeiting/Forgery	813
	Embezzlement	160
	Extortion/Blackmail	30
	Fraud Offenses	3,470
	Larceny Offenses	24,588
	Motor Vehicle Theft	6,553
	Robbery	995
	Stolen Property Offenses	95
	Vandalism	6,288
Total	47,443	
Society	Animal Cruelty Offenses	32
	Drug/Narcotic Offenses	1,725
	Gambling Offenses	0
	Pornography/Obscene Material	70
	Prostitution Offenses	48
	Weapon Law Violations	669
	Total	2,544

POLICEISSUES.ORG

Portland (pop. 654,741) has plenty of those, with [ninety-four neighborhoods](#) in seven districts. Using neighborhoods as the unit of analysis, let's compare!

Our information came from three sources. For crime, we turned to [2019 police data](#) (see above right). In that year Portland reported 59,917 criminal incidents. All but 1,754 were coded for neighborhood. Eliminating neighborhoods with low population counts or those whose Census data was unavailable left 87 neighborhoods with a total population of 611,124. We coded each neighborhood for population and percent in poverty using [2017 Census estimates](#) assembled by the *Portland Monthly*, and for race using [2010 Census figures](#) reported by the City of Portland.

Correlation analysis was applied to examine relationships between poverty, crime rates (no. of crimes per 1,000 pop.) and the percent of black and white residents. The below table displays the Pearson “r” that quantifies the relationships. This statistic ranges from -1 to +1. Zero depicts no relationship; -1 a perfect “negative” relationship (as one variable goes up, the other goes down, in lockstep), and +1 a perfect “positive” relationship (both variables go up and down in lockstep.)

		Pov	PerRate	PropRate	SocRate	TotRate
Pov	Pearson Correlation	1	.464**	.461**	.435**	.463**
	Sig. (2-tailed)		.000	.000	.000	.000
	N	87	87	87	87	87
PctBlack	Pearson Correlation	.232*	-.007	.015	-.031	.009
	Sig. (2-tailed)	.031	.948	.891	.773	.937
	N	87	87	87	87	87
PctWhite	Pearson Correlation	-.450**	-.073	-.077	-.046	-.075
	Sig. (2-tailed)	.000	.500	.479	.675	.489
	N	87	87	87	87	87

- Poverty and crime (first row): Moderately strong, statistically significant positive correlations between poverty and crime, meaning they tend to go up and down together. (Two asterisks mean that the probability the statistic was generated by chance is less than one in a hundred.)
- Poverty and race (first column): Moderate positive relationship between blacks and poverty, also statistically significant (one asterisk means the probability the statistic was generated by chance is less than five in one-hundred.) And a moderately strong, statistically meaningful negative relationship between whites and poverty. Clearly, blacks are somewhat more likely to live in poor areas, and

POLICEISSUES.ORG

whites are moderately less likely to do so.

- Race and crime: No relationship.

Using total crime rate (TT rate), this table compares the ten most peaceful neighborhoods (top) with the ten most seriously stricken by crime (bottom).

Neighborhood	Pop.	Pct. Pov.	Pct. Black	Pct. Wht	TT crime	Pers. rate	Prop. rate	Soc. rate	TT rate
Pleasant Valley	12743	16.9	1.4	85.4	361	0.1	22.4	0.0	0.6
Crestwood	13916	7.3	0.6	89.7	35	0.2	2.3	0.0	2.5
Collins View	10027	9.2	1.1	90.1	39	0.7	3.2	0.0	3.9
Marshall Park	1358	5.0	0.4	94.3	14	0.7	9.6	0.0	10.3
Cathedral Park	24107	16.5	5.8	78.3	277	1.4	10.0	0.2	11.5
Arnold Creek	2811	3.2	0.4	92.4	36	1.4	11.0	0.4	12.8
Hayhurst	5978	8.6	1.2	90.3	96	3.0	12.9	0.2	16.1
Ardenwald	2010	9.2	1.2	91.8	39	2.0	16.4	1.0	19.4
Ashcreek	5337	7.5	1.4	89.6	109	3.4	16.3	0.7	20.4
Alameda	5622	6.9	4.1	93.8	123	2.0	19.9	0.0	21.9
Hazelwood	25183	20.7	3.4	77.3	3993	23.5	126.2	8.9	158.6
Parkrose	5870	13.1	8.3	70.9	975	29.8	126.7	9.5	166.1
Old Town/Chinatown	7057	15.3	9.1	77.3	1563	70.7	104.0	46.8	221.5
Hollywood	2022	16.6	6.8	84.3	480	22.7	208.2	6.4	237.4
Pearl	7124	16.2	3.6	84.4	1716	25.3	202.4	13.2	240.9
Eliot	3851	23.8	34.6	51.3	1333	39.5	298.9	7.8	346.1
Creston-Kenilworth	1488	20.7	3.1	77.6	624	65.9	335.3	18.1	419.4
Lloyd	2124	25.3	6.4	80.3	1560	102.2	601.7	30.6	734.5
Centennial	1344	29.7	2.2	80.7	1828	311.8	982.1	66.2	1360.1
Downtown	1811	32.8	6.3	76.3	4069	408.1	1711.2	127.6	2246.8

Blacks comprise a very small proportion of the city's population (5.8 percent, according to a [2019 Census estimate](#)) and only a tiny slice of the economically better-off neighborhoods. Here are the correlations if we only consider the twenty neighborhoods at crime's polar extremes:

		Pov	PerRate	PropRate	SocRate	TotRate
Pov	Pearson Correlation	1	.778**	.817**	.743**	.809**
	Sig. (2-tailed)		0.000	0.000	0.000	0.000
	N	20	20	20	20	20
PctBlack	Pearson Correlation	0.392	0.070	0.142	0.087	0.127
	Sig. (2-tailed)	0.087	0.771	0.551	0.715	0.595
	N	20	20	20	20	20
PctWhite	Pearson Correlation	-.657**	-0.280	-0.334	-0.291	-0.323
	Sig. (2-tailed)	0.002	0.232	0.150	0.214	0.165
	N	20	20	20	20	20

POLICEISSUES.ORG

As one would expect, whites are far less likely to live in the poorest areas (-.657**, seventh row). And check out the magnitude of those r's on the first row. When we cull out the criminally middle-of-the-road places, the statistical relationship between crime and poverty becomes truly formidable.

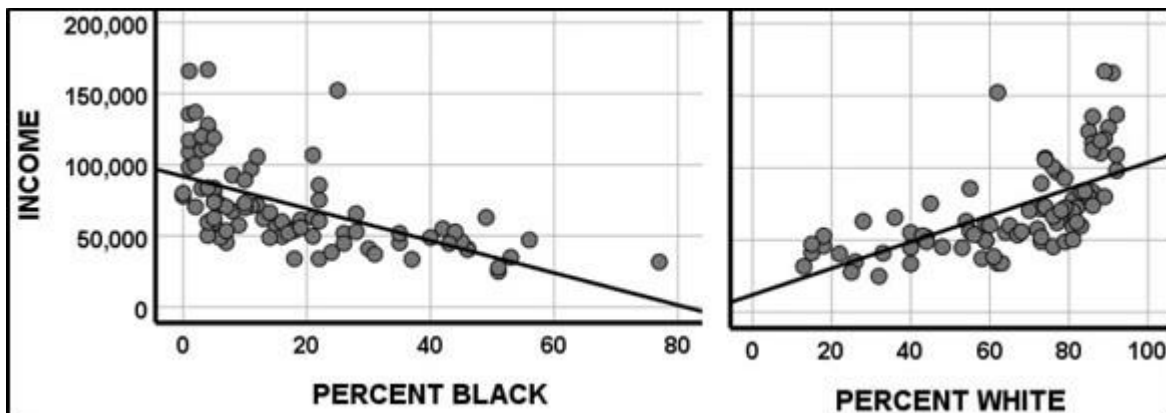
So what about that city whose police department is in the nation's crosshairs? We mean, of course, Minneapolis, where a never-to-be-forgotten video depicts an experienced cop dispassionately (and, ultimately, fatally) [pressing his knees against a helpless man's neck](#). From "Open Minneapolis," an official website, we downloaded violent crime information (MPD UCR codes 1, 3, 4 and 5) for the one-year period ending June 3, 2020. Three other sources – [Minnesota Compass](#), ["Niche"](#) and [City-Data.com](#) –

were used to code each neighborhood for median family income, racial distribution and violent crime rate per 1,000 population. After some culling our dataset comprised 85 Minneapolis neighborhoods where 3,749 violent crimes had taken place.

		INCOME	VIOL RATE
INCOME	Pearson Correlation	1	-.475**
	Sig. (2-tailed)		0.000
	N	85	85
PCT BLACK	Pearson Correlation	-.591**	.659**
	Sig. (2-tailed)	0.000	0.000
	N	85	85
PCT WHITE	Pearson Correlation	.638**	-.722**
	Sig. (2-tailed)	0.000	0.000
	N	85	85

We again used correlation analysis. The table on the left depicts the pertinent relationships. As one would expect, crimes of violence have a meaningful, statistically significant negative relationship with income – as one goes up, the other goes down.

Check out those strong, statistically significant relationships between race and income. Again, they're in the anticipated directions: positive for whites (both go up and down together) and negative for blacks (as one goes up the other goes down.) Here are the graphs. Each "dot" is a neighborhood. Catch the pronounced slope of those trend lines!



POLICEISSUES.ORG

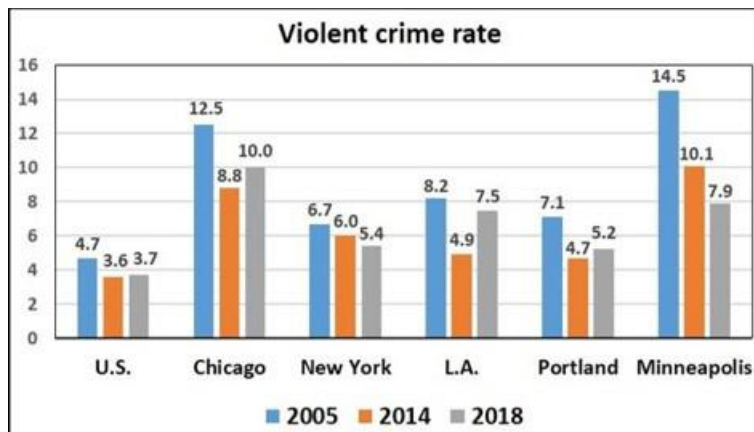
But who needs *r* statistics and graphs? Check out another comparo between neighborhoods at crime's extremes. For Minneapolis it's between the four least violent neighborhoods and the four most:

NEIGHBORHOOD	POP	TT VIOL CR	VIOL CR RATE	PCT BLK	PCT HISP	PCT WHT	INCOME
Camden Industrial	30729	8	0.3	35.0	8.0	44.0	51761
ECCO	2453	2	0.8	1.0	1.0	92.0	108841
Fulton	6355	5	0.8	2.0	1.0	92.0	136824
Linden Hills	7727	6	0.8	4.0	1.0	90.0	127961
Folwell	5742	152	26.5	46.0	6.0	33.0	40938
East Phillips	4253	135	31.7	30.0	30.0	15.0	41012
Downtown West	8084	339	41.9	22.0	4.0	60.0	60383
Hawthorne	4717	199	42.2	46.0	10.0	22.0	40378

Keeping in mind that population sizes differ, the data tells an obvious and very compelling story. Look at the income column. Check out the behavior that accompanies each entry. Then imagine policing the neighborhoods in the lower tier.

Indeed, imagine policing *Minneapolis*. [A story in the Star-Tribune](#) about a recent shooting that left one dead and eleven wounded goes on to mention a “surge” of violence that followed the killing of George Floyd, with more than ninety shot in less than thirty days. Considering that twenty-six Minneapolitans have been murdered so far this year ([last year's toll](#) to date was a relatively “measly” fifteen) police chief Medaria Arradondo's lament about a “public health crisis” seems hardly an exaggeration.

According to 2019 Census estimates, 14.9 percent of [Portland's](#) 654,701 inhabitants live in poverty. With 429,606 residents, [Minneapolis](#) has a poverty rate of 19.9 percent, fully one-third worse. That difference is clearly reflected in our analysis. And as we alluded to, in the cities' UCR crime rates. Here is a six-way comparo:



POLICEISSUES.ORG

What to do? As our “neighborhoods” section has harped on for years, what we *really* need is a “Marshall Plan” for America’s chronically poor neighborhoods. Unless we make major efforts – job training, employment and social counseling, drug and alcohol rehab, childcare, tutoring, affordable housing, and so on – their residents will forever remain locked in crime’s embrace.

So where’s that investment going to come from? President Trump’s re-election promise of “a new deal for black America” has long faded into obscurity. Municipal budgets and politics being what they are, poor neighborhoods are essentially left to fend for themselves. Yes, there have been some valiant private efforts. Portland’s “unprecedented wave” of gunplay is being tackled by “We Are the Caution,” a *Facebook* campaign that addresses the misuse of social media to foment violence. It’s the brainchild of two former gang members who created “Men Building Men,” a nonprofit that seeks to steer young men away from the streets.

In the meantime, loose talk about “defunding” the police continues. Portland seems in a far better position to yank money from the cops than Minneapolis. Yet that 2014-2018 uptick in violence, as well as its more recent experiences, give cause for alarm. Even so, latest word is that its police budget of about \$240 million, which had been set for a small increase, *will instead be slashed* by \$15 million.

But violence-stricken Minneapolis has an even better idea: “dismantle” the police *altogether*. A brainchild of the city council, the plan proposes to have unarmed social service teams do what’s needed. That approach (it’ll supposedly take a year to finalize the details) is opposed by the mayor, who would rather “reform” the cops. Ditto, the business community, which worries about the chaos that would engulf a badge-free city. Skepticism has even been voiced by some of the affluent, progressively-oriented residents of the city’s “Powderhorn Park” area, who reacted to the killing of George Floyd by pledging to never again call the police.

Then, sure enough, “stuff” began to happen.

Posted 6/9/20

GOLD BADGES CAN BE THE PROBLEM

“Ordinary” cops often know what’s best. They should act on it.



For Police Issues by Julius (Jay) Wachtel. It wasn't Buffalo's best weekend. On Saturday evening, May 30, protesters besieged Niagara Square, the city's government center. Vandals quickly [capitalized on the disorder](#). After setting a bail bonds van on fire they tried (albeit, unsuccessfully) to torch City Hall, [then went on a looting spree](#). Two days later an S.U.V. "barreled through" a group of cops, [striking three](#). A state trooper was seriously injured, suffering a broken leg and shattered pelvis.

Lamenting that lawful protests were being used as "a cover to loot, to vandalize, to throw rocks, to try to injure," Mayor Byron Brown [declared an 8 pm curfew](#), to remain in effect through the following Sunday. He also implored his constituents to tone it down:

Protest with a purpose, and peacefully. If you don't have a purpose to protest, if you don't have a message to protest with, stay home...please do not protest unnecessarily...the message is out. We get it. We feel it...as a black man who happens to be mayor, or a mayor who happens to be black, I feel the sting and pain of racism every single day myself.

His heartfelt message had little effect. Two days later, on Thursday, June 4, [demonstrators blockaded City Hall](#). Police cleared the front of the building, making several arrests. Hours later, as curfew began but demonstrations continued, the city's nearly-60 strong tactical team moved in on protesters who remained in Niagara Square.

That's when "it" happened again. As often happens, "it" was [captured on video](#). As Buffalo's specially-formed riot squad marched towards the non-complying delinquents, [Mr. Martin Gugino](#), a septuagenarian "peace activist" [walked right up](#) holding "what

POLICEISSUES.ORG

appears to be a phone in his right hand and a helmet in his left.” A pair of officers positioned directly in front of their commander (he’s the one with the gold badge) promptly pushed Mr. Gugino away, by all appearances not very forcefully.



Alas, the elderly activist lost his balance and fell backwards. His head forcefully struck the ground, and a pool of blood promptly formed. While the formation kept going, one of the officers who shoved him knelt to render aid. But the one with the gold badge pushed him away. After all, the old-timer wasn’t their objective. Keep moving!



Alas, the officer obeyed. Without as much as kneeling to check the man’s pulse, his superior placed a quick radio call (assumedly, to summon medical help) and quickly rejoined the team. He in effect abandoned a stricken citizen. Momentarily officers at the front encountered a picketer and handed him down the line. The “job” was on!

A couple weeks ago in [“Punishment Isn’t a Cop’s Job”](#) we commented on the “impassivity,” the “look of indifference” on that long-serving Minneapolis cop’s face as he pressed his knee against a citizen’s neck. Two rookies were present, and at least one expressed concern that maybe – just maybe – George Floyd really *couldn’t* breathe. But the training officer ignored him.

Something very much like that happened again. Why?

POLICEISSUES.ORG

Perhaps because Buffalo P.D. conflated its team with a military unit. That identity likely took hold when the riot squad was conceived and was carried over into training, then into the field. Whatever the one with the gold badge wants, they get. And when a misguided leader abandoned the seriously injured man and relentlessly kept his “troops” moving towards their objective, the silver badges obeyed. So it’s their fault, too. After all, it’s not as though the cops were under attack. They were rounding up curfew violators! There was no reason that the team couldn’t have paused or that several members couldn’t have fallen out to carry out the core function of the police – their *raison d’etre*: helping citizens, even elderly truants.

But they didn’t. That “[lack of concern](#)” (the words of State Attorney General Letitia James) deeply troubled Erie County Executive Mark Poloncarz:

The officer who pushed the individual down, I think he realized right away the gentleman was severely hurt, and it looked like he was reaching down to help him. And then his superior seemed to push him to go forward. That one action, I hope, does not destroy the efforts of so many to reach that agreement for all, that we can work together.

Bottom line: a gold badge directed his officers away from their *real* job. And as in Minneapolis, the underlings went along. In other times there might have been little blowback. Not *this* time. Exploding in the media, the incident ricocheted through a deeply polarized landscape and provoked even more antagonism towards the ruling class. As in Minneapolis, worried politicians instantly reacted. Calling the episode “fundamentally offensive and frightening,” [Governor Andrew Cuomo promptly urged](#) that the two Buffalo officers be fired and criminally investigated.

He got his wish, and more. Within one day of the episode Buffalo’s mayor suspended both officers suspended without pay. (His action led every member of the team [to resign from the unit](#).) And merely one day after that, [both cops found themselves under arrest for 2nd. degree felony assault](#). To make the case stick Erie County prosecutors will have to prove that the officers *intended* to injure a person over the age of 65 and at least ten years older. Both cops pled not guilty and were released pending their next court date, on July 20.

Well, Mr. Gugino is *seventy-five*, so the age thingy isn’t at issue. (At this writing he’s thankfully improved and is in “serious but stable condition.”) Yet we’ve repeatedly watched the video and can’t fathom how the State intends to prove “intent to injure.” Both officers were marching directly in front of (and assumedly protecting) their commander. Mr. Gugino clearly interfered with the team’s progress, and that shove to get him out of the way doesn’t seem violent. For a prosecutor to argue that the officers

POLICEISSUES.ORG

intended to make him fall and crack his skull seems a very big stretch. Beyond a reasonable doubt? No way. On the other hand, [third-degree assault](#), which can be satisfied by reckless conduct alone, is a misdemeanor. Natch, in these ideologically charged times, county prosecutors – they’re politicians, after all – are unlikely to risk being accused of favoring rogue cops. Whether jurors might, who knows?

To be sure, what the silver badges did was nonetheless troubling. [A recently updated page](#) of DOJ’s “law enforcement misconduct” section points out that officers who fail to intervene when colleagues are violating someone’s Constitutional rights can be held civilly and criminally liable. That’s not news to the police, for whom such regulations are relatively commonplace. For example, [here’s an extract from the LAPD manual](#):

210.46 EMPLOYEE'S DUTY TO REPORT MISCONDUCT. The reporting of misconduct and prevention of the escalation of misconduct are areas that demand an employee to exercise courage, integrity, and decisiveness. Department Manual Section 3/813.05 requires that when an employee, at any level, becomes aware of possible misconduct by another member of this Department, the employee shall immediately report the incident to a supervisor or directly to Internal Affairs Group. Furthermore, an employee who observes serious misconduct shall take appropriate action to cause the misconduct to immediately cease. The fact that a supervisor is present and not taking appropriate action to stop the misconduct does not relieve other employees present from this obligation.

Minneapolis has had a like policy on the books for several years:

5-303.01 DUTY TO INTERVENE (07/28/16) (A-D)

- A. Sworn employees have an obligation to protect the public and other employees.
- B. It shall be the duty of every sworn employee present at any scene where physical force is being applied to either stop or attempt to stop another sworn employee when force is being inappropriately applied or is no longer required.

Ditto, Buffalo ([General Order 2019-010, Section 6.2E](#)):

DUTY TO INTERVENE

Any officer present and observing another officer using force that he/she reasonably believes to

POLICEISSUES.ORG

be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

Thanks to current events, “duty to intervene” policies are being quickly adopted by agencies that lack them (for Dallas, click [here](#).) Yet our reading suggests that both existing and new policies tend to focus on use of force, not on rendering aid. They also fail to articulate that the obligation to help citizens in distress overrides supervisory directions. Of course, authorizing underlings to decide whether to obey orders is fraught with complications. Until police management experts untangle that issue, agencies ought at a minimum to abandon the military approach to police operations. They should also explicitly direct officers and supervisors to immediately stop and provide aid should someone appear to be in even moderate distress. And to remain there until, say, the medics arrive.

And yes, as far as we know, the (disbanded) unit’s leader still has that gold badge.

Posted 6/3/20

PUNISHMENT ISN'T A COP'S JOB

*An officer metes out his brand of discipline.
He then faces society's version.*

For Police Issues by Julius (Jay) Wachtel. It's impossible to not be repulsed by the [horrific scene](#). A bystander video depicts Derek Chauvin, a veteran Minneapolis cop, relentlessly pressing his knee against George Floyd's neck. Even as Mr. Floyd protests he can't breathe and bystanders implore the now ex-cop to stop, Chauvin doesn't relent.

Public fury propelled an unusually swift official reaction. It took only one day for Minneapolis Mayor Jacob Frey to fire Chauvin and the three colleagues who participated in Mr. Floyd's arrest. Only two days after that state prosecutors [charged Chauvin](#) with [third-degree murder](#) ("perpetrating evidently dangerous act and evincing depraved mind") and [second-degree manslaughter](#) ("culpable negligence creating unreasonable risk"). As of yet, charges have not been filed against his colleagues.

"Depraved" is an obviously challenging standard. How "depraved" were Chauvin's actions? Here's how Mayor Frey described the episode:

For five minutes we watched as a white officer pressed his knee into the neck of a black man who was helpless. For five whole minutes. *This was not a matter of a split-second poor decision.* (Emphasis ours.)

While the mayor intimated that Chauvin acted maliciously, he didn't say what it was a "matter" of. What *were* Chauvin's motives? First, let's examine what's known.

According to the complaint, it all began with a [9-1-1 call](#) from a nearby convenience store. Here's an excerpt:

9-1-1: How can I help you?

Caller: Um someone comes our store and give us fake bills [a counterfeit \$20] and we realize it before he left the store, and we ran back outside, they was sitting on their car. We tell them to give us their phone, put their (inaudible) thing back and everything and he was also drunk and everything and return to give us our cigarettes back and so he can, so he can go home but he doesn't want to do that,

POLICEISSUES.ORG

and he's sitting on his car cause he is awfully drunk and he's not in control of himself.



MPD (ex-)officers Thomas Lane and J.A. Kueng went to the store. They were directed to a vehicle parked across the street. Inside were Mr. Floyd and two companions, a man and a woman. A nearby security camera [captured much of what took place](#).

George Floyd, who occupied the driver's seat, was the officers' first objective. Once handcuffs were applied – according to the complaint, Mr. Floyd resisted – Lane took charge of him while his partner concerned himself with the others. Mr. Floyd was 6-6, over 200 lbs. and uncooperative. With some difficulty the cop walked him to the sidewalk and had him sit down. They argued throughout, with the officer reprimanding and Mr. Lloyd protesting. While the cop grew exasperated and eventually launched into a lecture, the interaction didn't seem (from this ex-l.e.o.'s point of view) especially heated. Neither did it portend violence, particularly as Mr. Floyd was well restrained. (Had he not been securely handcuffed, there's no question that he would have bolted.)



Soon, the officer brought Mr. Lloyd to his feet and, together with his partner, marched the reluctant man across the street. At that point the episode seemed like just another low-level, no-big-deal arrest, one of the innumerable such events that take place every day, on every shift, and nearly always end without serious consequence. Once the trio observably reaches the other side it really does seem like “game over.” Mr. Lloyd's pockets had already been searched, and all that was left was to put him in the back of a patrol car and head for the station.



That's where this video ends. And where the real problems begin. According to the [murder complaint](#), and as partly depicted on some shaky video footage included in a [montage assembled by the New York](#)

POLICEISSUES.ORG

Times, on reaching the patrol car “Mr. Floyd stiffened up, fell to the ground, and told the officers he was claustrophobic.” Chauvin and the fourth officer, Tou Thoa, arrived and tried to help get Mr. Floyd into the car. But he continued resisting:

“The officers made several attempts to get Mr. Floyd in the backseat of squad 320 from the driver’s side. Mr. Floyd did not voluntarily get in the car and struggled with the officers by intentionally falling down, saying he was not going in the car, and refusing to stand still.”

Mr. Floyd was partly in the car and still struggling when Chauvin – he was the senior officer on scene – gave up. He pulled Mr. Floyd out, pushed him to the ground and held him there. Officers Kueng and Lane assisted by holding the man’s back and legs. That’s when that infamous, final video takes over. It depicts Chauvin pressing his left knee against the right side of Floyd’s neck.

What’s Chauvin trying to do? We saved the online use of force section of the Minneapolis PD manual and posted it [here](#). It authorizes two control techniques that involve the neck:

- **Choke Hold:** Deadly force option. Defined as applying direct pressure on a person’s trachea or airway (front of the neck), blocking or obstructing the airway...
- **Neck Restraint:** Non-deadly force option. Defined as compressing one or both sides of a person’s neck with an arm or leg, without applying direct pressure to the trachea or airway (front of the neck)...

Conscious Neck Restraint: The subject is placed in a neck restraint with intent to control, and not to render the subject unconscious, by only applying light to moderate pressure...

Unconscious Neck Restraint: The subject is placed in a neck restraint with the intention of rendering the person unconscious by applying adequate pressure...

“Choke holds” cut off oxygen and can kill so are considered a last resort. But supposedly safer “[vascular control](#)” [techniques](#) remain in widespread use. “Carotid restraints,” applied by pressing on the sides of a neck, can supposedly more safely render a person unconscious by sharply reducing blood flow to the cerebral cortex.



POLICEISSUES.ORG

While not without controversy, these holds remain widely accepted by the policing community and continue to be taught in academies (click [here](#) for the California POST manual section).

Officers are well aware of the risks posed by chokeholds and usually avoid them. Chauvin is depicted applying a carotid restraint, the so-called “[conscious neck restraint](#)” described in the M.P.D. manual. However, even this lesser form is only supposed to be used “against a subject who is actively resisting” (M.P.D. section 5-311, emphasis ours). Here’s how that’s defined (sec. 5-302):

Active Resistance: A response to police efforts to bring a person into custody or control for detainment or arrest. A subject engages in active resistance when engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers to achieve actual physical control. (10/01/10)
(04/16/12)

And here’s its lesser cousin:

Passive Resistance: A response to police efforts to bring a person into custody or control for detainment or arrest. This is behavior initiated by a subject, when the subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer’s control efforts. (10/01/10) (04/16/12)

Well, we’re stumped. Passivity requires that one “not attempt to defeat” control efforts. But even “verbal behavior reflecting an intention” constitutes “active” resistance. So as far as M.P.D. rules go, “passive” resistance doesn’t really exist. Chauvin apparently capitalized on that ambiguity to apply a neck restraint to a physically immobilized person literally to his heart’s content.

In our view, why he did so was obvious: as punishment, and as a public shaming. That his motive was impure seems evident from his impassivity, his “[look of indifference](#)” in the face of Mr. Floyd’s obvious distress. According to the criminal complaint, Mr. Floyd complained “he could not breathe” before being taken to the ground. And once he was down, his pleas persisted. Their obvious authenticity didn’t just worry spectators. Lane, the officer who brought Mr. Floyd from his car, also expressed concern. But Chauvin, the late-comer, overruled him. Here’s another outtake from the [charging document](#):

The defendant placed his left knee in the area of Mr. Floyd’s head and neck. Mr. Floyd said, “I can’t breathe” multiple times and repeatedly said, “Mama” and

POLICEISSUES.ORG

“please,” as well. The defendant and the other two officers stayed in their positions. The officers said, “You are talking fine” to Mr. Floyd as he continued to move back and forth. Lane asked, “should we roll him on his side?” and the defendant said, “No, staying put where we got him.” Officer Lane said, “I am worried about excited delirium or whatever.” The defendant said, “That’s why we have him on his stomach.” None of the three officers moved from their positions.

Cause of death was initially attributed to a combination of factors. According to the [complaint](#), the medical examiner reported “no physical findings that support a diagnosis of traumatic asphyxia or strangulation.” Instead, Floyd’s death was attributed to forceful restraint by police, existing health problems including “coronary artery disease” and “hypertensive heart disease,” and the possible presence of intoxicants.

That soon changed. On June 1st. the Hennepin County Medical Examiner [released an “update”](#) that directly blames use of force for causing Mr. Floyd’s heart to stop beating:

Cause of death: Cardiopulmonary arrest complicating law enforcement subdual, restraint, and neck compression

Manner of death: Homicide

How injury occurred: Decedent experienced a cardiopulmonary arrest while being restrained by law enforcement officer(s)

Other significant conditions: Arteriosclerotic and hypertensive heart disease; fentanyl intoxication; recent methamphetamine use

While factors other than force were present, the examiner concluded that they alone would not have caused Mr. Floyd to suffer the episode. It took force to cross the lethal threshold.

As the report explains, “homicide” doesn’t ascribe blame. Indeed, should officers encounter a lethal threat, homicide can be justifiable. That, of course, isn’t what they faced here. Chauvin must argue that the death was accidental, and had he believed that Mr. Floyd was having problems breathing or had he known about those “other significant conditions” he would have stopped using force and summoned an ambulance.

But an autopsy performed by doctors hired by Mr. Floyd’s family reached a [dramatically different conclusion](#). According to one of the physicians, Dr. Allecia

POLICEISSUES.ORG

Wilson, “there is evidence in this case of mechanical or traumatic asphyxia.” In other words, that substantial direct pressure was applied to Mr. Floyd’s neck and deprived him of oxygen. If her account holds up, Chauvin’s good-faith defense crumbles, as even M.P.D.’s loosey-goosey policy defines pressing on someone’s neck to restrict oxygen intake – a chokehold – as deadly force. And there was clearly no reason to apply lethal force here.

We’ll leave the legal dispute for lawyers and courts to hash out. Let’s address the human factors that determine how policing gets done. With ex-cop Chauvin and Mr. Floyd we have two very hard heads. Neither seemed the type to be overly concerned with what others want. Beginning with Mr. Floyd, a search of court files revealed that he had accumulated an extensive criminal record while living in Houston. Here’s an abbreviated version of the summary from the Harris County court:

114323001010	The State of Texas vs. FLOYD, GEORGE (SPN: 01610509) (DOB: 10/14/1973)	11/27/2007	AGG ROBBERY- DEADLY WPN (F)
105047301010	The State of Texas vs. FLOYD, GEORGE PERRY (SPN: 01610509) (DOB: 10/14/1973)	12/15/2005	POSS W /INT DEL / MAN 1 >=4<200G (F)
097658901010	The State of Texas vs. FLOYD, GEORGE PERRY (SPN: 01610509) (DOB: 10/14/1973)	2/6/2004	MAN / DEL CS PG I <1GRAM (F)
115177701010	The State of Texas vs. FLOYD, GEORGE (SPN: 01610509) (DOB: 10/14/1973)	1/3/2003	TRESPASS PROP / BLDG-(M)
092886901010	The State of Texas vs. FLOYD, GEORGE LEE (SPN: 01610509) (DOB: 10/14/1973)	10/29/2002	POSS CS PG 1 <1G (F)
107577801010	The State of Texas vs. PERRY, FLOYD (SPN: 01610509) (DOB: 10/14/1973)	8/29/2001	FAIL IDENT TO P-O-FUGITIVE (M)
984955901010	The State of Texas vs. FLOYD, GEORGE (SPN: 01610509) (DOB: 10/14/1973)	12/9/1998	THEFT - \$50-\$500 (M)
079379601010	The State of Texas vs. FLOYD, GEORGE (SPN: 01610509) (DOB: 10/14/1973)	9/25/1998	THEFT FROM PERSON (F)
075978001010	The State of Texas vs. FLOYD, GEORGE (SPN: 01610509) (DOB: 10/14/1973)	8/3/1997	MAN / DEL CS PG I <1GRAM (F)

Mr. Floyd’s most serious conviction, for aggravated robbery with a deadly weapon, stemmed from a November 2007 incident in which he reportedly invaded a home [and pointed a handgun at its occupant](#). Mr. Floyd pled guilty in 2009 and drew a five-year prison sentence. After his release he relocated to Minneapolis. A Hennepin County record search turned up two misdemeanor convictions, both for no driver license, one in 2017 (27-VB-17-250861) and another in 2018 (27-VB-18-128822). Then came May 25th. and the bogus \$20 bill.

Chauvin was [a nineteen-year veteran of the Minneapolis force](#), which he joined in 2001. A search at the [“police conduct resources”](#) page of the Minneapolis Dept. of Civil

POLICEISSUES.ORG

Rights website revealed that he was the subject of twelve formal citizen complaints, all filed between 2003 and 2015. Each was marked as closed without discipline, and the details are recorded as non-public.

Office of Police Conduct Review Complaints				
OPCR Focus..	Matternumber	Case Status	Discipline Im..	Public Allegation
Chauvin, Derek	12-3244	Closed	No Discipline	Non-Public
	13-09814	Closed	No Discipline	Non-Public
	13-10527	Closed	No Discipline	Non-Public
	13-32189	Closed	No Discipline	Non-Public
	14-14106	Closed	No Discipline	Non-Public
	14-23776	Closed	No Discipline	Non-Public
	15-12394	Closed	No Discipline	Non-Public

Civilian Review Authority Complaints (Prior to 9/23/2012)				
CRA Focus ..	Matternumber	Status Descr..	Chief S Actio..	Allegation (group)
Chauvin, Derek	03-1999	Closed	No Discipline	Non-Public
	04-2100	Closed	No Discipline	Non-Public
	05-2306	Closed	No Discipline	Non-Public
	09-2643	Closed	No Discipline	Non-Public
	09-2680	Closed	No Discipline	Non-Public

However, a [CNN investigation](#) found eighteen complaints, with two leading to discipline, in both cases written reprimands for using demeaning language. A [deeply detailed NBC News piece](#) notes that Chauvin was present during several encounters over the years when suspects were shot. But the only occasion in which he shot someone was in 2008, when he wounded a man who allegedly went for Chauvin's gun. Chauvin was awarded a medal for valor. Most recently, in 2011, he and other officers were praised for resolving an incident involving an armed man.

To this observer, a dozen formal complaints seems like a lot, even over nineteen years. A retired Minneapolis officer and college educator conceded that it does appear “[a little bit higher than normal](#).” But Chauvin was never a desk cop. He obviously liked to mix it up. In fact, [he held a long-time second job](#) as a weekend bouncer at a local dance club. A former owner praised Chauvin and said they had been friends. But her “main guy” had a temperamental side. “I’ve seen him in action and I’ve seen him lose it and

POLICEISSUES.ORG

I've called him out on it before. I've told him it's unnecessary and unjustified some of the ways that he behaves. He just loses it."

Chauvin [was by far the most senior officer on scene](#). His partner, Tou Thao, had about eight years on the job, while Lane and Kueng were both rookies. We speculate that Chauvin's temperament and seniority led him to take charge of the encounter and to do it *his way*, unorthodox as it may have been. Actually, in the policing business, unwelcome intrusions from experienced cops who think they've got all the answers aren't uncommon. And the consequences [have occasionally proven devastating](#). For example:

- [In October 2014](#) Chicago cop Jason Van Dyke, a 14-year veteran, butted in on officers as they actively contained a youth who had been prowling parked cars and was waving a knife. He emptied his pistol within six seconds, killing 17-year old Laquan McDonald. (Van Dyke's partner reportedly kept him from reloading.) Van Dyke was eventually convicted of second-degree murder.
- [Two years later](#), NYPD Sgt. Hugh Barry arrived at a residence where patrol officers were carefully managing Deborah Danner, a mentally ill 66-year old woman who had gone berserk. Sgt. Barry instantly moved to grab Danner, leading her to flee into a bedroom and grab a baseball bat. He promptly followed and, as she took a swing, shot her dead. Tried for 2nd. degree murder, Sgt. Barry was acquitted by a judge. New York settled a lawsuit with the family for \$2 million. What to do? Here's some self-plagiarism from [our post about Danner](#):

Police protocols should place those most familiar with a situation – typically, the first officer(s) on scene – in charge, at least until things have sufficiently stabilized for a safe hand-off. Officer Rosario and his colleagues had been monitoring the disturbed woman and waiting her out. Had Sgt. Barry taken on a supportive role, as supervisors routinely do, and let her alone, a heart-warming Hollywood ending might have been far more likely.

Mr. Floyd's killing has propelled yet another drive to devise newfangled controls and elaborate systemic solutions. That's likely unstoppable. But from this former practitioner's eye, the real "solution" lies in the craft of policing. It's in the workplace, in the everyday working relationships that influence nearly everything cops do. For example, there's not an officer out there who hasn't had a peer or superior step in and "mess things up," nor one who's never worried about a temperamental colleague, say, "Joe," that unpredictable, annoying officer on swing shift.

POLICEISSUES.ORG

Officers successfully handle difficult characters like Mr. Floyd every hour of every day. Alas, these triumphs always seem to fly “under the radar.” What makes them possible? How do they come about? That’s what we should be examining at roll call.