

Chicago police officer sentenced to less than seven years for murder of Laquan McDonald; three officers acquitted in cover-up

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On Friday Chicago Police Department (CPD) officer Jason Van Dyke was sentenced to less than seven years (81 months) in prison, plus two years' probation for the 2014 murder of 17-year-old Laquan McDonald. The sentence was handed down by Cook County Circuit Court Judge Vincent Gaughan one day after three CPD officers were found not guilty of conspiracy charges stemming from their role in covering up the murder of the African-American teen. Van Dyke is the first Chicago police officer to be convicted of murder during an on-duty assault in more than half a century.

Van Dyke was convicted in October 2018 by a jury of second-degree murder and 16 counts of aggravated battery with a firearm, one for every bullet Van Dyke unloaded into McDonald's body over a 15-second period. Van Dyke could have received up to 20 years for second degree murder and between six and 30 years for each count of aggravated battery. If he was given the full sentence, he could have been in prison for the rest of his life. The minimal sentence can only be understood as the action of a ruling class that needed to sentence Van Dyke to avoid an eruption of social anger but did not want to set a precedent that might limit the ability of the police to act with the utmost violence.

The special prosecutor, Joseph McMahon, requested in his closing argument that Van Dyke receive 18 to 20 years. The defense argued that the case "screamed out for probation" due to the officer's "clean" past and unlikelihood to reoffend. Including the time already served, and an early release he would not have received under aggravated battery, Van Dyke will likely spend less time in prison than it would have taken McDonald to go through high school.

Judge Gaughan overrode the jury's conviction of

murder and battery by electing to only sentence on the second-degree murder, reasoning that murder charge was the most serious conviction since the death was the result of the battery. Further, he stated that if he were to sentence on the aggravated battery charges, he would have combined the 16 convictions into one because they were all part of one act. Even if one accepts the reasoning that Van Dyke should only have been sentenced on murder, the 6.75-year sentence stands in contrast to the will of the jury.

McDonald was murdered in a working class neighborhood on Chicago's southwest side. At Friday's sentencing, the prosecution presented five witnesses to offer a glimpse of the terror that Van Dyke and the CPD regularly unleash on the area's residents. As an officer, Van Dyke had 18 official complaints filed against him, none of which were investigated.

Edward Nance recounted being pulled over by Van Dyke and experiencing an immediate aggression that would be echoed by several other witnesses. "Open this mother f-cking door right now" Nance recalled Van Dyke yelling. Van Dyke then proceeded to pull him out of the car and slam him onto the hood without explaining why he was pulled over. After the manhandling by Van Dyke, an emotional Nance testified on Friday that he is in constant pain and cannot lift more than 10 pounds with his left arm. Due to the actions of Van Dyke Nance was awarded \$350,000 by a federal jury in a suit against the city of Chicago.

Nance was ticketed for not having a front license plate and his car was towed after police found a small amount of marijuana in the car. He testified this was the last time his family saw the car. Cars are frequently impounded when small amounts of drugs or open

alcohol are found. The steep fines are often more than the value of the vehicle. This puts enormous strain on families who can barely afford to share one car.

Vidale Joy recounted being pulled over by CPD in 2005. Van Dyke immediately approached the car with his gun drawn “infuriated” and “out of his mind” shouting obscenities and racial epithets. Joy recalled that Van Dyke immediately pulled a gun to his temple and demanded he get out of the car.

Jeremy Mayers recounted a traffic stop where Van Dyke choked him for refusing to spit out a cough drop. A third witness, Eric Breathette, recounted Van Dyke pulling him over, then immediately handcuffing him and placing him in the back of the police car. Van Dyke accused him of playing his music too loud, an accusation that Breathette would not admit to. He was taken to the police station. When the prosecutor asked him to identify the officer in the courtroom by an item of clothing, Breathette let out a sigh and a chuckle and stated, “He’s definitely in the right attire, he’s in a county [prison out]fit”

The final witness for the prosecution was Laquan McDonald’s great-uncle who read a letter prepared in the voice of the slain teen.

For its part, the defense produced several police officers, Van Dyke’s family, including two of his children, and Van Dyke himself. Van Dyke categorized the night as the “worst day in my life” and that he prayed for the soul of McDonald. Not called to testify was Van Dyke’s partner Joseph Walsh, who had just been acquitted of conspiracy the day before Van Dyke’s sentencing.

Walsh, Thomas Gaffney and Detective David March, had been charged with conspiracy, obstruction of justice and official misconduct in relation to the murder of McDonald. They were accused of lying to investigators immediately after and following the shooting of McDonald, withholding or giving misleading information, filing false police reports, failing to interview witnesses and destroying evidence. After a five-day bench trial, Cook County Criminal Circuit Court justice Domenica Stephenson found the state failed to meet the burden of proof on all charges.

The three officers filed a series of reports alleging that McDonald threatened them with a knife and lunged at Van Dyke, and after being shot twice, McDonald tried to get up, and swung his knife. These claims were

contradicted by the dashcam video that was buried for 13 months after the shooting.

The dismissal order, which reads like an apologia for the officers, relies on the fact that there was no video evidence from the point of view of the accused officers, therefore it cannot be proven that they were lying. There were multiple officers on the scene and the fact that there is no other video evidence is part of the conspiracy itself.

Jay Darshane, the district manager for the Burger King on 40th and Pulaski—located less than 100 yards from the scene of the shooting—reported that minutes after McDonald was shot, four or five cops entered the establishment asking to review footage captured by the store’s security system. Burger King employees gave the officers access to the security video footage, which they reviewed alone over the course of three hours.

The next day, when a member of the Independent Police Review Authority came to the Burger King to view the footage, Darshane says he realized upon reviewing the tape that a total of 86 minutes of footage, the time recorded between 9:13 p.m. and 10:39 p.m., was missing from the tape; McDonald was shot around 9:55 p.m.

The real conspiracy in the murder and ensuing cover-up of Laquan McDonald stretches well beyond Van Dyke, Gaffney, March, and Walsh and stretches throughout City Hall and the judiciary. Van Dyke was only tried because of the release of the dashcam footage that provided overwhelming evidence against him. Any serious investigation into the conspiracy would have included charges against virtually every member of the Chicago political establishment, including Democratic Mayor Rahm Emanuel, Police Superintendent Garry McCarthy, the police officers that destroyed 86 minutes of surveillance footage and the 49 members of the Democratic Party-dominated city council who voted to pay the McDonald family \$5 million in hush money.



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