

United States Senate

WASHINGTON, DC 20510

February 1, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland:

We are writing to request that the Department of Justice provide an update on the status of the federal investigation into the 2014 murder of Laquan McDonald by former Chicago police officer Jason Van Dyke.

The facts of this case remain shocking and upsetting. Dash camera video showed McDonald walking away from police as Van Dyke shot McDonald 16 times, emptying his service weapon.¹ In 2018, Van Dyke was convicted of second-degree murder and 16 counts of aggravated battery. He was sentenced to 81 months in prison, despite state prosecutors asking for a sentence of over 18 years.² Van Dyke is reportedly now set to be released on February 3, after serving 39 months of his sentence; he was eligible to take time off of his prison term with credit for good behavior.³

In April 2015, the U.S. Attorney's Office announced a joint federal and state investigation into the shooting;⁴ however, there was never an announcement that the federal investigation had closed after Van Dyke was convicted of state charges. In October 2019, when activists called for federal civil rights charges against Van Dyke and other officers involved in the cover up of the murder, the U.S. Attorney's Office declined to state whether the federal investigation was still ongoing or closed.⁵ Last week, the U.S. Attorney's Office again declined to comment on the status of the investigation.⁶

Van Dyke's state conviction and sentencing do not preempt or negate the interest of the federal government, if the evidence supports charging Van Dyke with violating McDonald's civil rights under Section 242 of Title 18. The recent federal civil rights case against former Minneapolis police officer Derek Chauvin demonstrates this; after Chauvin was found guilty by a state jury and sentenced to 22 years for murdering George Floyd, Chauvin pleaded guilty to federal civil rights charges under Section

¹ Steve Schmadeke, *Van Dyke indicted on 16 added counts for each shot to Laquan McDonald*, Chicago Tribune (Mar. 23, 2017), <https://www.chicagotribune.com/news/breaking/ct-laquan-mcdonald-jason-van-dyke-court-met-story.html>

² Megan Crepeau and Jason Meisner, *Supreme Court rejects prosecutor's bid to re-Sentence Jason Van Dyke for Laquan McDonald's killing*, Chicago Tribune (Mar. 19, 2019), <https://www.chicagotribune.com/news/breaking/ct-met-jason-van-dyke-sentencing-supreme-court-20190318-story.html>

³ Associated Press, *Ex-Chicago officer who killed Laquan McDonald to be released*, NBC News (Jan. 19, 2022), <https://www.nbcnews.com/news/nbcblk/ex-chicago-officer-killed-laquan-mcdonald-released-rcna12739>

⁴ <https://www.justice.gov/usao-ndil/pr/us-attorney-s-office-and-cook-county-state-s-attorney-s-office-conducting-joint>

⁵ Bob Chiarito, *Laquan McDonald activists want federal civil rights charges filed against Jason Van Dyke and other officers*, The Chicago Reporter (Oct. 31, 2019), <https://www.chicagoreporter.com/laquan-mcdonald-activists-want-federal-civil-rights-charges-filed-against-jason-van-dyke-and-other-officers/>

⁶ Kim Bellware, *As ex-officer who killed Laquan McDonald nears early release, DOJ pressed to bring new charges*, Washington Post (Jan. 25, 2022), <https://www.washingtonpost.com/nation/2022/01/25/jason-van-dyke-release/>

242.⁷ Chauvin admitted that his willful use of unreasonable force resulted in Floyd's death. Under the terms of the plea agreement, Chauvin faces a sentence of over 20 years in prison.⁸

We urge the Justice Department to carefully and expeditiously complete its investigation. We look forward to your prompt report on the status of the Justice Department's investigation and consideration of any federal action on this matter.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator

⁷ <https://www.justice.gov/opa/pr/former-minneapolis-police-officer-derek-chauvin-pleads-guilty-federal-court-depriving-george>

⁸ *Id.*