



NAACP

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February 1, 2022

Attorney General Merrick B. Garland
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Subject: Ongoing Federal Grand Jury Investigation and pending federal charges for civil rights violation of Laquan McDonald

Dear Attorney General Garland:

We write on behalf of the National Association for the Advancement of Colored People (“NAACP”) and the Illinois State Conference of the NAACP regarding a matter that has given rise to very vocal concerns and unrest in the City of Chicago. The lack of resolution in the nearly six-year-old Federal Grand Jury investigation, convened in response to the shooting death of young Black minor, Laquan McDonald, coupled with the scheduled prison release of his shooter, disgraced former Chicago Police Officer and convicted Illinois state felon, Jason Van Dyke, are clearly alarming. We trust that you find the matters alarming as well and join with us in our call for closure of that Federal Grand Jury investigation as well as provide your commitment to move forward with appropriate and applicable federal charges based on the Federal Grand Jury findings and other relevant evidence.

As many of us recall, on October 20, 2014, while on duty, former Chicago Police Officer and now convicted felon shot and killed 17-year-old Laquan McDonald. Evidence from the investigation of this case by the Independent Police Review Authority, IPRA, provided proof that the disgraced officer fired his service weapon sixteen times into the minor Laquan McDonald; fourteen of those shots while he lay dying on the ground. Although we now know that the murder of the minor was captured on dashcam, the City of Chicago fought a FOIA request for its release for over a year. It took litigation initiated by freelance journalist Brandon Smith and Chicago civil rights activist William Calloway to finally get public release of the dashcam footage and ultimately first-degree murder charges filed against the murderous former officer by then Cook County State’s Attorney Anita Alvarez.

In 2018, the disgraced officer was convicted in Illinois state court of the lesser charge of second-degree murder and 16 counts of aggravated battery with a firearm. He was sentenced to 81 months (out of a possible sentence of 4 – 15 years) based on the Illinois one act – one crime rule with possibility for parole at 50% time served. Advocates and activists struggled for years to get

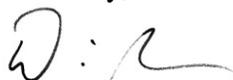
more time for the officer or at a minimum get him to serve the full sentence but to no avail. It therefore was not a complete surprise, but nonetheless jarring and an affront to the Black community when it was announced during this past Dr. Martin Luther King, Jr. Holiday Weekend that the officer would be eligible for release on February 3, 2022, after only serving about three years of his six-plus year sentence.

It is our understanding that the federal investigation launched in 2015 by former U.S. Attorney Zach Fardon is still open after six years (4yrs since Mr. Fardon left the US Attorney's office), with no resolution, no closure, and no justice. Given the egregious nature of his crime, the NAACP believes that at a minimum, the murderous officer should be charged with a federal civil rights violation under Title 18, U.S.C., Section 242 - *Deprivation of Rights Under Color of Law*. The NAACP, including our over 2 million members and 2,200 units across the country are in anticipation of expedient action by the Office of the U.S. Attorney General in seeking resolution to the unprecedentedly long Federal Grand Jury investigation and the immediate filing of federal charges against said officer as warranted.

Throughout our 113-year history, the NAACP has advocated for a fair and equitable justice system that holds those fully accountable for their actions. We have seen unfair and inequitable favor given to law enforcement officers who unjustly take the lives of members of the Black community and have fought fervently in opposition to such favor. As the nation's oldest and largest civil rights organization our work is rooted in addressing racial injustice and inequity, which is why we are standing steadfast in support of the need for the closure of the languishing Federal Grand Jury investigation and what we believe to be the necessary federal prosecution of state convicted murder, Jason Van Dyke for violation of the civil rights of minor Laquan McDonald.

In closing, we are prepared to meet and address any questions and concerns should they arise. Thank you.

Sincerely,



Derrick Johnson
President and CEO
NAACP



Teresa Haley
Illinois State Conference President
NAACP

cc: Sen. Tammy Duckworth (D-IL)
Sen. Dick Durbin (D-IL)