

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.)
)
JASON VAN DYKE)
Defendant,)

GEN. NO. 17 CR 4286

NOTICE OF MOTION

TO: Atty. Dan Herbert
dan.herbert@danherbertlaw.com

Circuit Clerk's Office

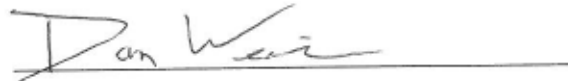
PLEASE TAKE NOTICE that on **Saturday, the 1st of September, 2018 at 9:00 a.m.**, or as soon thereafter as Counsel may be heard, we shall appear before His Honor Judge Gaughan or such other Judge as may be sitting in his place in **Courtroom 500**, usually occupied by him in the Cook County Courthouse, 26th and California, Chicago, Illinois. Then and there will be held a Hearing on People's Verified Petition to Revoke or Increase Bond and Petition for Adjudication of Indirect Criminal Contempt of Court by Jason Van Dyke at which time you may appear.

DATED this August 29, 2018

By: Joseph H. McMahan
Special Prosecutor and State's Attorney for Kane County,
Kane County Judicial Center
St. Charles, IL 60175
(630) 232-3500

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

Dan Weiler, being first duly sworn, upon oath, says that he served a true and correct copy of the above and foregoing, Notice and Motions by email to Atty. Dan Herbert at dan.herbert@danherbertlaw.com. this August 30, 2018.



Subscribed and sworn to before
me this August 30, 2018.


NOTARY PUBLIC

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.) No. 17 CR 4286
)
JASON VAN DYKE,)
Defendant.)

**PETITION FOR ADJUDICATION OF INDIRECT CRIMINAL CONTEMPT OF
COURT BY JASON VAN DYKE**

NOW COME the People of the State of Illinois by and through their Attorney, JOSEPH H. MCMAHON, Special Prosecutor and State's Attorney of Kane County, Illinois, and hereby petition this Court to adjudicate Jason Van Dyke to be in indirect criminal contempt of court. In support of this Petition, the people state as follows:

1. Jason Van Dyke is the defendant in this criminal prosecution. He has previously testified as a witness in this case and has a constitutional right to testify at trial. He is also a law enforcement officer, currently suspended without pay, with an agency involved in the prosecution.

2. On January 20, 2016, the Court entered the Interim Decorum Order (hereinafter "Decorum Order") which is attached as Exhibit A. The Decorum Order has remained in full force and effect since January 20, 2016.

3. The Decorum Order states in relevant part that no law enforcement employee of any agency involved in this case nor any person subpoenaed or expected to testify in this matter shall release for public dissemination any purported extrajudicial statement of the defendant relating to this case; release any document or evidence, the admissibility of which may have to be determined by the court; or make any statement for public dissemination outside of court as to

the content, nature, substance, or effect of any statements or testimony that is expected to be given in any proceeding in or relating to this matter.

4. That on or about August 28, 2018, with the intent to release for public dissemination extrajudicial statements of the defendant, Jason Van Dyke knowingly, and intentionally, provided an audiotaped interview to *Chicago Tribune* reporters Christy Gutowski and Stacy St. Clair. The published *Chicago Tribune* account of the interview is summarized in Exhibit B, attached.

5. During the interview described in paragraph 4, Jason Van Dyke intentionally caused the public dissemination of the following extrajudicial statements made by the defendant, which directly relate to the charges against him:

a. "I remember coming home and ... just sitting down in the shower until the water went cold, and even then I couldn't get out."

b. That he was a political scapegoat and the victim of "the bandwagon of hatred" on social media.

c. That he is not a racist, trigger-happy cop who was indifferent to taking the life of a troubled 17-year-old.

d. That he fears a lengthy prison sentence.

e. That during the shooting, he was "doing my job as I was trained as a Chicago police officer."

f. That he had never before fired his gun while working mostly nights in Chicago's most dangerous neighborhoods.

g. That, "I never would have fired my gun if I didn't think my life was in jeopardy or another citizen's life was. It's something you have to live with forever."

h. That the shooting was the worst day of his career.

i. That “Obviously my darkest day was the night of the shooting.”

j. That, “Everyone wants to be part of the bandwagon of hatred. Anyone who knows me, knows me personally, knows ... that I’m not a racist” and “That’s a great false narrative. ... It’s just slander.”

k. That, “I think there’s been a lot of external political pressures.” And, “It just seems like politics has been involved with this since the beginning.”

l. That, “I think I was a great police officer”. And, “I always made efforts to treat everybody fairly and with respect and the way I wanted my own family to be treated.”

6. That by providing to news reporters, the statements listed in paragraph 5, Jason Van Dyke knowingly and intentionally violated the court’s Decorum Order and in so doing, engaged in conduct calculated to embarrass, hinder, or obstruct the court in its administration of justice or derogate from its authority or dignity, or bring the administration of law into disrepute.

WHEREFORE, the People respectfully request that this honorable court adjudicate Jason Van Dyke to be in indirect criminal contempt of court.

RESPECTFULLY SUBMITTED,

People of the State of Illinois
Joseph H. McMahon
Special Prosecutor and Kane County State’s
Attorney

By:




Joseph H. McMahon

Date: August 29, 2018

Joseph H. McMahon ARDC No. 6209481
People of the State of Illinois
Kane County State's Attorney and Special Prosecutor
Office of the Kane County State's Attorney
Kane County Judicial Center
37 W 777 Route 38, Suite 300
St. Charles, Illinois 60175
Telephone: 630-232-3500

VERIFICATION

I, Joseph H. McMahon, Special Prosecutor and Kane County State's Attorney attest that to the best of my knowledge the attached allegations in the Petition for Adjudication of Indirect Criminal Contempt of Court are true and correct



Joseph H. McMahon
Assistant State's Attorney

Subscribed and Sworn to
Before me this 29th day of August
2018



Notary Public



IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.)
)
JASON VAN DYKE)
Defendant,)

GEN. NO. 17 CR 4286

NOTICE OF MOTION

TO: Atty. Dan Herbert
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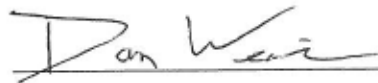
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DATED this August 29, 2018

By: Joseph H. McMahon
Special Prosecutor and State's Attorney for Kane County,
Kane County Judicial Center
St. Charles, IL 60175
(630) 232-3500

STATE OF ILLINOIS)
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Dan Weiler, being first duly sworn, upon oath, says that he served a true and correct copy of the above and foregoing, Notice and Motions by email to Atty. Dan Herbert at dan.herbert@danherbertlaw.com.this August 30, 2018.



Subscribed and sworn to before
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NOTARY PUBLIC



IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
)
) Plaintiff,)
)
) vs.) Gen. No. 17 CR 4286
)
) JASON VAN DYKE)
)
) Defendant.)

PEOPLE'S VERIFIED PETITION TO REVOKE OR INCREASE BOND

Now comes the Plaintiff, the People of the State of Illinois, by and through their Attorney, JOSEPH H. MCMAHON, Special Prosecutor and Kane County State's Attorney, and pursuant to 725 ILCS 5/110-6 move this Honorable Court to enter an order revoking defendant's bond/increase defendant's bond and in support states as follows:

1. The defendant is charged with the first degree murder of Laquan McDonald which occurred on October 20, 2014. The defendant is also charged with 16 counts of aggravated battery with a firearm and one count of official misconduct. The defendant is free on bond.
2. The defendant's bail was set at \$1,500,000 with ten percent to apply. The defendant posted bond of \$150,000 on November 30, 2015, which is attached as Exhibit A.
3. One of the conditions of the defendant's bond was that he obey all court orders.
4. On January 20, 2016, the Court entered an Interim Decorum Order (hereinafter "Decorum Order") which is attached as Exhibit B. The Decorum Order has remained in full force and effect since January 20, 2016.
5. That on or about August 28, 2018, the defendant violated that order when he

knowingly, and intentionally, provided an audiotaped interview to *Chicago Tribune* reporters Christy Gutowski and Stacy St. Clair. The content of the interview is summarized in the *Chicago Tribune* newspaper. See attached Exhibit C.

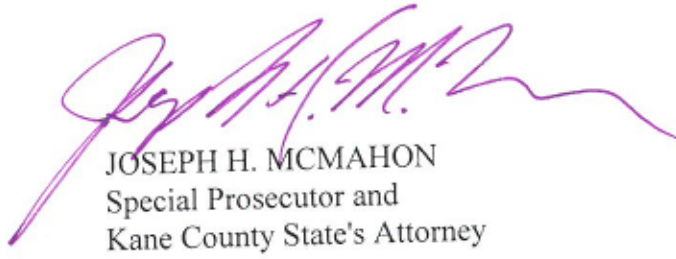
6. This Court has the authority to order revocation/increase of bond “ following a hearing initiated by the state's attorney's verified application reciting facts or circumstances constituting a breach or threatened breach by a criminal defendant of any condition of his bail bond.” (*emphasis added*) *People v. Bruce* 75 Ill. App. 3d 1042 at 1045 (5th Dist. 1979).
7. During an interview described in paragraph 5, the defendant intentionally facilitated the public dissemination of the following extrajudicial statements made by him which directly relate to the charges against him:
 - a. “I remember coming home and ... just sitting down in the shower until the water went cold, and even then I couldn’t get out.”
 - b. That he was a political scapegoat and the victim of “the bandwagon of hatred” on social media.
 - c. That he is not a racist, trigger-happy cop who was indifferent to taking the life of a troubled 17-year-old.
 - d. That he fears a lengthy prison sentence.
 - e. That during the shooting, he was “doing my job as I was trained as a Chicago police officer.”
 - f. That he had never before fired his gun while working mostly nights in Chicago’s most dangerous neighborhoods.

- g. That, "I never would have fired my gun if I didn't think my life was in jeopardy or another citizen's life was. It's something you have to live with forever."
- h. That the shooting was the worst day of his career.
- i. That "Obviously my darkest day was the night of the shooting."
- j. That, "Everyone wants to be part of the bandwagon of hatred. Anyone who knows me, knows me personally, knows ... that I'm not a racist" and "That's a great false narrative. ... It's just slander."
- k. That, "I think there's been a lot of external political pressures." And, "It just seems like politics has been involved with this since the beginning."
- l. That, "I think I was a great police officer". "I always made efforts to treat everybody fairly and with respect and the way I wanted my own family to be treated."

8. "The condition of bond requiring the accused's appearance and the condition of the bond which requires that the defendant not violate any criminal statute of any jurisdictions are both mandatory conditions of bail bond *Id. at 1047.*

WHEREFORE the People of the State of Illinois respectfully request that this Honorable Court enter an order revoking/increasing the defendant's bond until conclusion of the above captioned proceedings.

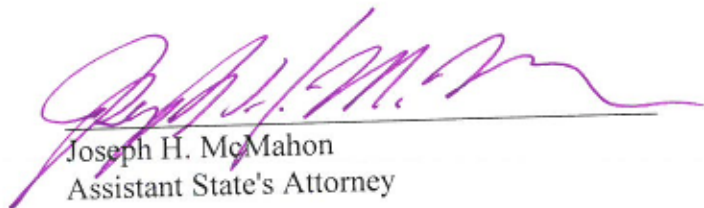
Respectfully submitted,



JOSEPH H. MCMAHON
Special Prosecutor and
Kane County State's Attorney

VERIFICATION

I, Joseph H. McMahon, Special Prosecutor and Kane County State's Attorney attest that to the best of my knowledge the attached allegation in the Verified Petition to Revoke or Increase Bond are true and correct

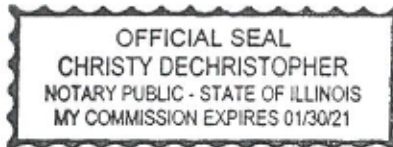


Joseph H. McMahon
Assistant State's Attorney

Subscribed and Sworn to
Before me this 21st day of, August
2018



Notary Public



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CASH DEPOSIT BAIL BOND: CRIMINAL OR QUASI-CRIMINAL (10% OF BAIL, \$25.00 MINIMUM DEPOSIT)

Exhibit A
D 1212925

ORIGIN OF BOND
 USING AGENCY NO. _____

Bail set by Rule of the Illinois Supreme Court OR
 By _____
(PRINT NAME OF JUDGE) (JUDGE'S NO.)

(OFFICE USE)

BAIL AMOUNT
 \$

1	5	0	0	0	0	0	0	0	0
									00 X X

one Million Five Hundred Thousand 00
 100

DEPOSIT AMOUNT
 \$

1	5	0	0	0	0	0	0	0	0
									00 X X

one Hundred fifty thousand 00
 100

DEFENDANT (Person Preparing Bond - Always complete this section)
 Full Name (PRINT) Van Dyke Jason
(Last) (First) (MI)
 Address (PRINT) _____ Apt. No. _____
 City and State (PRINT) _____ Zip Code _____

STATEMENT OF DEFENDANT: I understand and accept the terms and conditions set forth below and on the reverse side of this bail bond. I understand in all cases, 10 % of any amount posted as bail is retained by the Clerk of Court, by law. Further, I hereby certify that I understand the consequences of failure to appear for trial as required.

ASSIGNMENT OF BAIL BOND BY THE DEFENDANT: I hereby authorize the return of the money posted above to the person shown on this bond as having provided money for my bail after all conditions of this bail bond have been met, or as ordered by the court.

Defendant's Signature _____

COURT COMPLAINT OR INDICTMENT NUMBER(S)	CHARGE	DISPOSITION
15112782301	7205/9 1A/	/

DISPOSITION entered by (Signature of Deputy Clerk) _____ Br. or Sub. CT _____ Court Date _____
Month Day Year

COURT APPEARANCE: Defendant named above shall appear in the Circuit Court of Cook County, Illinois located at:
 Address (Number and Street) 2600 S Calumet Ave City/Town/Village Chicago Illinois
 Branch No. 66 in Room No. 101 on 12-18-2015 at 12:00 a.m. / p.m.

CONDITIONS OF BOND: The defendant is hereby released on the conditions as indicated below:

- Appear to answer the charge in court until discharge or final order of court.
- Obey all court orders and process; not leave this State without permission of court and report changes of address to the Clerk within 24 hours.
- Not commit any criminal offenses while awaiting final order in this case.
- If on appeal, prosecute the appeal, and surrender to custody if the judgment is affirmed or a new trial is ordered.
- Surrender (725 ILCS 5/110-10(a)(5)) OR not possess any firearms or dangerous weapons until final order in this case.
- Not contact or communicate with any complaining witnesses or members of their immediate families or: _____
- Not go to the area or premises of victims/complaining witnesses home, work, school or: _____
- Not to indulge in intoxicating liquors, illegal drugs or certain drugs, to-wit: _____
- Undergo alcoholism or drug addiction treatment as ordered by the court.
- Undergo medical or psychiatric treatment as ordered by the court.
- If you are charged with a criminal offense and the victim is a family or household member, you are ordered to refrain from all contact or communication with: _____
 for a minimum of 72 hours following release, and further ordered to refrain from entering and/or remaining at the location of: _____
- Reside with parents or in a foster home, attend school or nonresidential program for youths, contribute to his/her support at home or in a foster home, observe curfew set by court: _____
- Report to and remain under the pretrial supervision of such agency or third-party custodian as ordered by the court: _____
- Other conditions: _____

CONDITIONS - Continued on reverse side.

NOTICE TO PERSON PROVIDING BAIL MONEY OTHER THAN THE DEFENDANT

1. I understand that the money I have posted is for the bail for the defendant named on this bond in the above numbered case or cases.
2. I understand that even if the defendant follows all court orders, that this money may be ordered by the Judge to pay for the defendant's attorney fees, court costs, fines, fees and/or restitution to the victim, and that I may lose all or part of my money.
3. I understand that if the defendant fails to comply with the conditions reflected on this bond, I may lose all of my money should the court enter a forfeiture of bail order.
4. I understand in all cases, 10 % of any amount posted as bail is retained by the Clerk of the Circuit court, by law.

Provider's Name (print): OWEN VAN DYKE
 Relationship to Defendant: FATHER
 Address: 985664 HIGHLAND RD.
 City Blue Ridge State: GA Zip: 30537
 Area Code/Telephone No.: 630-202-4645
 Provider's Signature: _____

a.m. p.m. Hour _____
 Date 11/30/2015
Month Day Year
 This bail bond form was prepared by: _____
(Signature of Peace Officer) Star No. _____ Police Dept. _____
(CPD District No. or Suburban City, Town, or Village)
 Or Clerk of the Circuit Court of Cook County, by B. Bach
(Signature of Deputy Clerk) Typ. 55
(Branch or Suburban Court)

D 1212925
 COURT FILE COPY

ATTACH THIS COPY TO THE COMPLAINT AND ARREST REPORT OR TO THE WARRANT AND FORWARD ALL PAPERS TO THE BRANCH OR HEADQUARTERS WHERE PERTINENT CASE IS ASSIGNED. COURT CLERK WILL ATTACH THIS COPY TO COURT FILE.

CCG N696 A-2.5M-10/08(83350067)



CONDITIONS OF BOND (Continued)

FAILURE TO APPEAR - TRIAL IN ABSENTIA

If you have been charged with an offense that is classified as a felony, your failure to appear constitutes a waiver of your rights to confront witnesses and to be present at your trial. A trial could proceed and if found guilty the court could impose a sentence in your absence.

FAILURE TO APPEAR - BAIL JUMPING:

Your failure to appear may result in the filing of an additional charge of Bail Jumping. Sentences imposed upon conviction for this offense shall be served consecutively to sentences imposed for convictions related to the original offenses for which you were admitted to bail.

FAILURE TO APPEAR - FORFEITURE OF BAIL:

Your failure to appear in court as ordered by the court may result in an arrest warrant issued for your arrest, a forfeiture of your bail money and a judgment for the full amount of the bail set by the court.

VIOLATION OF OTHER CONDITIONS - POSSIBLE PENALTIES:

Violating any of the conditions indicated on the reverse side of this form may result in the issuance of an arrest warrant for your arrest, forfeiture of bail, revocation of bail, imposition of additional conditions, an increase in the bail amount and/or the filing of additional charges. Felony offenses committed while admitted to bail are subject to consecutive sentencing upon conviction relative to a sentence imposed upon conviction of the original offenses for which you were admitted to bail.

NOTICE TO PERSON PROVIDING BAIL MONEY

For information pertaining to bail bonds or hearings related to this matter, contact the Clerk of the Circuit Court's Bond Information Hotline at (312) 603-4737.

Exhibit B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiffs,)	
)	
vs.)	No. 15 CR 20622
)	Interim
JASON VAN DYKE,)	Decorum Order
)	
Defendant.)	

ORDER

It is the Order of this court that no attorney connected with this case as Prosecutor or Defense Counsel, nor any other attorney working in or with the offices of either of them, nor their agents, staff, or experts, nor any judicial officer or court employee, nor any law enforcement employee of any agency involved in this case, nor any persons subpoenaed or expected to testify in this matter, shall do any of the following:

1. Release or authorize the release for public dissemination any purported extrajudicial statement of either the defendant or witnesses relating to this case;
2. Release or authorize the release of any documents, exhibits, photographs or any evidence, the admissibility of which may have to be determined by the Court;
3. Make any statement for public dissemination as to the existence or possible existence of any documents, exhibits, photographs or any evidence, the admissibility of which may have to be determined by the Court;

4. Express outside of court an opinion or make any comment of public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence;
5. Make any statement outside of court as to the content, nature, substance, or effect of any statements or testimony that is expected to be given in any proceeding in or relating to this matter;
6. Make any out-of-court statement as to the nature, source or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter.
7. This Decorum Order also incorporates Article VIII. Illinois Rules of Professional Conduct, effective January 1, 2010.

This Order does not include any of the following:

1. Quotations from, or any reference without comment to, public records of the Court in the case.
2. The scheduling and result of any stage of the judicial proceedings held in open court in an open or public session.
3. Any witness may discuss any matter with any Prosecution or Defense Attorney in this action, or any agent thereof, and if represented may discuss any matter with his or her own attorney.

Anyone in violation of this court order may be subject to contempt of court.

ENTERED:

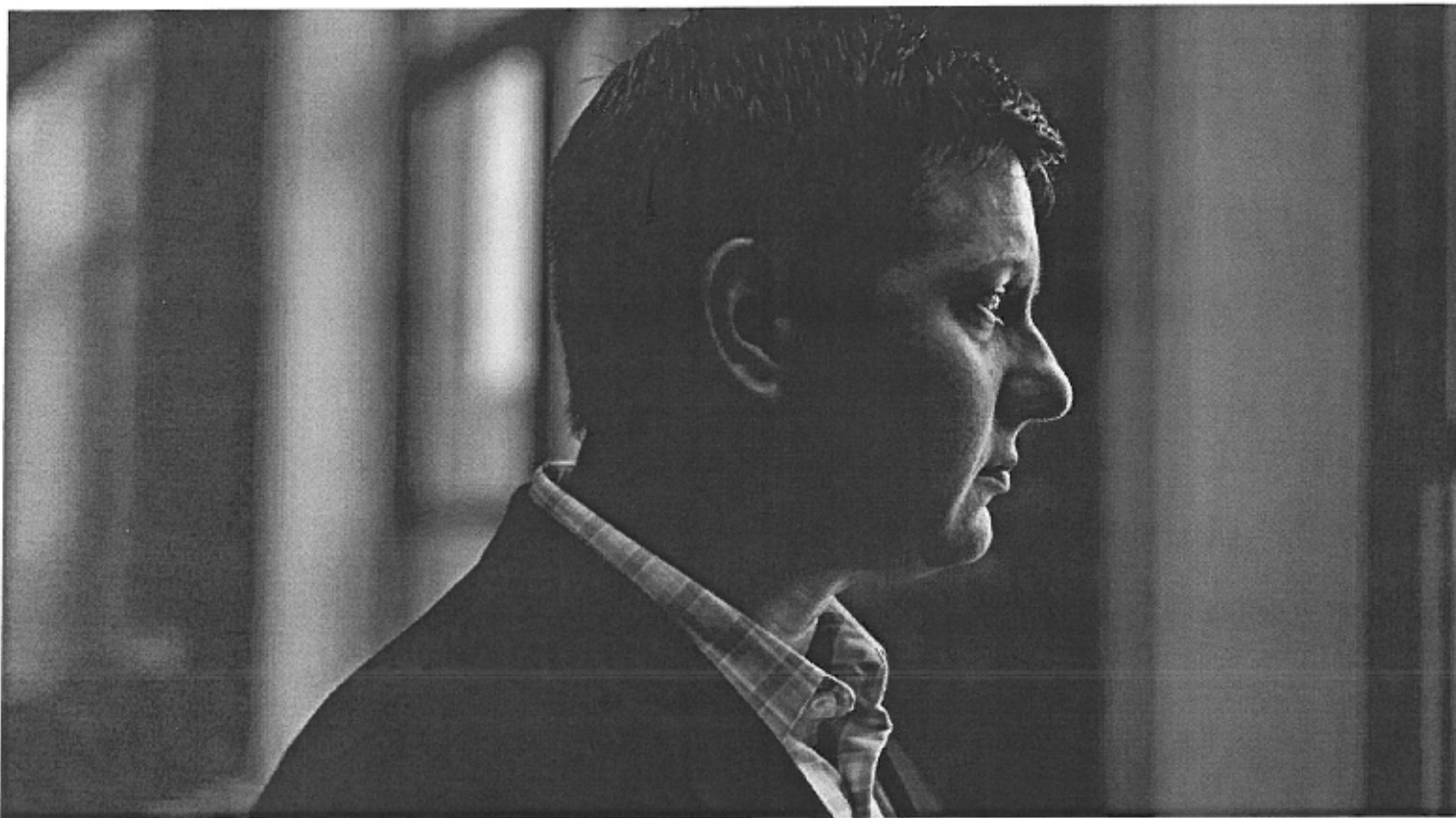
Vincent M. Gaughan
1553
Judge Vincent M. Gaughan
Circuit Court of Cook County
Criminal Division

DATE: _____

ENTERED
JUDGE VINCENT GAUGHAN
JAN 20 2015
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Exhibit C

Officer Van Dyke speaks out for the first time since shooting Laquan McDonald 16 times



Jason Van Dyke speaks with the Chicago Tribune on Aug. 28, 2018, at his lawyer's office. (Brian Cassella/Chicago Tribune)

By **Christy Gutowski and Stacy St. Clair**

Chicago Tribune

AUGUST 29, 2018, 7:08 AM

In the hours after fatally shooting Laquan McDonald, Chicago police Officer Jason Van Dyke returned to his Southwest Side home and headed for the shower.

As he stood under the spray, Van Dyke could not have known all that would happen over the next 13 months — that video of the shooting would be released publicly, that protests and firings and a Justice Department investigation would ensue, that he would be the first Chicago police officer in decades charged with murder for an on-duty shooting.

In that moment, the married father of two school-age daughters just knew that he killed a 17-year-old boy who had been walking down the street with a knife. The weight of that act was not lost.

“I remember coming home and ... just sitting down in the shower until the water went cold, and even then I couldn't get out,” Van Dyke told the Chicago Tribune.

In his first interview in the nearly four years since the shooting, Van Dyke spoke with the Tribune for about 40 minutes Tuesday at his lawyer's downtown offices. Occasionally looking at handwritten notes, he would not discuss the shooting or its aftermath.

Instead, he brought copies of his commendations, suggested he was a political scapegoat and decried "the bandwagon of hatred" on social media.

With jury selection set to begin next week, he acknowledged a pressing desire to challenge the image many paint of him as a racist, trigger-happy cop who was indifferent to taking the life of a troubled 17-year-old.

"I pray every day" for McDonald's family, said Van Dyke, who is Catholic. "I offer up a rosary every day."

READ MORE: Vincent Gaughan: The Van Dyke judge known for his smarts, sharp tongue and secretive style »

Van Dyke appeared uncomfortable in the spotlight, often pausing for long periods and struggling for his words in an interview that was tightly controlled by his attorneys and the public relations strategist hired by his defense team. His lawyers requested questions to be submitted in advance, would not allow the conversation to be recorded on video and interrupted some questions to instruct Van Dyke not to answer.

On several occasions, including as he described his fear of a lengthy prison sentence, he stopped to wipe away tears.

"Of course, I'm extremely nervous," he said. "I might be looking at the possibility of spending the rest of my life in prison for doing my job as I was trained as a Chicago police officer."

He then stopped to collect himself.

"Being away from family," he said tearfully. "Every day."

Van Dyke told the Tribune that he has watched the video showing him shoot McDonald 16 times, but his attorney stopped him from discussing his reaction.

McDonald's mother, Tina Hunter, has repeatedly declined to comment on her son's death, but on Tuesday, his great-uncle questioned both the sincerity of Van Dyke's words and the timing of his interview.

"I don't know the man," the Rev. Marvin Hunter said in a telephone interview. "Is he really praying or is he just saying what he thinks you want to hear? They're trying to write a narrative. They're trying to influence the jury. I'm not mad or surprised because it's just legal maneuvers.

"If I were writing the script for him, I would have him say exactly what he's saying," Hunter said.

Never before fired his gun

Laquan McDonald's and Jason Van Dyke's lives intersected shortly before 10 p.m. on Oct. 20, 2014.

Several police officers had been trailing McDonald, who was on foot and under the influence of PCP, after receiving a call that he had been breaking into vehicles in a trucking yard on the Southwest Side. The officers, who had requested backup units equipped with Tasers to assist them, tried to corral McDonald with their vehicles to keep him at bay. At one point, McDonald allegedly slashed the front tire of a police squad with a knife and scratched the windshield.

Van Dyke heard the radio dispatches capturing the police activity as he and his partner drove to the scene. Six seconds after exiting his squad car, prosecutors say, Van Dyke opened fire.

He emptied the gun within 15 seconds, according to prosecutors, and was reloading when his partner told him to hold fire. McDonald lay on the street for 13 of those 15 seconds, prosecutors said.

Though he declined Tuesday to talk about the shooting, Van Dyke submitted a written report after the shooting stating he believed McDonald was attacking him with the knife. In the report, Van Dyke wrote that McDonald raised the knife across his chest and over his shoulder, a statement that was belied by the police dashboard camera video that was released to the public on the same day he was charged with murder.

Other officers backed up Van Dyke's account, portraying McDonald as far more menacing than the footage showed. Three officers, including Van Dyke's partner that night, await a trial of their own in November on obstruction of justice and other charges.

The shooting, according to McDonald's family, was "an assassination," with Van Dyke acting as the teen's "judge, jury and executioner."

READ MORE: The complicated, short life of Laquan McDonald »

Van Dyke's attorneys have argued the dashcam video — which does not contain sound — does not show the officer's vantage point when he pulled the trigger.

Under Illinois law, police officers can use any force necessary to "defend (themselves) or another from bodily harm." Van Dyke's explanation for the shooting is in keeping with state statute and will likely be the foundation of his self-defense claim at trial.

In the interview, Van Dyke, 40, signaled what will likely be another key part of his defense, repeating several times that he had never before fired his gun while working mostly nights in Chicago's most dangerous neighborhoods during more than a dozen years on the job.

"Any loss of life was extremely difficult. It's something you try to mentally prepare yourself for just in case. ... You don't ever want to shoot your gun. It doesn't matter if it's to put down a stray animal or something like that. Nobody wants to shoot their gun," he told the Tribune. "I never would have fired my gun if I didn't think my life was in jeopardy or another citizen's life was. It's something you have to live with forever."

He described the shooting as the worst day of his career. His attorney, Daniel Herbert, however, interrupted before Van Dyke could complete his thought.

“Obviously my darkest day was the night of the shooting,” he told the Tribune. “Just overwhelming amounts of everything at once: emotions, adrenaline — ”

“Don’t get into any pre-shooting,” Herbert said.

Safety a concern

McDonald’s great-uncle didn’t accept Van Dyke’s explanations after the shooting and doesn’t accept them now. He has seen the video, which contains images so troubling the City Council approved a \$5 million settlement with the family without a lawsuit being filed.

“It surprises me that he could say he is a good Catholic and stands on moral ground but also said that he was justified and was in fear for his life,” Hunter said. “No one else drew their gun. The tape clearly shows this young man walking down the street. He wasn’t a threat to anyone.”

Van Dyke received 53 commendations during his career. He also had at least 20 complaints, with more than half of those including allegations of excessive force.

He has been accused of using racial slurs on two different occasions, according to his personnel file. The allegations — which were deemed unfounded — have contributed to the portrait of Van Dyke as a prejudiced officer, an image he largely blames on social media.

“Everyone wants to be part of the bandwagon of hatred. Anyone who knows me, knows me personally, knows ... that I’m not a racist,” he said. “That’s a great false narrative. ... It’s just slander.”

In final weeks, Laquan McDonald tried to turn around troubled life »

He has been sued three times, twice successfully. In the most serious incident of the two, a federal jury in October 2009 awarded a black motorist \$350,000 for injuries he suffered in a traffic stop. The man, who did not have a criminal record, complained that Van Dyke handcuffed him so violently that he needed medical intervention to repair tendons in his shoulder and rotator cuff.

Van Dyke was not punished after any complaint, though the department routinely has been criticized for failing to discipline its officers. But the investigation into McDonald’s shooting — which ultimately led to police Superintendent Garry McCarthy’s firing and Cook County State’s Attorney Anita Alvarez’s re-election defeat — seemed different from the start, Van Dyke said.

“I think there’s been a lot of external political pressures,” he said. “It just seems like politics has been involved with this since the beginning.”

Van Dyke has been suspended without pay or benefits since he was charged in November 2015. He has been working as a janitor at the Chicago Fraternal Order of Police lodge, which has backed the officer financially and vocally.

"I think I was a great police officer," he said. "I always made efforts to treat everybody fairly and with respect and the way I wanted my own family to be treated."

With the trial slated to begin next week, it appears a jury will decide whether Van Dyke's 16 shots were justified. His attorneys have asked for the trial to be held outside Cook County, arguing a fair jury can't be found because of the extensive pretrial publicity. But Judge Vincent Gaughan has deferred any decision until after jury selection begins at the Leighton Criminal Court Building.

Van Dyke's attorneys, who would not allow him to discuss trial strategy, said they have not decided whether Van Dyke will take the witness stand. Sources said no discussions of a plea deal have taken place with prosecutors.

As he has done for all pretrial proceedings, Van Dyke will wear a bullet-proof vest as he enters and exits Cook County's main criminal courthouse. A few early protests were so chaotic outside the courthouse that off-duty officers have been protecting Van Dyke and his father, Owen, for every court date.

Van Dyke said he worries the verdict could lead to riots.

"I'm very scared for it," he said. "It obviously weighs heavily upon my mind."

He also expressed concern about his family's safety. Van Dyke said he conceals his identity when he goes out with his daughters. The family has moved to an undisclosed location in advance of the trial.

Van Dyke also said he and his wife sat down with both girls before he turned himself in and explained the seriousness of the charges.

"I just told them truthfully about what was going to happen," he said. "I just tried to tell them, 'Hey, I might be gone for a little bit, but I'm still going to be there for you.'"

His wife, Tiffany, who was also interviewed Tuesday, said the family has "closed ranks" in the years after he was charged with murder.

"We are trying to pack in as many memories as we possibly can in case the worst outcome happens," she said of her husband's possible conviction and imprisonment. "... He could miss out on so much, and it's a sad thing to see. We just keep telling them to stay strong, keep their heads up and that their dad loves them. And that's all that matters."

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