



Chicago Cop's Sentence For Killing A Black Teenager Is 'Exceptionally Short'

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On Jan. 19, a Cook County, Illinois, judge sentenced former Chicago police officer Jason Van Dyke to 81 months in prison for the 2014 murder of Black teenager Laquan McDonald—a term about about half the average sentence in the county for a person convicted of second-degree murder. Van Dyke's sentence was both exceptionally short and reflective of larger racial disparities in sentencing in Chicago.

According to my statistical analysis of more than 100,000 sentencings from 2011 to 2018 in Cook County, using data released by the state's attorney's office, white defendants receive sentences about 10 months shorter than Black and Hispanic defendants. Many factors can affect the length of a sentence, including the crime of which they are convicted, and age and gender. But even accounting for these factors, a significant bias against people of color remains.

Van Dyke's sentence was shorter than about 90 percent of sentences in second-degree murder cases in Cook County. Of the sentences shorter than Van Dyke's, none were found guilty of additional charges. The jury in the McDonald case, meanwhile, convicted Van Dyke on 16 counts of aggravated battery, one for each bullet he fired at the 17-year-old.

These findings are consistent with other reports describing significant racial bias in the courts in Cook County and nationally. In her 2017 book "Crook County," Temple University professor of criminal justice Nicole Gonzalez Van Cleve documented explicit racism in Cook County courtrooms, including instances of judges and sheriff's officers alike mocking and abusing defendants. "Laughter, jokes and mocking of defendants during court proceedings" with courtroom microphones on are commonplace, Van Cleve wrote. This mistreatment has tangible consequences for defendants, particularly at sentencing. Researchers have found racial disparities in sentence length both nationally and in many state courts. "The studies are pretty consistent showing racial bias in sentencing," said Mark W. Bennett, a federal judge and Drake University Law School professor.

"Typically, what researchers find is that racial disparities in sentencing ... are incremental and cumulative," said Nazgol Ghandnoosh, a research analyst with the Sentencing Project. "At each stage, there is some small amount of disparity, and that accumulates as you go through the criminal justice system." Prior convictions, even for minor drug charges (for which Black people are more likely to be jailed, despite evidence that they use drugs no more oftenthan whites), can result in longer subsequent sentences. Higher bails prevent some working class Black people

from being able to be an advocate for themselves outside jail or to afford effective legal representation.

Longer sentences for Black, Hispanic defendants in a Cook County courtroom

But even after accounting for bias in other parts of the system, a small but significant disparity in sentencing remains attributable to judges. A study of federal sentencing by the United States Sentencing Commission found that from 2012 to 2016, Black men received sentences on average 19.1 percent longer than whites, even after accounting for criminal history and other factors.

Controlling for other factors, Vincent M. Gaughan, the judge who presided over Van Dyke's trial, sentenced Black defendants 16 months longer than white defendants and Hispanic defendants two years longer than whites, according to the Cook County data.

Gaughan based his sentence for Van Dyke on a second-degree murder charge, instead of the 16 aggravated battery charges against the former officer that would have carried a significantly longer total sentence. As well, Gaughan's comments during Van Dyke's sentencing appeared to draw an equivalence between his punishment and McDonald's death, calling it "a tragedy on both sides." The Illinois attorney general is reviewing Van Dyke's sentence, questioning Gaughan's decision to ignore the aggravated battery charges. On Feb. 11, the Illinois attorney general said that he is petitioning the state's supreme court to order the resentencing of Van Dyke.

Judges frequently give favorable treatment to police officers like Van Dyke. "When [officers] get sentenced, they are often lighter sentences than what an average person would get," said Cato Institute researcher Jonathan Blanks. Cato's police misconduct project collected information on officers accused, charged, and convicted of criminal and civil wrongdoing nationally from 2015 to 2017. Using information from their database, Van Dyke's sentence was unusually short even compared with other police officers. At least four cops sentenced on murder or assault charges in 2016 received sentences significantly longer than Van Dyke's 81-month term.

Van Dyke's atypically short sentence may have been the product of overlapping biases: favoring white defendants over people of color and cops over civilians. Although there's a chance that Van Dyke's sentence may be revised upward after the state supreme court's review, the former police officer's case demonstrates how the deck is stacked against underprivileged people and how difficult it is to hold cops accountable for crimes.