

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)


SPECIAL GRAND JURY NO. SGJAPPT10001
GENERAL NO. 17CR-9700

CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT
CRIMINAL DIVISION
SPECIAL GRAND JURY NO. SGJAPPT10001

THE PEOPLE OF THE STATE OF ILLINOIS
v.
DAVID MARCH,
JOSEPH WALSH,
THOMAS GAFFNEY,

INDICTMENT

A TRUE BILL


Foreman of the Special Grand Jury

WITNESS(ES):

Vincent Williams

CLERK

FORSTHY BROTHN

Filed: _____, 2017

_____, Clerk

Bail \$ _____

FILED

2017 JUN 27 PM 12:08

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Special Grand Jury No. SGJAPPT10001

of the Circuit Court of Cook County,

The Special Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that:

1. Beginning no later than in or about October 20, 2014, and continuing thereafter, at and within the County of Cook:

DAVID MARCH,
JOSEPH WALSH, and
THOMAS GAFFNEY,

defendants herein, committed the offense of conspiracy when each, with intent that the offense of official misconduct be committed, as defined by Chapter 720, Act 5, Section 33-3, of the Illinois Compiled Statutes, and that the offense of obstructing justice be committed, as defined by Chapter 720, Act 5, Section 31-4, of the Illinois Compiled Statutes, agreed with each other, Individual A, and others known and unknown to the Special Grand Jury to the commission of the offense, and an act in furtherance of the agreement was performed by any party to the agreement, in violation of Chapter 720, Act 5, Section 8-2, of the Illinois Compiled Statutes, and contrary to the Illinois Compiled Statutes and against the peace and dignity of the People of the State of Illinois.

Overview of the Conspiracy

2. It was the object of the conspiracy to conceal the true facts of the events surrounding the killing of Laquan McDonald by Chicago Police Department Officer Individual A in order to shield their fellow officer from criminal investigation and prosecution. In order to accomplish this goal, the co-conspirators lied about what occurred and mischaracterized the video recordings so that independent criminal investigators would not know the truth about the Laquan McDonald killing and the public would not see the video recordings of the events. The co-conspirators understood that public airing of the events surrounding Laquan McDonald's killing, including the video recordings, would inexorably lead to a thorough criminal investigation by an independent body and likely criminal charges.

3. The co-conspirators created police reports in the critical early hours and days following the killing of Laquan McDonald that contained important false information in an attempt to prevent or shape any criminal investigation.

4. It was part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, and Individual A were members of the Chicago Police Department who were involved in the investigation of the fatal shooting of Laquan McDonald. As members of the Chicago Police Department, DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury coordinated their activities in order to protect each other and other members of the Chicago Police Department by furnishing false information, making false reports, failing to report or correct false information, ignoring contrary information or evidence, obstructing justice, intentionally or recklessly failing

to perform a mandatory duty as required by law, and knowingly performing acts which each knows he or she is forbidden by law to perform.

Members of the Conspiracy

5. It was further part of the conspiracy that DAVID MARCH acted in his official capacity as a Detective with the Chicago Police Department during the investigation of the fatal shooting of Laquan McDonald and the activities of the conspiracy.

6. It was further part of the conspiracy that JOSEPH WALSH acted in his official capacity as an Officer with the Chicago Police Department during the investigation of the fatal shooting of Laquan McDonald and the activities of the conspiracy.

7. It was further part of the conspiracy that THOMAS GAFFNEY acted in his official capacity as an Officer with the Chicago Police Department during the investigation of the fatal shooting of Laquan McDonald and the activities of the conspiracy.

8. It was further part of the conspiracy that Individual A acted in his official capacity as an Officer with the Chicago Police Department during the investigation of the fatal shooting of Laquan McDonald and the activities of the conspiracy.

9. It was further part of the conspiracy that others known and unknown to the Special Grand Jury acted in their official capacity with the Chicago Police Department during the investigation of the fatal shooting of Laquan McDonald and the activities of the conspiracy.

Acts in Furtherance of the Conspiracy

10. It was further part of the conspiracy that a Chicago Police Department Original Case Incident Report with false information, including that "MCDONALD committed aggravated assaults against the three officers, finally forcing Officer [Individual A], in defense

of his life, to shoot and kill MCDONALD," was prepared and submitted by DAVID MARCH, and received and approved by Individual B.

11. It was further part of the conspiracy that a Chicago Police Department Original Case Incident Report with false information, including that Individual A was "injured by offender" and that Individual A, JOSEPH WALSH, and THOMAS GAFFNEY were "VICTIM[s]," was prepared and submitted by Individual C, reviewed by DAVID MARCH, and received and approved by Individual D.

12. It was further part of the conspiracy that a Chicago Police Department General Progress Report with false information, including that "AT 12-15 FT O SWUNG KNIFE AT POV IN AGGRESSIVE MANNER" and that "VD CONTINUED FIRING AS O ... ATTEMPTING GET UP, STILL ARMED W/ KNIFE," was attributed from JOSEPH WALSH, prepared and submitted by DAVID MARCH, and received and approved by Individual B.

13. It was further part of the conspiracy that a Chicago Police Department General Progress Report with false information, including that "O IGNORED, RAISED R ARM TOWARD VD AS IF ATTACKING VD," was attributed from Individual C, prepared and submitted by DAVID MARCH, and received and approved by Individual B.

14. It was further part of the conspiracy that a Chicago Police Department General Progress Report with false information, including that "O ... ATTEMPTING TO GET BACK UP, KNIFE STILL IN HAND," was attributed from Individual G, prepared and submitted by DAVID MARCH, and received and approved by Individual B.

15. It was further part of the conspiracy that a Chicago Police Department Case Supplementary Report with false information, including that:

- “The recovered in-car camera video from Beats 845R and 813R was viewed and found to be consistent with the accounts of all of the witnesses”;
- JOSEPH WALSH stated, “When MCDONALD got to within 12 to 15 feet of the officers he swung the knife toward the officers in an aggressive manner”;
- JOSEPH WALSH stated, “VAN DYKE continued firing his weapon at MCDONALD as MCDONALD continued moving on the ground, attempting to get up, while still armed with the knife”;
- Individual C stated, “MCDONALD ignored the verbal direction and instead, raised his right arm toward Officer VAN DYKE, as if attacking VAN DYKE”;
- Individual G stated, “MCDONALD fell to the ground but continued to move, attempting to get back up, with the knife still in his hand”; and
- THOMAS GAFFNEY, Individual H, Individual A, and JOSEPH WALSH were “VICTIM(S)”;

was submitted as the report of DAVID MARCH, Individual B, and Individual E, submitted by DAVID MARCH, and reviewed and approved by Individual E.

16. It was further part of the conspiracy that three officers, JOSEPH WALSH, THOMAS GAFFNEY, and Individual A, prepared and submitted virtually identical Chicago Police Department Officer’s Battery Reports and Tactical Response Reports which contained critical information which they knew to be false. Specifically, a Chicago Police Department Officer’s Battery Report with false information, including “NO. OF OFFICERS BATTERED 3” and “STABBED/CUT (INCLUDING ACTUAL ATTEMPT),” was prepared and submitted by Individual A, and reviewed and approved by Individual F.

17. It was further part of the conspiracy that a Chicago Police Department Officer's Battery Report with false information, including "NO. OF OFFICERS BATTERED 3" and "STABBED/CUT (INCLUDING ACTUAL ATTEMPT)," was prepared and submitted by JOSEPH WALSH, and reviewed and approved by Individual F.

18. It was further part of the conspiracy that a Chicago Police Department Officer Battery Report with false information, including "NO. OF OFFICERS BATTERED 3" and "STABBED/CUT (INCLUDING ACTUAL ATTEMPT)," was prepared and submitted by THOMAS GAFFNEY, and reviewed and approved by Individual F.

19. It was further part of the conspiracy that a Chicago Police Department Tactical Response Report with false information, including "ASSAILANT: ASSAULT IMMINENT THREAT OF BATTERY," "ASSAILANT: BATTERY ATTACK WITH WEAPON," "ASSAILANT: DEADLY FORCE USES FORCE LIKELY TO CAUSE DEATH OR GREAT BODILY HARM," and "Officer [Individual A] fired his weapon in fear of his life when the offender while armed with a knife continued to approach," was prepared by Individual A, reviewed by Individual D, and approved and completed by Individual F.

20. It was further part of the conspiracy that a Chicago Police Department Tactical Response Report with false information, including "ASSAILANT: ASSAULT IMMINENT THREAT OF BATTERY," "ASSAILANT: BATTERY ATTACK WITH WEAPON," and "ASSAILANT: DEADLY FORCE USES FORCE LIKELY TO CAUSE DEATH OR GREAT BODILY HARM," was prepared and submitted by JOSEPH WALSH, reviewed by Individual D, and approved and completed by Individual F.

21. It was further part of the conspiracy that a Chicago Police Department Tactical Response Report with false information, including "ASSAILANT: ASSAULT IMMINENT THREAT OF BATTERY," "ASSAILANT: BATTERY ATTACK WITH WEAPON," and "ASSAILANT: DEADLY FORCE USES FORCE LIKELY TO CAUSE DEATH OR GREAT BODILY HARM," was prepared and submitted by THOMAS GAFFNEY, reviewed by Individual D, and approved and completed by Individual F.

22. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, and others known and unknown to the Special Grand Jury failed to locate, identify, or interview witnesses, or to ensure the location, identification, or interview of witnesses, of the fatal shooting of Laquan McDonald, including Witness A, Witness B, and Witness C whose information was inconsistent with the accounts of Chicago Police Department members.

23. It was further part of the conspiracy that DAVID MARCH and others known and unknown to the Special Grand failed to locate, identify, and preserve physical evidence, or to ensure the location, identification, and preservation of physical evidence, including video and photographic evidence.

24. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury failed to report or correct false information with the Chicago Police Department.

25. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury

used various means to communicate with each other in order to coordinate the activities of the conspiracy.

26. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury used means to misrepresent, conceal, and hide, and to cause to be misrepresented, concealed, and hidden, the activities of the conspiracy, and to avoid detection and apprehension by law enforcement authorities.

27. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury deleted or failed to preserve communications with each other concerning and during the activities of the conspiracy.

28. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury others known and unknown to the Special Grand Jury violated the Rules and Regulations of the Chicago Police Department, adopted and published by the Police Board.

29. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, Individual A, and others known and unknown to the Special Grand Jury violated the General Orders and Special Orders of the Chicago Police Department.

30. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, and others known and unknown to the Special Grand Jury committed the offense of obstructing justice.

31. It was further part of the conspiracy that DAVID MARCH, JOSEPH WALSH, THOMAS GAFFNEY, and others known and unknown to the Special Grand Jury committed the offense of official misconduct.

COUNT NUMBER 1

CASE NUMBER 17 CR-9700

CHARGE ID CODE: C0017901

The Special Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that:

1. On or after October 20, 2014, at and within the County of Cook,

DAVID MARCH,
JOSEPH WALSH, and
THOMAS GAFFNEY,

defendants herein, committed the offense of obstructing justice when each, with intent to prevent the apprehension, obstruct the prosecution, and obstruct the defense of any person, knowingly furnished false information, in violation of Chapter 720, Act 5, Section 31-4, of the Illinois Compiled Statutes, and contrary to the Illinois Compiled Statutes and against the peace and dignity of the People of the State of Illinois.

2. Paragraph 1 through Paragraph 31 of Count Number 1 are incorporated by reference.

COUNT NUMBER 2

CASE NUMBER 17CR-9700

CHARGE ID CODE: 0016892

The Special Grand Jurors chosen, selected, and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that:

1. On or after October 20, 2014, at and within the County of Cook,

DAVID MARCH,
JOSEPH WALSH, and
THOMAS GAFFNEY,

defendants herein, committed the offense of official misconduct when each, being a public officer or employee in his or her official capacity, intentionally or recklessly failed to perform any mandatory duty as required by law and knowingly performed an act which he or she knows he or she is forbidden by law to perform, in violation of Chapter 720, Act 5, Section 33-3; Chapter 720, Act 5, Section 31-4; and Chapter 720, Act 5, Section 8-2 of the Illinois Compiled Statutes, and the Fourteenth Amendment to the United States Constitution, and contrary to the Illinois Compiled Statutes and against the peace and dignity of the People of the State of Illinois.

2. Paragraph 1 through Paragraph 31 of Count Number 1 and Paragraph 1 through Paragraph 2 of Count Number 2 are incorporated by reference.

COUNT NUMBER 3

CASE NUMBER 17cr-9700

CHARGE ID CODE: 0017901



PATRICIA BROWN HOLMES
SPECIAL PROSECUTOR