

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

**IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER DANIEL LUDWIG,) No. 14 SR 2330
STAR No. 12854, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) (CR No. 1027491)**

FINDINGS AND DECISION

On or about June 16, 2014, the Superintendent of Police suspended Police Officer Daniel Ludwig, Star No. 12854, for fifteen (15) days for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

On June 17, 2014, Officer Ludwig filed with the office of the Police Board a request for Police Board review of this suspension. On June 23, 2014, Officer Ludwig filed with the office of the Police Board a memorandum delineating specific reasons for which the review was requested.

The Executive Director of the Police Board assigned this matter to Hearing Officer Fredrick H. Bates. Hearing Officer Bates reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the recommendations of Command Channel Review, Officer Ludwig's memorandum, the Independent Police Review Authority's response to Officer Ludwig's memorandum, and Hearing Officer Bates's report. Hearing Officer Bates made an oral report to and conferred with the Police Board before it rendered its findings and decision. (Board Member Rita A. Fry recused herself from this case pursuant to §2-57-060(c) of the Municipal Code of Chicago.)

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. There is insufficient evidence to either prove or disprove the allegation, set forth below, that Police Officer Daniel Ludwig, Star No. 12854, violated Rule 8, and the allegation is therefore **not sustained**.

On June 19, 2009, at approximately 1845 hours, in the vicinity of 6636 South Sangamon Street, Chicago, on the street, Officer Ludwig maltreated Travie Mitchell in that he grabbed him by the throat.

It is alleged that on June 19, 2009, at approximately 7:30PM, on the 6600 block of South Sangamon, Travie Mitchell (a 15-year old juvenile at that time) was walking down the street with his cousins Sean Mitchell and Keenan Davis, and a friend named Darius (last name unknown). Police Officer Daniel Ludwig¹ and his partner, Michael Gentile, (in uniform, but in an unmarked car), approached the group and asked how they were doing. Sean Mitchell responded by saying: “What do you want,” or words to that effect, to which the Police Officers responded by saying that he was “talking smart” to them.² Officer Ludwig grabbed Travie Mitchell, and his partner grabbed Sean Mitchell. The two were put against the vehicle, searched, handcuffed and ultimately placed in the back of the police vehicle. When Officer Ludwig grabbed Travie Mitchell, he is alleged to have taken his sunglasses and threw them to the ground and said “Oops they dropped,” or words to that effect, and then stepped on the glasses breaking them. Officer Ludwig purportedly exited the car, opened the door, grabbed Travie Mitchell by the throat and said: “Just because I’m in a blue shirt

¹Officer Ludwig was promoted to Detective in 2012.

²Officer Ludwig and his partner indicate that they got out of their vehicle and stopped the group as they approached, and Travie Mitchell pushed past Officer Ludwig. Travie Mitchell, Sean Mitchell and Keenan Davis, indicate that the officers drove up and essentially asked how they were doing, and then exited the vehicle. Travie Mitchell then pushed Officer Ludwig and walked past him.

doesn't mean I won't ... [mess] you up." Officer Ludwig then allegedly put both hands around Travie Mitchell's neck and briefly choked him. Travie Mitchell was not injured.

Keenan Davis, who was not detained, had ostensibly already picked up the broken glasses, which actually belonged to him, and went to Travie Mitchell's grandmother's home to show her the broken glasses and tell her that the police had Travie and Sean Mitchell in custody. The grandmother, an aunt, and an uncle then went to the scene, where a group of onlookers had gathered. Sean Mitchell's father subsequently arrived and spoke to the police. Travie Mitchell was arrested for assaulting Officer Ludwig, and was transported to the 002nd District, and then to the Juvenile Detention Center from which he was later released into the custody of his grandmother.

Statements provided by Sean Mitchell and Keenan Davis on July 22, 2009, substantially corroborate Travie Mitchell's statement provided that same day, with regard to the damage to the sunglasses. Moreover, Sean Mitchell who was in the back of the police car with Travie Mitchell, stated that one of the officers grabbed Travie Mitchell by the throat and said: "Just because I'm in uniform doesn't mean I won't ... [mess] you up." Keenan Davis also stated that one of the officers choked Travie Mitchell.

In a statement given to IPRA on January 21, 2010, Police Officer Daniel Ludwig stated that they observed Travie Mitchell and others walking at 66th & Sangamon, stopped their vehicle ahead of the group, and exited the car to question the group in order to gather information about recent shootings in the area. Travie Mitchell pushed past the officers striking him in the chest. Officer Ludwig handcuffed Travie Mitchell, and Mr. Mitchell said: "Get your bitch ass hands off me nigger before I beat your ass." Officer Ludwig denied choking Travie Mitchell, and did not recall him even wearing sunglasses. He acknowledged that he did not complete a Contact Information Card on the stop and search of Sean Mitchell, but indicated that he did not do so because a crowd

was gathering and they wanted to transport Travie Mitchell to the station. In a statement provided on January 20, 2010, Police Officer Gentile told IPRA essentially the same version of the facts as Officer Ludwig provided.

IPRA interviews with Travie Mitchell's grandmother and aunt conducted on July 30, 2010, confirmed that Keenan Davis came to the house and advised that Travie and Sean Mitchell had been arrested, and that they and others then went to the scene. The grandmother stated that Keenan told her one of the officers stepped on his sunglasses and broke them, showing her the broken glasses at that time. The aunt indicated that Keenan Davis was picking up portions of the glasses when they returned to the scene. The area was canvassed, but the IPRA Investigator discovered no independent witnesses.

The statements provided by the witnesses do not adequately resolve the question as to whether or not Officer Ludwig maltreated Travie Mitchell by grabbing him by the throat. There is insufficient evidence to either prove or disprove the allegation. Accordingly, given the various and conflicting accounts of the incident, and the lack of independent witnesses, the Board finds that there is insufficient evidence to sustain the allegation that Officer Ludwig maltreated Travie Mitchell.

2. There is insufficient evidence to either prove or disprove the allegation, set forth below, that Police Officer Daniel Ludwig, Star No. 12854, violated Rule 2, and the allegation is therefore **not sustained**.

On June 19, 2009, at approximately 1845 hours, in the vicinity of 6636 South Sangamon Street, Chicago, on the street, Officer Ludwig damaged the personal property of Travie Mitchell by intentionally stepping on his sunglasses.

Both Officer Ludwig and his partner, Officer Gentile testified consistently that no glasses were broken by Officer Ludwig. The statements provided by Travie Mitchell's grandmother and

aunt were inconsistent in that the grandmother stated the broken glasses were shown to her at her home when Keenan Davis arrived to tell her that Travie Mitchell and Sean Mitchell Jr., were being detained by the police, whereas the aunt stated that she observed the broken glasses being picked up by Keenan Davis when they left the house and returned to the location where the two boys were being detained by Officer Ludwig.

Accordingly, the statements provided by the witnesses do not adequately resolve the question as to whether or not Officer Ludwig damaged the personal property of Travie Mitchell by intentionally stepping on his sunglasses. There is insufficient evidence to either prove or disprove the allegation. Accordingly, given the various and conflicting accounts of the incident, the Board finds that there is insufficient evidence to sustain the allegation that Officer Ludwig damaged the personal property of Travie Mitchell.

3. The allegation, set forth below, that Police Officer Daniel Ludwig, Star No. 12854, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On June 19, 2009, at approximately 1845 hours, in the vicinity of 6636 South Sangamon Street, Chicago, Officer Ludwig violated the provisions of Department Special Order 03-09B, Section II-D-A in that he failed to complete a Contact Information Card for Sean Mitchell Jr.

Officer Ludwig admits that he did not complete a Contact Information Card for Sean Mitchell Jr. Accordingly, he violated the provisions of Department Special Order 03-09B, Section II-D-A, that required him to do so.

4. The Police Board has considered the facts and circumstances of Officer Ludwig's conduct, and his complimentary and disciplinary histories. Officer Ludwig disregarded an important requirement to properly document his encounter with a citizen. However, his misconduct is mitigated by his outstanding complimentary history (202 total awards, including

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two Superintendent Awards of Valor, one Life Saving Award, sixteen Department Commendations, and 155 Honorable Mentions) and lack of any disciplinary history. The Board finds that a reprimand is an appropriate penalty on the facts of this particular case, for an officer with such a distinguished record.

POLICE BOARD DECISION

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By votes of 8 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds that the allegations that Police Officer Daniel Ludwig violated Rule 2 and Rule 8 are **not sustained**.

By a vote of 8 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **sustains** the allegation that Police Officer Daniel Ludwig violated Rule 6.

As a result of the foregoing, the Board, by a vote of 8 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for reprimanding Police Officer Daniel Ludwig for his violation of Rule 6.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Daniel Ludwig, Star No. 12854, for a period of fifteen (15) days is **reversed**, and he is hereby **reprimanded** for his violation of Rule 6.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF OCTOBER, 2014.

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Attested by:

/s/ DEMETRIUS E. CARNEY
President of the Police Board

/s/ MAX A. CAPRONI
Executive Director of the Police Board

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police