

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)		
SERGEANT LOUIS DANIELSON,)		No. 10 PB 2730
STAR No. 1406, DEPARTMENT OF POLICE,)		
CITY OF CHICAGO,)		
RESPONDENT)		(CR No. 311881)

FINDINGS AND DECISION

On August 3, 2010, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Louis Danielson, Star No. 1406 (hereinafter sometimes referred to as "Respondent"), recommending that he be suspended from the Chicago Police Department for sixty (60) days for violating various Rules of Conduct.

Thomas E. Johnson, Hearing Officer of the Police Board, ordered Sergeant Danielson's case and three other cases (Nos. 10 PB 2726-2728) consolidated for hearing. The Police Board caused a hearing on the charges against the four Respondents to be had before Hearing Officer Johnson on November 16, November 18, December 10, and December 17, 2010, and January 4, 2011.

Following the hearing on the charges, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decisions.

On January 20, 2011, the Police Board found Sergeant Danielson guilty of violating Rules 2 and 10 (see the Findings set forth in paragraph nos. 4 through 7 below). After considering the facts and circumstances of Sergeant Danielson's conduct, and the evidence

presented in defense and mitigation, the Board determined that additional proceedings shall be had for the purpose of determining the appropriate penalty in Sergeant Danielson's case, pursuant to Section III-H of the Police Board's *Rules of Procedure*. These additional proceedings were had before Hearing Officer Johnson on April 5, 2011.

Following the additional proceedings, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges and its hearing pursuant to Section III-H of the Police Board's *Rules of Procedure*, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a sergeant of police by the Department of Police of the City of Chicago.
2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing on the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges. In addition, the Respondent was properly notified of the additional proceedings more than five (5) days prior to the additional proceedings.
3. Throughout the hearing on the charges and the additional proceedings the Respondent appeared in person and was represented by legal counsel.

Police Board Case No. 10 PB 2730
Sergeant Louis Danielson
Findings and Decision

4. The Respondent, Sergeant Louis Danielson, Star No. 1406, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: On or about March 24, 2006, while responding to an incident at Taco Burrito King, located at 5509 North Harlem Avenue, Chicago, he failed to conduct a thorough preliminary investigation, and/or he ignored information provided by witnesses Shawn Nelson and/or Joseph Mularczyk regarding their observation(s) that Obed DeLeon was not the aggressor/offender and/or that Obed DeLeon was the victim of a beating and/or that a gun was pointed at Obed DeLeon, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Board finds, based on the testimony of Messrs. Nelson and Mularczyk, which was entirely credible, that Sergeant Danielson completely ignored their attempts to provide truthful information to him; specifically, that Mr. De Leon was not the aggressor in this incident but rather the victim, and that the gun involved was used against Mr. De Leon. Rather, Sergeant Danielson had Messrs. Nelson and Mularczyk, as well as Mr. De Leon, arrested, though there was no evidence that they had done anything wrong. Officer Olszewski confirmed that Sergeant Danielson told him to arrest and charge these defendants.

The OEC recording shows that Sergeant Danielson responded to a call of a man with a gun. After arriving at the scene, he concedes he made no effort to determine who had the gun or how it was used. Nor did he make an effort to recover the gun. Indeed, Sergeant Danielson conceded that he did not speak with any of the Taco Burrito King patrons or employees, or any other witnesses. He did not review the restaurant's surveillance video. He did not even enter the Taco Burrito King. He also made no inquiry of Sergeant Delahanty or any of the responding officers as to what had taken place. Despite Sergeant Danielson's abdication of any responsibility

Police Board Case No. 10 PB 2730
Sergeant Louis Danielson
Findings and Decision

at the scene, he approved the Case Report of the incident. The Case Report was seriously deficient, as it made no mention of the gun that called Sergeant Danielson to the scene in the first place. Apparently, Sergeant Danielson also made no effort to speak with Mr. Walsh, who falsely signed complaints against Messrs. De Leon, Nelson, and Mularczyk.

Sergeant Danielson says that under General Order 04-03, preliminary investigations are not to be conducted by field sergeants but rather by the officers assigned to the case, here Officers Olszewski and White. On this basis, Sergeant Danielson excuses himself from responsibility for the complete failure to adequately investigate this matter and for the wrongful arrest of three civilians. The Board rejects Sergeant Danielson's defense. General Order 83-01, Sections III.E-K and IV.A and D, imposes on field sergeants the responsibility to supervise investigations, to ensure that their subordinates take appropriate actions in responding to calls and in performing their duties, and to ensure that the Department's policies, goals, procedures and rules and regulations are carried out. Sergeant Danielson completely failed to discharge his responsibilities as a sergeant in this matter, both at the scene and in the station. His failure of leadership directly contributed to the unjust treatment of Messrs. Nelson, Mularczyk, and DeLeon.

5. The Respondent, Sergeant Louis Danielson, Star No. 1406, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count II: On or about March 24, 2006, while responding to an incident at Taco Burrito King, located at 5509 North Harlem Avenue, Chicago, he failed to conduct a thorough preliminary investigation of the incident inside Taco Burrito King in that he failed to interview patrons

Police Board Case No. 10 PB 2730
Sergeant Louis Danielson
Findings and Decision

and/or witnesses and/or employees, and/or he failed to review the surveillance video, and/or he failed to make attempts to identify the man with a gun, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are adopted here.

6. The Respondent, Sergeant Louis Danielson, Star No. 1406, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

Count I: On or about March 24, 2006, while responding to an incident at Taco Burrito King, located at 5509 North Harlem Avenue, Chicago, he failed to conduct a thorough preliminary investigation, and/or he ignored information provided by witnesses Shawn Nelson and/or Joseph Mularczyk regarding their observation(s) that Obed DeLeon was not the aggressor/offender and/or that Obed DeLeon was the victim of a beating and/or that a gun was pointed at Obed DeLeon, thereby being inattentive to duty.

See the findings set forth in paragraph no. 4 above, which are adopted here.

7. The Respondent, Sergeant Louis Danielson, Star No. 1406, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

Count II: On or about March 24, 2006, while responding to an incident at Taco Burrito King, located at 5509 North Harlem Avenue, Chicago, he failed to conduct a thorough preliminary investigation of the incident inside Taco Burrito King in that he failed to interview patrons and/or witnesses and/or employees, and/or he failed to review the surveillance video, and/or he failed to make attempts to identify the man with a gun, thereby being inattentive to duty.

See the findings set forth in paragraph no. 4 above, which are adopted here.

8. In determining the penalty to impose on Sergeant Danielson, the Board has carefully considered the witnesses called by the Sergeant in mitigation, the absence of any disciplinary record over his twenty-one year career, and his significant complimentary record. The Board is also mindful of the substantial investment the Department has in Sergeant Danielson, in terms of the training it has provided as well as the experience he has garnered over twenty-one years, including his experience on specialized tactical and gang units, and his experience as a supervisor. In light of this evidence, the Board finds that a penalty of discharge is not warranted.

On the other hand, the Board is firmly convinced that a suspension of only sixty days, as the Superintendent originally sought, is far too lenient, given the facts and circumstances of this case. As the Board made clear in its Findings and Decisions entered on January 20, 2011 (see the findings set forth in paragraph nos. 4 through 7 above), on March 24, 2006, Sergeant Danielson completely abdicated his responsibility as a supervisor and as a sergeant of police. He made no effort whatsoever to investigate the serious "man with a gun" call to which he responded. He failed to take appropriate action himself and, in direct violation of the Department's General Order 83-01, failed to supervise the investigation and officers on the scene. His actions directly led to the wrongful arrest of three citizens. Two of those citizens stayed on the scene in an effort to apprise Sergeant Danielson of what had transpired. Rather than listening to them, Sergeant Danielson personally had them arrested, thereby severely damaging the relationship of the police to those citizens they seek to serve. Indeed, the Board finds that citizen cooperation with the police is critical to effective law enforcement. If Sergeant Danielson's actions in this case do not result in serious consequences, other citizens will be deterred from cooperating with the police in the future.

Police Board Case No. 10 PB 2730
Sergeant Louis Danielson
Findings and Decision

Furthermore, Sergeant Danielson's inaction here ensured that off-duty Officers Murphy, McNamara, and Orsa were able to leave the scene without being questioned, without taking responsibility for what they had done, and without the police being able to determine if their actions were prompted by drunkenness or other improper conduct. The Sergeant was called to the scene because there was "a man with a gun." In fact, there was a gun and it was used in an altercation. Yet Sergeant Danielson did nothing to locate that gun at the scene or account for that gun in the Case Report he approved. The use of guns on the street is likely the most serious problem that exists in Chicago, and the cavalier way in which Sergeant Danielson responded to that problem on the night of March 24, 2006, cannot be condoned. Sergeants of police have a special position of trust. They are to be judged in a stricter fashion than rank-and-file police officers. The Police Board finds and determines that Sergeant Danielson's conduct on the night of March 24, 2006, and the consequences that flowed directly from his actions, warrant a suspension of one hundred and eighty (180) days.

BY REASON OF THE FINDINGS set forth herein, cause exists for the suspension of Sergeant Louis Danielson, Star No. 1406, from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago, for a period of one hundred and eighty (180) days. (Any suspension served previously by the Respondent as a result of the filing of charges in this matter shall be counted when implementing the suspension ordered by the Police Board.)

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Sergeant Louis Danielson, Star No. 1406, as a result of having been found **guilty** of charges in Police Board Case No. 10 PB 2730, be and hereby is **suspended** from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago, for a period of 180 days.
(Any suspension served previously by the Respondent as a result of the filing of charges in this matter shall be counted when implementing the suspension ordered by the Police Board.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF MAY, 2011.

Scott Davis

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Attested by:

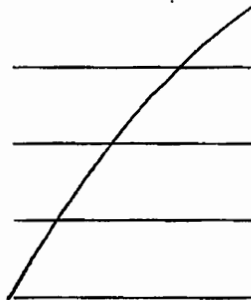
Max A. Caproni

Executive Director
Police Board

Police Board Case No. 10 PB 2730
Sergeant Louis Danielson
Findings and Decision

DISSENT

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



Four horizontal lines for a signature.

RECEIVED A COPY OF

THESE FINDINGS AND DECISIONS

THIS ____ DAY OF _____, 2011.

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

25 APRIL 2008

TO: COMMANDER OFFICER UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

DANIELSON	LOUIS	1406	023
NAME	(LAST, FIRST)	STAR	UNIT
MALE	WHITE		
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 311881

THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV.	LERNER	15		113
RANK	NAME	STAR	EMPLOYEE#	UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCE COMPLAINT LOG NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSED THE
FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT
ACCUSED FOR THE PAST FIVE(5) YEARS.

VERIFIED/PREPARED BY:

NIYA SCOTT

NONE ☐

SEE ATTACHED ☒

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION



Report
Danielson # 1



Chicago Police Department

Internal Affairs Division



SPAR HISTORY REPORT (Sustained Findings)

Employee#	Name	Star#	Unit	Position	Sex	Race	Birth Date	Date of Appointment
[REDACTED]	DANIELSON, LOUIS K	1406	023/-	SERGEANT OF POLICE	M	WHITE	[REDACTED]	26-MAR-1990

History : Total No SPARs: 3

Log #	Incident Date	Completed Date	Disciplinary Action	Transgression Type	Suspension Dates
510400	15-AUG-2007	20-SEP-2007	REPRIMAND	005 - COURT APPEARANCE VIOLATION	
509331	01-JUN-2007	18-JUN-2007	REPRIMAND	005 - COURT APPEARANCE VIOLATION	

For Official Police Purposes Only! This information is confidential and should not be disseminated for reasons other than its intended purpose.
CLEAR, Personnel Suite: Automated SPAR Application Print Date and Time: 25-APR-2008 10:15:07 Printed By : PC0S988

1 of 1

Report Date: 29 Dec 2010

Report Time: 1029 Hrs

Information Services Division

Data Warehouse

Produced by:

Chicago Police Department

Personnel Division



Complimentary History

Name	Title	Unit	Detail Unit	Emp Number
DANIELSON, LOUIS K	9171	023		

Achievements

Total No.

DEMOCRATIC NATIONAL CONVENTION AWARD
DEPARTMENT COMMENDATION
UNIT MERITORIOUS PERFORMANCE AWARD
HONORABLE MENTION
2004 CRIME REDUCTION RIBBON
EMBLEM OF RECOGNITION - PHYSICAL FITNESS
COMPLIMENTARY LETTER
TOTAL AWARDS

1
3
1
36
1
1
5

48

NOTE: THIS REPORT IS FOR OFFICIAL LAW
ENFORCEMENT / AUTHORIZED USE ONLY. THE
INFORMATION IS CURRENT AS OF THE DATE
AND TIME OF THE REPORT. THIS REPORT IS
NOT FOR PUBLIC DISSEMINATION.



City of Chicago

Police Board

Demetrius E. Carney
President

Scott J. Davis
Vice President

Melissa M. Ballate
Ghian Foreman
Rita A. Fry
Victor M. Gonzalez
Rev. Johnny L. Miller
Arthur J. Smith Sr.
George M. Velcich

Max A. Caproni
Executive Director

Suite 1220
30 North LaSalle Street
Chicago, Illinois 60602
(312) 742-4194
(312) 742-4193 (FAX)
(312) 745-6876 (TTY)
www.chicagopoliceboard.org

Re: Case No. 10 PB 2730, Louis Danielson

NOTICE

Under Illinois law, a party to a matter before the Police Board has the right to appeal the Board's decision by filing a petition for administrative review in the Circuit Court of Cook County, County Department, Chancery Division.

In accordance with 735 Illinois Compiled Statutes 5/3-103, the time limit for filing an appeal is 35 days from the date the Board personally delivers a copy of the decision to a party, or 35 days from the postmark of the date the Board mails a copy of the decision to a party. Filing an appeal after this time limit may result in the dismissal of the case.

