

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	October 13, 2018
Time of Incident:	8:45 AM
Location of Incident:	1300 E. 67th Street and 003 District Police Station
Date of COPA Notification:	October 17, 2018
Time of COPA Notification:	3:20 PM

On October 13, 2018 Officer Lai and Officer Ellis stopped the vehicle Ms. [REDACTED] was driving after observing her fail to stop at a stop sign at or near 1300 E. 67th Street, Chicago, IL. Ms. [REDACTED] provided an expired driver's license and could not provide proof of a valid insurance policy. Officer Lai and Officer Ellis then had Ms. [REDACTED] drive her own vehicle to the 003 District Police Station.

Ms. [REDACTED] arrived at the station and the officers escorted her inside. She was then requested to go into an interview room to complete the citation writing process. She refused. Officer Ellis then ordered her to go to the interview room. She once again refused. Officer Ellis grabbed the hood of Ms. [REDACTED] jacket and she attempted to pull away. After she attempted to pull away Officer Ellis grabbed the right arm / wrist area of Ms. [REDACTED]. Ms. [REDACTED] attempted to pull away again. As she was pulling away another officer approached attempting to deescalate the situation. Officer Ellis then released the grip on Ms. [REDACTED] and she was convinced to go into the interview room.

Officer Lai issued citations to Ms. [REDACTED] while Officer Ellis remained at the door of the interview room. Once the citations were written, Ms. [REDACTED] was instructed to head to the front desk of the station. Officer Wolfe then issued an I-Bond to Ms. [REDACTED].

## II. INVOLVED PARTIES

Involved Officer #1:	Wendell Ellis, Star #: 17339, Employee ID #: [REDACTED], Date of Appointment: June 29, 1998, Police Officer, Unit of Assignment: 002, Date of Birth: [REDACTED], 1969, Male, Black.
Involved Officer #2:	Michael Lai, Star #: 7003, Employee ID #: [REDACTED], Date of Appointment: September 18, 2017, Police Officer, Unit of Assignment: 003, Date of Birth: [REDACTED], 1986, Male, Asian Pacific Islander.
Involved Officer #3	Rama Wolfe, Star #: 19801, Employee ID #: [REDACTED], Date of Appointment: September 21, 1972, Police Officer, Unit of Assignment: 003, Date of Birth: [REDACTED] 1972, Male, Black.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. The recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Officer #4  
 Involved Individual #1: Unknown.  
 [REDACTED] Date of Birth: [REDACTED], 1957, Female,  
 Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Wendell Ellis	1. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis detained [REDACTED] when Officer Ellis stopped the vehicle [REDACTED] was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Exonerated
	2. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis arrested [REDACTED] without justification, in violation of Rules 1, 2, 3, 8, 10, 11.	Exonerated
	3. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis failed to follow department arrest procedures in that Officer Ellis allowed [REDACTED] to drive her vehicle to the 003 Police District, after [REDACTED] was under arrest, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Sustained
	4. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis failed to activate his body worn camera during his interaction with [REDACTED] in violation of Rules 2, 3, 10.	Sustained
	5. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis grabbed [REDACTED] in violation of Rules 1, 6, 9, 10.	Exonerated
	6. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis pushed [REDACTED] in violation of Rules 1, 6, 9, 10.	Unfounded
	7. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis failed to complete a Tactical Response Report, in violation of Rules 1, 2, 3, 5.	

**CIVILIAN OFFICE OF POLICE ACCOUNTABILITY**

**LOG# 1091418**

	<p>8. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL Officer Ellis failed to impound the vehicle [REDACTED] was driving in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>9. On or about October 13, 2018 at approximately 9:00 AM at or near the 003 Police District Station, Officer Ellis failed to require [REDACTED] to post bail in the amount of \$2,000, after [REDACTED] [REDACTED] was cited for violation of 625 ILCS 5/3-707 in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p>	<p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>
<p>Officer Michael Lai</p>	<p>1. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai detained [REDACTED] when Officer Lai stopped the vehicle [REDACTED] was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>2. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai arrested [REDACTED] without justification, in violation of Rules 1, 2, 3, 8, 10, 11</p> <p>3. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai failed to follow department arrest procedures in that Officer Lai allowed [REDACTED] [REDACTED] to drive her vehicle to the 003 Police District, after [REDACTED] was under arrest, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>4. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai failed to activate his body worn camera during his interaction with [REDACTED] in violation of Rules 2, 3, 10.</p> <p>5. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai failed to inform [REDACTED] that his body worn camera had been activated to record, in violation of Rules 2, 3, 10.</p> <p>6. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL Officer Lai failed to impound the vehicle [REDACTED]</p>	<p>Exonerated</p> <p><b>Exonerated</b></p> <p>Sustained</p> <p>Unfounded</p> <p>Sustained</p>

**CIVILIAN OFFICE OF POLICE ACCOUNTABILITY**

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	<p>██████████ was driving in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>7. On or about October 13, 2018 at approximately 9:00 AM at or near the 003 Police District Station, Officer Lai failed to require ██████████ to post bail in the amount of \$2,000, after ██████████ was cited for violation of 625 ILCS 5/3-707 in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p>	<p>Sustained</p> <p><b>Exonerated</b></p>
Officer Rama Wolfe	<p>1. On or about October 13, 2018 at approximately 9:00 AM at or near the 003 Police District Station, Officer Lai failed to require ██████████ to post bail in the amount of \$2,000, after ██████████ was cited for violation of 625 ILCS 5/3-707, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p>	<p><b>Exonerated</b></p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. Rule 5: Failure to perform any duty.
5. Rule 6: Disobedience of an order or directive, whether written or oral.
6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.
8. Rule 10: Inattention to duty.
9. Rule 11: Incompetency or inefficiency in the performance of duty.

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General Orders

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1. General Order G06-01-01: Field Arrest Procedures
  2. General Order G03-02-01: Force Options
  3. General Order G03-02-02: Incidents Requiring the Completion of a Tactical Response Report
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## 4. CPD-11.909: Bail Bond Manual

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Special Orders

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1. Special Order S03-14: Body Worn Cameras
  2. Special Order S04-14-05: Traffic Violators, Name Checks, and Bonding
  3. Special Order S06-13: Bond Procedures
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Federal Laws

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1. US Constitution 4th Amend
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State Laws

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1. 625 ILCS 5/6-101: Drivers must have licenses or permits.
2. 625 ILCS 5/6-601: Penalties.
3. 625 ILCS 5/7-601: Required liability insurance policy.
4. 625 ILCS 5/3-707: Operation of uninsured motor vehicle – penalty.
5. 730 ILCS 5/5-1-17: Petty Offense.
6. MCC 9-24-010: Stop Signs.

**V. INVESTIGATION<sup>2</sup>****a. Interviews<sup>3</sup>**

On October 23, 2018 COPA interviewed Complainant ██████████ ██████████ who provided the requisite affidavit.<sup>5</sup> Ms. ██████████ indicated that Officer Lai first approached her and told her she did not come to a complete stop at a stop sign.<sup>6</sup> When the officer asked for her driver's license and insurance, Ms. ██████████ informed the officer that she had attempted to get the driver's license renewed, but she was told she had one year to renew it.<sup>7</sup> She tendered him a driver's license with an expiration date of June 26, 2018.<sup>8</sup> Ms. ██████████ called her car insurance company to prove that she had insurance on her vehicle, as she did not have an updated insurance card in her possession; however, another officer<sup>9</sup> stated they needed the actual card and would not accept what the person on the phone said.<sup>10</sup> A police officer then informed her that they could take her vehicle,<sup>11</sup> but she drove to the 003 District Police Station, instead, because Officer Lai had to complete paperwork.<sup>12</sup>

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> COPA conducted an interview with Witness Officer Eric Medina. He relayed that he did not recall seeing any interaction between Ms. ██████████ and Officer Ellis. See Attachment 33.

<sup>4</sup> Attachment 13.

<sup>5</sup> Attachment 11.

<sup>6</sup> Attachment 4 at 7:33.

<sup>7</sup> *Id.* at 8:20. See also *Id.* at 50:05. (The individual at the Secretary of State's office told her she had one year to renew her driver's license and she was under the impression that she could still drive her vehicle because she was not told that she could not drive).

<sup>8</sup> *Id.* at 12:05.

<sup>9</sup> Officer Ellis.

<sup>10</sup> Attachment 4 at 10:50.

<sup>11</sup> *Id.* at 18:50.

<sup>12</sup> *Id.* at 21:25.

At the police station, Officer Ellis<sup>13</sup> told her to go to a specific room.<sup>14</sup> Ms. ██████ explained that she told the officer that she was not sure of the process and questioned why she was going into the room.<sup>15</sup> The officer then grabbed her shoulders, pushed her from behind and she screamed in pain.<sup>16</sup> She remained in the room for a period of ten (10) or fifteen (15) minutes.<sup>17</sup> During this time, the aforementioned officer was standing at the door and making faces at her.<sup>18</sup> He then directed her to the front desk of the station.<sup>19</sup> While enroute, an officer was walking up and down the hall, heckling her, and stating, "I can't wait to hear the story on this one."<sup>20</sup> A different officer at the front desk gave her paper work about a court date and said they will come after her if she does not come to court.<sup>21</sup>

The next day, Ms. ██████ went to the Lawndale Christian Health Center.<sup>22</sup> The doctor there prescribed her painkillers and ointment.<sup>23</sup> As of October 23, 2018 she was still having difficulties and was still under a doctor's care.<sup>24</sup>

On January 3, 2019 COPA interviewed Witness Officer Allan Gallardo.<sup>25</sup> Officer Gallardo originally heard a woman<sup>26</sup> arguing with a police officer. When he heard this, he entered the hallway of the 003 police district station. Immediately upon entering the hallway he observed Ms. ██████ lock her arm and pull her arm away from Officer Ellis. Officer Ellis had a grasp on Ms. ██████ wrist and hood. He did not see Officer Ellis push Ms. ██████. Eventually, Ms. ██████ went into a room and he subsequently learned from Officer Ellis that Ms. ██████ was there on Traffic Violator Bond. Officer Gallardo also stated did not hear anyone heckle Ms. ██████

On December 14, 2018 COPA interviewed then Witness Officer Rama Wolfe.<sup>27</sup> He relayed that he did not see any physical interaction between Officer Ellis and Ms. ██████. He did not hear any officer heckle Ms. ██████ nor did he hear any officer state words to the effect of I can't wait to hear about this one.

On May 24, 2019, COPA interviewed now Accused Officer Rama Wolfe.<sup>28</sup> On October 13, 2018 Officer Lai brought Ms. ██████ to the 003 police district desk, where Officer Wolfe was working.<sup>29</sup> Officer Wolfe received citations that were issued to Ms. ██████<sup>30</sup> Upon receiving these citations, Officer Wolfe completed an I-Bond for Ms. ██████ in the amount of \$2,000.<sup>31</sup> Officer Wolfe stated that, as authorize by Section 9d (of the Bail Bond Manual) Ms. ██████ posted bail in "that amount" because she signed an I-Bond for \$2,000.<sup>32</sup>

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<sup>13</sup> *Id.* at 22:10, 35:45.

<sup>14</sup> *Id.* at 22:10

<sup>15</sup> *Id.* at 23:45.

<sup>16</sup> *Id.* at 22:10, 36:07, 10:05.

<sup>17</sup> *Id.* at 26:20.

<sup>18</sup> *Id.* at 26:45.

<sup>19</sup> *Id.* at 27:45.

<sup>20</sup> *Id.* at 28:15. See *Also Id.* at 40:05. (She described this officer as black with a short haircut, 5'11" or 6'0 feet).

<sup>21</sup> *Id.* at 29:45.

<sup>22</sup> *Id.* at 58:10.

<sup>23</sup> *Id.* at 59:10.

<sup>24</sup> *Id.* at 59:25.

<sup>25</sup> Attachment 30.

<sup>26</sup> Ms. ██████

<sup>27</sup> Attachment 6. (COPA interviewed Officer Wolfe on December 14, 2018 as a witness officer. Subsequent to that interview Officer Wolfe was served with allegations and became an accused officer).

<sup>28</sup> Attachment 64.

<sup>29</sup> *Id.* at 4:03.

<sup>30</sup> *Id.* at 4:15. The citations were Failing to stop at stop sign, not having a valid driver's license and not having proof of valid liability insurance. *Id.* at 4:25.

<sup>31</sup> *Id.* at 4:35, 5:35.

<sup>32</sup> *Id.* at 5:35.

On February 1, 2019 COPA interviewed Accused Officer Michael Lai.<sup>33</sup> Officer Lai stated a black Jaguar driven by Ms. ██████ did not come to a complete stop at a stop sign. After making this observation, the Jaguar was curbed, and Officer Lai approached Ms. ██████. He explained to her why she was stopped and asked for her driver's license. Ms. ██████ tendered an expired driver's license and Officer Lai verified the driver's license was expired. Ms. ██████ told Officer Lai that the Secretary of State told her she had one year to renew. Officer Lai responded that was not an accurate statement. He also asked her for insurance and she was unable to provide a non-expired insurance card.

With the knowledge of no valid driver's license and no proof of insurance, he decided to issue her several tickets. He and his partner, Officer Ellis, decided that Ms. ██████ needed to go to the police station. Because of her age, their willingness to extend a courtesy, and proximity to the station, they would let her drive to the station. Ms. ██████ then drove her vehicle to the station while being escorted by the officers.<sup>34</sup>

Officer Lai and Officer Ellis escorted her into the station, but she stopped and refused to enter a room. Officer Ellis issued a verbal command to go into the interview room. Ms. ██████ did not comply. Officer Ellis was fifteen (15) or twenty (20) feet away from Officer Lai. Officer Lai next described that Officer Ellis had a "little scuffle" with Ms. ██████.<sup>35</sup> Officer Ellis grabbed Ms. ██████ hood for two (2) to six (6) seconds and she started to swing her arms.<sup>36</sup> After she swung her right arm, Officer Ellis applied a wrist lock to her right wrist for one (1) to three (3) seconds.<sup>37</sup> Officer Lai did not observe any other physical contact. Ms. ██████ then became compliant and went into the interview room. Officer Lai wrote citations for Ms. ██████ and they remained in the interview room for a period of fifteen (15) minutes before going to the front desk of the station to have an I-Bond issued.

He does not remember if Ms. ██████ complained of injury. He did not observe any injury to Ms. ██████. She did not request medical assistance. Officer Lai did not hear any officer heckle Ms. ██████.<sup>38</sup>

Officer Lai admitted to failing to follow proper arrest procedures, as he was trying to extend a courtesy to Ms. ██████.<sup>39</sup> Officer Lai indicated that Ms. ██████ was under arrest prior to her driving to the station, because she did not produce a valid driver's license and valid insurance.<sup>40</sup> He stated that proper arrest procedures would have been to place Ms. ██████ in handcuffs<sup>41</sup> and to tow her car.<sup>42</sup> Ms. ██████ was not handcuffed and her vehicle was not towed.<sup>43</sup> He also admitted to failing to inform Ms. ██████ that his body camera was recording.<sup>44</sup>

On May 16, 2019 COPA re-interviewed Accused Officer Michael Lai.<sup>45</sup> Officer Lai indicated that Ms. ██████ vehicle was not impounded because they used discretion because of the "financial issue", her age, and the "environment."<sup>46</sup> Ms. ██████ was issued an I-Bond by Officer Wolfe.<sup>47</sup> He did not make the determination to issue an I-Bond.<sup>48</sup> He did not request Ms. ██████ to post \$2,000 bail because he was not involved in the bonding process.<sup>49</sup>

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<sup>33</sup> Attachment 38.

<sup>34</sup> *Id.* at 16:45.

<sup>35</sup> *Id.* at 17:54.

<sup>36</sup> *Id.* at 20:00, 22:25.

<sup>37</sup> *Id.* at 21:00, 22:15.

<sup>38</sup> *Id.* at 30:50.

<sup>39</sup> *Id.* at 36:22.

<sup>40</sup> *Id.* at 13:20.

<sup>41</sup> *Id.* at 15:20 (Placing of handcuffs is mandatory).

<sup>42</sup> *Id.* at 14:00.

<sup>43</sup> *Id.* at 14:25.

<sup>44</sup> *Id.* at 36:55.

<sup>45</sup> Attachment 51

<sup>46</sup> *Id.* at 3:49, 4:00.

<sup>47</sup> *Id.* at 4:25.

<sup>48</sup> *Id.* at 4:41.

<sup>49</sup> *Id.* at 5:41.

On February 15, 2019 COPA interviewed Accused Officer Wendell Ellis.<sup>50</sup> Officer Ellis stated Ms. [REDACTED] vehicle was stopped because she failed to stop at a stop sign.<sup>51</sup> His partner, Officer Lai, stated to him that Ms. [REDACTED] could not produce a license and insurance.<sup>52</sup> When she was unable to produce these items, he and his partner made the decision to have her go to the police station to receive tickets and an I-bond.<sup>53</sup> Officer Ellis gave her the “suggestion that maybe she could meet [them] at the 003 district because she needed to be there to receive tickets and an I-Bond.”<sup>54,55</sup> Ms. [REDACTED] drove her own vehicle to the station, with the officers following, because she refused to get out of her vehicle and be transported by the officers.<sup>56</sup>

Once inside the station, Ms. [REDACTED] refused to comply with the officers’ request to enter the interview room.<sup>57</sup> Officer Ellis “instructed” her to go the interview room, by stating “Ms. [REDACTED] go this way, ma’am, can you follow the officer.”<sup>58</sup> She verbally refused, stated she did not want to go into the room, and physically stood still.<sup>59</sup> At some point “[Officer Ellis] informed her she no longer had the option of not [entering the interview room].”<sup>60</sup> Ms. [REDACTED] still did not enter the room.<sup>61</sup>

When Ms. [REDACTED] initially refused to comply, Officer Ellis classified her as a passive resister using the Chicago Police Department Use of Force Model.<sup>62</sup> Physical contact between Ms. [REDACTED] and Officer Ellis was subsequently made as she progressed to an active resister.<sup>63</sup> She became an active resister when she started to move away from Officer Ellis’ area of control.<sup>64</sup> Officer Ellis then grabbed her hood<sup>65</sup> to prevent her from moving away, and then grabbed hold of her arm / wrist area.<sup>66</sup> Officer Ellis held on to her left arm for a short while until she pulled away and flailed her arm.<sup>67</sup>

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<sup>50</sup> Attachment 37.

<sup>51</sup> *Id.* at 6:20.

<sup>52</sup> *Id.* at 9:20, 10:40.

<sup>53</sup> *Id.* at 11:00. The tickets were for failure to stop at stop sign, failure to produce insurance and failure to produce a valid driver’s license. *Id.* at 11:15

<sup>54</sup> *Id.* at 15:14. See *Also Id.* at 15:30. (Officer Ellis indicated that an individual receives an I-Bond if they are under arrest). *Cf. Id.* at 16:30 (Officer Ellis also stated that he did not recall giving Ms. [REDACTED] an order to proceed to the 003 district police station).

<sup>55</sup> During his interview with COPA, Officer Ellis provided conflicting statements with regard to when he believed Ms. [REDACTED] was arrested. Officer Ellis initially stated that prior to Ms. [REDACTED] driving to the police station, Ms. [REDACTED] was not under arrest, because he did not believe she was being detained. *Id.* at 14:15. He further stated that they did not detain her prior to driving to the police station. *Id.* at 14:40. Near the conclusion of his interview with COPA, Officer Ellis stated that Ms. [REDACTED] was not free to continue traveling and the location of the traffic stop was the start of the arrest. *Id.* at 50:40. He also indicated that the combination of not having valid insurance and an invalid driver’s license can result in an arrest. *Id.* at 12:50.

<sup>56</sup> *Id.* at 13:15, 13:35, 19:10

<sup>57</sup> *Id.* at 20:35.

<sup>58</sup> *Id.* at 21:33, 22:05. *Cf. Id.* at 21:50 (Officer Ellis indicated his “verbiage was more of request” initially).

<sup>59</sup> *Id.* at 20:50.

<sup>60</sup> *Id.* at 22:40, 22:55.

<sup>61</sup> *Id.* at 23:05.

<sup>62</sup> *Id.* at 26:10. *Cf. Id.* at 23:25. (Officer Ellis initially stated in the COPA interview that although she initially offered some resistance he would not label her as a resister).

<sup>63</sup> *Id.* at 29:16.

<sup>64</sup> *Id.* at 30:42.

<sup>65</sup> *Id.* at 36:35. (Officer Ellis indicated he grabbed Ms. [REDACTED] hood for a second).

<sup>66</sup> *Id.* at 33:38. Ms. [REDACTED] became more aggressive after he grabbed her hood and her verbiage was more elevated. *Id.* at 36:00. Immediately prior to grabbing her hood, Officer Ellis indicated that she was active resister. *Id.* at 34:08. Immediately prior to grabbing arm/ wrist, Officer Ellis indicated she was an active resister. *Id.* at 34:15. See *Also Id.* at 36:40. (Officer Ellis stated he grabbed her arm /wrist area for a “short while”). See *Also Id.* at 32:05, 32:40. (Officer Ellis indicated that he did not use an arm bar or pressure points on Ms. [REDACTED])

<sup>67</sup> *Id.* at 37:35. *Id.* at 31:05. Her actions of flailing her arms and pulling away, Officer Ellis indicated, made her an active resister. *Id.* at 31:25.



When Ms. ██████ pulled away, Officer Gallardo<sup>68</sup> approached and started talking to her.<sup>69</sup> He attempted to ascertain what was going on and why she was resisting; he then gave an explanation as to why the officers needed her to comply.<sup>70</sup> After the conversation with Officer Gallardo, she hesitantly began to comply.<sup>71</sup>

Shortly thereafter, Officer Lai and Ms. ██████ entered the interview room. Officer Ellis also entered but did not remain for the citation writing process.<sup>72</sup> Tickets were written and then Ms. ██████ left the interview room and went to the front desk to be given an I-Bond for the traffic citations.<sup>73</sup>

Ms. ██████ did not complain of injury.<sup>74</sup> Officer Ellis did not observe injury on Ms. ██████<sup>75</sup> She did not request medical assistance,<sup>76</sup> and Officer Ellis did not offer medical assistance.<sup>77</sup> Officer Ellis did not learn that Ms. ██████ was injured, as there was no indication of injury.<sup>78</sup> He did not observe any officer heckle Ms. ██████<sup>79</sup> Officer Ellis does not recall if any officers came up to him in station and said “I can’t wait to hear about this one.”<sup>80</sup> Officer Ellis did not complete a tactical response report, because he did not feel it was warranted.<sup>81</sup> The contact that was made with Ms. ██████ was not “major physical contact, damaging physical contact. [Officer Ellis thought] it was all in effort to prevent her from running the station and injuring herself more than anything else”.<sup>82</sup> Officer Ellis also admitted to not remembering to activate his body worn camera.<sup>83</sup>

On May 16, 2019 COPA re-interviewed Officer Ellis.<sup>84</sup> After learning Ms. ██████ did not have a valid driver’s license or possess valid liability insurance, Ms. ██████ traveled to the police district under police escort.<sup>85</sup> Ms. ██████ vehicle was not impounded because the officers used their discretion and wanted to give her a “break” financially.<sup>86</sup> Officer Ellis admitted the allegation that he did not impound Ms. ██████ vehicle.<sup>87</sup> Ms. ██████ was issued an I-Bond by Rama Wolfe.<sup>88</sup> Officer Ellis stated that “it was [their] understanding” that she was eligible for an I-Bond.<sup>89</sup> Ms. ██████ did not post bail in the amount of \$2,000.<sup>90</sup>

## b. Digital Evidence

COPA obtained **two body worn camera videos**<sup>91</sup> from Officer Michael Lai. The first video<sup>92</sup> began with Officer Lai briefly driving his police vehicle to effectuate a stop of a black Jaguar. He approached the driver<sup>93</sup> and told her she did not come to a complete stop at a stop sign. He then asked her for her driver’s license and insurance. The driver eventually presented a driver’s license and an insurance card. Officer Lai informed her the

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<sup>68</sup> *Id.* at 37:58.

<sup>69</sup> *Id.* at 37:45.

<sup>70</sup> *Id.* at 38:10.

<sup>71</sup> *Id.* at 38:33.

<sup>72</sup> *Id.* at 39:40.

<sup>73</sup> *Id.* at 41:10, 41:44.

<sup>74</sup> *Id.* at 39:05.

<sup>75</sup> *Id.* at 39:10.

<sup>76</sup> *Id.* at 39:15.

<sup>77</sup> *Id.* at 39:20.

<sup>78</sup> *Id.* at 46:08.

<sup>79</sup> *Id.* at 43:10.

<sup>80</sup> *Id.* at 43:30.

<sup>81</sup> *Id.* at 44:00.

<sup>82</sup> *Id.* at 44:15.

<sup>83</sup> *Id.* at 54:42.

<sup>84</sup> Attachment 50.

<sup>85</sup> *Id.* at 3:30, 3:50.

<sup>86</sup> *Id.* at 4:10 4:15.

<sup>87</sup> *Id.* at 4:47.

<sup>88</sup> *Id.* at 5:05.

<sup>89</sup> *Id.* at 5:10.

<sup>90</sup> *Id.* at 5:25.

<sup>91</sup> Attachment 39, Lai 1.mp4, Lai 2.mp4.

<sup>92</sup> Attachment 39, Lai 2.mp4.

<sup>93</sup> Ms. ██████

insurance card was expired and inquired as to whether she had a non-expired insurance card. He proceeded back to his vehicle.

While in the vehicle Officer Ellis asked Officer Lai if the driver had an attitude. Officer Lai affirmed this inquiry. Officer Lai then stated that the driver's license was expired.<sup>94</sup> Officer Ellis then asked Officer Lai, "what he wanted to do with her?"<sup>95</sup> A discussion was had between Officer Ellis and Officer Lai as to whether the vehicle should be impounded. Officer Lai then returned to the driver to inquiry as to whether she found a non-expired insurance card. The driver told Officer Lai that she was calling her insurance company.

Officer Ellis then approached the driver and had a conversation with the driver. He asked her to access the insurance on the internet and if she knew that her driver's license was expired. The driver responded "yes, they told me I have a year to renew."<sup>96</sup> Officer Lai and Officer Ellis then return to their vehicle.

Officer Ellis then told Officer Lai to write three tickets, failure to stop at a stop sign, expired driver's license, and failure to produce insurance. Officer Ellis was then observed making a phone call to "Wolfman."<sup>97</sup> Part of the conversation was then heard: "Expired DL. We don't TVB her right? You said uh-huh. Okay so you, bond officer. She can't produce insurance either. You just bond her without producing. She's not revoked or suspended."<sup>98</sup>

Officer Lai then left the police vehicle and returned to the driver. The driver told the person she was on the phone with if the person could tell the officer that she had insurance on the vehicle. A conversation then took place between the driver and the Officer Ellis, who was on the passenger side of the vehicle. The contents of the conversation could not be heard.

Officer Lai and Officer Ellis then returned to the police vehicle and Officer Ellis informed Officer Lai that "she still will have to go in."<sup>99</sup> Officer Ellis then said, "with it being expired, I'll let her drive her car too, without putting her in the back."<sup>100</sup>

The second body worn camera video of Officer Lai began while in the 003 District police station.<sup>101</sup> The video showed an interaction between Officer Ellis and Ms. [REDACTED] the driver, in the hallway of the station. Before audio began on the body worn camera video, Ms. [REDACTED] was observed stepping back from Officer Ellis. Officer Ellis then took a step forward and placed his left hand on the hood of the jacket Ms. [REDACTED] was wearing. Ms. [REDACTED] then grabbed the left hand of Officer Ellis with her right hand. Officer Ellis and Ms. [REDACTED] then leave the viewpoint of the body worn camera momentarily and upon reappearance Officer Ellis was observed with his right hand on the right hand / right wrist of Ms. [REDACTED]

Ms. [REDACTED] then attempted to pull her arm away from Officer Ellis and Officer Ellis attempted to grab the right elbow of Ms. [REDACTED] with his left hand. Ms. [REDACTED] was successful in pulling her arm away from Officer Ellis. Audio on the body worn video camera then began and Ms. [REDACTED] was heard stating, "let me go."<sup>102</sup> Officer Ellis was then observed with his right hand gripping the right upper portion of Ms. [REDACTED] jacket. Officer Ellis then stated, "now your about to get under arrest."<sup>103</sup> Officer Ellis then released the grip he had on the jacket. Ms. [REDACTED] said, "you don't have to touch me."<sup>104</sup> Officer Ellis replied, "I do have to touch you."<sup>105</sup> Officer Gallardo then appeared in the viewpoint of the body worn camera and spoke to Ms. [REDACTED] He explained that she needed to follow the rules. Officer Ellis then lead Ms. [REDACTED] to an interview room.

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<sup>94</sup> Attachment 39, Lai 2.mp4 at 3:35.

<sup>95</sup> *Id.* at 4:20.

<sup>96</sup> *Id.* at 7:35.

<sup>97</sup> *Id.* at 10:40.

<sup>98</sup> *Id.* at 10:45.

<sup>99</sup> *Id.* at 13:25.

<sup>100</sup> *Id.* at 13:39.

<sup>101</sup> Attachment 39, Lai 1.mp4.

<sup>102</sup> *Id.* at :30.

<sup>103</sup> *Id.* at :31.

<sup>104</sup> *Id.* at :37.

<sup>105</sup> *Id.* at :39.

Ms. ██████ then made an indiscernible comment about Officer Ellis' sister and mother and Officer Ellis responded that her sister would not act like this, because she has sense, and she probably would still be stopped.<sup>106</sup> Ms. ██████ replied "now you are being disrespectful." Ms. ██████ then entered the interview room. Officer Ellis told her she did not have the option to stand behind the officer in the interview room and Officer Lai directed her to another location to stand while he prepared tickets. As Officer Lai was preparing the tickets, he explained to Ms. ██████ that they are just doing their job and told her she should have been in compliance. He then indicated the stop was recorded on the car camera.<sup>107</sup> Officer Lai completed the authoring of the three tickets, tendered Ms. ██████ her driver's license, and told her to follow him to the front desk.

Ms. ██████ eventually left the interview room and walked towards the front desk with Officer Lai. One officer was observed passing Ms. ██████ while she walked towards the front desk. Officer Lai then tendered the citations to Officer Wolfe at the district desk and requested for him to complete I-Bond paper work.<sup>108</sup> Officer Wolfe directed Officer Lai to direct Ms. ██████ to stand against the wall while he completed the paperwork. While waiting for Officer Wolfe to complete the paperwork an unknown male officer was heard stating in response to Officer Ellis informing him of the citations that were issued, "We will talk about that one later."<sup>109</sup>

Officer Wolfe completed the I-Bond and informed Ms. ██████ of the requirements of the I-Bond. After a short conversation, Ms. ██████ signed the I-Bond and Officer Wolfe told Ms. ██████ that she was free to leave. Officer Ellis opened the gate by the desk for Ms. ██████ to exit and she exited shortly thereafter.

COPA obtained the **In-Car Camera video of the incident**.<sup>110</sup> Shortly after the video began, a black vehicle was observed failing to completely stop at a stop sign, and the police vehicle subsequently illuminated its emergency lights and effectuated a stop of the black vehicle. The video then showed the same or substantially the same as the body worn camera video of Officer Lai. The video, however, continued to show the aftermath, after Officer Ellis exited the police vehicle for the final time, which was not shown on Officer Lai's body worn camera video. Officer Ellis was shown approaching the driver's side of the black vehicle.<sup>111</sup> A conversation was had between the driver and Officer Ellis. Officer Ellis informed the driver that she "would have to follow us in."<sup>112</sup> Officer Lai was then seen approaching the passenger side of the vehicle, while the conversation between Officer Ellis and the driver continued. Officer Ellis then explained the procedure to the driver. He informed her that, "we are going to let you drive or we can put you in the back of the car and I drive your car."<sup>113</sup> Officer Ellis then gave her direction on how to get to the 003 district police station. Officer Ellis and Officer Lai re-entered their vehicle. Officer Lai then pulled to the side of the black vehicle and Officer Ellis exited the vehicle. Officer Ellis then told the driver that they were trying to give her a break.<sup>114</sup> Officer Ellis stated, "I'm giving you the courtesy of staying in your car... It is a courtesy because you are supposed to be in the back of my squad."<sup>115</sup> Officer Ellis and Officer Lai return to their vehicle and the driver left the scene with the officers following.

### c. Physical Evidence

COPA obtained **Medical Records from Lawndale Christian Health Center for Ms. ██████**<sup>116</sup> On October 15, 2018 Ms. ██████ complained of right shoulder pain. She indicated that prior to October 13, 2018 she had previously exhibited right shoulder pain, but on October 13, 2018 she was grabbed by a police officer on her right shoulder and now was in more pain. A physical exam was performed on Ms. ██████ which determined

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<sup>106</sup> *Id.* at 1:35.

<sup>107</sup> *Id.* at 5:20.

<sup>108</sup> *Id.* at 13:52.

<sup>109</sup> *Id.* at 15:21.

<sup>110</sup> Attachment 39, Bt\_321.mpg.

<sup>111</sup> *Id.* at 26:40.

<sup>112</sup> *Id.* at 27:14.

<sup>113</sup> *Id.* at 29:00.

<sup>114</sup> *Id.* at 32:35.

<sup>115</sup> *Id.* at 32:50.

<sup>116</sup> Attachment 23.

her range of motion in her right shoulder was fine, but Ms. ██████ had pain when she moved her right shoulder. She was prescribed Naproxen, Baclofen, and Acetaminophen for the shoulder pain she was experiencing.

#### d. Documentary Evidence

COPA obtained three personal service citations, **TN-647-857, TN-647-858, TN-647-859**<sup>117</sup>, issued to Ms. ██████. TN-647-857 was a citation issued to Ms. ██████ for Failure to Stop at Stop Sign, under Municipal Code of Chicago 9-24-010(b). The disposition for this ticket was supervision.<sup>118</sup> TN-647-858 was a citation issued to Ms. ██████ for having no valid driver's license, under Illinois Vehicle Code 625 ILCS 5/6-101. The disposition for this ticket was a non-suit.<sup>119</sup> TN-647-859 was a citation issued to Ms. ██████ for operating an uninsured vehicle, under Illinois Vehicle Code 625 ILCS 5/3-707. The disposition for this ticket was a non-suit.<sup>120</sup> An I-Bond was also issued to Ms. ██████ as a result of the three personal service citations.<sup>121</sup>

### VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual;  
or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

### VII. ANALYSIS

#### a. Allegations Pertaining to Officer Ellis

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<sup>117</sup> Attachment 16.

<sup>118</sup> Attachment 21.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> Attachment 16.

**Officer Ellis had legal justification to stop the vehicle Ms. [REDACTED] was driving.** On October 13, 2018 Officer Ellis was situated in his police vehicle with partner Officer Lai at or near the 1300 block of East 67th Street. While situated in their vehicle they observed a black Jaguar fail to stop at a stop sign on 67th Street. Upon viewing the black Jaguar fail to stop at a stop sign, Officer Lai activated his vehicle's emergency lights and effectuated a stop on the black Jaguar. In-Car Camera video obtained from the police vehicle confirmed that a black Jaguar failed to stop at a stop sign. Due to the failure of the black Jaguar to stop at the stop sign, Officer Ellis had justification to stop the black Jaguar, as the driver of the vehicle had committed a traffic violation, which she was later cited for. The evidence is clear and convincing that Ms. [REDACTED] failed to stop at a stop sign and the stopping of her vehicle was lawful and proper. Therefore, COPA recommends a finding of EXONERATED with regard to this allegation.

**Officer Ellis had legal justification to arrest Ms. [REDACTED]** After Ms. [REDACTED] was stopped for failing to stop at a stop sign, Ms. [REDACTED] failed to present a valid driver's license and proof of insurance. All three offenses are Petty Offenses.<sup>122</sup> However, officers may arrest for minor, fine-only offenses without violating the Fourth Amendment.<sup>123</sup> The authority of law enforcement to arrest for petty offenses is referenced in the Illinois Compiled Statutes, and has been upheld by the Illinois and United States Supreme.<sup>124</sup> Therefore, COPA recommends a finding of EXONERATED with regard to this allegation.

**Officer Ellis failed to follow arrest procedures** when he ordered Ms. [REDACTED] to accompany him to the 003 district police station but allowed her to drive there in her personal vehicle. In determining whether an arrest has occurred, a court may consider a number of factors, including whether the officers used language suggesting that the person was compelled to obey.<sup>125</sup> Other relevant factors that courts have considered in finding an arrest occurred include the taking of a detainee's license, and transporting them to a police station.<sup>126</sup> Ms. [REDACTED] license was taken and she was ordered to the police station. Officer Ellis told Ms. [REDACTED] that she would be taken in his vehicle if she did not wish to drive herself. As a result, Ms. [REDACTED] was effectively under arrest even though she was not handcuffed and placed in the officer's vehicle. Officer Ellis acknowledged as much in his interview.<sup>127</sup> Consequently, Officer Ellis failed to follow arrest procedures when he let Ms. [REDACTED] drive herself to the police station with the knowledge that she could not lawfully do so as she did not have a valid license or insurance. Therefore, COPA recommends a finding of SUSTAINED with regard to this allegation.

**Officer Ellis failed to activate his body worn camera.** Officer Ellis admitted to failing to activate his body worn camera during the interactions with Ms. [REDACTED] Pursuant to Special Order S03-14: "The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities."<sup>128</sup> At no time during Officer Ellis implementation of law-enforcement-related activities was his body worn camera activated. Therefore, COPA recommends a finding of SUSTAINED with regards to this allegation.

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<sup>122</sup> See 625 ICLS 5/6-601(a), 625 ILCS 5/3-707(C), MCC: 9-24 (Penalty being a fine only) Cf. 730 ILCS 5/5-1-17 (Petty Offense means any offense for which a sentence of imprisonment is not an authorized disposition).

<sup>123</sup> See: *People v. Fitzpatrick*, 2013 IL 113449, citing 725 ILCS 5/107-12 (d) and *Atwater v. City of Lago Vista*, 532 U.S. 318 in holding that police may arrest for petty offenses.

<sup>124</sup> *Id.*

<sup>125</sup> *People v. Reynolds*, 94 Ill. 2d 160

<sup>126</sup> *United States v. Ienco*, 182 F.3d 517

<sup>127</sup> See: footnote 55

<sup>128</sup> Special Order S03-14(II)(A)2.

**Officer Ellis grabbing of Ms. ██████ was within departmental policy.** General Order G03-02-01 delineates the type and the amount of force an officer can utilize to compel a subject. If an individual is a Passive Resister<sup>129</sup>, an officer can utilize holding techniques, such as, a firm grip, grabbing an arm, wristlock, and come-along holds. If an individual is an Active Resister<sup>130</sup>, an officer can utilize stunning, OC spray, and perform takedowns. While in the 003 District Police Station, Officer Ellis, who was standing near Ms. ██████ stated that Ms. ██████ refused to follow verbal commands to enter the interview room. Her refusal, as noted by Officer Ellis, made Ms. ██████ a passive resister. After her refusal to comply with verbal commands, Ms. ██████ took a step back away from Officer Ellis. This action was noted on Body Worn Camera Video from Officer Lai. After Ms. ██████ took a step back, Officer Ellis took a step forward and placed his left hand on the hood of the jacket Ms. ██████ was wearing. The action of Ms. ██████ stepping away meets the definition of an active resister. The use of force by Officer Ellis displayed was within policy to compel compliance. Officer Ellis then grabbed the right wrist of Ms. ██████ and Ms. ██████ pulled away, also captured on Body Worn Camera Video from Officer Lai. Officer Ellis' action of grabbing the right wrist of Ms. ██████ was within policy as Ms. ██████ was still an active resister. Officer Ellis was utilizing a holding technique to compel her compliance. Body Worn Camera Video from Officer Lai captured that Officer Ellis then grabbed the right upper portion of Ms. ██████ jacket before releasing it moments later. Once against Officer Ellis' action was within policy, as he again was utilizing a holding technique to compel compliance. Based on a clear and convincing standard, the available evidence shows that Officer Ellis operated within the department use of force policy to compel compliance by Ms. ██████. Therefore, COPA recommends an EXONERATED finding with respect to this allegation.

**Officer Ellis did not push Ms. ██████** There was no physical action between Officer Ellis and Ms. ██████ before they arrived at the 003 District Police Station. When at the station, body worn camera did not capture Officer Ellis pushing Ms. ██████. On the contrary, body worn camera did capture Officer Ellis grabbing the wrist and hood of Ms. ██████. Officer Ellis also admitted to grabbing the wrist and hood of Ms. ██████ but he did not admit to pushing Ms. ██████. Officer Lai corroborated Officer Ellis' admission that he grabbed the hood and wrist of Ms. ██████. He did not indicate that he observed Officer Ellis push Ms. ██████. Officer Gallardo also stated that he did not observe Officer Ellis push Ms. ██████. Multiple officers indicated they did not see Officer Ellis push Ms. ██████ and Officer Ellis himself did admit to making physical contact with Ms. ██████ just that he did not push her. Based on the aforementioned evidence it is clear and convincing that Officer Ellis did not push Ms. ██████ however other physical contact was made. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

**Officer Ellis was not required to complete a Tactical Response Report.** Pursuant to General Order G03-02-02, the completion of a Tactical Response Report is required when "a subject is injured or alleges injury resulting from the member's use of a force option."<sup>131</sup> If a subject is an active resister,<sup>132</sup> a Tactical Response Report is required, except when:

"the subject's only action or resisting is fleeing; and "the member's actions did not extend beyond verbal commands and/or control holds utilized in conjunction with handcuffing and searching techniques which do not result in injury or allegation of injury."<sup>133</sup>

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<sup>129</sup> A Passive Resister is "a person who fails to comply (non-movement) with verbal or other direction." See General Order G03-02-01(IV)(B)1.

<sup>130</sup> An Active Resister is "a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest." See General Order G03-02-02(IV)(B)2.

<sup>131</sup> General Order G03-02-02(III)(A)1a.

<sup>132</sup> General Order G03-02-02(III)(A)1b.

<sup>133</sup> General Order G03-02-02(III)(A)1b(1)-(2).

The order further specifies that a Tactical Response Report is not required to be completed for incidents involving escorts holds, pressure compliance techniques, and firm grips that do not result in an injury or allegation of injury.<sup>134</sup> Body worn camera video showed that Officer Ellis grabbed Ms. [REDACTED] on the wrist and grabbed her hood. Additionally, Officer Ellis admitted to making physical contact as aforementioned due to the fact that Ms. [REDACTED] was not complying with verbal direction. He described her actions while in the station, prior to entering the interview room, as consistent with actions of an active resister. When Officer Ellis made physical contact with Ms. [REDACTED] she did not complain of injury. Immediately and subsequent to Officer Ellis making physical contact with Ms. [REDACTED] Ms. [REDACTED] did not complain of injury. Officer Lai did not observe any injury on Ms. [REDACTED] Ms. [REDACTED] did not request medical assistance. At the time of the contact and the immediate aftermath of the contact, up to and including to the point that Ms. [REDACTED] left the police station, Officer Ellis could not have believed that Ms. [REDACTED] was injured. If Officer Ellis did not have the belief that Ms. [REDACTED] was injured, the amount of force applied, and the type of force applied, would not have required him to complete a Tactical Response Report. The evidence is clear and convincing that Officer Ellis correctly did not complete a Tactical Response Report as required by General Order G03-02-02. Therefore, COPA recommends a finding of EXONERATED with regard to this allegation.

**Officer Ellis failed to impound Ms. [REDACTED] vehicle as required under State Law.** 625 ILCS 5/6-101(a) states: “No person, except those expressly exempted by Section 6-102, shall drive any motor vehicle upon a highway in this State, unless such person has a valid license or permit...” Furthermore, 625 ILCS 5/6-101(d) states: “In addition to other penalties imposed under this Section, any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer.” 625 ILCS 5/7-601 relates to the requirements of providing proof of having liability insurance on the vehicle driven.<sup>135</sup> Ms. [REDACTED] was cited for failing to have a valid driver’s license, in violation of 625 ILCS 5/6-101. Ms. [REDACTED] was also cited for failing to provide proof of valid liability insurance on her vehicle, in violation of 625 ILCS 5/3-707. As Ms. [REDACTED] did not have a valid driver’s license on October 13, 2018 and was unable to provide proof of valid liability insurance on her vehicle, 625 ILCS 5/6-101(d) mandated that her vehicle be impounded. Officer Ellis did not impound Ms. [REDACTED] vehicle as required, rather he allowed Ms. [REDACTED] to drive her vehicle to the 003 district police station to complete the traffic stop. Based on a preponderance of the evidence standard, therefore, COPA recommends a finding of SUSTAINED regarding Officer Ellis’ failure to impound Ms. [REDACTED] vehicle.

**Officer Ellis did not participate in the bonding process of Ms. [REDACTED]** Officer Ellis did not issue citations to Ms. [REDACTED] Officer Ellis did not request an I-Bond to be issued to Ms. [REDACTED] by Officer Wolfe. The evidence is clear and convincing that Officer Ellis took no part in the physical issuing of the bond to Ms. [REDACTED] Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

#### **b. Allegations Pertaining to Officer Lai**

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Ellis stopping the vehicle Ms. [REDACTED] was driving without justification, COPA recommends a finding of EXONERATED regarding Officer Lai’s stopping of Ms. [REDACTED] vehicle without justification.

For the same reasons, inclusive of the aforementioned analysis as indicated with respect to Officer Ellis ordering Ms. [REDACTED] to the third district police station while allowing her to drive, COPA recommends a finding of EXONERATED regarding Officer Lai’s arrest of Ms. [REDACTED] without justification

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<sup>134</sup> General Order G03-02-02(III)(B)1.

<sup>135</sup> 625 ILCS 5/7-601(a): “No person shall operate, register or maintain registration of, and no owner shall permit another person to operate, register or maintain registration of, a motor vehicle designed to be used on a public highway in this State unless the motor vehicle is covered by a liability insurance policy.” See Also 625 ILCS 5/3-707(a): “No person shall operate a motor vehicle in this State unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of this Code.”

For the same reasons, inclusive of the aforementioned analysis as indicated with respect to Officer Ellis ordering Ms. [REDACTED] to the police station but allowing her to drive there in her personal vehicle, COPA recommends a finding of SUSTAINED regarding Officer Lai's failure to follow arrest procedures.

Officer Lai activated his body worn video camera for two incidents pertaining to Ms. [REDACTED]. He initiated his body worn camera for the initial stop of Ms. [REDACTED]. He initiated his body worn camera for the processing of Ms. [REDACTED] at the 003 Police District Station. Based on a clear and convincing standard, Officer Lai activated his body worn camera during the aforementioned incident and therefore COPA recommends a finding of UNFOUNDED regarding Officer Lai's failure to activate his body worn camera.

Although Officer Lai activated his body worn video camera he failed to inform Ms. [REDACTED] that the camera had been activated to record in violation of Special Order S03-14. Special Order S03-14 II(A)4 states: "Upon initiation of a recording, Department members will announce to the person(s) they intend to record that their BWC has been activated to record." Body worn video camera from Officer Lai indicates that he did not inform Ms. [REDACTED] that she was being recorded. Based on a preponderance of the evidence standard, COPA recommends a finding of SUSTAINED regarding Officer Lai's failure to inform Ms. [REDACTED] his body worn video camera was recording.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Ellis' failure to impound Ms. [REDACTED] vehicle, COPA recommends a finding of SUSTAINED regarding Officer Lai's failure to impound Ms. [REDACTED] vehicle.

**Officer  
comply).** Lai properly released Ms. [REDACTED] on an individual bond (non-monetary promise to

Special Order S06-13(III)A states:

"No Illinois resident charged with a petty traffic offense will be required to post bond and may instead execute a promise to comply by signing the white copy of each of the individual petty offense citations. If they refuse to sign, normal bonding procedures will apply (i.e., post a valid Illinois Drivers License or other form of bond as listed in III-D<sup>136</sup> of this directive)."

This Special Order further states and provides the following explicit example, under Section (III)B2,

"For example, 625 ILCS 5/3-707(a) 'Operation of Uninsured Motor Vehicle' is currently a petty offense, which requires a mandatory court appearance per Supreme Court Rule 551. A motorist charged with this statute will be required to post a **valid** Illinois driver's license or other form of bond." (emphasis added).

The Bail Bond Manual, Appendix B, Section IV, states "Persons charged with the following violation of the ILCS **shall** post bail in the amount specified ... Insurance – operate motor vehicle without – 625 ILCS 5.0/3-707 - \$2,000\*<sup>137</sup> ..." (emphasis added).

Illinois Supreme Court Rule 526 (effective January 1, 2015) states,

<sup>136</sup> S06-13III(D): "If the motorist is ineligible to sign or post an Illinois driver's license, they **may** be eligible to post: 1. A bond certificate, 2. A CTA memorandum Card, 3. A cash bond, 4. an Individual Bond, 5. A money order, for certain traffic offenses as defined in the Bail bond Manual, or 6. An approved credit / debit card." Emphasis Added.

<sup>137</sup> The \* states: "An accused who has a valid Illinois Driver's license may deposit their driver's license in lieu of the bail specified for violation of these sections..."



“Rule 526. Bail Schedule–Traffic Offenses (a) Bail in Minor Traffic Offenses. Unless released on a written promise to comply and except as provided in paragraphs (b), (c), (d) and (f) of this rule a person arrested for a traffic offense and personally served by the arresting officer with a Citation and Complaint shall post bail in the amount of \$120 in one of the following ways: (1) by posting \$120 **cash** bail (see Rule 501(b) for definition of “Cash Bail”); or (2) by depositing, in lieu of such amount, an approved bond certificate; or (3) by depositing, in lieu of such amount, a current Illinois driver’s license.” (emphasis added).<sup>138</sup>

Ms. ██████ did not have a valid driver’s license, as her driver’s license was expired. Therefore, she was ineligible to post her driver’s license as a form of bail, as allowed, under Department Orders and Illinois Supreme Court Rules, instead, Ms. ██████ was issued an I-Bond in an amount of \$2,000.

Illinois Supreme Court Rule 553 (effective January 1, 2019) states,

Amended Rule 553. Posting Bail or Bond

(d) Individual Bond. Persons arrested for or charged with an offense covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules may be released by giving individual bond (in the amount required by this article) by those law enforcement officers designated by name or office by the chief judge of the circuit, except when the accused is (1) unable or unwilling to establish his or her identity or submit to being fingerprinted as required by law, (2) is charged with an offense punishable by imprisonment and will pose a danger to any person or the community, or (3) elects release on separate bail under Rule 503(a)(3) or 503(a)(4). Persons required to deposit both bail and driver’s license under Rule 526(e) may be released on \$1,000 individual bond and his or her their current Illinois driver’s license. If authorized by the chief judge of the circuit, individual bonds under this paragraph (d) may be executed by signing the citation or complaint agreeing to comply with its conditions, except that when the individual bond is for a petty traffic offense, no signature shall be required. Court-approved electronic signatures are allowed.

Under Illinois Supreme Court Rule 553, I-Bonds are permissible for the offenses for which Ms. ██████ was cited. Consequently, COPA recommends a finding of EXONERATED as to this allegation.

### c. Allegation Pertaining to Officer Wolfe

For the same reasons, inclusive of the aforementioned analysis as indicated with respect to Officer Lai’s bonding procedures of Ms. ██████ COPA recommends a finding of EXONERATED regarding Officer Lai’s releasing of Ms. ██████ on an I-bond.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

<sup>138</sup> See Also Illinois Supreme Court Rule 526(d): “Bail in Other Traffic Offense (Vehicle Title & Registration Law). Except as provided in paragraph (e) of this rule, persons charged with violations of the following section of the Illinois Vehicle Code shall post bail in the amount specified: (1) 625 ILCS 5/3-707 – Operating Without Insurance - \$2,000.” See Also Illinois Supreme Court Rule 526(e):” (e) Driver’s License or Bond Certificate in Lieu of or in Addition to Bail. An accused who has a valid Illinois driver’s license may deposit his driver’s license in lieu of the bail specified in subparagraphs (2), (3), and (6), of Rule 526(c) and subparagraphs (1) and (3) of Rule 526(d). In lieu of posting the **cash** amount specified in subparagraphs (5) and (7) of Rule 526(c) or subparagraph (2) of Rule 526(d), an accused must post \$1,000 bail and his current Illinois driver’s license. Persons who do not possess a valid Illinois driver’s license shall post bail in the amounts specified in Rule 526(c) or 526(d). (emphasis added).

**a. Officer Wendell Ellis****i. Complimentary and Disciplinary History**

- 1. Complimentary History:** Two (2) Emblems of Recognition; One (1) Presidential Election Deployment Award; One (1) Attendance Recognition Award; Seventy-Seven (77) Honorable Mentions; 2004 Crime Reduction Ribbon; Three (3) Department Commendations; Five (5) Complimentary Letters; 2019 Crime Reduction Award; NATO Summit Service Award; One (1) Honorable Mention Service Award; One (1) Life Saving Award; 2009 Crime Reduction Award
- 2. Disciplinary History:** No Complaint Registers; No Sustained Findings<sup>139</sup>

**ii. Recommended Penalty, by Allegation**

- 1. Allegation No. 3:** 3 Days Suspension
- 2. Allegation No. 4:** Violation Noted
- 3. Allegation No. 8:** 3 Days Suspension

**b. Officer Michael Lai****i. Complimentary and Disciplinary History**

- 1. Complimentary History:** Five (5) Honorable Mentions; 2019 Crime Reduction Award; Two (2) Complimentary Letters
- 2. Disciplinary History:** No Complaint Registers; No Sustained Findings<sup>140</sup>

**ii. Recommended Penalty, by Allegation**

- 1. Allegation No. 3:** 3 Days Suspension
- 2. Allegation No. 5:** Violation Noted
- 3. Allegation No. 6:** 3 Days Suspension

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<sup>139</sup> Attachment #65

<sup>140</sup> Attachment #66

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Wendell Ellis	1. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis detained ██████████ when Officer Ellis stopped the vehicle ██████████ was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Exonerated
	2. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis arrested ██████████ without justification, in violation of Rules 1, 2, 3, 8, 10, 11.	<b>Exonerated</b>
	3. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis failed to follow department arrest procedures in that Officer Ellis allowed ██████████ to drive her vehicle to the 003 Police District, after ██████████ was under arrest, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Sustained/3 Days Suspension
	4. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis failed to activate his body worn camera during his interaction with ██████████ in violation of Rules 2, 3, 10.	Sustained/Violation Noted
	5. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis grabbed ██████████ in violation of Rules 1, 6, 9, 10.	Exonerated
	6. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis pushed ██████████ in violation of Rules 1, 6, 9, 10.	Unfounded
	7. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Ellis failed to complete a Tactical Response Report, in violation of Rules 1, 2, 3, 5.	Exonerated

**CIVILIAN OFFICE OF POLICE ACCOUNTABILITY**

**LOG# 1091418**

	<p>8. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL Officer Ellis failed to impound the vehicle [REDACTED] was driving, violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>9. On or about October 13, 2018 at approximately 9:00 AM at or near the 003 Police District Station, Officer Ellis failed to require [REDACTED] to post bail in the amount of \$2,000, after [REDACTED] was cited for violation of 625 ILCS 5/3-707, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p>	<p>Sustained/3 Days Suspension</p> <p>Unfounded</p>
<p>Officer Michael Lai</p>	<p>1. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai detained [REDACTED] when Officer Lai stopped the vehicle [REDACTED] was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>2. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai arrested [REDACTED] without justification, in violation of Rules 1, 2, 3, 8, 10, 11.</p> <p>3. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai failed to follow department arrest procedures in that Officer Lai allowed [REDACTED] to drive her vehicle to the 003 Police District, after [REDACTED] was under arrest, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>4. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai failed to activate his body worn camera during his interaction with [REDACTED] in violation of Rules 2, 3, 10.</p> <p>5. On or about October 13, 2018 at approximately 9:00 AM at or near 1300 East 67th Street, Chicago, IL, Officer Lai failed to inform [REDACTED] that his body worn camera had been activated to record, in violation of Rules 2, 3, 10.</p> <p>6. On or about October 13, 2018 at approximately 8:45 AM at or near 1300 East 67th Street,</p>	<p>Exonerated</p> <p><b>Exonerated</b></p> <p>Sustained/3 Days Suspension</p> <p>Unfounded</p> <p>Sustained/Violation Noted</p> <p>Sustained/3 Days Suspension</p>

**CIVILIAN OFFICE OF POLICE ACCOUNTABILITY**

**LOG# 1091418**

	<p>Chicago, IL Officer Lai failed to impound the vehicle [REDACTED] was driving, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p> <p>7. On or about October 13, 2018 at approximately 9:00 AM at or near the 003 Police District Station, Officer Lai failed to require [REDACTED] to post bail in the amount of \$2,000, after [REDACTED] was cited for violation of 625 ILCS 5/3-707, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p>	<p><b>Exonerated</b></p>
<p>Officer Rama Wolfe</p>	<p>1. On or about October 13, 2018 at approximately 9:00 AM at or near the 003 Police District Station, Officer Lai failed to require [REDACTED] to post bail in the amount of \$2,000, after [REDACTED] was cited for violation of 625 ILCS 5/3-707, in violation of Rules 1, 2, 3, 6, 8, 10, 11.</p>	<p><b>Exonerated</b></p>

Approved:

[REDACTED]

7-31-2020

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Angela Hearts-Glass  
*Deputy Chief Administrator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	12
<b>Investigator:</b>	Jason Lee
<b>Supervising Investigator:</b>	Andrew Dalkin
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass