

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 3, 2019
Time of Incident:	8:46 pm
Location of Incident:	10700 S. Calumet Avenue
Date of COPA Notification:	March 3, 2019
Time of COPA Notification:	11:40 pm

On March 3, 2019, at approximately 8:46 pm, Beat 561D, assigned to Officers Michael Mancha, #19383 and Karlisa Williams, #19576, were on routine patrol in an unmarked police SUV when they observed the driver of a black 1999 Chrysler 300M fail to use a turn signal at approximately 103rd Street and Indiana Avenue. Officer Mancha, who was driving, activated the emergency lights and attempted to curb the Chrysler at 103rd Place and Michigan Avenue. The driver of Chrysler, later identified as [REDACTED] briefly complied by pulling over, but then pulled away, turned southbound onto Michigan Avenue, and sped off at a high rate of speed. Officer Mancha followed the Chrysler, at a high rate of speed of approximately 59 miles per hour but deactivated his lights and sirens. At 105th Street and Michigan Avenue, the Chrysler swerved around cars and failed to stop at the stop sign. Officer Mancha swerved into the northbound traffic lane past two cars but activated the emergency lights only briefly to cross the intersection. Officer Williams reported the actions of the Chrysler to the Office of Emergency Management and Communications (OEMC) over the radio but did not report that they were in a pursuit. At 107th Street and Michigan Avenue, the Chrysler went through the red light and again, Officer Mancha briefly activated the emergency lights and drove through the red light. The Chrysler turned left onto 109th Street and proceeded eastbound, until it turned north onto Calumet Avenue. The police SUV continued behind, maintaining the same speed as the Chrysler, almost entirely without lights and sirens activated.

When the police SUV was at approximately 108th Street and Calumet, Officers Mancha and Williams observed a traffic crash at 107th Street and Calumet Avenue. Officer Mancha activated the emergency lights and sirens and accelerated speed (54 mph). At 107th Street and Calumet Avenue, the Chrysler had struck a white Acura occupied by [REDACTED] and [REDACTED] that was traveling westbound on 107th Street. [REDACTED] a two-year old female, had been ejected from the Chrysler onto the street. Assisting officers transported [REDACTED] to Roseland Hospital, where she passed away shortly thereafter. Mr. [REDACTED] was taken into custody at the crash site. [REDACTED] mother, [REDACTED] a passenger in the Chrysler who was nine months pregnant at the time of the incident, was treated at Roseland Hospital for minor injuries. Rear passenger, [REDACTED] suffered a fractured left leg. Ms. [REDACTED] and Mr. [REDACTED] suffered minor injuries.

COPA’s investigation determined that Officer Mancha engaged in a vehicle pursuit of the Chrysler, in violation of Department policy and that he drove without due regard for the safety of all persons.

II. INVOLVED PARTIES

Involved Officer #1:	Michael Mancha, Star #19383, Employee ID #114016, Date of Appointment: February 18, 2014, Police Officer, Unit of Assignment: 005, DOB: December 7, 1985, Male, Hispanic.
Involved Officer #2:	Karlisa Williams, Star #19576, Employee ID #114318, Date of Appointment: April 28, 2014, Police Officer, Unit of Assignment: 005, DOB: March 22, 1977, Female, Black.
Involved Individual #1:	██████████ DOB: November 4, 1997, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Michael Mancha	<p>It is alleged that on or about March 3, 2019, at approximately 8:46 pm, at or near 103rd Place and Indiana Avenue, Officer Mancha:</p> <ol style="list-style-type: none"> 1. Engaged in a motor vehicle pursuit, in violation of General Order G03-03-01. 2. Drove without due regard for the safety of all persons. 3. Failed to keep the vehicle’s emergency lights continuously activated. 4. Failed to keep the vehicle’s sirens continuously activated. 5. It is alleged that Officer Mancha failed to timely activate his body worn camera, in violation of S.O. S03-14. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer Karlisa Williams	<p>It is alleged that on or about March 3, 2019, at approximately 8:46 pm, at or near 103rd Place and Indiana Avenue, Officer Williams:</p> <ol style="list-style-type: none"> 1. Engaged in a motor vehicle pursuit in violation of General Order G03-03-01. 2. Failed to intervene when Officer Mancha drove without due regard for the safety of all persons. 	<p>Sustained</p> <p>Sustained</p>

3. Failed to keep the vehicle's emergency lights continuously activated.	Exonerated
4. Failed to keep the vehicle's sirens continuously activated.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 6: Disobedience of an order or directive, whether written or oral.
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General Orders

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1. G03-03-01: Emergency Vehicle Operations-Pursuits (Effective March 28, 2016 – April 9, 2019).
 2. G03-03: Emergency Use of Department Vehicles (Effective April 24, 2003).
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Special Orders

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1. S03-14: Body Worn Cameras (Eff. April 30, 2018)
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V. INVESTIGATION¹

a. Interviews

COPA obtained and reviewed the **Electronic Recorded Interview (ERI)** of ██████████ with Major Accidents Investigation Unit (MAIU) Traffic Specialist David Quinn, #4233 and Assistant State Attorney (ASA) Robert Mack. The interview was conducted, March 5, 2019, at Ms. DE Shazer's residence. According to Ms. ██████████ on March 3, 2019, she went to her cousin ██████████ house in Dolton, IL. She, ██████████ (██████████ boyfriend),³ and ██████████ (██████████ daughter) were going to pick up a friend of Ms. ██████████ at her house in Chicago near 106th Street and Indiana Avenue. They were going to Hooters Restaurant in Lansing, IL. Mr. ██████████ was driving the Chrysler, ██████████ was in the front passenger seat, Ms. ██████████ was in the back-driver's side seat, and ██████████ was next to Ms. ██████████ with the seat belt on but not in a child safety seat.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 20. COPA found that Ms. ██████████ ERI contained sufficient information for this investigation and did not attempt another interview with her.

³ During the ERI, ██████████ identified ██████████ and ██████████ by photograph.

As they were in the vicinity of 103rd Street and Michigan Avenue, an unmarked police vehicle made a U-turn,⁴ got behind the Chrysler, and activated the emergency lights. Mr. █████ pulled to the side as if he was going to stop, reached underneath his seat, and said, “I’m sorry y’all. I gotta go.”⁵ Ms. █████ assumed Mr. █████ had a gun underneath the seat. Mr. █████ sped south on Michigan Avenue, swerving in and out of traffic. Ms. █████ thought Mr. █████ was driving as fast as the Chrysler could go. There were multiple times on Michigan Avenue that he almost hit other cars. She also thought that he was going to hit a CTA bus.

At 109th Street and Michigan Avenue, Mr. █████ made a left turn onto 109th Street (westbound) and Ms. █████ thought the Chrysler was going to tip over because Mr. █████ did not slow down when he made the turn. As they went down 109th Street she saw another police car approaching them with its lights on. Ms. █████ stated that she could no longer see the police vehicle behind them. As they approached what she referred to as the bottom of the hill,⁶ she looked back and saw through the back window that the police vehicle a distance behind them. Mr. █████ kept looking back as he was driving.

At approximately 107th and Calumet Avenue, Mr. █████ tried to make a left turn and he struck a white vehicle traveling westbound on 107th Street. Ms. █████ saw the crash coming and she extended her arm out in front of █████ to protect her. The Chrysler kept spinning around and then came to a stop. The back area of the Chrysler was missing. Ms. █████ crawled out of the Chrysler and saw █████ lying in the middle of the street. █████ picked up █████. Mr. █████ remained inside the Chrysler reaching underneath the driver’s seat and trying to get out. Shortly thereafter, the police and paramedics arrived at the scene. Ms. █████ sustained a broken left leg.

COPA obtained and reviewed the **ERI of █████ █████** conducted by MAIU Traffic Specialist Ivan Romo, #15753,⁸ on March 4, 2019, at 727 E. 111th Street (Chicago Police Department Area South). According to Mr. █████ his baby’s mother (█████) their baby (█████) and █████ cousin (█████) left █████ house in Dolton, IL, to pick up Ms. █████ friend at 106th Street and Indiana Avenue in Chicago. They were all going to Hooters Restaurant in Homewood, IL. Mr. █████ was seated in the front passenger seat, █████ was behind the driver’s seat and █████ was in the back-middle seat next to Ms. █████ was not in a child safety seat. Mr. █████ was driving a black 1999 Chrysler 300M with a yellow temporary tag. As Mr. █████ was driving on Michigan Avenue (exact location unknown), he looked in his rear-view mirror and saw a police vehicle behind him with emergency lights activated. Mr. █████ did not recall hearing sirens. Mr. █████ did not stop because he is a convicted felon and he had a Glock 19, 9MM firearm underneath his seat. He explained that he fled from the police because he was scared and did not want to go to jail. After the car crashed, Mr. █████ briefly lost consciousness. When he regained it, he was alone in his vehicle. He removed his firearm from underneath the driver’s seat and placed it underneath

⁴ While Ms. █████ believes the officers made a U-turn to get behind the Chrysler, the GPS from the police SUV indicates that they were travelling westbound on 103rd Street prior to the pursuit, consistent with the officers’ explanation.

⁵ Att. 20, at 10:53:34.

⁶ Eastbound on 109th Street, between South Michigan Avenue and South Edbrooke Avenue.

⁷ Att. 19, at approximately 4:24:20-5:40:58.

⁸ TS Romo’s star number at the time of this ERI was 5761.

the front passenger seat. [REDACTED] then heard someone screaming and saw [REDACTED] on the ground, fifteen feet away from his vehicle.⁹

During the statement, Traffic Specialist Romo informed Mr. [REDACTED] that [REDACTED] died at the hospital. Mr. [REDACTED] began to cry and expressed remorse. He blamed himself for what happened to [REDACTED]

COPA attempted to contact and interview [REDACTED] but the efforts were unsuccessful.¹⁰

In a statement to COPA on March 4, 2019, [REDACTED]¹¹ stated that on March 3, 2019, he was driving a white 2002 Acura sedan westbound on 107th Street from Martin Luther King Drive. Mr. [REDACTED] saw something from the corner of his eye. Approximately one second later, a black vehicle struck his vehicle. He exited his vehicle and observed there was no stop sign from east to west on 107th Street (his direction) but there was a stop sign from south to north on Calumet Avenue (where the other vehicle was travelling). Approximately five seconds later, an unmarked squad car arrived with its emergency lights activated but no sirens. The officers exited the police vehicle and ran to the other vehicle (a Chrysler). The officers instructed Mr. [REDACTED] and his daughter, [REDACTED] (front passenger), to remain seated in their vehicle. Mr. [REDACTED] vehicle sustained front end damage and there was a lot of steam coming from the front of the vehicle. The Chrysler was completely damaged. Mr. [REDACTED] saw a Black female lying on the ground complaining her leg might be broken. He did not see anyone else on the ground or inside the Chrysler. Additional officers arrived at the scene and approximately thirty minutes later, an ambulance transported Mr. [REDACTED] to Roseland Community Hospital for medical care.

In a statement to COPA on March 4, 2019, [REDACTED]¹² related she and her father were traveling westbound on 107th Street when something hit the front of their car. Ms. [REDACTED] recalled seeing a severely damaged black vehicle on Calumet Avenue with the front portion visible and the back portion missing. A woman wearing black and white clothing and a child who appeared to be a two-year-old boy were on the ground in the street. Ms. [REDACTED] saw a Black man in the driver's seat of the black vehicle (the Chrysler) and another woman was behind the driver's seat on the ground. Ms. [REDACTED] stated the baby was "four, five steps"¹³ from the woman wearing black and white clothing. The woman was screaming, "no."¹⁴ The baby was "lifeless."¹⁵ A female police officer escorted Ms. [REDACTED] out of her car and asked if she was okay. The ambulance arrived and transported Ms. [REDACTED] and Mr. [REDACTED] to Roseland Community Hospital for medical care.

⁹ At the start of the ERI, Mr. [REDACTED] did not know [REDACTED] was deceased. Att. 19, at 4:37:47, Traffic Specialist Romo informed Mr. [REDACTED] of [REDACTED] death.

¹⁰ Att. 117. On June 28, 2019, Major Case Specialist Lakenya White conducted a personal visit to [REDACTED] residence at 14510 Shepard Drive in Dolton, IL.

¹¹ Att. 28.

¹² Att. 25.

¹³ Att. 25, at 11:49.

¹⁴ Att. 25, at 13:30.

¹⁵ Att. 25, at 13:39.

According to Ms. [REDACTED] prior to the traffic crash, she and her father were driving southbound on Martin Luther King Drive approaching 103rd Street when Mr. [REDACTED] told Ms. [REDACTED] the police attempted to stop a vehicle on 103rd Street heading toward Michigan Avenue. The vehicle did not stop. Ms. [REDACTED] did not see the vehicle being stopped by the officers but saw the back of the police vehicle. She does not know if there is any correlation with the Chrysler that struck their vehicle.

In a **statement to COPA on May 24, 2019, Officer Michael Mancha**¹⁶ provided his account of the incident. On the date and time of the incident, Officer Mancha was on duty, in civilian dress and assigned to Beat 561D. He was operating an unmarked Ford Explorer and his partner, Karlisa Williams, was the passenger. Officers Mancha and Williams were on routine patrol when they observed a black Chrysler 300M with tinted windows fail to use the left turn signal from westbound on 103rd Street to Indiana Avenue. Officer Mancha activated the emergency lights to conduct a traffic stop and he provided Officer Williams with the license plate¹⁷ to run in the PDT. The Chrysler continued southbound on Indiana Avenue, then westbound onto 103rd Place. As the Chrysler approached Michigan Avenue, it slowed down as if it was going to stop. The Chrysler then sped off southbound onto Michigan Ave, and Officer Mancha followed. Officer Mancha indicated that “everything was activated”¹⁸ until they were safely on Michigan Avenue, at which point he turned off his lights. The Chrysler was approximately one block south of Officer Mancha. At this point, Officer Mancha applied the balancing test, checking the overall surroundings such as pedestrians, vehicle traffic, lighting, and weather conditions to make sure it was safe to follow the Chrysler.

Officer Mancha decided at this point, he was not going to pursue the Chrysler but follow it. He conceded that failure to use a turn signal is a non-hazardous, minor traffic offense and that he is not allowed to pursue.¹⁹ He said that they were not trying to stop the vehicle, but that a lot of times the driver bails and it turns into a foot pursuit. Officer Mancha explained that the department allows officers to use discretion on following vehicles for non-hazardous offenses (failing to use a turn signal) if the officer is at a safe distance. Officer Mancha said that he believes a pursuit is when “all the emergency equipment is activated, lights, sirens, and [he’s] attempting to stop the vehicle.”²⁰ He believes that in this case, he was not pursuing but was giving out direction of travel in case it turned into a foot pursuit, so that he and other units would have a good description of the person they were trying to apprehend.

At approximately 105th and Michigan Avenue, Officer Mancha observed the Chrysler swerving in and out of traffic. As Officer Mancha approached 105th Street, he activated the emergency lights to safely cross the intersection and then he deactivated the lights. The Chrysler continued southbound on Michigan Avenue past 107th Street. At 107th Street, Officer Mancha again activated and deactivated the lights when he crossed the intersection. He does not recall if

¹⁶ Atts. 79-80.

¹⁷ Temporary plate [REDACTED]

¹⁸ Att. 80, p. 18, line 22-p. 19 line 1

¹⁹ Att. 80, p. 38, line 21 to p. 39, line 16.

²⁰ Att. 80, p. 62, lines 9-11.

he activated the sirens or how fast he and the Chrysler were driving.²¹ According to Officer Mancha, the Chrysler was approximately two to three blocks ahead of him.²²

According to Officer Mancha, Officer Williams initially attempted to report the traffic stop to OEMC at 103rd Place and Indiana Avenue, but there was interruption and/or interference. Officer Mancha activated the emergency button on the PDT to notify the dispatcher that they had an emergency. Officer Williams was then able to communicate with the dispatcher. When questioned by COPA about what the emergency was if he was not pursuing the Chrysler, Officer Mancha stated that there was no emergency, he just wanted to notify the dispatcher that the Chrysler had taken off and that he had a visual on the car. Officer Williams communicated with the dispatcher that the Chrysler continued southbound on Michigan Avenue and went eastbound at 109th Street. Officer Mancha briefly lost sight of the Chrysler. He continued driving and observed the Chrysler approximately two blocks ahead of him. At Calumet Avenue, the Chrysler went northbound. Officer Mancha continued to follow. When Officer Mancha arrived at approximately 108th and Calumet Avenue, he observed the Chrysler had crashed at 107th and Calumet Avenue. Officer Mancha activated the emergency lights and sirens, increased speed, and activated his BWC.²³ Officer Williams reported the traffic crash to the dispatcher and requested EMS²⁴ to the crash site. From the time he initially saw the Chrysler, until it crashed at 107th and Calumet, he only briefly lost sight of the Chrysler at the two times that it turned—onto 109th Street and onto Calumet Avenue.

Officer Mancha observed the aftermath of the traffic crash involving the Chrysler and an Acura. He exited his car and observed the Chrysler “ripped open”²⁵ and the Acura had front end damage. A female (██████████) was screaming for her child (██████████) who was lying in the street. The driver of the Chrysler later identified as ██████████ was in the driver’s seat and appeared to be looking for an escape. Another female (Ms. ██████████) was on the ground complaining her leg and/or foot was injured. Additional officers arrived at the scene and immediately attempted to render aide to ██████████. The officers ultimately drove her to the hospital. Officer Mancha and other officers removed Mr. ██████████ from the Chrysler and placed him in custody.²⁶ The officers recovered a firearm underneath the driver’s side seat.

Officer Mancha’s superior officer, Sgt. Shoup, arrived at the scene and Officer Mancha told him what occurred. Several hours after leaving the crash site, Sgt. Shoup notified Officer Mancha and informed him that he contacted OEMC and reclassified the incident from a traffic stop to a traffic pursuit. Sgt. Shoup instructed Officer Mancha to contact MAIU to obtain a Pursuit Tracking Number (PTN) 19-0061. Furthermore, Officer Mancha stated in retrospect, it was not

²¹ The GPS records (Att. 12) indicate that Officer Mancha’s highest speed between 104th and 105th and Michigan Avenue was 59 miles per hour.

²² Video from Police Observation Device (POD) #7331 depicts Officer Mancha’s vehicle a couple of vehicles behind the Chrysler while southbound on Michigan Ave, crossing 105th Street two seconds after the Chrysler. Video from POD #5120 depicts the Officer Mancha crossing 107th Street at Michigan four seconds after the Chrysler.

²³ The GPS record (Att. #12) indicates Officer Mancha’s speed at approximately 108th and Calumet Avenue was 54 miles per hour.

²⁴ Emergency Medical Services.

²⁵ Att. 80, page 80, line 16.

²⁶ Officer Mancha stated that Mr. ██████████ did not have any visible injuries and ██████████ refused medical attention.

necessary for him to follow the Chrysler, specifically, since the incident resulted in the death of a child.

In a **statement to COPA on May 31, 2019, Officer Karlisa Williams²⁷** stated that she was the passenger in the police vehicle driven by Officer Mancha. They were behind the Chrysler travelling westbound on 103rd Street when the Chrysler made a left turn onto Indiana Avenue without using its turn signal. The officers then attempted to curb the Chrysler by giving a visual and audio signal in order to alert the Chrysler that they were attempting to curb it. The Chrysler then turned right onto 103rd Place and pulled over very briefly but never came to a complete stop. As Officer Williams was turning on her BWC to attempt to engage in the stop, the Chrysler drove away.

Officer Williams or Officer Mancha pushed the emergency button on the PDT, after OEMC did not respond to her transmission the Chrysler had driven away from the traffic stop. She said that they did so because OEMC had not acknowledged them and “pushing the emergency button on the PDT is sort of a sure-fire way to make sure...that we are acknowledged.”²⁸ OEMC acknowledged and Officer Williams provided the dispatcher with a description of the Chrysler and its direction of flight. According to Officer Williams, the Chrysler initially went westbound on 103rd Place to Michigan Avenue, where it slowed down but sped off southbound on Michigan Avenue. The Chrysler continued southbound on Michigan Avenue, eastbound on 109th Street, and northbound on Calumet Avenue to 107th Street where it crashed into another vehicle.²⁹ Officer Williams notified OEMC and requested EMS at the crash site. Officer Williams reiterated the same account as Officer Mancha regarding the events that occurred at the crash site.

Officer Mancha controlled the lights and sirens. They had the light and sirens on when they attempted to curb the Chrysler but turned them off once they went southbound on Michigan Avenue. He activated the lights and/or sirens when he crossed the intersections at 105th and 107th and Michigan Avenue. Officer Williams was the primary officer communicating with OEMC. When asked whether Officer Mancha was pursuing the Chrysler, Officer Williams said they were not pursuing the Chrysler but keeping it in line of sight.³⁰ They were following the Chrysler in case someone exited the car and ran from it. Officer Williams stated that nine out of ten times, when a car takes off from a traffic stop, someone runs from the car.³¹ When asked if the Department allows officers to pursue a vehicle for non-hazardous offenses, Officer Williams acknowledged it does not. However, she explained that officers can follow a vehicle for non-hazardous offenses and the Department does not have a policy indicating otherwise.

In a **statement to COPA on March 27, 2019, Sergeant Robert Shoup #1252³²** stated that on the date and time of the incident, he was supervising the 561 tactical team, which included Officers Mancha and Williams. Sgt. Shoup was in his office at the 5th District station when he

²⁷ Atts. 115-116.

²⁸ Att. 116, p. 28.

²⁹ Officer Williams stated that the Chrysler was approximately one block ahead of Officer Mancha during the duration of the pursuit.

³⁰ Att. 116, page 43, lines 1-6. She estimated that once the Chrysler took off on Michigan Avenue, they were no closer than a block away from it. *Id.*, page 33 lines 21-24.

³¹ Att. 116, page 43, lines 10-16.

³² Att. 56-57.

heard an officer report over the police radio that a vehicle was refusing to stop. There was a lot of feedback on the radio so Sgt. Shoup could not make out what beat was involved, but thought he heard the dispatcher say 561D. Sgt. Shoup used the radio and asked who was involved. He asked if emergency equipment was activated and the dispatcher said no. The next report Sgt. Shoup heard was that the vehicle was turning eastbound on 109th and going toward Calumet Avenue. At that time, Sgt. Shoup recognized Officer Williams' voice. Before Sgt. Shoup could respond, he heard, "it's involved in a crash and we need EMS."³³ Sgt. Shoup went to the location of the crash site.

Sgt. Shoup observed the aftermath of the traffic crash involving the Chrysler and the Acura. He described the Chrysler as completely damaged, with the back seats facing backwards.³⁴ Mr. ██████ was being escorted to an ambulance. Sgt. Shoup spoke to Officer Mancha, who essentially reiterated the same account of his involvement as in his COPA statement. Officer Mancha denied pursuing the Chrysler but admitted to following it. While at the scene, Sgt. Shoup spoke to the street deputy and detectives and returned to the 5th District Station to begin paperwork.

When asked if officers can pursue a vehicle for a non-hazardous traffic violation, Sgt. Shoup said no, unless there are any forcible felonies, such as an on-view involving a person shooting from a vehicle or driving under the influence (DUI). Sgt. Shoup believed Beat 561D was in pursuit of the Chrysler because Officer Mancha was behind it actively trying to stop it and by CPD's definition, Officer Mancha's actions would be classified as a pursuit. Sgt. Shoup saw the BWC of Officer Williams and determined the Chrysler was far ahead of Officer Mancha, but he still was actively behind the vehicle. According to Sgt. Shoup, based on the totality of the circumstance, his conversation with Officers Mancha and Williams, his review of Officer Williams' BWC, and the PCAD³⁵ reports, he determined that a Pursuit Tracking Number should be obtained. Sgt. Shoup instructed Officer Mancha to contact MAIU to obtain the number. Sgt. Shoup contacted OEMC to provide them with the pursuit details.

b. Digital Evidence³⁶

COPA reviewed the **Body Worn Camera (BWC)³⁷ of Officer Karlisa Williams**. The following is relevant and material video footage: The video begins at 8:45:16 pm.

8:45:33 pm: The emergency lights are activated and remain at 8:45:54 pm.

8:45:47 pm: BWC audio is activated.

8:45:51 pm: While the emergency lights are still activated, the siren can be heard.

8:45:56 pm: Officer Williams calls over the radio "561D."

³³ Att. 57, page 15, line 12.

³⁴ The car split in half, with the back seats facing the trunk instead of the front of the vehicle. Att. 57, page 55, lines 5-10.

³⁵ Police Computer Aided Dispatch.

³⁶ COPA obtained and reviewed videos from C&O Auto Builders, located at 10554 S. Michigan Avenue (Att.112), and Roseland Senior Center, located at 10426 S. Michigan Avenue (Att.110). The incident is not captured in the videos.

³⁷ Att. 15.

- 8:46:06 pm: The emergency lights are activated. Officers Mancha and Williams cross the intersection of 105th and Michigan Avenue. At 8:46:07 pm, the lights are deactivated.
- 8:46:15 pm: The dispatcher acknowledges “561D” and Officer Williams reports that the Chrysler took off from them. She describes the Chrysler and its direction of flight.
- 8:46:20 pm: The emergency lights are activated. Officers Mancha and Williams are driving through the red light 107th Street and Michigan Avenue. At 8:46:24 pm, the lights are deactivated.
- 8:46:39 pm: The emergency lights are activated. Officer Williams reports that Mr. ██████ is eastbound on 109th Street and she provides the dispatcher with the license plate ██████ of the Chrysler. At 8:46:43 pm, the lights are deactivated.
- 8:46:54 pm: Officer Mancha says, “nothing activated”³⁸ and Officer Williams repeats it to the dispatcher.
- 8:46:58 pm: The emergency lights and sirens are activated. Officer Williams reports to the dispatcher that the Chrysler is back on Calumet from 109th Street. She again describes the Chrysler to the dispatcher. The lights and sirens are deactivated at 8:47:00 pm.
- 8:47:18 pm: Officer Williams reports to the dispatcher that the Chrysler crashed, and she requests EMS. The emergency lights and sirens are activated
- 8:47:31 pm: Officers Mancha and Williams arrive to the crash site at 107th Street and Calumet Avenue. ██████ is seen lying on the ground in the middle of the street. A female (██████) is yelling, and she picks ██████ up from the street. The lights remain activated at the crash site.

At 8:50:00 pm, responding officers arrive and attempt to render aid to ██████ At 8:53:14 pm, officers begin to break the windows of the Chrysler. ██████ is removed from the vehicle and placed in custody. At 8:54:41 pm, ██████ is observed sitting on the ground. She tells the officers, “as soon as y’all got behind him he started just driving fast as hell.” Ms. ██████ stated she told Mr. ██████ to stop and get out of the car but he said he had to go. At 8:57:08 pm, an officer removes a black firearm from the underneath the driver’s seat. The remainder of the video depicts officers and Chicago Fire Department (CFD) personnel at the scene. The video ends at 9:02:45 pm.

³⁸ The lights were not activated at the time Officer Mancha made the statement. Two seconds later (8:46:58 pm), he activates the lights.

COPA reviewed the **BWCs**³⁹ of **Officer Michael Mancha**. Three videos depict the aftermath of the crash. The BWCs include officers removing Mr. [REDACTED] from the Chrysler and placing him in custody, and the recovery of a firearm underneath the driver's seat of the Chrysler.

The **OEMC event queries**⁴⁰ and **radio transmissions**⁴¹ document the following relevant and material communication. At 8:46:27 pm,⁴² Officer Williams informs OEMC that a black Chrysler took off from them and is headed southbound on Michigan Avenue, just past 107th Street. She provides the dispatcher with the temporary plate number of [REDACTED]. Seconds later, Beat 561, later identified as Sgt. Shoup, asks if anything is activated and the dispatcher says "negative, nothing is activated at this time." Officer Williams informs the dispatcher that the Chrysler circled back and is now headed northbound at 109th Street and Calumet Avenue. She then reports the traffic crash and requests EMS at 107th Street and Calumet Avenue. Sgt. Shoup asks if they were involved and Officer Williams replies, "squad negative." Officer Williams informs the dispatcher that a child, later identified as [REDACTED] is involved and there is one person stuck inside the Chrysler. Beat 571 requests two ambulances to the crash site. Beat 4212 informs the dispatcher they are transporting [REDACTED] to Roseland Hospital. The officer requests all major streets blocked. Beat 566C informs the dispatcher they are taking [REDACTED] to Roseland Hospital.

At 9:55:05 pm, Roseland Hospital notifies OEMC of the death of [REDACTED]⁴³

On March 4, 2020, at 12:06:50 am, Sgt. Shoup called OEMC⁴⁴ and learned that Beat 561D had not obtained a pursuit tracking number. He then provided the dispatcher with information of the incident. He also asked the dispatcher what time the officers hit the emergency button and the dispatcher said it was at 8:46 pm.

COPA obtained and reviewed the video footage from **POD #7331**⁴⁵ and **POD #5120**.⁴⁶ At 8:46:06 pm⁴⁷, POD #7331, located at the intersection of 105th Street and Michigan Avenue, captures the Chrysler travelling southbound, and pass one vehicle in the northbound lane before swerving around another vehicle to the right turn lane, fail to stop at the stop sign, and continue traveling southbound on Michigan past the intersection. Immediately behind the Chrysler, an unmarked squad police SUV (Officer Mancha) also swerves into the northbound traffic lane. As the SUV enters the intersection it activates its emergency lights but immediately turns them off and continues after the Chrysler. At 8:46:16 pm, POD #5120,⁴⁸ located at the intersection of 107th Street and Michigan Avenue, captures the Chrysler continuing to travel southbound on Michigan disobeying the southbound red traffic light, at the intersection. At approximately 8:46:20 pm, the

³⁹ Atts 16-18.

⁴⁰ Atts. 8-11.

⁴¹ Att. 61.

⁴² The OEMC recordings do not have specific timestamps for transmissions. For more specific times, refer to the summary of Officer Williams' BWC recording above.

⁴³ Att. 60.

⁴⁴ Att. 124.

⁴⁵ Att. 63. COPA also obtained footage from POD #7330, which does not capture the incident (Att. 62).

⁴⁶ Atts. 91-95. POD #5120 has five video clips.

⁴⁷ The relevant portion is approximately 1:01:04 into the recording. There are two vehicles in the southbound traffic lanes on Michigan Avenue and approximately two people standing at the west sidewalk on Michigan Avenue. Although it is not shown in the video, there are stop signs on all four corners of 105th Street and Michigan Avenue.

⁴⁸ Att. 92. The second clip contains the images summarized here, which start approximately 6:13 into the recording.

unmarked police vehicle also disobeys the red traffic light and follows in the same direction. The police vehicle does not have its lights activated and appears to be travelling slightly slower than the Chrysler.

COPA obtained and reviewed **residential video from 212 E. 109th Street.**⁴⁹ At 8:46:50 pm, the Chrysler is observed speeding eastbound on 109th Street. At 8:46:53 pm, Beat 561D (Officers Mancha and Williams), are speeding eastbound on 109th Street, seemingly at the same speed as the Chrysler.

c. Physical Evidence

Medical Records from Roseland Hospital for ██████████ ██████████ indicate she arrived at the hospital on March 3, 2019, at 8:58 pm, in a police car. The reports state ██████████ was involved in a motor vehicle accident, which caused injuries to her head, face, inner thigh, and groin area. ██████████ died at the hospital at 9:25 pm.

The **Autopsy Report for ██████████ ██████████** indicates Dr. Benjamin Soriano of the Cook County Medical Examiner's Office performed the postmortem examination of ██████████ on March 4, 2019. The report identifies internal and external injuries throughout ██████████ body, including blunt force trauma to her head, neck, thorax, abdomen, and pelvis. The medical examiner determined the cause of death was multiple injuries due to a motor vehicle collision, and the manner of death was Accident.

The **Chicago Fire Department (CFD) Ambulance Report for ██████████** states that ambulance 29 paramedics arrived at the vicinity of 10700 S. Calumet Avenue and found Ms. ██████████ sitting on the ground complaining of left leg pain. Ms. ██████████ told the paramedics she was the left side rear passenger of the sedan (Chrysler) that was traveling at a high rate of speed when it struck the front end of another vehicle and then stationary objects. Ms. ██████████ was transported to Christ Hospital.

Medical records from Christ Hospital for ██████████ ██████████ indicate she arrived at the hospital by an ambulance on March 3, 2019, at approximately 9:15 pm. Ms. ██████████ sustained a left knee (tibial plateau) fracture from a motor vehicle accident.

The **Chicago Fire Department (CFD) Ambulance Report for ██████████ ██████████** states that paramedics from ambulance 71 arrived at the crash site and transported Mr. ██████████ to Roseland Hospital at 9:21 pm for neck and back pain.

⁴⁹ Atts. 100, 102, 105-107. Other videos clips from this address do not capture the incident. Atts. 101, 103, 104, and 108.

⁵⁰ Att. 64, pages 1, 8-9.

⁵¹ Att. 82

⁵² Att. 42, pages 3-6.

⁵³ Att. 58, pages 2 and 15.

⁵⁴ Att. 43, pages 3-5.

Medical Records from Roseland Hospital for [REDACTED] [REDACTED] indicate he was admitted to the hospital at approximately 11:04 pm on March 3, 2019. Mr. [REDACTED] sustained neck, back, and left shoulder pain from a motor vehicle accident.

Medical Records from Roseland Hospital for [REDACTED] [REDACTED] indicate she was admitted to the hospital at approximately 9:34 pm on March 3, 2019. Ms. [REDACTED] sustained neck, chest, back, and left side flank pain from a motor vehicle accident.

d. Documentary Evidence

Evidence Technician photographs⁵⁷ depict the traffic crash site at 10700 S. Calumet Avenue, including the final positions of the Chrysler and Acura, and the damage to each vehicle. The photos depict the crash site and evidence markers of items inventoried.

[REDACTED] Arrest Report⁵⁸ indicates that on March 3, 2019, at 9:16 pm, at 10658 S. Calumet Avenue, he was arrested for numerous charges including Reckless Homicide/Motor Vehicle and Unlawful Use of a Weapon by Felon.⁵⁹ The report includes a narrative section, attested to by Officer Mancha, which states that Mr. [REDACTED] failed to use a turn signal. Officer Mancha activated the emergency equipment and attempted to curb Mr. [REDACTED] vehicle, but he fled and crashed into a vehicle⁶⁰ at approximately 10700 S. Calumet Avenue. [REDACTED] daughter of Mr. [REDACTED] was ejected from the vehicle.⁶¹ She was transported to Roseland Hospital where she was pronounced deceased at 9:26 pm.

The **Original Incident Case Report for RD JC172840 Unlawful Possession of a Handgun**⁶², which was completed by Officer Williams, essentially reiterates the same information as in [REDACTED] arrest report. In addition, the case and supplemental reports add that Officers Mancha and Williams observed the driver of a black 1999 Chrysler 300M with temporary license plate [REDACTED] fail to use a turn signal when it turned southbound onto Indiana Avenue from 103rd Street. The officers activated their emergency equipment to initiate a traffic stop. Mr. [REDACTED] initially stopped at 103rd Place and Michigan Avenue but then fled southbound on Michigan Avenue. Officer Mancha deactivated the emergency equipment after Mr. [REDACTED] failed to stop at a stop sign at 105th Street and Michigan Avenue. The officers followed the Chrysler southbound on Michigan Avenue, eastbound on 109th Street, and northbound on Calumet Avenue to 107th Street, where the Chrysler crashed into another vehicle at the intersection. Mr. [REDACTED] was removed from the Chrysler and taken into custody. Mr. [REDACTED] informed the officers he had a firearm⁶³ underneath the driver's seat. In the Chrysler with Mr. [REDACTED] was [REDACTED] and [REDACTED] and [REDACTED] were transported to Roseland Hospital and Ms.

⁵⁵ Att. 66 pages 3 and 16.

⁵⁶ Att. 65, pages 3,7 and 19.

⁵⁷ Att. 81

⁵⁸ Att. 5.

⁵⁹ Mr. [REDACTED] was charged with five additional traffic offenses, including Aggravated Reckless Driving/Bodily Harm.

⁶⁰ Now know to be a white 2002 Acura driven by [REDACTED] Jr. [REDACTED] daughter [REDACTED] was also in the Acura.

⁶¹ [REDACTED] was not secured in a child safety seat.

⁶² Att. 3.

⁶³ Glock Model G19, 9MM Semi-Automatic Pistol, Blue Steel. CPD Inventory # [REDACTED] Att. 32.

██████████ was transported to Christ Hospital for medical care. ██████████ was pronounced deceased at the hospital.

Illinois Traffic Case Report RD JC172728⁶⁴ indicates that while traveling at a high rate of speed northbound on Calumet Avenue, ██████████ failed to stop at stop sign at 107th and Calumet Avenue and struck a 2002 Acura driven by ██████████ at the intersection. ██████████ was westbound on 107th Street and had the right-of-way at the time of the collision.

The Major Accidents Investigation Unit (MAIU) Case Supplementary Report for RD JC172728⁶⁵ includes essentially the same information of the events leading to the traffic crash as in Mr. ██████████ arrest report and the case report. In addition, the MAIU supplementary report indicates that on March 3, 2019, at approximately 9:15 pm, MAIU was contacted and requested to conduct an immediate investigation of the traffic crash at 107th Street and Calumet Avenue. MAIU Traffic Specialists Ivan Romo and David Quinn responded to the scene. They observed a white Acura in the middle of the intersection at 107th Street and Calumet Avenue facing northeast with front end damage and the front passenger side airbag deployed. The Chrysler was on the parkway at approximately 10658 S. Calumet Avenue. The front half of the Chrysler was facing southwest, and the rear half was facing northeast. The back-passenger side and driver's side were adjacent to each other. The Chrysler had significant damage. No child seat was in the Chrysler. MAIU traffic specialists then made a notification to the Crime Prevention Information Center (CPIC).

The reports summarize MAIU's interviews with Officers Mancha and Williams, Mr. ██████████, Ms. ██████████ and Mr. ██████████ who related the same account of the incident as they provided to COPA. MAIU interviewed Officer Androniki Ganczewski #6177, who stated she arrived at the traffic crash scene and observed ██████████ on the ground. Officer Ganczewski checked ██████████ pulse and observed signs of life. She and other officers transported ██████████ in a police vehicle to Roseland Hospital.

MAIU interviewed ██████████⁶⁶ who stated she was the front passenger of the Chrysler driven by, her baby's father, ██████████. The police came behind the Chrysler and activated the emergency lights. ██████████ said Mr. ██████████ came to a stop (unknown location) but then he saw another police vehicle and took off again. Mr. ██████████ continued driving for approximately five blocks before they crashed into the Acura. After the crash, ██████████ climbed out the back of the Chrysler. A police vehicle transported ██████████ to Roseland Community Hospital.

A **Traffic Pursuit Report 19-0061⁶⁷** completed by Officer Mancha essentially indicates the same information regarding the pursuit as in other department reports summarized in this report. In addition, the report indicates that the Chrysler's highest speed during the pursuit was 60

⁶⁴ Att. 137, pages 7-8.

⁶⁵ Atts. 75, 137, pages 9-24. MAIU completed original case incident and supplementary reports for the Law Enforcement Related Death-Traffic Pursuit RD JC187856. Att. 137, pages 103-106 and 107-111.

⁶⁶ ██████████ did not give COPA a statement.

⁶⁷ Att. 141.

mph and Officer Mancha's highest speed was 40 mph.⁶⁸ The report states that the Chrysler disobeyed two stop signs/lights and was weaving in traffic.

The **GPS data**⁶⁹ for Beat 561D (vehicle #4634) reveals that at 8:44:20 pm, Officers Mancha and Williams were driving in the vicinity of 103rd Street and St. Lawrence Avenue at a speed of 34 mph. They traveled westbound on 103rd Street and then southbound on Indiana Avenue. At 8:45:51 pm, the officers slowed to 23 mph as they approached 103rd Place and Indiana Avenue. The officers continue westbound on 103rd Place and then southbound on Michigan Avenue. At 20:46:22 pm, the officers are traveling at a speed of 59 mph (maximum speed) on Michigan Avenue, south of 104th Street. The officers continue southbound on Michigan Avenue at approximately 49 mph. At 109th Street, the officers drive eastbound and then northbound on Calumet Avenue. The officers continue northbound on Calumet and at 108th Street, they are traveling at a speed of 54 mph. At 107th Street and Calumet Avenue, Officers Mancha and Williams came to a complete stop.⁷⁰

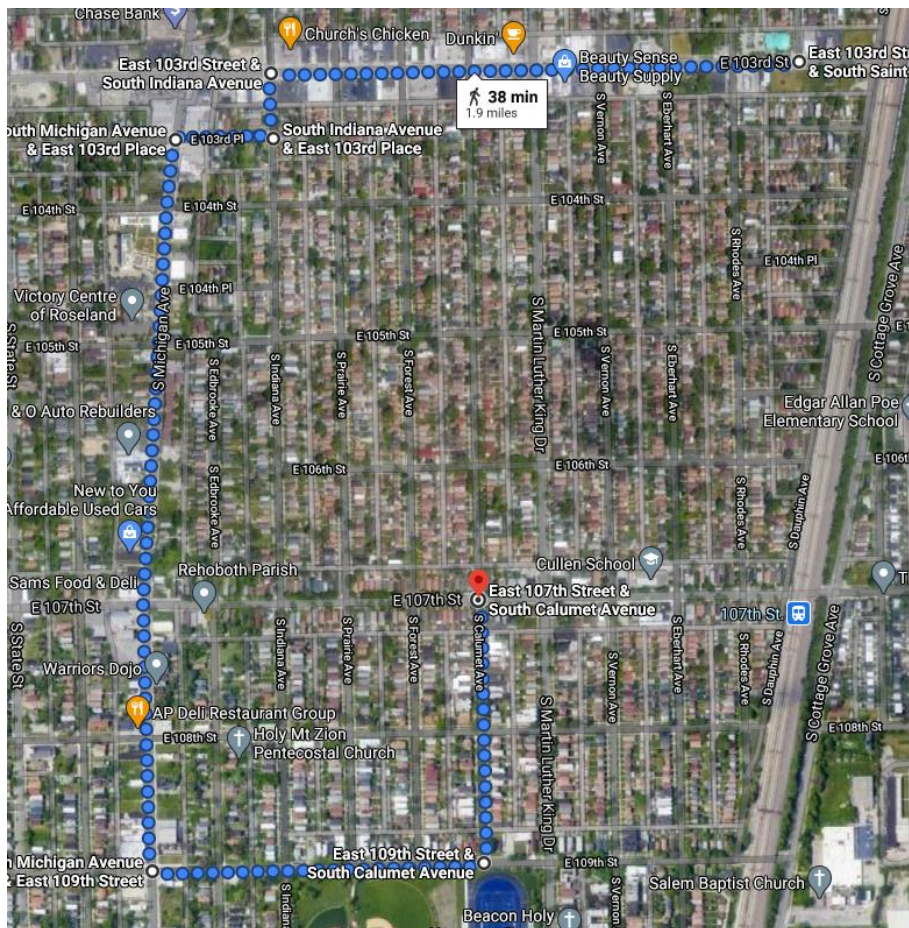


Figure 1: Path of involved officers' vehicle, based on GPS data explained above.

⁶⁸ The GPS records indicate that Officer Mancha's highest speed was 59 mph in the vicinity of 104th and Michigan Avenue. Att. 12, pages 2 and 5.

⁶⁹ Att. 12.

⁷⁰ From the point where the officers turned onto Indiana Ave from 103rd Street to when they came to a stop, the path is approximately 1.4 miles.

VI. LEGAL STANDARD

a. Pursuits and Emergency Driving.

CPD has established policies for use of Department vehicles “to ensure the safety of the public as well as Department members at all times.”⁷¹ “Police vehicles have been afforded special privileges and exemptions when engaging in emergency response calls and motor vehicle pursuits.”⁷² These privileges apply only when the vehicle is readily identifiable as an emergency vehicle.⁷³ These privileges are articulated in 625 ILCS 5/11-205. However, policy dictates that these privileges “do NOT relieve Department members from the responsibility of driving with due regard for the safety of all persons...”⁷⁴ and are subject to the conditions within G03-03 and Department policy concerning motor vehicle pursuits and nonpursuit emergency vehicle operations, as they are “addenda to this directive,” and, thereby incorporated into it.⁷⁵

Some of those privileges relevant to this case include that the driver of an authorized emergency vehicle may disregard a traffic control device, but only after slowing down as may be required and necessary for safe operation, and may exceed the speed limits so long as he does not endanger life or property.⁷⁶ These privileges are only permissible when responding to an emergency call or when in a pursuit.

Department policy further establishes procedure, responsibilities, and restrictions for officers who become involved in motor vehicle pursuits.⁷⁷ It defines “motor vehicle pursuit” as:

“an active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer.”

The initiation, continuation, and supervisory authorization of each motor vehicle pursuit must conform to the following “**BALANCING TEST: The necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.**”⁷⁸ A pursuit will be immediately terminated whenever an involved member determines that the pursuit does not conform to the balancing test or other restrictions of this directive.⁷⁹

⁷¹ G03-03.II (effective 6/1/2003-present).

⁷² *Id.* at III.A.

⁷³ “Authorized emergency vehicle includes an unmarked vehicle “that has in operation flashing headlights and siren that are used to respond to an emergency situation or to pursue an actual or suspected violator.” *Id.* at Glossary Terms.

⁷⁴ G03-03.III.A.

⁷⁵ *Id.* at II.

⁷⁶ *Id.* at III.C.

⁷⁷ G03-03-01 (effective Mar. 28, 2016 to Apr. 8, 2019).

⁷⁸ G03-03-01.II.A (bold and capitalization in original).

⁷⁹ G03-03-01.VIII.

Officers must continuously evaluate the nature of the pursuit through application of the balancing test make a judgment to terminate the pursuit whenever necessary.⁸⁰

Additionally, a number of specific prohibitions apply at the outset of any potential pursuit. The most relevant in this case is that officers may not engage in a pursuit when operating unmarked vehicles, if the most serious offense is a traffic offense.⁸¹ Moreover, officers are prohibited from continuing a pursuit whenever the most serious offense for which the pursued vehicle is wanted is either a theft or hazardous traffic violation (other than Driving While Intoxicated) AND after the initial observed violation, the pursued vehicle disregards the traffic signals or signs when entering an intersection controlled by traffic signals or stop signs.⁸²

b. Body Worn Cameras.

Department Members' use of Body Worn Cameras is governed by Special Order S03-14. The order requires officers to activate their camera at the beginning of an incident and record the entire incident for all "law enforcement related activities," including, but not limited to traffic stops, foot and vehicle pursuits, emergency driving situations, and high-risk situations.⁸³

c. Standard of Proof.

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** is evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.⁸⁴ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁸⁰ *Id.*

⁸¹ "Traffic offense" is defined as "a violation as defined in the Illinois Vehicle Code or Title 9 of the Chicago Municipal Code." G03-03-01, p. 10.

⁸² G03-03-01.III.C.2.

⁸³ S03-14.III.A.2.

⁸⁴ 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).

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.⁸⁵ and Convincing is 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."⁸⁶

VII. ANALYSIS

Allegations against Officer Mancha

A. Officer Mancha engaged in a Pursuit in Violation of Department Policy.

1. Officer Mancha's actions constituted a pursuit.

Based upon the preponderance of the evidence, COPA finds that Officer Mancha's actions constituted a pursuit. Under G03-03-01, an officer's emergency driving is considered a pursuit if it meets two elements: (1) the officer engages in an active attempt to apprehend any driver or operator of a motor vehicle; and (2) the driver fails or refuses to obey a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop.

First, Officer Mancha was actively attempting to apprehend the driver of the Chrysler, now known to be [REDACTED]. He stated that his purpose in following [REDACTED] was to apprehend him if he fled from the vehicle. He also stated that he was following so that he could call out the direction of travel, so that other units could assist in apprehending [REDACTED] if necessary. This is corroborated by Officer Williams' statement to COPA, in which she stated that they thought someone would flee from the Chrysler. She went on to explain that, in her experience, someone flees nine out of ten times, to justify her expectations.

Officer Mancha's belief that he was not engaged in a pursuit appears to stem from his purported misinterpretation of the pursuit definition. He stated that he believed that a pursuit involved trying to stop the pursued vehicle. Since he was not necessarily trying to stop the vehicle and was only anticipating a foot pursuit, he did not consider himself to be engaged in a pursuit. But the definition does not speak to an attempt to stop the pursued vehicle, it is defined as an attempt to apprehend the driver. To an objectively reasonable officer, a foot pursuit is certainly considered an attempt to apprehend, as that is the goal of the foot pursuit. As a preponderance of the evidence demonstrates, through both officers' statements to COPA, this portion of the definition of "pursuit" is satisfied.

Second, [REDACTED] failed to obey visual and audible signals to stop. When the officers initially attempted to curb the Chrysler on Indiana Ave and/or 103rd Place, they activated both the lights and siren. Officer Williams indicated that both the lights and siren were activated, and Officer Mancha said that "everything was activated"⁸⁷ until they turned from 103rd Place onto Michigan Avenue. By this time Officer Mancha arrived at Michigan Avenue, the Chrysler had already sped

⁸⁵ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁸⁶ *Id.* at ¶ 28.

⁸⁷ Att. 80, p. 18, line 22-p. 19 line 1

off from the attempted traffic stop. Therefore, initially, both the lights and siren were activated when Officer Mancha began driving after the Chrysler, following the Chrysler disregarding the order to stop, and increasing its speed. Intermittently thereafter, Officer Mancha activated the emergency light bars on the vehicle. At least at one later point, both the lights and siren are again concurrently activated, as shown in Officer Williams' body worn camera footage.⁸⁸ Therefore, there were at least two points in time, after the Chrysler fled the traffic stop, in which audio and visual signals were disobeyed by [REDACTED]

Because the preponderance of the evidence supports that Officer Mancha was making an active attempt to apprehend by using an authorized emergency vehicle⁸⁹ to do so, and [REDACTED] fled after having been given a visual and audible signal to stop, COPA finds that Officer Mancha and Officer Williams did engage in a motor vehicle pursuit. Additionally, COPA finds there is other evidence that corroborates this, most notably Officer Mancha's activation of the emergency button on the PDT. Both officers initially offered explanations that they were trying to alert OEMC to an emergency and did not get the desired immediate response. This action is consistent with officers trying to fulfill their notification obligations under G03-03-01, in which immediate notification of the initiation of a pursuit is required. However, when each officer was questioned regarding the underlying emergency, both officers provided vague responses lacking the explanation of the urgency.⁹⁰

Based on the above reasons, and after considering the totality of the circumstances, the preponderance of the evidence supports that Officer Mancha initiated and continued a pursuit.⁹¹

2. The pursuit was prohibited by Department policy.

Officer Mancha was explicitly prohibited from pursuing [REDACTED] vehicle. The pursuit directive prohibits officers from engaging in a motor vehicle pursuit while driving an unmarked vehicle, if the most serious offense is a traffic offense.⁹² Officer Mancha acknowledged that [REDACTED]

⁸⁸ COPA uses the phrase "at least at one later point," due to the lack of audio evidence that was available in this investigation. The relevant POD video does not capture audio, and, therefore, while it captures repeated activation of the emergency lights, it cannot capture the sirens. This vehicle was not equipped with in car camera equipment, which would have captured both audio and video evidence. Additionally, Officer Mancha's body worn camera would have captured both audio and video, but he did activate his camera until the pursuit was concluded. Therefore, the audio evidence is derived solely from Officer Williams' body worn camera.

⁸⁹ Officer Mancha's use of the police vehicle, which included using several exceptions permitted under G03-03 for the emergency use of department vehicles, was only permitted if he was using his vehicle in an authorized way. When Officer Mancha exceeded the speed limit and disregarded several traffic devices, it was permissible only if responding to an emergency call or fire alarm or when in the pursuit of a suspected violator of the law. Therefore, Officer Mancha's actions while driving also corroborate his engagement in a pursuit. COPA additionally finds that the use of nonpursuit emergency vehicle operation would be have been prohibited for similar reasons, as Officer Mancha was not responding to a high priority emergency situation, as described by G03-03-02.

⁹⁰ COPA finds it a reasonable inference that the officers may have had difficulty answering, and, because the notification requirements are only required if engaged in a pursuit, their explanations may have been inconsistent with their denials of engaging in a pursuit.

⁹¹ Indeed, Officer Mancha's immediate supervisor, Sgt. Shoup, determined that Officer Mancha was engaged in a pursuit and notified OEMC to reclassify the traffic code and to obtain a traffic pursuit number. Officer Mancha also insisted that a pursuit report be completed in this case. Sgt. Shoup made this determination based upon his interviews with Officers Mancha and Williams and other available evidence at the time.

⁹² G03-03-01.III.B.3.

was only wanted for a traffic offense, namely failing to signal before making a left turn. Officer Williams, as well as all other available evidence, corroborates that this was the sole alleged offense in question. Officer Mancha also conceded that this was a minor offense and, pursuant to Department policy, he was not permitted to pursue.

Even had Officer Mancha initiated a pursuit in accordance with policy, an additional prohibition would have required him to terminate the pursuit far before the crash. Department policy prohibits the continuation of a pursuit when the most serious offense for which the pursued vehicle is wanted is either a theft or hazardous traffic violation and, after the initial observed violation, the pursued vehicle disregards a traffic control device when entering an intersection.⁹³ As previously established, the most serious offense was a traffic violation. Once the Chrysler disregarded the traffic control device at the first intersection through which it fled, this presented another reason that Officer Mancha should have terminated the pursuit. Officer Mancha's pursuit report describes at least two such instances in which the Chrysler took these actions.

3. The pursuit was objectively unreasonable under the balancing test.

Not only was Officer Mancha prohibited from initiating and continuing the pursuit, but COPA additionally finds that the pursuit did not conform to the balancing test. Policy dictates that the initiation and continuation of a pursuit must conform to the balancing test, in which officers must determine "the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit."⁹⁴ COPA finds that Officer Mancha did not reasonably comply with the balancing test, because ██████ was only wanted for a minor offense, and there was no need to apprehend him. Officer Mancha's own statement to COPA provides compelling corroboration. In fact, Officer Mancha conceded that pursuing the vehicle did not meet the balancing test, stating that since this was a minor traffic offense, "there was no need to put any danger of any other vehicles or people."⁹⁵

He also indicated that he only considered the balancing test at the beginning of the pursuit, just after the Chrysler had turned onto Michigan Avenue from 103rd Place. However, Officer Mancha did not report that he reconsidered or reapplied the balancing test as the route continued. While Officer Mancha severely minimizes his actions in this pursuit, a preponderance of the evidence reflects that the risk level increased the longer that Officer Mancha pursued the Chrysler. For example, Officer Mancha stated in the pursuit report that the highest speed he reached was 40 miles per hour, when the GPS data reflects that he actually reached various speeds of up to 59 miles per hour. Officer Mancha also maintained that he was two to three blocks behind the Chrysler, when, in fact, several pieces of video evidence show that Officer Mancha was so close behind the Chrysler that he trailed it by only two to four seconds when proceeding through intersections. Officer Mancha's intermittent activation of his bar lights and/or siren also necessarily increased the risk inherent in this pursuit. As the distance of the pursuit lengthened to approximately 1.4 miles, he continued driving through additional intersections, coming into contact with more pedestrian and vehicular traffic the further he continued. The crash is reported to dispatch just 20 seconds after one of the moments where it is clear from Officer Williams' body

⁹³ *Id.* at III.C.2.

⁹⁴ *Id.* at II.A.

⁹⁵ Att. 80, p. 34 lines 13-16.

worn camera that both the lights and siren were activated. The lights and siren are again deactivated 18 seconds before the crash is reported. Officers Mancha and Williams stopped at the scene of the crash 13 seconds after Officer Williams reported it to dispatch. These short lapses in time further support the fact that Officer Mancha was closely pursuing the Chrysler.

Therefore, in addition to the first two prohibitions which were not heeded by Officer Mancha, the balancing test itself controls and weighs against engaging in this pursuit. If Officer Mancha had complied with Department policy, he should not have initiated the pursuit, but even if he did engage briefly in a pursuit, he should have terminated it before the fleeing party was speeding so excessively that the Chrysler crashed with such impact that several people were left injured and an infant ejected, resulting in fatal consequences.

Therefore, because the preponderance of the evidence demonstrates that Officer Mancha engaged in a pursuit, which was prohibited and was objectively unreasonable under the balancing test, Allegation 1 against Officer Mancha is **Sustained**.

B. Officer Mancha failed to keep the vehicle's lights and sirens activated in violation of Department policy.

Since Officer Mancha was engaged in a pursuit, he was required by policy to keep the high-beam flashing lights, siren, and light bar activated throughout the pursuit.⁹⁶ The preponderance of the evidence demonstrates, however, that Officer Mancha intermittently activated either only the light bar or the light bar and siren. While Officer Mancha could not recall if he also activated his siren, Officer Williams' BWC shows that the siren was only activated at the outset of the pursuit, and at one other time during the pursuit. COPA finds that this requirement is not solely intended to effectuate the stop of a pursued vehicle, but to serve as a warning to other pedestrian and vehicular traffic. Because this emergency equipment is required to engage in a pursuit, it is the intent that these obvious and easily recognizable warning signs facilitate the actions of the police vehicle likely engaging in the exceptions under the law, as discussed above, including exceeding the speed limit and disregarding traffic control devices. Therefore, because the preponderance of the evidence shows the lights and sirens were not continuously activated during the pursuit, Allegations 3 and 4 are **Sustained**.

C. Officer Mancha drove without due regard for the safety of all persons.

Department policy, in conjunction with Illinois law, imposes a duty for officers to drive with due regard for the safety of all persons, even when engaged in emergency driving and/or pursuits.⁹⁷ In other words, this duty controls and cannot be negated, even if a pursuit or other authorized emergency vehicle use are both permissible and authorized. For the reasons stated above, in which COPA found that the pursuit was objectively unreasonable under the balancing test, the preponderance of the evidence supports that Officer Mancha drove without due regard for the safety of all persons. COPA emphasizes in this portion of the analysis that Officer Mancha's intermittent activation and deactivation of the lights and siren heavily weigh into consideration.

⁹⁶ G03-03-01.V.A. The high beam flashing headlights are required to be activated in unmarked police vehicles, in addition to the standard emergency equipment of a siren and light bars (if the vehicle is equipped).

⁹⁷ See G03-03.III and 625 ILCS 5/11-205.

The lack of warning signals to innocent bystanders directly illustrates a lack of due regard for the safety of others. Most directly affected are, of course Mr. [REDACTED] Jr., and Ms. [REDACTED]. It is possible that, had they heard police sirens and/or seen the emergency lights, they could have taken evasive action or exercised caution. The use of the sirens and lights is not just to signal to the pursued vehicle, hence the reason that Department policy requires their activation when participating in such a high-risk activity. Those warning signals could have also alerted other vehicular traffic, including Mr. [REDACTED] Jr. All of the inherently risky actions that Officer Mancha engaged in during his attempt to apprehend Mr. [REDACTED] for a minor traffic offense contribute to the totality of the circumstances which demonstrate, by a preponderance of the evidence that Officer Mancha drove without due regard for the safety of others, and, therefore Allegation 2 is **Sustained**.

D. Officer Mancha failed to timely activate his Body-Worn Camera.

COPA finds that Officer Mancha did not activate his body-worn camera until after the Chrysler had crashed, which was not timely under Department policy. Special Order 03-14 requires officers to activate their camera at the beginning of an incident and record the entire incident for all “law enforcement related activities,” including, but not limited to, traffic stops, foot and vehicle pursuits, emergency driving situations, and high-risk situations. Officer Mancha should have activated his BWC as he attempted to effectuate a traffic stop on Mr. [REDACTED] and maintained its activation throughout the pursuit. If he had done so, his camera would have still been activated at the time the Chrysler crashed. While COPA finds that Officer Mancha was actively attempting to apprehend Mr. [REDACTED] both officers were clear in their statements to COPA, that they were expecting a foot pursuit to result. Officer Mancha admitted that he failed to activate his BWC until he arrived at the traffic crash site. He thought he had activated his BWC upon initiated the traffic stop, but later learned that it was not activated. Officer Mancha failed to timely activate his body worn camera and, therefore, Allegation 5 is **Sustained**.

Allegations against Officer Williams

COPA finds that Officer Mancha controlled the pursuit vehicle’s lights and sirens, as both officers indicated that Officer Mancha did so. The officers described that when they work together, they tend to divide the responsibilities such that the driver controls the lights and sirens, which the passenger communicates with OEMC. In this case, a preponderance of the evidence corroborates that Officer Williams did communicate with OEMC, while it was Officer Mancha that failed to continuously activate the lights and sirens. Therefore, COPA finds that Officer Williams did not have direct control over the pursuit vehicle’s lights and sirens. Consequently, COPA does not hold Officer Williams responsible for any intermittent activation of the pursuit vehicle’s lights and sirens. Accordingly, allegations 3, and 4 are **Exonerated**.

COPA finds that Officer Williams failed to intervene and actively participated in a vehicle pursuit in violation of Department rules. Officer Williams claimed she did not intervene because she did not have any concerns about Officer Mancha’s driving. Equally important, Officer Williams admitted that she could have intervened or objected to the pursuit by asking Officer Mancha to stop if his actions concerned her. Officer Williams did nothing to intervene.

As discussed above, a pursuit occurred, which was prohibited under policy and resulted in Officer Mancha operating a Department vehicle without regard for safety of all persons. As the front seat passenger in the pursuit vehicle who called out the pursuit's progression over the radio, Officer Williams either knew or should have known that Officer Mancha's driving and the pursuit they were engaging in violated policy. Furthermore, even though Officer Williams was the passenger, Department rules do not allow her to passively sit by. Rule 2 prohibits conduct which impedes the Department's efforts to achieve its policy and goals. Rule 3 prohibits failures to promote Department policy. Moreover, the pursuit directive expressly states that "**all members involved in or supervising a motor vehicle pursuit must be prepared to justify their actions.**"⁹⁸ Working in concert, these three rules create a duty whereby all officers playing a role in a pursuit must justify their actions and cannot passively sit by. By not objecting to Officer Mancha's actions and by advancing OEM communications in furtherance of the pursuit, Officer Williams failed to carry out the goals of the department. Therefore, COPA finds that Allegations 1 and 2 against Officer Williams are **Sustained** in violation of Department rules 2, 3, and 6.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Michael Mancha

i. Complimentary and Disciplinary History

Officer Mancha has been a member of the Chicago Police Department since February 18, 2014. In that time, he has received 62 Honorable Mentions and 4 Department Commendations. In the last five years, he has not received any discipline.

ii. Recommended Penalty, by Allegation

For the allegations that Officer Mancha engaged in a motor vehicle pursuit in violation of policy, drove without due regard for the safety of all persons, failed to keep the vehicle's emergency lights continuously activated, failed to keep the vehicle's sirens continuously activated, and failed to timely activate his body worn camera, COPA recommends **Separation**.

a. Officer Karlisa Williams

iii. Complimentary and Disciplinary History

Officer Mancha has been a member of the Chicago Police Department since April 24, 2014. In that time, she has received 53 Honorable Mentions, 3 Department Commendations and other awards. In the last five years, she has received two (2) reprimands for preventable accidents.

iv. Recommended Penalty, by Allegation

For the allegations that Officer Williams engaged in a motor vehicle pursuit in violation of policy and failed to intervene when Officer Mancha drove without due regard for the safety of all persons, COPA recommends a **180-Day Suspension**.

In sum, both officers actively engaged in a traffic pursuit. In this instance, the necessity to immediately apprehend the fleeing [REDACTED] did not outweigh the level of inherent danger created by the pursuit. Officers William’s and Mancha’s inability or unwillingness to adhere to Department policy set in motion a series of events that resulted in the death of 2-year-old [REDACTED] and injuries to others.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Michael Mancha	<p>It is alleged that on or about March 3, 2019, at approximately 8:46 pm, at or near 103rd Place and Indiana Avenue, Officer Mancha:</p> <ol style="list-style-type: none"> 1. Engaged in a motor vehicle pursuit, in violation of General Order G03-03-01. 2. Drove without due regard for the safety of all persons. 3. Failed to keep the vehicle’s emergency lights continuously activated. 4. Failed to keep the vehicle’s sirens continuously activated. 5. It is alleged that Officer Mancha failed to timely activate his body worn camera, in violation of S.O. S03-14. 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer Karlisa Williams	<p>It is alleged that on or about March 3, 2019, at approximately 8:46 pm, at or near 103rd Place and Indiana Avenue, Officer Williams:</p> <ol style="list-style-type: none"> 1. Engaged in a motor vehicle pursuit in violation of General Order G03-03-01. 2. Failed to intervene when Officer Mancha drove without due regard for the safety of all persons. 3. Failed to keep the vehicle’s emergency lights continuously activated. 4. Failed to keep the vehicle’s sirens continuously activated. 	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Exonerated</p>

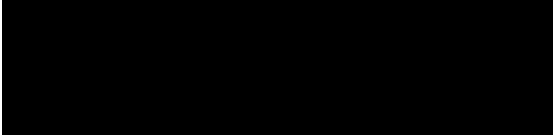
Approved:



Andrea Kersten
Interim Chief Administrator

6/2/2021

Date



Matthew Haynam
Deputy Chief Administrator

6/2/2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Major Case Specialist:	Jessica Sanchez
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam