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Mayor

Department of Police · City of Chicago  
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown  
Superintendent of Police

September 3, 2021

Andrea Kersten  
Interim Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4th Floor  
Chicago, IL 60622

RE: Superintendent's Partial Non-Concurrence with COPA's Findings and Proposed Penalties  
Complaint Register Number: #2019-0000294  
Officer Michael Mancha, #19383  
Officer Karlisa Williams, #19576

Dear Interim Chief Administrator:

After a careful review of the recommendation made by the Investigator in this matter the Chicago Police Department (CPD) concurs in part and non-concurs in part. As set forth more fully below CPD agrees with the sustained findings for the allegations against Officer Michael Mancha (Mancha) but does not concur with the recommended penalty of separation. Further, CPD does not concur with COPA's findings as to Allegation 2 in the recommendations against Officer Karlissa Williams (Williams) and, also, does not concur with the recommended penalty for Williams.

### Relevant Facts

On March 3, 2019, Mancha and Williams were assigned to Beat 561D. Williams was the passenger and Mancha the driver in an unmarked vehicle. While on patrol they encountered a black vehicle around 103<sup>rd</sup> Place and Indiana. They observed it make a left-hand turn without using a turn signal so they decided to curb the vehicle for a traffic stop. After they activated their lights and siren, the driver of the vehicle slowed, and it pulled over very briefly. As they prepared to conduct a traffic stop, Williams turned on her body camera. They stopped, but then the car drove away. It took off at a high rate of speed and turned southbound on Michigan. The speed limit on Michigan is 30 MPH, and the dark vehicle was going faster than 30 MPH. The officers also proceeded southbound on Michigan behind the vehicle. Once they got onto Michigan, they turned their lights off. At this point, they were about a block behind the vehicle. After the car took off, Williams reported to OEMC that a car took off on them, its description, and direction of travel. Williams told OEMC that they were behind the car, but they did not tell OEMC that they were in pursuit of the vehicle. Mancha was in control of the lights and siren.

The officers attempted to keep the vehicle within eyesight. The vehicle traveled south on Michigan, turned east on 109<sup>th</sup> Street, and turned northbound onto Calumet. It struck another car at 107<sup>th</sup> and Calumet. An occupant of the vehicle was fatally injured. The driver of the vehicle, [REDACTED] ([REDACTED]) was taken into custody. [REDACTED] told the officers that he had a weapon under the seat at which time a 9mm firearm was

recovered from underneath the driver's seat. It was later learned that [REDACTED] is a convicted felon. (Att. 3(41))

### **Analysis and Superintendent Determined Penalty**

#### Officer Williams

Williams was the passenger in the police vehicle that was involved in the pursuit, and the issue is whether passenger officer in a pursuit engaged in the pursuit as set forth in the order and therefore should be subject to disciplinary action.

In its Summary Report, COPA states that Williams failed to intervene and actively participated in a pursuit in violation of Department rules. COPA explained that Williams called out the pursuit's progression over the radio and that she knew, or should have known, that the pursuit violated Department policy. COPA argued that even though she was the passenger, Department rules do not allow her to passively sit by. COPA cited to Rule 2 (prohibits conduct which impedes the Department's efforts to achieve its policy and goals) and Rule 3 (Prohibits the failure to promote Department policy) to support their allegations. COPA also cited to a provision in General Order G03-03-01 which says, "All members involved in or supervising a motor vehicle pursuit must be prepared to justify their actions." (Att. 51(3)) Based on the combination of this provision and Rules 2 and 3, COPA argues that these rules created a duty whereby all officers playing a role in a pursuit must justify their actions and cannot passively sit by. COPA stated that Williams failed to object to Mancha's actions and communicated with OEMC in furtherance of the pursuit so she failed, in their view, to carry out the goals of the Department.

Regarding Allegation #1, there is sufficient evidence to show that there was a motor vehicle pursuit that was conducted in violation of General Order G03-03-01 (and CPD concurs with the findings against the driver of the police vehicle, Mancha, for engaging in that pursuit). Moreover, Williams, who was communicating with OEMC, was certainly involved in the pursuit. But to say that Williams, as the passenger in Mancha's vehicle, was "engaged" in the pursuit is a separate issue. The problem with this allegation is that General Order G03-03-01 does not define "engaged," nor does it state who actually engages in a pursuit – is it just the driver of the police vehicle or the driver and the passenger officer. While there is some language in the directive which refers to "[a]ll members," such as the provision cited by COPA, there is also other language, such as section V-A of G03-03-01, which states that the decision to initiate a pursuit rests with the "individual officer" and that the "Department member" will only engage in a pursuit in certain circumstances. In addition, the directive defines a "motor vehicle pursuit" as an "active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver. . . ." Based on this definition, the sworn member who is operating the police vehicle who engages in a pursuit – not the passenger officer, especially since the directive only requires the operator to complete the Traffic Pursuit Report. But the key point is that the Department's policies in G03-03-01, as written at the time, were not sufficient to establish that passenger Williams "engaged" in a motor vehicle pursuit as claimed in Allegation #1. At best, the evidence supports a finding that because Williams communicated to OEMC during the pursuit that she was an active participant in the pursuit. For this reason, CPD concurs that Allegation #1 should be sustained, but that for penalty purposes the penalty for Williams should be significantly less than that for Mancha. CPD recommends a suspension of 30 days for Williams.

Regarding Allegation #2, COPA alleged that Williams failed to intervene, but COPA failed to provide the Department directive that requires a member to intervene. There is not a duty to intervene in the pursuit directive, General Order G03-03-01.

In a recent pursuit case (Jamie Jawor), the Police Board addressed an issue involving due process and fair notice. The Police Board said, "A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required. The consideration is whether the general order, standing alone or as construed, made it reasonably clear at the relevant time that the conduct was prohibited." See Police Board Case 20 PB 2978, 15 July 2021, at 8 (citations omitted). Because General Order G03-03-01 did not give fair notice to passenger officers involved in pursuits on what conduct is forbidden or required of them, the evidence does not support a sustained finding Williams as to Allegation #2.

#### Officer Mancha

CPD concurs with the recommended findings against Mancha, but does not concur with the recommended penalty. This incident can be distinguished from a recent Police Board case that involved a pursuit. In Jamie Jawor, PB Case 20 PB 2978 the Board found that separation was an appropriate penalty where an officer drove several blocks at a rate of over 100 MPH without ever activating lights and sirens and without any communication with OEMC. Here that is simply not the case. Mancha did use his lights and siren when he began the pursuit and never reached anywhere near the speed that Officer Jawor did, additionally, Williams communicated with OEMC as required under the order. While the misconduct by Mancha is significant it does not rise to the level of separation.

This incident is far closer to the conduct in Log #2019-2060 wherein Officer Lukasz Gorski A suspension of 180 days is more appropriate given the similarities between that incident and this one. In Gorski the pursuit was initiated in violation of the pursuit order and also the officers failed to use lights and sirens. COPA recommended a range of 180 day suspension to separation and CPD concurred with a 180 day suspension. Officer Mancha should receive the same penalty.

#### **Conclusion**

For the foregoing reasons CPD recommends that Officer Michael Mancha be suspended for 180 days and that the findings against Officer Karlisa Williams be not sustained. The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).



David O. Brown  
Superintendent  
Chicago Police Department