

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 22 RR 22
POLICE OFFICER ERIC STILLMAN,)	
STAR No. 19277, DEPARTMENT OF POLICE,)	(CR No. 2021-1112)
CITY OF CHICAGO.)	

REQUEST FOR REVIEW

On September 29, 2022, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Eric Stillman, Star No. 19277, arising out of the investigation of Complaint Register No. 2021-1112 (“Request for Review”).

The investigation stems from the fatal shooting of Adam Toledo by Officer Stillman on March 29, 2021. Following the conclusion of the investigation, the Chief Administrator issued a recommendation for discipline of Officer Stillman. The Superintendent of Police did not agree with the Chief Administrator’s recommendation and proposed less discipline for Officer Stillman.

The Chief Administrator recommended that the following allegations against Officer Stillman be *Sustained*:

On or about March 29, 2021, at approximately 2:36 a.m., in the alley near 2356 South Sawyer Avenue in Chicago, Officer Stillman:

3. Discharged his firearm at or in the direction of Adam Toledo in violation of Chicago Police Department General Order G03-02;
5. Acted inconsistently with his training under Chicago Police Department EBT#18-01, Foot Pursuits Training Bulletin; and

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6. Failed to comply with Chicago Police Department Special Order S03-14 by failing to timely activate his body-worn camera.

The Chief Administrator recommended that Officer Stillman be discharged from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Stillman. The Superintendent recommended that Allegation Nos. 3 and 5 be *Not Sustained*, agreed that Allegation No. 6 be *Sustained*, and recommended that Officer Stillman be suspended for a period of no more than five (5) days.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on April 13, 2022; (2) the Chief Administrator received the Superintendent's written response on July 11, 2022; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on September 22, 2022; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on September 29, 2022.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Ghian Foreman, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure. Following his initial review of this matter on October 7, 2022, the Reviewing Member requested, received, and reviewed video recordings of the shooting, the Chicago Police Department's General Order G03-02 and Foot Pursuit Training Bulletin, and Officer Stillman's statement to the Civilian Office of Police Accountability.

OPINION

The Superintendent made a number of convincing points in his response to the Chief Administrator's recommendation for discipline. However, in this case, the material I reviewed does not provide a sufficient basis for me to rule that the Superintendent met the burden to overcome the recommendation.

It is my opinion that, based on a thorough review of the Request for Review material, the parties and the public will benefit from a full evidentiary hearing on this matter, and so referring this matter for a hearing before the Police Board is the appropriate next step. This hearing will allow the Board hear from use-of-force experts the parties call to testify, and will allow the Board to thoroughly review relevant evidence, including video recordings of the incident. Officer Stillman will also be afforded the opportunity to testify before the Board, providing context and explanation surrounding the incident depicted on the video recording.

Let me be clear—with this ruling I am not saying that the Chief Administrator's recommendation is right and that the Superintendent's is wrong. Nor am I saying that Officer Stillman should be suspended while the case is pending before the Police Board. Rather, I am saying that a Police Board hearing that provides due process to all parties is necessary to determine whether Officer Stillman violated any of the Chicago Police Department's Rules of Conduct and, if so, the appropriate disciplinary action.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendation for discipline of Police Officer Eric Stillman shall be deemed accepted by the Superintendent.

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY
OF OCTOBER, 2022.

/s/ GHIAN FOREMAN
President

Attested by:

/s/ MAX A. CAPRONI
Executive Director