

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

<b>IN THE MATTER OF CHARGES FILED AGAINST )</b>		
<b>POLICE OFFICER ELMER CARRILLO JR., )</b>		<b>No. 25 PB 3045</b>
<b>STAR No. 8392, DEPARTMENT OF POLICE, )</b>		
<b>CITY OF CHICAGO, )</b>		
		<b>(CR No. 2023-5472)</b>
<b>RESPONDENT. )</b>		

**FINDINGS AND DECISION**

On March 24, 2025, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Elmer Carrillo Jr., Star No. 8392 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Allison Wood on September 25, 2025. Following this evidentiary hearing, the members of the Police Board who participated in deciding this case read and reviewed the record of the proceedings, including the Hearing Officer’s Report (neither party filed a response to this report), and viewed the video recording of the entire evidentiary hearing.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders is overruled or reversed.

## **POLICE BOARD FINDINGS**

As a result of its review of the record of proceedings, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein a sworn officer of the CPD in the classified civil service of the City of Chicago.
2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent on April 2, 2025.
3. At the time Respondent was personally served with the charges, he was presented with the options of electing to have a Police Board hearing or have public arbitration. On April 2, 2025, Respondent elected to have a Police Board hearing.
4. Throughout the hearing on the charges Respondent appeared and represented himself. He was not represented by counsel.

### **Introduction**

5. Respondent became a Chicago police officer in 2018. He suffered an off-duty injury and had surgery in July 2023, resulting in his placement on CPD's medical roll. On November 14, 2023, he came to Chicago Public Safety Headquarters to report a medical incident that occurred following his surgery and for a fitness-for-duty examination. He was directed to submit to a drug test and to provide a urine specimen. There is no dispute as to the protocols performed in relation to the testing or the results

of the drug test. The parties stipulated that the results of the test of Respondent's urine specimen reflected 21 nanograms per milliliter of marijuana metabolites, which is above the applicable cut-off level for Chicago police officers and is evidence that Respondent had marijuana and/or cannabis in his system.

### Charges Against Respondent

6. Police Officer Elmer Carrillo Jr., Star No. 8392, is **guilty** of violating Rules 2 and 6 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 1:

On or about November 14, 2023, at or near 3510 South Michigan Avenue in Chicago, Police Officer Elmer Carrillo Jr. provided a urine specimen that contained marijuana metabolites and/or on or about or some time prior to November 14, 2023, Officer Carrillo used some amount of marijuana and/or cannabis, thereby violating:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying CPD Employee Resource E01-09 – Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations.

See the findings set forth in section no. 5 above, which are incorporated herein by reference. The Department's policy regarding drugs and drug use is set forth in Employee Resource E01-09 – Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations (herein "E01-09"). Section II of E01-09 is entitled "Policy" and it reads as follows:

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- A. It is imperative that all Department members have the physical stamina and psychological stability to properly perform all required duties.
- B. The use of illegal drugs, cannabis, or non-prescribed controlled substances or the abuse of legally prescribed drugs or controlled substances by any Department member is strictly prohibited. Violation of this policy will result in disciplinary action and/or separation from the Department.
- C. Mandatory physical and/or psychological examination will include, but not be limited to, a screening for the presence of any drugs.

The policy as set forth in E01-09 has been in effect since March 13, 2018.

Although cannabis was legalized in Illinois on January 1, 2020, Section 10-50 of the Illinois Cannabis Regulations and Tax Act, 410 ILCS 705/10-50, permits employers to adopt reasonable zero-tolerance or drug-free workplace policies. The Board finds, and there was no evidence presented otherwise, that the Department's prohibition of drugs and drug abuse is a reasonable policy given the requirement that Department members must have the "physical stamina and psychological stability to properly perform all required duties."

The Superintendent called Respondent as an adverse witness, and he testified on his own behalf. In his testimony, Respondent acknowledged that he is required to follow the CPD's Rules and Regulations and that CPD policy prohibits cannabis use. He testified that he went to CPD headquarters on November 14, 2023, to report a medical occurrence, and that he was aware that he was going to be tested that day as part of CPD's Personnel Concerns Program. Respondent acknowledged that the test of his urine specimen showed 21 nanograms per milliliter of marijuana metabolites and he

does not dispute this result. However, he maintains that he did not intentionally ingest cannabis. Respondent testified that he went to party with his family. He knew the hosts of the party were consumers of marijuana. When he arrived at the party, some people were smoking marijuana; some were eating marijuana gummies. He noticed a pink package of gummies on the counter and took two or three, without reading the package. He did not know the gummies had marijuana in them and he did not feel any different after eating them. He continued to enjoy himself at the party and may have inadvertently been exposed to marijuana smoke from users at the party.

The Superintendent also presented the testimony of Lieutenant Kelly Schnoor. She is assigned to CPD's Bureau of Internal Affairs advocate section, where she reviews disciplinary cases. Lt. Schnoor reviewed Respondent's file as part of her job and in preparation for this hearing. She testified that prior to the drug test at issue, Respondent had an alcohol-related suspension for more than ten days. Such violations that result in a suspension of more than ten days triggers the automatic enrollment in what is called CPD's Personnel Concerns program. It is one of the programs offered to members as a probationary step where they are required to comply with all rules and regulations going forward. This program provides assistance and guidance to the members, and it requires mandatory physical and psychological testing which includes drug and alcohol screening. When Respondent presented himself to CPD Headquarters on November 14, 2023, he reported a medical occurrence that he had experienced. Respondent was directed to submit to a drug test because of what he reported, because he was still on

active duty (even though he was on medical leave) and because he was enrolled in the Personnel Concerns program.

The Board finds Respondent's explanation that he tested positive for marijuana because he did not know that the gummies he ingested contained marijuana, or because he was exposed to second-hand smoke from marijuana users, was not credible or persuasive. Respondent presented no evidence, for example, that he made an inquiry as to whether the gummies contained marijuana and he was expressly told they did not; or that positive test results for marijuana can occur from exposure to second-hand smoke. According to Respondent's own testimony, he went to a party with his family knowing the hosts were consumers of marijuana, knew partygoers were using marijuana gummies, and ingested two or three gummies at the party without reading the package. Moreover, it bears noting that Respondent displayed an astounding lack of judgment by even attending such a party, knowing that CPD policy prohibits him from using cannabis.

The Board finds that on the facts of this case, Respondent's claim that he was exposed to marijuana smoke and unintentionally ingested cannabis is not a credible explanation for the positive test result. The positive test result establishes by a preponderance of the evidence that Respondent violated CPD policy prohibiting the use of cannabis, and the Board finds Respondent guilty of violating Rule 6 and Rule 2.<sup>1</sup>

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<sup>1</sup> The comment to Rule 2 states in relevant part: "This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of

**Disciplinary Action**

7. As the Board noted in a prior decision, while medical and recreational use of cannabis is now permitted by Illinois law, CPD's policy of prohibiting cannabis use continues to be justified and officers who violate this policy are subject to significant discipline, up to and including discharge. The Board will continue to determine discipline on a case-by-case basis and impose appropriate discipline based on the specific facts and circumstances of each case.

The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty, and the evidence presented in mitigation and aggravation.

Respondent testified on his own behalf. He did not call any mitigation witnesses. The Board considered Respondent's years of service to the City and took into account that he suffered an off-duty injury. The Board finds his desire to continue serving as a police officer heartfelt and laudable. However, the Board finds Respondent displayed a profound lack of judgment by attending a party where he knew marijuana would be consumed and then ingested gummies from a package he purportedly did not read without knowing the contents. Moreover, he made these misguided decisions while enrolled in the Personnel Concerns program that required him to submit to mandatory drug screenings. And this is not the first time Respondent has exhibited a serious lack of

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Department policy or goals or which would reflect adversely upon the Department or its members....It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department."

judgment. According to Respondent's disciplinary history, he agreed to accept a 25-day suspension for driving under the influence of alcohol while off duty in 2021.<sup>2</sup> After thoroughly considering Respondent's evidence in mitigation and his service as a police officer, the Board finds that they do not mitigate the seriousness of his misconduct and aggravating factors present in this case.

The Board finds that Respondent's use of cannabis in 2023 taken together with his lengthy suspension for driving under the influence of alcohol in 2021 indicate a lack of judgment sufficiently serious to warrant removing him from his position as a Chicago police officer. As a Chicago police officer, Respondent would in the future encounter difficult and stressful situations in which he must act with little or no time for reflection. He demonstrated, through his conduct leading up to his positive drug test and his suspension for DUI, that he does not possess the good judgment and self-control required of Chicago police officers to deal successfully with the many potentially explosive situations which they encounter on a daily basis. Returning Respondent to duty, armed and authorized to use deadly force, poses an unacceptable risk to the safety of the public.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police

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<sup>2</sup> While the criminal charges against Respondent were *nolle prosequi* with prejudice (Respondent Ex. No. 1), Respondent agreed to not contest CPD BIA's allegations of misconduct or BIA's finding of sustained for the allegation that he was driving under the influence of alcohol (Superintendent Ex. Nos. 12 and 13).

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Department and is something that the law recognizes as good cause for him to no longer occupy his office.

### **POLICE BOARD DECISION**

The members of the Police Board who participated in deciding this case hereby certify that they have read and reviewed the record of the proceedings, including the Hearing Officer's report, and viewed the video recording of the entire evidentiary hearing. The Police Board hereby adopts the findings set forth herein by the following votes.

The Police Board, by a vote of 9 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, Justin Terry, and Cynthia Velazquez) to 0 opposed, finds Respondent **guilty** of the charges in Specification No. 1, as set forth above.

As a result of the foregoing and for the reasons set forth above, the Board, by a vote of 9 in favor (Cooper, Badillo, Block, Hall, Liss, Porter, Safakas, Terry, and Velazquez) to 0 opposed, hereby determines that cause exists for discharging Respondent from his position as a police officer and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that Police Officer Elmer Carrillo Jr., Star No. 8392, as a result of having been found guilty of all charges in Police Board Case No. 25 PB 3045, be and hereby is discharged from his position as a police

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officer and from the services of the City of Chicago.

This decision is adopted and entered by a majority of the members of the Police Board: Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, Justin Terry, and Cynthia Velazquez.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18<sup>th</sup> DAY OF DECEMBER 2025.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director

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RECEIVED A COPY OF  
THE FINDINGS AND DECISION  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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LARRY SNELLING  
Superintendent of Police