



**OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS**

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: ADAM TOLEDO**

**I. OVERVIEW**

This matter involved the fatal shooting of Adam Toledo by Chicago Police Officer Eric Stillman #19277. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed Chicago Police reports, Illinois State Police Crime Lab analysis and reports, Civilian Office of Police Accountability (COPA) reports, CCSAO Investigative reports, recorded video footage from surveillance and body worn cameras, and medical records.

The Office of the Cook County State's Attorney, as the agency responsible for making criminal charging decisions under Illinois law for incidents that occur in Cook County, reviewed the evidence collected during the investigation to determine whether there was a good faith basis for filing criminal charges. After a thorough review, the Office has concluded that the evidence is insufficient to support criminal charges against Chicago Police Officer Eric Stillman.

**II. STATEMENT OF FACTS**

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On March 29, 2021, at approximately 2:35am, Chicago Police Officers Eric Stillman #19277 and Corina Gallegos #17521 were dressed in full uniform and riding in an unmarked police vehicle when they responded to a ShotSpotter alert in the vicinity of 2300 South Sawyer. The ShotSpotter alert indicated that eight gunshots had been fired at that

approximate location. When they arrived at that location, the officers observed two males now known to be Adam Toledo and Ruben Roman walking side by side down the alley behind the 2300 block of South Sawyer. No other individuals were present on the street or in the alley. The officers pulled up behind Roman and Toledo in an attempt to investigate the ShotSpotter alert. Roman and Toledo looked back at the officers and attempted to run from the officers. Officer Stillman tackled Roman and quickly felt his waistband area which revealed no weapons. Officer Gallegos stayed with Roman and placed him in handcuffs while Officer Stillman chased after Toledo who took off running down the alley toward 24<sup>th</sup> Street. Officer Stillman gave verbal commands for Toledo to stop and show his hands which he held in the front of his waistband area. Toledo did not comply with Officer Stillman's commands. When Toledo reached the back-fence area behind Farragut High School, adjacent to the alley, he stopped at an opening in the fence that resulted from a missing fence panel. At that time, Officer Stillman observed that Toledo had a gun in his right hand and ordered Toledo to drop the gun. As Officer Stillman was shouting at Toledo to drop the gun, Toledo stood inside the fence opening and began to turn around toward Officer Stillman. While doing so, Toledo's right arm was partially concealed behind the wooden fence. As Toledo turned to face Officer Stillman, he had his left arm up with his hand open. Officer Stillman saw Toledo turning toward him with the gun in his right hand. As Toledo was completing his turn toward Officer Stillman, Toledo used his right hand to throw the gun along the inside of the fence line. Simultaneously, Toledo completed his turn and held his right arm up with an open hand as Officer Stillman fired one shot which struck Toledo in the left side of his chest. Toledo then fell to the ground and Officer Stillman rendered aid including applying a chest seal and performing chest compressions. Officer Stillman called for assistance and requested an ambulance. Responding officers assisted with rendering medical attention to Toledo until Chicago Fire Department paramedics arrived. Toledo was pronounced at the scene.

On March 29, 2021, Assistant Cook County Medical Examiner Dr. Stephanie Powers performed an autopsy on Adam Toledo and determined Toledo's cause of death to be a gunshot wound to the chest and the manner to be homicide. Toledo sustained a single through and through gunshot wound which entered the (left side) of his chest and exited his back (on the right side). The wound path was directed from front to back, left to right and downwards.

The unmarked Chicago Police Department vehicle driven by Officer Stillman and Officer Gallegos was not equipped with an in-car camera. Both officers wore functioning body-worn

cameras. Officer Stillman's BWC captured the chase down the alley as well as the shooting. Officer Gallegos' BWC captured her interaction with Roman but did not capture the shooting itself since she was at the other end of the alley at the time of the shooting. Video surveillance cameras at Farragut High School and a building located at 2401 South Spaulding also captured the shooting.

Chicago Police officers recovered the handgun that Toledo threw along the parking lot side of the fence. The handgun, a Ruger 9mm semi-automatic pistol was empty and in slide-lock position. The handgun and seven fired cartridge cases recovered from the sidewalk and parkway grass at 3232 W. 24<sup>th</sup> Street were submitted to the Illinois State Police Crime Lab for analysis. An examination determined that all seven fired cartridge cases were fired by the Ruger 9mm pistol recovered from the lot near Toledo. Further analysis on the handgun and fired cartridge cases revealed no latent fingerprints suitable for comparison. DNA analysis was conducted on swabs taken from the handgun and compared to the known standards obtained from Toledo. A mixture of DNA profiles was identified on the handgun which was interpreted as a mixture of at least three people. Based on that analysis, it was determined that it is three times more likely to see this DNA mixture if Adam Toledo and two unknown people are contributors than if it is from three unknown contributors. Gunshot residue (GSR) analysis was conducted on swabs taken from Adam Toledo's hands and his black hooded sweatshirt. The swabs from the right hand tested positive for GSR and both the left and right cuffs of the black hooded sweatshirt tested positive for GSR.

COPA conducted an investigation into Officer Stillman's use of deadly force while Chicago Police Department's Incident Response Team conducted an investigation into Roman's criminal activities regarding the shooting which brought about the ShotSpotter alert. CCSAO Investigators assisted by canvassing the area and locating and conducting interviews of several civilians.

### **III. LEGAL STANDARD**

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code in effect at the time of the incident. The Illinois Use of Force in Defense of Person statute provided in pertinent part:

A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

720 ILCS 5/7-1(a) (West 2018).

The statute regarding an officer's use of force provided in pertinent part:

A peace officer . . . need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that: (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and (2) the person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

720 ILCS 5/7-5(a) (West 2018).

### **IV. ANALYSIS AND CONCLUSION**

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that the involved officer was not legally justified in using deadly force against Adam Toledo. In other words, a judge or a jury would have to find that Officer Stillman did not reasonably believe that he was in imminent danger of great bodily harm or death. In this case, however, the evidence shows that Officer Stillman reasonably used deadly force in defense of himself.

When reviewing the evidence and the potential issues involved in making a charging decision, the totality of the circumstances surrounding the incident and the applicable legal

standards must be considered to guide the determination of whether a rational trier of fact would find Officer Stillman's use of deadly force to be reasonable and justified. Under the current case law, the trier of fact could reasonably conclude that the evidence demonstrates that Officer Stillman reasonably believed himself to be in apparent danger of losing his life or suffering great bodily injury.

In this incident, it is important to consider the totality of the circumstances that formed Officer Stillman's assessment of the danger he would encounter in conducting the stop of Roman and Toledo and the likelihood that one or both were armed. The officers were on directed patrol focusing on high crime areas within the district and were traveling on 24<sup>th</sup> Street when they received notice of the ShotSpotter system recording approximately eight gunshots fired at the corner of 24th Street and Sawyer Avenue. As the officers quickly responded to the area, the officers observed Roman and Toledo moving at a high rate of speed making entry into the alley and they were the only individuals observed on foot in the vicinity of the initial shooting. The officers exited their vehicle wearing full uniform and gave verbal commands for Roman and Toledo to stop. Neither immediately complied. Officer Stillman grabbed Roman, brought him to the ground and related that he determined that Roman did not have a weapon in his waistband. Officer Stillman indicated that this led him to believe that Toledo was the individual with the handgun. As Officer Gallegos detained Roman, Officer Stillman pursued Toledo who continued to run down the alley toward 24<sup>th</sup> Street.

During the pursuit, Officer Stillman observed Toledo place both hands near his waistband with the placement of his left hand over his right hand which Officer Stillman believed was indicative of someone holding a gun and trying to rack the slide, which would ready the gun for firing. The weapon was later recovered with the slide pulled back in a locked position. Officer Stillman ordered Toledo to stop and show his hands and Toledo ignored all verbal commands and continued to run. Toledo ran down the length of the alley, approximately a full block, to an opening in the wooden fence between the alley and the parking lot behind Farragut High School.

Officer Stillman saw the handgun in Toledo's right hand and shouted for Toledo to drop it. Before dropping the weapon, Toledo began turning his body toward Officer Stillman with his left hand raised up in front of his body and his right hand lowered to his side behind the wooden fence post. Officer Stillman saw the weapon in Toledo's right hand and fired one round which

struck Toledo as he completed his turn and raised his right hand which no longer held the firearm. The timing of these actions was less than one second.

To overcome Officer Stillman's assertion that his decision to use deadly force was reasonable, the trier of fact would have to find that Officer Stillman's belief was incorrect or unreasonable based on the totality of the circumstances. To prove that Officer Stillman's belief that he was in imminent harm of death or great bodily harm, was incorrect or unreasonable, the prosecution would have to prove that Officer Stillman knew Toledo dropped his firearm and was no longer armed, thereby eliminating the threat to Officer Stillman. However, the evidence revealed that, Officer Stillman made his risk assessment and pulled the trigger of his firearm all while Toledo was making that motion, which took less than one second.

The video footage played in real-time corroborates Officer Stillman's version of events and demonstrates how quickly these actions took place. The smoke emitting from the barrel of Officer's Stillman's firearm, as seen in the Farragut High School surveillance footage, indicates that Officer Stillman had discharged his firearm as Toledo completed his turn and raised his open right hand. The handgun that Toledo tossed behind the fence was recovered along the fence line approximately six feet from the opening in the fence. Additionally, the Medical Examiner's Report noting the bullet trajectory is significant. The bullet trajectory was left to right indicating that Toledo was not "squared off" facing Officer Stillman at the time Toledo was shot. Rather, it indicates that Toledo was still turning his body toward the officer at the time he was struck by the bullet.

Notably, there is no evidence to prove that Officer Stillman acted with criminal intent. Officer Stillman explained that after he fired one time, he saw Toledo's right hand was empty; he assessed the situation and did not fire again because the threat no longer existed. This explanation demonstrates a lack of criminal intent. Officer Stillman reacted to the perceived threat presented by Toledo, who he believed was turning toward him to shoot him. After the single shot was fired and Officer Stillman recognized that Toledo was no longer a threat, he immediately rendered aid and continued to do so until the assisting officers and the paramedics arrived.

Based on the evidence reviewed in this matter and the applicable legal standards, the evidence is insufficient to support the filing of criminal charges as the use of deadly force by

Officer Stillman against Toledo was reasonable under the totality of the circumstances. Therefore, the Office is not filing criminal charges in this case.

Pursuant to policies and legislation enacted at the urging of State's Attorney Foxx, after making its declination determination, the State's Attorney's Office referred the review of the case to the Office of the Illinois State's Attorneys Appellate Prosecutor (ILSAAP) for an additional review. ILSAAP has reviewed the case and on February 28, 2022, has concurred that no criminal charges are appropriate.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Chicago Police Department or civil actions where less stringent laws, rules, and legal standards of proof apply. The Office expresses no opinion regarding the propriety or likelihood of success of any such actions.