No charges against Chicago police officer in fatal shooting of 13-year-old Adam Toledo

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Last week, Cook County State Attorney Kim Foxx announced that there would be no charges against Chicago Police Department (CPD) officer Eric Stillman in the murder of 13-year-old Adam Toledo.

Justifying the decision, Foxx said during a March 15 news conference, “The police officers, are often forced to make split-second decisions. The timing of these actions was within one second. We’ve concluded that there was no evidence to prove that Officer Stillman acted with criminal intent. The timing of these actions was within 1 second.”

The ostensibly independent Illinois state’s attorney’s appellate prosecutor also reviewed the case and judged the officer should not be criminally charged. An elected official, Foxx campaigned as a supporter of independent investigation of police shootings to bring justice to victims and reform the police. The impunity provided to police officers to kill in a “split-second” demonstrates that reforms and reshuffling of capitalist institutions do not produce any different outcome.

The footage from Stillman’s body camera is damning. Its release resulted from the community demanding to see and judge the officer’s actions for themselves, exposing the chain of events which led to Stillman shooting and killing the young boy.

The footage shows that Stillman responded to a report of eight gunshots fired in the area by SpotSpotter technology in Little Village, a predominantly Hispanic, working-class neighborhood in Chicago’s southwest side, at around 3 a.m. on March 29, 2021. When he spotted Toledo and 21-year-old Ruben Roman, Stillman attempted to arrest them, both started to flee, and a foot pursuit against the police department’s policy began.

Officer Stillman issued the commands at Toledo to stop and drop a gun and “show me your f*cking hands.” Unable to outrun the officer, Toledo decided to surrender at a fence opening and comply, slowing down before discarding the gun which he held and turning toward the officer with his hand raised in the air and palm forward. As Toledo turned to face the officer, Stillman fired a shot, hitting Toledo.

Further reassuring the police that her office would take no action against the officer, Foxx stated, “When we look at these cases, we must also look at the law as it applies.” The prosecutor further noted, “Under Illinois law, an officer is justified in using force likely to cause death or great bodily harm when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or other such persons.”

Foxx’s reasoning is typical for prosecutors regarding high-profile police murder cases. The claim that police feared for their lives while never establishing if the victim was a threat at the time of the shooting reinforces the fact that the police can kill with impunity.

Outraged at the decision, family members, activists and community members held demonstrations outside Foxx’s office in downtown Chicago after the announcement. They attempted to persuade the state’s attorney to change her mind and show that the decision did not have the community’s support.

Looking for some sense of justice, Adam’s mother, Elizabeth Toledo, and father, Marco Toledo, have filed a civil lawsuit against the city of Chicago seeking monetary damages of $50,000. The lawsuit reads, “This action seeks to redress the significant physical, psychological, and emotional harm the Defendants caused Adam Toledo and his family when, on March 29, 2021, Chicago Police Officer Eric Stillman chased, shot, and murdered thirteen-year-old Adam without justification.”

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The suit charges Stillman "failed to issue clear, direct commands that would have de-escalated and slowed down the situation," and "instead, while Adam laid on the ground bleeding out in agony, Stillman kneeled over him for more than one minute, and prior to initiating CPR failed to apply a chest seal in order to stop the flow of blood."

The *Chicago Tribune* reported the Toledo family said they would also appeal to the US Department of Justice's Civil Rights Division "to address this horrific travesty." However, there has been no indication Stillman will face federal charges.

As tragic as Toledo's murder is by the hand of the CPD, it is not unique. According to the *Washington Post*, in 2021, the year of Adam's death, American police murdered at least 1,055 people. So far in 2022, police have murdered 167.

A global wave of multiracial and multiethnic protests erupted against police violence in 2020 following the murder of George Floyd in Minneapolis, Minnesota, by Derek Chauvin and his partners. Almost a year after the trial and conviction of Chauvin, gruesome acts of police violence continue to persist throughout America and go almost entirely unpunished.

Foxx's decision and Stillman's action are a manifestation of the inequality that defines American society and further demonstrates the barbarity of capitalist class relations and the reality that police operate as a violent, occupying force in working class neighborhoods.

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