

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

IN THE MATTER OF THE)
RECOMMENDATIONS FOR DISCIPLINE OF)
POLICE OFFICER JULIUS GIVENS, STAR No. 18583,) **No. 25 RR 01**
AND)
POLICE OFFICER NICHOLAS SCHILLACI, STAR No. 10879,) **No. 25 RR 02**
DEPARTMENT OF POLICE,)
CITY OF CHICAGO.)
) **(CR No. 2021-4795)**

REQUEST FOR REVIEW

On July 15, 2025, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (COPA) a request for review of the Chief Administrator’s recommendations for discipline of Police Officers Julius Givens, Star No. 18583, and Nicholas Schillaci, Star No. 10879, arising out of the investigation of Complaint Register No. 2021-4795 (“Request for Review”).

The investigation stems from an incident on December 1, 2021, in the 004th police district. According to COPA’s Final Summary Report, at approximately 8:30 p.m., Officers Givens and Schillaci, while on patrol, observed a black Jeep which the officers knew had been reported stolen. The officers informed the dispatcher that they attempted to stop the vehicle at a gas station at 83rd Street and Stony Island Avenue, but the Jeep sped away southbound on Stony Island. A citizen, who had previously provided information to Officer Givens, called the officer and told him that the Jeep was pulling into the gas station at 92nd Street and Stony Island Avenue.

The officers parked their unmarked police vehicle on 92nd Street along the traffic median and ran toward the gas station. Officer Schillaci requested more police vehicles over the radio

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regarding the “black Jeep.” At that time, the Jeep began to drive away and Officer Givens ran to the vehicle’s driver’s side with his firearm in his right hand. Officer Givens opened the rear driver’s side door and jumped inside of the Jeep. Officer Givens announced “Chicago Police!” as [REDACTED] pointed a firearm at the officer. Two shots are heard from the location of the Jeep, and the vehicle accelerated and veered to its left. Officer Givens fell out to the ground, losing possession of his firearm. Officer Schillaci discharged numerous rounds at the Jeep with his firearm as it exited the Citgo property and headed toward the Stony Island Avenue traffic median. Officer Schillaci reported “Shots fired!” over the radio and added, “He shot at my partner.” The Jeep reached the traffic median and spun around to face the gas station. Officer Givens stood up, picked up his firearm, and reported over the radio a “10-1” at “92nd and Stony.” Officer Givens then ran to the sidewalk, pointed his firearm at the stationary Jeep across the street and yelled at its occupants to show him their hands. [REDACTED] exited the driver’s side of the Jeep and [REDACTED] crossed the southbound lanes of Stony Island Avenue into a parking lot, hopping on one leg. [REDACTED] entered a parking lot and appeared to throw something over the Skyway Motel fence. [REDACTED] then hopped through the parking lot on one leg and disappeared behind a fence. Officer Givens crouched behind a light pole and continued pointing his firearm at the direction of the Jeep. One shot was fired and Officer Givens repeated his order. [REDACTED] discharged multiple rounds in the direction of Officer Givens, who then ran toward the gas station, discharging his firearm in the direction of the Jeep. Officer Schillaci reloaded his firearm behind a civilian vehicle at a gas pump and discharged numerous rounds in the direction of the Jeep.

As Officer Givens ran back to the gas station, he exclaimed, “Ah, fuck!” Officer Schillaci momentarily paused discharging his firearm as his partner and a northbound civilian vehicle

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crossed his line of vision before continuing to fire his weapon. Officer Givens sought cover behind a second civilian vehicle and reported over the radio, “10-1, squad, shots fired, I’m hit.” Officer Schillaci fired one more round in the direction of the Jeep before a second northbound civilian vehicle crossed his line of vision. [REDACTED] then ran across the southbound lanes of Stony Island Avenue. [REDACTED] ran to the back of the Skyway Motel, appeared to place something in a dumpster, scaled the wooden fence, and continued running northbound in the west alley of Stony Island Avenue. Officer Schillaci ran to Officer Givens and applied a tourniquet on his partner’s left leg. Officer Schillaci then assisted other responding officers in placing Officer Givens inside an unmarked police vehicle. Officer Givens was transported to University of Chicago Hospital.

Officer Schillaci and other officers proceeded to secure the Jeep and Officer Schillaci informed the other officers that the suspects ran north or east. At approximately 8:54 p.m., a female caller requested an ambulance for an unknown young male who ran into her residence at [REDACTED] [REDACTED] with a gunshot wound to the leg. Officers proceeded to that location and arrested [REDACTED] who was then transported to [REDACTED] Medical Center for a gunshot wound to his left leg. Additional officers discovered [REDACTED] hiding under a vehicle at 9106 South Harper Avenue and placed him in custody. [REDACTED] was also transported to [REDACTED] Medical Center for a graze wound to his right leg. Officer Givens fired eight rounds and Officer Schillaci fired thirty-one rounds during the encounter. One fired bullet was recovered from the sole of Officer Givens’s right boot and forensic testing determined that it was fired by one of the firearms that were found in the Skyway Motel dumpster after [REDACTED] appeared to place an item there. Evidence Technicians recovered two fired cartridge casings from the rear floor of the Jeep, which were attributed to Officer Givens’s firearm. Six additional cartridge casings from the Citgo gas station sidewalk were inventoried and attributed to Officer Givens’s firearm, while

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twenty-eight fired cartridge cases that were recovered from various locations on the Citgo property were attributed to Officer Schillaci's firearm. Finally, seven fired cartridge cases were recovered from the grass on the traffic median, and one fired cartridge case was recovered from the top of the Jeep. Forensic testing determined that the eight fired cartridge cases had been discharged from the same firearm as the round that struck Officer Givens.

Following the conclusion of COPA's investigation, the Chief Administrator issued recommendations for discipline of Officers Givens and Schillaci. The Superintendent of Police did not agree with the Chief Administrator's recommendations and proposed no discipline for Officers Givens and Schillaci.

The Chief Administrator recommended that the following allegations against Officer Givens be *Sustained*.*

3. Failing to use de-escalation techniques to prevent or reduce the need for force, in violation of CPD General Order G03-02; and
4. Failing to notify the Office of Emergency Management and Communications (OEMC) that he discharged his weapon, in violation of CPD General Order G03-06, Section V.

The Chief Administrator's recommended discipline for Officer Givens is a 180-day suspension to discharge from the Chicago Police Department.

The Chief Administrator recommended that the following allegations against Officer Schillaci be *Sustained*.*

1. Discharging his firearm at or in the direction of unknown vehicle occupants, in violation of CPD General Order G03-02; and

*The Chief Administrator initially recommended that the following allegation against both Officer Givens and Schillaci be sustained: Discharging his firearm at or in the direction of unknown vehicle occupants without considering the safety of uninvolved members of the public before discharging his firearm or minimizing the risk to uninvolved members of the public, in violation of Chicago Police Department (CPD) General Order G03-02-03, Section III. The Superintendent disagreed with this recommendation. After considering the Superintendent's position, the Chief Administrator agreed that this allegation should not be sustained against either officer.

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3. Failing to notify OEMC that he discharged his weapon, in violation of CPD General Order G03-06, Section V.

The Chief Administrator's recommended discipline for Officer Schillaci is a 180-day suspension to discharge from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendations for discipline, arguing that the evidence presented by COPA is legally insufficient to sustain the above allegations for both officers, and proposing no discipline for Officer Givens and Officer Schillaci.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on December 29, 2023; (2) the Chief Administrator received the Superintendent's written response on March 28, 2024; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on July 15, 2025; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on July 15, 2025.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Claudia Badillo, 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 her initial review of this matter on July 17, 2024, the Reviewing Member requested, received and reviewed reports, statements, and video recordings of the incident from the investigative file.

OPINION

I conducted a thorough review of the Request for Review material, including reports, statements, and video recordings of the incident from the investigative file. My rulings as to each officer are set forth below.

Police Officer Julius Givens

It is my opinion that the Superintendent met his burden of overcoming the Chief Administrator's recommendation for discipline of Officer Givens.

Allegation No. 3—Failing to use de-escalation techniques

Officer Givens was being shot at and, in fact, was shot twice in the leg by the offenders. It was thus objectively and subjectively reasonable for Officer Givens to believe that there was an imminent risk of harm and to believe that the offenders were going to kill him during this gun fight. Officer Givens had moved away from most of the people in the gas stations when he engaged with the offenders and asked the offenders multiple times to show him their hands, but they kept firing at him. At this point, the Jeep had crashed and was stationary, was facing them, and Givens was being fired upon. He did not empty his chamber and only shot approximately eight total rounds at the offenders. Officer Givens had also previously called for backup, including requesting a helicopter, and he prevented a vehicle pursuit by engaging with the offenders on foot. In addition, Officer Givens can be heard giving verbal directions to the offenders to show their hands before he was shot at least twice. The entire incident transpired in a manner of minutes, and given the immediate deadly threat posed by the offenders, there did not appear to be any time for Officer Givens to use additional de-escalation techniques.

Allegation No. 4—Failing to notify OEMC

From the moment Officer Givens opens the car door and is fired upon (at approximately 20:30:43) and then shoots back, to when he begins applying a tourniquet to his leg, a total of approximately one minute and ten seconds passes. During that one minute, he is heard saying “10-1, 10-1, 92nd and Stony,” telling dispatch that an officer needs emergency assistance, and stating “shots fired, I’m hit.” By 20:33 (less than three minutes from when the shooting began) he is already being placed into a police car and being transported to the hospital. The reason that backup arrived so quickly is because of the shots fired reports by both Givens and his partner Schillaci. During the stressful minute of gunfire, Officer Givens reported that he was shot and that shots were fired multiple times over the radio. OEMC was informed that shots were fired by police within minutes after the shooting occurred and the TRR indicates that Officer Givens fired his weapon. General Order G03-06 states that a CPD member must immediately notify OEMC of the discharge, provide all relevant information, and request additional resources. However, it is clear that Officer Givens was under an extremely stressful situation, having been shot at—wounded in the leg—and engaging with offenders all in the span of 60 seconds. In addition, at one point, he can be heard stating into his radio that “one car took off, one offender went southbound on stony, the other left the vehicle, one offender is hit,” communications he made before he asked his partner for help putting the tourniquet on. While not directly stating that he discharged his weapon, due to the stressful nature of the situation, he did report there was a shooting, and it can be deduced that he fired his weapon, by having stated that an offender was hit.

Police Officer Nicholas Schillaci

It is my opinion that the Superintendent did not meet his burden of overcoming the Chief Administrator's recommendation for discipline regarding Allegation No. 1 against Officer Schillaci, but that the Superintendent met his burden of overcoming the Chief Administrator's recommendation regarding Allegation No. 3.

Allegation No. 1—Discharging his firearm

I conclude that the Request for Review material does not provide a sufficient basis for me to rule that the Superintendent met his burden to overcome the Chief Administrator's recommendation for discipline for Allegation No. 1. I cannot, on this record, make a ruling due to how quickly everything transpired and because the video evidence does not make clear how many times the officers were shot at and, thus, whether the actions of Officer Schillaci were reasonable. There were multiple "volleys" of shots during this encounter. From the reports, it appears that there were at least eight fired cartridge cases attributed to the offenders, eight discharged cases attributed to Officer Given's firearm, and at least 31 discharged cases attributed to Officer Schillaci. The circumstances surrounding the incident and the perspectives were different for Officer Givens and Officer Schillaci. There remains a question, in my opinion, whether Officer Schillaci was protecting against imminent threat to life or to prevent great bodily harm during the entirety of the incident in which he discharged 31 rounds at the offenders' vehicle. It is my opinion that a full evidentiary hearing, at which the parties will have an opportunity to present all relevant evidence, including testimony from the officers and use-of-force experts, is the appropriate next step.

My opinion should not be construed as stating that the Chief Administrator's recommendation is correct or that the Superintendent's response is incorrect. Rather, I am saying

that a hearing that provides due process to all parties is necessary to determine whether Officer Schillaci violated any of the Chicago Police Department's Rules of Conduct by discharging his firearm and, if so, the appropriate disciplinary action to be imposed.

Allegation No. 3—Failing to notify OEMC

General Order G03-06 requires that CPD members who discharge their firearms must notify OEMC immediately of those discharges. While Officer Schillaci may not have specifically stated that his own or his partner's weapons had been discharged, his radio transmissions, in my opinion, were nevertheless sufficient to comply with General Order G03-06, especially considering the fact that those transmissions occurred while the officers were engaged in an active shoot out against multiple armed offenders. This conclusion is bolstered by the fact that OEMC was informed of the officers' weapons having been discharged within minutes because of the officers' communications and requests for additional resources.

During the encounter, as soon as Officer Schillaci heard shots and then fired back, he can be heard on his BWC reporting several times that shots were fired and stating that they (the offenders) shot at his partner. He then stated, "10-1, 9-2 Stony," again advising that there is an emergency and/or that an officer needs help. A few seconds later, he continued reporting "10-1 squad 10-1 we need help." Officer Schillaci then began attending to his partner who had been shot. He continued to report on the status of the offenders, including giving a description of the offenders, that they were armed, and that they fled the area on foot. It is clear that Officer Schillaci was engaged in an extraordinarily difficult and stressful situation—an active shoot out. During Schillaci's statement to COPA in December 2021, when the COPA investigator asked whether he had specifically said: "Shots fired by the police," he answered that he just said that shots were fired, which he thought to be understood as shots fired by himself and the offenders.

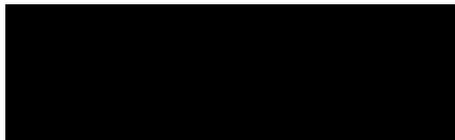
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The Superintendent states in his response that the failure to specifically state that shots were filed *by police* is an issue of semantics. In this situation, I agree. The fact that Officer Schillaci immediately reported that shots were fired multiple times over his radio, gave a description of the offenders, and requested assistance—all while engaging in a shootout with the offenders in a matter of minutes, demonstrates that he intended to, and did in fact, comply with General Order G03-06. Furthermore, OEMC was fully apprised of the situation within minutes after the shooting.

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Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago: (1) the Superintendent's response shall be implemented as to Police Officer Julius Givens; (2) the Chief Administrator's recommendation for discipline regarding Allegation No. 1 (discharging his firearm) shall be deemed accepted by the Superintendent as to Police Officer Nicholas Schillaci; and (3) the Superintendent's response regarding Allegation No. 3 (failing to notify OEMC) shall be implemented as to Officer Schillaci.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 03rd DAY OF SEPTEMBER 2025.



CLAUDIA BADILLO
Vice President of the Police Board

Attested by:



MAX A. CAPRONI
Executive Director of the Police Board