

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 19, 2018
Time of Incident:	3:14 pm
Location of Incident:	2525 S. Michigan Avenue (Mercy Hospital)
Date of COPA Notification:	November 19, 2018
Time of COPA Notification:	4:15 pm

On the afternoon of November 19, 2018, the Chicago Police Department (CPD) responded to an active shooter incident at Mercy Hospital (Mercy). The incident began when ██████ shot his ex-fiancée Dr. ██████ in the parking lot of Mercy. After shooting Dr. ██████, Mr. ██████ entered the hospital, firing his weapon at two hospital employees, fatally shooting ██████. He then returned to the parking lot and fired shots at officers administering aid to Dr. ██████, striking one officer's holstered firearm. Mr. ██████ reentered the hospital. Chicago police officers entered through multiple hospital entrances in an attempt to apprehend him. Mr. ██████ then shot and killed CPD Officer Samuel Jimenez in a hallway inside the hospital. SWAT Officer Elvis Turcinovic, who was with Officer Jimenez, returned fire but did not strike Mr. ██████ at this time. Shortly thereafter, Officer Turcinovic fired his weapon again, striking Mr. ██████ once in the chest. Mr. ██████ then fatally shot himself in the head. Segments of the incident were captured on video and OEMC audio recordings. Officer Turcinovic was the only CPD member who discharged his weapon¹ during the entirety of the incident. After review of all the available evidence, COPA finds that the use of deadly force by Officer Turcinovic was within Department policy.

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¹ See Attachment 228. CPD identified a single witness ██████ who claimed she observed officers discharging their firearms outside of the hospital, however canvass of and physical search of the vicinity for shell casings or other evidence did not find any physical evidence to support ██████ assertion.

II. INVOLVED PARTIES²

Involved Officer #1:	TURCINOVIC, Elvis; Star #13509; Employee ID # [REDACTED] Date of Appointment: July 31, 2006; Rank: Police Officer; Unit of Assignment: 353; Date of Birth: [REDACTED] 1981; Gender: Male; Race: White.
Involved Officer #2:	JIMENEZ, Samuel; Star #19526; Employee ID # [REDACTED] Date of Appointment: February 16, 2017; Police Officer; Unit of Assignment: 002; Date of Birth: [REDACTED] 1984; Gender: Male; Race: Hispanic.
Involved Officer #3:	QUINJANO, Bernardo; Star #18626; Employee ID # [REDACTED] Date of Appointment: February 18, 2014; Police Officer; Unit of Assignment: 124; Date of Birth: [REDACTED] 1984; Gender: Male; Race: Hispanic.
Involved Individual #1:	[REDACTED]; Date of Birth: [REDACTED] 1980; Gender: Female; Race: Black.
Involved Individual #2:	[REDACTED] Date of Birth: [REDACTED] 1994; Gender: Female; Race: White.
Involved Individual #3:	[REDACTED] Date of Birth: [REDACTED] 1985; Gender: Mae; Race: White Hispanic

III. ALLEGATIONS

Any discharge of an officer’s firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. Upon conclusion of the investigation, COPA determined there was insufficient evidence to support allegations of excessive force against Officer Turcinovic.

IV. APPLICABLE RULES AND LAWS

General Orders

1. G03-02: Use of Force (Eff. October 16, 2017-February 28, 2020)
2. G03-02-01: Force Options (Eff. October 16, 2017-February 28, 2020)

² CPD Officers Armando Zambrano, Meghan Lennhardt, Leobardo Navarrete, Lieutenant Jacob Alderden, and Mercy Hospital employee [REDACTED] were also fired upon by [REDACTED] None of them were injured by [REDACTED]

V. INVESTIGATION³

a. Summary of Incident

This summary utilized information from several different sources: multiple interior and exterior third party cameras, CPD body-worn cameras, CPD in-car cameras, 911 calls, POD Camera recordings, police reports, and witness interviews.

On November 19, 2018, at approximately 1:43 pm, ██████████ entered Mercy Hospital's Family Health Center, located on the southwest corner of the building.⁴ The entrance to the Hospital's Family Health Center faced the west parking lot. Mr. ██████████ remained near the west entrance of the lobby while appearing to look out at the west parking lot from the windows.

At approximately 3:11 pm, Dr. ██████████ walked out of the hospital from an exit near the emergency room, located on the northwest corner of the hospital.⁵ Dr. ██████████ exited the hospital and walked to the west parking lot where Mr. ██████████ approached her.⁶ Dr. ██████████ and Mr. ██████████ appeared to speak with each other in the west parking lot for several minutes; at times they walked around a dark cargo van as Mr. ██████████ followed Dr. ██████████⁷

Witnesses⁸ to the interaction between Dr. ██████████ and Mr. ██████████ heard Mr. ██████████ demand his ring back. Witnesses also heard Dr. ██████████ repeatedly asking for help from nearby citizens. During the confrontation Mr. ██████████ displayed his semi-automatic handgun to the witnesses and to Dr. ██████████.

At approximately 3:13 pm, during this confrontation, Dr. ██████████ called 911.⁹ Dr. ██████████ did not directly address the OEMC dispatcher but instead spoke to ██████████ Mr. ██████████ was heard in the background saying, "Now you're making a scene." Dr. ██████████ replied, "I'm not making a scene. You're not going to shoot me right now. You will not shoot me, ██████████ Mr. ██████████ responded, "I will shoot you." Dr. ██████████ answered, "That is not fair. That is so not cool." Mr. ██████████ continued, "I know. I'm ready to do it." Dr. ██████████ said, "I can't believe you would do something like this. This is not cool." Mr. ██████████ added, "I know." Dr. ██████████ continued, "I'm just leaving Mercy Hospital right now, trying to mind my own business." After approximately 30 seconds, the call abruptly ended.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ See CPD compilation video, Attachment #242 at 0:17 – 0:35.

⁵ Attachment #242 at 1:01-1:23.

⁶ *Id.* at 1:27-1:57.

⁷ *Id.* at 1:57-7:30.

⁸ Attachments 226 & 229.

⁹ Attachment 59. In addition to the 911 call by Dr. ██████████, numerous people called 911 throughout this incident. See Attachments 56 – 220. 911 callers gave varying information about the unfolding situation that included numerous inaccuracies: different numbers of shooters, different locations for the shooter(s), that at least one of the shooter(s) was armed with a rifle, and sometimes conflicting descriptions of the shooter(s).

At approximately 3:17 pm, Mr. ██████ shot Dr. ██████ several times in the west parking lot. Dr. ██████ fell to the pavement; Mr. ██████ shot her several more times.¹⁰ Mr. ██████ then repeatedly walked back and forth, eventually standing over Dr. ██████, who remained motionless on the pavement.¹¹

About one minute after the shooting, Officers Meghan Lennhardt and Leobardo Navarrete¹² drove into the west parking lot from 26th Street. The moment Officers Lennhardt and Navarrete entered the parking lot their in-car camera captured Mr. ██████ standing still. Mr. ██████ immediately fired at the officers, striking their marked Chicago Police vehicle several times.¹³ Officer Navarrete reversed their vehicle out of the parking lot and back onto 26th Street as Officer Lennhardt radioed dispatch that they were being fired upon. Officers Lennhardt and Navarrete exited their vehicle, approached the southwest corner of the hospital on foot, and saw Mr. ██████ run into the Family Health Center of Mercy Hospital. The officers notified dispatch that Mr. ██████ was in the hospital. Officers Lennhardt and Navarrete then ran to render aid to Dr. ██████, who remained motionless on the pavement in the hospital's west parking lot. Among the numerous officers who responded to the incident were Beat #165E (Officers Quijano, Kilgore, and Haran) and Beat #231 (Officers Jimenez and Zambrano). Officers Quijano, Kilgore, and Haran immediately rushed to Dr. ██████ to render aid to her. After arriving on scene, Officer Jimenez, from Beat #231, retrieved his rifle from the rear storage compartment of their marked police vehicle. Officer Jimenez entered the hospital through the Emergency Department entrance. Officer Zambrano, also from Beat #231, re-positioned their vehicle between the west side of the hospital and Dr. ██████, attempting to provide protection while they continued to render medical aid, including resuscitation efforts.

At approximately 3:20 pm, Mr. ██████ re-entered the Family Health Center through its main entrance into the lobby, which by now was vacant as many persons fled upon hearing the shooting outside.¹⁴ At approximately 3:21 pm, Mercy Hospital employees ██████ and ██████ exited an elevator into the lobby of the Family Health Center. As they stepped out of the elevator, Mr. ██████ immediately shot at the two women, fatally striking ██████^{15, 16} Ms. ██████ fled by running out the revolving door to the west parking lot.¹⁷

At approximately 3:23 pm, Mr. ██████ exited the Family Health Center in the direction of the officers rendering aide to Dr. ██████¹⁸ Mr. ██████ discharged his firearm several times at the

¹⁰ It was determined that Dr. ██████ suffered 11 gunshot wounds. (Attachments 40, 223-231, 234-235, 280)

¹¹ Attachment 242 (CPD compilation video) at 7:38.

¹² In a civil suit related to this incident, Officers Lennhardt and Navarrete were accused of neglect of duty in their response to this incident. COPA reviewed related In-Car Camera and Body-Worn Camera recordings and determined no misconduct on the part of Officers Lennhardt and Navarrete. See Attachments 295 & 296. Reference Log #2020-1310 / Civil suit 2019 L 012720.

¹³ Their vehicle (PD#7305) was struck four times. The fired rounds struck the vehicle's passenger side door, its hood, and its roof.

¹⁴ Attachment 242 at 10:00.

¹⁵ *Id.* at 10:51.

¹⁶ Ms. ██████ suffered four gunshot wounds; one to the right side of her chest that exited the left side of her chest, a second to the right side of her back that exited the left side of her chest and then re-entered her left bicep where it became lodged, and two graze wounds to her right elbow and right wrist. (Attachments 41, 223-231, 236-237, 281)

¹⁷ Attachment 242 at 10:54, Attachment 228; P. 17.

¹⁸ *Id.* at 11:47.

officers, including striking Officer Quijano's firearm,¹⁹ which, was holstered on his right hip,²⁰ and one of the police vehicles.²¹ Mr. [REDACTED] then re-entered the hospital and walked through the building's hallways, primarily moving east.²² Numerous officers entered the hospital from multiple entrances.

As Mr. [REDACTED] walked east through the hallways, officers began a search for him in the hospital.²³ Lieutenant Jacob Alderden, SWAT Team Member Officer Elvis Turcinovic, and Officer Samuel Jimenez met while searching, and subsequently located Mr. [REDACTED] in a hallway about 80 yards south of their location.²⁴ As the officers began to cross the hallway, Mr. [REDACTED] fired his handgun at them several times, fatally striking Officer Jimenez.²⁵ Officer Turcinovic returned fire; Lieutenant Alderden and Officer Jimenez retreated into the hallway leading to the Emergency Room. Officer Jimenez walked west for several feet before collapsing to the hallway floor. Other responding officers then dragged Officer Jimenez through the hallway and into the Emergency Room.²⁶

When Mr. [REDACTED] fired his first volley of shots at the officers in the hallway, Officer Turcinovic, who was moving across the hallway, responded by firing his rifle three times at Mr. [REDACTED] missing each time, before his rifle experienced a malfunction.²⁷ Officer Turcinovic corrected the malfunction while simultaneously taking cover in a doorway on the opposite side of the hallway. Moments later, Mr. [REDACTED] fired a second volley at Officer Turcinovic, who fired a fourth round at Mr. [REDACTED] who had taken cover around the corner of an intersecting hallway. Neither Officer Turcinovic nor Mr. [REDACTED] was struck during the second exchange of gunfire. Officer Turcinovic moved to a prone position, and moments later, Mr. [REDACTED] came around the corner, partially exposing himself to Officer Turcinovic, who fired a fifth round at Mr. [REDACTED] striking him in his chest. Mr. [REDACTED] stumbled back around the corner and out of Officer Turcinovic's line of sight.²⁸

At approximately 3:27 pm, shortly after sustaining the gunshot wound to his chest, Mr. [REDACTED] used his cell phone and called his coworker, [REDACTED].²⁹ Mr. [REDACTED] told Ms. [REDACTED] that he was at the hospital and that he killed Dr. [REDACTED]. Mr. [REDACTED] said he intended to commit

¹⁹ Two fired bullets struck Officer Quijano's holstered firearm, with one of the fired bullets becoming lodged in the frame/slide of his handgun.

²⁰ Attachment 229, P. 17.

²¹ Three fired bullets struck, and were recovered, from the rear-passenger side door of CPD Vehicle #7118 (assigned to Officers Zambrano and Jimenez).

²² Attachment 242 at 12:01.

²³ *Id.* at 12:41.

²⁴ Attachments 5, 27, 36, 53, 54, 242.

²⁵ Officer Jimenez suffered a through-and-through gunshot wound to his neck. The fired bullet entered the right side of his neck and exited the left side. (Attachments 42, 223-231, 238-239, 241, 279)

²⁶ Attachment 242 at 15:06.

²⁷ *Id.* at 13:45-15:00 for the limited view of Officers Turcinovic, Jimenez, and Lieutenant Aldrich in this hallway. Officer Turcinovic cleared the miss-fed live round, thus rendering the weapon operational.

²⁸ See Attachments 4, 8, 5-7, 223-231, 276, 279, 282-283.

²⁹ See Attachment 230, Page 13, and Attachment 284.

suicide. Mr. [REDACTED] then used his handgun and shot himself in his head.³⁰ Mr. [REDACTED] handgun was recovered from under his body.³¹

Physical Evidence

Summarization of the review of CPD Inventory Reports, Illinois State Police (ISP) Reports, Medical Examiner Reports and Evidence Technician photos.

A 9mm Semi-automatic Glock and three magazines, each with a 17-cartridge capacity were recovered from Mr. [REDACTED]. One unfired cartridge was recovered from the firearm's chamber and nine unfired cartridges were recovered from the magazine in the firearm.³² Ballistic examination³³ determined bullets fired from Mr. [REDACTED] Glock include, but are not limited to:

- Two (2) bullets recovered from Dr. [REDACTED]'s clothing,
- One (1) bullet recovered from Dr. [REDACTED]'s body by Medical Examiner,
- One (1) bullet recovered from Ms. [REDACTED] body by Medical Examiner,
- One (1) bullet recovered from being lodged in the frame of Officer Quijano's firearm, and
- Three (3) fired bullets recovered from the rear passenger door of Officers Jimenez and Quijano's vehicle.
- 36 shell casings were recovered.³⁴

No bullet or fired fragment was attributed to the gunshot Mr. [REDACTED] sustained to his head. Many recovered suspected fired bullet fragments were not suitable for comparison by ISP. Additionally, CPD personnel unsuccessfully attempted to extract fired bullets from the walls near Mr. [REDACTED] body.³⁵

Five 5.56 mm shell casings were recovered in the hallway of the same caliber as those in Officer Turcinovic's rifle. A small-caliber bullet fragment was recovered from [REDACTED] back. ISP

³⁰ Mr. [REDACTED] sustained two gunshot entrance wounds. One gunshot wound was to his chest and the second was to his head, with the entrance wound to the right side of his head and the exit wound to the left side of his head. Bruising and the muzzle imprint were observed at the entrance wound on the right side of his head, and soot deposit was found in the wound and skull/bone. The gunshot wound to his head was determined to be consistent with a contact-range gunshot wound. There was no evidence of close-range firing on the gunshot wound to Mr. [REDACTED] chest. See Attachment #241.

³¹ The exact timing of the gunshots is not known. The hospital videos are not continuous and lack accurate timestamps, due to the motion-activated nature of their function; this particular hallway lacked cameras in some vital areas. See Attachments 26, 242. Officer Turcinovic's statement provided specific details regarding the sequence of events, and was supported by OEMC transmissions. Officer Turcinovic's TRR documented the time as 15:26; the offender was reported as possibly down as early as 15:29 on OEMC. See Attachments 8, 37, 54, 56, 215, 217, 219.

³² Attachments 275, 283.

³³ Attachments 225, 235, 237, 280, 281, 283, 221, 293, 294.

³⁴ Mr. [REDACTED] fired "FC 9mm Luger" ammunition. Inventory reports did not identify the headstamp of every recovered shell casing; based on the location of the recovered shell casings they can be presumed to have been fired from Mr. [REDACTED] weapon. Similarly, not all ballistic evidence was tested by ISP. See Attachments 275, 276, 283.

³⁵ Attachments 27, 224, 275, 276, 283, 293, 294.

tested and compared this fragment with Officer Turcinovic's rifle, but the finding was inconclusive.³⁶

VI. LEGAL STANDARD

a. Standard of Review

The applicable standard of proof is preponderance of the evidence. A **preponderance of evidence** has been satisfied when the evidence indicates that it is more likely than not that the conduct occurred and violated Department policy.³⁷ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

b. Use of Deadly Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.³⁸ Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat, or resistance presented by the subject; and (3) the subject's proximity or access to weapons; (4) the severity of the crime at issue; (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.³⁹ The Department's "highest priority is the sanctity of human life."⁴⁰

Department policy dictates that "[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁴¹ Thus, an officer may only use deadly force in two situations.⁴² First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁴³ "A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and

³⁶ Attachments 8, 21, 241, 275, 282, 283, 293.

³⁷ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not).

³⁸ General Order G03-02(III)(B)(1)(effective October 16, 2017 to February 28, 2020).

³⁹ *Id.*; *Graham v. Connor*, 490 U.S. 386, 396 (1989).

⁴⁰ *Id.* at (II)(A).

⁴¹ *Id.* at (III)(C)(3).

⁴² *Id.*

⁴³ *Id.*

- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.”⁴⁴

Department policy recognizes that Department members must make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁴⁵

VII. ANALYSIS

A preponderance of the evidence demonstrates that Officer Turcinovic’s use of deadly force was objectively reasonable in light of the totality of the circumstances he faced in this incident. His use of deadly force was a last resort and was necessary to prevent the imminent threat of death or great bodily harm presented by ██████████ to Officer Turcinovic and others. Based upon the below factors, COPA finds that Mr. ██████████ posed an imminent threat of death or great bodily harm.

First, it was objectively reasonable for Officer Turcinovic to believe that Mr. ██████████ actions were immediately likely to cause death or great bodily harm to Officer Turcinovic, his fellow officers, and civilians present at the hospital. Two people were shot prior to Officer Turcinovic’s confrontation with Mr. ██████████. While he, Lieutenant Alderden, and Officer Jiminez were searching for Mr. ██████████ and attempting to position themselves in the hospital hallway, Officer Turcinovic witnessed Mr. ██████████ wound Officer Jiminez by shooting him in neck. Officer Turcinovic’s first weapon discharge occurred in direct response to Mr. ██████████ deadly use of force. Similarly, Officer Turcinovic’s second weapon discharge was again in response to Mr. ██████████ shooting in his direction. Moments later, as Mr. ██████████ partially came around the corner, it was objectively reasonable for Officer Turcinovic to believe that Mr. ██████████ was once again going to shoot at the officers.⁴⁶ Therefore, the third discharge by Officer Turcinovic was necessary as Mr. ██████████ continued to pose a threat of death or great bodily harm. In fact, that threat continued, until Mr. ██████████ self-inflicted gunshot wound to his head.

Second, it was objectively reasonable for Officer Turcinovic to believe that Mr. ██████████ had the means or instruments to cause death or great bodily harm. Officer Turcinovic was directly aware that a large volume of bullets had been fired both inside and outside the hospital. Additionally, he personally observed Mr. ██████████ firing his weapon numerous times in the direction of himself and his fellow officers.

⁴⁴ *Id.* at (III)(C)(2).

⁴⁵ *Id.* at (II)(D).

⁴⁶ COPA notes that Officer Turcinovic and other officers present inside the hospital could not yet secure the area and keep civilians out of the area of this confrontation. Video evidence shows several hospital employees entering the involved hallways during their search for Mr. ██████████ seemingly oblivious to the active shooter confrontation. Due to the number of closed doors that connected this hallway to examination rooms, offices, and stairways, CPD officers had no way to predict when a civilian would enter this hallway and be at risk.

Third, it was objectively reasonable for Officer Turcinovic to believe that Mr. ██████ had the opportunity and ability to cause death or great bodily harm. Officer Turcinovic was aware that at least two people had been shot, prior to personally witnessing Mr. ██████ shooting of Officer Jiminez. Due to their location inside the hospital, Officer Turcinovic was aware that an unknown number of civilians were inside the hospital and that Mr. ██████ posed a deadly threat to anyone in the vicinity. Additionally, Mr. ██████ had thus far been successful in finding protective cover and avoided being apprehended by responding officers, continuing his opportunity to harm others. At each instance of Officer Turcinovic's firearm discharge, this threat existed.

Considering the totality of the circumstances, COPA finds that Officer Turcinovic reasonably believed that the use of deadly force was necessary to prevent the imminent threat of death or great bodily harm to himself and others.⁴⁷ Therefore, he was permitted to use deadly force under CPD General Order 03-02.

VIII. CONCLUSION

Based on the above analysis set forth above, COPA makes the following findings:

COPA has determined by a preponderance of the evidence that Officer Turcinovic's use of deadly force against ██████ was objectively reasonable under state and federal law and the Chicago Police Department's General Orders, and is, therefore, Within Policy.

Approved:

████████████████████

January 26, 2021

Andrea Kersten
Chief Investigating Officer

Date

████████████████████

January 26, 2021

Sydney R. Roberts
Chief Administrator

Date

⁴⁷ Because COPA finds that Officer Turcinovic's use of deadly force was justified on this basis, this report need not analyze in detail Officer Turcinovic's actions under the second prong of General Order 03-02(III)(C)(3), *i.e.*, whether or not he reasonably believed that the use of deadly force was necessary prevent Mr. ██████ arrest from being defeated by resistance or escape. However, based upon the above analysis and the facts of this investigation, COPA's conclusion is that Officer Turcinovic's use of deadly force was also justified under the second prong as well.

Appendix A

Assigned Investigative Staff

Squad#:	8
Major Case Specialist:	Brian Killen
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Andrea Kersten