

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 31, 2021
Time of Incident:	12:51 am
Location of Incident:	████████████████████(inside)
Date of COPA Notification:	March 31, 2021
Time of COPA Notification:	1:30 am

On March 31, 2021, at approximately 12:53 am, off-duty Chicago Police Officer Iwan Smith, his ██████████ and their 2 year old ██████████ were watching a movie in the living room of their first floor apartment when they heard ██████████ turning the doorknob from the outside. ██████████ did not respond when Officer Smith repeatedly asked who was at the door. Alarmed, Officer Smith retrieved his semi-automatic pistol from the gun safe located on the top shelf of the closet near the front door of the apartment. Officer Smith unlocked and slightly opened the front door to see who was outside his residence. ██████████ immediately pushed the door from the outside. Officer Smith tried to close the door but ██████████ continued to force the door open. ██████████ was able to force the door to open enough to allow him to enter Officer Smith’s apartment. Being overpowered by ██████████ and fearing for his and his family’s safety, Officer Smith discharged his firearm once, striking ██████████ face. ██████████ immediately fell to the floor. ██████████ telephoned 911 and ██████████ was subsequently transported to Illinois Masonic Hospital, where he survived his injuries. After review of all available evidence, COPA finds that the use of deadly force by Officer Smith was within Department policy.

II. INVOLVED PARTIES

Involved Officer #1:	Name: Iwan Smith, Jr.; Rank: Police Officer; Star#: 5218; Employee #: ██████████; Unit of Assignment: 010; Date of Appointment: November 16, 2017; DOB: ██████████, 1995; Gender: Male; Race: Black.
Subject #1:	Name: ██████████ DOB: ██████████, 1988; Gender: Male Race: 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 against Officer Smith.

IV. APPLICABLE RULES AND LAWS

General Orders

1. G03-02 – Use of Force – effective February 29, 2020 to April 14, 2021
2. G03-02-01 – Force options – effective February 29, 2020 to April 14, 2021
3. G03-02-03 – Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures – effective February 29, 2020 to April 14, 2021

V. INVESTIGATION¹

a. Interviews

On May 7, 2021, **Public Defender** ██████████ confirmed that his office represents ██████████. Mr. ██████████ declined to permit COPA to interview his client.

In a statement to COPA on April 5, 2021, **Officer Iwan Smith**² stated that on the night of this incident he was off-duty. Officer Smith was at home in his first-first floor apartment with his ██████████ and their 21-month-old ██████████. Officer Smith explained that he and his family were sitting on the couch in their living room watching a movie when he heard a noise that sounded like someone hitting the door handle and pushing on the front door from the outside of the apartment. Officer Smith twice asked, “Who is it?”³ but did not get a response. The noise from the other side of the front door continued, so Officer Smith retrieved his handgun from his gun safe located in the closet next to the front door. When asked why he retrieved his handgun, Officer Smith replied, “Well, it’s almost one o’clock in the morning and we weren’t expecting any guests or company or anything like that, and I didn’t know who was at the door.”⁴ Officer Smith stated that he was unable to see who was on the other side of his front door because his front door did not have a peephole and there were no windows for him to see into the area outside his front door. Officer Smith stated that he held his firearm in his right hand, pointed downward, as he unlocked and opened the front door with his left hand to see who was out there.

Officer Smith stated that the moment he opened the front door he heard ██████████ on the other side of the door⁵ mumble incoherently. ██████████ attempted to push the door open, but Officer Smith prevented it from completely opening. Officer Smith stated that he had to push as hard as he could to prevent ██████████ from forcing his way into the apartment. Officer Smith repeatedly ordered ██████████ to get back, but ██████████ ignored him and continued to attempt to force his way into Officer Smith’s apartment. ██████████ forced his way a couple of steps into the apartment, at which point Officer Smith pointed his gun at him and ordered him again to back away. Officer Smith explained:

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Atts. 42-44.

³ Att. 44, p.9, line 8.

⁴ Id at p. 10, lines. 16-19.

⁵ NKA ██████████

“I didn’t know what was going to happen. I didn’t know if he was going to get – what he – if he had any weapons on him. I didn’t know if he was on anything. I didn’t know what he wanted to do in my apartment. I didn’t know if he was going to be able to overpower me, take my weapon, harm my family. I had no idea what he was trying to do.”⁶

Officer Smith stated that ██████ continued to push his way into the apartment, and Officer Smith realized that ██████ was overpowering him. Officer Smith discharged his firearm once, striking ██████ on his face. ██████ immediately fell to the floor inside the apartment. Officer Smith told his ██████ who was still seated on the couch with their ██████ to take their ██████ into their bedroom and call 911. Officer Smith stated that ██████ then dragged himself out of the apartment and into the front hallway. Officer Smith performed a protective pat-down on ██████ and determined that he did not have any weapons. Officer Smith then told his ██████ to call 911 again and tell the Call Taker that he (Officer Smith) was an off-duty police officer. Officer Smith then waited near the front entrance of his apartment building for responding officers while also keeping an eye on ██████. Officer Smith placed his firearm on the ground when the first responding officers arrived. According to Officer Smith, an on-duty officer recovered his firearm from the ground.

Officer Smith did not know how ██████ gained access to the apartment building. Officer Smith added that at some point during this incident he identified himself as a police officer to ██████. Officer Smith was not sure at what point he identified himself, but he did recall showing his badge to ██████ after the shooting.

In a statement to COPA on April 12, 2021, ██████ related essentially the same information as Officer Smith. ██████ stated that Officer Smith retrieved his firearm from his gun safe inside the front closet next to their apartment’s front door. ██████ stated that when ██████ attempted to force his way into their home, she grabbed her ██████ and moved her away from the front door of the apartment but remained on the couch. ██████ stated that she faced away from the front door as she held her ██████ therefore, she had her back to Officer Smith as he struggled with ██████. However, she did hear the ensuing commotion when the two men struggled at the front door. ██████ stated that she heard ██████ mumbling but could not understand him. She then heard Officer Smith order ██████ to back away; ██████ did not see Officer Smith point his firearm at ██████ but she heard the gunshot. At that moment, she picked up her ██████ and ran to their bedroom located in the back of the apartment. ██████ put her ██████ onto the bed and Officer Smith yelled to her to call 911. She telephoned 911 while stepping into the hallway where she could see into the living room. ██████ stated she saw ██████ laying on the floor near the apartment’s front door. She saw he was covered in blood and heard him moaning in pain. ██████ explained that she went back into her bedroom to keep her ██████ from leaving the bedroom. She then called 911 a second time and informed them that her husband was an off-duty police officer.

⁶ Att. 44, p. 16. lines 8-15.

⁷ Atts. 47, 49.

b. Digital Evidence

Office of Emergency Management and Communication (OEMC) transmissions⁸ detail that on the night of this incident ██████████ telephoned 911 twice, the first call at approximately 12:51 am and the second call at approximately 12:54 am. She reported that her husband, an off-duty police officer, shot a person who broke into their apartment. When asked by the 911 Call Taker, ██████████ provided Officer Smith's police star number.

The recordings from the responding officers' **body-worn cameras**⁹ showed off-duty Officer Smith, dressed in shorts, a black tank top, and a pair of slides, holding the front door of a multi-unit apartment building. Officer Smith also held his Chicago Police Star in his right hand, making it visible to the responding officers and paramedics. ██████████ was laying on the first floor landing inside the apartment building with what appeared to be blood visible on the floor and stairs. Officer Smith identified himself as a police officer assigned to the 010th District. Officer Smith's black semi-automatic pistol was laying on the lobby floor near the front entrance of the apartment building. Officer Marco Leon retrieved Officer Smith's gun from the lobby floor and handed it to Officer Patrick Grube who was standing on the sidewalk. The responding paramedics then entered the apartment building and attended to ██████████. Officer Smith informed the responding officers that ██████████ attempted to force his way into his apartment by pushing open the front door of his apartment.

The Third Party Security Recordings obtained from the interior lobby camera of ██████████ showed that at approximately 12:40 am ██████████ who appeared to be alone, entered the building via the main entrance. For approximately nine minutes ██████████ remained in the front lobby, sometimes standing, sometimes sitting on the floor and the stairs leading to the first-floor landing outside the entrance to Officer Smith's apartment. At approximately 12:49 am, ██████████ ascended the stairs and stood in the doorway of Officer Smith's apartment. The camera did not have a full, unobscured view of ██████████ due to the location of the doorway and the direction the camera was facing, and therefore did not show what, if anything, ██████████ was doing at the doorway. ██████████ remained standing in the doorway of Officer Smith's apartment for three to four minutes before he collapsed to the floor. ██████████ crawled away from the doorway and further out onto the first floor landing. ██████████ appeared to be bleeding from his head/face area. A few moments later Officer Smith exited his apartment and walked downstairs to the front entrance, where he opened the door and appeared to speak to someone out of the camera's view. Officer Smith held a firearm in one hand and what appeared to be a police star in the other. Responding officers and paramedics then entered the building and paramedics attended to ██████████ who had remained on the first floor landing inside the apartment building. This recording did not show what occurred between Officer Smith and ██████████ in the doorway of Officer Smith's apartment or the shooting of ██████████.

The **Third Party Security Recordings obtained from 4054 N. Kedzie Avenue**¹¹ showed that none of the cameras at that location had a view of this incident.

⁸ Atts. 23 – 26.

⁹ Atts. 28-34.

¹⁰ Att. 170.

¹¹ Att. 61.

c. Physical Evidence

Evidence Technician Photographs¹² depicted the location of this incident. The photographs showed a spent cartridge casing on the floor inside Officer Smith's apartment near the front entrance. Photographs of Officer Smith's gun safe was depicted on the top shelf of the closet near the front entrance of the apartment.

The photographs also showed Officer Smith, who was dressed in a black tank top, grey shorts, and a pair of slides. He did not appear to have any obvious injuries.

The **Chicago Fire Department's Ambulance Report**¹³ stated that Ambulance 32 responded to [REDACTED] regarding a gunshot victim. The paramedics waited for responding police units to arrive, adding that there was a male on the scene holding a badge and identifying himself as a police officer. The paramedics saw another male subject laying on the floor. The paramedics entered the building and found [REDACTED] on a stairwell landing and saw a large amount of blood on the floor. [REDACTED] was rapidly assessed and found to have a gunshot wound to his face that entered his left nostril, no exit wound was found. [REDACTED] was alert to the paramedics' voices and followed commands, but he displayed inappropriate physical responses. [REDACTED] was subsequently transported by ambulance to Illinois Masonic Hospital.

Medical Records¹⁴ obtained from Illinois Masonic Hospital stated that on March 31, 2021, at 1:39 am, [REDACTED] arrived in the Emergency Room with a gunshot wound to his face. [REDACTED] airway was not intact and it was decided to intubate him immediately. It was reported that [REDACTED] attempted to break into an off-duty police officer's home and was shot by the off-duty police officer. [REDACTED] was subsequently admitted into the hospital.

Officer Smith's **Medical Records**,¹⁵ obtained from Resurrection Hospital, stated that he informed hospital personnel that he discharged his firearm at an intruder who forced his way into Officer Smith's home. Officer Smith informed hospital personnel that he was feeling very anxious and stated he was having some chest pain and that his heart was beating in his chest. Officer Smith denied sustaining any injury because of this incident.

In his **Firearms Discharge Incident Report**,¹⁶ Bureau of Internal Affairs Sergeant Thomas Barker stated that at 4:31 am on the day of the incident he conducted a breath test of Officer Smith. At 4:50 am Sergeant Barker collected a urine sample from Officer Smith.

¹² Atts. 65-162.

¹³ Att. 16.

¹⁴ Att. 171.

¹⁵ Att. 64.

¹⁶ Att. 63.

The results from the breath test indicated that Officer Smith had a Br.A.C.¹⁷ of .000. The urine test results for Officer Smith indicated that he was negative for all of the substances on the Urine Substance Abuse Panel.¹⁸

During the **weapon breakdown**¹⁹ at Area Five Police Headquarters, Officer Smith's firearm²⁰ was recovered and found to have 16 unfired cartridges in its 17-round capacity magazine and one unfired cartridge in its chamber.

The **Illinois State Police Division of Forensic Services Laboratory Report**²¹ stated that Officer Smith's firearm was examined and found to be functional. The expired cartridge casing recovered from the floor of the foyer area of Officer Smith's residence was also examined and determined to have been fired from Officer Smith's firearm.²²

d. Documentary Evidence

Arrest Report²³ stated that officers responded to an OEMC call of a person shot at [REDACTED]. [REDACTED] was arrested on signed complaints for attempted Home Invasion. The report further stated that [REDACTED] knowingly and without proper authority forced his way into Officer Smith's residence and that he knew Officer Smith and his family was present. Chicago Fire Department Ambulance #32 transported [REDACTED] to Illinois Masonic Hospital. [REDACTED] was subsequently charged with two counts of Issuance of a Warrant regarding a DUI, Residential Burglary, Home Invasion/Cause Injury, and Criminal Trespass to Residence.

Officer Smith's **Tactical Response Report (TRR)**²⁴ stated that [REDACTED] did not follow verbal direction and was an imminent threat of battery without a weapon. The report continued that [REDACTED] ambushed and committed an assault/battery against Officer Smith. The response from Officer Smith was in defense of himself, in defense of others, and to overcome [REDACTED] aggression. Officer Smith described his response without weapons to entail pushing/physical redirection. Officer Smith ultimately discharged his semi-automatic pistol once, striking [REDACTED]

The **OEMC PCAD Event Queries**²⁵ show that on March 31, 2021, at 12:53 am, [REDACTED] telephoned 911 and informed the Call-Taker that her husband shot an unknown person who attempted to break into their home. [REDACTED] also identified her husband as an off-duty Chicago Police Officer.

¹⁷ Breath Alcohol Content.

¹⁸ Amphetamines, Barbiturates, Benzodiazepines, Cocaine Metabolites, Marijuana Metabolites, Methadone, MDA-Analogues, Opiates, Oxycodone, Opiates (Semi-Synthetic), Phencyclidine, Propoxyphene.

¹⁹ Att. 2.

²⁰ Glock 17, Generation 4, semi-automatic pistol; Serial # [REDACTED].

²¹ Att. 167.

²² Att. 168.

²³ Att. 6.

²⁴ Att. 7.

²⁵ Atts. 8 and 9.

VI. Analysis.

A. Officer Smith's use of force was authorized under CPD policy and state law.

As noted above, COPA has completed its investigation and determined that the available evidence did not support allegations against Officer Smith. In making the determination, COPA weighed the credibility and reliability of all available statements and evidence discussed above. COPA found Officer Smith to be credible in his statement to COPA. Further, his account is corroborated by other available evidence.

CPD's "highest priority is the sanctity of human life."²⁶ Consistent with this priority, the "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..."²⁷ Assessing if there is an imminent threat is an objectively reasonable standard, and is not based on the subjective belief of an officer.²⁸ A threat is imminent when: (a) the person's actions are "immediately likely to cause death or great bodily harm" to another unless action is taken; (b) the person has the "means or instruments" to cause death or great bodily harm; and (c) the person has the "opportunity and ability" to cause death or great bodily harm.²⁹

Based on the totality of the circumstances, COPA finds it more likely than not that Officer Smith was authorized under CPD policy to use deadly force. The preponderance of the evidence shows that ██████ presented an imminent threat to Officer Smith and his family. ██████ attempted to force his way into Officer Smith's apartment without permission or justification. Officer Smith, his ██████ and his baby were seated on the couch in the living room watching a movie when they heard what sounded like someone trying to open the front door by turning the doorknob and pushing on the door. Officer Smith explained that he found this alarming because it was nearly 1:00 am and that they were not expecting any visitors. Furthermore, when Officer Smith called out, asking who was there, he did not receive a response. When Officer Smith opened the door just slightly to see who was on the other side, ██████ pushed the door open and attempted to force his way into the apartment. Officer Smith stated that he ordered ██████ to get back, but ██████ continued to push on the door. Officer Smith realized that ██████ was overpowering him and fearing for the safety of himself and that of his family, Officer Smith discharged his firearm once, striking ██████ face.³⁰

Although Officer Smith did not know whether ██████ had a weapon when he fired, it was reasonable for him to believe that his life and physical safety was in danger of death or great bodily harm given; (i) the time of the incident; (ii) the fact that ██████ ignored commands to stop entering; and (iii) ██████ overpowered Officer Smith to push into Officer Smith's apartment. It was also reasonable for Officer Smith for him to fear for the lives and physical safety of his ██████ and his infant ██████

²⁶ Use of Force Order, G03-02.II.A; Force Options Order, G03-02-01 II.A; Firearm Discharge Incidents Order, G03-02-03 II.A.

²⁷ Use of Force Order, G03-02 III.C.3; Firearm Discharge Incidents Order, G03-02-03 II.C.

²⁸ See Use of Force Order, G03-02 III.C.2.

²⁹ Use of Force Order, G03-02 III.C.2.

³⁰ Given these circumstances, COPA finds it is more likely than not that de-escalation techniques would not have been safe or feasible.

Based on these circumstances, COPA also believes Officer Smith’s use of deadly force under these circumstances would have been authorized under state law. In particular, Illinois law provides that, under certain circumstances, a person is justified in their use of deadly force to prevent or terminate an unlawful entry or attack up a dwelling.³¹ The circumstances under which such force would be justified include situations where the entry is made or attempted to be made in a violent manner and it is reasonable to believe deadly force is necessary to prevent assault or violence on dwelling occupants.³² As already stated, [REDACTED] actions in this incident demonstrate that he sought to enter Officer Smith’s apartment in a violent manner and that Officer Smith reasonably feared an assault or further violence.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

May 31, 2023

Date

[REDACTED]

Andrea Kersten
Chief Administrator

May 31, 2023

Date

³¹ 720 ILCS 5/7-2.

³² Id.