KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	20-347-UF	Version Type:	AMENDED
Report Date:	10/12/2020 12:04 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Irving Police Dept.	Agency Address:	305 N. O'Connor Rd.
Agency City:	Irving	Agency State:	TX
Agency Zip:	75061		

Director Information

Director Salutation:	Chief	Director First Name:	Jeff
Director Middle Name:			
Director Last Name:	Spivey		
Reporter Name:	Tim Hilton	Reporter Email:	thilton@cityofirving.org

Decedent Information

Identity of Deceased

First Name: Joseph

Middle Name: Manny

Last Name: Zahaczewski

Suffix:

Date of Birth: 9/5/1950 Sex: Male

Race: Anglo or White

Age At Time Of Death: 69

Date/Time of Custody (arrest, incarceration) (mm/dd/yyyy hh:mm AM/PM):

Date/Time of Custody or Incident: 4/2/2020 1:24 AM

Date/Time of Death (mm/dd/yyyy hh:mm AM/PM):

Death Date and Time: 4/2/2020 1:40 AM

Manner / Cause of Death

Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

Medical Examiner/Coroner Evaluation?: Yes, results are available

What was the manner of death? (select only one)

Manner of Death: Homicide (includes Justifiable Homicide)

Medical Cause of Death:

Medical Cause of Death:

Gunshot Wounds

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment:	Not Applicable

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?:	Law enforcement/correctional personnel

If a weapon caused the death, what type of weapon caused the death? (Hold CTRL to select all that apply)

Type of weapon that caused death?:	Rifle/shotgun

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

Pre existing medical condition?:	Not Applicable; cause of death was accidental injury, intoxication, suicide or homicide

If death was an accident, homicide or suicide, what was the means of death?

Means of Death:	Firearm

Location / Custody Information

Where did the event causing the death occur?

Street Address:	510 North Nursery Road	City:	Irving
County:	Dallas	Zip:	75061

What location category best describes where the event causing the death occurred?

Location Category: Business

What type of custody/facility was the Decedent in at the time of death:

Type of Custody: Pre-Custodial Use of Force

Specific type of custody/facility:

Specific Type of Custody/Facility:

N/A

What was the time and date of the deceased's entry into the law enforcement facility where the death occurred (mm/dd/yyyy hh:mm AM/PM):

Entry Date Time:

Entry Date Time N/A: ✓

Where did the death occur?

Death Location: Scene of incident

General Information

Did any other law enforcement agencies respond to calls for service related to this incident?

Other Agencies Respond?:	No

What were the most serious offense(s) with which the deceased was (or would have been) charged with at the time of death?

Offense 1:	Aggravated Robbery
Offense 2:	Aggravated Assault on a Peace Officer
Offense 3:	
Were the Charges::	Not filed at time of death

What were the types of charges or reason for contact? (Hold CTRL to select all that apply)

Type of Offense:	Violent Crime Against Persons

At any time during the incident and/or entry into the law enforcement facility, did the decedent display or use a weapon?

Decedent display/use of weapons:	Yes, mark all that apply
Decedent Display or Use Weapon Details:	Discharged firearm

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Attempt to Injure Others?:	Yes (select all that apply)
Ways Decedent Attempted To Injure Others:	Attempted to injure law enforcement personnel

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or drugs):	Unknown	Make suicidal statements?:	No
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Barricade self or initiate standoff?:	No	Resist being handcuffed or arrested?:	Yes
Physically attempt/assault officer(s):	No	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	Unknown	Escape or attempt to escape/flee custody:	N/A
Attempt gain possession officer's weapon:	No		

Was the deceased under restraint in the time leading up to the death or the events causing the death?

Under Restraint:	No

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

On April 2, 2020, at approximately 1:18 AM, Irving Police Dispatch received a 911 call of Shots Fired at the 7-Eleven located at 510 North Nursery Road, Irving, Dallas County, Texas. The victim stated that one suspect had a gun and shot the glass 3-4 times. The victim hid in the restroom and did not know where the suspect was. The suspect (later identified as Joseph Zahaczewski) had arrived holding a dog and a shotgun. He attempted to enter the store but it was closed due to COVID-19 restrictions. Zahaczewski fired the shotgun through one of the front glass windows. He subsequently shot out both glass front doors and entered the store. Zahaczewski went behind the counter and stole cigarettes and then went to the cooler and stole a Dr. Pepper. After placing the Dr. Pepper in his pocket, he reloaded the shotgun, pulled the trigger back, and proceeded to exit the store. As Zahaczewski walked south, Sergeant Shepard yelled, “Drop the gun,” but Zahaczewski did not comply. Zahaczewski walked south to east along the building where he was confronted by Officer Green. Officer Green yelled, “Let me see your hands” and “Put your hands up right now.” Zahaczewski stopped, widened his stance, and turned toward officers giving the appearance that he was engaging officers with the shotgun. Fearing for his life, Officer Green fired 24 rounds from his patrol rifle at

Zahaczewski striking him approximately 7 times. Officers approached Zahaczewski and provided medical attention until they were relieved by Irving Fire Department personnel. Zahaczewski succumbed to his injuries and was pronounced deceased on scene