

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	March 15, 2015, 4:00 p.m.
Date/Time of COPA Notification:	March 18, 2015, 2:33 p.m.
Involved Officer #1:	Name: Zohaib Zaib; Star #: 10988; Employee ID#: [REDACTED]; Date of Appointment: March 5, 2013; Rank: Police Officer; Unit of Assignment: 024; DOB: [REDACTED], 1984; Gender: Male; Race: Asian.
Involved Individual #1:	Name: [REDACTED] DOB: [REDACTED], 1992; Gender: Male; Race: White.
Case Type:	Excessive Force

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Zohaib Zaib	1. On March 15, 2015 at approximately 4:00 p.m., near the intersection of Lincoln Ave. and Devon Ave., while off duty, Officer Zaib pointed a gun at [REDACTED]	Not Sustained
	2. Officer Zaib forced [REDACTED] to the ground and attempted to pull his shirt over his head.	Not Sustained
	3. Officer Zaib called [REDACTED] a “motherfucker” without justifiable provocation.	Not Sustained
	4. Officer Zaib removed the keys from [REDACTED] car without justification.	Not Sustained

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

## II. SUMMARY OF EVIDENCE<sup>2</sup>

On March 15, 2015, at approximately 4:00 pm, off-duty Chicago Police Officer Zohaib Zaib and his wife [REDACTED], travelled west on Devon Avenue (on the border of Chicago and Lincolnwood Illinois) in their vehicle when Mr. [REDACTED] cut them off in traffic. Officer Zaib maneuvered his vehicle in front of Mr. [REDACTED] vehicle and abruptly stopped, forcing Mr. [REDACTED] to slam on his brakes. The two men stopped at the red traffic light at Lincoln Avenue, exited their vehicles, and became engaged in a physical altercation. During the altercation, Officer Zaib produced his firearm and identified himself as a police officer. Officer Zaib's wife, as well as several other civilian witnesses, telephoned 911 to report the incident. Lincolnwood Police Officers, as well as on-duty Chicago Police Sergeant Raul Moreno, subsequently responded to the incident; the incident was documented as a road rage event and nobody was arrested.

Mr. [REDACTED] alleged that Officer Zaib pointed a gun at him, forced him to the ground and attempted to pull his shirt over his head, called him a "motherfucker" without justified provocation, and took the keys out of his vehicle without justification.

COPA reviewed the in-car cameras<sup>3</sup> from responding CPD and Lincolnwood police vehicles, which captured discussions with Mr. [REDACTED] Officer Zaib and civilian witnesses. Mr. [REDACTED] made remarks to the effect that Officer Zaib had not been able to bring him to the ground, and also called Officer Zaib a bitch who fights like a girl. Witnesses reported that Mr. [REDACTED] was the aggressor who first exited his vehicle and then pushed Officer Zaib, at which time Officer Zaib drew his weapon and pointed it towards the ground. No criminal charges were filed.

In his statement to IPRA, Mr. [REDACTED] believed that Officer Zaib exited his vehicle first and together they began to push and wrestle each other. Officer Zaib then unholstered and pointed a weapon directly at Mr. [REDACTED] before attempting to wrestle him to the ground. Officer Zaib yelled to his female passenger to call the police. Mr. [REDACTED] was able to get up; Officer Zaib then removed the keys from Mr. [REDACTED] vehicle. COPA's attempts to obtain additional information from Mr. [REDACTED] were unsuccessful.

In statements to IPRA, witnesses [REDACTED] and [REDACTED] both described Mr. [REDACTED] as the aggressor who pushed Officer Zaib. Both witnesses saw Officer Zaib holding his handgun. Mr. [REDACTED] saw him pointing it at a 45° angle towards the ground and did not see him point it at Mr. [REDACTED]. Mr. [REDACTED] saw him point the weapon at Mr. [REDACTED].

In his statement to IPRA, Officer Zaib labelled Mr. [REDACTED] as the aggressor who both exited his vehicle first, and then initiated the physical confrontation by pushing Officer Zaib.

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<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>3</sup> Attachments 32 and 42.

<sup>4</sup> Attachment 39.

<sup>5</sup> Attachment 62.

<sup>6</sup> Attachment 37.

Officer Zaib denied pointing his weapon at Mr. █████ but instead described holding his weapon in the low ready position after Mr. █████ pulled out a screwdriver. Officer Zaib further reported that Mr. █████ directed verbal threats towards him and his wife. While they struggled,<sup>7</sup> Mr. █████ attempted to punch and kick him several times; Mr. █████ landed at least one punch on Officer Zaib's ear. He did not recall calling Mr. █████ a motherfucker and denied trying to pull Mr. █████ shirt over his head, although he admitted holding him by his collar. Officer Zaib reported that he tried to grab the keys from Mr. █████ to prevent him from fleeing the scene.

COPA also reviewed the 911 calls made regarding the incident, reports completed by both CPD and Lincolnwood police officers, and canvassed the area for additional witnesses.<sup>8</sup>

### III. ANALYSIS AND CONCLUSION

COPA finds **Allegations #1-4** to be **Not Sustained**. Based on a preponderance of the evidence, the information provided is in conflict. Officer Zaib denied pointing his weapon, but instead admits to unholstering his weapon and holding it in a "low ready" position.<sup>9</sup> Witness accounts as to whether the gun was pointed or in a "low ready" position were in conflict. Officer Zaib states that Mr. █████ held a screwdriver, but no other witnesses support that and Officer Zaib was not heard making that complaint at the time of the incident. Similarly, although Officer Zaib denied that he pulled Mr. █████ shirt over his head, he admitted to holding him by the collar; Mr. █████ also reported that Officer Zaib grabbed Mr. █████ by his shirt. There were no eyewitness accounts to support the allegation that Officer Zaib called Mr. █████ a "mother fucker" or removed his car keys.

While it is unquestioned that this altercation occurred, the specifics of what took place are unclear. However, it is important to note that two independent eyewitnesses described Mr. █████ as the aggressor in situation. There is insufficient evidence to either prove or disprove these allegations by a preponderance of the evidence.

### IV. DEPARTMENT RECOMMENDATIONS

COPA recommends that the Department ensure that Officer Zaib is re-trained as to TRR requirements, particularly in the context of off-duty conduct.

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<sup>7</sup> COPA notes that Officer Zaib should have completed a TRR following this incident. COPA has elected not to serve that allegation and instead recommends retraining for Officer Zaib on this issue.

<sup>8</sup> See Attachments 6,10-11, 52-57,

<sup>9</sup> COPA has consistently found this action to be separate and distinct from the act of pointing a firearm at a person. This is consistent with CPD policy.

Approved:



10-26-2020

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Angela Hearts-Glass  
*Deputy Chief Investigator*

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Date



10-26-2020

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Andrea Kersten  
*Chief Investigating Officer*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	8
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass