

SUMMARY REPORT OF INVESTIGATION EXECUTIVE SUMMARY

Date of Incident:	January 20, 2019
Time of Incident:	7:00 p.m.
Location of Incident:	7900 South Halsted Street, Chicago, Illinois
Date of COPA Notification:	January 22, 2019
Time of COPA Notification:	12:48 p.m.

The alleged incident occurred on January 20, 2019, when the Complainant, [REDACTED] was detained during an altercation with police over his son's dog being chained to a tree outside of a CVS store in inclement weather. [REDACTED] alleged that he was verbally abused and illegally detained during the incident; and that his arm was injured while he was being handcuffed.

I. INVOLVED PARTIES

Involved Officer #1:	Ross Hapaniewski, Star #17077, Employee ID# [REDACTED], Date of Appointment: March 15, 2013, Rank: Police Officer, Unit of Assignment: 006, DOB: [REDACTED], 1985, Gender: Male, Race: White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1982, Gender: Male, Race: Black

II. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Ross Hapaniewski	1. It is alleged by [REDACTED] that on or about January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, Officer Ross Hapaniewski, Star #17077, detained [REDACTED] without justification. 2. It is alleged by [REDACTED] that on or about January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, Officer Ross Hapaniewski, Star #17077, verbally abused [REDACTED] by calling him a motherfucker.	Not Sustained Sustained / 2 days Suspension Remedial Training in Police-Citizen Encounters

3. It is alleged by [REDACTED] that on or about January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, Officer Ross Hapaniewski, Star #17077, used excessive force when handcuffing [REDACTED] and injured his right arm, without justification.

Exonerated

III. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
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General Orders

1. General Order G03-02 (Use of Force)¹
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Federal Laws

1. 4th Amendment to U.S. Constitution
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State Laws

1. Illinois Constitution 1970, Art. I, § 6

¹ Section III (B): Department members may only use force that is objectively reasonable, necessary, and proportional, *under the totality of the circumstances*, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

IV. INVESTIGATION**a. Interviews**

In his interview with COPA on June 21, 2019,² [REDACTED] **Complainant**, stated that relative to the incident which occurred on January 20, 2019, in the vicinity of a CVS store located at 7858 South Halsted Street, Chicago, Illinois, between 9:30 p.m. and 10:00 p.m., he was illegally detained by officers of the CPD. At that time, he and his son were walking their dog, and their neighbor's dog, in the area of the CVS store. It was not snowing at that time. They stopped at the CVS store and went inside, and he purchased a 12-pack of beer, and was only inside of the store for approximately two minutes. He had left the dogs outside. It was approximately 48 degrees. Both dogs were leashed, and his dog was wearing a wool coat. They were chained to a tree about 30 feet from the store. When he returned to the dogs, he observed four police cars on the scene. The officers told him that there had been numerous complaints called in concerning dogs howling outside of the store for over an hour. He told the officers that was incorrect information, and that he was only inside of the store for a few minutes. He then reached for his dog's leash and one officer grabbed him by the right wrist. A second officer grabbed him by his left wrist and jerked his arm backwards and pulled his arm up toward his shoulders. He heard his elbow pop, while the officer was using derogatory language toward him, and telling him he was going to go to jail. He was called a motherfucker by one of the officers.³ His son was present and heard everything and was pleading with the officers to let him go. More officers then arrived on the scene. They were located very close to a police station.

He provided the officers his identifying information, all the while his son was crying. The officer said, "I hate motherfuckers like you."⁴ A young lady was present nearby, and he asked the young lady to call his wife and bring his wallet to the scene. Also present was a detective who was driving a SUV, tan in color, who had just arrived on the scene. Meanwhile, the officer kept repeating, "We're gonna' take your motherfucking ass to jail."⁵ A black, female officer arrived on the scene, just as the officer slammed him onto the hood of his squad car.⁶ He was then handcuffed. The female officer then intervened, and he was released. The mother of his child and his oldest son arrived with his wallet. He then went home and realized that his arm was injured. He then decided to go to a hospital and seek medical attention. He arrived at the hospital at about 11:00 p.m. and stayed there until 9:30 a.m. the next morning. He was given pain medication and then he went home.

In his interview with COPA on October 28, 2020,⁷ **Officer Ross Hapaniewski, Star #17077**, stated that relative to the incident which occurred on January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, he was on duty with his partner, Officer James G. Kinney, Star #17082. They had just left the 6th District police station

² Attachment #7

³ Attachment #7 at 4:41

⁴ Attachment #7 at 5:02

⁵ Attachment #7 at 6:21

⁶ Attachment #7 at 6:55

⁷ Attachment #34

located at 7808 South Halsted Street, and were heading toward the police lot, when they encountered a citizen who was walking his dog. The citizen told them that two other dogs were tied to a tree in the CVS parking lot, which is adjacent to the police station, and that he was concerned about their well-being. The officers then drove their vehicle into the CVS lot and observed two dogs tied to a tree and visibly shaking due to the cold weather. Officer Hapaniewski checked on the dogs. Approximately 20 seconds later, a man, later identified as [REDACTED] the Complainant in this matter, came running out of the CVS store toward him and yelling. He was carrying a case of beer in his hands and his son, who was approximately 10 years old, was with him. He was yelling that those were his dogs and demanding that the officers get away from his dogs. Because he was conducting a preliminary investigation, Officer Hapaniewski wanted to be sure that those were, in fact, [REDACTED] dogs, as [REDACTED] had maintained. [REDACTED] was not listening to Officer Hapaniewski, and was trying to grab the dogs, and was being very loud. [REDACTED] said he did not have any identification with him. Because [REDACTED] was being loud and acting belligerently, and not following Officer Hapaniewski's directions, he was placed in handcuffs to identify his name. Subsequently a name check was conducted with negative results. [REDACTED] was given an investigatory stop receipt and orally reprimanded for leaving the dogs unattended in cold weather. [REDACTED] was then released and was free to go. The incident lasted approximately 10-15 minutes.

Officer Hapaniewski was then shown the Investigatory Stop Report (ISR) for the incident,⁸ and he identified his name written thereon. His partner's name, Officer James G. Kinney, does not appear on the report. He explained that since he had the most contact with [REDACTED] during the incident, his name was included in the ISR. Officer Kinney, however, was on-scene during the incident. Several other officers walked over to the incident from the police station. The only officer that he could remember coming to the scene from the police station was Officer Carlos Vega, Star #17477. One of the officers was a female officer but he was not sure of her identity.

He believes that he handcuffed [REDACTED] by himself, although other officers were present. [REDACTED] made no complaints that the handcuffs were too tight or that he was injured in any other manner. Another officer unhandcuffed [REDACTED] when he was released. During this time, [REDACTED] did not complain that he was injured, nor did he complain that his arm was hurting him. [REDACTED] did not request medical treatment. During the time that [REDACTED] was being verbally combative with the officers, Officer Hapaniewski, on only one occasion, called him a motherfucker.⁹ It was out of frustration that it happened, and he didn't mean to demean [REDACTED]. He directed no racial slurs toward [REDACTED]. No other officers put hands on [REDACTED] during the incident. The surveillance video from CVS, which was reviewed by the officers, confirmed that [REDACTED] was inside of the CVS store for only a few minutes, and this is recorded in Officer Hapaniewski's ISR.¹⁰

In his interview with COPA on November 10, 2020,¹¹ **Officer James G. Kinney, Star #17082**, stated that relative to the incident which occurred on January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, he was on duty with his partner, Officer Ross Hapaniewski, Star #17077. He remembered coming out of the 6th District police station, which was located next to where the incident occurred, to begin his assigned shift.

⁸ Attachment #2

⁹ Attachment #34 at 2321

¹⁰ Attachment #9

¹¹ Attachment #42

He was in the parking lot of the police station, which is separated from the adjacent CVS parking lot by a fence, along with other officers when he heard dogs yelping because of the cold weather. He remembered his partner, Officer Hapaniewski, going toward the dogs. He didn't recall if Officer Hapaniewski drove over to the parking lot or walked around the fence. He said that Officer Hapaniewski was upset about the dogs being left out in the cold and that he became involved with an individual. During most of the event, Officer Kinney remained on the police department side of the fence. Several other officers were on the CVS side of the fence. Officer Hapaniewski detained the individual and Officer Kinney thought the individual was going to be arrested for animal cruelty. Officer Kinney eventually drove a police vehicle into the CVS lot. He was assigned, at that time, to police vehicle #4661, along with Officer Hapaniewski. He had little interaction with the individual who was detained. He did not recall seeing the individual exit the CVS store, but he remembered a small child being with him. He believes that Officer Hapaniewski handcuffed the individual. He does not recall having any physical interaction with the individual who was detained. He did not recall if he entered the CVS store to check the cameras to determine how long the individual was in the CVS store. He believed it was possible that another officer went into the CVS store and checked the cameras. He vaguely remembered hearing discussion to that effect among the officers. He recalled Officer Hapaniewski swearing during the event. Officer Rene Gardner was also present at the scene, but he did not recall specifically what her involvement was at the time. Officer Hapaniewski ran a name check for the individual, but not from the vehicle in which Officer Kinney was located. He believed Officer Carlos Vega was also on the scene, and that he spoke with Officer Hapaniewski, possibly about obtaining a contact card. With respect to the contact card prepared in this matter by Officer Hapaniewski, Officer Kinney's name does not appear on the card. He had no explanation why his name did not appear on the contact card as the second preparing officer, other than that he had little, if any, interaction with the detention. He does not recall anyone being injured during the event; nor, did he recall the individual who was detained asking for medical attention. If the individual had been injured, medical attention would have been provided to him.

In his interview with COPA on November 10, 2020,¹² **Officer Carlos Vega, Star #17477**, stated that relative to the incident which occurred on January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, he was on duty that evening. He was assigned to police vehicle #4605 but he did not recall who his partner was at the time. After exiting the 6th District police station, which is located next to the CVS parking lot, he eventually made his way to the location of the incident. He did not recall whether he drove to the CVS parking lot or whether he walked over to it. At some point, however, he recalled being seated in a police vehicle, other than the vehicle to which he had been assigned, in the CVS parking lot. He recalled that there was some confusion as to whether the individual detained, [REDACTED] was lying to the officers about his identity because there was a problem concerning a name check being conducted for [REDACTED]. He believes he probably ran the name check for [REDACTED]. He was talking with Officer Hapaniewski at the time, relative to the name check. He had no interaction with [REDACTED]. He did not handcuff him, nor did he put his hands onto [REDACTED]. He did not recall who handcuffed [REDACTED]. He recalled Officer Rene Gardner, an African American, female officer, also being present during the incident. Other officers were present, but he did not know their identities. He did not recall observing [REDACTED] exit the CVS store. He did not recall entering the CVS store to check Closed Circuit Television (CCTV) equipment relative to the incident. He does not recall

¹² Attachment #43

[REDACTED] being injured during the incident; nor, did he recall [REDACTED] complaining about being injured. He did not recall any conversation among the officers about [REDACTED] requiring medical attention. He stated that if [REDACTED] had required medical attention, the officers would have provided it to him.

b. Digital Evidence

BWC of Officer Ross Hapaniewski, Star #17077, on January 20, 2019:¹³ Dogs are barking. [REDACTED] is handcuffed behind his back and is standing next to Officer Humberto Campos, Star #8276. A small boy is standing nearby and crying. Officer Christopher Fink, Star #17631, is observed holding one of the dogs by a leash. Addressing [REDACTED] Officer Hapaniewski says, “You don’t do that to animals. You don’t fuckin’ do that to animals.”¹⁴ [REDACTED] responds, “What, leaving my dogs in the snow?”¹⁵ Officer Hapaniewski says, “You leave ‘em inside the house, motherfucker.”¹⁶ Officer Fink has custody of one of the dogs by its chain. Officer Hapaniewski asks [REDACTED] for his wallet. [REDACTED] responds that his wallet is at home. He says that his name is [REDACTED]. Officer Hapaniewski tells [REDACTED] “Walk back there with him (referring to Officer Humberto Campos, Jr., Star #8276, who is walking a handcuffed [REDACTED] towards a police vehicle) or you’re going in the fucking snow, like you left the fucking dogs in the snow” and pushes [REDACTED] on the back. [REDACTED] son, who appears to be nine or ten years old is standing nearby watching the interaction between Officer Hapaniewski and crying for his father.¹⁷ Several officers are standing on the other side of the fence that separates the CVS parking lot from the police station. [REDACTED] son is grabbing at Officer Hapaniewski, who tells him to relax several times. [REDACTED] tells Officer Hapaniewski, “Don’t touch my child bro” and Officer Hapaniewski pushes away [REDACTED] son and says, “I don’t give a shit man, I ain’t playing with these fucking animals”¹⁸ [REDACTED] son continues to cry saying “Daddy”, and eventually pulls away. Officer Fink is holding one of the dogs by its chain, as Officer Hapaniewski unties the other dog from the tree. [REDACTED] is standing by a police vehicle, #7187, with Officer Campos. Officer Hapaniewski enters the vehicle and begins to access the computer. He asks [REDACTED] for his name. [REDACTED] provides his name. [REDACTED] still handcuffed, is standing next to Officer Campos. [REDACTED] is trying to console his son who can be heard crying in the background.¹⁹ An African American, female officer, Renee S. Gardner, Star #16385, arrives on the scene. Officer Hapaniewski continues to ask [REDACTED] for his name, approximately six additional times. Officer Gardner asks [REDACTED] for his first name, and he responds, [REDACTED] Officer Hapaniewski asks [REDACTED] if he has ever been arrested. [REDACTED] responds only for traffic. Officer Hapaniewski takes two pictures of [REDACTED] record from the PDT monitor with a cellular phone.²⁰ Officer Hapaniewski returns to where [REDACTED] is standing and explains to him why he was stopped, cautioned about animal cruelty and that he will come and check on the dogs. He says that he will give [REDACTED] a receipt for the stop. He walks over to a police vehicle, in which Officer Carlos Vega, Star #17477, is sitting and asks him for a stop receipt. He then asks Officer Kyle Bernaciak, Star #15051, for a stop receipt, who provides one to him. He then walks back to where [REDACTED] is standing. He writes out a stop receipt and hands off the stop receipt to

¹³ Attachment #36 – Axon Body 2 x81049899

¹⁴ Attachment #36 at 00:07

¹⁵ Attachment #36 at 00:10

¹⁶ Attachment #36 at 00:11

¹⁷ Attachment #36 at 00:51

¹⁸ Attachment #36 at 00:53-

¹⁹ Attachment #36 at 2:10-

²⁰ Attachment #36 at 6:44 and 6:52

Officer Gardner and says, "Give it to that asshole, I don't want to fucking talk to him".²¹ He then talks with Officer James Kinney, who is seated in another police vehicle. The BWC then terminates and Officer Hapaniewski is not observed handing the stop receipt to [REDACTED]. It should further be noted that [REDACTED] does not appear injured during the incident; nor, does he request medical assistance.

BWC of Officer James G. Kinney, Star #17082, on January 20, 2019:²² A police vehicle, #7187, is observed. Officer Christopher Fink, Star #17631, is observed holding a dog by a leash. Officer Kinney approaches the police vehicle. An officer is observed inside of the vehicle and operating a computer. Another officer is observed talking with [REDACTED] son and consoling him. Something is related about calling the boy's mother. They are standing away from the police vehicle and near the CVS store. The BWC footage does not show the handcuffing of [REDACTED]
[REDACTED]

BWC of Officer Humberto Campos, Jr., Star #8276, on January 20, 2019:²³ Officer Campos is observed handcuffing [REDACTED] behind his back. [REDACTED] is compliant and does not struggle. Officer Christopher Fink, Star #17631, is holding one of the dogs by its leash. Officer Hapaniewski is observed standing in front of [REDACTED]. He yells at [REDACTED] "You don't fucking do that to animals."²⁴ [REDACTED] responds, "What, leave my dog in the snow?"²⁵ Officer Hapaniewski responds, "I don't give a fuck. You leave 'em inside the house, motherfucker."²⁶ [REDACTED] young son is nearby and crying. [REDACTED] provides his telephone number and asks the officers to call his wife. Officer Campos begins to escort [REDACTED] toward the police vehicle. [REDACTED] is complaining about his son. His son eventually walks away toward the CVS store. [REDACTED] continues to complain, and resists being moved. His son returns and [REDACTED] consoles him. They boy moves away and toward a dog that is tied to a tree. [REDACTED] provides his name as [REDACTED] [REDACTED] to Officer Hapaniewski, who is leaning outside of the passenger side of the police vehicle. [REDACTED] continues to complain about his dogs. [REDACTED] son walks back toward him and stands next to him. The boy is crying. [REDACTED] continues to provide his name to the officers. [REDACTED] says he left his wallet at home. He provides his address to the officers. Carlos Vega, Star #17477, is observed standing next to [REDACTED] explains where he lives to Officer Vega. Officer Fink is observed holding one of the dogs by its leash. [REDACTED] continues to explain to the officers that he was walking his dog and his neighbor's dog. Officer Rene Gardner, Star #16385, enters the police vehicle at the driver's side and converses with Officer Fink. Officer Fink walks the dog, of which he has custody, to where [REDACTED] is standing. [REDACTED] identifies the dog as his dog. Officer Hapaniewski exits the passenger's side of the police vehicle and asks [REDACTED] if he has been arrested in the past. [REDACTED] responds that he was arrested for a traffic violation but that it was cleared. Officer Gardner exits the police vehicle and approaches [REDACTED] where Officer Hapaniewski is standing. Officer Vega re-enters the vehicle from the driver's side. Officer Hapaniewski is explaining to [REDACTED] why he was stopped. [REDACTED] continues to argue with Officer Hapaniewski. [REDACTED] provides his address to Officer Hapaniewski, and he is told that he will be released with a verbal warning concerning animal cruelty. Officer

²¹ Attachment #36 at 11:11

²² Attachment #35

²³ Attachment #39

²⁴ Attachment #39 at 00:32

²⁵ Attachment #39 at 00:33

²⁶ Attachment #39 at 00:36

Hapaniewski then prepares a receipt for the stop. [REDACTED] continues to explain to Officer Gardner that he walked into the CVS store and was only in there for a few minutes. He explains that he was walking his dogs. [REDACTED] again provides his name to Officer Vega. Officer Hapaniewski enters the police vehicle from the passenger's side. The officers are having trouble running a name check for [REDACTED]. Officer Vega re-enters the police vehicle. [REDACTED] son returns and stands by him. Officer Gardner exits the police vehicle and hands [REDACTED] a receipt for the stop. Officer Campos releases [REDACTED] from the handcuffs without incident. [REDACTED] then takes possession of his dogs and leaves the scene.

BWC of Officer, Christopher Fink, Star #17631, on January 20, 2019:²⁷ [REDACTED] is already in custody. His son is standing nearby and crying. Officer Fink is holding one of the dogs by its leash. [REDACTED] states that his name is [REDACTED] is being walked to a police vehicle by Officer Hapaniewski and Officer Humberto Campos, Jr., Star #8276. He continues to complain about his dogs. An African American female is present. Fink opens the door to police vehicle #7187 and attempts to put one of the dogs in the backseat. He then walks toward [REDACTED] who is standing next to Officer Campos. [REDACTED] says that he is not going to jail. [REDACTED] son continues to cry in the background. Officer Carlos Vega, Star #17477, approaches the scene. Officer Fink continues to hold the dog by its leash. Officer Renee Gardner, Star #16385, appears on the scene and stands next to [REDACTED] continues to provide his identifying information to Officer Hapaniewski. [REDACTED] son walks away from the scene. He then returns and stands by [REDACTED] [REDACTED] son walks away again. [REDACTED] is standing, handcuffed, in front of the police vehicle, as he continues to speak with Officer Hapaniewski. Officer Vega is standing nearby. Officer Fink continues to pet the dog. Officer Hapaniewski approaches [REDACTED] and attempts to explain to him why he was stopped. Officer Gardner and Officer Campos are standing nearby. He cautions [REDACTED] about animal cruelty. [REDACTED] continues to complain about being stopped. [REDACTED] asks the officers to call his wife. The officers continue to run a name check for [REDACTED]. Officer Gardner then hands a stop receipt to [REDACTED] and Officer Campos removes the handcuffs from [REDACTED]. At no time during the event does [REDACTED] appear injured, complain of pain in his arm; nor, does he ask for medical attention.

BWC of Officer Carlos Vega, Star #17477, on January 20, 2019:²⁸ [REDACTED] is observed handcuffed behind his back and standing in front of police vehicle #7187. Officer Christopher Fink, Star #17631, is observed nearby and holding a dog by a leash. Officer Rene Gardner, Star #16385, is observed entering the police vehicle. [REDACTED] young son is observed standing nearby. He then walks over to where [REDACTED] is standing. The boy is crying, and [REDACTED] tells him to stop crying. Officer Humberto Campos, Star #8276, is observed standing next to [REDACTED]. [REDACTED] says that one of the dogs is his dog and the other dog is his neighbor's dog. Officer Gardner appears to be running [REDACTED] name on the car's computer. She asks Officer Fink for [REDACTED] DOB, and he provides it to her. The young boy walks away from [REDACTED] and toward the CVS store. [REDACTED] requests that his dog be brought near him. Officer Fink walks the dog to where [REDACTED] is standing. [REDACTED] is protesting that the dog is his dog. Officer Gardner exits the police vehicle from the driver's side. Officer Hapaniewski exits the police vehicle from the passenger's side. They approach [REDACTED]. Officer Hapaniewski begins to explain the situation to [REDACTED] as Officer Vega returns to the police vehicle and begins to enter information into the vehicle's computer. Officer

²⁷ Attachment #40

²⁸ Attachment #41

Hapaniewski asks Officer Vega for a contact card. He does not have one and directs Officer Hapaniewski to ask Officer Kyle Bernaciak, Star #15051, for one. Officer Vega continues to enter information into the computer. [REDACTED] can be heard talking in the background. Officer Vega says he is having trouble running [REDACTED] name. He asks [REDACTED] for his name and [REDACTED] responds, [REDACTED]. He tells [REDACTED] nothing is coming back for his name. Officer Vega returns to the car's computer and then realizes that he was entering [REDACTED] middle name, [REDACTED] instead of his first name, [REDACTED]. He is able to find [REDACTED] information and determines that [REDACTED] is not wanted. He hands a contact card to Officer Gardner, who approaches [REDACTED]. Officer Campos unhandcuffs [REDACTED]. At no time during the BWC event, is [REDACTED] observed complaining of being injured or asking to receive medical treatment.

Physical Evidence: None

c. Documentary Evidence

Investigatory Stop Report (#[REDACTED]); Preparing Officer – PO Ross Hapaniewski, Star #17077²⁹

A&A Sheet for January 20, 2019, Watch 4, District 006³⁰

OEMC Event Query Report for January 20, 2019

V. ANALYSIS

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *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 found to be more probably true than not). 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.

²⁹ Attachment #9

³⁰ Attachment #15

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

Investigation in this matter has determined that [REDACTED] was detained on January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, by CPD Officer Ross Hapaniewski, Star #17077. With respect to the issue of whether [REDACTED] was detained by Officer Hapaniewski, without justification, one must determine the totality of the circumstances of the event,³¹ the need for officer safety, and the safety of others, and whether Officer Hapaniewski had specific and articulable facts for the detention.³² When evaluating the validity of a *Terry Stop*, the totality of the circumstances must be considered.³³ Further, the officer's basis for the stop must be objectively reasonable and not based upon inarticulable hunches or unparticularized suspicions.³⁴ To justify a brief investigatory stop of a person in a public place, a police officer must be able to articulate specific facts which, considered with rational inferences from those facts, would lead a reasonable person to believe the action taken was proper.³⁵ If Officer Hapaniewski reasonably believed that [REDACTED] had committed, or was about to commit, a crime, his investigatory detention of [REDACTED] would be justified.³⁶ Thus, the question must be answered as to what information Officer Hapaniewski knew about [REDACTED] and [REDACTED] actions before he detained him; and whether that knowledge justified a reason for detaining [REDACTED]

Officer Hapaniewski's initial information came from an eyewitness citizen, who had informed him that the dogs in the CVS lot appeared to be in distress. Acting upon this information, Officer Hapaniewski conducted a preliminary investigation, which led to [REDACTED] being detained. Officer Hapaniewski acted properly.³⁷ Further, review of Officer Hapaniewski's BWC,³⁸ coupled with his statement to COPA,³⁹ clearly reflects that [REDACTED] was acting verbally combative during the incident, was unable to provide identification, and continued to argue with Officer Hapaniewski, and not follow Officer Hapaniewski's commands. As such Officer Hapaniewski was justified in handcuffing [REDACTED] until such time as he determined his identity and rendered the situation safe. Officers undertaking an investigatory stop have a great degree of latitude in the techniques they

³¹ See *People v. Lake*, 2015 IL App. (4th) 130072, ¶ 28, 28 N.E.3d 1036.

³² See *People v. Timmsen*, 2016 IL 118181, 9, ¶ 50 N.E.3d 1092: "...the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion."

³³ *United States v. Sokolow*, 490 U.S. 1, 8 (1989); *United States v. Cortez*, 449 U.S. 411, 417 (1981).

³⁴ *People v. Ray*, 116 Ill.App.2d 269, 252 N.E.2d 772 (Ill.App. 1969).

³⁵ *People v. Rivera*, 272 Ill.App.3d 502, 504-05, 209 Ill.Dec. 111, 650 N.E.2d 1084 (1995); See also *People v. Starks*, 190 Ill.App.3d 503, 506, 137 Ill.Dec. 447, 546 N.E.2d 71 (1989).

³⁶ See *Terry v. Ohio*, 392 U.S. 1 (1968): "A police officer may conduct a brief investigatory stop of a person when the officer reasonably believes that the person has committed, or is about to commit, a crime."

³⁷ See *People v. Nitz*, 371 Ill. App. 3d 747, 751, where it was held that besides a police officer's personal observations, an officer may also obtain reasonable suspicion and initiate a *Terry stop* based upon information provided by members of the public, including a known or unknown informant, a victim, an eyewitness, or a concerned citizen.

³⁸ Attachment #36

³⁹ Attachment #34

use to “neutralize potentially dangerous suspects during an investigatory detention.” In certain circumstances officers are permitted to use “measures of force more traditionally associated with arrest,” such as handcuffing suspects, placing them in police cruisers, or even drawing their weapons.⁴⁰ Thus, **Allegation #1** alleged against **Officer Ross Hapaniewski, Star #17077**, should be deemed **NOT SUSTAINED**.

With respect to **Allegation #2**, verbal abuse of [REDACTED] Officer Hapaniewski called [REDACTED] a motherfucker, as evidenced by his BWC.⁴¹ Further, Officer Hapaniewski, in his statement to COPA, admitted the allegation.⁴² As such, **Allegation #2**, alleged against **Officer Ross Hapaniewski, Star #17077**, should be **SUSTAINED**.

With respect to **Allegation #3**, use of excessive force against [REDACTED] while being handcuffed, the BWC of Officer Humberto Campos, Jr. shows [REDACTED] being handcuffed. [REDACTED] is compliant and does not struggle. [REDACTED] does not complain of being injured at that time. Throughout the entire BWC coverage of the incident [REDACTED] does not complain of being injured; nor, does he request medical attention. Further, none of the officers interviewed in this matter have stated that they observed [REDACTED] being injured; nor, did [REDACTED] request medical attention during the incident. As such, **Allegation #3** alleged against **Officer Ross Hapaniewski, Star #17077**, should be deemed **EXONERATED**.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Ross Hapaniewski, Star #17077

i. Complimentary and Disciplinary History:⁴³

- a. The following is a summary of disciplinary incidents for Officer Hapaniewski: No disciplinary history, as of December 3, 2020.
- b. The following is a summary of complimentary history of Officer Hapaniewski: 1. 2019 Crime Reduction Award (1), 2. Attendance Recognition Award (1), 3. Department Commendation (2), 4. Emblem of Recognition – Physical Fitness (4), 5. Honorable Mention (72), 6. Joint Operations Award (2) and 7. Problem Solving Award (1).

ii. Recommended Penalty, by Allegation

1. Allegation No. 2:

COPA recommends 2 days Suspension and remedial Training in Police-Citizen Encounters.

⁴⁰ *United States v. Tilmon*, 19 F.3d 1221, 1224 (7th Cir. 1994)

⁴¹ Attachment #36 at 00:10

⁴² Attachment #34 at 2321

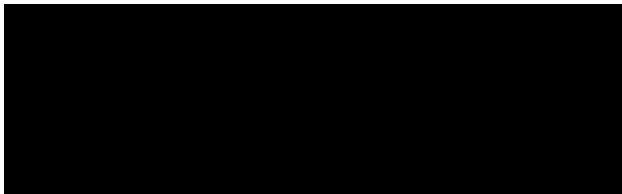
⁴³ Attachment #49

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Ross Hapaniewski	<p>1. It is alleged by [REDACTED] that on or about January 20, 2019, at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, Officer Ross Hapaniewski, Star #17077, detained [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about January 20, 2019 at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, Officer Ross Hapaniewski, Star #17077, verbally abused [REDACTED] by calling him a motherfucker.</p> <p>3. It is alleged by [REDACTED] that on or about January 20, 2019 at approximately 7:00 p.m., in the vicinity of 7900 South Halsted Street, Chicago, Illinois, Officer Ross Hapaniewski, Star #17077, used excessive force when handcuffing [REDACTED] [REDACTED] and injured his right arm, without justification.</p>	<p>NOT SUSTAINED</p> <p>SUSTAINED / 2 days Suspension Remedial Training in Police-Citizen Encounters</p> <p>EXONERATED</p>

Approved:



11-30-2021

Angela Heats-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	16
Investigator:	James L. Whitmer
Supervising Investigator:	Deborah Talbert
Deputy Chief Administrator:	Angela Hearts-Glass