



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

FINAL SUMMARY REPORT¹**I. EXECUTIVE SUMMARY**

On April 11, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the CPD reporting alleged misconduct by a member of the Chicago Police Department (CPD). Upon review of the evidence, COPA served the following allegations: that Officer Richard Pina used racist language by saying the word “niggers,” in violation of General Order G02-04, failed to timely activate his body-worn camera, in violation of Special Order S03-14, and held a cigarette while in uniform and in official contact with the public.² Following its investigation, COPA reached sustained findings regarding the allegations of using racist language, failing to timely activate their body-worn camera, and holding a cigarette while in uniform and in official contact with the public.

II. SUMMARY OF EVIDENCE³

On April 11, 2022, at approximately 3:00 am, Officer Richard Pina, while seated in his police vehicle, spoke with ██████████ a black male, who stood outside the police vehicle.⁴ It appeared on BWC that ██████████ was agitated and ██████████ indicated that he was unhappy because he was not being allowed inside a restaurant.⁵ Officer Pina stated that the restaurant had a “problem earlier,” with ██████████ and this was why he was not being let in to the restaurant.⁶ During their conversation, Officer Pina, had a lit cigarette in his hand.⁷

Officer Pina then drove away and made a phone call on a cellular phone.⁸ He said to the person on the line, “[F]ucking lock that goddamn door. Don’t even have ██████ talk to him. You hear me? You hear me? ██████ ██████ don’t even fucking open that door. Tell ██████ to stop talking to these fucking niggers. Tell ██████ to stop talking to them. The fuck.”⁹ Officer Pina then ended the call.¹⁰

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, and an officer interview.

⁴ Att. 4 2:22

⁵ Att. 4 2:22

⁶Att. 4 Officer Pina BWC#1 0:00 to 2:37

⁷ Att. 4 2:22

⁸ Att. 4 3:00 to 3:44

⁹ Att. 4 3:00 to 3:44

¹⁰ Att. 4 3:00 to 3:44

Approximately twenty minutes after this initial encounter, Officer Pina arrived at a sidewalk across the street from Dublin's, where ██████ can be seen speaking with Sgt. Ryan Schaffer on the sidewalk.¹¹ Per the Arrest Report and body worn camera footage, ██████ was arrested for disorderly conduct for making repeated attempts to force his way into Dublin's and blocking the entrance/exit of this business while yelling profanities.¹² After signed complaints, ██████ was placed in custody and transported to the 18th district station for processing.¹³

III. ALLEGATIONS

Officer Richard Pina

1. It is alleged that on or about April 11, 2022, at approximately 3:00 am at or near 1050 N State St., Chicago, IL 60610, Officer Richard Pina committed misconduct through the following acts or omissions, by: used racist language by saying the word "niggers."
 - Sustained, Violation of Rules 2, 3, 6, and General Order 02-04
2. It is alleged that on or about April 11, 2022, at approximately 3:00 am at or near 1050 N State St., Chicago, IL 60610, Officer Richard Pina committed misconduct through the following acts or omissions, by: failed to timely activate their body-worn camera.
 - Sustained, Violation of Rules 2, 3, 6, and Special Order S03-14
3. It is alleged that on or about April 11, 2022, at approximately 3:00 am at or near 1050 N State St., Chicago, IL 60610, Officer Richard Pina committed misconduct through the following acts or omissions, by: held a cigarette while in uniform and in official contact with the public.
 - Sustained, Violation of Rules 2, 3, 6, and Rule 55

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of the individual who provided a statement.

V. ANALYSIS¹⁴

COPA finds Allegation #1, that Officer Richard Pina used racist language by saying the word "niggers," is **Sustained**. After viewing Officer Pina's BWC footage, Officer Pina clearly said the word, "niggers."¹⁵ General Order 02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing states that "department members will not use language or take action intended to taunt or denigrate an individual, including using racist or derogatory language."¹⁶ In

¹¹ Att. 6, at 0:00 to 1:00

¹² Att. 2; and Att. 6 at 1:00 to 52:37

¹³ Att. 2; and Att. 6 at 1:00 to 52:37

¹⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁵ Att. 4 at 3:00 to 3:44

¹⁶ Att. 16

his statement, Officer Pina admitted that he said the word, “niggers,” and also admitted that, “niggers,” is racist language.¹⁷ As the word, “niggers,” is historically and currently an extremely well-known racist word. Officer Pina clearly violated General Order 02-04. Accordingly, this allegation is **Sustained**. This failure is a violation of Rules 2, 3, 6 and CPD policy.

COPA finds Allegation #2 that Officer Richard Pina failed to timely activate his body-worn camera is **Sustained**. Special Order S03-14 states that department members will activate the BWC system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.¹⁸ This Special Order lists law enforcement-related activities, including calls to service.¹⁹ Officer Pina indicated that ██████ wanted Officer Pina to help him enter Dublin’s, a bar and restaurant whose employees were not allowing ██████ to enter their establishment. Although Officer Pina is correct that a police officer’s duties do not include forcing an establishment to allow an individual into their business, ██████ request was still a call for service. Officer Pina should have started recording his interaction with ██████ at the beginning of their conversation. Therefore, Allegation #2 is **Sustained**. This failure is a violation of Rules 2, 3, 6 and CPD policy.

COPA finds Allegation #3, that Officer Richard Pina held a cigarette while in uniform and in official contact with the public is **Sustained**. While Officer Pina spoke with ██████ the BWC footage clearly shows a lit cigarette in Office Pina’s hand.²⁰ Therefore, Allegation #3 is **Sustained**. This failure is a violation of Rules 2, 3, 6 and 55.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Richard Pina

i. Complimentary and Disciplinary History²¹

Officer Pina has received 55 Complimentary Awards, including 22 honorable mentions and 11 complimentary letters. Officer Pina has one SPAR on his record, a reprimand, for failure to perform assigned tasks.

ii. Recommended Discipline

COPA has considered Officer Pina’s complimentary and disciplinary history. Officer Pina failed to activate his BWC, was in uniform and in contact with an individual while holding

¹⁷ Att. 15, Pg. 19, Lns. 5 to 8; and Pg. 22, Lns. 4 to 6

¹⁸ Att. 14

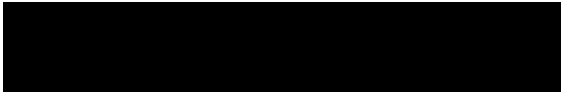
¹⁹ Att. 14

²⁰ Att. 4 at 2:30-2:35

²¹ Att. 17

a lit cigarette and utilized racist language. The use of racial slurs is particularly egregious and undermines public trust in the Department. The context in which this slur was used is particularly concerning. Officer Pina is seen using this slur immediately after interacting with an African American male, which is historically the racial group this derogatory term is used against. Furthermore, he is instructing business owners not to talk to “these niggers.” COPA has considered that Officer Pina admitted to his use of the word. COPA recommends Officer Pina receive a suspension of 30 days up to 180 days and Implicit Bias and Racial Sensitivity Training for Officer Cortez.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 30, 2023

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	April 11, 2022 / 3:00 am / 1050 N. State St., Chicago, IL 60610
Date/Time of COPA Notification:	April 11, 2022 / 4:15 am
Involved Member #1:	Officer Richard Pina / Star#19674/Employee# [REDACTED] / Date of Appointment: November 4, 1996 / Unit of Assignment: 018 / Male / Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule 55:** Holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

Applicable Policies and Laws

- General Order 02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (effective February 1, 2023 to Present)
- Special Order S03-14 Body Worn Cameras (effective April 30, 2018-present)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.²² For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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. 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.”²³

²² 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 is found to be more probably true than not).

²³ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse

Other Investigation