

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	October 23, 2015
Time of Incident:	3:00 PM
Location of Incident:	6325 W. 56 <sup>th</sup> St.
Date of COPA Notification:	October 23, 2015
Time of COPA Notification:	5:41 PM

OEMC records state that on October 23, 2015, 911 dispatchers received calls reporting an alleged gang-related fight near John F. Kennedy High School. According to Vice Principal [REDACTED] the students had recently been let out and congregated near 56<sup>th</sup> St. and Narragansett. Officer John Svienty was one of the Chicago Police officers who responded to the call. It was alleged by Mr. [REDACTED] that when Officer Svienty instructed the crowd of students and other teenagers to disperse, he used profanity and the racial slurs “Nigger” and “Spic.” Officer Svienty denied the allegations.

**II. INVOLVED PARTIES**

Involved Officer #1:	John Svienty, star # 5121, employee ID# [REDACTED] Date of Appointment September 30, 2002, Police Officer, Unit of Assignment 008, DOB [REDACTED] [REDACTED] 1964, Male, White.
Involved Individual #1:	[REDACTED] Vice Principal at John F. Kennedy High School, DOB [REDACTED] [REDACTED] 1961, Male, Hispanic
Involved Witness #1:	[REDACTED] CPS Network Safety Manager, DOB, gender, race
Involved Witness #2:	[REDACTED] Principal at John F. Kennedy High School, DOB, gender, race

<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.



## V. INVESTIGATION<sup>2</sup>

### a. Interviews

██████████ provided a statement to IPRA on November 2, 2015. On the date in question Mr. ██████████ the Vice Principal of John F. Kennedy High School, heard a radio transmission from school security that reported a fight in progress. He and Mr. ██████████ the Principal, exited the building and went to where the fight was taking place, near 56<sup>th</sup> and Narragansett. Police officers were already present when they arrived. Officer Penny [Kosiewicz] and Officer Sullivan were assigned to the high school by the CPD and were present, as were other officers from the 8<sup>th</sup> District. Security guards Mr. ██████████ Mr. ██████████ and Mr. ██████████ were also present along with a lot of students and/or youths from the area.

Mr. ██████████ stated that the officer in front of him started yelling, “mother fuckers, black niggers, spics, get the fuck out of here.” Mr. ██████████ also reported that the officer said, “the fucking principal at Kennedy ain’t doing shit.” He described the officer as tall, about 6’2”, in his 50’s, and in uniform. The last name on his uniform was Svienty.

At some point a female student approached Mr. ██████████ and said the officer was hurting some of the kids’ feelings because of what he was saying. Mr. ██████████ did not speak with the officer but reported what went on to the Principal. Mr. ██████████ said that it was the first time he saw that particular officer and he did not know who the girl was at the time of the interview. According to Mr. ██████████ there were no cameras or video in this area.<sup>5</sup>

██████████ provided a statement to IPRA on November 2, 2015. On the date in question, Mr. ██████████ who is the CPS Network Safety Manager, stated that there were two fights that occurred about a block away, both of which were eventually broken up. There were a lot of kids watching the fight so additional officers were called to assist with crowd control. Mr. ██████████ said he stood with the school officer when a police SUV arrived and parked. An officer got out and began to speak in a loud gruff voice. Mr. ██████████ stated that the officer’s name tag said Svainty<sup>7</sup> or, something to that effect. He described the uniformed officer as a middle aged, white man with short blackish grey (salt and pepper) hair. The officer’s partner did not say anything throughout the exchange.

Mr. ██████████ said he did not really understand what the officer said because he was more concerned with the kids. He reported, however, that the officer said things that were pretty inappropriate. When questioned about the nature of the inappropriate comments, Mr. ██████████ explained that the officer said the Blacks and the Mexicans in the neighborhoods were the ones

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment 4.

<sup>5</sup> IPRA ordered and reviewed video from POD cameras in the area but none captured the incident in question. Attachments 28-29.

<sup>6</sup> Attachment 5.

<sup>7</sup> As spelled by Mr. ██████████

causing the problems in the area. The officer also told Mr. [REDACTED] about an incident a couple of days earlier when some Hispanic kids were disrespecting him. Mr. [REDACTED] told the officer to calm down and questioned what the officer was yelling about. And, Mr. [REDACTED] stressed, multiple times, that the officer apologized for his language and conduct.

Mr. [REDACTED] went on to say that he heard Assistant Principle [REDACTED] report hearing the officer use slurs, but Mr. [REDACTED] reported to COPA that he simply did not hear the officer use the N-word or the word spic. He did, however, remember the officer used the word fuck. Officer Penny Kosiewicz and the assistant principal were also present in the area, as were lots of kids and the school security guards. Mr. [REDACTED] said he later saw an unidentified female student go to the assistant principal upset about the incident and the officer's comments.

[REDACTED]  
[REDACTED] provided a statement to IPRA on November 13, 2015. On the date in question, Mr. [REDACTED] the Principal at John F. Kennedy High School, heard over the radio that there was a fight on 56<sup>th</sup> Street, just west of Narragansett. Mr. [REDACTED] security, and Mr. [REDACTED] all ran out of the building to lend assistance. A 15 year-old-boy who Mr. [REDACTED] referred to as JT was beaten up in a gang fight with another boy. Officer Penny Kosiewicz, a uniformed police officer assigned to the school, called for back-up because there were a lot of kids present. A squad car arrived on the scene after most of the kids were already gone.

Mr. [REDACTED] went back into the school building with a student named [REDACTED] who was the person who initiated the fight. Mr. Parades, in the presence of Officer Penny Kosiewicz, and Mr. [REDACTED] then came back into the building and explained to Mr. [REDACTED] that Officer Svienty came to the scene and got out of his car in the middle of a bunch of kids. Mr. [REDACTED] reported that the officer yelled racial slurs and profanity, at the top of his lungs, in an effort to get the students out of the area. Mr. [REDACTED] explained that everything he knew about the officer's behavior was hearsay, and was told the officer yelled, things like, get these effin' N-word and spics out of here, and that the principal does not do shit or anything to make this stop.

Mr. [REDACTED] confirmed what Mr. [REDACTED] told Mr. [REDACTED] Mr. [REDACTED] said Mr. [REDACTED] was frustrated because several students approached him and expressed that what the officer did was not right and that they were completely offended. Mr. [REDACTED] reiterated that he did not hear Officer Svienty make these comments, but confirmed that Mr. [REDACTED] reported the comments to him. Mr. [REDACTED] did not have the name of the student who told authorities that she was offended by the officer's remarks. [REDACTED] a school security officer, was also reported to have heard what Officer Svienty said.<sup>10</sup>

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<sup>9</sup> Attachment 14.

<sup>10</sup> Although attempts were made, [REDACTED] was not interviewed by IPRA investigators. Due to the lapse in time and an inability to schedule him closer to the date of the incident, COPA opted not to seek an interview at this time.

**Officer Penny Kosiewicz<sup>11</sup>**

Officer Penny Kosiewicz provided a statement to COPA on November 7, 2019. She stated that from 2011-2018 she was posted as the school resource officer at John F. Kennedy High School. She was assigned to handle any problems or disturbances that came up during the day.

According to Officer Kosiewicz, Officer Svienty had responded to calls at the high school, which included fights. Officer Kosiewicz did not recall this specific incident, she did not recall hearing Officer Svienty use racial slurs, and she denied any knowledge of the allegations against him. She also did not recall any student complaints about Officer Svienty's language or behavior. Although Officer Kosiewicz did see Officer Svienty outside of work on occasion, she stated that she did not know him that well. On occasion, Officer Kosiewicz heard Officer Svienty use the words "shit" and "bullshit" but none of the other investigated language.

**Officer Daniel Otero<sup>12</sup>**

Officer Otero provided a statement to COPA on November 21, 2019. Officer Otero stated that he partnered with Officer Svienty for about a year. He did not remember the incident in question but believed he likely did visit the high school with Officer Svienty at some time but did not recall any details.

Officer Otero described Officer Svienty as calm, cool and collected and did not recall any instance where he became irritated or exhibited a temper. He said he never heard Officer Svienty speak derogatorily about any person or race. He did recall Officer Svienty using the word "fuck". He did not recall hearing Officer Svienty use any other profanity and did not recall Officer Svienty ever ask him if he felt he said anything inappropriate. Officer Otero said he did not recall speaking to anyone at the high school about an incident, nor did he hear anyone complain about Officer Svienty's behavior. He also claimed he never heard Officer Svienty say anything racially charged or unprofessional.

**Officer John Svienty<sup>13</sup>**

Officer Svienty provided a statement to COPA on May 29, 2019. On the date in question, Officer John Svienty said it was likely that there was a call about a disturbance at the school. He recalled the scene in was chaos. Officer Svienty estimated that about seventy-five to eighty 13-18 year-old-kids were present, some of whom were fighting. There were other officers and security personnel present as well. Officer Svienty stated he had responded to calls like this at the high school before. On this day, as the fight died down they tried to disperse the kids that were still present because there was still some pushing going on. Officer Svienty said that he might have yelled at the kids something along the lines of, "knock it off, let's forget this ... let's go, get out of here," and he wanted to disperse the crowd as quickly as possible. Some kids listened, some did not. He could not remember if he called for additional cars or if only the police and security that were already there dispersed everyone. Eventually, everyone started to leave.

Officer Svienty denied that he said the blacks and the spics were causing all the problems, and denied saying that the principal did not do shit about the problems at the high school. He also

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<sup>11</sup> Attachment 48.

<sup>12</sup> Attachment 50.

<sup>13</sup> Attachment 36.

denied yelling words to the effect of “All the fucking niggers and spics need to get out of here”<sup>14</sup> and claimed that he would never say anything like that. Officer Svienty said in his statement to COPA, “after the situation calmed down, my partner, who was Hispanic, Daniel Otero; I asked him if I said any kind of thing like that, and he stated, ‘No.’”<sup>15</sup> Nobody was arrested on the date in question and Officer Svienty said he did not speak with any of the high school staff except the security guards.

Officer Svienty said he did not use racial slurs. He went on to say he has not used them since he was a kid because it caused things to be blown out of proportion. He reasoned that since he became a police officer, he never used racial slurs because he would not be viewed as a good guy and other officers would not come and help him. He also said that he did not make derogatory remarks about people while on duty. When he got angry on the job, he ate candy or chewed gum but did not vent.

Officer Svienty said that as an adult he never used the words “nigger” or “spic” and had not used those words in over 30 years. He also stated that it was not okay to use those words on duty, even with other officers. Officer Svienty also stated that when teenagers were disrespectful to him, he did not get upset with them, but tried to speak with them to calm them down. He did not recall using any sort of profanity, and generally does not use it on duty. Officer Svienty admitted that he may use the word bullshit while in the car with his partner, but denied both of the allegations.

Officer Svienty mentioned that he was trained in how to deal with racial issues but had no specific training regarding explicit bias or racial sensitivity.

#### **b. Documentary Evidence**

##### **Initiation Report<sup>17</sup>**

Sergeant Sean Tully documented an incident that occurred on October 23, 2015 at 3:00 PM, at Kennedy High School at 6325 W. 56<sup>th</sup> St involving a large crowd and a gang fight outside the school. Assistant Principal [REDACTED] alleged that while police were on scene, accused Officer Svienty used racial slurs to the effect of, but not verbatim, “All you niggers and spics better get the fuck out of here.”

##### **Kennedy High School Event Report #1258262<sup>18</sup>**

Assistant Principal [REDACTED] documented that on October 23, 2018, at 3:00 PM, among other things, there was a gang fight on the corner of Narragansett and 56<sup>th</sup> St. Assistant Principal [REDACTED] alleged that when he arrived on the scene, he witnessed Officer Svienty shout to the students, “Mother Fuckers, black niggers, spics, get the fuck out of here.” He also alleged Officer Svienty stated, “The fucken principal at Kennedy did not do shit. A fight broke out in the basketball court in the park and the fucken security did not do shit. The principal does not do shit.”

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<sup>14</sup> Attachment 36, Audio statement of Officer Svienty, 9:26.

<sup>15</sup> *Id.* at 9:34.

<sup>17</sup> Attachment 6.

<sup>18</sup> Attachment 16.

**Summaries of OEMC Recordings<sup>20</sup>****Recording 1**

A man who stated he was calling from Kennedy High School, locate near Archer and Narragansett, called 911 on October 23, 2015 at approximately 15:14 hours and asked for a vehicle to be sent because there was a big mob, gang related fight in progress.

**Recording 2**

A person who identified herself as [REDACTED] called 911 on October 23, 2015 at approximately 15:14 hours and said that there were a few people fighting near the alley at 56<sup>th</sup> and Natchez. The caller did not see a weapon.

**Recording 3**

On October 23, 2015 at approximately 15:01 a woman called 911 to report a fight between high school students in the alley between near 56<sup>th</sup> Street and Narragansett (near Archer and Nagle).

**Recording 4**

On October 23, 2015 at approximately 15:00 hours a woman called 911 to report a bunch of suspicious teenagers located near Archer and Nagle Ave. She reported there are probably about 50 running up and down the block, and described the group as being of mixed race.

**Recording 5**

On October 23, 2015 at approximately 15:06 hours a man called 911 to report that there were a group of about 15 kids fighting Kennedy High School at 56<sup>th</sup> and Narragansett.

**Recording 6**

On October 23, 2015 at approximately 15:11 hours a man called 911 to report he entered a park located near a grammar school at 57<sup>th</sup> and Narragansett where there were a group of about 10 Mexican kids on the basketball court flashing gang signs.

**Recording 7**

Dispatch called Beat 871 to report a call from someone from Kennedy High School, near Archer and Narragansett, about a gang fight. 871 responded and requested assistance at the scene. More calls came in regarding the fight at 56 and Archer, near Nagle. At about 12:26, 871 reported that things were under control.

**Recording 8**

No transmissions related to the incident in question.

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<sup>20</sup> Attachments 40-47.

## VI. LEGAL STANDARD

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.

**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.

## ANALYSIS

COPA finds **Allegation #1** against **Officer Svienty**, that on October 23, 2015, at or near 6325 W. 56th St., Officer John Svienty used the racial slurs Nigger and Spic as he attempted to disperse a crowd of high school students witnessing a fight, in violation of Rules 2 and 9, is not supported by enough evidence to sufficiently prove or disprove Mr. ██████ account of the event and is **Not Sustained**.

There remains dispute as to whether or not Officer Svienty used the racial slurs "Nigger" and "Spic" during his interaction with students and/or school personnel while responding to a call near John F. Kennedy High School. The complainant, Assistant Principal ██████ is the sole party who alleged Officer Svienty use the words in the presence of students. While there is no reason to disbelieve Mr. ██████ account of the incident, neither of the other two witnesses he identified, Principal ██████ nor CPS Network Safety Manager ██████ independently heard Officer Svienty use the words "Nigger" or "Spic," nor was there any mention of exactly what the female student heard Officer Svienty say when she complained to Mr. ██████ According to Mr. ██████ Officer Svienty also apologized for his behavior. In his statement to COPA, Officer Svienty denied using the alleged racial slurs; he offered that after the incident had



calmed down, he asked his partner whether he had used any words “like that,” and his partner agreed Officer Svienty had not. When his partner, Officer Otero and Officer Kosiewicz were interviewed, they denied any recollection of the incident.

Based on the preponderance of the evidence, it is more likely than not that Officer Svienty used unprofessional language during this incident. However, there is not enough evidence to sustain the allegation, since there are no witnesses who confirmed Mr. Parades’ allegation of the use of specific racial slurs.

COPA finds **Allegation #2** against **Officer Svienty**, that on October 23, 2015, at or near 6325 W. 56th St., Officer John Svienty displayed unprofessional conduct when he used racial slurs and profanity while attempting to disperse a crowd of high school students, in violation of Rule 2, is supported by a preponderance of the evidence and is **Sustained**.

The statements of Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] are all consistent in that they acknowledge people were upset as a result of things Officer Svienty said, and alleged Officer Svienty engaged in unprofessional conduct. Mr. [REDACTED] related that Officer Svienty had a gruff demeanor when he exited his police vehicle, and heard the officer say that the blacks and the Mexicans were causing the trouble in the area. This is consistent with Mr. [REDACTED] allegation that Officer Svienty used racial slurs and suggested that Officer Svienty, at the very least, differentiated between students based on race, in a derogatory manner.

Mr. [REDACTED] then explained that Officer Svienty, who admitted he spoke with security personnel, apologized to Mr. [REDACTED] for the things he said that were inappropriate. Mr. [REDACTED] then alleged that during the event Officer Svienty used the word “fuck.” Mr. [REDACTED] also saw the unidentified female student complain to Mr. [REDACTED] about Officer Svienty which is consistent with Mr. [REDACTED] claim. Mr. [REDACTED] was only aware of what other people told him about the event, however, he did state that Mr. [REDACTED] was frustrated because students approached him to complain that they were offended by Officer Svienty’s remarks.

Despite his denial, the evidence established that Officer Svienty displayed unprofessional conduct when he directed profanity and racial comments during the incident. School personnel described Officer Svienty’s behavior as inappropriate and reported that students were upset by his conduct. Officer Svienty, however, portrayed himself as professional as he attempted to calm the situation. But even when the aforementioned witness accounts’ varied, they all conflicted with the portrayal offered by Officer Svienty.

There are two things in particular that further reduced the credibility of Officer Svienty’s account. First, Mr. [REDACTED] repeatedly reported that Officer Svienty apologized to him for his conduct. Secondly, in his own statement to COPA, Officer Svienty’s peculiar statement that following the incident he asked his partner whether he used inappropriate language provided more support for the CPS witnesses’ description of the incident than his own.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS****a. Officer John Svienty****i. Complimentary and Disciplinary History****1. Complimentary History**

- 1 - Deployment Operations Center Award
- 4 – Attendance Recognition Award
- 1 - Other Awards
- 1 – Presidential Election Deployment Award 2008
- 42 – Honorable Mention
- 4 - Department Commendation
- 1 - 2004 Crime Reduction Ribbon
- 4 - Complimentary Letter
- 1 – NATO Summit Service Award
- 1 - 2009 Crime Reduction Award

**2. Disciplinary History**

- CR – None
- Spar – None

**ii. Recommended Penalty, by Allegation****1. Allegation No.2**

Officer John Svienty displayed unprofessional conduct when he used racial slurs and profanity while attempting to disperse a crowd of high school students. COPA finds a fifteen (15) day suspension appropriate.



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	2
<b>Investigator:</b>	Frances Lee #68
<b>Supervising Investigator:</b>	Sherry Daun
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass