



Log # 2023-3320

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On July 26, 2023, the Civilian Office of Police Accountability (COPA) received a web complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on July 26, 2023, at approximately 2:30 pm, she was volunteering at the 17<sup>th</sup> District police station assisting with the asylum seekers who were temporarily residing there. While volunteering, she was informed that a desk sergeant had become frustrated with the asylum seekers regarding their having too much food at the station.<sup>2</sup> When she spoke to the desk sergeant, he stated her words to the effect of, “If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound,” in reference to the asylum seekers.<sup>3</sup> [REDACTED] encounter with the desk sergeant was also witnessed by a fellow volunteer, [REDACTED] who also provided a statement to COPA corroborating the event and the statement uttered by the desk sergeant in reference to the asylum seekers.<sup>4</sup> This sergeant was later identified by COPA as Sergeant (Sgt.) Bryan Topczewski.<sup>5</sup>

Following its investigation, COPA reached a sustained finding regarding the above statement made by Sgt. Topczewski in reference to the asylum seekers residing at the 17<sup>th</sup> District station.

### II. SUMMARY OF EVIDENCE<sup>6</sup>

On the afternoon of July 26, 2023, [REDACTED] the executive director of the Latino Treatment Center, was at the 17<sup>th</sup> District police station with other volunteers going through their “new arrival protocol” with recently arrived asylum seekers who were temporarily residing at the station.<sup>7</sup> She explained to COPA during her interview on July 31, 2023, that this process included providing asylum seekers with bedding, doing health checks, and addressing any other general

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Att. 1 at 8:55.

<sup>4</sup> Att. 2 at 3:00.

<sup>5</sup> Att. 3.

<sup>6</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including civilian and officer interviews.

<sup>7</sup> Att. 1 at 7:55.

concerns.<sup>8</sup> [REDACTED] recalled that the desk sergeant on duty at the time stood up and asked what they were doing.<sup>9</sup> The sergeant “stood up to ask what we were doing and what was in the bags, we responded that this was the bedding, at which point he responded, ‘this is fucking ridiculous.’”<sup>10</sup> [REDACTED] remembered that she had also received a phone call from one of the asylum seekers earlier that day saying that he [the desk sergeant] was yelling at them, but because he was yelling in English, they couldn’t understand what he was saying; however, they had gathered that it was related to the food at their communal table.<sup>11</sup>

After providing the bedding for the family that she had been assisting, [REDACTED] went over to the communal table to see what the desk sergeant was complaining about, and she recalled that she saw an abundance of food.<sup>12</sup> The desk sergeant then stood up again and came over to the table to ask what the volunteers were doing now, and [REDACTED] explained that they were going to clean up the table and throw some of the food out.<sup>13</sup> The desk sergeant then told [REDACTED] “If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound.”<sup>14</sup> [REDACTED] responded, “Well, that’s kind of ridiculous because they’re not dogs,” to which he then replied, “I mean whatever, you know what I fucking mean.”<sup>15</sup> This interaction was not captured on any known video or audio recording.

[REDACTED] explained that this was not her first incident with this sergeant, and she described two other incidents that occurred earlier that summer;<sup>16</sup> however, she stated that this was the first time she had registered an official complaint. She also explained that many of her colleagues had also experienced similar incidents with the same desk sergeant while volunteering at the 17<sup>th</sup> District.<sup>17</sup> While [REDACTED] was not aware of the name of this particular sergeant, she explained that his nickname was “Topper,” and that she knew he had a long last name.<sup>18</sup>

[REDACTED] one of [REDACTED] fellow volunteers, corroborated this incident in her own statement with COPA on September 14, 2023. [REDACTED] recounted that on the afternoon of July 26, 2023, she was volunteering at the 17<sup>th</sup> District, aiding with recently arrived asylum seekers. She remembered that the officers seemed to have become frustrated with the amount of supplies that had been brought to the station, explaining that other community groups had been dropping off a plethora of different supplies, food, and other items.<sup>19</sup> She recalled that when it was explained that her organization could not control who dropped off what [referencing the supplies], but that they would be happy to remove some of the surplus, an officer stated words to the effect of, “If the

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<sup>8</sup> Att. 1 at 7:38.

<sup>9</sup> Att. 1 at 7:55.

<sup>10</sup> Att. 1 at 7:55.

<sup>11</sup> Att. 1 at 7:55.

<sup>12</sup> Att. 1 at 8:30.

<sup>13</sup> Att. 1 at 8:30.

<sup>14</sup> Att. 1 at 8:55.

<sup>15</sup> Att. 1 at 8:55.

<sup>16</sup> Att. 1 at 10:00 and 11:05.

<sup>17</sup> Att. 1 at 16:10.

<sup>18</sup> Att. 6.

<sup>19</sup> Att. 2 at 3:00.

community really wanted to help, they would line them up like you do at the pound, and each person, the community, could take each one home.”<sup>20</sup> ██████ also recounted that this officer pointed at the asylum seekers as he made this statement.<sup>21</sup> She described the officer as wearing a white shirt, and she remembered that he usually sat at the front desk in the station.<sup>22</sup> Although she was unsure of his name, ██████ stated, “I’ve heard people call him Topper.”<sup>23</sup>

The desk sergeant on duty at the 17<sup>th</sup> District on the afternoon of July 26, 2023, was identified by COPA through CPD attendance records as Sgt. Bryan Topczewski, Star #2347.<sup>24</sup> Also, ██████ sent COPA an email message on September 6, 2023, relating that she had had another incident with the same officer, but this time was able to get his name.<sup>25</sup> She then identified him in her email as Bryan Topczewski, Star #2347.<sup>26</sup>

### III. ALLEGATIONS

#### Sgt. Bryan Topczewski, Star #2347:

1. Stating words to the effect of “If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound,” to ██████ ██████ in reference to asylum seekers residing at the 17th District Station.
  - **Sustained.** *Violation of Rules 2, 3, 6, 8, and 9.*

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of ██████ or ██████. However, the explanation offered by Sgt. Topczewski greatly differs from the accounts given by the complainant and eyewitness, and COPA does not credit Sgt. Topczewski’s version of events. First, Sgt. Topczewski denied any knowledge of ██████ and further claimed to have no memory of engaging with her – or any other volunteers – on the afternoon of July 26, 2023.<sup>27</sup> Also, when asked if he ever recalled volunteers working at the 17<sup>th</sup> District assisting with asylum seekers during the summer of 2023, he said that he “didn’t really pay attention to it.”<sup>28</sup> However, as the desk sergeant of the 17<sup>th</sup> District, Sgt. Topczewski would have been seated at the front desk with a view of the entirety of the lobby, regularly engaging with people as they entered and exited the building, rendering these explanations unlikely.<sup>29</sup>

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<sup>20</sup> Att. 2 at 3:00.

<sup>21</sup> Att. 2 at 3:50.

<sup>22</sup> Att. 2 at 4:20.

<sup>23</sup> Att. 2 at 4:55.

<sup>24</sup> Att. 3.

<sup>25</sup> Att. 16 at 1.

<sup>26</sup> Att. 16 at 1.

<sup>27</sup> Att. 12 at 10:40.

<sup>28</sup> Att. 12 at 10:00.

<sup>29</sup> Att. 12 at 8:55.

Further, Sgt. Topczewski emphasized that he did not (and would not) say the statement in question to ██████<sup>30</sup> Nevertheless, both ██████ and ██████ who provided sworn statements to COPA, have no known motivation to fabricate such an allegation against a supervisor who was employed at the police station where they regularly provided service and care to asylum seekers. Sgt. Topczewski flatly denied making the alleged statement and in his own defense cited his character for professionalism and for representing CPD in a positive manner. However, Sgt. Topczewski has a history of making intemperate statements. In a 2018 incident, Sgt. Topczewski was disciplined for stating, “That’s why women don’t belong on the job!” to a female police officer as she walked out of his office after discussing safety and workload issues.<sup>31</sup> In another investigation, Sgt. Topczewski admitted to making a series of Facebook posts that were found to be misogynistic, racially biased, Islamophobic, homophobic, and anti-Semitic.<sup>32</sup> Based on this prior conduct, COPA does not consider Sgt. Topczewski’s description of his character to be credible.

## V. ANALYSIS<sup>33</sup>

COPA finds, by a preponderance of the evidence, that Sgt. Topczewski committed misconduct when he stated words to the effect of, “If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound,” to ██████ in reference to asylum seekers residing at the 17<sup>th</sup> District Station.

Sgt. Topczewski was interviewed by COPA on December 5, 2023. He described his general duties as a desk sergeant as keeping track of what is inventoried, making sure that the station runs smoothly, interacting with the public, approving reports, and generally managing the station.<sup>34</sup> He then confirmed that he was regularly be seated at the front desk in the lobby of the

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<sup>30</sup> Att. 12 at 11:00, 11:30.

<sup>31</sup> See Complaint Register No. 2018-1088221.

<sup>32</sup> See Complaint Register No. 2017-1086744. While Sgt. Topczewski admitted to making the Facebook posts in question, the finding against Sgt. Topczewski was changed from “Sustained” to “Not Sustained” after an arbitrator found that the City had no reasonable cause for exceeding the 18-month time period set forth in the applicable collective bargaining agreement for concluding the investigation. (See Complaint Register 2017-1086744, Atts. 26 and 27.) Nonetheless, COPA can consider the underlying facts and circumstances of Complaint Register No. 2017-1086744 because “Not Sustained” files alleging verbal abuse (as defined in Section 2-78-100 of the Municipal Code of Chicago) may be used in future disciplinary proceedings to determine credibility and notice for a period of seven years after the date of the incident or the date upon which the violation is discovered, whichever is longer. “Verbal abuse,” as defined in the municipal code, includes “oral or *written* remarks that are overtly insulting, mocking or belittling, directed at a person based upon the actual or, perceived race, immigration status, color, gender, age, religion, ancestry, national origin, sexual orientation, disability, marital status, parental status, military discharge status, source of income, or gender identity or expression of that person.” (Emphasis added.) The Facebook posts in question were made between April and June of 2015, but were not discovered until September of 2017. (See Complaint Register 2017-1086744, Att. 23.) Here, COPA has considered Sgt. Topczewski’s conduct, as described in Complaint Register 2017-1086744, for the purpose of assessing his credibility, particularly with respect to his claims regarding his own character for professionalism and for not making statements that would portray CPD in a negative manner.

<sup>33</sup> For a definition of COPA’s findings and standards of proof, see Appendix B.

<sup>34</sup> Att. 12 at 7:40.

17<sup>th</sup> District while on duty.<sup>35</sup> Sgt. Topczewski told COPA that he was not given any extra duties related to asylum seekers who were temporarily housed at the police districts this past year.<sup>36</sup> He explained, “We follow General Orders . . . Special Orders . . . no orders were issued on how to handle the migrants . . . each District came up with its own set of operating rules and operated as such.”<sup>37</sup> Related to the 17<sup>th</sup> District’s operating rules regarding the accommodations for asylum seekers, Sgt. Topczewski stated, “[W]e were told not to interfere with anything happening on that side of the desk, so we didn’t.”<sup>38</sup> When asked whether he recalled volunteers coming in to the station to assist the people who were temporarily residing there, Sgt. Topczewski recounted that he “really didn’t pay attention to it, we had over 60 people in the lobby coming and going, plus customers coming in for service,”<sup>39</sup> and he added that he was not aware of any rules that may have been in place specifically regarding these volunteers.<sup>40</sup> Sgt. Topczewski further did not recall engaging with a volunteer named ██████████ this summer, nor did he recall speaking with ██████████ or any other volunteers on the afternoon of July 26, 2023, regarding food in the lobby.<sup>41</sup> When asked by COPA if he ever stated to ██████████ words to the effect of, “If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound,” Sgt. Topczewski answered, “I never said that, that would be unprofessional, and I conduct myself professionally because I represent my command staff, so anything that happens, I am their face, I am the face of this station, so that would be unprofessional, I wouldn’t do anything like that.”<sup>42</sup> He emphasized again later during his statement, “I did not say it.”<sup>43</sup>

While Sgt. Topczewski denied making the above statement to ██████████ in reference to asylum seekers at the 17<sup>th</sup> District, as discussed above, ██████████ was not the only one who was present during this incident. ██████████ a fellow volunteer, confirmed both Sgt. Topczewski’s utterance and the language he used in her own interview with COPA.<sup>44</sup> This corroboration gives weight to the reliability of ██████████ recollection and her credibility overall. Also, it was made clear by ██████████ that this is not the first issue that 17<sup>th</sup> District volunteers providing aid to asylum seekers have had with Sgt. Topczewski.

In an unreported incident that occurred in June 2023, ██████████ recalled that while she was at the 17<sup>th</sup> District assisting with new arrivals, “He [Sgt. Topczewski] had walked in in civilian clothing . . . I didn’t know who he was at the time, and at this point, he was filming them [referring to the asylum seekers], and he was recording it, and he was saying, you know, ‘I just want everybody to see how fucking ridiculous this is, of what’s happening at all the stations,’ and because I saw him recording some of the children, we went up to him, and said ‘I’m sorry sir, but this is very inappropriate, we would appreciate it if you don’t record them,’ at which time he did

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<sup>35</sup> Att. 12 at 8:55.

<sup>36</sup> Att. 12 1t 10:00.

<sup>37</sup> Att. 12 at 9:05.

<sup>38</sup> Att. 12 at 9:33.

<sup>39</sup> Att. 12 at 10:00.

<sup>40</sup> Att. 12 at 10:30.

<sup>41</sup> Att. 12 at 10:40.

<sup>42</sup> Att. 12 at 11:00.

<sup>43</sup> Att. 12 at 11:30.

<sup>44</sup> Att. 2 at 3:00.

respond, ‘This is my station, I’ll do whatever the fuck I want,’ and then we realized he was one of the sergeants.’<sup>45</sup> [REDACTED] also recounted another unreported incident with Sgt. Topczewski that took place in early July 2023: “I go in to help assist, he asks me what I’m doing, and I’m just telling him, you know, ‘I’m just trying to make sure the children don’t have fevers,’ and which he responded, ‘Oh my god, just fuck off and get them out of here already.’”<sup>46</sup> At the time of her interview with COPA on July 31, 2023, [REDACTED] had experienced three separate incidents with Sgt. Topczewski while volunteering at the 17<sup>th</sup> District, but had only reported the one occurring on July 26, 2023.<sup>47</sup> She further said that several of her colleagues have also had similar issues with him while volunteering at the 17<sup>th</sup> District.<sup>48</sup>

Supervisors within CPD are expected to model appropriate and professional conduct, which includes abiding by the law, CPD policy, and high standards of ethical behavior and integrity.<sup>49</sup> Supervisors must consistently demonstrate professionalism, courtesy, and respect towards “all people with whom they interact.”<sup>50</sup> Furthermore, supervisors are required to act, speak, and overall conduct themselves in a professional manner, which includes maintaining a respectful and courteous attitude in all contacts with members of the community.<sup>51</sup> It is also important to note the prohibition of verbal abuse of any kind. Verbal abuse is defined as the use of oral or written remarks that are “overly insulting, mocking, or belittling,” and further may be “directed at a person based upon the actual or perceived race, immigration status, color, gender, age, religion, ancestry, national origin, sexual orientation, disability, marital status, parental status, military discharge status, source of income, or gender identity or expression of that person.”<sup>52</sup> CPD policy also requires that members interact with the public in an unbiased and respectful manner; treat all persons with courtesy and dignity; act, speak, and conduct themselves in a courteous, respectful, and professional manner; and not exhibit a condescending attitude or direct any derogatory terms towards any person in any manner and will not use language intended to taunt or denigrate an individual, including using racist or derogatory language.<sup>53</sup>

COPA finds that Sgt. Topczewski’s utterance of words to the effect of, “If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound,” is rude, overly insulting, and offensive. Furthermore, such a statement, made to [REDACTED] in reference to the asylum seekers being provided shelter at the police station, violates several Department Rules; specifically, Rule 2 (impeding the Department’s efforts to achieve its policy and goals and bringing discredit upon the Department), Rule 3 (failing to promote the

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<sup>45</sup> Att. 1 at 10:00.

<sup>46</sup> Att. 1 at 11:05.

<sup>47</sup> Att. 1 at 11:30. On September 6, 2023, COPA received an email from [REDACTED] relating that she had experienced another incident with Sgt. Topczewski. See Att. 16 at 1. While [REDACTED] did not elaborate on the details of this incident, the receipt of the email made it four incidents total that she had experienced with the Sergeant in relation to her work volunteering at the 17<sup>th</sup> District and the asylum seekers.

<sup>48</sup> Att. 1 at 16:10.

<sup>49</sup> Att. 14, G01-09(II)(C)(2), *Supervisory Responsibilities* (effective May 10, 2021, to present).

<sup>50</sup> Att. 14, G01-09(II)(C)(2).

<sup>51</sup> Att. 14, G01-09(III)(A)(3).

<sup>52</sup> Municipal Code of Chicago § 2-78-100.

<sup>53</sup> Att. 21, G02-01(III)(B)(1)-(4), *Protection of Human Rights* (effective June 30, 2022, to present).

Department's efforts to implement its policy or accomplish its goals), 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), and Rule 9 (engaging in any unjustified verbal or physical altercation with any person, while on or off duty). As a desk sergeant, Sgt. Topczewski would be seen as an authority figure at the 17<sup>th</sup> District representing CPD, and his equation of asylum seekers seeking temporary accommodation to animals was both disrespectful and unprofessional. The usage of such language by a supervisor is not in line with CPD directives outlining the professional manner, respect, and overall appropriate conduct when interacting with members of the community.

Because the evidence indicates that Sgt. Topczewski stated words to the effect of, "If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound," to ██████████ in reference to the asylum seekers residing at the 17<sup>th</sup> District, COPA finds that **Allegation #1** against Sgt. Bryan Topczewski, Star #2347, is **Sustained**.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Sgt. Bryan Topczewski, Star #2347**

#### **i. Complimentary and Disciplinary History<sup>54</sup>**

Sgt. Topczewski has received the Superintendent's Award of Valor, three Life Saving Awards, four Department Commendations, two Problem Solving Awards, six complimentary letters, eighty-one Honorable Mentions, and ten other awards and commendations. Sgt. Topczewski has not been disciplined within the past five years.

#### **ii. Recommended Discipline**

COPA has found that Sgt. Topczewski violated Rules 2, 3, 6, 8, and 9 by stating words to the effect of, "If you want to help out, what you need to do is you need to line them up, pick out one of them, and take it home like they do at the pound," to ██████████ in reference to the asylum seekers residing at the 17<sup>th</sup> District. By likening the asylum seekers to stray animals, Sgt. Topczewski failed to act with courtesy, professionalism, and respect, particularly where he directed this language towards a community volunteer who was assisting with asylum seekers inside a CPD facility. Also, as a supervisor, Sgt. Topczewski failed to set an example for the officers he was leading. Based on this information and considering Sgt. Topczewski's complimentary history and lack of recent disciplinary history, COPA recommends a **30-day suspension**.

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<sup>54</sup> Att. 17.

Approved:



2/9/2024

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date



Appendix ACase Details

Date/Time/Location of Incident:	July 26, 2023 / 2:30 pm / 4650 N Pulaski Rd., Chicago, IL 60625
Date/Time of COPA Notification:	July 26, 2023 / 7:48 pm
Involved Member #1:	Sgt. Bryan Topczewski / Star #2347 / Employee # [REDACTED] / DOA: November 4, 1996 / Unit: 017 / White / Male
Involved Individual #1:	[REDACTED] / Hispanic / Female

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.

Applicable Policies and Laws

- General Order G01-09, *Supervisory Responsibilities* (effective May 10, 2021, to present).<sup>55</sup>
- General Order G02-01, *Protection of Human Rights* (effective June 30, 2022, to present).<sup>56</sup>

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<sup>55</sup> Att. 14.

<sup>56</sup> Att. 21.

## 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.<sup>57</sup> 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.”<sup>58</sup>

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<sup>57</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

<sup>58</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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