



Log # 2022-0004954

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 20, 2022, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of a fatal traffic crash related to a Chicago Police Department (CPD) traffic stop.² At approximately 7:59 pm, in the southbound lane at or near 1415 S. Michigan Avenue, a CPD First District Tactical Team consisting of Officer Pierre Meeks and Officer Veronica Islas conducted a traffic stop of a Hyundai Sonata driven by [REDACTED] ([REDACTED]). As an officer exited the police vehicle and approached the Sonata on foot, the vehicle initiated a U-turn into the northbound lane of Michigan Avenue. At the same time, an unrelated Infiniti G37 (Infinity) driven by [REDACTED] ([REDACTED]) was travelling at a high rate of speed in the southbound lanes of Michigan Avenue. The Infiniti was closely followed by CPD Vehicle #7258, occupied by Officers Alex Bylak and Dmitry Okunskiy. Just as the Sonata initiated the U-turn, the Infiniti veered into the northbound lane of Michigan Avenue at a high rate of speed and struck the driver's side of the Sonata. [REDACTED] exited the vehicle under his own power and was immediately handcuffed and detained by Officer Bylak with the assistance of Officer Islas. [REDACTED] was transported to Northwestern Hospital by Chicago Fire Department (CFD) Ambulance #66 and was pronounced deceased by hospital officials at 8:39 p.m.³

Upon review of the evidence, COPA served allegations that Officer Alex Bylak and Officer Dmitry Okunskiy committed misconduct by initiating a pursuit without justification, failing to notify the Office of Emergency Management and Communication (OEMC) of a pursuit, failing to activate their vehicle's in-car camera (ICC) system by not activating its emergency lights, failing to drive with due regard, failing to activate their body worn cameras (BWC) in a timely manner, and failing to submit a Traffic Pursuit Report. Following its investigation, COPA reached sustained findings regarding the allegations against Officers Bylak and Okunskiy for initiating a pursuit without justification, failing to drive with due regard, failing to activate body worn camera, and

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 Section 2-78-120(d) of the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) has the duty to investigate incidents where a person dies as a result of police actions, including attempts to apprehend a suspect. COPA is also required to conduct investigations for all "officer-involved" deaths under the Police and Community Relations Improvement Act (PCRIA). "Officer-involved death," as defined in that statute, "includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend."

³ Att. 89, pg. 3.

failing to submit a Traffic Pursuit Report. COPA reached a finding of not sustained for the allegation against both officers of failing to activate the vehicle's emergency in-car camera system.

II. SUMMARY OF EVIDENCE⁴

COPA obtained City of Chicago Police Observation Device (POD) Cameras related to this incident, as well as BWC footage from Officers Bylak and Okunskiy. At approximately 7:59:19 pm,⁵ a dark colored Infiniti G37 traveled southbound through the intersection of S Michigan Ave. and E Roosevelt Rd., closely followed by CPD Vehicle #7258 at 7:59:23 pm, without lights or sirens activated.⁶ The Infiniti proceeded through the intersection of Michigan Ave. & 13th St. at 7:59:26 pm, and CPD Vehicle #7258 appeared to enter the (northbound) opposite lane of traffic briefly while following closely behind the Infiniti, traversing the intersection at 7:59:30 pm.⁷ Near the 1400 block of S Michigan Ave., an unrelated traffic stop was being conducted by CPD Officer of a Hyundai Sonata, driven by [REDACTED]. As officers approached the vehicle on foot, the driver initiated a U-turn to elude the traffic stop and was struck by the Infiniti at approximately 7:59:34.⁸ The collision resulted in the death of [REDACTED] as well as injuries to six other people.

Officers Bylak and Okunskiy told COPA the incident began when they encountered a caravan of vehicles, including the Infiniti, stopped at a red light near Michigan Avenue and 9th Street.⁹ When the light changed, most of the vehicles sped off in different directions but the Infiniti continued southbound on Michigan Avenue. Officer Bylak followed the Infiniti, which he estimated to be going at 80 to 90 mph.¹⁰ He claimed that he was going slower than the Infiniti, and accelerated to render aid after seeing the crash.¹¹ Officer Bylak was asked if he ever notified OEMC that he was pursuing the Infiniti, and he stated he did not consider this incident a pursuit because he was only trying to get the license plate information to notify OEMC about the speeding Infiniti.¹² Similarly, Officer Okunskiy stated that he did not notify OEMC, and that he and Officer Bylak were "not pursuing the vehicle."¹³ Officer Bylak stated that he was going "around 40 [mph], maybe" (in a 30 mph zone), and that he only sped up after seeing the crash so that he could render aid.¹⁴ However, GPS records show that Vehicle #7258 was travelling at 53 mph approximately

⁴ 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, ICC footage, third-party video, police reports, & officer interviews.

⁵ Att. 23.

⁶ Att. 23.

⁷ Att. 24.

⁸ Att. 25.

⁹ Att. 164, pg. 9, ln. 22 to pg. 10, ln. 18; Att. 165, pg. 9, ln. 9 to pg. 10, ln. 4.

¹⁰ Att. 164, pg. 13, lns. 2-6.

¹¹ Att. 164, pg. 13 lns 2-4.

¹² Att. 164, pg. 13, ln. 24 to pg. 14, ln. 7.

¹³ Att. 165, pg. 14, lns 2-7.

¹⁴ Att. 164, pg. 13, lns. 6-13.

eight seconds prior to the crash,¹⁵ and 67 mph approximately two seconds after the crash.¹⁶ Officer Bylak could not recall if he ever activated his lights at any point while following the Infiniti. Officer Okunskiy also stated that they were following to get the license plate only, not pursuing, and further stated that they did not attempt to conduct a traffic stop because they believed they were too far away, and the Infiniti was going too fast.¹⁷

Officer Okunskiy activated his BWC at 7:59:48 pm, as he was exiting his vehicle.¹⁸ Officer Bylak activated his BWC at 8:00:09 pm, well after exiting the vehicle, as he was arresting ██████████¹⁹ The ICC in CPD police vehicles is activated automatically when emergency lights and sirens are activated, so there is no ICC footage available. However, Officer Okunskiy and Officer Bylak both stated that the ICC was inoperable during their tour of duty, which they properly documented at the appropriate time.²⁰ This is corroborated by their sergeant, Sgt. Rezny, as well as the log documenting inoperable equipment.²¹ COPA could not locate a Traffic Pursuit Reports completed by either officer.

III. ALLEGATIONS

Officer Alex Bylak:

1. Initiating a pursuit without justification in violation of General Order 03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Failing to notify OEMC of a pursuit in violation of General Order 03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
3. Failing to activate his vehicle's in-car camera system by not activating his emergency lights in violation of Special Order 03-05.
 - Not Sustained.
4. Failing to drive with due regard in violation of General Order 03-03.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
5. Failing to activate his body worn camera in a timely matter in violation of Special Order 03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
6. Failing to submit a Traffic Pursuit Report in violation of General Order 03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

Officer Dmitry Okunskiy:

1. Initiating a pursuit without justification in violation of General Order 03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

¹⁵ Att. 170, pg. 12, demonstrating a rate of 53 mph at 7:59:26 pm; see also Att. 25, demonstrating that the crash occurred at 7:59:34 pm.

¹⁶ Att. 88, pg. 1, ln. 17.

¹⁷ Att. 165, pg. 14, lns. 2-12; Att. 165, pg. 14, lns. 13-21.

¹⁸ Att. 11 at 2:00.

¹⁹ Att. 9 at 2:00.

²⁰ Att. 164, pg. 17, lns. 15-21; Att. 165, pg. 17, lns. 2-10.

²¹ Att. 171, pg. 11, lns. 2-9; Att. 168.

2. Failing to notify OEMC of a pursuit in violation of General Order 03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
3. Failing to activate his vehicle's in-car camera system by not activating his emergency lights in violation of Special Order 03-05.
 - Not Sustained.
4. Failing to drive with due regard in violation of General Order 03-03.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
5. Failing to activate his body worn camera in a timely matter in violation of Special Order 03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
6. Failing to submit a Traffic Pursuit Report in violation of General Order 03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In making its findings, COPA reviewed the statements of Officer Bylak and Officer Okunskiy and evaluated their credibility.

Based on the totality of the evidence, COPA finds Officer Bylak and Officer Okunskiy not credible as their statements are not supported by objective evidence. For example, Officer Bylak claimed that he was going around 40 mph, then slowed down prior to the crash when he realized he could not safely get the license plate number, and that he only sped up again after the crash. But GPS data shows that Vehicle #7258 was going 53 mph at 7:59:26 pm,²² eight seconds before the crash. Additionally, Vehicle #7258 entered the intersections at both Roosevelt Rd. and 13th St. approximately four seconds behind the Infiniti, meaning the officers were keeping pace with the Infiniti for at least that one block. In addition, Officer Bylak's stated reasoning, that he was attempting to follow a vehicle he estimated to be going 80 to 90 mph, to obtain the plate number, but that he believed himself to be going approximately 40 mph and not engaging in a pursuit, is likewise not credible. COPA believes an officer with similar years on the job as Officer Bylak would be aware of his speeds, especially where he claimed to be concerned for the safety of uninvolved civilians.

Officer Okunskiy told COPA their plan was to "just let the vehicle go" if there was no "safe way to get the plate".²³ COPA does not find this statement credible because the evidence shows the officers' vehicle hit speeds of 53 mph and entered the lane of oncoming traffic, all without activating emergency lights and sirens.

²² Att. 170, pg. 12.

²⁴ For a definition of COPA's findings and standards of proof, *see* Appendix B.

V. ANALYSIS²⁴

a. Motor Vehicle Pursuit

COPA finds Allegations #1, #2, and #6 against Officer Alex Bylak and Dimitry Okunskiy, **SUSTAINED**, despite the officers' claims that they did not engage in a motor vehicle pursuit. First, COPA finds that the officers' conduct met the definition of a motor vehicle pursuit. Second, COPA finds that the officers violated CPD policy by failing to ensure the pursuit comported with the balancing test. Third, COPA finds that Officers Bylak and Okunskiy engaged in a prohibited motor vehicle pursuit when they pursued the Infiniti for a traffic offense.

i. Officer Bylak and Officer Okunskiy engaged in a motor vehicle pursuit.

First, COPA finds by a preponderance of the evidence that Officer Bylak and Okunskiy actively engaged in a motor vehicle pursuit. CPD policy defines a motor vehicle pursuit as:

An active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer.²⁵

In their statements to COPA, Officer Bylak and Officer Okunskiy each said they did not engage in a pursuit because they were merely trying to catch up to the Infiniti to get license plate information to notify OEMC.²⁶ Officer Bylak could not recall if he activated his lights or if he was on an active service call when he was following immediately behind the Infiniti. In his statement to COPA, Officer Okunskiy was asked why the officers did not just activate their emergency lights and sirens and conduct a traffic stop and responded that they were too far from the suspect vehicle.²⁷ Officer Okunskiy maintained that he did not consider their actions a pursuit because they were only trying to get the license plate information to notify OEMC. The officers' arguments that they did not engage in a pursuit are meritless.

In fact, the Police Board has previously rejected a similar attempt to avoid liability by using an overly technical reading of CPD policy.²⁸ Respondent Officer Jamie Jawor ("Officer Jawor") engaged in a high-speed motor vehicle pursuit in an unmarked squad car but never activated her squad's siren and only activated the emergency lights toward the end of the chase. Officer Jawor argued that without both, lights and sirens activated, her conduct did not meet the definition of a

²⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁵ Att. 166, G03-03-01(VII)(A).

²⁶ Att. 164, pg. 23 lns 14-17; Att. 165, pg. lns 5-12.

²⁷ Att. 165, pg. 14, lns 13-21.

²⁸ See *In re Jawor*, Findings and Decisions, 20 PB 2978, Jul. 15, 2021, <https://www.chicago.gov/content/dam/city/depts/cpb/PoliceDiscipline/20PB2978.pdf> (last accessed Dec. 23, 2023).

“motor vehicle pursuit” within the meaning of G03-03-01.²⁹ The Police Board rejected her narrow reading of G03-03-01. Specifically, the Police Board found that Officer Jawor’s narrow definition of motor vehicle pursuit would have an absurd and unjust result: “an officer could evade responsibility for misconduct and simply decide not to follow the order by failing to engage the lights or siren.”³⁰ COPA finds that Officer Bylak and Officer Okunskiy attempted to do just that. Moreover, while there is no evidence that the officers attempted to signal the driver of the Infiniti, the Infiniti was nevertheless eluding them, and the officers followed. Viewing their high-speed chase as anything other than a motor vehicle pursuit would lead to the kind of absurd result warned of by the Police Board.

ii. Officer Bylak and Officer Okunskiy violated CPD policy when they initiated a motor vehicle pursuit that did not conform to the balancing test.

CPD policy provides that an officer will only initiate a motor vehicle pursuit when (1) it conforms to the balancing test; (2) the pursuing marked vehicle has its emergency-roof lights and siren activated; and (3) OEMC has been notified regarding the facts concerning the pursuit.³¹ Here, Officer Bylak and Officer Okunskiy failed to meet any of the three pre-requisites when they initiated the pursuit.

First, the officers' failure to ensure that the pursuit conformed to the balancing test violated CPD policy. CPD policy provides that the initiation and continuation of any motor vehicle pursuit must balance the necessity of immediately apprehending the fleeing suspect with the level of inherent danger created by a pursuit. Only if the necessity outweighs the danger can a pursuit be initiated or continued. Here, the preponderance of the evidence shows that there was minimal necessity to immediately apprehend the Infiniti, but the danger of a pursuit was great. The officers admitted that there was a significant presence of pedestrian and vehicular traffic in the area. Officer Bylak specifically stated that “[t]here was a ton of people outside”³² and that the Infiniti was “driving really fast” and presented “a danger to the public.”³³ The dangers inherent in the high speeds involved combined with the volume of pedestrian and vehicular traffic were certainly not outweighed by the necessity to immediately apprehend the Infiniti in this case – or to record the license plate number. Second, it is undisputed that the officers failed to activate their emergency lights and siren on their marked squad car. Third, the officers did not notify OEMC of the pursuit. Nevertheless, they initiated a motor vehicle pursuit in violation of CPD policy.

iii. Officer Bylak and Officer Okunskiy engaged in a prohibited motor vehicle pursuit.

²⁹ See *In re Jawor*, Findings and Decisions, 20 PB 2978, Jul. 15, 2021 at p. 4.

³⁰ See *In re Jawor*, Findings and Decisions, 20 PB 2978, Jul. 15, 2021 at p. 6. The Police Board also referenced *Mich. V. Chesternut*, 486 U.S. 567, 576 (1988) (Characterizing behavior of officers as a “police pursuit” when they accelerated without activating their lights or sirens to catch up to a suspect.).

³¹ G03-03-01.VII.A.

³² Att. 164, p. 10; p. 14, lines 18-23.

³³ Att. 164, p. 14, lines 18-23.

Moreover, the motor vehicle pursuit the officers initiated was prohibited by CPD policy and failed to conform to the balancing test. CPD policy provides that “[m]embers will not engage in a motor vehicle pursuit whenever the most serious offense wanted for is a traffic offense, other than driving under the influence.”³⁴ Here, the officers claimed that the Infiniti was part of a caravan of cars possibly engaged in drag racing.³⁵ However, COPA finds that the officers could not articulate why they believed that the Infiniti was a part of that caravan. Specifically, the officers said that the other cars they believed to be in the caravan were missing license plates, but the Infiniti had one. Additionally, the other cars scattered in different directions upon seeing the police, but the Infiniti continued south. Officer Bylak never stated that any of the cars were drag racing.³⁶ Officer Okunskiy voiced his suspicion that the cars in the caravan were drag racing but admitted under questioning that he did not see them drag racing at any point.³⁷ All the officers actually observed was the Infiniti speeding down Michigan Avenue, a traffic offense. The officers were therefore prohibited from initiating a pursuit. Nevertheless, they pursued the Infiniti in blatant violation of CPD policy, endangering the lives of pedestrians and motorists.

For these reasons, COPA finds allegations #1, #2, and #6 to be **SUSTAINED**.

b. Failing to Activate ICC.

COPA finds that Allegation #3 against Officer Bylak and Officer Okunskiy is **NOT SUSTAINED**. Specifically, COPA finds that the officers failed to activate their lights and sirens during a pursuit, in violation of General Order 03-03-01, but that this did not amount to a failure to activate the vehicle’s ICC. Uncontroverted testimony and other evidence indicates that Officer Bylak and Officer Okunskiy documented at the beginning of their shift that the in-car camera in their vehicle was inoperable, and followed the appropriate steps to report the issue.³⁸ This is corroborated by apparently contemporaneous records,³⁹ and the statement provided to COPA by their sergeant, Sgt. Rezny.⁴⁰ Therefore, whether or not the emergency lights and sirens were activated, it was not possible to activate the in-car camera.

For these reasons, COPA finds allegation #3 to be **NOT SUSTAINED**.

c. Driving Without Due Regard

³⁴ G03-03-01.V.A

³⁵ Chicago Municipal Code 9-4-010 (“Drag racing” means the act of: (1) two or more individuals competing or racing on any street, highway or other public way in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking, either by acceleration or maneuver; or (2) one or more individuals competing in a race against time on any street, highway or other public way.)

³⁶ See Att. 164, in which the term “drag racing” or anything similar is never mentioned.

³⁷ Att. 165, pg. 24, lns. 1-5.

³⁸ Att. 165, pg. 17, lns. 15-21; Att. 165, pg. 17, lns. 2-10.

³⁹ Att. 168, pg. 1.

⁴⁰ Att. 171, pg. 10, ln. 18 to pg. 11, ln. 9.

COPA finds Allegation #4 against Officer Bylak and Officer Okunskiy to be **SUSTAINED**. Department policy regarding vehicle emergency operating procedures allow for police vehicles to, for instance, exceed speed limits or disregard regulations governing direction of movement.⁴¹ These privileges apply only when the vehicle is readily identifiable as an emergency vehicle.⁴² A marked squad car is readily identifiable as an emergency vehicle when it has its lights and siren activated.⁴³ CPD policy, however, does not relieve Department members from the responsibility of driving with due regard for the safety of all persons.⁴⁴ Officer Bylak stated he first encountered the Infiniti near 9th or 10th Street & Michigan Avenue. With no emergency lights or sirens activated, Officer Bylak, drove his vehicle into the opposite lane of traffic while closely following behind the Infiniti.



Figure 1: City of Chicago POD video showed CPD Vehicle #7528 driving through the intersection at 13th Street & Michigan Avenue and appeared to briefly veer into the opposite lane of traffic while closely following behind the Infiniti.

In his statement to COPA, Officer Bylak asserted he did not believe he was in a pursuit because he was just trying to get the vehicle's plate information to notify OEMC it was travelling at a high rate of speed.⁴⁵ Officer Bylak estimates the Infiniti driven by [REDACTED] was going 80-90 mph. Officer Bylak estimated his vehicle was going approximately 40 mph but when he saw the crash he did accelerate. GPS records for CPD Vehicle #7258 show at or near the 1200 block of South Michigan Avenue, the vehicle reached a speed of 53 mph.⁴⁶ Officer Bylak was asked why he was driving at a rate almost twice the legal speed limit if he was not on an active service call and did not consider this event a pursuit. Officer Bylak stated he may have hit 53 mph when he saw the crash and accelerated to render aid. However, when Officer Bylak's vehicle reached a speed of 53 mph at or near the 1200 block of South Michigan Avenue, the vehicle crash had not

⁴¹ G03-03.III.C.3.

⁴² G03-03.III.A.

⁴³ G03-03-01.VII.A.

⁴⁴ G03-03(III)(A).

⁴⁵ Att. 164, pg. 14 lns. 12-19.

⁴⁶ City of Chicago Municipal Code 9-12-070(a) - The provisions of Section 11-601 of the Illinois Vehicle Code shall be applicable on all streets within and under the jurisdiction of the city. The absolute statutory urban speed limit shall be 30 miles per hour in streets and 15 miles per hour in alleys.

happened yet. Officer Bylak's statements are also contradicted by the POD videos, which shows their car approximately the same distance behind the Infiniti at both Roosevelt Rd. and 13th St. Allegation #4 against Officer Bylak and Officer Okunskiy is **SUSTAINED**.

d. Officer Bylak and Officer Okunskiy failed to timely activate their body worn cameras at the beginning of the motor vehicle pursuit.

COPA finds Allegation #5 against Officer Bylak and Officer Okunskiy **SUSTAINED**. To increase transparency and improve the quality and reliability of investigations, CPD policy mandates all law-enforcement-related encounters to be electronically recorded on the officers' body worn camera ("BWC"). The policy requires officers to activate their camera at the beginning of an incident and to record the entire incident for all "law enforcement related activities," including, but not limited to calls for service, investigatory stops, traffic stops, traffic control, foot and vehicle pursuits, arrests, use of force incidents, high risk situations, statements made by individuals during the course of an investigation, searches, requests for consent to search, any encounter with the public that becomes adversarial after the initial contact, and any other instance when enforcing the law.⁴⁷ The recording of law-enforcement-related encounters is mandatory.⁴⁸ If there are circumstances preventing the activation of the BWC at the beginning of the incident, the officer "will activate the BWC as soon as practical."⁴⁹

This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC.⁵⁰ Officer Bylak activated his BWC at the 1400 block of Michigan Avenue after he exited his vehicle and just prior to him placing handcuffs on ██████████⁵¹ Officer Okunskiy activated his BWC as he exited the vehicle, prior to rendering aid.⁵² Neither officer's activation was timely under the policy. Due to COPA's finding that the officers engaged in a motor vehicle pursuit, it follows that they were required to activate their BWCs when they initiated said pursuit. COPA finds Allegation #5 against Officer Okunskiy and Officer Bylak **SUSTAINED**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Alex Bylak

i. Complimentary and Disciplinary History⁵³

Officer Bylak has received 70 complimentary awards, including 67 honorable mentions. Officer Bylak has received five SPARs from the Department, for the following incidents:

⁴⁷ Att. 48; S03-14.III.A.2

⁴⁸ S03-14.III.1

⁴⁹ S03.14.III.2

⁵⁰ Att. 48; S03-14.III.A.2

⁵¹ Att. 9 at 2:00.

⁵² Att. 11 at 2:00.

⁵³ Att. 173.

noncompliance with motor vehicle pursuit requirements, failure to perform any duty, failure to perform assigned tasks, failure to perform any duty, and preventable accident – amounting to a total of five days suspension and a reprimand. Officer Bylak also has two sustained complaints against him, one for a failure to submit a report, and the other for neglect of duty – both resulting in a reprimand.

ii. Recommended Discipline

Within less than a ninety-day period, three different investigations were opened related to Officer Bylak initiating pursuits without making any notifications, and numerous operations violations. On October 19, 2022, A CPD-initiated complaint was lodged against Officer Bylak for initiating a vehicle pursuit without notifying OEMC or a supervisor as required. One January 1, 2023, another similar CPD initiated complaint was lodged against Officer Bylak. In his statement with COPA, Officer Bylak demonstrated a basic lack of knowledge of CPD pursuit policy. Furthermore, in this case Officer Bylak’s disregard of Department directives played a role in the tragic death of [REDACTED]. Therefore, COPA recommends a suspension of **180 days** and further training on Department vehicle pursuit directives.

b. Officer Dmitry Okunskiy

i. Complimentary and Disciplinary History⁵⁴

Officer Okunskiy has eight complimentary awards. Officer Okunskiy has received three SPARs, for the following separate incidents: preventable accident, failure to perform any duty, and preventable accident – resulting in a one-day suspension, and two reprimands.

ii. Recommended Discipline

On November 20, 2022, Officer Okunskiy, was the passenger officer in CPD Vehicle #7258. Officer Okunskiy was also PPO on the date in question and likely not in a position to question whether his partner, Officer Bylak was within policy regarding a pursuit. COPA recommends a **Reprimand** and training on Department vehicle pursuit directives.

Approved:

[REDACTED]

5-17-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

⁵⁴ Att. 173.

Appendix A**Case Details**

Date/Time/Location of Incident:	November 20, 2022 / 7:59 pm / 1400 S. Michigan Avenue
Date/Time of COPA Notification:	November 20, 2022 / 10:49 pm
Involved Member #1:	Alex Bylak / Star #8738 / Employee ID# [REDACTED] / DOA: June 16, 2017 / Unit: 001 / Male / White.
Involved Member #2:	Dmitry Okunskiy / Star #19855 / Employee ID # [REDACTED] / DOA: April 16, 2021 / Unit: 001/005 / Male / White.
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Male, Black

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 __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G03-03-01 Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020, to present).
- 50 ILCS 727 Police and Community Relations Improvement Act (effective January 1, 2016, to present).
- S03-14 Body Worn Cameras (effective April 30, 2018, to 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.⁵⁵ 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.”⁵⁶

⁵⁵ 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).

⁵⁶ *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