



Log # 2023-0005035

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 25, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Greg Gugger reporting alleged misconduct by a member of the Chicago Police Department (CPD).² Sergeant Gugger alleged that on October 25, 2023, Officer Dmitriy Okunskiy was the subject of a Department of Child and Family Services (DCFS) investigation for child abuse.³ Upon review of the evidence, COPA served an allegation that Officer Okunskiy failed to notify CPD that he was the subject of previous DCFS investigations, taking place between February 2022 to May 2024. Following its investigation, COPA reached a **sustained** finding regarding the allegation.

II. SUMMARY OF EVIDENCE⁴

COPA was notified that Officer Okunskiy was the subject of a DCFS investigation involving ██████████, on October 25, 2023.⁵ COPA interviewed ██████████ ██████████, on May 29, 2024.⁶ ██████████ explained that he initially notified DCFS due to the information that ██████████ shared with him.⁷ Additionally, ██████████ related that he made another notification to DCFS for information ██████████ shared with him on May 6, 2024.⁸ COPA obtained the DCFS investigation reports and discovered that Officer Okunskiy was also the subject of an investigation in February 2022, involving ██████████

The three DCFS investigation reports documented interviews with ██████████ Officer Okunskiy, ██████████ 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 Att. 1.

³ 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.

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 police reports, civilian interviews, DCFS reports, Chicago Public Schools reports, and an officer interview.

⁵ Att. 1.

⁶ Atts. 5 to 6.

⁷ Att. 6, pgs. 3 to 6.

⁸ Atts. 3 to 4; COPA obtained the ██████████ ██████████ from the notifications made on October 25, 2023 and May 6, 2024.

████████ COPA attempted to interview ██████████ but was unsuccessful.⁹ COPA also was unable to interview ██████████¹⁰ The information gathered through the DCFS investigation and included in their reports differed from what was initially reported to DCFS. Due to this, COPA did not find sufficient objective verifiable evidence to serve Officer Okunskiy with allegations related to child abuse. However, Officer Okunskiy was served an allegation for failing to notify CPD that he was the subject of DCFS investigation(s).

During his statement to COPA, Officer Okunskiy expressed that the first time DCFS contacted him regarding an investigation being conducted, he reached out to the Chicago Fraternal Order of Police (FOP) to seek advice. He further related that FOP advised him that because the DCFS investigation involved off-duty conduct, he did not need to complete any further actions or notifications.¹¹ Furthermore, Officer Okunskiy related that because all of the DCFS investigations resulted in a finding of “unfounded”, he did not notify FOP regarding the subsequent DCFS investigations, based on the advice he got from FOP regarding the first investigation.

When presented with Special Order S08-01-10, Special Situations Involving Allegations of Misconduct, Officer Okunskiy related that he was not aware of the order when the first DCFS investigation involving him was opened in February 2022. He further related that he was a newer officer, having been appointed to the department less than a year prior.¹² Okunskiy reiterated that he called FOP because he did not know what to do, and he was provided with incorrect information.

III. ALLEGATIONS

Officer Dmitriy Okunskiy:

1. On multiple dates and times between February 2022 and May 2024, Officer Dmitriy Okunskiy failed to notify the Chicago Police Department that he was the subject of Department of Child and Family Services (DCFS) investigation(s).
 - **Sustained**, in violation of Rule 2, 3, and 6

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

⁹ See CMS Notes: CO-1407418; CO-1408594; and CO-1409151; COPA spoke to ██████████ via telephone, who related she had no concerns with Officer Okunskiy’s parenting, and she had never heard ██████████ complain of any abuse, pain or injuries. ██████████ originally agreed to participate in a recorded interview with COPA, but she did not appear for her scheduled interview. She then did not return any further attempts to contact her.

¹⁰ See CMS Notes CO-1417441 and CO-1417850; COPA called ██████████ and left multiple voicemails for her but did not hear back.

¹¹ Att. 16, pgs. 17 to 19.

¹² Att. 16, pgs. 19 to 21.

memory. In this case, COPA finds that Officer Okunskiy provided a reliable account of the situation. Officer Okunskiy was forthcoming in his responses and provided an account of the incident that was internally consistent. Moreover, Officer Okunskiy appeared truthful in his statement, and he does not appear to have a motive to fabricate and/or confuse the facts related to this case. To his credit, Officer Okunskiy sought advice from the FOP in attempt to address DCFS investigation in earnest. That said, the information he was provided influenced his failure to notify CPD, in accordance with CPD policy, that he was indeed the subject of an investigation. Therefore, COPA believes Officer Okunskiy is credible, which mitigates COPA's final recommendations.

V. ANALYSIS¹³

COPA finds Allegation #1, that on multiple dates and times between February 2022 and May 2024, Officer Okunskiy failed to notify CPD that he was the subject of DCFS investigation(s) is **sustained**. Per the CPD's Special Order S08-01-10, CPD members should promptly submit a To-From-Subject Report to their commanding officer whenever they are under investigation by any outside law enforcement agency or governmental or lawful investigatory entity.¹⁴ Officer Okunskiy admitted that he did not write a To-From-Subject report, as the Special Order states to do so. He further related now that he is aware of the Special Order, he will be sure to write a To-From-Subject report if anything similar comes up in the future. COPA finds by a preponderance of the evidence that this allegation is sustained. Therefore, COPA finds that Officer Okunskiy's actions violated Rule 6 and Special Order S08-01-10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Dmitriy Okunskiy

i. Complimentary and Disciplinary History¹⁵

Officer Okunskiy has received 35 total complimentary awards, including 29 honorable mention certificates and two Department commendation awards. Officer Okunskiy has received four SPARs, for the following separate incidents: neglect of duty; preventable accident; and noncompliance with motor vehicle pursuit requirements, which resulted in a reprimand and 10-day suspension.

ii. Recommended Discipline

COPA has considered Officer Okunskiy's complimentary and disciplinary history. In the analysis above, COPA acknowledges that Officer Okunskiy violated Special Order S08-01-10 resulting in a sustained finding regarding the allegation made against. That said, COPA also recognizes that Officer Okunskiy made an effort to address the issue when he contacted the FOP

¹³ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁴ Att. 12, S08-01-10, Special Situations Involving Allegations of Misconduct, IV(A).

¹⁵ Att. 20.

and, for whatever reason, was provided incorrect information that led him to believe he was not required to report the DCFS investigation. COPA also noted that Officer Okunskiy provided a credible statement regarding the incidents involved in this investigation and was humble and forthcoming in his responses. Therefore, given the nature of the policy violation and Officer Okunskiy's honorable participation in the investigation, COPA recommends a reprimand and training on Special Order S08-01-10.

Approved:



9.18.25

Kimberly Edstrom Schiller
Director of Investigations – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	Various
Date/Time of COPA Notification:	October 25, 2023 / 2:13 pm
Involved Member #1:	Dmitriy Okunskiy, star #19855, employee ID# [REDACTED] Date of Appointment: April 16, 2021, Unit of Assignment: 005, Male, White Hispanic
Involved Individual #1:	[REDACTED], Male, White

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

- S08-01-10: Special Situations Involving Allegations of Misconduct (effective April 8, 2019 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.¹⁶ 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.”¹⁷

¹⁶ 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).

¹⁷ *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