



Log # 2019-0796

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

### I. EXECUTIVE SUMMARY

On April 12, 2019, the Civilian Office of Police Accountability (COPA) received an initiation report from Chicago Police Department (CPD) Lieutenant Stephanie Stewart reporting alleged misconduct by a CPD member. That report described [REDACTED] allegation that Officer Maria G. Bucio pushed her on April 12, 2019.<sup>2</sup> Following its investigation into that complaint, COPA finds that the allegation is Not Sustained.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

The accused, CPD Officer Maria G. Bucio, is the sister of late Chicago Fire Department Firefighter/EMT Juan Bucio,<sup>4</sup> who tragically died in the line of duty in 2018.<sup>5</sup> The complainant, [REDACTED] is Firefighter/EMT Bucio's former spouse.<sup>6</sup> The events under investigation occurred on the evening of April 12, 2019, at De La Salle Institute in Chicago, during a charity event held in part to honor the deceased fireman.<sup>7</sup> [REDACTED] and Officer Bucio attended the event; Officer Bucio was off-duty at the time.

After the event, [REDACTED] made a walk-in complaint at CPD's First District Station.<sup>8</sup> According to that complaint, Officer Bucio pushed [REDACTED] during the charity event.<sup>9</sup> COPA then interviewed [REDACTED] who described a moment during the event when she was preparing to pose for a group photograph.<sup>10</sup> [REDACTED] then claimed that Officer Bucio initiated bodily contact between them by shoving her away.<sup>11</sup>

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the events under investigation, 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> The following is a summary of what COPA finds most likely occurred during the events under review. This summary utilized information from several different sources, including COPA's respective interviews of [REDACTED] and Officer Bucio.

<sup>4</sup> Attachment 8, pg. 4, ln. 22, to pg. 5, ln. 1.

<sup>5</sup> Attachment 31, Chicago City Council Resolution R2018-687 (June 27, 2018).

<sup>6</sup> Attachment 8, pg. 4 ln. 22, to pg. 5, ln. 1.

<sup>7</sup> See Attachment 1; Att. 8, pg. 4, ln. 22, to pg. 6, ln. 1; Att. 25, pg. 16, ln. 10, to pg. 18, line 19.

<sup>8</sup> See Attachment 1.

<sup>9</sup> See Attachment 1.

<sup>10</sup> See Attachment 8, pg. 4, ln. 22, to pg. 6, ln. 1.

<sup>11</sup> See Attachment 8, pg. 5, lns. 14 to 20.

COPA then interviewed Officer Bucio.<sup>12</sup> In her interview, Officer Bucio denied the allegation, “to the best of [her] recollection.”<sup>13</sup> She, too, then described an occasion during the charity event involving a group photograph.<sup>14</sup> However, according to Officer Bucio, it was ██████ who then initiated bodily contact by pushing *her* away.<sup>15</sup> Officer Bucio also provided COPA with a video recording,<sup>16</sup> which she said depicted the incident.<sup>17</sup>

COPA has reviewed that video recording. It depicts two persons (identified by Officer Bucio during her interview as herself and ██████<sup>18</sup> maneuvering near each other as they both apparently attempt to pose with other persons for a group photograph.<sup>19</sup> It does not depict pushing or shoving by either of the persons identified as Officer Bucio and ██████<sup>20</sup> The video does not clearly show whether there was or was not physical contact between the persons believed to be Officer Bucio and ██████ though it might be viewed as depicting slight physical contact between them that was momentary, incidental, and fleeting.<sup>21</sup> The video recording does not depict any physical contact between them that appears to have been insulting or provoking.<sup>22</sup>

After viewing that video recording, COPA contacted ██████ to request that she view it as well, so that she could inform COPA concerning whether it does or does not in fact depict the incident that she has complained about.<sup>23</sup> However, ██████ has not responded to COPA’s request. That lack of response, along with statements made by ██████ in with another, prior contact between COPA and ██████<sup>24</sup> has led COPA to conclude that ██████ is unwilling to participate further in COPA’s investigation of her complaint.

### III. ALLEGATIONS

#### Officer Maria G. Bucio:

1. On April 12, 2019, at approximately 9:30 p.m., at or near 3434 South Michigan Avenue, Chicago, Illinois (De La Salle Institute), Officer Maria G. Bucio committed misconduct through the following acts and/or omissions: (1) Officer Bucio knowingly and without legal justification made physical contact of an insulting or provoking nature with ██████ in that she pushed or shoved ██████

<sup>12</sup> Att. 25.

<sup>13</sup> See Att. 25, p. 18, ln. 21, to pg. 19, ln. 1.

<sup>14</sup> See Att. 25, pg. 16, ln. 10, to pg. 18, line 19.

<sup>15</sup> See Att. 25, pg. 16, ln. 10, to pg. 18, line 19.

<sup>16</sup> Att. 26. COPA also obtained from De La Salle Institute video footage that depicts parts of the charity event. See Atts. 16 to 20. However, that footage does not depict anything resembling an incident described by either party.

<sup>17</sup> See Att. 25, pg. 25, ln. 5, to pg. 33, ln. 17.

<sup>18</sup> See Att. 25, pg. 31, ln. 17, to pg. 33, ln. 17.

<sup>19</sup> See Att. 26 at 0:17 to 0:23.

<sup>20</sup> See Att. 26 at 0:17 to 0:23.

<sup>21</sup> See Att. 26 at 0:17 to 0:23.

<sup>22</sup> See Att. 26 at 0:17 to 0:23.

<sup>23</sup> See Att. 32.

<sup>24</sup> See Att. 32.



**Appendix A**

**Case Details:**

Date/Time/Location of Incident:	April 12, 2019, approximately 8:00 p.m. to 9:30 p.m., De La Salle Institute, 3434 South Michigan Avenue, Chicago, Illinois
Date/Time of COPA Notification:	April 12, 2019, approximately 9:32 p.m.
Involved Member #1:	P.O. Maria G. Bucio, Star #15059, Employee ID# [REDACTED], Date of Appointment: November 15, 1999; Unit of Assignment: 001; Female, Hispanic
Involved Individual #1:	[REDACTED] Female, 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**

- G03-02 Use of Force (effective October 15, 2017, to February 28, 2020)
- 720 ILCS 5/12-3 (criminalizing physical contact of an insulting or provoking nature)

## 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>28</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>29</sup>

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<sup>28</sup> 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).

<sup>29</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