



Log # 2022-0181

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 18, 2022, the Civilian Office of Police Accountability (COPA) received a complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on January 13, 2022, Sergeant (Sgt.) Jeffrey Curia racially profiled [REDACTED] and [REDACTED] wife, [REDACTED] when he initiated a traffic stop and seized the license plate from their car without justification.² Following its investigation, COPA reached exonerated and unfounded findings for all the allegations.

II. SUMMARY OF EVIDENCE³

On January 13, 2022, at approximately 7:08 pm, Sgt. Jeffrey Curia was stopped in his patrol car.⁴ Sgt. Curia observed a white Chevrolet Trailblazer driving north on Ashland Ave. without a front license plate. Believing the car was not properly displaying its registration, Sgt. Curia pulled away from the curb and made a U-turn to follow the Trailblazer. Once Sgt. Curia pulled close to the rear of the Trailblazer, he saw a Wisconsin wholesaler license plate attached to the rear of the car.⁵ Sgt. Curia activated his emergency lights to initiate a traffic stop on the basis that the Wisconsin wholesaler plate is not a valid registration outside of the state of Wisconsin. The Trailblazer turned into a gas station and stopped.⁶

Sgt. Curia stopped his patrol car behind the Trailblazer and approached on the driver's side. Sgt. Curia asked the driver, [REDACTED] for her license and proof of insurance. [REDACTED] provided her license and explained that the car belonged to her husband, [REDACTED] who was sitting in the front passenger seat. Sgt. Curia asked [REDACTED] for his proof of insurance and inquired about the license plate. [REDACTED] said that the car was insured through his dealership, that

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 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.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) footage, police reports, court transcripts, and interviews of the complainant, a witness, and the accused sergeant.

⁴ Att. 15 at 0:00.

⁵ Att. 4 at pg. 7, ln. 24 to pg. 8, ln. 15.

⁶ Att. 22 at 4:59 to 5:25.

he recently purchased the car, and that he was trying to sell it. Sgt. Curia asked for [REDACTED] license and went to his patrol car to run [REDACTED] and [REDACTED] names.⁷

Sgt. Curia conducted a Law Enforcement Agencies Data System (LEADS) query, which showed that [REDACTED] license was suspended.⁸ While Sgt. Curia was conducting the query, Officer Ioan Boeriu responded to the scene.⁹ Sgt. Curia returned to the Trailblazer with Officer Boeriu and explained to [REDACTED] and [REDACTED] that he stopped them due to their use of Wisconsin dealer plates, which are valid only in the state of Wisconsin. Sgt. Curia told [REDACTED] that her license was suspended and that he was placing her under arrest.¹⁰ Sgt. Curia told them that he was seizing the license plate as evidence of the offense that led to the stop. Sgt. Curia said he was exercising discretion to seize the license plate, rather than impounding the Trailblazer, because [REDACTED] and [REDACTED] were being cooperative and because their daughter was with them.¹¹ Sgt. Curia asked [REDACTED] to step out of the car and to give her personal possessions to [REDACTED].¹² Sgt. Curia handcuffed [REDACTED] and placed her inside the patrol car.¹³ Sgt. Curia then returned to the Trailblazer, removed the license plate, and placed it in his patrol car.¹⁴

After seizing the license plate, Sgt. Curia explained to [REDACTED] that the license plate would be released to him at the completion of [REDACTED] criminal case.¹⁵ [REDACTED] asked Sgt. Curia what he should do if he was stopped for having no registration displayed. Sgt. Curia wrote an investigatory stop receipt for [REDACTED] to show to an officer who stopped him subsequently.¹⁶ On the stop receipt, Sgt. Curia wrote the citation for the statute prohibiting the use of out-of-state dealer plates in Illinois (625 ILCS 5/3-701). Sgt. Curia noted that there is an exception to the statute for commuting for repairs, but he told [REDACTED] that the exception did not apply to wholesalers.¹⁷ Sgt. Curia then terminated the stop and transported [REDACTED] to the 6th District police station.¹⁸

[REDACTED] was charged with five offences, including one felony for driving on a revoked license.¹⁹ On February 10, 2022, Sgt. Curia testified before Judge Susana Ortiz at a preliminary hearing regarding the stop and subsequent arrest of [REDACTED].²⁰ [REDACTED] counsel challenged the basis for the stop and sought to have the charges dismissed.²¹ Judge Ortiz declined to issue a ruling

⁷ Att. 15 at 2:11 to 3:54.

⁸ Att. 22 at 14:40 to 15:06.

⁹ Att. 5 at 1:59.

¹⁰ Att. 15 at 9:21 to 11:09.

¹¹ Att. 15 at 11:09 to 11:58.

¹² Att. 15 at 13:01 to 13:16.

¹³ Att. 15 at 15:41 to 16:29.

¹⁴ Att. 15 at 17:08 to 17:39.

¹⁵ Att. 15 at 18:16 to 18:58.

¹⁶ Att. 15 at 19:28 to 19:59.

¹⁷ Att. 15 at 22:32 to 23:09.

¹⁸ Att. 15 at 24:22.

¹⁹ Att. 2. [REDACTED] was also charged with driving an improperly registered vehicle, driving an uninsured vehicle, and a less severe charge of driving on a revoked license.

²⁰ Att. 4 at pgs. 7 to 13.

²¹ Att. 4 at pgs. 14 to 15.

on the basis for the stop and determined that probable cause existed for the felony charge to proceed. The Cook County State's Attorney moved to dismiss the remaining charges against ██████████²² On June 7, 2023, ██████████ entered a guilty plea in exchange for her charge being amended from a felony to a misdemeanor.²³

III. ALLEGATIONS

Sgt. Curia:

1. Stopping ██████████ without justification.
 - Exonerated
2. Racially profiling ██████████ and ██████████ as prohibited by G02-04, Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017 to June 30, 2022).
 - Unfounded
3. Seizing ██████████ license plate without justification.
 - Exonerated

IV. CREDIBILITY ASSESSMENT

COPA interviewed Sgt. Curia on February 23, 2023.²⁴ Sgt. Curia's statements were consistent with the BWC footage and other evidence, and COPA finds the sergeant's statements on the incident generally credible. ██████████ and ██████████ also provided statements to COPA that were generally consistent with the BWC footage and other evidence. The underlying dispute in this investigation goes to the propriety and motivation behind Sgt. Curia's undisputed actions. Thus, this investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

V. ANALYSIS²⁵

In statements given to COPA, ██████████ and ██████████ said that that when they were stopped, they were travelling to ██████████ brother's home for the purpose of having their Trailblazer serviced.²⁶ ██████████ believed that a trip for that purpose was valid under the statute cited by Sgt. Curia and that Sgt. Curia improperly stopped them.²⁷ Both ██████████ and ██████████ said that Officer Curia gave inaccurate justifications for the stop at hearings related to ██████████ criminal trial and that the stop was without a valid basis.²⁸

²² Att. 4 at pg. 15.

²³ Att. 17.

²⁴ Att. 15.

²⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁶ Att. 20 at 2:18 and Att. 10 at 5:53 to 6:31.

²⁷ Att. 10 at 12:47 to 13:07.

²⁸ Att. 20 at 4:26 to 4:48 and Att. 10 at 11:50 to 12:53.

When an officer initiates a traffic stop, it is “a ‘seizure’ of ‘persons’ within the meaning of the Fourth Amendment.”²⁹ An officer may initiate a traffic stop where reasonable articulable suspicion exists to believe the person being stopped is committing, is about to commit, or has committed a criminal offense.³⁰ An officer “may not ignore facts which would dispel suspicion of criminal wrongdoing”³¹ but is “not required to rule out all possibility of innocent behavior” prior to initiating a traffic stop.³²

Applying these rules to the immediate incident, Sgt. Curia’s stop of [REDACTED] vehicle was proper. [REDACTED] plate was valid in the state of Wisconsin, but it was not subject to reciprocity under Illinois law.³³ Sgt. Curia observed the Wisconsin wholesale license plate affixed to the rear of [REDACTED] vehicle.³⁴ This observation was sufficient to create reasonable suspicion to initiate a stop. [REDACTED] and [REDACTED] both said that the purpose of their trip was to get the Trailblazer repaired by [REDACTED] brother,³⁵ and such trips fall within an exception for out-of-state vehicles bearing a non-reciprocal registration.³⁶

Neither [REDACTED] nor [REDACTED] provided Sgt. Curia with a work order or contract during the stop. Sgt. Curia did not request such an order, and he did not question them regarding the purpose of their trip during the stop. So, it is unclear if they would have been able properly invoke this exception at the time of the incident. But even accepting that they could, the stop was still proper because Sgt. Curia did not need to rule out innocent behavior prior to initiating the stop, and there are no identifiable facts that Sgt. Curia ignored that would have dispelled his suspicion that [REDACTED] vehicle was displaying an improper registration prior to initiating the stop. Because Sgt. Curia was justified in stopping [REDACTED] **Allegation #1 against Sgt. Curia is Unfounded.**

[REDACTED] and [REDACTED] further alleged that Sgt. Curia’s stated reason for the stop was a pretext and that race-based considerations were the true reason for the stop.³⁷ When interviewed by COPA, Sgt. Curia denied that he took [REDACTED] or [REDACTED] race into consideration when making any decision during the course of the incident.³⁸

Sgt. Curia did not explicitly state that Wisconsin wholesale plates were the reason he stopped [REDACTED] and [REDACTED] when he first spoke to them, but he did question [REDACTED] about the plate.³⁹ When Sgt. Curia returned to speak to [REDACTED] and [REDACTED] after running their names, he

²⁹ People v. Close, 238 Ill. 2d 497, 504 (2010).

³⁰ Att. 31, S04-13-09, Investigatory Stop System (effective July 10, 2017 to present).

³¹ People v. Close, 238 Ill. 2d 497, 510 (2010)

³² Close, 238 Ill. 2d at 511-512 (quoting United States v. Holland, 510 F.2d 453, 455 (9th Cir. 1975)).

³³ 625 ILCS 5/3-701(a)(2).

³⁴ Att. 22 at 5:03 to 5:22.

³⁵ Att. 20 at 5:44 to 6:03 and Att. 10 at 5:59 to 6:25.

³⁶ 625 ILCS 5/3-701(a)(3).

³⁷ Att. 20 at 4:45 to 4:58 and Att. 10 at 21:12 to 26:12 ([REDACTED] and [REDACTED] both stated they believed that Sgt. Curia assumed that [REDACTED] was in the area to solicit narcotics because she was a White woman in a predominantly Black neighborhood).

³⁸ Att. 22 at 17:07 to 17:24.

³⁹ Att. 15 at 2:36.

made it clear that the plate was the basis for the stop and explained that he was seizing the license plate because it was evidence of the basis for the stop.⁴⁰ Further, Sgt. Curia's questioning of [REDACTED] and [REDACTED] was limited in scope to the observed improper registration and later, after running [REDACTED] name, to her suspended license.

COPA has also discovered that on the date of the incident, Sgt. Curia generated five BWC video recordings. Four of those recordings were traffic stops, including the immediate incident, and during each stop, Sgt. Curia articulated an improper vehicle registration was the basis for the stop.⁴¹

Based on Sgt. Curia's pattern of enforcing registration violations that day, the lack of any statements during the stop that would indicate that he was motivated by racial bias, and his denial of observing occupants of the Trailblazer before he initiated the stop, **Allegation #2 against Sgt. Curia is Unfounded.**

[REDACTED] and [REDACTED] final allegation is that Sgt. Curia improperly seized the license plate from their car.⁴² An officer may seize evidence that is within plain view when the officer is rightfully in a position to give the officer that view.⁴³ Sgt. Curia observed the license plate on [REDACTED] and [REDACTED] car as it was being driven on the public way, and Sgt. Curia was sitting in his own vehicle.⁴⁴ After placing [REDACTED] under arrest, Sgt. Curia seized the license plate to preserve evidence of the violation which was the basis for the stop.⁴⁵ Because Sgt. Curia observed the license plate from a location where he had a right to be, and the license plate was evidence of the offense that led Sgt. Curia to initiate the stop, Sgt. Curia was justified in seizing [REDACTED] and [REDACTED] license plate and **Allegation #3 is Exonerated.**

Approved:

[REDACTED]

6-30-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

⁴⁰ Att. 15 at 9:33.

⁴¹ Att. 27 at 2:32 (display of expired Illinois license plates); Att. 28 at 3:54 (display of temporary Texas registration), and Att. 29 at 2:01 (display of Wisconsin wholesale license plate).

⁴² Att. 20 at 4:56 to 5:14 and Att. 10 at 26:09 to 26:39.

⁴³ Harris v. United States, 390 U.S. 234, 236 (1968).

⁴⁴ Att. 22 at 5:03 to 5:22.

⁴⁵ Att. 15 at 11:26 to 11:58.

Appendix ACase Details

Date/Time/Location of Incident:	January 13, 2022 / 7:09 pm / 8100 S Ashland Ave., Chicago, IL 60620
Date/Time of COPA Notification:	January 18, 2022 / 9:29 am
Involved Member #1:	Sergeant Jeffrey Curia, Star #1526, Employee ID # [REDACTED] DOA: April 2, 2007, Unit: 006, Male, Hispanic
Involved Individual #1:	[REDACTED] Female, White
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

- G02-04, Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017, to June 30, 2022).
- S04-13-09, Investigatory Stop Systems (effective July 10, 2017 to present).
- 625 ILCS 5/3/701.

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.⁴⁶ 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.”⁴⁷

⁴⁶ 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).

⁴⁷ *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