

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	August 13, 2021 / 10:43 pm / 6601 N. Western Ave., Chicago, IL 60645.
Date/Time of COPA Notification:	August 30, 2021 / 5:33 pm.
Involved Officer #1:	Officer Hayden Villamercado / Star#19504 / Employee ID# [REDACTED] / DOA: August 31, 2015 / Unit: 024 / Male / Hispanic.
Involved Officer #2:	Officer Tre Jones / Employee ID# [REDACTED] / DOA: October 29, 2018 / Unit: 024 / Male / Black. <sup>1</sup>
Involved Individual #1:	[REDACTED] / Male / Black.
Involved Individual #2:	[REDACTED] / Female / Hispanic.
Case Type:	03G – Search of Vehicle.

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer Hayden Villamercado	1. Searching Mr. [REDACTED] vehicle, without justification.	Exonerated.
Officer Tre Jones	1. Searching Mr. [REDACTED] without justification.	Exonerated.

**II. SUMMARY OF EVIDENCE**

Officers Hayden Villamercado and Tre Jones (collectively “the Officers”) were on patrol when they observed an occupied vehicle parked in the closed parking lot of Warren Laurence Park. As the Officers approached the vehicle, they observed Mr. [REDACTED] seated in the driver’s seat and Ms. [REDACTED] seated in the front passenger seat. Upon reaching the vehicle, the Officers informed [REDACTED] that the parking lot was closed and that they were not permitted to be parked in the lot. Additionally, the Officers observed an open container of alcohol, which [REDACTED] advised was a margarita that he was consuming.

The Officers requested identification from [REDACTED] and [REDACTED] provided his identification and [REDACTED] provided the name “[REDACTED].” After receiving the information, Officer Villamercado completed a name check and determined that a record for “[REDACTED]” could not be located. Officer Villamercado returned to the vehicle and asked [REDACTED] if she possessed any document with her name on it while explaining that he could not find a record for “[REDACTED].” [REDACTED] insisted her name was “[REDACTED]” and that she did not have any

<sup>1</sup> On August 25, 2021, Officer Jones separated from the Department. See Attachment 15.

identification on her. Officer Villamercado again completed a name check on "[REDACTED]" but again was unable to locate a record for the name. Officer Villamercado returned to the vehicle and explained that he could still not find a record for "[REDACTED]." [REDACTED] again insisted that her name was "[REDACTED]" and exited the vehicle.

As [REDACTED] exited the vehicle, Officer Villamercado observed [REDACTED] purse and inquired if she possessed a wallet. [REDACTED] explained that she did not. Officer Villamercado requested that [REDACTED] open her phone case wallet. [REDACTED] complied and provided an ARC photoidentification card with [REDACTED] face issued to a "[REDACTED] [REDACTED]" After receiving this information, the Officers detained [REDACTED] and [REDACTED] in handcuffs.<sup>2</sup>

Officer Villamercado then searched the vehicle for additional identification. After completing the search, Officer Villamercado completed a name check on [REDACTED] which resulted in a record return indicating that she was not wanted. The Officers then issued Investigatory Stop Receipts to [REDACTED] and [REDACTED] while informing they were free to leave, but because they had been consuming alcohol they were not permitted to drive.

### III. LEGAL STANDARD

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 the conduct occurred and violated Department policy.<sup>3</sup> If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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.<sup>4</sup> Clear and Convincing can be defined as a "degree of proof, which, considering all the

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<sup>2</sup> During the entire interaction, [REDACTED] was evasive about her identification and continually revised what her name was.

<sup>3</sup> *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 has found to be more probably true than not).

<sup>4</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>5</sup>

**IV. ANALYSIS AND CONCLUSION**

COPA finds all allegations against Officer Villamercado and Officer Jones are **exonerated**. Department members are permitted to search a vehicle when: (1) there is probable cause to believe evidence of a crime in present.<sup>6</sup> Additionally, in Illinois a citizen who is lawfully detained is required to provide their true identity to a peace officer who requests it.<sup>7</sup> Here, it is undisputed that [REDACTED] and [REDACTED] occupied a vehicle in the closed parking lot while in possession of alcohol on park property, both of which permitted a lawful detention. Further, when asked for a name and identification [REDACTED] repeatedly provided a false name, “[REDACTED]”, for which a record could not be located. Once [REDACTED] provided the ARC identification card with the name “[REDACTED]” to Officer Villamercado, it was reasonable for him to believe that [REDACTED] was, yet again, providing a false name. This belief that [REDACTED] was intentionally concealing her identity, combined with the presence of alcohol on park property, established probable cause that the vehicle contained evidence of a criminal offense, in the form of alcohol or the true identity of [REDACTED]. Therefore, the officers’ search of the vehicle was reasonable and proper.

Since the allegations against the officers are clearly exonerated, there was no need for them to address the allegations.

Approved:

[REDACTED]

3-30-22

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Angela Hearts-Glass  
*Deputy Chief Investigator*

\_\_\_\_\_  
Date

<sup>5</sup> *Id.* at ¶ 28.

<sup>6</sup> *Maryland v. Dyson*, 527 U.S. 465 (1999).

<sup>7</sup> 720 ILCS 5/31-4.5(a)(2).