

**Date:** June 22, 2023

**To:** Gabriel Davis, CCA Director

**From:** Morgan Givens, CCA Investigator

**Subject:** **CCA Case No. 22019 - Review of Discourtesy, Improper Search, and Improper Stop Allegations by Mr. Quincy Jones**

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CCA completed an investigation of CCA Complaint No. 22019 by Mr. Quincy Jones, M/B/41, alleging Improper Stop, Improper Search, and Discourtesy against Officer Katelyn Hoffbauer #P0600, F/W/28, and officers later identified as Officer Marc Schildmeyer, #P0575, M/W/51 (CPD, Involved) and Officer Jason Wallace, #P0070, M/W/44 (CPD, Involved)

This memorandum is intended to convey the conclusions resulting from that investigation and the basis for those conclusions. This memorandum does not purport to summarize all evidence uncovered during the course of the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Mr. Jones alleged that on Monday, April 5, 2021, at approximately 8 PM on Warsaw Avenue, Officers Hoffbauer, Schildmeyer, and Wallace improperly stopped his person, searched his vehicle, and was on the receiving end of discourtesy by Officer Hoffbauer.

CCA interviewed Mr. Jones, Officers Kevin Broering, #P0262, M/W/46, Schildmeyer, Hoffbauer, and Wallace about the incident. CCA also reviewed Contact Cards, records from the Hamilton County Clerk of Courts, and computer-aided dispatch (CAD) records.

Regarding the Improper Stop allegation, credible evidence, specifically, consistent statements provided by Officers Wallace and Schildmeyer, proves that Officers Wallace and Schildmeyer did conduct an investigatory stop as alleged. However, despite the action taken, CPD Procedure Manual Section 12.554 Investigatory Stops permitted the conduct that occurred. Specifically, the evidence establishes the following:

- The officers had reasonable suspicion to stop Mr. Jones after he was observed by Officer Broering. Per the CAD report, ECC received a call regarding armed men attempting to break into the caller's apartment; one of the people was identified as Mr. Quincy Jones. The caller identified Mr. Jones by name and provided a description of his vehicle.

Therefore, the subject officer's actions were consistent with CPD policy, procedure, and training.

Regarding the Improper Search allegation, credible evidence, specifically, consistent statements provided by Officers Schildmeyer, Hoffbauer, and Wallace, proves that Officer Hoffbauer did search Mr. Jones' vehicle as alleged. However, despite the action taken, an exception to the fourth amendment permitted the conduct that occurred. Specifically, the evidence establishes the following:

- The officers searched Mr. Jones' vehicle in accordance with a lawful exception to the general rule that a search warrant is required under the U.S. Constitution. Officer Hoffbauer observed marijuana in plain view in the vehicle which permitted the search to occur.

Therefore, the subject officer's actions were consistent with CPD policy, procedure, and training.

Regarding the Discourtesy allegation, despite the facts uncovered during this investigation, neither BWC footage nor any other credible evidence clarifies the material facts necessary to prove or disprove Mr. Jones' claim by a preponderance of the evidence. Specifically, notwithstanding our efforts to obtain such evidence, CCA does not have in its possession BWC footage; due to the complaint being filed more than one year after the date of the incident, the BWC footage was not retained. Therefore, there are insufficient facts to make a determination.

**Findings:**

Based on my investigation and review of the evidence uncovered, I recommend the following findings for your endorsement (findings are defined in the attachment to this memorandum):

**Original Allegations**

No.	Allegation	Subject Officer	Involved Citizen	Finding
1	Improper Stop	P.O. Marc Schildmeyer	Quincy Jones	Exonerated
2	Improper Stop	P.O. Jason Wallace	Quincy Jones	Exonerated
3	Improper Search	P.O. Katelyn Hoffbauer	Quincy Jones	Exonerated
4	Discourtesy	P.O. Katelyn Hoffbauer	Quincy Jones	Not Sustained

  
 Morgan Givens, Investigator

  
 Gabriel Davis, Director