

City of Davis

Independent Police Auditor Report:

Review of Allegation Regarding Inappropriate
Comment Made by DPD Officer

July 2022

Independent Police Auditor
Michael Gennaco





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Factual Background

The complainant expressed concern about a comment made by a DPD officer as she was responding to a call for service. The incident began when a man approached the complainant and advised her that he wanted to sexually assault her. She told him that he needed to leave, or she would call the police. He left, but she later saw the man surrounded by police officers talking with him.

The complainant said that a female DPD officer was getting out of her car at the scene, and she notified the officer about what the man had said to her. The officer took her information and then said: "maybe you should have felt flattered," or words to that effect. The complainant advised that she did not feel "flattered" in any way by the threat of an assault, but because she was still shaken by the incident, she walked away.

The complainant advised that the next day she read in the media that the man had been arrested. Because the officer's remark had unsettled her, she called the Police Department.¹ The complainant advised that a watch commander called her back and listened to her story. According to the complainant, the watch commander defended the female officer, saying that she was only trying to introduce some "levity" into the situation. According to the complainant, the watch commander did not seem to understand that the threat of assault is not "flattering" or funny in any way and continued for some time to defend the other officer. The complainant reported that the watch commander seemed reluctant to accept her suggestion that perhaps the officer needed more training in how to talk with someone in her situation. He did apologize at the end, and said he would consider it for future reference.

DPD Response

DPD reviewed the body-worn camera of the incident and talked to the supervisor. In a letter to the complainant, the Chief apologized for the statement. The letter noted that, while humor can be a useful tool in some situations to put people at ease, it must be used carefully and sparingly. The Chief acknowledged that it was not appropriate under the circumstances.

The letter further advised the complainant that the supervisor she had spoken to had documented her concerns and conducted a performance review with the involved officer. According to the letter, the supervisor had taken the incident seriously and it

¹ The complainant also sent an email to the PAC reporting the incident and registering her concerns.

was handled in accordance with Departmental procedures. The letter advised that DPD used the incident as a valuable learning opportunity for all involved.

IPA Review and Analysis

The Independent Police Auditor (IPA) reviewed the materials relevant to this incident, including DPD police reports and the body-worn camera video that captured the interaction. We concurred that the statement at issue was inappropriate; however, the context made it clear that no malice had been intended. Additionally, we noted the appropriate administrative attention that the woman's concerns ultimately received. The matter was addressed by the highest levels of the Department, and both the involved officer and the supervisor were advised of the concerns surrounding the statement and the legitimacy of the complainant's reaction.

In their many encounters with the public, officers will, at times, misspeak or otherwise make human errors in judgment. While this can be disappointing – or worse – for affected members of the public, a police agency's handling of such lapses can do much to mitigate the harms. Institutional recognition of the error, a willingness to acknowledge a mistake and to apologize for it, and the use of the event as an impetus for future improvement are all hallmarks of constructive accountability. In this case and to its credit, DPD leadership met these accountability expectations promptly and adroitly.

While expressing initial interest in engaging in a restorative justice session, the complainant eventually chose not to participate.