

City of Davis

Independent Police Auditor Report

Third-Party Complaint Regarding DPD Detention/
Allegation of Racial Profiling

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Independent Police Auditor

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The Independent Police Auditor (IPA) received an email from an individual who wanted to bring to the IPA's attention an incident she had witnessed. She stated she saw Davis police detain a Black man who she and her co-workers see every day riding his bike. She said he did not look suspicious, but police approached him with guns drawn (including what she described as "assault rifles") and then handcuffed him. She also said they held him for about 20 minutes and then released him because he'd done nothing wrong. She found the incident upsetting because it seemed clear that officers had targeted him based on race.

The IPA reached out to get some further details from the witness, including the date and time of the encounter, and then obtained reports and body-worn camera footage of the incident. In all, we reviewed the 16-page Information Report (with a Narrative authored by the lead officer and five Supplemental Reports from other involved officers), audio files (911 call and radio traffic), and body-worn camera footage.

The reports and video showed that just after 9:00 am on a weekday morning, officers responded to an apartment complex following a 911 call about a subject who had brandished a firearm and "gone off on" the driver of a delivery truck. The subject was described as a black male, 25-30 years old, tall, slender, wearing dark pants and a black sweatshirt over a red sweatshirt. The subject had been last seen riding a bicycle through the complex.

Officers set a perimeter, and quickly detained one subject, a slender black man riding a bike in the parking lot, wearing a red sweatshirt and dark pants. He complied with all the officers' commands to get down on the ground, etc., and was handcuffed and took a seat on the curb without incident. A number of officers had firearms withdrawn, including two with rifles, but officers were calm and the subject seemed relatively resigned to the whole event, though he did question several times what he allegedly did and why he was being detained.

In viewing the video, it seemed clear the officers doubted that the person they detained was the person they were looking for (they believed the real suspect was someone with whom they'd had prior contact) and they were decidedly low-key about the event. In an

initial field ID, a maintenance worker who witnessed the incident positively identified the detained subject, though, after which officers said to each other on camera that they didn't believe the identification was correct. Officers then located another witness who said the detained individual was not the perpetrator of the assault, and then promptly released him. The detention lasted a little less than 30 minutes.

The officer who was primary contact was polite, respectful, and forthcoming with information in response to the subject's questions. He acknowledged that the subject was of course not happy with what had happened, and thanked him for his cooperation and understanding. The subject was cooperative throughout the encounter (he even said on camera, "you're doing your job"), but he also was clearly – and understandably – annoyed. He had done nothing wrong, yet had his day's plans derailed while he was forced to sit on the curb in handcuffs while officers sorted things out.

We acknowledge the hurtfulness of this individual encounter, and are mindful of the frustrating national history of police interactions in communities of color. Nonetheless, DPD officers here were investigating a specific incident, with a suspect description that matched the person they detained, and did not detain the involved subject simply because he was a Black man "in the wrong place at the wrong time," as the complainant alleged. Most importantly, DPD officers acted with professionalism and understanding, seeming to do everything they could to blunt the impact of this detention.

We were grateful for the opportunity to review this incident, and thank the individual who brought it to our attention. Had the detention been a troubling example of racial profiling, as the witness suspected, we would have been glad to have learned about it with an opportunity to address the issue with the Department. As it was, we were gratified to be able to reach out to the witness with the results of our review and explain the circumstances in a way that assuaged her concerns about the incident.