

City of Davis

Independent Police Auditor Report:

Review of Allegation Regarding Inadequate
Handling of Domestic Conflict

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Independent Police Auditor
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Factual Background

This complaint was submitted by a third-party who alleged several shortcomings in the Davis Police Department (“DPD”) response to a call for service in his residential neighborhood. The underlying incident involved a clash between an adult male and his father, for whom the son had assumed some caretaking responsibilities in the aftermath of the older man’s developing health problems. Apparently, there were tensions in the relationship that arose from different ideas about the parent’s needs, and specifically relating to the advisability of the father’s continuing to drive. On the afternoon in question, the father allegedly struck the son inside their home and then drove off against the son’s wishes – an act which also involved contacting the son with the car, and then braking in a manner that dislodged the son from the car’s hood.

Officers responded to the scene in response to a 911 call that the son had made during the confrontation with his father.¹ They arrived and contacted the son, who was upset and seated outside. Shortly thereafter, the father returned to the scene and was apologetic about his actions.

Fire Department personnel responded to check on the son’s minor injuries; he declined medical transport and signed a waiver to that effect.² The son also gave a statement as to what occurred. Though he provided details about his father’s role in the minor injuries he had experienced, he was seemingly focused on the idea that this was a family dispute, and he was primarily concerned that his ailing parent could be arrested. The father also interacted with DPD personnel. The handling officer’s report noted that the man seemed to be impaired in his speech and in his processing and sharing of information.

After evaluating the circumstances, DPD made the decision to leave the scene after explaining that, while no arrest was needed, the incident would be documented and submitted to the District Attorney’s Office for consideration of possible charges against the father.

Several days after the incident, the Department received an email from the complainant, who himself had law enforcement experience and who had spoken with officers at the scene. He listed thirteen separate ways that the Department had fallen short of appropriate performance in his view. Several of these related to investigative steps that

¹ A supervisor was also eventually present, and participated in the decision-making at the scene.

² The third party who later contacted DPD asserted in his written complaint that the son had needed to go to a hospital emergency room several hours later as the result of this encounter. The investigator’s attempts to confirm this with the son were unsuccessful.

were not taken (such as canvassing the neighborhood for witnesses, taking photographs, etc.) The complainant also contended that both the father and son warranted a custodial detention for their own safety, under the statutory provision relating to individuals who are a danger to themselves or others.

DPD Investigation and Outcome

DPD opened a formal personnel investigation into the complaint, with a focus on the handling officer and the on-scene supervisor. The investigator was able to utilize body-worn camera recordings, reports, and other documentation in assessing the DPD response. He also interviewed three witness officers (who had responded to the call) and the two subject officers.

The Chief reviewed the completed investigation and determined that the officers had handled the incident appropriately, and that nothing about the officers' efforts or decision-making deviated from policy or agency expectations. Once the assessment of the situation had been made, and in light of the son's strong preference that no criminal culpability attach to the father, the choice to leave the two together without an arrest and to allow a report to suffice was found to be reasonable.³ As for the claim that both men should have been subjected to a psychiatric "hold" for their own safety, pursuant to Section 5150 of the Welfare and Institutions Code, the Department determined that such a step had not been justified by the facts and observations that the officers were able to make.

IPA Review and Analysis

³ The officers spoke with both parties about whether being together again in the house would be sufficiently comfortable and non-confrontational. Both seemed to share that impression, and they in fact walked back into the residence together at the conclusion of the call.

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.⁴ We concurred with the determination that the incident had been handled appropriately.

It is true that many of the complainant's observations about the officers' on-scene actions (or lack thereof) were factually accurate (such as the lack of outreach to potential witnesses, documentation of statements, etc.). However, the larger question was whether the investigative steps he detailed were necessary under the circumstances presented. It is clear that some exercise of discretion by DPD occurred here. Given the medical clearance and the relatively minor injuries at issue, the victim's adamant desire to forestall any criminal consequence, the father's return to a calm and remorseful posture, and the unique care dynamics that the two men shared, the handling officer believed that sufficient due diligence had occurred. This was confirmed by the sergeant at the scene. While both were asked in their administrative interviews about incorporating potential witness statements into their response to the incident, they shared the view that such a step was not required to address the situation appropriately.

This strikes us – as it did DPD leadership – as a reasonable approach to what had occurred. Several of the administrative interview questions related to whether the DPD officers on scene believed that the incident had been "well-managed." They answered by citing the steps that were taken to address potential medical needs, document the elements of the confrontation between the family members, and make an informed decision about how to resolve the call under the totality of the circumstances. This accounting was persuasive in our view.

Similarly, we agreed with the Department as to the complainant's assertions about imposing a psychiatric hold on one or both of the involved parties. The facts known to the officers – as corroborated by the body-worn camera recordings of the relevant interactions – did not appear to meet the legal criteria for a hold under state law. As the closeout memo cited, there was no evidence that a mental disorder (as opposed to a medical condition) was contributing to any vulnerabilities on the part of the father or the son. Accordingly, those aspects of the complaint were also found to be unsupported by the evidence.

⁴ One gap in the available evidence was any body-worn camera recording from the supervisor who was named as a subject in the investigation. It is not clear as to whether such a recording was simply not included in the case materials or had never been made. Much of the supervisor's conduct and verbal interactions was captured by other officers' recordings, and was thus subject to evaluation. However, any failure to record (if in fact applicable) should have been addressed separately by DPD in the investigation.