

City of Davis

# Independent Police Auditor Report:

Review of Allegation that Complainant was Misled  
by Davis Police Department

July 2023

Independent Police Auditor  
Michael Gennaco





323-821-0586  
7142 Trask Avenue | Playa del Rey, CA 90293  
[OIRGroup.com](http://OIRGroup.com)

## Factual Background

The complainant alleged that the Davis Police Department (DPD) misled him. The complaint stems from the complainant's arrest for possession of a stolen vehicle days after a DPD officer had agreed that the complainant had legitimately obtained the vehicle. A DPD officer had in fact suggested to the complainant that the matter was more of a "civil dispute" and intimated that he had obtained the vehicle appropriately, which initially caused another agency to remove a stolen vehicle entry that had been placed in the system. Eventually, the agency reentered the stolen vehicle entry, causing DPD officers to eventually effectuate an arrest. The arrest was conducted as a high risk stop, so the arresting officers drew and exhibited their firearms.

## DPD Investigation and Outcome

DPD opened a formal personnel investigation into the complaint. The investigation focused on three aspects:

1. Was the high-risk felony stop appropriate?
2. Was there any indicia of racial bias?
3. Did the handling officer properly investigate the matter?

DPD concluded that the high-risk stop was appropriate under the circumstances. It determined that the officers had probable cause to effectuate the arrest, because the car had been re-entered into the system as a stolen vehicle. The investigator noted that it is common practice and industry standard to perform a high-risk stop of suspected stolen vehicles which are occupied, including displaying firearms, and ordering the occupant from the car. The investigator found that the body-worn camera footage showed that the two arresting officers were authoritative but not rude. The camera footage also showed that once the complainant had been handcuffed, the officers de-escalated the incident by holstering their firearms and explaining the situation to the complainant. The footage also showed that the officers informed the complainant that he was arrested because the vehicle had been reported stolen and that they did not know the details since another agency had entered the information.

DPD also found no evidence that the arrest was due to bias. The arresting officers were responding to a stolen vehicle entry in the system. The DPD reviewer noted that the initial officer who encountered the complainant sided with the complainant and believed his account of how he came into possession of the vehicle.

DPD did have concerns, however, about the way the initial officer handled his investigation. DPD found that the officer failed to investigate the case thoroughly and failed to take a police report to document some very vital observations. Included in the

critique of the officer was his failure to confirm the validity of paperwork shown to him by the complainant and his decision to believe the complainant without further investigation. DPD found that the officer should have followed up by speaking with the victim and/or reviewing the initial police report prepared by the other agency. DPD concluded that if the officer believed the complainant, he should have prepared a police report so that the other agency could re-examine the situation. DPD found that the officer's handling of the case contributed to a great deal of subsequent confusion between DPD, the other agency, and the complainant. As a result, DPD found that the officer violated DPD policy relating to "Inexcusable Neglect of Duty".

## IPA Review and Analysis

The Independent Police Auditor (IPA) reviewed the materials relevant to this incident, including DPD police reports, the internal investigative report, and the body-worn camera video that captured the interaction. We concurred with the determination reached by DPD for the reasons set out above. To DPD's credit, instead of just examining the "four corners" of the allegations raised by the complainant, DPD identified the performance issues of the initial officer that led to the complainant's ultimate consternation. This holistic approach to complaint investigations is consistent with best practices of a progressive law enforcement agency.