

City of Davis

Independent Police Auditor Report:

Review of Allegation that DPD Failed to
Appropriately Handle a Dispute

July 2023

Independent Police Auditor
Michael Gennaco



Factual Background

There were two complainants in this case, a stepmother and daughter, arising from the same set of circumstances. The complaints stemmed from DPD's response to a residence in which the daughter lived with two other individuals. When DPD officers arrived, they were advised of an allegation that the daughter had used a racial slur against them and the daughter's counter allegation that the individuals had threatened to harm her.

The officers stayed on scene while the daughter collected items to leave the residence temporarily. One of the other individuals was under the apparent influence of alcohol and during the encounter, said that she wanted to harm the daughter. Eventually, the stepmother appeared at the location and complained about the decision of DPD not to arrest the person who had threatened her stepdaughter. DPD explained that they did not have the elements of a threat to effectuate an arrest but said it would complete a report and forward it to the District Attorney for review.

DPD Investigation and Outcome

Because the stepmother had included in her complaint the actions of a high-ranking officer in DPD, the City, through its Department of Human Resources, decided to assign the investigation to an independent investigator. However, unbeknownst to that investigator and to Human Resources, DPD had already commenced an investigation into the daughter's complaint. As a result, the independent investigator was asked simply to investigate the allegations against the high-ranking officer.

Both investigations concluded that the allegations against DPD were unfounded. The investigations found that the conduct of on-scene officers was consistent with policy and expectations. The independent investigation found no basis for sustaining any allegations of disfavored treatment that had been lodged against the DPD high ranking official.

IPA Review and Analysis

We reviewed the materials relevant to this incident, including DPD police reports, video accounts of the incident and the internal investigative report. We concurred with the determinations reached by the investigators as to the substance of the complaint.

A review of the independent investigation revealed that the investigator provided the high-ranking official with a verbatim copy of the complaint prior to being interviewed. It is not good practice to do so; the Peace Officer's Bill of Rights only requires that the subject official be advised of the nature of the investigation, as opposed to being provided with the complaint form. Should the City decide to use the services of the independent investigator in the future, he should be advised to limit his disclosure to subject officers to the nature of the investigation.

Recommendation: The City should ensure that independent investigators limit any disclosure to subject employees to the "nature of the investigation" instead of the full complaint form.