

City of Davis

# Independent Police Auditor Report:

Review of Allegation that DPD Failed to Properly  
Handle an Assault Report

July 2023

Independent Police Auditor  
Michael Gennaco



OIR  

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## Factual Background

A DPD officer responded to an allegation of assault and prepared a police report outlining its subsequent investigation. Several months later, the complaining witness alleged that the DPD officer did not professionally handle the investigation because he laughed at the complainant during the initial call, tried to talk the complainant out of pursuing the matter, was not responsive to his follow-up emails, failed to submit his report to the District Attorney, and had tattoos displayed.

## DPD Investigation and Outcome

DPD opened an investigation into the allegations. The investigation revealed that the officer had requested that the investigative report be forwarded to the District Attorney for review, but that a DPD staff person responsible for forwarding of reports had neglected to do so. In fact, it was only after the complaining witness called to inquire into the status of the investigation several months after the incident, that the staff person realized that the report had not been submitted and then forwarded the matter. However, because the allegation involved a misdemeanor, the District Attorney recognized that the one-year statute of limitations had expired, making any prosecution unavailable.

Based on the investigation, the staff person was made a subject of the investigation and DPD determined that the employee was in violation of the Department's "neglect of duty" policy.

The additional allegations against the officer were difficult to investigate because by the time they were made, the body worn camera footage of the incident had been purged. Accordingly, it was difficult to ascertain whether there was any credence to the complainant's allegations that DPD officers had laughed at him or tried to talk him out of pursuing the matter. Regarding the tattoo allegations, DPD noted that officers are permitted to have and display tattoos while on duty. As a result of the above issues, the allegations against the officer were not sustained.

## IPA Review and Analysis

We reviewed the materials relevant to this incident, including DPD police reports, recorded accounts of an interaction between the officer and the complainant weeks after the incident, and the internal investigative report. We concurred with the determinations reached by DPD. In DPD's letter to the complainant, it acknowledged the misstep and advised that corrective action had been taken to address the failure of submitting the report. We expect that individual accountability and a review and

improvement of the referral process will reduce the likelihood of similar missteps from reoccurring.