

City of Davis

# Independent Police Auditor Report:

Review of Allegations Against DPD for Failure to Investigate and Effectuate a “Citizen’s Arrest”

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Independent Police Auditor  
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## Factual Background

This complaint was made about the way in which DPD handled a call involving two individuals who were in a physical altercation. As a result, DPD was called to respond to the call. A police report was taken summarizing the accounts from the two individuals as well as photographs of alleged injuries, and other relevant information. The complainant raised concerns about the way in which the officer investigated the incident, claiming that he declined to effectuate a “private persons” arrest or to file charges against the other person.

## DPD Investigation and Outcome

DPD opened a formal personnel investigation into the complaint. The investigator was able to review body-worn camera recordings, reports, and other documentation in assessing the DPD response.

The Chief reviewed the completed investigation and determined that the officer had documented the incident appropriately. DPD noted that a police report had been prepared documenting the accounts of the two individuals and a detective had followed up on the initial incident report. DPD further observed that the information had been submitted to the District Attorney for prosecutive review and a filing decision.

With regard to the alleged failure to carry out a private persons arrest, DPD noted that the intent of the statute is to allow a civilian to effectuate an arrest of an individual when the person witnesses a crime. The purpose of the statute is to allow such an arrest until the police can be called and take over the investigation. DPD noted that because the incident had occurred well before it was reported, such an arrest would not be appropriate.

## 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. DPD’s investigation was thorough and we concurred with the determination that the officer had investigated and handled the incident appropriately.