

City of Davis

Independent Police Auditor Report:

Complaint Regarding Various Issues with Arrest

October 2025

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Factual Background

The complainant is an adult male whose dispute with neighbors had prompted a request for police response by the other parties. When a Davis Police Department officer responded, the neighbors (a couple) described an encounter that had just occurred: the complainant had come to their door and allegedly began behaving in a strange and confrontational manner. Both the man and the woman reported that they had eventually told him to get off their property; then the man pushed the complainant through his own screen door and the man left.

The officer then made contact with the complainant, who had emerged from his own home. The man's verbal responses and seeming dismissiveness prompted the officer to detain him in handcuffs as he furthered his investigation. The man questioned the legitimacy of this, and accordingly refused to enter the back seat of the officer's vehicle.

By now, a backup officer had arrived, and they struggled to physically put the complainant in the car. He eventually lay down on the ground. After several minutes during which a third officer arrived and options were discussed, the man abruptly stood under his own power. He was transported to jail, booked, and ultimately charged with public intoxication and trespassing.¹

Several days later, the complainant submitted a written form that challenged several aspects of the arrest. His allegations included the failure to Mirandize, excessive force causing a head injury, failure to articulate the probable cause for his arrest, failure to properly investigate the neighbor's actions, failure to administer a blood or breath test, and other issues. He also expressed his belief that the officers' actions were part of a larger pattern of "targeting" veterans who exercise their rights.

DPD Investigation

The DPD investigator had access to body-worn camera recordings for all three officers who were eventually involved, as well as the resulting police reports from the incident. The investigator also attempted a brief interview with the complainant, but it ended in approximately five minutes when the complainant became contentious and insistent on getting answers to his own questions.²

¹ The couple signed paperwork to make a citizen's arrest of the complainant for the trespassing case.

² We had a similar experience. The complainant had contacted us after learning about our role, and we set up a telephone conversation to make sure we were fully aware of his perspective. Unfortunately, he hung up after about ten minutes.

The investigator also contacted the Yolo County Sheriff's jail staff to inquire about the complainant's assertions regard a blood-alcohol test. He was told that the complainant did in fact register a 0.00 for the only test that he was given; however, this was not considered exculpatory. Instead, it was explained that the test (administered some fourteen hours after booking) was a standard effort by jail staff to ensure he was eligible to be released.

The Department determined that no policy violations had occurred. The decision to arrest was found to be justified by the circumstances and facts known to the officers. The body-worn camera recordings appeared to clearly refute the complainant's allegations about unreasonable force.³ Nor were any of the additional elements to his complaint found to be wrongful conduct, even if true.

IPA Analysis

We found the Department's investigation and decision-making to be reasonable and consistent with the evidence. The truncated interview with the complainant, which he ended by hanging up, was unfortunately reflective of the barriers to effective communication that had complicated the original call for service.

As for the underlying incident, the officers in the field were clearly perplexed at times by the complainant's behavior and antagonism.⁴ But they maintained their professionalism and found an appropriate way to deal with a challenging situation. To their credit, they appeared to make every effort to engage with the complainant in a reasonable, de-escalatory manner. They also conducted further investigation with the reporting parties to clarify and fairly represent what had initially happened.

We concurred with the finding that there was no misconduct.

³ During his brief telephonic interview with the investigator, he also claimed to have two broken wrists and broken ribs. Evidence of this was not reflected in the videos, nor otherwise provided.

⁴ This was especially true before the arrival of the third (and more experienced) officer. There were learning opportunities with regard to the overall handling of the call (none of which rose to the level of misconduct), and our understanding is that these were addressed informally.