AGENDA ITEM REPORT

Title: POST2313715 - JAIME BERMUDEZ (POST ID: C36-U28)
LAST EMPLOYING AGENCY: DALY CITY POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 11/21/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Central Bureau	
RESEARCHED BY Kevin Sherburne	**REVIEWED BY** Brian South	
REPORT DATE 08/07/2024	**APPROVED BY** Annemarie Del Mugnio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the Division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent served as a Daly City Police Department officer from 2012 until July 2023, when the department terminated his employment. In August 2022, Walnut Creek police officers arrested Respondent for driving under the influence ("DUI"). In December 2023, Respondent was convicted of DUI with a sentencing enhancement for having a previous DUI conviction within ten years. The sentencing enhancement stemmed from Respondent's previous conviction for DUI in 2015.

At their October 17, 2024 meeting the Peace Officer Standards Accountability Advisory Board voted unanimously to recommend a stay of the revocation of the subject officer to provide opportunity for the Commission to consider an appropriate settlement agreement with the officer should the Commission agree with the Board's recommendation.

ANALYSIS:

The Division found that clear and convincing evidence substantiated that Respondent’s actions that led to his

convictions in 2015 and 2023 for DUI were “sufficiently egregious or repeated as to be inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public.” The Division further found that Respondent's actions violated California Penal Code Section 13510.8(b)(6) and POST Regulation 1205(a)(6). Finally, the Division found that reasonable grounds exist for revocation of Respondent's peace officer certifications pursuant to California Penal Code Section 13510.85(a)(1), as set forth in more detail in the Executive Review and Peace Officer Standards Accountability Division Recommendation attached to the Investigative Summary and Findings.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence.

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1_POST2313715_Bermudez_Jaime_ISF.pdf
BR2_POST2313715_Bermudez_Jaime_Reviewed_A_Executive_Review_Division_Recommer
BR3_POST2313715_Bermudez_Jaime_REDACTED_B_JaimeBermudez_ProfileReport.pdf
BR4_POST2313715_Bermudez_Jaime_REDACTED_C_Affidavit_re_Probable_Cause_and_B
BR5_POST2313715_Bermudez_Jaime_REDACTED_D_Campbell_20150619013_1_rev004.p
BR6_POST2313715_Bermudez_Jaime_REDACTED_E_Minute_Order_Santa_Clara_County_
BR7_POST2313715_Bermudez_Jaime_REVIEWED_F_Daly_City_Police_Policy.pdf
BR8_POST2313715_Bermudez_Jaime_REDACTED_G_Walunt_Creek_22-25731_1_rev004.pdf
BR9_POST2313715_Bermudez_Jaime_REDACTED_H_WCPD_lab_drug_lab_results_1_rev0
BR10_POST2313715_Bermudez_Jaime_REDACTED_I_MisdComplaint_Santa_Clara_County
BR11_POST2313715_Bermudez_Jaime_REDACTED_J_Bermudez_Interview_Transcription.p
BR12_POST2313715_Bermudez_Jaime_REVIEWED_K_Findings_and_Recommendations_1_
BR13_POST2313715_Bermudez_Jaime_REDACTED_L_WCPD_22-25731_lab_results_1_rev004.pdf

BR14_POST2313715_Bermudez_Jaime_REDACTED_M_Notice_of_intent_to_terminate_1.pd
BR15_POST2313715_Bermudez_Jaime_REVIEWED_N_Misdemeanor_Advisement_of_Right
POST2313715_Bermudez_Jaime_Board_Recommendation_Signed.pdf
POST2313715_Bermudez_Jaime_October_2024_POSAAB_Agenda_Record.pdf
POST2313715_Jaime Bermudez_10.17.2024 POSAAB Transcript.pdf