WALNUT CREEK PD

GENERAL OFFENSE HARDCOPY

LAW ENFORCEMENT USE ONLY

GO# 2022-25731 CLOSED MISD AT DA FOR REVIEW **90D-25 DRIVING UNDER THE INFLUENCE**

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General Offense Information

Operational status: **CLOSED MISD AT DA FOR REVIEW**
Reported on: **Aug-27-2022 (Sat.) 340**
Occurred on: **Aug-27-2022 (Sat.) 340**
Approved on: **Aug-27-2022 (Sat.)** by: **P518 - BROOKSHIRE, DUSTIN**
Report submitted by: **P533 - YOUNG,ERIC**
Org unit: **PATROL TEAM 4**
Accompanied by: **P533 - YOUNG,ERIC**
Address: **1644 N BROADWAY**
Municipality: **WALNUT CREEK**
District: **13** Beat: **1** Grid: **289**
Felony/Misdemeanor: **MISDEMEANOR**
ARRC Indicator: **N**
Gang Activity: **N**
Identity Theft: **N**
Family violence: **No**

Offenses (Completed/Attempted)

Offense: **# 1 90D-25 DRIVING UNDER THE INFLUENCE - COMPLETED**
Location: **HIGHWAY/ROAD/ALLEY/STREET/SIDEWALK**
Offender suspected of using: **NOT APPLICABLE (Mutually exclusive)**
Bias: **NONE (no bias/ mutually exclusive)**

Related Event(s)

AB 2022-25731
CP 2022-25731

Related Person(s)

1. ARRESTEE # 1 - BERMUNDEZ, JAIME FRANCISCO

(Case Specific Information)

Sex: O1
Race: O1
Date of birth: O1
Address: O1
Municipality: O1

Phone Numbers

Home: O1

Particulars

Place of birth: O1
Ethnicity: O1
Height:
Eye color:
Hair color:

Master Name Index Reference

Name: **BERMUNDEZ, JAIME FRANCISCO**
Sex: O1
Race: O1
Date of birth: O1
Ethnicity
Address: O1
Municipality: O1

Phone numbers

Home: O1

Charge Summary

Charge # 1

Offense date: **Aug-27-2022 (Sat.) 110**
Offense : **DUI ALCOHOL**
Charge statute: **VC 23152(A)**
Charge severity: **2 MISDEMEANOR**
Domestic Violence: **No**
Court date: **Nov-07-2022 (Mon.)**
Court: **WALNUT CREEK SUPERIOR COURT**

Linkage factors

Resident status : O1
Age range : O1
Armed with : **UNARMED**
Offense: **90D- 25 DRIVING UNDER THE INFLUENCE - COMPLETED**
Arrest date: **Aug-27-2022 (Sat.)**
Arrest type: **ON VIEW ARREST**

Related Vehicle(s)

1. INVOLVED # 1 - Vehicle license information CA VIN# Vehicle license information

(Case Specific Information)

License number: Vehicle license information
State of issue: **California**
VIN #: Vehicle license information
Vehicle type: **AUTOMOBILE**
Make and model: **Chevrolet**
Year: **2017**

Master Vehicle Index Reference

License number: Vehicle license
State of issue: **California**

Owner Information

Owner type: **PERSON**
Owner role: **INVOLVED**

Narrative Text

Type INVESTIGATION
Author P533 - YOUNG,ERIC
Related Date Aug-27-2022 3:51

CASE STATUS:

Pending misdemeanor DA review.

PHYSICAL CONDITION:

BERMUDEZ displayed the following objective signs of intoxication:

-Red watery eyes.

-Unsteady gait.

-Slack facial expressions.

-Strong odor of alcoholic beverages coming from his breath and person.

-HGN and lack of smooth pursuit.

EVIDENCE:

#138113 -1: DUI blood kit.

-BWC video.

INVESTIGATION:

On 8/27/22 at approx 0110 hours, I was in full police uniform riding in the passenger seat of a marked WCPD patrol car with Officer Peters (also in full police uniform). At that time we heard via radio Corporal Mauro conduct a traffic enforcement stop and immediately ask for another unit. Upon arrival, I saw Corporal Mauro talking with the driver, identified by CDL as Jaime BERMUDEZ. While Corporal Mauro spoke with BERMUDEZ, I saw the back passenger door open and I began speaking with the female seated in the back right passenger seat. The female told me she was BERMUDEZ's girl friend and said they were going to R6 house and they had just left the parking lot of Modern China, where they had been drinking. I asked her why she was sitting in the back and she said "He wanted to drive home and I said no." BERMUDEZ's girl friend then turned to BERMUDEZ and said "I told you not to drive."

Corporal Mauro told me he was driving when the vehicle (black Chevy truck) had cut him off. While following the truck, Corporal Mauro saw the truck swerve across several lanes and so he conducted a traffic stop. Corporal Mauro saw signs of intoxication while talking to BERMUDEZ and requested I conduct a DUI investigation. See Corporal Mauro's report for further details.

I contacted BERMUDEZ and asked him if he had any weapons. BERMUDEZ said he had firearms secured in the rear of the truck. Based on his driving and his objective signs of intoxication, I asked him to step out of the vehicle where I conducted a weapons pat down and did not find any weapons. I asked BERMUDEZ to step away from the truck to an area where I was going to conduct SFSTs. While walking to the area, BERMUDEZ appeared to stagger. I asked him if he was going to be ok and he said yes.

I asked BERMUDEZ the following pre-FST questions:

-Anything mechanically wrong with your car? No. It's a county car.

-Are you sick or injured? No.

-Are you diabetic or epileptic? No.

-Do you take insulin? No.

-Do you have any physical impairments? No.

-When did you last sleep? Thursday 3am to 7am. (while answering, BERMUDEZ lost his balance and I put my hand out to catch him).

-When did you last eat? I don't know. 8am, oatmeal.

-Where did you start driving? This is where my car is parked. (I asked BERMUDEZ multiple times where he began driving but BERMUDEZ said he was parked right here and he was headed home. BERMUDEZ confirmed he understood my question).

-Where were you going? Home i[redacted]O1 Address

-What and how much did you drink tonight? I haven't had anything to drink.

-Zero alcoholic drinks? Sure.

-Do you feel the effects of the alcohol? No.

-Did you bump or hit your head in the last 24 hours? No.

-Do you take any medicine or drugs? No.

-Have you had any recent surgeries performed? No.

While talking to BERMUDEZ, I smelled the strong odor of alcoholic beverages coming from his breath and person. I also saw BERMUDEZ had red watery eyes and a slack facial expression.

I then conducted the following SFSTs. All tests were conducted on a dry level surface with adequate light from the street lights and patrol cars. I explained and demonstrated each test in fill and asked for understanding from BERMUDEZ prior to him performing each test. I told BERMUDEZ not to begin any test until I told him to do so. BERMUDEZ told me he understood. Corporal Mauro was on scene to assist.

LACK OF SMOOTH PURSUIT: present in both eyes.

DISTINCT AND SUSTAINED NYSTAGMUS: present in both eyes.

ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES: present in both eyes.

VGN: present in left eye.

LOC: not present.

WALK AND TURN: While standing in the starting position, BERMUDEZ lost his balance twice. When he began, BERMUDEZ stepped off line 3 times (first nine) and 2 times (second nine). When he did this, he stopped walking each time to catch his balance. BERMUDEZ did not count out loud for the entire test. BERMUDEZ took a total of 10 steps (second nine).

ONE LEG STAND: While standing on his left leg, BERMUDEZ did not count out loud for the entire test. BERMUDEZ swayed approx 3 times and flared his arms for balance approx 2 times. BERMUDEZ lost his balance and put his left foot down at 13 seconds and 28 seconds.

ROMBERG BALANCE TEST: BERMUDEZ began but after approx 4 seconds, BERMUDEZ opened his eyes and said "Are you going to tell me when to stop?" I re-explained the test. During the second test, BERMUDEZ had a back and forth upper body sway. BERMUDEZ estimated 30 seconds in a 25 second time period.

PAS: BERMUDEZ declined to provide a voluntary sample.

Based on the above, I placed BERMUDEZ under arrest for DUI. I handcuffed him (double locked and checked for tightness) and placed him in the back seat of my patrol car. BERMUDEZ's vehicle was legally parked at the scene and later picked up by Officer Mendiara (#21). I transported BERMUDEZ to WCPD where I read him the DL 367 chemical admonishment which in summary states he is required by state law to submit to a chemical test. He can refuse but there are penalties if he does so. In addition, if he refused or failed to complete a test, I would contact a judge in an effort to obtain a search warrant for a blood draw. BERMUDEZ said "Breath test".

At the end of the 15 minute period for observation, I began to set up the Intox DMT. At that point, BERMUDEZ said something similar to "fuck it, go get a warrant." I asked him if he was going to do the breath test and BERMUDEZ shook his head no. Due to BERMUDEZ's refusal at approx 0256 hours, Honorable J. Hiramoto signed a search warrant authorizing a blood draw.

At approx 0304 hours, blood technician J. Young drew 4 vials of blood from BERMUDEZ's right arm. I booked the vials into Evidence. I completed an Admin Per Se form and attached BERMUDEZ's CDL. BERMUDEZ signed a Promise to Appear and was released to his friend, R6

A criminal history check on BERMUDEZ shows a prior conviction for DUI on 9/3/15.

This case is pending misdemeanor DA review.

Follow Up Report # 1

Assignment Information

Assigned to: **P533 - YOUNG,ERIC** Rank:
Capacity: **SUPPLEMENT** Org unit: **PATROL TEAM 4**
Assigned on: **Aug-27-2022 (Sat.) 639** by: **P533 - YOUNG,ERIC**
Report due on: **Aug-29-2022 (Mon.)**

Submission Information

Approved on: **Aug-29-2022 (Mon.)** by: **P518 - BROOKSHIRE, DUSTIN**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text

Type INVESTIGATION
Author P533 - YOUNG,ERIC
Related Date Aug-27-2022 6:15

BERMUDEZ's girlfriend was later identified as [redacted] R7

Follow Up Report # 2

Assignment Information

Assigned to: **P431 - MAURO, GABE** Rank:
Capacity: **SUPPLEMENT** Org unit: **PATROL TEAM 4**
Assigned on: **Aug-27-2022 (Sat.) 640** by: **P431 - MAURO, GABE**
Report due on: **Aug-29-2022 (Mon.)**

Submission Information

Submitted on: **Aug-27-2022 (Sat.) 446**
Approved on: **Aug-27-2022 (Sat.)** by: **P518 - BROOKSHIRE, DUSTIN**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text

Type INVESTIGATION
Author P431 - MAURO, GABE
Related Date Aug-27-2022 3:54

CASE STATUS:

Pending to Ofc's. Young and Peters.

EVIDENCE:

BWC and traffic camera footage uploaded to Evidence.com.

INVESTIGATION:

On 08/27/22 at about 0108 hours I was driving SB in the #2 lane of N. Broadway approaching the Civic Dr. intersection. The traffic light for the intersection was red. As I approached the intersection I saw a black Chevy truck Lic# [redacted] stopped half way in the left turn lane and the #1 SB lane of N. Broadway. SB N. Broadway at this intersection has two SB lanes and a dedicated left turn lane. When the traffic light turned green, the Chevy proceeded SB through the intersection, and drove into the #2 lane where I was driving and without signaling, causing me to slow down to avoid a collision.

When the Chevy was about 100 yards south of the Civic Dr. intersection, it swerved into the #1 lane, then back into the #2 lane, almost hitting the west curb of N. Broadway. Based on the observed erratic driving, I suspected the driver may be under the influence of alcohol. As we approached the Lincoln Ave. intersection I activated my overhead lights and initiated a traffic enforcement stop. The Chevy made a left turn from the #2 SB N. Broadway Ln. onto EB Lincoln Ave. and pulled into the Walnut Creek Library parking lot (1644 N. Broadway) where it stopped. SB N. Broadway at the Lincoln Ave. intersection has two SB lanes and a dedicated left turn lane.

I contacted the driver, who was later identified with a CDL as Jaime BERMUDEZ. I asked BERMUDEZ where he was coming from and he said he was coming from around the corner. I directed BERMUDEZ to turn off the vehicle and asked him for his driver's license. I observed that BERMUDEZ' speech was slow and slurred and his body movements were lethargic and consistent with someone who is intoxicated. BERMUDEZ proceeded to look through the center console of the truck for his license until his girlfriend, who was sitting in the rear passenger side seat of the truck, handed him his wallet. BERMUDEZ fumbled through his wallet, pulling out his CDL and a work ID. Prior to handing me his ID's, BERMUDEZ dropped them twice on the floor of the truck and he had to reach down to search for them. As BERMUDEZ handed me his ID's I again asked him where he was coming from and he only responded, "uh from the uh, uh" and didn't finish the sentence. Along with his CDL, BERMUDEZ handed me his Daly City Police Department ID. I asked BERMUDEZ if he was a police officer and he said he was. I asked him if he had a firearm in the truck and he indicated he had one locked up in the back of the truck. It was ultimately determined his firearms were secured in a locker in the bed of his truck, but BERMUDEZ struggled with explaining where exactly the guns were due to his inability to form coherent sentences.

Officers Young and Peters responded to the scene and took over the remainder of the DUI investigation.

This concludes my involvement in this case.

Clearance Information

Agency: **WALNUT CREEK**
Cleared status: **CHARGED/ARRESTED - NOT APPLICABLE**
Cleared on: **Aug-27-2022 (Sat.)**
Complainant/Victim notified: **No**

Related Arrest Report: AB# 2022-25731

Arrestee: **BERMUNDEZ, JAIME FRANCISCO**
Date of birth: O1 DOB
Related CD#: **64419**

Arrest Information

Status: **BOOKED WCPD - OR = 2**
Type of arrest: **ON VIEW ARREST**
Reason for arrest: **MISDEMEANOR COMMITTED IN MY PRESENCE**
Arrest date: **Aug-27-2022 (Sat.) 132**
Rush file required: **No**
Booked into cell: **No**
Arrest agency: **WALNUT CREEK POLICE DEPARTMENT**
Arresting officers: **P533 - YOUNG,ERIC, - WALNUT CREEK POLICE DEPARTMENT**
Summary of facts: **ARREST FOR DUI**

Arrest location
Address: **1644 N BROADWAY**
Municipality: **WALNUT CREEK**
District: **13** Beat: **1** Grid: **289**

SODA zone: **No** Drug free zone: **No**

Additional Arrest Information

Case Screened: **No**
Notify victim on release: **No**
Juvenile: **No**
Armed with: **UNARMED**
Diversion recommended: **No**
Interpreter needed: **No**
Rights given: **No**
Mental exam required: **No**
Statement taken: **No**
Fingerprinted: **No** Photo taken: **No**
CD updated: **No**
Family notified: **No**
Lawyer called: **No**
Meal given: **No** Coffee given: **No**
Detained: **No**

*** END OF HARDCOPY ***