INTERVIEW OF: OFFICER JAIME BERMUDEZ

INTERVIEW BY: SERGEANT BRANDON SCHOLES

LIEUTENANT MATTHEW FOX

ATTORNEY ANDREW GANZ

CASE NO.: IA 22-08

SGT. SCHOLES: All right. This is Sergeant Brandon Scholes of the Daly City Professional Standards Unit. I am here accompanied by Lieutenant Matthew Fox.

The purpose of our interview today is to interview Officer Jaime Bermudez regarding Daly City IA No. 22-08. Accompanying Officer Bermudez is his attorney, Andrew Ganz.

Officer Bermudez, before we begin, I'm going to read you an admonishment.

"You are hereby advised that an administrative investigation is in process within this department, in which it has become necessary to obtain a statement from you.

"If you cooperate fully at this time, your statements and any evidence arising therefrom may be used in any and all proceedings arising out of this investigation.

"As a citizen and an employee of this department, you are hereby authorized that if, prior to or during the taking of your statement, this department determines that you may be charged with a criminal offense, the proceeding will be stopped, and you will be advised of your constitutional rights and given an opportunity to obtain legal counsel.

"If you decide not to give a statement at this time, you are now ordered as an employee of this department to answer all questions asked by investigators and to give a full, detailed, and complete statement regarding your knowledge of or involvement in the matter now under investigation. Although you have the -- have a right to silence in a criminal investigation, this is not a criminal investigation but an administrative hearing, and you are now being ordered to answer all questions under the compulsion of threat of disciplinary action.

"False statements, of course, will result in severe disciplinary action. Members are always required to be truthful. See DCPD Manual of Rules, 4.96-Truthfulness."

ATTY. GANZ: Yeah. Thank you.

So I just -- that's fairly clear, but I want to make it extremely clear given the nature of these allegations that if he were asked to give a voluntary statement, Officer Bermudez would respectfully decline. But, of course, he'll comply with your order to answer questions and thereby making a statement not usable in a criminal case.

SGT. SCHOLES: Okay.

ATTY. GANZ: Thank you.

SGT. SCHOLES: Understood.

Officer Bermudez, if you could sign that, date, and time stamp it.

And then, Mr. Ganz, if you could sign as well as a witness.

ATTY. GANZ: Okay.

SGT. SCHOLES: Thank you.

Thank you.

Like I said earlier, just kind of going to ask some foundational questions and then we'll get into, kind of, the day of.

So Officer Bermudez, on Friday, August 26, 2022, were you employed as a police officer with the City of Daly City?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Are you currently employed as a police officer with the City of Daly City?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: On Friday, August 26, 2022, as part of your employment, were you assigned to the San Mateo County Narcotics Task Force?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: As part of your -- referred to as NTF, Narcotics Task Force from here on out. As part of NTF, are you assigned a county take-home vehicle?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And what vehicle were you assigned?

OFC. BERMUDEZ: It was a black Chevy Silverado.

SGT. SCHOLES: Okay.

When you joined NTF, were you made aware of any policies or procedures regarding the use of the take-home car?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And how were you made aware of those policies?

OFC. BERMUDEZ: I was told, and there's a manual that you got to read.

SGT. SCHOLES: Okay.

And so you read this manual?

OFC. BERMUDEZ: I don't remember if I did.

SGT. SCHOLES: Do you -- I'm sorry. Go ahead.

OFC. BERMUDEZ: I think I did.

SGT. SCHOLES: Okay.

And when you said you were told, who were you told -- told by?

OFC. BERMUDEZ: FTOs. The people who were training me.

SGT. SCHOLES: And who were they? Do you remember them by name?

OFC. BERMUDEZ: It was Steve Woelkers and -- Steve Woelkers.

SGT. SCHOLES: Steve Woelkers. Okay.

ATTY. GANZ: I'm going to just ask because there's recorders over there, you're kind of soft spoken --

OFC. BERMUDEZ: Oh, yes.

ATTY GANZ: -- if you could just raise the volume a little

bit.

SGT. SCHOLES: So did you acknowledge any of these policies by signing anything or...

OFC. BERMUDEZ: I believe I did.

SGT. SCHOLES: Okay.

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And that was when you first joined NTF?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

Based on your, I guess, knowledge of these policies and procedures, are you allowed to drive the vehicle -- your take-home vehicle -- when you're not conducting NTF business?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Okay.

Is there any unwritten rule that says drive it whenever, or is it hardline rule of drive it to and from work and when we're doing NTF and then park it?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: That's the rule?

OFC. BERMUDEZ: That's the rule.

SGT. SCHOLES: Okay.

Are you allowed to have civilian passengers in the vehicle while not in the performance of your duties?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Okay.

Is there any unwritten rule that says it's fine?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Are you allowed to consume alcohol and drive the vehicle?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Is there any unwritten rule that says it's fine, have a few drinks and --

OFC. BERMUDEZ: No.

SGT. SCHOLES: -- go driving? Okay.

When you joined NTF, did you ever have a conversation with Sergeant Kennan about his expectations?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And what did that conversation entail?

OFC. BERMUDEZ: To -- just, I guess, to, you know, do your job and follow the rules. And if there's something that I need to reach out to him and talk to him about, contact him if there's something I'm not sure about.

ATTY. GANZ: Can I just -- so you said the word "I guess" in your answer. So he's asking about a specific conversation or conversations that you may have had. If, in any of this interview, you don't remember something, or you remember parts of it, or you're paraphrasing, if you could just clarify, like, if you have an actual memory of it. If your -- you know, anything like that, just try to make clear.

So there was this conversation with a Sergeant

Kennan. Do you remember it specifically?

OFC. BERMUDEZ: Not specifically, no.

ATTY. GANZ: What, if anything, do you remember about it?

OFC. BERMUDEZ: Just -- kind of just going over how things work at NTF, and, you know, what you're expected to do and what not to do.

SGT. SCHOLES: In speaking of what not to do, did you -- do you specifically remember him talking about drinking and driving?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And did he specifically talk to you about drinking and driving in a County vehicle?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And from what you do remember, what did that conversation -- what was that conversation about or...

OFC. BERMUDEZ: Shall not do it.

SGT. SCHOLES: Okay.

Did he provide any anecdotal stories or anything related to drinking and driving in County vehicles?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Okay.

As part of your NTF duties, are you sometimes on call?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Can you describe what "on call" means in

the rules and responsibilities of the on-call NTF agent?

OFC. BERMUDEZ: That you are responsible for -- if there's a request for an on-call NTF agent, you got to be ready to answer the call, and if you need to go somewhere, you need to be able to do that.

SGT. SCHOLES: Okay.

So it requires you to physically be able to respond out to a location?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

Are you allowed to be intoxicated when you're on call?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Is there any unwritten rule that says, hey, if your intoxicated on call just call somebody else and they'll pick it up for you?

OFC. BERMUDEZ: I -- yes, I think so. Yes.

SGT. SCHOLES: Okay.

And I guess, without me putting words in your mouth, can you elaborate on what that would look like?

OFC. BERMUDEZ: So if -- say, for example, if I was too intoxicated to respond to an on-call request, I could call -- I can try and call someone else to see if they could step in and handle the on-call request.

SGT. SCHOLES: Okay.

And has that been done before either by you or somebody else?

OFC. BERMUDEZ: Not -- not by me, and from someone else, not that I know of.

SGT. SCHOLES: Okay.

Do you receive any compensation for being on call?

OFC. BERMUDEZ: No.

SGT. SCHOLES: What was your schedule when assigned to NTF?

OFC. BERMUDEZ: Monday through Thursday, 9:00 a.m. to 7:00 p.m.

SGT. SCHOLES: 9:00 a.m., 7:00 p.m. Okay.

Were you on call on Friday, August 26, 2022?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And when did your on-call end?

OFC. BERMUDEZ: I think I still had a couple days left on on-call. I don't remember exactly what -- what day it ended.

SGT. SCHOLES: Okay.

So during my investigation, I found out -- or at least I heard that someone was supposed to pick up your on-call the following day, for Saturday. Do you remember that?

OFC. BERMUDEZ: Yes. Now I remember that, yes.

SGT. SCHOLES: Okay.

And who was supposed to pick up your on-call, do you remember?

OFC. BERMUDEZ: Justin Villareal.

SGT. SCHOLES: Okay.

And what time was he supposed to pick up your on-call?

OFC. BERMUDEZ: I guess in the morning, 9:00, or just the morning time. There wasn't like a specific starting -- 9:00 or 8:00. I think we just had an understanding that, like, on that Saturday, he was going to cover any on-call requests.

SGT. SCHOLES: Okay.

So starting that morning, 9:00, 8:00-ish?

OFC. BERMUDEZ: Yeah.

SGT. SCHOLES: Okay.

OFC. BERMUDEZ: Around there.

SGT. SCHOLES: And so just for clarification, so you were on call Friday night into Saturday morning till Justin was supposed to pick up your on-call at around 8:00 or 9:00?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

On Friday, August 26, 2022, did you attend department training?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And what were the hours of that training?

OFC. BERMUDEZ: I don't remember specifically, but we started in the morning. I think it was, like, 7:00 a.m. till around 5:00.

SGT. SCHOLES: Okay.

Did you drive your take-home car to the training, this Chevy pickup?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

After training concluded, where did you go?

OFC. BERMUDEZ: I went to the Stadium Pub.

SGT. SCHOLES: Did you go directly to Stadium Pub?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

And how did you get there?

OFC. BERMUDEZ: In the County vehicle.

SGT. SCHOLES: And again, I'm not trying to make you re-answer a question you already answered, but you didn't stop anywhere from the department after training to the Stadium Pub?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Okay.

And did you have any alcoholic drinks there?

OFC. BERMUDEZ: Stadium Pub, I believe I had one.

SGT. SCHOLES: One what?

OFC. BERMUDEZ: A beer.

SGT. SCHOLES: Okay.

Do you remember what kind of beer?

OFC. BERMUDEZ: No, I don't.

SGT. SCHOLES: Did you eat anything?

OFC. BERMUDEZ: No.

SGT. SCHOLES: From what time to what time were you there?

OFC. BERMUDEZ: I estimate it was about an hour.

SGT. SCHOLES: So when did you get there and when did you leave?

OFC. BERMUDEZ: I got there around 5:30.

SGT. SCHOLES: And then if it's an hour, you estimate you left around...

OFC. BERMUDEZ: Around 6:30.

SGT. SCHOLES: Okay.

Did you feel the effects of the alcohol when you left --

OFC. BERMUDEZ: No.

SGT. SCHOLES: -- Stadium Pub?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Where did you go next?

OFC. BERMUDEZ: I went to Modern China.

SGT. SCHOLES: Okay.

And how did you get there?

OFC. BERMUDEZ: Walked.

SGT. SCHOLES: Okay.

Did you have any alcoholic drinks there?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: What and how many?

OFC. BERMUDEZ: From what I can remember, I think I had

about two drinks, and I think they were shots.

SGT. SCHOLES: Of what?

OFC. BERMUDEZ: Tequila.

SGT. SCHOLES: Did you eat anything?

OFC. BERMUDEZ: No.

SGT. SCHOLES: From what time to what time were you there?

OFC. BERMUDEZ: I'd say about an hour and a half, maybe two hours.

SGT. SCHOLES: Okay.

So what time did you get there and what time did you leave?

OFC. BERMUDEZ: I guess I -- if I had to guess, it'd be around 6:30, probably left around 8:00.

SGT. SCHOLES: Did you feel the effects of the alcohol when you left Modern China?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Where did you go next?

OFC. BERMUDEZ: After that, I went to 1515.

SGT. SCHOLES: Okay.

And how did you get there?

OFC. BERMUDEZ: I walked.

SGT. SCHOLES: Did you have any alcoholic drinks there?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: What and how many?

OFC. BERMUDEZ: If I had to guess, it was around -- over

ten.

SGT. SCHOLES: Okay.

OFC. BERMUDEZ: Ten drinks.

SGT. SCHOLES: And do you remember what you drank?

OFC. BERMUDEZ: A combination of beer and liquor. Tequila and beer.

SGT. SCHOLES: About from what time to what time were you there?

OFC. BERMUDEZ: I think I left there around 12:00, 12:30.

SGT. SCHOLES: And just going off your previous timeline, did you get there around 8:00 p.m. from Modern China?

OFC. BERMUDEZ: I -- I believe so.

SGT. SCHOLES: Okay.

Did you feel the effects of the alcohol when you left?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

Where did you go next?

OFC. BERMUDEZ: I walked back towards the car -- my car.

SGT. SCHOLES: Okay.

And where was that parked at?

OFC. BERMUDEZ: It was parked at the Walnut Creek Library.

SGT. SCHOLES: And was anyone with you at this time?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

Where were you headed?

OFC. BERMUDEZ: I believe I was headed home.

SGT. SCHOLES: And home in O1 City

OFC. BERMUDEZ: O1 City

SGT. SCHOLES: Okay.

How far is that from the Walnut Creek Library to where you were -- your destination was?

OFC. BERMUDEZ: It's about a 10- to 15-minute drive.

SGT. SCHOLES: Okay.

How many alcoholic drinks do you believe you had from the time you started drinking until the time you got into your County vehicle?

OFC. BERMUDEZ: I'd say around 15.

SGT. SCHOLES: Did you reasonably believe -- reasonably believe you were too intoxicated to drive?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: When you were pulled over by Walnut Creek PD, did you identify yourself as a Daly City police officer?

OFC. BERMUDEZ: I believe I did, yes.

SGT. SCHOLES: How did you do that?

OFC. BERMUDEZ: I believe when I -- asked for my ID, I gave him my police ID and my driver's license.

SGT. SCHOLES: And why did you do that?

OFC. BERMUDEZ: Just to show them because I was -- I was driving a County vehicle, I had guns in the car, and kind of

just hoping that they would help me out.

SGT. SCHOLES: And by help you out, you mean let you go, get you a ride home?

OFC. BERMUDEZ: One of the two, yeah.

SGT. SCHOLES: Okay.

Did you cooperate with Walnut Creek police officers on scene and submit to a series of field sobriety tests?

OFC. BERMUDEZ: I did some sobriety tests, yes, but I believe I refused the PAS.

SGT. SCHOLES: Okay.

During your pre-field sobriety -- pre-field sobriety test questions, were you asked how much you had to drink that night?

OFC. BERMUDEZ: I believe so, yes.

SGT. SCHOLES: And what was your response?

OFC. BERMUDEZ: I don't remember exactly what my response was. I may have said, like, a couple. Maybe, like, two or three. You know, I was -- I was scared at the time.

SGT. SCHOLES: I know you haven't reviewed the police report or looked at body camera footage, but do you remember saying, quote, "I haven't had anything to drink"?

OFC. BERMUDEZ: I don't remember saying that. But it wouldn't surprise me if I did.

SGT. SCHOLES: Do you remember the officer confirming with you that you -- that you said that? That, like, you -- he

wanted to make sure that you said you had nothing to drink. Do you remember that?

OFC. BERMUDEZ: I don't remember that.

SGT. SCHOLES: Again, I know you haven't reviewed it, but does it -- does your memory come back to you that you said, "Zero"?

OFC. BERMUDEZ: No, it doesn't.

SGT. SCHOLES: So in telling the officer that you had -- had nothing to drink, and then him confirming, and you, again, saying "Zero," was your response to the officer truthful?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Why did you respond that way?

OFC. BERMUDEZ: There was a lot going through my head. I was -- like I said, I was scared. I was just -- didn't -- not making the right -- my judgment wasn't -- wasn't all there. I was intoxicated, and there was just a lot going through my head, and honestly, I don't know why I said that. Like, maybe -- I -- I -- I don't know. I guess I was scared and, you know.

SGT. SCHOLES: Okay.

Following your arrest, were you provided the chemical admonishment advising you were required by law to submit to a chemical test to determine your blood alcohol content?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Did you initially agree to submit to a

breath test?

OFC. BERMUDEZ: I don't think I did. I'm not -- I don't remember if I did.

SGT. SCHOLES: Okay.

So I guess, did you end up providing a breath test -- a chemical -- like, after the arrest?

OFC. BERMUDEZ: No. I did a blood.

SGT. SCHOLES: Okay.

Do you remember what you said when you denied a breath test?

OFC. BERMUDEZ: I believe I said something to the effect of, "Just go ahead and just get a search warrant."

SGT. SCHOLES: Okay.

If I -- going from the body camera footage -- or sorry, going from the police report, quote, "Fuck it. Go get a warrant." Does that refresh your recollection?

OFC. BERMUDEZ: That sounds about right, yes.

SGT. SCHOLES: Okay.

Was this a tactic to delay the chemical sample to lower your blood alcohol content?

OFC. BERMUDEZ: No. I think I was just frustrated at that point.

SGT. SCHOLES: Okay.

OFC. BERMUDEZ: And I, basically, knew that I was -- I was -- I was done, so that's why I said that. Yeah.

SGT. SCHOLES: Okay.

Did you take any recreational drugs, marijuana, or narcotics prior to your arrest?

OFC. BERMUDEZ: No.

SGT. SCHOLES: What about in the ten days leading up to your arrest?

OFC. BERMUDEZ: No.

SGT. SCHOLES: Can you explain the presence of cannabinoids or THC in your system from that blood draw?

OFC. BERMUDEZ: So I took sleeping pills, but those are -- those aren't weed or marijuana. Those are the CBD type.

SGT. SCHOLES: Okay.

OFC. BERMUDEZ: So yeah. Those are my girlfriend's. So yeah, I -- I -- I remember taking one of those.

SGT. SCHOLES: And when did you take this?

OFC. BERMUDEZ: Maybe, like, a week or two -- two weeks before.

SGT. SCHOLES: Okay.

Did you look at the bottle that you were taking them from? Did you confirm that they were CBD and not THC?

OFC. BERMUDEZ: No. I just -- my girlfriend, she usually takes them to help her go to sleep for -- to help her sleep, and she offered me one, so I took one.

SGT. SCHOLES: Okay.

And you said about a week or two prior?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: And you took one -- is it pill, gummy?

OFC. BERMUDEZ: Yes. It was a pill.

SGT. SCHOLES: Okay.

And, again, you believed this to be CBD?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

And you didn't believe it to contain THC?

OFC. BERMUDEZ: Yes.

SGT. SCHOLES: Okay.

At this point, is there anything you feel is relevant you want to add?

OFC. BERMUDEZ: Just that -- I just want to apologize to the department and to all the people that believed in me and had my back when, you know -- I -- you know, my mistakes that I've made in the past. I just feel that I've -- I've let them -- I've let a lot of people down, I've let myself down, and I -- I regret all the things that have happened. You know, I -- I can't take them back. I can only move forward from this. And I'm appreciative for the opportunity that I've had with Daly City.

But I just, you know, I made, you know, as dealing with, you know -- I guess I've come to realize that I had a problem with -- a drinking problem with alcohol, and, you know, I -- I never addressed it after the first instance. But

I've -- I've come to terms with it that -- I admitted to myself that I have a problem, and, you know, I've -- I've worked on it. I've taken the steps to address this problem. I'm still working on it. It's going to be a -- an ongoing process for me.

You know, I put myself through a in-patient rehab facility. I was there for 30 days, learned a lot about myself during those 30 days. After that, I went through an outpatient program as well for a couple weeks, and I'm -- I'm still going to AA -- AA meetings, which it's helped me out a lot.

You know, this -- I feel like I've hit rock bottom from this situation, and I just -- I know I need to address it, and I have, and, you know, I haven't picked up a drink since that day. I've been 80 days sober today. I feel a lot better about myself, and, you know, I -- I -- my plan is to continue to remain sober. I'm cutting alcohol completely out of my life because it's -- you know, I'm not the person -- I'm not me when I drink, you know. I -- I turn into someone else. I -- I make bad decisions.

And, you know, I'm hopefully going to get to -- I'm hoping I could take this experience and possibly mentor others or help others that are -- you know, might be going through what I'm going through.

But, you know, I -- I've got a plan where, you know, I've got a support system to help me, keep me on track. I've

got a sponsor that I've been working with. You know, this -- I know I'm not the person that could just have one drink or two drinks and be okay.

You know, I have a problem. Like, I -- if I drink, I -- I drink to -- to excess. I -- I binge drink, and I know that about myself now, and that's why I've committed to not drinking alcohol anymore. It's -- it's ruining my life. And, you know, I'm -- I'm happy where I'm at now, you know. I just feel more clear-minded, and I just feel healthier and better.

And, you know, I appreciate everyone, no matter how this turns out, you know. I -- I just feel, moving forward, I'm -- I'm going to be a better person. That's all I have.

SGT. SCHOLES: Thank you.

Mr. Ganz, I -- if you have anything now, shoot, otherwise, we can take a break, kind of regroup, and then we might have some more questions to just kind of -- between the two of us.

ATTY. GANZ: Yeah. I'll -- I'll ask some questions, now and then we can --

SGT. SCHOLES: Okay.

ATTY. GANZ: -- do that.

So I just -- you know, there -- I -- I stopped early on in the interview and asked you about whether you specifically remembered the conversation with the sergeant. And so when I ask you questions, I just want you to be clear

about whether or not you actually remember it, or if you're sort of, like, giving your best guess about something.

So I guess, in general, as you're talking about the events of that evening into the early morning, how would you explain your memory? Like, do you remember every detail? Do you remember some details? Do you remember hardly any? Like, just explain kind of your quality of your memory.

OFC. BERMUDEZ: I -- I don't remember every detail. I'm trying to answer the questions best as I can remember.

ATTY. GANZ: Okay.

OFC. BERMUDEZ: Some things I just -- I -- I don't remember. I -- I couldn't tell you exactly what I said or -- or did.

ATTY. GANZ: Okay.

OFC. BERMUDEZ: I'm just trying to do the best from what I can remember.

ATTY. GANZ: Okay.

So I just have a few questions in somewhat chronological order. So you indicated that you didn't feel like the alcohol was affecting you until you went to that third location, 1515, where you had a lot to drink; correct?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: And so now sort of looking back, especially after 30 days of treatment, can you tell us how you think your mind was operating in terms of your decision to go ahead and

get into a car and drive? Like, what was your thought process then, if you can explain it?

OFC. BERMUDEZ: My thought process was, you know, that I was okay to drive, at first, but then -- you know, having a couple drinks. But once I got to a point where there was no thought process, I just -- I made -- I just decided that I was going to drive home. And then somehow, I ended up driving back towards the Walnut Creek Library. So I -- I don't know if my thought process changed of whether I was going to drive back and park my car and stay with a friend. I -- I don't -- I don't know. I...

ATTY. GANZ: Okay.

So I mean, once you are feeling the effects of alcohol, would you say that changes your judgment in terms of what you would do if you were sober?

OFC. BERMUDEZ: Yes. 100 percent. Yeah.

ATTY. GANZ: Okay.

And you mentioned you'd made this change in direction to head back to the library and possibly, although you're not sure, it could have been to go to a friend's house. Is there a specific friend that lives in that area that you might have been going to?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: Who -- how far away do they live from that location?

OFC. BERMUDEZ: A block or two.

ATTY. GANZ: Okay.

And -- and would you agree that whether you were driving a block or two or 10 miles or 100 miles, it was not okay to be driving in the condition that you were in?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: Okay.

You know, there was a question asked earlier about an unwritten rule about being on call, and if for some reason you had been drinking, like, having someone fill in for you. So obviously you're not supposed to drink when you're on call; correct?

OFC. BERMUDEZ: Correct.

ATTY. GANZ: But, you know, if, for some reason, hypothetically, you were in a situation where you had been drinking, or someone else had been drinking, would you say, like, given that situation, it would be better to have someone else fill in as opposed to the person that's intoxicated?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: Okay.

And then just -- you mentioned already the treatment that you've gone through, and there is obviously a previous incident. Do you feel like you recognized the problem that you had back then when you had that first incident?

OFC. BERMUDEZ: No. I -- I didn't think I had a drinking

problem back then. I thought that, you know, I just made a bad decision, and -- but I never thought that I needed to take a step back and just realize what I was doing to myself with the amount of drinking that I was doing.

ATTY. GANZ: And do you feel that that's changed this time?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: How so?

OFC. BERMUDEZ: Well, I never thought of myself as an alcoholic and as someone who can't -- who has a drinking problem and now I do, which is why I don't drink. I -- I don't -- not even one beer. I just -- there's no point for me to drink one beer because I -- I can't. I can't do it. I have to stay away from it, and it wasn't like that before, but now it is.

ATTY. GANZ: Okay.

And then my last question is just that 30 days that you spent in residential treatment, can just explain how that experience was for you?

OFC. BERMUDEZ: It was -- it was a good experience for me. I -- it helped me realize the problems that I was having. It -- once I was able to see what I was doing and admit to myself that I had a drinking problem, I feel like things got a lot more clearer in my mind of what I needed to do. And how alcohol -- having alcohol in my life is going to stop me or

prevent me from being, you know, the person that I want to be. It was -- it was -- it was just ruining my life, my relationships, you know, my work, my health. It was all going downhill.

And I just -- it -- it -- going through that and seeing that there's other people going through the same thing that I'm going through, it kind of -- it helped me realize that I -- I needed to get help. And, you know, it's okay to admit that you have this problem.

ATTY. GANZ: Thank you.

Those are all my questions

LT. FOX: Take a quick, like, ten-minute break then come back?

ATTY. GANZ: Yes.

(Break taken.)

SGT. SCHOLES: All right. This is Sergeant Scholes. We are back on the record. Lieutenant Fox had some questions. Lieutenant Fox.

LT. FOX: Just -- all right.

Just a couple clarifying questions that might kind of be out of order just to make sure that we cover all of the bases for us.

So we talk a lot about, you know, the unwritten rule; right? The culture of an organization; right? Some things aren't said, but it's inferred; right? So I just want to

clarify that, based upon your previous testimony, you remember acknowledging the policies in relationship to a take-home vehicle.

OFC. BERMUDEZ: Yes.

LT. FOX: Right?

And that acknowledgement, was it made verbally to the supervisor and a written acknowledgement where you signed a form, or to the best of your recollection?

OFC. BERMUDEZ: To the best of my recollection, it's -- I think it's form that you sign.

LT. FOX: Okay.

And do you remember having that conversation with Sergeant -- is it Kernan?

SGT. SCHOLES: Kennan.

LT. FOX: Kennan and Lieutenant Leishman?

OFC. BERMUDEZ: No. I don't remember.

LT. FOX: Okay.

But it was your understanding when you were assigned that vehicle that there was a lot of responsibility with that vehicle?

OFC. BERMUDEZ: Yes.

LT. FOX: And is it your testimony today --

ATTY. GANZ: Not testimony.

LT. FOX: Oh.

Is it your statement today that, when assigned that

vehicle, it's for work-related purposes primarily outside of minutia, stopping to get milk at the store?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Give me a second, I'm going through this. And what was the rule of the -- the County vehicle policy about having civilians inside your vehicle, to the best of your recollection?

OFC. BERMUDEZ: To the best of my recollection, I believe you're not supposed to. You're not.

LT. FOX: Okay.

Outside supervision approval?

OFC. BERMUDEZ: Unless you have -- yeah. Unless it's, like, an informant that you're working with.

LT. FOX: So you basically get approval to take a civilian inside your vehicle?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Do you remember having a conversation with Lieutenant Leishman when assigned the vehicle and when permissible to use the vehicle?

OFC. BERMUDEZ: No.

LT. FOX: Okay.

So you don't remember that conversation at all?

OFC. BERMUDEZ: No.

LT. FOX: Okay.

Were you driving the San Mateo County county vehicle at the time -- were you assigned to a call for service at any portion during that night?

OFC. BERMUDEZ: No.

LT. FOX: And when you're on call, do you -- is it your responsibility to check in with County Communications and let them know that you are the on-call person?

OFC. BERMUDEZ: Yeah. When -- at the beginning, when you start your on-call, yes.

LT. FOX: So you did check in with County and say, "I am on call"?

OFC. BERMUDEZ: I believe I did, yes.

LT. FOX: Okay.

Having said that, you then made a conscious decision to consume alcohol while assigned on-call?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Did you at any point think to yourself, "I should probably call somebody because I want to consume alcohol tonight and defer that responsibility"?

OFC. BERMUDEZ: I didn't think about calling someone, but I guess what -- I was thinking if the call came in that I would call and ask someone to see if they could step in for me.

LT. FOX: So after the fact, you would call if you felt

you couldn't respond?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Did you consider yourself technically on duty while you were in the on-call position?

OFC. BERMUDEZ: Yes.

LT. FOX: And prior to coming to Walnut Creek, where was your training at?

OFC. BERMUDEZ: Daly City.

LT. FOX: Daly City? Was it SWAT training?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Was there a lock box affixed inside of your vehicle to store firearms?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Did you have firearms inside the vehicle at the time you were stopped?

OFC. BERMUDEZ: Yes.

LT. FOX: Is it common practice to have the firearms in your vehicle when you're on call?

OFC. BERMUDEZ: Yes.

LT. FOX: What is your understanding about leaving firearms in the vehicle when not on call or working?

OFC. BERMUDEZ: That they're locked in the lock box or in

a gun safe.

LT. FOX: So it's -- it's okay to leave guns in the lock box in the vehicle on your days off?

OFC. BERMUDEZ: Well, no. On my days off, I bring them inside the house.

LT. FOX: Okay.

But so they were in the vehicle because you were technically on call?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Would you categorize your contact with the Walnut Creek Police Department to be cooperative?

OFC. BERMUDEZ: I wasn't completely cooperative. I mean, I wasn't honest about how much I drank. I did some of the field sobriety tests, and then I think, from what I remember, at some point, I was just basically, like, "What's the point now?"

LT. FOX: Did you purposely -- let me rephrase that. It's your statement today you don't remember too much about what you said unless there was clarifying questions by Sergeant Scholes. Did you purposely lie about how much you had to drink to Walnut Creek Police Department?

OFC. BERMUDEZ: Yes.

LT. FOX: And was that to see if he'd cut you a break?

OFC. BERMUDEZ: Yes.

LT. FOX: Did Walnut Creek Police Department book you into the county jail?

OFC. BERMUDEZ: No.

LT. FOX: The -- in talking about the cannabinoids in your system and the amount that was in your system, do you know -- and you're Narcotics Task Force, so you probably know more about it than I do -- do you know if that's prescribed to your girlfriend?

OFC. BERMUDEZ: No. I -- I don't think it's prescribed.

LT. FOX: Do you know for a fact it's not prescribed?

OFC. BERMUDEZ: I don't know for a fact, but I think she just buys it from the store. She doesn't have a -- what do you call it? A cannabis card.

LT. FOX: Medicinal card?

OFC. BERMUDEZ: Yeah. She...

LT. FOX: So something you think that she could just buy over the counter.

OFC. BERMUDEZ: Yes.

LT. FOX: Would it surprise you that there are traces of THC in CBD?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

Was it an oil, a gummy, or a pill that you took?

OFC. BERMUDEZ: It was a pill.

LT. FOX: It was a pill?

OFC. BERMUDEZ: Yes.

LT. FOX: So the amount of cannabinoids that was in your system was a significant amount. So is it -- do you remember how many times you took it? Because you said one to two weeks prior, and it wouldn't show up in your system according to if it wasn't sooner -- you know, it wasn't before that date. Is it possible that -- and if you didn't know, then we'd like to know why it was in your system; right? That level of THC.

OFC. BERMUDEZ: I took -- I took a couple pills before I went to bed this one night. I -- I don't remember how long before it was prior to the DUI.

LT. FOX: Is it possible it was in three days or five days, not the big expand of two weeks?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

OFC. BERMUDEZ: It's possible. I don't remember exactly what day, but it wasn't too long.

LT. FOX: Do you smoke marijuana?

OFC. BERMUDEZ: No.

LT. FOX: Have you ever smoked marijuana as a police officer?

OFC. BERMUDEZ: No.

LT. FOX: Okay.

Are you prescribed any type of medication by your doctor that deals with sleep apnea or anything like that that

may contain cannabinoids?

OFC. BERMUDEZ: No.

LT. FOX: Okay.

So it's your statement today is that your girlfriend's got these gummies, you had a hard time sleeping --

ATTY. GANZ: Not -- sorry. Not gummies.

LT. FOX: What's that?

ATTY. GANZ: They were pills.

LT. FOX: A pill. Sorry.

She has these pills. You took the pill to help you get some sleep?

OFC. BERMUDEZ: Yes.

LT. FOX: And it's your statement today that if you knew that THC could -- pos traces of that could be in these pills, would you've taken that?

OFC. BERMUDEZ: No.

LT. FOX: Okay.

And it's your understanding that there's no prescription needed to get this --

OFC. BERMUDEZ: Yes.

LT. FOX: -- pill?

And it's your position that your girlfriend doesn't have a medicinal marijuana card and goes to a dispensary to get this?

OFC. BERMUDEZ: Yes.

LT. FOX: Okay.

I think that concludes my questions.

ATTY. GANZ: Sure.

LT. FOX: So if you have any...

ATTY. GANZ: Just on a couple points.

So I'm thinking in terms of, like, you know, everything that happened during this event and before and everything after. So during this event and before, you expressed how you had a problem with alcohol. So it's an ongoing issue that you deal with; correct?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: So without getting into super detail about how much you were drinking in let's just say the couple weeks leading up to this incident, were you drinking too much just on your off time?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: Okay.

Do you think that affects your ability to remember exactly, let's say, how long before this incident you had some pills?

OFC. BERMUDEZ: Yeah. The drinking has affected my memory, yes.

ATTY. GANZ: Okay.

And then again, with your knowledge in your police work, at this point in time in Northern California, can

somebody get, you know, high amounts of -- large amounts of marijuana, basically, without a medical prescription? Like, you can walk into a dispensary -- correct? -- and get recreational marijuana?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: So you know, in terms of taking something that you're not sure exactly what it is, there's always a possibility that this could be something that contains THC; correct?

OFC. BERMUDEZ: Yes.

ATTY. GANZ: Okay.

But it wouldn't necessarily require a prescription; right?

OFC. BERMUDEZ: Correct.

ATTY. GANZ: Okay. That's all.

LT. FOX: And real quick. Did you ever reach out to, like, a peer or supervisor about maybe some struggles you were having this, or it didn't really come to a head until that night?

OFC. BERMUDEZ: No. I never reached out to anyone about it.

LT. FOX: And --

OFC. BERMUDEZ: The problem, yeah.

LT. FOX: -- and if you could, is there anything -- again, because this is unfortunate; right? Is there anything that we

can do, as an organization, better to kind of help prevent this from happening to people that we really care for?

OFC. BERMUDEZ: That's kind of hard to say, you know. It's -- you know, it's hard to, you know -- hard to recognize someone that's going through it that maybe has a drinking problem. But I don't know how you would approach that, you know. But maybe, like, some peer support or something. I don't -- I don't know. I don't know. But...

LT. FOX: But you're friends with other Daly City officers; right?

OFC. BERMUDEZ: Yes.

LT. FOX: Anything, Brandon?

SGT. SCHOLES: No.

ATTY. GANZ: I don't have anything else.

LT. FOX: All right. We'll conclude the interview.

(Conclusion of Recorded Material)

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