PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

October 17, 2024
AGENDA
9:00 AM

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but must be within the Board's jurisdiction. Further, public comment will be allowed after each item on the agenda and must relate to matters on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting, by telephonic means stated hereafter or by submitting a written public comment submission no later than three days before the meeting date. Written public comments will be published on the Commission on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

The Board cannot act on or deliberate on items not on the agenda, but only to the extent necessary to determine whether they should be made an agenda item at a future meeting, respond briefly to statements or questions posed during public comment, request clarification, or refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item.

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Lieutenant Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **APPROVAL OF MEETING TRANSCRIPTS**

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on March 21, 2024.

a. Approval of Meeting Transcript from the March 21, 2024 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the Meeting Minutes from the last Board meeting.

V. **NEW BUSINESS**

a. Discussion and Possible Action to Vacate the Conflict of Interest Code and Delete a Provision of the Peace Officer Standards Accountability Advisory Board (POSAAB) Administrative Requirements Policy

If the Board concurs, the appropriate action would be a **MOTION** to vacate the previously adopted POSAAB Conflict of Interest Code and delete the identified provision of the POSAAB Administrative Requirements Policy as described in the staff report.

b. Discussion Regarding a Board Policy: POSAAB Travel and Compensation Policy

The Board may discuss details of the POSAAB Travel and Compensation Policy.

c. Report on Outcome of Case Review from the June 12, 2024 Commission Meeting

This report is presented for information only. No action is required.

d. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for informational purposes only. No action is required.

VI. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

The Assistant Executive Director of the Peace Officer Standards Accountably Division will address the Board.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2303451 - James Mutuku (POST ID: C25-A69) Last employing agency: Riverside Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2307511 - Sifredo Cano (POST ID: C03-G01) Last employing agency: Los Angeles County Sheriffs Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2313715 - Jaime Bermudez (POST ID: C36-U28) Last employing agency: Daly City Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2300017 - Paul Matejcek (POST ID: C65-U31) Last Employing Agency: Brentwood Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

With regard to POST2303451, James Mutuku: Pursuant to Government Code section 11126(c)(3), Penal Code section 832.7(b)(6)(B), and Penal Code section 13510.85(b), the Board may review the following attachment in closed session: Attachment D (Complainant_Interview_1644_11_08_2022_03_43_PM).

Attachment D is an audio recording that includes the voice of the complainant in this case. If the Board finds it necessary, this attachment will be reviewed in closed session to preserve the anonymity of the complainant. A redacted transcription of this recorded interview, however, is part of the public record for these proceedings, and can be located under Attachment C to this Investigative Summary and Findings.

With regard to POST2300017, Paul Matejcek, pursuant to Government Code section 11126(c)(3), Penal Code section 832.7(b)(6)(B), and Penal Code section 13510.85(b), the Board may review the following attachments in closed session: Attachment K (K_4_BPD-2201912_-_FRANSON_DAVID_624D.mp4) and Attachment L (L_2_BPD-2201912_-_MATEJCEK_PAUL_-_595P_2_.mp4).

Attachments K and L are body worn camera footage of the incident at issue in these proceedings, which includes images of the victim's face. If the Board finds it necessary, these attachments will be available to be viewed in closed session to preserve the anonymity of the victim and preserve her right to privacy. Redacted versions of these attachments have been made public for these proceedings.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- January 15-16, 2025 - POST, West Sacramento
- April 16-17, 2025 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

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

REPORT PROFILE

MEETING DATE 10/17/2024	**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 Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

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.

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 Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

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