@ 6/2/25 C 1703

OFFICE OF THE CITY MANAGER
CITY OF DALY CITY

333 – 90TH STREET
DALY CITY, CA 94015-1895
(650) 991-8125

PERSONAL AND CONFIDENTIAL

TO: Officer Kevin Smithmatungol

FROM: Thomas J. Piccolotti, City Manager

DATE: June 2, 2025

SUBJECT: Notice of Intent to Terminate

The purpose of this letter is to provide you with notice pursuant to the Daly City Police Department Policy Manual and *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194, of my proposal to terminate you as a Police Officer for Daly City ("City"). If my recommendation remains unchanged after the exhaustion of any pre-disciplinary procedures, you will be advised in writing of my final decision to terminate your employment, including the effective date of the termination.

I. JOINT AND SEVERAL BASES FOR THE PROPOSED DECISION

Please be advised that the proposed termination need not be based upon a finding that you have violated each and every one of the policies and rules below, or that you committed each and every one of the factual bases supporting my preliminary determination that you should be terminated. Your violation of any one of the following policies, and your commission of any one of the acts described below would, in and of itself, support my recommendation that your employment be terminated.

II. CHARGES UPON WHICH THE PROPOSED DISCIPLINE IS BASED

You are being charged with violating the following policies and rules:

DALY CITY POLICE DEPARTMENT POLICY MANUAL

Section 341.5.6 ATTENDANCE

b. Unexcused or unauthorized absence or tardiness.
d. Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

Section 341.5.8 EFFICIENCY

a. Neglect of duty.
b. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

Section 341.5.9 PERFORMANCE

a. Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
b. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
c. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
d. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

Section 341.5.10 CONDUCT

h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

Section 420.4.2 CITE AND RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the [Department/Office] and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

e. The person could not provide satisfactory evidence of personal identification.
    1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.

MANUAL OF RULES

3.00 PROFESSIONAL CONDUCT AND RESPONSIBILITIES GENERAL CONDUCT
All members shall conduct themselves at all times in such manner as to reflect favorably upon themselves, the City of Daly City, and the Daly City Police Department. Whether on or off-duty, personnel shall avoid any conduct which brings the Department or the police profession into disrepute.

3.55 KNOWLEDGE OF LAWS AND REGULATIONS
Department personnel are required to establish and maintain a working knowledge of all laws and ordinances in force in the City of Daly City and the laws of the State. Further, every member is required to maintain a working knowledge of the rules and policies of the Department, all General Order, Training Manuals, and Standard Operating Procedure Manuals for the appropriate division. In the event of improper action or breach of standards, it will be presumed that the member or civilian employee was familiar with the law, rule or policy in question.

3.60 PERFORMANCE OF DUTY
All members shall perform their duties as required or directed by law, Departmental rule, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

3.65 OBEDIENCE TO LAWS AND REGULATIONS
All members shall observe and obey all Federal, State, and municipal laws and ordinances, all rules and regulations of the Department and all General Orders or Special Orders of the Department.

4.56 ATTENDANCE
Members shall report to duty at the time and place specified, properly equipped and in uniform or civilian attire.

4.96 TRUTHFULNESS
Members are required to be truthful at all times whether under oath or not.

City of Daly City Rules and Regulations of the Classified Service, Rule XVIII, Standards of Employment, Section 10, Causes for Discipline or Discharge

(c) Failure to follow directions, policies and procedures
(n) Untruthfulness
(p) Violation of City and/or Department rules, regulations, policies and procedures
(q) Violation of City, State and/or Federal Law(s)

III. FACTUAL BASIS FOR PROPOSED TERMINATION

As further set forth in Daly City Administrative Investigations 24-04, 24-06, and 24-07, the following facts support your proposed termination:

A. JUNE 2, 2024 – (IA #24-04) SERRAMONTE TARGET ARREST

On June 2, 2024, at approximately 7:45pm, you responded to Target, 133 Serramonte Center, on the report of a detained shoplifter. During the investigation you determined the subject, a female, did not have any form of valid identification and you were unable to confirm her identity. As a result, you acknowledged your intent to process her at the county jail as opposed to issuing a citation for the misdemeanor arrest, which was captured in your body camera footage. You stated twice, "I'm gonna book her then," after learning she had no valid identification. At the conclusion of the petty theft detention, you elected to cite the female out and release her from the store instead of booking her, without first seeking supervisor approval. Your reasoning for your decision to cite as opposed to booking the female into jail was not consistent. While on-scene you stated you were going to book her, but then a short time later you told Officer Rodriguez, your cover officer, "We're short, I'm just gonna cite her."

Later that same evening, Sergeant Karen Douglas electronically returned your investigative police report to you for corrections, and you initiated contact with her about the investigation. You told Sergeant Douglas that you identified the subject from a bank credit card she had and Sergeant Douglas explained to you that doing so was an insufficient method of identifying someone, as the credit card could have belonged to someone else. Sergeant Douglas asked you why you did not book her, and you responded that the subject was in her late stages of pregnancy, and you did not want to have to take her to "Chope" Hospital for a medical clearance prior to being booked into jail. Sergeant Douglas asked you if the subject had a local address or if she provided a phone number. You said the subject told you she was staying at a homeless shelter but did not know the address and you did not obtain a phone number from her. Sergeant Douglas reminded you about proper processing of someone you could not identify, which she noted was also communicated during team briefings, of which you said you were still unaware of. You then offered up that you obtained a thumbprint for the subject on the citation before releasing her. Sergeant Douglas responded, "Oh great, you did?" to which you then responded in the affirmative.

On June 8, 2024, Sergeant Douglas and Sergeant Jerel Tualaulelei met with you to discuss other performance concerns and a lack of self-initiated proactivity. During this meeting they again asked about the citation from the Target arrest case, as it had yet to be turned in even though you said you had previously placed it on the sergeant's desk to be forwarded. Sergeant Douglas told you it appeared that you had not obtained the suspect's thumbprint to which you responded that you did obtain it. You then claimed that you attempted to use your citation writer to obtain the print but that it was not working. Sergeant Douglas also noted during this conversation that your electronic ticket writer did not have the digital thumbprint capability, at which time you said you obtained an ink print, noting you walked the subject to your patrol car to obtain an ink print on a duplicate ticket before releasing her. You were uncertain as to the location of the citation and were given an opportunity to produce it. When asked if you were sure you obtained the thumbprint, you immediately responded in the affirmative. A short time later you located several citations from your patrol bag, but this specific citation was not one of them.

Concerned about your truthfulness, Sgt. Douglas reviewed video from Target on June 9, 2024, and learned you released the subject from the security office at 8:07 p.m. and did not escort her to your car for an ink print. She was ultimately seen leaving the Target parking lot on foot. Approximately 14 minutes later at 8:21 p.m., you left Target in your patrol vehicle, driving the opposite direction from the direction the subject was travelling, and you were dispatched to calls for service.

During your IA interview, you said that you believed you printed a second citation for the subject within 30 minutes of printing the first citation while you were in the front parking lot of Target by the handicap stall, and by the store exit closest to the security office. When asked why you told Sgt. Douglas that you printed out a second citation and took a fingerprint if you had not done so, you responded that there was no reason and rhetorically asked the interviewer why you would jeopardize your job. You also denied lying to Sgt. Douglas.

The internal affairs investigation confirmed your electronic ticket writer did not have the thumbprint capability. An audit of your ticket writer and review of available video evidence from your Body Worn Camera showed you did not print a second citation to obtain an ink print. Video from Target further shows that you failed to print a second citation and did not take the subject's fingerprint.

B. JUNE 20, 2024 – (IA #24-06) FAILURE TO REPORT TO DEPARTMENT TRAINING AT YOUR SCHEDULED TIME

On Thursday, June 20, 2024, at 7:00 a.m., you were scheduled for training at the Daly City Police Department. Your direct supervisor, Sergeant Douglas, was present at the training and took note you were not present at 7:00 a.m. with the remainder of your team. At approximately 7:45 a.m., Sergeant Douglas noted you entered the Department Operation Center where the training was being held. At the next break, Sergeants Douglas and Tualaulelei pulled you aside to inform you they noticed you arrived about 45-minutes late. When asked why you were tardy, you said that you arrived at work around 7:10 a.m. and were downstairs meeting with Property Room Manager (PRM), Rose Meere to handle outstanding evidence corrections and follow-ups. You also stated that you were an instructor and your portion was not until later in the morning, which meant you did not need to be in the training room at the beginning of your shift at 7 a.m. Sergeant Tualaulelei told you that if your shift begins at 7 a.m., you are required to show up on time or notify your supervisors that you would be late. You did not notify supervisors that you were going to be late for work. You did not submit a time off request for your late arrival and your timecard, which appears that you approved yourself, reflected a 7:00 a.m. start time.

Sergeant Douglas confirmed with PRM Meere shortly after the conversation with you that you had not booked anything into the property room, nor did you meet with any of the property room staff that morning. PRM Meere also confirmed that you sent a text message to PRM Meere at 8:07 a.m. stating, "If Karen or Jerel asks can you please let them know I was handling evidence.com with you!" On that day, you never physically met with PRM Meere prior to arriving in the training room at 7:45 a.m.

The internal affairs investigation included an audit of the door codes for the main entrances, and a check of the main entry door near the City Hall main parking lot leading into the hallway near the property room showed you entered the main entry door at 7:31 a.m. The next recorded door code entry was from the double doors leading from the downstairs where the locker room is up to the second floor where the training was being held was a 7:39 a.m. Based on your statement during your interview, the timeline suggests you arrived at 7:31 a.m., changed in the locker room, and walked up to the training room arriving at approximately 7:45 a.m. as noted by your supervisor.

During your internal affairs interview you had difficulty remembering specifics about the incident, what you were doing that morning, or the specific time you arrived at work. You admitted you likely arrived at work a few minutes late, but when confronted with evidence, you continually changed your story to remain within reason of the evidence, all of which disproved your initial statement to Sergeants Douglas and Tualaulelei the morning of. Specifically, when asked what time you arrived to work on June 20, 2024, you stated that you did not remember the exact time but it was around 7 a.m., give or take fifteen minutes. You said that you were in the locker room, changing out, using the restroom, and you had some emails from evidence you were going to take care of. You stated that you were planning to handle these items because your portion of instruction for the training day was not at the beginning. You then stated that you walked into the training room at approximately 7:40 a.m. for the first time that day and shortly after, were confronted by Sergeant Douglas who asked you where you had been. You then stated you told the Sergeants you were taking care of evidence "with" PRM Meere, but believe you misspoke and should have stated you were taking care of evidence "for" PRM Meere. You then attempted to explain that when you were reviewing outstanding property items, you actually never physically met with PRM Meere. When shown a copy of the text message you sent to PRM Meere at 8:07 a.m. on June 20, 2024, you recalled that communication. You then acknowledged that you could have arrived to work up to 30 minutes late and you planned to "do evidence for Rose," and that you were looking through your emails while at your locker door changing. You then admitted it was a misrepresentation of fact for you to tell your Sergeants that you were delayed working on evidence when you were in fact late for work. You then said that you were not asked by your Sergeants what time you arrived, but rather why you were late coming into the training room. You stated that this is why you did not inform them of the exact time you came in the building or openly disclose how late you were.

An audit of your evidence.com activity on June 20, 2024, shows that the first time you made changes to your evidence.com account on that date was at 11:07 a.m.

C. OCTOBER 25, 2024 – (IA #24-07) SERVICE OF SUBPOENAS

On October 25, 2024, you were issued two subpoenas to serve throughout your shift, which you turned into your supervisor, Sergeant Douglas, following your shift. On the service tracking slips for each subpoena, you wrote, "No Answer" and the times of 9:23 p.m. and 9:42 p.m. When you turned the subpoenas in at the end of the night, you told Sergeant Douglas, "I tried serving them, but they weren't home. I was out in beat 1 most of the night." Sergeant Douglas acknowledged and appreciated your attempts considering it was a busy night with many calls for service.

Sergeant Douglas did not recall hearing you put yourself out for subpoena attempts over the radio, which she characterized as unusual for you. She also confirmed you had no self-generated subpoena attempts in the computer-aided dispatch system.

The evidence demonstrates that you did not attempt to serve either subpoena. As for the first subpoena for an address on [redacted] review of both in-car and fixed license plate reader data suggested you never drove on [redacted] You listed 9:23 p.m. as the attempted service time for the subpoena on [redacted] however you were on a call for service from 9:05 p.m. to 9:30 p.m. at another location for a shoplifting investigation at the Ross Store located in the Westlake Shopping Center. A review of residential cameras and an interview with residents for the subpoena on [redacted] also support that you did not attempt service of the [redacted] subpoena as you had noted.

As for the second subpoena for an address on [redacted] while you did drive on the street, neither time noted in the data (8:53 p.m. and 10:19 p.m.) aligned with your supposed service attempt at 9:42 p.m. Additional evidence confirmed you were not in the area throughout your shift, proving you did not attempt service on [redacted]

During your internal affairs interview, you stated that "No Answer" meant you attempted in-person contact at the residence and did not receive a responsive answer and left. Specifically, you stated that when using the disposition of "No Answer," you would park your car, walk up, knock, not receive an answer, and leave. At first, you stated that you did not recall serving the subpoenas in question. After additional questioning, you affirmed your attempts to serve the two subpoenas in question. When confronted with the evidence proving you could not have attempted service of the subpoenas as noted, you were unable to provide clear, consistent, or convincing information to support your statements. Eventually, you stated that you could not remember the events and could not understand the origin of the times you noted on the subpoenas.

Additionally, you stated that you do not activate your Body Worn Camera (BWC) on subpoena attempts unless someone opens the door or you make contact with someone. An audit of the Versaterm Cad system and Evidence.com disproved your statement that your standard practice is to only activate your BWC upon citizen contact. Two out of the three subpoena attempts conducted by you prior and following October 25, 2024 indicate that you activated your BWC as you approached the residence and before making any contact with any persons.

IV. DISCIPLINE PRIOR TO AND DURING AFOREMENTIONED INCIDENTS

Your performance history and previous counseling and discipline were considered when evaluating the decision to terminate. The following further supports my proposal to terminate your employment.

- October 7, 2023 – You were involved in a preventable collision where you side-swiped a parked car, resulting in a documented counseling.

- October 30, 2023 – You were involved in a preventable collision during a pursuit, resulting in a documented counseling.

- February 23, 2024 – You were involved in a vehicle pursuit where it was determined you were out of policy for unsafe speeds and improper driving behavior, resulting in a documented counseling.

- September 29, 2024 –You conducted a death investigation (24005954) and the family indicated suspicious circumstances surrounding the death of the victim. While making notifications to the coroner, you muted your body camera, and it was determined information relayed to the coroner likely lacked the information noted above, which may have changed the decision by the coroner to respond to the scene. We were unable to verify this as the conversation was not captured on BWC. You were issued documented counseling.

- October 27, 2024 – You arrested a subject for felony charges and collected several items of property from them (case #24006597). On October 28, 2024, property room specialist Ben Bermudez e-mailed you about a purse that was shown as booked into the evidence locker as safekeeping. Bermudez spoke with you in person later that same day about the missing purse and you told him it was an oversight, and that the purse was in the trunk of your patrol vehicle, challenging the integrity of any chain of custody for the purse. You booked the purse into property later that evening, and Bermudez again sent you another e-mail on October 29, 2024, as there were narcotics, drug paraphernalia, and a check book belonging to someone other than the person you arrested, all requiring different handling procedures. You received a Letter of Reprimand for violation of Lexipol Policy 803.3.2, Narcotics and Dangerous Drugs (booking procedures), 803.3, Property Handling, 340.5.8(b), Efficiency, and Manual of Rules 3.60, Performance of Duty. This Letter of Reprimand followed previous discussions as noted by Lieutenant Klier in your Letter of Reprimand dated December 21, 2024.

- January 18, 2025 (25000342) – You were involved in a pursuit that ended up at Cesar Chavez Street and Vermont Street, San Francisco. It was determined you were driving too fast for conditions during the pursuit, and you collided with a cement center median. The collision was deemed preventable with the associated factor of inattention as you were reaching for your police radio while trying to manage a turn. A Disciplinary Review Board was held on February 25, 2025, as you had previous preventable collisions. Disciplinary decisions were withheld pending the three pending Internal Affairs investigations.

- February 27, 2025 – You were placed on Administrative Leave, as concerns about your performance and decision making were in question from the above performance issues and the three pending Internal Affairs investigations contained in this notice.

V. ANALYSIS

In *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194, the California Supreme Court held that in considering the propriety of public employee disciplinary action:

> "...the overriding consideration in these cases is the extent to which the employee's conduct resulted in, or if repeated is likely to result in harm

to the public service.... Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence."

As explained below, the investigations have demonstrated that your conduct has demonstrated multiple policy violations, including a pattern of dishonesty that undermines your ability to perform your duties. This conduct has harmed the public service, if repeated, will further harm the public service, and there are no mitigating factors to counter the facts of your dishonesty. Engaging in dishonesty is not compatible with your job as a Daly City police officer. A police officer's job "is a position of trust and the public has a right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer. (*County of Los Angeles v. Civil Service Com. of County of Los Angeles* (2019) 40 Cal.App.5th 871, 878; see also *Ackerman v. State Personnel Bd.* (1983) 145 Cal.App.3d 395, 400.) Termination of employment for dishonest behavior is appropriate discipline even where the employee was a long-term employee with little or no record of prior discipline. (See, e.g., *Nicolini v. Tuolumne* (1987) 190 Cal.App.3d 619 [termination of a deputy sheriff for dishonesty upheld where the deputy had nine years of service and no prior discipline]); *Paulino v. Civil Service Commission* (1985) 175 Cal.App.3d 962, 971 [discharge of police officer for falsely reporting sick leave upheld].) Dishonesty is intolerable conduct for any employee of the Department, and there is no other reasonable choice but dismissal from employment. The principles set forth in these authorities amply support the proposed discipline of termination.

A. YOU WERE DISHONEST AND DEMONSTRATED A LACK OF INTEGRITY ON MULTIPLE OCCASIONS

1. In the June 2, 2024, incident, you told your supervisor you obtained a thumbprint from a subject you failed to adequately identify before citing them out. Evidence in the internal affairs investigation revealed you did not have an electronic thumbprint device on your digital ticket writer. When confronted with that information by your supervisor, you then stated you took the subject to your patrol vehicle to obtain an ink thumbprint. Again, evidence, to include an audit of your ticket writer, video footage from Target and the body cameras of officers on-scene, revealed you did not escort the subject to your car like you stated, nor did you print a second copy of the citation or obtain an ink thumbprint. You maintained your statement in discussion with your direct supervisors, as well as during your internal affairs investigation, regardless of the evidence disproving your statement at all levels. Your false statements regarding the June 2, 2024 petty theft arrest, claiming you obtained a thumbprint and created a second citation when body-worn camera footage and store surveillance footage prove you did not, constitute deliberate deception. Your conduct misled supervisors and obstructed their ability to ensure compliance with lawful citation and booking procedures. Further, during the internal affairs investigation, you continued to deny wrongdoing, despite overwhelming evidence to the contrary, demonstrating not only your inability to own up to your mistakes but worse, your effortless willingness to lie.

2. Similarly, in the June 20, 2024, incident, you told your direct supervisor you were downstairs meeting with the property room manager when you showed up to work for a training class 45-minutes late. Furthermore, you sent a text message to the property room supervisor asking them to tell your supervisor that you had met with her if she was asked,

a deceitful attempt on your part, potentially exposing the property room manager to integrity violations for covering for your lack of accountability. Evidence in the internal affairs investigation revealed you entered the building at 7:31 a.m., which was 31-minutes after your start time of 7:00 a.m. Additionally, you did not meet with the property room manager as you had stated, and when confronted with all of this information, you continually changed your story about when you arrived to work, and what you may have been doing from the time you initially told your supervisor you arrived at work, which was 7:10 a.m. Door code evidence suggests you entered the building at 7:31 a.m., went into the locker room to change, exited through the gym, and entered your door code in the door leading upstairs at 7:39 a.m., before walking into the training at approximately 7:45 a.m. You were untruthful when questioned by your supervisor, you implied another uninvolved employee, and you continually changed your statement during your internal affairs interview, reiterating many of the same lies from the day of the incident. Your explanation for arriving 45 minutes late to mandatory training on June 20, 2024, was riddled with falsehoods. You falsely claimed to have been meeting with PRM Meere to handle evidence issues, an assertion disproven by entry logs, a corroborated denial by PRM Meere, and your own deceptive text message attempting to manufacture a false justification for your tardiness. Even when confronted with irrefutable evidence, you minimized your conduct and changed your story to align with the facts as they were presented to you.

3. The same pattern of dishonesty was evident in the October 25, 2024, incident, when you claimed to have attempted service for two subpoenas at two addresses. You wrote, "No Answer" on the tracking slip at 9:23 p.m. and 9:42 p.m. and told your supervisor that you attempted to serve the subpoenas that evening. Additionally, during your interview in the internal affairs investigation, you confirmed your attempt to serve the subpoenas by physically walking up to the doors. However, you were physically on a call for service at a Ross store until 9:30 p.m., proving you inaccurately noted the service time for the 9:23 p.m. attempt. Moreover, the evidence shows that you failed to attempt service of either subpoena. You had no calls for service at either address, there was no video surveillance in the neighborhood showing your attempted service, and your fleet and fixed automated license plate reader data did not show you in the area of the address at the time of the attempted service, nor did they even physically put you on the street the night of the attempted service. Your statements were directly refuted by license plate reader data, video evidence, CAD records, and an inability to reconcile your claimed actions with verifiable movements. Once again, you failed to take accountability, gave conflicting statements, and ultimately could not explain the discrepancies, all of which confirm an intent to deceive.

Your pattern of providing knowingly false and misleading information in connection with official duties is a direct violation of Department Manual Policy Sections 341.5.9, Manual of Rules 4.96 and the Daly City Rules and Regulations of the Classified Service, Rule XVIII, Standards of Employment, Section 10(n). Dishonesty strikes at the heart of our profession. Courts, prosecutors, and the public rely on officers to be truthful in their statements, reports, and testimony. Your repeated and sustained dishonesty compromises your credibility and renders you ineffective in any role that requires public trust.

B. YOU WILLINGLY AND KNOWINGLY FAILED TO PROPERLY FOLLOW POLICY AND PROCEDURE STANDARDS EXPECTED OF YOU AS A DALY CITY POLICE OFFICER

1. In the June 2, 2024, incident, you failed to properly identify a theft suspect before releasing them with a citation to appear in court. You did not seek supervisor guidance or approval before making the decision to cite the individual out, after you acknowledged twice at the onset of the investigation you would book them into jail for lack of identification. You did not obtain a thumbprint on any citation, which could aid in identifying the subject should they fail to appear in court, and you did not provide a copy of the citation to accompany your investigative report. Your failure jeopardized public safety, undermined Department procedures, and violated both Daly City Police Department Policy Manual Section 420.4.2 and Penal Code § 853.6(i).

2. In the June 20, 2024, incident, you did not notify a supervisor you were going to be late for your assigned start time, submitted a false timecard, and attempted to cover up your tardiness through deception.

3. In the October 25, 2024, incident, you failed to attempt service on two subpoenas issued to you, in which you claimed to try to serve, and then lied to your supervisor and during the internal affairs investigation.

These failures reflect violations of Daly City Police Department Policy Manual Sections 341.5.6 (Attendance) and 341.5.8 (Efficiency), and Manual of Rules Section 3.55 (Knowledge of Laws and Regulations), 3.60 (Performance of Duty), 3.65 (Obedience to Laws and Regulations), and 4.56 (Attendance).

As a Police Officer for Daly City, you are expected to maintain the highest level of integrity, responsibility, and competency, carrying out your duties with excellence and diligence. Your misconduct was not only an abuse of the trust placed in you by the Department—but has very serious implications for the Police Department and Daly City in the public eye.

Finally, I note your actions not only violated significant DCPD rules and policies, but your conduct also violated City of Daly City policies prohibiting the following: Untruthfulness; Failure to follow rules, regulations, directions, policies, and procedures, and Violations of City, State and/or Federal Law(s). You have repeatedly shown you cannot be trusted to perform your duties with integrity, accuracy, or reliability. Continued employment poses unacceptable risk to the Department, the City, and the public. Termination is necessary to uphold the ethical and operational standards of our Department.

VI. WARNING AGAINST RETALIATION

Please be advised that it is illegal and a violation of City policy to retaliate against any person who has participated in providing information regarding this investigation or issuing this

disciplinary notice. Any retaliatory conduct constitutes a separate and independent basis for discipline up to and including termination.

VII. PRE-DISCIPLINARY RESPONSE TO CHARGES

You have the right to respond to your proposed termination within seven (7) days from the date you received this Notice, either by requesting a *Skelly* conference or by providing a written response, or both. Your contact for requesting the *Skelly* conference and/or providing a written response is Natalie Sakkal, Director of Human Resources. Her email address is nsakkal@dalycity.org. Failure to request a *Skelly* conference or provide a written response within seven (7) days from the date you received this Notice constitutes a waiver of your right to respond prior to final discipline being imposed.

If you request a *Skelly* conference, a designee selected by the City Manager will conduct an informal meeting with you. The Chief of Police will also be present. You have the right to have a representative of your choice at the *Skelly* conference.

VIII. DOCUMENTS RELIED UPON IN MAKING RECOMMENDATION

The following documents were considered and relied upon in recommending that you be terminated. They are attached. I have reviewed your personnel file and given it consideration in deciding on the recommended discipline. Your personnel file is not attached, but if you wish to review it you may contact Natalie Sakkal to schedule an appointment. Please note that the attachments and digital evidence created or reviewed as part of the below investigations are not attached to this Notice. If you would like a copy of any of these items, please contact Natalie Sakkal. The *Skelly* conference will not be delayed pending your receipt of these items.

1. Administrative Investigation 24-04
2. Findings & Recommendations 24-04
3. Administrative Investigation 24-06
4. Findings and Recommendations 24-06
5. Administrative Investigation 24-07
6. Findings and Recommendations 24-07
7. Disciplinary Review Panel Memorandum (05/15/25 for IA's 24-04, 24-06, 24-07)
8. Disciplinary Review Panel Memorandum (02/25/25 for Collision on 01/18/25)
9. Notice of Paid Administrative Leave dated 02/27/25)
10. Relevant Excerpts from the Daly City PD Lexipol Policy Manual

CC: Cameron Christensen, Acting Chief of Police
Natalie Sakkal, Director of Human Resources
Rose Zimmerman, City Attorney

Acknowledgment of Receipt:

Received: _____ 06/02/25 1700
Kevin Smithmatungol Date

Ignacio Ruiz #95 06/02/25 1700