

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Hector Victorio

POST ID NUMBER: C87-Q51

EMPLOYING AGENCY: San Bernardino Police Department

POST CASE NUMBER: POST2322062

WRITTEN BY: Michael Marshall

DATE: 3/12/2026

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I. Executive Summary and Findings

The San Bernardino Police Department submitted this case alleging that Officer Hector Victorio (hereinafter "Respondent") engaged in serious misconduct by using excessive force during an arrest. The Respondent and his partner, Officer G. Rodriguez (hereinafter "Rodriguez"), initiated a traffic enforcement stop that escalated into a vehicle pursuit when the driver failed to yield. The pursuit ended when the suspect's vehicle crashed. The suspect (hereinafter "Victim") exited the vehicle and assumed a prone position on the ground. The Respondent approached the Victim and delivered multiple punches and knee strikes to the face, neck, and head area. These actions formed the basis of the allegation that the Respondent used force beyond what was reasonably necessary.

The department determined that the Respondent used excessive force. As a result, he received a 40-hour unpaid suspension, with 20 hours held in abeyance pending his completion of 40 hours of Use of Force training within one year from the date of the signed settlement agreement.

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a review of the San Bernardino Police Department's administrative investigation, which included videos and interviews of witnesses and the subject officer, as well as a criminal investigation conducted by the San Bernardino County District Attorney's Office.

The information obtained in this investigation was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

The table below sets forth Respondent's employment history:

Dates	Rank	Agency
09/16/2021 – 03/14/2022	Trainee	San Bernardino Police Department
03/14/2022 – 11/05/2025	Police Officer	San Bernardino Police Department
11/05/2025 – present	Community Service Officer	San Bernardino Police Department

Respondent is assigned POST ID C87-Q51. He received the following peace officer certificates from POST:

Certificate Type	Certificate Number	Date Issued
Basic	209271	03/22/2023

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and Commission Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline, and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

Prior to the alleged unreasonable use of force, the Respondent had taken the following training related to the use of force:

Defensive Tactics / Arrest & Control	8 hours	April 5, 2022
Strategic Communication	2 hours	April 5, 2022
Use of Force	4 hours	April 6, 2022
Tactical Firearms	5 hours	April 7, 2022

The Respondent has not been the subject of any other internal affairs investigations regarding the use of force, nor does he have any prior history of allegations of unreasonable use of force being filed against him. However, on February 22, 2024, the San Bernardino Police Department received a complaint from the San Bernardino District Attorney's Office about an incident that occurred on October 28, 2023,

concerning Respondent's discourteous treatment of an arrestee during a burglary investigation. In addition, in May 2025, the San Bernardino Police Department received a complaint that was submitted by mistake to the San Bernardino Sheriff's Department about a vehicle stop and residential search that occurred on April 28, 2025. As a result of these incidents, Respondent agreed to a demotion to a non-peace officer position as a Community Service Officer on November 5, 2025. Further details about these incidents are provided in Section V(b), below.

IV. Factual Background

On November 27, 2023, the Respondent was on patrol with Officer Rodriguez in the city of San Bernadino.[1] The Respondent, who was driving, observed a Kia without a front license plate, which is a violation of the California Vehicle Code (CVC) section 5200(a). The Respondent got behind the Kia and observed the driver of the vehicle, the Victim, make an unsafe left turn, which is a violation of CVC section 22107. The Respondent initiated a traffic stop by activating the lights and sirens on his marked police vehicle, at which time the driver failed to yield, and a pursuit ensued.

The pursuit lasted roughly six minutes. Throughout the incident, the Victim operated the vehicle in a reckless manner by driving on the wrong side of the roadway, disregarding stop signs and traffic signals, nearly colliding with several vehicles at various intersections, and accelerating to speeds of up to 100 miles per hour on city streets and through a school zone. The pursuit terminated when the Victim collided with a telephone pole. Following the collision, he exited the vehicle and immediately positioned himself prone on the ground, with his hands extended above his head, palms down.

The Victim had his cell phone and a single cash bill in his right hand. The Respondent exited the driver's seat of his patrol vehicle, immediately yelled, "Get on the fucking ground," and ran towards the Victim. The Victim immediately responded by saying, "I'm on the ground, I'm on the ground, bro. I'm not resisting." [2]

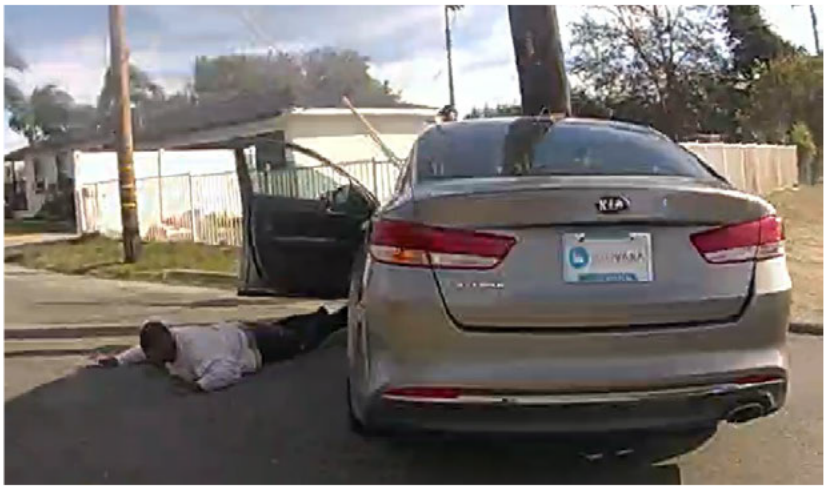
<u>Still images taken from Attachment B – Body Worn Camera video, X60A4550P, Pursuit</u>

The times noted below are from the time stamp on Respondent's BWC video.

05:23: The Victim exited his vehicle and lay face down on the ground, extending his hands outward at shoulder width.

[1] Attachment A, San Bernardino Police Department Report, Case No. 2023-00134638, November 27, 2023.

[2] Attachment B, Body Worn Camera video, X60A4550P, Pursuit, November 27, 2023.



The Respondent approached the Victim from the left as he lay on the ground. At the same time, Rodriguez moved around the front of the disabled vehicle and approached the Victim from the right, positioning himself on the Victim's back in a mounted position. Upon reaching the Victim, the Respondent placed his left hand on the Victim's head and his right hand on his back. The Respondent then delivered two closed fist strikes with his right hand to the back of the Victim's head and neck while shouting, "Stop, stop resisting."

05:26: First closed fist punch.



05:27: Second closed fist punch.



The Victim responded, stating, “I’m not moving, c’mon, I’m not moving, I’m not moving.” The Respondent then delivered two (2) strikes to the Victim’s face with his right knee.

05:31: First knee strike.



Still image taken from Attachment C – Witness Cell Phone Recording[3]

[3] A witness who lived nearby saw the incident and recorded it on her personal iPhone.

00:00: First knee strike.



The Respondent followed the knee strikes by delivering three (3) additional punches with his right hand to the left side of the Victim's face. After being struck, Victim placed his left hand on top of his head as if to protect himself.

<u>Still images taken from Attachment B – Body Worn Camera video, X60A4550P, Pursuit</u>

05:32: Third closed fist punch.



After the first punch, the Respondent gained control of the Victim's left wrist and delivered an additional punch to the left side of the Victim's face.

05:34: Fourth closed fist punch.



The Respondent released control of the Victim's left wrist and delivered one final punch with his left closed fist to the left side of the Victim's face.

05:35: Fifth closed fist punch.



At one point, Officer Rodriguez appears to attempt to stop the Respondent from striking the Victim, as shown by Officer Rodriguez using his hand to push the Respondent's hand away and placing his right arm in front of the Respondent while positing his right shoulder to shield the Victim.

05:35: Rodriguez using his hand to push Respondent's hand away.



05:35: Rodriguez using his shoulder to shield the Victim.



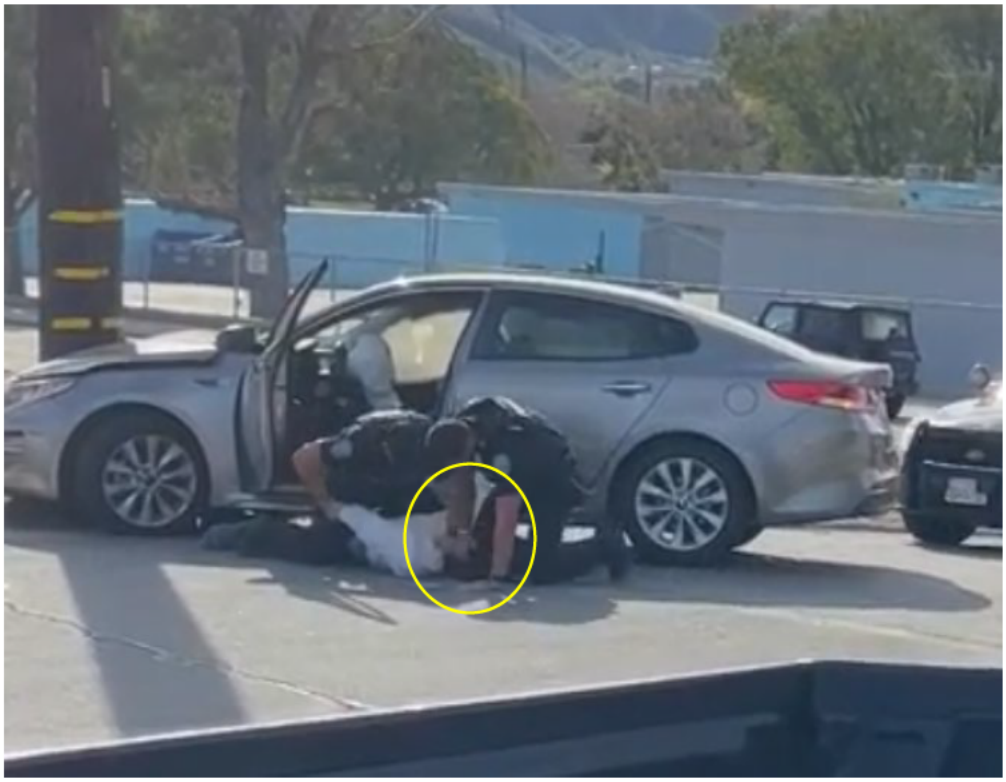
After being blocked, the Respondent transitioned to knee strikes, using his right knee to strike the Victim's face two (2) times. The Respondent placed his right hand on the Victim's face to guide the knee strikes, while Rodriguez maintained control of the Victim's right arm.

05:37: Third knee strike.



Still image taken from Attachment C – Witness Cell Phone Recording

00:07: Third knee strike.



Officer Rodriguez is observed maneuvering the Victim's right arm behind his back as

the Respondent delivered a second knee strike to the Victim's face.

00:08: Fourth knee strike.



After the two (2) knee strikes, the Respondent ended with one more punch. It appears the Respondent used his left hand to hold the Victim's face onto the ground and used his right closed fist to hit the Victim on the right side of his face.

Still images taken from Attachment B – Body Worn Camera video, X60A4550P, Pursuit

05:39: Sixth closed fist punch.



Officer Rodriguez was attempting to detain the Victim, while Respondent was striking the Victim to gain compliance.

On the BWC, the Respondent and Officer Rodriguez could be heard yelling, “Stop,” and, “Give me your hands,” and, “Stop resisting,” multiple times, with the Victim responding, “I’m done,” and, “I’m sorry,” multiple times and moaning in pain. Once a supervisor arrived on scene, the Respondent stopped punching the Victim, and held his head onto the ground until Officer Rodriguez was able to place the Victim in handcuffs.

The Respondent’s physical action on the Victim lasted less than 25 seconds before a supervisor arrived on scene. In that time, the Victim was punched at least six (6) times and kneed at least four (4) times in the face, head, and neck area. The Victim sustained a left orbital eye fracture, multiple broken teeth, and abrasions (road rash) on his face and lips.

Attachment D – Photograph of Victim’s Left Eye.



Attachment E – Photograph of Victim's Left Eye 2.



Attachment F – Photograph of Victim's Mouth.



Attachment G – Photograph of the Right Side of Victim's Face.



Attachment H – Photograph of Victim's Chipped Teeth



The vehicle pursuit and subsequent use of force were recorded on the Respondent's body-worn camera, and a portion of the incident was also captured by a bystander on a cell phone following the accident. Officer Rodriguez's body camera fell off while exiting the patrol car.

The Victim was arrested for CVC section 2800.2(a) (Evading a Peace Officer: Reckless Driving) and CVC section 2800.4 (Evading a Peace Officer: Wrong Way Driver).

The Respondent indicated in his report that he saw the Victim on the ground with a blunt object in his right hand. The Respondent also believed the Victim was attempting to get back onto his feet to run away. The Respondent stated he approached the Victim and struck him to disorient him. While the Respondent was striking the Victim, he believed the Victim was trying to stand up. The Respondent saw Officer Rodriguez struggling to detain the Victim and he thought Officer Rodriguez was being overpowered, which is why he used his knees to strike the Victim. The Respondent documented two (2) sets of knee strikes.

The case was originally assigned to a different Law Enforcmeent Consultant, who conducted an interview with the Respondent. The Respondent provided a similar reasoning for punching and kneeing the Victim as he did in his report. The Respondent initially said he was trying to effect an arrest until he felt resistance from the suspect when the Victim's left arm pulled away from him. The Respondent continued to strike the Victim to gain compliance.

The Respondent approached the Victim and attempted to keep his weight down on him to prevent him from getting on his feet. The Respondent said, "Like I previously stated, I felt his left arm immediately began to pull away from me and then at that point, I delivered my first strike to the intended area was his upper back. But I think the first two struck his neck and then from there the third one again, he continued to actively pull his arms away from us, not giving it his back and complying with my partner's commands to place his hands behind his back. So, in order to gain pain compliance and just overall compliance from [the Victim]. In general, I delivered an additional strike which struck him in the face."[4]

While watching the video, the Respondent indicated he only remembered one set of knee strikes on the Victim, although he documented two sets of knee strikes in his report. "The two knee strikes that we just saw are the only two knee strikes that I recall happening that day."[5]

The Respondent was asked about having control of the Victim's arm with both of his hands and if it was necessary to release control to deliver another punch.[6] The Respondent replied, "I - I believe it's necessary. Yes, ma'am. At that point in time, I see

[4] Attachment I, Division's October 8, 2025 Interview of Respondent, at 15:32.

[5] *Id.,* at: at 40:26.

[6] Attachment B, at 05:35.

that my partner is on – on a – fully mounted on his back and is still unable to bring [the Victim]'s arm back to his lower back. And at that point, yes, I'm able to pull his arm off, but I'm not able to bring it directly down to his back. In order to place him into handcuffs, I do believe it was necessary."[7]

When asked about the second set of knee strikes and if they were reasonable, the Respondent replied, "Because the punches before that were not effective, and in order to effect an arrest quickly and get the use of force over with and effect an arrest. And prevent escape and overcome resistance. I felt it was necessary to use a high level of force because my partner and I collectively were not able to effect an arrest up to this point."[8]

When asked why he delivered the final punch, after the Victim was saying, "I'm done, I'm done," the Respondent replied, "I mean, I – I don't recall him saying that ma'am, but I mean, I – I hear it now and I see it now. I could have already been in the process of delivering that additional punch and by the time he said it, I was already in that motion. But I – I honestly don't recall him saying that I could see. I could clearly see and hear it now, but at that moment in time, I – I don't recall it. I don't recall that, but it – I do notice that they're effective because he clearly shifts his body away from me. And then at that point, we're able to control both of his arms and place him into handcuffs."[9]

The Respondent was asked if he believed the punches and knee strikes helped or hindered Officer Rodriguez's attempt to put the Victim in handcuffs. The Respondent replied, "At that point in time I believe that they were necessary in order to effect an arrest. I think looking back at it now with all the discipline that I've the disciplinary process and learning from the classes that I've attended and just maturing as an officer. You know, in – in the two years after that incident, I think that there are other methods and other things I could have done too. I guess easily. Put him into handcuffs a little bit more effectively."[10]

The Respondent was asked if the Victim presented an imminent threat to himself or Officer Rodriguez. The Respondent replied, "As soon as he got out of the vehicle again, we didn't know if he was armed or not. The only thing that I saw was the upright position in my head because he's already exited the vehicle. I'm thinking that he's either going to confront my partner and I or continue to flee again. He had not been patted down, so I don't know if he's armed or not until we can deem it that he's not armed. I have to assume that he is armed for our safety and the safety of everybody in that community."[11]

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[7] Attachment I, at 44:40.

[8] *Id.*, at 49:48.

[9] *Id.,* at 52:21.

[10] *Id.,* at 58:34.

[11] *Id.*, at 1:01:36.

The Respondent was asked, what he would do differently today, after receiving additional training, if he encountered the same set of circumstances. The Respondent replied, “I believe I've, I've learned a lot from this incident, not just in use of force, but report writing and articulation and communication with my partners. But I think we probably could have slowed things down a little bit like how you mentioned earlier, right, taking a position, a cover, I guess what we call that is like a felony traffic stop, right? I could have given more times in between strikes to allow possibly some compliance communicated better with my partner. That way we know exactly what we're each doing, and I think honestly a lot of what happened that day could have been solved with better communication between my partner and I.”[12]

Officer Rodriguez was also interviewed by the Division. Officer Rodriguez was focused on detaining the Victim and admitted he felt resistance from the Victim as he was trying to detain him. Officer Rodriguez believed the strikes from the Respondent were helping gain compliance. When shown the video of Officer Rodriguez blocking the Respondent from striking the Victim, Officer Rodriguez did not think he was trying to stop the Respondent. Officer Rodriguez believed he was only trying to control the Victim’s hands.[13]

The San Bernardino County District Attorney’s office initiated a criminal investigation against the Respondent for a violation of California Penal Code (PC) section 149 (Officer Unnecessarily Assaulting or Beating Another Under Color of Authority) on November 30, 2023. On January 17, 2024, after reviewing the materials, Deputy District Attorney Lisa Crane concluded that the available evidence was insufficient to prove a violation of Penal Code section 149 beyond a reasonable doubt. As a result, she declined to file charges against the Respondent.[14]

The San Bernardino Police Department conducted an administrative investigation into the Respondent’s use of force during the arrest of the Victim. At the conclusion of the investigation, the department determined that the Respondent used unreasonable force. The department noted, however, that the excessive force appeared to result from the Respondent’s lack of experience, as he had been employed by the SBPD for only 14 months at the time of the incident.[15] The Respondent waived his right to the discipline appeal process and accepted the department’s findings.

On March 11, 2024, the SBPD entered into a settlement agreement with the Respondent in which he received a 40-hour suspension, 20 of which was to be served without pay while the remaining 20 hours were held in abeyance upon successful completion of forty hours of de-escalation techniques and use of force training within

[12] Attachment I , at 1:10:57

[13] Attachment J, Division’s October 7, 2025 Interview of Officer Rodriguez.

[14] Attachment K, San Bernardino County District Attorney’s Office Memorandum, dated January 17, 2024.

[15] Attachment L, San Bernardino Police Department, Manager’s Review, Case No. 23PSB-082.

one year from the date of the signed agreement.[16] On January 29, 2025, the Respondent completed his training hours.

On July 2, 2024, the Victim signed a Settlement Agreement with the City of San Bernardino awarding him $450,000.[17] The Settlement Agreement compensated the Victim for injuries he sustained during the November 27, 2023 incident.

V. Analysis and Findings

On December 8, 2023, the San Bernardino Police Department reported allegations of serious misconduct as defined in Penal Code section 13510.8(b)(3) and Commission Regulation 1205(a)(3), Physical Abuse, against the Respondent to POST pursuant to California Penal Code Section 13510.9(a)(2). On March 20, 2024, the San Bernardino Police Department provided the completed internal affairs investigation, along with the March 11, 2024 Settlement Agreement between the Respondent and the City of San Bernardino (Attachment M) regarding the November 27, 2023 incident. As stated in the March 11, 2024 Settlement Agreement, the San Bernardino Police Department found Respondent violated several internal policies, including, but not limited to, the department's policy prohibiting excessive use of force (Policy No. 300.3) and requiring the use of de-escalation tactics before engaging in uses of force "as time and circumstances reasonably permit…" (Policy No. 300.3.4). As a result of this incident, Respondent received a 40-hour suspension, which consisted of a 20-hour suspension without pay and 20-hour suspension held in abeyance pending the successful completion of de-escalation of use of force techniques within one (1) year.

A. Does the alleged conduct violate Commission Regulation 1205(a)(3) – Physical Abuse.

The Serious Misconduct category of Physical Abuse in Section 1205(a)(3) is defined as follows:

Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

In California, "[a]ny peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance." (Pen. Code § 835a, subd. (b).) "[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the

[16] Attachment M, Settlement Agreement in Case No. 23PSB-082 between the City of San Bernardino and Hector Victorio, dated March 11, 2024.

[17] Attachment N, Victim's Settlement Agreement with City, dated July 31, 2024.

circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." (Pen. Code § 835a, subd. (a)(4).)

After reviewing the facts and circumstances of the case, the Division determined, by the clear and convincing evidence standard, that the Respondent engaged in physical abuse, including the use of excessive and unreasonable force, which constituted serious misconduct as defined in Penal Code 13510.8(b)(3) and Commission Regulation section 1205(a)(3) as the force used by Respondent was not "objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance…" of the Victim. (See Pen. Code § 835a, subd. (b).) Specifically, the Respondent applied force against the Victim that was excessive and unreasonable because:

- Based on a review of the BWC video and cell phone video that captured the custody phase, there was no visible indication that the Victim was uncooperative with Respondent or Officer Rodriguez.
- At the conclusion of the vehicle pursuit, the Victim exited his vehicle and laid flat on the ground with his palms face down above his head.
- As the Respondent exited the driver's seat of his patrol vehicle, he immediately yelled, "Get on the fucking ground," as he ran towards the Victim, despite the Victim being already prone on the ground with his hands above his head.
- Upon hearing the Respondent's commands, the Victim immediately responded, "I'm on the ground, I'm on the ground, bro, I'm not resisting."
- Upon arriving at the Victim's position, the Respondent immediately applied physical force.
- The Victim remained on the ground and exhibited no attempt to flee or evade officers prior to the Respondent making physical contact.
- The Victim was struck by the Respondent at least six (6) times with punches and four (4) times with knee strikes.
- During the altercation with officers, it appeared as if Officer Rodriguez attempted to block the Respondent from continuously striking the Victim by placing his hand in the way of a fist punch and positioning his body over the Victim to stop further uses of force.
- The Victim's actions suggest he was attempting to protect his head and face rather than engage in resistance.
- The Victim sustained a fractured orbital socket, chipped teeth, and abrasions (road rash) to his face.
- The Victim was unarmed and not found to be under the influence of alcohol or drugs.
- The Respondent justified his actions because the Victim had an unknown object in his right hand, which turned out to be a cell phone and a cash bill.

- Based on the video, the Respondent delivered a punch to the Victim before he ever attempted to gain control of his hands, which contradicted his statement to the Division that he was trying to detain the Victim, and that the Victim pulled his hand away.
- The Respondent was hindering Officer Rodriguez's ability to gain control of the Victim because by striking the Victim while the Victim was attempting to protect his face.
- Approximately one (1) month prior to this incident, the Respondent had a suspect run from him on a scooter. When the Respondent caught up to the suspect, he told him, "You're so fucking lucky there's people here, I'd beat the fuck out of you for taking away from me." One month later, after a suspect "took off from him" during a vehicle pursuit, he assaulted the Victim.

Clear and convincing evidence indicates that the force used by the Respondent was excessive. The Respondent punched the Victim at least six (6) times and kneed him at least four (4) times in the head, neck, and shoulder areas. This level of force was unreasonable and excessive, given that the Victim was lying face down with his hands palm down above his head, in a position of surrender.

B. Commission Regulation 1213 Factors.

Under Commission Regulation section 1213, "[i]n considering whether to take action against a peace officer's certification, and in considering whether a revocation or suspension is appropriate in light of the facts of the particular case…" several factors must be considered. These factors include: (1) "[t]he nature and severity of the act or omission[;] (2) "[t]he circumstances surrounding the conduct and the extent to which the act or omission caused any actual or potential harm to or impact upon the victim, the public, other peace officers, the employing agency, or the law enforcement profession[;] (3) [w]hether the involved peace officer is currently employed as a peace officer[;] (4) whether the alleged conduct was committed under the color of authority or while the peace officer was acting in the capacity of a peace officer; (5) [t]he peace officer's prior conduct, discipline and service record, an any prior instances of misconduct[;] (6) [t]he proximity or remoteness in time since the conduct occurred[;] (7) [a]ny mitigating or aggravating factors and/or evidence of rehabilitation[;] (8) [t]he degree of accountability and cooperation with the investigation evidenced by the peace officer[;] (9) [t]he extent to which discipline, or forbearance from discipline, would impact the best interests of the public, the public service, the employing agency, and/or the law enforcement profession[;] (10) [t]he motives of the peace officers that resulted in the conduct[;] (11) [c]onsistency of the penalty with those imposed upon other peace officers for the same or similar offense[;] (12) [t]he clarity with which the peace officer was on notice of any rules that were violated in committing the offense[;] (13) [t]he extent to which the act or omission was done intentionally, willfully, or maliciously[;] (14) [t]he likelihood of recurrence[; and] (15) [a]ny other aggravating or mitigating factors relevant to

the…determination."

Following the above incident, Respondent was involved in two additional, unrelated incidents, each of which resulted in significant disciplinary action. These separate matters further reflect a pattern of conduct that required corrective measures. A summary of these incidents is provided below as part of the consideration of the Commission Regulation section 1213 factors. Specifically, the Respondent's discipline and service record and any mitigating or aggravating factors and/or evidence of rehabilitation.

One month prior to the use of force incident, on October 28, 2023, SBPD officers were dispatched to a commercial burglary. Surveillance footage showed multiple suspects burglarizing the building. Officers arrived and located all but one suspect, who remained outstanding.

The Respondent observed an individual matching the description of the suspects riding an electric scooter. He stopped his vehicle with emergency lights activated, exited his vehicle, and verbally instructed the suspect to stop and return. The suspect continued fleeing. Another officer arrived on scene, caught up to the suspect, and detained him.

The Respondent then arrived at the location where the suspect was detained and confirmed that the individual was the one who had fled from him. During a search of the suspect's pockets, the Respondent stated, "You're so fucking lucky there's people here, I'd beat the fuck out of you for taking away from me."[18]

After his comments to the suspect, the Respondent took possession of the suspect's backpack. Inside the backpack was a white substance, which officers suspected was methamphetamine or cocaine, a greenish substance that officers suspected was marijuana, "1More" brand earphones, two (2) cell phones, hygiene, alcohol, an empty wallet, lighters, a screwdriver, a USB cord, a black sock, a floral print pouch, a white unknown electronic device, hand sanitizer, body wash, and some small boxes. The headphones were identical to the ones stolen and recovered in the commercial burglary. The Respondent ended up discarding the backpack without booking the backpack into evidence. Respondent did, however, book the suspect's extra shirt, which was used as a face covering, into evidence.[19]

This incident was brought to SBPD's attention by the San Bernardino County Assistant District Attorney, who expressed concern about the comment the Respondent made to the suspect while reviewing body camera footage. During an administrative investigation, the Respondent admitted he discarded the backpack because it was "disgusting" from what was believed to be alcohol leaking onto the backpack causing a

[18] Attachment O – Body Worn Camera video, X60A4550P, Burglary: at 02:48

[19] Attachment P - San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024

wet and sticky residue.[20] The Respondent acknowledged that he was not thinking at the time and recognized that he made a mistake. The Respondent's internal affairs investigation concluded with sustained findings for Unbecoming Conduct, Neglect of Duty, and Improper Tactics. As a result, he was suspended without pay for 40 hours and placed on a Performance Improvement Plan (PIP) from November 1, 2024, through April 30, 2025.[21] The PIP required him to correct deficiencies in his reporting, improve his driving practices, and comply fully with the agency's code of conduct and applicable policies.[22]

On April 28, 2025, the Respondent and another officer conducted a vehicle stop on a solo female driver.[23] A records check revealed she was driving on a suspended driver's license. In conversation, she admitted she had been arrested in Nevada for a firearm related charge. The Respondent told her to step out of her vehicle so he could make sure there was nothing illegal in the car. The driver stepped out of the vehicle for the Respondent to search. After searching the vehicle, the Respondent and the other officer deactivated their body cameras and Respondent made some sort of agreement with the driver that if she let him search her house, in exchange he would not tow her vehicle or arrest her.

The driver complied and the Respondent placed her in handcuffs in the rear of his patrol vehicle and drove her back to her house. The Respondent left the driver inside his patrol vehicle while he searched the house for ammunition she told him was in her dresser. The Respondent located 16 live rounds of ammunition and took the driver back to her vehicle. The Respondent issued the driver a citation for driving on a suspended driver's license and released her.

The driver filed a citizen's complaint regarding the interaction. During the administrative investigation, the Respondent admitted his actions and also that he failed to book the ammunition into evidence, which was still in his beat bag. He booked the evidence and SBPD sustained findings for Unbecoming Conduct, Neglect of Duty, and Improper Tactics. The Respondent was suspended for 40 hours without pay and was demoted to a Community Service Officer for failing to complete his PIP.[24]

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[20] Attachment P - San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024

[21] Attachment Q - Settlement Agreement in Case No. 24PSB-006 between the City of San Bernardino and Hector Victorio, dated October 24, 2024.

[22] Attachment R - San Bernardino Police Department Performance Improvement Plan, Case No. 24PSB-006, dated October 28, 2024

[23] Attachment S – San Bernardino Police Department Internal Affairs Investigation Case No. 25PSB-093, dated September 17, 2025.

[24] Attachment T - Settlement Agreement in Case No. 25PSB-093 between the City of San Bernardino and Hector Victorio, dated November 4, 2025

Based on the above, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension pursuant to California Penal Code section 13510.85(a).

VI. Supporting Evidence

- Attachment A – San Bernardino Police Department Report, Case No. 2023-00134638, November 27, 2023.
- Attachment B – Body Worn Camera video, X60A4550P, Pursuit, dated November 27, 2023.
- Attachment C – Witness A. Menchaca Cell Phone Recording, dated November 27, 2023.
- Attachment D – Photograph of Victim's Left Eye, dated November 27, 2023.
- Attachment E – Photograph of Victim's Left Eye 2, dated November 27, 2023.
- Attachment F – Photograph of Victim's Mouth, dated November 27, 2023.
- Attachment G – Photograph of the Right Side of Victim's Face, dated November 27, 2023.
- Attachment H – Photograph of Victim's Chipped Teeth, dated November 27, 2023.
- Attachment I – Division's October 8, 2025, Interview of Respondent.
- Attachment J – Division's October 7, 2025, Interview of Officer Rodriguez.
- Attachment K – San Bernardino County District Attorney's Office Memorandum, dated January 17, 2024.
- Attachment L – San Bernardino Police Department, Manager's Review, Case No. 23PSB-082, February 7, 2024.
- Attachment M – Settlement Agreement in Case No. 23PSB-082 between the City of San Bernardino and Hector Victorio, dated March 11, 2024.
- Attachment N, Victim's Settlement Agreement with City, dated July 31, 2024.

- Attachment O – Body Worn Camera video, X60A4550P, Burglary, dated October 28, 2023.

- Attachment P – San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024.

- Attachment Q – Settlement Agreement in Case No. 24PSB-006 between the City of San Bernardino and Hector Victorio, dated October 24, 2024.

- Attachment R - San Bernardino Police Department Performance Improvement Plan, Case No. 24PSB-006, dated October 28, 2024.

- Attachment S – San Bernardino Police Department Internal Affairs Investigation Case No. 25PSB-093, dated September 17, 2025.

- Attachment T – Settlement Agreement in Case No. 25PSB-093 between the City of San Bernardino and Hector Victorio, dated November 4, 2025.