STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, APRIL 15, 2026

9:00 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061, RPR

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

ROBERT DOYLE
Marin County Sheriff (Retired)
Vice Chairperson

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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A P P E A R A N C E S  C O N T I N U E D

POST STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

RICHARD COLLINS
Law Enforcement Consultant
Professional Conduct Northern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Analyst II
Executive Office

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

DAVE SIEBER
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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A P P E A R A N C E S  C O N T I N U E D

ALSO PRESENT

KASEY CASTILLO
Counsel for
Hector Victorio, POST ID: C87-Q51

JOSEPH HOFFMAN
Counsel for
Matt White, POST ID: A68-U16

LESLIE WILCOX
Counsel for
Jose Zavala, POST ID C28-A48
and
Julio Quintanilla, POST ID: C58-G04

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

HECTOR VICTORIO
POST ID: C87-Q51

MATT WHITE
POST ID: A68-U16

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PUBLIC SPEAKERS

KEYAN BLISS

AARON BLUEFORD

BEATRICE JOHNSON

WANDA JOHNSON

ADDIE KITCHEN

ARLETA NANCE

A P P E A R A N C E S  C O N T I N U E D

PUBLIC SPEAKERS

KATHRYN WADE

MORGAN WHITE

LANCE WILSON

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Wednesday, April 15, 2026, 9:05 a.m.

West Sacramento, California

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VICE CHAIRPERSON DOYLE: Today is April 15th, 2026. And the time is 9:05.

Thank you for all attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that the hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When speaking, they will go live. With this, you will need to watch cross-talk.

We will now call the role of board members.

MR. KNAPP: Thank you, Vice Chair Doyle.

Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Doyle.

VICE CHAIRPERSON DOYLE: Present.

MR. KNAPP: Dudley.

(No response.)

MR. KNAPP: Johnson.

MEMBER JOHNSON: Present.

MR. KNAPP: Lara.

(No response.)

MR. KNAPP: And Pena.

MEMBER PENA: Present.

VICE CHAIRPERSON DOYLE: Thank you.

A quorum has been established.

On my left is POST Counsel Chris Beatty. And on my right is POST Assistant Executive Director Annemarie Del Mugnaio.

First item is public comment. This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each matter.

Is there anyone present in the audience or remotely who would like to address the Board in public comment?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly

to statements or questions posed, to request clarification, or to refer the item to staff.

Please remember that this meeting is being transcribed so -- so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comments can be correctly captured in the transcript.

As the Board's Vice Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing board policy. I may conclude the public comment period if -- I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and that the 15-minute public comment period has expired.

You will be given two minutes to speak. And the lime limits will be exactly enforced -- strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing

agency. POST staff will assist you in that regard.

I would like to remind individuals making comments not to discuss pending complaints or pending disciplinary actions that may later come before the Board -- before the Board for a recommendation.

If the opportunity to address the Board at the time allows these rules is necessary to comply with the law and to avoid complementing -- compromising board mission (as stated). When it is your turn, you may -- you may state your name and organization.

So we'll open it up to public comment.

Anyone in the audience who wishes to address the Board?

Please.

MS. KITCHEN: My name is Addie Kitchen.

My name is Addie Kitchen. I'm the grandmother of Steven Taylor, who was murdered in April of 2020 in San Leandro. He was in a mental health crisis at the time.

And my question is, how do I start to apply for a decertification from the officer? How do I know that the officer is still certified? And is there someone here that could help me to start the process?

MS. DEL MUGNAIO: Yes. Thank you so much. We have members of our complaint intake team who can help you to file that complaint, register your case with the -- with

our division. That would be investigated and we would be in contact with you.

So as you go back to your seat, a member of the team will come up and get your information and help you with that process.

MS. KITH: And can you tell me how long is that process?

THE WITNESS: It depends on how long the investigation takes. It depends on the complexity of it. How long it takes for us to get records from the agency can take anywhere from six months to a year.

MS. KITCHEN: Okay. Thank you. I think that's the only questions I have.

MS. DEL MUGNAIO: Thank you so much.

VICE CHAIRPERSON DOYLE: Thank you.

MS. NANCE: Good morning. My name is Arleta Nance. And I am the mother of Tahmon Wilson and Thomas Wilson, Jr.

On August 18th, 2023, my son Tahmon was shot in the back of the head and killed by the Martinez, California, Police Department. And my son Thomas was shot twice in the back and survived. After being shot, my son Thomas was also assaulted by officers.

Internal Affairs conducted an investigation into this case and found misconduct serious enough to warrant

the termination of multiple officers. The findings included excessive force, failure to report misconduct, and conduct that reflects abuse of authority.

These are not minor violations. These are categories that fall directly under POST's definition of "serious misconduct."

In November of 2025, I filed multiple complaints with POST and received confirmation that they were accepted. Those complaint numbers are PUBLIC-25-001465, 001466, 001467, 001468, and 001469.

I have not received any meaningful update shortly after filing those complaints.

So my question is simple: If these findings meet POST's own categories for serious misconduct, what is the status of these cases? And are they being reviewed for decertification? And did the agency meet its obligation? Which -- Martinez agency, they were obligated to report the misconduct to POST within ten days.

Impacted families deserve to know whether this process is working. And if somebody could help me with information. I have sent emails, follow-ups, and I have heard nothing back. Left messages on the recorder, because you can't talk to anybody when you call. And it's been since November. So...

MS. DEL MUGNAIO: Certainly. Thank you for your comments. And we will have someone get in touch with you. There's members here that can reach out to you and give you the status of those complaints.

MS. NANCE: Okay. Thank you.

MS. DEL MUGNAIO: You are welcome.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Good morning, everyone. My name is Kathryn Wade. I'm the mother of the late Malad Raynal (phonetic) Baldwin. My son was assaulted many years from Antioch Police Department.

And in 2023, the FBI and the district attorney performed a -- an investigation in that department, and they text about the sexual assault that happened to -- that they -- that happened to my son.

I'm here today because I have submitted many complaints over the years. And I just found out about POST, and I would like to get it -- see if I can get an investigation and get some help of what they did to my son. He never got a chance to tell his side of the story, of the stories of the things that was happening to him.

And I have a question too.

Do you accept complaints of the sheriffs who are the acting coroners?

MS. DEL MUGNAIO: Yes. So POST has jurisdiction over any certified peace officer, so that would include sheriff coroners as well. Yes, ma'am.

MS. WADE: Okay. Well, I'm here today because I need some help on getting this information to you all that I have, to see if I can get some help. And an investigation on the things that was done to my son and even the admission in the text messages that they text about him.

Thank you.

MS. DEL MUGNAIO: I can have someone reach out to you here today that will help you with the process. Okay?

MS. WADE: Okay.

MS. DEL MUGNAIO: Thank you so much.

MR. BLUEFORD: Good morning.

VICE CHAIRPERSON DOYLE: Good morning.

MS. DEL MUGNAIO: Sir. Can you hold on one second?

I'm sorry. I just want the record to reflect that Board Member Charles Lara joined the quorum so that we have that on record.

Thank you, sir. Go ahead.

MR. BLUEFORD: Yes, ma'am. Thank you.

My name is Aaron Blueford. I'm Alan Blueford's brother, from the Alan Blueford Foundation. My mother

is Jeralynn Blueford. And I'm here to speak on the impact it had on me and my family's life. I didn't know we couldn't use the speech that I had, but...

But on May 6th, my younger brother, Alan Dwayne Blueford, at 18 years old, had two weeks to graduate.

And before we could see that milestone and have that -- have that whole feeling of seeing your son and your brother, your family member, go and graduate high school, he was killed by an officer that had other -- had did other things and were sent from another state. Had violations out there. Did something to my little brother. He passed away, tragically. It tore apart my family. And he was able to again go and do something else to somebody else. And this is on record.

At 18 years old, Alan Blueford was killed. After that, his mother went through health problems. Father went through health problems. Lost my grandmother. Lost my aunties. It just was so traumatic to my family, and each family that experienced something like this, who had to face identifying a son or a brother and living with that and seeing that for the rest of their life.

My mother's been speaking. She's been at D.C. We've been pushing forward with the Alan Blueford Foundation.

And I wrote something. You know, I wrote a little something that I think everybody could value in here because we all have a family. We all have people that we love. And this should be understanding and heartfelt. So before time runs out.

As tears wear our eyes, while families endure a pain that doesn't subside. When hearts have spoken, let their voices be heard. As the faith in each name stands in God's glory and mother's love and nature of her -- of our nourishment. Let each word be heard. Every life, every testimony, for each hour of each day facing a reality with memories of tragedies. Living in one nation under God, let their voices be heard as we stand in solidarity. Let their voices give clarity and by their possibilities, as the light of our eyes first came from the love of a family.

I'm here representing the Alan Blueford Foundation. And I just want to make sure that everybody has heard that, in this situation, we can make for a brighter future, more possibilities where this doesn't have to keep continue happening. Mothers don't have to keep appearing in front of you in tears. We could work together. What we have in front of us, we're here in solidarity.

And I thank you guys for this time.

Alan Blueford was such a pivotal person to my family. And when I lost my brother, I lost so much more. And it doesn't -- it doesn't subside. And if we can communicate and agree that we could have a better future for how this is looked at and gone about, I think that's a part of that dream that everybody has been speaking for the last 50 years.

I thank you for your time and your service. God bless.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anyone else in the audience that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, is there anybody attending remotely that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: No? Okay.

Next item is approval of the meeting transcripts from February 5th, 2026.

Is there any discussion?

(No response.)

VICE CHAIRPERSON DOYLE: If there's anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the

select among the standard, as well as the optional terms if they wanted to, in the recommendation; or perhaps this board wishes to abstain from those types of recommendations.

But I wanted, for context, to make clear that those guidelines exist and are available to this board should they wish to select the terms and conditions of probation.

VICE CHAIRPERSON DOYLE: I think when we discussed this, it was intended to leave it up to POST staff to determine the length of the suspension.

MR. HENLEY: Thank you, Mr. Vice Chair. I appreciate that.

VICE CHAIRPERSON DOYLE: Okay. We'll move on. All right.

MS. DEL MUGNAIO: Thank you.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

Next up is POST2322062, Hector Victorio. Last employing agency was San Bernardino Police Department. And I think he's still employed as a community service officer.

At this time, I will call upon Consultant Michael Marshall, Professional Conduct Southern Bureau, and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on POST2322062, Hector Victorio, who at

the time of the events issued in the case was and still is employed by San Bernardino Police Department.

Okay.

MR. MARSHALL: Good afternoon, Chair, Members of the Board. My name is Michael Marshall. I am a law enforcement consultant assigned to the Professional Conduct Southern Bureau and the Peace Officer Standard Accountability Division. With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I am here today to present POST number -- sorry. Case number POST2322062 involving Hector Victorio with the San Bernardino Police Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Hector Victorio committed an act of serious misconduct as set forth in Penal Code section 13510.8 on November 27th, 2023.

Specifically, the Division has determined that Hector Victorio committed the following act of serious misconduct: Physical abuse to include excessive or unreasonable use of force.

In this presentation, I will present a brief outline of the Division's findings of investigation in this matter.

Hector Victorio began his career with the San

Bernardino Police Department on September 16th, 2021, as a trainee.

On March 14th, 2022, he was sworn in as a peace officer. The position is defined as a peace officer under Penal Code section 830.1(a).

On November 5th, 2025, Hector Victorio was demoted to the position of community service officer.

Hector Victorio holds the following POST certification: POST Basic Certificate, which was issued March 22nd, 2023.

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 22nd, 2024, the San Bernardino Police Department received a complaint from the San Bernardino District Attorney's Office about an incident that occurred on October 28th, 2023, concerning Officer Victorio'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 a residential search that occurred on

April 28th, 2025.

As a result of these incidents, Officer Victorio agreed to a demotion to a nonpeace officer position as a community service officer on November 5th, 2025.

California Penal Code 13510.8(b)(3) and California Regulation 1205(A)(3) defines as "serious misconduct" physical abuse, including but not limited to the excessive or unreasonable use of force.

On November 27th, 2023, San Bernardino Police Department Officer Hector Victorio and his partner were assigned a two-man proactive patrol in a marked unit in the City of San Bernardino.

Officer Victorio was the driver while his partner was the front passenger. Officer Victorio attempted a traffic stop on a Kia without a front license plate. The vehicle failed to yield and a pursuit was initiated.

The pursuit lasted in excess of six minutes and reached speeds of over a hundred miles per hour, passed through a school zone, crossed into oncoming traffic, and went through intersections without yielding the right of way. The pursuit ended with the Kia crashed into a utility pole.

The suspect driving the stolen vehicle -- hereafter referred as to "victim" -- immediately exited the vehicle and laid face down on the ground with his arms

above his head, palms down, on the ground in the prone position.

The victim had a cell phone and a cash bill in his right hand.

Show a picture.

So here is a picture from body-worn camera as Officer Victorio approached.

Officer Victorio ran towards the victim while yelling, quote, "Get the fuck on the ground," end quote.

The victim responded, quote, "I'm on the ground. I'm on the ground, bro. I'm not resisting," end quote.

As Officer Victorio approached the victim, he immediately began striking the victim in the head with multiple knee strikes, after only telling the victim to, quote, "Get the fuck on the ground," end quote.

On 3/24/2026, the San Bernardino Police Department submitted -- submitted additional evidence, which included a video of a sergeant's administrative interview with the victim shortly after his arrest.

The victim told the sergeant, quote, "I got out of the car and I instantly got on the ground. I knew that I was running from the police and I knew that I crashed into a pole. And I -- the next step was to get on the ground and they -- I -- I got on the ground, and the first thing they did was come up and knee me."

This statement from the victim was never documented in the IA. The statement is consistent with the initial reaction by the victim when approached by Officer Victorio. The victim is heard grunting in pain and moved his hands from the ground above his head to protect his face.

Officer Victorio followed the knee strikes with multiple punches and more knee strikes to the back -- to the back of the victim's head and neck.

Officer Victorio's partner was on the victim's back trying to gain control of the victim's hands in order to apply handcuffs.

The victim keep moving -- kept moving his hands to protect his face from being struck by Officer Victorio.

The entire encounter lasted approximately 19 seconds from the time Officer Victorio reached the victim until Officer Victorio's partner was able to apply handcuffs.

During this time, Officer Victorio delivered at least six punches and at least six knee strikes to the victim's face, head, and neck.

One of the knee strikes was delivered to the victim's face while Officer Victorio placed his hands on the victim's head to pin it to the ground.

At one point during the encounter, Officer

Victorio's partner used his hand to block a punch from Officer Victorio and then moved his body as a shield between Officer Victorio and the victim.

The assault ended as the supervisor arrived on scene, and they were able to take the victim into custody.

There were two different videos of the incident: One video was Officer Victorio's body camera; and the second video was a witness filing from a cell phone.

On the body-worn camera, you can hear the officer and his partner telling the victim to stop, give me your hands, and quit resisting multiple times.

The victim responded by saying, "I'm done and I'm sorry."

Go to the next. We'll show the first video.

MS. DEL MUGNAIO: Just before we show the video, Mr. Marshall, if you will, just as a general caution, you may be seeing things here that are disturbing, sensitive, violent. Just cautionary if you do not care to watch.

Thank you.

(Video played.)

MR. MARSHALL: So that's the video from the body camera.

The next video will be from the witness's cell

phone.

(Video played.)

MR. MARSHALL: So the last video is going to be this video zoomed in a little bit.

(Video played.)

MR. MARSHALL: Before I move on, if anyone needed to see a video again, let us know.

(No response.)

MR. MARSHALL: The victim sustained a close fracture to his left orbital socket, confusions to the left side of his face and forehead, lacerations to his lips, abrasions to the right side of his face, and a few chipped teeth.

Pictures.

The left orbital eye.

Next picture: Abrasion to the right side of his face and his lips.

Last picture: The chipped teeth.

I also learned from additional videos, submitted late, that the victim was questioned about the airbag being deployed during the accident, damaging his face.

The victim said that the airbag did not hit his face because he saw he was going to hit a pole in front of him and he braced for impact. This statement was also not included in the IA.

The San Bernardino Police Department determined, at the conclusion of the administrative interview, that Officer Victorio's use of force violated policy section 300.3, use of force.

Officer Victorio received a 40-hour suspension with 20 hours held in abeyance, upon completion of 40 hours of de-escalation techniques and use of force training within one year of the date of the signed settlement agreement, which was completed.

On January 17th, 2024, the San Bernardino District Attorney's Office declined to prosecute Officer Victorio for violation of Penal Code section 149 due to lack of sufficient evidence to prove beyond a reasonable doubt.

On July 2nd, 2024, the victim signed a settlement agreement with the City of San Bernardino in the amount of $450,000.

The settlement agreement compensated the victim for injuries he sustained during the November 27th, 2023, incident.

The facts I just recited support the Division's findings that Hector Victorio was involved in serious misconduct, specifically physical abuse. For purpose of the Division's analysis, 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 not need -- need not be established a fact beyond a reasonable doubt.

The Division's recommendation is that Hector Victorio's POST certificate be revoked or suspended. The Division's recommendation is based on the following:

Officer Victorio's actions constituted physical abuse when he used excessive force against a victim who was lying flat on the ground, surrendering, striking him at least six times with a closed fist and at least six times with his knee;

Officer Victorio justified his use of force by stating that the victim was resisting arrest;

The subject sustained abrasions to his face, chipped teeth, and a broken orbital eye socket during the incident.

Officer Victorio completed his field training program approximately 14 months prior to the incident.

Officer Victorio has been the subject of two other IAs, neither which involved the use of force and were not reported to POST, including the allegations of serious misconduct.

The Division believes an aggregating factor in this investigation is approximately one month prior to the use of force incident, on October 28th, 2023, Officer Victoria was heard on a body camera, telling another

victim who ran from him, quote, "You are so fucking lucky there's people here. I would beat the fuck out of you for taking away from me," end quote.

And can we play that video, please.

(Video played.)

MR. MARSHALL: Did anyone need to hear it again? Are we good to move?

(No response.)

MR. MARSHALL: During that incident, Officer Victorio threw away the victim's backpack instead of booking it into safekeeping. Inside the backpack was the victim's personal property, two cell phones, suspected drugs, along with headphones in a box matching that of what was stolen during the commercial burglary.

The backpack could have potentially contained physical evidence in the incident, but Officer Victorio chose to discard the personal property of the victim and not properly investigate the headphones or determine whether it was related to a commercial burglary.

One month later, a victim ran from Officer Victorio, and Officer Victorio began punching and kneeing the victim as he lay flat on the ground, which led us to where we are today.

Approximately one year and five months after the use of force incident, on April 28th, 2025, Officer

Victorio conducted a lawful traffic stop. During this traffic stop, it was determined that the driver had a suspended driver's license and she had previous firearms-related offenses.

Officer Victorio searched the vehicle and told the driver he would not tow or -- tow her vehicle or arrest her if she let him search her house. The driver advised she had ammunition in a drawer in the bedroom. The driver gave permission to search the house but was left handcuffed in the back of the patrol vehicle while the house was searched.

Officer Victoria recovered the ammunition from the house. The driver later filed a complaint against Officer Victorio, at which time the department learned the ammunition was never booked into evidence.

During the administrative investigation, Officer Victorio informed the agency that the bullets were in his beat bag, and he booked them into evidence.

Based on these incidents, Officer Victorio was demoted to a community service officer, pursuant to a settlement agreement, following the misconduct investigation involving violations of policy.

With that, I'm happy to answer questions the Board may have.

VICE CHAIRPERSON DOYLE: Board Members?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, I believe deputy -- or excuse me, Officer Victorio and his attorney, Kasey Castillo are here.

Please come forward. You will each be given five minutes to speak, and the time limits will be strictly enforced, so please ensure you complete your comments within the allotted time.

While commencing, keep in mind that the Board will only consider the facts as presented by the Division today and not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205 occurred?

Welcome.

MR. VICTORIO: Good afternoon, Members of the Board. My name is Hector Victorio of the San Bernardino Police Department.

I have dedicated four years of service, public service, in the state of California. I am currently working in the role as a community service officer and

recently was assigned as a training officer for new community service officers as I await the outcome of this process.

Before joining the police department, I served seven years in the United States Marine Corps and deployed four times overseas, and then got discharged with an honorable discharge.

During my police tenure, I have served in patrol operations, the SWAT team, and as a district resource officer for the City of San Bernardino.

During my career, I have received commendations for good police work, including recovering more than 30 illegal firearms in just three months.

But it is important for me that you know that I realize and feel that my good deeds and hard work are overshadowed and diminished when my behavior doesn't meet the high standards of excellence the community and the profession deserves.

Regarding the matter currently under review, I want to provide professional context based on the training I received during the academy and now my agency as well as throughout my career. I understood that my responsibilities prioritize safety and respond appropriately to what I perceived at the time.

The situation was rapidly evolving, and I was

required to make a decision based on the facts as I perceived them at the time. At the time I believed I was working too quickly and efficiently to effect an arrest.

The internal review of this -- of this matter by my department led to the disciplinary action in form of a suspension, which I accepted without objection.

I also have undergone 40 hours of de-escalation training.

After reflecting on the use of force incident, along with additional training I have received, I realize I could have reacted differently, communicated more clearly with my partner, and slowed down the situation.

I understand the seriousness of the allegations as I respect the Board's duty to maintain the standards of our profession. I accept and understand that my force was deemed unreasonable on this day. I will perform better in the future and I have -- and I have performed better since then.

Being a police officer is more than a job. It is my career, my commitment to the community. I have matured as person and as an officer since that day almost three years ago.

I am not the same person or one-year police officer

in the matter before you -- before your consideration. I have continued my education and I am currently attending the DeVry University in Ontario, California. I currently hold a 4.0 GPA, made it on to the Dean's List, and was nominated for the National Society for Leadership and Success. I graduate with my associate's in Applied Sciences in July, God willing.

Because of this incident and the additional training I have received, I have learned to approach these high-stress situations a lot better. I have done this by slowing down, analyzing the situation as best as possible, with the limited information that I have at the time and allowing ample time for resources to arrive.

Since this event, I have spent an additional two years on patrol and was put in similar situations, if not worse, and was able to resolve the situation with little or no -- little to no force at all. And that is something that I am proud of.

I commit to serving not only my community itself, but internally as a role model and an example to other officers and my peers. Self-reflection and review can be a humbling experience and one I am grateful for.

Thank you for your time and the opportunity to speak to you today. I believe I can always do better to

improve. I am strongly committed to continuing to serve with the high standards expected of a California police officer.

Thank you.

VICE CHAIRPERSON DOYLE: Ms. Castillo.

MS. CASTILLO: Thank you. Good afternoon, Members of the Board. My name is Kasey Castillo of KC Law Group. We represent Officer Victorio and oppose the recommendation to move formal proceedings for decertification.

Here, moving this matter forward would be premature for an individual without a history of force-related incidents before or after the matter for your consideration.

I believe that the legal standard of clear and convincing evidence has not been met. Decertification requires clear and convincing evidence of serious misconduct, and that is a high bar. In excessive force cases, the question is whether the force was objectively reasonable under the totality of the circumstances, not whether it appears unfavorable in hindsight or in a slowed-down replay.

The record before you does not rise to the level of clear and convincing evidence proof required to justify the most severe consequence POST can impose. I believe

that the force should be assessed and not in a vacuum.

At the time of the incident, this officer had one year and three months on the job, and his subjective perception, where he prioritized a swift and efficient outcome, reflected the level of training, experience, and judgment he had at that stage of his career.

To the extent the recommendation relies on a zero to 6030 -- or 60 theory, suggesting that the officer should have escalated more slowly or chosen a different sequence of options, that framing improperly demands perfection in a split-second, high-stress encounter.

The suspect had engaged in a dangerous and reckless six-minute pursuit, often in opposite lanes of traffic during a school day. The vehicle was stolen. The suspect only stopped when he crashed into a pole, and, even then, he exited the vehicle without being directed to.

Officer Victorio admittedly did not recognize that the suspect was in the process of surrendering.

At that time, he believed his actions were appropriate to gain and maintain control, protect the officer and others, and safely resolve that situation.

The objective reasonableness standard does not require absolute perfection or best option in hindsight. SB 2 does not authorize moving toward decertification

simply because a use of force is criticized after the fact. It requires that that showing was unreasonable under the circumstances at the time.

And while Officer Victorio believed there was a blunt object in the suspect's hand, his partner additionally joined him and had to assist in the handcuffing. Admittedly, their communication could have been better.

Officer Victorio continued commands and personal weapons for strikes when he was unable to secure the suspect. And although it was perceived by the investigator that Officer Rodriguez was using his hands and body to block, Officer Rodriguez denied that was the case.

The San Bernardino County District Attorney's Office thoroughly reviewed this matter and determined that no criminal filing was appropriate. His agency determined that improper tactics and inexperience led to this unreasonable use of force, and he was suspended and sent to 40 hours of de-escalation training.

The findings note a statement attributed to Officer Victorio in an unrelated non-use-of-force incident, which occurred a month before the events at issue but resolved after this case.

De-escalation training was subsequently received by

Officer Victorio. Similarly referenced was another policy violation, which was also not one related to force, but searching months after the matter at hand.

Officer Victorio put himself through additional search and seizure training at his own expense. These instances should not be used to bolster these proceedings and justify movement to formal proceedings.

Decertification is not the only option. Hector Victorio told investigators that as he acted, he believed his force was reasonable at the time. But he has also readily accepted and embraced discipline without protest, as well as training -- both issued and self-sponsored -- to correct behavior deemed inappropriate.

His missteps took place within a six-month snapshot of his career, when he had just over a little of a year on the job.

Before you is an individual willing to learn, adjust, and perform to the highest standards. Please refer to the almost 20 letters of public comment from members of his department: Specifically a captain, two lieutenants, four sergeants, and multiple peers who attest to his witnessed growth as an officer and as a person since the event before you.

They have seen him absolutely humbled but continue

to believe in him as a contributing sworn peace officer. And he is endeavoring every day to prove that he is deserving of that title.

For these reasons, we respectfully request that the Board find there are no grounds for further action, decline to move forward toward formal proceedings, and close this matter.

The Board has a high bar to meet and satisfy to reach clear and convincing evidence, even in an unreasonable use of force case, and it has not been met. And should the Board determine that action is appropriate, please consider an alternative to revocation.

Thank you.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

Does the Board have any questions of Ms. Castillo or Officer Victorio?

MEMBER CLAVO: You were an officer for four years?

MR. VICTORIO: No, ma'am. I served a total of four years for the department. I received my demotion back in November of last year.

MEMBER CLAVO: November of 2025.

MR. VICTORIO: Yes, ma'am.

MEMBER CLAVO: And so your actual -- how long were you actually an officer?

MR. VICTORIO: I would say approximately three years.

MEMBER CLAVO: And then at the time of the incident, it was three years?

MR. VICTORIO: At the time of the incident, I was just over a year. A year and three months, around there.

MEMBER CLAVO: And then -- I'm not for sure. But maybe -- so I'm going to ask for clarity.

I heard, since the event, there were similar situations in which you acted differently.

MR. VICTORIO: Yes, ma'am.

MEMBER CLAVO: Was that in the capacity of a CSO?

MR. VICTORIO: No, ma'am. So after the incident, I was assigned to the records department for approximately five months, which is behind a desk, doing all the administrative paperwork for the department. And then after that I was allowed to go back into the field. So I was probably back in the field for about a year and a half before getting demoted to a CSO.

MEMBER CLAVO: Okay. Thank you.

MR. VICTORIO: Yes, ma'am.

VICE CHAIRPERSON DOYLE: Mr. Lara.

MEMBER LARA: Yeah. I got a couple of questions.

So although your attorney says that the other

incident that took place prior to the matter that is at hand before us is not illustrative of your behavior and your patterns of conduct, I wanted to point something out.

The argument is made that you -- during the vehicle pursuit, rapidly unfolding and driving against traffic, stolen vehicle, that that is a critical incident that is very dynamic. And I -- having been in pursuits, I understand that.

However, the other incident, which your counsel makes the argument that it is unrelated, that is an incident where the incident is not rapidly unfolding. The suspect is essentially already in custody, is completely -- from all appearances -- compliant.

And in a clear head, because it is, to your attorney's estimation, not a rapidly unfolding event, you make this statement, "You are so fucking lucky that there are people here. Otherwise, I would beat the fuck out of you."

How do you, in a situation, where there's no criticality or exigency in that moment, which is comparable to the stolen vehicle that is at issue here, how do you swear that as not being relevant to your -- to our decision here?

MS. CASTILLO: Is that question for me or for

Officer Victorio?

MEMBER LARA: Yes.

MS. CASTILLO: For me?

MEMBER LARA: Both of you.

MS. CASTILLO: Oh, for me. Oh, well, I will start. Thank you for your question.

I believe that it's important to note that that statement was made, and the record reflects from the Internal Affairs incident, that was used to essentially dissuade that individual from making movements that would cause a use of force.

Admittedly, Officer Victorio, in that interview, explained his behavior but also explained the rationale behind that.

Subsequent to that statement, as well as the incident before you, he received de-escalation training, and since then, he utilized those tools to better himself in the field and not make those mistakes again.

MR. VICTORIO: Yes, sir. So there's no excuse as to what I said that day, on that time.

Prior to that, he did have -- he had fled from me. He was -- he ended up being the suspect in a commercial burglary. Again, that doesn't -- that's not an excuse for my actions. I understand now, and like I did then, that that was wrong, which is why I accepted the

discipline.

And like Kasey said, ever since then, you know, all I can do is better myself and be the best version of myself. And I think that's what I have strived to become.

MS. WOOLLEY: Vice Chair, if I may --

VICE CHAIRPERSON DOYLE: Sure.

MS. WOOLLEY: -- address some comments that were just made. I need to correct the record.

Actually, the statements that were made in October of 2023, they were not found to be made to dissuade that arrestee from taking off further. That's incorrect. That's an incorrect statement of the record.

MS. CASTILLO: My statement was what his explanation was in the interview.

MS. WOOLLEY: That's not my understanding of the record, but it is part of the exhibits.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: So I -- to reiterate the purpose of SB 2 and I'm sure you have read the law and understand the law. And I think, while emotionally during the chase, things escalate and things happen.

But just as -- is it okay if I call you Captain? --

MEMBER LARA: Charles.

MEMBER HATCHER-CRAWFORD: -- Charles stated in

another incident, where it wasn't the adrenaline of the chase, the victim, in this case, was handcuffed. He then went on to make a statement.

Again, I'm not an attorney. But we kind of learn that those type of statements can be used in a court of law as a threat and to -- to downplay it as, I just wanted him to understand not to even try to run.

I'm a community member, and as a community member, hearing that was disturbing because that's my expectation of an officer.

So given that you went through the training, you learned to change some things, I just -- my question to you -- and now I'm speaking to the attorney -- is -- and belief -- do you believe that that statement -- because you are an attorney and you have learned those type of statements can be sometimes criminal in a torts law or in some type of law when you make a threat towards a person. That it's considered...

MS. CASTILLO: I didn't mean to interrupt you. I apologize.

MEMBER HATCHER-CRAWFORD: No, no, no.

MS. CASTILLO: I don't believe that was an unconditional threat. I don't believe that that rose to the level of what would be considered a criminal threat under Penal Code section 422.

And, again, the purpose in, I believe it being presented, but as well as us addressing it at this time, is to show that Officer Victorio, as a young, immature cop, when one year into his career made mistakes, those which are obviously serious in nature, but, nonetheless, ones that he has grown from and has received training subsequent to.

I -- I personally believe that Officer Victorio is absolutely not the same person that I met three years ago. And I have seen how the discipline and the additional training and the fact of his demotion has changed the person he is.

I do not believe that while serious revocation is appropriate in this matter because this is someone who is capable of remediation.

MEMBER HATCHER-CRAWFORD: I guess for me -- like I say, as a community member -- this is what people see. And children see this. And I don't know your background, your upbringing, at any time -- and I hope POST is not training officers or the academies are training officers to believe, at any time, that that type of behavior would be acceptable.

And so I -- I did read the whole report. And I know this is a question, but I don't see where the difference of how much change could probably be in the

training.

So you talked about the training. What exactly -- what type of training could change what his belief of what an officer should do a year ago versus now and moving forward? What type of training are we talking about?

MS. CASTILLO: Sure. Hector, can you discuss your de-escalation training? And then, additionally, you had touched on the fact that you had since been confronted with other situations or similar situations and you had made alternative choices.

Can you elaborate on that?

MR. VICTORIO: Yes, ma'am.

So I attended multiple classes. The first one being an eight-hour force science decision-making course. And it talks about the science behind how fast you can perceive something; how fast you can react after you perceive what's going on; you know, the fight or flight mentality; different options to utilize other than, you know, your -- you are then forced, right? You can use your words -- we use our words to try to de-escalate the situation. And then, you know, it preaches on utilizing your tools, whether that's a taser, a baton, or, you know, a less -- any other less lethal pepper spray. And then utilizing, you know, the

appropriate amount of force for the situation.

But it also goes into -- for somebody like me that didn't have that much experience at the time, it helps being in a classroom filled with officers that have been on for 5 years, 10 years, 15 years. Because the course that I attended, that was just the part one.

I went to a three-day advanced force science class, which is more for supervisors. And having all that experience, all that wealth of knowledge in that room, helped somebody like me -- that didn't have that much time on, at the time -- understand it from, you know, the eyes of a 20-year cop. And it just -- it helps open my eyes and broaden my perspective and approach things differently.

And those classes were done -- definitely beneficial. And I think it's -- I proved that in the year and a half that I was on patrol prior to my demotion, because I had no incidents in -- when it came to use of force.

MEMBER HATCHER-CRAWFORD: Counselor, a question.

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: In the POST training, is that part of the curriculum? Because I'm thinking forward. Because he says that -- excuse me. As part of that training is something that he had to take after the

incident; is it part of the training in POST?

MS. WOOLLEY: So Mr. Marshall would probably be better to answer this. But de-escalation training is part of the Regular Basic Course. So that would be something that Respondent would have been trained in as part of his Regular Basic training before he even began his position as a police officer.

But Mr. Marshall would be better -- in the better position to answer fully.

MR. MARSHALL: So there are classes sponsored by POST, continuing education, throughout the officer's career, that there's numerous de-escalation, use of force training. Just because you took it in the academy maybe 20 years ago, an officer that wants to better himself will be taking training regularly. If it is not a department mandate, it is the officer's ability to go do the training on his own, either through POST or private instructors throughout.

MEMBER HATCHER-CRAWFORD: So within the first year of leaving your basic POST training, an officer would have had this?

MR. MARSHALL: They would have de-escalation training in the academy. It is possible, during his FTO on the in-house training, they might cover something. And I'm not sure. You know, every agency is specific.

There are agencies out there where if the officer doesn't want to better himself, they are not going to complete much training through their career.

MS. WOOLLEY: I will point out just looking at -- excuse me.

Just looking at Mr. Victorio or Officer Victorio's EDI profile, that in addition to his basic course, he also took additional training courses after he became an officer.

So he became a police officer on March 14th, 2022. In addition, he took an arrest and control, which would have included some of this.

He also took use of force. That was on April 6, 2022.

He took additional training courses that would have included some of this stuff.

And then -- and then after this incident, he took the de-escalation training on February 7th.

But he also took things like special weapons tactics courses on October 20th, 2023.

So all of that would have included some elements of de-escalation in that since any sort of use of force would have had some elements of de-escalation.

So yes. There would have been some of that.

MS. DEL MUGNAIO: If I may add to the question in

kind of more specific terms. Learning Domain 20 has eight hours of de-escalation training in the Basic Academy; and then every two years thereafter, there's four hours of required de-escalation training.

VICE CHAIRPERSON DOYLE: Johnson.

MEMBER JOHNSON: I guess my question. When he crashed into the pole and you came out the car, I would like to know if you had seen him laying facedown, hands stretched out, and not moving? So when you came out the car, did you see that? Or did you see something else?

MR. VICTORIO: No, sir. Like I said, initially, when I first came out of the car, or prior to coming out of the car, I saw the door swing open. So my initial thought was that he was going to continue to flee on foot since he had crashed the vehicle.

When I came around my door is when I realized he was on the ground, but that's not what I perceived at the time. At the time I perceived he stumbled out of the car, because he just got into a car accident; he's going to continue to flee.

Like I said before, I understand that I was moving too fast. And I think that was my -- my shortfall, my shortcoming here. If I would have just remained by more door and done a felony traffic stop and slowed down and just taken in all information, I could have made a

better decision at that point in time.

MEMBER JOHNSON: The second part of my question is, so there was six punches and four knees. So when you realized that he was facedown, hands stretched out, saying, "I'm not resisting," you still delivered six punches and four knees.

Was that part of your training? Even though you have a victim that is not resisting, what caused those six punches to be thrown, in your view, and those knees to be given?

MR. VICTORIO: Yes, sir. So, again, at that time, I perceived that he was resisting. You know, it is inexperience. There's no excuse to my actions. I perceived that he was resisting. You know, when I would strike him and he wouldn't bring his arms to his lower back, I perceived it as resisting at the time.

Obviously I didn't take into consideration that my blows were causing pain to him, you know, which is why probably he kept his hands above his head and not brought them down to his lower back in order for us to effect an arrest.

At the time, I perceived he was resisting. But looking back at it now, through all the training that I have received, I understand now that I could have done things differently.

MEMBER JOHNSON: Was that your first encounter physically?

MR. VICTORIO: Are you asking if that's like my first use of force?

MEMBER JOHNSON: Yes.

MR. VICTORIO: No, sir. I wouldn't be able to tell you how many I had prior to then, though.

VICE CHAIRPERSON DOYLE: Any more questions?

Go ahead, Ms. Pena.

MEMBER PENA: So on the incident that we were just talking about, the November 27th, 2023, incident, so your reasoning for why that occurred was that you were acting too quickly.

Is that what you are telling us?

THE WITNESS: That's not the only reason. But I mean, I think I -- all that could have been avoided if I would have just slowed down.

MEMBER PENA: Okay. And then the -- on the second incident, when you made a threat to the person who was not resisting, was just standing by a wall, you say you made the threat because you were concerned he would run?

MR. VICTORIO: I didn't say I made a threat, ma'am. I made a statement that I understand that wasn't the best thing to make. He had just "fleed." There's 100 percent a thousand things I could have said that

would have been better to prevent him from continuing to flee, because he had already done it once.

But I understand that I was in the wrong and I accepted discipline for it.

MEMBER PENA: Okay. Because at that point he -- the situation had been de-escalated, right?

MR. VICTORIO: Yes, ma'am.

MEMBER PENA: So you made mention of you had de-escalation training after that time.

MR. VICTORIO: No. So that incident happened before the November incident. It just came -- the investigation came afterwards.

MEMBER PENA: Okay.

MR. VICTORIO: Yes, ma'am.

MEMBER PENA: Okay. Because that situation had already been de-escalated when you made that remark, which I would consider threatening. But -- right?

MR. VICTORIO: Yes, ma'am.

MEMBER PENA: Okay. Thank you.

VICE CHAIRPERSON DOYLE: Ms. Clavo.

MEMBER CLAVO: In watching the video, you said -- in your statement just now, you said he had "fleed."

And then I recall the gentleman stating that he was hard of hearing.

Did -- you were in your police vehicle at the time?

MR. VICTORIO: Yes, ma'am. What you saw was just the ending of the entire interaction.

MEMBER CLAVO: I get it. I get it. I got another part of my question.

Did you turn your lights on? Did you use your speaker to try to gain his attention? Was he in front of you? On the side of you? Can you paint that picture for me?

MR. VICTORIO: Yes, ma'am. Of course.

So I was driving southbound. So let's just say I'm driving towards the monitor there. And he was on the sidewalk off to my right-hand side.

I wasn't even dispatched to the call initially. I was on my way to the hospital to relieve one of my partners, but I was monitoring the radio. And I understood that there was an active burglary in progress and that there was two individuals outstanding.

They broadcasted the description of one of them. As I'm driving southbound, I spot somebody who matches that description. I get out of my car. I park it. Throw my lights on. Stand by the driver's side door. And I yell out to him. He looks back in my direction. And then when I say, "Police, come here," he continues to drive away off on the scooter.

And at that point is when I broadcasted it to my

partners over the radio that I had one matching, and it is when my partner, that was driving northbound, was able to intercept him.

MEMBER CLAVO: Okay. Is it normal practice to throw evidence in the trash?

MR. VICTORIO: No, ma'am.

MEMBER CLAVO: Is it normal -- normal practice not to log in evidence?

MR. VICTORIO: No, ma'am.

MEMBER CLAVO: But in two of these cases, you did both: The one with the young lady and -- that you pulled over, asked could you search her house, and then you found bullets.

And then with this gentleman and his backpack.

MR. VICTORIO: Yes, ma'am.

So for the first incident, which is the commercial burglary, I mentioned in my Internal Affairs interview that the reason why the backpack was disposed was because there's things that -- in there that we can't tag. And I also mentioned during that interview that the only thing that I knew at that point in time, during that investigation, was that the scooter was -- that he fled in was the victim's from the commercial burglary.

And the only reason I knew that was because the victim came on to the scene and identified that as his

scooter.

The victim never spoke to me directly because I wasn't the investigating officer. I understand that I should have spoken to the victim myself to see if any of the contents within the backpack belonged to him, but I didn't. And the reason that I threw away a lot of the stuff, which I mentioned during my interview, was because the backpack was soiled, and we're not allowed to tag in soiled property. By "soiled," I mean, there was -- I think there was like a BuzzBall in there and it had leaked. And a bunch of, you know, hygiene products and stuff that we can't tag.

The second one, I openly said during my interview that it was a mistake. I totally forgot to tag it. I didn't dispose of it. I had it when the interview was brought up. I mentioned it to Kasey. She gave me guidance to hold onto it until the day of the interview, which is when I mentioned it to the investigators. And we tagged it into the property then.

MEMBER CLAVO: Thank you.

MS. CASTILLO: Do you mind if he addresses remediation that has taken place as to those two topics?

VICE CHAIRPERSON DOYLE: Sure.

MR. VICTORIO: Yes. So in my new position, as a community service officer, and even the year and a half

afterwards, I took a different approach to tag it in property or disposing of property. Anything in relation to property or evidence. Instead of waiting towards the end of my shift and then tagging everything into property evidence then, I -- I pretty much skipped that entire thing.

And as soon as I -- as long as time allowed and calls for service allowed, I would go straight to the police department and tag in the property or evidence at that point in time.

That way, at the end of my shift, I wouldn't have -- you know, I wouldn't forget it.

MS. WOOLLEY: And --

MR. VICTORIO: I'm sorry if I -- and pretty much to conclude on that topic, in my current position as a community service officer, I still do handle evidence and property on a day-to-day basis.

So I -- like, again, there -- there hasn't been any issues in -- as it comes to property or evidence in that aspect.

Thank you.

MEMBER CLAVO: Thank you.

MS. WOOLLEY: Vice Chair Dudley [sic], if I may address the record.

So just to give a little bit more context as to

that stop in October of 2023, when that Officer Victorio pulled over that individual, or attempted to pull over that individual, it was a light rail station. There were several other individuals present. He did call out to that individual. However, like I said, there were several other individuals present. There was also announcements being made at the light rail station.

So when the individual then says to the other officer present, and then Officer Victorio that, you know, "I'm hard of hearing" and stuff like that, that is relevant to this -- this incident.

He is quite a few feet away. So if you see on the body-worn camera footage, you can see that that individual is quite a distance away. And so then Officer Victorio is calling out to him, "Hey, you, come here," and then that individual just keeps going on the scooter.

And then Respondent says to the other officer, who is the one who eventually ends up getting to the arrestee and putting him in cuffs, you know, "I'm going to go this way. You go this way," essentially. And then that's -- the other officer is the one who finds him.

So that's how that ends up coming out, just to finish that up. And that is documented fully in the

attachments for that -- that incident.

As to the other incident for the destruction of the backpack, these statements, which, again, are further documented fully in the investigation, basically that backpack was -- Officer Victorio did say that he destroyed the backpack because it was icky; that there was some sort of liquid that had been spilled. However, he did book another item into evidence, a shirt that the individual had over his shoulder that apparently he used to cover his face. So it wasn't just the scooter. There was a shirt as well. So it wasn't just the scooter that was thought of as evidence.

And there was some suspected narcotics that were found on the person's -- on that individual's person that was put in the backpack for safekeeping. But were never tested to see if there were narcotics.

MEMBER HATCHER-CRAWFORD: I have a question.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: In the incident -- and either/or can fill it in for me. An incident where we stop the individual -- I don't know if it's a female or not. And I was confused about that part. And then somehow the officer goes to her home, searched her home --

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: -- and finds four bullets.

I -- I couldn't wrap my mind on, was there a stop that led to -- from that place to going to her home? And what was -- what was -- what was the reasoning?

I couldn't find it in the report of why.

MR. MARSHALL: He did conduct a legal vehicle stop on a -- on the Dodge Charger -- Challenger.

MEMBER HATCHER-CRAWFORD: It was a Challenger.

MR. MARSHALL: He did conduct a legal stop and then discovered she did not have a valid driver's license.

MEMBER HATCHER-CRAWFORD: So how did the home --

MR. MARSHALL: He got consent from her. He'd probably know better. But he had gotten consent to search her vehicle and then her home.

MEMBER CLAVO: Before you answer, in case you decide to, let me add to her question.

Was she on searchable parole, probation, or any of those things, that would have led you to just ask Jane Doe, "Can I go to your house and search it?" I think that was --

MEMBER HATCHER-CRAWFORD: Yeah. That's kind of where I'm going. I couldn't find it in the report.

MR. VICTORIO: No. And I'm sorry.

No. So I -- every time I conduct a traffic stop,

there's about -- a couple things that I ask: "Hey, this is why I pulled you over. Are you on probation or parole? Have you ever been arrested?" It is just kind of how I do my thing.

She had told me that she had prior weapons violations in LA County. So then I had her step out of the car because her vehicle was suspended. And then I'm a very -- I take a very proactive approach. Like I mentioned before, I recovered 30 firearms within three months, and that's kind of the approach that I had on that day.

She told me that she had ammunition at her home. I asked her if she can -- if I can search her residence, in which she said yes.

I took that ammunition and that's -- again I waited until the end of my shift to tag it in and that's -- that's where my mistake was.

MEMBER HATCHER-CRAWFORD: But you did -- was she arrested or not?

MR. VICTORIO: She received a citation for driving without a license.

MEMBER HATCHER-CRAWFORD: And she was on probation or parole?

MR. VICTORIO: She was not on probation or parole.

MEMBER CLAVO: So is that normal policy and

procedure to ask individuals that you do a traffic stop on whether they -- you can search their home?

MR. VICTORIO: Well, it was a question, ma'am. She could have denied it. It's not --

MEMBER CLAVO: Is it policy or procedure?

MR. VICTORIO: No. There's nothing -- there's nothing asking -- there's nothing on policy stating whether I can ask somebody or not for consent.

MEMBER CLAVO: To search their home for no reason? Just because you stopped them for something else and then that leads to you asking them.

So if I walk outside today and West Sac PD -- if West Sac PD pulls me over, if Chief Strange pulls Nicole Clavo over and says, you know, can I -- "I'm pulling you over because you were doing 75 in a 55, and, by the way, can I search your home?"

MR. VICTORIO: I -- again, ma'am, I asked that because she had told me that she had prior weapons violations, which is why I asked the question.

MEMBER CLAVO: But she didn't have any weapons on her currently.

MR. VICTORIO: Correct.

MEMBER HATCHER-CRAWFORD: And there was nothing ran to verify that she did, in fact, have a probation or parole. Is there any way of doing it? Like I said, I

read the report, and that was a big dark hole for me.

MR. VICTORIO: So I conducted my own records check on her. Because her arrests were in LA County, it wouldn't show on our local hits.

MEMBER HATCHER-CRAWFORD: Okay.

MR. VICTORIO: So I wouldn't -- so no. I did not receive a probation or parole screen when I ran her information.

MEMBER JOHNSON: Johnson.

VICE CHAIRPERSON DOYLE: Mr. Johnson.

MEMBER JOHNSON: Yes.

What was the date of that incident?

MS. WOOLLEY: That's April 28th, 2025.

MEMBER JOHNSON: Now, I had asked a question earlier about was that your first physical incident. And you had stated "No."

So I'm curious to when were the other physical incidents?

MR. VICTORIO: Are you speaking about -- are you talking about the pursuit, sir, that happened in '23?

MEMBER JOHNSON: Yeah. The pursuit on November 23rd, correct?

MR. VICTORIO: Yes, sir.

MR. MARSHALL: 27th.

MEMBER JOHNSON: 27th.

MR. VICTORIO: 2023.

MEMBER JOHNSON: Oh, okay. 2023.

MS. WOOLLEY: I'm sorry. Mr. Johnson, the search was April 28th, 2025. The search -- or the use of force is November 27th, 2023.

MEMBER JOHNSON: Okay. '25. '23.

And then the incident where the young man was on the scooter was October 2023.

MR. MARSHALL: October 28th, 2023. Correct.

MEMBER JOHNSON: Okay. And -- but you were in other physical incidents. Were they prior to October 23 -- October 2023 or after October 2023?

MR. VICTORIO: Are you talking about from the time that I received training or --

MEMBER JOHNSON: From the time that you -- from the time that you began patrolling.

MR. VICTORIO: So before the use of force incident that we're here for, I did have use of force incidents. But, again, I wouldn't be able to tell you how many or when they took place.

MEMBER JOHNSON: You don't remember how many incidents you've been in?

MR. VICTORIO: No, sir.

MEMBER JOHNSON: I have no further questions.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

MEMBER HATCHER-CRAWFORD: I think I'm still stuck on the black hole.

VICE CHAIRPERSON DOYLE: Okay. One more question, Ms. Crawford.

Go ahead.

MEMBER HATCHER-CRAWFORD: And I'm sorry. Again, I read it and read it and read it.

And so would you say that although that's not a policy of San Bernardino, it's not a policy opposed to ask a person who you are not really sure is on probation or parole because you don't have access to the database of LA County, other than what she tells you, to go to their home and search their home.

And I understand that you said, you know, your career high is that you pulled over guns. I mean, attained guns and everything else.

I'm just trying to understand, is that a pattern that you would normally do in the -- one of your stops? Is ask a person, "Are you on probation or parole?" Then if they say yes or no, whether it is in that county or not in that county. Then ask to search their home. Is that a pattern?

MR. VICTORIO: No. I wouldn't say it is a pattern. I would say it is based off of the information that they provide to me and the information that I receive after

running their -- their name in our database.

Again, I had a proactive approach, and my mentality was, I'm going to get a gun off the street today. And when she told me she had prior weapons violations and that she had ammunition at her house, then that's when I asked her. I was like, "Can I go back to your house and take the ammunition from you?"

And she said yes.

MEMBER HATCHER-CRAWFORD: Okay. And so there's no search warrant. Just -- she can just say "yes" and you can go do that?

MR. MARSHALL: If she agrees and gives consent.

MEMBER HATCHER-CRAWFORD: Thank you.

VICE CHAIRPERSON DOYLE: Mr. Lara.

MEMBER LARA: Just a point of clarification, as an instructor for search and seizure.

It is not illegal to make the ask.

VICE CHAIRPERSON DOYLE: Exactly.

MEMBER LARA: My concerns grow out of -- are you familiar, Officer, with the concept of duress? I can elaborate if you need me to.

MR. VICTORIO: If you could, please.

MEMBER LARA: Okay. So generally speaking, consent, if it is to be given, has to be given freely and voluntarily, with no threats of enforcement or

promises of leniency. And I believe -- so now I will ask you: Are you familiar with the concept of duress?

MR. VICTORIO: Yes, sir.

MEMBER LARA: Do you believe this woman freely and voluntarily gave you permission to search her home?

MR. VICTORIO: I do.

MEMBER LARA: Thank you.

VICE CHAIRPERSON DOYLE: Thank you very much.

MS. CASTILLO: Can I make a final comment?

VICE CHAIRPERSON DOYLE: Sure. Briefly, please.

MS. CASTILLO: I understand that these incidents that have additionally been presented to the Board for review and understanding are significant, and I appreciate your thoughtful questions.

I do want to reiterate that Officer Victorio has taken affirmative steps to continue to grow in search and seizure, to continue to grow in de-escalation training. And the matter that we're here before the Board for, the allegation related to physical abuse and excessive force, is taken very seriously by Officer Victorio.

And we would ask that although there have been missteps in his young career, we feel that this is one of those instances where an alternative to revocation would be appropriate.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anybody from the public who would like to address -- is there anybody from the public who would like to address the Board at this time?

Yes?

You may state your name and organization if you wish. You will be given three minutes to speak, and the time limits will be strictly enforced, so please ensure that you complete your comments within the allotted time.

MS. B. JOHNSON: Okay. I am Beatrice Johnson. I'm the only community person here. I feel like I do need to say something.

Good afternoon. My name is Beatrice Johnson.

I am here again because I -- what I witnessed in this case is deeply disturbing to me, not just as a community member, but as someone who has spent years advocating for accountability. And also with this bill, Senate 2 -- laws that officers who abuse their authority can be decertified.

We watched the video. We saw the suspect exit from the vehicle after crashing, lay on the ground, and say that he surrendered.

At that point, there was no threat. There was no active threat. There was compliance. The suspect was

defenseless.

But despite that, the officer chose to act on what was perceived instead of what was clearly happening in front of him, reality. And that is where this becomes dangerous.

Because when perception overrules reality, especially in policing, people get hurt. The officer immediately began kicking and punching the suspect while yelling "stop resisting," even though the suspect was already on the ground, surrendering and defenseless.

That disturbs me deeply.

We have seen this pattern before, where the words stop resisting, stop resisting, are used to justify force even when compliance is visible.

And too often those words are spoken right before someone loses their life.

That is not just a phrase. It is a warning sign. When an officer continues to use force on someone who has already surrendered and is defenseless, that is not policing. That is punishment. And what is equally concerning is what we are hearing here today. The officer and his attorney have made light of this, in my opinion.

This is a problem because when the serious conduct is minimized instead of acknowledged, it shows a lack of

accountability. And where there is no accountability, there is no reason to believe the behavior will change.

It is also deeply concerning that the officer told the suspect -- you know when he said the bad word, "Lucky people aren't around or I would do something else to you" -- that is not law enforcement language. That is not de-escalation. That is not professionalism.

That is a statement of intent, held back only by witnesses, and that should concern everyone. That is exactly why Senate Bill 2 exists.

For situations where an officer demonstrates conduct, that is excessive, dangerous, and it should be held accountable and he should be decertified because that's how people get killed.

VICE CHAIRPERSON DOYLE: Thank you.

MEMBER JOHNSON: Thank you.

VICE CHAIRPERSON DOYLE: Does anyone else from the public wish we -- wishes to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. At this time, does the Board want to adjourn into private session?

MEMBER LARA: Yes, please.

VICE CHAIRPERSON DOYLE: Okay. All right. The meeting will be adjourned and we'll go into closed session for deliberation and will be back shortly.

(Time noted: 2:39 p.m.)

---o0o---

(Closed session was held: 2:50 p.m. to 2:55 p.m.)

---o0o---

(Time noted: 2:58 p.m.)

---o0o---

VICE CHAIRPERSON DOYLE: We will now reconvene in our regular session to take a vote on the Board's recommendation in the matter of Case POST2322062, Hector Victorio.

Is there a motion?

MEMBER JOHNSON: I make a motion to decertify.

VICE CHAIRPERSON DOYLE: Is there a second?

MEMBER CLAVO: Second.

VICE CHAIRPERSON DOYLE: We have a motion by Johnson. A second by Clavo.

Roll call.

MR. KNAPP: Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

VICE CHAIRPERSON DOYLE: Aye.
MR. KNAPP: Doyle, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
All in favor.
VICE CHAIRPERSON DOYLE: Motion -- motion passes.
Okay. Thank you.
Next item. POST2302397, Armando Avena. Last employing agency: Los Angeles Police Department.
At this time I will call upon Law Enforcement Consultant David Sieber and Brian Hoffman, Attorney with Legal Affairs Bureau, to provide the report on case POST2302397, Armando Avena, who at -- who at the time was employed by Los Angeles Police Department.
Mr. Sieber.
MR. SIEBER: Good afternoon, Chair and Members of the Board. My name is Dave Sieber, and I'm one of the law enforcement consultants assigned to POST

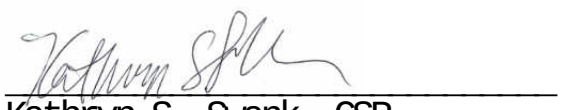
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May 2026.



Kathryn S. Swank, CSR
Certified Shorthand Reporter
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