STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, OCTOBER 9, 2025

10:05 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:

Connie J. Parchman,

California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE DUDLEY
Governor Appointee
Attorney
(Chairperson)

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer
(Vice Chairperson)

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

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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

CHRISTINE FORD
Bureau Chief
Professional Conduct
Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

MARCUS GREGORY
Law Enforcement Consultant
Professional Conduct Southern Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

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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

BEATRICE JOHNSON
Public Speaker

APPEARING REMOTELY:

PATRICIA DE ARMAN
Public speaker, sister of Christopher DeArman

CINDY NUNEZ
Public speaker

DAVID DE ARMAN
Public speaker, father of Christopher DeArman

BRUCE LEININGER
Public speaker

MELISSA MIRAMONTES
United Families for Justice

CRYSTAL RODRIGUEZ
Public speaker

DARWIN FISHMAN
Racial Justice Coalition of San Diego

MARIE MASTERS, ESQ.
Representing Michael Kim

BRETT RUTKOWSKI, ESQ.
Representing Armando R. Montalvo

ARMANDO R. MONTALVO (POST ID: C89-U13)

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Thursday, October 9, 2025, 10:05 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. I'm sorry that I was a minute late. There were some problems, but all good.

So today's Thursday, October 9th, 2025. And the time is 10:05.

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

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

We will now call the roll of board members.

MS. ESSEX: Thank you, Madam Chair.

Good morning, Board.

Member Clavo.

MEMBER CLAVO: Present.

MS. ESSEX: Doyle.

MEMBER DOYLE: Here.

MS. ESSEX: Crawford.

MEMBER CRAWFORD: Here.

MS. ESSEX: Dudley.

CHAIRPERSON DUDLEY: Here.
MS. ESSEX: Glaser.
MEMBER GLASER: Here.
MS. ESSEX: Johnson.
MEMBER JOHNSON: Here.
MS. ESSEX: Lara.
MEMBER LARA: Here.
MS. ESSEX: Pena.
(No response.)
MS. ESSEX: Seven present, quorum established.
CHAIRPERSON DUDLEY: Okay. Thank you so much.
I would now like to introduce board counsel Christopher Beatty to my left; and POST Assistant Executive Director, who's coming up the aisle now, Annemarie Del Mugnaio.
Public comment.
So Annemarie's here. Chris is here.
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 such matter.

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 items to staff.

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

As the Board 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 multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

You will be given three minutes to speak and the time limits will be 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 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. Staff will assist you in this regard.

I would like to remind individuals making comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board for recommendation. If the Board takes action on the complaint, you will have an opportunity to address the Board at that time.

Following these rules is necessary to comply with the state law and to avoid compromising the Board's mission.

So having said all that, is there anyone present in the audience or appearing remotely who would like to address the Board?

First, in the audience?

Seeing nothing, now asking about anyone remotely.

Okay. It appears we do have four people online.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Okay. You may -- I'm not sure if there's anyone remotely who would like to speak, but if so, you have an option, you may state your name and

organization if you wish.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: For those of you wishing to provide public comment online, if you can mute your live-stream so that we can hear you. Please do so now.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Is there anyone who remotely would like to speak?

If so, please begin speaking.

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Yes, hello. This is Joyce Dudley. I'm the Board Chair up here at the POST meeting, did you want to speak?

PATRICIA DE ARMAN: Hello?

CHAIRPERSON DUDLEY: Please proceed.

PATRICIA DE ARMAN: Can you hear me?

CHAIRPERSON DUDLEY: We can hear you. Please proceed. Good morning.

PATRICIA DE ARMAN: Oh. Sorry.

Good morning, my name is Patricia DeArman. I'm the sister of Christopher DeArman who was killed by San Diego Police Department on January 20th, 2023.

They racially profiled him, a pretext stop, hot stop led to a slow-speed pursuit.

He was shot at excessively 28 times, some of which

included non-department issued, hollow-point ammunition, by officer Jacob Meyers. His constitutional rights were violated by Christopher Aguilar who told him, "your word means nothing," and Sergeant Rene Murillo who failed to intervene as acting supervisor on scene.

This whole case has been a cover up. He was left to bleed out on the streets, a river of blood, no CPR or an AED was rendered.

A canine was deployed 11 minutes after he was shot 28 times, including hollow points.

SDPD failed Christopher DeArman by failing to intervene, escalating the entire situation and -- into a matter that had never needed to be there.

My brother asked for his citations. They said no.

They violated his rights, antagonized him and used his background with a little bit of marijuana, which is legal here in California. He had well under the legal amount.

They accused him of illegally transporting marijuana, escalated the situation so far he hid into fight or flight mode and panicked. He didn't want to go back to jail.

SDPD did not value his life that night.

Neither do they value the life of an ex-felon. And these officers need to be held accountable, including

Jacob Meyers with his hollow points. We had sustained findings with internal affairs and still nothing has been done. Internal affairs did not give the CPP, the Commission on Police Practices full case files for the case review. Not my whole complaint was included in its findings.

I wrote everything that happened. Why wouldn't it be there?

This has been a cover up. This were evil acts taken by these officers.

My family is -- is here with guilt and remorse and horrors. This is traumatizing.

And these officers, Christopher Aguilar, is still allowed to patrol the same area where he killed at and he has a rap, history, of being a bully in the neighborhood, well before my brother was killed by him. And he's still here, all the time, at Chicano Park. He needs to be removed from Barrio Logan.

Christopher Aguilar needs to be held accountable.

Jacob Meyers needs to be held accountable, Rene Murillo and Patrick Harvey, who, this is his second time deploying a canine on a victim that's already been shot after a hot stop was conducted.

He had another incident in October 2020 where CHP pit-maneuvered a car. And the person got off with a gun

supposedly, but you don't even see the moment that they shot at the cops, like they claim. He might have shown a gun, but they should be telling officers to drop their weapons before they shoot at them.

Hollow points need to be banned entirely.

CPR and AEDs must be rendered after they been shot and wounded and saying that he's playing possum or faking it, and that he could baiting them into another ambush?

He can't move. He told the, he screamed, "I can't move." They ordered him to make him crawl closer to his weapon. That didn't make any sense. And when you see the footage they dragged his body closer and towards his weapon, not away from it like they claimed.

They said he died while undergoing lifesaving medical procedures, but he was shot at 11:38, when "shots fired" was being called by the watch commander, one or two minutes before he was shot.

And if he was shot at 11:38, why was he pronounced dead at UCSD at 12:24 when that hospital is five minutes away.

And why didn't they utilize Logan Fire Department if it happened right there by Logan that's about two blocks away?

CHAIRPERSON DUDLEY: Let me interrupt you.

(Unreportable cross-talk.)

PATRICIA DE ARMAN: -- fourteen hours.

CHAIRPERSON DUDLEY: Let me interrupt you just for a moment, okay?

First of all, I am -- I can just hear the pain in your voice. I can't imagine the agony you and your family are going through.

I want you to know there is a process and I'm going to ask the Assistant Executive Director to my right to tell you how exactly to file that complaint or what we can do next in terms of getting someone in touch with you.

But let me just say on a personal level, I am so sorry for your loss.

Go ahead.

PATRICIA DE ARMAN: Thank you so much. My dad already submitted a complaint. Please look into it.

MS. DEL MUGNAIO: Thank you very much.

PATRICIA DE ARMAN: Thank you.

MS. DEL MUGNAIO: We will address that and someone will be in touch with you.

CHAIRPERSON DUDLEY: Okay. So is there anybody else remotely who would like to speak?

Are there more on the line?

UNIDENTIFED PUBLIC SPEAKER: Yes.

CHAIRPERSON DUDLEY: Okay. Apparently there are some other folks on the line who would like to speak. I'm not sure why it is not coming through, but please just speak up and we'll take it from there.

CINDY NUNEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. This is Joyce Dudley. Please go ahead.

CINDY NUNEZ: Hi. Good morning, my name is Cindy Nunez.

My brother was also murdered in March of 2024 by Los Angeles County Sheriff's Department. And I'm calling today regarding the fatal shooting of Chris DeArman by the San Diego Police Department.

I'm urging you, POST, to review the certification of these officers that were involved, Christopher Aguilar, Jacob Meyers and Sergeant Rene Murillo and also Patrick Harvey for the severe violations of the POST standards and these basic human rights.

Officer Christopher Aguilar actually violated Chris's rights by telling him his words meant nothing, reaching into his car to unlock the door himself and escalating the situation rather than de-escalating. Chris should still be alive right now. That should have never happened.

Officer Jacob Meyer failed to follow the basic procedures, never requesting Chris's license, registration, proof of insurance, that we all will be asked for if we -- if we get pulled over at a traffic stop.

The use of non-department-issued hollow point ammunition, so these officers are going into the station and bringing their own ammunition that's not assigned by the department, increasing the lethally of his actions.

Sergeant Murillo, the supervisor on scene, he failed to intervene, he gave misleading statements about what had happened to Chris, he ordered the medics to stand down twice.

And also, quote, and also while Chris was -- all this while Chris was bleeding out on the street.

Officer Patrick Harvey, then he deployed the canine on Chris after he had already been shot multiple times, people. And he was incapacitated. And he was given the -- he never gave the order to release the dog, allowing the dog to continue mauling Chris as he laid defensive on the ground.

Chris couldn't move. He was not playing possum. If POST, as you guys, the Board, take a second to compare someone, a suspect, someone being attacked by a canine dog, and they're alert, you will see the reaction

a regular subject is going to have when they're getting bitten by a dog, a canine.

Chris wasn't playing possum. He couldn't move. He was dying on them and they knew that. Chris could not respond to their orders. He was dying. He needed help. And they literally denied him that basic human right.

These actions were truly reckless, inhumane and a direct violation of POST standards that you guys certify these officers out there for their officer conduct, accountability and the preservation of life that they failed to give Chris.

I'm urging you, POST, to use your authority to decertify these officers who engage in this coercive, abusive and retaliary [sic] behavior. And to straighten transparency in how these cases are reviewed.

Every abusive officer who keeps their certification weakens the integrity of every good person out there, of the community. That's why the so mistrust in officer conduct, because they are doing what they want in the streets and you guys are certifying these officers, you fail to decertify them and hold them accountable.

And I promise you, if you start holding these officers accountable and decertifying, you will get public trust again. You will get community trust.

Make an example. Our families deserve protection,

not persecution.

Please remember that behind every case number, there are people, grieving mothers, sisters, fathers, children. We're all out here fighting for the truth, waiting for accountability that should have been there in the very beginning.

Thank you.

CHAIRPERSON DUDLEY: Thank you for calling.

And I'm incredibly sorry to hear about Chris and the torment in your voice. I'm sure this is unimaginably horrible.

So I just want you to know that we heard you and POST Assistant Executive Director is going to speak now to let you know how to follow-up.

MS. DEL MUGNAIO: I believe your comment was in response to the first caller's remarks regarding a case.

That is a complaint that has already been filed. POST will be in contact to speak with you about the process. And to help you understand what the next steps are in that complaint.

If there are other remarks regarding the same complaint, I'm going to ask that we refrain from providing specifics as it can jeopardize the investigation of that complaint that POST will conduct, that investigation, and work with law enforcement agency

to procure whatever documents are necessary to do its fact-finding analysis.

So for those of you who are online that wish to comment regarding the same matter, I'm going to ask that we refrain from doing so, so those specifics are not aired in a public forum that could otherwise compromise the future investigation of the complaint.

Thank you.

CHAIRPERSON DUDLEY: And again, we want to thank you for calling.

Are there any more callers? Okay.

If there are -- I'm happy to hear from you, and to hear about your feelings, but at this point, I am going to need to intervene if there's any discussion of the facts of the case if it's about the same case that we just heard two calls on.

So, as to the next speaker, please go ahead.

DAVID DE ARMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you. Thank you.

DAVID DE ARMAN: This is Mr. DeArman, Christopher's father.

I have filed a formal complaint with POST, separately, against all involved officers. And have received no reply.

CHAIRPERSON DUDLEY: Let me immediately now turn it

over to the POST Assistant Executive Director so she can respond to that. And then I will continue to listen to your concerns.

MS. DEL MUGNAIO: Mr. DeArman --

DAVID DE ARMAN: Yes.

MS. DEL MUGNAIO: So you did file a formal complaint regarding the same matter?

DAVID DE ARMAN: Sure did.

MS. DEL MUGNAIO: Okay. We will definitely follow up with you regarding the status of that complaint following this meeting.

DAVID DE ARMAN: Thank you, ma'am.

MS. DEL MUGNAIO: You're welcome.

DAVID DE ARMAN: Let me ask, am I not allowed to speak regarding the incident?

CHAIRPERSON DUDLEY: You're absolutely allowed to speak. I encourage you to speak.

What I'm asking you to do is to refrain from discussing any of the evidence related to the case, any of the facts related to the case.

In my prior role, I was the District Attorney of Santa Barbara County. So I'm an attorney who understands the value of what you have to say.

But by the same token, with that, that information should not come out in a public comment. It should come

out in a formal investigation to best protect Chris's rights. Okay?

So if that made sense to you, certainly want to hear about your feelings.

Please try to stay away from the facts. Okay, sir?

DAVID DE ARMAN: Okay. I'll try to.

CHAIRPERSON DUDLEY: Thank you.

DAVID DE ARMAN: It's going to be difficult.

CHAIRPERSON DUDLEY: I understand.

DAVID DE ARMAN: It will be difficult.

Christopher was a father, a son, a brother, and a an uncle. He was much loved by his family.

The officers failed to use less-than-lethal or non-lethal measures in the force continuum that is required prior to execution of deadly force.

They did -- they took no such actions.

CHAIRPERSON DUDLEY: I can't imagine the loss that your family is experiencing.

And we'll absolutely get in touch with you after this meeting to follow up on the formal complaint. Okay?

DAVID DE ARMAN: I will also add that I'm a 30-year Naval veteran, a former security officer, Naval Base San Diego. And I'm a graduate of the Federal Law Enforcement Training Center FLETC at Glynco. I would

suggest my training far exceeds the training they received at a local junior college.

CHAIRPERSON DUDLEY: I understand, sir. And let me thank you for your service. And I promise right after this meeting, someone will be in touch with you.

And again, so sorry for your tremendous loss and the loss of your family.

DAVID DE ARMAN: Okay. Thank you, ma'am.

CHAIRPERSON DUDLEY: Thank you, sir.

Are there any other calls?

Okay. Someone else is on the line. Please go ahead.

I'm not hearing any voices.

Is someone else still on the line? If so, just speak up.

Someone still is there?

Okay. If you have a phone or a computer but you're not unmuting and you would like to speak, please press the unmute button and speak up.

If not, we're just going to go ahead with the meeting and going to assume you're just listening to the meeting.

So again, an opportunity to unmute and speak up.

(No response.)

CHAIRPERSON DUDLEY: Okay. Hearing nothing, we're

going to go on.

Okay. We're going to go on to the approval of the minutes.

Is there anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the July 16th through 17th transcripts?

(No response.)

CHAIRPERSON DUDLEY: Hearing nothing, are there any questions or comments from the Board about the minutes?

(Sotto voce comment.)

CHAIRPERSON DUDLEY: Go ahead.

Okay. If the Board concurs --

BRUCE LEININGER: Hello. Let me know if you can hear me.

CHAIRPERSON DUDLEY: I'm sorry. Go ahead.

BRUCE LEININGER: Yeah, something was wrong with the audio. Several speakers were trying to talk.

So thank you for taking my call.

My name is Bruce Leininger and I'm also calling regarding the shooting death of Christopher DeArman by San Diego Police.

CHAIRPERSON DUDLEY: Okay.

BRUCE LEININGER: I'm calling on --

CHAIRPERSON DUDLEY: Sir, I am absolutely going to give you an opportunity to talk. And thank you so much

for calling. And thank you for bearing with the audio problems.

I want to reiterate the concerns of the Executive Director, the Assistant Executive Director, please try to stay away from any facts, because I don't want to contaminate the evidence of this investigation.

But please feel free to share whatever thoughts and feelings you have.

Please, sir, go ahead.

BRUCE LEININGER: I am calling on POST to review the allegations against the officers involved. And I'm wondering also what is the time frame that Chris's father can expect to hear back from you?

MS. DEL MUGNAIO: So an acknowledgment letter was sent back in July, acknowledging receipt of the complaint. And at that point, it takes -- can take several months for us to get additional information from the agency regarding the incident to be able to analyze that information.

As soon as we have a further status update we can provide that accordingly.

If we don't have a good address of record, that may be part of the problem. So we will look into that.

Again, I can't give you a firm date. It all depends on the production of documents and the time it

takes to analyze those documents. And if there is any follow-up investigation that needs to be done on the part of POST, all of that takes a period of time. I believe we received the initial --

BRUCE LEININGER: -- assurance --

MS. DEL MUGNAIO: -- inquiry in July. July 24th, to be exact, and a receipt -- a notification of receipt was sent immediately thereafter.

So it may take several months before we have a further status update.

DAVID DE ARMAN: This is Mr. DeArman. Can you hear me?

CHAIRPERSON DUDLEY: Yes, we can.

DAVID DE ARMAN: I just wanted your assurance that these officers' actions are being reviewed.

CHAIRPERSON DUDLEY: I can assure you that the investigation is being reviewed. That is exactly why we're here.

BRUCE LEININGER: And if he does not hear back from you in the time expected, what is the best way to contact you?

CHAIRPERSON DUDLEY: Executive Director --

MS. DEL MUGNAIO: Yeah, the best way to probably contact any of us, so you can get directly to our complaint intake team to look into the facts of the

case, is on the POST website. There's a complaint intake portal. And it's to send a message to request follow-up and a contact.

If there's specific phone number or email address that you wish to be contacted at, you can leave that information through that portal.

BRUCE LEININGER: Can I leave you my number now?

MS. DEL MUGNAIO: I wouldn't do that because this is a public broadcast and I don't know that you want the entire public to have your direct phone number.

I think it's probably a safer bet to have you do that through the portal, sir.

BRUCE LEININGER: Okay. Thanks.

MS. DEL MUGNAIO: You're welcome.

BRUCE LEININGER: And that concludes my comments.

I think there's one more person, at least, on the line.

CHAIRPERSON DUDLEY: Okay. Thank you, sir. We will certainly keep the line open and wait for the next person to speak.

We're not hearing any voices.

MELISSA MIRAMONTES: Can you all hear me?

CHAIRPERSON DUDLEY: Yes, now I can hear you. Please go ahead.

MELISSA MIRAMONTES: Okay. Hi. My name is

Melissa Miramontes and I'm with United Families for Justice.

I'm also going to speak on the family for Chris DeArman.

It's important that the POST -- you all have the final authority to be able to allow these officers on the street. I have lost a loved one due to police violence. An off-duty officer killed my brother as well.

And I actually filed a complaint against this officer with POST. And POST gave me a statement stating that they cannot look into my request in accordance with California Penal Code 7922.535.

And it basically -- basically they denied my request and said that they couldn't look into it because it was the responsibility of the LAPD.

That is false and --

CHAIRPERSON DUDLEY: Let me --

MELISSA MIRAMONTES: -- look into the --

CHAIRPERSON DUDLEY: Let me ask the Assistant --

MELISSA MIRAMONTES: Excuse me?

CHAIRPERSON DUDLEY: Let me ask the POST Assistant Executive Director to respond to what you just said.

MELISSA MIRAMONTES: So --

CHAIRPERSON DUDLEY: Hang on one sec so she can

respond to you -- to your concern.

MS. DEL MUGNAIO: I'm not familiar with that particular provision that we would have responded.

It was -- it sounds to me like perhaps the response may have been in light of the -- the issue itself falling outside of the nine acts of serious misconduct.

So POST is limited to --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: Okay. I think --

MELISSA MIRAMONTES: Absolutely not.

MS. DEL MUGNAIO: -- what I am --

(Unreportable cross-talk.)

CHAIRPERSON DUDLEY: Hang on one second. Just let the -- I promise to let you speak.

But I want you to hear the full thought of the Assistant Executive Director.

MELISSA MIRAMONTES: Thank you.

MS. DEL MUGNAIO: We probably will not be able to resolve this over the phone without looking into the specifics of your particular situation.

The best thing for you to do, then, is to file the complaint, refile the complaint, for us to look into the assertion that this falls within POST jurisdiction, the nine acts of serious misconduct, and we can respond accordingly.

I don't think it's going to be helpful today because I don't have the resources in front of me to be able to address your specific situation.

There again, in a public forum, it's not appropriate to discuss the facts of the case prior to the investigation.

So I would ask that you send something to us through the intake, the complaint intake portal, that we can look into the matter.

CHAIRPERSON DUDLEY: Okay. So --

MELISSA MIRAMONTES: Okay. Thank you. I hope to get -- I'll try to get the exact email information.

You know the point is, I don't want to, you know, deteriorate from what I'm -- the point is my conversation. The point is, and you guys have heard several different family members, several different community members here in San Diego who have come together to bring awareness to Chris DeArman's story.

It's important that POST looks into this. This is one of the most gruesome cases that I've ever seen in my life. I encourage you guys to please investigate. Do your due diligence and please hold these officers accountable in any which way you can.

I encourage you all, as you guys start to receive these -- these complaints from community members,

because we are definitely going to encourage the community to start filing these complaints after today.

Please look into these investigations.

My specific complaint number is R002950-050925 --

CHAIRPERSON DUDLEY: Hang on one second.

MELISSA MIRAMONTES: -- making --

CHAIRPERSON DUDLEY: Hang on one second. Just say it one more time a little slower so the Assistant Executive Director can write it down.

MELISSA MIRAMONTES: Okay. Thank you. It's reference number R002950-050925.

And again, this is not just for -- for my particular case, but all these complaints that you guys are going to be receiving in, please investigate them. Do your due diligence. These officers are killing people, time after time, same scenario, same situation, they always get away with it.

And the scenarios in which they're harming people, inflicting and actually, you know, flattenly un-aliving people.

CHAIRPERSON DUDLEY: Okay.

MELISSA MIRAMONTES: The scenarios are all different.

All of our loved ones have been taken in different ways and yet these officers are not held accountable.

There is no reason -- there is no way you can rule in the officer's favor time after time when the situations are different.

Please investigate.

Please do your guys's job. We appreciate your time.

Justice for Chris DeArman.

Justice for all stolen lives.

CHAIRPERSON DUDLEY: I absolutely --

MELISSA MIRAMONTES: Thank you.

CHAIRPERSON DUDLEY: -- promise you that that is why we are all here --

MELISSA MIRAMONTES: I appreciate you guys for having this --

CHAIRPERSON DUDLEY: -- is to look into these cases.

MELISSA MIRAMONTES: -- platform.

CHAIRPERSON DUDLEY: Also -- we've put up information on the screen and -- but in case you're not seeing the screen, let me just say that it's -- well, I'll ask the Assistant Executive Director to read it because it's a little blurry for me.

MS. DEL MUGNAIO: So the complaint intake address is complaintintake@post.ca.gov and hopefully it is appearing on your screen as we broadcast this meeting.

There's also a phone number associated with it and an email contact box.

I believe in your case, the information you submitted was handled through a California Public Records Request Act, not through our complaint intakes.

So this would be the appropriate place for you to file that complaint.

CHAIRPERSON DUDLEY: Do you understand that it --

MELISSA MIRAMONTES: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. So apparently it went to the wrong place.

But, you know, it's very important that you call today. It's very important you gave us this information. And now it's very important that you put your complaint through the complaint intake. Okay?

MELISSA MIRAMONTES: Yes. Thank you so much. Have a good one.

CHAIRPERSON DUDLEY: Thank you so much.

Is there somebody else who would like to speak?

CRYSTAL RODRIGUEZ: Hello?

CHAIRPERSON DUDLEY: Yes, I can hear you. Please go ahead.

CRYSTAL RODRIGUEZ: Hi, yes. My name is Crystal Rodriguez. I'm calling on behalf of -- I'm a community member here in Barrio Logan. And I just want

to say how outrageous it is that we still have the same officers patrolling the same streets where they committed murder, even -- like, they don't even -- why are they still on the same street?

Every day we encounter them and they harass our community, they're constantly stopping people and presuming things and assuming the worst of everybody instead of doing their job and actually going through the procedures that they have to. But they make comments.

Officer -- officers that come in the community are always targeting and harassing and disrespecting our community, constantly. We don't even get the same humane treatment that other communities do. And it's why, it's, like, we get generalized as one in this community. And I don't believe it's -- it's -- it's, like, ethical to have an officer here -- to have an officer that committed murder down the street still patrolling the streets. How are we supposed to feel safe with somebody like that in our community?

CHAIRPERSON DUDLEY: It is absolutely our mission to ensure that you feel safe. And we're absolutely going to be looking into this.

And I very much appreciate your call.

Was there something else you wanted to say? I

didn't mean to interrupt you.

CRYSTAL RODRIGUEZ: Oh, no. That's what I wanted to say. That was just my main concern, because we have kids. We have community members that are always here and they're always, you know -- we just get, I feel we just get categorized in one -- in one label. And we get treated like that. And I don't think it's ethical or appropriate for any officer to treat anybody like that --

CHAIRPERSON DUDLEY: It is neither --

CRYSTAL RODRIGUEZ: -- especially if they --

CHAIRPERSON DUDLEY: -- ethical nor appropriate. You're 100 percent right.

CRYSTAL RODRIGUEZ: Okay. Thank you. And then, yeah, we want that to be a priority to remove those officers from this community because people (garbled transmission; indecipherable) Feel safe. It's just many people in the community don't feel safe. And that's what I have to say.

CHAIRPERSON DUDLEY: Thank you. You've made that very clear and we'll absolutely be looking into this.

I very much appreciate your call.

CRYSTAL RODRIGUEZ: Thank you.

CHAIRPERSON DUDLEY: Thank you.

Is there anyone else who would like to speak?

If there is anyone else that would --

PUBLIC SPEAKER: Hello. Hello. Can you hear me?

CHAIRPERSON DUDLEY: I can hear you now. Thank you so much. Please go ahead.

DARWIN FISHMAN: Hello, can you hear me?

CHAIRPERSON DUDLEY: I can hear you too.

Let's have one at a time.

UNIDENTIFIED PUBLIC SPEAKER: Go ahead and go first and I'll go after you. Thank you.

DARWIN FISHMAN: Okay. Okay.

CHAIRPERSON DUDLEY: Thank you, sir. Go ahead.

(Unreportable cross-talk.)

DARWIN FISHMAN: Okay. Darwin Fishman, Racial Justice Coalition of San Diego. And I'm also calling in for Chris DeArman.

I did want to say that the reason you're getting so many calls about this and from San Diego is that we have serious problems, serious issues, the same as other communities, with racial profiling. And our young black and brown community, young men of color being targeted by police and harassment.

And if you have young men that keep getting targeted for traffic stops, and basically nuisance with the police, it's not unusual, it's not going to be surprising that folks are going to snap. And it's going

to be enough is enough. This is the third stop, the fourth stop, the fifth stop.

All of the work done on racial profiling, all the research done here has shown that there's a disproportionate amount of people of color getting pulled over. And the ones that are getting pulled over end up with no citations or things like minor traffic violations.

When you have that, and then the situation escalates, and police officers are not properly trained or they have racial bias about these youths and think that they're here at war and they're more likely to use force and lethal force, it makes it horrible situation here.

And we're calling in because we're looking for help. The tools, the research is available here. We've exhausted. They haven't brought justice for this family and other families that lost loved ones here.

At least with the POST commission and process of decertifying officers, we have a way to address some of these officers that are the worst violators that we know, keep doing this, keep harassing community members, and we have a way to get them out of the profession and other jobs. And also a way to get them out of our communities and doing this kind of horrific policing.

And that's why we're calling in and doing this concerted effort.

The communities, we know who these officers here, they're here on a regular basis. Many of them have been involved a one or multiple incidents. And this is something that's untenable.

It is just going to keep getting worse. And this is why we're looking for avenues for POST to investigate and to hopefully intervene and help us with the kind of crisis that we have here in San Diego.

Thank you.

CHAIRPERSON DUDLEY: What you've described does sound, in your words, both horrible and untenable. And we will be looking into it.

Sir, thank you for your call.

Now there is -- I heard a female voice.

UNIDENTIFIED PUBLIC SPEAKER: Yes. Yes.

CHAIRPERSON DUDLEY: Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Can you hear me?

CHAIRPERSON DUDLEY: Sure can. Go ahead.

UNIDENTIFIED PUBLIC SPEAKER: Yes. What happened to Christopher DeArman shocks the conscience. It is a gross violation of human rights, criminal law, and constitutional rights. Officers are creating orphans, widows and widowers with impunity and with -- without

any criminal accountability.

In every pro -- every profession, weeds out the bad apples for the protection of society.

And we're counting on you to please do the -- look into the serious misconduct and decertify these four officers. They pose a threat to every single person in this society.

Thank you.

CHAIRPERSON DUDLEY: Thank you very much for calling.

And that is exactly our goal. And I think it's fair for you to count on us and we'll follow through.

Again, thank you for your call.

Is there anyone else?

I think that perhaps the mute button was off.

Okay. It doesn't appear there's anyone else, but there may be someone. So let me be silent. And if there is someone on the line, please speak up.

DAVID DE ARMAN: This is Mr. DeArman again.

CHAIRPERSON DUDLEY: Yes, sir. Go ahead.

DAVID DE ARMAN: I ask you to carefully review all the videos that are available. Ironically, they're available on the San Diego Police website. If you notice, and I know I'm not supposed to talk about this, but at the end of the execution of my son, they

exchanged fist bumps, just like they just won a football game.

(Indecipherable feedback from video conference.)

CHAIRPERSON DUDLEY: Sir, are you still on the line?

DAVID DE ARMAN: Yes.

CHAIRPERSON DUDLEY: As a mother of four sons, I can't imagine the torment you're going through. But I can tell you, as chair of this organization, we absolutely will look into it and also go and search those videos you just talked about.

DAVID DE ARMAN: I really greatly appreciate your efforts. Thank you so much.

CHAIRPERSON DUDLEY: Absolutely, sir. Thank you for calling.

Is there anyone else on the line?

Okay. I think what we're going to do is just go through the approval of the minutes and then take a break.

So are there any questions or comments from the Board about the approval of the July 16th-17th minutes? Transcripts?

Okay. If the Board concurs, the appropriate action would be a motion to approve the minutes, transcript, from the July 16th-17th, 2025 meeting.

Lara.

MEMBER LARA: Aye.

MS. ESSEX: Lara, aye.

That's seven ayes. Motion carries.

CHAIRPERSON DUDLEY: So the motion passes.

MS. ESSEX: Yes.

CHAIRPERSON DUDLEY: Thank you.

Okay. We're going to move on to the next case.

I don't think we need a break.

Okay. At this point, I will now call upon law enforcement consultant Marcus Gregory, Professional Conduct Southern Bureau, and Brian Hoffman, Attorney IV, Legal Affairs Bureau, to provide a report on POST2402562 Armando R. Montalvo, who at the time of the events at issues in this case was, and still is, a current employee -- is currently employed with the Orange County Sheriff's Office.

Gentlemen.

MR. GREGORY: Good afternoon, Chair and members of the Board.

My name is Marcus Gregory and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Brian Hoffman, an attorney with

our Legal Affairs Bureau.

I'm here today to present POST case number 2405562, involving Orange County Deputy Sheriff Armando Montalvo.

It is Division's determination that clear and convincing evidence exists to demonstrate that Deputy Montalvo committed an act of serious misconduct as set forth in Penal Code Section 13510.8 on March 16th, 2024.

Specifically, the Division has determined that Deputy Montalvo committed the following acts of serious misconduct:

13510.8(a)(3), physical abuse to include excessive or unreasonable force.

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

Deputy Montalvo began his career with the Orange County Sheriff's Department on February 25th, 2022, as a deputy sheriff in training. Deputy Montalvo graduated from the academy and became a deputy sheriff on September 9th, 2022. Deputy Montalvo remains employed with the Orange County Sheriff's Department and Deputy Montalvo has obtained both a basic POST certificate and an intermediate POST certificate.

Deputy Montalvo has five other reports of serious

misconduct of record with POST related to claims of excessive or unreasonable force. Four of the five reports have all been determined to be unfounded or not sustained by the agency and have been closed with POST.

The fifth investigation, POST was notified on October 2nd, 2025, that that case was not sustained, but as not been investigated by POST at this point.

Orange County administrative investigation into this matter did not note any other forms of discipline imposed on Deputy Montalvo.

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

Next slide.

On March 16th, 2024, Deputy Armando Montalvo was involved in a use of force incident with an inmate at the Orange County Intake Release Center.

As part of his duties that day, Deputy Montalvo would oversee inmates going through the booking process.

Deputy Montalvo was escorting an inmate -- who I will refer during this presentation to as an inmate -- to the photo booth, when the inmate became resistive by turning towards and pulling away from Deputy Montalvo.

Deputy Montalvo and another deputy responded by

taking the inmate to the ground. During the use of force incident, Deputy Montalvo punched the inmate approximately 28 times in the face, head and upper body while three other deputies assisted and threw numerous punches.

The inmate was not assaultive towards deputies and was only showing passive resistance by not giving up his hands while pinned in a prone position on the ground.

At one point, after delivering the punches, Deputy Montalvo lifted the inmate's head and struck the inmate's face against the concrete floor while the inmate was pinned down by other deputies.

During his administrative interview, Deputy Montalvo stated he got tunnel vision after he believed the inmate had struck him in the face and had refused to follow commands and put his hands behind his back.

Deputy Montalvo stated he felt the inmate was trying to fight him at that point.

Deputy Montalvo explained that he used injuring force because while they were still standing up, he couldn't get inmate -- the inmate in control holds and didn't know what other force options to use.

Deputy Montalvo stated during the heat of the moment, he believed injuring force was the best option.

Deputy Montalvo acknowledged that looking back at the incident now, he probably should have used different tactics.

Deputy Montalvo admitted that grabbing the inmates's head by the side and striking it against the ground was not an approved use of force technique.

Next slide.

Deputy Montalvo was cooperative with the investigation and acknowledged that the use of force used during the incident was excessive. As a result of the administrative investigation, the Orange County Sheriff's Department sustained a finding that the force was not within policy.

As a result of the sustained finding, Deputy Montalvo received a 40-hour suspension.

The facts I've just recited support the Division's finding that Deputy Montalvo was involved in serious misconduct, specifically physical abuse to include excessive and unreasonable force.

The 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 need not establish a fact beyond a reasonable doubt.

The Division recommends that Deputy Montalvo's POST

certification be either suspended or revoked. The Division's recommendation is based on the following factors:

Deputy Montalvo's actions constituted physical abuse when he used excessive force against the inmate by punching him 28 times and striking his head against the ground.

The involved inmate advised the sergeant investigating the incident that he did not have any injuries.

At the time the event took place, Deputy Montalvo had only approximately 15 months off training.

Deputy Montalvo initially believed his actions at the time were justified, as did his partners when the incident occurred, which identifies a possible training issue.

However, upon further review, Deputy Montalvo acknowledged that his actions did not comply with his agency's policies and he admitted that he used excessive force. He admitted he suffered from tunnel vision because he thought the inmate had struck or attempted to strike him in the head.

Deputy Montalvo admitted to the misconduct during the administrative investigation and did not make excuses for his conduct and appeared remorseful for his

actions.

When reviewing the incident during the administrative interview, Deputy Montalvo admitted that his actions would not look good if observed by the public because he threw too many punches and it did not allow the inmate time to respond and give up his hands.

Deputy Montalvo stated during the administrative investigation that he sought out additional training following the incident.

Deputy Montalvo accepted the proposed discipline issue by his agency and did not file an appeal.

Deputy Montalvo has no further discipline history. Deputy's Montalvo candor, acceptance of responsibility and action of seeking further training indicate he is willing to learn from the incident.

Next slide, please.

We're going to show a video of the use of force incident and following the video I'm happy to answer any questions that the Board may have.

(Video played.)

CHAIRPERSON DUDLEY: Okay. I have a couple questions.

Prior to this offense, were there five or four complaints about him using excessive force?

MR. GREGORY: Prior to this incident occurring,

there were three other reports.

CHAIRPERSON DUDLEY: Okay. So why has there been a number five and four thrown around?

I'm confused.

I thought five out of four.

MR. GREGORY: There is a total of five additional reports. Three occurred prior to this incident occurring. And two had occurred after that.

Four had been unfounded and cleared out by POST.

And the fifth case had not been cleared out by the Division. Or we did not receive any information that it had been cleared out until October 2nd of this year.

CHAIRPERSON DUDLEY: So all -- so of the five, is this one of the five?

MR. GREGORY: This case?

CHAIRPERSON DUDLEY: Yes.

MR. GREGORY: No.

CHAIRPERSON DUDLEY: Okay. So there five prior complaints of abuse, of excessive force. And we still don't know the findings of one of the five.

MR. GREGORY: We know that that was determined to be unfounded, not sustained, as of October 2nd of this year.

CHAIRPERSON DUDLEY: Okay. So there were five complaints of excessive force, not including this one.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Can you tell me anything about those other five.

MR. GREGORY: I can tell you that in four of those five did not have anything to do with punching the subject. Or Deputy Montalvo was not identified as punching that subject. And that all those cases did not even get to the level of going to internal affairs with Orange County Sheriff's Department.

CHAIRPERSON DUDLEY: So he didn't punch. What did he do? What's he alleged to have done?

MR. GREGORY: On some of them he was alleged to have used control holds, body weight.

CHAIRPERSON DUDLEY: Okay. So, it's very important to me that we break down those five instances.

So you're telling me that four of the -- that four of the five there was no punching.

What about the fifth?

MR. GREGORY: The fifth one indicates that he did punch in the case. It doesn't identify how many times. POST has not looked at that investigation yet.

CHAIRPERSON DUDLEY: Okay. So POST is still planning on looking at that investigation?

MR. GREGORY: It will have to be looked at at some point, yes.

CHAIRPERSON DUDLEY: Okay. Of the four that we know about, there was no punching.

But can you tell me anything besides the fact that he used incorrect holds that brought it to a level of a complaint? I understand they were all unfounded, but just what brought it to the complaint level?

MR. GREGORY: I believe that they were all inmate grievances or were pushed up to the command level to take a look at.

CHAIRPERSON DUDLEY: When you say, "pushed up to the command level," does that mean a fellow deputy made the report?

MR. GREGORY: No. All I can tell you is that a commander reviewed the findings, wherein some of the cases, they were cleared out with just the use of force report. It went from the sergeant to the lieutenant to the commander.

CHAIRPERSON DUDLEY: Okay. So of the one we don't know about, of the four we do know about, there was no punching, there was some allegation, we don't know by who, but it might have been an inmate in each of those other four?

MR. GREGORY: I believe they were all allegations from an inmate.

CHAIRPERSON DUDLEY: Okay. Do we know if they were

the same inmate or different inmates?

MR. GREGORY: I believe they were all different.

CHAIRPERSON DUDLEY: They were different, all four.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Okay. Questions.

MEMBER CLAVO: Question.

CHAIRPERSON DUDLEY: Hang on. Let's go to Sheriff Doyle and then to Dr. Clavo.

MEMBER DOYLE: Could you clarify, because in findings, "unfounded" means it didn't happen. "Not substantiated" means there's not enough information to say it happened or didn't happen.

MR. GREGORY: Correct. I'm just telling you the way the Orange County Sheriff's Department submitted it to us.

CHAIRPERSON DUDLEY: So we don't know to go with Sheriff Doyle's comment, don't know if it was unsubstantiated or unfounded, we just know that's the language they used.

MR. GREGORY: Yes. And some of the cases, obviously the force occurred, but they did not sustain any kind of complaint. They're submitting it to POST because they're required to submit any kind of complaint.

MEMBER DOYLE: Well, I guess I'm confused because

in our organization "unfounded" meant it didn't happen.

MR. GREGORY: Correct.

MEMBER DOYLE: So, okay. Thank you.

CHAIRPERSON DUDLEY: Looks like we don't have a definition of it.

MEMBER GLASER: Can I just comment on that point?

CHAIRPERSON DUDLEY: Let me just go with Dr. Clavo then you, Dr. Glaser.

MEMBER CLAVO: I kind of forgot my question. But he's trained in Jujitsu. Was that -- I heard in the interview? Was that correct?

MR. GREGORY: He was taking some training before the incident and then stated during his interview that he started taking more of it after the incident.

MEMBER CLAVO: How long had he been an officer at the time?

MR. GREGORY: Approximately 15 months he had been off training.

MEMBER CLAVO: And did the other instances have video? Or no video?

MR. GREGORY: I can't tell you because I did not investigate those cases.

MEMBER CLAVO: Okay. Thank you.

CHAIRPERSON DUDLEY: Dr. Glaser.

MEMBER GLASER: It is my understanding that the use

of "unfounded" varies from agency to agency. And that it's not consistently meaning there's an absence of --

CHAIRPERSON DUDLEY: I'm sorry, I misheard you.

MEMBER GLASER: It's not consistent across agencies that the "unfounded" designation means that there was -- that it's an exoneration.

CHAIRPERSON DUDLEY: That's correct.

MEMBER GLASER: And I would also want to know if we have any information about what their standard of evidence is for "unfounded" at that agency, because ours is clear and convincing.

MR. GREGORY: I don't know that.

CHAIRPERSON DUDLEY: Okay. And looking at the attorney, do you know that.

MR. HOFFMAN: I don't know that.

CHAIRPERSON DUDLEY: Okay.

MR. HOFFMAN: Not Orange County specifically.

CHAIRPERSON DUDLEY: Okay. Thank you.

Anything else, Dr. Glaser?

Hang on.

Dr. Glaser, anything else?

Okay. Then next Mr. Johnson and then Ms. Hartford.

MEMBER JOHNSON: Yes. So if I heard correct it was six incidents, three before this one, and two after this. He had been employed total time right now 15

months.

How close in proximity the first three incidents occurred before this particular incident?

CHAIRPERSON DUDLEY: I think you had a timeline in there.

MR. GREGORY: The first reported incident was May 9th, 2023; the second was June 4th, 2023; December 14th, 2023; the incident we're discussing today occurred on March 16th; and then there's March 21st, 2024; and September 20th, 2024.

CHAIRPERSON DUDLEY: Anything else, Mr. Johnson?

MEMBER JOHNSON: Yes. On those three priors, were the designation "unfounded"?

Or what was the designation of those?

MR. GREGORY: I have the first was one as "unfounded" by the agency, closed with POST.

On the second one, I have "unfounded and exonerated."

On the third, I have "unfounded" by the agency.

On -- not including our case, the next one was "unfounded."

And I have "not sustained" on the last one.

CHAIRPERSON DUDLEY: Was our -- was this case that's before this Board, was that found unfounded?

MR. GREGORY: No, that was sustained.

CHAIRPERSON DUDLEY: Okay.

MEMBER JOHNSON: Then the last part of my question, I think Dr. Clavo did ask, on all these incidents, there were no cameras involved? No video recording?

MR. GREGORY: I did not investigate those other cases.

MEMBER CRAWFORD: So I would say that your question's almost the same. So I'm trying to figure this one way. Six of them, you gave us the dates. They were within the six-month period from each one of the cases, total of six incidents, alleged incidents.

And you may have said this already.

Like I said, I'm trying to figure this out in my mind.

Of the six, the unfounded ones were by the agency or POST?

MR. GREGORY: Four of the other five cases have been closed out by POST as well.

MEMBER CRAWFORD: Closed out by POST. So they were investigated by POST?

MR. GREGORY: Correct.

MEMBER CRAWFORD: You mentioned -- so then the other two were unfounded by the agency.

So I'm trying to figure out which ones were by agency versus POST and their determination, basically is

what I'm trying to get at.

MR. GREGORY: The only case that has been submitted to POST that has been sustained by the agency is the one that we are discussing today.

MEMBER CRAWFORD: Okay.

CHAIRPERSON DUDLEY: As far as I understand it, there's another one that POST is not yet investigated. Okay? So there's this one --

MEMBER CRAWFORD: So two of them involved punching; correct? Or not -- hitting. I'm going to say "hitting." "Punching" sounds a little extreme.

MR. GREGORY: The final case that was submitted to POST on October 2nd, that we have not conducted the investigation on there indicated that Deputy Montalvo had used a punch.

MEMBER CRAWFORD: And then the other four did not involve any physical altercation or anything.

MR. GREGORY: I can't tell you about physical altercation. I can tell you that it -- none of the cases described any punching taking place by Deputy Montalvo.

CHAIRPERSON DUDLEY: And POST's evaluation, POST's standards for a finding is clear and convincing.

And just to be clear, POST doesn't exonerate; is that correct?

The four cases that POST considered, POST did not go further on the case because it didn't meet the standard of clear and convincing.

But POST does not exonerate.

I'm trying to make this clear for the Board.

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: Can I get clarification on that point, which is the closures by POST, were those the result of an independent investigation by POST?

Or were those the result of the unfounded findings by the agency?

MR. GREGORY: Somebody would have looked at the cases here at POST.

CHAIRPERSON DUDLEY: And it would have to rise to the standard of clear and convincing in order for POST to proceed.

Other questions?

MEMBER CLAVO: I would be interested in knowing on the four that POST did close, whether there was video footage.

CHAIRPERSON DUDLEY: Do you happen to know that?

MEMBER CLAVO: He wouldn't know. He didn't investigate it.

CHAIRPERSON DUDLEY: Okay. Well, POST investigated

it.

MS. DEL MUGNAIO: Yes.

CHAIRPERSON DUDLEY: So let's see what the Assistant Executive Director says.

MS. DEL MUGNAIO: Right. So this goes back to those P3 closures that we talked about where there is an abbreviated review. If they are exonerated, unfounded, not sustained, we review the crux of the case, meaning the agency's internal affairs investigation. And look at the findings as to how they got to the point of not sustained, or exonerated, unfounded. So it doesn't require video review in all of those cases.

We go back and audit those cases, specifically if we've got instances where we have multiple cases involving the same officer, we will pull those cases for audit.

Whether or not this one came up from an audit perspective, I don't know because I don't have the audit sheet in front of me. Typically those cases that involve, like I said, multiple cases against the same officer would come up for a P3 audit.

In this particular case, I want to speak to something Dr. Glaser asked, is what was the burden of proof on the part of the agency.

In terms of them taking any kind of administrative

action, disciplinary action, it would be preponderance.

I think what Mr. Gregory was pointing out is some of these cases may not have been complaints, charges or allegations, but there are reports of use of force that get reviewed by the agency as potential excessive use of force.

Orange County submitted those cases to POST, even though they may not be an actual complaint.

Now, those that there's a grievance by an inmate, I would suggest those are complaints and they need to be forwarded to POST like any other complaints would be forwarded.

So just to keep in mind, I think Chair Dudley asked the question as well, what does it mean that they've gone through a review and a commander's refused it -- reviewed it.

Any incident of use of force, my experience in a jail or prison setting is going to require some review by the commander or the lieutenant in that particular housing unit to look at whether or not the use of force was justified, was it within policy, et cetera.

So some of that may have landed with POST based on that review and then there was a subsequent grievance. And so that's why we're reviewing the case.

CHAIRPERSON DUDLEY: Yes, Mr. Johnson?

MEMBER JOHNSON: So, his entire sheet for incidents, six, all were centered as an in-custody Deputy?

MR. GREGORY: Correct.

CHAIRPERSON DUDLEY: Other questions from the Board?

(No response.)

CHAIRPERSON DUDLEY: Okay. I will proceed. We can always come back to more questions.

At this time, does the subject officer and/or their counsel wish to make public comment?

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

While committing -- excuse me. While commenting, keep in mind that the Board will only consider the facts as presented by the Division today, and will not consider any additional facts or defense 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 a high probability that serious misconduct as defined in Penal Code Section 13510.8 and Commission Regulation 1205 occurred?

With that said, is there anyone from the public who would like to address the Board at this time?

When it is your turn, you may state your name and organization, if you wish, and you will each be given five minutes to speak and the time limits will be strictly enforced so please ensure that you complete your comments within the allotted time.

So let me start first with is there an attorney or does --

MR. RUTKOWSKI: Yes, Madam Chair --

CHAIRPERSON DUDLEY: -- Deputy Montalvo want to --

MR. RUTKOWSKI: This is Brett Rutkowski attorney for Deputy Montalvo and Deputy Montalvo is with me as well.

CHAIRPERSON DUDLEY: Okay. And is Deputy Montalvo with you?

MR. RUTKOWSKI: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Please go on.

MR. RUTKOWSKI: Yes. Yes, ma'am. Like I said, good afternoon, members of Board.

My name is Brett Rutkowski and I represent Deputy Montalvo.

Just to begin with to discuss what was mentioned earlier regarding the six investigations or the six complaints. This incident here that we're here for

today is the only time my client has been interviewed in any capacity regarding any misconduct allegations into a use of force such as this.

The other items that were discussed, the other five, he was never interviewed on. And to be honest with you, I do not know the actual fact pattern behind any of though instances. But I can say that this incident here is the only time that my client was ever subject to an internal affairs investigation.

I'll continue on.

We are here today because the Orange County Sheriff's Department sustained an allegation of excessive use of force and consistent with SB 2 reported the matter to POST.

The department took that obligation seriously. They conducted an internal affairs investigation, reviewed all evidence and imposed the discipline, which was a four-day suspension.

And as you heard, Deputy Montalvo still works as a deputy with no restrictions in the department.

The department's evaluation of this case was not made lightly.

It was reviewed and signed by one assistant sheriff and a commander, who is now an assistant sheriff. These are law enforcement executives who understand the

gravity of excessive force and the public trust that goes with the badge.

There is nothing in this record, nothing suggesting that there was any minimizing of the conduct, ignoring -- ignoring Deputy Montalvo's obligations and duties or trying to quote, unquote, to sweep misconduct under the rug.

The reason why I bring that up because it has been suggested at times that the Board or the Commission is not beholden to any agency's discipline because of concerns that some agencies may try to do just that.

There's absolutely nothing in this record to support that here. There is no evidence, none, that anyone in OCSD's command was trying to do just that.

I want to make perfectly clear, the 40-hour suspension was the original, deliberate decision by OCSD leadership. It was not the result of a Skelly hearing or some backdoor deal or settlement agreement. This is what they felt.

And my concern with this case is that I believe it's important to understand why they came to that decision. Because at the end of the day, a decertification is a termination.

We -- I mean, we can use nice words, but at the end of the day it's a termination for Deputy Montalvo to not

operate as a peace officer within the State of California, and arguably, in the United States.

But an agency like the Orange County Sheriff's Department still employs him felt 40 hour was appropriate.

And why?

In my opinion, it's because it's a training issue. It is a training issue.

As you've already from the investigator on this case for POST, my client only had roughly about a year and a half or less as a peace officer. And from my understanding, he was just a few months removed from obtaining his basic certification with POST.

And this was brought up early on in an unrelated matter here at this hearing when all the -- when the presentation was shown regarding the statistics.

But something very interesting was mentioned by one of the Board members and I think it's pertinent here.

You need to consider if this is a pattern with Deputy Montalvo, specifically these excessive use of forces. And I'm concerned now that you're relying on the other five or six instances to factor into that judgment.

But the fact of the matter is, is those instances were never investigated, specifically as it concerns

accusing my client of misconduct. Otherwise, why was my client -- why was my client never interviewed?

The answer here is that this is not a repeated issue. This is a correctable issue.

And I believe that was mentioned earlier during the session when all the information was being shown that this is a correctable action. There's an opportunity to show actual correction from Deputy Montalvo.

And as you heard during the investigation and the presentation, my client admitted, he was not trying to run away, he believed he had tunnel vision. And for any of the law enforcement Board members on there, they know exactly what that means, especially being a young officer engaged in a use of force.

And that's exactly what happened here.

And to be to decertify him would negate the ability for Deputy Montalvo to be able to show that this is correctable.

Last part I'll say and I will be done. This is the most recent evaluation that was issued: "Armando, your performance reflects an untiring commitment to excellence, safety and service. Your leadership, integrity and dedication serve as a model for others and I'm proud to have you a representative of our department."

That was from the leadership of Orange County Sheriffs.

I thank you for your time.

If you have any questions, I'll be happy to answer them.

I know Deputy Montalvo was to add a few points, if that's possible.

CHAIRPERSON DUDLEY: Who signed the evaluation?

MR. RUTKOWSKI: This was signed by Lieutenant Ruffong, R-U-F-F-O-N-G. And then at the bottom it has an executive command signature, which I cannot read, it was dated 9-5-25, September 5th, 2025.

CHAIRPERSON DUDLEY: Okay. Thank you so much.

We may come back to you with more questions.

Do you have questions now for the attorney or would you like to hear from Mr. Montalvo.

Okay. Deputy Montalvo, please.

DEPUTY MONTALVO: Hello, everyone. Thank you for having me. I just have a brief statement.

I just want to sincerely apologize for my actions. As a young deputy, I know I made a mistakes, so -- based on my lack of training.

But I want all of you guys to know it was never my intention to cause any problems.

I had time to think about everything and I have

learned a lot from it, which I've taken it upon myself to continue training with my department and outside as work as well.

I truly care about my job and the people I work with. I'm asking for second chance to show I've grown and I will represent the badge the right way.

Thank you for your time.

CHAIRPERSON DUDLEY: Thank you.

Your comment about a lack of training.

Do you think that there's a lack of training in your decision to hit his head on the cement floor after the 28 punches? You think that --

DEPUTY MONTALVO: No.

CHAIRPERSON DUDLEY: Would you need someone to tell you after you punched someone 28 times and their hands are cuffed, or restrained, that one last pound on the floor was okay?

DEPUTY MONTALVO: No, I think it's just with the -- being very young in the department, and not being involved in situations like that, I think I just got tunnel vision. And I can't really explain what happened. It just -- when adrenaline's pumping, things happen.

CHAIRPERSON DUDLEY: I understand. I just want to be clear about that, that part, that you would need

someone to train you that that was unacceptable behavior.

DEPUTY MONTALVO: No.

CHAIRPERSON DUDLEY: Okay. Thank you.

Questions from other Board members?

Doctor?

MEMBER CLAVO: So I've heard it mentioned several times, "lack of training."

What are you referring to "lack of training"?

Because when chair woman Dudley just asked you, you mentioned just "tunnel vision" and I've heard that stated a few times, through the interviews and things of that nature.

So explain to me, do you feel that the academy you went through is not sufficient?

Or that you needed more on-the-job training after 14 months?

I'm trying to understand the lack of training.

DEPUTY MONTALVO: Obviously in the academy you do a lot of things. You do at lot of punching, striking, you do some arrest control techniques as well.

I think based on the -- my personal -- everybody's different -- I lacked the part of using arrest and control techniques.

Obviously I think that's why, at that time, I just

struck him so many times -- striked him so many times, sorry -- because I could not get his hands out and that was based on my lack of training because I didn't know how to pry his arms out.

Now, if you would ask me, I attempt to stay away from striking as much as possible.

I try to rely on my arrest and control techniques and obviously now I try to pause, think of what I'm doing, assess a situation and then reassess again. That's all the stuff I've been learning from my weekly trainings, as well as my outside trainings that I do.

MEMBER CLAVO: Follow-up question.

What -- you stated not punch or punch as least as possible.

So, what would define a reason for you to use punches?

DEPUTY MONTALVO: Someone that's obviously being assaultive towards me.

Not actively resisting, but being very assaultive.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Yes.

MEMBER CRAWFORD: How are you doing, Deputy Montalvo?

My question is: We really couldn't see in the camera and so -- the camera is angled from behind.

And when the gentleman was going over to take the picture, what did he do that triggered you needing to pull -- I guess, assumingly -- I'm assuming you were pulling his hands back to handcuff him, I'm assuming.

DEPUTY MONTALVO: So normally during that procedure, they -- they're -- we call it, like, the intake process. So these guys are coming in drunk and high. Sometimes they don't speak the language.

So what I was doing, I clarified, like, "Hey, man, do you speak English?"

He's like, "No, I speak Spanish."

I was like, "Okay. I speak Spanish as well."

So I was like -- I gave him, like, "Hey, man, come on. Stand up. Walk this way. Walk this way."

He didn't understand. I grabbed him by the arm to try to guide him. And then he had told me like, "Hey, I don't speak English."

But then he said words, "Hey, don't grab me."

And then obviously he pulled away and from him pulling away, that's when I tried to put his hands behind his back and control him. But I failed to do so.

MEMBER CRAWFORD: Thank you.

CHAIRPERSON DUDLEY: Does any other Board member have a question?

MEMBER JOHNSON: Yes. Johnson.

CHAIRPERSON DUDLEY: Oh, thank you.

MEMBER JOHNSON: I'm curious to know, and I'm not sure if your representative will let you speak to it, but there were three prior incidents before this particular one. And two after this.

There was no -- to our knowledge, there was no video. To our knowledge, they were unfounded.

How did you happen to be in the proximity of those three incidents at the time they occurred?

DEPUTY MONTALVO: Normally, it's either they call over the radio, "Hey, additional deputies" or you're dealing with another inmate and something else happens and you respond. So based on the whole situation, I've been involved in a lot of situations when something's taking place and somebody goes out over the radio and I respond. I'm first, second one there, and I'm assisting. So I -- it's basically either call through the radio or you observing -- you responding and act upon it.

MEMBER JOHNSON: So, it -- it sounds as though you actually did put your hands on the individuals?

DEPUTY MONTALVO: Sorry.

MEMBER JOHNSON: You did actually put your hands on the individuals when you showed up to the scene for those three incidents prior to and the two afterwards?

DEPUTY MONTALVO: Yeah, normally if I'm on -- if we catch paper on a use of force, even if I wasn't involved in it, you putting hands on an inmate by placing handcuffs or grabbing his arm, or leg shackles or leg restraints, you're automatically tied to that report.

MR. RUTKOWSKI: And I just want to be clear also, we're not really familiar, the fact pattern behind these other use of forces, because he was never interviewed on these.

And, again, we don't have -- at least on our end, we don't have any documentation specifically on if he was just responding and just like Deputy Montalvo said, he may have put an arm on a suspect or the inmate and that was it. But because it was a use of force now he's implicated involved in it.

There's a lot of moving parts in these use of forces. I'm sure the other Board members, specifically the Sheriff himself, would be able to speak to that. Or at least provide a little guidance on that.

I'm not saying for here at this hearing, but there's a lot of moving parts when it comes to a use of force and who was present, who put hands on, who didn't.

CHAIRPERSON DUDLEY: Any other questions from Board members?

Sheriff?

MEMBER DOYLE: Yeah, I mean having -- and I'm sure it is the same now as when I worked in the jail, which was a long time ago, is that deputies are trained really to react very, very quickly to -- to any kind of discretion simply when -- and I noticed that there were other inmates out.

And so I'm assuming that jail deputies in Orange are trained similarly, that when something happens, you need to quickly resolve those things, especially when you have other inmates loose, to maintain control in jails, which are pretty unique places.

DEPUTY MONTALVO: Yes, sir. Obviously, we're trained, like, when an altercation breaks out, whatever it is, radio transmission, you observe it, respond quickly.

And it's matter of seconds where things can go wrong and, obviously, you only have a matters of seconds to break down what's going on.

Hey, what do I do? Do I go hands on? Do I go hands off?

Most of the time when you're in the jails you don't know the inmate, you don't know what their background is, you just go hands on. And after you discuss, like what happened, but obviously, yes. That's correct.

MEMBER DOYLE: Thank you.

DEPUTY MONTALVO: Thank you, sir.

CHAIRPERSON DUDLEY: Captain Lara, did you have anything?

MEMBER LARA: I do not.

CHAIRPERSON DUDLEY: Mr. Johnson, anything else?

MEMBER JOHNSON: Yes, another question.

So I understand you're in some form of training now.

DEPUTY MONTALVO: Yes, sir.

MEMBER JOHNSON: These incidents will occur around you, I'm sure, in the future.

How do you believe these trainings will help you not be caught up in a situation where you're under an investigation for excessive force?

DEPUTY MONTALVO: For example, this morning, I was at work, I'm actually dressed in uniform. I had training as well, I had risk control, which I attend -- try to attend every week, if not twice a week.

My instructor always says, "All right, you're here. You're on the floor with an inmate. Assess. What are you doing? Do you need to back off? Do you need to give him time to respond?"

Based on that, I've learned you know, time. Give him time. Not all inmates are going to respond quickly, especially if they're under the influence of alcohol or

drugs. You don't know. And you can't assume, right. Sometimes the language barrier. So you have to assess, give them time, back off.

And like I said, I trained Jujitsu outside of work too. It's not -- it's a self-defense mechanism. It's to defend yourself. It's not pre-tac, like boxing or striking. I'm trying to basically stay away from that, obviously, because I'm -- I got in trouble and I'm here now.

CHAIRPERSON DUDLEY: Dr. Glaser?

Anybody else?

Okay. Thank you.

Let's see if your counsel has something else he wants to say?

MR. RUTKOWSKI: No, Your Honor. I'm sorry, not -- a different forum.

CHAIRPERSON DUDLEY: I make my children call me that too.

MR. RUTKOWSKI: I'll call you that as well.

CHAIRPERSON DUDLEY: Anything else?

Okay. And there's no public comment in the room?

There is public comment in the room.

Come up, Ms. Johnson.

Does Ms. Johnson have a mic there?

Great.

BEATRICE JOHNSON: Yes. Good afternoon.

CHAIRPERSON DUDLEY: Good afternoon.

BEATRICE JOHNSON: I'm a citizen and I would be very uncomfortable knowing that that officer was back in the community. He mentioned, what is it when you get excited? Exhilaration? Adrenaline. That's how people get killed. Adrenaline.

A whole bunch of people have been killed by the police because of adrenaline.

I don't think that this is the occupation for him. We cannot take chances. We have too many people being killed by the police. And if this was your only incident, to me, I would see you as troublesome. Even if you didn't get -- they didn't find something. That's a whole lot for 18 months.

So, I would consider you troublesome. I would not feel safe if you was in the community.

You look like you smart. I feel like you should get another occupation. Because you -- these words you are using in training, training is training physical, too. But they also train to protect and serve.

And at no time, if you asked him, do he speak English or does he speak English? I felt like when I was looking in the video, I didn't see any aggression until you took aggression.

So if you can ask him does he speak English why didn't you ask him put hands behind his back. He might have just did it. That's protect and serve. Serve the public.

So I think that I would be very nervous and I know a lot of people would be very nervous. It would not be comfortable. And I feel sorry for the community you work in, because that person that you did assault, what's going to happen when he see you? You going to traumatize him for the rest of his life.

So yeah. Thank you.

CHAIRPERSON DUDLEY: Thank you, Ms. Johnson.

Any other comments, public comments?

Okay. Any further questions before we discuss this case?

Questions, comments?

Yes, Dr. Clavo?

MEMBER CLAVO: If my fellow Board members will entertain me, can we see the video one more time?

CHAIRPERSON DUDLEY: Sure. Of course.

MEMBER CLAVO: We can watch it in closed session. No worries. I have it on my laptop. On your laptop.

CHAIRPERSON DUDLEY: Let me just make sure.

It's up.

(Video played.)

MEMBER CLAVO: Okay.

CHAIRPERSON DUDLEY: Okay. Any other comments or questions?

(No response.)

CHAIRPERSON DUDLEY: Okay. Let's get into discussion.

Let me read something, please.

The meeting will adjourn into closed session for deliberations on this case.

The Board members will now exit the room and be back for regular session shortly.

Thank you, everyone.

(Time noted: 2:27 P.M.)

(Closed session held:

2:33 P.M. to 2:49 P.M.)

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(Time noted: 2:55 P.M.)

CHAIRPERSON DUDLEY: We'll now convene in regular session to take a vote on the Board recommendation in the matter of case POST 2402562, Armando R. Montalvo, who at the time of the events at issue in this case was and is still currently employed with the Orange County Sheriff's Department.

What comments does the Board have on this matter?

Dr. Glaser?

MEMBER GLASER: I would just move that we recommend revocation.

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER GLASER: I move that we recommend revocation of certification.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER CRAWFORD: Second.

CHAIRPERSON DUDLEY: Thank you.

Is there any discussion? Any further discussion? Questions? Comments?

Okay.

MEMBER DOYLE: Yeah, I do have a comment.

CHAIRPERSON DUDLEY: Please.

MEMBER DOYLE: I mean, having worked in jails and I know that it's a totally different environment. And even though the video doesn't look good, I don't think it rises to the level of ending the deputy's career.

CHAIRPERSON DUDLEY: Okay. Any other comments? Questions?

Thank you, Sheriff.

Yes?

MEMBER CRAWFORD: Well, the purpose of this committee is not to always go in and want to, you know, remove anyone's position. You never want to take anyone's position.

But coming from my experience, my community, and seeing some of the things I seen in that video, it was very disturbing.

And I know that we would be a disservice to allow the officer basically in training that eventually will be on the street, that will be patrolling the area, and that is very concerning, because the fact of it is, there are too many times there has been complaints filed about officers that were ignored, that were dismissed. And the community probably could tell you better than anyone else the probability of a officer pulling a gun and killing someone.

I would have rather him taking training, not in jujitsu, but probably in de-escalation and how to deal with the community.

So that's what was kind of disturbing for me.

CHAIRPERSON DUDLEY: Okay. Thank you, Ms. Hatcher-Crawford.

Any other comments? Okay.

Ms. Essex, will you take a roll call vote, please?

MS. ESSEX: Clavo.

MEMBER CLAVO: Aye.

MS. ESSEX: Clavo, aye.

Crawford.

MEMBER CRAWFORD: Aye.

MS. ESSEX: Crawford, aye.
Doyle.
MEMBER DOYLE: No.
MS. ESSEX: Doyle, no.
Dudley.
CHAIRPERSON DUDLEY: Yes.
MS. ESSEX: Dudley, aye.
Glaser.
MEMBER GLASER: Aye.
MS. ESSEX: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MS. ESSEX: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MS. ESSEX: Lara, aye.
There's six ayes. Motion passes.
CHAIRPERSON DUDLEY: Okay. Thank you.
As this was the last item on the agenda, do any of the members of the Board have any additional comments before we adjourn?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, I'll need a motion to adjourn.
MEMBER DOYLE: So moved. Doyle.

CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, 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, Connie J. Parchman, 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 23rd day of October 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137