AGENDA ITEM REPORT

Title: POST2402562 - ARMANDO R. MONTALVO (POST ID: C89-U13)
LAST EMPLOYING AGENCY: ORANGE COUNTY SHERRIFF'S DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 12/03/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY Marcus Gregory		**REVIEWED BY** Christine Ford
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Orange County Sheriff’s Department on February 25, 2022, as a deputy sheriff in training. Respondent completed his training program on September 9, 2022. At the time of the events at issue, Respondent was employed as a Deputy Sheriff with the Orange County Sheriff’s Department.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

On March 16, 2024, Respondent was involved in a use of force incident with an inmate, hereafter “INMATE”, while working at the Intake Release Center. During the use of force incident,

Respondent visibly punched INMATE approximately twenty-eight (28) times in the face, head, and upper body while three other deputies assisted and threw numerous punches at INMATE. INMATE at the time was not assaultive towards the deputies and was only showing passive resistance by not giving up his hands while lying prone on the ground. At one point after delivering the punches, Respondent lifted INMATE's head and slammed INMATE's face against the concrete floor while INMATE was pinned down by deputies. Respondent was cooperative with the investigation and acknowledged the force used was unreasonable. As a result of the administrative investigation the Orange County Sheriff's Department sustained a finding that the force used by Respondent was not within policy. As a result of the sustained finding Respondent received a 40-hour suspension.

Audio/Video Evidence Links:

- **BR06 POST2402562 Attachment C Video 1 24 009233 Redacted**
- **BR07 POST2402562 Attachment D Video 2 24 009233 Redacted**
- **BR08 POST2402562 AttachmentE Handheld video 24 009233 Redacted**
- **BR09 POST2402562 Attachment F INMATE Use of Force Interview Redacted**
- **BR10 POST2402562 Attachment G Respondent Interview Redacted**
- **BR11 POST2402562 Attachment H Respondent Interview II Redacted**
- **BR12 POST2402562 Attachment I Deputy Vega Interview**
- **BR13 POST2402562 Attachment J Deputy Chen Interview**
- **BR14 POST2402562 Attachment K Deputy Herrera Interview**

ANALYSIS:

Clear and convincing evidence substantiated that Respondent violated California Penal Code §13510.8(b)(3) and Commission Regulation 1205(a)(3) regarding physical abuse; in that the force used by Respondent was excessive wherein Respondent punched INMATE twenty-eight (28) times and slammed INMATE's head onto the concrete floor. Respondent's use of force was unreasonable and excessive based on the level of resistance offered by INMATE.

RECOMMENDATION: The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2402562_Montalvo_Armando_ISF_Final (1).pdf
BR02_POST2402562_Executive_Review_Division_Recomendation.pdf
BR03_POST2402562_EDI_Profile_Montalvo_Armando_Redacted.pdf
BR05_POST2402562_Attachment_B_OCSD_Use_of_Force_Report_24-009233_Redacted.pdf
BR04_POST2402562_Attachment_A_OCSD_Report_24-009233_FINAL_Redacted.pdf
POST2402562_Montalvo_Armando_October_2025_POSAAB_Agenda_Record.pdf
POST2402562_Montalvo_Armando_Board_Recommendation_Signed.pdf
POST2402562_Montalvo_Armando_Transcript_Board_10.09.2025.pdf