Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

NOTICE OF DETERMINATION

CASE NO.: POST2500683 **SUBJECT OFFICER:** Rudy Aceves, Jr.

POST ID: C39-N12 **EMPLOYING AGENCY:** Tulare County Sheriff's Office

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POST INVESTIGATOR: Robert Maynard

NOD DATE OF ISSUANCE: 10/22/2025

ALLEGED MISCONDUCT: PC 13510.8 (b)(3)/11 CCR 1205(a)(3) – Physical Abuse

EXECUTIVE SUMMARY:

While working at the South County Detention Facility on September 1, 2024, Rudy Aceves, Jr., hereinafter "Respondent", was escorting an inmate, hereinafter "Victim", from a holding cell to the Processing Station for completion of the booking process. The Victim was not handcuffed or otherwise restrained and was walking with his hands in his pockets. Respondent directed the Victim to a wall with a measurement backdrop in preparation for taking a booking photo. While facing the wall, the Victim turned his head toward Respondent, and according to Respondent, said in Spanish, *"I'm going to kill you."* Respondent asked the Victim to repeat what he said, and the Victim responded in Spanish, *"I'm going to kill you, you son of a bitch."* The Victim never removed his hands from his pockets during the entire interaction. While the Victim could be seen speaking to Respondent, it could not be confirmed what the Victim said because Respondent had not activated his body-worn camera.

Immediately after the Victim made the second statement, Respondent without warning punched the Victim in the head and face four times with his right and left closed fists, took him to the ground and punched him at least twice more. A responding Jail Deputy assisted Respondent handcuff the Victim.

The Tulare County Sheriff's Office conducted an internal investigation and sustained numerous policy violations as well as the allegation Respondent used unreasonable/unwarranted force against the Victim.

Respondent was served with a Notice of Proposed Discipline – Termination and, following a Skelly Hearing, Respondent was terminated on February 6, 2025.

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POST issued an Immediate Temporary Suspension of Respondent's Proof of Eligibility on April 4, 2025.

Respondent appealed his termination. On May 5, 2025, before his Arbitration Hearing, Respondent entered into a Settlement Agreement with Tulare County which allowed him to resign from the Tulare County Sheriff's Office in lieu of discipline, effective February 4, 2025, and stipulated he was ineligible for rehire.

Analysis of jail surveillance video and Respondent's statements during an Internal Affairs interview establish by clear and convincing evidence that Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(3) and Title 11, CCR 1205(a)(3) – Physical Abuse, specifically in the form of Excessive/Unreasonable Force.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code Section 13510.8 (b)(3) and Title 11, California Code of Regulations Section 1205 (a)(3) – Physical Abuse**

Penal Code Section 13510.8 (b)(3) and Commission Regulation 1205 (a)(3) defines as serious misconduct "Physical Abuse including, but not limited to, the excessive or unreasonable use of force."

Analysis of jail surveillance video and Respondent's statements during the internal affairs interview establish clear and convincing evidence that Respondent used unreasonable and excessive force when he punched the Victim's head and face with his closed fists, in response to a verbal statement with no corresponding physical threat.

Respondent failed to activate his body worn camera, but the incident was captured on jail surveillance video, and as such there is no accompanying audio. Surveillance video showed the Victim was unsteady on his feet as he walked from the holding cell to the Processing Station and appeared to be under the influence. The Victim, who was previously searched by Respondent, never removed his hands from his pockets until he was punched in the head. When the Victim did remove his hands from his pockets he did not respond with aggressive or assaultive behavior but only attempted to shield his head from additional blows. Respondent then used his body weight to take the Victim to the ground and continued punching him in the head with his closed right fist at least twice before another arriving Jail Deputy assisted handcuffing the Victim. Respondent said he had to continue punching the Victim while they were on the ground because the Victim "was tense trying to pull away", but video showed the Victim was not actively resisting Respondent and was using his hands to shield his head from more punches.

The Victim had been arrested by another agency and charged with being under the influence of an unknown substance, and Respondent described the Victim as "compliant", "docile" and

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"seemed to be coming down off whatever he was on" when removed from his cell and walked to the Processing Station.

Respondent said when they reached the photo area, the Victim threatened his life saying in Spanish, *"I'm going to kill you."* When asked to repeat what he said, the Victim responded in Spanish, *"I'm going to kill you, son of a bitch."* Respondent immediately began punching the Victim, who still had his hands in his pockets, telling the Internal Affairs investigator there was an "imminent to immediate" threat to his life.

Respondent asserted, during his Internal Affairs interview, that calling him a "son of a bitch" in Spanish was what caused him to assault the Victim. The Respondent said:

- *"In English, you can call me son of a bitch all you want, I'm not going to flinch. I'm like whatever, but in Spanish, and the Hispanic culture when someone calls you a son of a bitch it's a real big offense. You just don't say that to somebody unless something is going to happen."*
- *"This guy means business, this guy literally means business…especially after he told me he was going to kill me…the threat is easily going from imminent to immediate."*
- *"If there's an imminent threat to your life, to possibly an immediate threat, you have every right to take action first due to the fact that action is quicker than reaction."*
- *"Bringing up my culture, as soon as he said [unintelligible], it's like I know it's game on, either I defend myself first or I'm easily gonna become a victim right now, especially against a threat against my life."*
- *"So at that time, you know, going back to Hispanic culture, he meant business. I knew if I had stood there I was easily gonna become a victim, possibly even been severely hurt due to his statements."*
- Respondent was asked if he took the threat against his life more seriously or the portion of the threat when the Victim cursed at him. Respondent replied, *"there are cultural differences." "Like I said in Spanish that has great significance, we take things like that seriously. Once he adds the 'hijo de puta' in there, that takes it from zero to a hundred. I better stand my ground and defend myself right now. That particular phrase means you're gonna become a victim if you don't act."*

Respondent was asked if the Victim was trying to strike him while they were on the ground. Respondent replied, *"No, but I remember he was tensing his body trying to pull away from me."* Video analysis shows the Victim was not actively physically resisting but was trying to hold his arms and hands against his head to shield himself from additional punches. Further,

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Respondent said the Victim was not making any verbal threats while they were on the ground, stating, *"No, I remember he was kinda grunting or screaming."*

Respondent offered senseless and irrational reasons for believing the Victim posed an immediate physical threat while his hands were in his pockets:

- Respondent did not remember where the Victim's hands were, but stated, *"to me it doesn't matter where the person has their hands, they can have their hands anywhere, they are capable of assaulting you no matter where their hands are."*
- Respondent said the Victim was exhibiting pre-assaultive behavior, *"tensing his body and his facial expression, he was grinding his teeth."* Video evidence does not support this.
- Respondent said additional pre-assaultive behavior was the Victim turning towards him off the wall, but video shows the Victim never fully turned to face the Respondent and turned his head farther toward him to respond when Respondent asked the Victim to repeat what he said.
- Respondent said he did not call for assistance because there was no time due to the immediate threat to his life. Video evidence does not support the existence of any immediate physical threat.
- Respondent said, "*there was no telling if he had something at that given time"* and that *"he could have fashioned a weapon while in his cell"*, yet Respondent had searched the Victim prior to placing him in the cell.
- Respondent said the Victim could have come into the facility with something hidden in his anal cavity. Although inmates have been known to smuggle contraband such as drugs in their anal cavity, it is highly unlikely such method would be used to smuggle a weapon into the jail facility. Further, the Victim was arrested on charges of public intoxication, making it unlikely he was secreting a weapon in his anal cavity prior to be being arrested. Additionally, if Respondent thought the Victim could have had a weapon, Respondent could have ordered the Victim to take his hands out of his pockets and performed another pat down search of the Victim. Punching the Victim while his hands were still in his pockets was unreasonable under the circumstances.
- Respondent said he had to take the Victim to the ground to keep him from opening and running out of a door, but the investigation showed that the doors in the area were locked and controlled by a Jail Deputy in the Control Room. Respondent replied that sometimes Control Room Deputies unlock the doors by accident, and sometimes the doors don't close all the way, so they are unlocked. On their face, these statements seem to be an attempt to rationalize Respondent's behavior.

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Regardless of Respondent's belief regarding the cultural impacts of certain phrases used in the Hispanic culture, peace officers are expected to control their emotions and react rationally and reasonably to situations with which they are presented. Being subjected to rude or offensive language, especially from intoxicated individuals, is not unusual for a peace officer. The Respondent's extreme and unreasonable reaction to verbiage, absent any identifiable physical threat, is egregious behavior in direct contradiction with a peace officer's responsibility to the public and constitutes serious misconduct.

Title 11, California Code of Regulations 1213(a) requires the Commission to consider the following factors applicable to this case when considering whether to take action against a peace officer's certification:

- The nature and severity of the act or omission
- Whether the alleged conduct was committed under the color of authority or while the peace officer was acting in the capacity of a peace officer
- The extent to which discipline, or forbearance from discipline, would impact the best interests of the public, the public service, the employing agency and/or the law enforcement profession
- The motives of the peace officer that resulted in the conduct
- The clarity with which the peace officer was on notice of any rules that were violated in committing the offense
- The extent to which the act or omission was done intentionally, willfully, or maliciously
- The likelihood of recurrence

Respondent has a history of disciplinary actions related to Sustained Physical Abuse allegations, minimizing the force used when completing use of force reports, failure to complete use of force reports when required and failure to activate his body worn camera during incidents involving the use of force:

- August 23, 2014 – Respondent used his hand to strike an inmate's head causing the inmate's head to strike a concrete wall and subsequently fall to the ground. Respondent wrote in his use of force report that he "firmly placed" the inmate's head against the wall. Respondent received a one-step reduction in pay for 10 pay periods.
- September 18, 2022 – Respondent assisted another Jail Deputy to restrain an unhandcuffed inmate in a cell by holding his legs down. Respondent failed to activate his body worn camera and failed to complete a use of force report, as required by policy. Respondent received a Formal Written Reprimand and Use of Force refresher training.
- October 8, 2022 – Respondent forcefully pushed a female inmate backwards into her cell, causing her to fall backwards onto concrete surfaces. Respondent also failed to

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activate his body worn camera, briefed his sergeant he had to "assist" the inmate back into the cell, and failed to complete a use of force report. Respondent received a 48-hour suspension and Force Options training. This case is currently open with POST (POST2307646).

- April 13, 2023 – Respondent deployed a taser into an inmate's chest for three full consecutive 5-second cycles without evaluating the effectiveness in between each cycle. Respondent stated he may have forgotten he had his finger on the trigger. Respondent received a 48-hour suspension and Taser, De-escalation, Force Options and Ethics training.

FINDINGS

The Peace Officer Standards Accountability Division has determined, by clear and convincing evidence, Respondent committed serious misconduct, as defined in Penal Code Section 13510.8(b)(3) and Title 11, California Code of Regulations 1205(a)(3) – *Physical Abuse, including, but not limited to, the excessive or unreasonable use of force.* For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

Based on its investigation and the consideration of factors enumerated in Title 11, California Code of Regulations 1213(a), the Peace Officer Standards Accountability Division has determined that reasonable grounds exist to seek suspension or revocation of the Respondent's certifications, in accordance with Penal Code section 13510.85.