

**San Antonio Police Department  
Internal Affairs Unit  
Investigation Report**

Date of Incident: 10-23-09

Date Received: 12-09-09

Date Expires: 04-20-10

Attention:     ( )   Internal Affairs Unit File                     ( )   Chairman, Advisory Action Board  
                  ( )   Advisory Action Board

Respondent: Officer Mathew Belver #1106 (WPC)

Complainant: Carlos Flores, 979 SW 36<sup>th</sup> San Antonio, TX 78237  
Administration 214 W. Nueva San Antonio, TX 78207

**Synopsis:**

**(Part I)** At approximately 0210 hours on October 23<sup>rd</sup>, 2009, SAPD Officer Matthew Belver #1106 (WPC) arrested Mr. Carlos Flores for Driving While Intoxicated (DWI) at Pinn Rd and Westfield SAPD case #9-0803008. Mr. Flores stated that while handcuffed and in the back seat of Officer Belver's patrol vehicle, he repeatedly begged, then argued for Officer Belver to release him. Mr. Flores alleged that Officer Belver stated "If you can kick my ass, I will let you go" and added that even though he declined Officer Belver's challenge, Officer Belver allegedly entered the back seat area of the patrol vehicle (where Mr. Flores had been placed by Officer Belver) and repeatedly struck Mr. Flores in the head, arms and back. Mr. Flores admitted kicking Officer Belver, but only because he was scared and was trying to defend himself from Officer Belver's assault. In addition to DWI, Mr. Flores was also charged with Resisting Arrest, Assault on a Public Servant and issued 6 traffic citations.

On December 2<sup>nd</sup>, 2009, Mr. Flores brought 7 photographs of himself, identifying visible injuries to his left and right facial area, including his cheek and chin as well as his back and upper left shoulder.

**(Part II)** On January 15<sup>th</sup> 2010 Officer Belver responded to the allegation made by Mr. Flores on an Internal Affairs Response Report. Officer Belver denied the allegations, specifying that he used "Open Empty Hand Techniques" to hold down Mr. Flores on the "concrete." Officer Belver added that he never observed any injury on Mr. Flores because arriving officers took control of Mr. Flores and no further contact was made with Mr. Flores by Officer Belver.

Following the answers given by Officer Belver on his Response Report dated January 15<sup>th</sup>, 2010, two issues were addressed. The first issue was with Officer Belver's claim that he never observed any injury on Mr. Flores, even though photographs (personal, booking, and detention) visually depicted injury to Mr. Flores. Documentation from the date of Mr. Flores' arrest, such as Booking Slips and the Magistrate Intake Form noted "visible injury" on Mr. Flores.

**San Antonio Police Department  
Internal Affairs Unit  
Investigation Report**

The second issue was a conflict in details on Officer Belver's DWI Report which described that Mr. Flores refused to give a specimen of breath or blood. This was inconsistent with a Response Report by Officer Belver dated January 15<sup>th</sup>, 2010 in which Officer Belver noted that he had no contact with Mr. Flores once arriving officers had taken control of Mr. Flores. Officer Belver further emphasized not having contact with Mr. Flores because Mr. Flores was transported by the Police Wagon to the SAPD Detention Center and placed in a cell prior to Officer Belver's arrival at the Detention Center.

**Allegation #1:** On Friday, October 23rd, 2009, SAPD Officer Matthew Belver #1106 (WPC) arrested Mr. Carlos Flores for Driving While Intoxicated at the intersection of Pinn Road and Westfield Drive. Mr. Flores stated that after he had been handcuffed and put in the patrol car, he repeatedly begged Officer Belver to release him. Mr. Flores stated that Officer Belver told him, "*If you can kick my ass, I'll let you go.*" Mr. Flores stated that he declined Officer Belver's offer, but Officer Belver allegedly entered the back seat area where he was seated and repeatedly struck him in the head, arms and back while Mr. Flores was handcuffed.

**This conduct may be a violation of the San Antonio Police Department's General Manual:**  
Rule and Regulation 3.26, Treatment of Prisoners.

TREATMENT OF PRISONERS: Prisoners shall be protected in their legal rights, given humane treatment, and shall not be subjected to verbal abuse or unnecessary physical violence.

**Allegation #2:** On Friday, October 23<sup>rd</sup>, 2009, SAPD Officer Matthew Belver #1106 (WPC) arrested Mr. Carlos Flores for Driving While Intoxicated at the intersection of Pinn Road and Westfield Drive (SAPD Case #9-803008). Mr. Flores was transported and booked into the SAPD Detention Center. Mr. Flores alleged that Officer Belver repeatedly struck him, causing injury to his face, neck arms and back. The Magistrate Services/Detention Center Arrested Person Registration /Property Form identified visible injuries at the time of booking and also noted Mr. Flores claimed injury. In addition Mr. Flores was photographed at the SAPD Detention Center approximately 1 hour after his arrest. Facial injuries were visible in this photograph.

The Administration alleges that Officer Belver failed to transport Mr. Flores to 527 North Leona as required for prisoners exhibiting or complaining of minor injury.

**This conduct may be a violation of the San Antonio Police Department's General Manual:  
Procedure 601 Prisoners .14 INJURED / SICK PRISONERS A. Officer Responsibilities**

2. Prisoners exhibiting or complaining of minor injury or sickness not requiring immediate medical attention are transported by the arresting officer to the Downtown University Health Care Building located at 527 North Leona or University Hospital, 4502 Medical Drive. Should the arresting officer be involved with other duties, another officer is assigned to transport the prisoner.

**Allegation #3:** On Friday, October 23<sup>rd</sup>, 2009, SAPD Officer Matthew Belver #1106 (WPC) arrested Mr. Carlos Flores for Driving While Intoxicated at the intersection of Pinn Road and Westfield Drive (SAPD Case #9-803008). In a DWI Report (SAPD Form 24-1A) written by Officer Belver subsequent to the arrest, Officer Belver reported Mr. Flores refused to provide a specimen of breath or blood. The Administration alleges that Officer Belver was untruthful in his Response Report dated January 15<sup>th</sup>, 2010. Officer Belver's answer to a question directly conflicted with the details reported by Officer Belver in his original DWI Report dated October 23<sup>rd</sup>, 2009.

**This conduct may be a violation of the San Antonio Police Department's General Manual:  
Rules and Regulations, section 3.00- Individual Responsibilities, Subsection 3.02  
-Truthfulness of Members**

3.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any member shall reflect the truth.

**San Antonio Police Department  
Internal Affairs Unit  
Investigation Report**

**Documentation of Investigation: (Part I)**

1. Formal Complaint Notice.....Captain Anthony R. Muro
2. Sworn Written Statement.....Carlos Flores
3. Photo lineup.....Sergeant Sylvia Cameron
4. IA Formal Complaint Acceptance Form.....Sergeant Joe M Correa
5. Photos (7) /Carlos Flores...(Summary Attached) .....Carlos Flores
6. SAPD Report/Supplement Request Packet...(Summary Attached) .....Sergeant Sylvia Cameron
7. Magistrate Registration/Property Form...(Summary Attached) .....SAPD Detention Center
8. SAPD Master Name Inquiry .....Computer Generated
9. Non Respondent Officers Report.....Officer Marc Ortega
10. Non Respondent Officers Report .....Officer Xavier Cordero
11. Non Respondent Officers Report .....Officer Jason Deleon
12. Non Respondent Officers Report.....Officer Jose Andrade
13. Non Respondent Officers Report.....Officer Olinda Cardenas
14. Non Respondent Officers Report.....Officer Kimberly Kory
15. Non Respondent Officers Report .....Sergeant Robert Martinez
16. Non Respondent Officers Report.....Officer Mathew Robertson
17. Non Respondent Officers Report.....Detective Roan Phillips
18. Non Respondent Officers Report .....Officer Michael Alvarez
19. Non Respondent Officers Report.....Officer Joseph Flores
20. I/A Sworn Written Statement.....Jose Castillo
21. Interoffice Correspondence-Audio Statement Summary.....Sergeant Joe M. Correa
22. Sworn Statement/Audio-CD...(Summary Attached). .....Detention Officer Cory Perez
23. Memo For Record/Canvas.....Sergeant Joe M. Correa
24. Interoffice Correspondence AVL/MDT Summary.....Sergeant Joe M. Correa
25. AVL/MDT Logs.....Computer Generated
26. Memo For Record/Inquiry.....Sergeant Joe M. Correa
27. Radio Dispatch Audio/CD...(Summary Attached) .....Joel Nelson
28. Crime Scene Photographs/CD...(Summary Attached) .....Olinda Cardenas
29. I.A. Allegation.....Officer Matthew Belver
30. Garrity Warning.....Officer Matthew Belver

**San Antonio Police Department  
Internal Affairs Unit  
Investigation Report**

31. Receipt for Documents Viewed.....Officer Mathew Belver  
32. Respondent Officers Report.....Officer Matthew Belver

**Documentation of Investigation: (Part II)**

33. Formal Complaint Notice.....Captain Anthony R. Muro  
34. Sworn Video Statement...(Summary Attached) .....Carlos Flores  
35. Property Receipt.....Sergeant Joe M. Correa  
36. Sworn Written Statement.....Raymond Garza  
37. Sworn Written Statement.....Janie Flores  
38. Sworn Written Statement.....Alfred Guzman  
39. Sworn Written Statement.....Marie Garza  
40. Sworn Written Statement/Packet.....Veronica B. Price  
41. Sworn Written Statement/Packet...(Summary Attached) .....Alvaro Ramirez  
42. Sworn Written Statement...(Summary Attached). .....Jaime Guzman  
43. Municipal Court/City E-mail.....Detention Sergeant Desiree Vitale  
44. Municipal Court/City E-mail.....Detention Sergeant Rogelio Diaz  
45. Bexar County Dist Clerk E-mail/Packet...(Summary Attached).....Tony Casarez  
46. Bexar County Facility Incident Report.....Deputy Eddie Martinez  
47. Non Respondent Officers Report/Packet.....Officer Joseph Flores  
48. Non Respondent Officers Report/Packet...(Summary Attached).....Officer Michael Alvarez  
49. Non Respondent Officers Report/Packet...(Summary Attached).. ..... Officer Matthew Robertson  
50. Bexar County E-mail/Packet...(Summary Attached)..... B/County Sergeant Steven Reyna  
51. Crime Scene Search Report...(Summary Attached) .....Detective Michael Verastegui  
52. SAPD E-mail/Video Detention Center.....Michael Peters  
53. Memo for Record/Witness Locate.....Sergeant Joe M. Correa  
54. Memo for Record/Nurse information.....Sergeant Joe M. Correa  
55. I.A. Allegation..... Officer Matthew Belver  
56. Garrity Warning.....Officer Matthew Belver  
57. Respondent Officers Report..... Officer Mathew Belver  
58. Receipt for Documents Viewed.....Officer Mathew Belver  
59. AVL/MDT Logs/Memo.....(Summary Attached) ..... Computer Generated