

Officer Matthew Belver, #1106  
San Antonio Police Department  
San Antonio, Texas

Fire Fighters' and Police Officers' Civil Service Commission  
111 Soledad, Suite 123  
San Antonio, Texas 78205

LEGAL ADVISOR OFC.  
FEB 12 2016  
CITY ATTORNEY OFFICE  
SAN ANTONIO, TEXAS

Commissioners and Officer Matthew Belver:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Matthew Belver from paid duty with the San Antonio Police Department, indefinitely, without pay, from his position as an officer of the San Antonio Police Department, effective immediately.

Officer Belver has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission Rules, said rules having been adopted on February 23, 1998, and thereafter from time to time amended, by the Fire Fighters' and Police Officers' Civil Service Commission as the Civil Service Rules for the Fire and Police Departments of the City of San Antonio. The particular civil service rule violated by Officer Belver and ground for suspension is as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations of the San Antonio Police Department which Officer Belver has violated are as follows:

**RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC:**

Members shall serve the public through direction, counseling, assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. (C) CONDUCT AND BEHAVIOR: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

**RULE 3.26 - 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.

**PROCEDURE 701 - CRIME SCENE DUTIES (.06) OFFICERS/ UEDIs' GENERAL CRIME SCENE DUTIES (A) Officer(s) Assigned to Crime Scene (9) Request a UEDI/Crime Scene Unit Investigator to process the crime scene for physical evidence. (13) When an officer must handle evidence to protect it from loss, destruction, contamination, or for the victim to receive proper medical treatment, the officer takes custody of the evidence, and: (d) Marks the item for later identification and turns it over to the**

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UEDI/Crime Scene Unit Investigator, if one is assigned to the call, or places the item in the Property Room as evidence. Care must be exercised to avoid destruction of latent fingerprints or trace evidence on the item when marking it.

The factual basis for the instant disciplinary suspension is as follows:

At 5:03 a.m., on or about August 2, 2015, Officer Matthew Belver was dispatched to 3122 Chamita for a shooting. Officer Belver responded to the location and parked his patrol vehicle outside the crime scene. After the crime scene had been released, Officer Belver arrested and handcuffed Mr. Eloy Leal and placed him in the back of his patrol vehicle. A short time later, Officer Belver agreed to engage in a physical fight with Mr. Leal, and told Mr. Leal when he took the handcuffs off, "I'm gonna beat your ass. That's what I'm going to do. Are you ready?" Officer Belver then unhandcuffed Mr. Leal and told Mr. Leal, "You can get out. Let's go...run...do something...do something."

When Mr. Leal did not engage Officer Belver in a fight, Officer Belver then took Mr. Leal out of the back seat of the patrol vehicle, re-handcuffed Mr. Leal, and placed him back in the vehicle. According to Mr. Leal, Officer Belver placed the handcuffs on too tight, which caused numbness to his wrists. While transporting Mr. Leal to the Magistrate's Office, Officer Belver is overheard on his COBAN (dash-cam video) berating and degrading Mr. Leal, calling Mr. Leal a coward and using profane language such as "dumb fuck" towards Mr. Leal.

After the crime scene had been released, Officer Belver reported that three shell casings from a firearm were pointed out to him and he collected those shell casings "in case they were material to the investigation." The Administration alleges Officer Belver did not call for a UEDI/Crime Scene Unit Investigator as required by procedure, to process the evidence and place the evidence into the Property Room.

In issuing this indefinite suspension, I have determined that Officer Belver has violated the terms of the Release and Settlement Agreement and Last Chance Agreement executed on November 9, 2010 between Officer Belver, the San Antonio Police Officers' Association, and the San Antonio Police Department. Under the terms of the Last Chance Agreement, Officer Belver may appeal only the question of whether a violation of the Last Chance Agreement occurred in the misconduct stated above, but has waived his right to appeal the level of penalty imposed herein. Also, under the terms of the Last Chance Agreement, I have considered Officer Belver's prior disciplinary history as reflected in the Last Chance Agreement.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

Following separation from the Department, the training requirements to maintain an officer's peace officer's license for the current training cycle and unit are that officer's responsibility. An

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officer should refer to the TCOLE website <http://www.tcole.texas.gov/content/training-requirements> for further information and to establish a TCOLE account to review current training records.

WILLIAM P. MCMANUS  
WILLIAM P. MCMANUS, CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

2/12/16  
DATE

On this 12<sup>th</sup> day of February, 2016, I hereby acknowledge receipt of the original of the foregoing indefinite suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of this suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San Antonio requesting either arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. I acknowledge that I have been informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator to district court pursuant to section 143.057 of the Texas Local Government Code may have been modified by the provisions of article 28 of the Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.

MATTHEW BELVER  
OFFICER MATTHEW BELVER, #1106  
SAN ANTONIO POLICE DEPARTMENT

2-12-2016 1455  
DATE TIME

WITNESSED BY:

John 3272 DATE: 2/12/16 TIME: 2:56 pm  
Mark 4041 DATE: 2/12/16 TIME: 2:56 pm

FILED on this the 15 day of February, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

Gloria D. Ramirez  
DIRECTOR, FIRE FIGHTERS' AND POLICE  
OFFICERS' CIVIL SERVICE COMMISSION

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CLERK OF SAN ANTONIO  
JULIA P. SANCHEZ