

A former Arizona police officer resigned amid allegations. Now he's a South Texas cop.

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Phoenix police Officer Benjamin Belmares barely had finished his rookie year in late October 2008 when the radio call came out: a request to check on a woman having a mental-health crisis.

Belmares and another officer responded, helping keep a drunk and possibly suicidal 19-year-old woman from hurting herself, police and state records say.

But the woman, Elizabeth Franco, later accused Belmares of groping her, putting his hand down her underwear, forcing her hand onto his crotch, and propositioning her, according to police and state records.

Phoenix detectives investigating the allegations also accused Belmares of predatory acts against other women, such as collecting women's names and phone numbers while on duty and lying during the internal investigation.

"I'm a scumbag and I tarnished the badge," Belmares ultimately told investigators even as he denied inappropriately touching Franco.

Belmares was not charged. But he quit the Police Department and agreed with state regulators never to work in law enforcement in Arizona again.

Today, Belmares is a police officer in the small south Texas town of Alice, about an hour west of Corpus Christi.

When The Arizona Republic told Franco that Belmares was still working as a police officer, she said she felt "sick to my stomach."

"I never thought I'd hear this again," Franco said. "I had struggled to forget about it, and it feels like my past is still haunting me."

The incident comes to light at a time when people in Phoenix and across the country have scrutinized their police departments over systemic racism and the deadly use of force. But there has been little public conversation, in Arizona or nationally, about what experts and advocates say is a culture of sexual misconduct among law enforcement officers.

Belmares is one of the dozens of examples of officers USA TODAY identified in a database of police misconduct records collected by reporters.

He's one of many listed in the database who left one state in disgrace only to find work in law enforcement somewhere else in the country. It's unclear how many were decertified because of sexual misconduct allegations.

Accusations against Belmares are among several instances of alleged sexual misconduct by Phoenix police officers to be uncovered over the past few years.

Franco's story has never been made public through a civil lawsuit or a criminal court case. This is the first time she's gone public with her story.

In June, former Phoenix Officer Sean Pena was fired after being charged in a case in which one woman accused him of rape and another said he asked her to perform sexual acts.

In December 2019, Phoenix City Council agreed to pay \$1.6 million to Erica Reynolds, who accused a female officer of raping her after the officer conducted a body cavity search on Reynolds. An internal investigation later found Officer Timaree Murphy acted inappropriately when she performed the body-cavity search without Reynolds' consent or a warrant.

In October 2019, the City Council agreed to pay \$125,000 to a woman who accused former Officer Marcos Rodriguez of stalking her and making "sexual insinuations."

'A much bigger problem'

Parris Wallace, director of Black Phoenix Organizing Collective, an advocacy group that made Reynolds' story public, said a history of sexual misconduct exists within the Phoenix Police Department.

"When folks think about sexual assault, they think rape or molestation. They don't think about the unwanted advances. And when you think about police officers, you don't associate the two, sexual violence and police," she said. "But it does fall in line with the culture of police violence that police departments uphold. The harm they cause expands from harassing people all the way to sexual assault."

Still, she said, for many people, it's hard to talk about sexual violence, so it doesn't translate into a bigger conversation.

"I believe that in the calls to defund the police and abolishment, there is a component of that without naming the specific type of harms police have done," she said.

Phil Stinson, a criminal justice professor at Bowling Green State University, has researched crimes officers have been accused of.

Between 2005 and 2015, Stinson found 516 instances nationwide in which a municipal police officer was charged or arrested in connection with forcible rape.

In that same time frame, there have been 54 instances in Arizona of an officer arrested in connection with allegations of forcible rape, statutory rape, indecent exposure or forcible fondling, according to his research. In 14 of those cases, the officer was on duty.

Of those 54 cases, 44 of them were in Maricopa County, according to Stinson's research.

Stinson compiled the data by collecting news articles and court records.

“I’m positive that I don’t find every single case,” he said. “That leads me to believe that the problem of police sexual violence and police sexual misconduct is a much bigger problem than what we can quantify in arrest records and court records.”

For example, Belmares wasn’t on his list because the Phoenix Police Department never publicly disclosed it.

A 2010 study by the Cato Institute, a libertarian think tank in Washington, D.C., found that sexual misconduct allegations ranked second among the types of complaints against police officers.

Miranda Yaver, a researcher at the University of California Los Angeles’ Fielding School of Public Health, said sexual misconduct by police officers is underreported. She described it as “a very pervasive issue.”

She said part of the reason it has not become part of the public conversation on police violence may be because survivors of sexual assault, whether it’s rape or groping, feel shame. It also could be because people are not aware of how big a problem it is, Yaver said.

Even if it’s not being directly addressed, she said, the broader theme in the movement is about holding police accountable.

“Are you using your badge as a police officer to help manage crime and to keep communities safe? Or are you using it to exploit those who are in a vulnerable position?” she said.

‘A social butterfly’ at crime scenes

Belmares first worked as a jailer, a police officer and a sheriff’s deputy in smaller departments in Texas for a few years.

In 2007, Belmares took a job with the Phoenix Police Department.

It is unclear whether Belmares faced any discipline problems before he got to Arizona or during his stint there before Franco’s allegations.

Phoenix officials said they destroyed Belmares’ personnel file, as they do with everyone’s file five years after they’ve left the department.

Belmares moved to Phoenix with his wife at the time and two small children, according to the Phoenix police investigatory file about the sexual assault charges obtained by The Arizona Republic.

It wasn’t long after that he started earning a reputation as a “social butterfly” among his fellow officers at crime or crash scenes, according to an interview with Officer José García included in the investigatory file.

During the Phoenix Police Department’s investigation of the groping allegation, several officers told investigators Belmares and another officer routinely approached women and would get their names and phone numbers, writing them on police evidence cards.

One officer, Dustin Dionne, told investigators that there were rumors that Belmares and another officer were “flirting with women” while on the job.

“They have the reputation of making it a priority to talk to women,” the investigator wrote after interviewing Dionne.

The other officer who was there when Belmares encountered Franco, Officer Glenn Branham, had complained to his superiors about Belmares’ behavior the previous month.

Investigators wrote that Branham told them that he “went to his boss and told him that Officer Belmares was making traffic stops to get phone numbers from girls.”

“He stated on traffic stops he would see Officer Belmares writing phone numbers down on field interrogation cards. He didn’t think it was right to just turn his back on what was happening.”

‘I just have flashbacks where he starts talking to me’

On Oct. 25, 2008, the call went out that a young woman was possibly suicidal and that her sister needed help to calm her down.

A relative rookie himself, Branham told investigators he tried to get to the apartment complex before Belmares because of Belmares’ reputation.

“It is an ongoing thing with any calls involving girls. Officer Belmares is quick to answer up,” Branham told detectives.

But Belmares arrived first, according to the investigatory report.

Belmares wound up alone with Franco at least once. In his initial account to investigators and other officers, Belmares said the woman sexually propositioned both him and Branham, exposed herself and touched herself sexually.

Franco denied that to investigators.

She now says some details remain hazy.

But Franco distinctly remembers Belmares “fondled” her vagina.

“I just have flashbacks where he starts talking to me, trying to seduce me,” she said. “I just remember him being behind me like with his hand across my chest, holding me, and his other hand going underneath my dress.”

Franco says she froze because it brought back memories of a previous sexual assault. She didn’t fight him, she said, because she didn’t want to go to jail.

“I allowed him to because of the fact that he was an officer,” she said. “I didn’t want to resist arrest because they tend to forcefully try to arrest you or put handcuffs on you.”

At the time, Franco told investigators that Belmares was left alone with her when Branham left to interview her sister. That’s when her phone rang, and Belmares came up behind her.

Belmares said she was “too beautiful to be acting this way,” according to Franco’s testimony to investigators.

Belmares also forced her to touch his crotch, Franco said in 2008.

In the more recent interview with The Republic, Franco said she's never seen the final report, nor did she know one existed.

She wiped away tears as she tried to recall the details of that night.

"I feel like I'm going to have to go back to counseling," she said with a nervous laugh.

According to the report, the two officers left the apartment but soon had to escort Franco back inside and convince her to stay there because she had been drinking. She now says she doesn't recall this.

Branham said Belmares asked him to leave and check to see if his police cruiser was locked, allowing Belmares to be alone with the woman again. He took longer than expected inside, and Branham tried calling him on his cellphone three times.

When Belmares returned, he was breathing hard and told Branham that the woman had let him touch her and that she wanted to have sex, Branham told investigators.

"This chick's ready, she's ready to go," Belmares said, according to Branham's account to detectives.

Belmares also said he had a condom in his truck, Branham said, adding that Belmares used an alcohol wipe to clean his hand.

But Branham said he told Belmares he didn't "want no part of this" and even lied by saying the woman's sister just drove by again and that Belmares was going to get in trouble.

The two then left. Branham reported it to his superiors soon after.

The next day, Belmares told a briefing room full of officers that the woman was "crazy." He told his co-workers that she had exposed herself to him and touched herself sexually in front of both him and Branham, which Branham immediately denied in front of the other officers, according to the police report.

'I'm a scumbag'

Franco called 911 the next week to report the alleged assault, prompting an investigation.

She picked Belmares' face out of a photo lineup in front of investigators.

In the police report, Franco told investigators she had been raped in the past and she wanted "to take him (Belmares) to court."

Detectives interviewed several officers who had been at the briefing during which Belmares gave his account of the incident, as well as Franco, her sister and Branham.

They also interviewed Belmares.

Initially, Belmares told investigators he never touched Franco. But he later changed his story to say she forced his hand onto her crotch, according to the Police Department's internal affairs report and documents from the Arizona Peace Officer Standards and Training Board, the regulatory office that certifies officers in the state.

Investigators obtained a search warrant for Belmares' locker, his gym bag and his house in Buckeye.

They found condoms, alcohol wipes and several cards with women's names and phone numbers on them, the police report says.

This all happened as detectives confronted Belmares in an interview outside on his porch. At one point, he took a drink from a garden hose because he was nervous, even worrying at one point about possibly "doing time" for the incident, according to the police report.

At first, he denied taking down women's phone numbers or using traffic stops for personal reasons.

"Never, never, never," he said, according to the interview records.

He also denied possessing condoms, saying he was "a married man" and that he and his wife relied on other forms of birth control.

But Phoenix Detective Theron Quaas told him that "I feel that you are lying based upon what your squadmates are telling me and based upon the evidence we have," according to the interview records in the police report.

Belmares then admitted he collected women's phone numbers.

"I'm a scumbag and I tarnished the badge," Belmares told Quaas, according to the report.

Asked what his wife would think of his behavior, Belmares said she "would think he's a douchebag and a jerk," Quaas wrote in the report.

Belmares continually denied touching the woman inappropriately, telling Quaas that nothing should be done against him criminally.

In the final internal affairs report, investigators could not sustain that Belmares assaulted the woman.

But the report sustained the allegations that Belmares lied about the condoms and other details, including the cards.

Belmares quit the force just as Phoenix officials started the process that could have led to either discipline or his termination. He later reached the agreement with Arizona state regulators to surrender his certification and never work as an officer in the state again.

Belmares declined interview requests via a text message to a USA TODAY Network reporter in Texas.

"I have no interest in interviewing," he wrote. "You all will write whatever you can to get readers. I know it's what you do and wish you the best in your career even if it's at the cost of smearing me. God bless."

No criminal charges filed

Franco soon moved in with her sister, according to the police report. About three weeks later, detectives told her that Belmares had been "less than truthful" during the investigation and asked if she wanted to continue with the prosecution.

Detectives also told her that it would be difficult to prove that the contact was not consensual, according to the police report.

According to the report, Franco told police “she would like to concentrate on getting better and taking care of her daughter” and said she didn’t want to pursue charges.

With that, the detectives closed the case, stating “the difficulty in this case would be proving whether or not the contact was consensual.” There were no witnesses and Belmares denied any physical contact.

Franco now says she wanted to press charges but wasn’t given much of a choice. She said she followed the advice of the detective who took her report.

“She ... said that ‘this (expletive) already resigned so I don’t think you have to press any charges,’” Franco said.

Franco said she was naïve and didn’t think she needed to follow up with the police. She recalls the female officer giving her pamphlets for counseling.

“They should have guided me after that. I never did receive anything or (explained) what the process was, what I was supposed to do,” Franco said. “How would I find out if he is being prosecuted or what was going to happen?”

Sgt. Tommy Thompson, a spokesman for the Phoenix Police Department, said officers did “a very thorough investigation” but Franco “no longer wanted to prosecute.” He challenged Franco’s assertion that a detective told her she didn’t have to press charges because of Belmares’ resignation.

He also said the investigation was not forwarded to a prosecutor because Franco didn’t want to continue with the case.

“Whether Belmares resigned or didn’t resign was not a factor in this criminal investigation. The woman told the detective she wanted to ‘put this behind her’ and no longer desired prosecution,” Thompson said in an email. “A case is closed when a victim no longer desires prosecution in a case such as this.”

Yaver, the researcher at UCLA, said stories like Franco’s are not uncommon. She said there’s a lack of understanding among the general population of the lasting effects a sexual assault can cause for a person.

“There is discomfort both in reporting sexual violence and in talking about it. And we’ve seen a lot of prominent cases where the victim ends up being shamed or blamed for what happened to them,” she said. “There’s a lot of reason why people would not want to go down that path. So it ends up not getting reported. And that’s obviously a problem for moving towards greater accountability.”

‘I want everybody to hear this’

The Arizona Peace Officer Standards and Training Board, which handles training and licensing police officers in the state, said no one in Texas contacted anyone at AzPOST to investigate Belmares’ disciplinary past.

Belmares also was put on the “Brady list,” a compilation of officers known to have lied on the job in Maricopa County.

Within two years, Belmares moved back to Texas, where he was previously an officer.

He was a deputy with the Jim Wells County Sheriff’s Office from May 2010 to March 2015.

Belmares applied to become an officer in Alice in late 2015, saying he wanted to get back into law enforcement. The town of about 19,000 sits about 50 miles west of Corpus Christi in the southern tip of Texas, and the police force includes about 36 officers.

Franco wants to share her story, she said. She believes it can help others come forward and demand accountability from police departments.

“I want everybody to hear this. I want everybody to be aware of who they hire to protect us, our kids (and) our family,” Franco said. “I’m not saying just Phoenix police, but anywhere.”