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LOCAL NEWS

SAPD officer fired for repeatedly punching handcuffed pregnant woman still fighting to win back job

Suspension records show pattern of Officer Elizabeth Montoya having issues interacting with the public

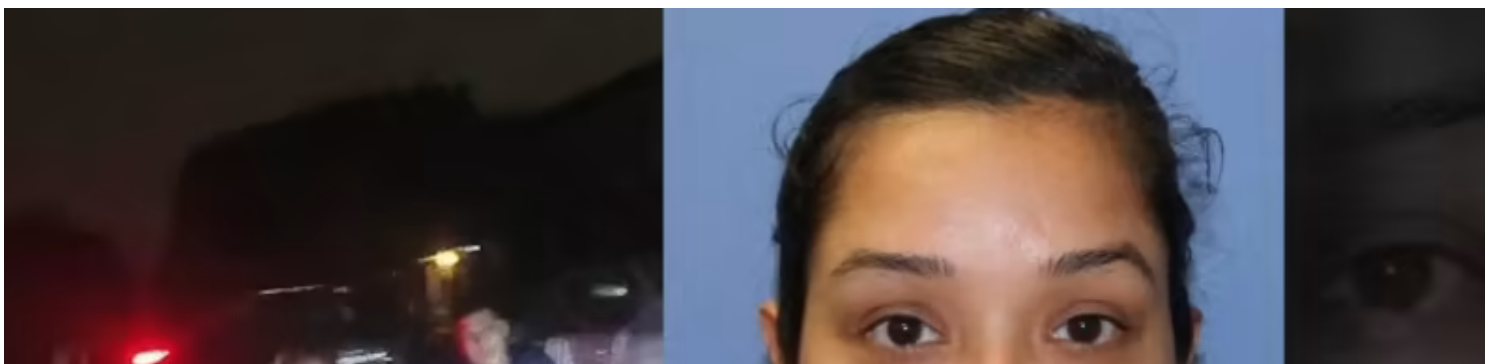
Dillon Collier, Investigative Reporter

Joshua Saunders, Photojournalist

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SAN ANTONIO – San Antonio Police officials have released body-worn camera footage showing one of its officers repeatedly punching a handcuffed pregnant woman before leaving her in the street in heavy rain.

The footage provides new insight into the 2018 incident involving Officer Elizabeth Montoya, weeks before she is scheduled to go to arbitration in an effort to win back her job.

It was recorded on the body-worn cameras of Montoya and a second officer at the scene and obtained by the **KSAT 12 Defenders** through an open records request. In all, the Defenders viewed, nearly four hours of body camera footage recorded by Montoya during Kimberly Esparza’s arrest.

“She shouldn’t be on any police force”

Records show Montoya and other officers were dispatched to the 1200 block of San Luis Street, just west of downtown, on July 5, 2018, around 4 a.m.

The footage from Montoya’s camera obtained by the Defenders starts as she attempts to search a barefoot Esparza in the street.

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Less than 30 seconds after the clip begins, as the two women struggle, Esparza tells Montoya that she is hurting her baby.

Montoya then accused Esparza of stealing, taking drugs and not caring about the baby's well-being.

After Esparza tells Montoya she is hurting her arm, Montoya replies, "Good. Are you going to stop?"

Esparza, still struggling and yelling, is then placed on the ground on her stomach.

Montoya tells Esparza that if she kicks her again the officer will break her arm.

Esparza is then picked up and, as Montoya attempts to secure her in the back of an SAPD patrol vehicle, another struggle between the two women ensues.

Footage from the body camera of Officer Joshua Vega, who was standing behind Montoya, shows Montoya reach into the vehicle and deliver a flurry of punches as Esparza screams and struggles.

Vega was later suspended two days for muting his body-worn camera during portions of the incident, SAPD discipline records show.

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Montoya begins to repeatedly claim that Esparza kicked her a second time.



Body camera footage from July 2018 shows suspect Kimberly Esparza, who was six months pregnant at the time, being placed on her stomach while in handcuffs. (KSAT)

Esparza is pulled from the vehicle and again put on the ground, while still in handcuffs.

At one point Esparza asks, "Why did you hit me like that?"

Montoya answers, "Because you deserve it."

Montoya was issued an indefinite suspension by SAPD Chief William McManus months later, in January 2019. The documents state that Montoya did not treat Esparza humanely and also muted her body camera at the scene while not permitted to.

The documents also state that Esparza was left on the ground in the rain for 26 minutes, after Montoya had punched her once in the breast and seven times on her head.

The footage shows Esparza eventually being checked out by medical personnel in the back of an SAPD transport van.

"An officer like Elizabeth Montoya should not be on our police force. She shouldn't be on any police force," said Carolyn Wentland, Esparza's criminal defense attorney, in an interview with KSAT.

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“No matter what Ms. Esparza did or didn’t do, she does not deserve to be assaulted. She’s a human being. She’s a tiny human being. At the time, she was a pregnant human being who was handcuffed and defenseless,” said Wentland.

Prior to muting her camera, Montoya is heard at the scene telling other officers that Esparza is fine and faking her injuries and that she punched her in the face because she could not punch Esparza in her side.

Esparza can be heard weeping throughout much of the footage.

Esparza was later charged with assault of a public servant, resisting arrest and possession of a controlled substance - penalty group III, typically used to charge someone who illegally possesses prescription drugs with common medical uses.

While the drug possession charge was rejected at the time of Esparza’s booking, she was held in jail on the resisting arrest and assault charges, as well as for outstanding warrants from a previous burglary case.

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All charges were later dismissed, court records show.



Attorney Carolyn Wentland. (KSAT)

Wentland, who agreed to represent Esparza after being contacted by a family member, said the resisting arrest and assault charges were dismissed soon after the prosecutor in the case was able to view Montoya's body camera footage of the incident.

"I was very fortunate to have a prosecutor that took one look at the videos and agreed that this was egregious and that it was absolutely not something that was going to be prosecuted by our district attorney's office," said Wentland.

Reached for comment, a spokeswoman for the Bexar County DA's office said via email: "As stated on the dismissal form, charges against this defendant were dismissed because our office was unable to prove the case beyond a reasonable doubt."

Still, Esparza spent a total of 46 days in jail following her arrest, booking records show.

Esparza's unrelated burglary charge was dismissed the same day as the resisting arrest and assault charges, records show.

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A separate burglary of a vehicle charge against Esparza was dismissed in November 2019 due to a missing witness, court records show.

Wentland was able to get her client released from jail prior to Esparza delivering the baby.

Esparza eventually delivered a healthy baby girl, who is now around three years old, Wentland said.

Wentland also took issue with Montoya's actions at a hospital, while Esparza was being examined after being taken into custody.

The footage included a significant amount of time showing Montoya at the hospital with Esparza while she was being examined.

During the hospital footage, Montoya recorded herself standing behind the nurse's station with medical information showing on computer screens and also while Esparza was given an ultrasound by hospital staff.

At one point while at the hospital Montoya says, "(Expletive) load of bulls---. She's probably high on drugs."

Asked for comment, SAPD's public information office released the following statement via email:

“Chief (William) McManus moved swiftly to terminate Elizabeth Montoya’s employment once he became aware of the allegations. The Department also criminally investigated Montoya’s actions and forwarded the criminal case to the Bexar County District Attorney’s Office.”

The statement also points out that because Esparza was in custody the department’s body camera policy required the camera to remain on, “regardless of the medical setting.”

A history of issues

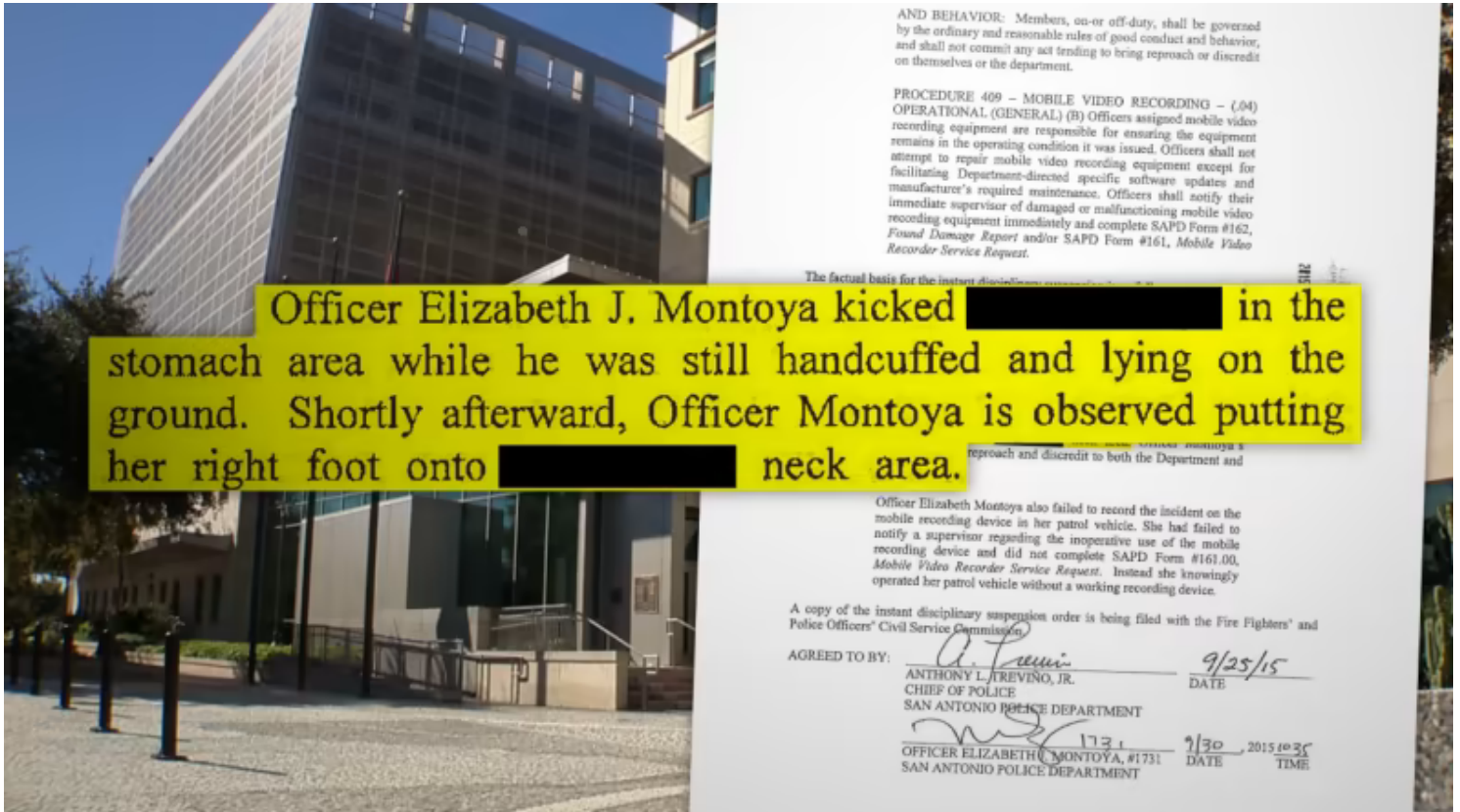
Esparza was not the only suspect on the receiving end of on-duty violence from Montoya, SAPD records show.

Years earlier, in September 2015, Montoya was suspended five days after an internal investigation determined she kicked a handcuffed man in the stomach while he was lying on the ground and then placed her foot on his neck.

The man had been pulled from a patrol vehicle after kicking and damaging a rear window in it, records show.

Montoya was suspended for violating SAPD rules pertaining to responsibility to serve the public and for stopping her body camera while not permitted to.

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SAPD Officer Elizabeth Montoya was suspended five days in 2015 after an internal investigation determined she kicked a handcuffed man in the stomach while he was lying on the ground and put her foot on his neck. (KSAT)

The man later pleaded no contest to criminal mischief and making a terroristic threat, but a resisting arrest charge was dismissed, court records show.

Montoya was handed a proposed 10-day suspension, which was later shortened to five days by then-interim SAPD Police Chief Anthony Trevino.

An SAPD spokeswoman confirms Montoya was criminally investigated for the 2015 incident and the findings were forwarded to the DA's office.

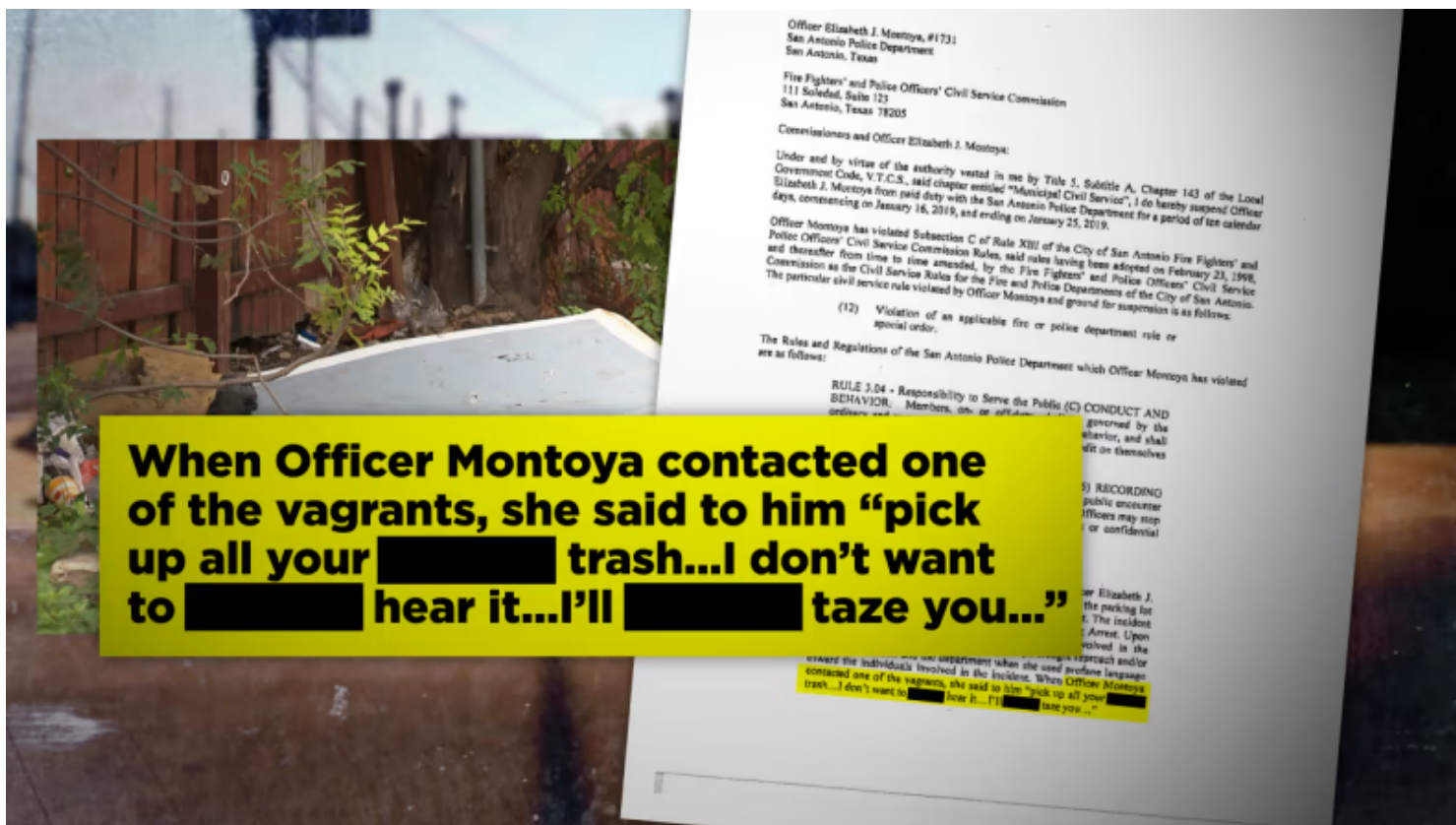
Defenders Special: 'Broken Blue'

The Defenders could find no record that Montoya was ever criminally charged.

The DA's office did not respond to repeated requests from the Defenders for clarification on why Montoya was not charged for the 2015 incident or for the 2018 incident involving the treatment of Esparza.

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After encountering several people sleeping in the parking lot of a store in the 300 block of N. Zarzamora Street, Montoya told one of them, "Pick up all your (expletive) trash... I don't want to (expletive) hear it... I'll (expletive) Tase you," her suspension paperwork states.



The same week Officer Elizabeth Montoya was fired, she was suspended for a separate incident involving her interactions with the public and use of her body worn camera. (KSAT)



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indefinite suspension reversed, city officials confirm.

The location of the hearing had not been finalized at last check.

After Montoya's termination from SAPD, the Leon Valley Police Department held her law enforcement commission.

That agreement allowed her to work for that department or to work off-duty jobs like directing traffic that require a peace officer's license.

Leon Valley's police chief confirms that arrangement ended in mid-April.

Montoya's union representative did not return a phone call seeking comment for this story.

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ABOUT THE AUTHORS:



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Emmy-award winning reporter Dillon Collier joined the KSAT 12 Defenders in 2016. Dillon's investigative stories air weeknights on the Nightbeat. He provides restaurant health reports for KSAT's "Behind the Kitchen Door." Dillon is a two-time Houston Press Club Journalist of the Year and a Texas Associated Press Broadcasters Reporter of the Year.

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Joshua Saunders is an Emmy award-winning photographer/editor who has worked in the San Antonio market for the past 20 years. Joshua works in the Defenders unit, covering crime and corruption throughout the city.

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