



Incident Supplement Report

EPPD
EL PASO COUNTY CLERK
2023 AUG 29 PM 9:47
EL PASO COUNTY, TEXAS
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ORI : TX0710200

Supplement # : 23209031-0005

Print Date : 08/29/2023

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JMAG23-10898

Incident Supplement

Supplement # : 23209031-0005	Location :
Incident Record : 23209031	Contact Name :
Date/Time : 08/21/2023 13:12 PM	Not for prosecution : <input type="checkbox"/>
Type : AFFIDAVIT SUPPLEMENT	Supervisor Name :
Officer :	Supervisor Review Date :
Status : FURTHER INVESTIGATION	Status Date : 08/16/2023 08:34
Disposition :	Disposition Date :

Narrative Information

Title :	Entered On : 08/21/2023 13:22
Narrative Type : AFFIDAVIT SUPPLEMENT	Approved By :
Assigned To :	Approved on :
Reviewed By :	Search Key 1 :
Reviewed On :	Search Key 2 :
Comment :	

COMPLAINT AFFIDAVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO

COURT NO.

Filing Agency: El Paso Police Department
Offense Report #: 23-209037
Date of offense: March 3, 2016 to July 1, 2022 Time of offense: 1200 hrs.

Defendant Name: John Surface

Defendant date of birth: 06/30/1980

Offense: Official Oppression

Offense Code#: 56990008

IN THE NAME AND AUTHORITY OF THE STATE OF TEXAS BEFORE ME, the undersigned authority, on this day personally appeared Det. D. Bazan #2293, who after being by me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore to wit: on or about the 3rd day of March 2016 to January 31, 2022 and before the filing of this complaint in the County of El Paso, the State of Texas, one John Surface, Hereinafter called the DEFENDANT, did then and there unlawfully,

PC:

The defendant John Surface being employed at the time by the City of El Paso, El Paso Police Department as a Licensed Peace Officer in the State of Texas since 2004, having the rank of Police Lieutenant, acting under color of his office or employment intentionally subjected victim 2 to sexual harassment by unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which was made a term or condition of victim 2's exercise or enjoyment of any right, privilege, power, or immunity either explicitly or implicitly.

Victim 2 states she met the defendant at the Pebble Hills Regional Command in 2016 when she was a two year officer. Victim 2 states she was involved in an incident from patrol where she had to go to Internal Affairs and discipline was issued over the incident. Victim 2 states the defendant would make demeaning comments about her about in reference to the incident she was involved in and the defendant would make those comments during shift briefing in front of the other officers. Victim 2 states she snapped at the defendant in the shift briefing over the demeaning comments he was making about her and her partner, then the defendant kept them after shift briefing and scolded them. Victim 2 states the defendant made the incident seem like it was worse than what it was. Victim 2 states she made an appointment with the Commander at Pebble Hills Regional Command to discuss how she felt, and that she felt she was not wanted there at the Pebble Hills Command anymore by the Commander. Victim 2 states the Commander granted her request but allowed the defendant to sit in the meeting. Victim 2 states she wanted to speak with the Commander alone as her complaints were against the defendant, and she was not able to speak freely about her grievances because the defendant was in the meeting. Victim 2 states after that meeting she did not want the defendant to feel like there were grudges between them and she let the matter go and started forming a close relationship with the co-defendant.

Victim 2 states the defendant became upset with the friendship that was developing with the co-defendant and the defendant would restrict the co-defendant from riding with the officers on a daily basis to prevent them from riding together. Victim 2 states the defendant then suddenly became nice with her and she decided conform so he would stop calling her a Brady Officer which made her feel bad. A Brady Officer is a law enforcement officer who has had sustained incidents of untruthfulness, criminal convictions, and or integrity issues. Victim 2 states the defendant started casually texting with her, asking her how she was and how her nights went. Victim 2 states one night she asked the defendant to leave early and the defendant replied she could if she would give him a kiss. Victim 2 states the defendant text her back saying he bets she would not do it. Victim 2 states she asked the defendant if she did do it (kiss him), then she could leave early, but thought to herself if she didn't do it, the defendant would start being mean to her again. Victim 2 states she went to the defendant's office and he kissed her on the lips and was trying to grab her rear end, and when he finished kissing her he told her she was good. Victim 2 states she asked the defendant if she could put in her leave, and he told her she could leave without

putting in her leave, but it was up to her he would approve it. Victim 2 states she was not comfortable with leaving for the shift without putting in her leave so she did put in her leave and the defendant approved it.

Victim 2 states after that incident the defendant became very comfortable with her and opened up more to her. Victim 2 states the defendant would send her flirting texts and asked for naked pictures of her. Victim 2 states the defendant was not asking for an exchange of pictures he just wanted pictures of her naked. Victim 2 states she would try to deflect the defendant's request for naked pictures, but when she would arrive to work the defendant would be rude to her. Victim 2 states she did send the defendant naked pictures of herself, then the co-defendant found out about those naked pictures because the defendant was showing him (co-defendant) the naked pictures of victim 2. Victim 2 states the co-defendant asked her why she was doing that, and she told the co-defendant she didn't realize the defendant was going to show them to anyone. Victim 2 states the co-defendant told her not to be sending the defendant any more pictures of herself or she was going to ruin her career. Victim 2 states she didn't tell the co-defendant why she felt she had to send naked pictures of herself to the defendant, but she should have. Victim 2 states after the defendant received the naked pictures of herself, the defendant would be nice to her at the station and during the shift briefings and would leave her alone. Victim 2 states the defendant slowly turned into her protector when he noticed the other shift supervisors didn't like her. Victim 2 states the other supervisors felt like she was the golden child and the other supervisors even told her they felt like they couldn't punish her because of the defendant.

Victim 2 states she tried to keep things at ease with the defendant because of how upset he would get if things didn't go his way and it was best to abide by his rules, if he wanted pictures of her she would send them to him. Victim 2 states one night she was completing reports at the station when the defendant called her into his office. Victim 2 states she went to the defendant's office thinking it was going to be work related and the defendant was waiting for her at the door way and when she entered his office, he closed the door grabbed her and pushed her up against the wall and tried kissing her. Victim 2 states she pushed the defendant away from her and told him she thought he needed something work related. Victim 2 states he replied, no, he just wanted to make out with her and she left his office.

Victim 2 states when she got pregnant she confided in the defendant with the news and asked him not to tell anyone. Victim 2 states the defendant became upset and started cussing her out asking who the father was and if it was an officer on her shift because he needed to know. Victim 2 states she told the defendant it was an officer on the shift and the defendant began cussing her out telling her she was stupid asking her why she would get involved with that officer. Victim 2 states the defendant seemed bothered it was an officer on the shift.

Victim 2 states when she was 5 months pregnant the defendant started texting with her asking if she was horny and if they hooked up she couldn't get pregnant. Victim 2 states she tried to deflect those requests from the defendant but one night the defendant showed up to her house. Victim 2 states the defendant sent her a text saying he was outside her house and he wanted to come inside to talk with her. Victim 2 states she didn't want the defendant to come inside her house but the defendant went to the backyard and there was a door in the backyard that led to her bedroom and the defendant came in through that door. Victim 2 states the defendant told her she looked really good for being pregnant and that no one knew he was there. Victim 2 states the defendant asked her if she wanted to do something with him, meaning something sexual and she told him she did not. Victim 2 states she was in fear for her safety as she was pregnant and the defendant did not want to leave her house, but after some time he finally left. Victim 2 states after that incident the defendant did not ask her for naked pictures of her during the remainder of her pregnancy.

Victim 2 states after she had her child she returned to the Pebble Hills Regional Command Center and the

defendant would tell her she was stupid for having a baby with that officer and that her baby was stupid. Victim 2 states the co-defendant told her to ignore the defendant, the co-defendant told her that the defendant was upset because she chose the other officer over him (the defendant). Victim 2 states the defendant then text her apologizing for the comments he said about her and her baby and asked her what he needed to do to make up to her that he would do anything for her. Victim 2 states she text him he could buy her ice cream because she wanted him to stop texting her about that issue.

Victim 2 states 2018 the defendant and the co-defendant then left the Pebble Hills Regional Command Center and were moved to the Criminalistics Unit. Victim 2 states she thought things would get better now that the defendant left the station, but they got worse. Victim 2 states the other supervisors felt the defendant was no longer present to protect her from them. Victim 2 states the defendant and co-defendant both reached out to her asking if she wanted to go to the Criminalistics Unit with them. Victim 2 states the defendant gave her an opportunity to do a ride along with a criminalistics officer so she could see how it was.

Victim 2 states when it came time to put in her interest for the Criminalistics Unit, the defendant started texting with her flirting again. Victim 2 states one night during a patrol call that the defendant responded to, while she was still at the Pebble Hills Regional Command Center, the defendant reached out to her asking her to meet him at the airport to discuss the interview coming up for the Criminalistics Unit. Victim 2 states she was off duty and thought the defendant would want to start kissing and touching her so when she met with him she dressed conservatively. Victim 2 states she didn't want the defendant to think she was meeting up with him for any other reason. Victim 2 states she met with the defendant and he told her he had all the questions the interview board was going to ask for the Crime Scene position. Victim 2 states the defendant told her she would have to work for it if she wanted the questions that were going to be asked. Victim 2 states the defendant gave her two of the questions the interview board was going to ask but not all of them. Victim 2 states after she interviewed for the position the defendant approached her and told her if she had dressed differently or flirted when they met at the airport he would done more for her. Victim 2 states during her time at the Criminalistics Unit the defendant constantly kept holding it over her that he helped her in getting the Crime Scene Unit position.

Victim 2 states when she was about to start at the Criminalistics Unit the defendant told her he did not want her to talk to anyone and not to socialize with anyone, because all that does is bring up problems. Victim 2 states the defendant told her if she did not listen to him he would kick her out of the unit. Victim 2 states it was rough going at the Criminalistics Unit because the defendant was controlling over her and the other officers thought she was arrogant because she didn't talk to anyone, but she was only following what the defendant had told her to do, so he would not get mad at her.

Victim 2 states she was first placed under a certain supervisor but started having personality problems with an officer in that shift. Victim 2 states she later heard rumors that officers in the Criminalistics Unit were saying she was sleeping with the defendant. Victim 2 states the defendant found out about the problems she was having with the officer and tried to use it as leverage against her. Victim 2 states the defendant asked her if she wanted to be moved under the co-defendant's shift and he could make it happen by the next day if she showed him her breasts. Victim 2 states she told the defendant she would and the defendant took her to the back sergeants office area and she lifted up her shirt and the defendant grabbed her breasts. Victim 2 states the defendant then put his mouth on one of her breasts and started sucking on them, and she thought to herself it was too much, that this was much more than she was anticipating, and she put her shirt down. Victim 2 states the defendant told her she had really nice breasts, then she was transferred to the co-defendant's shift immediately.

Victim 2 states after that incident it got worse with the defendant texting a lot, flirting with her, trying to set up

deals with her, asking her to tell him what she likes sexually and he would tell her what he likes sexually, that it would be like a fifty shades of grey contract. Victim 2 states the defendant would text her telling her he liked her breasts and that she looked good that day, which made her feel uncomfortable when he would do that.

Victim 2 states she informed the defendant she did not like to do infant autopsies and he told her he could get her out of going to those autopsies if she would show him her breasts. Victim 2 states she sent the defendant a text saying he could touch her breasts but the co-defendant had to be there so they would not withdraw on the deal. Victim 2 states the defendant agreed and wanted her to kiss him and to also show the co-defendant her breasts. Text messages provided by victim 2 show the defendant made mention to the time victim 2 showed him her breasts while they were both working out of the Pebble Hills Regional Command Center. Victim 2 states she did show the defendant her breasts but she did not want to be facing him so she turned around and the defendant grabbed her breasts from behind her aggressively and he started licking her back. Victim 2 states it was too much and pulled away from the defendant and pulled her shirt down, and the defendant told her she could've got a lot more from him if she had stayed longer. Victim 2 states the defendant still sent her to do infant autopsies and she confronted him about what she did for him and he still was sending her to the autopsies. Victim 2 states the defendant told her he did not agree to not send her at all and if it was her turn to go to an autopsy she would have to do it.

Victim 2 states after that incident she tried to distance herself from the defendant and he tried to get her a new take home car but she did not want it. Victim 2 states the defendant then purposely put her and the other officer she was having personality issues with, in the same take home car so they would have to ride together. Victim 2 states the defendant told her he knew they didn't like each other so he thought it would be funny to have them ride together. Victim 2 states the unit then received more take home units and she was able to keep the car they were using, but the defendant told her if she wanted a new car she could come to his office. Victim 2 states the defendant put her in the latents section to excuse her getting a new car because other officers would get upset if she got a new car, and other officers did get upset because she got a new car and asked her why she got a new car so fast because she was relatively new to the unit. Victim 2 states she felt the defendant gave her the new car to show he gave her something without asking for anything in return, but if she wanted to keep the new car she would have to do something for him later. Victim 2 states she found out other officers were starting rumors she was sleeping with the defendant, and she approached the defendant to ask him to address those issues with the officers. Victim 2 states she told the defendant it was affecting her because other officers were thinking she wasn't a good officer. Victim 2 states she told the defendant that other officers thought she was getting new cars and being placed on latents because of him, she told him she deserved to be on latents because she was a good officer. Victim 2 states the defendant responded that he should just sleep with her because officers already believe he was sleeping with her.

Victim 2 states she got tired of the whole situation and approached the defendant and asked him if he wanted to be friends and keep things amicable at work or just be strictly professional. Victim 2 states she told the defendant the situation with him had gone on for long enough and she was tired of it, she did not want to send him pictures, or allow him to touch her breasts anymore. Victim 2 states the defendant became very upset and started cussing at her and told her he wasn't going to talk to her anymore. Victim 2 states she told the defendant that was fine she was trying to give him an option to remain friends and cordial. Victim 2 states the defendant started being cold with her at work and would greet everyone when he came in except her.

Victim 2 states there was an incident when she attempted to move some computer monitors to her cubicle and the defendant yelled at her in front of everyone and told her if she wanted those monitors she needed to move all of her items from her cubicle to that cubicle. Victim 2 states the defendant knew it was an inconvenience because she had a lot of items on her desk, but she did it anyway. Victim 2 states later another female officer moved some computer monitors to her cubicle and the defendant saw her and he didn't tell her anything, then she thought to herself if the defendant was going to be rude and ugly she was going back to being nice to him

and give in to his requests for sexual favors. Victim 2 states she started talking with the defendant and he told her not to tell anyone they talk in a sexual manner and to keep everything between themselves. Victim 2 states she saw that the defendant was manipulating the officers in the unit to make sure she was singled out so she would have to rely on him. Victim 2 states it was upsetting to her because all she wanted to do was her job, it was hard when the other officers made assumptions about her.

Victim 2 describes an incident at a call in the Crime Scene unit when the defendant demeaned her and other officers in the unit, cussing at them in front of other law enforcement agencies, then an officer from another station asked her why the defendant was speaking to them that way. Victim 2 states she told that officer he did not know how the defendant was, and if you fight back or speak up it's going to be worse for you.

Victim 2 describes an incident when the co-defendant told her another sergeant in the unit was going around saying the defendant had showed him naked pictures of victim 2. Victim 2 states she confronted the defendant and he denied it and tried to downplay it. Victim 2 states shortly after that incident she, the defendant and the co-defendant went to lunch and the co-defendant confronted the defendant that officers from another unit made a comment to him that they would like to have the naked pictures the defendant had of Victim 2. Victim 2 states the co-defendant told the defendant the other officers informed him that the defendant had showed them the naked pictures of victim 2. Victim 2 states the defendant and co-defendant became upset at each other and when they were in the parking lot they yelled at each other in public and she tried to calm them down, but the co-defendant told the defendant that he was always talking about victim 2 and causing problems then he lies about it. Victim 2 states the defendant and co-defendant finally stopped yelling at each other and they all went back to work in separate vehicles.

Victim 2 states she finally had enough of the defendant and decided to promote to sergeant to leave the unit to get away from the defendant. Victim 2 states after her decision to promote there was a call out in the Crime Scene unit, she was in her cubicle when the defendant approached her and told her that he knew she did not want to do this anymore, the flirting, the texting, the pictures, but he thought she was making a mistake. Victim 2 states the defendant told her it would be good if the fifty shades of grey thing would happen between them. Victim 2 states the defendant kept texting with her joking about buying her items to look at her breasts, and asked to have sex with her. Victim 2 states she would laugh off those requests and try to deflect the defendant's requests, and would tell him she did not want to do anything sexual with him. Victim 2 states she told the defendant she was not looking for that type of relationship with him, she wanted to keep it professional and or friends. Victim 2 states she was scared when she told him that because of what had happened the last time she told him when he became vindictive with her. Victim 2 states she told the defendant they could have a good friendship, they can go to lunch and joke around and everything at work could be nice without her having to do anything with him, that she shouldn't have to go into his office to show him her breasts or send him naked pictures of herself. Victim 2 states the defendant told her no, that he wanted something more with her and that she should keep doing what she was doing, and they can be friends. Victim 2 states after that conversation with the defendant, they were walking out of the office into the gym area and the defendant tried to hug her and she pushed him away and asked him if he didn't hear what she just told him. Victim 2 states the defendant responded that friends can hug also, then they walked up the stairwell and in the middle of the stairwell the defendant bear hugged her, trying to kiss her. Victim 2 states she kept turning her face away from the defendant and asked him what he was doing and to stop, she asked him again if he had heard what she told him in the office about her not wanting to do this. Victim 2 states the defendant told her it was just a kiss, and she told him no and he finally let her go.

Victim 2 states after the autopsy incident she didn't go back to the defendant's office for sexual purposes. Victim 2 states the defendant was going through marital problems and he moved into an apartment. Victim 2 states the defendant would send the name of his apartment complex in text to mean he wanted her to come over to his apartment, but she never did. Victim 2 states throughout her time at the Criminalistics Unit the defendant would

send her text messages saying what happened to the 2016 Victim 2, she was fun, now she was a prude, and asked why her why she did not do those things she used to do at the Pebble Hills Regional Command. Victim 2 states she would have to make excuses to the defendant, like she gained a lot of weight to try and deflect because she didn't want to do that anymore but didn't want the defendant to get mad.

Victim 2 states she is afraid of the defendant, and describes an incident that occurred on July 5, 2021 where the co-defendant told her comments the defendant had made. Victim 2 states she was at a call when the defendant showed up to the scene and the defendant made a comment when she was talking on her phone saying she was always on her phone. Victim 2 states at this point she was upset and made a comment back to the defendant and waived her phone to him and said that her phone contains a lot of information, meaning all the texts messages she had from the defendant. Victim 2 states she drove away from the scene and the co-defendant told her later that the defendant made a comment that they should hold her down and smash her phone.

Victim 2 states in August 10, 2021 there were instances when the defendant would buy her lunch when they would go out to eat and the defendant would tell her he paid for her and he would grab her breasts and slap her buttocks when he had the opportunity. Victim 2 states it was stressful and it was a lot for her to handle, it was stressful to work like that because if she didn't allow him to do that to her he would yell at her and make her life at work hard. Victim 2 states the defendant would make work life for other officers hard who he wasn't involved in sexually, and she would say to herself, what would the defendant do to her if he didn't get his way.

Victim 2 states she promoted to sergeant on January 31, 2022 and was placed in another region in the city. Victim 2 states other supervisors and officers asked if she was going to put in for a position that was going to open up for a supervisor at the Criminalistics Unit and she would tell them she was not. Victim 2 states the other supervisors and officers questioned her as to why she didn't want to go back to the unit she just came from and if it was that bad. Victim 2 states she would tell them it was bad and she didn't want to work under the defendant anymore. Victim 2 states the defendant became aware of the comments she was making and the co-defendant told her the defendant had asked him to relay a message to her. Victim 2 states the co-defendant told her the defendant said she needed to shut the fuck up, because one day he was going to make Commander and she would be working under him again and he would make her life hell.

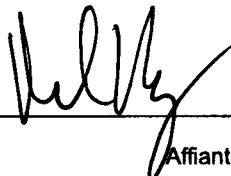
Victim 2 states she was already a sergeant during July of 2022 when the defendant reached out to her in text asking if she was interested to taking a work related trip with him to Ohio, because he was completing a contract for a new mobile command center. Victim 2 states the defendant told her he would find a reason for her to go but at minimum she would have to allow him to touch her breasts and buttocks. Victim 2 states she declined the defendant's offer.

Victim 2 states when she was a sergeant in the Fall of 2022 there was call she responded to and made a decision to arrest an officer and it got back to the defendant. Victim 2 states the co-defendant informed her the defendant was upset by the decision she had made and the co-defendant told her if she wanted she could reach out to the defendant to get advice next time she needs to make a major decision. Victim 2 states there was another incident during the Spring of 2023 where the call involved an officer and she did contact the defendant and he gave her advice on what to do.

Victim 2 states she felt constant pressure and stress with the defendant since she first met him and felt like she had to send him naked pictures of herself and it was made very obvious that the defendant would make her time at work difficult if she did not. Victim 2 states she never had intimate relations with the defendant even though he constantly kept asking for her to do so with him. Victim 2 states she just wanted to work without being stressed to fulfill the defendant's request for naked pictures and or allowing the defendant to touch her breasts and or kiss him. Victim 2 states it was demeaning when the defendant would yell at her and the other officers in the unit in front of other law enforcement agencies and have the other officers from those agencies approach her later and comment on how the defendant treated them. Victim 2 states she felt pressured into going along with the defendant's request for naked pictures and allowing him to touch her intimate areas because if she did not she would be retaliated against by the defendant.

Victim 2 provided several text messages between her and the defendant throughout the years she worked as a subordinate under the defendant in which the defendant made unwelcome sexual advances toward her and requests for sexual favors as well as other verbal conduct of a sexual nature, which made her unable to exercise and or enjoy her workplace without having to be in fear or concerned the defendant wanted sexual favors in return for his work actions.

This offense occurred in the City and County of El Paso, Texas against the peace and dignity of the State.



Affiant

Sworn to and subscribed before me on this, the _____ day of _____, 20____

Notary Public in and for El Paso County, Texas

AUG 29 2023

Sworn to and subscribed before me, and filed in this court, this the _____ day of _____, 20____

Probable Cause for issuance of Warrant found.

Judge,

_____ District Court
County Court at Law# _____
Of El Paso County, Texas



JUDGE RUBEN NUÑEZ
CRIMINAL LAW MAGISTRATE
Judge,

El Paso Municipal Court # _____
El Paso Justice Ct. Pct # _____
EL Paso Criminal Law Magistrate of
El Paso County, Texas