



EPPD

Incident Supplement Report

EL PASO DISTRICT CLERK
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2023 AUG 29 PM 9:47

EL PASO COUNTY, TEXAS

BY _____ DEPUTY

ORI : TX0710200

Supplement # : 23209031-0003

Print Date : 08/29/2023

Page Number : 1 of 5

JMAG-23-10896

Incident Supplement

Supplement # : 23209031-0003	Location :
Incident Record : 23209031	Contact Name :
Date/Time : 08/16/2023 10:59 AM	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 : 08/16/2023 10:59
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 #: 23-209031
Date of offense: January 2018 to May 27, 2023
Time of offense: Various times

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 January 2018 to June 2023 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, act under the color of his office or employment and intentionally subjected another to sexual harassment.

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 1 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 1's exercise or enjoyment of any right, privilege, power, or immunity either explicitly or implicitly.

The defendant was transferred in January of 2018 to the Criminalistics Unit as the Unit supervisor rank of Lieutenant which placed him in a position of authority and supervision over victim 1.

Victim 1 states the issues with the defendant started when her civilian supervisor would not allow her to complete her own work so she had to go to the defendant to help her with her supervisor which the defendant was also victim 1's civilian supervisor's superior. Victim 1 states the defendant told her he would look into the issue and do everything he could to help her. Victim 1 states the defendant told her he would get her certified in latent examination, because the civilian supervisor did not want to get her certified, and the defendant was her biggest ally in the criminalistics unit. Victim 1 states she was studying for the latent certification test, during Covid, and she was able to work from home. Victim states the defendant told her he did her a favor by allowing her to work from home, but she would tell him he didn't do her a favor because he did it also for a civilian latent examiner.

Victim 1 states during her time under direct supervision by the defendant, the defendant would have inappropriate face to face sexual conversations with her. Victim 1 states she did not tell the defendant to stop because she needed him to be an ally against her civilian supervisor.

Victim 1 states at the end of the year in 2020 she had an incident where she was caught working when she wasn't supposed to be. Victim 1 states when she arrived at the office a few days after the day she was caught working, the defendant called her into his office and began screaming at her, telling her how she messed up and the difficult situation she put him in and how serious it was what she had done. Victim 1 states the defendant

threatened her with being written up and most likely having to reimburse the money she was paid and looking at being arrested and losing her job. Victim 1 states the defendant asked her what he was going to get out of it for covering it up for her. Victim 1 states she informed the defendant to write her up and not cover it up, but victim 1 felt pressured and stressed she was going to lose her job and get arrested and didn't pursue the matter. Victim 1 states she did not receive discipline for the incident and the defendant would bring up the fact that he handled the incident and covered it up for her, which is documented in the text messages she provided. In those text messages the defendant is asking for victim 1 to exchange sexual pictures with him and to do sexual favors for him and mentions what he can do as the unit supervisor so victim 1 needs to step up her sexual involvement with him.

Victim 1 states she would receive text message from the defendant inviting her to his apartment but she would decline. Victim 1 states the defendant has been pressuring her to have sex with him the entire time she worked with him at Criminalistics and she declined.

Victim provided text messages documenting the following incident and states this incident occurred from December 2021 to February 2022. Victim 1 states she sent a message to the defendant informing him she was frustrated at Latents and wanted to take the sergeants exam. Victim 1 states the defendant told her to let him know how he can help her, and she believed he meant with his personal notes as he has helped others with those notes for the exam. Victim 1 states she replied to the defendant and she jokingly said he can give her the answers to the test and he informed her he was going to be a test matter expert to review the test questions for the sergeant exam and he can get the answers for the test. Victim 1 states she asked the defendant what he wanted for the answers to the test because her intent was to show whatever material the defendant provided to her to Internal Affairs. Victim 1 states the defendant replied in text he wanted slight touching, some flirting, sexual favors, office romance, and he wanted a sexual relationship with her. Victim 1 states she didn't want the defendant to become upset so she told him they were still negotiating the terms. Victim 1 states the defendant told her she needed to give him something so he can feel more comfortable. Victim 1 states she asked the defendant if he was setting her up, and the defendant sent her a picture of his penis. Victim 1 states the defendant told her he wanted a picture of her and she sent him a picture of her back side in underwear. Victim 1 states she sent the defendant that picture to send him a message of "kiss my ass" and that she was not going to send him a picture of her naked. Victim 1 states the defendant kept insisting he wanted more from her, like flirting, light touching, maybe a picture or two every now and then to show that she was serious because he was taking all the risk. Victim 1 states she did not fulfill the request for sexual favors and a sexual relationship with the defendant so he informed her he was not going to get the answers to the sergeants exam for her. Victim 1 states the defendant asked her to delete the text messages she was receiving from him and reminded her that he has taken care of her and he was not going to stop and that she was untouchable in the unit, and has done a lot of things for her that he has not done for anyone else.

Victim states the catalyst for her filing her complaint was when she was called in on a case on May 27, 2023 and she came in regular uniform, not her latent uniform, because she had extra employment scheduled for that evening. Victim 1 states she asked for permission from the co-defendant to go into work in a regular uniform and he approved. Victim 1 states the defendant yelled at her and asked her why she was in regular uniform and not her latent uniform, and she explained she had asked the co-defendant for permission to come in regular uniform because of the extra employment that evening. Victim 1 states as she was leaving for the day after she completed her work, the defendant made inappropriate sexual comments as to the uniform pants she was wearing. Victim 1 states the defendant said she looked hot in the patrol pants and her ass looked great, which made her feel uncomfortable.

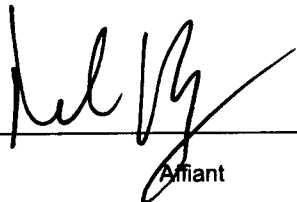
This Victim 1 states when she arrived at her extra employment that evening the co-defendant started texting with her asking if she knew the defendant has a really big crush on her. Victim 1 states she replied to the co-defendant, the defendant had an itch not a crush for her. Victim 1 states the co-defendant replied that the

defendant had a really bad itch for her, and that the defendant would do anything for her, he would even give her the co-defendant's position in the unit. Victim 1 states she tried to tell the co-defendant that she is dealing with the way the defendant feels for her, and that she didn't need him to tell her that. Victim 1 states the co-defendant then sent a text message asking her what will happen when the defendant figures out nothing is going to happen between them, and implied that she would face disciplinary actions if she did not submit to the defendant's requests for sexual favors, and sexual advances.

Victim 1 states she has never had any intentions of having anything sexually to do with the defendant. Victim 1 states the defendant constantly would tell her that he would do everything for her, that he would do favors for her and that she would not do anything for him in return. Victim 1 states she was in constant pressure and stress because the defendant would constantly ask for her to send him naked pictures of herself, to flirt with him, to have an office romance, and to have sex with him. Victim 1 states she had to endure the defendant's inappropriate comments because if she did not he would yell at her and demean her in private and in front of others. Victim 1 states she had to go along with the defendant's inappropriate sexual behavior because he was her only ally she had when dealing with the issues she had with her civilian supervisor. Victim 1 states all she wanted to do was work and be able to work without any pressure of having to fulfil any type of requests for sexual favors and to have a sexual relationship with the defendant.

Victim 1 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 be 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

El Paso Municipal Court # _____

El Paso Justice Ct. Pct # _____

EL Paso Criminal Law Magistrate of
El Paso County, Texas