



## El Paso Police Department

Mayor  
Dee Margo

Name: Nathan Wingo

Date: 11/13/19

### City Council

District 1  
Peter Svarzbein

District 2  
Alexandra Anello

District 3  
Cassandra Hernandez

District 4  
Dr. Sam Morgan

District 5  
Isabel Salcido

District 6  
Claudia Ordaz Perez

District 7  
Henry Rivera

District 8  
Cissy Lizarraga

City Manager  
Tommy Gonzalez

We have received your public information request for 19-240048  
The information you requested contains the below that is excepted from disclosure and confidential:

- ( ) Motor Vehicle record information excepted from disclosure by section 552.130 of the Texas Government Code.
- ( ) Credit Card, debit card charge, or access device number confidential under section 552.136 of the Texas Government Code
- ( ) Personal and family information and of a public employee or official and as allowed by section 552.024 of the Texas Government Code or official has chosen to make this information confidential.
- ( ) Personal and family information of peace officers, county jailers, security officers, employees of certain criminal or juvenile justice agencies or offices, and federal and state judges. As allowed by section 552.1175 of the Texas Government Code, this public employee has chosen to make this personal information confidential.
- ( ) Information maintained by a family violence shelter center, victims of trafficking shelter center, or sexual assault program that relates to home address, home telephone number, and/or social security number of an employee or a volunteer worker of the center or program or of a member of the board of trustees of the center or program. Confidential under section 552.138 of the Texas Government Code
- ( ) Social Security number of one or more living individuals excepted from disclosure by section 552.147 of the Texas Government Code.
- ( ) Originating telephone numbers and addresses of 9-1-1 callers furnished by a telephone service supplier to a 9-1-1 emergency communication, confidential under sections 772.118, 772.218, and 772.318 of the Health and Safety Code.
- ( ) Other information withheld by permission granted under Open Records Decision No. 684 (2009) such as direct deposit forms, form I-9 and attachments, W-2 and W-4 forms, certified agenda and tape of closed meeting, fingerprints, L-2 and L-3 declarations, military discharge records, email addresses.
- ☒ Information protected by common-law privacy pursuant to section 552.101 of the Texas Government Code.
- ( ) Requestor has a special right of access but must present current photo ID before information may be released.
- ( ) Requestor has a special right of access but must present current photo ID and documentation to establish the required relationship such as birth certificate or court order of guardianship.
- ( ) Please note the City Attorney will write to the ATTORNEY GENERAL for release of additional Supplements. You will receive a letter by mail with information.

Sincerely,

Alexis Esquivel, C1722  
Deputy Custodian of Records  
ID&Records/Open Records Section  
El Paso Police Department

Gregory K. Allen – Chief of Police  
911 N. Raynor Street El Paso, Texas 79903 (915) 212-4000

**"Delivering Outstanding Services"**



## **El Paso Police Department**

Our Office is prohibited by law from releasing the checked marked information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, the law allows us to withhold this specific information without requesting a ruling from the Attorney General.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under sections on the reverse side of this form. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

How to appeal the withholding of information under Government Code sections 552.130, 552.136, 552.024, 552.1175, and/or 552.138.

If you wish to appeal the withholding of information marked on the reverse side of this page, you must send the following to the Attorney General.

- 1) A signed, written statement indicating your wish to appeal the withholding of information;
- 2) The name of the governmental body that withheld information from you;
- 3) The date you made your original request for information; and
- 4) A copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the Attorney General at

**OPEN RECORDS DIVISION  
P.O. BOX 12548  
AUSTIN, TX 78711-2548**

Within forty-five business days after receiving all of the above listed items necessary to file your appeal, the Attorney General will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

\*Other Government Code sections do not grant the right to file a formal request for review of information redacted. However, you may file a written complaint with the Office of the Attorney General.

OAG OPEN GOVERNMENT HOTLINE  
WWW.TEXASATTORNEYGENERAL.GOV

OAG WEBSITE(877) OPEN-TEX

Gregory K. Allen – Chief of Police  
911 N. Raynor Street El Paso, Texas 79903 (915) 212-4000

I N C I D E N T  D A T A	Agency Name <b>El Paso Police Department</b>		<b>INCIDENT / INVESTIGATION REPORT</b>				OCA <b>19-240048</b>			
	ORI <b>TX0710200</b>		Date / Time Reported <b>W'E Aug 28, 2019 08:50</b>							
#	1	Crime Incident <b>INFO RECEIVED</b>	Equiv Code: 4010637	UCR: 999	Local Statute: 85 SG	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	Last Known Secure <b>W'E Aug 28, 2019 08:50</b>			
	2	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com	At Found <b>W'E Aug 28, 2019 08:50</b>			
	3	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com				
Location of Incident <b>5001 Fred Wilson Ave, El Paso, TX 79904</b>						Premise Type <b>Government Public Building</b>		Offense Tract <b>NERC</b>		
M O	How Attacked or Committed									
	Weapon / Tools									
Forcible Entry <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A										
V I C T I M	# Victims	0		Type	Injury		Residency Status			
	V1	Victim/Business Name (Last, First, Middle)				Victim of Crime #		Age / DOB	Race	Sex
						Relationship to Offenders				
	Home Address							Home Phone		
	Employer Name/Address							Business Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN			
	<b>CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) I = Other Involved</b>									
O T H E R  I N V O L V E D	Code	Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race	Sex	
	<b>RPI</b>	<b>Brown, Jennifer</b>						<b>U</b>	<b>F</b>	
	Home Address							Home Phone		
	Employer Name/Address <b>Peta Cid</b>							Business Phone		
P R O P E R T Y	Code	Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race	Sex	
	Home Address							Home Phone		
	Employer Name/Address							Business Phone		
<b>Status Codes: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown</b> (Check "OJ" column if recovered for other jurisdiction)										
P R O P E R T Y	Victim #	UCR	Status - Date	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
Number of Vehicles Stolen			0							
Number Vehicles Recovered			0							
I D	Officer <b>(02723) BALKE, CORY T</b>				Officer Signature			Supervisor Signature <b>(01476) LOZANO, RAUL</b>		
	Complainant Signature				Case Status <b>Further Investigation August 28, 2019</b>			Case Disposition		

Printed at: 11/11/2019 08:28 by user: C1722

PUBLIC RECORDS INFORMATION  
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE  
HAVE BEEN REMOVED IN ACCORDANCE WITH THE  
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

# Incident / Investigation Report

El Paso Police Department

OCA: 19-240048

<b>Status Codes</b> L = Lost   S = Stolen   R = Recovered   D = Damaged   Z = Seized   B = Burned   C = Counterfeit / Forged   F = Found   U = Unknown															
D R U G S	Status		Quantity		Type Measure			Suspected Drug Type							
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer				<b>Offender 1</b> Age:      Race:      Sex:			<b>Offender 2</b> Age:      Race:      Sex:			<b>Offender 3</b> Age:      Race:      Sex:			Primary Offender Resident Status Resident Non-Resident Unknown	
					Ssn:			Ssn:			Ssn:				
					<b>Offender 4</b> Age:      Race:      Sex:			<b>Offender 5</b> Age:      Race:      Sex:			<b>Offender 6</b> Age:      Race:      Sex:				
					Ssn:			Ssn:			Ssn:				
S U S P E C T	Name (L, F M)						Home Address						Home Phone		
	AKA														
	SSN:			Occupation			Business Address						Business Phone		
	DOB / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color				
							Hair Style		Hair Length		Glasses				
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)														
	Hat			Shirt/Blouse			Coat/Suit			Socks					
	Jacket			Tie/Scarf			Pants/Dress/Skirt			Shoes					
	Was Suspect Armed?		Type of Weapon				Direction of Travel				Mode of Travel				
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin								
Suspect Hate / Bias Motivated. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						Type:									
W I T N E S S	Name (Last, First, Middle)						SSN:		D.O.B.		Age	Race	Sex		
	Home Address						Home Phone		Employer		Phone				
N A R R T I V E	SIU was tasked to assist the ACIU with this case. The case was worked in unison between both units.														

## Incident / Investigation Report

El Paso Police Department

OCA: 19-240048

### Officer's Supplement

Officer 4731

Date / Time Reported W'E Aug 28, 2019 08:50

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

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## Incident / Investigation Report

El Paso Police Department

OCA: 19-240048

### Additional Officer Supplements

**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (02723) BALKE, CORY T

Supplement Type: Witness Interview :

Date / Time 9/3/2019 13:54

08-28-19: The Undersigned has been assigned the case and the initial information sent to the PIO/Chiefs Office has been reviewed. The Undersigned made contact with the reporter, Jessica Brown from PETA via e-mail. The Undersigned asked Ms. Brown to give him a contact number so he could inquire about the original source of the information. Ms. Brown sent a return email stating that she would set up a conference call with PETA National Animal Care services. The Undersigned advised her that a call like that could come further into the investigation, but that the Undersigned needed to speak with her directly being that she is the reporter of the information. She returned an email with her personal number, but did not answer when the Undersigned called her. A voicemail was left.

The Undersigned and Sgt. Lozano sat down with Animal Cruelty Unit Officer Gutierrez, he was asked about the alleged incidents at the shelter and if he felt there was any validity to the allegations. He stated that based on the allegations he did not believe them to be truthful. The documents sent in stated that the shelter is failing to provide care for sick and injured animals. Officer Gutierrez stated that he was attached to the Vets at the shelter for approximately two months and that the staff there does everything in their power to do what they can for the animals with what resources they have available.

08-30-19: Ms. Brown sent an email stating that she did receive the Undersigned's voicemail, but that she would prefer a conference call and that she has no other information other than the information she sent to Chief Allen. The next step will also include contacting Paula Powell, who is in charge of the El Paso Animal Services to talk about the alleged incidents.

09-05-19: Ms. Powell the Director of Animal Services for the City of El Paso came into the SIU office on today's date to provide a statement on behalf of the shelter. The Undersigned Ms. Powell the evidence presented in which she already had copies and was aware of all allegations and photo evidence as it was sent to multiple agencies and offices in the City of El Paso. All allegations on the letter sent in by the Complainant were addressed and a follow up at the Shelter is forthcoming. The interview was audio/visual recorded and will be submitted as evidence.

10-18-19: On today's date the Undersigned along with Officer Gutierrez #2314 from the ACIU met with Director Powell at the El Paso Animal Services Shelter. A walk through of the entire facility was conducted along with photos taken of all areas of the shelter. The allegations sent forth in this case stated that the shelter was violating elements of Texas penal code. The below PC section is the direct statute sent in by PETA.

Sec. 42.092. Cruelty to Nonlivestock Animals prohibits "any act that causes unjustifiable pain or suffering" and states that "(b) A person commits an offense if the person intentionally, knowingly, or recklessly: . . . (3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody" [emphasis added]. [1] Animal shelters are not exempt from the law. We believe that the reported conditions at the El Paso facility present sufficient cause for your department to visit the property and undertake a thorough criminal investigation.

Throughout the process of this investigation, none of the elements for this offense were proven or observed to be committed by the Animal Services Shelter. All animals in the shelter are provided with, food, care, shelter and attention. The shelter is also in the progress of having additional housing sections built on premise grounds to increase the housing areas for the animals.

## Incident / Investigation Report

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### Additional Officer Supplements

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Officer (02723) BALKE, CORY T

This case is now being closed out as Cleared...

Det. C Balke #2723

Special Investigations Unit

## Incident / Investigation Report

El Paso Police Department

OCA: 19-240048

### Additional Officer Supplements

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Officer (02314) GUTIERREZ, ARTURO

Supplement Type: Witness Interview :

Date / Time 9/17/2019 09:34

Officer Gutierrez #2314 (K504) was assigned to the Animal Cruelty Investigative Unit since the unit was created on November of 2017. The officer's assignment with in the unit was to act as a liaison between the new formed unit and Animal Services. The first two or three months the officer worked with the Veterinarians from the Animal Shelter (5001 Fred Wilson). At that time there were 4 Veterinarians. During this time the officer observed that the Veterinarians would start their day with surgeries to the felines and canines. After surgeries the Vets would start doing their runs checking all the animals in the shelter, one vet would take care of the felines and other veterinarian would tend the canines. The other veterinarian would take care of the incoming animals either from the public or from the Animal Services Officers on the field, also the veterinarians started assessing the canines and felines that were victims of cruelty with what they had. Since none of the Veterinarians were Forensics Pathologist they did not have all the necessary equipment for a complete assessment especially on necropsies.

The officer never saw the animals being mistreated, on the other hand, the officer saw that the shelter was always full with canines and felines that arrived from the City and County of El Paso. As an Animal Science major the officer believed that is very hard to keep the shelter free of diseases when animals from all over the city and count without history come in and in addition the space to house the animals is limited.



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### Additional Officer Supplements

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Officer (02723) BALKE, CORY T

Supplement Type: Witness Interview :

Date / Time 10/23/2019 08:12

Shelter Certificate from State Board

Incident / Investigation Report

El Paso Police Department

OCA: 19-240048

Attached Picture: CERTIFICATE.JPG

10-000110

DEPARTMENT OF  
STATE HEALTH SERVICES

Date 07-16-19

No. 10-0001

THIS IS TO CERTIFY THAT

El Paso Animal Services

Name

having complied with the provisions of Chapter 826, Health and Safety Code, and having  
been approved by Zoonosis Control, is hereby licensed

to operate as a Animal Quarantine Facility

located at 5001 Fred Wilson El Paso El Paso  
Street City County

Unless revoked for due cause, this license will expire 07-16-20

Kenneth A. Waldrop DVM  
Regional Zoonosis Control Veterinarian

Shall Be Publicly Displayed on the Premises  
Non-Transferable

PUBLIC RECORDS INFORMATION  
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HAVE BEEN REMOVED IN ACCORDANCE WITH THE  
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE 11/13/19 BY: C1722 TO N Winograd