

## CAPITAL HIGHLIGHTS

### Absent lawmakers stymie special legislative session

BY GARY BORDERS  
TEXAS PRESS ASSOCIATION

Nearly 60 Texas House Democrats left the state last Monday for Washington, D.C. in an effort to stop passage of a Republican-led elections bill. This in effect blocks all legislation since the House doesn't have a quorum present. As the Austin American Statesman and other media outlets reported, Gov. Greg Abbott has threatened to arrest the absent lawmakers upon their return. While in Washington, the legislators

have met with Vice President Kamala Harris and Democratic senators to push passage of a federal elections bill that is currently stalemated.

The House Democrats have vowed to stay in Washington until the special session ends on Aug. 7. They are using private funds as well as campaign accounts to finance their decampment to the nation's capital and are mounting fundraising campaigns. San Antonio lawmaker Trey Martinez Fischer, one of the leaders of breaking the quorum, said Democrats are spend-

ing \$10,000 a day for hotel rooms and meals.

#### Abbott orders investigation of juvenile justice department

Abbott last week directed the Texas Rangers to investigate "multiple allegations" of potentially illegal behavior among certain staff members of the Texas Juvenile Justice Department. The department operates five secure facilities and six halfway houses across the state for

youthful offenders. The move comes after numerous complaints that children in state lockups are subject to widespread sexual assault and other violations.

In late 2020, Texas Appleseed and Disability Rights Texas filed a complaint with the Civil Rights Division of the U.S. Department of Justice, claiming "grievous violations of children's constitutional rights." TJJD has been under criticism for more than a decade for what critics term chronic understaffing, abuse and scandal, according to reports.

## ANIMAL

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While the investigation indicated that animals euthanized at the shelter using sodium pentobarbital were not improperly disposed of, videos provided by Gerber depict Brown and Antinoro discussing the disposal of animals in city dumpsters without proper processes being followed. Chapter 169 of the Texas Administrative Code requires animals euthanized with the drug to be disposed of in an appropriate landfill. Sanitation workers must also be notified that the animals contain the drug so the landfill can properly bury the carcasses to prevent injury to wildlife who may attempt to consume the animal remains. However, in one video Antinoro indicates that he spoke with the driver of a trash truck and asked about the driver's route to identify a dumpster to place animal remains in.

In another, Antinoro and Brown explain to Gerber that they plan to use dumpsters to dispose of feline remains.

"I've got a bag full of cats back there now," Antinoro says in the video. "We can take the bag and the box of kittens."

In the video, Antinoro then explains that he's talking about the dumpster at the city-owned Woodland Park Community Center in Katy, while Brown says they can use any city dumpster.

Diaz said he had spoken with representatives of Texas Pride Disposal, the city's refuse services provider, and confirmed that arrangements had been made by Brown to dispose of the animals in Texas Pride's landfills. He said the landfills are appropriate facilities for disposal of euthanized animal remains.

"(Gerber) didn't know," Diaz said. "She didn't know because she was just there on the weekends and David had already made all those arrangements."

However, it was unclear what notification system had been set up to ensure sanitation workers knew remains would be in specific dumpsters to ensure remains were buried appropriately and that a qualified landfill was selected for trucks carrying them.

Gerber said she was frustrated at the lack of action when she had initially brought her concerns to Diaz in June of 2020 and he did not move forward with the investigation at that time.

Diaz initially said during a March 31 interview that he did not move forward with an investigation at the time because Gerber had not filed a complaint in writing. However, when asked where to find the

requirement in policy for the complaint to be in writing during a follow-up interview on May 6, he said Gerber did not actually make a complaint in June of 2021 but had just discussed concerns informally.

"Okay, so that wasn't a formal complaint," Diaz said. "We visited. We talked about her husband. ... It was a very bland meeting of sorts."

Gerber said during multiple interviews that she had notified Diaz of her concerns regarding practices at Katy Animal Control and had expected him to investigate the issues she'd brought up. However, she also said her main concern now is improvements at the facility and getting her life back in order after a subsequent investigation was opened relating to her actions during the investigation.

#### Moving Forward

While the KPD Internal Affairs investigation has been closed, allegations against Brown related to him assisting Wells in hiding animals from investigators are associated with an ongoing case with Fort Bend County Court at Law 4. Additionally, another KPD investigation into the euthanizing of a cat named Jasper was still underway, Diaz said during the May interview.

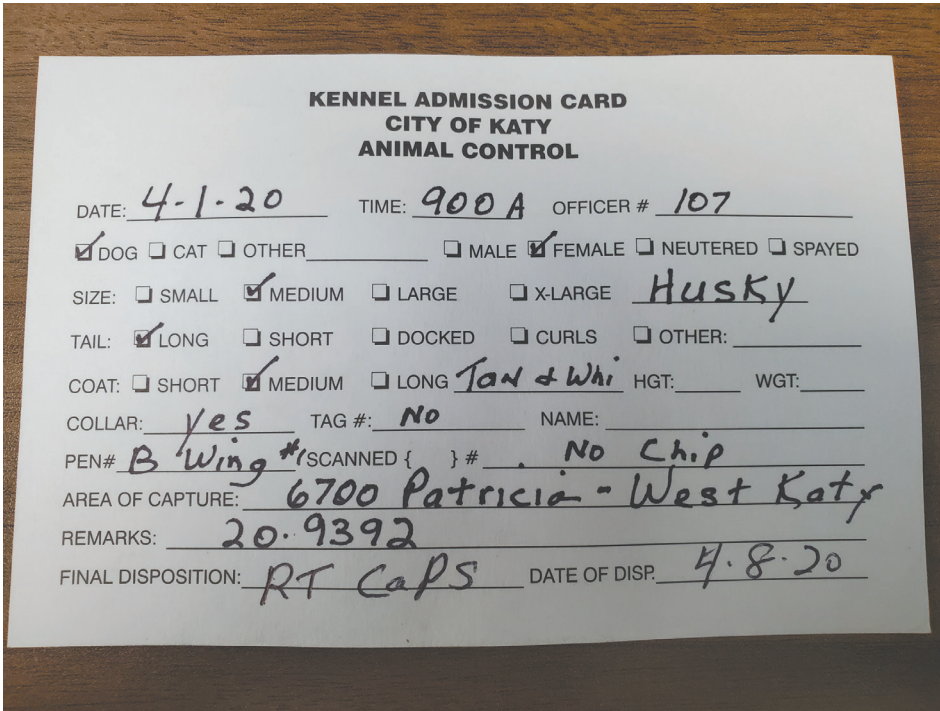
However, the city is moving forward with improvements to the Katy Animal Control program to remedy any shortcomings related to facilities and procedures.

The city adopted Houston Humane Society's animal control policy manual with some adjustments to fit the city's needs, Diaz said. Additionally, the city has formed the Katy Animal Control Advisory Committee made up of members appointed by city council members to examine practices at the facility and bring them in line with modern animal control industry best practices.

Diaz said during a March 8 city council meeting presentation that Katy Animal Control has partnered with the Houston Humane Society to ensure animal remains are properly disposed of. Additionally, euthanasia is now overseen by a veterinarian, he said.

Diaz also said that kennel cards, documents recording animals taken into the shelter, are now being done for each animal taken in and are being processed digitally rather than using easily-lost paper cards.

In a recommendations document submitted to Katy City Council members,



FILE PHOTO

Kennel Cards such as this one were found to be used incorrectly at Katy Animal Control. Multiple animals, usually in family groups, were regularly listed on one card rather than on separate documents. The cards were also not filed correctly, investigators said.

#### How fast does sodium pentobarbital work?

Typically, within five seconds after injection into a vein the animal is unconscious, within 20 seconds the animal stops breathing, within 40 seconds the animal is considered "medically dead" (meaning the heart has ceased circulating blood), and within two minutes the animal is "clinically dead" (meaning all voluntary and involuntary functions have ceased, although muscle twitching may continue for several minutes).

SOURCE: THE HUMANE SOCIETY OF THE UNITED STATES

the Katy Animal Control Advisory Group suggested several changes that would cost the city about \$120,000. The majority of the fixes would be relatively inexpensive with a new cat cage, vaccinations, public outreach and pet wellness program costing only about \$10,000. However, a proposed shelter modernization would come in at \$110,000 to

bring the facility up to guidelines set by the Association of Shelter Veterinarians.

A recommendation for a Katy animal outreach coordinator position was also proposed by the advisory group and would not only adjust the job description of an existing part-time position, thus not incurring any additional cost to the city, according to documents provided by a group member. The new position would help establish formal relationships with animal-serving nonprofits, rather than the informal agreements used now.

Council Member Rory Robertson said that, while he is saddened about the overall situation, he feels that the fixes the city is putting in place are important as problems are identified and solutions implemented.

While he could not speak to the closed or ongoing investigation, in a brief conversation, Brown said there is a silver lining to the overall situation.

"One thing about it, it is moving the shelter forward, we've always been shorthanded," said Brown.

*Editor's note: David Brown and Spencer Antinoro were not interviewed for this article because of ongoing investigations through Fort Bend County and Katy PD.*

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## July 15

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