



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Kansas

6701 W. 64TH Street,
Suite 210
Overland Park, KS 66202
T/913-490-4100
www.aclukansas.org

March 21, 2019

Affiliate Board of Directors

Susan Estes
President/National Board
Representative

Lon Lewis
Treasurer

Leslie Bissell
Secretary

James Bell
Sandy Brown
Micheline Burger
Roberta Eveslage
Robert Eye
Mark Johnson
Raymond Rico
Jeffrey Wicks

Micah W. Kubic
Executive Director

Via E-mail and First-Class Mail: rob主p@ag.ks.gov

Office of the Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612

**Re: Request for Investigation into Karle Robinson's
Complaint of Racial Biased Policing by the Tonganoxie Police
Department**

On August 19, 2018, Tonganoxie Police Department (“TPD”)

Officer Brady Adams stopped and detained Karle Robinson while he was carrying a television into his home. Officer Adams stated in a police report that he suspected Mr. Robinson of committing a burglary. When Mr. Robinson attempted to file a complaint with TPD alleging he was racially profiled, Chief Greg Lawson obstructed him from doing so, instead insisting that they have an informal meeting. During the meeting, Chief Lawson dismissed Mr. Robinson's concerns, unequivocally supporting Officer Adams's decision to draw his weapon and use handcuffs. TPD also subjected Mr. Robinson to a campaign of surveillance and harassment following his August 19th detention that only ceased when he publicly complained to the *Kansas*

City Star. Each of these incidents would be concerning had they been alleged independently. Together they suggest a pervasive culture of racial bias and systemic process failure within the Tonganoxie Police Department. Accordingly, we request that the Kansas Office of the Attorney General investigate TPD or refer this complaint to the Kansas Commission on Police Officers Standards and Training (CPOST) pursuant to K.S.A. §22-4606.

Factual Background

Karle Robinson is a 61-year old African American resident of Tonganoxie. He is a Marine veteran and a native of Kansas. On July 13, 2018, Mr. Robinson purchased his home at 1524 4th Street Tonganoxie, Kansas 66086. He started moving in over the course of the next month while he finalized the sale of his previous residence in Merriam.

Mr. Robinson rented a U-Haul cargo van to complete his move on the evening of Saturday, August 18th. At 10:00 pm on August 18th, a Tonganoxie police officer stopped Mr. Robinson while he was en route to his new home. The officer ran Mr. Robinson's license and gave him a warning citation. Mr. Robinson arrived home at or around 12:00 am. Mr. Robinson turned on his kitchen light and the dome lights of the moving van for visibility. As Mr. Robinson made trips in and out of the house, he saw Tonganoxie police Officer Brady Adams observing him. Over the course of two hours, Mr. Robinson saw Officer Adams pass his house between five and six times and they made eye contact on at least one occasion.

At or around 2:30am on August 19th, Mr. Robinson started to carry his television inside. The television was the last item of the load of the cargo van. As Mr. Robinson was going up the stairs of his home, Officer Adams pulled into his driveway, drew his weapon, and instructed Mr. Robinson to put down the television. Mr. Robinson immediately complied with Officer Adams's directive and attempted to explain that he owned the house and was in the process of finalizing his move. Mr. Robinson stated that he had paperwork inside the house that would verify he was the owner. Rather than accompanying Mr. Robinson inside the house to view the paperwork, Officer Adams handcuffed Mr. Robinson as he waited for backup. Officer Shane Pfannenstiel and Sergeant Collin Clair arrived on the scene. Officer Adams and Sgt. Clair entered the residence and located the paperwork that Mr. Robinson identified when he was first detained. Officer Adams and Sgt. Clair returned outside and uncuffed Mr. Robinson. Officer Adams told Mr. Robinson that he had to place him in handcuffs due to a recent string of burglaries in the area. However, Officer Adams did not explain why he waited approximately two hours before he became concerned that the Mr. Robinson was committing a burglary.

Prior to his August 19th detention, Mr. Robinson had not heard of any reported thefts or burglaries in his neighborhood. He had looked into crime reports in the area when he was deciding whether to purchase the house in July and there had not been any recorded incidents of burglary. Thinking that the crimes Officer Adams had cited were more recent, Mr. Robinson asked his neighbors if they were aware of any

burglaries in the neighborhood. His neighbors responded that the only burglaries that they were aware of occurred across town.

TPD maintained a regular presence at or near Mr. Robinson's home in the weeks following his detention. TPD squad cars parked directly across the street at the water treatment center almost every evening. They also frequently patrolled around his block. On the evening of August 21, 2018, a TPD officer followed Mr. Robinson from his home to the highway for over 5 minutes.

On or about October 3, 2018, Mr. Robinson attempted to file an internal affairs complaint with TPD about the August 19th incident and the ensuing weeks of police surveillance. When Mr. Robinson arrived at the police station and asked the receptionist to file a complaint, she asked him to wait while she notified Chief Lawson. Instead of allowing Mr. Robinson to file a written complaint, Chief Lawson proposed that they meet instead. During the meeting, Chief Lawson stated that he approved of how Officer Adams handled Mr. Robinson's August 19th detention. Chief Lawson told Mr. Robinson that Officer Adams was justified in drawing his weapon and applying restraints since he "feared for his life." At no point did Chief Lawson permit Mr. Robinson to submit a written complaint for further review by TPD's internal affairs unit. Chief Lawson ended the meeting by telling Mr. Robinson that Officer Adams did not act with racial bias or otherwise engage in improper conduct.

After Chief Lawson interfered with his attempt to initiate an investigation, Mr. Robinson contacted the *Kansas City Star* to publicize his concerns about the detention. Joe Robertson, '*Handcuffed on my own property*': *Video shows black homeowner questioned by Kan. police*, KANSAS CITY STAR, Oct. 3, 2018, <https://www.kansascity.com/news/local/article219422675.html>. It was only after the *Kansas City Star* ran the story that TPD stopped surveilling Mr. Robinson's home.

Inconsistencies in Officer Adams's Report

Mr. Robinson obtained a copy of Officer Adams's police report and bodycam footage of the August 19 detention in early October. *See* Exhibit 1-Brady Report; Exhibit 2-Brady Body Camera Footage. Officer Adams's report contains a number of discrepant statements and inaccuracies. First, Officer Adams stated that he became suspicious that a burglary was underway when he observed the porch light was on at 2:28 am. *See* Exhibit 1. However, Officer Adams had watched Mr. Robinson enter and exit his house multiple times in the two-hour period prior to detaining him. Officer Adams alludes to the fact that he had seen Mr. Robinson prior to making the stop stating "we've got someone *moving furniture in* and out of the house." *See* Exhibit 2 at :58. It is also worth noting that moving furniture into a house, conduct Officer Adams states he observed, is not consistent with the elements of burglary defined in K.S.A. § 21-5807 (a).

Even if Officer Adams did not see Mr. Robinson while he was patrolling, he would have observed the van and any lights at the house long before 2:28 am. These

lights had been on for at least two hours before they became an actionable source of suspicion for Officer Adams. Therefore, the out of the ordinary circumstance that purportedly sparked Officer Adams's concern could not have been the only reason he decided to detain Mr. Robinson.

Additionally, Officer Adams's bodycam footage very clearly shows that Mr. Robinson was going towards the stairs and into his home when the stop was initiated. See Exhibit 2 at :41. This fact, in addition to the presence of the rented moving van parked in the driveway, would suggest to a reasonable officer that a move rather than a burglary was in progress.

Finally, contrary to Officer Adams's report, there was no basis to believe that the house was not occupied or still for sale. There was no "For Sale" real estate sign on the property on August 19th nor had there been since July 13th when Mr. Robinson closed on the house. Additionally, Mr. Robinson had moved the majority of his things into the home in the month before he was detained, leaving little reason for Officer Adams to have concluded that the house was not occupied.

Had Chief Lawson permitted Mr. Robinson to file an internal affairs complaint and conducted an investigation, TPD would have been aware of these inconsistencies.

Concerns of Biased Policing

Mr. Robinson believes his detention was motivated by his race rather than a reasonable suspicion that he was committing a burglary. First, as discussed in the proceeding section, many of the circumstances Officer Adams states formed the basis

for his suspicion are disproved by the bodycam footage and are inconsistent with other independently verifiable facts. In particular, Officer Adams's decision to detain Mr. Robinson at 2:28am despite observing his moving van and other indicia that the house was occupied at or around 12:00am indicate that his stated reasons for suspicion were pretextual.

Moreover, Officer Adams continued to suspect Mr. Robinson was engaged in criminal conduct even as he uncovered additional evidence that corroborated his claims that he owned the house. Once Officer Adams and Sgt. Clair observed the scene inside the house, Officer Adams conceded "it does look like someone is moving." *Id.* at 6:20. They also find the ownership paperwork under the counter, where Mr. Robinson stated it would be located. Notwithstanding this new information, Officer Adams maintains his suspicion, stating "I don't know if that is his name or not, I am going to bring it with me" and insists on verifying the name on Mr. Robinson's paperwork matches his license. *Id.* at 6:44.

Mr. Robinson also feels that the surveillance he was subjected to from August 20 through October 4, was motivated by nothing other than TPD's discomfort with his race. The fact that the surveillance stopped only when his allegations of profiling were publicized in the *Kansas City Star* supports this concern.

Finally, Chief Lawson's intervention when Mr. Robinson tried to file a written internal affairs complaint has compounded his concerns that his detention and the subsequent surveillance he experienced were motivated by improper considerations of

race. Even if Chief Lawson had ultimately declined to investigate the matter, Mr. Robinson wanted to make a formal written record detailing his experience. Chief Lawson deprived him of that opportunity.

Conclusion

For the foregoing reasons, we request that the Office of the Attorney General investigate this complaint, or, refer the matter to the Kansas CPOST. Please do not hesitate to contact me at (913) 490-4114 or lbonds@aclukansas.org if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lauren Bonds', with a stylized flourish extending to the right.

Lauren Bonds
ACLU Foundation of Kansas
Legal Director

EXHIBIT 1

18-1121

Tonganoxie Police Department Incident Report

Page: 1 of 1

Occurred On Date 8/19/2018 2:28:00 AM	Occurred To Date 8/19/2018 2:39:00 AM	Reported Date 8/19/2018 6:00:45 AM	Case Number 18-1121
Incident Type BURG - Burglary			
Complaint Type BURG - Burglary			Case Status Report Approved
Address 1525 4th St		City/State/Zip Tonganoxie, KS 66086	
Location Detail			
District/Division PD		Patrol Area City	
Reporting Officer Brady Adams		Rank Patrolman	Badge 632
<p>Occurrence Synopsis</p> <p>On August 19th, 2018 at approximately 2:28 am I was driving past 1525 4th street Tonganoxie, Leavenworth County, Kansas when I noticed a large white van in the driveway with all the doors open. I then noticed that the porch light was on, on a house that I believed to be for sale and not occupied, I also had never noticed the light on the porch to be on either. I radioed dispatch and informed them that I believed I might have a burglary in progress.</p> <p>I approached the residence walking up the passanger side of the vehicle. I noticed a male later identified as Karle Robinson 8/13/1957 holding a large tv. I was not able to tell if he was carrying it inside or bringing it out of the residence before I told him to stop and place the TV on the ground. I told Karle not to move as I was waiting for backup to arrive before I proceeded. Before back up arrived I decieded to place Karle in handcuffs because I was still not sure if he was committing a burglary or not. Karle did state that he had just bought the house, but due to the time of night and the recent burglaries we have had in the area I was not going to take his word for it.</p> <p>Officer Pfannenstiel arrived on scene as I finished placing Karle in handcuffs and had him sit on the bumper of the van. I asked Karle if there was any paperwork stating that he had bought the house, he stated that the paperwork was under the counter inside the residence. I waited for Sgt. Clair to arrive on scene approximatley a minute later, before we entered the residence upon finding the paperwork it was determined that Karle was infact the homeowner. We exited the residence and removed the handcuffs from Karle. I explained to him again why I did what I did, it appeared that he understood and was not upset.</p> <p>During the initial contact with Karle I did have my weapon drawn, but did not point it at Karle at anypoint during the incident.</p> <p>End of report.</p>			

COPY