



CITY OF TOPEKA

INDEPENDENT POLICE AUDITOR

*THIS REPORT OUTLINES THE CIRCUMSTANCES REGARDING
CASE # 2020-00099160*

*OFFICE OF THE
INDEPENDENT POLICE
AUDITOR*

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INCIDENT

This incident was recorded by officers body worn camera (BWC). In keeping with Supreme Court precedent which states that uses of force must be judged based on what the officers knew (or reasonably believed) at the time force was used, and not with the benefit of 20/20 hindsight¹, I have described the incident based on the officers narratives and BWC videos as well as interviews of witnesses conducted following the incident. I have reviewed the camera footage and will refer to it where appropriate.

Summary of facts as noted by the IPA:

On December 2, 2020, at approximately 3:00 p.m., Topeka Police Department Officers (hereinafter referred to as Officer1 and Officer2) made contact with a citizen who was subsequently detained on suspicion of a warrant. This contact came about after Officer1 received a complaint to investigate the address where the contact occurred. Officer1 spoke with a confidential informant that gave Officer1 specific information regarding citizen and citizen's residence. In addition, Officer1 received further information from another TPD officer and the narcotics division (not involved in this instance) that they had also received information the Citizen had a felony warrant for his arrest and there may be possible activities related to narcotics. Officer1 did further research and learned from dispatch that there had been 19 calls for service at the subject address in the last 12 months. The most recent calls prior to this incident are as follows:

¹ *Graham v. Connor*, 490 U.S. 386 (1989).

- On October 26, 2020 for assault;
- On November 19, 2020 for domestic violence, which ended up being verbal only, no arrests were made. However, Citizen was advised of a warrant for his arrest and was told to take care of it. The officers explained that they did not want to intensify the situation by arresting him and encouraged him to call the court on Monday. The issue relating to the different middle name and Citizen not being the person named in the warrant, as it was learned during this call, was not exposed or addressed during this call;
- A call on November 24, 2020, for phone threats;
- On November 29, 2020 a report of an overdose. During this call officers made mention of Citizen having a sidearm on his hip. They did not appear concerned or threatened by the firearm, it seemed to be mentioned as an FYI from one officer to the other. The warrant issue did not come up in this case. Additionally, during this police contact Citizen's spouse advised one of the responding officer that the woman staying upstairs with the overdosed person was involved with methamphetamines.

With this information, Officer1 and Officer2 went to the case address to make contact with the occupants and investigate the complaint; this is commonly known as a "knock and talk".

At approximately 3 p.m., the officers arrived at the case address. As they approached the house, they made contact with Citizen in the driveway, behind citizen's work truck, which was backed into the driveway. A review of the Axon body worn video camera shows the following interaction as it relates to the use of force:

contact begins at approximately the 1:07 mark on officer1's video

- Citizen – can I help you?
- Officer 1 (O1) – who are you?
- Citizen – [provides first and last name], I live here, who are you?

prior to the contact, Officers had checked and learned that there was a warrant for an individual with the same first and last name as the one provided by citizen. Further, the photo of the individual with the warrant had a strong resemblance to Citizen.

- O1 – come here [citizen's first name] [officer signals towards the sidewalk]
- Citizen – what you got going on?
- O1 – you have an arrest warrant
- Citizen – no I don't
- O1 – come here [O1 places a hand on Citizen's shoulder]
- Citizen – You touched me! CALL THE SHERIFF'S DEPARTMENT!

Here a physical struggle ensues as officers attempt to place citizen's hands behind his back to place handcuffs for temporary detainment and citizen actively resists by maintaining his right arm across his chest. They are standing in the driveway next to citizen's work truck, which he has his back against

- Citizen – what do I have a warrant for?
- O1 - stop!
- What is my warrant for?

- O1 – you want to get sprayed?
- Citizen – it won't help me...it won't hurt me...
- O1 – it won't? are you going to cooperate?
- Citizen – tell me!

At the 1:32 point in the video, citizen receives a burst of OC spray. At the 1:37 mark, the struggle to cuff Citizen continues, the OC spray appears to have little effect on Citizen. All parties are still in the same location, on the driveway next to Citizen's work truck. At the 1:38 mark in the video Officer1 strikes Citizen in the face with a closed fist and does a knee strike to Citizen's inner thigh. Citizen continues to maintain his right arm in front of his body across his chest. Officer2 is struggling to maintain control of citizen's left arm which is by his side.

- Citizen – I don't have a warrant! You have the wrong [citizen provides his first and last name]
- O1 – stop resisting!
- Citizen – I'm not resisting, I don't have a warrant, dickhead!

*At this point a female, standing at the rear of the work truck (as stated above, the work truck was backed into the driveway of the case address) yells: Look at him! Why is he bleeding?

- O2 – He's not, he got sprayed because he's resisting
- Citizen – he punched me and tried to kick me in the balls. I don't have a warrant, I promise you that. If you stop and listen, if you stop and listen, if you stop and listen.
- O1 – You're under arrest
- Female – what is he under arrest for?
- O1 – He has a warrant
- Citizen – I do not
- O1 – and he's not cooperating either
- Citizen – I do not have a warrant; I don't have to cooperate, I'm on private property
- Female – Just go, I will get you out
- O1 – You got the taser?
- Citizen – OK! I'll go – fuck!
- O1 – put your arms behind your back, get on the ground, get on the ground, get on the ground.
- Female – he doesn't have a warrant

*Citizen is taken to the ground where he is eventually handcuffed using 2 pairs of handcuffs.

- Female – you can't tell us what the warrant is for?
- O1 – inaudible response

*Other officers arrive in response to a call for back up

*Supervisor and AMR are summonsed for OC spray usage and lacerations to the facial area.

Citizen is escorted to a patrol car where he is partially seated/leaning on the rear seat while still standing on the street, in essence leaning into the rear passenger seat of the patrol vehicle.

During the warrant verification process, it was determined that there were 2 different warrants; one for an individual with the same first and last name as citizen but a different middle name and different date of birth. The other was an out of state felony warrant for an individual with the same middle, last name and date of birth as Citizen. An attempt to verify the social security number was unsuccessful due to the other jurisdictions failure to respond. The supervisor on the scene decided to cite Citizen for interference and release him, in lieu of arrest. Unfortunately, during the initial struggle Citizen did not provide his middle name to the officers. Additionally, the photo viewed by officers on their mobile data terminal (on-board lap-top) of the individual with the warrant had a strong resemblance to Citizen.

Applicable Policies:

Recording Devices and Imaging Equipment – 2.4

Use of Force – 4.2

Use of Force Reporting – 4.3

Arrest Procedures – 4.6

Rules of Conduct – 4.9

First Aid and Medical Attention – 4.23

The IPA will “cut and paste” the pertinent parts of the policy in this report. The policy is available in its entirety on-line.

Recording Devices and Imaging Equipment – 2.4

2.4.3 PROCEDURE

A. General guidelines and authority for the use of audio and video equipment.

1. Department authorized digital recording devices and recordings are the exclusive property of the Topeka Police Department.
2. The use of privately-owned BWC systems is not authorized and shall not be permitted.
3. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without prior written authorization and approval of the Chief of Police or his or her designee.
4. Officers shall adhere to the operational objectives outlined in this policy in order to maximize effectiveness and protect the integrity of video and audio evidence and documentation.

The IPA did not note any discrepancy in the videos or audio associated therein. There was no evidence of alteration or editing of the videos.

E. Recording protocol

1. Officers shall activate the BWC to record all calls for service and during all law enforcement related encounters and activities that occur while the officer is on duty or during the course of extra duty except where doing so would be unsafe, impossible, or impractical.
2. Examples of “law enforcement related encounters and activities that occur while the officer is on duty or during the course of extra duty” include:
 - a. Traffic stops;
 - b. Investigative detentions;
 - c. Arrests;
 - d. Searches;

The IPA notes that Officers 1&2 activated their BWC per policy prior to having contact with Citizen. IPA notes that the BWC goes back 30 seconds prior to its activation. The first 30 seconds does not include audio. There were no issues noted with the officers video or audio.

Use of Force – 4.2

4.2.1 PURPOSE

This policy outlines the Department’s core principles and rules relating to the use of force. The Department recognizes that officers will at times face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply these core principles and act reasonably in all situations.

Every Officer of the Department is sworn to uphold the Constitution and Laws of the United States and the State of Kansas. The Department respects the value of human life and recognizes the civil rights and dignity of all individuals while protecting the public welfare and maintaining civil order.

It is the policy of the Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with as little reliance upon the use of physical force as possible.

Each sworn employee is expected to treat others with respect and professionalism even when force is necessary.

Officers who violate these values by using unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use force, in both timeliness and amount, when it is necessary may endanger themselves, fellow officers, and the community.

4.2.2 POLICY

It is the policy of the Topeka Police Department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and

others. The components of this policy serve to guide the officer's decision making when confronted with resistance.

Members of the Department are authorized to use only the amount of force reasonably necessary to accomplish lawful objectives. This authorization to use physical force ends when the resistance encountered from the subject ceases and/or the officer has accomplished the purpose necessitating the use of force.

All members of the Department shall abide by the following general requirements:

- A. Officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to physical force;
- B. Physical force shall be de-escalated as resistance from the subject decreases;
- C. Officer shall allow subjects time to submit to arrest or comply with orders before physical force is used wherever possible.

The officers in this case used the force that was reasonably necessary to detain Citizen. The officers use advisement and warnings. They also gave Citizen the opportunity to comply with their orders. The officers appear to be acting on a "good faith belief" that there was an active warrant for Citizen. They had received information from two separate sources, a confidential informant as well as the narcotics division regarding the case address, the activities therein and possible warrants of a resident at that location. Additionally, a computer search for the name provided did show a warrant for the name provided by Citizen. When asked his name by officers, Citizen did not provide his middle name. Thus, the name provided appeared to match the name on the warrant. It was not until after Citizen was detained and the middle name and date of birth were verified by the officers at the scene that it was confirmed that the local warrant was for another individual. However, there was also an out of state felony warrant with the same date of birth and middle name as Citizen. TPD was not able to verify the social security number on that warrant due to the other agency not responding to requests for verification.

4.2.4 GRAHAM V. CONNOR SUPREME COURT CASE

A. Graham v. Connor, 490 U.S. 386 (1989) and the Objectively Reasonable Standard.

1. All officers shall use only the degree of force that is objectively reasonable under the totality of circumstances as established by Graham v. Connor, 490 U.S. 386 (1989). Factors when determining reasonableness must include at a minimum:

- a. The severity of the crime at issue;
Officers went to the case address to speak to the occupants and investigate the allegations of drug activity at the residence ("knock and talk"). As they walked up the driveway, they encountered Citizen and when asked, he offered the name of the person who they believed to have a warrant. The warrant was for a misdemeanor crime and Citizen was also charged with interference, a misdemeanor, for failing to comply with officer's orders.
- b. Whether the suspect poses an immediate threat to the safety of officers or others; and
IPA notes that Citizen did not strike out or fight the officers.

c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Citizen did actively resist arrest by maintain his arms in front of his body.

2. The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer and the governmental interests involved against the rights of the individual, in light of the circumstances surrounding the event. For further guidance, see section 4.2.6.

3. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, dynamic and rapidly evolving—about the amount of force that is necessary in a particular situation.

4. The reasonableness inquiry in a use of force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

5. It must also be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

6. The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Reasonable force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.

The totality of the circumstances surrounding the use of force include Officer's prior knowledge of calls to the residence, the information received from separate sources and the warrant for a person with the same first and last name, information related to possible drug activity and Citizen having a gun. These were all contributing factors in his decision to place handcuffs on Citizen. Upon Citizen resisting arrest, officers escalated the use of force to OC spray and strikes to the face and inner thigh area.

4.2.6 USE OF FORCE - IN GENERAL

A. General Considerations

1. When and to the extent reasonably possible, officers shall attempt to use communication skills in a genuine attempt at verbal persuasion before resorting to physical control methods

B. Officers may use reasonable force to:

1. Protect themselves from injury;

2. Protect others from injury;

3. Effect a lawful detention or arrest; or

The force used in this case was to place Citizen in handcuffs and detain him while they verified the warrant. Officers lawfully detained Citizen to confirm a warrant and subsequently for interference with a law enforcement officer for failure to follow police orders to place his hands behind his back.

4. Conduct a lawful search.

C. Additional factors to be considered in determining the objective reasonableness of force include, but are not limited to:

1. Immediacy and severity of the threat to officers or others;

Officers had received information that Citizen had a firearm during a previous call and unconfirmed information from CI that he was a felon.

2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time;

3. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects);

Citizen advised officers that he had MMA training.

4. The effects of drugs or alcohol;

5. Individual's mental state or capacity;

6. Proximity of weapons or dangerous improvised devices;

7. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained;

8. The availability of other options and their possible effectiveness;

9. Seriousness of the suspected offense or reason for contact with the individual;

10. Training and experience of the officer;

11. Potential for injury to officers, suspects and others;

12. Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer;

13. The risk and reasonably foreseeable consequences of escape;

14. The apparent need for immediate control of the individual or a prompt resolution of the situation;

15. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;

16. Prior contacts with the individual or awareness of any propensity for violence; and

17. Any other exigent circumstances

4.2.10 MEDICAL ASSISTANCE

B. Emergency medical services shall be contacted if a subject is reasonably perceived to:

1. Exhibit signs of medical distress;

2. Lose consciousness or become unresponsive;
3. Suffer an obvious injury;
4. Complain of pain;
5. Not appear to recover properly and promptly after force-involved incident; or
6. Exhibit signs of extreme uncontrolled agitation or hyperactivity prior to the use of force.

Medical attention was summoned for Citizen immediately after he was handcuffed, for OC contamination and lacerations to his facial area.

Use of Force Reporting – 4.3

4.3.1 PURPOSE

The purpose of this Order is to set forth the requirements for reporting and investigating an incident in which an officer used a reportable level of force and to ensure that such incidents are thoroughly investigated and reviewed in a fair and impartial manner.

4.3.2 POLICY

It is the policy of this Department that every reportable use of force by an officer be reported accurately, completely and promptly. Every reportable use of force shall be investigated thoroughly and with professionalism and impartiality to determine if the officer actions conforms to the law, complies with Departmental policies and is consistent with Departmental training standards.

4.3.3 PROCEDURE

- A. A Supervisor will complete a Use of Force Report in Blue Team when it is determined that officer(s) have:

3. Used of the following techniques:

- a. Single cross face;
- b. Double cross face;
- c. Dynamic take downs;
- d. Ground control tactics;
- e. Palm mastoid;
- f. Shin pin; or
- g. Thigh lock.

4. Taken any other intentional use of force that results in:
 - a. Any bodily injury
 - b. Complaint of injury by the subject
 - c. Likelihood of injury (based on circumstances) to the subject

D. Immediate Supervisor Investigation

1. In each incident in which a Use of Force Report is required an on-duty supervisor shall be immediately notified and called to the scene. Regardless of the number of officers involved, the supervisor will complete the Blue Team Report.

4.3.4 SUSPECT'S ACTIONS

C. The Active Resistant Subject exhibits any of the following:

2. Physical resistance such as:
 - a. Resistive tension such as locked joints, flexed muscles, or rigid body resistance

This case qualified for Use of Force Reporting under 4.3.3 A3, A4 and 4.3.4. Sergeant responded, did an administrative interview with Citizen and completed all required documentation on the case.

Arrest Procedures – 4.6

E. Arrest Procedures

1. When a notice of warrant from NCIC occurs, officers **may** request that SCECC personnel contact the agency indicated in the notice of want to confirm the existence of a valid warrant for the person in question. When confirmation is received that a warrant is in existence then the person may be taken into custody. This shall be made part of the arrest report. [Emphasis added]

Here, the officers noted that there was a warrant shown in NCIC for an individual with the first and last name that matched that of Citizen. IPA would note that with the background information acquired by Officer 1 prior to the contact with Citizen (in particular that he had a firearm) and all the variables therein, it may not have been very practical for officers to have a conversation with Citizen about a potential warrant without first placing him in handcuffs. IPA is not suggesting that this should be the “rule of thumb” but that in this particular case, placing Citizen in handcuffs and temporarily detaining him prior to full confirmation of the warrant was a prudent step to make.

Rules of Conduct – 4.9

4.9.1 PURPOSE

This policy identifies the high expectations of performance and professionalism the Department requires of its employees in their professional and personal lives.

4.9.2 POLICY

All employees shall conduct themselves in accordance with the Department's standards of conduct as prescribed in this policy and other Departmental guidance and shall act reasonably and appropriately in everything they do on and off-duty that may reflect professionally on them or the Department.

J. Attitude and Demeanor

1. Employees shall exhibit and maintain a fair and impartial attitude toward complainants, violators, witnesses, suspects and any other persons

T. Courtesy

1. Employees shall be patient, courteous, and respectful when dealing with the public and each other.
2. Employees will be tactful in the performance of their duties, control their tempers, and exercise the utmost patience and discretion.

Officer's demeanor was professional. IPA did not note any disrespectful verbiage or actions towards Citizen. Upon Citizen being detained in handcuffs, he and officers had cordial conversations. After these conversations, there appeared to be a sense of mutual understanding by both parties. The officers were able to explain their actions to Citizen and likewise, Citizen to the officers.

First Aid and Medical Attention – 4.23

4.23.1 PURPOSE

To provide the rules and guidelines for summoning or providing first aid and medical assistance to those in need appropriately reporting such incidents, and gathering relevant evidence.

4.23.2 POLICY

Officers shall take all reasonable actions to ensure that persons in need of medical services receive these services promptly. After the use of force on any person, officers shall provide or seek medical attention for the person as required by this Order.

4.23.3 PROCEDURE

A. In General

1. Officers shall immediately request emergency medical services (AMR) for any person contacted by the officer who exhibits an indication of significant injury or medical crisis. The same request shall be made for any contacted person complaining of potentially serious pain or injury. Officers should use available

personal safety equipment such as nitrile or latex gloves during medical interactions and dispose of such appropriately

Medical attention was immediately sought for Citizen

CONCLUSIONS

Topeka Police Department General Order 4.2 on USE OF FORCE states, in part:

It is the policy of the Topeka Police Department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. The components of this policy serve to guide the officer's decision making when confronted with resistance. Members of the Department are authorized to use only the amount of force reasonably necessary to accomplish lawful objectives. **This authorization to use physical force ends when the resistance encountered from the subject ceases and/or the officer has accomplished the purpose necessitating the use of force.** Officers may use reasonable force to: protect themselves from injury; protect others from injury, effect a lawful detention or arrest; or conduct a lawful search. (Emphasis added)

Force shall not be used unless it is reasonably necessary in view of the circumstances confronting the officer. The level of force that is appropriate when analyzed from the perspective of a reasonable officer processing the same information and faced with the same set of circumstances. Objective reasonableness is not analyzed with the benefit of hindsight, but rather takes into account the fact that officers must make rapid and necessary decisions regarding the amount of force to use in a tense, uncertain, and rapidly evolving situation. (General Order 4.2.4; *Graham v. Connor*.)

The use of force in this case consisted of manual tactics to try to gain compliance. This was then escalated to intermediate force to include OC spray, which was not very effective in this case. There was also a strike to the facial area as well as a strike to the inner thigh area, which also did not have the desired effect of compliance. IPA will note that a strike to the facial area is not specifically trained in the academy because it may not have its intended effect, as in this case. Citizen finally agreed to allow himself to be handcuffed as usage of a taser began to be discussed by the officers. His agreement to comply led to a dynamic takedown whereby he was eventually cuffed using two sets of handcuffs.

When addressing appropriateness of the use of force, one must also consider if the officers had legal authority to be where the use of force occurred as well as the probable cause for the contact.

Here, the officers were walking up the driveway to make contact with the occupants of the residence in question in response to a complaint about activities therein and based upon the information they had received from a C.I and the narcotics unit. As they walked up onto the driveway and were going to approach the front door, they encountered Citizen outside. When asked what his name was, he replied

with the same name the officers had previously learned there was a warrant for in the NCIC system. The photo attached to that warrant and name also had a strong resemblance to Citizen. This encounter created sufficient probable cause to believe that Citizen was the person that had the warrant for his arrest. In Kansas Statute Annotated 22-2401 – Arrest by law enforcement officer: A law enforcement officer may arrest a person under any of the following circumstances; section (b) states: “The officer has probable cause to believe that a warrant for the person’s arrest has been issued in this state or in another jurisdiction for a felony committed therein.” Probable cause is not equal to absolute certainty. That is, an officer does not have to be absolutely certain that criminal activity is taking place to perform a search or make an arrest. Probable cause exists even when there is some doubt as to the person’s guilt.

In addition, KSA 22-2402 states as follows regarding detention of a person without an arrest:

(1) Without making an arrest, a law enforcement officer may stop any person in a public place whom such officer reasonably suspects is committing, has committed or is about to commit a crime and may demand of the name, address of such suspect and an explanation of such suspect's actions.

(2) When a law enforcement officer has stopped a person for questioning pursuant to this section and reasonably suspects that such officer's personal safety requires it, such officer may frisk such person for firearms or other dangerous weapons. If the law enforcement officer finds a firearm or weapon, or other thing, the possession of which may be a crime or evidence of crime, such officer may take and keep it until the completion of the questioning, at which time such officer shall either return it, if lawfully possessed, or arrest such person.

RECOMMENDATIONS

The IPA believes that this case is analogous to the good faith doctrine exception to the exclusionary rule. The good faith doctrine is normally used in the context of suppression of evidence in the court of law when law enforcement acted erroneously but had a good faith belief that the actions taken were appropriate. The IPA believes it is relevant here due to there being a temporary seizure of Citizen’s liberty while the warrant was being confirmed. In *US v. Herring*, Chief Justice Roberts stated that even if a negligent police error leads to an erroneous decision to arrest, the exclusionary rule is not appropriate unless the police have acted in a matter that is sufficiently “deliberate” to be subject to meaningful deterrence and sufficiently “culpable” to be worth the cost of exclusion.

In this case, the officers had received information from at least two independent sources that there was drug activity at the home, that the Citizen had a warrant, the Citizen’s name and that he possessed a firearm. This, in conjunction with having a warrant with the same first and last name as well as another warrant with the same middle and last name as well as the same birthdate led to the temporary detention of Citizen. Taking into consideration the officer safety measures necessary to deal with a situation such as this one, the IPA believes that the officers acted within the bounds of TPD policy, as well as state and federal law.

In reference to the use of force, the officers should be more cognizant about utilizing academy trained methods that may be more effective and have the desired results.

The IPA also had the opportunity to speak to Citizen and his spouse (witness listed as "female" above). During our conversation, Citizen expressed his frustration with the way things unfolded. He stated that he understood that they (the police) have a job to do but they could have taken more time and been more deliberate about how they went about the arrest warrant. He felt that by acquiring more information about the person with the warrant prior to approaching his home would have allowed the officers to realize that he was not the subject of the warrant. Citizen's frustration escalated because he indicates that he had just explained this to TPD officers a week prior to this incident. Thus, his desire is that the citation for interference be dismissed and that officers receive additional training in serving a warrant.

Respectfully Submitted,

Edward M. Collazo