

Judge: Statements made by former corrections officer charged with sex crime aren't admissible

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2014 Cop Pedophile Aaron Kalka

Video and audio recorded statements made to law enforcement officers by a former corrections officer charged with the sexual assault of a 5-year-old won't be allowed in court, a Shawnee County judge ruled Monday.

District Court Judge Cheryl Kingfisher also ruled that all polygraph-related evidence collected by a Shawnee County Sheriff's detective will be excluded.

Aaron Kalka, 41, of Auburn, is charged with one count of aggravated criminal sodomy of a victim younger than 14 by an offender older than 18. Conviction of the offense carries a life sentence with parole eligibility after 25 years.

Kalka was booked into jail March 27, 2014. He remains free after he posted bond.

Kalka began working with the Shawnee County Corrections Department in August 2013. His last day of employment was Oct. 23, 2014.

During an Oct. 7 hearing, Shawnee County sheriff's Detective Erin Thompson testified Kalka told a detective he placed his penis in the mouth of his 5-year-old stepdaughter as a means to discipline her when she acted out.

The detective said Kalka remembered being upset because the child was acting out, and he did the act out of anger as punishment, not out of sexual pleasure.

Thompson said that information was relayed to her from another detective who had done a polygraph test on Kalka. Kalka failed the polygraph test.

Kalka's defense attorneys filed two motions seeking to suppress his statements to law enforcement officers and to exclude all polygraph-related evidence collected by a Shawnee County Sheriff's detective.

That included video and audio recordings made during his polygraph test on March 26 and a follow-up interview on March 27.

Kingfisher granted the defense's two motions via a written ruling filed Monday.

Kingfisher wrote that the ultimate question for the court's consideration is whether Kalka's statements to a Topeka police detective on March 26, 2014, and further statements to another detective on March 27, 2014, "were the products of his free and independent will."

Because the state has failed to prove, by a preponderance of the evidence, the defendant's statements made to detectives were voluntary, the court grants Kalka's motion, Kingfisher wrote.

During a motion hearing in January, Richard Ofshe, a national expert on police interrogation, testified Kalka was "psychologically coerced" when questioned by a detective about the sexual assault.

Initially, Kalka repeatedly denied he did anything wrong and that he went to the sheriff's office to take a polygraph test as a formality, the expert testified.

In Kingfisher's written decision she said: "The court must conclude that the defendant's purported 'confession' to Detective Clemmons was not borne of his free and independent will and, thus, was not voluntary. The court further finds Dr. Ofshe's conclusions to this effect — ie. that Detective Clemmons' tactics were 'psychologically coercive' — to be credible."

Kalka's next court appearance — a criminal assignment docket — has been set for 2 p.m. Thursday.

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