

Greyhound, guards here differ on what to do with riders toting drugs

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If security guards catch you carrying drugs at Nashville's Greyhound Bus Lines terminal, you will be turned over to police, no matter the amount confiscated, the company says.

But that's not what a security guard told a Nashville magistrate Thursday.

Testifying in the case of a 19-year-old on his way to the Bonnaroo music festival who was accused of having psychedelic mushrooms at the bus station, security officer Dustin Doyal said the guards at the bus station don't call police in all instances.

And although company officials told *The Tennessean* that drugs are always turned over to police, Doyal testified that the security guards don't turn over drugs unless a "large amount" is found.

Yesterday, another security officer at the bus station said the guards flush some of the drugs down the toilet and that passengers are allowed to continue traveling on their routes.

For their part, Metro police say they will prosecute cases brought to them by the security company, but that they do not oversee the screening of passengers or the seizure of drugs.

The apparent discrepancy between company policy and actual practice came to light after security guards accused Samuel Martin Brown of Green Bay, Wis., of carrying five plastic bags with a total of 19.1 grams of psilocybin mushrooms, which can produce a psychedelic "trip" or high when eaten or smoked.

Brown was nabbed as part of random screenings that the guards conduct routinely. Passengers on at least 13 buses are checked every day, Sean Sullivan, who works with Doyal as a security officer at the terminal, told *The Tennessean*.

Both Brown and Doyal, a security guard with Nashville-based Alert Security & Patrol, told a judge that others with smaller amounts of marijuana were let go without charges.

Brown was arrested by Metro police on a charge of felony possession of drugs and was in Metro Jail on \$5,000 bond.

A spokeswoman for Greyhound yesterday said the bus company has a "zero-tolerance" policy. Security guards are supposed to contact law enforcement after any screening that reveals an illegal item, no matter the quantity, said Kim Plaskett, a spokeswoman for Greyhound Bus Lines.

She said Greyhound trains the private security companies that work in the bus terminals. If police are not called when a security guard finds drugs, that would be a violation of Greyhound's procedures, Plaskett said.

"We do our best to ensure that our security procedures are done according to the way we establish them," she said. "If we are notified to the contrary, we will look into it and determine what actions need to be done at that time."

Thursday morning in Night Court, Brown, a coffee shop employee in Wisconsin, said he was tricked into turning over the drugs.

"I was completely honest," Brown said. "They asked if we had any drugs, and they said they would throw them out, not prosecute, and let us go." Brown said the police were called as soon as he turned over the mushrooms.

Doyal told the night court commissioner that the security guards only call police when they come across "large quantities" of drugs.

The commissioner asked Doyal to define what a large quantity would be, and he said the guards call police when there could be a felony charge.

According to a Metro police affidavit, Brown told the security guards that he was on his way to Manchester, Tenn., the site of the music festival, and was possibly going to trade or sell the mushrooms once he got there.

Security officer Sullivan, who was not working the day Brown was arrested, said yesterday at the bus terminal that security officers do not trick passengers into handing over drugs.

When small amounts of drugs are found during a screening, two security guards and a Greyhound manager at the Nashville terminal flush the drugs down the toilet, Sullivan said.

A security guard records what is disposed of in a logbook. Anybody who refuses to have his or her bags searched is not allowed to continue on the bus, he said.

If security guards uncover a "large amount" of drugs — Sullivan said the security guards don't have a set definition — the guard calls police.

Sullivan said the Nashville security business had been operating under rules presented by managers at the Greyhound station. He said he was not aware of any policy that requires security guards to call police any time drugs are found.

Private guards can do searches, lawyer says

David Raybin, a Nashville attorney and legal scholar versed in Tennessee constitutional law, said private security guards can legally search passengers for drugs at the bus station.

Just as at the airports, state law requires a sign written in English to be prominently displayed so that passengers know they are consenting to the searches, Raybin said.

A *Tennessean* reporter did not see such a sign present at the Nashville station, although passengers are notified via loudspeaker just before each search, a security guard said.

Raybin said the bus station was not required by law to report every crime. Only cases involving child abuse must be reported to authorities.

Still, there could be problems with selective prosecution if some are let go while others are turned over to police.

And when security guards take possession of the drugs, even for a short trip to a bathroom to flush them, the guards at that point would be violating drug possession laws, Raybin said.

Davidson County District Attorney Torry Johnson said he would expect the issues over the legality of the searches and how they occurred and issues involving the handling of contraband to be addressed in court. "These will be issues that we ourselves will be concerned about," Johnson said. "Generally speaking, private security guards operate in sort of a gray area in that the constitutional protections generally are designed to protect citizens from government authority."

Johnson said he could not comment on specific cases.

Defense attorneys working on a drug case would look closer at issues involving storage and handling of evidence at the bus station, said Ross Alderman, the Davidson County public defender.

He added that it appeared that private security guards could rightfully question the passengers.

"If folks are actually private, most of the constitutional rights we conventionally think about in the Fourth Amendment do not necessarily apply," Alderman said.

– Christian Bottorff