

Recent local cases show agencies' flexibility on drugs officers find

07/08/04

By CHRISTIAN BOTTORFF
Staff Writer

Law officers have wide discretion in enforcing drug laws in Tennessee, two recent incidents show.

In one case, federal airport screeners found a misdemeanor amount of marijuana in a couple's suitcase at Nashville International Airport. The contraband was confiscated by airport police, but no criminal charges were filed.

In another, private guards at the Greyhound bus terminal in downtown Nashville found psychedelic mushrooms on a 19-year-old headed to the Bonnaroo music festival. Metro police were called and the young man was charged with felony drug possession.

The cases highlight inconsistencies inherent in the law-enforcement system, said David Raybin, a Nashville defense attorney and an expert on state law. The reason for the discretion authorities have is to ensure that the power of law-enforcement agencies is diffused, Raybin said.

"The price we pay for that is inconsistency in treatment," Raybin said. "That is a consequence. We do not want to have one super-police. We're adamant about that. There are checks and balances across the board to keep that from happening. Therefore we diffuse the power, so one cannot take over the country."

Discretion is vital, he said, as long as it's not based solely on race or gender.

One of the two recent cases involved now-retired Williamson County middle school principal Doug Crosier and his wife.

On June 11, the couple were set to board an airplane. Two marijuana cigarettes were found in a bag marked with the wife's name.

Airport police let Crosier and his wife continue on their flight, and the airport police sent "a copy of the official police report to the Williamson County School Board for that agency's consideration," said Kelly Watson, airport spokeswoman.

The marijuana was confiscated, is being kept in an evidence storage locker and will be destroyed later, Watson said. "This was a misdemeanor violation and the officer used discretion to determine the best course of action for this particular situation," she said.

Watson said the discretion used by the airport police department — a law-enforcement agency itself — was a national standard also used by Metro police.

David Beecroft, federal security director at Nashville International, said federal screeners call airport police any time they find illegal substances — although that is not what they are looking for. They're searching instead for items that might harm airline employees or passengers, and they do not have jurisdiction over illegal substances, he said.

Figures were not immediately available on how often airport police charge someone for having marijuana cigarettes in cases similar to the Crosiers', Watson said. The Crosiers told airport police they had no knowledge of the marijuana, the report said.

Crosier retired amid an investigation into the incident by school district officials.

Pat Anderson, a school board member, said she never received a copy of the airport police report.

Any issue stemming from the marijuana incident would have been handled by Williamson County's director of schools, Anderson said.

David Heath, interim director of schools, did not return a telephone call seeking comment.

"The school board does not have any authority over personnel issues unless it is a disciplinary action," Anderson said. "In this particular situation, we would not have had the authority to take any action."

In the other case, guards at the bus station said they found the young man with 19.1 grams of illegal psilocybin mushrooms, which can produce a "trip" or high when eaten or smoked. Station guards called Metro police, who then charged Samuel Martin Brown with felony drug possession.

He was not allowed to continue on his trip to Bonnaroo, an annual music festival in Manchester, Tenn.

At the time of the incident, the company said its policy required security guards to turn anyone caught with illegal drugs over to police.

Brown's contraband was found during random screenings that the guards conduct routinely in select cities throughout the country. In Nashville, passengers on at least 13 buses are checked every day.

In an earlier *Tennessean* report, guards at the Nashville bus station were reported to have said that they routinely flushed drugs down the toilets unless "large amounts" that would result in felony charges were discovered. The company later changed its policy to say that it is contacting police in each of its terminal cities to determine when guards should call police.

Illegal substances

Transit agencies each have policies to guide guards and officers when they encounter illegal substances.

Nashville International Airport:

Passengers and luggage must go through a federal screening process. Passengers must pass through metal detectors, while luggage passes through a series of X-ray machines.

Federal screeners are not only scanning for illegal drugs but also looking for items that could be harmful to the airport, airlines or passengers, said David Beecroft, federal security director at Nashville International Airport. Each time illegal drugs are found, however, screeners immediately call airport police.

Not everyone is charged with a crime. Airport police use discretion in deciding whether to charge someone, airport officials said.

Greyhound Bus Terminal:

Greyhound's policy requires that each bus station across the country work with law-enforcement agencies to determine whether to contact police if security officers find illegal drugs on passengers.

The bus company recently changed its national policy after *The Tennessean* reported that security guards at the Nashville station were routinely flushing illegal drugs down the toilets unless they were "large amounts." The company's policy at the time said that authorities were to be contacted every time illegal substances were found on passengers, no matter the amount.

Metro Transit Authority:

At Nashville's MTA, with its 40 daily bus routes, drivers who find illegal substances contact police, said Patricia Harris-Morehead, MTA spokeswoman.

Bus drivers walk through their vehicles when they are going out of service each day and when the buses arrive downtown for new passengers, Harris-Morehead said.

"We're not law enforcement," she said. "But if we see or suspect suspicious activity, contact is made with a supervisor who then contacts law enforcement."

No screenings with metal detectors or checks of luggage are made before passengers board buses, she said.