

Drug raids- from tranquility to confusion

by Tim Anderson

Music echoed through the small, dimly-lighted apartment from a blasting stereo system. Three students tranquilly lounged on the dwelling's floor.

Suddenly someone knocked on the front door. Confusion. One person snatched a lid of marijuana from the table. Another slid a pipe under the couch. The other student slowly walked toward the apartment's door to discover who wanted to enter.

Hardly anyone wants their house or apartment searched by police or wants to get arrested. Students are no exception.

However, individuals get arrested every day and sometimes they are students—students who may be facing a very new and frightening experience.

Although police are required to inform the arrested person of his constitutional rights, a novice who is arrested may find himself confused about what to say or not to say, and what to do or not to do.

Lincoln attorney Patrick W. Healey recommended that if a person opens his door and finds police standing there, he should never physically try to prevent their entrance.

Healey suggested that if the person for some reason or another, does not want the police to enter his home, he should make it clear to the officers that he is not giving his consent to enter. If the person believes that there has been a case of unlawful entry, he may bring the matter to court where a decision will be made, he said.

Police have three means of obtaining entrance to a person's residence — by permission of the occupant, by an official search warrant signed by a judge, or by the individual officer's belief that crime is being committed according to Lincoln Police Inspector Robert Sawdon.

"Usually the police will enter only when they have a search warrant," Sawdon said. "It is not very often that we have to gain entrance simply because we have probable grounds that a crime is in progress."

He said if police enter a residence to search for a specific item, such as narcotics, they cannot confiscate any items but narcotics. The search warrant indicates what the police expect to find, the inspector said.

The police can confiscate, however, any items mentioned in the warrant and, providing the items are illegal in nature, they will probably be forfeited and then destroyed, according to Healey.

According to the UNL Campus Handbook, "it shall be the rigidly enforced policy" of UNL that no University official, agent or employe shall be permitted to enter the premises occupied by students.

The handbook also states that it is not permitted to use the fruit of such a search as evidence in any proceedings against the student, unless the student is present and gives his consent to the search.

Where there is suspicion that a crime is being



questioned, the UNL Campus Security Police shall be notified and required to follow all legal processes, including the acquisition of a search warrant, according to the handbook.

An arrested person also has certain protected rights. The Nebraska Civil Liberties Union (NCLU) suggests in a handout that if an individual is taken to police headquarters, he should first ask if he is charged with a crime.

If he is, he should ask what the crime is. According to the NCLU:

—A person does not have to answer any questions or sign any paper.

—He has the right to talk to a lawyer before answering any questions.

—Immediately after being arrested, he has the right to make a telephone call to obtain a lawyer.

—If the person wants a lawyer present during

questioning, the police must stop questioning him until one arrives.

The NCLU also suggests that a person never resist arrest. Even if the person is innocent, resisting arrest in any way is a crime.

"It is better to spend time at the police department than to be charged with resisting arrest and it is even more serious to be charged with assaulting a policeman," the pamphlet states.

When arrested, money and/or personal possessions being carried will be taken from the person, according to Sawdon. All belongings are tagged and a record is made. When he is released from jail, the person's possessions will be returned to him, he said.

In Lincoln, the person is then taken to the next county court session where he is arraigned on his specific charge, for instance, "possession of marijuana." The judge then asks the person if he has a lawyer or if he would like one. If he can't afford a lawyer, the court provides the person with a public defender at no charge.

The person can also contact NCLU or the Legal Aid Society of Lincoln, Inc., a lawyer referral service.

When the charge is a misdemeanor offense, a plea is entered in county court and, if the person requests it, a trial date is set. The judge also will set bond, which is a monetary guarantee that the person will show up for the trial, according to Deputy County Atty. Doug McLain.

If the charge is a felony, the person can either request or waive a preliminary hearing in county court, McLain said.

The advantages of waiving or requesting the hearing is a question that should be discussed with the lawyer, because of its possible effect on the case.

If the person requests a hearing, the judge will set a hearing date and set a bond for the person.

If he waives his right to a hearing, the person will be bound over to district court where felony cases are heard, and a bond will be set. The person makes no plea concerning his guilt or innocence during county arraignments on a felony charge.

In district court, the person again is arraigned and at this time enters his plea. A trial date is set and the bond is either reset or continued, McLain.

If the person is unhappy with the trial's outcome, he can appeal the case. If he is found guilty of his specific crime, the person then faces either a fine or probation, or both, or a jail sentence, plus any court costs.

Senator revives student fee bill

Nebraska state senators again will be asked to stop collection of mandatory student fees at state-supported colleges and universities, according to provisions of a legislative bill introduced Wednesday.

Millard State Sen. James Dickinson's LB No. 362, requires that funds for "student activities, athletics, a student union, social activities or other student purposes" could be collected only on a voluntary basis. But fees used to retire revenue bonds and money for "direct and primary purposes" of the school still could be demanded.

A similar bill was introduced last year by Kearney State Sen. Gerald Stromer. The bill died when the Legislature adjourned without acting on it.

Dickinson's bill would halt mandatory fee collection for student government, speakers and newspapers. Dickinson said he was not protesting any particular use of the money, but said his concern was that most students don't understand where mandatory fees are spent.

"Many students are not too interested in some of these programs," he said.

Under provisions of the bill, a school could collect voluntary fees for student activities if a list of these fees is "set forth in detail in any literature and catalogue" printed before the school year starts. The fees would have to be dispensed by the school rather than any delegated person or organization.

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