



CITY OF SUGAR LAND
POLICE DEPARTMENT

CITIZEN'S COMPLAINT FORM

To file a complaint, please complete all the items on this form describing briefly the incident that involved you and an officer of the Sugar Land Police Department. This form must be notarized; notary service is available at the office of Professional Standards. An investigator in the office of the Professional Standards will review the completed form and speak with you. You may also mail the form to:



Office of Professional Standards
Sugar Land Police Department
P. O. Box 110
Sugar land, TX 77487

[Redacted]

RACE

[Redacted]

Provide as much information as you can about the incident.

Date of Incident: 2/21/2013 and 9/2013 Time (A.M. or P.M.): 1:20pm Place: at 3pm Houston Museum & phone conversation

Name of Officer(s) involved: Huang, Eric Robins Badge Number of Officer: _____
Doug Brinkley Badge Number of Officer: _____

Officer's Race, Ethnicity: Asian, Black & Black

[Redacted]

Home Phone Number: _____ Work/Other Phone Number: _____

(2) Name of Witness: _____

Address: _____

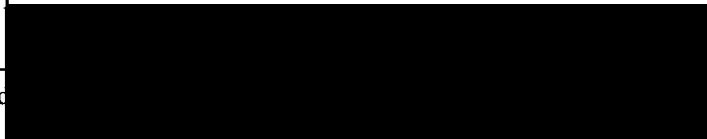
Home Phone Number: _____ Work/Other Phone Number: _____

Use the space provided on the other side of this form to describe what occurred.



**CITY OF SUGAR LAND
POLICE DEPARTMENT**

AFFIDAVIT



Before Me the Undersigned authority personally appeared

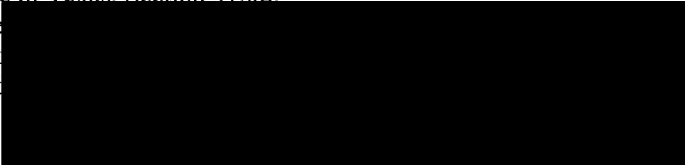
Describe the incident and nature of complaint:

*Please see attached letter dated
9/3/2013, for which I testify that
all statements are true and correct.*

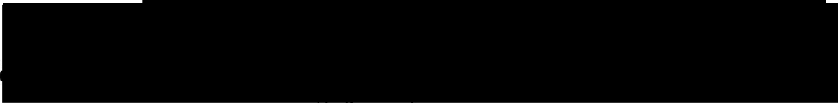
Submit additional pages as needed. Thank You!

"I have been informed that under the Penal Code of the State of Texas, Section 37.02:

A person commits the offense of perjury if, with intent to deceive or mislead another person of legal meaning; he makes a false statement under oath or swears to the truth of the statement and the statement is required or authorized by law to be made



Subscribed and Sworn to before me, by the said 3rd day of September, 2013.



[Handwritten Signature]

Notary Public in and for
Fort Bend County, Texas



Tuesday, September 03, 2013

Office of Professional Standards
Sugar Land Police Department
P. O. Box 110
Sugar land, TX 77487
TEL: 281.275.2500
FAX: 281.275.2649

RE: CITIZEN'S COMPLAINT AGAINST OFFICER HUANG, CHIEF DOUG BRINKLEY AND ERIC ROBINS.

Although on February 21, 2013 I sent a letter of complaint shown herein as Exhibit 1, the police Chief and Assistant Chief decided to simply table the matter.

Then I mailed the Citizens complaint form with the signed and notarized affidavit as shown in Exhibit 2 and nothing happened.

Later I went to the Sugar Land police department offices and filled the affidavit as shown in Exhibit 3.

After over six months later from the original complaint I received the letter dated as 8/16/2013 as shown in Exhibit 4 exonerating the officer.

I requested an open records request for the policies of the Sugar Land Police Department that may apply to the complaint and one shown as Exhibit 5 is Rescinds 73-02-R1. Under Section B Stop and Frisk it clearly shows the officer "MUST HAVE REASONABLE SUSPICION THAT A PERSON IS COMMITTING HAS COMMITTED, OR IS ABOUT TO COMMIT A CRIME; AND THE OFFICER HAS ARTICULABLE REASONS TO FEAR FROM HIS SAFETY."

Appeal for complaint against Jessie Huang:

I appeal the Mayor, the Councilmember and City Administrator that the Investigation Results are wrong and the officer violated the Sugar Land Police policies since he did NOT have any reasonable suspicion as per Rescinds 73-02-R1 and could not legally detain me under this or any other policy. This because my person was at a considerable distance and I was clearly holding a photographic camera in my hands, that it was clear there was no reasonable suspicion that being at the museum during open hours that my person was committing, committed or was about to commit a crime and that there was no reasons for the officer to fear for his safety.

That my complaint against Jessie Huang included that he actually continued making threats in an effort to intimidate me to illegally arrest me and the towing of my vehicle CLEARLY AGAINST the policies of the Sugar Land Police Department due to the fact he stopped me in a fire zone as an excuse for his actions. Note I slowed the car down to take the pictures of the officers blocking the Museum's entrance and the parking lot is private property and the officer is the one that stopped me in the parking lot of the private property.

That my complaint against Jessie Huang included that he actually said the "HE COULD STOP ANYONE" as can be clearly heard in the audio recording I made of the conversation on February 21, 2013 that I have provided the Sugar Land Police (because they told me Jessie Huang's in car dash camera/video was not available). Officer's Huang's statements THAT HE CAN STOP ANYONE are CLEARLY AND UNEQUIVOCALLY contradictory to the Sugar Land Policies and the Constitution of the United States of America.

Complaint against Doug Brinkley and Eric Robins:

It is clear and unequivocally that Officer Huang violated Sugar Land Polices and articulated it is a standard policy of the Sugar Land Police Department to violate its own polices as least with respect to stopping anyone in violation of Rescinds 73-02-R1 and The US Constitution. It is clear that they tried to table, hinder the notarized complaint and never took it into consideration until they made me go all the way to the police station to make the complaint as per Exhibit 3 to make it as hard as possible for me to make a complaint and hide this matter.

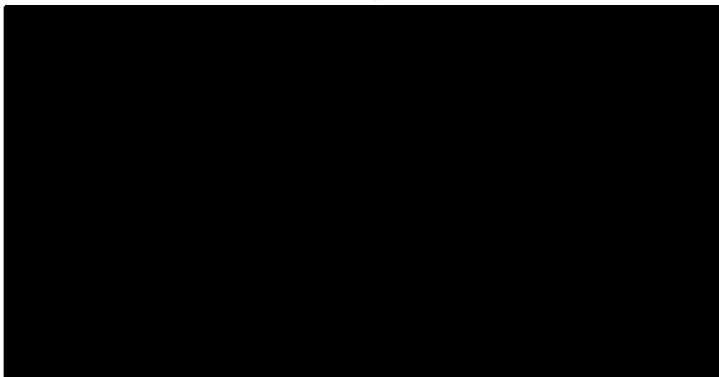
When I asked Police Chief Doug Brinkley if it was within their polices to stop anyone he refused to answer and continued stating that the actions of the officer in question were justified.

Later during a phone conversation with Assistant Chief Eric Robins he finally admitted that the officer in question said he could stop anyone as per my audio recordings, but "that the officer misspoke." (Audio recordings of this conversation can be provided if requested but I swear this is true and correct as shown in the notarized complaint form).

It is totally apparent that the officer said he can stop anyone. It is absolute and unequivocal that goes against the police department policies, thus the exoneration of the officer with the excuse he stopped me in a fire lane, and not taking the threats in consideration **makes it totally apparent that the investigations by the Sugar Land Police department are misleading and false and that the Chief and Assistant Chief misuse the internal affairs office as a poppet façade to hide and cover-up department policies violations to protect at all costs their officers and themselves.**

It is therefore that I also file my verified complaint against Doug Brinkley and Eric Robins 1) That it is a standard practice to make it as difficult as possible for citizens to make a rightful complaint. 2) That it is a standard practice to deny, hide and try their best to cover-up violations of their own police policies and the US Constitution at least with respect to their stop and frisk polices. 3. That the Chief and Assistant Chief misuse their internal affairs office to hide and cover-up, instead of providing transparency and due process, and 4) That is a pattern and a standard practice for the Chief and Assistant Chief to violate their own polices that the Chief signed as per Exhibit 5 and then try to cover them up.

Please let me know if you have any question or concerns or if you need anything else for this further complaint.



Thursday, February 21, 2013

Office of Professional Standards
Sugar Land Police Department
P. O. Box 110
Sugar land, TX 77487
TEL: 281.275.2500
FAX: 281.275.2649

RE: CITIZEN'S COMPLAINT AGAINST OFFICER HUANG.

Today at on or about the Houston Museum of Natural Science at Sugar Land, located at 13016 University Blvd., Sugar Land, TX 77494, Officer Jesse Huang illegally detained me in the parking lot of the museum at about 1:20 pm today.

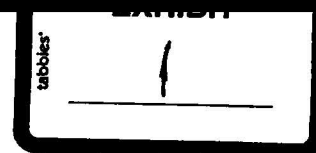
After someone in the Museum told me the Sugar Land Police sets a "speed trap" in front of the Museum and constantly block the entrance to their parking lot I went out to take pictures of the same. **See attached picture of officers blocking the Museum entrance as Exhibit 1.**

Immediately thereafter Officer Huang and what I believed to be Officer Stephanie Ruthland swarmed around me and detained me "because I was taking pictures and I was in a suspicious place acting suspiciously." The other officer's picture is attached as in Exhibit 2 just in case I took the wrong name.

I told the officers they had no probable cause to detain me repeatedly but Officer Huang stubbornly detained me by taking my driver's license while Ruthland stood beside my car.

I explained to both of them I had the right to take as many pictures in a public place as I wanted and that is NOT a suspicious activity (See *Ibarra brothers vs. Harris County*) and the parking lot of the museum while my daughter was in a field trip and I had clearly a badge from the school indicating I was part of the school trip was NOT a suspicious place. Harris County and Ex-Harris County DA Rosenthal and Harris County Sheriff Tommy Thomas learned this concept the hard way after the Ibarra brothers won a multimillion dollar lawsuit against Harris County and Tommy Thomas and Rosenthal are not part of history.

The threshold issue is whether the detention can be characterized as an investigative detention or a custodial arrest, because the nature of the seizure detennine the constitutional parameters which apply to detennine its legality. *Moore v. State, 55 S.W.3d 652, 656 (Tex.App. -San Antonio 2001); [see also Amores v. State, 816 S.W.2d 407, 411 (Tex.Crim.App.1991); Shipman v. State, 935 S.W.2d 880,882-83 (Tex.App.--San Antonio 1996, pet. refd)]*. Investigative detentions are types of seizures, each involving varying degrees of restraint on an individual's liberty. See *Dean v. State, 938 S.W.2d 764, 768 (Tex.App.--Houston [14th] 1997, no pet.)*. "An investigative detention is



a temporary and narrowly tailored investigation directed at determining a person's identity or maintaining the status quo while officers obtain more information." *Id.* (citing *Comer v. State*, 754 S.W.2d 656, 657 (Tex.Crim.App.1986)).

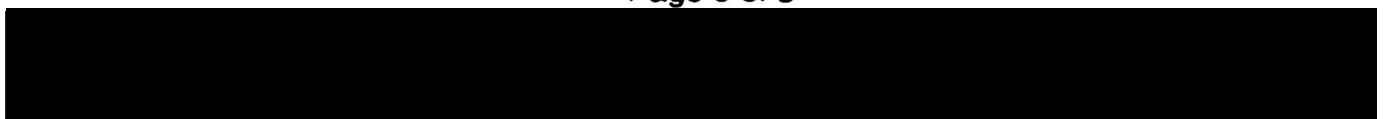
In this case the detention is illegal due to lack of probable cause. 1) the officers did NOT have probable cause, 2) taking pictures in a public place is NOT a suspicious activity, and 3) the parking lot of the museum during open hours while having a ticket for me and my daughter does NOT make the museum parking lot a suspicious place, thus the detention rises to the level of an arrest.

Noting that the Fourth Amendment protects against unreasonable searches and seizures by government officials. *Sbriglia v. State*, 2-09-294-CR (TXCA2), citing to *Wiede v. State*, 214 S.W.3d 17,24 (Tex. Crim. App. 2007). An police officer may approach a person without probable cause or reasonable suspicion to ask questions or even to request a search. *Florida v. Royer*, 460 U.S. 491, 497-98, 103 S.Ct. 1319, 1324,75 L.Ed.2d 229 (1983); *Johnson v. State*, 912 S.W.2d 227, 235 (Tex.Crim.App.1995). So long as the person remains free to disregard the officer's questions and go about his business, the encounter is consensual and merits no further constitutional analysis. See *Johnson*, 912 S.W.2d at 235. The constitution is invoked only when the encounter rises to the level of a seizure. Under both the federal and state constitutions, a person is seized when he yields to an officer's show of authority under circumstances in which a reasonable person would believe he is not free to leave. See *id.* at 236. In this case it was NOT a consensual encounter because I actually and repeatedly told the officer that he had to probable cause and took my driver's license so I could not drive away, thus this case law do not apply.

On top of telling the officers they had no probable cause to illegally detained me and that I was free to take pictures in a public place, after the message I was trying to convey finally got to the officer's head, then the officer threatened to illegally towed my car "because he said I was parked in front of a red fire line in the private museum parking lot." Even when IT WAS THE OFFICER IN THE FIRST PLACE that illegally detained me. Officer Huang said "do you want me to tow away your car" after which obviously I said no. I did not tell him it would have been an illegal tow because then he finally gave me back my driver's license and I just left to get away from them.

It is therefore that I herein complain that Officers Huang and Ruthland (or better the woman in Exhibit 2 if the name is incorrect) illegally detained me and ask that:

- 1) You train your police force in warrantless detentions,
- 2) You train your police force in what constitutes being free to take pictures in a public place (as soon as they are not lewd in nature, etc.), and,
- 3) You train your officers in what constitutes a suspicious place.





**CITY OF SUGAR LAND
POLICE DEPARTMENT**

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**Office of Professional Standards
Sugar Land Police Department
P. O. Box 110
Sugar land, TX 77487**

[Redacted]

RACE

[Redacted]

Provide as much information as you can about the incident.

Date of Incident: Feb 21, 2013 Time (A.M. or P.M.) 1:20 Place: Houston Museum of Nat. Science Parking lot

Name of Officer(s) involved: Huang & Rutland Badge Number of Officer: _____

Badge Number of Officer: _____

Officer's Race, Ethnicity: Asian And Anglo respectively

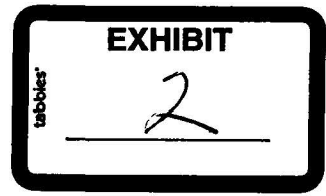
[Redacted]

(2) Name of Witness: _____

Address: _____

Home Phone Number: _____ Work/Other Phone Number: _____

Use the space provided on the other side of this form to describe what occurred.





CITY OF SUGAR LAND
POLICE DEPARTMENT

AFFIDAVIT

Before Me the Undersigned authority personally appeared [redacted]

Describe the incident and nature of complaint:

I sent the attached letter and pictures on Feb. 21, 2013 as indicated in the attached letter but up to today 7/1/2013 I have had no response. I swear all statements and pictures in the attached letter are true.

Huang & Rothland DID NOT have probable cause to detain me. Huang DID NOT have probable cause, nor any justification to detain me and threaten me and threatened to tow my car. Huang particularly presented himself in an abusive, arrogant and threatening manner. I have video and audio if needed. Thank You!

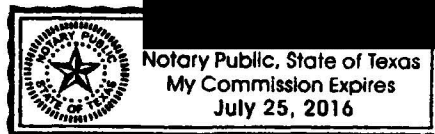
Rothland seemed more aware of the wrongful detention and more understanding of the situation but

I have been informed that under the Penal Code of the State of Texas, Section 37.02: did nothing to stop Huang.
A person commits the offense of perjury if, with intent to deceive and with knowledge of the statement's meaning; he makes a false statement under oath or swears to the truth of a false statement previously made; and the statement is required or authorized by law to be made.

See attached letter.

Subscribed and Sworn to before me, by the said [redacted]
1st day of July, 2013.

Zohrabekyan
Notary Public in and for
Fort Bend County, Texas



SUGAR LAND POLICE DEPARTMENT
Internal Affairs
SWORN AFFIDAVIT



Page 1 of 2

COPY

STATE OF TEXAS
COUNTY OF FORT BEND

SLPD Case#: Internal Affairs Tracking #:
DATE: 07-29-13

Before me, the undersigned authority, appeared [redacted] after being duly sworn on oath and being informed that under the Texas Penal Code that certain false statements made under oath are an offense of perjury deposes and says:

[redacted] I live at [redacted]
[redacted] My home telephone number [redacted] and I can also be reached at the following telephone number _____.

I further say that:

On February 21st, 2013 I went to the Museum in Sugar Land for my daughter's school trip. The attendant mentioned that the Sugar Land Police were blocking the entrance to the museum too often. I don't remember the attendant's name but he was a male. I told him I was going to send a letter to the Department to see if they could avoid that. So I went out and took a few snapshots of the officers showing the two vehicles. I did not get out of my car to take the pictures. I remained seated in my car. The police cars were at the entrance by University Blvd. I was in the parking lot off a side street while I took the pictures. I was about 100 to 200 feet away from the officers. There were two officers and they both drove to where I was. I was in my car at this time and the officers pulled in behind me. I don't remember if they turned their lights on or not. The asian male officer got out of his car and came up to me. He said something and I explained what I was doing taking the pictures. He asked for my driver's license and I told him there was no probable cause to detain me. He said something to the effect that he would arrest me and tow my car. I asked him what for, that I was only taking pictures in a public place. I don't remember specifically but I think he mentioned something about where I was parked. Several times he asked for my driver's license. I kept responding there was no probable cause. At some point, I felt that he was going to arrest me so I gave him my driver's license and CHL. I did have my pistol in my pocket and another pistol in the car in a safety security box. He did not ask me to get out of the car. He walked back to his patrol car for a few minutes and then he returned. Ofc. Rutland was there by my door the entire time. She never said anything but I believed she was disconcerted. I also explained to her that I wasn't doing anything wrong, that I was not a threat, and only taking pictures in a public place. The male officer came back and returned my IDs to me. I again explained there was no probable cause. I don't remember the exact words but with strong words he threatened to arrest me and tow my car. We went back and forth with our positions a few times and I asked for his name and badge number. He exactly extremely cocky and he told me his name and badge number. During the exchange, I was nervous because Ofc. Huang's hand moved to his sidearm, maybe touching it. That is why I

EXHIBIT
tabbles
3

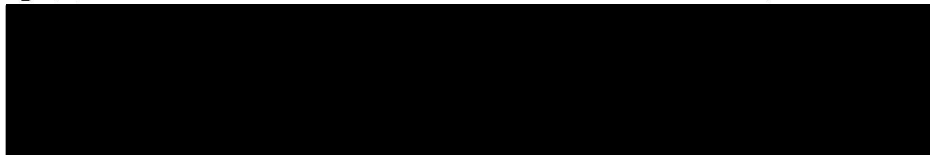
SUGAR LAND POLICE DEPARTMENT
Internal Affairs
SWORN AFFIDAVIT

Page 2 of 2

gave him my IDs because I felt the situation might escalate. At the end of the exchange he told me again he was going to arrest me and tow my car. He brought up something about the place I was parked but I felt that was an excuse because I was already in the museum parking lot. At that point, I felt there was no use and explaining probable cause and I decided to just move my car. I then parked in the museum parking lot and went inside. After about an hour, I came out with my daughter and saw the officers were still out there making stops.

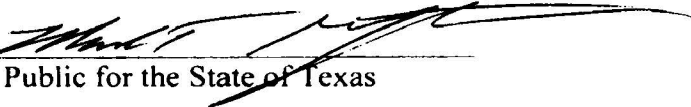
I do have an audio recording of this and am willing to provide a copy if needed.

I have completed 24 years of school and can read, write, and understand the English language. I have read this statement of 2 page(s) and affirm that it is true and correct to the best of my knowledge.



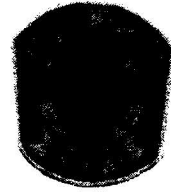
Affiant

Sworn to and subscribed before me this 29th day of July, 2013.


Notary Public for the State of Texas



SUGAR LAND POLICE DEPARTMENT
Internal Affairs



**COMPLAINANT'S NOTIFICATION OF
INVESTIGATION RESULTS**

Date: 08/16/13

Delivery Method:

Regular Mail OR E-mail address:

Address:



To:



This is official notification that a thorough investigation was conducted by the Sugar Land Police Department Internal Affairs based upon an allegation of misconduct against Officers Jesse Huang and Stephanie Neuendorf, employees of the Sugar Land Police Department.

This investigation did not reveal sufficient proof to support a finding that these employees committed a violation of Law or our Policies regarding Unlawful Detention.

I would be happy to discuss the results of this Investigation with you. If you wish, you may contact me at the address or telephone number listed below.

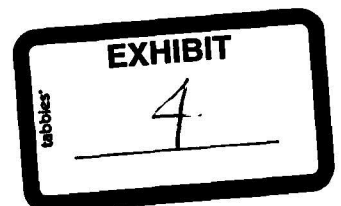
Sincerely,

Eric C. Robins, Assistant Chief of Police


E-mail address: erobins@sugarlandtx.gov

Or

Telephone #: 281-275-2515



Revised May 2007

GENERAL ORDER  Sugar Land Police Department	Effective: 10-31-09	# 73-02 R1
	Section: Legal Process	Subject: Search and Seizure Without Warrant
	Rescinds: G.O. #73-02	
	Standards: 1.2.4	

Purpose:

To provide general guidelines and procedures for officers to follow in conducting searches that have not been reviewed and authorized by judicial personnel (search warrants).

Policy:

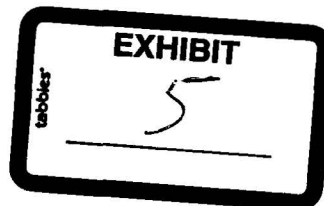
The Fourth Amendment guarantees the right of people freedom from unreasonable searches and seizures. The U.S. Supreme Court is constantly interpreting the Fourth Amendment as it applies to police conduct.

Premises and areas protected by the Fourth Amendment have been interpreted very broadly to include any dwelling, including its curtilage, and place of business.

Officers are allowed to conduct warrant less searches only if the search is reasonable and the officer has "probable cause" to arrest, to search, and to investigate. Officers shall adhere to the procedures set out by the department, while observing the persons Fourth Amendment Rights set-forth in the U.S. Constitution, as well as, State law.

Procedure:

- A. Consent to Search: the consent must be voluntarily given by someone who has the authority to relinquish their 4th Amendment right.
 - 1. By consenting to a search, a person waives his 4th amendment right regarding the search of his person, possessions, dwelling house, premises and place of business. In most cases, Owner's Consent to search eliminates the need for a search warrant. If the owner or person in lawful possession of the property gives lawful consent to a search of it, no one else has any right to complain about the search.
 - 2. Officers should document that the consent given by the person is given freely and voluntarily. Officers should obtain **written** permission from the person before a search is conducted (Consent to Search Form).
 - 3. The officer shall not search on the mere invitation to enter a house; however, the officer may seize any contraband or evidence in open view while legally in the house.
 - 4. The officer shall not obtain consent by coercion, or by placing the owner under duress, actual or implied, physical or psychological.



5. The officer shall immediately stop the search if the owner of the property retracts his consent. If necessary, the officer should obtain a search warrant before continuing the search.
 6. The following persons may give consent to search:
 - a. Person in joint possession;
 - b. Person in possession of vehicle;
 - c. Husband and Wife;
 - d. Parent or guardian;
 - e. Landlord- once the motel room has been vacated.
- B. Stop & Frisk of Individuals: Officers may "stop and frisk" an individual whenever the Officer has a reasonable suspicion that a person is committing, has committed, or is about to commit a crime; and the Officer has articulable reasons to fear for his safety.
1. Officers shall not detain anyone simply based on a hunch or mere curiosity; such detention would be considered unreasonable, in violation of the 4th Amendment. Any evidence found would be unlawfully obtained and inadmissible in court under the Exclusionary Rule.
 2. The officer should detain a person no longer than necessary to determine the persons identity or to maintain the status quo momentarily while obtaining more information.
 3. Officers are justified in conducting a "frisk" of the person only when the officer reasonably believes that the subject may be armed; the search must be limited to the discovery of weapons. However, any contraband discovered is subject to seizure as evidence of a crime.
 4. A "frisk" is allowed so that an officer can pursue an investigation without fear of violence (officer safety), but is limited to a patting down rather than a full-scale search.
- C. Search of Vehicle (Movable Vehicle Exception): If there is probable cause to believe that a movable vehicle contains contraband or evidence of a crime, it may be searched without a warrant. This rule applies also to a readily movable motor home parked in a public place.
1. For a search of a vehicle without a warrant based on probable cause to be lawful, the vehicle must be moving or subject to be moved.
 2. An officer may acquire probable cause to search a vehicle under the following conditions:
 - * the use of his senses;
 - * informant's information;
 - * incident to a lawful arrest;
 - * owner/driver's consent;

* abandon by suspect.

3. Officers may search the entire vehicle and contents of such vehicle.
4. The best procedure is to search the vehicle incidental to a lawful arrest at the "immediate vicinity" of the arrest.

D. **Crime Scene Search:** When a crime is reported to the police by a person who owns or controls the place to which the police are summoned, and the person either states or suggest that the crime was committed by another person, the reporting person impliedly consents to a search of the place which is reasonably related to a routine investigation of the crime and the identification of the person who committed it.

1. As long as the reporting person is not a suspect in the case or does nothing to indicate a lack of consent, the officer may search the place for investigative purposes.
2. Implied consent is valid, however, only for the initial investigation conducted at the scene and does not apply to future searches of the place.

E. **Exigent Circumstances, where Public Safety is endangered:**

The general rules governing searches and seizures are subject to the exception of Hot Pursuit or Emergency situations. The reasonableness of an entry by the police upon private property is measured by the circumstances then existing.

1. If the police can show the presence of exigent circumstances, Officers have the right to enter and investigate in an emergency, such as:
 - * hot pursuit of a fleeing felon;
 - * possible destruction of evidence;
 - * homicide, fire, or family violence.
2. Officers may seize evidence found in plain view during the course of the officer's legitimate emergency activities.
3. When the emergency ceases to exist, any further entry or search without a warrant becomes unreasonable and the seizure of evidence as a result of it is unlawful.

F. **Inventory of seized vehicles or other property:** Inventory of impounded vehicles is not considered a search. If the police have lawful custody of the vehicle, officers are responsible to inspect the vehicle for a two-fold purpose:

- * to protect the vehicle owner's property;
- * to protect the police against false claims over lost or stolen property.

1. **Requirements-**

- a. The arrest of the person in possession of the vehicle or his removal from the vehicle must be lawful.
 - b. There must be legitimate reasons to impound the vehicle or to take it into police custody.
 - c. The inventory must not be a mere scheme to avoid the necessity of obtaining a search warrant.
2. If during a proper inventory of the impounded vehicle, any evidence of a crime is discovered, such evidence may be admissible in court.
 3. Officers will inventory all police impounded vehicles by inspecting the interior and exterior:
 - a. Interior of the passenger compartments including the glove compartment and personnel items found in the passenger compartment.
 - b. Exterior-the impounded vehicle and contents and containers found in the trunk.
 - c. Officers will use a key to make entry into locked glove compartments or trunks. Officer will not make forcible entry to locked glove compartments, trunks, or secured containers, without consulting with the Fort Bend County District Attorney's Office.
 - d. Officers will complete and file an inventory report, documenting the officer's inspection of the vehicle and it's contents at the time of impoundment.

G. Other Situations:

1. Licensed Premises:

Officers may search without a warrant premises covered by a license issued by the Alcoholic Beverage Commission because the state statute provides for police inspection of licensed premises at any time.

2. Abandoned Property:

Officers may search and seize abandon property, including garbage, without a warrant because the person no longer has a reasonable right to expect privacy in regards to the property.

Contraband discarded by the suspect does not involve a search and may be seized by police as evidence.

3. Electronic "Bugging" and Recording:

It is not a search and seizure to overhear or record a conversation between two persons when it is done with the consent of one of the parties to the conversation.

But if a third person secretly overhears or records a conversation between two persons who reasonably expect their conversation to be private and without the consent of either party to the conversation, this is a search and seizure and, if it is done without a search warrant it is unlawful.

- a. Officers are allowed to record telephone conversation as long as one of the two parties talking on the phone are aware that the recording is being made.
- b. Either party to a telephone conversation may make a recording of the conversation.
- c. wiretapping requires a court order.

4. Personal Conversations (Body Mikes):

- a. Officers are allowed to record conversation between two parties with the use of a recorder, or wire recorder hidden on his body.
- b. Officers can use a receiving device to listen to conversations between two persons where a transmitter is concealed on the body of one of the parties to the conversation.

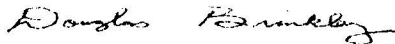
4. Public School Students:

Searches by public school officials and teachers at school are not required to have probable cause or a warrant.

5. Plain view Doctrine:

Seizure of contraband or evidence of a crime in plain view is not a violation of the Fourth Amendment. Where there is no search required, the Fourth Amendment does not apply.

If time and circumstances permit, the officer is encouraged by the courts to obtain a search warrant. Generally, the officer acting under a search warrant is protected from criminal and civil liability if the officer does not abuse his authority in executing the warrant.



Chief of Police