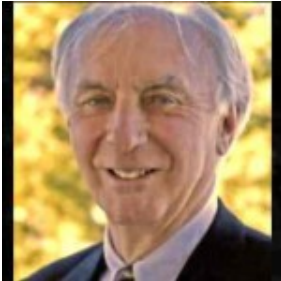


Citizens should know their rights

By Ted Long

Session four of the citizens' academy was to be about search and seizure laws and procedure, however the assistant district attorney who was scheduled to lead the class had to leave early and so what we heard was a brief description of basic rights and the role of the DA's Office and the sheriff.

While the session was useful, it failed to fully look at this important area. I am sure that for many it was a welcome short session, ending in only about an hour, however for those of use who drove for over an hour each way, it was disappointing.



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The most interesting aspect was the relationship between the right to counsel and others, known as the Miranda warning and the rights of the citizens regarding a search. The question was, it is one thing to have a right, it is another to know it. The Miranda warning lets a person know that they do have a right to silence etc., however at a request for a search, which may not be in your best interest, you are not told that you have a right to say "no."

The circumstances make it often sound like you must be guilty if you say no, when in fact to be free of warrantless searches

and seizures is as basic to our Constitution as any right. So why would an honest, law abiding citizen say no? Well, because it's his right, a right that was created not to test your honor, but to ensure that those with power, that control the process, are held in check. Every day it seems we hear of some misuse of the police power, from the extremes of a Rodney King to a sex scandal. Those with the guns have incredible power and we as citizens need to occasionally challenge that to reveal the flaws in the system.

As we learned, it is relatively easy to get a warrant, a judge to sign off, so why not ensure that oversight? One thing that seems clear in this adventure is that everyone in law enforcement seems like a nice person, or at least in the circumstance of a controlled meeting with the public. This contradicts my real life experience of the same people in real life situations. In part their standoffish-ness is because of the unknown dangers, the traffic stop where the person has a gun, the domestic violence call that has a truly crazed person to deal with. I do understand, however, we can work toward a greater understanding of the fact that we are not all bad guys, a better system of discrimination toward the honest citizen.

In my recent ride along with Officer Mark I saw a good example. Mark waived to people and expressed to me that he knew certain folks as we passed their homes, a kind of "cop on the beat" knowing his residence.

Many years ago police were required to live in the community they served, the reason, to know people, to be a part of the community. In resident life your kids play on the same fields, you shop at the same stores. This is no longer the case. Mark, for example, lives in Carson, and only really sees South Lake Tahoe on patrol, or a burglary call.

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