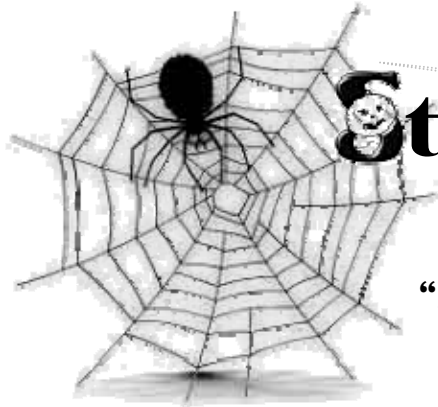




HAMILTON COUNTY
SHERIFF'S OFFICE

September-October
2009 Issue



Stars And Bars

“BEYOND THE CALL” AWARD

Presented to

SERGEANT MATT GUY

And the Sheriff's

PIPE AND DRUM CORPS

September 24, 2009

The “Beyond the Call” award was present by the Cincinnati Christian University during a chapel service held at the University. The Award recognizes individuals who have demonstrated extraordinary dedication in the performance of their daily tasks for the benefit of their community. Sergeant Matt Guy, Patrol Division, and the Pipe & Drum Corps were among those honored for the following reasons.

SHERIFF'S PIPE & DRUM CORPS

The Hamilton County Sheriff's Pipe and Drum Corps personifies how law enforcement can positively enhance their public image within the community.

The group is a blend of law enforcement officers, firefighters, and civilians that volunteer their time to weekly practices and an estimated 100 performances a year. The patriotic and symbolic nature of bagpipe music, Scottish dress, and precision movements have generated tremendous interest from the community. This enables individuals to see officers in a non-law enforcement capacity.

The band performs at ceremonial functions, dedications, funerals, schools, professional sporting events, senior citizen groups, law enforcement, and memorial celebrations. The group has the somber duty of playing funerals for police officers and firefighters killed in the line of duty. They also provide solace to families of military men and women in their time of grief.

The Hamilton County Sheriff's Pipe and Drum Corps has become an ambassador for law enforcement in the tri-state region. This non-traditional law enforcement role has brought people together through music.

SERGEANT MATT GUY

On January 24, 2009, Sergeant Matt Guy responded to a radio run, as did other Sheriff's Deputies and Colerain Township Police Units, to 9753 Sacramento Drive, Colerain Township, to investigate a person shot. Responding units were confronted by a suspect armed with an assault rifle. The units took immediate cover and began relaying information to the Communications Center. Sergeant Guy, who is a member of the Heavy Weapons Unit, immediately notified other members of this unit to respond. Sergeant Guy then took command of the situation and deployed his assault rifle. He strategically positioned other units to create a contained perimeter and protect residents from the situation. After a short stand-off, the suspect was taken into custody without any shots fired by police.

Sergeant Guy and others entered the residence which had been set on fire by the suspect. Officers located two deceased victims inside the residence; both suffered fatal gunshot wounds. Sergeant Guy located a female juvenile victim in the residence who also had been shot but was still alive. She was carried out of the burning residence and transported to University Hospital. She later succumbed to her injuries. The deceased owners of the residence were extracted from the burning residence by officers on the scene. Once the victims were removed, and the suspect was in custody, Sergeant Guy continued his command of the scene. He secured the crime scene for Sheriff's Office investigators and assisted the fire department while they extinguished the blaze that had fully engulfed the residence. Sergeant Guy's actions were nothing less than heroic. His actions in this instance and his overall devotion to duty make him a deserving recipient of the “Beyond the Call” Award.





CINCINNATI CITIZENS POLICE ASSOCIATION (CCPA) OFFICER(S) OF THE MONTH

On September 9, 2009, the CCPA recognized **Detective BRIAN STAPLETON**, Criminal Investigation Section, and **Lieutenant JOHN ADKINS**, Court Services Division, as their Officer(s) of the Month. Both are deserving recipients for the following reasons:

BRIAN STAPLETON

On the morning of August 5, 2009, Hamilton County Sheriff's Detective Brian Stapleton, received an anonymous tip from CrimeStoppers. The tipster named two suspects that had been committing a series of daytime thefts of power equipment from landscaping companies, but provided no further information. Both suspects were known to local police departments and Detective Stapleton, as viable suspects in several ongoing investigations.

Sheriff's Detectives, as well as several Hamilton County Police Departments, had been conducting an investigation into a string of daytime thefts from area landscapers, which occurred when their trucks were parked and left unattended. Police were also investigating a string of nighttime storage shed break-ins occurring in western Hamilton County, thought to be related to the thefts from the landscapers' trucks.

Detective Stapleton, using the information provided by CrimeStoppers and police intelligence from the ongoing investigations, was able to develop a source of information regarding the criminal activity of the two suspects. Detective Stapleton gathered critical information as to when and where the stolen power equipment was going to be sold. This information resulted in Sheriff's Detectives conducting a surveillance operation of the two suspects.

Sheriff's Detectives observed the suspect selling stolen power equipment on two separate occasions. On August 5, 2009, Sheriff's Detectives observed both suspects selling two STIHL back-pack blowers valued at \$1,058.00. These blowers had been stolen in Delhi Township the day before. On August 6, 2009, both suspects were observed and arrested in the act of selling five STIHL chainsaws valued at \$4,649.00. The chainsaws had been stolen in Green Township only hours before. Sheriff's Detectives also recovered a gasoline powered generator from the suspects valued at approximately \$1,000.00. The total value of the property recovered was \$6,707.00.

The two suspects were each charged with two counts of Receiving Stolen Property, ORC 2913.51, felonies of the 5th degree and both are being held at the Hamilton County Justice Center on a \$15,000 bond for each count.

Detective Stapleton is to be commended for taking the initiative to develop critical information from an anonymous tip and within 90 minutes, set up a covert surveillance involving eight detectives, as well as video and audio surveillance, on the street, resulting in the arrest.

Detective Stapleton's tenacity and diligence in following up on every lead put this crime spree to an end. It is believed these two may be responsible for as many as 20-25 thefts and break-ins in Western Hamilton County.

With the arrest of these two suspects, reported thefts of power equipment from landscapers stopped and nighttime break-ins of storage sheds in western Hamilton County were cut in half.

LIEUTENANT JOHN ADKINS

Lieutenant John Adkins is a 28 year veteran of the Sheriff's Office and is assigned as the Executive Lieutenant in the Court Services Division. John's value to the Sheriff's Office continues to grow year by year as he assumes more and more responsibility. The 2009 budget cuts eliminated two (2) Lieutenant positions from the Court Services Division and John took on the management responsibilities for the units these Lieutenant positions were responsible for and he has worked very hard in delegating new responsibilities to Sergeants in these units. Even with the loss of take home car privileges, John simply takes it all in stride and handles his increased workload efficiently, effectively and without complaint. He continues to volunteer to assist Women Helping Women with their annual candlelight vigil and has become their most reliable committee member. John continues to be a resource for just about everyone in the County and is regularly called upon for advice and assistance. John has gone far and beyond what is normally expected in handling delicate protection orders and child custody turnovers and has several times this year prevented embarrassment to the courts when they submitted documents that were not consistent with the law. Recently John handled a custody turnover that kept him out until 7:30 p.m. (no overtime submitted) until the court could reverse a bad decision that John pointed out, recall the documents and leave the child with the parent that rightfully should have had custody. John is especially attentive to personnel issues and handles potential personnel problems directly without the criticism and harshness. This approach has maintained a very high esprit de corp in the Court Services staff. John is extremely loyal to the Sheriff's Office and is an example of how a law enforcement supervisor should conduct business.





MAIL BAG



TO SHERIFF LEIS FROM A COMMON PLEAS BAILIFF

While I think that all of the Court Services Deputies do a great job for the court, there are a couple that have consistently gone above and beyond to help our courtroom run smoothly. **ROB WEBER** and **JEFF TURNER** have time and again gone out of their way to help the Judge and myself, and for that we thank them.

TO SHERIFF LEIS FROM AN ANDERSON TOWNSHIP CITIZEN

I am writing today to express gratitude for the service **Deputy MATT RUSK** provides in Anderson Township. Deputy Rusk is an invaluable resource and is always eager to assist us with addressing both criminal and nuisance activity. He displays a sincere interest in making the community a better place and is a fine representative of the Hamilton County Sheriff's Department.

Please take a moment to share our appreciation with Deputy Rusk and recognize him for the fine work he performs.

TO SHERIFF LEIS AND EMO BRYAN HALE FROM A HAMILTON COUNTY CITIZEN

I appreciate you (**BRYAN HALE – EMD**) hearing me. You are up against a tricky bunch of characters and I admire your efforts fighting for women and children and our physical and emotional safety. You really put it out there for me and my kiddos. I sincerely Thank You for that.

I shared with a friend almost 3 years ago a bit of my life story spinning out of control with Jack. She reached out to me but I was not ready to accept and trust her friendship. She recently stopped by and left a cassette for me to listen to. The tape was labeled "The Secret".

I immediately went to throwing it away as I was not interested in any teachings on DV or abuse. I thought no way am I going to gain anything positive from this. I put it in anyway and almost instantly I was engaged. The message began to sink in and I thought about your role in our justice system.

There is a secret to love, happiness, trust, peace and financial security in this life. It is the power of "attraction". We each "attract" what we put forth. Good, positive, honest, hardworking, **RESPECTFUL** people "attract" that into their lives. Negative revenge seeking, law breaking, hateful, manipulative, controlling evil people attract it ten times worse.

You have seen many offenders of Domestic Violence come and go. You "attract" so many honest, respectful, good, happy, kind people and I noticed it instantly. A positive male role model showing respect towards women, calmly speaking to children, and behaving genuinely is so taking a stand against domestic violence. You "attract" respect. I truly appreciate your efforts and hard work. You not only heard me, you "attracted" listeners. Thank you for that.

TO SHERIFF LEIS FROM A LOVELAND HIGH COUNSELOR

I am grateful for the opportunity to work with **ROD HOUSLEY, Resource Officer**, for the past 8 years. Deputy Housley has provided an exemplary level of service to Loveland High School and the community.

Due to his outgoing nature and excellent listening skills, Deputy Housley established rapport easily with students, staff and parents. As a result he was able to build a level of trust that extended throughout the school. Students and parents looked to Deputy Housley to assist them with a variety of situations, including what to do when a child didn't come home on time, how to talk to a student who may be using an illegal substance and finding stolen items.

I have observed Deputy Housley calmly deescalate a student who was out of control. As a staff member, I often sought assistance from him for a variety of situations. Deputy Housley helped to calm volatile students, he helped students who were involved with bullying situations and he was a positive role model for our students with special needs. When a crisis arose Deputy Housley was quick to respond. By his consistent presence in the high school, Deputy Housley created relationships that fostered school connectedness for students who initially had no interest in school.

Deputy Housley's presence will be missed at Loveland High School. I am hopeful that he will be allowed to return to work with our mentoring program once a week.

TO SHERIFF LEIS FROM THE ROAD PATROL COMMANDER, COLERAIN TOWNSHIP POLICE DEPARTMENT

I want to thank the Sheriff's Department, specifically the Traffic Safety Unit Deputies **MIKE TARR** and **TOM LANGE**. They were part of the OVI Task Force checkpoint conducted in Colerain on September 4, 2009. Their professionalism and work ethics are very much appreciated. Both Officers were productive in their duties as saturation cars and assisted Wyoming Police Department, who brought the reader car. They are an asset to the Sheriff's Department and represented them well. Again, thank you for your assistance and partnership to make Colerain a better community.





TO SHERIFF LEIS AND LIEUTENANT TOM BUTLER FROM THE CHIEF OF POLICE, LOVELAND POLICE DEPARTMENT

On Thursday, September 10, LPD officers received several priority calls for service in close proximity to each other around 1800 hours that tied up all of the Loveland Officers on duty. One detail was a missing juvenile and another was a suspicious person/possible burglary suspect. While officers were still investigating these calls, a detail was received on a non-injury traffic crash in the intersection of Lebanon Road and W. Loveland Avenue. Knowing that Loveland officers were tied up on other details, **Deputy STEVE LUENSMAN** offered his assistance to LPD by responding to the crash. Deputy Luensman took the crash report thus enabling LPD officers to stay on their assigned details, but his assistance also made it possible to open the roadway sooner without the involved parties having to wait for LPD officers to respond.

I want to offer my personal thanks to Deputy Luensman for providing assistance to the Loveland Police Division. It is precisely this spirit of cooperation that makes the Loveland/Symmes area a great place to work.

TO SHERIFF LEIS AND COLONEL RAY HOFFBAUER FROM LIEUTENANT COLONEL EDWARD AMMANN, CPD RETIRED

My wife and I wanted to send you this note to commend three of your officers who did an excellent job investigating a burglary at our residence this past week.

Detective MARK BOHAN and **Captain LLOYD ZOELLNER** did an excellent job in identifying the suspect and keeping us informed of the process of the investigation. Both officers were very professional. Detective Bohan was able to match fingerprints lifted by **Deputy ROB DICKER** from our vehicle which was stolen from the garage but recovered in the neighborhood.

With the information supplied by Detective Bohan, Cincinnati Police made a quick apprehension of the suspect.

Please convey our sincere compliments to all three officers and add the thank you from our entire block of residents who were obviously upset by the entire incident.

TO SHERIFF LEIS AND DOC JOE SCHMITZ FROM THE ASSISTANT JAIL COMMANDER, MONTGOMERY COUNTY S.O.

Efficiency accompanied by courtesy is a rare combination in today's work world. The courtesy extended to myself and two staff members during our tour of your facility on July 8, 2009 was impressive because of its rarity. **JOY BIGGS'** knowledge of the Pay-to-Stay program that you have initiated gave us an insight into the complexities of the bookkeeping process and how they can be handled professionally.

Along with Joy, your executive staff, **DAVE MEINERS** and **KEVIN HORN** provided detailed explanations of your pay-to-stay program and its success. Your cooperation was impressive and your people are even more to rave about. They seem to love their work and carry out their duties both competently and enthusiastically. Certainly, the success of this program as shown by your yearly totals can be traced back to the competent employees that you have been able to engage in this project.

During our tour, Joy worked diligently to fill us in on the Pay-to-Stay program. Without being asked, she pulled files and reports to show us the process that you use. She even supplied us with advice as to the success being tied back to your IT staff in creating the database to track the inmates who meet the requirements to be charged for being housed in your facility.

With your success of this program and with the quality of your staff, you must be doing something right. Please let Joy know how much we appreciate her help and her knowledge to answer questions during our tour. We couldn't have been treated more graciously by such a professional human being.

OTHER PERSONNEL RECEIVING LETTERS OF APPRECIATION

- | | | |
|---|---|---------------------------------------|
| PATROL CLERK DARLENE COX | CORPORAL BRYAN PEAK, PATROL | CORPORAL TONY CRIDER, PATROL DIVISION |
| EVIDENCE TECH ROB DICKER, PATROL/CIS | DETECTIVE MARK BOHAN, PATROL/CIS | CAPTAIN LLOYD ZOELLNER, PATROL/CIS |
| PATROL OFFICER JOE BENNETT | DETECTIVE KEN SCHWEINEFUS, PATROL/CIS | PATROL OFFICER STEVE JUNKER |
| DETECTIVE BRIAN STAPLETON, PATROL/CIS | CORPORAL DAVE BOIMAN, PATROL | PATROL OFFICER PATRICK ELIZONDO |
| COLONEL RAY HOFFBAUER, PATROL | DEPUTY ROGER HINKLE, PATROL/AVIATION | PATROL OFFICER DOUG PARTIN |
| DETECTIVE MIKE LINDER, PATROL/CIS | PATROL OFFICER ADAM KROEGER | PATROL OFFICER DUSTIN DENZLER |
| LIEUTENANT JOHN ADKINS, COURT SERVICES | SERGEANT JEFF MCAULIFFE, CORRECTIONS | |
| CORRECTIONS OFFICER RICK WICKMAN | CORRECTIONS OFFICER TERRY HARPER | CORRECTIONS OFFICER DAVE GRIFFIN |
| ADAM BREEZE, RECORDS DIVISION | LARRY GUTHIER, RECORDS DIVISION | PIPE & DRUM CORPS |
| SERGEANT STEPHEN WATT, COURT SERVICE DIVISION | DEPUTY RACHEL HARVEY, ELECTRONIC MONITORING | |
| SPECIAL DEPUTY CANDACE GEE | SPECIAL DEPUTY DENNIS OLSON | SPECIAL DEPUTY GALEN MCKENDRY |
| SPECIAL DEPUTY CHARLES REESE | SPECIAL DEPUTY MARGO MERGY | |





LEGAL NUTS AND BOLDTS

SEARCHES OF STUDENTS BY SCHOOL OFFICIALS

NEW JERSEY V. T.L.O., 469 U.S. 325 (1985),
SAFFORD UNIFIED SCHOOL DISTRICT #1 V. REDDING, 557 U.S. ____ (2009)

By Edwin H. Boldt

"Of those who say nothing, few are silent." Thomas Neill

School bells have once again rung to announce the beginning of another school year and children – perhaps our children or grandchildren, younger brothers or sisters, nieces or nephews – are back under the tutelage and supervision of school personnel for a goodly number of hours each weekday. We understand that because as law enforcement officers we must obey the dictates of the 4th Amendment if we want to search a student or that student's backpack, we generally have to satisfy a burden of proof – probable cause – to justify that search. And we understand that as parents we don't have to satisfy any such burden at all: If we think little Billy or Susie has something they shouldn't have in a pocket or a backpack, we don't concern ourselves with the Constitution or "burdens of proof", we just look and it's our status as parents that gives us that authority.

But where do school officials – principals and teachers – fall in this line between police and parents, and what are their rights when it comes to searching a student or that student's personal property when on school grounds? Is a principal considered to be like an officer who can search only when the probable cause burden is satisfied, or is she considered to be standing *in loco parentis* – in the place of the parent, and thus allowed to search just like a parent? As we will see, the truth is somewhere in between the two extremes.

Almost 25 years ago the United States Supreme Court provided guidance regarding searches by school officials which for the most part remains current and effective today. In *T.L.O. v. New Jersey*, 469 U.S. 325 (1985), the basic facts were these (because the student involved in this search case was a juvenile, only her initials were used in the case): A teacher found T.L.O., a 14-year-old freshman, smoking in the girls' restroom, a violation of school policy. After escorting T.L.O. to the principal's office where they met the Assistant Vice Principal, T.L.O. denied that she had been smoking, or that she smoked at all. The Assistant Vice Principal seized T.L.O.'s purse and indeed found a pack of cigarettes. His further search also located rolling papers, marijuana, a substantial sum of cash, a list of students who owed T.L.O. money and two letters which implicated her in the selling of marijuana. T.L.O. was charged with delinquency.

The juvenile trial court found that the Fourth Amendment did in fact apply to school officials, so that any search conducted by a school official must be reasonable under the 4th Amendment, and also found that the search in this case was reasonable, a decision affirmed by the appeals court. But the New Jersey Supreme Court reversed, ruling that the purse search violated the Fourth Amendment and that the evidence should have been suppressed.

The U.S. Supreme Court held that school officials are quasi-governmental officials and that the dictates of the 4th Amendment applied to them, but ruled further that because they are not law enforcement officials, rather than the stricter burden of probable

cause, school official need satisfy a lesser burden of proof which they described as "reasonable grounds to believe". While not described in these terms by the Court, it would not be inaccurate to equate the "reasonable grounds to believe" standard a school official must now satisfy with the "articulable reasonable suspicion" standard justifying a stop and frisk by a law enforcement officer.

The Court in *T.L.O.* first held that the "reasonable grounds to believe" standard was appropriate for school official searches and based on the statement that the teacher had seen her smoking in the restroom, the Assistant Principal had reasonable grounds to believe that T.L.O.'s purse would contain evidence of that school infraction – cigarettes – and held also that the finding of the cigarette pack justified the further search which ultimately located the other evidence. *T.L.O.* also held that a school-official search must be permissible in its scope, which is achieved "when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction" at page 342. In other words, the extent of the search must fit the crime, and merely looking in a student's purse for cigarettes was an appropriate search when the infraction consisted of smoking.

Which brings us to the 2009 Supreme Court case of *Safford Unified School District #1 v. Redding*, 557 U.S. ____ , a civil action brought by the mother of 13-year-old Savana Redding against the school district and 3 district school officials who were party to a strip search involving Savana.

On October 1, 2003, a student told Assistant Principal Kerry Wilson that certain (unnamed) students were bringing drugs and weapons into the school. One week later, the same student delivered a white pill to Wilson that he said student Marissa Glines had given him, that other students had been given pills that day and that these other students were to take the pills at noon that day at lunch. School Nurse Peggy Schwallier identified the pill as Ibuprofen 400mg, available only by prescription.

Marissa was summoned to Wilson's office where, in the presence of Helen Romero, an administrative assistant, he asked her to turn out her pockets and open her wallet, a search which produced a blue pill, several white pills and a razor blade. When asked, Marissa told them that Savana Redding had given her the pills. After the blue pill was identified as a 200-mg dose of naproxen, an over-the-counter anti-inflammatory drug (both the naproxen and the Ibuprofen were banned under school rules without advance permission), Marissa was subjected to a search of her bra and underpants by Romero and Schwallier; no other pills were found. Marissa then stated that the day planner in her possession was actually Savana Redding's, a search of which disclosed several knives, lighters and a cigarette.

Wilson had already heard from other sources that Marissa and Savana were part of an unusually rowdy group of girls at a





Legal Nuts and Bolts, Cont.

school dance in August when alcohol and cigarettes were found in the girls' bathroom and that alcohol had been served at a pre-dance party at Savana's house. Marissa's statement that Savana had been the source of the pills found that day was thus plausible to warrant suspicion that Savana was involved in pill distribution.

Wilson then called Savana to his office where she acknowledged that the day planner was hers, but stated she had loaned it to her friend Marissa several days earlier and that none of the items in it were hers. When asked, Savana denied any knowledge of the pills which had been found, denied that she had supplied them and granted Wilson consent to search her backpack, which found nothing.

The Court found that the backpack search and a subsequent search of Savana's outer clothing was "not excessively intrusive in light of the age and sex of the student and the nature of the infraction", citing *T.L.O.*

At this point, Romero and Schwallier (at Wilson's order) directed Savana to remove her clothes down to her underwear, and then pull her bra and underpants away from her body, which necessarily exposed her breasts and pubic area to some degree to these two female school officials. No other pills were found.

When this activity became known to her, Savana's mother filed a suit against Wilson, Romero and Schwallier asserting that Savana's 4th Amendment rights had been violated. The Federal District Court granted the defendant's motion for summary judgment on the ground that there had been no 4th Amendment violation, and the Circuit Court of Appeals affirmed. However, a further appeal was made to the entire Ninth Circuit Court of Appeals, and that court, sitting *en banc* (all judges of the Ninth Circuit hearing the case, rather than a single judge or a 3-judge panel) reversed, holding that a strip search was unjustified under the 4th Amendment test for searches of children by school officials as set forth in *T.L.O.* The court affirmed the motion for qualified immunity for both Schwallier and Romero as they had not been independent decision makers, but refused to grant qualified immunity for Assistant Principal Wilson as it had been his decision to subject Savana to the final search activity which forms the basis of the suit.

The Supreme Court described this activity as a "strip search" and stated that both subjective and reasonable societal expectations of personal privacy require distinct elements of justification on the part of school authorities for going beyond a search of outer clothing and belongings.

The Court repeated the holding of *T.L.O.* that school officials are bound by the restrictions of the 4th Amendment, but to a lesser degree than law enforcement officers, and stated that this lesser standard could be described as "a moderate chance of finding evidence of wrongdoing". The Court acknowledged that based on the facts and circumstances as described above and known to Wilson at the time, he had satisfied his burden that there was a moderate chance of finding evidence of wrongdoing in Savana's possession.

But the Court also ruled that Wilson's directive to Romero and Schwallier to perform a strip search of Savana was

unreasonable under the 4th Amendment because the content of his suspicion failed to match the degree of intrusion. That is, the school rules violation here suspected – possession of common pain relievers equivalent to two Advil, or one Aleve – was not so serious so as to justify the degrading indignity of a strip search. The Court stated that Wilson had no real reason to suspect that large amounts of the drugs were being passed around, or that individual students were receiving great numbers of pills. Further, the Court noted that Wilson had no reason to suspect that Savana was hiding these common painkillers in her underwear, stating that, "non-dangerous school contraband does not raise the specter of stashes in intimate places".

Finally, the Court held, "the *T.L.O.* concern to limit a school search to reasonable scope requires the support of reasonable suspicion of danger or of resort to underwear for hiding of evidence of wrongdoing before a search can reasonably make the quantum leap from outer clothes and backpacks to exposure of intimate parts. The meaning of such a search, and the degradation its subject may reasonably feel, place a search that intrusive in a category of its own demanding its own specific suspicions."

So, in such a case as this, the search of outer clothing, day planners or backpacks is entirely reasonable. But to justify a strip search by school personnel requires a combination of facts and circumstances which include fears or concerns that the sought-after evidence is inherently dangerous in and of itself – heroin? a gun? – coupled with indications that the sought-after articles are in fact being secreted in underwear.

Interestingly, the majority opinion, in which all nine justices concurred at least in part, is no more than 5 pages in length. Justices Stevens and Ginsburg wrote concurring-in-part and dissenting-in-part opinions of 3 and 2 pages respectively, but Justice Thomas's concurring-in-part and dissenting-in-part opinion ran to a full 22 pages. His prime concern with the majority opinion is that it places on school officials "a vague and amorphous standard" to know just how intrusive they may be in performing searches of children in their care, and "grants judges sweeping authority to second-guess the measures that these officials take to maintain discipline in their schools and ensure the health and safety of the students in their charge".

Justice Thomas espouses a "return to the common-law doctrine of *in loco parentis* under which the judiciary was reluctant to interfere in the routine business of school administration, allowing schools and teachers to set and enforce rules and to maintain order".

Reasonable people can agree to disagree on the issue of just how much authority school officials should have to search our children and grandchildren, brothers and sisters, and nieces and nephews when they're within the confines of their schools. We don't want them to be subjected to degrading and humiliating affronts to their personal privacy, but we sure want them to be kept safe and free from the drugs and weapons that experience has shown are brought into schools regularly. Law enforcement officers have a tough job. So do school officials. I'm not sure this case helps them do it.





NICO JOINS THE SHERIFF'S K-9 UNIT IN ANDERSON TOWNSHIP



The Hamilton County Sheriff's Office and the Anderson Township Board of Trustees are proud to introduce the newest member of the canine force, "Nico". Nico replaces the first Anderson Township Canine, Timo, who retired in March due to illness.

Nico is a German Shepherd of Russian descent. He is two (2) years old, and was born and trained in Russia. His certifications are in both patrol work and narcotics detection. His handler, Patrol Officer Bill Woltermann, says Nico has surpassed all expectations. Woltermann describes Nico as an intelligent animal who is enthusiastic and driven. Nico gets along well with the family and now has a place in the Woltermann home.

Lt. Mike Hartzler, District 5 (Anderson Township) Commander, also has high expectations for Nico. As a former canine handler Lt. Hartzler is most impressed with Nico's intelligence and his desire to please. Given Nico passed his certification testing in both Europe and the United States is demonstrative of his keen ability to apply training to the duties of a police canine.

The Anderson Township Board of Trustees purchased Nico with monies donated by the Haverkamp Foundation, a foundation set up in memory of Matt Haverkamp, a canine officer from Gulf Manor, who was killed in a car accident.

Deputy Woltermann's former K-9 partner, Timo, has retired and is currently leading a comfortable life, despite enduring the aches and pains from age and years of service, with the Woltermann family.



TRAFFIC SAFETY UNIT RECOGNIZED FOR OVI EFFORTS

On September 28, 2009, the Hamilton County Sheriff's Office Traffic Safety Unit was presented with a Gold Member Award in recognition of their participation in the Hamilton County OVI Task Force.

Three levels of awards were given out during the meeting. They are the Gold Member status, Silver Member status, and Member status. The meeting also closed out the 2008-2009 OVI Task Force Enforcement Grant year.

Gold Member Status was awarded to those agencies who submitted required paperwork in a timely manner, attended all meetings, compiled statistics, and participated in 75% of more of the activities held by the OVI Task Force. Sheriff's Deputies worked more than 120 hours of OVI enforcement time during the grant year. Other Gold Member Award recipients included the Cincinnati Police Department and the Colerain Township Police Department.



Employee Golf Outing Results

Pebble Creek Golf Course

September 28, 2009

1st Place (-12): Bobby King, Danny Cronin, Ken Wethington, Lou Masters

2nd Place (-12): Karen Giblin, Mike Robbins, Scott Veneman, Wayne Reese

Skins (5): Leis Group - #10, #12
King Group - #9

Cobb Group - #3
Hensley Group - #7

Closest to the Pin #6: Ray Hoffbauer

Longest Putt #9: Ken Wethington

Longest Drive #13: Mike Robbins





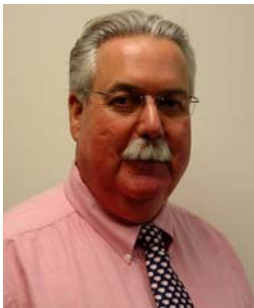
INSURANCE OPEN ENROLLMENT

Yes, it is that time again!!! Open Enrollment of medical, dental and other insurance is tentatively scheduled for late October, early November, later than previously stated in Personnel Order A-09-011.

The County will continue with the four medical plans from Humana. There are some changes. Every employee will need to enroll again. Two dental plans will be offered but both will be offered by Dental Care Plus. Any employee who has Superior Dental will need to enroll in one of the Dental Care Plus plans to have dental coverage in 2010.

If you have not done so already, now would be a good time to enroll in "My Humana". Humana now has a history of yours and your family's usage and can better tell you the coverage that may fit your needs the best.

Please watch for more information in regards to this important benefit. This will be your chance to change insurance, change your flexible spending accounts, add or change long term disability and life insurance.



CHAPLAIN'S CORNER

by: Rev. Jack Marsh

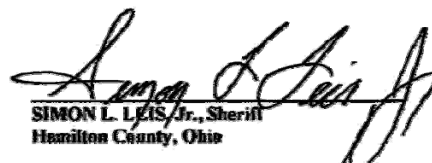
So here we are a year later. I wish I had some quick and, better yet, easy fix to all of the problems of the last year. Sadly, I do not. Heck, I wish I could stop the rumors and gossip and get everybody clear accurate information. That one's beyond me too.

What is the truth about the last year and, more importantly, the days ahead? It is pretty clear there is not enough money or at least a whole lot less than there used to be. More is needed to make ends meet and the only way to make that happen seems to be to get more from somewhere or to spend less. Unfortunately, it is a whole lot of either. After that it gets really tricky. The how of that is where the pain and disagreement and mistrust become hugely intense. When these things are present anger often is as well. In the course of many meetings and discussions over the last year, we know many of the comments and arguments that have been made were just plain silly.

Perhaps the biggest source of anger revolves around a sense that nobody understands or appreciates what you have done, or are trying to do. Everything from your job necessity to your integrity has been called into question from all directions. When some folks don't understand, and seem even less interested in wanting to, it makes us angry.

I offer a word or two about the anger part of all this. In his book, *Wishful Thinking*, Frederick Buechner talks about anger. "Of the seven deadly sins, anger is possibly the most fun. To lick your wounds, to smack your lips over grievances long past, to roll over your tongue the prospect of bitter confrontations still to come, to savor the last toothsome morsel both the pain you are given and the pain you are giving back – in many ways it is a feast fit for a king. The chief drawback is that what you are wolfing down is yourself. The skeleton at the feast is you." No one can be blamed for fighting for their job and the well being of their family. However, prolonged anger serves neither of these. It merely eats you up.

Finally, you are doing remarkably well in difficult circumstances and are to be commended. You did not bring about these economic conditions that have cost you much. Do not allow yourselves to be trapped in a state of prolonged anger that will cost you even more.


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