file cabinets, except that in this context the Court distinguished searches conducted for law enforcement purposes. In *O'Connor v. Ortega*,[341] a majority of Justices agreed, albeit on somewhat differing rationales, that neither a warrant nor a probable cause requirement should apply to employer searches "for noninvestigatory, work-related purposes, as well as for investigations of work-related misconduct."[342] Four Justices would require a case-by-case inquiry into the reasonableness of such searches;[343] one would hold that such searches "do not violate the Fourth Amendment."[344]

In *City of Ontario v. Quon*,[345] the Court bypassed adopting an approach for determining a government employee's reasonable expectation of privacy, an issue unresolved in *O'Connor*. Rather, the *Quon* Court followed the "special needs" holding in *O'Connor* and found that, even assuming a reasonable expectation of privacy, a city's warrantless search of the transcripts of a police officer's on-duty text messages on city equipment was reasonable because it was justified at its inception by noninvestigatory work-related purposes and was not excessively intrusive.[346] A jury had found the purpose of the search to be to determine whether the city's contract with its wireless service provider was adequate, and the Court held that "reviewing the transcripts was reasonable because it was an efficient and expedient way to determine whether [the officer's] overages were the result of work-related messaging or personal use."[347]

Prisoners, Probatitoners, and Parolees.—The "undoubted security imperatives involved in jail supervision" require "defer[ence] to the judgment of correctional officials unless the record contains substantial evidence showing their policies are an unnecessary or unjustified response to the problems of jail security."[348] So saying, the Court, in *Florence v. Board of Chosen Freeholders*, upheld routine strip searches, including close-up visual cavity inspections, as part of processing new arrestees for entry into the general inmate population, without the need for individualized suspicion and with-

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[341] 480 U.S. 709 (1987).

[342] 480 U.S. at 725. Not at issue was whether there must be individualized suspicion for investigations of work-related misconduct.

[343] This position was stated in Justice O'Connor's plurality opinion, joined by Chief Justice Rehnquist and by Justices White and Powell.

[344] 480 U.S. at 732 (Scalia, J., concurring in judgment).

[345] 560 U.S. ___, No. 08–1332, slip op. (2010).

[346] In *Quon*, a police officer was dismissed after a review of the transcripts of his on-duty text messages revealed that a large majority of his texting was not related to work, and some messages were sexually explicit.

[347] 560 U.S. ___, No. 08–1332, slip op. at 13 (2010).

[348] Florence v. Board of Chosen Freeholders, 566 U.S. ___, No. 10–945, slip op. at 2, 9 (2012). *See also, e.g.,* Bell v. Wolfish, 441 U.S. 520 (1979). The Florence Court made clear it was referring to "jails" in "a broad sense to include prisons and other detention facilities." 566 U.S. ___, No. 10–945, slip op. at 1 (2012).