

The police suspected that a 16-year-old high school student had committed a series of burglaries. One day, two officers went to the student's high school and asked the principal to call the student out of class and to search his backpack. While the officers waited, the principal took the student into the hall where she asked to look in his backpack. When the student refused, the principal grabbed it from him, injuring the student's shoulder in the process. In the backpack, the principal found jewelry that she turned over to the officers.

The officers believed that the jewelry had been taken in one of the burglaries. They arrested the student, took him to the station, and gave him Miranda warnings. The student then asked to see a lawyer. The police called the student's parents to the station. When the parents arrived, the police asked them to speak with the student. The officers put the student and his parents in a room and secretly recorded their conversation with a concealed electronic device. The student immediately broke down and confessed to his parents that he had committed the burglaries.

The student was charged with the burglaries.

If the student moves to suppress the use of the jewelry, how should the court rule on his motion?

- A. Deny the motion on the ground that school searches are reasonable if conducted by school personnel on school grounds on the basis of reasonable suspicion.
- B. Deny the motion on the ground that the search was incident to a lawful arrest.
- C. Grant the motion on the ground that the search was conducted with excessive force.
- D. Grant the motion on the ground that the search was conducted without probable cause or a warrant.

Explanation:

A **Fourth Amendment** search must generally be authorized by a warrant based on probable cause, but this requirement is often relaxed in school settings to maintain a safe learning environment. Therefore, **school officials** do not need a warrant or probable cause to **search a student on school grounds** if:

they have **reasonable suspicion** that the student violated (or is violating) the law or school rules

the scope of the search is **reasonably related** to the suspected offense *and*

the search is **not excessively intrusive** given the student's age, sex, and the nature of the suspected offense.

However, if a school official conducts a search at the **direction of the police**, it must be supported by a **warrant based on probable cause** or an **exception** to the warrant requirement. Police cannot rely on the relaxed standards governing school searches.

Here, two officers asked the principal to call the student out of class and to search his backpack. The principal did so without a warrant and found jewelry that she then turned over to the officers. Since the principal's search was conducted at the direction of the police, a warrant based on probable cause was required (**Choice A**). Therefore, the court should suppress the use of the jewelry.

(Choice B) The search-incident-to-a-lawful-arrest exception allows officers to conduct a warrantless search of the person arrested and the areas in his/her immediate reach. This exception is inapplicable here because the student was not arrested.

(Choice C) A search conducted with excessive force may expose the police or persons acting at their direction to civil liability, but will not result in the suppression of evidence. So even if the principal used excessive force when she grabbed the student's backpack and injured him, the motion should not be granted on this basis.

Educational objective:

School officials may search a student without a warrant if (1) they have reasonable suspicion that the student violated a law or school rule, (2) the scope of the search is reasonably related to the suspected offense, and (3) the search is not excessively intrusive. However, a warrant is required if the search is conducted at the direction of the police.

References

U.S. Const. amend. IV (prohibition against unreasonable searches and seizures).

New Jersey v. T.L.O., 469 U.S. 325, 340–42 (1985) (holding that school officials need only reasonable suspicion that a student violated the law to search the student).

Coolidge v. New Hampshire, 403 U.S. 443, 487–88 (1971) (recognizing that searches carried out by individual acting at the direction of police are scrutinized as though they were carried out by police themselves).

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