



## **Student Search: Reasonable Suspicion**

*What is the basis for student searches?*

*School Board Policy 5.31 states:*

(1) The principal, a teacher, or any other staff member may temporarily detain and question a student when circumstances indicate that such student has committed, is committing, or is about to commit a violation of Florida Statutes or School Board rules.

(2) Any activity involving student detention, search, and seizure shall be in accordance with procedures set forth in the Code of Student Conduct.

(3) Each principal shall place a sign which is clearly visible to students and in a prominent location (s) within the school. The sign shall contain the following text:

### Notice to Students

School authorities may search student lockers or other areas when reasonable suspicion that prohibited or illegally possessed substance or object is contained within the area pursuant to Florida Statutes.

Note that this does not address search of a student's property or person.

### **So what is the legal basis for doing so?**

***New Jersey v. T.L.O.***, 469 U.S. 325 (1985) was a case appealed to the Supreme Court of the United States in 1984, involving the search of a high school student for contraband after she was caught smoking. A subsequent search of her purse revealed drug paraphernalia, marijuana, and documentation of drug sales. She was charged as a juvenile for the drugs and paraphernalia found in the search. She fought the search, claiming it violated her Fourth Amendment right against unreasonable searches. The U.S. Supreme Court, in a 6-3 ruling, held that the search was reasonable under the fourth Amendment.

The Supreme Court of the United States, in a 6-3 decision issued by Justice White, ruled that the search and seizure by school officials without a warrant was constitutional as long as the search was deemed reasonable given the circumstances. The Court reaffirmed that there is a balancing between the individual's—even a child's—legitimate expectation of privacy and the school's interest in maintaining order

and discipline. Accordingly, school officials do not need a warrant to search the belongings of students, but they do require a "reasonable suspicion".

Therefore, her possession of any cigarettes was relevant to whether or not she was being truthful, and since she had been caught in the bathroom and taken directly to the office, it was reasonable to assume she had the cigarettes in her purse. Thus, the vice-principal had reasonable cause to suspect a school rule had been broken, and more than just a "hunch" to search the purse. When the vice-principal was searching for the marijuana, the drug-related evidence was in plain view. Plain view is an exception to the warrant requirement of the 4th Amendment. Thus, the reasonable search for cigarettes led to some of the drug related material being discovered, which justified a further search (including the zippered compartments inside the bag) resulting in the discovery of the drugs and other evidence.

The Supreme Court overturned the New Jersey Supreme Court ruling.

The Court also stated that states have a duty to provide a safe school environment.

### **What is the difference in Reasonable Suspicion and Probable Cause?**

Reasonable suspicion is a legal standard in United States law that a person has been, is, or is about to be engaged in criminal activity based on specific and articulable facts and inferences. It is the basis for an investigation by school officials and requires less evidence than probable cause, the legal requirement for arrests and warrants. Reasonable suspicion is evaluated using the "reasonable person" standard, in which said person in the same circumstances could reasonably believe a person has been, is, or is about to be engaged in criminal activity; such suspicion is not a mere hunch. Reasonable suspicion is also sometimes called "arguable suspicion".