

SAMPLE CASE BRIEF

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Introduction to Paralegal Studies
Brief: New Jersey v. T.L.O. 469 U.S. 325

FACTS:

T.L.O. was a 14-year-old high school freshman. She and a friend were in the girls' lavatory when a teacher walked in. The teacher accused the two girls of smoking in the bathroom and took them to the principal's office. The Vice Principal, Theodore Choplick, asked the girls if they were smoking. T.L.O.'s companion admitted to smoking. T.L.O. denied smoking. Choplick then took T.L.O. into his office and searched her purse for cigarettes.

When he opened her purse, he saw a pack of cigarettes. Upon removing the cigarettes, he saw rolling papers. Believing that marihuana may now be in the bag, the Vice Principal continued to search the bag. He found a small amount of marihuana and other evidence that T.L.O. was selling marihuana in school. Choplick then turned this evidence over to the police.

The police contacted T.L.O.'s mother to arrange her daughter's surrender. At the police station, T.L.O. admitted to selling marihuana. Based upon the evidence and confession, the State of New Jersey brought delinquency charges against T.L.O.

PROCEDURAL HISTORY:

The delinquency charges were brought against T.L.O. in the Juvenile and Domestic Relations Court in New Jersey. T.L.O. moved to suppress the evidence against her, arguing that the Vice Principal violated her Fourth Amendment rights by searching her purse without probable cause and a search warrant. The Juvenile Court denied that motion. The court held that school officials may search a student's personal belongings without probable cause and a search warrant without violating the Fourth Amendment. The trial court found that school officials may search a student's personal belongings if there is reasonable cause to believe it is necessary to enforce school policies. Because the search here was reasonable, the Juvenile Court found T.L.O. guilty of delinquency and sentenced her to one year's probation. T.L.O. appealed to the New Jersey Appellate Division.

By a divided court, the Appellate Division affirmed the trial court's finding that there had been no Fourth Amendment Violation. The Appellate Division, however, vacated the finding of delinquency and remanded the case for the trial court to determine whether there was a Fifth Amendment violation. T.L.O. appealed the Fourth Amendment finding to the New Jersey Supreme Court.

The New Jersey Supreme Court reversed the Appellate Division. The New Jersey Supreme Court found that there was a Fourth Amendment violation and ordered the suppression of all evidence against T.L.O. The State of New Jersey sought certiorari to the United States Supreme Court, and certiorari was granted.

ISSUE:

Are public school officials state agents under the Fourteenth Amendment such that the Fourth Amendment is enforceable against them?

Does the Fourth Amendment require public school officials to have “probable cause” and a search warrant prior to searching a student’s personal belongings?

RULE:

Public school officials are state agents under the Fourteenth Amendment such that the Fourth Amendment is enforceable against them.

The Fourth Amendment does not require public school officials to have “probable cause” and a search warrant prior to searching a student’s personal belongings.

RATIONALE:

The first issue the Court addressed is whether the Vice Principal was a “state officer” for the purposes of the Fourteenth Amendment. If he was, then the Fourth Amendment would apply to any search conducted by him. The State of New Jersey argued that only “law enforcement officers” were subject to the Fourth Amendment search requirement rules. The State argued that teachers act *in loco parentis* for the parents; therefore, teachers act as agents of the parents, not the state. The Court rejected both these arguments.

Writing for the Court, Justice White stated that the Supreme Court “has never limited the Amendment’s prohibition on unreasonable searches” to only law enforcement officers. The Court has held building inspectors, OSHA inspectors, and firefighters “all to the restraints imposed by the Fourth Amendment.” Moreover, because education is compulsory in all states, public school officials “do not merely exercise authority voluntarily conferred on them” by students’ parents. School officials act based upon publically “mandated educational and disciplinary policies.” Therefore, the Court held public school officials are state agents under the Fourteenth Amendment, and the Fourth Amendment applies to them.

Finding that the Fourth Amendment did apply to school officials, the next issue to resolve was whether school officials need probable cause and a search warrant prior to searching a student’s personal belongings. The Court pointed out that the “underlying command” of the Fourth Amendment is that a search is reasonable in scope and that probable cause is not always required.

Reasonableness, the Court stated, is dependant upon the “context within which a search takes place.” The context of the search requires a balancing of two things: (1) the need to search and (2) the invasion the search has upon the privacy of a person. In the context of this action, this amounts to a balancing of a student’s right to privacy under the Fourth Amendment and the need for school officials to conduct a search.

In weighing each side’s interest, the Court found that students–like adults–have a right to privacy. Moreover, Justice White stated, that the Court has recognized that “even a limited search of a person is a substantial invasion of privacy.” Therefore, the Fourth Amendment protects searches of any container which conceals the items within from plain view because people have a legitimate expectation of privacy.

On the other side of the scale, the Court found that school officials have a substantial interest in maintaining order, discipline, and a proper educational environment. This sometimes requires immediate action. The Court stated that the public interest would be best served if school officials did not have to obtain a search warrant under probable cause standards before searching students. Therefore, the Court specifically held that “school officials need not obtain a warrant before searching a student. . . .” The question then became to what protection are students entitled to safeguard their expectation of privacy in personal property.

Justice White stated that the “fundamental commandment of the Fourth Amendment is that searches and seizures be reasonable. . . .” In this case, the Court held that reasonableness be determined by a twofold inquiry: first, was the action “justified at its inception” and second, was the scope of the search “reasonably related . . . to the circumstances which justified the interference in the first place.” On balance, the Court found that this twofold inquiry protected a student’s right to privacy from unreasonable searches and at the same time afforded school officials the ability to take immediate action to maintain order and discipline.

Applying the rule to this case, the Court found that the Vice Principal’s actions were justified at the inception. T.L.O. was accused of smoking, and it was likely that cigarettes might be in her purse. Second, opening the handbag was reasonably related to the circumstances which justified the interference in the first place. Hence, the Vice Principal’s actions passed the Court’s twofold inquiry. Once the rolling papers were in plain view, the Vice Principal then had the right under the Court’s test to search the rest of the purse.

Therefore, the Supreme Court overruled the New Jersey Supreme Court and held that the search was justified under the Fourth Amendment.