New Jersey v. T.L.O. (1985)

Argued: March 28, 1984

Re-argued: October 2, 1984

Decided: January 15, 1985

Background

The Fourth Amendment to the U.S. Constitution protects people from "unreasonable searches and seizures." It generally requires the police to get a **search warrant** before conducting a search of someone's property. A search warrant is a document issued by a judge or a magistrate granting law enforcement officers permission to search a particular location to uncover evidence of a crime. An application for a search warrant must be supported by **probable cause**, that is, facts that allow a reasonable person to believe evidence will be found in that location. There are several exceptions to the search warrant requirement, such as emergency circumstances and searches of a person at the time of their arrest.

When deciding whether a search is "unreasonable" and, therefore, a violation of the Fourth Amendment, courts weigh the degree of intrusion upon an individual's privacy and the need to promote a legitimate interest of the government, such as public safety. In a school, for example, the administration might be concerned about preserving an environment that is conducive to learning. Schools also want to protect the safety of their students and make sure they are not exposed to harmful substances, especially considering their role as the guardian of their students during the school day.

Whether or not a search is reasonable and lawful under the Fourth Amendment is very important because the **exclusionary rule** applies if the search is unreasonable. The **exclusionary rule** prohibits the introduction of improperly obtained evidence at trial to determine guilt. A defendant may file a **motion to suppress** (keep out) the evidence, claiming the search was not lawful. If the motion is granted, the evidence seized unlawfully cannot be introduced at trial.

New Jersey v. T.L.O. considered whether it was constitutional for a school's staff to search a student's belongings without a warrant after she was caught smoking.

Facts

T.L.O. (initials are used for minors) was a 14-year-old high school student when she was accused of breaking school rules by smoking in the restroom. After a teacher found her and a classmate smoking, she was taken to the office of the assistant vice principal, Theodore Choplick.

When questioned, T.L.O. denied smoking. Choplick then began searching T.L.O.'s purse. He first found cigarettes and rolling papers, which are commonly used to smoke marijuana. Choplick continued searching T.L.O.'s purse and eventually found marijuana, a pipe, empty plastic bags, many

one-dollar bills, a list of students who owed her money, and a letter that showed T.L.O. was dealing marijuana to other students.

The school informed the police and T.L.O.'s mother of the incident. At the police station, T.L.O. admitted she had been selling marijuana at school. Because of the evidence obtained by her school and the confession, T.L.O. was charged with dealing and using illegal drugs. At trial, T.L.O. tried to suppress the evidence found in her purse during the search at school, arguing it was an unreasonable search under the Fourth Amendment. She also tried to have her confession suppressed, arguing that she would not have confessed if not for the evidence obtained during the search. The court rejected this argument, deciding that a school could search a student if there is "reasonable suspicion that a crime has been or is in the process of being committed, or reasonable cause to believe that the search is necessary to maintain school discipline or enforce school policies." Under this test, Choplick's search was reasonable and constitutional.

The court found T.L.O. to be delinquent and sentenced her to one year of probation. She was also suspended from school. T.L.O. appealed this case to the New Jersey Supreme Court, which reversed the lower court's decision and found that the evidence was obtained during an unconstitutional search. The state of New Jersey, on behalf of its prosecutors, asked the U.S. Supreme Court to hear the case, and the Court agreed to do so.

Issue

Is it constitutional under the Fourth Amendment for a school official to search a student if there is a reasonable belief that a student is committing a crime or breaking a school rule?

Constitutional Provisions and Supreme Court Precedents

- **Fourth Amendment to the U.S. Constitution**

  "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

- *Weeks v. United States* (1914)

  In a unanimous decision, the Supreme Court held that it was unconstitutional for the police to search Fremont Weeks' home without a search warrant. This case created the **exclusionary rule**, meaning that evidence seized in violation of the Fourth Amendment could not be admitted as evidence in a trial.

- *Mapp v. Ohio* (1961)

  This case extended the exclusionary rule, as created by *Weeks v. United States*, to cases arising in state courts. The Court decided that the right to privacy is a crucial element of the Constitution and the Fourth Amendment and that the *Mapp* decision was necessary to "close the only courtroom door remaining open to evidence secured by official lawlessness in flagrant abuse of that basic right."

- *Tinker v. Des Moines Independent Community School District* (1969) and *Goss v. Lopez* (1975)

  These cases addressed public school students' constitutional rights. *Tinker* applied the First Amendment to students' Vietnam war protests. *Goss* applied the 14th Amendment's due process protections to school suspensions. According to *Tinker*, students do not "shed their constitutional rights . . . at the schoolhouse gate." Once the Court recognized students' constitutional rights, however, it had to decide how far and under what circumstances they would apply.

Arguments for New Jersey (petitioner)

- Choplick had reasonable suspicion that T.L.O. was breaking a school rule because a teacher caught her smoking. Only police officers require probable cause to search.
- When Choplick was searching T.L.O.'s purse, he saw the rolling papers in plain view. Because rolling papers are commonly used to smoke marijuana, finding them gave him the reasonable suspicion that T.L.O. was committing a crime; therefore, it was reasonable for him to continue the search.
- Schools have an interest in maintaining an effective learning environment and the safety of their students. It is necessary for school officials to be able to search their students if they suspect a student is committing a crime or breaking a school rule.
- T.L.O.'s confession is admissible because Choplick's search was constitutional.

Arguments for T.L.O. (respondent)

- Choplick's search was not supported by probable cause and was, therefore, unreasonable.
- The fact that T.L.O. was found smoking cigarettes would not lead a reasonable person to believe she had illegal drugs in her purse. The teacher was a witness to the smoking, so a search was unnecessary and unreasonable.
- All individuals, including children, have an interest in privacy. School officials should have to follow the same warrant requirement as police officers.

- T.L.O.'s confession should be excluded because evidence obtained indirectly from an illegal search must also be suppressed. If not for the evidence found during the search at the school, T.L.O. would not have confessed at the police station.

Decision

In a 6-3 decision, the Supreme Court decided that the school's search of T.L.O. was not unreasonable and was, therefore, constitutional under the Fourth Amendment.

Majority

Writing for the majority of the Court, Justice White explained that the Fourth Amendment's prohibition on unreasonable searches and seizures does apply to searches of students conducted by school officials. Students in schools do have a right to privacy, but this right is lower than the rights of individuals outside of schools. At the same time, school officials have a significant interest in addressing disciplinary problems quickly. This helps ensure the school environment is conducive to learning and students are safe during the school day.

Although the Fourth Amendment still applies to school officials, the Court decided not to require search warrants or probable cause. Instead, the Court required searches in schools to be "reasonable under the circumstances." A school official can start a search if there is a reasonable suspicion that the search will uncover evidence that a student broke school rules or committed a crime. At the same time, any search should invade students' privacy interests no more than is necessary to preserve order.

In this case, Choplick's search of T.L.O. was constitutional. After she was caught smoking in the bathroom, it was reasonable for him to think there might be cigarettes in her purse. During his initial search, Choplick found rolling papers, which are commonly associated with marijuana use. This provided reasonable suspicion that there might be other evidence linked to drug use in her purse. Because the search was constitutional, the evidence seized during the search and her confession should not be suppressed.

Concurrences

Justice Powell, joined by Justice O'Connor, agreed with most of Justice White's opinion but emphasized the "special characteristics" of public schools that make it "unnecessary to afford students the same constitutional protection granted adults and juveniles in a non-school setting." Justice Blackmun agreed with the Court's decision, but he emphasized that school administrators' special need to respond quickly to threatening behavior justifies the exception of school searches from the Fourth Amendment's warrant or probable cause requirement.

Dissents

There were two separate dissenting opinions. Justice Brennan disagreed with the Court's new "reasonable under the circumstances test," calling it a vague standard that did not provide enough protection to students' privacy interests. Although he agreed that obtaining a warrant was not necessary, he would have required school officials to show probable cause. Justice Stevens first stated that the majority had unnecessarily broadened its ruling beyond the question presented by New Jersey. He then concluded that searches are only justified in situations where a student has committed a crime or engaged in conduct that seriously threatened disruption of the educational process. Violating the smoking ban was too trivial to justify Choplick's search.

Impact

New Jersey v. T.L.O. is an important case because it affects every public-school student across the country. The test the Supreme Court laid out in this case still applies whenever a school official wants to search a student suspected of breaking a rule or committing a crime. The *T.L.O.* decision was also used as precedent in later decisions allowing drug testing of students to ensure a safe school environment. Courts continue to balance a student's right to privacy with the school's interest in maintaining a safe, effective learning environment.

Additional information about *New Jersey v. T.L.O.,* including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at https://www.landmarkcases.org/.