

New Jersey v. T.L.O

Introduction:

Adopted on December 15, 1791, along with the rest of the United States Bill of Rights, the Fourth Amendment protects people from unreasonable searches and seizures by government officials.¹ Importantly, the Fourth Amendment is not a guarantee against all searches and seizures, but only those that are deemed unreasonable under the law. The exclusionary rule, which prevents the government from using illegally obtained evidence in a trial, also applies to the Fourth Amendment as decided in Supreme Court Case *Mapp v. Ohio* in 1961.²

The case of *New Jersey v. T.L.O.* involved the legality of a search of the inside of a student, T.L.O.'s, purse conducted by the vice principal of the high school after T.L.O. was caught smoking in the bathroom. T.L.O. moved to suppress evidence that was discovered in the search of her purse on the grounds that the search violated the Fourth Amendment's prohibition against unreasonable search and seizure.

Factual Background:

On March 7, 1980, a teacher at Piscataway High School in New Jersey caught two 14-year-old freshmen, T.L.O. and a friend, smoking cigarettes in the school bathroom.³ There were smoking areas on campus where students were permitted to smoke, but the bathroom was not one of them.⁴ The two students were brought into the vice principal's office and were questioned by Vice Principal Theodore Choplick. T.L.O.'s friend admitted to smoking in the

¹ U.S. CONST. amend. IV.

² *Mapp v. Ohio*, 367 U.S. 643 (1961).

³ *New Jersey v. T.L.O.*, 469 U.S. 328 (1985).

⁴ *Id.*

bathroom. T.L.O., on the other hand, denied smoking in the bathroom. Vice Principal Choplick then demanded to see T.L.O.'s purse. He first discovered Marlboro cigarettes and rolling paper. He then conducted a more thorough search of the purse, discovering a small amount of marijuana, a tobacco pipe, and an index card with names of students who owed T.L.O. money.⁵ T.L.O. was then driven to the local police station where she admitted to selling marijuana on school property.⁶ She was charged with possession of marijuana and found guilty of dealing and use of illicit drugs by the Juvenile and Domestic Relations Court of New Jersey, Middlesex County, and sentenced to one-year probation.

Legal Background:

The case of *New Jersey v. T.L.O.* heavily implicated the Fourth Amendment. T.L.O. relied on the Fourth Amendment in her defense because she asserted that the suspicion of T.L.O. smoking cigarettes did not call for a search of her purse.⁷ Because T.L.O. was a minor, she faced delinquency charges in Juvenile Court. The Juvenile and Domestic Relations Court of New Jersey, Middlesex County was the first to hear the case. T.L.O. and her lawyers attempted to suppress the evidence that was found by searching her purse as per the exclusionary rule of the Fourth Amendment, but the Juvenile Court denied this motion.⁸ The Juvenile Court ruled the Fourth Amendment applies to searches that are carried out by school officials, but if a school official has "reasonable suspicion" that a crime has taken place, a crime is taking place, or has reasonable cause to believe that a search is necessary to maintain safety on school grounds, then a search is lawful.⁹ According to the Juvenile Court, Vice Principal Choplick's search of T.L.O.'s

⁵ *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

⁶ *Id.* at. 325

⁷ *Id.*

⁸ *Id.*

⁹ *Terry v. Ohio*, 392 U.S. 1

purse was not a violation of the Fourth Amendment and T.L.O. was sentenced to one-year probation. T.L.O. appealed the decision, and the Appellate Division of the New Jersey State Court System concluded there was no violation of the Fourth Amendment, affirming the Juvenile Court.¹⁰ T.L.O. appealed again to the New Jersey State Supreme Court. The higher court agreed with the lower courts that school officials may conduct searches without a warrant if they believe they have enough evidence that a student is breaking school disciplinary rules or is participating in illegal activities.¹¹ But the New Jersey State Supreme Court overturned the lower courts' ruling, holding that the warrantless search on T.L.O.'s purse was not reasonable because the sole possession of cigarettes was not a violation of any school rules. After an appeal by the State of New Jersey, The United States Supreme Court agreed to hear this case which was first argued on March 28, 1984.¹²

The U.S. Supreme Court's Holding:

In a 6-3 decision issued by Justice Byron R. White, the United States Supreme Court held that the search of T.L.O.'s purse conducted by Vice Principal Choplick did not violate the Fourth Amendment. The Court held that the Fourth Amendment protects students at school, but that school officials may conduct warrantless searches of their students if they have a "reasonable suspicion" to perform such a search.¹³ The Court held that the search of T.L.O.'s purse was in fact reasonable and what was found in her purse that was presented in court does not fall under the exclusionary rule of the Fourth Amendment.¹⁴

¹⁰ *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 326

¹⁴ *New Jersey v. T.L.O.*, 469 U.S. 326 (1985).

Legal Analysis:

The United States Supreme Court made the correct decision in the case of *New Jersey v. T.L.O.* Vice Principal Choplick had "reasonable suspicion" to believe that T.L.O. in fact had cigarettes in her purse, as she was caught smoking in the bathroom. It is also important to note that the reason Vice Principal Choplick searched through the purse was not because smoking was illegal at school, but because T.L.O. was caught smoking in an area where smoking was prohibited.¹⁵ One could argue that Vice Principal Choplick should have stopped the search right after he found what he was looking for (the cigarettes), but the contraband was reportedly in plain view and "plain view" is an exception to the warrant requirement of the Fourth Amendment.¹⁶ Therefore, the reasonable search for the cigarettes in T.L.O.'s purse led to a justified search of the purse in which the contraband was discovered.

The decision in *New Jersey v. T.L.O.* plays an important role in schools today in terms of how far faculty can go in order to uphold the safety of their students. Every year, the number of school shootings has been on an unfortunate rise. And in many cases, the student is reported to have been suspected of carrying a gun before the shooting. I firmly believe that teachers need to be more aware of their rights as not only educators but keepers of peace. If teachers know that they have the right to search a student if they have a "reasonable suspicion" of illegal activities, whether it be that they have a gun, contraband, or nicotine, then schools across the United States will have fewer problems in regards to students being put in danger while on school grounds.

¹⁵ *Id.* at 326

¹⁶ *Horton v. California*, 496 U.S. 128 (1990).