

SAFFORD UNIFIED SCHOOL DISTRICT #1 ET AL.

v.

APRIL REDDING

No. 08-479

Argued April 21, 2009

Decided June 25, 2009

Savana Redding

In 1985, the U.S. Supreme Court for the first time, in *New Jersey v. TLO*, specifically applied the Fourth Amendment's protection against unreasonable searches to students. The case involved a student whose purse was searched after she was caught smoking in a restroom. The Court upheld the search, yet emphasized that students have legitimate expectations of privacy, and judges should balance school interest in enforcing rules to protect all students with individual privacy rights. The justices held that a proper balance of student and school needs requires that a school official's search of a student and her property at a school is constitutional if, and only if, the search meets the Fourth Amendment generalized requirement of reasonableness. The question remains as to what is "reasonable."

In 1995 and 2002 rulings, the Supreme Court upheld drug testing of urine—considered a type of "search"—for students involved in athletics and other extracurricular activities. In those cases, the justices in the majority emphasized the importance of deterring student drug use.

In 2003, school officials at Safford Middle School in Arizona, unnerved by the relatively recent drug-related death of one of its students, learned that a student had brought to school, in violation of school policy, some pain tablets that could only be obtained with a doctor's prescription. Four 400-mg ibuprofen pills and one 200-mg over-the-counter blue naproxen pill were traced to or found in the possession of a student named Marissa. When questioned, Marissa told school authorities that another student, Savana Redding, an eighth grade honor student, had given her the pills, along with a black planner. When the planner was seized from Marissa and searched, officials found several knives, lighters, a permanent marker and a cigarette.

School officials then questioned Savana, who admitted having loaned Marissa the planner, but denied having any knowledge about, or involvement with, bringing the pills or other contraband to school. Seemingly unpersuaded by these denials, the school authorities asked for and obtained Savana's permission to search her backpack, but the search turned up nothing.

A nurse and administrative assistant, both women, then took Savana in the nurse's office where they asked the girl to take off her shoes and socks, then her shirt and pants. The two women next asked Savana to pull open her bra and panties so they could see whether she was hiding any pills—again, no pills were found. Savana reported afterward that the search was methodical and humiliating.

On her daughter's behalf, Savana's mother sued the school district and various school district officials in federal court, alleging that a Fourth Amendment violation had occurred. The district court ruled for the school, but that ruling was reversed by an *en banc* Ninth Circuit Court. The appeals court called Savana's ordeal "a grossly intrusive search of a middle-4.16

school girl to locate pills with the potency of two over-the-counter Advil capsules.”

- ISSUES: Does the Fourth Amendment prohibit school officials from strip searching students when school officials are acting on a reasonable suspicion that the student brought forbidden prescription drugs to school?
- Are school officials individually liable for damages in a lawsuit?

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Decision

The Supreme Court held, by an eight-to-one vote, that school officials violated the Fourth Amendment rights of Savana Redding when they searched her underwear for drugs forbidden by the school district. The Court emphasized the difference between the reasonableness of a routine search of a backpack and a search that exposes a student's private parts. Souter explained:

... Marissa's statement that the pills came from Savana was ... sufficiently plausible to warrant suspicion that Savana was involved in pill distribution.

This suspicion of [the assistant principal's] was enough to justify a search of Savana's backpack and outer clothing....

But school officials did not have sufficient suspicion to warrant extending the search of Savana to her underwear, the decision explained. With Justice Souter writing for the majority, the Court reiterated that, based on a reasonable suspicion, search measures used by school officials to find contraband must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." Souter continued:

...[W]hat was missing from the suspected facts that pointed to Savana was any indication of danger to the students from the power of the drugs or their quantity, and any reason to suppose that Savana was carrying pills in her underwear. We think that the combination of these deficiencies was fatal to finding the search reasonable.

Souter was joined by Chief Justice Roberts and Associate Justices Scalia, Kennedy, Breyer and Alito, and in part by Justices Stevens and Ginsburg.

Justice Stevens, in a separate opinion, concurred in part and dissented in part. He, joined by Justice Ginsburg, agreed that the strip search was unconstitutional. He stated that:

... I have long believed that "[i]t does not require a constitutional scholar to conclude that a nude search of a 13-year old child is an invasion of constitutional rights of some magnitude." ...

Justice Thomas concurred in the judgment in part and dissented in part. He argued that the judiciary should not meddle with decisions school administrators make that are in the interest of keeping their schools safe. Thomas said, "It is a mistake for judges to assume the responsibility for deciding which school rules are important enough to allow for invasive searches and which rules are not."

In a separate vote of seven-to-two, the Court said that because rulings in this area of the law have not been clear, Safford officials are shielded from financial responsibility for their actions. Stevens and Ginsburg dissented from that part of the ruling.