

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

Argued: March 28, 1984

Re-argued: October 2, 1984

Decided: January 15, 1985

Background and Facts

The Fourth Amendment to the U.S. Constitution protects people from “unreasonable searches and **seizures**.” This means that police officers need to have a **search warrant** from a judge before searching or taking something from someone suspected of committing a crime. A search warrant is a document asking for permission to search a particular location because there is evidence of a crime.

A search warrant must be approved by a judge and supported by **probable cause**. Probable cause means that any **reasonable person** would believe evidence will be found in that location.

Sometimes, the police do not need a warrant to search a location. One example is the **plain view doctrine**, which states that the police do not need a search warrant if evidence of a crime can be seen without having to search or move anything.

Courts consider two things when they are deciding whether a search is “unreasonable” and if it violates the Fourth Amendment. They consider how **intrusive** a search is to a person’s privacy and whether the search is needed to protect the **public interest**, such as public safety.

It is very important whether a search is reasonable and lawful because of the **exclusionary rule**. The exclusionary rule bans **improperly obtained evidence** from being introduced at trial. A defendant may file a **motion to suppress** (keep out) the evidence by claiming the search was not lawful. If the motion is granted by the court, the evidence seized unlawfully cannot be used in trial.

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

T.L.O. (initials are used for minors) was a 14-year-old high school student. She was accused of breaking school rules by a teacher who found her and her classmate smoking in the restroom. She was taken to 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 typically used for marijuana. Choplick continued searching T.L.O.’s purse. He 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 found by the vice principal and her 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. She argued it was an unreasonable search under the Fourth Amendment. She also tried to have her confession suppressed. She argued that she would not have confessed if the evidence had not been obtained during the search.

The court rejected this argument. They decided 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.” They also decided a school could search a student if there is “reasonable cause to believe that the search is necessary to maintain school discipline or enforce school policies.” Using this argument, Choplick’s search of T.L.O.’s purse was reasonable and constitutional.

The court sentenced T.L.O. to one year of probation. She was also suspended from school. T.L.O. appealed this case to the New Jersey Supreme Court. They reversed the lower court’s decision and found that the evidence was obtained during an unconstitutional search. The state of New Jersey 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?

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 need to show probable cause to search. Because Choplick is not a police officer, as a school vice principal he could search her purse for evidence of breaking school rules without probable cause.
- When Choplick was searching T.L.O.’s purse, he saw the rolling papers in plain view. This is an example of the plain view doctrine. 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.
- It is important for schools to maintain the safety of their students so they can learn. 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.

Arguments for T.L.O. (respondent)

- Choplick’s search was not supported by probable cause because he only had a suspicion T.L.O. was smoking. Therefore, the search was unreasonable.

- A reasonable person would not believe that T.L.O had illegal drugs in her purse just because she was found smoking cigarettes. The teacher was a witness to the smoking. Therefore, a search was unnecessary and unreasonable.
- All individuals, including children, have a right to privacy. School officials should have to obtain a warrant to search, just like police officers.

Decision

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

Justice White wrote the opinion of the majority. He explained that the Fourth Amendment's ban on unreasonable searches and seizures applies to searches of students conducted by school officials. Students in schools do have a right to privacy. However, this right is lower than the rights of individuals outside of schools. It is also very important for school officials to address disciplinary problems quickly. This helps make sure that the school environment is suitable for learning and students are safe during the school day.

Although the Fourth Amendment still applies to school officials, the Court decided not to require them to have search warrants or probable cause. It can take a long time to get a search warrant, which would get in the way of the school's ability to quickly deal with disciplinary issues. Instead, the Court required searches in schools to be "reasonable under the circumstances." A school official can search a student if they have a reasonable suspicion that they'll find evidence of the student breaking school rules or committing a crime.

In this case, Choplick's search of T.L.O. was constitutional. After T.L.O. was caught smoking in the bathroom, it was reasonable for him to think there might be cigarettes in her purse. During his first search, Choplick found rolling papers, which are linked to marijuana use. This gave him 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 at trial.

Impact of the Case

New Jersey v. T.L.O. is an important case because it affects every student in public schools 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. This was done to ensure a safe school environment. Today, courts continue to balance a student's right to privacy with the school's interest in maintaining a safe learning environment.

Glossary

- **exclusionary rule:** rule that prohibits the use of illegally obtained evidence in a criminal trial.
- **improperly obtained evidence:** evidence that was found or taken during an unlawful or unreasonable search.
- **intrusive:** intruding, causing a disruption, annoying.
- **justify:** to show that something is right or reasonable.
- **motion to suppress:** a request from the defendant to keep out certain evidence from trial.
- **precedent:** a court decision on a legal question that guides future cases with similar questions.
- **probable cause:** facts that allow a reasonable person to believe evidence of a crime will be found in that location.
- **public interest:** the well-being of the general public.
- **reasonable person:** a fictional person that has an ordinary level of reason; a typical person.
- **search warrant:** an order issued by a judge or magistrate giving police the power to search and seize items related to a crime.
- **seizure:** when the government takes someone's property, often to use it as evidence in a criminal trial.
- **suppress:** exclude as evidence; not allowed to be used at trial.

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/>.