

# Informant

## Supreme Court Limits Searches of Juveniles

In a ruling of interest to educators, but with significant law enforcement implications, the United States Supreme Court today ruled that Arizona school officials violated a thirteen year old girl's Fourth Amendment rights when she was strip searched based on a tip that she was hiding pills of the common pain killer ibuprofen in her underwear. (*Safford Unified School District v. Redding*) The Justices ruled 8-1 that such an intrusive search without the threat of a clear danger to other students violated the Constitution's protections against unreasonable search or seizure.

The case began back in 2003, when school officials were told by another student that eighth grader Savana Redding had the pills hidden in her underwear. Despite the subsequent strip search of the girl, no pills were found. Redding, who was an honors student at the time and who is now 19, said she was so humiliated by the experience, she never returned to the school.

Justice David Souter wrote that school official overreacted to vague accusation that Redding was violating school policy by possessing a small quantity of the over-the-counter medication, and there was an absence of "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."

The Justices were more divided over whether school officials could be held personally liable, however, the Court determined they were entitled to qualified immunity because the law was not clearly established at the time of the incident. However, the Court's ruling means Redding's case will be headed back to District Court to determine what damages the School District faces for the constitutional violation.

Justice Clarence Thomas was the only member of the court to conclude that the strip search did not violate the Fourth Amendment. He asserted that the majority's finding second-guesses the measures that educators take to maintain discipline "and ensure the health and safety of the students in their charge."

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