



Iowa General Assembly

2003 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

SCHOOL LOCKER SEARCH

Filed by the Iowa Supreme Court
July 16, 2003

State of Iowa v. Marzel Jones, No. 31/02-0505

<http://www.judicial.state.ia.us/supreme/opinions/20030716/02-0505.doc>

Background – Facts. Muscatine High School administrators scheduled an annual pre-winter break school locker cleanout for December 20, 2001, and requested students three or four days prior to that date to open their lockers at a designated time to allow a faculty member to observe the contents of the lockers. Of the school's 1,700 students, 1,400 complied, with Marzel Jones among those who did not report for cleanout at the time. The next day, December 21, building aides opened Jones's locker; manipulated the only item in the locker, a nylon coat; and found a small bag containing what police later determined to be marijuana. Police charged Jones with possession of a controlled substance. Jones subsequently filed a motion to suppress the evidence, claiming that the search violated his right to be free from unreasonable search and seizure pursuant to the Fourth Amendment of the U.S. Constitution and Article I, Section 8 of the Iowa Constitution. The district court granted the motion to suppress, finding that school officials did not have reasonable grounds for searching Jones's coat pocket.

Issues. Did school personnel violate constitutional search and seizure provisions? Does a student have a legitimate expectation of privacy in a school setting? Was the search intrusive in light of the underlying governmental interest (maintaining order in the classroom) and broader purpose of the search (to ensure the health and safety of the students and staff and to help maintain the school's supplies)?

Analysis and Conclusion. The Court recognized the broad societal recognition of a legitimate expectation of privacy in a school locker, but noted that the search occurred on school grounds, "where the State is responsible for maintaining discipline, health, and safety." (Bd. of Ed. of Indep. Sch. Dist. 92 v. Earls, 536 U.S. 822, 830, 122 S. Ct. 2559, 2565, 153 L. Ed. 2d 735, 745) Because of his absence on the day of the general search, Jones could not be questioned by school officials about the contents of the coat in order to determine whether the coat contained matter that could affect discipline, health, and safety at the school, and though there may have been other ways "to check the coat's contents, constitutional search and seizure provisions do not require the least intrusive action possible." Therefore, the Court concluded "the search of the contents of Jones' locker was not overly intrusive." The Court observed that the school provided reasonable notice of the general locker search, and noted that constitutional search and seizure provisions do not require that the school have an individualized suspicion of rule or law violations before performing a locker search.

The Iowa Supreme Court reversed the decision of the district court and remanded the case for further proceedings consistent with the Iowa Supreme Court's opinion.

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