



Iowa General Assembly

2016 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 AUTHORITY - SEARCH AND SEIZURE OF SCHOOL AND STUDENT PROPERTY

Filed by the Iowa Supreme Court

June 24, 2016

State v. Lindsey

No. 14-0773

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Facts. A student, Mar'yo Lindsey, was injured while playing football for Dunkerton High School and, while waiting transport to the hospital via ambulance, requested that school officials give his school-issued equipment bag to a friend. Instead of giving the bag to the friend, Dunkerton School Superintendent James Stanton asked Head Football Coach Jonathan Steffen to take the bag back to Dunkerton High School, where Stanton retrieved it.

While moving the bag, Stanton heard the clunk of metal hitting the floor, a noise he felt certain was made by a gun. Lindsey had been suspended from school before for drug activity and school authorities also had knowledge that the student had a prior weapons charge. Stanton searched the equipment bag and found a backpack inside, which he also searched. The backpack contained a long-barreled handgun and what appeared to be marijuana and drug paraphernalia. Stanton called law enforcement and Lindsey was charged with possession of a firearm as a felon, carrying a weapon on school grounds, carrying a weapon, and possession of a controlled substance. Lindsey pled not guilty and filed a motion to suppress the evidence found in the equipment bag, claiming the search of his equipment bag violated his right to be free from unreasonable searches and seizures under the Iowa and United States Constitutions.

The district court denied the motion to suppress, relying primarily on the two-pronged framework established by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985): whether the search was justified at its inception and whether the scope of the search was reasonable. The district court determined the search was reasonable because of Lindsey's repeated requests that the equipment bag be given to a specific friend, and because of the distinctive metal clunk Stanton heard when the equipment bag hit the ground. The district court determined that the scope of the search was justified because the school's need to prevent the introduction of weapons into the school outweighed any expectation of privacy Lindsey may have had.

Lindsey appealed and the case was transferred to the Court of Appeals, which affirmed the decision of the district court.

Holding. The Iowa Supreme Court (Court) affirmed the decision of the Court of Appeals.

Issue. Whether the search of Lindsey's equipment bag and the backpack within it was permissible under Article I, Section 8 of the Iowa Constitution and under the Fourth Amendment to the United States Constitution.

Analysis. Justice Appel, in writing for the four-member majority, noted that the primary issue in the case was whether reasonable suspicion existed at the inception of the search. The Court noted the paucity of case law relating to the constitutional rights of and protections for teachers and students until the latter part of the 20th century. Student protection from searches and seizures under the Fourth Amendment was not addressed until *T.L.O.* was filed in 1985. Under *T.L.O.*, the United States Supreme Court established that the Fourth Amendment applies to civil authorities, including school officials, but the United States Supreme Court also recognized that school officials have a substantial interest in maintaining discipline in the school and on school grounds. *T.L.O.* further established that: 1) the Fourth Amendment provides students with a limited expectation of privacy in the school setting, and 2) searches based upon individualized suspicion must be reasonable. Find the balance between the student's right to privacy and the school's

need to maintain discipline is key. However, the majority noted that the *T.L.O.* standards are amorphous, and with *T.L.O.*, the United States Supreme Court moved away from a rule-based search and seizure jurisprudence toward a case-by-case method that will often turn on a careful and meticulous analysis of the facts of the case.

The majority identified subsequent United States Supreme Court decisions that established that student athletes and students participating in extracurricular activities have a diminished expectation of privacy because such activities are voluntary and, in the case of student athletes, because of the communal nature of group athletic activity. Therefore, for example, random drug testing of students participating in such activities does not violate students' rights to be free from unreasonable searches and seizures under the Fourth Amendment.

The majority concluded that Lindsey's diminished expectation of privacy was not a factor in determining whether the search and seizure were reasonable under the circumstances; Lindsey's history and suspicious conduct provided school officials with reasonable suspicion and sufficient justification for search and seizure of the bags; and school officials used common sense in conducting a search that was not excessively intrusive in light of the objectives of the search. The majority determined that the parties litigated within the framework of federal case law, and although the parties did not present an independent standard under the Iowa Constitution, the Court may still apply the federal standard more stringently than the federal case law. The majority concluded that the standard of whether the search has a moderate chance of uncovering wrongdoing was met.

Special Concurrence. Justice Mansfield filed a special concurrence, joined by Justice Waterman, concurring the judgment and in the Court's opinion but disagreeing with the majority opinion that an argument under Article I, Section 8 of the Iowa Constitution had been preserved.

Dissent. Justice Wiggins argued that when the equipment bag was packed on the bus by the head coach, the bag was effectively seized within the meaning of the Fourth Amendment. The majority concluded that Lindsey's statements regarding the disposition of his equipment bag were designed not to prevent officials from taking action by asserting privacy concerns, but to control who possessed the bag in Lindsey's absence. Justice Wiggins observed that *T.L.O.* recognized that students may find it necessary to carry a variety of legitimate, noncontraband, but nevertheless, highly personal items on school grounds — including, Justice Wiggins opined, cell phones, tablets, and laptops. Further, he suggested that it would have been odd if Lindsey had not been concerned about his equipment bag. Justice Wiggins concluded that school officials lacked any reliable basis upon which to form a reasonable suspicion of wrongdoing, and that the majority failed to distinguish between Lindsey's repeated affirmative requests for the disposition of his equipment bag and the type of request a person must make in order for the majority to interpret such request to be an assertion of the right to be free from unreasonable search and seizure. Justice Wiggins concluded that the seizure was not justified, making the ensuing search unreasonable within the meaning of the Fourth Amendment, and the fruits of the search should have been suppressed. Justice Wiggins would reverse the judgment of conviction and remand for a new trial.

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