



STUDENT STRIP SEARCHES AND THE FOURTH AMENDMENT - AN UPDATE

The U.S. Supreme Court recently decided the case of *Safford Unified School District No.1 v. Redding*. The Court addressed whether a school district's strip search of a thirteen year-old female student, in response to allegations that the student was distributing non-prescription painkillers at school, was justified.

In an 8-1 vote, the Court decided in favor of the student. The Court stated that the level of intrusion caused by the strip search was not reasonable in light of the nature of the suspicion. At the time of the search, the District was aware that the drugs being sought were common painkillers, and no individual made any allegation that Redding was trafficking large amounts of drugs at school. Further, Redding permitted the administration to search her belongings and outer clothing, and no painkillers or other drugs were found. The Court specifically referenced the embarrassment and humiliation that a student would suffer as a result of a strip search and advised that strip searches should only be conducted in cases where imminent danger was posed to the district's students.

This case reinforces the general guidance that Scariano, Himes and Petrarca, Chtd., has provided in the past as related to strip searches of students. The decision to conduct such a strip search is very serious and school officials can almost always isolate and supervise a student until legal advice can be received on whether the search should go forward. Furthermore, if a school district has a liaison officer on campus, he or she may be the person most qualified to conduct any necessary search.

As with any issue that arises with regard to the investigation of student misconduct, or imposition of student discipline, the attorneys at Scariano, Himes and Petrarca, Chtd., stand ready to assist in the process. We will keep you apprised of any further changes in the law.

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