

Safford Unified School District vs. Redding  
557 U.S. 364, 129 S. Ct. 2633 (2009)

Identification of the Case (Brief Fact Summary)

A male student made a complaint that he was given a pill by Marissa that made him ill. Marissa was brought into the office and a pill was found in her wallet which she claimed belonged to Savana. She was then searched before Savana Redding was brought in for questioning. Savana, a thirteen-year-old middle school student, was brought to the assistant principal's office where he asked her about bringing prescription and nonprescription pain medication onto school grounds based upon a complaint filed by another student. Redding agreed to allow Assistant Principal Wilson and administrative assistant Helen Romero to search her backpack where no medication was found. Romero and the school nurse, Peggy Schwallier, were instructed to conduct a body search where no medications were found. The body search consisted of the student removing all outer clothing, her bra, and pulling out her underwear so the nurse and administrative assistant could view her pelvic area.

Action Sought

Redding's mother filed suit against the school district, Assistant Principal Wilson, Helen Romero, and Peggy Schwallier, alleging that the strip search violated the child's Fourth Amendment rights.

Facts of the Case

The Petitioner was strip-searched to find evidence of breaking school district policy by bringing prescription and non-prescription medication onto school grounds. The Petitioner filed suit in the District Court for the District of Arizona where it was determined the district and employees did not violate the student's Fourth Amendment Rights to be free of unreasonable search and seizure. The case was brought to the U.S. Court of Appeals for the Ninth Circuit where the court agreed with the previous ruling but agreed to re-read the case. Upon re-reading the case, the US Court of Appeals reversed the ruling in favor of the Petitioner.

Question(s) to be Answered by the Court

- Does the Fourth Amendment prohibit a strip search?
- Are individual school employees able to be sued for damages?

Answer(s) Given by the Court

The Supreme Court of the United States determined that, in this instance, the school employees did not have reasonable evidence to strip search a thirteen-year-old girl based upon the evidence and severity of the allegation. They determined that the assistant principal, administrative assistance, and nurse could not be sued because "clearly established law did not show that the search violated the 4th Amendment." The original search was within the purview of the school officials.

Reasons for those Answers

By using *New Jersey v. T. L.O.*, the search of the student's backpack, outer clothing, purse, etcetera were justified based upon reasonable suspicion that the student may possess a controlled substance or over-the-counter medication. However, the officials violated her Fourth Amendment rights because they did not have sufficient evidence to warrant the intrusion of her person. According to Justice Souter, the school officials did not have suspicion or evidence "reasonably related to the objectives of the search" and that the search

could not be “excessively intrusive in light of the age and sex of the student and the nature of the infraction.”

#### Significance of the Case

The case provides significant Fourth Amendment protections for students against unreasonable search and seizure. Unreasonable can be defined by lack of evidence; however, in this case, it used gender and age as two other factors in determining if a violation has occurred. This case also determined that unreasonable can also be defined as evidence not being substantial enough to warrant such an intrusion. *Redding* brought forth a higher standard in violating a student’s Fourth Amendment rights.

The school district did not have a written policy for the use of strip searches and as a result, they had less legal standing for the procedure used by assistant principal Wilson. This case has led to school districts creating written policy addressing the use of strip searches.

#### *Academic Pledge:*

“I have neither given nor received help on this work, nor am I aware of any infraction of the Honor Code.”