

CALL FOR NOMINATIONS POLICE SECTION AWARDS

The Police Section of the ACJS confers two awards annually at its general business meeting during the ACJS Conference. All Police Section members are encouraged to nominate individuals for the following awards. Nominations are due to Janice Ahmad, Vice-Chair Police Section, by Tuesday, December 1, 2009. Email nominations to ahmadj@uhd.edu

Outstanding Service Award

Awarded to people who are deemed deserving of special recognition for their outstanding contribution to the Police Section. The Police Section Outstanding Service Award was established as an annual award to honor the person who has provided the most significant service to the Police Section.

O. W. Wilson Award

Given to recognize outstanding contributions to police education, research, and practice. The nominee should be a practitioner, policy maker, researcher, or educator who, over a number of years, has exemplified and supported the following ideals (Police Section membership is not required):

1. Quality higher education for the police field.
2. Careful and scientific police research.
3. Cooperation and collaboration among police educators, researchers, policy makers, and practitioners.
4. Effective, equitable, and accountable policing.

Award Procedures

1. Nominations for each award must be submitted to the Chair of the Police Section Awards Committee by the established deadline of Friday, November 13, 2009.
2. Nominations may be submitted by any Police Section member.
3. Submission of supporting materials with nominations is encouraged but not required.
4. The nomination should include the following information:
 - a. a brief summary of the nominee's contributions in accordance with the award criteria
 - b. an explanation of the significance of these contributions.

Email nominations and supporting materials (if any) to Janice Ahmad, Chair Police Section Awards Committee, at ahmadj@uhd.edu. **Nominations are due Tuesday, December 1, 2009**

**Fourth Amendment Applications within Public Schools:
Drugs, Gangs, and Guns**

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Abstract

Imagine this! There are more than 51 million students and approximately 3 million teachers in public and private schools in the United States. From 2002 through 2007, in these public and private schools, 218 young people ages 5 to 19 were victims of homicides. An average of 44 per year! Six percent of students in grades nine through twelve reported carrying firearms on campus. Students have reported they are more afraid of being attacked at school than off-campus. Twenty-five percent of students report that street gangs are an ever present danger on campus. Forty-seven percent of students in the ninth grade through the twelfth grade have had at least one drink of alcohol and five percent drank on campus. Another five percent reported using marijuana on school property. Equally disturbing is that twenty-four percent of students in grade nine through twelve reported that someone had offered, sold, or given them an illegal drug while on school property.

There is little doubt that a multitude of federal appellate court decisions provide school officials with the authority necessary to provide a safe learning environment for students in public schools. Today, however, the prevalence of drugs, gangs, and guns has broadened the importance of school search and seizure to include offenses which may subject the student to criminal prosecution. Such conditions have brought on a series of federal court rulings, which attempt to define the role of school authorities and the constitutional rights of students. School authorities have both the moral and legal responsibility to maintain order and dignity in public schools and to protect students from harming themselves and others. This article has been designed to provide its readers with a conceptual framework for understanding the legal applications, and ramifications, of the Fourth Amendment as applied to public school search and seizure in efforts to provide safe learning environments free from school violence.

The citizenry of the United States want to know what is going on in the schools of this nation. Many experts are ready to render their opinions on school violence, which range from merely an aberration, to lack of impulse control in children today, to the breakdown of the family, to the abundance of guns in the hands of young people, and an overwhelming amount of violence on television. The October 1997 shooting in Pearl, Mississippi, was another in a long line of shootings that have taken place on school campuses in the United States. Previous shootings in the mid 1990s were in Grayson, Kentucky (two dead); Amityville, New York (one dead, one wounded); Redland, California (one dead, one wounded); Blackville, South Carolina, (two dead, one wounded); Lynnville, Tennessee (two dead, one wounded); Mises, Washington (three dead, one wounded); Bethel, Alaska (two dead, two wounded); West Paducah, Kentucky (three dead, five wounded); Jonesboro, Arkansas (five dead, ten wounded); Springfield, Oregon (two dead, twenty-four wounded); and the massacre that took place in Columbine

High School in Littleton, Colorado in 1999 took the lives of twelve students, a teacher, two gunmen (students), and another twenty-three students were wounded. Since 1996, 29 states have experienced campus shootings in K-12 schools. On April 16, 2007 this nightmare transcended the high school campus to Virginia Tech, an institution of higher education, resulting in 32 deaths. More recently, February 14, 2008, a sociology student at Northern Illinois University fatally shot five students and wounded 22 others before taking his own life. What these killings have done is to focus attention on delinquency, the criminal psyche, campus violence, and more importantly, what preventative actions are being implemented by teachers and administrators to make our public schools a safer learning environment.

On May 6, 2008, a news broadcast broke on CNN, "...95 students arrested at San Diego State University for selling cocaine, ecstasy, marijuana, methamphetamine, and other assorted pills." The most disconcerting information gleaned from this broadcast was that several of these students were pursuing a master's degree in criminal justice. There is no doubt that such criminal activity is a growing phenomenon on the campuses of high schools, colleges and universities throughout this nation.

In the United States, teachers and administrators have always found it necessary to search students and remove from their possession items that may prove harmful to them or to others. Thirty years ago most searches were found to be necessary to remove such items as cigarettes and pocket knives from students, or to detect and retrieve items of minor theft. Such searches remained almost entirely an affair internal to the school and seldom, if ever, involved outside authorities. Today, however, the prevalence of drugs, gangs, and guns, has broadened the importance of school search and seizure to include offenses which may subject the student to criminal prosecution. Such conditions have brought on a series of court decisions, which attempt to define the role of school authorities and the constitutional rights of students.

School authorities have both the moral and legal responsibility to maintain order and dignity in the schools and to protect students from harming themselves and others. At the same time, students have constitutional protections that cannot be unreasonably denied. However, when a child enters the school he or she is required to attend, they do not enjoy the same reasonable expectation of privacy that he or she would possess in the home. Even though it is important to note that school officials are state agents, their position *in loco parentis*, in the eyes of the minor student, places them in a position of authority similar to a parent. In school, the security of students depends upon a certain level of restraint placed on student activities. Whether for security or disciplinary purposes, such restraint is assumed and expected of all students. Faced with such authority in a setting requiring control of his or her behavior, the child cannot reasonably expect to have the level of privacy as he or she would outside the school (Interest of L.L. 90 Wis. 2d 585, 280 N.W. 2d. 343, App. 1979).

The balance between school prerogatives and student rights with regard to search and seizure is to be found in the interpretation of the Fourth Amendment to the Constitution of the United States, which states: "*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated and no warrants shall be issued, but upon probable cause.*" The Fourth Amendment imposes the judgement of a magistrate or a judge between the citizen and the police. Police may not search unless they present evidence to a judge that something illegal is secreted in a specific place. The judge will determine if the evidence presented constitutes *probable cause* for a search, and if so, a warrant will be issued. Thus, police must have *probable cause* to justify a search. School authorities are, however, not required to have *probable cause* before they can search, but instead are held to a less restrictive standard of *reasonable suspicion*. School teachers and administrators when engaged in school disciplinary matters, such as searching students, do so to maintain order and dignity of the school and to protect the health and safety of the students. Their duties are not to enforce criminal statutes as is required of police officers (D.R.C. v. State of Alaska, 646 P.2d 525, Alaska 1982).

Thirty-nine years ago in *Tinker v. Des Moines Independent Community School District (1969)*, the Court held that the constitution does not stop at the schoolhouse gate. Students are considered persons under the Constitution, whether in the public arena or in schools. However, having protected Constitutional rights does not mean that student rights are absolute. School teachers and administrators have a responsibility to educate students. Such responsibility demands wide latitude to accomplish this mission.

The courts, being fully aware that the educational processes would be greatly impaired if school teachers and administrators were held to the same strict standards as the police, have held that student rights are not wide ranging in scope or application as with individuals in society. Courts do not require warrants for student searches by school authorities. It is assumed that searches in school are calculated to maintain school discipline and are not initiated to provide evidence for criminal prosecution. Thus, school authorities are held to a lesser standard when justifying a student search – that of *reasonable suspicion*. This standard is justified by the courts on the principle of *in loco parentis*, the school standing in place of the parent. The *in loco parentis* authority is not unlimited and must be weighted against the student's right to privacy. School authorities must have *reasonable suspicion* to invoke their privilege to search and cannot do so on a whim or fancy or in an arbitrary manner. A New York court explained, "The *in loco parentis* doctrine is so compelling in light of public necessity and as a social concept that preceded the Fourth Amendment, that any action, including a search, taken by school officials upon reasonable suspicion should be accepted as necessary and reasonable" (*State v. Baccino*, 282 A. 2d 869, Delaware 1971).

Two conditions are required for search by school authorities: (1) the search must be conducted within the scope of the school's educational function and (2) the search must be reasonable under the particular facts of the case. A Florida court held that a teacher did not have reasonable suspicion merely because a group of boys looked suspicious and they *appeared to look away from her* when she passed by them in the school hall. The court in this case, however, observed that school officials are not required to have reasonable suspicion to merely detain students. Therefore, a subsequent search after a student has been detained can be undertaken premised on reasonable suspicion which may be established by the students' actions after detention. The court held the "...the validity of any subsequent search must be determined on the basis of conditions then existing" (*W.J.S. v. State of Florida*, 409 So. 2d 1209, Fla. App. 1982).

Reasonable suspicion must be reasonably specific. A sweeping and indiscriminate search of all students cannot be defended on the grounds of reasonable suspicion. The blanket search or dragnet is, except in the most unusual and compelling circumstances, a denunciation to the protections afforded citizens under the Fourth Amendment. The state may not constitutionally use its authority to fish for evidence or wrongdoing (*Jones v. Laxtexo Independent School District*, 499 F. Supp. 223, E.D. Texas 1990).

Where school officials ignore the need to determine individualized suspicion prior to a search, the intrusion cannot be justified on grounds of reasonable suspicion. To require all students to empty their pockets, to remove clothing, or to search all vehicles in the school parking lot would likely fall under the classification of an invalid dragnet. School officials may, however, patrol the school parking lot and if anything suspicious is in *plain view* when they look in the vehicle, a legal search may then be launched. In a case where a teacher's aide in supervising the school parking lot observed paraphernalia (water pipe) in a student's vehicle and a search revealed marijuana, the court held the search to be legal. In this circumstance, when a suspicious object (drug paraphernalia) was in *plain or open view*, school officials were justified in opening the vehicle to retrieve the contraband (*State of Florida v. D.T.W.*, 425 So. 2d 1383, Fla. App. 1983).

The courts have ruled that students have a right to privacy which is protected by the Fourth Amendment and this right cannot be invaded unless the intrusion can be justified in terms of the school's legitimate interests (*New Jersey v. T.L.O.*, 1985). The right of privacy, however, is not absolute but is subject to reasonable school regulation within the bounds of reasonable suspicion. The right of privacy, itself, is predicated on two factors being present: (1) whether the person in question exhibited an *actual expectation of privacy* and (2) whether the expectation of privacy is one that society is prepared to recognize as *reasonable*. The Supreme Court has stated that the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his home or office, is not a subject of Fourth Amendment protection, but what he or she seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected (*Katz v. United States*, 389 US 347, 1967). Furthermore, a one-way mirror in a boy's restroom in a high school used to observe students engaged in the purchase of marijuana did not violate students' right of privacy (*Stern v. New Haven Community Schools*, 529 F. Supp. 31, E.D. Mich. 1981). The courts reasoned that the community had a significant interest in school discipline and the protection of students from drugs. Accordingly, the court found that the school's *in loco parentis* responsibility obligated school officials to maintain the health and safety of all students. The test according to the court is one of balancing the school interests in the surveillance against the plaintiff's interest in privacy. In this case the balance was in favor of the school.

Whether a search is reasonable, or not, must be decided on the conditions of each case. School authorities must have some verifiable evidence that would imply that something harmful is hidden by a student. To determine reasonableness, the court will weigh the danger of items for which the search is conducted against the students' rights of privacy. The courts recognize that school officials have a duty and responsibility to provide a safe environment in which students can learn and develop. Reasonableness of a search will ultimately be determined by factors such as the student's age, record of past conduct, and the seriousness of the problem that the school officials are trying to solve. If school officials have obtained valid information that drugs are hidden in the school or evidence indicates that previous incidents suggest that drugs may be hidden at the school, then a search may be adjudged to have been undertaken on reasonable grounds. Court decisions in several states have established criteria for determining reasonable grounds for a search by school officials: (1) the child's age, history, and school record, (2) the prevalence and seriousness of the problem in the school to which the search was directed, (3) the exigency requiring the search without delay, (4) the probative value and reliability of the information used as a justification for the search, and (5) the teacher's prior experience with student. The teacher's training and prior knowledge of the student's behavior may further provide a reasonable basis for an immediate search.

The courts disagree over whether dogs may be used to establish reasonable suspicion for school officials to conduct searches. The primary issue is whether dogs can be used to establish reasonable suspicion by *blank sniffing* of every child in a classroom. A Texas court has held that to do so violates the student's privacy because such indiscriminate searching ignores the need to individualize suspicion prior to the intrusion, "...to use dogs in this manner is tantamount to fishing for cause to establish reasonable suspicion; using a search to establish rationale for a search is to violate the Fourth Amendment (*Jones v. Latexo Independent School District*, 1980). This court held that drug dogs perceive odors undetectable to human beings much the same way that electronic listening devices pick up sounds not audible to the human ear. According to this court, such devices cannot be used by the police or school officials to fish for evidence to establish probable cause or reasonable suspicion. On the other hand, the U.S. Court of Appeals for the Seventh Circuit has affirmed a lower court's ruling that upheld the use of drug dogs to establish reasonable suspicion. This court held that the dogs could be used to detect drugs even though school officials had no information indicating that drugs were in the possession of any specific students. The court was of the opinion that the responsibility of school officials for the health and welfare of the students was of such

significance that the use of canines was justified (Doe v. Renfrow, 475 F. Supp. 1012, N.D. Ind. 1979. Modified 635 F. 2d 582, 7th Cir. 1980). Likewise, in *Zamora v. Pomeroy* (1981), the Tenth Circuit Court of Appeals upheld the use of drug-sniffing dogs for exploratory locker sniffs and determined such practice was needed for school officials to maintain a drug-free school environment (del Carmen & Trulson, 2006).

The U.S. Court of Appeals for the Fifth Circuit has maintained that dogs may be used to establish reasonable suspicion. A high level of accuracy by a dog in detecting drugs may be used to develop a record of reliability which can be used as evidence to justify reasonable suspicion. Accordingly, each court must examine the record of reliability of the particular dog (*Horton v. Goose Creek Independent school District*, 693 F. 2d 524, 5th Cir. 1982). However, the Fifth Circuit Court of Appeals held that the use of drug dogs constitute a search protected by the Fourth Amendment when getting sniffed as an individual, and thus, was of such an intrusive nature that it required more than a generalized suspicion to be reasonable. In spite of this case, the courts are split on the issue of search dogs, however, the use of dogs appear to be a legally questionable activity.

Even though a school does not undertake a search to discover unlawful items, the evidence obtained may be used against a student in a criminal prosecution. But if school officials act beyond their authority or participate in an illegal search with police, then the exclusionary rule will apply if the state attempts to use the fruits of the search to prosecute. The exclusionary rule was first enunciated by the United States Supreme Court in *Weeks v. United States* (232 US 383, 1914) and was applied to the states in *Mapp v. Ohio* (367 US 643, 1961). Being cognizant of this rule and, similarly, being aware that school officials do not need to obtain search warrants, in order to conduct a search, the police will many times prevail upon school officials to conduct a search for them. It is sometimes difficult to determine whether the police were assisting school officials in conducting a search or whether the police were the primary agents instigating the search to obtain evidence for a criminal prosecution. If this is done, the court must decide whether school authorities was, in fact, conducting the search based on their own initiatives, or whether the search was really conducted for the police. Since such a fine line exist as to which party is the primary searcher, the courts have resolved the question by holding that police officers must have a warrant to conduct a valid search of students in active conjunction with school officials. A Florida court explained: "...where a law enforcement officer directs, participates or assists in a search conducted by school officials, the officer must have *probable cause* for that search, even though school officials acting alone are treated as state officials subject to a lesser constitutional standard for conducting searches in light the *in loco parentis* doctrine (*M.J. v. State of Florida*, 1st Dist. Case No. 55-120, May 18, 1981). Where a search is conducted with the cooperation and participation of the police, school officials may be seeking items that violate school rules but police are normally in quest of illegal contraband which can be used as evidence in a criminal prosecution. In such instances a police search cannot dwell under the banner of *in loco parentis* (*Picha v. Wieglos*, 410 F. Supp. 1214, N.D. Ill. 1976).

It should be noted that the *probable cause* mandate of the Fourth Amendment for a search and seizure, applies to both *Independent School District Police (ISDP)* and to *School Resource Officers (SRO)*. ISDP Officers work for and are paid by the school district and are vested with the authority of the law. SRO's are career law enforcement officers deployed in community-oriented policing who work in collaboration with school districts having sworn authority of law. Such campus police are not new concepts. They originated in Flint, Michigan in the 1950s, but waned in the 1970s and 80s, only to be revived in the late 1990s as a result of outbreaks of school violence (del Carmen & Trulson, 2006). Fourth Amendment *probable cause* requisites applied to ISDP and SRO officers due to procedural and punishment aspects – school administrators and teachers may only suspend or expel students for a breach of school policy or delinquent behavior, whereas, law enforcement intervention may lead to prosecution for criminal acts.

One may wonder, what are the consequences of an illegal search of students by teachers or school administrators? What redress is available for the student? If the search is illegal, will its fruits be excluded from prosecution? Should a criminal trial ensue, what constitutional protections will be afforded? Beyond this, the student may bring an action under the Civil Rights Section Title 42 USC 1983. A student may seek damages if school officials maliciously deny his or her constitutional rights. It is important to note that if school officials deny constitutional rights, but do so in good faith fulfillment of their responsibilities and not in ignorance and disregard for established indisputable principles of law, then liability will not occur. This immunity is accorded only within bounds of reason. The United States Court of Appeals for the Seventh Circuit has held that simple common sense would indicate that a thirteen-year-old child's constitutional rights are invaded by a nude search required by school officials in seeking to discover hidden drugs. The court held: "We suggest as strongly as possible that the conduct herein described exceeded the bounds of reason by two and a half country miles." It not enough for us to declare that the little girl involved was indeed deprived of her constitutional and basic human rights, we must also permit her to seek damages form those who caused this humiliation.

School authorities do not need the consent of the student in order to conduct a search. By virtue of their *in loco parentis* relationship with students and with reasonable suspicion, teachers and administrators may conduct campus searches. On the other hand, if the police participate in the search, they must have a warrant or obtain the student's consent – a waiver of one's Fourth Amendment rights. The consent, however, must be given freely and willingly with undue coercion. Accordingly, the police cannot ask a school official to influence the student's decision to permit a search. Students are under the control of the school and will in most instances respond positively to school authority, such authority cannot be used by police to acquire a student's consent.

School officials acting with reasonable suspicion can demand that a student empty his or her pockets, to include one's billfold or purse, for inspection (*Tarter v. Raybuck*, 556 F. Supp. 625, N.D. Ohio 1983). If the student refuses to comply the school official can compel compliance. Where a Vice-principle and a student had a tug-of-war over the student's coat and the student lost, the court held that such force on the part of school officials was within their *in loco parentis* authority (*State v. Baccino*, 282 A. 2d 869, Del. 1971). Although the courts have authorized school officials to search students, the general rule is that school officials need reasonable grounds to justify a strip search. In *Cornfield v. Consolidated High School District N. 230* (1993), the Seventh Circuit Court of Appeals held that a strip search (removal of pants) was valid after school officials had a reason to believe the student was hiding drugs in the crotch of his pants. In a Sixth Circuit Court of Appeals case, *William v. Ellington*, (1991), a strip search (removing shirt, shoes, socks, and pants) was deemed valid after school officials has reason to believe the student was using drugs . However, in *Jenkins v. Talladega City Board of education* (1997), the Eleventh Circuit Court of Appeals found that strip searches are of such an intrusive nature that a higher standard, such as probable cause, instead of reasonable suspicion, must be established by school officials. Unanimously, the appellate courts have determined strip searches to be an invasion of privacy. In addition, cavity searches and nude searches have been ruled unconstitutional (*Doe v. Renfrow*, 1980).

The U.S. Supreme Court in *Safford Unified School District #1 ET AL. v. April Redding* (June 25, 2009), issued a ruling that "...a search of a 13-year-old student's bra and underpants by school officials violated the Fourth Amendment." The Court reasoned that a school search "will be permissible" when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In this case, the student had brought forbidden prescription and over-the-counter drugs to school. The Court held that there were no reasons to suspect that the drugs presented a danger or were concealed in her underwear. Thus, the invasive search was unconstitutional.

The use of force in searching students has been upheld even where the search was conducted off school grounds. In one instance, the discipline coordinator in a school noticed a bulge in a student's pocket, and observed the student nervously putting his hand in and out of his pocket. When confronted the student ran out the door and off the school grounds; whereupon, the coordinator gave chase and caught the student, finding narcotics, drug paraphernalia, and a weapon. When the student sought to exclude this evidence in a criminal prosecution, the court held the evidence was admissible at trial. The court reasoned that the *in loco parentis* authority allowed the school official to search the student on school grounds and such powers did not end abruptly at the school door (*People v. Jackson*, 65 Misc. 2d 909, 319 N.Y. S. 2d 731, 1971).

School lockers do not have the attributes of privacy that a person's vehicle or home may have. School lockers and desks are not the property of students, nor are they intended to serve as personal hideaways that would exclude searches by school officials. School lockers are not in the nature of a dwelling, vehicle, or private lock boxes rented on private premises. Most courts, in fact, view school lockers and desks as having co-owners, the student and the school. Although the student may have control of his or her locker, in against fellow students, the possession cannot be viewed as absolute against the school. Indeed, courts appear to feel that inspection of lockers is a responsibility of school authorities which is inherent in the proper exercise of control and management of the school. Since lockers and desks are under the control of the school and are assigned to students with predetermined conditions that they will not secret illegal items within them, it is well established that school authorities can give consent to police to search them. This is, of course, quite different from searches of the person requiring that the student him or herself consent if police are to validly search without a warrant. One constitutional theory is that when two people are in possession and control of property, either can give consent to search and if anything illegal is found by police, it can be used to prosecute either or both parties. Thus, a school official who has control of school property can give police permission to search and any illegal substances found therein may be admissible evidence in a criminal prosecution. The school's control over such spaces as lockers and desks is clearly justified as indicated by a New York court, "Indeed, it is doubtful if a school would be properly discharging its duty of supervision over students, if it failed to retain control over the lockers. Not only have the school authorities a right to inspect but this right becomes a duty when suspicion arises that something of an illegal nature may be secreted there" (*People v. Overton*, 20 N.Y. 2d 360, 1967, reaffirmed on reargument, 24 N.Y. 2d 522, 301 N.Y. S. 2d 479, 249 N.E. 2d 366, 1969).

In *People v. Dukes* (1992), a New York court held that the use of metal detectors was based on a legitimate governmental interest in that such searches prevented dangerous weapons from being brought to the school. This was the first case in the United States that examined the metal detector issue. In the case of *In re F. B.* (1995), a Pennsylvania superior court reached a similar conclusion, noting that no individual suspicion is needed to conduct a metal detector search. An Illinois appellate court held in *People v. Pruitt* (1996), that metal detector screening was a reasonable practice related to school searches for the presence of firearms and other weapons. In general, most courts have held that the use of metal detectors does not constitute a "search" in terms of the Fourth Amendment (*del Carmen and Trulson*, 2006).

Presently, there are few cases to define the law governing searches of student vehicles on campus. However, as in lockers or desks searches, the school owns the parking lot of a school campus and has the authority to conduct routine patrols of parking lots and inspect the exteriors of vehicles. Cases indicate that only when reasonable suspicion exists are school officials authorized to inspect the interior of a student's car. Therefore, the precedents which do lend light to the subject suggest that there is no difference in the school official's prerogative in searching vehicles or in conducting body searches. Reasonable suspicion is required before such a search can be undertaken. One case that provides some limited guidance stems from a search of a student's vehicle by private school officials. In this instance the

vehicle was found to contain marijuana and beer. The court observed that the *in loco parentis* authority of the school made such searches permissible (Keene v. Rodgers, 316 F. Supp. 217, D.C. Me. 1970). Aside from the *in loco parentis* thrust; this case has limited value because a private school is not restrained by the Fourth Amendment. Constitutional guarantees of privacy do not extend to protection of a private person from search of another person or a private institution. Presumably, the privacy protection of a vehicle is no greater than that of the person. Body and vehicles have been viewed the same. In *Jones v. Lathrop*, the Texas case, a dragnet searching of students and vehicles by a drug dog was held unconstitutional –

Not because of the place that was searched, but because the school officials did not have verifiable grounds to support reasonable suspicion that something illegal was secreted in either place. Thus, the law relating to body searches appears to apply equally to vehicles; school officials may search if they have reasonable cause to believe that something is hidden in a vehicle which will harm the health and welfare of students or will constitute a detriment to the safety of the school. In conclusion, there is no doubt that the *in loco parentis* doctrine and the multitude of appellate court decisions provide school officials with the authority necessary to provide a first line of defense in making public schools a safe learning environment.

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GATES & CROWLEY, PATROL OFFICER'S TOOL BOX
MANDATORY CONFLICT RESOLUTION SKILLS FOR POLICE OFFICERS

“What happened between a Harvard professor and a street cop from Cambridge was a Testosterone laden confrontation fueled by ego of, and misconceptions held by, both men.”

Christopher C. Cooper, 2009

By Dr. Christopher C. Cooper

Saint Xavier University, Chicago

In the police academy, we spend hours and hours learning how to fire a gun and then have to go back to the gun range on a regular basis, but not one class or even one hour is spent crafting the best way to talk with citizens. A famous criminologist (Muir) in his studies of American police used the phrase “Streetcorner” Politician to describe the uniformed police officer. What comes to mind of recent is the firestorm over what President Obama had to say about the actions of the Cambridge, MA police officer who arrested Harvard Scholar Henry Louis Gates. The racial issues are real and require the Nation’s attention. However, there is an issue as significant, namely the conflict prevention, engagement and management skills of the men and women assigned to police patrol duties throughout the United States. As a street cop in Washington, DC, I knew the power of my spoken word.

Any big city cop worth his salt knows that what he she says or omits saying when interacting with citizens determines whether the situation escalates or winds down. I worked with officers who came barreling, blindly and stupidly onto scenes shouting that someone was going to jail(!). I and other officers acted differently, we showed to scenes with a toolbox of conflict resolution and social interaction skills. By example, simply refraining from the use of word “You” would often avoid an argument and or the need to arrest anyone--- since, human beings, when in crisis, may assume the word to be Accusatory. To insure resolution of a call-for-service, I and thousands of competent problem solvers in uniform say to citizens “We”: “How can we resolve the situation?” This is empowerment passed onto the citizen. The resulting resolution is more likely to last since human beings typically do not destroy things that they have created. Furthermore, constant employment of good conflict resolution skills by cops reduces repeat calls-for-service; engenders officer-safety; dispels stereotypical notions; and knocks out mistrust and distrust between police and citizens.

What happened between a Harvard professor and a street cop from Cambridge was a Testosterone laden confrontation fueled by ego of, and misconceptions held by, both men. The Cambridge event can be characterized as a war between Academia/Science and street cop subculture, the latter filled with the unwritten rule that citizens who dare question our authority must, and will, go to jail merged with our erroneous colorful notions, that citizens are troublemakers. Consider this final point, the scientific research shows that the extent to which conflict resolution skills are used by police when dealing with Blacks are simply: “cut it out or you are going to jail.” Rather, when police interact with whites: “How can we work together to resolve this problem?” Now consider how, if we as a nation capitalize on the Cambridge event with an eye on causing our patrol officers to personify courtesy and problem solving skills, then arrests will decrease as will calls for service. Most important, respect by citizens for police in the U.S., and perhaps everywhere else as well, will increase.

ACJS EDITOR POSITION *Justice Quarterly*

The Academy of Criminal Justice Sciences is seeking applications for the position of **Editor of *Justice Quarterly***: An official publication of the Academy of Criminal Justice Sciences. The Editor will be responsible for administering a high quality academic journal for the ACJS membership. The Editor will set editorial policy, select deputy and associate editors, create a peer review system, and manage the journal. Applications must meet the following criteria:

- Demonstrated record of scholarly activity as measured by such indicators as publications in refereed journals, book publication, and research. Strong preference will be given to applicants who have published their research and scholarly activities in *Justice Quarterly*.
- Prior editorial experience as measured by such indicators as editorial responsibilities for other scholarly publications and past experience as a referee or associate/deputy editor of an academic journal, or other editorial experience demonstrating the applicant's ability to implement and maintain the integrity of blind review, to improve or maintain the quality of the publication, to communicate effectively, and to behave in a professional manner that is supportive of the mission and goals of the ACJS and consistent with the ACJS statement of ethics.
- Commitment to the ACJS Code of Ethics, particularly to Section III.C regarding research and publication.
- Earned Ph.D. or terminal degree in area of specialization.
- Senior (associate professor or above) academic rank at host institution.
- Formal declaration of support from host institution, including release time, space, and other support services the institution will commit to editorship.
- ACJS membership in good standing for three continuous years at the time of application.

Those interested in being considered should provide a formal proposal to the Editor Selection Committee no later than **January 5, 2010**. The proposal should include:

- Statement of editorial philosophy for *Justice Quarterly*;
- Statement of applicant's qualifications, including vita;
- Formal declaration of institutional support;
- A budget including a breakdown of the expenses that will be provided by the host institution and those expected for the Academy.

Beginning in 2010, *Justice Quarterly* will be published six times a year, with issues in February, April, June, August, October and December. The Executive Board of the Academy will appoint the Editor for a three-year term. The Editor's first issue will be February 2011. There is a \$5,000 summer stipend for the Editor. Proposals for co-editorship will not be considered.

Applications and requests for further information should be directed to: Melissa Barlow, Department of Criminal Justice, Fayetteville State University, 1200 Murchison Road, Fayetteville, North Carolina, (910) 672-1972, mbarlow@uncfsu.edu. ACJS policies regarding journal editorships and operation are available for review as part of the *Justice Quarterly* Editor Announcement located in the Hot Topics section of the ACJS homepage: www.acjs.org.

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