

## Question MEE 5 – July 2025 – Selected Answer 1

1) Did the principal's search of the student's jacket violate the student's rights under the 4th amendment?

The issue here is whether the student had a reasonable expectation of privacy to his person and whether the search by the principal was overly intrusive given the nature of the young student.

Under the 4th amendment individuals are protected against unreasonable searches and seizures of their persons, places, or effects performed by government officials absent a warrant or an applicable warrant exception. In determining whether there has been a 4th amendment violation there needs to be a search or seizure which takes place that is subject to a reasonable expectation of privacy and whether such search or seizure took place with a valid warrant or based on an applicable warrant exception.

A search occurs when there is an intrusion into an area in which a person has a subjective expectation of privacy and society recognizes such expectation as reasonable. Here the student very likely had a subjective expectation of privacy in his person and those things intimately attached to his body, and furthermore society likely recognizes that such an expectation is reasonable. Therefore there has likely been a search when has occurred under the 4th amendment by the principal reaching into the student's pockets.

The next consideration is whether the search was performed pursuant to a valid warrant or it such was conducted under a valid warrant exception which have been specifically identified. One such exception applies to schools and principals. A school principal may search a student provided that there is reasonable suspicion that the student is in violation of some school policy, rule, or actual law. Reasonable suspicion is articulate facts that can be pointed to that would lead a reasonable person to believe that a crime has been or is being committed, it is more than a mere hunch but less than what is required for probable cause. Here the principal saw the student cross the street and go to a place that was known by the principal and the school to be an area whereby drugs are known to be purchased. Furthermore the principal watched as the student walked up to a car stood there and chatted, and then took something from the driver. Based on the Principal's experience and knowledge of the area as a drug place, together with the student's actions the principal very likely had reasonable suspicion here, and therefore the principal could search the student based upon such.

However, there is a limitation when a school is searching a student, it needs not be overly invasive given the alleged offense and generally may not intrude into private

areas absent elevating factors. Here the search of the principal was merely a reach into the student's front pocket on this jacket. It was not overly extensive search, nor was search into an intimate area of the student.

Accordingly, the search here by the principal was not likely in violation of the student's 4th amendment rights.

2) Did the principal's search of the student's locker violate the student's rights under the 4th amendment?

The issue here is whether the student had a reasonable expectation of privacy to his locker.

Under the 4th amendment individuals are protected against unreasonable searches and seizures of their persons, places, or effects performed by government officials absent a warrant or an applicable warrant exception. In determining whether there has been a 4th amendment violation there needs to be a search or seizure which takes place that is subject to a reasonable expectation of privacy and whether such search or seizure took place with a valid warrant or based on an applicable warrant exception.

A search occurs when there is an intrusion into an area in which a person has a subjective expectation of privacy and society recognizes such expectation as reasonable. Here the student very likely had a subjective expectation of privacy in his locker because this test is a subjective standard which is nearly always satisfied, however, society does not likely recognize such expectation as reasonable. Here the student at the beginning of the year receives notice that the lockers are property of the LPSD and that a search of such lockers may occur at anytime. This notice is provided in the student handbook, and additionally it is written on each locker that such is the property of LPSD and subject to search. Therefore because of such notice, society would likely not recognize any expectation of privacy in the lockers, and accordingly there has not been a search here under the 4th amendment and therefore, the student's rights there under have not been violated.

Additionally, even assuming that society did recognize an expectation of privacy in the locker, the locker is not the property of the student, so the student thereby lacks the requisite standing to bring a 4th amendment claim as his effects or place was not searched due to his lack of ownership of the location whereby the search occurred. Even going further, it was deemed that a search did occur and that the student had standing, the principal's discovery of the contraband on the student's person while searching his jacket would provide the principal a warrant exception to search the locker as prescribed in the same manner in question one, on the grounds that the

principal had the requisite reasonable suspicion to warrant a warrant exception search of the locker in question due to the discovery of the pills on the student's person absent any school permission or note of the student being on medication.

Accordingly, the student may not claim a violation of this 4th amendment rights in the search of his locker.

3) Did the officer's search of the student's text messages violate the student's rights under the 4th amendment?

The issue here is whether the student had a reasonable expectation of privacy to his locker.

Under the 4th amendment individuals are protected against unreasonable searches and seizures of their persons, places, or effects performed by government officials absent a warrant or an applicable warrant exception. In determining whether there has been a 4th amendment violation there needs to be a search or seizure which takes place that is subject to a reasonable expectation of privacy and whether such search or seizure took place with a valid warrant or based on an applicable warrant exception.

A search occurs when there is an intrusion into an area in which a person has a subjective expectation of privacy and society recognizes such expectation as reasonable. Here the student very likely had a subjective expectation of privacy in his phone. Furthermore, society likely recognizes such an expectation of privacy in one's phone to be reasonable, even absent some lock on the phone.

Therefore, there has been a search, so such search must have been pursuant to either a warrant or some applicable warrant exception to be valid under the 4th amendment. here the most likely applicable warrant exception would be that of a search incident to a lawful arrest. Police officers upon executing a valid arrest, which from the facts here we are not provided if such was valid but given the facts that were likely relayed from the principal to the officer an arrest was proper on the basis of probable cause that a crime has been committed, may search an individual's person pursuant to their arrest. So here, the taking of the cell phone from the student was likely valid under the search incident to the lawful arrest.

However the searching of the contents therein likely was not valid under the 4th amendment. Many jurisdictions differ as to whether the digital components of a phone may be searched pursuant to a general warrant or warrant exception. The majority view seems to be that while a phone may be seized pursuant to a warrant or a warrant exception, the search of only the physical aspect of the phone itself is proper.

Meaning that only the physical nature of the phone may be searched; the case, battery cover if applicable, or any other physical element. In order to reach the digital aspects of a phone a warrant need be issued which authorizes the digital search of such instrument. Such falls in line with the spirit of the constitution and the importance place on privacy of individuals.

Accordingly, the search of the digital aspects of the student's phone was likely in violation of the student's 4th amendment rights, and accordingly the remedy for such will be suppression of such evidence at any subsequent trial of the student for the actions contained herein.

### **Question MEE 5 – July 2025 – Selected Answer 2**

#### **1. Principal's search of the student's pockets.**

The issue is whether the principal had probable cause to search the student's pockets absent an arrest warrant.

Under the 4th Amendment of the US Constitution which is afforded to the states under the 14th Amendment, searches and seizures are deemed unreasonable unless supported by a warrant. A search is when a governmental employee searches into your property that you have a reasonable expectation of privacy in, and seizures is the taking of that property. For the search and seizure to be a violation of the constitution, a governmental actor must have been the one to do the search. A public school official is a governmental employee. In school, in the hope of efficiency, school employees, such as a principal may search students without first obtaining a warrant from the police if the search is conducted in a manner that is appropriate in regards to the age and sex of the student as well as the seriousness of the alleged crime. Probable cause is also likely needed for this to occur, and probable cause is where one has reason to believe based on reasonable information that a crime has occurred or is occurring/about to. A public school employee could maybe even search a student on the lesser standard of reasonable suspicion which is less than probable cause but more than a hunch and is based on articulable facts. If there is a violation of the 4th Amendment by the government and it results in evidence being found, that evidence will be inadmissible at trial due to the exclusionary rule.

Here, the school has in place rules in which students are not permitted to go across to the gas station near the school because it is known for drug dealing. When the principal saw the student violating the rule by going to the gas station during school hours (2:30), he brought him to his office since while observing him at the police

station, the principal saw him walk close to a car with the window open and hand something to the driver then subsequently saw the student put his hands into his own front pockets of the jacket he was wearing. Though he could not see whether the student took anything from the driver, he knew the student handed him something at a place that was known for drug dealing, thus the principal likely has the right to search the student on probable cause or reasonable suspicion since asking for a warrant would disrupt the school system anytime there were issues. Thus, being that the principal has this probable cause or reasonable suspicion, he was permitted to check the student's front pockets of his jacket in which he saw the student previously put his hands in after being near the car. This search was not unduly invasive as he just checked into the pockets and nothing more, and this would likely not be found to be too unreasonable a search no matter the age and sex of the student, and since it was for the likelihood that he was carrying drugs the seriousness of the matter likely required the search to be nothing more than merely checking the pockets, just as the principal did.

Therefore, the principal did not violate the student's rights under the 4th Amendment.

## **2. Principal's search of Student's locker**

The issue is whether the student had a reasonable expectation of privacy in his locker at school.

Using the same rules for the 4th Amendment as stated above, the 4th Amendment gives private persons the right to be free from unreasonable searches and seizures unless there's a warrant in places where a person has a reasonable expectation of privacy. A person has a reasonable expectation of privacy where 1) he has a subjective expectation of privacy, and 2) there is an objective expectation of privacy- which is one society would deem as one that is so strong as to require a warrant before searching the area. If there is a violation of the 4th Amendment by the government and it results in evidence being found, that evidence will be inadmissible at trial due to the exclusionary rule.

Here, the Principal searched the student's locker at school and the student will argue that the principal had no right to do so however this argument is weak because of the student's likely non-existent expectation of privacy in the locker. Though the student may have had a subjective expectation in his privacy since he needed a combination to access it and students may think that others are not allowed to get into it without permission, this subjective expectation is very weak. On the other hand, the objective

expectation of privacy is very strong. The school has a locker policy that provides that the lockers are property of Local Public School District and that they may be searched at anytime, and that the school administration has access to them at anytime. Additionally this is stated in the handbook and each locker has a sticker stating the same. The amount of evidence showing notice that the locker is the property of another and that it can be opened at anytime is proof that there was likely no objective expectation of privacy. Society also would also likely deem this the right choice because there is a need for safety in the school system so that if there is every an emergency concerning the locker of a student, the administration should have the right to check it.

Therefore, the principal did not violate the student's rights under the 4th Amendment.

### **3. Police's search of student's text messages.**

The issue is whether the Search incident to a lawful arrest permitted the officer to search the contents of the student's phone.

The same rules apply as stated above to the 4th Amendment on search and seizure. Additionally, a police officer may not search into a place without a warrant unless there is an exception to the warrant requirement, however, searching the contents of one's phone even when there is a valid arrest is likely always invalid unless exigency requires it. Exigency is where because there is concern of the damage or destroying of evidence, officers can search or enter property absent a warrant. Also, a search incident to a lawful arrest allows a a police officer to search the person being arrested as well as any pockets, or belongings on them to make sure there isn't anything to could potentially harm or injure the arresting officers.

Here, the police arrested the student and incident to the arrest, they checked his person as is allowed by the search incident to a lawful arrest exception (Assuming this arrest was lawful which it likely was due to being in public and based on probable cause). However during the search when the police obtained the student's, they had the rights to inspect the outside of it, however had no rights to open it, even if there was no password or the phone was unlocked. Because the student was arrested, there was no reasonable idea that he had the opportunity to delete any potential incriminating evidence while the phone was in the possession of the cops. Thus there was no exigency requirement that prevented the police from obtaining a search warrant before looking through the contents of the student's phone.

Therefore, the search incident to a lawful arrest which resulted in the officers searching the contents of the student's phone was a violation of his rights under the 4th Amendment.

### **Question MEE 5 – July 2025 – Selected Answer 3**

#### **1. Principals search of jacket pocket**

The issue here is whether the principal's search of the student's jacket pocket violated the 4th amendment. There was not a violation of the student's 4th amendment rights.

The 4th amendment of the constitution applies to the states through the 14th amendment. The 4th amendment prohibits unreasonable searches and seizures of a person or their things. One has a 4th amendment right in anything that they have a reasonable expectation of privacy in. A reasonable expectation of privacy generally includes both a subjective and objective element, asking whether the person believed they had an expectation of privacy and whether society is willing to accept that they have a reasonable expectation of privacy in the thing searched/ seized. People generally have expectations of privacy in their property and houses. In order to have a violation of the 4th amendment there must be government action. An unreasonable search or seizure is generally one without a warrant and not subject to any exception. Public schools are generally considered state actors for purposes of the 4th amendment, however there is a lower standard and expectation of privacy in schools. Generally a school need only have reasonable suspicion instead of probable cause, of a violation of a school rule or law in order to search one's things or property. Reasonable suspicion is more than a mere hunch but less than probable cause and must be determined based on articulable facts. When discussing whether there is probable cause or reasonable suspicion a court generally looks at the totality of the circumstances.

In this case The student does likely have a reasonable expectation of privacy in his pockets as his property. However, the school principal saw the student walking towards the gas station that is known to frequent drug dealings. This action was also in violation of the school's student handbook. Once at the gas station the student walked to car and talked to the driver through the open driver's side window and handed something to the driver. the principal did not see whether the student took anything from the driver, but after the car drove away, the principal saw the student put his hands in the pocket of the jacket he was wearing. This likely gave the principal reasonable suspicion that the student might have drugs in his pocket as he saw him go to a known drug dealing location talk to someone in a car for a short period of time

and then put something in his pocket. Because he is in school and has broken a school rule and there is reasonable suspicion that he has drugs in his pocket it was not a violation for the teacher to search the students pocket. Thus it is was not a violation of the students 4th amendment rights.

## **2. Principals search of student locker**

The issue here is whether the student had an expectation of privacy in the locker. The student did not have an expectation of privacy in the locker and thus his 4th amendment rights were not violated.

All the rules outlines above apply to this question as well. As stated above one generally has an expectation of privacy in their own property. A court will not find an expectation of privacy to something that can be accessed by other people at any time because one then has not reasonable subjective expectation of privacy as they know others can access the item. If one does not have any expectation of privacy then they have no standing and thus not fourth amendment challenge.

In this case the principal has found money and a bag of pills in the students pocket after the student had come from a known rug dealing location. Additionally, the student was in clear violation of the student rule that prohibited medication on school premises without permission. At this point it is very likely that the principal had more than reasonable suspicion, however because this is a school reasonable suspicion is all that's needed to make further searches. Moreover, the student did not have an expectation of privacy in his locker therefore, reasonable suspicion might not even be needed. The school has a policy that lockers are to be searched at any time and that the principal had a key. This is all stated in the handbook and on all of the lockers. The student thus had knowledge of this and had no reasonable subjective expectation of privacy in the locker. Moreover, the lockers are the property of the school and not the student. Therefore the student did not have an expectation of privacy in the locker through a form of property rights. Therefore, when the principal searched the locker there was no violation of his 4th amendment rights because he had not expectation of privacy.

## **3. Officer search of the text messages**

The issue here is whether the manual search of a phone falls under the search incident to arrest exception to the warrant requirement.



One exception to the warrant requirement is the search incident to arrest. Under the search incident to arrest requirement as long as the person is properly arrested they can search the person when unsecured for the protection of the officers. This usually includes the persons wingspan when they are unrestrained, however if the person is restrained the range will be less broad. If there is probable cause the officer can also search for any fruits or instrumentality of the arrest. One is properly arrested when they have probable cause of a violation of the law or there is a valid arrest warrant. However, an arrest warrant is generally only needed for someone to be arrested in their home.

In this case the officers had probable cause to arrest the student because they had properly obtained evidence from the school which they tested and determined were methamphetamine and marijuana which is a violation of state A law. They later properly received an arrest warrant. Therefore they were able to properly seize the student via arrest. During the arrest the student was wearing a backpack. Due to the search incident to arrest exception to the warrant requirement the police could properly search the bag for their safety without violation of the 4th amendment.

The next issue is whether the boy has a reasonable expectation of privacy in the phone. The supreme court has found that one does have a reasonable expectation of privacy in a phone.

the supreme court has said that one has a reasonable expectation of privacy in their phones. This has been found to be a very important right due to the nature of the phone and the sensitive information that is contained in it. Therefore, generally one needs a search warranty to manually enter the phone. If a phone is unlocked an officer might be able to use the plain view doctrine. the plain view doctrine allows one to seize anything in plain view when it is immediately apparent that it is an instrumentality of a crime, if the officer is legally on the premises. However, the officer cannot manipulate anything in coming to this determination.

In this case the police found the phone unlocked and are likely to try to use the plain view doctrine. However, this likely will not work. When the officers looked at the phone it was unlocked and presumably has to click the messages app and scrolled through the messages. This is considered manipulation of the phone and it was not immediately apparent that the phone contained contraband. If the phone had been on and the screen was immediately on the text messages containing information about the price, unit and location then that might have been valid. However, under these circumstances this was a violation of the students first amendment.