

Search and Seizure



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LEARNING OBJECTIVES

- Learning objective: The student will be able to explain the T.L.O. v. New Jersey court case.
- Learning objective: The student will be able to explain the difference between “probable cause” and “reasonable cause.”
- Learning objective: The student will be able to explain the “Plain View Doctrine” as it applies to searches.
- Learning objective: The student will be able to explain when they may use “reasonable cause” to conduct a search.

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LEARNING OBJECTIVES (cont.)

- Learning objective: The student will be able to explain the scope and intrusion level of a search.
- Learning objective: The student will be able to explain when a “stop and frisk” is justified.
- Learning objective: The student will be able to Explain the “Plain View Doctrine” as it applies to searches.
- Learning objective: The student will be able to explain the degree of force which can be used to conduct a search.

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- **Protection Concept preserved**
“Civil rights of a child must yield when the need to protect the child is incompatible with those rights. In a group situation, the safety of the group outweighs the rights of an individual child”

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- **Sources of Educator Authority**
- **Establishing an Agency**
- **Presumption of Regularity**
- **Liability**
- **Degrees of Proof Required**
- **T.L.O. vs. New Jersey (1985)**

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The principal received an anonymous tip, but believable tip, that Boykin had a gun in his pocket in the classroom.

The principal called a law enforcement officer who suggested that they go to the classroom and speak to the student. The student was called to the door of the classroom where the officer, at the principal's request, frisked Boykin and found a gun.

The attorneys agreed that the boy was under arrest when forced to submit to a search by a law enforcement officer. The prosecutor argued that the arrest was legal because the tip was sufficient cause. The search, he said, was incidental to arrest. The defense attorney responded that the anonymous tip was not sufficient to make an arrest. He concluded that the search under the prosecutor's reasoning would be illegal and the evidence should be suppressed.

Absolute Certainty
Beyond a Reasonable Doubt
Preponderance of Evidence
Probable Cause
Reasonable Cause/Suspicion
Gut Feeling
Hunch



TYPES OF SCHOOL SEARCHES

- **Abandoned or Lost Property**
- **Lockers**
- **Cell Phones**
- **Group Searches**
- **Strip Searches**
- **Canine Sweeps**
- **Metal Detectors**

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TYPES OF SCHOOL SEARCHES (cont.)

- **Weapons**
- **Administrative Searches**
- **Backpacks, Purses, Wallets**
- **Notebooks or Diaries**
- **Anonymous Tips**

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- **Under what circumstances can an officer become an agent of a school administrator?**
- **There are situations when an officer can conduct a search using “Reasonable Cause” T___ F___**
- **An Administrator can conduct a search based on an anonymous tip. T___ F___**

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SOURCES

- **Texas State Appellate Court**
- **United States Supreme Court**

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BREAK

Take a 10-minute break please
be prompt.

