

DOE v. RENFROW (1979)

The use of drugs by secondary students was increasing as a problem during the 1978-1979 school year in Highland, Indiana. Concern over use and possession of drugs by high school students lead the Highland Board of Education to discuss and plan with district administrators a school-wide drug inspection in March, 1979. Patricia Little, of the Highland Police Department and a trainer of drug-detecting dogs, was also in attendance.

On March 23, 1979, a school-wide drug inspection was conducted by the administrators of the Highland School System. Assistance was provided by the administrators of the Highland Police Department and volunteer canine units trained in marijuana detection in both the junior and senior high school campuses during first period class.

Teachers were informed of the inspection by means of a sealed note when they arrived at school. The dogs were sniffing for the odor of marijuana. In eleven cases, a body search was conducted because the dog continued to alert after the student had emptied his/her pockets and/or purses. One of the students, Diane Doe, was escorted to a nurse's station in the junior high and, in the presence of two women, was asked to remove her clothing. When nothing was found on her body or in her clothing, Diane was permitted to dress and return to class.

The Highland drug inspection was generally considered successful with seventeen students being found in possession of drugs. Diane Doe, however, filed suit in U.S. District Court against school and police officials, alleging that the sniffing by the dogs, the pocket and strip searches, were in violation of her constitutional rights because they were conducted without a search warrant.

Assignment

1. Was the use of dogs to detect marijuana and other drugs in school a valid search under the Fourth Amendment?
2. Were students' rights violated under the Fourth Amendment to be free from unreasonable search and seizure when the only "device" used was a drug-detecting canine?
3. How would you decide the case? In favor of Doe, that her Fourth Amendment rights had been violated? Or in favor of the school (Renfrow), that the search was for the valid educational purpose of eliminating drug use and abuse within the school?
4. What facts are needed to justify a warrantless search of a student?

DECISION

DOE v. RENFROW

The District Court decided in favor of Diane Doe. Judge Allan Sharp wrote the opinion. There were several issues in the case. The court agreed with Doe that the body search made without a finding of any reasonable cause was a violation of her Fourth Amendment rights. However, the court did not grant any money damages because it found that the school administrators had acted in good faith . . . “And with a regard for the welfare and health of [Miss Doe].”

According to Judge Sharp, a search does not occur unless there is an intrusion into an area where the individual has an expectation of privacy. “Because of the constant interaction among students, faculty, and school administrators, a public school student cannot be said to enjoy any absolute expectation of privacy while in the classroom setting.” Additionally, Judge Sharp concluded:

The operation was carried out in an unintrusive manner in each classroom. Moreover, the procedure of bringing the trained dogs into each classroom was planned so as to cause only a few minutes’ interruption. All students were treated similarly up until an alert by one of the dogs. No student was treated with any malice, nor was the operation planned in a way so as to embarrass any particular student. Weighing the minimum intrusion against the school’s need to rid itself of the drug problem, the actions of the school officials leading up to an alert by one of the dogs was [sic] reasonable and not a search for purposes of the Fourth Amendment.

On the issue of pocket searches, Judge Sharp held that this pocket search was not in violation of the Fourth Amendment because of the limited purpose of the searches. Judge Sharp stated, “It should be noted . . . that had the role of the police been different, this court’s reasoning and conclusion may well have been different.” An alert by a narcotics dog constitutes reasonable cause to believe that a student is concealing drugs.

The final issue was the strip search. On this issue Judge Sharp drew a firmer line:

. . . [C]onducting a nude search of a student solely upon the continued alert of a trained drug-detecting canine is unreasonable even under the lesser “reasonable cause to believe” standard. Subjecting a student to a nude search is more than just the mild inconvenience of a pocket search. Rather, it is an intrusion into an individual’s basic justifiable expectation of privacy The continued alert by the trained canine alone is insufficient to justify a search because the animal reacts only to the scent or odor of the marijuana plant, not the substance itself.

Doe v. Renfrow is significant because it legally sets a precedent for the use of scent dogs in the schools. The legal reasoning in the case becomes more important as increasingly sophisticated security techniques are employed in the schools to combat drug use and violence.

The answer to Doe and future cases depends on answers to two questions: (1) What kind of search took place?, and (2) What happened to any evidence obtained during the search? Doe v. Renfrow anticipated no criminal prosecutions. If the school or state had intended to prosecute, it is likely that the judge would have found the pocket and purse searches to be illegal.