

Presentation on Search, Seizure, and Interrogation in Schools

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I. Introduction

A. The importance of preservation

1. Motions to Suppress; renewing objections
2. Condition of plea arrangement

B. What I'm going to talk about

1. The evolution of the case law in North Carolina since *T.L.O.*
2. Lessons we can draw from the cases

II. Cases and statutes

A. School Searches and Seizures

1. *New Jersey v. T.L.O.* – “reasonableness”
2. *State v. Patrick Jason Murray* – adopting *T.L.O.*
3. *In re D.D.* – search “in conjunction”
4. *In re J.F.M. and T.J.B.* – seizure by SRO
5. *In re S.W.* – search by a SRO

B. Interrogation

1. G.S. § 7B-2101: requires that juveniles receive *Miranda*-like warnings when they are subject to custodial interrogation.
 - a. If the juvenile is < 14, no in-custody statement can be admitted unless made in the presence of guardian or attorney
 - b. Officer must cease questioning if juvenile asks him to
 - c. Court must find that juvenile knowingly, willingly, and intentionally waived his right

2. *In re Krystal Nicole Phillips - T.L.O.* reasoning applied to questioning by school official; door open on other questioning

III. Notes from the cases

- A. The standards: Police officer, school official, or acting together
 1. A school official – “reasonableness”
 2. School official/police officer together – probably “reasonableness”
 3. A police officer acting as a school official – “reasonableness”

- B. The key determination: How do courts determine who acted? We need to stay away from *T.L.O.*’s reasonableness
 1. Who actually conducted the search/seizure/interrogation?
 2. What was the purpose of the search/seizure/interrogation?
 3. Where did the search/seizure/interrogation occur?
 4. At whose suggestion did the search/seizure/interrogation occur?

- C. The problems with school resource officers: courts treat them like they are teachers or administrators
 1. The Nature of their employment
 - a. Who pays them?
 - b. Who tells them when and where to work?
 - c. Where do they normally work?
 - d. What kind of assignments do they typically perform?
 - e. Do they wear a uniform? Carry a gun?

 2. The purpose of the search/seizure/interrogation
 - a. Investigate a crime
 - b. Maintain school discipline

IV. Conclusion

- A. Know the facts and how they fit into the cases; be ready to distinguish from our cases.

- B. File Motions to Suppress and renew objections. When entering guilty pleas, note the exception to the suppression issue in the plea. Much of our case law is not good, but you can use it to distinguish your case.