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Ohio Supreme Court OK's book bag search rule

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In a unanimous ruling, the Ohio Supreme Court recently upheld an unwritten school rule that requires security officers to search all unattended bags to determine (a) who is the owner of the bag and (b) whether any of the contents of the bag are dangerous. Although the case arose in a criminal law setting—dealing with the question of whether the evidence found was admissible in a defendant's trial—it is significant for public education, because the initial search was made by school officials.¹

The events giving rise to this case began when a bus driver for Whetstone High School (in the Columbus City School District) discovered an unattended book bag during his usual walk-through at the end of his route. He turned the bag over to the district's safety and security resource coordinator, who looked in the bag and noticed a student's name on one of the papers—a name that he recognized as possibly being that of a gang member, according to a "rumor." He immediately took the bag to the building principal, who emptied the entire bag and discovered that it contained several bullets. A police officer was called, and the student was arrested (while in the school) and was found to be carrying a gun in a different book bag.

The court of appeals, in the student's criminal case, had suppressed the gun as

evidence, primarily because it believed that the more extensive search of the first bag was based on mere rumor and was, therefore, improper. The Ohio Supreme Court, however, rejected this analysis, finding that the special safety concerns present in the school setting justified a more relaxed standard for searches and that the practice of making a thorough search of all unattended book bags was a “reasonable search protocol” that did not violate the Fourth Amendment’s prohibition against unreasonable searches and seizures.

Note: An [amicus curiae brief](#) on behalf of major school associations, authored by Bricker attorney [Jennifer Flint](#) (with the able assistance of [Megan Knox](#) and [Rick Ross](#)) was filed in the case to speak in support of the school district’s search procedures.

¹[State v. Polk, Slip Opinion No. 2017-Ohio-2735 \(May 11, 2017\)](#)