

Bond Case Briefs

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SCHOOLS - NEW MEXICO

Herrera v. Santa Fe Public Schools

United States District Court, D. New Mexico - August 29, 2014 - F.Supp.2d -

Students brought § 1983 action against city public schools alleging that their Fourth Amendment rights were violated during pat-down searches at school dances. Temporary restraining order enjoining schools from conducting such searches was granted. Schools moved for summary judgment.

The District Court held that:

- Genuine issues of material fact existed as to whether allegedly inadequate training and supervision of security officers was official custom or practice;
- Genuine issues of material fact existed as to whether schools' alleged failure to train or supervise security officers caused students' alleged deprivation of their right not to be searched absent individualized suspicion;
- Genuine issues of material fact existed as to whether schools acted with deliberate indifference as to known or obvious consequences of pat-down searches;
- Schools' alleged custom of allowing security officers to conduct suspicionless searches was not moving force behind security officers' alleged touching of students' breasts and inner thighs; and
- Genuine issue of material fact existed as to whether students suffered compensable damages.