

not forfeit their right to the protections of the Fourth Amendment by attending public schools. This action seeks to prevent public schools from becoming police states in which the rights of privacy and personal security are ignored at the whim of public officials.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the claims set forth herein under 28 U.S.C. §§ 1331 and 1343, as it is an action arising under the Constitution and laws of the United States and seeks relief under 42 U.S.C. § 1983 for deprivations and threatened deprivations of rights protected by federal law.

2. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

3. This Court has supplemental jurisdiction over the claims under the laws and Constitution of the State of Missouri under 28 U.S.C. § 1367(a), as those state law claims arise out of the same transactions and occurrences giving rise to this Court's jurisdiction as set forth in ¶ 1.

4. Venue is appropriately laid in the Western District of Missouri under 28 U.S.C. § 1391 because (a) all of the Defendants reside in this judicial district and in the State of Missouri, and (b) all or a substantial part of the events or omissions which give rise to the present claims occurred in this judicial district.

PARTIES

5. Plaintiffs Mellony Burlison and Douglas Burlison are husband and wife and adult residents of the City of Springfield, Missouri.

6. C.M. is a minor and the natural son of Mellony Burlison and the stepson of Douglas Burlison. C.M. resides with Mellony and Douglas Burlison and is a sophomore at Central High School in Springfield, Missouri.

7. H.M. is a minor and the natural daughter of Mellony Burlison and the stepdaughter of Douglas Burlison. H.M. resides with Mellony and Douglas Burlison and is a senior at Central High School in Springfield, Missouri.

8. Defendant Springfield Public Schools (hereinafter "SPS") is a body corporate created and existing under the laws of the State of Missouri. SPS is an urban school district under the laws of the State of Missouri which operates public schools within the City of Springfield, including Central High School where C.M. and H.M. attend. In all respects set forth herein, SPS acted under color of the law of the State of Missouri.

9. Defendant Norm Ridder is the duly-appointed and acting Superintendent of the SPS. Defendant Ridder is charged by law with the day-to-day operation and management of the school district and has the authority to establish standards, practices and policies for the operation of schools within the district. In all respects set forth herein, Defendant Ridder acted under color of the law of the State of Missouri and is sued herein in his individual and official capacities.

10. Defendant Ron Snodgrass is the duly-appointed principal of Central High

School in Springfield, Missouri. Defendant Snodgrass is charged with the day-to-day control and operation of Central High School. In all respects set forth herein, Defendant Snodgrass acted under color of the law of the State of Missouri and is sued herein in his individual and official capacities.

11. Defendant James Arnott is the duly-elected Sheriff of Greene County, Missouri. Defendant Arnott is charged by law with the responsibility of overseeing the operations of the Greene County Sheriff's Office and controlling and supervising the conduct of deputies and other agents and employees of the Greene County Sheriff's Office. In all respects set forth herein, Arnott acted under color of the law of the State of Missouri and is sued herein in his individual and official capacities.

FACTS

12. On or about Thursday April 22, 2010, C.M., then a freshman at Central High School, was in his third period classroom when an announcement was made over the school's public address system by Defendant Snodgrass.

13. Defendant Snodgrass announced that the school was going into "lockdown" and that students may not leave their classrooms.

14. At that time, deputies of the Greene County Sheriff's Office were present at Central High School along with dogs.

15. On information and belief, the deputies of the Greene County Sheriff's Office were present at Central High School with the knowledge, consent and invitation of Defendants SPS, Snodgrass and Ridder, and the activities and conduct of the deputies of the Greene County Sheriff's Office were engaged in at the request of and with the

knowledge of Defendants SPS, Snodgrass and Ridder.

16. About fifteen minutes after Defendant Snodgrass's announcement, deputies of the Greene County Sheriff's Office, with their dogs, entered C.M.'s classroom. The deputies ordered students and teachers to leave the room. Students were told not to take any possessions or effects, such as backpacks, notebooks and purses, with them but to leave them in the classroom.

17. C.M. did as instructed, leaving his possessions in the classroom and going out into the adjoining hallway to wait. C.M. could not see into the classroom.

18. After approximately ten minutes, the law enforcement officers left the classroom and C.M. and his classmates returned to the room.

19. The condition of the effects C.M. observed when he reentered the classroom made it clear to him that the students' effects had been searched by the law enforcement officials. Backpacks and other student belongings had been moved around, zippers had been unzipped and saliva on the effects indicated that the dogs had come in contact with the students' belongings and effects.

20. In particular, C.M. observed that although all the zippers on his backpack were shut when he left the room, when he returned the zippers on his backpack were open and items within the backpack had been moved. At least three other students in his third period class also pointed out that their effects, i.e., purses and backpacks, had been moved and the students observed signs indicating that police had rummaged through their belongings.

21. C.M. observed that the law enforcement officers and their dogs then moved

on to another classroom. Plaintiffs allege, on information and belief, that the law enforcement officers engaged in the same activities in most, if not all, of the other classrooms at the school.

22. Defendant Snodgrass extended the time for third period that day so that the deputies of the Greene County Sheriff's Office could complete searches of the student effects and classrooms at Central High School.

23. At about 11:00 a.m., Defendant Snodgrass announced to students that they should move to their fourth period class.

24. Plaintiffs allege, on information and a belief, that in conjunction with the search of students' effects in classrooms, law enforcement officers guided dogs through the hallways of Central High School, allowing the dogs to examine lockers and students throughout the school. If a dog alerted on a student, police seized the student and conducted a full search of the student's person and effects.

25. H.M. did not arrive at Central High School at the beginning of the school day, but did arrive as third period was in session. Because of the "lockdown", H.M. was told she could not enter the school and had to wait until after Defendant Snodgrass allowed students to move to fourth period to enter her school.

26. After C.M. and H.M. informed the Plaintiffs of the events at school during third period on April 22, 2010, the Plaintiffs contacted officials of the Defendant SPS to complain about the "lockdown" of the school and the random search of students and student effects.

27. In the wake of the Plaintiffs' complaint, a spokesperson for the Defendant

SPS publicly announced that the “lockdown” and searches were a “standard drill” and not prompted by any incident that had occurred at Central High School.

28. The spokesperson also announced that it was the intent and policy of Defendant SPS to conduct similar “lockdowns” at all SPS high schools.

29. Plaintiff Mellony Burlison sent an electronic mail message to members of the SPS School Board to complain about the search and seizure activities conducted at Central High School on April 22, 2010.

30. The next day, Plaintiff Mellony Burlison received a response from an SPS representative. The representative informed Plaintiff Mellony Burlison that the kind of “lockdown” C.M. and H.M. experienced on April 22, 2010, was standard policy for SPS and that SPS conducts five such “lockdowns” and law enforcement sweeps with the school system each year.

31. On June 15, 2010, Plaintiff Doug Burlison appeared at the public study session of the SPS Board of Education. Plaintiff Doug Burlison spoke during the public comment portion of the meeting and informed the School Board that he and his wife took this matter very seriously and questioned the constitutionality of the SPS policy allowing school “lock downs” and investigative sweeps of schools. Plaintiff Doug Burlison solicited the views or comments of the Board concerning the policy and if any review of it was underway, but no member made any statement in response.

COUNT I

42 U.S.C. § 1983—Deprivation of Rights Secured by U.S. Const. Amend. IV

32. The Plaintiffs reallege and incorporate by reference ¶¶ 1-31 set forth above.

33. The Defendants SPS, Ridder and Snodgrass invited, authorized and allowed deputies under the control and direction of Defendant Arnott to enter upon the premises of Central High School for the purpose of allowing a seizure and search of the property of C.M. and other students, as well as a seizure and search of the persons of various Central High School students.

34. C.M. and other students were subjected to a seizure and search of their effects and property by law enforcement officials acting at the invitation of and with the authorization of the Defendants SPS, Ridder and Snodgrass and under the direction and supervision of Defendant Arnott.

35. The seizure and search of the property and effects of C.M. and other Central High School students were effected without probable cause, reasonable suspicion, or any other basis or justification pertaining to C.M., the other students or their property and effects.

36. The seizure and search of the property and effects of C.M. and other Central High School students deprived C.M. and those other students of their right to be free of unreasonable searches and seizures guaranteed and secured by the Fourth Amendment to the United States Constitution.

37. The Defendants, acting individually, jointly and in concert, caused these deprivations of rights secured by the Fourth Amendment to the United States Constitution.

38. As a result of the deprivation of his Fourth Amendment rights, C.M.

suffered harm, including an invasion of privacy and attendant emotional distress, for which the Plaintiffs, acting as parents and next friends of C.M., are entitled to relief from the Defendants.

39. The unconstitutional “lock down” and dragnet seizures and searches of students at Central High School on April 22, 2010, was effected as a result of a policy, custom or practice adopted by Defendant SPS and by Defendant Arnott as Sheriff of the Greene County Sheriff’s Office.

40. Defendant SPS has, through authorized agents and representatives, taken the position that “lock downs” and dragnet searches of the kind executed at Central High School on April 22, 2010, are standard procedure for schools within SPS and that the practice will, with the cooperation and assistance of Defendant Arnott, continue in the future.

41. A present controversy exists between the Plaintiffs and the Defendants on whether the imposition of a “lock down” on schools within the SPS accompanied by seizures of student property and effects and suspicionless searches deprives students of their rights under the Fourth Amendment to the United States Constitution.

42. The Plaintiffs are entitled under 42 U.S.C. § 1983 to relief for the actual and threatened deprivation of the rights of C.M. and H.M.

COUNT II
Violation of Mo. Const. art. I, § 15

43. The Plaintiffs reallege and incorporate by reference the allegations in ¶¶ 1-

42 set forth above.

44. The seizure and search of the property and effects of C.M. and other Central High School students deprived C.M. and those other students of their right to be free of unreasonable searches and seizures guaranteed and secured by Mo. Const. art. I, § 15.

45. SPS has, through authorized agents and representatives, taken the position that “lock downs” and dragnet searches of the kind executed at Central High School on April 22, 2010, are standard procedure for schools within SPS and that the practice will continue in the future.

46. A present controversy exists between the Plaintiffs and the Defendants on whether the imposition of a “lock down” on schools within the SPS accompanied by seizures of student property and effects and suspicionless searches deprives students of their rights under Mo. Const. art. I, § 15.

47. The Plaintiffs are entitled to declaratory and injunctive relief to prevent future violations of the rights of C.M. and H.M. under Mo. Const. art. I, § 15.

WHEREFORE, the Plaintiffs ask this Court:

A) to find and declare that the Defendants have violated the rights of C.M. under the United States and Missouri Constitutions as set forth in this Complaint;

B) to declare that the Defendants’ policy, practice and custom of executing searches of students and their effects violates the rights of C.M., H.M. and other students at SPS under the United States and Missouri Constitutions as set forth in the Complaint;

C) to permanently enjoin the Defendants from conducting without particularized suspicion mass, dragnet seizures and searches of the property, effects and persons of

students within the Springfield Public Schools;

D) to award the Plaintiffs, on behalf of C.M., actual and nominal damages for the deprivation of C.M.'s Fourth Amendment rights;

E) to award the Plaintiffs their reasonable attorneys' fees, costs and expenses pursuant to 42 U.S.C. § 1988; and

F) to grant the Plaintiffs any and all other appropriate relief.

Plaintiffs hereby demand a jury trial on all issues.

Respectfully submitted,

s/ Jason T. Umbarger

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