



American Civil Liberties Union
of Montana Foundation
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Superintendent Glenn Hageman
Glasgow School District #1A
P.O. Box 28
200 7th St. N.
Glasgow, MT 59230

Mr. David Irving, Chair
Glasgow School District #1A
Drawer B
Glasgow, MT 59230

June 10, 2011

Dear Chairman Irving and Superintendent Hageman,

I am writing to you on behalf of the American Civil Liberties Union (ACLU) of Montana. We received a complaint from a person who was concerned that the principal of Glasgow High School, Marj Markle, had conducted sweeping, warrantless searches of vehicles in a parking lot near the school with a drug detecting dog this last April. We were informed that of at least 15 cars searched, 2 were found to contain prohibited items of some kind with possible disciplinary consequences to students at the high school as a result of the searches. The ACLU is now requesting more information about the nature and procedure of those searches and any other searches conducted by Glasgow High School officials or people acting on their behalf.

The Glasgow School Board discussed the procedures and protocol of the drug sniff searches at an April 29, 2011 "Special" Board Meeting following concerns voiced by parents. The Board did not make that protocol, or the board's discussion, available in the published minutes for the meeting, anywhere within the school's regulations, or on the Glasgow School District website. The minutes available on the Board's website indicate, however, that the searches were discussed and that a disciplinary proceeding was held with respect to a student.

Student Related Policy 4860 as of June 7, 2011 specifies that only "authorized" school administrators may search student property and must have a "*reasonable suspicion* to believe that any locker, car or container...on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District" before proceeding with the search. Also note that under Montana law and *State v. Elison* (2000 MT 288, 302 Mont. 228), "particularized suspicion" is required before vehicular canine sniffs may be executed, even when the area subject to the canine sniff is already exposed to the public. Further, according to *State v. Tackitt* (2003 MT 81, 315 Mont. 59, 66, 67 P.3d 295, 300) persons have a reasonable expectation of privacy in the concealed areas of their cars even when those cars are not in their possession.

By this letter, and pursuant to Art. II § 9, Mont. Const. ("right to know" provision), we hereby request copies of all written communications (emails and correspondence), and any other



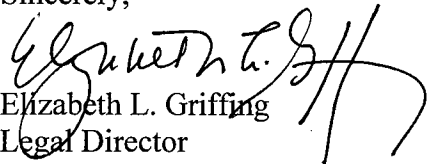
document associated with canine searches or any vehicle searches during the last school year in the Glasgow School District. We are also requesting the following information for the searches that occurred in April or at any other time during the 2010 – 2011 school year:

1. The complete minutes for the school board meeting on April 29, 2011, including any tape recording or complete transcript of the hearing, and also including the actual discussion of the canine searches, searches of vehicles, and Principal Markle's description of the protocol and procedures.
2. Minutes and transcripts from any other board meeting where canine, vehicle or student searches were discussed.
3. Any printed protocol and procedure that Ms. Markle followed during the course of Glasgow High School canine inspections.
4. Any formal or informal written complaints or documentation of complaints from parents, students, staff or others concerning the searches, including their names and contact information.
5. Any changes or amendments made to the School District's School Related Policies during the 2010-2011 school year concerning searches of students and student property.
6. School policies related to student use of a vehicle during school hours or school activities.
7. All information relating to the reasons for the search, discussions about the search, the name and contact information of person or persons who initiated the idea to conduct searches and then the names and contact information of those who made the decision to conduct the searches.
8. Whether law enforcement personnel, staff, dogs or equipment were used in the conduct of the search, and if so, the name and contact information for all such personnel.
9. All information related to the searches themselves, including:
 - A. The name and contact information of the person or persons conducting the searches;
 - B. The number of searches that took place, including the dates and times of the canine searches or vehicle searches;
 - C. The names and contact information of the students or owners of all the vehicles that were searched;
 - D. The location of the vehicles that were searched;
 - E. How vehicles were selected to be searched, that is, whether all vehicles were searched, whether certain vehicles were targeted, whether vehicles were searched at random or some combination. If certain vehicles were targeted, please provide specific reasons for targeting those vehicles;
 - F. Whether all searches were conducted on school, public or private property;
 - G. Whether students' persons were subject to search, either by canine-sniffing, pat downs or in any other manner;
 - H. Whether permission to search by canine sniff was obtained or notice given to any vehicle owners prior to any search;
 - I. The protocols and procedures used if the dog sniff search indicated a "positive" including the following information:
 - i. Whether the inside of a vehicle was searched upon a "positive" hit, and if so, whether permission to search inside the vehicle was given by the vehicle owner or student driver or other person;

- ii. Whether students were questioned after the search, including the names and contact information of all students questioned after the search;
 - iii. The names and contact information of all people whose vehicles were searched on the inside of the vehicle and the extent and nature of the search inside each vehicle;
10. Were any students disciplined as a result of the canine or vehicle searches? If so, how many were disciplined and what discipline did they receive?
 11. Did law enforcement question, detain or arrest any students or other persons in relation to the searches?

We appreciate very much your cooperation with our requests. We are requesting this information by July 10, or thirty days from the date of this letter. If you have any questions about the request, please feel free to contact me. I look forward to getting the materials requested.

Sincerely,


Elizabeth L. Griffing
Legal Director

cc: Alison Molvig, Vice Chair
Suzanne Billingsley
Gloria "Patt" Etchart
Dr. Charles Wilson