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ACLU Files Suit over Records in Atlantic Strip Search Incident

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The ACLU Foundation of Iowa announced today that it has filed an open records lawsuit in district court to force the Atlantic Community School District to reveal what discipline, if any, was imposed on two school officials who conducted a strip search of five high school girls in apparent violation of Iowa law.

On November 6, 2009, the ACLU of Iowa sent an open records request to the Atlantic school district requesting the identity of the two officials involved and a description of any employment discipline they had received. Five days later Attorney Brett Nitzschke of Cedar Rapids responded to the ACLU-IA's request by revealing the identities of the two officials, but he declined to state what discipline they received on grounds that it would violate the privacy of the employees involved.

The privacy stand taken by the school district in resisting the ACLU's records request is peculiar, observed the ACLU of Iowa. "It certainly seems ironic that a school district which neglected to include a prohibition on strip searches in its school policy, and that initially tried to split hairs about what constitutes a "strip search," is now invoking privacy concerns to protect its own actions from public view," said Randall Wilson, Legal Director of the ACLU of Iowa.

Ben Stone, the organization's executive director, explained that they were pursuing the lawsuit because they believe it is essential that school officials take Iowa's strip search law seriously. "The law against strip searches protects the core privacy rights of Iowa school children. Therefore, we feel it is imperative to learn more about how the Atlantic school district dealt with these school officials," said Stone.

The strip searches were conducted last August by two district employees later identified as Paul Croghan and Heather Turpen, in an unsuccessful attempt to locate \$100 in cash that had been reported missing by another student who was not searched. Parents of the students who were searched have retained private counsel, but there have been no public reports of a resolution of their grievances.

In 1986, the ACLU of Iowa was instrumental in persuading the Iowa General Assembly to pass the law, Chapter 808A, protecting students from strip searches at school. More recently, the U.S. Supreme Court ruled last year in an ACLU-sponsored case from Arizona that the strip search of a young teenage girl for missing ibuprofen was an unconstitutional invasion of student privacy. Safford Unified School Dist. v. Redding, 129 S.Ct. 2633 (2009).

If the school district in Atlantic chooses to resist the lawsuit, the ACLU of Iowa expects the resulting litigation will test the limits of what information in personnel files can be concealed in cases where the public has a legitimate and compelling interest in what transpired.

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