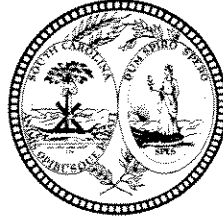


6007 Liberty



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

August 20, 1996

Lieutenant M. E. Bartley, Administration
South Carolina State University
Campus Police Department
Post Office Box 7516
Orangeburg, South Carolina 29117-0001

Re: Informal Opinion

Dear Lieutenant Bartley:

You have asked about the use of drug dogs on a college campus. I presume you are asking about Fourth Amendment ramifications regarding canine searches in this location.

I recently authored an Informal Opinion, dated February 22, 1996 regarding the use of canines in public schools to search for narcotics. A copy of that opinion is enclosed for your information. Particularly, the opinion dealt with the issue of student lockers and the use of drug canines in a common area such as a hallway where student lockers are located. In the conclusion of the opinion, it was stated that "... if a dog, which can be shown to be statistically reliable, alerts to the student locker, the case law stands for the principle that school officials possess the necessary cause to then search the student's locker. If illegal substances are found inside, such can be used in any criminal or disciplinary action against the student."

I presume the situation you are most interested in regarding the college campus setting, is the use of canines adjacent to or nearby dormitory rooms of students. I have located several cases, which I enclose for your review, which apply the same general law concerning student lockers, referenced above, to the specific situation of dormitory rooms. For example, in United States v. Alexander, 34 M.J. 121 (U.S. Ct. of Mil. Appeals 1992), the Court stated:

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In addition, I am enclosing a copy of People v. Dunn, 155 A.D.2d 75, 553 N.Y.S.2d 257 (1990). The Court in that case discusses the Fourth Amendment law in the area of canine sniffs in painstaking detail and opines that "[i]n sum, we conclude that the canine sniff of the exterior of defendant's apartment did not infringe upon any legitimate and reasonable expectation of privacy and thus did not constitute a search within the meaning of the Fourth Amendment of the U.S. Constitution of N.Y. Constitution, article I, § 12."

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General

RDC/ph