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ADVANCE SHEET HEADNOTE
June 1, 2026

2026 CO 38

No. 25SA245, *People in Int. of T.J.W.* – Fourth Amendment – School Search – Anonymous Tips – Reasonable Suspicion.

The supreme court considers the People's interlocutory appeal challenging a district court's suppression order. An anonymous tip received through Colorado's Safe2Tell program described a student smoking marijuana in class. After verifying details alleged in this tip, an assistant principal at the school searched T.J.W.'s backpack and found a marijuana vape pen which was used to charge T.J.W. with marijuana possession. T.J.W. filed a motion to suppress evidence of the marijuana vape pen which the district court granted, finding that the search was illegal.

Applying the two-part test established in *New Jersey v. T.L.O.*, 469 U.S. 325, 341 (1985), the supreme court holds that the search of T.J.W.'s backpack was "justified at its inception," and thus reasonable under the Fourth Amendment, because the anonymous Safe2Tell tip, combined with the assistant principal's

independent corroboration, supported a finding of reasonable suspicion.

Accordingly, the supreme court reverses the district court's suppression order.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2026 CO 38

Supreme Court Case No. 25SA245
Interlocutory Appeal from the District Court
Douglas County District Court Case No. 25JD96
Honorable Ryan J. Stuart, Chief Judge

Plaintiff-Appellant:

The People of the State of Colorado,

In the Interest of

Juvenile-Appellee:

T.J.W.,

and Concerning

Respondents-Appellees:

L.C.W. and D.W.

Order Reversed

en banc

June 1, 2026

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JUSTICE BOATRIGHT delivered the Opinion of the Court, in which **CHIEF JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE SAMOUR, JUSTICE BERKENKOTTER,** and **JUSTICE BLANCO** joined.

JUSTICE BOATRIGHT delivered the Opinion of the Court.

¶1 Through Colorado’s Safe2Tell program,¹ Assistant Principal Craig Bowman received an anonymous tip that described a student named “T.J.” smoking marijuana in a teacher’s sixth period biology class at approximately 12:30 p.m. Bowman searched T.J.W.’s backpack and found a marijuana vape pen. The People later charged T.J.W. with marijuana possession. T.J.W. filed a motion to suppress evidence of the marijuana vape pen, which the district court granted, finding that Bowman’s search was illegal under the Fourth Amendment. The People filed an interlocutory appeal, challenging that order.

¶2 In evaluating whether the search of T.J.W.’s backpack violated the Fourth Amendment, we rely principally on the two-part test established in *New Jersey v. T.L.O.*, 469 U.S. 325, 341 (1985), which provides that a school search is only reasonable if it is (1) “justified at its inception,” and (2) “reasonably related in scope to the circumstances which justified the interference in the first place.” (Quoting *Terry v. Ohio*, 392 U.S. 1, 20 (1968).) We hold that the search of T.J.W.’s backpack was “justified at its inception” because the anonymous Safe2Tell tip, combined

¹ Safe2Tell is a statewide statutory program that allows students and members of the community to “provide anonymous information about unsafe, potentially harmful, dangerous, violent, or criminal activities in schools” to law enforcement, public safety agencies, and school officials. § 24-31-602(1)(a), C.R.S. (2025).

with Bowman's independent corroboration, supported a finding of reasonable suspicion.² Accordingly, we reverse the district court's suppression order.

I. Facts and Procedural History

¶3 At 1:15 p.m. on a typical school day, Bowman, an assistant principal at Chaparral High School, received a Safe2Tell report stating that a male student named "T.J." –described as lean, tall, and with dirty blonde hair–had been smoking marijuana and covering it up with cologne in Ms. Betts's biology class at approximately 12:30 p.m.³ The tipster did not identify himself.

¶4 Bowman first verified that Ms. Betts's sixth period biology class was at the time of the alleged conduct. He then examined that class's roster and found that T.J.W., the only person at the school Bowman knew went by "T.J.," was on it. Bowman then had T.J.W. brought to his office. Although T.J.W. matched the description of the individual from the tip, Bowman did not smell marijuana on T.J.W. nor did he observe any signs of intoxication. Bowman told T.J.W. about the tip and searched T.J.W.'s backpack, where he found a marijuana vape pen.

² Because T.J.W. does not contest the reasonableness of the scope of the search, we do not address the second prong of the *T.L.O.* test.

³ As we do not have access to the Safe2Tell report, we base our description on the district court's findings of fact, as well as Bowman's uncontested testimony at the suppression hearing.

¶5 The People later filed a petition in delinquency, charging T.J.W. with possession of marijuana or marijuana concentrate. T.J.W. filed a motion to suppress evidence of the marijuana vape pen, arguing that the search was unlawful because it “was based solely on an anonymous Safe2Tell tip” and “none of the information in the tip was corroborated.”

¶6 Following a suppression hearing, the district court granted the motion, concluding that the search violated the Fourth Amendment. The district court cited *T.L.O.* to make clear that something less than probable cause was required here, applied a reasonable suspicion standard to its analysis, and concluded that Bowman lacked reasonable suspicion because the anonymous Safe2Tell tip was insufficiently corroborated.

¶7 The People filed an interlocutory appeal.

II. Analysis

¶8 We begin by laying out this court’s jurisdiction and the appropriate standard of review. Then, we describe the relevant Fourth Amendment principles regarding reasonable grounds for a school search under *T.L.O.*’s first prong, including the reliability of anonymous tips within such analysis. We then apply these principles to the facts of this case.

A. Jurisdiction and Standard of Review

¶9 The People may file an interlocutory appeal to seek this court’s review of a trial court’s ruling on a motion to suppress evidence per C.A.R. 4.1 and section 16-12-102(2), C.R.S. (2025). The People must certify both that the appeal is not taken for purposes of delay and that the suppressed evidence is a substantial part of the proof against the defendant. C.A.R. 4.1(a); § 16-12-102(2). The People have met these conditions here.

¶10 “A trial court’s order suppressing evidence presents a mixed question of fact and law.” *People v. Dacus*, 2024 CO 51, ¶ 23, 559 P.3d 198, 203. Therefore, we accept the trial court’s findings of fact unless they are clearly erroneous, but we “assess the legal significance of the facts de novo.” *Id.* (quoting *People v. Thompson*, 2021 CO 15, ¶ 15, 500 P.3d 1075, 1078).

B. Legal Principles

¶11 This case requires us to review two, often siloed areas of Fourth Amendment law. First, we examine *T.L.O.* and its progeny, which govern whether school searches are “reasonable” under the Fourth Amendment. 469 U.S. at 337. Second, we discuss the reliability of anonymous tips in determining whether there were reasonable grounds for a search.

1. Reasonable Grounds for a School Search

¶12 The Fourth Amendment protects individuals against unreasonable searches and seizures by the government, U.S. Const. amend. IV, including searches of students by public school officials, *T.L.O.*, 469 U.S. at 337. Ordinarily, to be legal, a warrantless search must be based on “probable cause” to believe that a violation of the law has occurred. *See, e.g., United States v. Ross*, 456 U.S. 798, 809 (1982).

¶13 However, in the school context, to balance “the privacy interests of schoolchildren with the substantial need of teachers and administrators . . . to maintain order,” a search’s legality hinges not on probable cause, but “simply on the reasonableness, under all the circumstances, of the search.” *T.L.O.*, 469 U.S. at 341. Specifically, a school search is only reasonable if it is (1) “justified at its inception,” and (2) “reasonably related in scope to the circumstances which justified the interference in the first place.” *Id.* (quoting *Terry*, 392 U.S. at 20). “Under ordinary circumstances,” a school search is “‘justified at its inception’ when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.” *Id.* at 341–42.

¶14 We first applied *T.L.O.*’s two-part test in *People in Interest of P.E.A.*, 754 P.2d 382, 386 (Colo. 1988), which concerned the search of a student’s car on school grounds. There, we unequivocally concluded that reasonable suspicion applied

when analyzing the reasonableness of a school search under *T.L.O. P.E.A.*, 754 P.2d at 388–89. Although we acknowledged that the U.S. Supreme Court in *T.L.O.* did not expressly indicate “whether particularized suspicion is an essential element of the *T.L.O.* standard of reasonableness,” we concluded that the reasonable suspicion standard set forth in *People v. Wells*, 676 P.2d 698, 701 (Colo. 1984), “applie[d] under the facts” of *P.E.A. P.E.A.*, 754 P.2d at 388–89. *Wells* instructs courts to assess whether the “specific and articulable facts” and the “rational inferences from [those] facts” objectively created reasonable suspicion. 676 P.2d at 701. Applying *Wells*, we held that the search was “justified at its inception” because the circumstances “establishe[d] the articulable facts and concomitant rational inferences necessary to create a reasonable suspicion that P.E.A. possessed drugs or other contraband.” *P.E.A.*, 754 P.2d at 389.

¶15 We later addressed another school search in *People in Interest of J.G.*, 2024 CO 16, ¶ 1, 545 P.3d 954, 958, where a student was subjected to daily searches per a safety plan that went into effect after he was adjudicated delinquent for various firearms-related crimes. We determined that the search was “justified at its inception” under *T.L.O.*, even in the absence of “individualized suspicion,” because the unique circumstances of that case *further diminished* the student’s expectation of privacy. *J.G.*, ¶¶ 24, 27, 545 P.3d at 961. Specifically, we found that J.G. should not have “expect[ed] privacy in a backpack he brought to school”

because he was subject to daily searches and, in fact, had previously complied with such searches. *Id.* at ¶ 26, 545 P.3d at 961.

¶16 The People seem to analogize the safety plan of *J.G.* to the “unique circumstances of the Safe2Tell program” – particularly the fact that the program is “premised on anonymity.” Accordingly, the People suggest that when a school search stems from a Safe2Tell tip, courts should require something less than the reasonable suspicion standard required for a *Terry* stop. But *J.G.* does not dilute our general requirement of reasonable suspicion for school searches. In *J.G.*, the student had a particular reason to have a diminished expectation of privacy. *Id.* The same is not true here. The mere existence of the Safe2Tell program did not further diminish T.J.W.’s expectation of privacy. Nor are we persuaded by the People’s arguments that this situation otherwise requires us to amend this standard to account for the “danger” posed by marijuana use in schools.⁴

⁴ The People imagine a scenario involving guns rather than marijuana. *See In re K.J.*, 227 Cal. Rptr. 3d 380, 388–90 (Cal. Ct. App. 2018) (deeming a tip reliable but nonetheless remarking that the search would have been reasonable regardless given “the ‘extraordinary dangers’ presented by the possibility that a student was brandishing a handgun at school” (quoting *Florida v. J.L.*, 529 U.S. 266, 272 (2000))). This analogy is inapt – the possession or use of marijuana in schools has not been treated as an “extraordinary danger” that would justify further erosion of students’ legitimate expectations of privacy. We thus express no opinion on whether a tip involving guns or other drugs would implicate a different standard.

Accordingly, courts should apply a reasonable suspicion standard for determining whether a school search is reasonable under *T.L.O.*

2. Reliability of Anonymous Tips

¶17 When the grounds for a search are based in whole or in part on an informant's tip, courts must assess the tip's reliability. *See, e.g., Alabama v. White*, 496 U.S. 325, 328 (1990). This totality of the circumstances analysis looks to the tip's "indicia of reliability" to ascertain whether it adequately establishes the informant's "veracity" and "basis of knowledge." *Id.* at 328–29 (first quoting *Adams v. Williams*, 407 U.S. 143, 147 (1972); and then quoting *Illinois v. Gates*, 462 U.S. 213, 230 (1983)).

¶18 Generally, an anonymous tip is less reliable than a tip from an identified informant, in part because anonymous tips "seldom demonstrate[] the informant's basis of knowledge or veracity." *Id.* at 329 (citing *Gates*, 462 U.S. at 237). However, under certain circumstances even anonymous tips can demonstrate "sufficient indicia of reliability" to support a finding of reasonable suspicion. *Id.* at 327. For instance, an anonymous tip can be "sufficiently corroborated" by officer observations so as to "impart[] some degree of reliability." *Id.* at 331–32; *see also Dacus*, ¶ 32, 559 P.3d at 204 (observing that a "truly anonymous" tip can support a finding of reasonable suspicion "'if it contains specific details corroborated by police observation'" (quoting *People v. Martinez*, 200 P.3d 1053, 1058 (Colo. 2009))).

Such corroboration allows investigating officers to assess the tipster's veracity and basis of knowledge in part because an "informant who is proved to tell the truth about some things is more likely to tell the truth about other things." *Navarette v. California*, 572 U.S. 393, 398 (2014); see also *White*, 496 U.S. at 332 ("When significant aspects of the caller's predictions were verified, there was reason to believe not only that the caller was honest but also that he was well informed, at least well enough to justify the stop.").

¶19 In *Dacus*, we identified three forms of anonymous tips, each with varying levels of reliability: (1) a tip from an unidentified "citizen informant"; (2) a tip from an informant who makes "first-hand, contemporaneous observations and likely is not affiliated with the alleged criminal activity"; and (3) a "truly anonymous" tip. ¶¶ 30–31, 559 P.3d at 203–04.

¶20 We explained that tips from *identified* citizen informants can alone create reasonable suspicion because such informants, having "no motive but public service" and no "expectation of payment," nonetheless identify themselves and "volunteer[] information to the police," meaning they have "inherent credibility." *Id.* at ¶ 27, 559 P.3d at 203 (quoting *People v. Saars*, 584 P.2d 622, 626 (Colo. 1978)). We recognized that this logic extends to *unidentified* citizen informants, as they are similarly less likely to "fabricate information in return for immunity or other compensation." *Id.* at ¶ 30, 559 P.3d at 204 (quoting *Martinez*, 200 P.3d at 1057).

¶21 Even if an anonymous tip does not indicate that it came from a citizen informant, it can still create reasonable suspicion, on its own, if it demonstrates that the tipster (1) “made first-hand, contemporaneous observations,” and (2) “likely is not affiliated with the alleged criminal activity.” *Id.*

¶22 If the tip does not provide even this information, it may be “truly anonymous.” *Id.* at ¶ 31, 559 P.3d at 204. “[T]ruly anonymous” tips are those where “(1) the caller does not provide their name and has no known prior record of providing information, (2) the circumstances do not suggest that the caller was a citizen informant, and (3) the information provided is insufficient to show that the caller was an unaffiliated bystander contemporaneously witnessing criminal activity.” *Id.* Such a tip “does not provide the police with a way to assess the caller’s veracity or basis of knowledge.” *Id.* Consequently, “without more” — such as “specific details corroborated by police observation” — a truly anonymous tip is “insufficient to establish reasonable suspicion.” *Id.* at ¶¶ 31–32, 559 P.3d at 204 (quoting *Martinez*, 200 P.3d at 1058).

C. The Safe2Tell Report Here Supports a Finding of Reasonable Suspicion

¶23 The question here is whether Bowman, in light of the Safe2Tell tip and his own investigation, had reasonable suspicion to search T.J.W.’s backpack — i.e., whether he had sufficient “articulable facts and concomitant rational inferences” to suspect criminal activity or a violation of school policy. *P.E.A.*, 754 P.2d at

388–89. As we explained above, an informant’s tip may support a finding of reasonable suspicion so long as its “indicia of reliability” supports the tipster’s “veracity” and “basis of knowledge.” *White*, 496 U.S. 328–29 (first quoting *Adams*, 407 U.S. at 147; and then quoting *Gates*, 462 U.S. at 230). And even a “truly anonymous” tip may provide reasonable suspicion so long as it is supported by something more, like independent corroboration. *Dacus*, ¶¶ 31–32, 559 P.3d at 204.

¶24 First, it is well established that the currentness, or freshness, of the information in a tip is highly relevant to its reliability. *See, e.g., People v. Miller*, 75 P.3d 1108, 1113 (Colo. 2003). A fresh, rather than stale, tip is one that is reported in close proximity to the time of the alleged events and is more reliable in part because it “negate[s] the likelihood of deliberate . . . misrepresentation.” *Navarette*, 572 U.S. at 399–400 (quoting Fed. R. Evid. 803(1) advisory committee’s note to 1972 proposed rules). In *People in Interest of C.C-S.*, 2021 COA 127, ¶¶ 4–5, 28, 503 P.3d 152, 155, 159, a division of the court of appeals found that information in a tip that described a month-old Snapchat video “was deficient, in large part, because it was stale.” In contrast, the information in the tip here was fresh, as Bowman received it only forty-five minutes after the alleged events occurred.

¶25 Second, even if this tip were “truly anonymous” under *Dacus*, Bowman’s additional corroboration sufficiently bolstered its reliability.⁵ Here, the tipster provided numerous details: the student’s name (“T.J.”); where the student was when the alleged conduct occurred (in Ms. Betts’s biology class at approximately 12:30 p.m.); and a description of what “T.J.” looked like (male, lean, and tall with dirty blonde hair). Bowman’s corroboration of these details before the search established that the tipster had some basis of knowledge and partially confirmed the tipster’s veracity. *See Navarette*, 572 U.S. at 398 (“[A]n informant who is proved to tell the truth about some things is more likely to tell the truth about other things . . .”).

¶26 T.J.W. maintains that the actions Bowman took to verify the tip’s details were insufficient to serve as corroboration because he only verified *noncriminal activity*. We are not persuaded.

¶27 It is true that corroboration of criminal activity is *one way* to enhance the reliability of a tip. *See Martinez*, 200 P.3d at 1058 (“Even if insufficiently detailed,

⁵ The People ask us to overrule *C.C-S.*, where a division of the court of appeals observed that “the anonymity of tips received by the Safe2Tell program does not ensure, without more, that such tips will provide reasonable suspicion as required by the Fourth Amendment.” ¶ 26, 503 P.3d at 158. Because we determine that the details of this tip, combined with Bowman’s subsequent corroboration, satisfied reasonable suspicion, we need not address whether it is necessary to overrule *C.C-S.*

a tip may be adequately corroborated if police directly observe the criminal activity alleged.”). However, no authority cited by T.J.W. establishes that such corroboration *must* be of criminal activity. Instead, *any* kind of corroboration of the information in the tip, whether of criminal conduct or otherwise, can bolster the reliability of an anonymous tip because it allows officers to confirm a tipster’s basis of knowledge and veracity. *See, e.g., Navarette*, 572 U.S. at 398.

¶28 Bowman’s corroboration did just that. First, Bowman only knew one “T.J.” at Chaparral High School, T.J.W. Second, Bowman corroborated the tip’s description of T.J.W.’s precise location—Ms. Betts’s biology class—and that he likely was at that location at the time alleged in the tip, 12:30 p.m. Third, T.J.W. matched the detailed description of “T.J.” in the tip—male, lean, and tall, with dirty blonde hair. All told, we conclude that the corroborated details of the Safe2Tell report were sufficient to demonstrate the tipster’s veracity and basis of knowledge of T.J.W.’s activities. *See White*, 496 U.S. at 328–29.

¶29 To reiterate, the Safe2Tell report at issue here was fresh, received only forty-five minutes after the alleged events, and provided detailed information into the suspect’s identity and whereabouts during the time of the alleged criminal activity, much of which Bowman corroborated before he conducted the search. Thus, we hold that the search of T.J.W.’s backpack was “justified at its inception”

because the anonymous Safe2Tell tip, combined with Bowman's independent corroboration, supported a finding of reasonable suspicion.

III. Conclusion

¶30 For the foregoing reasons, we reverse the district court's suppression order and remand the case for further proceedings consistent with this opinion.