

FLORIDA SCHOOL SEARCH MANUAL

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Legal Guidelines for Student Searches at Public Schools

What is a "search"

The following are examples of searches:

- Examining private items or places** that are not in the open and exposed to public view.
- Physically examining or patting down a student's body or clothing**, including the student's pockets.
- Opening and inspecting personal possessions** such as purses, backpacks, bags, books, notes, calendars, appointment books and closed containers.
- Handling or feeling any closed, opaque item** to determine its contents when they cannot be inferred by the item's shape or other publicly exposed physical properties.
- Using extraordinary means** to enlarge view or hearing into *closed or locked* areas, containers or possessions (e.g., using a fiber optic cable and viewer to peer inside a closed locker).

What is *not* a "search"

The following are *not* searches:

- Observing an object in plain view** where it is exposed to the public.
- Examining an object after a student denies ownership** of the object.
- Examining an object abandoned** by a student.
- Detecting anything openly exposed to the senses** of sight, smell or hearing, as long as school officials are located in a place where they have a right to be and they do not use extraordinary means to gain a vantage point (e.g., a male teacher seeing and smelling marijuana smoke in the boys restroom).
- Using extraordinary means** to enhance sensory perceptions in *open areas* (e.g., using flashlights, binoculars, dogs, thermal imaging, etc., are not searches).

General Rules for Student Searches by School Officials on School Property

- ▶ Students have a constitutional right to be protected from *unreasonable* searches by public school officials.¹
- ▶ The unique nature of the public school environment and the fact that students have lower privacy expectations at schools than in other public places means that the rules governing student searches by public school officials are different from the rules governing searches in other public places.
- ▶ Student searches by school officials and school safety officers on public school property or school buses and at school events must be based on *reasonable suspicion*.

Defining *Reasonable Suspicion*

"*Reasonable suspicion*" means that the person initiating the search has a well-founded suspicion -- based on objective facts that can be articulated -- of either criminal activity or a violation of school rules. *Reasonable suspicion* is more than a mere hunch or supposition.²

Two-part Test for Student Searches

Student searches by school officials and school safety officers on public school property, school buses and at school events are justified if both parts of the following test are met:³

1. Search Justified at its Inception. The search must be justified at its inception, that is, there must be a *reasonable suspicion* that the search will reveal evidence of a crime or school rule violation.

2. Reasonable Scope. The search must be reasonably related in scope to the circumstances that justified the initial suspicion. In other words, a search is proper when the measures adopted are *reasonably related* to the objectives of the search and *not excessively intrusive* given the type of infraction and the age and gender of the student.

Defining *Reasonable Scope* of a Student Search

Example 1: When a school official has a *reasonable suspicion* that a student's purse contains a weapon, a basic search of her purse for the suspected weapon must stop as soon as it is apparent that there is no weapon in the purse. The *reasonable scope* of the search goes no further than the parts of the purse big enough to contain an object as large as a weapon. Extending the search of the purse into a small zippered pocket inside the purse and removing a small plastic bag containing illegal drugs is an improper "scavenger hunt" that exceeds the *reasonable scope* of the search.⁴

Example 2: When a school official has a *reasonable suspicion* that a student has in his possession an illegal drug such as marijuana, the official may order the student to empty his pockets and examine anything in the pockets that is capable of holding a small quantity of illegal drugs. The *reasonable scope* of this search includes a probe of the student's personal effects, including his wallet, in which illegal drugs may be hidden.⁵

Authority to Initiate a Student Search: *Reasonable Suspicion*

To initiate a lawful search, a public school official must have a *reasonable suspicion* of all of the following:

1. A crime or school rule violation has been or is being committed;
2. A particular student has committed a crime or school-rule violation;
3. Physical evidence of the suspected crime or school-rule violation is likely to exist; and
4. Physical evidence would likely be found in a particular place associated with the student suspected of committing the crime or school rule violation.

Factors Justifying a Student Search

The following are examples of relevant factors in determining whether a *reasonable suspicion* exists to initiate a student search. Sometimes, one factor by itself is sufficient to create a *reasonable suspicion* (e.g., a teacher glimpses a weapon in a backpack); other times, multiple factors must be present (e.g., a school official approaches an area where students frequently smoke cigarettes and a student appears nervous, discards an object and attempts to flee).

Factors Generally Sufficient by Themselves

- A crime or school rule violation is observed in progress.
- A weapon or portion of weapon is observed on a student.
- A student has told others that he or she has a weapon on campus.
- A student has been seen in possession of illegal items.
- A student has been seen in possession of stolen items.
- A student is found with incriminating items.
- The smell of burning tobacco or marijuana is detected.
- A student appears to be under the influence of alcohol or drugs.
- A student admits to committing a crime or school rule violation.
- A student fits a *detailed or unusual* description of suspect of recently reported crime or school rule violation.
- A student provides *specific* incriminating evidence against another student.
- An emergency situation exists where school official can provide immediate assistance to avoid serious injury if a student search is conducted.
- A student provides oral or written *voluntary* consent to conduct a search.
*Consent cannot be the result of fraud, duress, fear or intimidation.

Factors Generally *Not* Sufficient by Themselves

- A student flees from the vicinity of recent crime or school rule violation.
- A student flees upon the approach of a school official.⁶
- Imprecise information about a crime or school rule violation has been provided to school officials.
- A student threatens others with words or behavior without an indication that the student possesses a weapon (a reasonable indication that a student possesses a weapon always provides *reasonable suspicion* justifying a search).

- A student has a history of previous similar criminal or school rule violations.
- A report has been made of a stolen item, including a description and value of the item and place from which it was stolen.
- A student was seen leaving an area where crimes or school rule violations are often committed.
- A student became unduly nervous or excited when approached by a school official.
- A student made a suspicious movement. (Note: To provide the basis for a search, a witness must be able to describe the exact conduct and why it was suspicious.)

Documenting a Student's Consent to Search

(The Consent to Search Form printed below is offered as a guide for school officials who wish to obtain written evidence of a student's voluntary consent to search. Schools are free to modify this form to accommodate their individual needs.)

Consent to Search Form	
I, _____, (student's name)	age _____, grade _____, at _____, on the _____ of _____, 2_____, (time) (day) (month) (year)
at _____, (place)	voluntarily consent to a search by _____ (name of school official or school safety/ resource officer)
of _____. (describe item or place to be searched)	
I authorize the person conducting the search to seize any item that: 1) is illegal; 2) violates a school rule; 3) is evidence of a crime or 4) is evidence of a violation of school rules. My voluntary consent to this search is not the result of fraud, duress, fear or intimidation.	
_____ (School official's name and title)	_____ (School official's signature)
_____ (Date)	
_____ (Student's name)	_____ (Student's Signature)

Student Search Report Form

(This form can be used to assist school officials in determining whether there is sufficient legal justification to conduct a student search and, if a search is made, in documenting the necessary information related to the search. Schools are free to modify this form to accommodate their individual needs.)

1. Name of the student who was searched, including age, grade and gender:

2. Name, business address and phone number of school official/school safety officer/school resource officer conducting and witnessing search:

3. Time and location of search:

4. What is the suspected crime or school rule violation that formed the basis for the search?

5. Why was this particular student suspected of committing a crime or school rule violation?

6. Was the student asked to consent to the search? _____ If so, did the student consent? _____

7. What was searched, and how was the search conducted?

8. What was the item (related to the suspected crime or school rule violation) sought in the search?

9. How was the item connected to the suspected crime or school rule violation?

10. Why was the item suspected of being located in the place searched?

11. Did the search involve more than one student? (If "yes", answer "a," "b" and "c")

a. How many students? _____

b. Explain the reasonable suspicion for believing that each of these students was in possession of the item(s) sought:

c. What investigative steps were taken before searching a group of students to narrow the field of suspects?

12. Was information forming the basis for the search provided by another person? If "yes," check appropriate box:

- a school staff member
- a student
- a parent
- other (identify): _____

a. What did the person providing the information see or hear concerning the student and the suspected criminal or school rule violation?

b. How did the person learn about the student's involvement in the crime or school rule violation?

c. Was the information provided by a person involved in the crime or school rule violation? _____
If "yes," answer "d" through "j" below:

d. Was the information provided by a person with a reputation for telling the truth? _____

e. Was the information provided by a person with a motive to lie or exaggerate? _____
If "yes," what was the motive?

f. Has the informant provided reliable information in the past? _____

g. Did the informant make a statement against his or her own interest? _____

h. Did the informant have a motive to lie or minimize his or her involvement by falsely accusing another? _____ If "yes," explain:

i. Did the informant provide information in exchange for leniency? _____ If "yes," explain:

j. Explain why informant's information was credible and whether that information was corroborated before the search:

13. List any relevant items found in the search and where they were found:

Procedure for Searching Students

Once a *reasonable suspicion* justifying a search has been established, the following general guidelines should be followed. (For ease of reading, the student will be referred to in the masculine gender; however, these procedures apply equally to female and male students.)

A. Remove Student to a Private Area. Personally escort the student to be searched directly to the office or other private location. Maintain visible contact with the student from the time he is retrieved from the classroom, or other school area, to the time he reaches the search location to ensure he does not abandon contraband or evidence. At least two staff members should escort the student as a precaution against the student fleeing or resisting school officials. Stops along the way to the search location should not be permitted.

B. Always Watch Student's Hands. If a student is suspected of having a weapon or drugs, the student may try to discard it if the opportunity arises. This can occur from the time the student is told to accompany a school official to the office up to and including the time when the student is actually in the office and being searched. Never allow a student to follow behind a staff member where the student cannot be observed.

C. Always Have a Witness. From the inception of the search until the evidence is properly secured, have another school official present as a witness. This strengthens the case against the student and protects the searcher from charges of improper conduct.

D. Have Searcher and Witness of Same Gender as Student. Student searches should be conducted and witnessed by school officials of the same gender as the student. This will protect the student's rights and guard the searcher against charges of improper conduct.

E. Keep Searches Discreet. Searches should be conducted discreetly and with an eye toward causing the least amount of embarrassment to the student as possible. Only the searcher, witnesses and student should be present. A student should never be searched in front of another student. Student searches should be conducted in a private area where there will be no interruptions.

F. Give Students a Chance to Surrender Item Sought. Tell the student what you are looking for and give him a chance to surrender the item. Before beginning the search, ask the student if he has anything in his possession that is illegal or violates school rules. If the student hesitates, tactfully advise him that you have a *reasonable suspicion* to believe that he in fact possess such an item. Further, explain that you plan to conduct a search, and that it would save everyone time and unnecessary embarrassment if he cooperates. This type of questioning by a school official is not a custodial interrogation that requires reading the so-called *Miranda* warnings.

G. Direct Student to Remove Outer Clothes and Empty Pockets. The student should first remove all outer clothing such as coats, sweaters, hats and shoes. The student should remove all objects from his pockets. These items should be laid aside until the student search is completed. Conduct the search on the side of the student's body working from top to bottom on each side. Do not stop if contraband is found. Continue until all places have been searched. Next, turn attention to items that had been set aside. Items that could conceal relevant contraband or evidence should be searched.
Remember: The scope of the search must be reasonably related to the circumstances that justified the search and the items sought. (For example, a search of a backpack for a stolen pair of shoes generally would not justify opening and examining the contents of a small coin purse in the backpack; however, a search for suspected marijuana should generally include a probe of the coin purse.)

H. Seize Illegal Items or Evidence. Seize any item that is illegal or is evidence of a crime or school rule violation. Each seized item should be placed inside a separate sealed envelope. The envelope should be marked with inventory information, including a description of the item seized, the date and time of the seizure, source of the item, the name of the person who seized the item and the name of the person(s) who witnessed the search. Seized evidence should be secured in a locked storage area with restricted access. Illegal items and evidence of crimes should be handed over to law enforcement authorities in a timely manner.

I. Special Considerations for Weapons. Every school should have in place a plan for dealing with students who possess weapons on school property, in school buses and at school events. Every school administrator, teacher and staffer should be familiar with the plan. Every incident involving a weapon, or even an allegation that a student has a weapon, should be handled by a law enforcement officer. If a school safety officer or school resource officer is available, that officer should be the first person contacted when a student or other person on school property is reported to have a weapon. Otherwise, a local law enforcement agency -- as designated in the school plan for dealing with weapons incidents -- should be contacted immediately. Law enforcement officers are specially trained to search and disarm persons bearing weapons at minimal risk to themselves and others. Where a weapon is suspected on school property, any law enforcement officer -- not just school safety officers and school resource officers -- may conduct a student search based on the *reasonable suspicion* of any school official.⁷

Checklist for Searching Students

- ✓ Remove the student to a private area.
- ✓ Closely watch the student during the removal and search.
- ✓ Have another school official present during the removal and search.
- ✓ Have school officials of same gender as the student conduct and witness the search.
- ✓ Offer the student an opportunity to surrender items.
- ✓ Search the student for items connected to crime or school rule violation.
- ✓ Seize any item that: 1) is illegal; 2) violates a school rule; 3) is evidence of a crime; or 4) is evidence of a school rule violation.
- ✓ Checklist for handling seized item (chain of custody checklist):
 - ✓ Inventory the seized item by immediately writing the following:
 - a. Description of the item seized.
 - b. Date and time of the seizure.
 - c. Name of the person from whom the item was seized.
 - d. Name of the person who seized the item.
 - e. Name of the person who witnessed the search.
- ✓ Place each item seized in a separate, sealed envelope marked with inventory information.
- ✓ Secure the evidence in locked storage area with restricted access.
- ✓ Do not leave the evidence unattended before it is placed in a locked storage area.
- ✓ Transfer the evidence to a law enforcement officer in sealed envelopes in a timely manner.

School Search Issues

I. Locker Searches

By statute, searches of students' lockers are subject to the same *reasonable suspicion* standard as other student searches on school property. The pertinent part of section 1006.09 (9), Florida Statutes, states:

1006.09 (9). **Search of student locker or storage area; authority.--**

(2) A school principal or a school employee designated by the principal, if she or he has *reasonable suspicion* that a prohibited or illegally possessed substance or object is contained within a student's locker or other storage area, may search the locker or storage area.

(3) **The district school board shall require and each school principal shall cause to be posted in each public K - 12 school, in a place readily seen by students, a notice stating that a student's locker or other storage area is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects.**

(4) This subsection does not prohibit the use of metal detectors or specially trained animals in the course of a search for illegally possessed substances or objects.

II. Student Searches by Law Enforcement Officers

*Any law enforcement officer – stationed on campus or off campus -- may conduct a student search for weapons on school property based on the reasonable suspicion of a school official.*¹⁰ The courts recognize that school officials should not hesitate to contact law enforcement authorities when a student is suspected of having a weapon on school grounds;¹¹ good common sense as well as good public policy dictate that law enforcement officers trained in disarming offenders, not school officials, should conduct searches for weapons.

Except for searches for weapons, law enforcement officers will need *probable cause* to conduct a search of a student or a student's possessions, including a motor vehicle.³¹ If a law enforcement officer has been summoned to a school to assist school officials in an investigation (not related to suspected weapons) and a student search is warranted based on the school official's *reasonable suspicion*, it is recommended that school officials -- not the officer -- initiate, conduct and witness the search. The officer can stand by as a non-participant until the search is completed.³⁰

III. Student Searches by Security Officers

Security officers who are not law enforcement officers have the same authority to search as other school officials. Therefore, security officers may conduct a student search on school property, on school buses and at school events when they have a *reasonable suspicion* that the search will turn up evidence of a crime or school-rule violation.¹² Again, such searches must be *reasonably related* to the objectives of the search and *not excessively intrusive* given the type of infraction and the age and gender of the student.

IV. Student Searches Using Metal Detectors

Using metal detectors to conduct random searches of students for weapons is a reasonable administrative search that *does not* require school officials to have a *reasonable suspicion* of a particular violation.¹³ However, searches with metal detectors should not be used as a pretext to target particular individuals or groups. The following procedures are recommended whether metal detectors are used at fixed locations, such as school entryways, or at randomly selected locations around the school:

1. Request all students to empty their pockets and belongings of all metal objects before the search.
2. If a large walk-through metal detector is activated indicating the possible presence of metal, request that the student pass through the metal detector a second time.
3. Use a hand-held metal detector, or magnetometer, if available, to focus on and discover the precise location of the metal source.
4. Expand the search only if the activation is not eliminated or explained. If no less restrictive alternatives remain available, a limited pat-down search for a weapon might then be necessary.
5. Before extending the search beyond a pat-down, take the student to a private area.
6. Any expanded search, such as a frisk or a request to open purses or book bags, should be conducted by school officials of the same gender as the student.

V. Drug Testing of Students

A urine test that is compelled for the purpose of drug testing is considered a search for constitutional purposes.¹⁴ However, the United States Supreme Court has determined that a school district may constitutionally require a student to consent to random urinalysis for drug testing as a condition for participation in extracurricular athletic activities.¹⁵

VI. Use of Drug-sniffing Dogs

A "canine sniff" of a person or object is not a search for constitutional purposes.¹⁶ A trained drug-sniffing dog may be walked around school lockers, school grounds or vehicles in a school parking lot without violating any student's constitutional rights -- provided that students themselves are not being detained (without *reasonable suspicion*) while the dog is sniffing. For example, walking a drug-sniffing dog around a student's car in a school parking lot while the student is in class is permissible; however, detaining that same student in the school parking lot, without *reasonable suspicion*, while a drug-sniffing dog walks around the student's car is not permissible. The detention of the student without *reasonable suspicion* -- even briefly -- raises constitutional issues if the detention is for the purpose of facilitating a "canine sniff" or actual search.

An alert by a trained drug-sniffing dog that drugs are present in a particular location provides school officials and law enforcement officers alike with *probable cause* to conduct a search of the person or place to which the dog alerted.¹⁷ As a general rule, a school official or any law enforcement officer may conduct a reasonable search of a student or a student's property, including a motor vehicle, on school grounds based upon an alert by a drug-sniffing dog without first obtaining a search warrant.³²

VII. Strip Searches of Students

Strip searches are highly invasive law enforcement procedures that are generally not appropriate for school officials to perform, especially under the *reasonable suspicion* standard generally applied to student searches. Florida law expressly prohibits strip searches of persons arrested for most minor offenses and requires a law enforcement officer to obtain written authorization from a supervisor before conducting a strip search.¹⁸ If *probable cause* exists to justify a strip search of a student, it is highly recommended that school officials turn the matter over to law enforcement authorities.

Legal Justification Required for Student Searches

Investigative Activity	Legal Justification Required for Search	Level of Intrusion into Student's Privacy
1. Search of abandoned property in plain view	None	No intrusion
2. Search of property in plain view that student has denied owning	None	No intrusion
3. "Canine sniff" by trained drug-sniffing dog (within limits)	None	No intrusion
4. Administrative searches using metal detectors	None	Minimal intrusion
5. Random drug test as prerequisite for extracurricular activities	None	Minimal intrusion
6. Search of student's property (backpack, car)	Reasonable suspicion	Significant intrusion
7. Pat-down search of student for weapons	Reasonable suspicion	Significant intrusion
8. Full frisk of student for weapons	Reasonable suspicion	Significant intrusion
9. Strip search of student	Probable cause	Extreme Intrusion

Citations of Legal Authorities

1. ***New Jersey v. T.L.O.***, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985).
2. ***Brandin v. State***, 669 So.2d 280, 282 (Fla. 1st DCA 1996).
3. ***New Jersey v. T.L.O.***, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985).
4. ***T.J. v. State***, 538 So.2d 1320 (Fla. 2nd DCA 1989)(court held that a valid search for a knife in a student's purse should have ended when knife was not found; cocaine discovered after search continued through all items in purse was suppressed).
5. ***K.K. v. State***, 717 So.2d 629 (Fla. 5th DCA 1998).
6. Currently, the law in Florida is that flight alone is not sufficient to justify a detention and search. ***Britt v. State***, 673 So.2d 934, 936 (Fla. 1st DCA 1996); ***Brown v. State***, 636 So.2d 174 (Fla. 2d DCA 1994); ***Grant v. State***, 596 So. 2d 98, 99 (Fla. 2d DCA 1992); ***Gipson v. State***, 537 So.2d 1080 (Fla. 1st DCA 1989). The United States Supreme Court, however, has agreed to review this issue during its 1999-2000 term of court.
7. ***J.A.R. v. State***, 689 So.2d 1242 (Fla. 2nd DCA 1997).
8. ***State v. Whorley***, 720 So.2d 282 (Fla. 2nd DCA 1998); ***K.K. v. State***, 717 So.2d 629 (Fla. 5th DCA 1998); ***State v. D.S.***, 685 So.2d 41(Fla. 3rd DCA 1996).
9. ***New Jersey v. T.L.O.***, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985); ***T.J. v State***, 538 So.2d 1320 (Fla. 2nd DCA 1989).
10. ***J.A.R. v. State***, 689 So.2d 1242 (Fla. 2nd DCA 1997).
11. *Id.*
12. ***S.D. v State***, 650 So.2d 198 (Fla. 3rd DCA 1995).
13. ***State v. J.A.***, 679 So.2d 316 (Fla. 3rd DCA 1996).
14. ***Vernonia School District v. Acton***, 515 U.S. 646, 115 S.Ct. 2386, 132 L.Ed.2d 564 (1995).
15. *Id.*
16. ***U.S. v. Place***, 462 U.S. 696, 103 S.Ct. 2637, 77 L.Ed.2d 110 (1983).
17. *Id.*

18. **Section 901.211, Florida Statutes.**

CASE LAW on Search and Seizure

19. **R.H. v State, 764 So 2nd 762 (5th DCA, Aug. 2003)**

Officers had reasonable grounds to stop persons who had “bailed out” of a car that subsequently crashed

20. **Brancaccio v State, 773 So 2nd 582 (4th DCA, Nov. 2000)**

Circumstances determining whether juvenile’s confession is voluntary and admissible include: (1) the manner in which police administered Miranda; (2) child’s age, experience, education, background and intelligence; (3) child’s opportunity to speak with parents before confessing, and (4) whether child executed written Miranda waiver.

21. **B.W. v State, 784 So 2nd 1219 (2nd DCA, Apr. 2001)**

Cocaine concealed inside a pack of cigarettes was not subject to suppression because officer could lawfully seize the cigarettes from the juvenile as contraband.

22. **V.L. v State, 790 So 2nd 1140 (5th DCA, Jul. 2001)**

Child could not be found to have resisted arrest without violence where officer attempted a presumptively unlawful arrest at the child’s home. Officer had no reasonable suspicion of criminal activity, nor was there other grounds to support probable cause for the warrantless arrest.

23. **State v J.D., 796 So 2nd 1217 (4th DCA, Oct. 2001)**

Plain feel doctrine did not support seizure from child’s pocket of cannabis in a plastic baggie absent sufficient information supporting officer’s “plain feel” identification of the narcotic.

24. **M.A.W. v State, 805 So 2nd 957 (2nd DCA, Nov. 2001)**

A consensual weapons pat-down became an illegal search where, without first detecting a weapon, the officer went beneath the suspect’s outer clothing to an undershirt to find marijuana.

25. **State v N.G.B., 806 So 2nd 567 (2nd DCA, Jan. 2002)**

A search in a school, initiated by a school official, is subject to the reasonable suspicion standard rather than the more stringent probable cause standard. Lessened

standard of reasonable suspicion applies even where a school resource officer conducts the search at the instigation of a school official. **Citing conflict with A.J.M. v. State, 617 So.2d 1137 (Fla. 1st DCA 1993).**

26. A.N.H. v State, 832 So 2nd 170 (3rd DCA, Nov. 2002)

A school official must have a reasonable suspicion to justify a search of a student, and the facts giving rise to the suspicion cannot be consistent with purely innocent conduct.

27. E.C. v State, 841 So 2nd 604 (4th DCA, Apr. 2003)

When officer's promise of leniency induces inculpatory statement, the statement must be suppressed as involuntary, regardless of whether the officer attempts to follow through on the promise.

28. A.H. v State, 846 So 2nd 1215 (5th DCA, Jun. 2003)

Search of a student by a school official must be based upon a reasonable suspicion that the student has violated either the law or the rules of the school.

29. M.H. v State, 851 So 2nd 233 (4th DCA, Jul. 2003)

Mere presence of school resource officer does not give rise to custodial interrogation; statements to a school official in the presence of the officer do not require **Miranda** warnings.

30. State v J.T.D., 851 So 2nd 793 (2nd DCA, Jul. 2003)

A school official's interview of a student is not transformed into a custodial interrogation by the mere presence of a school resource officer.

31. R.C. v State, 852 So 2nd 311 (4th DCA, Jul. 2003)

A school official's search of a student must be supported by a reasonable suspicion that the student possesses a weapon or contraband.

32. Matheson v State, 28 FLW D1791 (2nd DCA, Aug. 2003)

After defendant's motion to suppress was denied, he pled no contest in the Judicial Circuit Court, Hillsborough County, Barbara Fleischer, J., to three counts of possessing a controlled substance and one count of possessing drug paraphernalia. Defendant appealed. The District Court of Appeal, Northcutt, J., held that narcotics detection dog's alert to defendant's vehicle was insufficient to establish that the deputies had probable cause to search defendant's car.

33. L.R.D. v State, 29 FLW D1350 (5th DCA, Jun. 2004)

Juvenile was adjudicated delinquent in the Circuit Court, Orange County, Jose R. Rodriguez, J., of possession of less than 20 grams marijuana. Juvenile appealed. The District Court of Appeal, Thompson, J., held that police officers had probable cause to take juvenile into custody for truancy.