Traffic Stops

In 1996 the Supreme Court held that the reasonableness of traffic stops does not depend on the actual motivation of the police officer.34 (But see State v. Ladson, below.) Following this decision, if an officer suspects a car contains drugs but she doesn't have probable cause to stop the car, she may stop the car for a traffic violation and then arrest the occupants if there is indeed a drug violation. The court's ruling endorses what has been called the "could have test," already used by many federal courts. Under this test, a traffic stop will be upheld if a reasonable officer in the same circumstances "could have" stopped the car for suspected traffic violations.

Wayne Lafave, a professor at the University of Illinois College of Law and author of a Search and Seizure treatise, feels that the repercussions from this ruling may be severe. "It's very unfortunate, when officers specifically employ a calculated effort to use or, more accurately, abuse the traffic laws as a vehicle for enforcing the drug laws. . . when officers select whom to stop on the basis of race, but base their stop on finding a minor traffic violation. . . there is no way a defendant can effectively challenge that."35 The defendants in the Whren case argued that because the use of cars is so heavily regulated and total compliance with traffic and safety rules nearly impossible, that the police will be able to catch any given motorist in a technical violation in order to investigate other law violations.

EXERCISE:
The facts of the Whren case are as follows: In a "high drug area" of Washington D.C. police officers in an unmarked police car observed a vehicle waiting at a stop sign for an "unusually long time" (more than 20 seconds) then speeding off at an "unreasonable speed" (but apparently not speeding) and turning the corner without signaling. The officers asserted that they stopped the vehicle to warn the driver about the traffic violations. When the officer approached the vehicle he noticed bags of crack in the car and arrested the occupants.

Prior to the Supreme Court's ruling the Ninth Circuit used the more stringent "would have" test. Under that test a stop made by Washington police officers was valid under the Fourth Amendment only if under the same circumstances a reasonable officer would have made the stop in the absence of an invalid purpose.

- Analyze the Whren case under the standard Washington used before the Whren decision and the standard endorsed by the Court. How do you think this case would be decided under the Washington constitution? What is the difference between the two? Which is better? Why?

35Stephanie Stone, Supreme Court Holds Allegedly Pretextual Traffic Stops Should be Reviewed by Objective "Could Have" Test, WEST'S LEGAL NEWS, June 11, 1996.


**Washington Case Study**

Facts: Two patrol officers followed a vehicle in which the defendant was a passenger. One of the officers recognized the driver as someone suspected to be involved in drug-related activities. The suspicion was based on an unsubstantiated rumor. The officers followed the vehicle for some time and eventually pulled the driver over, citing an expired license tab. The officers then searched the vehicle and found drugs in the defendant passenger's coat pocket.

In *State v. Ladson*, 138 Wash. 2d 343, 979 P. 2d 833 (1999), the Washington State Supreme Court rejected the Whren test. In *Ladson*, the Washington Supreme Court held that the stop described above was a violation of Article I section 7 of the Washington Constitution because the Washington Constitution is:

"explicitly broader than that of the Fourth Amendment as it "clearly recognizes an individual's right to privacy with no express limitations" and places greater emphasis on privacy. . . . Further, while the Fourth Amendment operates on a downward ratcheting mechanism of diminishing expectations of privacy, article I, section 7, holds the line by pegging the constitutional standard to "those privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass absent a warrant."

"We begin our analysis by acknowledging the essence of this, and every, pretextual traffic stop is that the police are pulling over a citizen, not to enforce the traffic code, but to conduct a criminal investigation unrelated to the driving. Therefore the reasonable articulable suspicion that a traffic infraction has occurred which justifies an exception to the warrant requirement for an ordinary traffic stop does not justify a stop for criminal investigation.

"As a general rule, warrantless searches and seizures are per se unreasonable. They are, however, subject to "a few " 'jealously and carefully drawn" exceptions' ... which 'provide for those cases where the societal costs of obtaining a warrant ... outweigh the reasons for prior recourse to a neutral magistrate.' " Id. (emphasis added) (quoting Houser, 95 Wash.2d at 149, 622 P.2d 1218 (quoting Arkansas v. Sanders, 442 U.S. 753, 759, 99 S.Ct. ))

979 P.2d 833, 837-8.

**Automobile Searches**

In 1998, the U.S. Supreme Court, in a unanimous decision, held that a police officer issuing a speeding ticket does not automatically have the authority to search the driver's vehicle. Justice Rehnquist reasoned that an officer should not be permitted to conduct a "search incident to an arrest" when only issuing a traffic citation because the evidence of the offense (in this case speeding) is already obtained, and the threat to a police officer from issuing a traffic ticket is "a

Rights of Passengers in Stopped Vehicles
In 1997, the U.S. Supreme Court held that the rule that a police officer may order the driver of a lawfully stopped car to exit his vehicle extends to any passengers riding in the vehicle as well. Maryland v. Wilson, 117 S. Ct. 882 (1997). The Washington State Supreme Court, however, in State v. Mendez, 137 Wash. 2d 208 (1999) held that while an officer may order the driver of a lawfully stopped car to exit the vehicle, the officer must have an articulable rationale predicated upon safety considerations to order the passengers out of the car or to remain in the car. The court based its decision on Wash. Const. art. I, 7, which provides greater privacy protection than the U.S. Constitution.

In State v. Parker, 139 Wash. 2d 486 (1999), Deborah Parker was a passenger in a car stopped for speeding. The driver was arrested after police found that his license had been revoked. The police searched Parker’s purse, even though they knew she was a passenger and not under arrest. The court found the search was illegal under the Washington Constitution in that there was no objective, lawful justification for the search and that the search incident to arrest exception does not automatically extend to the ‘private affairs’ of persons who are not under arrest, including personal possessions police know or should know belong to such nonarrested individuals. Such a search is illegal unless police have an articulable, objective suspicion that the nonarrested passenger is armed or dangerous or has secreted contraband obtained from the arrestee.

Checkpoints
In November 2000, the U.S. Supreme Court held that drug interdiction checkpoints are a violation of the fourth amendment’s requirement of an individualized suspicion to search. City of Indianapolis v. Edmond, 2000 WL 1740936. In Edmond, the city operated vehicle checkpoints in an effort to find illegal drugs. (Because the checkpoint’s primary purpose was a general interest in crime control, it was distinguishable from sobriety checkpoints or roadblocks to verify drivers’ licenses and registrations.)

Page 126--Problem 31, POLICE SEARCHING THE TRASH IN WASHINGTON

The Greenwood case would have a different result in Washington, under the Washington Constitution. In State of Wash. v. Boland, 115 Wash. 2d 571, 800 P.2d 1112 (1990), the Supreme Court of Washington ruled that a person's private affairs were unreasonably intruded upon by law enforcement officers when they removed garbage from the trash can which had been placed at the curb. The court reasoned that a citizen could reasonably infer from local ordinances that only the trash collectors would be handling his trash. The local ordinances referenced by the court require citizens to place trash cans where they will be
convenient for garbage collectors and make it unlawful for anyone other than the owner and the collector to remove the trash. The court said it would be improper to require that in order to maintain a reasonable expectation of privacy in one’s trash that the owner must forego use of ordinary methods of trash collection. Additionally, the state constitution prohibits certain governmental intrusion of an individual’s private affairs.\textsuperscript{36} The court found that the removal of the garbage to be such an intrusion. Although it may be expected that “children, scavengers, or snoops” might sift through one’s garbage, average persons would find it unreasonable that their garbage would not be protected from warrantless governmental intrusion.\textsuperscript{37} However, if the garbage is exposed, it may be subject to a warrantless search. The “plain view” exception is valid in Washington (See Text p.125).

This case was distinguished in State \textit{v.} Johnson, 128 Wash.2d 431, 909 P.2d 293 (1996), holding that a litter bag in the sleeping compartment of a tractor-trailer is not equivalent to a trash container on one’s home property, and thus was not entitled to search protection. (The bag was later found to contain methamphetamines.)

\textbf{Thermal Imaging Searches}

The thermal imaging technique--also known as Forward Looking Infra-red Radar (FLIR)--helps detect illegal marijuana cultivation by comparing the amount of heat radiated from various objects within a home. The Supreme Court held that use of sense-enhancing technology, such as the FLIR, to gather information about the interior of the home was a “search,” where the information could not have been gathered otherwise without physical intrusion into the home. \textit{Kyllo v. United States,} 121 S. Ct. 2038 (2001) (Official citation unavailable.)

In \textit{Kyllo}, law enforcement officers had used a thermal imaging device to scan Danny Kyllo’s residence in Florence, Oregon. They did not obtain a warrant prior to using the device. The thermal imager, the same sort of device that firefighters use to “see” through walls and dense smoke, showed heat inside the house that the investigators interpreted as coming from marijuana grow lights. The investigators used that reading to obtain a search warrant, found marijuana and arrested Kyllo. Kyllo then filed a motion to suppress the evidence, challenging the warrantless thermal imager scan.

The U.S. District court found the imager was a “non-intrusive device which emits no rays or beams and shows a crude visual image of the heat being radiated from the outside of the house,” and that “the device cannot and did not show any people or activity within the walls of the structure” and concluded that there was no search.

On appeal, the question before the Ninth Circuit was whether the use of the

\textsuperscript{36} Wash. Const. art. 1, sec. 7.
\textsuperscript{37} Boland, 800 P.2d 1112 at 1116.
thermal imaging device was a “search” within the meaning of the fourth amendment. The court found that the use of the device was not a "search" of the home within the meaning of the Fourth Amendment because he did not have legitimate expectation of privacy. Based on the District Court’s findings on the technology used the court found “we cannot conclude that this surveillance was so revealing of intimate details as to raise constitutional concerns.” U.S. v. Kyllo, 190 F. 3d 1041, 1047 (1999). Therefore the evidence could not be suppressed as illegally obtained under the exclusionary rule. (discussed later in the chapter.)

The U.S. Supreme Court reversed and remanded, reasoning that the FLIR constituted a search because, without it, the police would not have been able to gather the information without entering the home, which would have required a warrant. To hold otherwise would have been to undermine the traditional common law notion that a homeowner has a reasonable expectation of privacy within his or her own home and leave him or her to the “mercy of advancing technology.”

IN WASHINGTON:
The Supreme Court of Washington, on the other hand, held in 1994 that the use of a infrared thermal detection device to perform warrantless surveillance of a home violated the Washington Const. art. 1, 7 which provides: 'No person shall be disturbed in his private affairs, or his home invaded, without authority of law'. The court went on to analyze whether there was a violation of the Fourth Amendment and found there was.45

In Young the Edmonds Police Department had received a tip that Mr. Young was growing marijuana in his home. The police used an FLIR and it revealed abnormal heating patterns. The basement was warmer than the rest of the house, and the house itself was warmer than others in the neighborhood. Based on those facts, the police obtained a warrant, seized the marijuana, and Mr. Young was charged with possession of marijuana with intent to manufacture or deliver.

The Washington Supreme Court held that "an infrared device need not produce the equivalent of a photographic image before it is declared intrusive. . .the image produced is of the interior of the home that is otherwise protected by the home's walls. . . a resident has a reasonable expectation of privacy in what occurs in the home and that is violated by warrantless infrared surveillance."46 The evidence was therefore excluded.

Two years later, however, when a police officer used his flashlight to look through an unobstructed window at a suspect’s home and seize marijuana, the Washington Supreme Court declined to extend this exclusion of evidence. See, State v. Rose, 128 Wash.2d 388 (1996).

45 State v. Young, 123 Wash.2d 173 (Wash. 1994).
46 Id. at 191.
EXERCISE: Compare the FLIR cases with the garbage cases (Greenwood and Boland). Which search is more intrusive?

Page 128--Problem 32

c. By Washington statute (the text of the law is later in this chapter) and case law, a school official must have reasonable suspicion to justify a search of a particular student's locker. If the school officials were conducting a general search of all lockers, no cause would be needed.
e. In Washington, police may not make a custodial arrest for a traffic violation if the suspect is willing to sign a promise to appear in court. If there is no search incident to arrest, the police may not search her purse.
g. In Washington, the standard for an informant's tip is not the "totality of the circumstances." Under the Washington State Constitution, art. I, 7, the judge or magistrate must be satisfied about 1) how did the informant know—what were some of the underlying circumstances from which the informant drew his conclusion? and 2) why is the informant credible or his information reliable? (Washington still follows the Aguilar-Spinelli test; State v. Jackson, 102 Wash 2d 432 (1984).

Page 130--DRUG TESTING FOR STUDENT ATHLETES IN THE NORTHWEST

On June 26, 1995, the Supreme Court ruled that public-school student athletes can be required to undergo drug testing even if they are not suspected of using drugs. The Vernonia, Oregon School District's Drug Policy authorized random urinalysis drug testing of students participating in athletics. All students participating in sports activities had to sign a form consenting to the testing. James Acton, a seventh grader, signed up to play football at his grade school, but refused to sign the consent form. He was not allowed to participate.

According to the lower court record that the Supreme Court relied on, the athletes were the "leaders of the drug culture" in the small logging town's school system. Justice Scalia gave two main reasons for testing the athletes before anyone else in the student body:

(1) Student athletes have lesser privacy expectations because they are

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Vernonia School Dist. v. Acton, 515 U.S. 646 (1995). Since the decision, there have been almost 200 case citations, including approximately 20 strongly-worded decisions which either refused to extend or have distinguished Vernonia. The two Ninth Circuit opinions which did not extend Vernonia are B.C. v. Plumas Unified School Dist., 192 F.3d 1260 (9th Cir. 1999) (dog sniffing of high school students for drugs violates 4th Amendment) and Nunez by Nunez v. City of San Diego, 114 F.3d 935 (9th Cir. 1997) (broad teen curfew ordinance violates fundamental rights; Vernonia decision does not support blanket disregard of teen rights).

The United States Supreme Court held that urine tests of pregnant women were "searches" within the meaning of the 14th Amendment and that reporting the results to the police without the patient's consent violated the Fourth Amendment. Ferguson v. City of Charleston, 121 S. Ct. 1281 (2001) (Official citation unavailable.)
acustomed to dressing and showering in locker rooms.  
(2) Student athletes are role models to other students.

EXERCISE: CONSIDER THE FOLLOWING ARGUMENTS:

Against Testing Student Athletes:

- **Student #1**: "No evidence shows that athletes use drugs more often than any other group of role models. In fact, Hollywood actors and rock or rap musicians have more of a corrupting influence than sports figures."
- **Student #2**: "Cheerleaders are role models and have to dress together too. Why aren't they subjected to random drug testing?"
- **Parent**: "My son comes home on weekend nights reeking of beer. I worry about him drinking and driving—not using amphetamines or marijuana. Alcohol consumption is the problem with the kids, and you can't test a student to see if she used alcohol yesterday or last week."
- **Teacher**: "Here I am teaching my kids that in our system someone is innocent until proven guilty, but now the school administrators are asking them to prove their innocence before there is any evidence of their guilt."

For Testing Student Athletes:

- **Coach**: "I was involved with drugs when I was in high school. If there would have been a mandatory testing program when I was playing then maybe I could have made it to the Pros. Instead I spent many years struggling. If I can help these kids avoid what I went through, it will have been worth the struggle."
- **Student Athlete**: "I want our football team to be the best and taking drugs is illegal anyway. I don't see anything wrong with enforcing the law this way, especially if it gives us a better team."
- **Law Enforcement Official**: "The way I see it, this drug testing program will keep kids from starting drug use at all. The more people we can deter now, the easier it will be to fight the war against drugs in the future."
- **High School Principal**: "There are those students that are disciplinary problems. Many of them are drug users. Those are the students we should be targeting with drug tests. I would rather not waste our resources going on wild goose chases. Let's test only the kids we have reason to suspect are using."

Only one district in Washington has high school drug testing.³⁹ Both Washington

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³⁹ According to a conversation with John Olson, Associate Director and Legal Counsel for the Washington Interscholastic Athletic Association (WIAA), only Burlington High School has an active drug testing policy for its high school athletes. The school proactively tests all athletes prior to each game and does random drug testing in between games. Substantial community support behind this policy allows it to continue. Although other Washington schools have attempted to institute testing policies, such as Lewis and Clark High School in Spokane and a number of Native
State and the University of Washington have reasonable-cause testing of athletes, but have "shied away from mandatory, random tests, for fear of violating strong privacy language in the state constitution."\textsuperscript{40}
The Office of the Superintendent of Public Instruction has produced an online description of search and seizure policies. It can be accessed at http://www.k12.wa.us/SafeDrugFree/seizure.pdf.

In 1995, James Acton joined his high school's basketball team after the drug-testing plan became voluntary.\textsuperscript{41}

\textbf{INTERROGATIONS AND CONFESSIONS}

There are two sources of constitutional rights against self-incrimination:
1. The Fifth Amendment to the United States Constitution which reads that: "No person...shall be compelled in any criminal case to be a witness against himself."

2. The Washington State Constitution that reads: "No person shall be compelled in a criminal case to give evidence against himself."

Self-incrimination means testimony or communication that would give evidence that may lead to criminal conviction, furnish a link in the evidence leading to prosecution, or evidence the individual reasonably believes could be used against him or her in a criminal case.

The purposes underlying the right against self-incrimination are that it:

- Protects the integrity of the judicial system in which even the guilty cannot be convicted unless the prosecutor does all the work.
- Protects the individual from being forced into giving a false confession out of fear.
- Protects society by convicting the guilty and not the innocent.
- Promotes conviction of the guilty by encouraging witnesses to come forward to testify who might otherwise refuse out of fear of self-incrimination.
- Encourages good police work and discourages cruelty on the part of the police.
- Serves to preserve the criminal system that says a defendant is innocent until proven guilty.

\textsuperscript{40} Tom Farrey, Ruling Revives Drug-Test Debate, Seattle Times, June 28, 1995.
\textsuperscript{41} Laurie Asseo, School CanRequire Athletic Drug Tests: Justices Say Players Must be Role Models, Seattle Times, June 26, 1995.
Miranda warnings are required only when the accusatory stage has been reached or the interrogation is custodial.

The accusatory stage is reached when law enforcement first charges the accused with a crime. A charge may be formally made when a warrant is issued for the arrest. It may be made less formally when, acting without a warrant, law enforcement places an accused under arrest.

Custodial interrogation occurs when a person is not free to leave and is being questioned by the government. Evidence obtained in violation of Miranda requirements is generally not admissible at trial.

Of note, the United States Supreme Court recently reaffirmed that Miranda requirements are constitutionally-based guarantees to citizens. See, Dickerson v. U.S., 120 S. Ct. 2326 (2000).
Case Study: Should the Gun Be Admitted into Evidence?

Mr. Innis was arrested for the murder of a taxi-cab driver. The driver had been killed with a shotgun. However, when the police arrested Innis, they did not find the gun. The police believed that Innis had hidden the gun.

When Innis was arrested, the police told him his Miranda rights: that he could remain silent; any statement made would be used against him in court; he has the right to the presence of an attorney before and during questioning; if he could not afford to hire an attorney, one would be provided; and interrogation would be terminated any time he desired. He said he wanted to remain silent and wanted to see a lawyer.

The police officers' captain told two officers to drive Innis to the central station. The captain told the officers not to question or interrogate the defendant in any way. On the way to the station, the two officers began this conversation:

Officer: "You know, I patrol this area all the time and there's a school for handicapped kids nearby. It would sure be bad if one of the handicapped kids found the shotgun."

Officer: "Yes, it would be awful if some little handicapped girl were to find the gun and kill herself."

At this point, Mr. Innis interrupted the officers and told them where the gun was. The officers then found the gun where Mr. Innis said it was.

The rule is that any statement made during custodial interrogation conducted in violation of the Miranda rules is inadmissible in trial to prove that the defendant is guilty. Under another rule, evidence to which police were lead as a direct result of an illegal interrogation must also be excluded.

Questions:
1. What arguments would Mr. Innis make to keep the government from using his statement about the gun's location and the gun itself out of court?
   Mr. Innis could argue that the police interrogated him even though they were not directly addressing questions to him. Their conversation was intended to trick him into giving them information. This is a coercive practice that should be prevented.

2. What arguments would the government make to use Mr. Innis' statement and the gun as evidence against Mr. Innis?
   The government could argue that there was no interrogation of Mr. Innis, since the police did not ask any questions of the defendant. It was merely a dialogue between the officers that required no answer from the suspect.
3. How should the court rule and why? The U.S. Supreme Court ruled in Rhode Island v. Innis, 446 U.S. 291 (1980), that the evidence was lawfully obtained. The police did not interrogate him, since they were merely talking between themselves. They had no information that Mr. Innis was particularly susceptible to an appeal to his conscience regarding the safety of handicapped children, and they did not carry on a lengthy harangue. The court ruled that Mr. Innis was not subjected by the police to words or actions that the police should have known were reasonably likely to get an incriminating response from him.

Compare Brewer v. Williams (1977)
**PROCEEDINGS BEFORE TRIAL**

**Bail and Pretrial Release**
In Washington bail is available in all cases except where the death penalty is possible. A court may deny bail if it finds the defendant may flee or pose a significant danger to another or to the community.

**Pretrial Motions**
A pretrial hearing (called an omnibus hearing) is held before trial to make sure that each side received all the important information in the case that the other side had. Also, the judge may make rulings on whether or not certain evidence will be admitted. Questions whether searches were legal are decided here.

**The Exclusionary Rule**
The exclusionary rule based on the Washington Constitution is different from the federal exclusionary rule. The federal exclusionary rule is based on deterring police misconduct. Washington emphasizes that the most important objective underlying the exclusionary rule is to protect the individual's privacy from unreasonable government intrusions, then to deter the police from acting unlawfully in obtaining evidence, and third, to preserve the dignity of the judiciary by refusing to consider evidence that has been obtained illegally.

For example, police arrest an individual and find drugs on him during the search incident to the arrest. Later the court decides that the law that enabled the police to arrest the man is unconstitutional. The search then is no longer incident to a lawful arrest. Under the federal constitution, if the police made the arrest in good faith, the evidence will be admitted. Under the Washington constitution, it will be excluded.

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**P. 143 THE PURSE SEARCH:** The T.L.O case was the last time the Supreme Court examined the scope of the Fourth Amendment's protection against unreasonable searches and seizures in a public high school setting. The ruling has been criticized because some see it as a reclassification of students' rights from constitutionally based to only qualified rights. Following the T.L.O. ruling, Washington courts have confronted the issue on several occasions:

A school policy required school officials to search students' luggage as a precondition to their participation in a band concert tour. The Washington Supreme Court held that school officials did not comply with the reasonable belief standard when they required an across-the-board search without having a particularized suspicion with respect to the student searched.

The factors the court weighed to determine the reasonableness of the search

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were: the child's age, history, and school record, the prevalence and seriousness of the problem in the school to which the search was directed, the exigency to make the search without delay, and the probative value and reliability of the information used as a justification for the search.

This decision was more recently upheld in State v. Washington, 1999 WL 169490 (Wash.App. 1999).

State of Washington v. Brooks, 43 Wash. App. 560 (Wash. App. Ct. 1986). The Vice-principal in this case received information from an informant who had the locker next to the defendant's. She had also received three reports from teachers that the defendant might be a drug user, and had observed his suspicious behavior herself. Additionally, he was known to frequent a drug trafficking site. The school officials opened the defendant's locker and when they could not open a locked box inside they insisted that the defendant open the box. The box contained hallucinogenic drugs, and the student was charged with possession and intent to deliver. These facts as considered in light of the above standards were sufficient to prove the search was reasonable.

State of Washington v. Slattery, 56 Wash. App. 820 (Wash. App. Ct. 1990). Applying the same standards as in the previous two cases, a warrantless search of a student's locker and automobile was found to be justified because the school officials had reasonable grounds to suspect the search would turn up evidence: the vice principal had previously been told the student was selling marijuana; the informant was a reliable source; and the student was carrying a large amount of money in small bills with a list of names and dollar amounts, as well as a beeper.

EXERCISE
Using the standards listed in the Kuehn case, draw up a scenario of what would be a completely unreasonable search of a student's briefcase. Next, draw up a scenario where the search is completely reasonable.

Washington's Locker Search Statute

In 1989 the Washington legislature adopted the following legislation:

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School Officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.
28A.600.220 School locker searches--No expectation of privacy
No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW 28A.600.210 through 28A.600.240.

28A.600.230 School locker searches--Authorization--Limitations
(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if she has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.
(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:
   (a) The methods used are reasonably related to the objectives of the search; and
   (b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

28A.600.240 School locker searches--Notice and reasonable suspicion requirements
(1) In addition to the provisions in RCW 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.
(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, he may search the container or containers according to the provisions of RCW 28A.600.230(2).

Questions:
When can a school official search a student locker?
When can a school official search a student's bookbag?
Can a school official require a student to undress to find hidden contraband?

Law students might use some hypotheticals to get students to apply the law to different scenarios.