

## **Our sole contention is reducing the discretion of searches.**

Reasonable suspicion is so vague, it's basically not a standard at all. Law professor Sarah Forman puts it best, writing in 2011: "The problem is that reasonable suspicion provides so much latitude for searching that school officials can construe almost anything as reasonable." She continues that instituting probable cause would limit the discretion of teachers and police officers because it is less vague and more objective.

Reducing discretion has three benefits.

A. Decreasing racism. With high levels of discretion, officials are more likely to search students they have biases against. Forman furthers in 2011, "If anyone and anything can be viewed as suspicious, the exercise of discretion becomes particularly susceptible to all kinds of bias... because determining what constitutes a reasonable suspicion is based on a subjective interpretation of behavior... [allowing] "deep-seated... aversions" [to] affect decision-making." Law Professor Jason Nance quantifies in 2015 that under reasonable suspicion, "the odds of conducting... searches... were 7.7 times [greater for schools with minority populations greater than 50% ] than for schools with minority populations between 20 and 50 percent." However, with less discretion, there is less discrimination. Professor Jack Glaser finds empirically in 2015 that when the search standard was raised for customs officials, the racial disparity in searches declined. Addressing racism in schools is crucial, because Mike Gill of Disability Studies Quarterly explains in 2004 that "the K-12 educational process in the U.S. helps to shape and formulate the way future U.S. citizens view the world around them." Racist searches create a problematic worldview in two ways.

1. Discriminatory searches teach racism. Nance writes in 2013 that discrimination in searches sends the message that "white students are privileged [and] have greater rights to privacy, and that minorities are suspect and cannot be trusted." This breeds a generation of children who will adopt and accept racism.
2. The victims of racist searches internalize oppression, increasing violence. Justice Program Officer Katayoon Majd writes in 2011 that "schools are teaching... students of color that they are dangerous criminals," causing them to "internalize these labels and begin acting in ways that reflect the expectations society places on them."

B: Decreasing searches of innocent students. With high discretion, searches often miss their mark. In fact, Law professor Max Minzner finds in 2008 that 88% of the time, searches without substantiated probable cause target innocent students. Empirically, however, Jack Glaser finds that raising the search standard for customs officers lead to a 75% reduction in searches. This is important, because searching innocent students alienates them and pushes them toward crime. Criminologist PJ Hirschfield writes in 2008 that "personal searches seem [to be one of] the clearest indications of criminalization since they define students as criminal suspects." This is devastating to students, as Law professor Sarah Forman corroborates in 2011, "school... [has a] profound impact on [students'] understanding of their relationship with the state. Unfortunately, 'repeated experiences with legal actors who seem to abuse their authority

[through searches] contributes to a sense of... alienation that eventually leads students [towards]... oppositional culture... steeped in violence” as they join gangs for protection and rebel against the state through crime. Criminal Justice professor Stephanie Wiley quantifies in 2013, among students with similar propensities toward crime, those who were stopped committed 64% more delinquent acts in the following six months.

C: More searches of guilty students. While it might seem counterintuitive, raising the evidence standard will actually make officials catch more dangerous crime. Economics professor Hugo Mialon finds in a 2010 study that when the search standard is raised, even though total searches decrease, the number of contraband finds increases because officials will dedicate more of their time to searching based on evidence rather than on their gut instinct, which is highly inaccurate. For this reason, empirically, Glaser again finds that limiting the discretion of searches lead to a quadrupling of contraband finds. This is important because it reduces the number of guns in schools. The National Center for Education Statistics finds that in 2013 that more than 5% of students carried weapons to school. However, Jennifer Mascia of The Trace reports in 2016 that searches only discovered 365 of those guns last year. This indicates that most weapons are not being discovered, which is problematic because weapons increase the risk of death at school. Jay Thomas of Pacific University explains in 2000 that even if students don't plan on shooting anyone, access to a weapon significantly increases the chance they hurt someone out of anger or fear during a school fight. School violence is a huge problem, as Alison Boyd at Knowledge Center quantifies in 2014 that there were 468 violent school deaths over two years.