

We affirm: “Resolved: In United States public K-12 schools, the probable cause standard ought to apply to searches of students.”

Contention 1: Decreasing Racism.

Instituting probable cause would reduce racism by increasing the objectivity of searches. Law professor Sarah Forman writes in 2011 that “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 minority majority schools] than for schools with minority populations between 20 and 50 percent.”

Fortunately, Forman continues that instituting probable cause would limit the discretion of teachers and SROs it is less subjective and based on more evidence, decreasing the potential for bias. Professor Jack Glaser finds empirically in 2015 that when the search standard was raised for customs officials, the racial disparity in searches declined.

Addressing this 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.

First, 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.

Second, the victims of racist searches internalize oppression, increasing violence. Nance writes that discriminatory searches “teach... non-white children that they are racially inferior.” Justice Program Officer Katayoon Majd furthers 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.”

Contention 2: Curtailing Individual Searches.

While reasonable suspicion allows for too many unjust searches, economics professor Hugo Mialon finds in 2010 that if the search standard is raised, the number of searches will decrease as officers need more evidence. Jack Glaser finds that raising the search standard for customs officers lead to a 75% reduction in searches.

Reducing searches has two huge benefits.

First, searches contribute to the school to prison pipeline. When students are caught with contraband, they are often thrust into the prison system. In fact, according to Criminologist PJ Hirschfield, as of 2000, 41 states mandate schools report "school crimes, including drug" offenses, to law enforcement. Moreover, Donna Lieberman of The New York Civil Liberties Union in 2007 found that "suspensions play a pivotal role in perpetuating the "School to Prison Pipeline... Specifically, students who have been suspended are three times more likely to drop out... [and] Dropping out in turn triples the likelihood that a person will be incarcerated later in life." As a result, reasonable suspicion has created an epidemic: Sarah Mimms of the Atlantic reports in 2014 that "the U.S. sends 2 million children to juvenile detention every year, 95 percent of whom have not committed a violent crime." Being sent to prison ruins students lives, as professor Jason Nance explains in 2015 that being incarcerated limits students' future educational and employment opportunities and drastically increases the likelihood that they go back to prison later in life.

Second, searches undermine students trust in their schools, increasing crime. 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." Treating students as criminals has a devastating impact on their lives. Law professor Sarah Forman explains 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.