

SQUO Solves for S2PP Overview

The school to prison pipeline is fading in the status-quo. The Council of State Governments Justice Center finds in 2014 that juvenile incarceration rates have fallen 50% since 1997. This means it's always a safer bet to vote for the con because the issue is being addressed, but voting pro has a huge risk of reversing that progress.

Safety Links to ZTPs

Eric Madfis explains in 2015 that schools are extremely risk averse, so when they perceive a decrease in safety they adopt zero-tolerance policies to compensate. The Harvard Law Review confirms in 2015 that in the past, zero tolerance policies were adopted in response to fears over school safety being too low.

AT: Decreased Searches

IF RUNNING SECURITY GOOD

Innocent students will still be searched in both worlds, because according to law professor Alafair Burke in 2016, even when officials don't have probable cause, they can still ask students to consent to a search. Since kids who are innocent will always consent to a search to avoid being seen as suspect, she finds that 90% of searches are consensual. This means

- A. They don't decrease searches by very much, 10% at maximum AND
- B. They only prevent us from searching guilty students, which is bad because then those students are more likely to bring weapons and less likely to get caught with them.

IF RUNNING FLOW CASE

1. Searches don't actually decrease very much, because all innocent students will just consent to searches. Law professor Alafair Burke writes in 2016 that even when officials don't have probable cause, they can still ask students to consent to a search, and 90% of searches are consensual, meaning that 90% are legal in both worlds.
2. Turn it: since schools still need to search the remaining 10%, they will have to implement more evidence gathering tools in order to meet probable cause. This includes measures such as security cameras, drug dogs, and metal detectors, which will actually mean that searches will go up on net, because now schools will have tons of evidence on which to search everyone.

AT: Trust

1. Turn it, as Kate Ehlenberger of the Education Policy Institute reports in 2002 that when students don't consent to searches some schools have policies that force consent by threatening to discipline them. This will just happen more if you affirm as there will be more instances in which schools can't search, which is problematic because it's the abuse of authority that causes the lack of trust more than the searches themselves.
2. SROs outweigh because they criminalize everyone the entire school, not just the kids getting searched. In fact, criminology professor Denise Gottfredson finds in 2011 that an added SRO increases the amount of weapon and drug crime by 29%.
3. Zero tolerance policies outweigh Education Secretary Arne Duncan explains in 2014 zero tolerance policies destroy trust by causing school staff to be seen as disciplinarians rather than educators. This outweighs their argument because it changes the role of every teacher, which affects every student, while searches just don't happen that much.

IF RUNNING SECURITY GOOD

1. Turn it, because safety is a prerequisite to trust. There's no way students can trust in their school and teachers if they fear for their safety. Fortunately, metal detectors significantly improve perceptions of safety, according to a study of over 2,500 students from professor Marie Tillyer in 2011.
2. It's ridiculous to believe that an innocent student who's searched will all the sudden start committing crime because a teacher thought they might have a weapon or drugs. They are more likely to just see it as a teacher doing their job and improving safety.
3. There's a bad environment with abuse of authority everywhere, especially outside of schools. It's unlikely that the school atmosphere has a unique impact on these kids' trust in the system.
4. Searches don't actually happen all that much. It maybe happens a few times a year, this is such a small impact.

IF RUNNING FLOW CASE

Securitization outweighs their argument about searches because searches aren't very visible, and only a few students witness them if at all. Not to mention they happen very rarely.

Securitization, on the other hand, affects every student every day, and is a very visible change to the environment.

AT: TEACHER TRUST

Teachers aren't the ones doing searches, that's incredibly rare. Instead it's done by administrators, so that doesn't impact the kids' relationship with their teachers.

AT: DRUG TESTING

Drug testing doesn't hurt trust. University of Michigan professor Ryoko Yamaguchi finds in 2003 that when school administrations conducted drug tests on student athletes, not a single student reported feeling mistrust or antagonism because of the tests.

IF the impact is mistrust of Government:

The impact is non-unique. Ron Elving at NPR finds in 2015 that only 19% of Americans trust the government and 74% of Americans think government officials put their own interests first.

IF the impact is minorities don't vote:

Minorities already face barriers to voting, so it's non-unique. Stephanie Mencimer at Mother Jones explains in 2015 that blacks spent twice as long waiting to vote as whites in the 2012 election, with some blacks in some precincts waiting 5 hours to vote.

AT: S2PP Impact

1. The status-quo solves. The Council of State Governments Justice Center finds in 2014 that existing reforms on the state and local level have seen juvenile arrest and incarceration rates have fallen 50% from 1997 to 2011. If you negate we eventually solve the problem, but there's a very good chance voting affirmative reverses the trend.
2. Most arrests don't come from searches, so they don't link to a unique impact. Kerrin Wolf of the Northwestern Journal of Law in 2013 finds that over 80% of arrests in schools come from offenses that can't be discovered via searches.

Turn, because PhD and professor Michael Evans explains in 2012 that the only way to end the school to prison pipeline is to eliminate zero-tolerance discipline policies that over-punish students for small infractions because those policies are the actual reason students get sent to prison so easily.

AT: Security Good

The opposite is true. Abigail Hankin of the Journal of School Health writes in 2010 that a nationwide study found that having safety interventions like metal detectors actually made kids feel less safe because it criminalizes the environment.

AT: Metal Detectors Criminalize

1. Metal detectors actually make kids feel safer. According to a study of over 2,500 students from professor Marie Tillyer in 2011, metal detectors made kids report feeling much safer, because now they know other kids won't bring weapons to school.
2. Since metal detectors make fewer kids bring guns to school, fewer kids choose to carry guns outside of school as well. In fact, the CDC found in 1993 that only 7.7% of students who go schools with metal detectors carried guns on the walk to school, compared to 15.2% without metal detectors.

AT: SROs Use RS

1. SROs only use reasonable suspicion in certain circumstances in certain districts. The majority of the time however, Legal researcher Lisa Larson explains in 2015 that law enforcement and SROs use probable cause for searches of students.
2. The amount of searches SROs do matters much less more than their presence. A Blue Ribbon Commission on School Discipline found in 2007 that most SRO arrests involved school fights and disorderly conduct, charges they can make without searching anyone.

AT: Thuriot

1. Thuriot uses an incredibly small sample size, and looks at just one school district. He even admits that this might have skewed his results.
2. The school district he looks at is 81% white, so all the study shows is that SROs are fine in white schools, but the schools that have the biggest problems with criminalization are minority majority schools.
3. Thuriot finds that SROs doubled the amount of arrests for disorderly conduct, which he even concludes may “permanently limit [students’] prospects for a better life.”

AT: Constitutional Spillover

1. Even if they did overturn it, other programs have to be challenged and there's no proof that A, people would challenge, and B, the court wouldn't be able to justify those programs with precedent from other cases
2. Their impact should have happened. *New Jersey v TLO*, which set the standard for school searches at reasonable suspicion, happened 30 years ago. If their argument was true we should have seen their impacts by now.
3. The impact is unlikely. Even if the link is true and students become complacent to future privacy rights violations, they never prove that the US government is suddenly going to become some Orwellian totalitarian regime that decides privacy should be eliminated.

AT: Social Movements / Collective Action

1. This is an infinite feedback loop. If reform leads to social movements which lead to more reform, wouldn't any policy change create infinite more change?
2. Where's the brightline, how big of a reform is needed to create a social movement?
3. Their impacts should have already been triggered by reform happening in the status-quo.
4. They never prove the social movements are even pushing for probable cause.
5. Turn the argument, because legal reform de-motivates social movements and creates complacency. Law professor Orly Lobel writes in 2007 that the "focus on legal reform narrows the causes, deradicalizes the agenda, legitimizes ongoing injustices, and diverts energies away from more effective and transformative alternatives."
6. Turn the argument again, because media coverage of the case will only weaken the support for social movements, not improve it.
7. They don't name a specific social movement, or prove that current social movements are effective at all. Even if every movement suddenly becomes twice as powerful, if the movements barely exist that really doesn't matter.

AT: Narrative Change

Turn the argument, because the American public will learn about the case through the media. However, sociologist Nancy Heitzeg explains in 2009 that the media draws coverage by criminalizing students and tilting coverage against them, leading “media accounts – rather than statistical evidence –” to shift public perception against students, driving public policy in the more punitive direction.

AT: Court RFD Leads to Rational Discourse

They don't get to fiat why the court decides the case. This argument relies on a court case that discusses issues of criminalization in its decision, but it could just as easily be decided from some other perspective, like that of students rights. Since we can't possibly know what the reason for decision will be, they can't gain offense off of it.

AT: Reasonable Suspicion Created Narrative

The narrative is non-unique, as TLO was decided because people saw kids as dangerous criminals, not the other way around. They have no evidence or proof that the TLO case uniquely made anything worse, no can they prove changing back to probable cause can undo the narrative.

AT: Privacy

1. There are exceptions to every right. We shouldn't be teaching kids their rights are absolute when that's just not true.
2. Turn their link, because if the lack of privacy is truly as bad as they claim, subjecting students to such blatant violations would just make them more likely to advocate for privacy rights when they grow up, not less.
3. Their impact should have happened. *New Jersey v TLO*, which set the standard for school searches at reasonable suspicion, happened 30 years ago. If their argument was true we should have seen their impacts by now.
4. The impact is unlikely. Even if the link is true and students become complacent to future privacy rights violations, they never prove that the US government is suddenly going to become some Orwellian totalitarian regime that decides privacy should be eliminated once privacy advocates disappear.

AT: Discrimination

1. Requiring probable cause won't make a difference, because people are racist either way. The Supreme Court majority decision in *Ornelas vs US* in 1996 states that "Articulating precisely what "reasonable suspicion" and "probable cause" mean is not possible. Thus, Mary Bowman of Seattle University writes in 2013 that the San Diego Search Warrant study found that only 3% of warrants for drug searches went to white neighborhoods, despite whites doing the most drugs of any race.
2. If we prove an increase in arrests this will lead to on net more racism because there is racism at every step in the criminal justice process. According to the ACLU in 2014, minorities face discrimination not just in searches but also in "arrests, prosecutions and plea negotiations, trials, and sentencing." This means the side with the least arrests of students will also be the side with the least racism because most of the discrimination comes from issues unrelated to searches.
3. Turn it, because zero-tolerance is also discriminatory. The National Juvenile Justice Network reports in 2015 that black students are 2.5 times more likely to be punished under zero-tolerance. This is comparatively worse, because zero tolerance affects every kid in the school.
4. Turn it, because using a supposedly more objective standard is harmful because it gives a veil of legitimacy to discriminatory searches. Lu-in Wang of DePaul University in 2004 explains that, "racial discrimination today occurs through the racially biased application of a nondiscriminatory reason. The existence of a legitimate reason can mask the fact that the neutral reason was applied in a racially biased manner."

ALSO:

Jeff Guo of The Washington Post in 2015, who writes that under the standard of probable cause "black drivers are three times more likely than white drivers to be subjected to searches", showing that racism exists under probable cause as well.

AT: Drug Testing Bad

The scope of this impact is extremely small. The National Center for Education Statistics reports in 2015 that only 3 percent of schools use random drug tests of all students. This means that even getting rid of all drug tests would only have a miniscule effect.

AT: Turn to Harder Drugs

1. According to the National Institute on Drug Abuse in 2014, drug tests actually test for “cocaine, amphetamines, PCP, and opioids.” This means that kids do not turn to harder drugs because they are also detected in drug tests.
2. Even if it leads to some new drugs that don’t get tested, the tests can just adapt to test those drugs if they become prevalent.
3. My opponent’s’ evidence talks specifically about high school drug tests. Turn this argument because the drug prevention group Join Together concludes in 2013 that drug testing in middle school led to lower drug use levels in the future because “when middle-school students are tested for drugs, they realize drug use can get them in[to] trouble,” leading to lower uses of drug use in high school.

AT: Hurts Trust

Drug testing doesn’t hurt trust. University of Michigan professor Ryoko Yamaguchi reports that in a 1993 study, when school administrations conducted drug tests, not a single student reported feeling mistrust or antagonism because of the tests.

Zero Tolerance/SROs Weighing:

Over S2PP

1. Scope. Zero-tolerance affects way more people, because zero-tolerance policies affect both students who are searched and not searched. In fact, the majority of times when students are punished isn't from searches, it's from acting out in class, or from teachers discovering contraband without searching. They never tell you how many kids are searched, but we affect everyone.
2. We short circuit their impact. The reason searches are bad is because they lead to overly harsh punishments for minor crimes. Yet, as zero-tolerance policies go away, there's no reason why catching contraband is bad. If anything, it's a good thing because in the negative world we still catch lots of drugs, we just stop people from going to jail for it.

Over Trust

1. Scope: SROs/ZTPs affect everyone in the school

AT: Warrant Requirement

The resolution just says the probable cause standard, which can be applied independently of a warrant requirement. Prefer this interpretation because it's more realistic, as education law professor Jacqueline Stefkovich explains in 1999 that if student searches require probable cause, the "special environment and unique circumstances" of the school would make a warrant unnecessary.

AT: Exclusionary Rule

1. A publication from ASU's Department of Government and Justice Studies reports that most empirical evidence suggests that, under probable cause, less than 1% of court cases actually throw out evidence due to the exclusionary rule, and half of those cases still have enough evidence to convict people with other evidence. This means at most they impact to a 0.5% decrease in prosecutions.
2. It's easy to misconstrue having probable cause. The Supreme Court majority decision in *Ornelas vs US* in 1996 states that "Articulating precisely what "reasonable suspicion" and "probable cause" mean is not possible. Therefore, law professor Tonja Jacobi writes in 2011 that officers can easily design their court testimony to make it seem like they had probable cause even when they didn't.

AT: Less Kids Go To Jail

1. Turn it, because schools will just implement more evidence gathering techniques in order to avoid getting evidence excluded. This includes measures such as security cameras, drug dogs, and metal detectors, which will actually mean that more kids will get caught and then sent to jail in their world.
2. Turn it again, because SROs and zero tolerance policies are the reason kids are sent to jail for minor offenses, so we prevent the situation from happening in the first place.

AT: Undermines Legal System

1. Their impact should have manifested by now.
2. Their impact contradicts their solvency. If people will stop listening to the law because of reasonable suspicion, they just won't listen to probable cause.
3. Turn it, because this will happen less if there are fewer zero tolerance policies, because less students will be tried in court.

AT: Education Impacts

Since schools have finite budgets, they'll sacrifice education for security. Carlos Cardenas of The Guardian explains in 2015 that "valuable resources, such as instructional time, are used to criminalize students instead of to educate them."

Flow Nuke

Searches don't go down.

1. Consent. Law professor Alafair Burke writes in 2016 that even when officials don't have probable cause, they can still ask students to consent to a search. Since 90% of searches are consensual, 90% are legal in both worlds.
2. This means the standard only changes for 10% of searches. Officials will find their way around the law in the in four ways.
 - a. Safety grounds. The Harvard Law Review writes in 2015 that under probable cause officers can still search anyone if they perceive a threat to safety, which can be easily construed.
 - b. Coercion. Ehlenberger of the Education Policy Institute reports in 2002 that some schools force students to consent to searches by threatening to discipline them, this will just happen more if you affirm.
 - c. Retroactively creating probable cause. Law professor Tonja Jacobi writes in 2011 that officers can design their court testimony to make it seem like they had probable cause even when they didn't.
 - d. Searching illegally. Lawyer Erin Davenport explains in 2014 that court's grant qualified immunity from all punishment when the official claims they didn't understand the law.
3. Even if searches go down a tiny bit, that's offset by increased securitization. This will not only criminalize the school environment, but also ensure that more kids get caught for bringing contraband.