**Freedom AC**

Because we believe in a better future for America’s next generation, We affirm the resolution Resolved: In United States K-12 public schools, the probable cause standard ought to apply to searches of students.

Our sole contention is the protection of the rights of students

Nance of the University of Florida explains that students’ rights in schools have steadily declined as school officials are not required to obtain a warrant or even show probable cause before searching a student. He continues that the absence of any meaningful protections has created an environment in which schools can now freely employ a variety of strict security measures.

Reasonable suspicion has also created an authoritarian environment within schools. Sarah Forman of the University of Detroit writes that children who are subjected to searches under reasonable suspicion feel that the law is unfair because they are treated with distrust by authority figures. She furthers that even if children do not understand how reasonable suspicion differs from probable cause, students still understand the concepts of fairness. Consequently, repeated experiences with legal actors who abuse their authority contributes to the humiliation and alienation of America’s future generation.

There are 2 impacts to an authoritarian environment.

First is an increase in violence.

The CRF writes that school violence arises from students who feel alienated. This is harmful to children because Forman writes that the disciplinary policies of America’s public schools create a self-fulfilling prophecy which means that students who are treated as criminals will eventually engage in delinquent behavior.

Furthermore, Katie James of the University of Georgia empirically finds that a student’s perception of fairness is associated with their odds of participating in school violence. She finds that there is a 47% reduction of fighting at school and a 48% decrease in the student’s odds of bringing a weapon to school when trust increases.

Second is reinforcing the school to prison pipeline.

Feld of the University of Minnesota finds that a weakened search standard fuels the school to prison pipeline and contributes to disproportionate minority over-representation in the juvenile justice system. Jason Nance of the University of Florida in 2013exposes the racial oppression enabled by reasonable suspicion and finds that these arbitrary searches are more likely to be conducted in schools that have higher minority populations and this holds true even when controlling for the location of the school and perceptions that the students come from a high crime area. Finally, Janell Ross of Washington Post 2015 directly shows the racist leanings of searches against who African Americans only represent about 15% of the student body, but they constitute 44% of those suspended and 36% of the expulsions.

This sets youth on a path for failure. The Harvard Law Review reports that being incarcerated as a juvenile doubles the chance that one will be incarcerated again as an adult. This leads to shortened life-spans as Patterson of Vanderbilt finds in 2013 for every one year of incarceration, average lifespan decreases by 2 years.

By voting for the pro you end the era of school criminalization for 2 reasons.

First, probable cause assumes innocence. Forman writes that a shift to the probable cause standard would change the current system in which every student is viewed as a potential threat and treated like a suspect by placing limits on the discretion of school officials.

Second, switching to a probable cause standard reduces searches for 3 reasons. The first is a higher standard. Dale Zane of the Cornell Law Review writes that because of the reduced certainty employed by reasonable suspicion, it allows more searches than probable cause. Second, greater protection is afforded to students and forces police accountability. Jacobi of Notre Dame University writes that a higher standard would prompt police to perform fewer unnecessary searches. Third is that probable cause has fewer gray areas. Jacobi furthers that reasonable suspicion has a large gray area because it is based on almost no evidence and personal feelings. Probable cause stops searches that are based on personal biases and stereotypes.

The decrease in searches is key to stopping juvenile delinquency. According to Rachael Johnson from Washington College of Law labeling juveniles as criminals by searching them with reasonable suspicion leads to criminal behavior. This is because they begin to act with the criminal stereotype placed on them. She finds that reasonable searches make juveniles less likely to experience guilt for crimes, more likely to to join negative peer groups, and engage in negative behavior. Overall, their likelihood of delinquent behavior and drug use increases by 4 times. This means that the prevalence of reasonable suspicion searches not only re-criminalizes offending students, but it also entraps innocent students.

Thus we affirm.

**Frontlines**

**Nance** Indict: The part that they try to indict Nance with is when Nance talks about suspensions of 10 days or more. He writes that courts will rule that those are fine. There is nothing in there about searches of students in schools.

**Nance Talks About Generalized Searches**: Nance writes multiple papers. Even though he does write papers that refer to general searches, the one that we refer to talks about individualized.

**Need warrants under PC:** You need probable cause to obtain a warrant; however, you do not need a warrant to conduct a search under probable cause. The only thing that this resolution changes is the evidentiary standard in order to conduct a search.

**Forman** Indict: If you actually read the entire paper, Forman actually writes that a probable cause standard is beneficial. The part that they quote is literally one paragraph before the next 6 pages about why probable cause is good and necessary in schools. Also, the part that they cite from Forman writes that they will still conduct frisk searches if safety is at risk which means that they cannot just conduct random searches based on stereotypes anymore. There needs to be a legitimate reason for the search.

**Last Sentence of Forman**: **A youth development approach to school searches** incorporates this joint interest into the reasonableness determination and, in doing so, **calls for a probable cause standard** in school searches.

**Balko**: Balko literally studied 7 cities 30 years ago. This is not representative of the United States on a whole. Furthermore, you still need probable cause to obtain a warrant. You can’t just randomly apply for a warrant and get one. Also applying for the warrant will force officers to think twice. Overall, searches still decrease in the AFF world.

**James>Tiller:** Tiller does not study anyone or give any empirics. Prefer James because a study was actually conducted with empirical evidence and we show you how weapons decrease by almost 50%.

**Ratio Stays the Same:** Even if the ratio stays the same, the amount of minorities being targeted still decreases which is beneficial because trust increases which decreases crime and also delinquency rates decrease as shown in James and Johnson.

**Weighing**

**Motivation:** Motivation of crime comes first because without motivation, the crime won’t happen. Thus, whichever side best solves for motivation wins the round.

**Magnitude:** We outweigh on magnitude because the AFF world decreases violence. Recall James which tells you that when trust increases the odds of bringing and weapon to school decreases by 48% and fighting decreases by 47%. Also, Johnson tells you that searching a student increases delinquent behavior by 4 times.

**[Only if Media Neg]:** We link into their case the best. When we decrease violence, the media will have less incidents to report on which means none of their harms are going to manifest themselves.