



CRIMINAL JUSTICE REFORM TOPIC: AFFIRMATIVE

National Federation of State
High School Associations

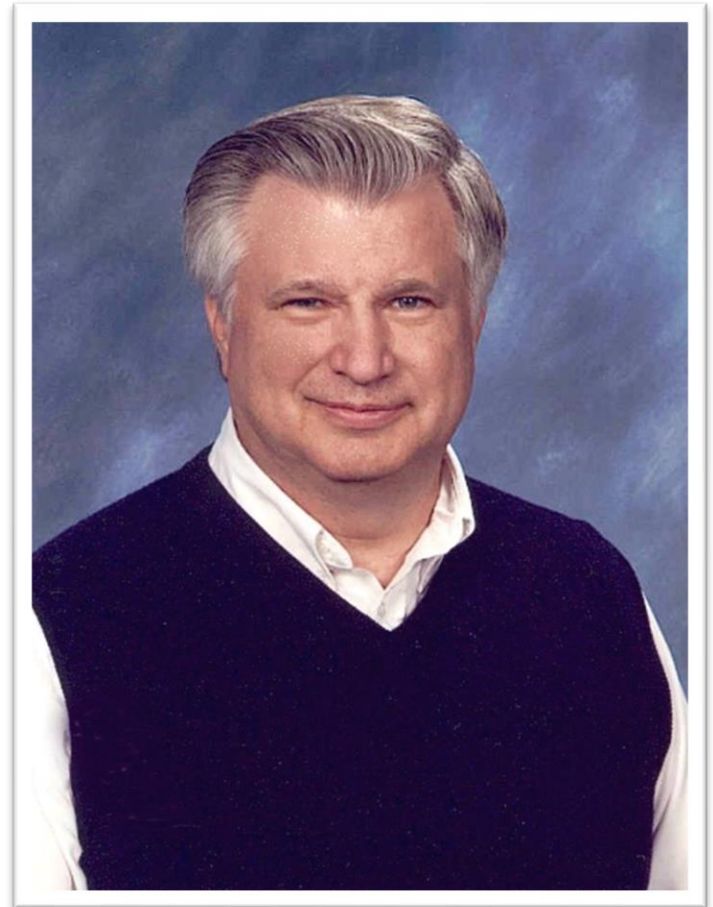


Resolved: The United States federal government should enact substantial criminal justice reform in the United States in one or more of the following: forensic science, policing, sentencing.

A look at possible affirmative cases, provided by Rich Edwards, Baylor University

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Policing: George Floyd Justice In Policing Act

Harm: Policing methods are dehumanizing

Inherency: Feds have abandoned oversight

Solvency: Ban chokeholds & no-knock warrants; Abandon claims of qualified immunity for police abuse



Forensic Science: Independent crime labs

Harm: Pro-
prosecution bias

Inherency: DOJ
under Trump
abandoned
oversight

Solvency:
Independence from
law enforcement
ensures truth-
seeking

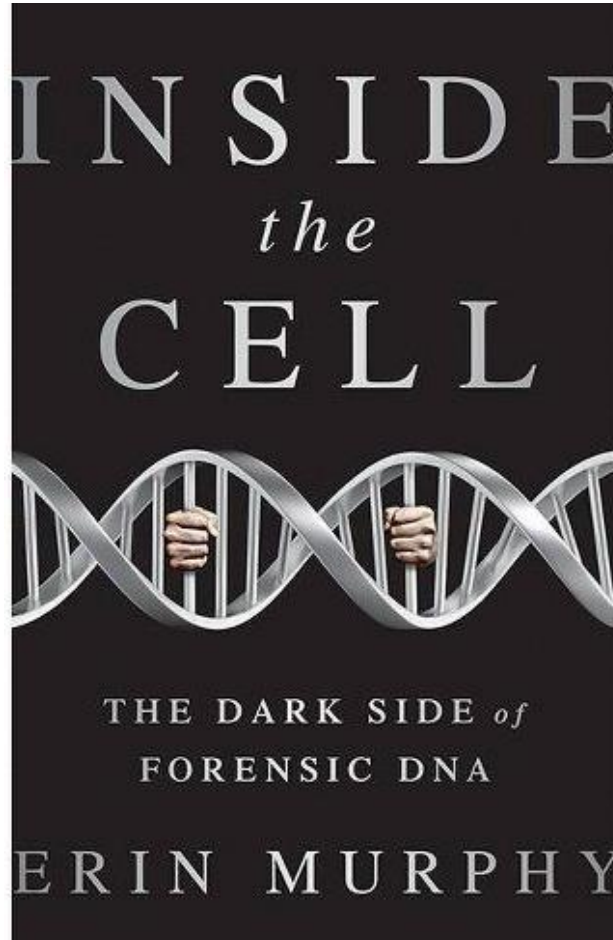


Forensic Science: Reform DNA Collection and Testing

Harm: Current methods discriminate

Inherency: Existing checks inadequate

Solvency: Increase independent oversight of collection and storage



Forensic Science: REFORM Of Rape Kit Testing

Harm: Huge backlog
allows perpetrators to
escape

Inherency: Standard 17
in Quality Assurance
Standard (QAS)
requires use of public
labs

Solvency: Amend Rule
17 to allow testing by
private DNA labs

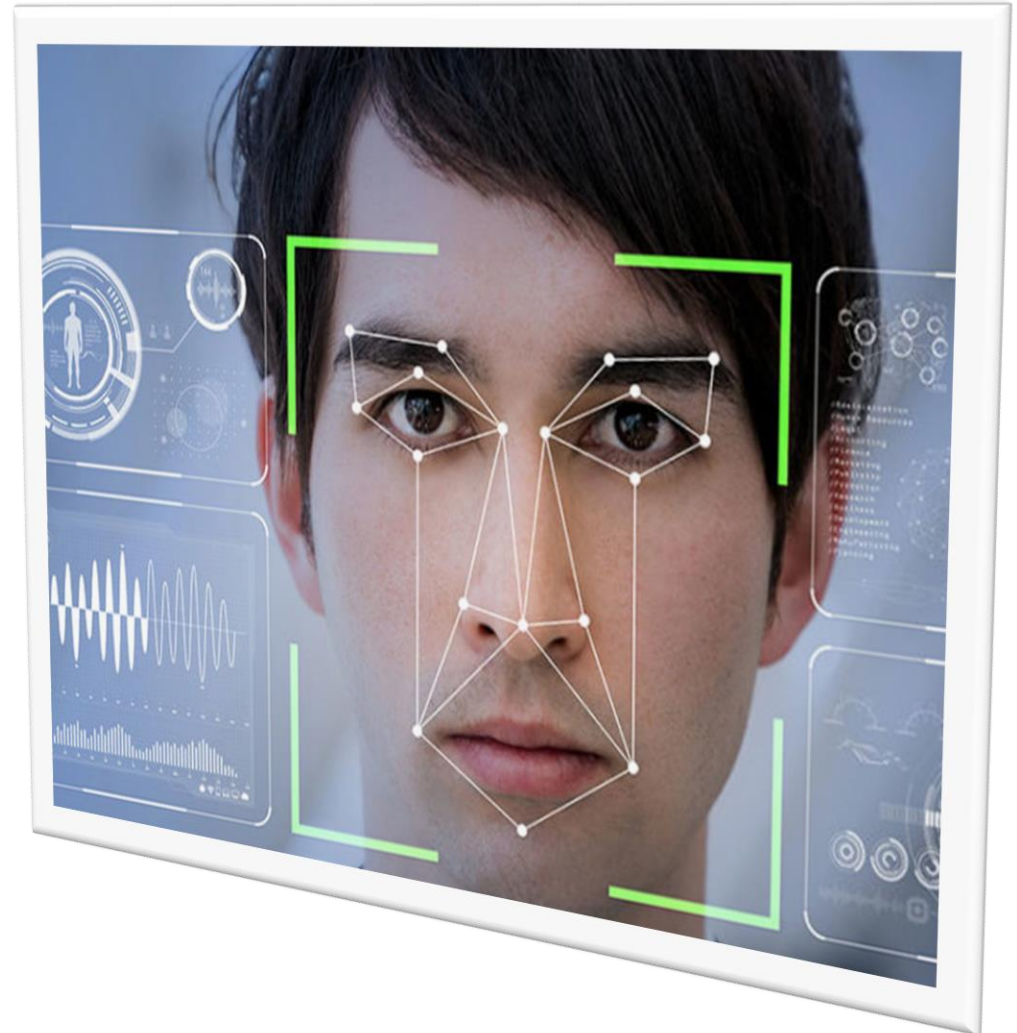


Forensic Science: Reform Use of Facial Recognition

Harm: Undermine privacy and freedom of speech/assembly

Inherency: Feds fund and fail to regulate use

Solvency: Restrictions promote privacy and democracy

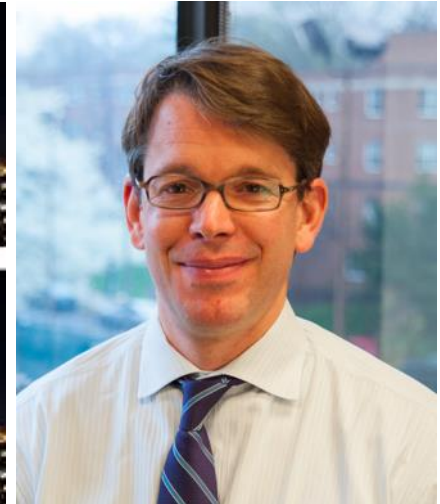


Policing: Ban Predictive Policing Methods

Harm: Predictive policing undermines racial justice

Inherency: Privacy laws carve out exceptions for law enforcement

Solvency: Banning predictive policing restores healthy police-community relations



Policing: Reform Jurisdiction In Indian Country

Harm: Criminal victimization by non-Indians is rampant

Inherency: Jurisdictional problems tie the hands of tribal police

Solvency: Tribal authorities should be given sovereign authority in Indian Country



Policing: Reform Military-Style Policing

Harm: Warrior mentality guarantees citizen mistreatment

Inherency: Feds provide free equipment through Program 1033

Solvency: End the 1033 Program: The Stop Militarizing Law Enforcement Act



Policing: Reform Policing Of Immigrants

Harm: Divides families & destroys communities

Inherency: Trump intimidates state & local police into enforcing immigration law

Solvency: End the criminalization of immigration

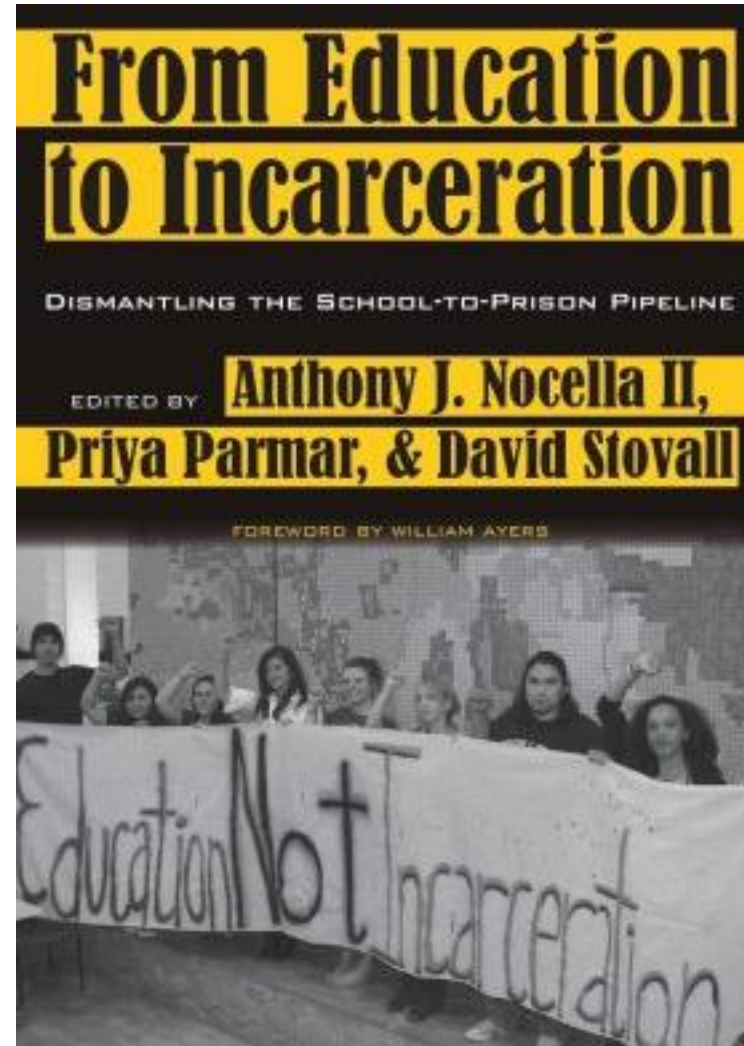


Policing: Reform Policing of Juveniles

Harm: SROs feed the school-to-prison pipeline

Inherency: Feds fund the hiring of SROs in schools

Solvency: Removing SROs will help end the school-to-prison pipeline

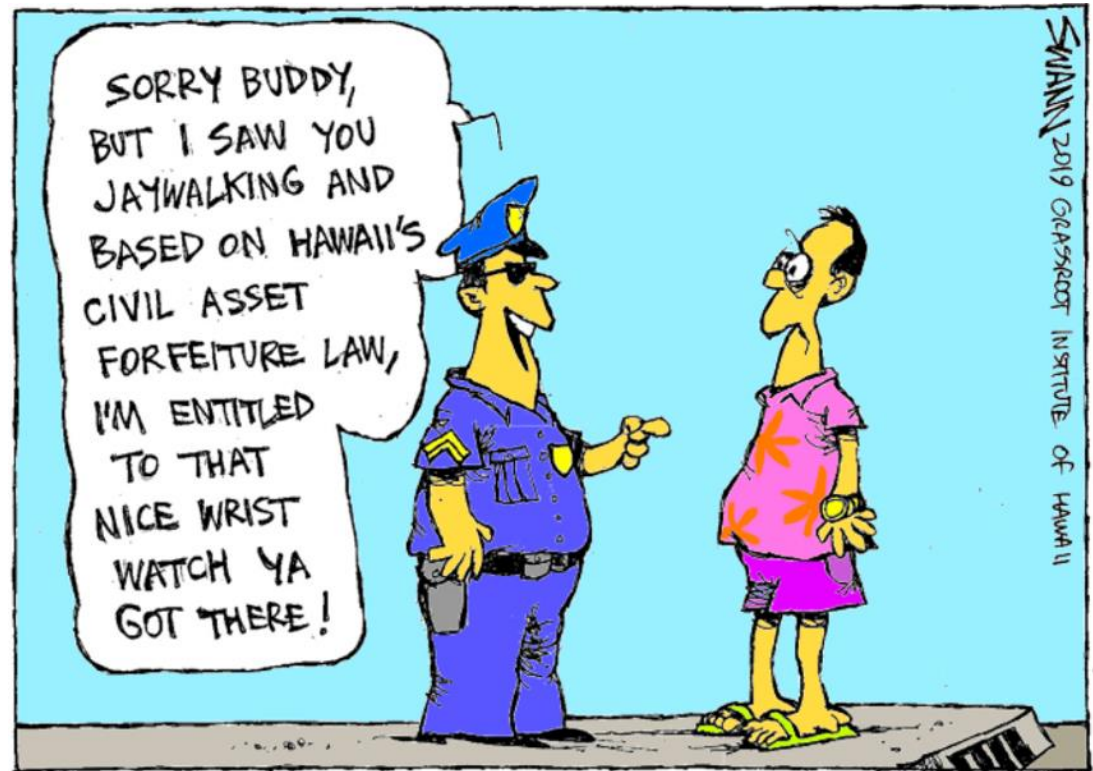


Policing: Reform Police Use Of Civil Asset Forfeiture

Harm: Civil Asset Forfeiture penalizes innocent persons

Inherency: Trump DOJ uses “equitable sharing” to evade state reforms

Solvency: Civil Asset Forfeiture should be banned



Policing: Surveillance In Muslim Communities

Harm: The federal CVE program violates privacy and freedom of religion

Inherency: Trump's anti-immigrant impulses promote fear and undermine the fight against terrorism

Solvency: Abandon the CVE program



Policing: Reform Policing Of Domestic Violence

Harm: Domestic violence is an epidemic in the U.S.

Inherency: Police cannot be held responsible for failure to enforce restraining orders (*Castle Rock v. Gonzales*, 2005)

Solvency: Require police to make a good-faith effort to enforce restraining orders: Overturn *Castle Rock*



Sentencing: Abolish The Death Penalty

Harm: Death penalty discriminates based on race

Inherency: Supreme Court continues to allow states and feds to maintain the death penalty

Solvency: Supreme Court should rule that the Death Penalty violates the 8th (Cruel & Unusual Punishment) and 14th Amendment (Due Process)



Sentencing: No Imprisonment for Drug Offenses

Harm: Drug offenses are a major driver of mass incarceration

Inherency: Even though states are liberalizing drug laws, the feds are not

Solvency: Drug offenses ought not result in imprisonment – use drug treatment or community corrections



Sentencing: Abolish Mandatory Minimum Sentences

Harm: Mass incarceration is significantly harmful

Inherency: First Step Act is only a first step; leaves most mandatory minimums in place

Solvency: Abolish mandatory minimum sentencing



Sentencing: Limit Plea Bargaining

Harm: Plea bargaining causes innocent people to plead guilty

Inherency: Prosecutors have too much power; no judge supervision

Solvency: Judges oversight of plea bargaining process solves





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