# \*\*Topicality\*\*

#### 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.

## \*1NC Shells\*

### T – Forensics Science

#### Forensic science deals with the admissibility of evidence in court and how lawyers and judges use it -

Siegel 2020

Jay A. Siegel is a Former Director, Forensic and Investigative Sciences Program, Indiana University-Purdue University Indianapolis. His contributions to SAGE Publications's Encyclopedia of Crime and Punishment (2002) “Forensic science” published on June 1st, 2020. Find the article here: <https://www.britannica.com/science/forensic-science> -tz

Most members of the jurisprudence section of the American Academy of Forensic Sciences are lawyers. They have a strong interest in the legal aspects of the status of scientific evidence in the courts. They study and comment on the admissibility of scientific evidence, especially new types of evidence. They are also concerned with the role of forensic science in general in the criminal justice system and about ethical issues as they apply to judges and lawyers. Some of the lawyers have a strong background themselves in scientific issues and are well positioned to work with other lawyers and scientists on such matters.

#### Violation: the affirmative alters the scientific process as opposed to the processing of the evidence within the court of law

#### Standards:

#### Vote negative on limits: they allow a slew of mix and match aff’s that hurt negative preparation

#### Ground: un-topical affirmatives grant the aff a strategic side bias by making it impossible to be negative because we can never predict nor prep for what they’ll say prior to the round

#### Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Vote negative to preserve procedural fairness---debate is a competitive activity so a point of stasis is necessary to preserve equity

### T – Policing

#### Interpretation: Policing refers to community based relationships and root-causes not the rule of law – it’s distinct from law enforcement

Roufa 2019

Tim Roufa wrote about criminology careers for The Balance Careers and has over 14 years of experience in law enforcement. “The Difference Between Law Enforcement and Policing” published on October 28th, 2019. Find the article here: https://www.thebalancecareers.com/law-enforcement-vs-policing-974604

While there may be some overlap between these two concepts, the truth is that the differences run deep. Whereas law enforcement implies compulsory compliance, policing suggests voluntary adherence. Where law enforcement uses the rule of law and the threat of punishment to enforce obedience, policing is intended to deal with behaviors through community relationships and addressing root causes.

#### Violation: the affirmative alters the rule of law and law enforcement regulations not policing – it’s un-topical

#### Standards:

#### Vote negative on limits: they allow a slew of mix and match aff’s that hurt negative preparation

#### Ground: un-topical affirmatives grant the aff a strategic side bias by making it impossible to be negative because we can never predict nor prep for what they’ll say prior to the round

#### Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Vote negative to preserve procedural fairness---debate is a competitive activity so a point of stasis is necessary to preserve equity

### T – Sentencing – Seq.

#### Interpretation: Sentencing refers to the phase after the trail concludes and the jury renders a decision

Findlaw 2020

FindLaw.com provides the most comprehensive set of free legal resources on the internet for legal professionals, corporate counsel, law students, and businesses. FindLaw helps people run successful law practices, stay abreast of legal news affecting their practice area, grow their careers, and reach out to their clients with our array of legal tools and resources. “Sentencing” published on 2020. Find the article here: <https://criminal.findlaw.com/criminal-procedure/sentencing.html> -tz

After a criminal defendant is convicted or pleads guilty, a judge will decide on the appropriate punishment during the sentencing phase of a criminal case. In some circumstances, the judge is able to enhance or reduce a sentence based upon factors specific to the crime and the defendant. A sentence may include fines, incarceration, probation, suspended sentence, restitution, community service, and participation in rehabilitation programs. Learn more about sentencing, the kinds of sentences possible in criminal cases, and the factors considered by judges when determining a sentence.

Mandatory Sentences and "Three Strikes" Laws

Some states and all federal criminal statutes include mandatory sentencing guidelines that require judges to impose sentences uniformly. Mandatory sentencing schemes are intended to eliminate inconsistency in sentencing practices and often address a public perception of judicial leniency. "Three Strikes" laws are another sort of mandatory sentencing that has been put in place in the federal laws and about half of the states.

These laws provide for mandatory life imprisonment of felons convicted of three crimes where at least one was a serious violent felony. Mandatory sentencing systems and "Three Strikes" laws especially have been the subject of extensive debate. Questions have been raised about the effectiveness and fairness of these laws and challenges to their constitutionality have been brought, though to date none have been successful.

Probation and Suspended Sentence

A judge may opt to sentence the defendant to probation or issue a suspended sentence. Probation is usually only available to first-time or low-risk offenders. The defendant is released into the community but must satisfy certain conditions and abide by certain rules. If the defendant fails to comply with the terms of probation the judge may then revoke the probation and send the defendant to jail instead.

Similarly, with a suspended sentence a judge may postpone the imposition or execution of a sentence. If the suspended sentence is conditional this is dependent upon the defendant's fulfilling certain conditions, often enrollment in a substance abuse program. Learn more about probation, suspended sentences, the rights of those accused of violating the terms of the programs, and other issues that commonly arise in diversionary or alternative sentencing programs.

#### Violation: the affirmative alters the procedures of the court prior to the punishment and judge decision – this is distinct as it alters legal structures prior to legal sentencing – prefer our definition as it’s way more precise

#### Standards:

#### Vote negative on limits: they allow a slew of mix and match aff’s that hurt negative preparation

#### Ground: un-topical affirmatives grant the aff a strategic side bias by making it impossible to be negative because we can never predict nor prep for what they’ll say prior to the round

#### Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Vote negative to preserve procedural fairness---debate is a competitive activity so a point of stasis is necessary to preserve equity---each side should have an equal chance to win the debate based on the arguments presented around the topical resolution and arguments.

# \*Topic Specific Words\*

## Reform

### Restrictive Definition

#### Has to be legal

TAP 2016

The Transparency, Accountability & Participation (TAP) Network is a broad network of civil society organisations (CSOs) that works to ensure that open, inclusive, accountable, effective governance and peaceful societies are at the heart of the 2030 Agenda for Sustainable Development, and that civil society are recognized and mobilized as indispensable partners in the design, implementation of and accountability for sustainable development policies, at all levels. “Pursuing Law Reforms, Strategic Litigation and Legal Empowerment” published in 2016. Find the text here: <https://secureservercdn.net/166.62.112.219/9bz.99d.myftpupload.com/wp-content/uploads/2019/05/Pursuing-Law-Reforms.pdf> -tz

Law reform or legal reform is the process of analysing current laws and advocating and carrying out changes in a legal system, usually with the aim of enhancing justice or efficiency. There are four main methods of reforming the law: (a) repeal (removal or reversal of a law), (b) creation of new law, (c) consolidation (combination of a number of laws into one) and (d) codification (collection and systematic arrangement, usually by subject, of the laws of a state or country).1

### Expansive Definition

#### Reform is a myriad of change through the complexities of the law – such as resources, procedures and so on.

UN and USIP 2011

The United Nations is an intergovernmental organization that aims to maintain international peace and security, develop friendly relations among nations, achieve international cooperation, and be a center for harmonizing the actions of nations.The United States Institute of Peace is an American federal institution tasked with promoting conflict resolution and prevention worldwide. It provides research, analysis, and training to individuals in diplomacy, mediation, and other peace-building measures.” Criminal justice reform in post-conflict States” published on September 2011. Find the paper here: <https://www.un.org/ruleoflaw/files/Criminal%20Justice.pdf> -tz

While focusing on one’s own reform project is understandable, such a focus is decidedly detrimental to the prospects of rebuilding an effective criminal justice system. These systems may have many moving parts that do not function in isolation; but rather are elabo- rately intercsonnected, with each component affecting all others. For instance, a seemingly modest change in the law on domestic violence may influence the number of arrests made by the police, which may have a cascading affect on the caseloads of prosecutors and defence counsel, the work of the courts, the number of people sent to prison, and the pro- grammes to reintegrate offenders back into society.

Such connected systems cannot be successfully reformed in an unconnected fashion. One should not expect to improve policing in a post-conflict State merely by redrafting police procedures and giving the police more resources. Significant and sustainable improve- ments in policing also depend on changing the capacity of the courts, enhancing respect for human rights, remoulding public attitudes towards law enforcement, and introducing a range of other measures, some of which may seem only distantly related to policing.

In recognition of these complexities, the United Nations Office on Drugs and Crime (UNODC) and the United States Institute of Peace (USIP) have collaborated to produce a guide designed to introduce individuals whose experience in promoting the rule of law may be limited—whether in extent or scope—to the entire landscape of criminal justice reform. Previous studies by other organizations have explored specific areas of criminal justice reform, but this guide seeks to examine the full breadth of activity, from policing to courts to prisons, from the formal justice system to customary courts to civil society.

## Forensics Science

### Expansive Definition

#### Forensic science is the application of sciences to matters of law

NIJ 2020

NIJ is the research, development and evaluation agency of the U.S. Department of Justice. “Forensic Sciences” published in 2020 find the article here: <https://nij.ojp.gov/topics/forensics>

Forensic science is the application of sciences such as physics, chemistry, biology, computer science and engineering to matters of law.

### Restrictive Definition

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## Policing

### Expansive Definition

#### Policing refers to control or safe-guarding by a force

Cambridge 2020

Cambridge University Press has been publishing dictionaries for learners of English since 1995. “policed” published in 2020. Find the article here: <https://dictionary.cambridge.org/us/dictionary/english/policed> -tz

to control or guard a public event or area by using members of the police or a similar force:

### Restrictive Definition

#### Policing can mean a myriad of things – from an approach to fight crime, community service, problem solving and requires a holistic approach overall -

Roufa 2019

Tim Roufa wrote about criminology careers for The Balance Careers and has over 14 years of experience in law enforcement. “The Difference Between Law Enforcement and Policing” published on October 28th, 2019. Find the article here: https://www.thebalancecareers.com/law-enforcement-vs-policing-974604

The term policing has come to mean an approach to fighting crime through community service and problem solving. It requires a holistic approach to dealing with crime, taking into account the problems that plague a community and working with the people within that community to solve them.

Policing requires cooperation from residents, business owners, and leaders who participate in the process of reducing crime and improving quality of life. While this idea of community policing may sound revolutionary, it actually dates back to the earliest days of the modern police force. The concept is best articulated in Sir Robert Peel's nine principles of policing.

### Restrictive Definition

#### Policing =/= law enforcement

Roufa 2019

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## Sentencing

### Expansive Definition

#### Sentencing refers to the phase after the trail concludes and the jury renders a decision before the punishment

Findlaw 2020

FindLaw.com provides the most comprehensive set of free legal resources on the internet for legal professionals, corporate counsel, law students, and businesses. FindLaw helps people run successful law practices, stay abreast of legal news affecting their practice area, grow their careers, and reach out to their clients with our array of legal tools and resources. “Sentencing” published on 2020. Find the article here: https://criminal.findlaw.com/criminal-procedure/sentencing.html -tz

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### Restrictive Definition

#### Sentencing is only used in crimminal causes – judgements in civil cases are not topical

Duhaime No Date

Lloyd Duhaime has been a guest lecturer for numerous legal education and professional development seminars and conferences of the Canadian Bar Association, the Continuing Legal Education Society of British Columbia, as well as the University of Victoria Faculty of Law and the University of Milan Faculty of Law, and a past contributor to the Law Society of British Columbia annual practice materials (family law). He has also had his own radio show at CILS-FM in Victoria ("A Qui De Droit"), as well as participating (2010-2011), as host/commentator for episodes of estate law documentaries broadcast on the Discovery Channel in Canada and the USA. He is presently a member of the Law Society of British Columbia, the Canadian Bar Association, the Victoria Bar Association, and a past member of the Trial Lawyers Association of British Columbia. “Duhaime's Law Dictionary” Find the article here: <http://www.duhaime.org/LegalDictionary/S/Sentence.aspx> -tz

In a civil case, a judge's decision is called a judgment but in a criminal case, the term sentence is used.

In R v McCaud, Justice Porter these words were used to judicially define sentence:

"The judicial determination of the punishment to be inflicted on a convicted criminal."

In Morris v R, Justice Pratte adopted the following words to define sentence:

"... the determination and pronouncement of punishment or like action following a finding of guilt....

"... the fate or punishment of a person who has been adjuged guilty.

"The judgment formally pronounced by the court or judge upon the defendant after the conviction in a criminal prosecution, awarding the punishment to be inflicted. Judgments formally declaring to accused legal consequences of guilt which he has confessed or of which he has been convicted."