“A representative of the Judicial Conference today told a House Judiciary Task Force that policy initiatives curbing over-federalization of criminal law, reforming mandatory minimum sentences and amending the Sentencing Guidelines have the support of the Judicial Conference, but that the Judiciary currently lacks the resources to shoulder resulting increased workload.

“Policy-makers must not create a new public safety crisis in our communities by simply transferring the risks and costs from the prisons to the caseloads of already strained probation officers and the full dockets of the courts,” said Judge Irene Keeley, chair of the Judicial Conference Criminal Law Committee on Friday, July 11, 2014. “Lasting and meaningful solutions can be attained only if the branches work together to ensure that the correct cases are brought into the federal system, just sentences are imposed, and offenders are appropriately placed in prison or under supervision in the community.”

The United States federal government states that the mission of the Department of Justice is, “To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans” (DoJ online).

The Department of Justice is big. It is “the world's largest law office and the central agency for enforcement of federal laws” (DoJ online). For fiscal year 2012, the budget of the DoJ was $28.2 billion. The number of people it serves is big too. As of 2006, over 110,000 people were employed by the DoJ including in the Federal Bureau of Investigation, the Bureau of Prisons, and the Drug Enforcement Agency (Kooi online).

The Department of Justice also oversees many people incarcerated in the system. In fact, according to the White House, “In 2009, nearly seven million individuals were under supervision of the state and Federal criminal justice systems. Nearly two million of these individuals were incarcerated for their crimes, while the remaining five million were on probation or parole being supervised in the community” (Office of National Drug Control Policy online). This means
approximately 2.3% of all Americans are actively part of the American criminal justice system as either inmates or parolees.

For perspective, Bryan Stevenson, executive director of the Equal Justice Initiative and a professor of clinical law at New York University Law School, said in 2012, “In 1970 there were roughly 350,000 people in our jails and prisons. Today there are more than 2.2 million. That's not counting the nearly 5 million people who are on probation or parole. One in every 31 Americans is subject to some form of correctional control.”

According to the International Center for Prison Studies in London, UK, the US has the world’s largest prison population at 2,239,751 persons. China, with the world’s largest population of 1.3 billion, is second with 1,640,000 persons. As Adam Liptak of the New York Times wrote in 2008, “The United States has less than 5 percent of the world's population. But it has almost a quarter of the world's prisoners” (Liptak online).

This paper will consider eight areas in which the United States criminal justice system could be reformed by discussing the problems and possible solutions with each. These areas are Sentencing, Capital Punishment, The War on Drugs, Juvenile Crime, Crime and Mental Illness, and The Growth of Prisons and Privatization of Prisons.

**Federal Crimes**

According to the Department of Justice, here is a list of some federal crimes that would be affected by federal criminal justice reform in the United States: admiralty law violations, assassination of a federal official, bank burglary and fraud, civil rights violations, conspiracy, election laws, extortion, government property crimes such as destruction and theft, illegal gambling, interstate crimes, kidnapping, narcotics violations, perjury, racketeering, and the sexual exploitation of children. Organized crime is usually prosecuted as a federal crime as it often crosses state boundaries.

**Criminal Justice and the Federal Government**

One of the aspects of this topic that makes it a compelling choice for a national topic is the fact that the United States federal government is an excellent agent of action in the resolution. Primarily through legislative action (though both executive order and judicial action is also possible), the federal government can take action that clearly solves for the harms in the status quo. Even with the various state laws concerning crime, there are clear examples that federal law takes precedence and that federal action can change state law. This means there are no worries about a lack of solvency or even inherency. This also allows for a complex and clear discussion about the federal government’s role in criminal justice, meaning there is plenty of negative ground.
There are several problems with current sentencing guidelines in the US criminal justice system. One is the combination of mandatory sentences and sentencing ranges. Rachel Barkow, faculty director at the Center on the Administration of Criminal Law at New York University, wrote in August of 2012 that,

“By almost any measure, federal prosecutors wield too much power. Because many federal laws govern similar behavior and are written broadly, prosecutors commonly have multiple charges from which to choose. This means they typically have many sentencing ranges to choose from as well. Thus, they can – and do – threaten defendants who want to exercise their trial rights with charges that will carry longer sentences (sometimes decades longer) than the charges they will file if defendants plead guilty. On average, federal defendants who refuse to waive their right to a jury trial receive a sentence three times longer than those who plead. And with the prevalence of mandatory minimum laws, a prosecutor’s charging decision often dictates a sentence that a judge is powerless to avoid. It is no wonder 97 percent of federal convictions are the result of guilty pleas.”

Barkow proposes eliminating mandatory sentences and allowing for more discretion by individual judges and juries, allow for more flexibility. Barkow also suggests that this would be more fair to defendants since they would be more likely to move to trial or take a plea for a specific charge, rather than an array of charges that prosecutors could offer (Barkow online).

Currently, H.R.3382 -- Smarter Sentencing Act of 2013, introduced by Representative Raul Labrador (R-ID), has been referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. This bill would change sentencing guidelines including the stacking of mandatory minimums.

Another issue regarding sentencing is the lifetime registration of criminal sex offenders. Under current laws, sex offenders are required to register even after the end of their incarceration, and they are often limited where they can live or work despite completing their sentences. "The only way out appears to be to die," said Nicolas Hughes, a Harris County assistant public defender who has represented several offenders in the program. "That's not how it's supposed to work. In that regard, it's clearly not constitutional. These people are just being kept locked up" (Ward and Hassan online).

According to Mike Ward and Anita Hassan of the Houston Chronicle, “Texas is among 20 states, plus the District of Columbia, that have civil commitment programs to keep sex offenders who are likely to commit new crimes off the streets after they serve their prison time - a concept that the U.S. Supreme Court has upheld as legal, since involuntary confinement is not criminal punishment, but instead is a civil process, and therefore not considered double jeopardy” (Ward and Hassan online).
According to the Human Rights Watch, “Federal law and the laws of all 50 states now require adults and some juveniles convicted of a vast array of crimes that involve sexual conduct to register their addresses and other information with law enforcement agencies. Because registration requirements are overbroad in scope and overlong in duration, there are more than 600,000 registered sex offenders in the US, including individuals convicted of non-violent crimes such as consensual sex between teenagers, prostitution, and public urination, as well as those who committed their only offenses decades ago” (Human Rights Watch online).

The sentencing issue here is that the current system of sex offender registration laws and limits on residence and employment effectively act as a lifetime sentence even after an offender has left prison, and results in a lifetime of monitoring.

Proponents of the sex offender registry claim that the laws have been upheld regularly by state and federal courts, including the United States Supreme Court. For example, in Connecticut Department of Public Safety v. Doe, an offender claimed that his picture and personal information posted in an online site violated his 14th Amendment rights. “The Court rejected Doe’s claims that the law was punitive in nature and found that the website served to protect the public” (Mancini and Mears online).

The need to protect the public and public interest is an overriding argument in defense of these sentences and registries. An affirmative plan would consider whether a lifetime prison sentence would be preferable, or if there could be a timeline for removal in the registries.

I acknowledge that this is a rather controversial element to the sentencing subtopic, but I think that it is an aspect of the case area that would have to be discussed.

Capital Punishment

Capital punishment, or the death penalty, is still very controversial in the United States. As of 2013, 35 states have capital punishment. Interestingly, the federal death penalty can be applied even in states where the state itself has been abolished. Critics of the death penalty, such as Amnesty International USA, point to a number of flaws in the application of capital punishment, including the execution of innocent people, the large racial and socio-economic bias in its application, execution of the mentally ill, and its rejection by most of the international community (AmnestyUSA online). Stevenson also comments on this. “And we continue to have a death penalty that not only costs billions, but also produces unfair and unreliable results. For every nine people we have executed in the last 40 years, we have found one person on death row who was innocent. This error rate would be intolerable in any industry, yet where the difference is that of life or death, we are unwilling to speak up” (Stevenson online).
Another growing topic concerning capital punishment concerns the cocktail of drugs used in virtually all executions in the United States. The May 2, 2014 execution of Clayton Lockett has drawn increased scrutiny to the process of using three separate drugs as part of the lethal injection process. Lockett suffered a heart attack 43 minutes after his initial injection and by all accounts, suffered during the process. The Justice department is investigating this incident even as organizations such as the Constitution Project urge moving to a single drug and better oversight of the administration of capital punishment. "Without substantial revisions -- not only to lethal injection, but across the board -- the administration of capital punishment in America is unjust, disproportionate and very likely unconstitutional," former Virginia Republican Attorney General Mark Earley, a member of the committee that produced the report, said in a statement (Perez 2014).

A clear solution to this would be a national ban on capital punishment or a move to uniform lethal injection policies, like using a single drug for lethal injections.

**The War on Drugs**

The “War on Drugs” officially began during the Nixon administration in 1971, when then President Richard Nixon “dramatically increased the size and presence of federal drug control agencies, and pushed through measures such as mandatory sentencing and no-knock warrants (Drugpolicy online), and 1973 with the creation of the DEA (Suddath online). It was continued and expanded during both the Carter and Regan administrations, especially the criminalization of marijuana. Both the Clinton and Bush administrations increase penalties for drug-related crimes, and state government instituted penalties of their own, including California’s “Three-Strikes” laws. “Within the past 40 years, the U.S. government has spent over $2.5 trillion dollars fighting the War on Drugs. Despite the ad campaigns, increased incarceration rates and a crackdown on smuggling, the number of illicit drug users in America has risen over the years and now sits at 19.9 million Americans,” writes Time’s Claire Suddath.

The Office of Drug Control Policy estimates over $8 billion has been spent in 2013 on the “War on Drugs” and states that “The U.S. federal government spent over $15 billion dollars in 2010 on the War on Drugs, at a rate of about $500 per second.” The FBI estimates that “Arrests for drug law violations this year [2010] are expected to exceed the 1,663,582 arrests of 2009. Law enforcement made more arrests for drug abuse violations (an estimated 1.6 million arrests, or 13.0 percent of the total number of arrests) than for any other offense in 2009. Someone is arrested for violating a drug law every 19 seconds.”

With marijuana legalized in Colorado in January of 2014, and Washington earlier this month on July 8, many observers have noted that this appears to be an example of the federal government watching how the states navigate the problems associated with legalization.

The Obama administration has stated that it wishes to move to more of a treatment model, but has not proposed any legislation to alter the status quo. Possible examples of
solutions are changing US policy on the drug wars, especially in terms of international cooperation with countries such as Mexico and Columbia, as well as federal legalization of marijuana.

**Juvenile Crime**

There is still a great deal of debate about what it means to be an adult or a juvenile in the United States, especially in regards to the criminal justice system. The Office of Juvenile Justice and Delinquency Prevention, part of the DoJ, oversees federal programs relating to juvenile crime. The OJJDP states that it “accomplishes its mission by supporting states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The Office strives to strengthen the juvenile justice system’s efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families. Through its components, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming” (OJJDP.gov online).

The federal government defines a juvenile as under the age of 18. According to OJJDP reports, “Juveniles were involved in 1 in 10 arrests for murder in 2010, about 1 in 4 arrests for robbery, burglary, larceny-theft, and disorderly conduct, and and about 1 in 5 arrests for larceny-theft and motor vehicle theft. One-fourth (24%) of all persons arrested for robbery in 2010 were under age 18, substantially above the juvenile proportion of arrests in other violent offenses: forcible rape (14%), aggravated assault (11%), and murder (9%)” (OJJDP.gov online).

The issue of juvenile crime in interconnected with the other issues discussed in this section. The problem that makes juvenile crime a large topic area is the difference in legal definitions of “adult”, especially at the state level, and the differences in application of punishment for crimes committed by juveniles. There is not clear consensus at either the state or national level about how to treat juvenile offenders. Much like with the issue of drugs, there is a clash between punishment and rehabilitation.

**Crime and Mental Illness**

There is no consensus on whether mental illness is part of all criminal behavior. But there are signs that there are connections. According to non-profit investigative news organization Mother Jones, “Some research has cast doubt on the links between mental illness and violent crime, but the connection between mental illness and those who find themselves behind bars is striking. Research cited by Mother Jones indicates that 45 percent of federal prisoners, 56 percent of inmates in state prisons, and 64 percent of those incarcerated in local jails have mental health problems. Mother Jones also cites several studies that show a strong relationship between violence and mental illness. One suggested that "approximately 10 percent of US homicides are
committed by untreated severely mentally ill people" and another found the "chances that a perpetrator of a mass shooting displayed signs of mental illness prior to the crime" were one in two.”

The National Alliance on Mental Illness points out how, with the loss of funding for mental health programs, the criminal justice system has taken up the burden of housing some mentally ill. “Tragically, jails and prisons are emerging as the "psychiatric hospitals" of the 1990s. A sample of 1400 NAMI families surveyed in 1991 revealed that 40 percent of family members with severe mental illness had been arrested one or more times. Other national studies reveal that approximately 8 percent of all jail and prison inmates suffer from severe mental illnesses such as schizophrenia or bipolar disorders. These statistics are a direct reflection of the failure of public mental health systems to provide appropriate care and treatment to individuals with severe mental illnesses” (NAMI online).

Federal action on this could be increased funding and the development of new programs regarding the mentally ill, as well as laws that take mental illness into account for sentencing. For example, there is still a great deal of debate on whether those declared as mentally ill are eligible for the death penalty. This entire issue is exacerbated by the lack of clear definitions of what it means to be mentally ill and how to treat it.

**The Growth of Prisons and the Privatization of Prisons**

Another issue is the growth of the prison industry. According to Vicky Pelaez of Global Research, a Canadian think-tank, “The prison industry complex is one of the fastest-growing industries in the United States and its investors are on Wall Street. “This multimillion-dollar industry has its own trade exhibitions, conventions, websites, and mail-order/Internet catalogs. It also has direct advertising campaigns, architecture companies, construction companies, investment houses on Wall Street, plumbing supply companies, food supply companies, armed security, and padded cells in a large variety of colors” (Peleaz online).

Pelaez continues, “Private prisons are the biggest business in the prison industry complex. About 18 corporations guard 10,000 prisoners in 27 states. The two largest are Correctional Corporation of America (CCA) and Wackenhut, which together control 75%. Private prisons receive a guaranteed amount of money for each prisoner, independent of what it costs to maintain each one.” And, “Profits are so good that now there is a new business: importing inmates with long sentences, meaning the worst criminals. When a federal judge ruled that overcrowding in Texas prisons was cruel and unusual punishment, the CCA signed contracts with sheriffs in poor counties to build and run new jails and share the profits. According to a December 1998 Atlantic Monthly magazine article, this program was backed by investors from Merrill-Lynch, Shearson-Lehman, American Express and Allstate, and the operation was scattered all over rural Texas.”
The problem is the nature of the inmates, frequently convicted of non-violent crime or minor drug possession. “Ninety-seven percent of 125,000 federal inmates have been convicted of non-violent crimes. It is believed that more than half of the 623,000 inmates in municipal or county jails are innocent of the crimes they are accused of. Of these, the majority are awaiting trial. Two-thirds of the one million state prisoners have committed non-violent offenses. Sixteen percent of the country’s 2 million prisoners suffer from mental illness” (Pelaez online).

In a 2011 report on the private prison industry, the American Civil Liberties Union wrote,

Private prison companies, however, essentially admit that their business model depends on locking up more and more people. For example, in a 2010 Annual Report filed with the Securities and Exchange Commission, Corrections Corporation of America (CCA) stated: “The demand for our facilities and services could be adversely affected by . . . leniency in conviction or parole standards and sentencing practices . . . .” As incarceration rates skyrocket, the private prison industry expands at exponential rates, holding ever more people in its prisons and jails, and generating massive profits (ACLU.org online).

The federal government can take action to resolve this issue as federal laws and rulings are behind the growth of the private prison industry.

**Domestic Drone Surveillance**

The use of drones, or unmanned aerial vehicles (UAV’s), by the United States military has increased rapidly in the last decade, but drones are not simply part of the military’s response to changing battlefields and opponents. Domestic use of drones is on the rise as well. Drones typically fill the niche of surveillance, often of traffic or disaster response. But there is increasing worry that drones will expand the powers of law enforcement to provide surveillance of suspects beyond specific situations. Many worry about the continued erosion of rights due to digital technology. There is also a worry about the expansion of the roles of drones, including weaponization. Finally, there is concern that any increase in additional airborne vehicles could lead to accidents in the skies over the United States.

“The United States federal government is uniquely positioned to regulate domestic drones, as the Federal Aviation Administration was directed by congress to propose rules regulating drones by 2015, and the Federal Communications Commission is in charge of regulating wireless traffic in the United States, both federal and commercial. UAVs fall under the direct jurisdiction and control of the Federal Aviation Administration (FAA). The FAA has not yet issued governing regulations concerning their use. The FAA requires that UAVs must have onboard “detect, see and avoid” (DSA) capabilities to prevent in-air collisions (Puri 2005). Because congress is taking such a strong interest in this subject, including its directives to the FAA and FCC as well as commissioning a 2013 study, is it clear that federal action is the most critical in this issue.
Several Universities have conducted research into drone technology for traffic surveillance, including “University of Florida, Ohio State University, Linkoping University, (LiU), Sweden, Georgia-Tech, Stanford, Carnegie Mellon University” (Puri 2005).

Plan action would introduction of legislation that clarified what use of drones would be appropriate as well as clearer definitions of drones by the FAA. This is especially important in light of concerns about in-air collisions between drones and commercial aircraft, and to clarify when private drone use becomes criminal activity.

Jury Reform

Jury reform is a rather broad topic, and initially, I thought it needed to be discussed more narrowly in its application to this resolution. But after some thought, I have two different thoughts regarding jury reform. First, let’s consider my initial reaction to jury reform.

There are many criticism and proposals regarding the use of juries in the United States criminal justice system. Partly, this stems from discussion as to whether the current system of an adversarial nature should be changed to a more inquisitorial system (which is common in the United Kingdom and Europe). While this is a possible argument for criminal justice reform, a change to an inquisitorial system would be broader than any of the possible subsections of criminal justice reform outlined in this paper as well as under the wording of most of the resolutions. It would also seem to be a larger change than just reform of the current system. This is also not a call to eliminate juries, which would be a far-reaching decision that again falls outside the scope of this particular topic paper and proposed resolution. In addition, adding eliminating juries to a possible subset of the jury reform topic would appear to go beyond just a reform of the existing system to a wholesale change of the system, much like a switch to the inquisitorial system.

In addition, the issue of jury nullification, where a jury renders a decision that signals its rejection of the application of a law in a particular case due to some perceived social or moral issue, is outside what is considered criminal justice reform in this paper as it is not a right that juries have, and there is dispute on whether the government can even regulate this activity by juries.

Where there is ample and topical area for jury reform is in the process of grand juries. Federal grand juries are concerned with federal crimes and courts, and are the juries that the United States federal government has the authority to oversee. The idea of the grand jury is explicit in the United States constitution: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, …nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” These include cases brought by the IRS, the FBI, and the DEA.
Grand jury reform covers a few different issues. One is the idea that grand juries are nothing more than “rubber stamps” for prosecutors. According to the National Association of Criminal Defense Lawyers, “The balance has shifted so dramatically in favor of the prosecution that it has been noted, time and again, that ‘A good prosecutor could get a grand jury to indict a ham sandwich.’” The make-up of grand juries is also a concern, with defense lawyers worried about prosecutors “cherry picking” a jury. Another concern is that defense lawyers are not allowed in grand jury hearings even though prosecutors are. There is also a concern about the way witnesses are called and cross-examined. Though a grand juror can conduct the cross-examination himself/herself, they juror can also instruct the prosecutor to ask questions on the juror’s behalf.

This is not a new issue, and one that seems to be discussed regularly in legal circles. In a 2001 letter to then-Secretary of the Committee on Rules of Practice and Procedure, Peter G. McCabe, then-director of the American Bar Association Robert Evans wrote, “the Association suggests that the Committee add a provision allowing the presence of a witness' counsel when the witness appears before the grand jury. This change would bring the Federal Rules of Criminal Procedure in line with those States that have already allowed witnesses to appear with counsel during grand jury proceedings. Further, this would enhance the fairness of the grand jury process without injury to the prosecution's case.” As part of his letter, he referenced an ABA proposal from 1982.

Grand jury reform would look at changing the guidelines for juror selections or to change the rules on allowing the counsel of witnesses to be present during their questioning. There are also proposals that would require prosecutors to adhere to the same evidence rules in grand jury hearings as are present in other criminal hearings.

Now, secondly, let’s consider a broader look at jury reform, which could include significant removal of the jury in certain criminal cases, and major adjustments to the grand jury system. This would be a move away from the adversarial system of justice commonly found in the United States to more of an inquisitorial system, as found in certain parts of Europe. This could fall under the resolution, as a move to a different way to view criminal justice reform – changing systems would be a major reform. This would make jury reform not a subset of the topic, like incarceration, but rather a way to accomplish reform in areas like drone surveillance and sentencing. Imagine if drug cases were judged, rather than in a courtroom where a prosecutor is trying to keep his conviction rate as high as possible, but in a room where a prosecutor, defense attorney, and judge all considered the evidence, arrived at their best consideration of justice for the offender, and then recommended a sentence other than incarceration? Even though this is late in the process, I think this is an interesting topic area that could be explored more.
Affirmative and Negative Ground

This topic has fertile affirmative ground. There is any number of plans and mechanisms to address the harms of the present system of criminal justice. Clearly, affirmatives can argue for Congress to pass legislation to change laws concerning everything from sentencing guidelines to eliminating the death penalty to changing US policy on drugs and juvenile crime. Executive orders and judicial action could also be used to accomplish this goal, though many people will argue those are better suited to agent counterplans. Critical affirmatives in particular would benefit from this topic. Plans which emphasize issues of racial or socio-economic discriminations, a lack of fairness in the current system, and moves away from constitutional principles are all possible.

But negatives have equally strong positions. Agent counterplans using the courts, executive branch, and the states are clear positions that allow a negative to offer competing policy options. The states are frequently cited as laboratories for experimentation, such as drug courts in Texas and marijuana legalization in Colorado and Washington State. A particularly interesting counterplan could be increase privatization. Even though the literature identifies privatization as a harm, some claim the reason behind this is that the status quo does not go far enough with privatization. Despite the harms in the status quo, there are reasons to defend continuing the status quo, such as cost or more pressing issues, or allowing states leeway in dealing with regional issues at a closer level. And there are always critical negative positions available as well, though I confess critical argumentation is an area of weakness for me. Negatives have access to all of the usual disadvantages as well, and can make strong arguments for allowing more time for the status quo to solve.

Past Criminal Justice Topics

Issues concerning the criminal justice system have been the basis of six previous national topics, most recently in 2005-06, which considered the implications of changes to government’s ability to detain and search persons, mostly in light of the passage of the PATRIOT Act and the “War on Terror.” This highlights the importance of considering the policy implications of federal government action on the criminal justice system.

What would make this topic different from past topics is that it considers the implications of a change in the paradigm of how the federal criminal justice system applies punishments, incarcerates inmates, deals with rehabilitation in prison, and does this all fairly to all Americans. Past topics have been more limited to particular parts of the federal criminal justice system, whereas this would be a more holistic approach to reform. In addition, previous topics did not deal with the slowness of the criminal justice system to prosecute crimes, the realities of increased surveillance options, the perceived failure (or at least lack of mitigation from) the War on Drugs, and new concerns about the sheer number of inmates in the United States criminal justice system.
Past Topics Include:

- 1967-68 Resolved: That Congress should establish uniform regulations to control criminal investigation procedures.
- 1971-72 Resolved: That the jury system in the United States should be significantly changed.
- 1983-84 Resolved: That the United States should establish uniform rules governing the procedure of all criminal courts in the nation.
- 1989-90 Resolved: That the federal government should adopt a nationwide policy to decrease overcrowding in prisons and jails in the United States.
- 1996-97 Resolved: That the federal government should establish a program to substantially reduce juvenile crime in the United States.
- 2005-2006 Resolved: The United States federal government should substantially decrease its authority either to detain without charge or to search without probable cause.

**Proposed Resolutions 2014**

1. The United States federal government should substantially reform its criminal justice system in one or more of the following areas: sentencing, domestic drone surveillance, drug scheduling, and/or incarceration.
2. The United States federal government should substantially reform its criminal justice system in one or more of the following areas: grand jury reform, sentencing, domestic drone surveillance, drug scheduling, and/or incarceration.
3. The United States federal government should substantially reform its criminal justice system in one or more of the following areas: grand jury reform, sentencing, domestic drone surveillance, and/or drug scheduling.
4. The United States federal government should reform its criminal justice system.
5. The United States federal government should change its criminal justice system by changing legislation concerning sentencing, drug scheduling, capital punishment, and/or privatization.
6. The United States federal government should substantially reduce its criminal justice system by reforming its policies concerning sentencing, incarceration, and
7. The United States federal government should reform its criminal justice system by moving to a system of rehabilitation.
Definitions

The (article)

1a—used as a function word to indicate that a following noun or noun equivalent is definite or has been previously specified by context or by circumstance <put the cat out>

b—used as a function word to indicate that a following noun or noun equivalent is a unique or a particular member of its class <the President> <the Lord>

c—used as a function word before nouns that designate natural phenomena or points of the compass <the night is cold>

d—used as a function word before a noun denoting time to indicate reference to what is present or immediate or is under consideration <in the future>

e—used as a function word before names of some parts of the body or of the clothing as an equivalent of a possessive adjective <how's the arm today>

f—used as a function word before the name of a branch of human endeavor or proficiency <the law>

g—used as a function word in prepositional phrases to indicate that the noun in the phrase serves as a basis for computation <sold by the dozen>

h—used as a function word before a proper name (as of a ship or a well-known building) <the Mayflower>

(Merriam-webster.com online)

United States (noun)

- a republic in the N Western Hemisphere comprising 48 conterminous states, the District of Columbia, and Alaska in North America, and Hawaii in the N Pacific. 281,421,906; conterminous United States, 3,022,387 sq. mi. (7,827,982 sq. km); with Alaska and Hawaii, 3,615,122 sq. mi. (9,363,165 sq. km). Cap.: Washington, D.C. Abbr.: U.S., US.

Also called United States of America.

(Random House Kernerman Webster's College Dictionary, © 2010 K Dictionaries Ltd. Copyright 2005, 1997, 1991 by Random House, Inc. All rights reserved.)

- Includes the land area, internal waters, territorial sea, and airspace of the United States, including the following: a. US territories, possessions, and commonwealths; and b. Other areas over which the US Government has complete jurisdiction and control or has exclusive authority or defense responsibility.

Federal government

(Government, Politics & Diplomacy) the national government of a federated state, such as that of Australia located in Canberra


- A government with strong central powers

authorities, government, regime - the organization that is the governing authority of a political unit; "the government reduced taxes"; "the matter was referred to higher authorities"

U.S., U.S. government, United States government, US Government, United States - the executive and legislative and judicial branches of the federal government of the United States

(Based on WordNet 3.0, Farlex clipart collection. © 2003-2012 Princeton University, Farlex Inc.)

Should (auxiliary verb)

- 1. Used to express obligation or duty: You should send her a note.
- 2. Used to express probability or expectation: They should arrive at noon.
- 3. Used to express conditionality or contingency: If she should fall, then so would I.
- 4. Used to moderate the directness or bluntness of a statement: I should think he would like to go.


Reform

- re·formed, re·form·ing, re·forms
  v.tr.
  1. To improve by alteration, correction of error, or removal of defects; put into a better form or condition.
  2.
  a. To abolish abuse or malpractice in: reform the government.
  b. To put an end to (a wrong). See Synonyms at correct.
  3. To cause (a person) to give up harmful or immoral practices; persuade to adopt a better way of life.
  v.intr.
  To change for the better.
n.
1. A change for the better; an improvement.
2. Correction of evils, abuses, or errors.
3. Action to improve social or economic conditions without radical or revolutionary change.

adj.
1. Relating to or favoring reform: a reform candidate for mayor.
2. Reform Of or relating to Reform Judaism.


reform [rɪˈfɔːm] vb
• 1. (tr) to improve (an existing institution, law, practice, etc.) by alteration or correction of abuses
2. to give up or cause to give up a reprehensible habit or immoral way of life
3. (Chemistry) Chem to change the molecular structure of (a hydrocarbon) to make it suitable for use as petrol by heat, pressure, and the action of catalysts

n
1. an improvement or change for the better, esp as a result of correction of legal or political abuses or malpractices
2. a principle, campaign, or measure aimed at achieving such change
3. improvement of morals or behaviour, esp by giving up some vice [via Old French from Latin reformāre to form again]

reformable adj
reformative adj
reformer n


re-form (rɪˈfɔːrm) v.t., v.i.
• to form again.

re•form (rɪˈfɔːrm)
4. to change to a better state, form, etc.
5. to cause (a person) to abandon wrong or evil ways of life or conduct.
6. to put an end to (abuses, evils, etc.).
7. to subject (petroleum fractions) to a chemical process, as catalytic cracking, that increases the octane content.

8. to abandon evil conduct or error.

9. (cap.) conforming to or characteristic of Reform Judaism.

re•form’a•ble, adj.
re•form’a•tive, adj.

Criminal Justice Reform

- The Administration’s National Drug Control Strategy supports comprehensive change within the criminal justice system. ONDCP encourages the implementation of a continuum of evidence-based interventions to address the needs of the offender, while ensuring the safety of the community. The goal is to integrate these approaches throughout the justice process (arrest, jail and pre-trial to sentencing, incarceration and release) with the key objective of matching the intensity of the intervention to the offender’s needs and criminal behavior. The Administration is focusing efforts and resources on key activities and policy issues that will advance an effective and efficient criminal justice system. Learn more about the Administration’s efforts to improve the criminal justice system’s approach to drug-involved offenders.

(http://www.whitehouse.gov/ondcp/criminal-justice-reform)

criminal justice n.

- The system of law enforcement, the bar, the judiciary, corrections, and probation that is directly involved in the apprehension, prosecution, defense, sentencing, incarceration, and supervision of those suspected of or charged with criminal offenses.

• Criminal justice is the system of practices and institutions of governments directed at upholding social control, deterring and mitigating crime, and sanctioning those who violate laws with criminal penalties and rehabilitation efforts.
  en.wikipedia.org/wiki/Criminal_justice

• a generic term for the procedure by which criminal conduct is investigated, arrests made, evidence gathered, charges brought, defenses raised, trials conducted, sentences rendered, and punishment carried out.
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• the system of law enforcement, involving police, lawyers, courts, and corrections, used for all stages of criminal proceedings and punishment.
  (Dictionary.com Unabridged Based on the Random House Dictionary, © Random House, Inc. 2013.)

criminal justice (As a course of study)

• interdisciplinary academic study of the police, criminal courts, correctional institutions (e.g., prisons), and juvenile justice agencies, as well as of the agents who operate within these institutions. Criminal justice is distinct from criminal law, which defines the specific behaviours that are prohibited by and punishable under law, and from criminology, which is the scientific study of the nonlegal aspects of crime and delinquency, including their causes, correction, and prevention
  (Encyclopedia Britannica, 2008. Encyclopedia Britannica Online.)

Criminal Justice System

• the system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses.
  (http://oxforddictionaries.com/us/definition/american_english/criminal-justice-system)

• a series of organizations involved in apprehending, prosecuting, defending, sentencing, and jailing those involved in crimes - including law enforcement, attorneys, judges, courts of law, prisons
• We apprehend, try, and punish offenders by means of a loose confederation of agencies at all levels of government. Our American system of justice has evolved from the English common law into a complex series of procedures and decisions. Founded on the concept that crimes against an individual are crimes against the State, our justice system prosecutes individuals as though they victimized all of society. However, crime victims are involved throughout the process and many justice agencies have programs which focus on helping victims.

There is no single criminal justice system in this country. We have many similar systems that are individually unique. Criminal cases may be handled differently in different jurisdictions, but court decisions based on the due process guarantees of the U.S. Constitution require that specific steps be taken in the administration of criminal justice so that the individual will be protected from undue intervention from the State.

(The Bureau of Justice Statistics http://www.bjs.gov/content/justsys.cfm)

**Domestic drone surveillance**

• “domestic drone surveillance” as used in this report is designed to cover a wide range of government uses including, but not limited to, investigating and deterring criminal or regulatory violations; conducting health and safety inspections; performing search and rescue missions; patrolling the national borders; and conducting environmental investigations (Thompson 2012).

**Jury nullification**

• A jury's knowing and deliberate rejection of the evidence or refusal to apply the law either because the jury wants to send a message about some social issue that is larger than the case itself, or because the result dictated by law is contrary to the jury's sense of justice, morality, or fairness (Cornell University Law School, http://www.law.cornell.edu/wex/jury_nullification).

**Grand Jury**

• A jury of 12 to 23 persons convened in private session to evaluate accusations against persons charged with crime and to determine whether the evidence warrants a bill of indictment. (The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.)
Inquisitorial System

- A method of legal practice in which the judge endeavors to discover facts while simultaneously representing the interests of the state in a trial.

The inquisitorial system can be defined by comparison with the adversarial, or accusatorial, system used in the United States and Great Britain. In the Adversary System, two or more opposing parties gather evidence and present the evidence, and their arguments, to a judge or jury. The judge or jury knows nothing of the litigation until the parties present their cases to the decision maker. The defendant in a criminal trial is not required to testify.

In the inquisitorial system, the presiding judge is not a passive recipient of information. Rather, the presiding judge is primarily responsible for supervising the gathering of the evidence necessary to resolve the case. He or she actively steers the search for evidence and questions the witnesses, including the respondent or defendant. Attorneys play a more passive role, suggesting routes of inquiry for the presiding judge and following the judge's questioning with questioning of their own. Attorney questioning is often brief because the judge tries to ask all relevant questions.

The goal of both the adversarial system and the inquisitorial system is to find the truth. But the adversarial system seeks the truth by pitting the parties against each other in the hope that competition will reveal it, whereas the inquisitorial system seeks the truth by questioning those most familiar with the events in dispute. The adversarial system places a premium on the individual rights of the accused, whereas the inquisitorial system places the rights of the accused secondary to the search for truth.

Works Cited


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"US: Sex Offender Laws May Do More Harm Than Good | Human Rights Watch." *US: Sex

