

Pro Sample Case

We stand Pro on the topic, “*Resolved: In the United States criminal justice system, only people convicted of violent crimes should be sentenced to prison.*”

We’ll start with definitions.

According to the FBI, violent crimes are defined as those offenses which involve force or threat of force, such as murder.¹

According to attorney Ken LaMance, non-violent crimes are those crimes that do not involve the use of any force or injury to another person. Examples include property crimes, such as theft, and financial crimes, such as tax fraud.²

We define “sentenced to prison” as confinement in a long-term holding facility operated by the state or federal government, as a punishment imposed on a person who has been found guilty of a crime. Prisons are different from local jails, which are run by local police departments and are meant for short-term rather than long-term detainment.³

Our Framework is Consequentialism.

This is the doctrine that “the morally right action is the one with the best overall consequences.”⁴ We choose this framework because this debate will focus on outcomes for non-violent criminals, the criminal justice system as a whole, and how these changes would impact other actors in society.

Therefore, the Pro will win this debate if we prove that that the harms of sending non-violent criminals to prison outweigh the benefits.

¹ Federal Bureau of Investigations, “Violent Crime,” Accessed Aug 13, 2018. <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/violent-crime>

² Ken LaMance, Legal Match, Legal Writer and Attorney at Law, “What Are Non-Violent Felonies?” Last edited May 11, 2018/ <https://www.legalmatch.com/law-library/article/what-are-non-violent-felonies.html>

³ HG.org legal resources, “What is the Difference Between Jail and Prison?” Accessed Aug 13, 2018. <https://www.hg.org/legal-articles/what-is-the-difference-between-jail-and-prison-31513>

⁴ BBC, “What is Consequentialism?” Last edited 2014. http://www.bbc.co.uk/ethics/introduction/consequentialism_1.shtml



Contention 1 is Prison is the Wrong Solution for Non-Violent Offenders.

Subpoint A: No Crime Reduction.

Incarceration of non-violent offenders does not reduce crime. According to a White House report from 2016, “the aggregate crime-reducing benefits of incarceration are small and decline as the incarcerated population grows.” Therefore, with non-violent offenders contributing to a higher overall prison population, the efficacy of the prison system is diminished.

Moreover, the White House report finds that “each additional year in a sentence causes an average increase in future offending of 4 to 7 percentage points.”⁵ The reasons for this vary. Inmates have difficulty finding work after serving their prison sentence, they may feel estranged from their family and society, and they are exposed to violent criminals in prison.

Therefore, the incarceration of non-violent offenders does not decrease overall crime. It actually increases the risk of recidivism, which is when a criminal re-offends.

Subpoint B: Alternative Solutions.

Non-violent offenders, such as those convicted of financial crime, petty crime, or property crime, pose less risk to other individuals in society than violent offenders and thus should not be imprisoned.

There are proven alternatives to incarceration that better fit the crimes and problems of these offenders. For most non-violent offenders, alternative punishments such as community service or house-arrest are more effective in improving public safety and reducing recidivism. According to a 2002 Oregon Department of Corrections report, “all community sanctions have lower rates of re-conviction than do jail sanctions, and community service has the lowest rates for high or medium risk offenders (10%).”⁶

According to a report from the Brennan Center, approximately 79 percent of today’s prisoners suffer from either drug addiction or mental illness, and 40 percent suffer from both. Alternative interventions, especially if they include medical treatment, could be more effective responses for many of these individuals.⁷

⁵Executive Office of the President of the United States, “Economic Perspectives on Incarceration and the Criminal Justice System,” April 2016.

https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf

⁶ Oregon Department of Corrections, “The Effectiveness of Community Based Sanctions in Reducing Recidivism.” September 5, 2002. <https://multco.us/file/29250/download>

⁷ Brennan Center for Justice, at New York University of Law, Lauren-Brooke "L.B." Eisen, et. al. “How Many Americans Are Unnecessarily Incarcerated?” Dec. 9, 2016.

<https://www.brennancenter.org/publication/how-many-americans-are-unnecessarily-incarcerated>



Contention 2 is Non-Violent Offenders Contribute to Prison Overcrowding.

Subpoint A: Prison Overcrowding.

There are 860 inmates for every 100,000 adults ages 18 and older, according to the Pew Research Center in May of 2018.⁸ According to Forbes in 2018, the U.S. prison system is currently at 103% capacity, meaning that there are more prisoners than available beds.⁹

These spots are occupied primarily by non-violent offenders. A 2018 study by the Prison Policy Institute shows that out of the approximately 1.5 million people in federal and state prisons, 53% of these prisoners are classified as non-violent.¹⁰ According to a Government Accountability Office report, “overcrowding contributes to increased inmate misconduct, which negatively affects the safety and security of inmates and staff.”¹¹ Therefore, imprisoning only the dangerous violent offenders rather than non-violent offenders will make prisons safer for everyone, and decrease harmful overcrowding.

Subpoint B: Cost.

According to the Brennan Center report from 2016, “of the 1.46 million state and federal prisoners, an estimated 39 percent are incarcerated with little public safety rationale. If these prisoners were released, it would result in cost savings of nearly \$20 billion per year. (This sum is enough to employ 270,000 new police officers, 360,000 probation officers, or 327,000 school teachers).”¹² Prisons are expensive, and the U.S. criminal justice system could use this money to do far more to help prevent and control crime with these resources.

For these reasons, we urge a Pro ballot.

⁸John Gramlich, Pew Research Center, “America’s incarceration rate is at a two-decade low,” May 2, 2018.

<http://www.pewresearch.org/fact-tank/2018/05/02/americas-incarceration-rate-is-at-a-two-decade-low/>

⁹Niall McCarthy, *Forbes*, “The World’s Most Overcrowded Prison Systems,” Jan 26, 2018.

<https://www.forbes.com/sites/niallmccarthy/2018/01/26/the-worlds-most-overcrowded-prison-systems-infographic/#6ba2cab31372>

¹⁰Peter Wagner and Wendy Sawyer, Prison Policy Initiative, “Mass Incarceration: The Whole Pie 2018,” March 14, 2018. <https://www.prisonpolicy.org/reports/pie2018.html>

¹¹The Department of Justice’s Bureau of Prisons, “Growing Inmate Crowding Negatively Affects Inmates, Staff, and Infrastructure,” Sep 12, 2012. <https://www.gao.gov/products/GAO-12-743>

¹²Brennan Center for Justice, at New York University of Law. Lauren-Brooke “L.B.” Eisen, et. al. “How Many Americans Are Unnecessarily Incarcerated?” Dec. 9, 2016.

<https://www.brennancenter.org/publication/how-many-americans-are-unnecessarily-incarcerated>

