## 1NC-Off

#### Interpretation: Debaters must disclose all positions they have read full text on the 2021-2022 NDCA wiki.

#### Violation: you didn’t, I have screenshots

Graphical user interface, text, application

Description automatically generated

#### Net benefits:

#### Education

#### Evidence Quality – Disclosure creates a public information database which streamlines case writing and encourages debaters to find the best evidence on the topic.

Nails 13 [(Jacob, NDT Policy Debater at Georgia State University), “A Defense of Disclosure (Including Third Party Disclosure)”, NSD Update, 10/10/2013] DD  
I fall squarely on the side of disclosure. I find that the largest advantage of widespread disclosure is the educational value it provides. First, disclosure streamlines research. Rather than every team and every lone wolf researching completely in the dark, the wiki provides a public body of knowledge that everyone can contribute to and build off of. Students can look through the different studies on the topic and choose the best ones on an informed basis without the prohibitively large burden of personally surveying all of the literature. The best arguments are identified and replicated, which is a natural result of an open marketplace of ideas. Quality of evidence increases across the board.

#### Incentivizes Research – Disclosure allows debaters to craft specific responses to their opponent’s positions which promotes deep discussion.

Nails 13 [(Jacob, NDT Policy Debater at Georgia State University), “A Defense of Disclosure (Including Third Party Disclosure)”, NSD Update, 10/10/2013] DD  
In theory, the increased quality of information could trade off with quantity. If debaters could just look to the wiki for evidence, it might remove the competitive incentive to do one’s own research. Empirically, however, the opposite has been true. In fact, a second advantage of disclosure is that it motivates research. Debaters cannot expect to make it a whole topic with the same stock AC – that is, unless they are continually updating and frontlining it. Likewise, debaters with access to their opponents’ cases can do more targeted and specific research. Students can go to a new level of depth, researching not just the pros and cons of the topic but the specific authors, arguments, and adovcacies employed by other debaters. The incentive to cut author-specific indicts is low if there’s little guarantee that the author will ever be cited in a round but high if one knows that specific schools are using that author in rounds. In this way, disclosure increases incentive to research by altering a student’s cost-benefit analysis so that the time spent researching is more valuable, i.e. more likely to produce useful evidence because it is more directed. In any case, if publicly accessible evidence jeopardized research, backfiles and briefs would have done LD in a long time ago.

#### **Argument Responsibility – Disclosure discourages cheap shot strategies which rely on obfuscation to win rounds.**

Nails 13 [(Jacob, NDT Policy Debater at Georgia State University), “A Defense of Disclosure (Including Third Party Disclosure)”, NSD Update, 10/10/2013] DD  
Lastly, and to my mind most significantly, disclosure weeds out anti-educational arguments. I have in mind the sort of theory spikes and underdeveloped analytics whose strategic value comes only from the fact that the time to think of and enunciate responses to them takes longer than the time spent making the arguments themselves. If these arguments were made on a level playing field where each side had equal time to craft answers, they would seldom win rounds, which is a testimony to the real world applicability (or lack thereof) of such strategies. A model in which arguments have to withstand close scrutiny to win rounds creates incentive to find the best arguments on the topic rather than the shadiest. Having transitioned from LD to policy where disclosure is more universal, I can say that debates are more substantive, developed, and responsive when both sides know what they’re getting into prior to the round.

#### **Evidence Ethics** – Full text disclosure allows debaters to ensure that evidence has been accurately tagged and cut.

#### **Tambe and Ghandra 14** [(Arjun, ToC Quarterfinalist) and (Akhil, Three time ToC qualifier), “Evidence Ethics in LD Debate: A Proposal by Akhil Ghandra and Arjun Tambe”, VBriefly, 10/24/2014] DDFirst, we think **debaters should disclose** the **full text** of their positions on the NDCA wiki. Many articles have already been written on the importance of disclosure, so we won’t repeat those arguments here. However, we think **disclosure can help address the issue of miscutting or fabricating evidence since debaters can verify whether a piece of evidence read by their opponent has been cut ethically by reading the article the evidence is cut from.** Full text disclosure would also elevate the quality of disclosure. **Providing the first and last three words of an article can make it difficult to reconstruct a debater’s case since not everyone has access to all the databases articles may have been accessed from.** Full text disclosure expands access to debaters’ evidence.

#### Accessibility

#### Resource Inequality – Full text disclosure puts everyone on an equal playing field by ensuring that debaters with fewer resources can still access evidence cut from expensive online libraries and databases.

#### Prep Burden – Larger schools have the ability to scout more rounds at tournaments by virtue of the fact that they have larger teams and more connections on the circuit. Disclosure solves because it gives everyone access to the same intelligence.

#### Voter: Fairness, Education

### 1NC – Paradigm Issues

#### Use competing interpretations:

#### Reasonability is arbitrary which invites judge intervention or random unjustified thresholds.

#### Competing interpretations deters future abuse by creating consistent norms that debaters can be held to in the future.

#### Reasonability causes a race to the bottom where debaters try to be as abusive as possible while still remaining reasonable, which increases abuse.

**Drop the debater:**

1. **Dropping the arg is the equivalent of severance because it allows them to shift to a different position in the 1ar which moots 7 minutes of 1nc offense.**
2. **Drop the arg collapses to drop the debater on T because if they have no advocacy there is nothing to vote for.**

#### Drop all undisclosed arguments:

#### Substance crowd out – Drop the debater crowds out substantive discussion, if the ballot is at stake debaters will go all in on theory.

## 1NC- Off

#### Police are losing grip of power

Willis 20 [(Jay Willis, senior contributor at The Appeal.) ,” POLICE UNIONS ARE LOSING THE WAR ON CRIMINAL JUSTICE REFORM” ,The Appeal , <https://theappeal.org/police-unions-are-losing-the-war-on-criminal-justice-reform/>, Nov 10, 2020] SS

Law enforcement organizations have long treated mass incarceration as a job creation program. In 2020, the tide began turning against them.

This commentary is part of The Appeal’s collection of opinion and analysis.

Law enforcement unions are maybe the most powerful force in politics that most voters never think twice about. By quietly dumping millions of dollars in key prosecutor elections and ballot initiative fights, these organizations manage to affect everything in the criminal legal system’s orbit, usually while flying well beneath the political radar. Police unions are sort of like gravity, if gravity played a significant role in enabling agents of the state to systematically terrorize communities of color without facing meaningful consequences.

In races that take place outside the quadrennial spending bonanzas for control of the White House, these strategic allocations of time and outlays of resources can be decisive in elections, especially since no cohesive pro-reform interest group exists to counteract their influence. (Tight-knit, well-organized police unions can coordinate in ways that the larger but more heterogenous and dispersed coalition of people who favor criminal justice reform cannot.) One recent study found that law enforcement groups have spent about $87 million in local and state elections over the past 20 years, including almost $65 million in Los Angeles alone. At the federal level, their recent campaign contributions and lobbying expenditures approach $50 million, according to The Guardian.

Such expenditures are savvy investments for police unions, who keenly understand the value of having sympathetic friends in high places. Because prosecutors work so closely with police, they have a strong incentive to develop a friendly relationship with rank-and-file officers, even if earning that trust comes at the price of turning a blind eye to abuse: It is not a coincidence that researchers have tracked the rise of police unions to an increase in on-the-job police killings. In a country where law-and-order rhetoric is deeply embedded in the cultural zeitgeist, if you’re a prosecutor intent on keeping your job, filing charges against the badge-wearing hand that feeds might not feel worth the retaliatory smear campaign that will inevitably follow.

In recent years, however—and especially as a result of the sustained protests of police violence in the aftermath of George Floyd’s killing in Minneapolis—people have grown more attuned to how these organizations bend the criminal legal system to t

heir will and stymie efforts to reform it. A growing number of elected officials have pledged to refuse the support of law enforcement organizations; in California, a coalition of reform-minded prosecutors has been lobbying for a state bar ethics rule that would prohibit DAs from accepting donations from these sources altogether, arguing that prosecutors cannot ethically prosecute police officers if they are receiving the support of their unions.

“The ties that bind elected officials to police unions must be broken,” the Los Angeles Times editorial board wrote in June. “An elected official considering whether to prosecute officers should not be, in essence, on the political payroll of the agency defending the very same people.”

On Election Day 2020 in California, voters delivered police unions a series of resounding defeats that threaten to flip this time-honored paradigm on its head.

In the race for Los Angeles County District Attorney, reform-oriented challenger George Gascón ousted incumbent Jackie Lacey, earning control of a sprawling office that employs nearly 1,000 line prosecutors and retains jurisdiction over more than 10 million people. Lacey was the clear favorite of law enforcement organizations, who spent some $5 million boosting her candidacy and attacking her opponent’s. And for good reason: During Lacey’s eight years on the job, she reviewed more than 250 fatal shootings by on-duty law enforcement officers. She filed charges in one of them.

Occasionally, Lacey’s penchant for lenience extended beyond even that of high-profile police officials. None other than then-LAPD chief Charlie Beck called on Lacey to charge one of his officers, Clifford Proctor, in the 2015 killing of Brendon Glenn, an unarmed, homeless Black man. Lacey declined. “As independent prosecutors, we’re supposed to look at the evidence and the law,” she said. “And that’s what we did.” When the time came for Lacey to seek re-election, it seems that grateful police unions did not forget her choice.

Gascón’s résumé is one that might seem as if it would appeal to law enforcement types: A former LAPD patrol officer who rose to the rank of assistant chief, he also served as police chief in San Francisco and Mesa, Arizona, and as district attorney in San Francisco, before returning to run for DA in the city where he grew up. But Gascón is among the group of prosecutors who have disclaimed the support of police unions, and his campaign pledges include reducing the population of the county’s chronically overcrowded jail system, reopening investigations of high-profile police shootings that Lacey had closed, and declining to seek the death penalty altogether. For the unions, loyalty apparently extends only so far as it will allow their members to evade accountability.

Their efforts echoed those of the San Francisco Police Officers Association during last year’s DA election, when it spent some $650,000 on, among other things, mailers that declared progressive DA candidate Chesa Boudin to be “the #1 choice of criminals and gang members.” These scaremongering predictions were insufficient to prevent the city’s voters from electing Boudin—also a member of the no-money-from-cop-unions coalition—as Gascón’s successor.

Further down the ballot in 2020, California voters rejected Proposition 20, which would have reclassified certain misdemeanor theft offenses as felonies and reduced the availability of parole. (Incidentally, this would have rolled back the reforms of Proposition 47, a successful 2014 referendum co-authored by Gascón.) In other words, Proposition 20 would have resulted in more incarceration for more people for longer periods of time, which is why law enforcement organizations contributed roughly $2 million to the campaign to pass it.

Police unions also opposed San Francisco’s Proposition E, which eliminated the city’s minimum police staffing requirement, and Los Angeles’s Measure J, which earmarked hundreds of millions of dollars in public resources for non-police community investment. The Los Angeles County Professional Peace Officers Association, which represents sheriff’s deputies, claimed that Measure J would “cripple public safety,” and local law enforcement organizations combined to spend more than $3.5 million fighting it. Both measures nonetheless passed with overwhelming support.

Law enforcement unions reliably oppose criminal justice reform for the simple reason that any attempts to reduce the criminal justice system’s footprint will make police less relevant. (Over the years, they have opposed everything from body camera mandates to the simple requirement that officers wear nametags.) For them, mass incarceration is the world’s most lucrative job creation machine. To justify their lavish spending habits and the generous rules that apply to their conduct, police always frame themselves as a mere half-step ahead of staving off mass chaos, warning that any abrogation of their authority by naive do-gooders will put everyone in danger.

What this year’s election results demonstrate is that people understand the lies that infuse this narrative, which conspicuously omits from the ledger the staggering human costs that policing imposes on the communities it purports to keep safe. These losses won’t put an end to incidents of police brutality, or any other strain of rot that pervades the American criminal justice system. But they do signal that police unions are likelier to have to answer for their myriad failures, instead of relying on beneficiaries of their largesse to pretend that these failures do not exist.

#### The plan reverses that

Lopez 20 [(Laura Barrón-López, is a White House Correspondent for POLITICO.), “Democrats’ Coming Civil War Over Police Unions” , POLITICO , <https://www.politico.com/news/magazine/2020/10/14/police-reform-police-unions-qualified-immunity-democratic-party-420122>, 10/14/2020] SS

Earlier this year, House Democrats were close to pushing through a bill that would have cemented the power of police unions across the country. For a pro-labor party, the bill, which gave police officers the federal right to collectively bargain on working conditions, appeared to be a no-brainer. Nearly every Democrat in the House co-signed the legislation, including members of the Squad, a group of progressive superstars that includes Reps. Alexandria Ocasio-Cortez and Rashida Tlaib.

The Democrats have supported public-sector unions for generations — often fighting with Republican state officials who’ve worked to gut the memberships of public employee unions and limit bargaining abilities. The bill would have granted the right to form a union and bargain contracts to firefighters, emergency medical personnel and police, including in states that currently prohibit some in public safety from negotiating collectively for wages and working conditions.

As talk of moving the bill increased in March, Rep. Joaquin Castro of Texas was a rare voice raising alarms. He warned his colleagues on the Education and Labor Committee that the bill would formalize the authority of police unions to determine misconduct standards in their contracts, which are increasingly viewed as a barrier to holding police accountable for wrongdoing. Castro, a Democrat, fought it, asking racial justice groups like Campaign Zero and Color of Change to talk to his Democratic colleagues. He suggested new language limiting how much police could negotiate over accountability provisions with cities.

But labor organizations weren’t pleased with the idea of singling out police affiliates by restricting their ability to bargain over disciplinary standards in the bill. Then the coronavirus pandemic exploded, and negotiations stalled.

Two months later, a video of a white police officer using his knee to pin George Floyd’s neck to the pavement for nine minutes rocketed around the country. Hundreds of thousands took to the streets across the nation in response to Floyd’s killing, calling for a full re-imagining of policing and thrusting police unions into the center of the national argument. Activists, multiple legal experts and even some conservative think tanks, say police unions are one of the biggest impediments to reform,

pushing hard to weaken accountability rules, and preventing new ones from being passed.

In the wake of Floyd’s killing, the bill expanding bargaining rights for police unions is all but dead as currently written, and not because of the pandemic. House Democrats rushed to pass a first of its kind police reform bill that would, among other measures, ban choke holds, establish a national database tracking misconduct and end the doctrine of qualified immunity, which shields police officers from civil lawsuits. More quietly, they quickly backed away from the collective-bargaining bill. In the span of three months, the party had changed its calculus, now viewing a labor bill that was endorsed by nearly every House Democrat as recently as March as untouchable in its current form.

Rep. Dan Kildee (D-Mich.), co-author of the measure, said in a statement that he asked House leadership to not move the bill unless the right for police to negotiate on accountability standards is addressed. Rep. Alexandria Ocasio-Cortez of New York, who also signed on to the bill, is “withdrawing her support” from it “as long as it remains in its current form,” said Lauren Hitt, a spokesperson for the New York Democrat. Rep. Matt Cartwright of Pennsylvania, author of a separate broader bill to expand collective bargaining rights of public-sector workers, is also deciding “whether any changes need to be made to [his] bill to hold officers with problematic records accountable” and will consider changes Kildee makes to his legislation, said Cartwright spokesman Matt Slavoski.

All Democrats POLITICO spoke to said they support police’s right to unionize and bargain over wages and working conditions; it’s police’s ability to negotiate misconduct standards through union contracts that some are now questioning or flat out opposing.

#### Police strikes allow police to gain overwhelming amount of power

Wish 20 [(Brian E. Wish, PhD), “What If The Police Revolt?” , Medium, https://medium.com/illumination/what-if-the-police-revolt-ca5a44ba4790, Jun 16, 2020] SS

Police labor actions are successful

When police go on strike, they usually win. The most likely outcome of police labor unrest is quick resolution in favor of the police officers. The consequences can hurt individual officers but police forces as a whole tend to win concessions and solve their problems. Politicians realize that if things are bad enough for the police to strike, then the problems won’t go away even if all the strikers are fired.

The September 1919 Boston Police Strike is the most famous police labor action. Striking for higher pay, seventy percent of the police department walked out. Vandalism and looting ensued across the city. Calvin Coolidge sent in the state militia, which shot at least eight people over the next few days. The strike was unpopular, coming towards the end of the Red Summer of white rioting and at the beginning of the Red Scare. All striking officers were fired and replaced, with the State Guard staying on until December. Despite the firings, wages and benefits were raised substantially and a pension was instituted.

In the modern era, when finally roused to fight, police labor activity proves successful w

ithout mass firings.

In New York City, in 1971, virtually the entire police department stopped patrolling, responding only to major crimes. Strikers were eventually fined but won pay concessions and back pay to a disputed contract.

In Baltimore, Maryland, in 1974, hundreds of police officers went on strike. The city ultimately gave in to pay concessions, though the union was disbanded and participating probationary officers were fired

In Boston, Massachusetts, in 1975, hundreds of police officers called in sick or skipped work to avoid enforcing bussing or suppressing protests; national guard troops deployed to keep the peace

In Milwaukee, Wisconson, just before Christmas in 1981, police went on strike after an alderman made statements in support of a suspect accused of killing two officers; after sixteen hours the city council repudiated the statement and increased police funding.

In Columbus, Ohio, in 1993, hundreds of police and firefighter called in sick, quickly winning contract concessions and a 5% raise.

#### Enables police unions to conceal abuse of power

Greenhouse 20 [(Steven Greenhouse, reporter at the New York Times for thirty-one years; he covered labor and workplace matters there for nineteen. He is the author of “Beaten Down, Worked Up: The Past, Present, and Future of American Labor”), “How Police Unions Enable and Conceal Abuses of Power”, The New Yorker , <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, June 18, 2020 ] SS

Police unions have long had a singular—and divisive—place in American labor. What is different at this fraught moment, however, is that these unions, long considered untouchable, due to their extraordinary power on the streets and among politicians, face a potential reckoning, as their conduct roils not just one city but the entire nation. Since the nineteen-sixties, when police unions first became like traditional unions and won the right to bargain collectively, they have had a controversial history. And recent studies suggest that their political and bargaining power has enabled them to win disciplinary systems so lax that they have helped increase police abuses in the United States.

A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was directly and positively correlated with police violence and other abuses against citizens. A 2019 University of Chicago study found that extending collective-bargaining rights to Florida sheriffs’ deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually.

In a forthcoming study, Rob Gillezeau, a professor and researcher, concluded that, from the nineteen-fifties to the nineteen-eighties, the ability of police to collectively bargain led to a substantial rise in police killings of civilians, with a greater impact on people of color. “With the caveat that this is very early work,” Gillezeau wrote on Twitter, on May 30th, “it looks like collective bargaining rights are being used to protect the ability of officers to discriminate in the disproportionate use of force against the non-white population.”

Other studies revealed that many existing mechanisms for disciplining police are toothless. WBEZ, a Chicago radio station, found that, between 2007 and 2015, Chicago’s Independent Police Review Authority investigated four hundred shootings by police and deemed the officers justified in all but two incidents. Since 2012, when Minneapolis replaced its civilian review board with an Office of Police Conduct Review, the public has filed more than twenty-six hundred misconduct complaints, yet only twelve resulted in a police officer being punished. The most severe penalty: a forty-hour suspension. When the St. Paul Pioneer Press reviewed appeals involving terminations from 2014 to 2019, it discovered that arbitrators ruled in favor of the discharged police and corrections officers and ordered them reinstated forty-six per cent of the time. (Non-law-enforcement workers were reinstated at a similar rate.) For those demanding more accountability, a large obstacle is that disciplinary actions are often overturned if an arbitrator finds that the penalty the department meted out is tougher than it was in a similar, previous case—no matter if the penalty in the previous case seemed far too lenient.

To critics, all of this highlights that the disciplinary process for law enforcement is woefully broken, and that police unions have far too much power. They contend that robust protections, including qualified immunity, give many police officers a sense of impunity—an attitude exemplified by Derek Chauvin keeping his knee on George Floyd’s neck for nearly nine minutes, even as onlookers pleaded with him to stop. “We’re at a place where something has to change, so that police collective bargaining no longer contributes to police violence,” Benjamin Sachs, a labor-law professor at Harvard, told me. Sachs said that bargaining on “matters of discipline, especially related to the use of force, has insulated police officers from accountability, and that predictably can increase the problem.”

For decades, members of the public have complained about police violence and police unions, and a relatively recent development—mobile-phone videos—has sparked even more public anger. These complaints grew with the killings of Eric Garner, Laquan McDonald, Walter Scott, Tamir Rice, Philando Castile, and many others. Each time, there were protests and urgent calls for police reform, but the matter blew over. Until the horrific killing of George Floyd.

Historians often talk of two distinct genealogies for policing in the North and in the South, and both help to explain the crisis that the police and its unions find themselves in today. Northern cities began to establish police departments in the eighteen-thirties; by the end of the century, many had become best known for using ruthless force to crush labor agitation and strikes, an aim to which they were pushed by the industrial and financial élite. In 1886, the Chicago police killed four strikers and injured dozens more at the McCormick Reaper Works. In the South, policing has very different roots: slave patrols, in which white men brutally enforced slave codes, checking to see whether black people had proper passes whenever they were off their masters’ estates and often beating them if they did something the patrols didn’t like. Khalil Gibran Muhammad, a historian at Harvard, said that the patrols “were explicit in their design to empower the entire white population” to control “the movements of black people.”

At the turn of the twentieth century, many police officers—frustrated, like other workers, with low pay and long hours—formed fraternal associations, rather than unions, to seek better conditions—mayors and police commissioners insisted that the police had no more right to join a union than did soldiers and sailors. In 1897, a group of Cleveland police officers sought to form a union and petitioned the American Federation of Labor—founded in 1886, with Samuel Gompers as its first president—to grant them a union charter. The A.F.L. rejected them, saying, “It is not within the province of the trade union movement to especially organize policemen, no more than to organize militiamen, as both policemen and militiamen are often controlled by forces inimical to the labor movement.”

#### Police brutality re-enforces racial stereotypes, creates a public mental and physical health crisis and creates an endless cycle of injustice and hostility

SNMA 2019 [(Mavis Britwum, Region IX Political Advocacy Liaison), ( Eloho E. Akpovi, HPLA Policy Statements Subcommittee Chairperson), (Jeniffer Okungbowa-Ikponmwosa, HPLA Committee Chairperson), (Veronica Wright, HPLA Committee Chairperson), “Statement on Police Brutality” , Health Policy and Legislative Affairs Committee, Third Review, <https://cdn.ymaws.com/snma.org/resource/resmgr/hlpa/policy_statements/police_brutality.pdf>, ] SS

INTRODUCTION

Established in 1964 by students of Meharry Medical College, the Student National Medical Association (SNMA) is the nation's oldest and largest organization focused on the needs and concerns of medical students of color. In addition, the SNMA is dedicated to practices leading to better health care for minority and underrepresented communities. As these communities are disproportionately subject to the practice and consequences of police brutality, defined as any act of unmerited excessive and aggressive physical, mental, and/or emotional abuse, above and beyond the law, enacted upon by an individual or groups of individuals in law enforcement, 1 the SNMA strongly opposes the medical, social, and political infractions incurred via these acts of excessive force.

BACKGROUND

Epidemic levels of racial minorities are being unjustly scrutinized, brutalized, and even killed at the hands of law enforcement in the United States. According to limited research that exists, more than two thousand individuals have been killed by police officers since 1990 – 75% of whom were people of color.1 Due to underreporting, some incidences of police brutality that result in nonfatal civilian injury are unaccounted for, resulting in a staggering underestimation well below the actual number.

Police departments are established for the protection of the community they serve, and as such, should be responsible for treating their assigned communities with respect and fairness. Unfortunately, in reality, that is not the case. Historically, society has internalized the idea that Blackness is inherently associated with criminality in order to justify unreasonably use of deadly force on Black/African American men and women who are considered to be “suspects” or “persons of interest” in acts of wrongdoing.2 This includes the US law enforcement community, members of which have been influenced by socially ingrained stereotyping and demonstrated unjust scrutiny against Black/African American and Hispanic/Latinx members of society.

In 2015, 19% of Black/African American and 17% of Hispanics/Latinxs admitted to being mistreated unfairly by police officers in the past 30 days, in comparison to 3% of White responders.3 This scrutiny has, in turn, led to numerous unmerited physical and psychological attacks on individuals of color, resulting not only in permanent disability, but also death of innocent law abiding Americans. A few prominent national cases include Eric Garner, Tamir Rice, Michael Brown, Sandra Bland, and Jordan Edwards. Such unwarranted incidents resulting in injury and murder constitute direct attacks upon the civil rights of many ethnic minorities in the United States. Police brutality, and the use of unwarranted physical and emotional force, ultimately compromise the physical and mental health of victims and their families while ignoring the need for psychological and social intervention and support of law enforcement officers.

SCOPE OF THE PROBLEM

Police brutality results in potentially severe mental and physical injury. The types of physical injuries sustained are similar to those experienced by victims of violent crime such as assault and homicide. These injuries commonly result from night-stick or baton beatings, pistol whippings, beatings by fist or boot, restraint holds, and shootings. Examples of physical injuries include, but are not limited to, skin abrasion/laceration, bone fracture, asphyxiation, parenchymal nerve injury, contusion, concussion, skull fracture, epidural and subdural hematomas, pneumothorax, and hemothorax. Complications of such injuries include post-traumatic cerebral edema, infections, hydrocephalus (secondary to blood or infection in the subarachnoid space), post-traumatic epilepsy (secondary to sustained contusions and lacerations), paralysis, permanent disability and death.2

Damage caused by police brutality goes beyond the physical manifestations. Psychological trauma faced by victims manifests itself in many ways, such as stress, anxiety, fear, paranoia, distrust, insomnia, anorexia, and depression. Such psychological symptoms can further be manifested as Acute Stress Disorder (ASD) and Post-Traumatic Stress Disorder (PTSD). Psychological stress often consumes many facets of victims’ lives, adversely affecting job performance, ability to sustain employment, and everyday interactions with family and associates. 2 Moreover, the families of fatally injured victims often suffer many of the same psychological tolls. Police brutality must be recognized, investigated, and acted upon as a serious health concern because of its obvious deleterious effects on individuals, their families and communities.

A Public Health Issue

Police brutality, which was once thought of as isolated incidences, has grown into a public health issue.

4 Police violence not only negatively affects those individuals directly involved but also creates a tidal wave of chaos that spans across state and regions lines. Police brutality directly increases the divide between communities of color and police officials, which present in multiple way. It has resulted in an increasing number of individuals and communities that feel distrust toward police officials.4 They are, therefore, reluctant to report instances to police and bypass the unjust judicial systems by taking matters into their own hands.

The media’s coverage of incidences of police brutality is often presented in a manner that skews the lines of victim and perpetrator. One of the most common examples of subliminal biases can be seen in the choice of photographs selected to accompany police violence coverage. This is often achieved by presenting a picture of the officer cloaked in his uniform and heavily decorated in awards while the civilian, often a Black/African American male, is pictured in “street clothes” and often in surroundings as to perpetuate stereotypes such as thug, uneducated or violent. This type of bias representation further increases racial divides, creating a barrier among civilians and law enforcement.5 To look one step further, the failure to prosecute police officers in cases where “excessive force” was documented, further alienates minorities and perpetuates social injustices and oppression. While there are some national statutes in place, the United States Department of Justice has been unable to eliminate this growing issue. Any hopes of eradicating this public health issue will come with collaboration of federal and local reform.5

Furthermore, increases in police sensitivity training, higher educational requirements for officer recruits, community policing, and other progressive approaches have not produced a measurable decrease in police brutality against Black/African American males because none of these initiatives specifically address the larger societal issues of police brutality (case study).2

Psychological Impact on Members of the Target Population

Police violence has been linked to negative impacts on the mental health of victims, specifically leading to the development of anxiety and depressive symptoms. As the number of incidents and level of police violence used increases, the likelihood of the victim developing PTSD also increases.6 PTSD is associated with an increased risk for maladaptive behaviors such as alcohol and drug dependence most notably in Black/African Americans.7 This risk is further compounded by the negative impacts of PTSD on one’s perception of self. Traumatic experiences such as police violence cannot only cause an individual to develop an altered sense of self, but they can also alter a victim’s perceptions of those around them leading to an almost global sense of mistrust; with victims reporting increased skepticism of the world and a decreased feeling of safety in society.7 At the most extreme, victims have described their experience following an incidence of police violence as one of agoraphobia; they are afraid to leave their homes, afraid to interact with large groups of people.

While treatment strategies for individuals with PTSD following acts of violence are improving, barriers to treatment still exist specifically in the Black/African American community.2 Some barriers are financial. These include decreased access to mental health services due to lower health insurance rates and incomprehensive policies. Other barriers are related to cultural stigma associated with seeking mental health treatment. These include but are not limited to negative perceptions of mental health treatment and question of its utility.

Many patients have a preference for a mental health practitioner of the same race. However, the healthcare system harbors an underrepresentation of Black/African American mental health workers,7 as almost 90% of mental/behavioral health workers identify as non-Hispanic White and the other 10% is comprised of those that identify as “racial and ethnic minorities.”8 Though true, the effects of police brutality reach beyond victim and the resources available to them. Broadly it touches families, friends and loved ones in many ways. The growing issue of police brutality shows that American societies have not socially developed very far from the days of oppressive and violent tactics that were prevalent during previous times of intense social climates such as those seen during desegregation and the civil rights movements. A generation that marched on the front line for social justice decades ago so that their children and grandchildren could grow up in a more accepting society must still endure the tragedies of systemic racism and oppression.

A parent’s first instinct is to protect and nurture their offspring to the best of their ability. However, in the face of police brutality, parents are left feeling betrayed and helpless at the hands of the very individuals who are embarked with the responsibility to protect and serve. These feelings of grief and bereavement for their lost loved ones is compounded by mental anguish, frustrations, and anger when families learn that no one will be prosecuted for these crimes, often times in the presence of substantial evidence.8

Members of the community who do not have a loved one directly affected by police brutality and violence are still mentally affected in ways that often change their outlook on the world and consequently how they carry themselves in society. Witnessing police brutality instills distrust in the younger generation which undoubtedly grows the separation between minorities and police officers. Many younger individuals will take on a sense of hopelessness and believe that their societies do not value individuals of color. Because the parents in these situations are undergoing their own grieving process, the mental effects of police brutality on young children are often undertreated.5

## Advantage

#### **Minimizing suffering outweighs promoting future happiness**

Gloor 19 [(Lukas, Research Director at the Foundational Research Institute) “The Case for Suffering-Focused Ethics,” Foundational Research Institute, August 2019] DD  
A common intuition is that creating happy beings is less morally pressing than making sure existing beings are well off. This intuition is characterized by Jan Narveson’s (1973) statement, “*We are in favor of making people happy, but neutral about making happy people.”*Narveson’s principle points to a putative2 asymmetry between suffering and happiness in the context of (not) adding new beings to the world. Consider the following thought experiment:

Two planets

Imagine two planets, one empty and one inhabited by 1,000 beings suffering a miserable existence. Flying to the empty planet, you could bring 1,000,000 beings into existence that will live a happy life. Flying to the inhabited planet instead, you could help the 1,000 miserable beings and give them the means to live happily. *If there is time to do both, where would you go first? If there is only time to fly to one planet, which one should it be?*

Even though one could bring about 1,000 times as many happy beings as there are existing unhappy ones, many people’s moral intuition would have us help the unhappy beings instead. To those holding this intuition, taking care of suffering appears to be of greater moral importance than creating new, happy beings.

By contrast, preventing miserable beings from being added to the world seems just as important as preserving existing happiness. And it would be a no-brainer for most people that 1,000 existing beings going from happy to miserable is better than the 1,000 beings staying happy at the cost of 1,000,000 new, miserable beings being created. This suggests that we care about reducing suffering for existing and potential beings equally, whereas we prioritize the promotion of happiness in actual beings over the happiness in their merely potential peers.

Narveson’s principle is found at the heart of preference-based axiologies where what matters is *preference (dis)satisfaction*. In Christoph Fehige’s words:  
"We have obligations to make preferrers satisfied, but no obligations to make satisfied preferrers" (Fehige, "A pareto principle for possible people", 1998, p.518).

Creating large numbers of beings while ensuring that all their preferences or goals are satisfied – which could be achieved by making provisions for the newly created beings to have *easily satisfiable* preferences, or preferences that correspond very closely with the most likely state of the world – may strike us as a pointless endeavor. The claim that an extra preference in itself is of little value, so that “Maximizers of preference satisfaction should instead call themselves minimizers of preference frustration.” (Fehige, ibid.) is the gist of Fehige's anti-frustrationism.

Intuitions such as “Making people happy rather than making happy people” are linked to the Epicurean view that non-existence does not constitute a deplorable state. Proponents of this view reason that the suffering and/or frustrated preferences of a being constitute a real, tangible problem for that being. By contrast, non-existence is free of moral predicaments for any evaluating agent, given that by definition no such agent exists. Why, then, might we be tempted to consider non-existence a problem? Non-existence may seem unsettling to us, because from the perspective of existing beings, no-longer-existing is a daunting prospect. Importantly however, death or no-longer-existing differs fundamentally from never having been born, in that it is typically preceded and accompanied by suffering and/or frustrated preferences.

Acceptance of the above moral asymmetry between the pair suffering/happiness as pertaining to existence/non-existence grounds a strong, moral reason to concentrate on suffering and/or preference frustration as opposed to the promotion of happiness. It comes with an understanding of ethics as being about solving the world’s problems: We confront spacetime, see wherever there is or will be a problem, i.e. a struggling

#### **Prioritize people who are alive today – intergenerational obligations are complicated by uncertainty and nonidentity**

Vanderheiden 11 [(Steve, Associate Professor of Political Science at the University of Colorado at Boulder) “Obligation to Future Generations,” Encyclopedia of Global Justice, 2011] DD  
One objection concerns uncertainty about the circumstances, needs, and preferences of future people, which is presumed to be qualitatively different than the uncertainty surrounding the future circumstances, needs and preferences of existing people. With moral obligations to refrain from harming, for example, we might not now be able to make reliable predictions about the harmful consequences on persons in the further future of present actions, since circumstances might change in such a way that render what is now a harmful condition into a benign one in the future. For example, we might suspect but cannot be certain that stored uranium will harm future people when existing storage facilities reach the ends of their projected life spans, since future technologies might yield better storage abilities that could extend those life spans, or might yield effective means of insulating future persons from nuclear contamination. Likewise with future needs and preferences, which might change in ways that render presently harmful acts benign in the future. For example, people might not be harmed by the depletion of topsoil if some future technology obviates its need in food production. Similarly, the disappearance of wilderness may impair the welfare of those with existing preferences for experiences in wild nature that admit of no technological substitutes, but we cannot be certain that future people will share such preferences, in which case present acts that destroy wilderness would not harm them. Here, the objection grants the wrongfulness of causing avoidable harm but disputes the link between present actions and experienced future harm. As in ethical injunctions against causing harm, obligations to fairly allocate shared resources among present and future claimants are called into question by this uncertainty objection. Since those resources that are generally understood to be subject to distributive justice principles are those viewed as instrumental to human welfare, changes such as those noted above might over time undermine the status of any good now seen as subject to such principles. Note that cases as those sketched above involve future circumstances, needs, and preferences, including those of existing people in the future, so the uncertainty objections apply with less force in the near future, when a strict distinction between currently existing and near future persons is untenable. But insofar as obligation to future generations is premised on avoiding bad consequences or fairly distributing instrumental resources over time, such uncertainty does complicate the causal links between those imperatives and the present actions that might otherwise be constrained by such obligation.

A second objection, termed the nonidentity problem by Derek Parfit, concerns the claim that actions and policies undertaken now affect the identities of persons to be born in the future. Particularly with large-scale present actions, the parental pairings that yield future offspring may in the future be altered by what is done in the present, and the timing of conception might likewise affect the genetic identity of future persons. As above, this is more likely to be the case in the further future than in the near term, but unlike above, this objection clearly applies only to persons yet to be conceived. Since we cannot compare alternate futures based on the welfare of identical sets of persons, Parfit argues, we cannot say that any present actions harm any particular future persons who may owe their very existence to such actions. Suppose, for example, that this generation was to embark upon a reckless program of environmental despoliation that would impair the planet's life-supporting capacities in the future. As Parfit argues, we cannot say that this program harms any particular future persons, since these persons might never have been born under an alternative present program of strong environmental conservation. If we cannot causally link future harm suffered by particular persons to some allegedly wrong present action, this objection maintains, then we cannot say that the action harmed anyone. Note that this objection applies particularly to individualist and consequentialist moral theories, but may also impugn distributive justice obligations that causally link resource deprivation and welfare losses among particular individuals.

### FW

#### Only consequentialism can justify the actions necessary to reach some moral end.

Sinnot-Armstrong 92 -- Walter (prof. of philosophy @ Yale University, Philosophical Perspectives, 6, Ethics, “An Argument for Consequentialism”, p. 415-416)

All of this leads to necessary enabler **consequentialism** or NEC. NEC **claims that all moral reasons for acts are provided by facts that the acts are necessary enablers for preventing harm or promoting good**. All moral reasons on this theory are consequential reasons, but there are two kinds. Some moral reasons are prevention reasons, because they are facts that an act is a necessary enabler for preventing harm or loss. For example, if giving Alice food is necessary and enables me to prevent her from starving, then that fact is a moral reason to give her food. In this case, I would not cause her death even 416 / Walter Sinnott-Armstrong if I let her starve, but other moral prevention reasons are reasons to avoid causing harm. For example, if turning my car to the left is necessary and enables me to avoid killing Bobby, that is a moral reason to turn my car to the left. The other kind of moral reason is a promotion reason. This kind of reason occurs when doing something is necessary and enables me to promote (or maximize) some good. For example, I have a moral reason to throw a surprise party for Susan if this is necessary and enables me to make her happy. Because of substitutability, these moral reasons for actions also yield moral reasons against contrary actions. **There are then also moral reasons not to do what will cause harm or ensure a failure to prevent harm or to promote good. What makes these facts moral reasons is that they can make an otherwise immoral act moral.** If I have a moral reason to feed my child, then it might be immoral to give my only food to Alice, who is a stranger. But this would not be immoral if giving Alice food is necessary and enables me to prevent 'Alice from starving, as long as my child will not starve also. Similarly, it is normally immoral to lie to Susan, but a lie can be moral if it is necessary and enables me to keep my party for Susan a surprise, and if this is also necessary and enables me to make her happy. Thus, NEC fits nicely into the above theory of moral reasons. **NEC can provide a natural explanation of moral substitutability for both kinds of moral reasons. I have a prevention moral reason to give someone food when doing so is necessary and enables me to prevent that person from starving. Suppose that buying food is a necessary enabler for giving the person food, and getting in my car is a necessary enabler for buying food. Moral substitutability warrants the conclusion that I have a moral reason to get in my car. And this act of getting in my**

**car does have the property of being a necessary enabler for preventing starvation. Thus, the necessary enabler has the same property that provided the moral reason to give the food in the first place.** This explains why substitutability holds for moral prevention reasons. The other kind of moral reason covers necessary enablers for promoting good. In my example above, if a surprise party is a necessary enabler for making Susan happy, and letting people know about the party is a necessary enabler for having the party, then letting people know is a necessary enabler for making Susan happy. The very fact that provides a moral reason to have the party also provides a moral reason to let people know about it. Thus, NEC can explain why moral substitutability holds for every kind of moral reason that it includes. Similar explanations work for moral reasons not to do certain acts, and **this explanatory power is a reason to favor** NEC.17

## UV

#### Analytics

### Contention

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#### Kant justifies a fundamental right to property

Merges 11 [(Robert, Wilson Sonsini Goodrich & Rosati Professor of Law and Technology, University of California, Berkeley, School of Law) “Justifying Intellectual Property,” Harvard University Press, 2011] JL

Kant believed that any object onto which a person projects his or her will may come to be owned. Kant seemed to consider ownership as a primitive concept whose roots run very deep in human consciousness. This is evident from the language he uses. The origin of property, he says, is in a deep and abiding sense of “Mine and Yours.” “That is rightfully mine,” he writes, “if I am so bound to it that anyone who uses it without my consent would thereby injure me.”15

But what is the point of this? Why do people want to be bound to things? In essence, Kant says, to expand their range of freedom— their autonomy.16 People have a desire to carry out projects in the world. Sometimes, those projects require access to and control over external objects. The genesis of property is the desire of an individual to carry out personal projects in the world, for which various objects are necessary. For Kant, this desire must be given its broadest scope, to promote the widest range of human choice, and therefore human projects. Kant accordingly refuses to accept any binding legal rule that makes some objects strictly unownable, because the rationale for such a rule would conflict with the basic need for maximal freedom of action. Freedom to appropriate is so basic, so tied to matters of individual will and personal choice, that Kant finds it unthinkable to rule out large categories of things from the domain of the potentially ownable. As Kant scholar Paul Guyer says, for Kant, “The fundamental principle of morality dictates the protection of the external use of freedom or freedom of action, as a necessary expression of freedom of choice and thus as part of autonomy as a whole. . . .”17 This captures it in a nutshell: freedom of action, including the right to possess, as a necessary expression of freedom of choice, or autonomy.