

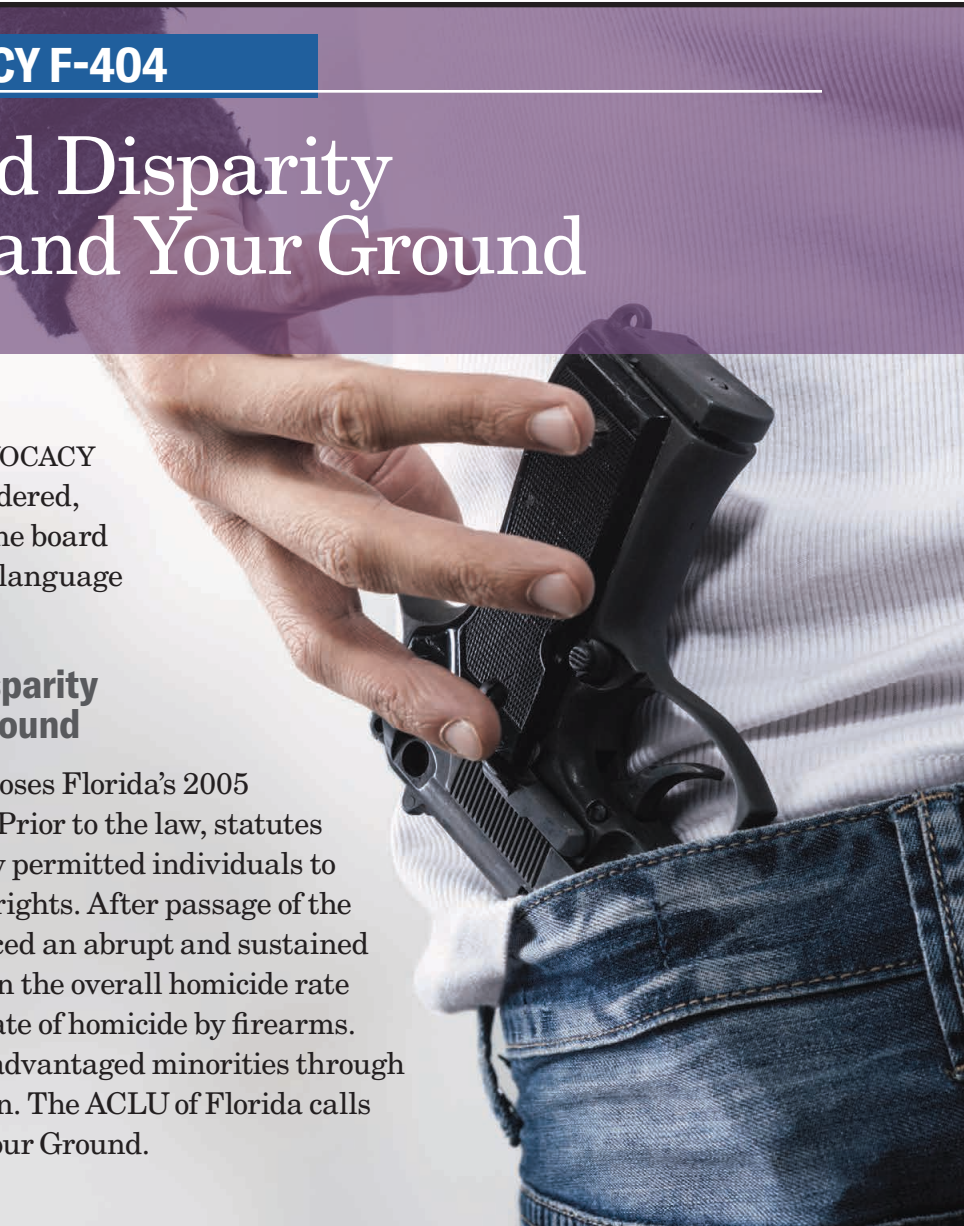
PROPOSED POLICY F-404

Death and Disparity Under Stand Your Ground

THE POLICY AND ADVOCACY Committee has considered, passed, and referred to the board this proposed new policy language for the affiliate:

F-404 Death and Disparity Under Stand Your Ground

The ACLU of Florida opposes Florida’s 2005 Stand Your Ground law. Prior to the law, statutes and case law successfully permitted individuals to assert their self-defense rights. After passage of the law, Floridians experienced an abrupt and sustained increase of 24.4 percent in the overall homicide rate and 31.6 percent in the rate of homicide by firearms. Further, the law has disadvantaged minorities through its inequitable application. The ACLU of Florida calls for the repeal of Stand Your Ground.



CYANO 06

THESE STUDIES AND POLICIES, listed roughly in order of relevance, are presented as background for our proposed policy on Stand Your Ground.

Written Statement of the American Civil Liberties Union

Laura W. Murphy, director, and Jennifer R. Bellamy, legislative counsel, ACLU Washington Legislative Office

Submitted to the U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights

Hearing on “Stand Your Ground” Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force, Tuesday, October 29, 2013

Conclusion

The ACLU opposes SYG laws because they raise serious civil liberties and racial justice concerns. SYG laws expand the circumstances in which the state authorizes one person to kill another without any semblance of due process. Also, they exacerbate an existing racial disparity in the success rate of justifiable homicide as a defense whereby a killing is more likely to be deemed “justifiable” if the victim is black and the shooter is not than when the races of the victim and shooter are reversed.

As Attorney General Eric Holder said during his remarks to the NAACP annual conference this year, laws like

“Stand Your Ground” undermine innocent Americans’ safety “by allowing — and perhaps encouraging — violent situations to escalate in public.” Consistent with common law principles and state statutes nationwide, Americans already have the right to defend themselves with commensurate force in situations where they face imminent harm and safe retreat is not an option. SYG laws — or Shoot First or Kill at Will laws — have nothing to do with legitimate self-defense, but instead are invitations for vigilantes to use deadly and unnecessary force.

Download “ACLUStatementSYG20131029.pdf” at <https://www.dropbox.com/s/qjudu5e9rith7ou/ACLUStatementSYG20131029.pdf?dl=0>

JAMA Internal Medicine
Original Investigation | FIREARM VIOLENCE

Evaluating the Impact of Florida's "Stand Your Ground" Self-defense Law on Homicide and Suicide by Firearm: An Interrupted Time Series Study

David K. Humphreys, PhD; Antonio Gasparri, PhD; Douglas J. Wiebe, PhD

IMPORTANCE. In 2005, Florida amended its self-defense laws to provide legal immunity to individuals using lethal force in self-defense. The enactment of "stand your ground" laws in the United States has been controversial and their effect on rates of homicide and homicide by firearm is uncertain.

OBJECTIVE. To estimate the impact of Florida's stand your ground law on rates of homicide and homicide by firearm.

DESIGN, SETTING, AND PARTICIPANTS. Using an interrupted time series design, we analyzed monthly rates of homicide and homicide by firearm in Florida between 1999 and 2014. Data were collected from the Wide-ranging Online Data for Epidemiologic Research (WONDER) web portal at the Centers for Disease Control and Prevention. We used seasonally adjusted segmented Poisson regression models to assess whether the onset of the law was associated with changes in the underlying trends for homicide and homicide by firearm in Florida. We also assessed the association using comparison states without stand your ground laws (New York, New Jersey, Ohio, and Virginia) and control outcomes (all suicides and suicides by firearm in Florida). October 1, 2005, the effective date of the law, was used to define homicides before and after the change.

MAIN OUTCOMES AND MEASURES. Monthly rates of homicide, firearm-related homicide, suicide, and suicide by firearm in Florida and the 4 comparison states.

RESULTS. Prior to the stand your ground law, the mean monthly homicide rate in Florida was 0.49 deaths per 100,000 (mean monthly count, 81.93), and the rate of homicide by firearm was 0.29 deaths per 100,000 (mean monthly count, 49.06). Both rates had an under-

“The implementation of Florida's stand your ground self-defense law was associated with a significant increase in homicides and homicides by firearm but no change in rates of suicide or suicide by firearm.”

lying trend of 0.1% decrease per month. After accounting for underlying trends, these results estimate that after the law took effect there was an abrupt and sustained increase in the monthly homicide rate of 24.4% (relative risk [RR], 1.24; 95% CI, 1.16–1.33) and in the rate of homicide by firearm of 31.6% (RR, 1.32; 95% CI, 1.21–1.44). No evidence of change was found in the analyses of comparison states for either homicide (RR, 1.06; 95% CI, 0.98–1.13) or homicide by firearm (RR, 1.08; 95% CI, 0.99–1.17). Furthermore, no changes were observed in control outcomes such as suicide (RR, 0.99; 95% CI, 0.94–1.05) and suicide by firearm (RR, 0.98; 95% CI, 0.91–1.06) in Florida between 2005 and 2014.

CONCLUSIONS AND RELEVANCE. The implementation of Florida's stand your ground self-defense law was associated with a significant increase in homicides and homicides by firearm but no change in rates of suicide or suicide by firearm.

Download “JAMA Internal Medicine SYG Study .pdf” at <https://www.dropbox.com/s/p7hfcwsorzohons/JAMA%20Internal%20Medicine%20SYG%20Study.pdf?dl=0>

“Right-to-carry (RTC) and stand your ground (SYG) laws are associated with increases in firearm homicide.”

Association Between Firearm Laws and Homicide in Urban Counties

Cassandra K. Crifasi & Molly Merrill-Francis & Alex McCourt & Jon S. Vernick & Garen J. Wintemute & Daniel W. Webster
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Abstract

Laws related to the sale, use, and carrying of firearms have been associated with differences in firearm homicide rates at the state level. Right-to-carry (RTC) and stand your ground (SYG) laws are associated with increases in firearm homicide; permit-to-purchase (PTP) laws and those prohibiting individuals convicted of violent misdemeanors (VM) have been associated with decreases in firearm homicide. Evidence for the effect of comprehensive background checks (CBC) not tied to PTP is inconclusive.

Because firearm homicide tends to concentrate in urban areas, this study was designed to test the effects of firearm laws on homicide in large, urban U.S. counties. We conducted a longitudinal study using an interrupted time series design to evaluate the effect of firearm laws on homicide in large, urban U.S. counties from 1984 to 2015 (N = 136). We used mixed effects Poisson regression models with random intercepts for counties and year fixed effects to account for national trends. Models also included county and state characteristics associated with violence. Homicide was stratified by firearm versus all other methods to test for specificity of the laws' effects.

PTP laws were associated with a 14% reduction in firearm homicide in large, urban counties (IRR = 0.86, 95% CI 0.82–0.90). CBC-only, SYG, RTC, and VM laws were all associated with increases in firearm homicide. None of the laws were associated with differences in non-firearm homicide rates. These findings are consistent with prior research at the state level showing PTP laws are associated with decreased firearm homicide. Testing the effects of PTP laws specifically in large, urban counties strengthens available evidence by isolat-

ing the effects in the geographic locations in which firearm homicides concentrate.

Download “Assn Firearm Laws Homicide Urban Counties.pdf” at <https://www.dropbox.com/s/2iyouslivq1lkg/Assn%20Firearm%20Laws%20Homicide%20Urban%20Counties.pdf?dl=0>

The Florida Agricultural and Mechanical University
College of Pharmacy and Pharmaceutical Sciences

Impact of Stand Your Ground on Gun Behavior and Likelihood to Use Deadly Force with Presumption of Fear in Florida

By Edward L. Clark II

A Dissertation submitted to the Institute of Public Health in partial fulfillment of the requirements for the degree of Doctor of Public Health

Tallahassee, FL, Fall 2017

ABSTRACT

Following the tragic death of 17-year-old Trayvon Martin in Sanford, Florida on February 26, 2012, stand-your-ground (SYG) or shoot first laws gained national attention. Trayvon was pursued and killed by 28-year-old neighborhood watch volunteer, George Zimmerman while attempting to return to his father’s girlfriend’s apartment after buying candy and a soft drink at a nearby 7-Eleven store. Zimmerman who had been issued a conceal carry permit and was carrying a loaded 9mm pistol was instructed not to follow Trayvon by a 911 dispatcher, however he ignored that advice. The death of Trayvon Martin shed light on an ugly truth taking place in Florida — the nexus of race and the SYG law is a deadly combination. The Journal of the American Medical Association published a study in 2016 indicating that the SYG law in Florida is associated with a 24% increase in homicide and a 32% increase in firearm-related homicide (Humphreys, Gasparini, & Wiebe, 2016). This research supports the conclusions from a 2012 Texas A & M study that found homicide rates increase and average of 8% in states with SYG laws (Cheng & Hoekstra, 2012).

The purpose of this study is to determine whether knowledge of the Stand

“Results show that knowledge of the SYG law influenced purchasing and concealing a firearm. Additionally, knowledge was the most significant predictor of using deadly force with presumption of fear.”

Your Ground Law, alone or in combination with Florida’s Right to Carry Law, influences an individual’s likelihood to use deadly force with the presumption of fear.

This study employed a mailed, anonymous, pencil-and-paper survey with an online option to collect Floridian’s attitudes and perceptions of the Stand Your Ground Law. The survey instrument is based on four constructs from the Social Cognitive Theory (SCT) with emphasis on the moral disengagement construct. The construct “attitude” from the Theory of Planned Behavior (TPB) was also examined. Results show that knowledge of the SYG law influenced purchasing and concealing a firearm. Additionally, knowledge was the most significant predictor of using deadly force with presumption of fear. The results of the study will be instructive to policymakers as they consider the potential outcomes of SYG laws related to behaviors that may result in gun violence.

Download “SYG Gun Behavior Likelihood Deadly Force Florida.pdf” at <https://www.dropbox.com/s/8hsptghznoz5inp/SYG%20Gun%20Behavior%20Likelihood%20Deadly%20Force%20Florida.pdf?dl=0>

“In cases with minority victims, the probability of getting a guilty verdict is lower, and the success rate of using the SYG defense is measurably and significantly higher.”

Ralph Bunche Journal of Public Affairs, Volume 5, Issue 1 Social and equal justice in America in the case of stand your ground (SYG) law, Spring 2016

Stand Your Ground in Florida: The Effect of Race, Location and Weapons on Convictions

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Jeremy C. Hagler, Florida Atlantic University

Conclusion

This research is one of the first looks at the application of SYG laws in Florida. We recognize that the outcomes in Florida may not be representative of SYG laws in other states and jurisdictions. Differences in how the laws are written along with variations in populations and the nature of the enforcement in different areas likely will effect outcomes. Nonetheless, the Florida experience presents an early window into some of the effects and concerns that policy makers and citizens should be prepared to address.

There are some significant and important results in our data. Our models show that the race of the victim in particular is a significant predictor of the success or failure of the SYG defense. In cases with minority victims, the probability of getting a guilty verdict is lower, and the success rate of using the SYG defense is measurably and significantly higher. While we cannot control for all of the variables that might inform such outcomes, the differential is troubling. More research needs to be done into the circumstances of these cases so that a better understanding of this differential can be reached.

In addition, location matters in our model. Where the case occurs is an important variable in predicting the outcome of the verdict in the SYG cases. Further, the racial composition of a county is an important predictor of the success of the defense as well. Differences in the size of the minority populations between counties has a significant effect on the outcome of SYG cases. The substantial variations between counties and areas in Florida also are cause for both concern and motivation for additional research. Floridians, and Ameri-

cans in general, should be concerned when a law which appears to be neutral in writing is of greater or lesser effect based on location. But there is a potential counter factor of this racial bias: the significant role of racial context. The high density of minority group members in a county appears to be able to counter the racial bias in our data. Additional research into the cases will be needed.

Finally, while we did not begin this research looking for differential effects based on the use of dissimilar weapons, the difference appears plainly in the data and model. The type of weapon used plays a significant role in predicting the outcome of SYG cases. People using firearms have had more success in using the SYG defense when compared to knives and other weapons. It is possible that this is driven by variables related to knife cases that we cannot account for in our model. More research into the circumstances of these cases needs to be done. Nonetheless, at present the larger success rate in employing the SYG defense when using firearms seems to present a directive. If you are standing your ground in Florida, shoot — don't stab.

Download "SYG Fla Effect Race Conviction.pdf" at <https://www.dropbox.com/s/lgmp9ga1ndb9cez/SYG%20Fla%20Effect%20Race%20Conviction.pdf?dl=0>

Ann Surg. 2017 September; 266(3): 432–440.

Firearm Deaths in America: Can We Learn From 462,000 Lives Lost?

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Abstract

Objective—We sought to determine whether state firearm legislation correlated with firearm-related fatality rates (FFR) during a 15-year period.

Background—The politicized and controversial topic of firearm legislation

“Restrictive firearm legislation is associated with decreased pediatric, unintentional, suicide, and overall [firearm-related fatality rates].”

has been grossly understudied when the relative impact of American firearm violence is considered. Scientific evidence regarding gun legislation effectiveness remains scant.

Methods—Demographic and intent data (1999–2013) were collected from the Centers for Disease Control and Prevention's Web-Based Injury Statistics Query and Reporting System database and compared by state firearm legislation rankings with respect to FFR. State scorecards were obtained from firearm-restrictive (Brady Campaign/Law Center against gun violence [BC/LC]) and less-restrictive (National Rifle Association) groups. FFR were compared between restrictive and least-restrictive states during 3 periods (1999–2003, 2004–2008, 2009–2013).

Results—During 1999 to 2013, 462,043 Americans were killed by firearms. Overall FFR did not change during the 3 periods (10.89±3.99/100,000; 10.71±3.93/100,000; 11.14±3.91/100,000; P=0.87). Within each period, least-restrictive states had greater unintentional, pediatric, and adult suicide, White and overall FFR than restrictive states (all P<0.05). Conversely, no correlation was seen, during any of the 3 time periods, with either homicide or Black FFR—population subsets accounting for 41.7% of firearm deaths.

Conclusions—Restrictive firearm legislation is associated with decreased pediatric, unintentional, suicide, and overall FFR, but homicide and Black FFR appear unaffected. Future funding and research should be directed at both identifying the most effective aspects of firearm legislation and creating legislation that equally protects every segment of the American population.

Download "Firearm Deaths America.pdf" at <https://www.dropbox.com/s/2g2e4nysxzf549/Firearm%20Deaths%20America.pdf?dl=0>

ABA Resolution / Stand Your Ground Laws

RESOLVED, That the American Bar Association urges all federal, state, local, and territorial legislative bodies and governmental agencies to:

- refrain from enacting Stand Your Ground laws that eliminate the duty to retreat before using force in self-defense in public spaces, or repeal such existing Stand Your Ground laws;
- eliminate Stand Your Ground law civil immunity provisions that prevent victims and/or innocent bystanders and their families from seeking compensation and other civil remedies for injuries sustained;
- eliminate the Stand Your Ground defense in circumstances where deadly force is used against a law enforcement officer; and
- develop strategies for implementing safeguards to prevent racially disparate impact and inconsistent outcomes in the application of Stand Your Ground laws;
- modify existing or proposed Stand Your Ground laws to ensure that the laws do not protect the use of deadly force against a person who is in retreat; and
- modify existing or proposed Stand Your Ground laws to ensure that the laws do not protect a person who is the initial aggressor in an encounter.

Download "ABAResolutionSYG.pdf" at <https://www.dropbox.com/s/cjxdkzyhbhwqbfz/ABAResolutionSYG.pdf?dl=0>

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