

THE INHERENT DANGER OF STAND YOUR GROUND LAWS

A couple was driving to a Houston mosque during Ramadan when they collided with another car. The person who hit their car pulled up alongside the couple, and both parties rolled down their windows. That is when the driver who hit their car yelled, "Go back to Islam." The husband opened his door and stepped out of the car. He was shot by the other driver within seconds. Months later, a Harris County grand jury declined to indict the shooter for murder after he invoked Stand Your Ground.

[Source linked](#)

Stand Your Ground laws upend centuries of traditional self-defense doctrine and threaten public safety by encouraging armed vigilantism, allowing a person to kill another person in a public area even when they can clearly and safely walk away from the danger. These laws are associated with increases in homicides and injuries across different demographics and neighborhoods, while disproportionately impacting communities of color. They encourage the escalation of violence in avoidable situations and do not deter crime. Lawmakers should put the safety of their constituents first and reject dangerous Stand Your Ground proposals.

- Under traditional self-defense law, a person can use force to defend themselves anywhere, but when they are outside their home they cannot use force likely to kill or seriously injure someone if there is a safe way to avoid it.¹
 - Traditional self-defense gives people the right to protect themselves, while recognizing that it is always best to avoid killing someone if possible.
 - Traditional self-defense does not require that a person retreat from a situation if doing so would put them in danger. It only requires a person to avoid killing another person if there is a clear and safe way to do so.
- In this way, traditional law respects a person's right to self-defense but also recognizes that it is always better to avoid taking a life if there is a safe and clear alternative.
- Stand Your Ground laws upend traditional self-defense by allowing people to shoot to kill in public, even when they can safely walk away from the danger.²

Stand Your Ground laws are associated with an increase in firearm homicides and injuries and do not deter crime. Nevertheless, 26 states have passed Stand Your Ground laws since 2005.

An Arizona driver got into a shouting match with a man who was walking his dog across the parking lot of a Taco Bell. The driver was upset because the pedestrian absentmindedly walked in front of his car, causing him to brake abruptly. After yelling obscenities at the driver, the dog owner moved to the driver's side door with what the driver thought was a bat. Though nothing hit the driver or the car, the driver shot the dog owner. The dog owner, who was mentally disabled, died holding his dog's green leash in his hand.

[Source linked](#)

FLORIDA STAND YOUR GROUND CASES WITH MINORITY VICTIMS ARE HALF AS LIKELY TO LEAD TO CONVICTION, COMPARED TO CASES WITH WHITE VICTIMS

- At least 30 people nationwide are killed each month as a result of Stand Your Ground laws.³
- Stand Your Ground laws were associated with an increase in firearm injuries resulting in emergency room visits and hospitalizations.⁴
- There are no studies that associate broadening self-defense laws with deterring crime.⁵

Stand Your Ground laws have a disproportionate impact on communities of color.

- When white shooters kill Black victims, the resulting homicides are deemed justifiable 11 times more frequently than when the shooter is Black and the victim is white.⁶
- Controlling for other factors—such as who initiated the confrontation and whether or not the victim was armed—Florida Stand Your Ground cases with minority victims are half as likely to lead to conviction, compared to cases with white victims.⁷

IMPACT OF STAND YOUR GROUND IN FLORIDA

In 2005, Florida became the first state to adopt a Stand Your Ground law. This law is the blueprint for the Stand Your Ground laws passed in dozens of states, has garnered significant media attention, and has been extensively studied.⁸ Florida serves as a cautionary tale of the inherent danger of Stand Your Ground Laws.

The devastating impact of Stand Your Ground laws are experienced across different demographics and neighborhoods.

- The implementation of Florida's Stand Your Ground law was associated with a **32 percent increase** in firearm homicide rates and a **24 percent increase** in overall homicide rates.⁹ In a follow-up study, researchers found a **75 percent increase** in justifiable homicide rates and an estimated **22 percent increase** in unlawful homicide rates after the passage of Florida's Stand Your Ground law.¹⁰
- The Stand Your Ground law was associated with a **45 percent increase** in firearm homicide rates among white residents and a **23 percent increase** among Black residents.¹¹
- Young adults between the ages of 20-34 years experienced the largest impact of Stand Your Ground laws compared to all other age groups; there was a **36 percent increase** in firearm homicide rates among this demographic associated with the Stand Your Ground law.¹²
- Florida's Stand Your Ground law was associated with bringing violence into suburban counties that were previously considered safe. In fact, the Stand Your Ground law had the most negative impact on neighborhoods that initially had the lowest homicide rates before the law was enacted.¹³

Stand Your Ground encourages escalated violence in situations that could otherwise be defused and often protects people with violent backgrounds.

In Tallahassee, a man was accused of battery at least six times before police arrested him for a shootout that left one person dead in March 2009. The shooter invoked "stand your ground." Prosecutors struck a plea deal that dropped murder charges and sent the man to prison for eight years for illegally carrying a gun.

Source linked

THE STAND YOUR GROUND LAW WAS ASSOCIATED WITH A 45 PERCENT INCREASE IN FIREARM HOMICIDE RATES AMONG WHITE RESIDENTS AND A 23 PERCENT INCREASE AMONG BLACK RESIDENTS

**IN 79 PERCENT
OF FLORIDA STAND
YOUR GROUND CASES,
THE PERSON WHO
CLAIMED STAND YOUR
GROUND COULD HAVE
RETRACTED TO AVOID
THE CONFRONTATION**

- In 79 percent of Florida Stand Your Ground cases, the person who claimed Stand Your Ground could have retreated to avoid the confrontation.¹⁴
- The person killed in these disputes was unarmed in 68 percent of cases.¹⁵
- Nearly 60 percent of those Floridians who claimed Stand Your Ground had been arrested at least once before the day they killed someone. About a third of those defendants had been accused of violent crimes, including assault, battery, or robbery.¹⁶

1 Wharton, F. (1875). *A Treatise on the Law of Homicide in the United States*. Philadelphia: Kay and Brother; Allen v. United States, 164 U.S. 492, 497-98 (1896); Teal v. State, 161 So. 422, 422 (Fla.1935); Beyer v. Birmingham, Ry., Light & Power Co., 64 So. 609, 611 (Ala. 1914).

2 The common feature found in Stand Your Ground laws is the elimination of any duty to retreat. Generally, Stand Your Ground laws also modify criminal procedure and self-defense law in other ways that dramatically expand the circumstances under which a person can use deadly force. See, e.g. Fla. Stat. § 776.012(2).

3 McClellan C, Tekin E. Stand Your Ground laws homicides, and injuries. *Journal of Human Resources*. 2017; 52(3): 621-653.

4 McClellan CB, Tekin E. Stand your ground laws, homicides, and injuries. *National Bureau of Economic Research*. 2012.

5 Cheng C, Hoekstra M. Does strengthening self-defense law deter crime or escalate violence? Evidence from castle doctrine. *National Bureau of Economic Research*. 2012. See also: Gius M. The relationship between stand-your-ground laws and crime: A state-level analysis. *The Social Science Journal*. 2016; 53(3): 329-338.

6 Roman J. Race, justifiable homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report data. *Urban Institute*. 2013.

7 Ackermann N, Goodman MS, Gilbert K, Arroyo-Johnson C, Pagano M. Race, law, and health: Examination of 'Stand Your Ground' and defendant convictions in Florida. *Social Science & Medicine*. 2015; 142: 194-201

8 Florida's Stand Your Ground law specifically eliminates the requirement that a person retreat before using deadly force in public, restricts law enforcement and prosecutors from arresting and prosecuting shooters, and provides a pre-trial immunity hearing that provides an additional hurdle for holding a shooter accountable.

9 Humphreys DK, Gasparini A, Wiebe DJ. Evaluating the impact of Florida's "Stand Your Ground" Self-defense law on homicide and suicide by firearm: An interrupted time series study. *JAMA Intern Med*. 2017; 177(1): 44-50.

10 Humphreys DK, Gasparini A, Wiebe DJ. Association between enactment of a "Stand Your Ground" self-defense law and unlawful homicides in Florida: An interrupted time series study. *JAMA Intern Med*. 2017; 177(10): 1523-1524.

11 Humphreys DK, Gasparini A, Wiebe DJ. Evaluating the impact of Florida's "Stand Your Ground" Self-defense law on homicide and suicide by firearm: An interrupted time series study. *JAMA Intern Med*. 2017; 177(1): 44-50.

12 Id.

13 Ukert B, Wiebe DJ, Humphreys DK. Regional differences in the impact of the "Stand Your Ground" law in Florida. *Preventative Medicine*. 2018; 115: 68-75

14 Spitzer RJ. Stand your ground makes no sense. *New York Times*. May 4, 2015. <https://nyti.ms/2CcMW4y>.

15 Id.

16 Stanley K, Humburg C. Many killers who go free with 'stand your ground' law have history of violence. *Tampa Bay Times*. February 17, 2013. <https://bit.ly/2LhL51v>.