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The Dangerous Intersection between Race, Class and Stand Your Ground

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The Stand Your Ground (SYG) law has and will likely continue to generate a wealth of controversy and political debate. It derives its historical significance from the Castle doctrine that allows citizens to protect themselves. The aftermath of SYG has led to an increase in justifiable homicides of minority victims. A preliminary analysis of data from FBI Uniform Crime Reports suggests that the race of the victim is the foremost determinant in the outcome of SYG cases where the perpetrator is non-minority. This research will further explore the Castle doctrine and examine SYG laws in Florida where racial tension is a challenge to determine if there has been an increase in the death of persons of color, especially Black male youths since the law's enactment. Finally, it will use policy analysis methodology to identify the problem, underlying assumptions, implementation structure, rationales, and to forecast the policy implications of the law.

Remonstrations to the duty to retreat are elongated in American history. The case of *Erwin v. State* (1876) introduced the term “true man” to present the duty of the American man to “stand his ground” in preparation to any threat to his person. In *State v. Gardner* (1905), Judge Edwin A. Jaggard reasoned that the relationship between the “frontier” character of rural America and the direct power of guns coalesce to make the duty to retreat doctrine unrealistic. Despite its unrealistic nature and context, the state of Florida would introduce legislation and in 1987 enact one of the first “shall-issue” concealed handgun laws, requiring that a license be issued to anyone who meets the criteria listed in the statute (Kranz 2006). Unfortunately, the passage of the 1987 legislation would commence the passage of more comprehensive laws in the state of Florida to expand the general definitions of self-defense to include: abrogation of the duty to retreat; a presumption that if otherwise acting lawfully, the person using deadly force has the requisite reasonable fear for self-defense; and a shield from civil, and in some states criminal, liability (Florida Statutes § 776.013; Florida State University of Law Review 2005). The use of deadly force was predicated on the “reasonable person test” suggesting that deadly force could be met with deadly force “only if a reasonable person would have done the same; less than deadly force required a less lethal response. Often, this required an attempt to retreat before taking action. Some states rejected such laws in favor of a more expansive judicial interpretation of the right to self-defense similar to the later Stand Your Ground laws, if not called that in name” (Koons 2006, 14). Today, Stand Your Ground laws, which were traditionally premised self-

defense laws, are statutes that allow citizens to use deadly force in public places, even if they can circumvent the conflict by safely leaving the area. The SYG law “gives potential victims the right to use deadly force against a presumed attacker, providing the victim has reasonable fear of the assailant” (Wallace 2008, 74).

Overview of the SYG Law and the Impact of Florida

The SYG law derives its historical significance from the Castle Doctrine: “the principle that a man’s home is his castle is basic to our system of jurisprudence” (Beale 1903, 567). The central tenets of the Castle Doctrine provides that a person has no duty to retreat from attack in his own home and may stand his ground to defend himself or his home (Drake 2008). Equally important to note is that the Castle Doctrine grants immunity from prosecution of one’s actions, for those who exercise their rights under the law. Hence, the SYG law provides a defense for individuals who utilize deadly force to protect themselves from the threat of harm with no obligation to retreat in its extension of the Castle Doctrine. One can reasonably conclude from the context of this information that the implementation of SYG laws created opportunities and a wealth of rights to innocent victims by giving them a legal footing to protect themselves in the face of imminent danger regardless of the specifics of the crime.

In October of 2005, the state of Florida’s duty to retreat was repealed by the passage of the SYG law that “was a product of the collaborative efforts of Marion Hammer, chief Florida lobbyist during 2005, and the president of the National Rifle Association (NRA), Sandy Froman to pass Senate Bill (SB) 436” (National Black Law Students Association 2012). Their efforts aided in mastering and endorsing legislation. Soon after, the American Legislative Exchange Council (ALEC), a nationwide association of conservative state legislators and corporations, adopted a paradigm law based on Florida’s statute (National Black Law Students Association 2012). It is important to note that at this time an NRA representative served as co-chair of the ALEC committee that adopted a model law (Gertz 2012). Interestingly, ALEC named its replica law the “Castle Doctrine Act;” the law in effect destroys the castle concept allowing individuals to use deadly force wherever they have a right to be, even if there is a clear cut, easy, and safe opportunity to retreat. Some have concluded that the laws have created new age vigilantism through the broad use of deadly force that sometimes extends the rights allowed by soldiers and law enforcement personnel. While soldiers and police are trained to defuse confrontations and required to use deadly force only as a last resort, under SYG laws, citizens have no such constraint (Soltz 2012). In the wake of Florida’s enactment of SYG in 2005, 22 states have passed comparable Stand Your Ground legislation in addition to various forms of immunity requirements (Randolph 2014). A central component in these laws is the elimination of the requirement of the duty to retreat as well as some form of immunity for those who exercise this right (Boots Bihari and Elliot 2009).

The Florida law, which has served as a model for many states, extends “citizens the right to use deadly force against intruders entering their homes, when it can be shown that the intruder entered unlawfully or forcefully” (Wallace 2008, 75). The law also extends this principle to vehicles and other places where the individual had a right to be. Finally, the law eliminates a previous requirement that a person attacked in a public place must retreat (Wallace 2008, 75). Wallace (2008) notes that some citizens may construe the new SYG laws as a right to engage in proactive behavior to avoid the possibility of harmful actions by another. In the emotion-laden attempt to ward off potential injury, a person could conceivably be inaccurately predicting the actions of another, which will ultimately

challenge the motivations and actions of the persons who decide to use deadly force based on real and/or perceived fear, which raises questions around the use of “justifiable” force (Wallace 2008).

The use of justifiable force is at the center of the state of Florida’s section 776.012 of the Florida statutes. The amendments to Florida’s use-of-force laws include two key presumptions affecting the use of deadly force in self-defense. Specifically, the law presumes that when someone is forcibly and unlawfully entering a “dwelling, residence, or occupied vehicle,” or has already done so, that person intends to commit unlawful violence (Florida: Fla. § Stat. 776.032(2)). The law also presumes that an occupant using defensive deadly force does so with a “reasonable fear or imminent peril of death or great bodily harm” (Florida: Fla. § Stat. 776.032(2)). Therefore, under the 2005 amendments, anyone forcibly and illegally entering a dwelling is there for violent purposes and can be met with deadly force.

The full veracity of the SYG laws are not simply about citizens’ rights to defend themselves at home (*Smiley v. State*). Rather, the laws constricted exclusions to be appropriate everywhere, making it the law instead of the exception (Florida: Fla. § Stat. 776.032(2)). This can also escalate everyday confrontations into deadly fatal shootings (Fla. § Stat. 776.032(3)). Those responsible for taking a life in SYG states have, in numerous instances, evaded prosecution and conviction by claiming that they acted in self-defense. Moreover, states that have adopted SYG laws have increased rates of overall homicides, firearm-related homicides, and justifiable homicides. For instance, the FBI Uniform Crime Report (UCR) postulates that SYG states experienced a sharp increase in the number of justifiable homicides by 53%, with a decrease of 5% in states deprived of these laws (Mayors Against Illegal Guns 2013, 13). In the state of Florida for example, post the passage of SYG laws, the number of justifiable homicides increased by 200% (Mayors Against Illegal Guns 2013, 3).

Problem: SYG and African-American Males

The impact of SYG laws on the African American population is alarming. According to the National Urban League, “among the people shot to death in the Black population in states with SYG laws, the rate of those homicides found to be justifiable more than doubled between 2005 and 2011, while it fell in the rest of the country” (Mayors Against Illegal Guns 2013, 3). It is also important to note the increase in the number of justifiable homicides is particularly notable in Florida, Texas, Georgia, Arizona and Kentucky. The death of Trayvon Martin on February 26, 2012 at the hands of George Zimmerman is one example of how racial prejudice exercised by the low bar required of SYG laws led to an African-American teen becoming its victim. SYG statutes, combined with racial bias, create a vigilante atmosphere.

On the evening of February 26, Trayvon Martin—an unarmed 17-year-old African American student—was confronted, shot, and killed near his home by George Zimmerman, a neighborhood watch captain in Sanford, Florida (CNN 2014). Zimmerman shot Martin, who was unarmed, during an altercation between the two. Responding to an earlier call from Zimmerman, police arrived on the scene within two minutes of the shooting. Zimmerman was taken into custody, treated for head injuries, and then questioned for five hours. The police chief said that Zimmerman was released because there was no evidence to refute Zimmerman's claim of having acted in self-defense, and that under Florida’s SYG statutes, the police were prohibited by law from making an arrest (Isensee, Clark, and Robles 2012). Specifically, police note that according to the SYG law, Zimmerman had a right to defend

himself and to use deadly force. Thus, it was not surprising that when the trial of George Zimmerman vs. the State of Florida commenced that Zimmerman would be found not guilty. While Zimmerman did not affirmatively claim a SYG defense in the case, he did claim self-defense as his motivation for the shooting, the jury was instructed about Florida's SYG law, and jurors did discuss the law in their deliberations, which aids to the complexities and controversy that surround the law.

Several facts about the Martin homicide are known. Zimmerman and Martin were strangers, they were the only two people involved in the incident, neither was law enforcement, a handgun was used in the homicide, Zimmerman was White, Martin was Black, and Zimmerman was older than Martin. Roman and Downey (2012) examined overall homicide data and found that cases resembling the Trayvon Martin shooting where a handgun homicide with a single shooter and victim who are strangers to one another are twice as likely to be deemed justifiable in SYG states as they are elsewhere. Concomitantly, Roman (2013, 6) notes that 7.2% of such homicides in non-SYG states were deemed justifiable while 13.6% of the same type of homicides in SYG states were deemed justifiable nearly twice the same. Table 1 describes the likelihood a homicide is ruled justified when there is a single victim and single shooter, they are both male, they are strangers, and a firearm is used. In the six years of FBI data, this fact pattern occurred in 2,631 cases (Roman 2012).

Table 1. Percentage of Homicides Ruled Justified, Martin Case Attributes, 2005-2010

Population	Total	Non- SYG states	SYG States
White on White	2.21	1.68	3.51***
White on Black	11.4	9.51	16.85***
Black on White	1.20	1.13	1.40
Black on Black	2.43	2.15	3.16***
Total	2.57	2.15	3.67***

Source: 2005–10 FBI Uniform Crime Statistics Supplementary Homicide Reports (Roman, 2013 p. 9). * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

According to Roman (2012), the rate of justifiable homicides is almost six times higher in cases with attributes that match the Martin case. Racial disparities are much larger, as White-on-Black homicides have justifiable findings 33 percentage points more often than Black-on-White homicides. SYG laws appear to exacerbate those differences, as cases overall are significantly more likely to be ruled justified in SYG states than in non-SYG states (Roman 2012, 9). Such findings can lead some to conclude that SYG laws negatively impact African American males in such a way that they represent another form of racial profiling.

Underlying Assumptions: Racial Profiling

Even esteemed academic scholars like Dr. Henry Louis Gates, Jr. face the consequences of racial profiling and criminal mistreatment by police. The Harvard

University professor and creator of Public Broadcasting's (PBS) *Finding Your Roots* was accused of allegedly breaking into his own home in the summer 2009 but was arrested for accusing the police officer who came to his home of racism and asking "Why, because I'm a Black man in America" (Goodnough 2009). After the election of the first African-American president, Barack Obama, racism was assumed to be a notion of the past. This was expected to remedy ages of racial unrest, discrimination and segregation in the United States of America. For many, "President Barack Obama's victory may imply to some oppressive structures and systems negatively influencing racial and gender minorities have dismantled, suggesting neither race nor gender as problematic within contemporary America" (Davis et al. 2010). In reality, "the election of President Obama could not change policies nor personal philosophies that separate individuals based on race" particularly within the American legal system (Davis et. al 2010).

In a post-Civil Rights and post-racial era according to media sources based on the legacy of Dr. Martin Luther King, Jr. and the presidency of Barack Obama, racial profiling is centuries away from ending. In today's society, what we know about, relate to and characterize as racial profiling stems from the "decisions of police officers and police departments" across this country (Higgins, Vito and Walsh 2008, 23-24). Racial disparities within the criminal justice system continue to be of national concern as there are "documented disproportionate numbers of racial and ethnic minorities at every stage of the criminal justice process" (Higgins Vito and Walsh 2008, 24). Within this context, there are various definitions of racial profiling. One source holds that it is "the use of a combination of physical, behavioral or psychological factors that, after being subjected to careful analysis improve the probability of identifying and apprehending a suspect" (Higgins Vito and Walsh 2008, 24). Others define it as the targeting and stopping of minorities at a disproportionate rate based on unwarranted factors such as race (Higgins Vito and Walsh 2008, 24). Overall, it considers the number of persons of color stopped by police based on their race. For the purpose of this article, gender, physical build and type of vehicle driven at the time of being stopped by police are all factors that contribute to racial profiling, particularly in the Deep South.

According to a 2013 Pew Research Center report, 46% of African-Americans suggest that "there is a lot" of discrimination against them while only 16% of Whites feel it exists at this same rate (Doherty 2013). In addition, when polled about the criminal processes surrounding the Trayvon Martin case, 73% of African-Americans believed that George Zimmerman would have been arrested if Martin were White (Dawson 2012, 669). Racial profiling has come to the forefront of the case surrounding the murder of Trayvon Martin in February of 2012. Since the signing of the 1863 Emancipation Proclamation, Blacks in this country have hoped to be seen and treated as equals. Ella Baker (1964) notes that "Until the killing of black men, black mothers' sons, becomes as important to the rest of the country as the killing of a white mother's son, we who believe in freedom cannot rest until this happens." This reality became evident when a jury of Zimmerman's peers found him not guilty on July 13, 2013. "Proponents of judicial activism have traditionally argued that the courts must correct injustices when the other branches of government refuse to do so" (Dilulio 1994, 31). For most African-Americans seeking justice through the courts, "The courts are the last resort for those without the influence to obtain new laws, especially the poor and powerless" (Dilulio 1994, 31). Unfortunately, the powerless are those who look like Trayvon Martin.

Power is known to influence human behavior (Palmer 2013, 126). Stereotyping, racial profiling, racism, disproportionality, disparities, and discrimination are often

correlated with the quest for power (Palmer 2013, 126). Scholars hold that there are two types of power, social and personal (Palmer 2013, 127). Social power is one's ability to "influence others and make them do things they would not do otherwise" (Palmer 2013, 127). On the other hand, personal power is the capacity to do what you want as you would like without the influence of others (Palmer 2013, 127). Palmer (2013, 127) argues that Zimmerman was on the quest for personal power, as he desired to be a police officer, owned a handgun and served as a neighborhood watchman. In addition to Zimmerman's desire for personal power, cultural factors such as stereotypes about Trayvon as a prime target of his quest. Cultural value systems, desires for power, and a lack of cultural tolerance and exposure lead to incidents of this nature where logic and reason or not fully executed (Palmer 2013, 127-28). Personal power contributes to a great deal of mistrust among citizens and police officers. In this case, a citizen playing the role of a police officer caused a social uproar that was later heightened by the judicial outcome.

A valid concern for the Black community is how often will killings like those of Trayvon Martin prevail before justice is served. Post the shooting of Trayvon, we have witnessed increase violence against African-American males with the shooting deaths of Michael Brown (age 18) and Jordan Davis (age 17), two teenage Black males both killed under similar circumstances by White men with guns. Some hold that these outcomes are a direct result of the ruling in the Trayvon Martin case. Others hold that "The court's first order of business must be to promote the physical security of inner-city children, especially protect them against violent and repeat criminals, adult and juvenile" (Dilulio 1994, 31). Overall, Black male youth are at the highest disadvantage as it pertains to the American judicial system and processes. It is the aforementioned social and cultural factors coupled with the disproportionate rate at which African-American males are likely to be victims in SYG cases that make it quintessential to examine the political debate of SYG laws.

In addressing politics and resulting policies' impact on stigmatized populations such as Black male youths, it is imperative to acknowledge the social construction of target populations. The theory expresses its influence on how the policy agenda is created, what policy tools are used, and the rationale of policymakers (Schneider and Ingram 1993, 334). The social construction of target populations is best characterized as cultural images of individuals or groups who are identified by policymakers as positive or negative (Schneider and Ingram 1993, 334). These negative or positive images can have detrimental impacts on specific individuals or groups producing ineffective and stigmatizing policies and laws. This can lead to certain advantages for those who are considered having a positive image versus disadvantages for those identified as having a negative image.

Schneider and Ingram (1993, 335) note that such social constructions identify minorities and children or youth as having weak political power. This lack of political power results in elected officials and policy makers commonly inflicting punishment on negatively constructed groups because they do not fear political or electoral retaliation (Schneider and Ingram 1993, 336). Furthermore, when policies are created that stigmatize or negatively impact an individual or group based on specific criteria or eligibility, social constructions or stereotypes of those target populations remain constant over long periods of time making them and laws even more difficult to change.

Implementation Structure: Political Debate

The traditional common-law Castle Doctrine is a basic tenet of American law. Many believe that a historical understanding of the Castle Doctrine has been transformed by what Holliday (2012) describes as the "super Castle Doctrine." The super Castle Doctrine

expands the central focus of the Castle Doctrine to include the following:

- First, the super Castle Doctrine abrogates the duty to retreat to prior to using deadly force;
- Secondly, when attacked in one's home, the super Castle Doctrine presumes that if otherwise acting legally, an actor has the necessary reasonable fear of death or great harm required to justify deadly force;
- Third, the right to stand one's ground against attack applies not only in one's home or business, but in one's vehicle, another's home, or in some cases, anywhere one has a legal right to be; and
- Fourth and final, the super Castle Doctrine statutes extend a shield against civil liability (and in some cases, criminal prosecution) for an actor who uses deadly force in certain self-defense situations, usually involving felonies against the actor or his home (West 2010; Holliday 2012, 409).

Whereas, the Florida Castle Doctrine previously shielded only an occupant in her own home, the new law recognizes the privileges of the doctrine for anyone in any "dwelling, residence, or occupied vehicle (Florida: Fla. § Stat. 776.032(2)) has evolved into an impenetrable assortment of rules on when, and against whom, one may postulate the prospect of non-retreat. Problems exist for modern society. Days have gone by whereas deadly conflicts for the most part originated from outside the home-and partly because of the increased awareness of constitutional rights blow on violence," courts regularly inquire whether the duty to retreat outlines disparate treatment depending on the status of the parties involved.

Debate over the Castle Doctrine's applicability is abrogated by SYG anywhere you have a right to be (Ross 2007-2008). American jurisprudence admits that most American courts are apprehensive to espouse any rule that requires a non-aggressor to retreat from an unprovoked deadly attack (Carpenter 2003). There is superfluous disagreement. Moreover, flight from home base, is not burdened with the same danger that occurred in the 19th Century when the Castle Doctrine's opportunity of non-retreat was established (Randolph 2014). The increased degree of danger, coupled with the fact that the parties involved are strangers, requires an obligation to treat each other with tolerance and respect (Carpenter 2003).

SYG laws when viewed in a historical rights to self-defense context, combined with the duty to retreat, the Castle Doctrine shows that they are merely an extension of it rather than a radical departure from common sense. From a victim's perspective, the laws preserve the dignity of those whose first instinct is to defend themselves instead of to flee by abolishing the flight before fight requirement. Additionally, the assurance of legal protection to victims, who properly resort to deadly force in self-defense, is empowering because citizens do not need to fear reprisal for exercising their right to defense from life threatening danger (Holliday 2012). From an attacker's perspective, the knowledge that potential victims may lawfully choose to fight without first retreating may deter criminal behavior in the interest of self-preservation. States across America adopted variations of the Castle Doctrine, and the right to SYG in a violent altercation became the norm in many states.

For some retreat jurisdictions, the Castle Doctrine applies equally against all initial deadly aggressors, whether their status is labeled as trespasser, invitee, or cohabitant. For these courts, the inquiry turns instead on whether the initial deadly aggressor might be the atypical burglar who has no legitimate relationship to the site of the attack, or at the other end of the spectrum, a cohabitant with equal possessor rights (Carpenter 2003). By

underscoring either the value of the sanctuary, in which case the Castle Doctrine should be applied, or the status of the initial aggressor, in which case the Castle Doctrine will be rejected, courts permanently changed the parameters of self-defense. Inasmuch, jurisdictions are divided primarily into those that oblige the non-aggressor to retreat before using deadly force, and those that require such duty, instead allowing those who are attacked to stand their ground and kill.

For instance, on February 26, 2012, Trayvon Martin was shot dead by George Zimmerman, as he walked home through the gated community neighborhood in which he was visiting his father's fiancé. Alongside Florida's "Stand Your Ground Law," Zimmerman made the claim he was threatened by the existence of an unarmed African-American high school student wearing a hooded sweatshirt. As a consequence of Zimmerman being found not guilty under this law, many others given the processes and exigencies' that led similar situations where they did not return home. The names belong to an established body of victims and include Dred Scott, Emmitt Till, Raymond Herisse, Rodney King, Trayvon Martin, Michael Brown, Abner Louima, Amadou Diallo, Youssef Hawkins, Kimani Gray, Oscar Grand, James Byrd, Troy Davis, Sean Bell, the Gena Six, Eric Garner and most recently, Michael Brown. Disparate treatment exists in the African-American community due to public mistrust of the criminal justice system. W.E.B. Du Bois (1932) once wrote "Nothing in the world is easier in the United States than to accuse a Black man of a crime." During 1932, Du Bois pinned these infamous words that resound during the 21st century.

To peruse the jurisprudence of the advantage of non-retreat, one is struck at the precise effort made to mark out civilized behavior amongst the violence that occasions the need to use deadly force as a response. Most jurisdictions do not impose the duty to retreat on the one that is criminally attacked, whether in public or private space, believing that the one who is not primarily at fault should be able to stand their ground and use deadly force. However, in minority cases of SYG, the law has avowed that it is far more evenhanded to insist that the one who is unlawfully attacked "retreat if safe to do so, "rather than take the other's life. Even jurisdictions with strict concepts of the compulsion to retreat are expeditious to specify that the duty to retreat is a submission of the requirement of strict necessity, which was intended to ensure the existence of that obligation. Second, most retreat jurisdictions have adopted the Castle Doctrine, which embraces the duty to retreat is not required when attacked in one's own dwelling, although what composes one's dwelling for purposes of the Castle Doctrine is the conditioned of much controversy.

Rationales

One cannot understand crime without understanding the nature of the social order in which it occurs. Crime in America takes place within a capitalistic system where greater emphasis is placed on property rights than on human rights (Davis 1976). Donald Black (1983) argues that crime is used as social control. He defines social control as the degree by which someone responds to the conduct of another of which they determined to be deviant (Black 1983, 34). He adds that cases of violent redress can come in the form of assassinations, feuds, fights, beatings, deprivation, destruction of property, and humiliation (Black 1983, 34). In the case of Trayvon Martin and George Zimmerman, "any individual killed from ambush is automatically labeled the one who had the guilt" as "everyone assumes the deceased individual provoked his own death throughout an act of wrong doing" (Black 1983, 35). For the jury in the case and Zimmerman, Martin was on the wrong side of town in suburbia when he should have been in the "hood" like the rest of his kind. He was

suspicious and even after being instructed not to pursue him by the 911-dispatcher, Zimmerman shot him to death. This seems to have been the correct course of action according to law and the social control theory where “homicide is considered a reaction to crime, not a crime in itself” (Black 1983, 35). This unfortunate case of events further perpetuates the SYG law in states like Florida, where the innocent are being killed and the shooters are receiving unfair repeal.

Within social control, “it appears that most violence is inflicted upon men by other men” (Black 1983, 35). Like the respondents to the Pew Research poll, one could contend that if these two men were of African descent, this case would have never made it to court. These assumptions are problematic in that they are reflective of today’s society and judicial system. It is indicative of how people of color perceive themselves within this system, particularly young Black men.

As a result of the SYG law, justifiable homicide rates increased in Florida, Texas, Georgia, Arizona and Kentucky. The normal average number of justifiable homicides increased 200% in Florida, 54% in Texas, 83% in Georgia, 24% in Arizona, and 725% in Kentucky between 2005-2007 (Mayors Against Illegal Guns 2013, 7). Researchers from the Urban Institute examined homicide data and discovered that circumstances resembling the Trayvon Martin shooting, handgun homicides with a lone shooter and victim who were outsiders to one another are two times as likely to be considered justifiable in SYG states as they are at an unknown place. According to Roman and Downey (2012), 72% of homicides in non-SYG states reasoned justifiable, on the other hand, 13.6% of the same type of homicides in SYG states was deemed justifiable nearly twice the portion.

The escalation of justifiable homicides excessively affects the African-American community. The number of Black and White justifiable homicide victims has expanded in SYG states, insomuch, that the rate of victimization among African-Americans was greater before representation of SYG laws. The number of homicides of African-Americans is considered justifiable in SYG states “more than doubled between 2005 and 2011 growing from 0.5 to 1.2 per 100,000 persons while it continues to be consistent for the rest of the country” (Roman 2013).

According to the Urban Institute (2013) researchers found that when Caucasian shooters killed African-American victims, 38% of the resulting homicides were deemed justifiable, while only 3.3% of the deaths were ruled justifiable when the shooter was African-American and the victim was Caucasian. If a Caucasian man shoots a younger African-American male with whom he had no advanced affiliation, this shooting is determined justifiable 49% of the time (Mayors Against Illegal Guns 2013, 7). Additionally, when the scenario is inverted, and an older African-American man shoots a younger Caucasian man with whom he had no prior affiliation, the homicide is only judged justifiable 8% of the time (Mayors Against Illegal Guns 2013, 7).

Generally, justifiable homicides range in the five-year period beginning and prior to the enactment of the laws from 2001 through 2005 and from 2007 through 2011. By the way, Florida from 2005, before and after enactment was compared from 2000-2004 and from 2006-2010. Incidentally, four states that enacted Stand your Ground Laws during 2007, from 2002 through 2006 and from 2008 through 2011 will be compared. It seems four states that enacted Stand Your Ground Laws in 2011 did not have the law in effect. States that did not have Stand Your Ground were North Carolina, New Hampshire, Nevada, and Pennsylvania. Without a doubt, two states enacted Stand Your Ground Laws during 2008 that consist of Montana and West Virginia, and two states that did not report justifiable homicides were Washington, D.C. and New York (Mayors Against Illegal Guns 2013).

There are nearly 200 instances since 2005 where Florida's SYG law has played a factor in prosecutors' decisions, jury acquittals, and/or a judge's call to throw out the charges (Lee 2012). It is important to note that not all of the cases involved killings. Some involved assaults where the person did not die. The law eliminates a person's duty to retreat before using deadly force against another in any place he/she has the legal right to be — so long as he reasonably believed he or someone else faced imminent death or great bodily harm. Nearly all the defendants went free nearly 70% of the time.

To date, there have been at least twenty-six youths killed in Florida Stand Your Ground cases (Tampa Bay Times 2014). This count includes Trayvon Martin and most recently, Jordan Davis, a seventeen-year-old shot by Michael Dunn for playing his music too loud (Huffington Post 2014). The youngest of victims is nine-year-old Sherdavia Jenkins who was killed in crossfire in 2006 (Tampa Bay Times 2014). Consequently, no national system exists for collecting data regarding cases of SYG, which was declared as a defense. The Federal Bureau of Investigation (FBI) collects data on the number of "justifiable homicides" committed each year, which it defines as "the killing of a felon during the commission of a felony by a private citizen" (2014, 1).

Comparisons conducted found that twenty-two states have SYG laws where most were enacted in 2006. Texas A&M University (2012) published a report that examined the FBI homicide data and controlled factors that might affect state homicide rates, such as the poverty rate, the number of police, and the region of the country. Factors that were consistent with SYG laws were associated with 7% or 9% of the increase of total homicides such as the rate of burglary, robbery and aggravated assault laws (Cheng and Hoekstra 2013). McClellan and Tekin (2013) reported that the National Bureau of Economic Research and the Centers for Disease Control (CDC) considered the effect of these laws on firearm-related homicides versus all homicides. The factors considered, the study found that the SYG law was connected with 9.2% or 15.6% increase in firearm-related homicides involving White male victims (depending on methodology) while changes in firearm-related homicide rates among African-American victims and White female victims were not statistically significant. The authors assert that the assessable effect on Caucasian male victims may be due to the greater share of Caucasian males who possess their firearms.

Conclusion: Forecast of Policy Implications

For centuries in America, the shooting of Black men, particularly young Black men, has become commonplace. Some would characterize it as a trend. In 1964, Ella Baker, Civil Rights Activist, stated, "Until the killing of Black men, Black mothers' sons, becomes as important to the rest of the country as the killing of a White mother's son, we who believe in freedom cannot rest until this happens." As Trayvon lay dead in his father's neighborhood, Black Americans were praying for justice. Since the signing of the 1863 Emancipation Proclamation, Blacks in this country have fought for and sought after equality, particularly equal protection and due process under the law. The happenings of February 26, 2012 and more recently, the death of Michael Brown at the hand of a police officer, reiterated the notion that Dr. King's dream of equality has not become a reality. This loss and lack of hope reemerged when a jury of Zimmerman's peers found him not guilty on July 13, 2013. On November 24, 2014, this wound was re-opened when a jury decided not to charge the officer, Darren Wilson, with the murder of Michael Brown. The criminal justice system has created a lack of trust and unrest among people of color, particularly African-Americans who are concerned with racial disorder, profiling, and discrimination. Traditionally, Blacks have been proponents of judicial activism arguing "that the courts

must correct injustices when the other branches of government refuse to do so” (Dilulio 1994, 31). For most African-Americans seeking justice through the courts, “The courts are the last resort for those without the influence to obtain new laws, especially the poor and powerless” (Dilulio 1994, 31). Unfortunately, the powerless are those who look like Trayvon Martin and Michael Brown.

Some, like Davis (1976, 94) argue, “Blacks in this country could not redress their grievances through law” as “the law and its enforcement was against the interests and well-being of the Black man” (Davis 1976, 94). Such realities and cultural standards cause social disorder. These standards of inferiority, rejection, and depreciation are reflected in the social disorder of the treatment of Blacks, predominantly Black males by the American legal system (Davis 1976, 90-91).

This research has found that Stand Your Ground laws undermine public safety and increase homicide rates. Public policy reform legislation should return the rule that a person removes himself or herself from the situation, if one can do so safely before using deadly force and consider the rule of de-escalation of confrontation when possible. Repeal criminal immunity provisions, which prevent the arrest and prosecution of killers and take over the role of juries. Repeal civil immunity provisions especially those that prevent innocent bystanders and their families from any form of compensation. Unfortunately, “We will continue with failed criminal justice policies (such as SYG) that do little to empower the law abiding residents of these places to raise their children in peace” (Dilulio 1994, 32) such as the mothers of Trayvon Martin and Michael Brown. Furthermore, our findings predict that policymakers and legislators “will continue with the a public discourse that enables policy intellectuals of all ideological persuasions to retread old arguments, policy makers of both parties to pass new but ineffective laws, judges to look the other way, and average citizens of all races to shrug off any sympathies they may feel toward young, faceless fellow citizens whose personal and economic fates are not closely intertwined with their own” (Dilulio 1994, 32).

As the statistics of this study reflect, the criminal justice system is flawed as it relates to Black males. Cultural norms, social factors, power, and stereotypes make it dubious and in some cases, deadly, for this socio-demographic to seek and obtain justice under these conditions. The state of African-Americans is ripe to be influenced by public policymaking and revamping the American legal system. Moreover, it is conditioned best for the addressing of racial discrimination and policing disparities among this group. Legal protections, civil rights, and civility are due to all Americans, not just those who are privileged, White and male.

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Kristie Roberts-Lewis, Ph.D., currently serves as an Assistant Professor and Atlanta Site MPA Internship Director at Troy University. Dr. Roberts-Lewis is a native of

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