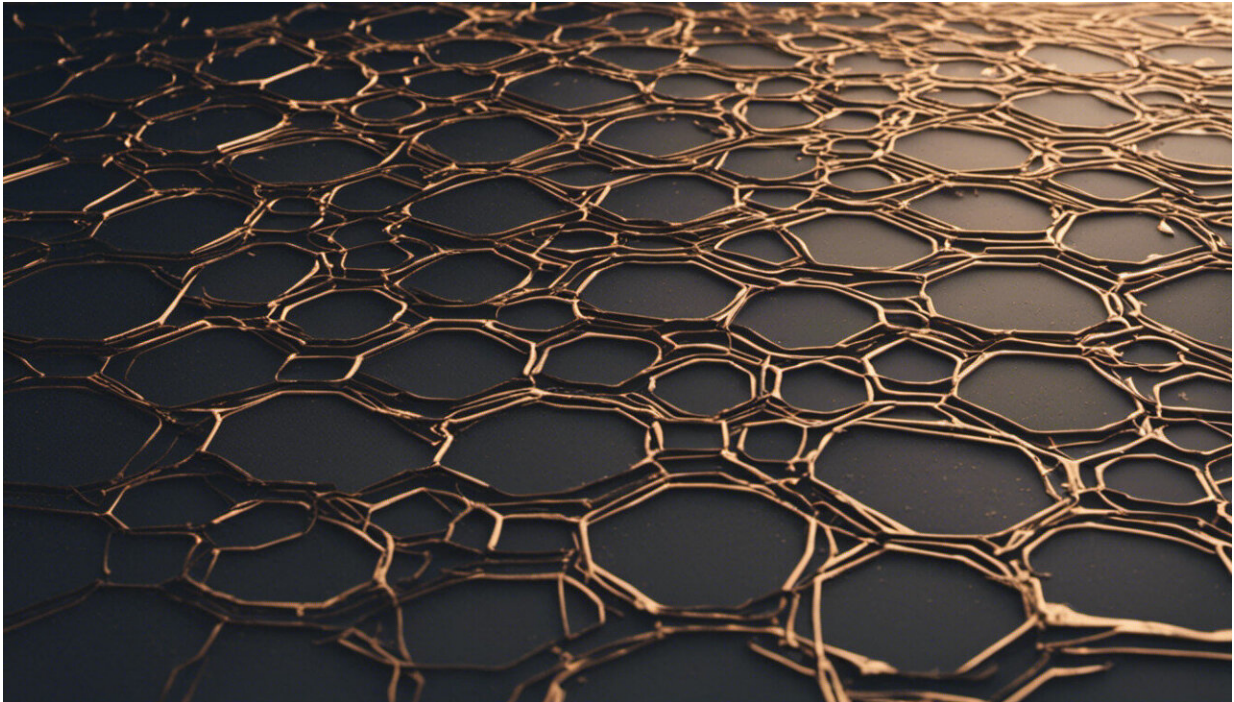


3Qs: Debating the impact of 'stand your ground' laws

March 30 2012, By Matt Collette



Credit: AI-generated image ([disclaimer](#))

The death of Trayvon Martin, an unarmed, black teenager shot by self-appointed community watch captain George Zimmerman in Florida, has sparked a turbulent nationwide dialogue on race and so-called “stand your ground” laws, which authorize the use of lethal force in cases of self-defense. On Tuesday, Deborah Ramirez, a professor in the School

of Law, spoke at a panel convened by Congressional Democrats to address the case.

What issues come from the rise of private security forces and community watch groups that often take the place of patrols previously conducted by trained police officers?

Generally, when we think of community security, we think of the police, but the fact of the matter is that there are large numbers of private security officers in this country, and that does not include the many thousands of people who volunteer to provide security for their neighborhoods in the type of community patrols that George Zimmerman captained. As a result, much, perhaps most, of the patrolling function that we think is fulfilled by professional police officers is now being done by private security employees, volunteer community members and neighborhood watch volunteers.

Given their pervasive patrol presence and their routine carrying of firearms in our communities, the police need to participate in the training of private and volunteer security patrol officers, especially regarding issues of racial profiling, de-escalating potentially violent situations and the use of force. Private security officers, community volunteers and community watch members also need to be informed of the limits of their authority; they may think they are police, they may even want to become police officers, but they are not police officers and they do not have police powers. And when they abuse their authority as private citizens and exercise authority that we reserve for [police officers](#), police departments must be vigilant in prosecuting them and, where appropriate, take steps to revoke their license to carry firearms.

Florida’s “stand your ground” laws have come under

intense scrutiny since the incident. What changes do you believe are necessary?

We cannot ignore the possibility that Florida's so-called "stand your ground" statute enables the needless use of deadly force by justifying the use of deadly force that would not be justified under the common law of murder. Under the common law of murder, a person is legally justified to use deadly force only when faced with the imminent risk of death or serious bodily injury, and only as a last resort.

As police chiefs predicted, there is evidence that the "stand your ground" statutes have been used to justify killings in a variety of tense situations: gang turf battles, backyard disputes between neighbors, road-rage incidents, arguments among drug dealers. In Florida, since the law was passed, the number of homicides described as justifiable has nearly tripled. After all, if you kill someone during a violent encounter and no one else saw the killing or is willing to say what happened, who will be there to rebut the killer's claim that he acted in self-defense?

Anecdotal evidence of the real-world consequences of the "stand your ground" laws, however, will probably not be persuasive to a legislature considering repeal of such a law. Hard data from carefully prepared studies might be more persuasive, and the Department of Justice is uniquely positioned to commission such empirical studies. The National Institute of Justice needs immediately to study these laws and determine whether they deter aggressors from initiating acts of violence, or more often encourage acts of violence by persons who otherwise could have walked away from their aggressors.

What does the police response to Martin's shooting death reveal about the Sanford police department's handling of its investigation?

Perhaps the most shocking aspect of this tragedy is the apparent failure of the Sanford police department to fully investigate this homicide when it occurred one month ago. As best I can tell, the Sanford police department accepted the explanation of George Zimmerman that he acted in self-defense and failed to take sufficient steps to determine whether the other evidence in the case corroborated or was in conflict with his explanation.

The Department of Justice should establish protocols for state and local police departments to follow in the investigation of every homicide, even a homicide that appears to have been in self-defense. The [police](#) should never rely on the word of the shooter without thoroughly investigating the case to determine whether the eyewitness and physical evidence confirms or contradicts the person's account of events.

The School of Law's Civil Rights and Restorative Justice Project (CRRJ) will hold a panel discussion Thursday afternoon at 5:30 p.m. in 240 Dockser Hall that will examine the Trayvon Martin case, "stand your ground" laws and racial profiling. Ramirez and CRRJ founder Margaret Burnham are among those taking part in the event.

Provided by Northeastern University

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