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The Enforcement of Florida's "Stand Your Ground" Law: Preliminary Findings

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THE ENFORCEMENT OF FLORIDA’S “STAND YOUR GROUND” LAW: PRELIMINARY FINDINGS

Background

Since the February 26, 2012 killing of Treyvon Martin in Sanford, Florida’s controversial Stand Your Ground law has received increasingly intense public and media attention. Signed into law by then Governor Jeb Bush on April 26, 2005, the Stand Your Ground statute broadens the right of self-defense by loosening the legal requirements for the justifiable use of deadly force (Associated Press, 2005).

As may be found in any criminal law text (cf. Reid, 2004:143-4), the classic elements required for the legitimate and legal use of deadly force include:

- Such force is reasonably believed to be necessary for protection
- against an imminent and unlawful threat of death or great bodily harm to oneself or another and
- there is no opportunity to retreat to a place of complete safety.

A number of jurisdictions have waived the “retreat” requirement with the “castle doctrine,” allowing individuals to stand their ground and use deadly force in repelling an unlawful attack in their homes. Generally though, the castle doctrine does not apply to co-occupants (i.e., spouses, live-ins, roommates, etc.) or those legally on the premises.

Florida’s stand your ground law extends the right to use deadly force in self-defense to any place where an individual has a legal right to be. The duty to retreat is no longer a requirement. However, this extension does not apply if the person alleging defensive force was in any way involved in the commission of a forcible felony or was the individual who initially provoked the use of force (see Florida Statutes, 2012).

The intent of the new law, vigorously promoted by the NRA, was to protect the rights of law-abiding citizens who are assaulted and to provide another crime deterrent measure (Associated Press, 2005). However, the Treyvon Martin and certain other high profile cases have called these purposes into question. Currently, legislators, the media, and the public are all weighing in on the issue. What is not really known by any party is how the Stand Your Ground law is being used, by whom, and under what circumstances. The author is currently studying all known cases of Florida Stand Your Ground claims to determine what
situational and enforcement patterns have actually occurred. What follows here are the preliminary findings of this investigation.

The Data

An effort was made to identify all Stand Your Ground (SYG) incidents from when the Florida law took effect on October 1, 2005 through the year 2012. A SYG incident was defined as a situation where the issue was raised at any point by any party, beginning with the initial police investigation through any appeals procedure, regardless of the eventual outcome of the claim. A SYG database created by the Tampa Bay Times (2012) provided a starting point. Additional SYG cases were identified through systematic archive searches of thirty-five Florida newspapers. Case information thus obtained was updated, supplemented, and checked for accuracy through newspaper accounts, web inquiries on names, a background verification service, on-line mug shot/arrest records, and court proceedings provided through county clerk of court web pages.

Through these sources, 307 SYG occurrences were identified. Data was collected on date, city, and county of the incident; the age, sex, ethnicity, and criminal background of the principals; various circumstances surrounding the incident; and the legal outcome of the SYG claim.

As with any reliance on what are essentially secondary sources created by non-academics, certain caveats must be noted. Such sources are not necessarily complete or accurate. Categorization systems differ from one source to the next. Instances occurred when information was either not available or was deliberately withheld—case in point, most jurisdictions routinely do not identify juveniles or release any information about them. Every effort was made to verify information, but this was not always possible. Finally, these secondary sources, especially the media, may very well have become much more sensitive to the issue after the Treyvon Martin case. Therefore, SYG reporting might be more inclusive post-Treyvon Martin than before. While these potential difficulties must be kept in mind, the author made every effort to minimize inaccuracies and obtain as much verifiable information as possible.

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1 For example, many Florida jurisdictions identify only two races: white and black. Categories for Hispanics, Native Americans, Asians, etc., simply do not exist.

2 One instance of this may be cited. While several sources were utilized to check for criminal backgrounds, any individual whose Florida records were clean could very well have an out-of-state record. The records of other individuals could simply have “fallen through the cracks.”
SYG by Year and Place

Figure 1 shows the number of SYG cases occurring from the date the law went into effect through the year 2012. Of course, the year 2005 only included three months. The first three full years of SYG saw 30 or fewer cases each year. Then, in 2009, a sudden increase in the number of cases developed, reaching a peak of 65 in 2011. Presumably, this increase was the result of more defense attorneys and their clients becoming aware of the law. The year 2012, however, witnessed a sudden drop in the number of SYG cases. This could be a direct reaction to the notoriety of the Treyvon Martin case, which has generated a huge amount of controversy over both the efficacy and the desirability of the Stand Your Ground law. Or, as rulings and precedents accumulated, this decrease could be the result of a greater understanding of the conditions under which the law was and was not applicable.

Figure 1. Stand Your Ground by Year

![Bar chart showing SYG cases by year](image)

...continued...

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Figure 2 shows the geographic distribution of database SYG cases. There are no real surprises, as the bulk of cases are clustered in the more urban areas of the state. Perhaps Daytona Beach has an abnormally high count, with eight cases. Also, a small city in Pasco County, Dade City, had six cases. There could be a myriad of factors explaining these anomalies. Otherwise, the geographic distribution pattern seems to follow classic rural-urban paradigms.

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3 The year 2005 includes one 2004 case in which the defendant, who had pled guilty to a homicide charge, argued that SYG could apply in his situation. The Florida courts ruled the appeal moot, as the law was not retroactive.
The SYG Principals

In the SYG cases analyzed, there were a total of 318 individuals who, at one point or another, claimed a SYG defense against a total of 348 alleged assailants.

The author has chosen the term “claimant” to identify those individuals who had or could have availed themselves of the Stand Your Ground law. Because many were never charged, the term “defendant” is not totally accurate or appropriate. Those accused by claimants as having posed threats are here termed “alleged assailants.” Even though many were eventually vindicated via the legal process, they are usually referred here as “assailants” simply for the sake of brevity.

In four of the cases, the alleged “assailants” were animals (two involving dogs, one a bear, and one an alligator). Two of the four cases actually went as far as SYG hearings. In both, the judges ruled that SYG does not apply to animal attacks. This section describing SYG principals excludes these “assailants.” Further discussions, as noted, will also exclude these cases.
Figures 3 through 6 break these numbers down by age, sex, ethnicity, and criminal background.\(^6\)

Figure 3. SYG Claimants and Assailants by Age

![Bar chart showing SYG Claimants and Assailants by Age](image)

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Claimant N</th>
<th>Claimant %</th>
<th>Assailant N</th>
<th>Assailant %</th>
</tr>
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<tr>
<td>&lt;20</td>
<td>30</td>
<td>9.4</td>
<td>53</td>
<td>15.2</td>
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<td>20-29</td>
<td>100</td>
<td>31.4</td>
<td>118</td>
<td>33.9</td>
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<tr>
<td>30-39</td>
<td>69</td>
<td>21.7</td>
<td>70</td>
<td>20.1</td>
</tr>
<tr>
<td>40-49</td>
<td>55</td>
<td>17.7</td>
<td>47</td>
<td>13.5</td>
</tr>
<tr>
<td>50-59</td>
<td>31</td>
<td>9.7</td>
<td>26</td>
<td>7.5</td>
</tr>
<tr>
<td>60-69</td>
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<td>0.6</td>
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<td>10</td>
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<td>20</td>
<td>6.7</td>
</tr>
<tr>
<td>Unknown</td>
<td>1</td>
<td>0.0</td>
<td>3</td>
<td>0.9</td>
</tr>
</tbody>
</table>

Median = 33.5

Median = 29.3

\(^6\) A large number of individuals categorized in these figures as “unknown” were juveniles, for whom only limited records are publicly released. Further, the records of some adults simply could not be located, especially with regard to criminal background, though a variety of sources were consulted.
As viewed in Figures 3 and 4 above, SYG principals strongly tended to be young and male. Nearly two-thirds (62.6%) of the claimants, and better than two-thirds of the assailants (69.3%), were under the age of 40. Median age of each category was 33.5 and 29.3, respectively. All told, roughly nine out of ten principals were males (89.0% of claimants and 93.7% of assailants).

In terms of ethnicity (Figure 5, below), Whites comprised in the vicinity of half of both claimants (51.3%) and assailants (47.4%), Blacks roughly one-third (30.8% and 34.5%, respectively), and Hispanics about one-seventh (13.2% of both claimants and assailants). Other ethnic groups included only a smattering of claimants and/or assailants. Given 2010 census data (U.S. Census Bureau 2013), there are proportionately fewer White and Hispanic, and proportionately more Black SYG principals, when compared to general Florida demographics. However, given the consistent ethnicity proportions for both claimants and assailants, it would appear that most SYG incidents were intra-ethnic and that inter-ethnic incidents were relatively rare.
Figure 5. SYG Claimants and Assailants by Ethnicity

Claimants

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Claimant N</th>
<th>Claimant %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian/MidEastern</td>
<td>10</td>
<td>30.8</td>
</tr>
<tr>
<td>Black</td>
<td>98</td>
<td>42</td>
</tr>
<tr>
<td>Hispanic</td>
<td>30,8</td>
<td>42</td>
</tr>
<tr>
<td>Native American</td>
<td>13,2</td>
<td>4,0</td>
</tr>
<tr>
<td>White</td>
<td>163</td>
<td>51,3</td>
</tr>
<tr>
<td>Unknown</td>
<td>10,8</td>
<td>3,4</td>
</tr>
</tbody>
</table>

Assailants

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Assailant N</th>
<th>Assailant %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian/MidEastern</td>
<td>2</td>
<td>6,0</td>
</tr>
<tr>
<td>Black</td>
<td>120</td>
<td>34,5</td>
</tr>
<tr>
<td>Hispanic</td>
<td>46</td>
<td>13,2</td>
</tr>
<tr>
<td>Native American</td>
<td>4,0</td>
<td>1,3</td>
</tr>
<tr>
<td>White</td>
<td>165</td>
<td>47,4</td>
</tr>
<tr>
<td>Unknown</td>
<td>4,2</td>
<td>1,5</td>
</tr>
</tbody>
</table>
Ironically, given that an announced intent of SYG was to afford additional protection to “law-abiding citizens,” Figure 6 shows that at least half (50.9%) of the claimants had a criminal background, and at least a third (32.1%) had criminal records that included at least one violent offense. Less surprisingly, perhaps, at

Figure 6. Criminal Backgrounds of SYG Claimants and Assailants

*Does not include minor traffic offenses.

These figures on the criminal backgrounds of SYG principals are probably lower than they should be. In addition to a lack of access to out-of-state or juvenile records, as noted earlier, the records of some principals simply could not be located. For example, when searching court records for a person with a common name, a number of individuals would usually appear. Selecting the appropriate person (if, indeed, the principal was in that list at all) proved difficult, if not impossible.
least a majority of alleged assailants had criminal records (54.0%), with nearly one-third (31.6%) having at least one crime of violence in their backgrounds. Note that the proportion of claimants and principals having criminal backgrounds (both inclusive and violent) are just about the same.

The SYG Incident

Several factors surrounding the Stand Your Ground incident are of interest. The first is the nature of the pre-existing relationship between/among the claimant(s) and assailant(s). As may be seen in Figure 7, SYG principals were involved in a myriad of prior relationships. Some can be loosely aggregated as “family/pseudo-family,” including married couples and cohabiting live-ins, kin (e.g., father-son, uncle-nephew, etc.), various in-laws, ex-spouses and former lovers, and love triangle situations (e.g., boyfriend, girlfriend, ex-girlfriend). Other pre-incident

*Excludes the four cases in which animals were the “assailants.”

Figure 7. Pre-Incident Relationships of Principals*

*Excludes the four cases in which animals were the “assailants.”

myriad of prior relationships. Some can be loosely aggregated as “family/pseudo-family,” including married couples and cohabiting live-ins, kin (e.g., father-son, uncle-nephew, etc.), various in-laws, ex-spouses and former lovers, and love triangle situations (e.g., boyfriend, girlfriend, ex-girlfriend). Other pre-incident
links involved some other type of primary or quasi-primary connection, including roommates, friends, acquaintances, neighbors, rivals (e.g., two competing drug dealers), and co-workers. Still other associations of the principals were secondary relationships. Some were legitimate commercial ties (e.g., landlord-tenant, cabbie-fare); some were illegal commercial ties (e.g., prostitute-client, drug dealer-buyer). In some other situations, one of the principals was acting as a legal functionary (e.g., repo man, meter reader). Of course, in a number of SYG situations, the principals were total strangers before the incident.

Of these, the single most common SYG situation (nearly a third) involved a confrontation between strangers, followed by confrontations between acquaintances (about one in five) and neighbors (about one in ten). However, if one loosely collapses these categories into “family” (the first five categories), “other primary/quasi-primary” relationships (roommates through co-workers) and “secondary” relationships (legal commercial through strangers), a somewhat different pattern emerges, as seen in Figure 8. Now, about one out of five SYG incidents (18.8%) pitted family/ex-family members against one another. In an additional third (37.3%), the combatants were at least friendly with one another before the incident. About four in ten cases involved some sort of more impersonal relationship between the antagonists. Therefore, it was a bit more likely that SYG principals, before the incident, knew one another on at least a fairly personal level.

Figure 8. Pre- Incident Relationships of Principals (Collapsed)*

*Excludes the four cases in which animals were the “assailants.”
The personal element of the claimant-assailant relationship is borne out further by the location of the incident, as described in Figure 9. By far, the single most likely location of an SYG incident was in or around a claimant’s home or business, which (with the notable exception of home invasions and business robberies—incidents that certainly did occur in a number of SYG situations) is likely to involve the association of relatives, friends, and/or acquaintances. The same more or less holds true for the homes/businesses of other principals or their relatives, neighborhoods, and apartment complex common areas. These locations combined for a total of 201 (65.5% or about two-thirds) of SYG incident locations.

Figure 9. Location of SYG Incident

Of extreme interest is what, precisely, started the chain of events leading to the SYG confrontation. Figure 10 below summarizes the various causes of the SYG incidents. About one out of every five SYG cases (22.1%) were triggered by the claimant defending himself/herself from a forcible felony, just as the law intended. However, in the bulk of the incidents, violence (or the threat of
violence) was used to settle some sort of argument or dispute. These arguments or disputes were, variously, over money or property, relationships (e.g., jealousy or love triangles), domestic disputes, complaints (e.g., speeding through a neighborhood, barking dog), situations where the claimant intervened between two other disputing parties, road rage incidents, or revenge-motivated attacks. Quite often, reports cited an argument as the trigger, but never specified the precise nature of the dispute. In addition to a defense against a felony, a few other legally-related event triggers included prevention of illegal trespass and situations where the claimant stated he/she was enforcing the law (i.e., engaging in a legally sanctioned act with which the assailant was allegedly interfering, such as a car repossession or a bar bouncer performing his duties). In a smattering of cases, the trigger initiating the SYG chain of events was unclear, disputed, or unknown.

In any event, when the causes of the SYG incidents are boiled down, as shown in Figure 11 below, the root of the event was most likely some sort of altercation, true in two-thirds (69.0%) of the SYG cases. The figure’s data show that SYG was triggered by some sort of illegal intrusion (forcible felony or trespassing) or enforcement of the law in only about one-fourth (27.4%) of the cases.

*Excludes the four cases in which animals were the “assailants.”
Figure 11. SYG Incident Triggers (Collapsed)*

*Excludes the four cases in which animals were the “assailants.”

Figure 12. Instigator of Initial Contact and Instigator of Violence in SYG Cases*

*Excludes the four cases in which animals were the “assailants.”
Also of interest are, first, which principal initiated the chain of events in the SYG incident and, second, which principal initiated the violence (even by threat). This information is summarized in Figure 12 above. While, not unexpectedly, assailants were by far more likely than claimants to both have initiated the SYG confrontation and the violence, what is rather surprising is the number of individuals who claimed SYG even though they were the ones who clearly created the event and/or were the first to threaten or use violence. This occurred in a bit more than one-fifth of the cases. Also noteworthy are the Unclear/Disputed cases (more than one-fourth) in which “who did what first” was left to the legal system to determine.

Yet another facet of the SYG incident is if the alleged assailant, who was claimed to be placing the claimant in life-threatening jeopardy, was armed and, if so, with what type of weapon. Figure 13 demonstrates that, in about two-thirds of the SYG incidents, the assailant was unarmed. This is not to say, of course, that an unarmed individual cannot pose a serious threat given the right circumstances.

Figure 13. Cases in which SYG Assailants Were Armed*

*Excludes the four cases in which animals were the “assailants.”
In only about one-fourth of the cases was the assailant brandishing, attempting to use, or using some sort of a weapon. Most usually, this weapon was a hand gun (Figure 14). Indeed, hand guns and other fire arms (rifles, shotguns) were in play about half of the time assailants displayed weapons. Knives and blunt instruments (e.g., baseball bats, bricks, two-by-fours, metal rods, clubs, etc.) were about equally popular, as both were in the possession of armed assailants about one-fourth of the time each.

Figure 14. Weapon Used by SYG Assailants

Figure 15, below, reflects the presence of alcohol in the SYG cases examined. Given that the presence of alcohol is not unusual in typical homicide situations, it is somewhat surprising that alcohol was a factor in only about one-fourth (26.7%) of the SYG cases. Note, though, that when alcohol was present, it was usually found that the alleged instigator of the event, the assailant, had been drinking. That is, in over a fifth of all cases, the assailant only, or both the assailant and the claimant, had been using alcohol. It was the rare case in which only the claimant had been drinking.

Wolfgang’s classic study of Philadelphia homicides reported the presence of alcohol in the victim, the offender, or both in about two-thirds of all cases (Bloch and Geis 1962:267).
Figure 15. Presence of Alcohol in SYG Principals, by Case*

*Excludes the four cases in which animals were the “assailants.”

Figure 16. Weapon Employed by SYG Claimants, by Case
Two last issues in the SYG incident were examined: the weapon used in the claimed defense and the result of that weapon’s employment. As seen in Figure 16 above, the overwhelming weapon of choice for claimants was a handgun, in six out of ten instances. A distant second choice was a knife, which was used in about one in six SYG cases. Other weapons, such as a body part (striking, strangling, or stomping), blunt instrument (club, baseball bat, two-by-four, metal rod), other firearm (rifle, shotgun), and other sharp instrument (e.g., scissors, machete) were each utilized rather infrequently.

Figure 17. Consequences of the SYG Incident for Assailants*

*Excludes the four cases in which animals were the “assailants.”
Figure 17 above shows the consequences of the SYG incident for the assailants, by case and by the total number of assailants. As may be seen, in an SYG situation, the most likely result for an alleged assailant was death. In six out of ten cases, 189 people lost their lives—more than half of all assailants. Assailants were injured, many severely, in about another third of the cases. Alleged assailants walked away unharmed in only about one out of ten cases. It must be kept in mind that nearly two-thirds of the assailants were unarmed. The disparity between that fact and assailant mortality is what lies behind much of the controversy the Stand Your Ground law is currently experiencing in Florida.

**SYG Enforcement: Legal Outcomes**

There are several points in the legal process where a case may be dealt with decisively. Stand Your Ground cases are no different. The ultimate resolutions of the SYG claims currently under analysis are presented in Figure 18. In about

![Figure 18. Ultimate Legal Outcomes of SYG Claims, by Claimant](image-url)

Rulings for = 188 (59.1%)

Rulings against = 110 (34.6%)
ten percent of all SYG cases, the police decided not to press charges (sometimes after conferring with the local prosecutor and/or the State Attorney’s Office). In one out of five cases, the local prosecutor (again, sometimes after conferring with the State Attorney’s Office) nol-prossed the case. In a couple of decisions, the Grand Jury failed to provide a bill of indictment and the issue was dropped.

If a claimant is facing trial, he/she can claim a Stand Your Ground defense. If the defendant so opts, the trial judge must hold a special pre-trial hearing on the issue. To be successful, the claimant must establish, with a preponderance of evidence, that he/she acted in a manner consistent with the dictates of the Stand Your Ground law. This was successfully done by almost twenty percent of the SYG claimants. Of those whose self-defense claims were disregarded or denied by police, prosecutors, Grand Juries, or judges, another eight percent or so were found not guilty at trial. In all, nearly three-fifths of all SYG claimants were successful in defending themselves with the law.

In about one third of the cases, the claimant was adjudicated guilty of some sort of assault, battery, and/or homicide charge. About half of these individuals dropped their SYG claims in return for a plea bargain; about half were found guilty at trial. Twenty cases, about six percent, are still pending. That is, at the point in time this is being written, the judge has yet to rule on an SYG motion, the criminal trial is in progress, or the case is on appeal.

Some SYG cases reported in Figure 18 were not definitively decided until after an appeal had been pursued. Figure 19 summarizes what occurred for those

![Graph showing SYG appeals and their results](image)

<table>
<thead>
<tr>
<th></th>
<th>Claimant N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Successful</td>
<td>6</td>
</tr>
<tr>
<td>Not Pressed</td>
<td>3</td>
</tr>
<tr>
<td>Successful, Not Guilty</td>
<td>7</td>
</tr>
<tr>
<td>Appeal Denied</td>
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<tr>
<td>Successful, Plea</td>
<td>5</td>
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<tr>
<td>Successful, Guilty</td>
<td>4</td>
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<tr>
<td>Rerail Pending</td>
<td>2</td>
</tr>
<tr>
<td>Appeal Pending</td>
<td>2</td>
</tr>
</tbody>
</table>

No Appeal = 288  -Outcome = 13
+ Outcome = 11  Pending = 6

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9 In one case, the favorable SYG ruling actually was issued by an appellate court.
individual claimants. The vast majority of claimants (288, or 90.6%) did not file (or have yet to file) an appeal. Of the thirty defendants who did appeal, eleven were successful in the sense that, after appellate review, cases were resolved in their favor. In those instances, prosecutors nol-prossed two cases, judges granted SYG in six, and three more defendants were, in re-trial, found not guilty. On the other hand, thirteen defendants did not fare so well after appeals. For seven, appeals were denied. The appeals of the other six were successful, but one nonetheless agreed to a plea bargain and the other five were adjudged guilty at trial. For four, appeals were successful, but further proceedings are pending. And for two, appeals themselves are still pending.

Finally, this inquiry examined the legal reasons for the SYG judgments rendered, which are summarized in Figure 20 below. The judgments are the stated reasons why police, prosecutors, Grand Juries, judges, or juries ruled the way they did.

The major stated reasons justifying a claimant’s actions cited the nature of the evidence, the legitimacy of the self-defense against an actual attack, defense against the commission of a forcible felony, or the claimant’s show of force as a legitimate response to a threatened attack. In nearly a fifth of the SYG cases, legal decision makers determined that there was at least a preponderance of evidence (e.g., witness testimony and/or physical evidence) supporting, or at least insufficient to refute, a claim of SYG self-defense. For nearly a fourth of the claimants, it was ruled that they had used legitimate and reasonable force to ward off an actual attack (13.8%) or potential threat of an attack (11.3%). About a tenth of the claimants used legitimate force against a forcible felony, in the form of an assault, a robbery, or a burglary. A handful of cases were found in the claimant’s favor because of a weak prosecutorial case.

There were a variety of legal reasons cited for the failure of roughly two-fifths of the claimants’ SYG defenses. The most prevalent reason was that the evidence simply did not support, or even refuted, the legitimacy of SYG self-defense. The second most prevalent reason was that the critical criterion of “imminent harm” was not present. That is, the claimant either had never been in danger of death or great bodily harm, or that danger had passed.

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10 The results reported in this table (i.e., the numbers of favorable/unfavorable) do not precisely match up with those in Figure 18 because some rulings currently are under appeal. Figure 20 represents legal rulings as they stood at the time of this investigation. Some rulings may very well be overturned after their appellate processes are complete.

11 For example, in one trial, the judge stopped proceedings and issued a directed verdict of acquittal immediately after the prosecution had completed its case. Ironically, earlier in that trial, the same judge had denied the claimant’s SYG motion.
The remainders of the reasons for SYG denial are residual categories. Some claimants were former felons in the possession of firearms. In Florida, this is illegal, therefore any act committed with a firearm by a former felon, even self-defense, is also an illegal act not covered by SYG. Some claimants were denied because they had altered or destroyed evidence at the scene of the SYG incident and/or they had behaved with illegal impropriety following the incident. A few others had not legally defended themselves; rather, it was ruled that they actually had interfered with the performance of a legal act. In other words, one cannot stop a bill collector, repo man, or legal representative with a shotgun, claiming that such individuals were trespassing.

For a few claimants, the SYG law was simply not applicable. As stated earlier, in four cases, SYG was actually claimed or implied with regard to alleged animal attacks. One individual appealed his 2004 conviction on the grounds that SYG applied to the circumstances of the incident. His appeal was denied on the grounds that the 2005 law was not retroactive. In another case, a law enforcement officer claimed SYG in defense of a legally over-zealous arrest. It was ruled that
SYG does not apply to law enforcement officers, whose legitimate use of force is covered by other statutes.

Finally, some claimants withdrew their SYG claims, accepting plea bargain deals in return. In fact, threatening, or even filing an SYG motion seems to be a burgeoning defense tactic, for that very purpose. That is, in some instances, the defense does not really expect to be successful with SYG, but is using the law to pressure the prosecution into offering a more lenient outcome for the defendant.

At the time of this writing, Stand Your Ground decisions were still pending for seven of its claimants.

**Summary and Prescripts for Further Analyses**

This investigation looked into those reported cases in which Florida’s debated Stand Your Ground law was raised as an issue, covering the period between when the law took effect, October 1, 2005, through 2012. In the seven plus years covered by the study, 307 SYG situations were identified. Preliminary findings may be summarized as follows:

- The number of SYG cases quickly increased year by year, but peaked in 2010 and 2011.

- Both SYG claimants and alleged assailants tended to be male and relatively young.

- Compared to Florida demographics, claimant and assailant ethnicity distributions disproportionately favored Blacks.

- At least half of both claimants and assailants had criminal records, which often included crimes of violence.

- While claimants and assailants were complete strangers nearly a third of the time, most knew each other prior to the incident. About one in five had some sort of kinship connection and an additional third were in another type of primary/quasi-primary relationship.

- The most likely incident location was in or around the home of one of the principals, usually the claimant.
• The most likely incident trigger was an argument or dispute. Defense against forcible felonies comprised about one-fourth of the cases.

• Assailants clearly initiated the confrontation and were the first to use/threaten violence in about half of all cases; claimants in about one-fifth. The remainder, not quite a third, were disputed.

• Two-thirds of alleged assailants were unarmed. If armed, the clear choice of weapon was a hand-gun, with a blunt instrument or knife as distant second and third choices.

• Alcohol was a factor in only about one-fourth of the cases. If alcohol was present, either the assailant only or both the claimant and assailant had been drinking.

• The claimant’s weapon of choice was a hand gun, used in about two-thirds of all cases.

• The most likely result of an incident for an assailant was death (more than half). Only about one in ten escaped unharmed.

• The SYG defense was successful for about three-fifths of its claimants and unsuccessful for about a third.

• The overwhelming majority of SYG findings have not been appealed (>90%). In appeals cases where decisions have been rendered, roughly half were in favor of the claimant.

• Successful SYG claims were supported by the evidence, found to be legitimate cases of self-defense, ruled reasonable reactions to imminent harm, or used legal force to protect against forcible felonies.

• Unsuccessful SYG claims were not supported by the evidence or were situations in which an imminent threat did not exist or no longer existed.

This preliminary report is little more than a simple tabulation of various aspects, variables, and factors associated with Florida’s Stand Your Ground law
and its enforcement. The results reported here answer some questions but generate many more, setting parameters for future analyses of the data. Perhaps the most paramount issue involves the factors associated with a successful (or, for that matter, unsuccessful) Stand Your Ground defense. Specifically, how are any of the following variables associated with the legal outcome?

- Claimant’s choice of weapon
- Presence of alcohol
- Which principal initiated the confrontation or the onset/threat of violence
- Criminal background of the principals
- Whether the alleged assailant was armed or not
- A fatal or non-fatal outcome for the assailant
- The nature of the incident’s trigger
- The character of the claimant-assailant relationship

The data may also shed light on some secondary questions. For example, what are the probabilities of a fatal SYG result given the claimant’s weapon? While women are rather rarely a principal in a SYG situation, in what circumstances have they typically become involved? What factors are associated with the increase and decrease of cases over the years? Future examinations of the data will attempt to resolve these issues.

REFERENCES


