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The relationship between stand-your-ground laws and crime: A state-level analysis

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ABSTRACT

There have been numerous incidents over the past several years involving justifiable homicides and stand-your-ground (SYG) laws. Many of these incidents involved unarmed alleged criminals being shot by armed citizens who claimed a right of self-defense due to perceived threatening behaviors on the part of the alleged criminal. In order to better understand the role that self-defense laws, and in particular stand-your-ground laws, has on these types of shootings, the present study will attempt to determine the relationship between SYG laws and crime. A fixed effects model that controls for both state-level and year fixed effects and a two stage fixed effects model are estimated. Results of the present study indicate that the relationships between SYG laws and crime rates are mixed. For some crimes and for certain time periods, SYG laws are positively related to crime. For other crimes, there is no significant relationship between the two. It is important to note, however, that none of the results of the present study suggest that SYG laws reduce crime.

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1. Introduction

There have been numerous incidents over the past several years involving justifiable homicides and stand-your-ground (SYG) laws. Many of these incidents involved unarmed alleged criminals being shot by armed citizens who claimed a right of self-defense due to perceived threatening behaviors on the part of the alleged criminal. In addition, many of these cases involved a white shooter and an African-American victim (Jonsson, 2013). These racial overtones added a further level of ambiguity and tension to an already inflammatory situation. In order to better understand the role that self-defense laws, and in particular stand-your-ground laws, has on these types of shootings, the present study will attempt to determine the relationship between SYG laws and crime.

Stand-your-ground laws are statutes that define the parameters of a justifiable homicide that is committed by a private citizen. These parameters typically include no “duty to retreat” and the right to use deadly force if one feels physically threatened. Although the victims of crimes have, in most states, always had the right to defend themselves in their homes (castle doctrine), SYG laws extend this right of self-defense to outside the home. It is important to note, however, that SYG rights are not unlimited. The victim has to prove that a reasonable person would have felt threatened in such a situation and, in most states, persons involved in criminal activities cannot invoke an SYG defense. Finally, although many states have passed SYG laws, some states are de facto SYG due to state judicial rulings and case law that allow victims to defend themselves anywhere and with any means necessary. Also, although self-defense cases involving firearms are the ones most commonly reported, the use of firearms to defend oneself is not explicitly endorsed by most SYG statutes. In fact, most SYG laws state that a victim can use “deadly force” if they

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feel threatened. Hence, any weapon (knife, sword, brass knuckles, bare fists, etc.) would be acceptable. The issue, of course, is that if a person is able to successfully defend themselves with their bare fists, for example, then was the alleged victim ever really in imminent danger? Also, what if an illegal weapon was used, for example brass knuckles, in an SYG incident? Is an SYG defense still valid in such a situation? Due to the relatively recent enactment of these laws (most of the current state-level SYG laws were enacted only in the past 10 years), many of these issues remain unresolved.

SYG laws are rather controversial for several reasons. First, as noted previously, even though most SYG laws do not explicitly endorse the use of firearms as a self-protective weapon, the National Rifle Association and other conservative groups were in the forefront of advocating for such laws (Fisher & Eggen, 2012). These organizations saw SYG laws as a natural extension of Second Amendment rights in those individuals who use firearms to defend themselves would be protected from prosecution. Second, many persons believe that SYG laws are racially biased and that whites are more successful in invoking SYG defenses than African-Americans are. As noted previously, many of the SYG cases that came to national prominence involved a white shooter and an African-American victim. Evidence on the racial disparities of SYG incidents is mixed, with some analyses showing that African-Americans are more likely to be prosecuted in an SYG incident than whites, while other analyses show that there is no racial difference in SYG encounters (Jonsson, 2013). Finally, there is disagreement about the potential impact of SYG statutes. Many believe that SYG laws may increase the number of justifiable homicides. They feel that SYG laws escalate already tense situations and turn what may have been a minor altercation into a shooting and possibly a death. Others believe, however, that, due to SYG laws, criminals are less likely to threaten individuals if the criminals know that citizens can defend themselves anywhere and with any means necessary. Hence, some believe that SYG laws may serve as a deterrent to criminal activity.

It is important to note, however, that there is no strong consensus on the motivation for SYG laws. McClellan and Tekin (2012) note that "...proponents of SYG laws argue that they would have a deterrent effect on crime." (McClelland & Tekin, 2012, p. 4) However, Cheng and Hoekstra (2013) state that "...the main rationale for these laws was to provide additional leeway to potential victims in self-defense situations, not to deter crime" (Cheng & Hoekstra, 2013, p. 7). Even though there is disagreement about the motivation behind the enactment of these laws, it is generally assumed that these laws will have some effect on crime. If citizens are utilizing their rights under these SYG laws appropriately, then there may be a drop in crime rates and a potential increase in justifiable shootings and homicides. In addition, since the alleged criminal in an SYG situation does not have to be armed, it is reasonable to assume that all crime rates, not just gun-related crime rates, may be affected by SYG laws. If, however, citizens are exercising their rights under SYG laws inappropriately, then we may observe an increase in gun-related murders.

The present study will attempt to test these hypotheses regarding SYG laws.

Thus, the purpose of this study is to determine if there is a relationship between state-level stand-your-ground laws and crime rates. Using state-level data, the results of the present study suggest that SYG laws either result in an increase in crime or that they have no statistically-significant effects on a variety of crime rates. Hence, these results suggest that SYG laws are not a deterrent to crime and that SYG laws do not result in a decrease in crime rates.

2. Literature review

Although there have been numerous studies on the topic of gun control and the determinants of crime (Ayers & Donohue, 2003; Gius, 2014; Helland & Tabarrok, 2004; Kleck & Hogan, 1999; Kleck & Patterson, 1993; Kwon, Scott, Safranski, & Bae, 1997; Lott & Mustard, 1997; Ludwig & Cook, 2003; Miller, Azrael, & Hemenway, 2002; Moorhouse & Wanner, 2006), research on SYG laws has been much more limited.

Chamlin (2014) used monthly data for the period 2002–2011 in order to determine if Arizona's enactment of an SYG statute would significantly affect aggravated assault and robbery rates. Using an ARIMA interrupted time series technique, the author found that Arizona's SYG law had no effect on aggravated assaults but resulted in an increase in both armed and weaponless robberies. In addition, Chamlin found that, while the SYG law had no effect on homicides, it did result in an increase in suicides. Hence, this study concluded that Arizona's SYG law resulted in the opposite of what was intended. Instead of reducing crime, the SYG law in Arizona resulted in an increase in all types of robberies and even an increase in suicides. Even though this law did not change any legal requirements for the ownership of firearms, Chamlin claimed that the SYG statute increased the "availability" of firearms, thus resulting in more crime and suicides. It is unclear, however, why weaponless robberies would increase even if firearms became more available.

Cheng and Hoekstra (2013) examined SYG laws and their effects on homicides and violent crime. The authors attempted to determine if SYG laws deterred violent crimes, primarily because they assumed that these types of laws increase the expected cost to criminals of committing a crime. Using state-level data from the Uniform Crime Reports and the Supplementary Homicide Reports for the period 2000–2010, the authors found that SYG laws do not deter burglary, robbery, or aggravated assault but that they did lead to an 8% increase in the number of reported murders and non-negligent homicides. Thus, SYG laws actually resulted in more homicides; the authors note that this is probably due to the fact that SYG laws reduce the expected cost of using lethal force in order to thwart a crime. Given that the cost is lower, more potential victims are using lethal force, thus resulting in an increase in homicides.

Ren, Zhang, and Zhao (2012) examined the effect of a Texas SYG statute on burglaries in Dallas and Houston. Using daily data for the period January 1, 2007 to August 31, 2008 and an ARIMA model, the authors found that the passage of the law in and of itself had no statistically significant

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