



## Race, law, and health: Examination of ‘Stand Your Ground’ and defendant convictions in Florida



Nicole Ackermann<sup>a</sup>, Melody S. Goodman<sup>a, \*</sup>, Keon Gilbert<sup>b</sup>, Cassandra Arroyo-Johnson<sup>a</sup>, Marcello Pagano<sup>c</sup>

<sup>a</sup> Division of Public Health Sciences, Department of Surgery, Washington University School of Medicine, 660 S Euclid Ave, Campus Box 8100, St. Louis, MO 63110, USA

<sup>b</sup> Department of Behavioral Sciences and Health Education, College for Public Health and Social Justice, Saint Louis University, Salus Center, 3545 Lafayette Ave, St. Louis, MO 63104, USA

<sup>c</sup> Department of Biostatistics, Harvard T.H. Chan School of Public Health, 655 Huntington Avenue, Building II Room 449, Boston, MA 02115, USA

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### ABSTRACT

Previous analyses of Stand Your Ground (SYG) cases have been primarily descriptive. We examine the relationship between race of the victim and conviction of the defendant in SYG cases in Florida from 2005 to 2013. Using a regression analytic approach, we allow for simultaneous examination of multiple factors to better understand existing interrelationships. Data was obtained from the *Tampa Bay Times* SYG database (237 cases) which was supplemented with available online court documents and/or news reports. After excluding cases which were, still pending as of January 2015; had multiple outcomes (because of multiple suspects); and missing information on race of victim and weapon of victim, our final analytic sample has 204 cases. We chose whether the case resulted in a conviction as the outcome. We develop logistic regression models using significant bivariate predictors as candidates. These include race of the victim (White, non-White), whether the defendant could have retreated from the situation, whether the defendant pursued the victim, if the victim was unarmed, and who was the initiator of the confrontation. We find race of the victim to be a significant predictor of case outcome in this data set. After controlling for other variables, the defendant is two times (OR = 2.1, 95% CI [1.07, 4.10]) more likely to be convicted in a case that involves White victims compared to those involving non-White victims. Our results depict a disturbing message: SYG legislation in Florida has a quantifiable racial bias that reveals a leniency in convictions if the victim is non-White, which provides evidence towards unequal treatment under the law. Rather than attempting to hide the outcomes of these laws, as was done in Florida, other states with SYG laws should carry out similar analyses to see if their manifestations are the same as those in Florida, and all should remediate any injustices found.

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### 1. Introduction

*“White fear has manifested itself in outright violence post-slavery through the imposition of Jim Crow segregation. White fear has manifested itself legislatively via redlining laws and cruel lending practices barring blacks from owning property in ‘white neighborhoods.’ White fear has manifested itself in so many structural ways that it has become part and parcel with the fundamental*

*functions of every private and governmental institution in this country... White fear is killing us ... It is criminalizing black bodies. It is incarcerating black identities. It is limiting black potential. .... And, it is shooting black boys in the streets of their own neighborhoods. White fear is the single greatest cause of death for black people today and has been so since this country’s inception.”*

Jenna M. Jackson (Jackson, 2014)

\* Corresponding author.

E-mail addresses: [ackermann@wudosis.wustl.edu](mailto:ackermann@wudosis.wustl.edu) (N. Ackermann), [goodmann@wudosis.wustl.edu](mailto:goodmann@wudosis.wustl.edu) (M.S. Goodman), [kgilber9@slu.edu](mailto:kgilber9@slu.edu) (K. Gilbert), [arroyojohnsonc@wudosis.wustl.edu](mailto:arroyojohnsonc@wudosis.wustl.edu) (C. Arroyo-Johnson), [pagano@hsph.harvard.edu](mailto:pagano@hsph.harvard.edu) (M. Pagano).

The death of 17-year old Trayvon Martin on February 26, 2012, raised questions about race, gender, state laws, procedural justice, and the use of violence to resolve interracial conflicts based on fear. George Zimmerman admitted he shot Martin claiming self-

defense; he was interviewed by the Sanford Police Department immediately following the shooting, but he was not arrested. Public outcry for George Zimmerman's arrest was met by opposing support of Zimmerman's decision to shoot Martin. Zimmerman was charged with second-degree murder and arrested forty-six days after shooting Martin, he was later acquitted. Questions surrounding different application of laws depending on the race of a victims and their perpetrator permeated the media and it was suggested that Zimmerman was empowered to shoot Martin under the protection of Florida's state law ("Stand Your Ground"), sparking public debate about what justifies the shooting of unarmed individuals.

Public Health policy is not ordinarily impacted by a single death, unless that incident sparks an epidemic, or highlights a special or rare cause of death. However, Trayvon Martin's death raised several questions about the context of racially motivated homicide; the influence of policies and their equitable application, and the context of racism across personally-mediated and institutional levels (Jones, 2000). The subsequent deaths by legal intervention of Eric Garner in New York, Michael Brown in Missouri, and Tamir Rice in Ohio, created a nationwide social justice movement fueled by social media that proclaimed "#BlackLivesMatter" and there has been a call to action for public health field (Colman et al., 2015; Jee-Lyn García and Sharif, 2015; Krieger, 2015) as death is the ultimate health outcome and one of the ten essential public health services is to: *enforce laws, and regulations that protect health and ensure safety* (Centers for Disease Control and Prevention, 2014).

In 2010, homicide was the 8th leading cause of death among Blacks in the United States but was not among the top-ten leading causes of death for any other racial or ethnic group (Heron, 2013). Among men, homicide ranks in the top ten causes of death for Blacks (5th; 5% of total deaths), Hispanics (7th; 3% of total deaths) and American Indian/Alaskan Natives (9th; 2% of total deaths) but not among White and Asian/Pacific Islander men (Heron, 2013). The literature around race, crime, and the law suggests that authorities often do not protect Blacks from criminality and simultaneously are inclined to mistreat Blacks when they are the subject of investigations (Kennedy, 1997). The systematic practice of criminalizing black bodies provides for municipal, county, and state police officers and informal agents of the police (e.g. store owners, neighborhood residents) to aggressively police black bodies in public environments such as schools, stores, malls, neighborhood sidewalks, public roads and highways, and college campuses. The presence of Blacks in spaces where they are not expected, places Blacks at a higher risk of being hyper-policed or experiencing racialized discrimination within these spaces (Anderson, 2015; Feagin and Sikes, 2015).

Despite the lack of official data sources, the death of Trayvon Martin launched unofficial investigations into the application of "Stand Your Ground" laws in Florida. We analyze one such database created by the *Tampa Bay Times* (Martin et al., 2012) for news reporting in response to death of Trayvon Martin and the subsequent prosecution of George Zimmerman to empirically examine if non-white lives have equal value in the criminal justice system (do black lives matter?). Our study explores the intersections of race, law and health (Burriss et al., 2002).

### 1.1. Conceptual framing of race and racialized fear as a determinant for social justice in public health

The role of race, racialized fear, racial bias, and racial discrimination as determinants of criminal justice outcomes, suggest the criminal justice system may apply racialized policies that fail to

protect some racial, ethnic, and class groups and simultaneously privilege others. U.S. society is racially and socially stratified and interactions across racial, ethnic and class lines may lead to racialized fear exhibited through personally-mediated racism (Jones, 2000). Contact theory suggests that social interactions with members of a minority group often reinforces existing perceptions of and attitudes towards that group (Quillian, 1995, 1996); with increases in favorability of the minority group among those who already have favorable perceptions going into the interaction (Dixon, 2006; Quillian, 1996). Comparatively, more contact with minority groups increases prejudice attitudes towards that group among those who have existing unfavorable perceptions of the minority group.

According to group threat theory, a sizable proportion of a minority group living near the majority group often leads to economic, political, and/or cultural threat and ultimately prejudice attitudes among the majority group (Dixon, 2006; Quillian, 1995, 1996). While threat can be physical, group threat theory focuses more on the economic, political, and/or cultural threat that minority groups impose on the majority group regarding changes to the current arrangement of social life and the social structure (social stratification system). As a result, this group threat normally leads to the majority group aiming to maintain the status quo through prejudice attitudes and discriminatory behaviors/practices that have implications for health (Kwate and Goodman, 2014).

We frame our study using Public Health Critical Race Theory (PHCRT) Methodology. PHCRT is a conceptual framework that builds upon critical race theory and public health theories and methods to articulate how best to understand and address social and health issues to achieve social justice for marginalized groups (Ford and Airhihenbuwa, 2010a, 2010b). Specifically, PHCRT addresses four focal areas that encompass several principles: 1) contemporary patterns of racial relations, 2) knowledge production, 3) conceptualization and measurement, and 4) action. This framework provides one lens by which we can articulate and understand how the criminal justice system perpetuates discriminatory practices when it comes to the racial and ethnic identity of both the victim and the perpetrator. We use PHCRT to examine the social, legal, and public health implications of racial bias in the criminal justice system related to the "Stand Your Ground" statute in Florida.

### 1.2. Legal justification of homicide through the rise of stand your ground laws applying PHCRT (contemporary patterns of race relations and knowledge production)

Violence is a significant public health problem; it is estimated that approximately 55,000 persons die annually as a result of violence-related issues and there is evidence demonstrating the impact of *place* on violence related health outcomes (Dahlberg and Krug, 2002). Race consciousness in the U.S. involves an awareness of one's racial position and racial stratification processes (Ford and Airhihenbuwa, 2010a, 2010b) that are embedded in a history of ethnoracial hierarchy perpetuated through violence against Blacks stemming from slavery and the Reconstruction era.

The history of lynching Blacks in southern U.S. States became a way to instill fear, implement social control, and position Blacks as social problems. It has been estimated that more than 4000 people were lynched between 1882 and 1968 (National Association for the Advancement of Colored People, 2012; Zangrando, 1980). These deaths were part of a rising culture of homicide in Southern states. Homicide often became a method for resolving personal conflict that included bar fights and street brawls and were culturally

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