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

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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 2005-2013. 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.

Keywords: race; law; Florida, USA; Stand your ground

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)

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 & 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 & 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 (e.g., do black lives matter?). Our study explores the intersections of race, law and health (Burris, Kawachi, & Sarat, 2002).

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 & Goodman, 2014).

We frame our study using Public Health Critical Race Theory Methodology (PHCRT). 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 & 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.

Applying PHCRT: Contemporary Patterns of Race Relations and Knowledge Production

Legal Justification of Homicide: The Rise of Stand Your Ground Laws

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 & Krug, 2002). Race consciousness in the U.S. involves an awareness of one’s racial position and racial stratification processes (Ford & 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 4,000 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 accepted (Redfield, 1880). Self-defense doctrines emerged as justification of homicides and promoted the value that persons in any place had a right to defend themselves against an assailant without first retreating. These forms of social control were part of the Jim Crow South viewing White as the superior race and helped to legalize certain forms of homicide. These behaviors were further codified in the U.S. Supreme Court Case of *Beard v. United States* in 1895. The Court reversed a decision of Beard's trial court conviction, which supported the use of deadly force if someone was attacked in their own home (their castle) and gave them the right to stand their ground.

The State of Florida adopted a new type of 'castle doctrine' law in October of 2005 (Catalfamo, 2007; Rice, 2013). This law, commonly called the 'Stand Your Ground' law, removes one's duty to retreat in a self-defense situation and also expands the places in which one can use deadly force when 'standing one's ground' (Catalfamo, 2007; Rice, 2013; Fla. Stat. § 776.012; Fla. Stat. § 776.031). The law also includes a clause that allows defendants to a 'Stand Your Ground' hearing before their trial in which, if the judge agrees with the defense, the defendant is granted immunity from subsequent prosecution and civil suit (Rice, 2013; Fla. Stat. § 776.032).

Since the adoption of 'Stand Your Ground' laws in Florida and 33 other states, there has been much debate about the laws. Media reports have been both pro and con 'Stand Your

Ground' laws (Sullivan, 2013; Jonsson, 2013). First, using percentages of case circumstances, some argue that 'Stand Your Ground' laws benefit Blacks because a higher percentage of Black defendants successfully use 'Stand Your Ground' as a defense compared to White defendants (Sullivan, 2013; Jonsson, 2013). Second, others argue against this law and standpoint; suggesting that the 'Stand Your Ground' laws would increase homicides, as there has been an increase in homicides in states that have chosen to adopt these laws (Cheng, 2012; McClellan, 2012; Jonsson, 2013). The third argument suggests that racial bias may be perpetuated in what is considered justifiable homicide under 'Stand Your Ground' laws. Indeed, Quinnipiac University released opinion polls that show White voters support 'Stand Your Ground' laws 57-37%, while Black voters are opposed, 57-37% (Quinnipac University Polling Institute, 2012).

Evidence suggests there are racial inequalities in the American criminal justice system (Hall, 2013; National Association for the Advancement of Colored People, 2014; Roman, 2013). Legal scholars argue that 'Stand Your Ground' laws further aggravate the racial bias in the criminal justice system against minority victims; this is especially true for Black victims (Hall, 2013; American Bar Association National Task Force on Stand Your Ground Laws, 2014; Rice, 2013; Abuznaid, 2014; Lee, 2013; M. Jones, 2014; Gruber, 2012-2013). One analysis of FBI data shows that homicides in which the victim is Black and the accused is White are ten times more likely to be adjudicated as justified, than cases where the victim is White and the accused is Black. And the magnitude of the disparity of justifiable homicides between White perpetrators and Black victims is even larger in states that have 'Stand Your Ground' laws (Roman, 2013). From a race conscious perspective, we posit that non-White lives have been subjugated to the margins of society by several mechanisms, including laws and policies. Using PHCRT methodology knowledge is produced when evidence can be re-analyzed and re-framed using

anti-racism analytical techniques (Ford & Airhihenbuwa, 2010b). Using an anti-racism framework we examine how Stand Your Ground laws exhibit racialized bias in the value of life and the potential public health impact.

Applying PHCRT: Conceptualization and Measurement

Public Health Impact of Stand Your Ground Laws

Stand your ground laws have the potential to impact the public's health if they promote higher mortality via increases in homicides and exacerbate racial disparities in homicide rates. Stand Your Ground laws impact the punitive component of homicide; evidence suggests a lack of equitable enforcement of laws surrounding homicide that are deeply rooted in stereotypes, bias and implicit racial attitudes (Armour, 1995; Eisenberg & Johnson, 2003) which further shows the constitutive presence of racial bias in our society by the determination of whose life is valued demonstrated through the legal consequences for taking such a life. To counter the negative impact of implicit racial attitudes that become embedded in our social systems, we must explicitly name racism when conceptualizing, designing, conducting, and disseminating research on health disparities (Centers for Disease Control and Prevention, 2002). This requires moving beyond analyzing and reporting health outcomes by race and ethnicity without specifying the mechanisms by which we hypothesize racism is operating to impact a health outcome. This is aligned with the conceptualization and measurement focal area of PHCRT requiring articulation of the race or racism-related concepts and constructs and providing a clear hypothesis between these concepts and constructs with the appropriate social context (Ford & Airhihenbuwa, 2010b, 2010b). We posit that personally-mediated and institutionalized racism in the application of SYG reflects fear-based devaluation, scapegoating, and dehumanization of non-Whites in the U.S. (Jones, 2001; Jones, 2002). As a result, the presence of violence and namely, homicide within

communities adds to the structural disadvantage of communities that further deprives these contexts of important health promoting and health protective resources (Kane, 2011; Massey & Denton, 1993; Sanders-Phillips, 1996; Smedley, 2012; Williams & Collins, 2009).

To date, few analyses have been done specifically on ‘Stand Your Ground’ cases and racial bias, possibly due to a lack of relevant data. One of the sources of ‘Stand Your Ground’ data comes from a database constructed by the *Tampa Bay Times* (Martin et al., 2012). From these data, there have been a few brief analyses, including a descriptive study of the cases in the database, along with supplemented data (McCormick, 2014). In 2012, the *Tampa Bay Times* released several news articles related to a report examining nearly 200 ‘Stand Your Ground’ cases in Florida from this database. One of the news articles that came out of that report was on the role of race in these cases (Martin et al., 2012). The *Tampa Bay Times* found that 73% of defendants who killed a black individual went free, while only 59% of defendants who killed a White individual went free (Martin et al., 2012). Although there was an observed difference in percentages this difference was not deemed to be statistically significant. While these initial analyses are sometimes informative, the institutional context of racial bias in the application of Stand Your Ground laws is less well understood. In this paper, we examine whether there is institutional bias in the criminal justice system by studying whether crimes against Blacks and other minority groups are less likely to result in a conviction when Stand Your Ground is applicable. The theoretical underpinning of the present study, grounded in PHCRT praxis, is that in this environment of institutionalized racism, conviction of the defendant is less likely to occur in crimes against non-Whites than crimes against Whites. Given the lack of conventional databases in public health research, we analyze an unconventional and relatively unique source of data using regression analytic approaches that allow for the simultaneous examination of

multiple factors to understand the relationship between race, application of the “Stand Your Ground” law, and conviction of the defendant.

Methods

Data Collection and Sample

We start with data from the publicly available *Tampa Bay Times* (*TBT*) Stand Your Ground website (Tampa Bay Times, 2013). The *TBT* data set includes 237 cases related to Florida’s ‘Stand Your Ground’ (SYG) law from 2005 to 2013. The *TBT* included cases that either involved a request for a ‘Stand Your Ground’ immunity hearing or ‘cases where circumstances appeared to reflect the Legislature’s intent when it passed the law’ (Tampa Bay Times, 2013). The *TBT* used court records, newspaper reports, documents from prosecutors and defense attorneys, and driver’s license records when collecting the data. Inclusion criteria for *our* analysis require cases to have: the same case outcome for all suspects if there were multiple suspects; a determined outcome as of January 2015; and, non-missing information on the race of the victim or weapon use in the confrontation. Of the 237 cases, 6 still had pending results, 2 had multiple outcomes for suspects, 10 had missing/unknown race of the victim, and 15 had unknown/missing information on weapon use in the confrontation, resulting in 204 (86%) cases in the analytic sample (Figure 1).

Pending Cases Research

Twenty four of the SYG cases in the dataset have outcomes listed as ‘pending’. Given that the database was last updated in 2013, we used internet resources to identify the outcomes of cases that had been resolved subsequent to the creation of the database, and prior to this analysis (January 2015). We used two methods to identify the outcomes of cases listed as pending. The first was a LexisNexis Academic search, using case information provided in the dataset. The

second, applicable if a case outcome was not identified through LexisNexis, was to search county court records through an online public records search (Hannan, 2014; *State of Florida vs. Jock, Michael A*, 2013; Greenlee, 2012; *State of Florida vs McKeliver, Terry Lamar*, 2013; *State of Florida vs Thomas, Jerome Anthony*, 2014; Miami-Dade County, FL, Clerk of the Courts, 2011a, 2011b, 2013; Weiner, 2013; *State of Florida vs Sandhaus, Craig Alan*, 2012; *State of Florida vs Burton, Margaret Johnson*, 2012; Colby, 2013; Nelson, 2013; Geary, 2014; Seminole County Clerk of Courts, 2014; Fernandez, 2013; *State of Florida vs. Edward M. Mederos*, 2012; Monroe County Records Detail, 2014; Clerk & Comptroller – Palm Beach County, Florida, 2013; *State of Florida vs. Cruz, Julio Armando*, 2008; Ovalle, 2014a, 2014b; Buie, 2010). To verify the validity of this method, 8 cases (one case from each year) in which the outcome was already known (i.e., not classified as ‘pending’) were randomly chosen and the associated outcomes researched for these cases. We were able to validate all 8 cases. Of the original 24 pending cases, outcomes were found for 18 cases. Six cases remain pending and we exclude them from the analysis.

Variables

The outcome variable we focus on is ‘case outcome’, which was classified by the *TBT* as either ‘guilty’, ‘plea’, ‘acquitted’, ‘granted SYG immunity’, ‘dismissed’, ‘not charged’, or ‘pending’. Because of the sample size and small counts in certain categories of the outcome variable, we recode it to be a dichotomous variable. We combine ‘guilty’ and ‘plea’ into a single category of ‘convicted’ – arguing that the defendant was convicted by society of some crime – and the remaining categories we combine into a second category – the defendant was ultimately not convicted of a crime in this category. Conviction of the defendant serves as the operationalized definition of the conceptual institutionalized racism outcome measure.

Given the framing of our study in PHCRT described in the Introduction, above, the predictor of primary interest in our analysis is the race of the victim. To this end, and constrained by the small number of individuals classified as ‘Hispanic’ and ‘other’, we dichotomize the race variable into ‘White’ – cases involving only White victims – and ‘non-White’ – cases involving non-White victims. Victims classified as ‘Hispanic’ were involved in 13 cases and suspects classified as ‘Hispanic’ were involved in 15 cases. Suspects classified in the ‘other’ race category were involved in 5 cases and there were no victims in any of the analyzed cases with race classified as ‘other.’ Race of the victim is conceptually aligned with the following PHCRT principles: racialization, primacy of racialization, race as a social construct, and voice.

Other predictor variables used in the analysis include two continuous variables as potential confounders: age of victim and age of suspect. We also explore sixteen other categorical variables: Gender of victim (coded as male or female) except if a case included victims of both genders, then gender was coded as missing. Gender of suspect was coded as female/male. As with the race of the victim, and for the same reasons, the race of the suspect was recoded into a dichotomous variable (white/non-white). The two weapon variables, weapon used by victim and weapon used by suspect, were coded as ‘weapon used’ or ‘unarmed’. Five questions regarding the case were coded as yes, no, or unclear. Those questions include: were there any witnesses; did the defendant pursue the victim; was the victim committing a crime; was there any physical evidence surrounding the case; and, could the defendant have retreated from the conflict. Other variables included the initiator of the confrontation (defendant, victim, or unclear), was the defendant on his or her property (yes or no), what was the injury status of the victim (injured, killed, or unharmed), what was the injury status of the defendant (injured,

unharmful, or unknown), how many deaths resulted from the incident, coded as 'zero' or 'one or more', and who was in the investigating agency, coded as 1=police department and 0=other (i.e., county sheriff, state level, or multiple agencies).

Data Analysis

We used the SAS 9.4 (Cary, NC) statistical software to carry out the analyses; statistical significance was assessed as $p < 0.05$. Descriptive statistics for select variables in the data set are displayed in Table 1. Bivariate associations between each of the potential predictors and the dichotomous outcome, were examined using Chi-Square tests for all categorical predictors but one, Fisher's exact test for gender of victim (because of low count of females), and ANOVA for the continuous predictors. Logistic regression analyses were initially carried out using the variables identified ($p < 0.1$) in the bivariate analysis. For race of victim, 'non-White' was the reference category. For both 'could defendant retreat' and 'did the defendant pursue the victim', 'no' was the reference category. For the initiator variable, 'victim' was the reference category. Finally, for weapon of victim, 'weapon used' was the reference category.

Results

From the bivariate analyses (Table 2) we find five predictors to include in the multivariable model. These are: race of victim ($p = 0.054$), initiator of the confrontation ($p < 0.001$), weapon use ($p = 0.0121$), could the defendant retreat ($p = 0.0166$), and did the defendant pursue the victim ($p = 0.0246$), since all show a p-value less than 0.1. Was the victim committing a crime was also found to have an association with the outcome ($p = 0.001$); however, we concluded that initiator of the confrontation was collinear with this predictor and accounted for most of this effect. The first multivariable model to account for confounding (Model 1) includes the race of the victim, initiator of confrontation, weapon use, could the defendant retreat, and did

the defendant pursue the victim. The second model (Model 2) includes all the same variables as Model 1, except for 'did the defendant pursue the victim', due to non-significance of this variable in Model 1; Model 2 has a better model fit than Model 1 when judged by the Akaike Information Criterion. After controlling for the initiator of the confrontation, if the victim used a weapon, and whether or not the defendant could retreat, the defendant is two times (OR=2.1 95% CI [1.07, 4.10]; $p=0.032$) more likely to be convicted in a case that involves White victims versus a case that involves non-White (Black, Hispanic, and other race/ethnicity) victims. After controlling for the other variables in the model, defendants are over 6 times more likely (OR=6.33) to be convicted if they were the initiator of the confrontation and 7 times more likely (OR=6.98) to be convicted if it was unclear who initiated the confrontation (victim or defendant) versus knowing that the victim was the initiator of the confrontation ($p<0.001$).

Model 3 (Table 3) includes only significant predictors from Model 2; we exclude the weapon of victim and could defendant retreat from the model. Both race of victim (OR=2.18) and initiator remain statistically significant, but with slight attenuation of effects for the latter.

Discussion

The present study began with a set of questions to identify patterns of racial bias in the justice system that may exacerbate racial disparities in morbidity and mortality in the form of higher rates of "justified" violent acts towards non-Whites. To date, these data have only been analyzed univariately, but the *Tampa Bay Times (TBT)* data set is complex, as are hypotheses examining institutional and personally-mediated racism under the PHCRT. Thus, in order to analyze these data in a meaningful way, the use of more sophisticated and principled statistical methods are required. This contextualizes our hypotheses using suggested practices under PHCRT. Our resultant analysis reveals the disturbing message in these data that there indeed is a

quantifiable racial component in the impact of the SYG law in Florida; namely, a suspect is twice as likely to be convicted of a crime if the victim is White, compared to when the victim is not White. In this sample, Black victims are involved in the majority (n=70; 84%) of cases that involve non-White victims. These results are similar to pre-civil rights era statistics, with strict enforcement for crimes when the victim is White and less rigorous enforcement when the victim is non-White (Green, 1964).

Our findings are similar to the analysis of the FBI data in another setting (Roman, 2013) which concluded that the chances of being found guilty was increased tenfold if the victim was White versus Black. Here the odds are increased two-fold and the inequity is in the same direction. Our analyses suggest that the magnitudes of the effects of the predictors are not overly sensitive to the inclusion of other nonsignificant variables in the model; there is stability in the observed effect of race of the victim on the case outcome when controlling for initiator of the confrontation despite inclusion/exclusion of other relevant confounding factors. This suggests institutional and personally-mediated racism may impact the application and outcome of the stand your ground law in Florida creating the racial bias we observe.

Our data support the existing evidence about how Blacks are criminalized and profiled; many Americans conflate blackness with crime (Hurwitz & Peffley, 1997; Welch, 2007). As a result of these cultural associations, Blacks are at a higher risk of legal action being taken when they are the perpetrator against a White individual (institutionalized racism) – which we did not find in our study – and Whites can use fear (personally-mediated racism) to justify violence against Blacks. Profiling and criminalization occurs in a broader social context where longstanding sociological and psychological factors play powerful, yet rarely mentioned roles (Ray, 2015).

Social relationships between Whites and Blacks have been examined over time, Feagin (2010) explains that during these interactions, Whites still have limited social cues to tell differences among Black men's professional status (e.g., criminal, janitor, teacher, physician) in the 21st century and often assume the worse (Gilbert & Ray, forthcoming). Feagin states, "Many Whites have fearful reactions to a Black man encountered on streets, in public transport, and in elevators" (Feagin, 2010, p.108). There are also many negative perceptions about the character and behaviors of Black men, such as Whites' perceptions that Black men as more violent, unpleasant, promiscuous, unintelligent, and less ambitious and nurturing (McConaughy & White, 2008). In cases similar to Trayvon Martin and George Zimmerman, homicides that are justified are six-times more likely to occur (Roman, 2013). In these cases, personally mediated racism is perpetuated by institutional racism with courts justifying acts of violence that end in homicide.

It is important to interpret our study findings in the context of the study limitations. As with all secondary data analyses, we acknowledge some limitations to the data we used. First, as noted by the *Tampa Bay Times*, the racial classifications differ over the years and when used by different law enforcement agencies. For example, some agencies still classify 'Hispanic' as a race category, where others only use the designation of 'White' or 'Black' as race and 'Hispanic' is classified as ethnicity. Another limitation includes the possibility that some cases may be missing, as acknowledged by the *Tampa Bay Times* when describing the data (Martin et al., 2012). Second, we have restricted our analyses to the data set and do not ask the, important, question of how representative the individuals involved in the cases in the data set are of the general population of Florida. Our results lend themselves to several important questions that are beyond the scope of this analysis (e.g., Is the racial profile of the victims, or suspects, in this data

set representative of the State? What can we infer from the racial concordance between victim and suspect; $p < 0.001$, for the hypothesis of independence of race of victim and that of suspect?) To answer such questions would require a much bigger study. In addition, a small sample size and a large number of potential confounders pose challenges to statistical approaches used for analysis; we use AIC model fit statistic to select model predictors. AIC is a model fit statistic used when the sample size is small relative to the number of parameters being fit in the model to determine the best fitting model among multiple models using the same data (Akaike, 1981; Bozdogan, 1987). Another limitation is that the analysis includes only cases in Florida from 2005-2013 and there have been more recent cases which are not included in this analysis; all cases in the *TBT* database were updated as of January 2015 for analysis. Future analyses should examine the other 33 states that have also adopted similar laws (American Bar Association National Task Force on Stand Your Ground Laws, 2014). Despite these limitations, these data are currently some of the most comprehensive on ‘Stand Your Ground’ cases in Florida and allow for empirical quantitative analysis.

We conducted sensitivity analysis excluding cases with multiple outcomes for victims (killed, injured, unharmed), including those cases with missing information on weapon use, and changing the race of victims as suggested in criticism of this data. We find that our results are robust and see only slight perturbations in the numerical values of our estimates. In recent months there has been a push for an amendment to Florida’s stand your ground law to allow those found innocent in a Stand Your Ground hearing to have the case expunged from their criminal history record – another step to further institutionalize racially biased practices. This is the opposite direction in which we should proceed. Indeed, given the impact this law has had on inequities in public health, it behooves the other states with stand your ground laws to carry out

similar analyses to see if their manifestations are similar to Florida's, and all should correct injustices found. On a larger scale, we encourage all States with Stand Your Ground laws to systematically collect data on cases to allow for a more thorough examination of the impact and potential racial bias in application and outcomes.

Future research from public health and legal scholars should examine social justice determinants (racism, income inequality, social cohesion, social capital, white privilege, white fear) of health, potential mediators and/or moderators, using methodological approaches for modeling multi-level factors that measure institutionalized racism, and other laws that may negatively affect health. These associations may provide the evidence needed to (1) further our understanding of the social context of racially motivated homicide and (2) repeal biased laws that perpetuate institutionalized racism leading to racial disparities in health. We have made a lot of progress since 1787, but this halving of the odds of being found guilty of a crime if the victim is non-White is an eery reminder of the infamous three-fifths compromise.

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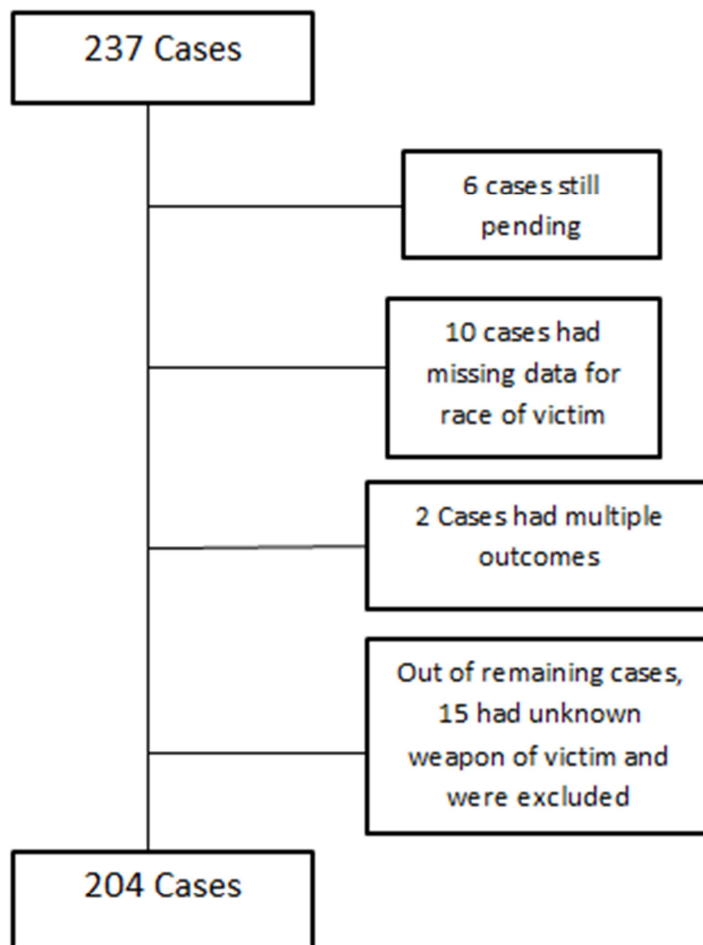
Figure 1: Case Exclusion Process

Table 1. Descriptives

Variable	Value	All cases (N=237) Number	All cases (N=237) Percent	Analytic Sample (N=204) Number	Analytic Sample (N=204) Percent
Race of Victim(s)	White	133	56.1	121	59.3
	Non White	94	39.7	83	40.7
	Missing	10	4.2	-	-
Race of Suspect(s)	White	143	60.3	125	61.3
	Non White	94	39.7	79	38.7
Racial Concordance	White victim, White suspect	108	45.6	99	48.5
	Non-White victim, White suspect	29	12.2	26	12.8
	White victim, non- White suspect	25	10.6	22	10.8
	Non-White victim, non-White suspect	65	27.4	57	27.9
	Missing	10	4.2	-	-
	Defendant Outcome	Convicted	84	35.4	75
	Not Convicted	145	61.2	129	63.2
	Missing	8	3.4	-	-
Gender of suspect	Female	26	11.0	23	11.3
	Male	211	89.0	181	88.7
Gender of victim	Female	13	5.5	11	5.4
	Male	211	89.0	189	92.6
	Both Genders	5	2.1	-	-
	Involved Missing	8	3.4	4	2.0
Weapon used by Victim	Unarmed	161	67.9	154	75.5
	Weapon Used	53	22.4	50	24.5
	Missing	23	9.7	-	-
Initiator	Defendant	48	20.3	46	22.5
	Victim	104	43.9	86	42.2
	Unclear	85	35.9	72	35.3
Could defendant retreat?	Yes	134	56.5	115	56.4
	No	36	15.2	33	16.2
	Unclear	67	28.3	56	27.4
Investigating Agency	County Sheriff, State level, or multiple level agencies	104	43.9	92	45.1
	Police Department	99	41.8	83	40.7
	Missing	34	14.4	29	14.2

Table 2. Bivariate Associations between Potential Predictors and Outcome

Chi-Square Results for Categorical Predictors			
Variable	Chi-Square	DF	P-Value
Race of Victim	3.71	1	0.054
Race of Suspect	1.45	1	0.228
Racial Concordance	3.78	3	0.286
Weapon used by Suspect	0.002	1	0.962
Weapon used by Victim	6.21	1	0.013
Initiator	30.49	2	< 0.001
Gender of Suspect	0.50	1	0.478
Gender of Victim			0.208
Number of Deaths	0.97	2	0.326
Investigating Agency	0.46	1	0.496
Status of the Accused	3.46	2	0.177
Status of the Victim	0.20	2	0.884
Was the victim committing a crime?	15.0	2	0.001
Was the defendant on his or her property?	2.00	1	0.157
Could the defendant retreat?	6.62	2	0.037
Was there physical evidence?	0.40	2	0.817
Did the defendant pursue the victim?	7.54	2	0.023
Were there any witnesses?	0.71	2	0.702
ANOVA Results for Continuous Predictors			
Predictor	Mean	F-Value	P-Value
Age of Suspect	36.8	1.41	0.237
Age of Victim	32.2	0.78	0.378

Table 3. Logistic Regression Models Predicting Defendant being Convicted

Variable	<u>Model 1</u>			<u>Model 2</u>			<u>Model 3</u>			
	OR	95% CI	P-Value	OR	95% CI	P-Value	OR	95% CI	P-Value	
Race of Victim (ref= Non-White)	2.11	(1.08, 4.15)	0.0299	2.09	(1.07, 4.10)	0.032	2.18	(1.13, 4.20)	0.020	
Could Defendant Retreat? (ref= no)	Unclear vs. No	1.31	(0.38, 4.51)	0.3416	1.23	(0.38, 4.06)	0.156	-	-	-
	Yes vs. No	2.04	(0.68, 6.09)		2.26	(0.79, 6.48)		-	-	-
Initiator (ref= victim)	Defendant vs. Victim	5.65	(2.30, 14.09)	<0.001	6.33	(2.64, 15.21)	<0.001	8.19	(3.49, 19.20)	<0.001
	Unclear vs. Victim	6.98	(2.90, 16.77)		6.98	(2.99, 16.30)		5.97	(2.78, 12.81)	
Weapon used by Victim (ref=weapon used)	2.18	(0.93, 5.07)	0.0720	2.15	(0.92, 4.99)	0.076	-	-	-	
Did the defendant pursue the victim? (ref=no)	Unclear vs. No	0.92	(0.35, 2.40)	0.6662	-	-	-	-	-	
	Yes vs. No	1.41	(0.62, 3.20)		-	-	-	-	-	

- We examine racial bias related to the “Stand Your Ground” statute in Florida.
- We find race of the victim to be a predictor of conviction of the defendant.
- Conviction is more likely in cases of White victims versus non-White victims
- Stand Your Ground legislation in Florida has a quantifiable racial bias.

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