

Gun Violence and Stand Your Ground Laws

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1. **Summary and Recommendations for Gun Violence:** The concluding observations of the last ICCPR review of United States in March 2014, commended efforts by the U.S. to understand ways to decrease gun violence. Efforts by the U.S. Commission on Civil Rights to investigate the impact of Laws like Stand Your Ground were also acknowledged (U.N. HUM. RTS. COMM CCPR/USA/4). Despite those efforts, there still remained concern, “the Committee is concerned about the proliferation of such laws that are used to circumvent the limits of legitimate self-defense in violation of the State party’s duty to protect life (arts. 2, 6 and 26)” (U.N. HUM. RTS. COMM CCPR/USA/4).
2. **Concern about excessive use of force by police officers was also at the forefront of those recommendations.**
3. **Progress Since The Review:** Although there has been some movement on laws that dangerously broaden the limits of common self defense (better known as “Stand Your Ground” or “Castle” Laws); the outcome of those efforts have done very little if anything to proliferate any substantive changes that will minimize the threat to the citizen’s right to life. The laws still stand despite criticism from NAACP, ACLU and U.S. Attorney General Eric Holder.
4. Stand Your Ground Laws allow the use of deadly force whether or not the party for which the violence is being used is armed. It gives parties in a self-defense situation the right to use deadly force with no duty to retreat. It should be commended that some states within the State party have listened to an extent to the concerns of the families who have suffered a loss at the hands of those who sought protection under these laws. On November 7th 2013 the Florida House Judiciary Committee listened to over four hours of testimony both for and against Stand Your Ground. In the hearing was a proposed bill to repeal the law entirely. One of those who spoke was a parent of a child who was shot in what was claimed to be self-defense. The conclusion of that hearing was to pass a bill that prevents those who shoot warning shots in defense situations from having to face minimum jail sentences, thus broadening, again, the scope of self-defense law in the State of Florida (CS/CS/HB89, Judiciary Committee Cong. (2013).
5. In terms of police violence, there is still much to be done. There are two open cases of note that serve as examples of the use of excessive force by law enforcement that resulted in the deaths of unarmed or non-threatening individuals. On August 5th, 2014 John Crawford III of Ohio was shot by police while carrying a Crossman MK-177 BB/pellet gun through a store that sold the item. The 9-1-1 callers accused him of pointing the pellet gun and Ohio Attorney General has declined the release of the surveillance video until after the trial.

Recommendations

- Review of Stand Your Ground laws.

- Reinstating the duty to retreat to all self-defense laws to realign the State Party with its responsibility to protect the right to life of all citizens.
- More funding for research by the Center For Disease Control (CDC) on gun related deaths in the U.S.
- Citizen review boards that consist of community members to create better trust between police forces and their communities.
- End the selling of military grade weapons to state police forces.
- Full disclosure of what military weapons and quantity have been sold to law enforcement agencies.