



To: The Senate Committee on the Judiciary  
Date: February 24, 2015  
Regarding: Opposition to SB 175, Making various changes relating to public safety.

Dear Chairman Brower and Members of the Senate Committee on the Judiciary:

Nevada is already a “Stand Your Ground” state, eliminating the duty to retreat in self-defense or defense of “habitation, property, or person.” SB 175 would expand Nevada’s “Stand Your Ground,” “Kill at Will,” or “Shoot First” laws to include any “vehicle which is self-propelled.”<sup>1</sup> At a time when we should be repealing our “Kill at Will” laws to protect vulnerable Nevadans and increase public safety, this bill would authorize killing first and asking questions when it is much too late.

In one of the many studies finding that “Stand Your Ground” laws have no deterrent effect on crime, Dr. Jerry Ratcliffe, Director of the Center for Security and Crimes, noted:

“If our aim is to increase criminal justice system costs, increase medical costs, increase racial tension, maintain our high adolescent death rate and put police officers at greater risk then this is good legislation, but if we are to use science and data and logic and analysis to drive sensible public policy then there is no reliable and credible evidence to support laws that encourage stand your ground and shoot your neighbor....These laws are not solving a problem, they are creating one.”<sup>2</sup>

For the reasons that follow, the ACLU of NV opposes Sections 1 and 2 of SB 175.

### Due Process Considerations

Killing another person is the most serious deprivation of liberty that a person can inflict. The irreversibility of a homicide means that error discovered after a death has occurred cannot be corrected. By increasing the circumstances in which private individuals may use lethal force without fear of legal consequences, this bill increases the number of people who are killed without due process of law.

### SB 175 Will not Increase Public Safety; Could Lead to More Homicides

When the U.S. Commission on Civil Rights convened a year-long investigation into the impact of “Stand Your Ground” (SYG) laws, they sought to address the question of whether these laws deter crime. As a result of their investigation, they found that not only do ten years of data on SYG laws across the country show that these laws do not serve as a deterrent for burglary, robbery, and aggravated assault, but that:

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<sup>1</sup> This definition is much broader than current definitions for motor vehicles that we see across the rest of the Nevada Revised Statutes. It includes scooters, bikes with motorized capability, and other casual recreational vehicles – not just cars.

<sup>2</sup> See: <http://www.abajournal.com/files/GunReport.pdf>.

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“the frequency of one crime did change. In SYG states, more homicides occurred after the passage of these laws than had occurred before. SYG laws, the authors said, “increase homicides by a statistically significant 8 percent,” which **yields 600 more homicides per year across all states with SYG laws**. These results - not greater safety, but an eight percent increase in unlawful killings - seem to show that those who believed that SYG laws would decrease violent crime were wrong.”<sup>3</sup>

The American Bar Association, in their report analyzing data after the passage of SYG laws, found homicide rates increased overall in those states, as compared with states that did not have SYG laws.<sup>4</sup> Nevada’s SYG law, as proposed to be expanded in SB 175, will not keep Nevadans safe. Rather, it decreases public safety for everyone.

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### Racial Impact

In 2013, George Zimmerman was acquitted of all charges in the fatal shooting of unarmed black teenager Trayvon Martin. One of the jurors attributed much of his decision not to convict on Florida’s “Stand Your Ground” law, on which the jury was instructed.<sup>5</sup> Since Trayvon’s shooting, 11 states have introduced legislation to *repeal* these types of laws, including Louisiana, which reformed their law in 2012.

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Unfortunately, Trayvon’s case is not an isolated incident. The Urban Institute reviewed six years of FBI data that had the same racial attributes of the Trayvon Martin case - 2,631 homicides overall. They found that, “[w]ith respect to race, controlling for all other case attributes, the **odds a white-on-black homicide is found justified is 281 percent greater than the odds a white-on-white homicide is found justified**.”<sup>6</sup> This means that when the killer and victim are of different ethnicities, white people face lesser legal consequences for homicide than do African Americans.

Race and its role in our criminal justice system is, at this point in our history, a function of implicit – not necessarily explicit – racial bias. Reverend Leonard Leach of the Mt. Hebron Missionary Baptist Church perhaps said this best when he stated:

“When the place where you stand is shaky, you can’t be sure the actions you take are appropriate or a efficacious. This law is on

<sup>3</sup> “Stand Your Ground Laws and Implicit Bias,” *available at*:

<http://jurist.org/forum/2014/10/harris-stand-your-ground-laws-and-implicit-bias.php>.

<sup>4</sup> “American Bar Association National Task Force on Stand Your Ground Laws: Preliminary Report and Recommendations, August 8, 2014,” *available at*:  
<http://www.abajournal.com/files/GunReport.pdf>.

<sup>5</sup> “Shoot First: Stand Your Ground Laws and Their Effect on Violent Crime and the Criminal Justice System,” *available at*: <http://everytown.org/documents/2014/10/shoot-first.pdf>.

<sup>6</sup> “Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data,” *available at*: <http://www.urban.org/uploadedpdf/412873-stand-your-ground.pdf>.



shaky ground because it exacerbates the tension that already exists between persons and classes who are different from us and individuals with whom we have strained relationships. It accommodates the unfounded fear on the part of those who may harbor unresolved anxieties. It perpetuates a foolish bravado of those who feel a bold security when they have a gun in their hand, and it exonerates an arrogance and/or ignorance.”<sup>7</sup>

Legal scholars studying the issue of SYG have stated repeatedly that we cannot have a discussion about implementing SYG without acknowledging the vestiges of racism in our country and the impact these laws will have on communities of color.

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### Caring for Nevada’s Mentally Ill

By expanding Nevada’s “Kill at Will” law, we are also encouraging the escalation of already potentially violent situations involving vulnerable populations. A study released last week demonstrates that, even where professionally trained police officers are involved in shootings, the mentally ill are particularly at risk when tense stand-offs arise. This study reviewed 20 years of data in San Diego and found that 81% of the decedents in officer-involved shootings were mentally ill.<sup>8</sup>

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At a time when the Nevada mental health system is severely underfunded and most members of the public are not properly trained on how to manage interactions with the mentally ill, SB 175 permits the resolution of an extraordinarily complex situations with the most vulnerable in our society in the most extreme manner possible – death.

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### Conclusion

Nevadans already have the right to defend themselves with commensurate force in situations where they face imminent harm and safe retreat is not an option. “Stand Your Ground” laws have nothing to do with legitimate self-defense, but instead are invitations for the use of deadly and unnecessary force.

SB 175 will decrease public safety for all Nevadans, and have a disproportionate impact on communities of color and the mentally ill. We urge you to oppose Sections 1 and 2 of SB 175.

Sincerely,

s/Vanessa Spinazola  
Legislative & Advocacy Director

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<sup>7</sup> See <http://www.abajournal.com/files/GunReport.pdf>.

<sup>8</sup> “Data Released on Two Decades of Police Shootings,” *available at*: <http://www.utsandiego.com/news/2015/feb/19/study-officer-involved-shooting-police-da/>.