

Subject: Testimony for the Ohio House Criminal Justice Committee regarding Ohio House Bill 381, 'Enact modifications to law regarding self-defense'
From: Margaret Kelly, Kettering, OH
Date: June 3, 2020

Chairman Lang and members of the committee, I appreciate the opportunity to discuss this bill. I am simply a private citizen who has grown concerned about the escalation of gun violence in our communities. I worry for myself; for my husband, who is a teacher; for my children, who are students; for my neighbors; and for our law enforcement, who must confront increasingly lethal situations. After reviewing research regarding the impact of Stand Your Ground laws on violence in the United States I am strongly opposed to such a bill in Ohio. There is substantial evidence against the value and efficacy of such laws, as I will point out in this statement. I also researched the opposing point of view to better understand why proponents of this bill support it; however I cannot find arguments that support its value. We can see the most common arguments reflected in testimony to this committee, so let's explore that in some detail.

Jeffrey Smith testified to you that "Nowhere in the bill as authored or in the two conditions which would remain unchanged will you find protection for the unjustified or indiscriminate use of deadly force," and therefore, he argued, the concerns of opponents that it would lead to an increase in violence similar to the "wild west" are unjustified. However, studies have proven Mr. Smith wrong. Stand Your Ground laws are in fact associated with an increase in violence, as shown in the RAND Corporation study, "Effects of Stand-Your-Ground Laws on Violent Crime" (RAND Corporation, 2018) which states: "Evidence that [stand-your-ground] laws may increase firearm homicide rates is supportive."

Judi Phelps testified about a woman in Alabama named Brittany Smith, who was raped, then later shot and killed her attacker, and now is facing life in prison. Ms. Phelps argues that 'women desperately need the legal protection that Stand Your Ground laws... will afford us.' However, Alabama already has a Stand Your Ground law. The judges in Ms. Smith's case simply deemed that, based on the evidence, Ms. Smith had not acted in self defense. Ms. Smith's situation is not an argument for Stand Your Ground laws in Ohio.

In Chris Dorr's testimony to you, he made a broad statement: "Gun owners are lawful people." He said, "The insinuation... that lawful gun owners like myself... would even consider killing another human being if we could simply walk away in safety is insulting to the best citizens in this state." Strangely, the one example he gave of someone who should have been protected by this law was Joshua Walker, who killed an attacker in Cleveland in 2017. However, Ohio law as it stood protected Mr. Dorr from prosecution for that killing, so he did not need a Stand Your Ground law. Strangely, in 2019 Mr. Walker was sentenced to 8 years in federal prison for a separate charge. Why was Mr. Walker the one example that Mr. Dorr chose to illustrate the need to protect law-abiding citizens with a Stand Your Ground law? Could he find no better example? I could not.

In Gene Moore's testimony, he asked, "Under what braindead logic, should I have the responsibility to flee from an intruder in my own home?" But Mr. Moore misunderstands our current laws. In Ohio, you don't have a duty to retreat before using force against an attacker in your own home.

Similarly, in her testimony, Laurel Mitro hypothesized about a person being attacked: "What if there are no obvious (or safe) places to hide? What if there are multiple attackers? What if the potential victim is elderly or disabled?" However, these questions are irrelevant, because there is only a duty to retreat if there is a safe option to do so.

For the same reason, Larry Green's testimony in support of the bill, that his and his wife's "age and medical condition put us in a bad situation if we are required to retreat", is not relevant. This misunderstanding by Mr. Green, Ms. Mitro, and Mr. Moore does however weaken Mr. Dorr's point about gun owners being lawful citizens; while they may want to be lawful, many are clearly confused by the law. This is an argument for better education of gun owners, not a Stand Your Ground law.

Tammy Weaver testified about her fear of being attacked, and particularly that the 'duty to retreat' would mean that she could not successfully defend herself. But she doesn't cite any evidence of cases where attackers were successful only because victims hesitated or tried to retreat; she explains that it is a fear that grew as she spent time with instructors who had SWAT, police, and military experience - not normal civilian life.

Doug Deeken testifies by saying, 'if "Stand your ground" produced the undesirable results that opponents of it claim then we would see plentiful examples of it.' However, the RAND Corporation study cited above does give that evidence, and Mr. Deeken does not cite any evidence to the contrary.

Jeffrey Smith makes several points in his testimony. First, he says 'the claim in the linked article.. that this bill... "would allow a person to shoot to kill in public, even when there's a clear and safe alternate" is RIDICULOUS on its face.' We only need to read up on Trayvon Martin's death to know that it may be ridiculous, but it is entirely possible. Second, he argues that we should be more concerned with protecting the victim than the attacker; however the problem at hand is the fact that Stand Your Ground laws encourage an escalation of violence by people who may see a threat that does not otherwise meet the necessary standard. Third, Mr. Smith lists the many states that have adopted Stand Your Ground laws; however the RAND Corporation study cited above shows that this was associated with an increase in homicide rates, and so is not an argument for further adoption. Fourth, Mr. Smith states concern for prosecutorial bias. Here I agree with Mr. Smith, however it is an argument against Stand Your Ground laws, not for them. John Roman found in his study, "Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data" (2013, Urban Institute) that "substantial evidence of racial disparities in justifiable homicide determinations," and further that "the recent expansion of Stand Your Ground laws in two dozen states appears to worsen the disparity."

In summary, the bulk of the testimony in support of this bill is either misdirected, incorrect, or represents misunderstanding of the law. Please look to the evidence we do have, which shows Stand Your Ground bills to increase violence.

Perhaps even more importantly, look at the larger trends. Compare the United States to other countries around the world. There is no other stable country with anything close to the level of gun violence we have here, even though all other countries have the same struggles we do with everything from mental health issues to violence in the media. The only factor that correlates to our level of gun violence is our level of gun ownership. (References: <https://www.bbc.com/news/world-us-canada-41488081>, <https://www.vox.com/policy-and-politics/2017/10/2/16399418/us-gun-violence-statistics-maps-charts>) Therefore anything we can do to reduce that will make our country safer for us all; Stand Your Ground laws will simply not make us safer.

Thank you for your careful consideration.