

**Congress of the United States**  
Washington, DC 20510

November 26, 2013

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Holder:

There has been growing concern about the effect that state “stand your ground” laws have on the safety of our communities and on Americans’ civil rights. “Stand your ground” laws expand the situations in which lethal force can be used by civilians in response to perceived threats, and they create presumptions and immunities that diminish accountability under our justice system for those who use lethal force.

More than half of the states have passed some form of “stand your ground” legislation since 2005,<sup>i</sup> and studies show that these laws are contributing to increases in homicides<sup>ii</sup> and firearm injuries<sup>iii</sup> and are exacerbating racial disparities in the criminal justice system.<sup>iv</sup> You observed in a speech in July that these laws undermine public safety, and you called for an effort to “ensure that our laws reduce violence and take a hard look at laws that contribute to more violence than they prevent.”

While the nature and impact of “stand your ground” laws may vary across the states, the Department of Justice can play a valuable role in providing centralized monitoring of the impact of these laws on public safety and civil rights. Justice Department components including the FBI and National Institute of Justice are already engaged in data collection and research efforts that have helped clarify the effect of “stand your ground” laws. We request that the Department build upon these ongoing efforts by pursuing the following additional steps to examine the impact of “stand your ground” laws:

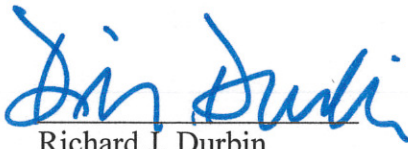
1. Clarify the definition of “Justifiable Homicide” in the FBI Supplementary Homicide Report (which currently is defined as and limited to “the killing of a felon, during the commission of a felony, by a private citizen”) to effectively capture other homicides which are ruled justifiable under “stand your ground” laws or for which no prosecution is brought.
2. Amend the FBI Supplementary Homicide Report for “Justifiable Homicides” to include data on the location of the homicide (e.g., public location vs. private location and inside vs. outside).

3. Amend the FBI Supplementary Homicide Report for “Justifiable Homicides” to include data on whether the homicide resulted in any arrests or prosecutions, and the justification upon which any decision not to arrest or declination to prosecute was based.
4. Amend the FBI Supplementary Homicide Report for “Justifiable Homicides” to include data on whether the victim or the offender was armed.
5. Amend the “Weapon Used” category of the FBI Supplementary Homicide Report for “Justifiable Homicides” to record the “Weapon used by Victim.”
6. Amend the FBI Supplementary Homicide Report for “Justifiable Homicides” to include the identification of each designated category of death as “murder,” “nonnegligent homicide” and/or “justifiable homicide” for each reported incident.
7. Amend the FBI Supplementary Homicide Report for “Justifiable Homicides” to include data on whether the basis for the finding of “justifiable homicide” was “stand your ground” in the “Circumstances” column.
8. Sponsor research through the National Institute of Justice on trends in justifiable homicides, with research assessing whether variations in state “stand your ground” laws and other laws governing the use of lethal force have a statistically significant impact on justifiable homicide and overall homicide rates.
9. Sponsor research through the National Institute of Justice on state-by-state trends involving race, gender and justifiable homicides, with research assessing whether variations in state “stand your ground” laws and other laws governing the use of lethal force have a statistically significant impact on racial disparities in justifiable homicides.
10. Sponsor research through the National Institute of Justice regarding uses of lethal force involving firearms by individuals who have been issued a concealed carry permit, and whether such uses of lethal force resulted in any arrests or prosecutions, with research assessing whether variations in “stand your ground” laws or other laws governing the use of lethal force and variations in state concealed carry laws have a statistically significant impact on the incidence and outcome of uses of lethal force.

We believe this information would prove extremely useful in helping to evaluate the laws that govern the use of lethal force and in quantifying the impact of such laws on public safety and civil rights.

Thank you for your consideration of this request. We look forward to your response. Please feel free to contact us if you would like to discuss this matter further.

Sincerely,



Richard J. Durbin  
United States Senator



Elijah E. Cummings  
Member of Congress



Mazie K. Hirono  
United States Senator



John Conyers, Jr.  
Member of Congress



Luis V. Gutierrez  
Member of Congress



Robert C. "Bobby" Scott  
Member of Congress



Marcia L. Fudge  
Member of Congress

cc: Mr. Thomas Turner  
Chair, Criminal Justice Information Services Advisory Policy Board

<sup>i</sup> See Law Center to Prevent Gun Violence, "Shoot First Laws Policy Summary," July 18, 2013.

<sup>ii</sup> See, e.g., Cheng Cheng and Mark Hoekstra, "Does Strengthening Self-Defense Law Deter Crime or Escalate Violence?" NBER Working Paper No. w18134, June 2012.

<sup>iii</sup> See, e.g., Chandler McCellan and Erdal Tekin, "Stand Your Ground Laws, Homicides, and Injuries," National Bureau of Economic Research, Working Paper 18187, <http://www.nber.org/papers/w18187>, June 2012.

<sup>iv</sup> See, e.g., John J. Roman, "Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data," July 2013.