Pro & Con: Legislation gives pass to vigilantism

Zaf Iqbal

**The issue: Are ‘Stand Your Ground’ laws justified?**

The George Zimmerman trial verdict has sparked protests across the United States. It has been transformed into a racial issue, but in reality, the decision has little to do with civil rights.

The verdict was the result of a lunatic Florida “Stand Your Ground” law. Before indulging in self-righteous indignation against Florida, it should be understood that more than 20 other states have similar laws, crafted with advice from the National Rifle Association’s policy experts. Five states are debating enactment of laws similar to the Florida law.

As such laws spread across the country, they progressively become more insane. Last month, Indiana Gov. Mitch Daniels authorized a revision to that state’s 2006 “Stand Your Ground” law. It allows property owners to defend themselves against “unlawful intrusion” by public officials, including police and firefighters. Tim Downs, president of Indiana State Fraternal Order of Police lamented, “It just puts a bounty on our heads.”

Recently, Wisconsin Gov. Scott Walker signed an “intruders bill.” It makes any killing perpetrated against a trespasser on private property “justified.” Twenty-year-old Bo Morrison was drinking at a party when the police came to break it up. Morrison was underage for drinking, and fearing arrest, he took off and stumbled on a neighbor’s porch. The homeowner shot him dead. Since it was a “justified” killing, no charges were filed thanks to “shoot first and ask questions later” legislation.

George Zimmerman, 29, was a self-appointed “watchman” for the neighborhood. While patrolling one night, he saw Trayvon Martin on a sidewalk. Martin, an unarmed teenager, was going to a neighborhood house where he was staying. Zimmerman followed Martin and called 911 reporting a person who looked “suspicious.” The police dispatcher told Zimmerman to stay in his car and let the police handle the situation. Instead, Zimmerman left car with a loaded gun concealed in his waistband. A hostile confrontation ensued, leading to a fight and ending with a single fatal shot in Martin’s heart.

The jury in the Zimmerman case had no choice but to find him “not guilty” based on judge’s instructions based on Section 776.13(3) of Florida’s “Stand Your Ground” law. One of the instructions was:

“If George Zimmerman was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself”

Welcome to the Wild, Wild West.

Zimmerman claimed that he shot Martin in self-defense. Another jury instruction addressed the criterion regarding self-defense, “If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether George Zimmerman was justified in the use of deadly force, you should find George Zimmerman not guilty.”

Translation: Even if the jurors had reasonable doubts that Zimmerman’s use of deadly force was not for self-defense, the law requires they find him not guilty. The gun did not have Martin’s DNA; he never touched it.

Questions: Someone has been trailing you in a car at night, he leaves the car and confronts you; wouldn’t you be afraid? Wouldn’t you defend yourself against this threat? If Zimmerman was not carrying a gun and perceived Martin to be dangerous, would he leave his car?

We claim to be a civilized society. A civilized society does not condone vigilantism and give legal permission to kill. A civilized society holds the individual who kills an innocent person accountable. The United States is a nation of laws. A nation of laws can amend or repeal existing laws deemed to have unintended devastating consequences.

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Pro & Con: 'Stand Your Ground' laws make sense

John Peschong

**The issue: Are ‘Stand Your Ground’ laws justified?**

I want to be clear from the start that whether or not George Zimmerman’s acquittal was justified, the fact remains that Trayvon Martin is dead, and that is a tragedy. But in the interest of having a discussion about the merits of a law called “Stand Your Ground,” and not focusing on the Zimmerman trial — which didn’t rely on a “Stand Your Ground” defense — I’ll leave discussion of the ins and outs of what happened in Sanford, Fla., to others.

Before I discuss justifications for “Stand Your Ground” laws, it’s important to say a little bit about what they actually are. “Stand Your Ground” laws are closely related to an old legal concept, the “castle doctrine,” which had its beginnings in English common law. “Castle” states that an individual’s home is his castle, and that within its confines he has no duty to retreat from a potentially dangerous situation and may use force, including deadly force, to defend himself. This is common sense.

If there is an intruder in your home, and you fear for your life or that of your family, you are under no obligation to run away and you have every right to defend yourself. Many states have some version of a castle doctrine on the books, including California. “Stand Your Ground” laws simply extend castle doctrine protections out of the home and into any place individuals lawfully have a right to be, provided they are not engaging in criminal activity.

So are “Stand Your Ground” laws necessary? Without them, the law requires people who believe they are in serious jeopardy to stop and assess whether it is safe to flee before defending themselves. This might sound reasonable, but in practice is more complicated.

As Justice Oliver Wendell Holmes once noted, “ detached reflection cannot be demanded in the presence of an uplifted knife.” In other words, when victims are faced with a split-second decision whether to defend themselves or their families from violent acts, the law should be unambiguous — empowering them to take action.

However, the line between strict self-defense and stand your ground is often obscure, in part because of the nature of these dangerous situations where things can escalate quickly. In California (which does not have a “Stand Your Ground” law), a woman who shoots an aggressor attempting to sexually assault her could be criminally and civilly liable under some circumstances. This is precisely why “Stand Your Ground” laws are needed — wouldn’t it be better to err on the side of victims in these horrific cases? Far from being a “shoot first” law, stand your ground gives the benefit of the doubt to the victim.

Close to two dozen states have some form of “Stand Your Ground” law on the books. Some are more far-reaching than others, and some may need to be reviewed and possibly reformed. But without question, there are justifications for a general conception of a “Stand Your Ground” law. Perhaps this is why a recent Quinnipiac poll found that a majority of Americans support it: It’s just common sense.

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Comments Off on Vigilantism Pros and Cons – A Security Professionals Perspective

The term vigilantism evokes dark and disturbing images to the minds of many in the general public, as well as those charged with providing law enforcement and security services. Part of the challenge is that the term is difficult to precisely define; a person watching out for a neighborhood is vigilantism to others.

For my purposes here, the definition “vigilante” will be defined as an unauthorized group or individual exercising police powers. Cornell University Law School defines police powers as powers granted to the states through the 10th Amendment to make and enforce laws to protect the welfare, safety and health of the public.

**My Experience from the Frontline**  
As a Sheriff’s deputy on patrol, I found that most issues with vigilantism arose when individuals or the community felt that their justice and security needs were not being addressed as a result of a perception they were being ignored, misguided policies or the ineffective implementation of good policies. “Us versus them” attitudes by either law enforcement or individuals are counterproductive to resolving these issues.

As a result of budget cuts across the country, many communities have to adjust to fewer law enforcement officers to deal with the same or increasing levels of criminal activity. Further complicating matters, jails and prisons are facing overcrowding issues with personnel cuts of their own. To adapt to these changes, many communities are responding by developing neighborhood watch programs to deal with the shortfall or to respond to increased criminal activity. This has led to concerns over vigilantism by some criminologists, the media and other groups concerned with armed civilians “patrolling” neighborhood streets.

**Relationships and Mutual Trust Are Key**  
In my experience as a law enforcement officer and as someone who has trained citizens to safely and responsibly handle firearms, I have benefitted from a multitude of perspectives on victimization, conflict resolution and the legal consequences of self-defense. As a result of this experience, I have found that encouraging citizens, communities and law enforcement agencies to develop and coordinate a partnership more effectively addresses the unique problems each community faces. The most effective law enforcement officers develop relationships with citizens in their beat that helps keep them informed on trends in criminal activity, persons involved and encourages confidence, trust and respect for the officer, as well as the agency.

Those officers understand that even though a citizen may not be well educated or literate in legal matters, they do have a wealth of valuable experience and perspective on the neighborhood they live in, as well as valuable insight on the impact policies have on their community. Further, when citizens are provided with information and expertise from officers that recognize their value, most are eager to provide support to the officer and express a desire to stay within appropriate guidelines to support law enforcement or security objectives.

**Communities Must Be Engaged**  
As a result of changing demands from the public, challenges to improve the public perception of law enforcement services and reduce the legal challenges faced by law enforcement agencies, more policy makers are learning what many patrol officers have understood for a long time. Criminal activity and security concerns are a multi-dimensional, multi-disciplinary puzzle that requires engaging all aspects of a community to include individuals, families and neighborhoods to successfully deal with addressing root causes, beyond the reach of law enforcement efforts.

One of the most successful examples of this approach is the Drug Market Intervention Strategy developed by the High Point Police Department in High Point, North Carolina. This approach looks at the underlying issues of street level drug dealing, enlists the help of family members, mental health professionals, law enforcement personnel, clergy, community leaders and the judicial system to provide support, personal accountability and community pressure to restore an individual to productive, law abiding citizenship. It also provides the community with a sense of fairness and justice that could not otherwise be achieved.

This program has been so successful that many departments across the country are implementing it in their own communities. The broad principles and measurable progress points can be adapted for use with other community issues, reducing the potential for vigilantism. Such an approach requires more effort than utilizing street crime units and reactive policing, but the payoffs are worth it in reduced frustration, litigation, in particular, civil rights law suits and enhanced public support for law enforcement or security professionals.

What’s your take? Has vigilantism helped you secure your area and facility or do you think policing should be left solely to the professionals?

Vigilantism: Agree or Disagree?



Vigilantism refers to a non-law enforcement individual, group, or organization attempting to effect justice according to a perceived sense of right and wrong.  Vigilante activities are often seen as taking the law into one’s own hands.  These activities are motivated by individuals who organize themselves to protect a common interest such as freedom, property, or security, protesting existing or lacking laws, correcting a perceived violation of a societal norm, or compensating for a perceived lack of effective law enforcement.  Factors that determine the likelihood of vigilante activities include the nature of the wrong-doing an alleged target is perceived to have committed, the seriousness of the wrong-doing, the perceived dangerousness of the target, and the perceived likelihood the target will commit the wrong-doing again.

In recent years, there has been an increase in the number of publicized vigilante activities.  Some of these activities are carried out by organized vigilante groups.  Many other vigilante activities are carried out by individuals or small groups of citizens who appear to reach a point of intolerance and decide to take action.

Anonymous is a well-known internet-based group of activists and hacktivist.  There is no single, primary goal for this group and anyone who believes in the ideals of Anonymous can join.  Anonymous has been responsible for many “attacks” including organized operations against the Church of Scientology, the Ku Klux Klan, child pornography sites, the Syrian Defense Ministry, and law enforcement agents.

Creep Catcher is a loosely organized network of groups (“chapters”) located across Canada with the goal of identifying and publicly shaming adults who seek sexual encounters with children.  Members of Creep Catcher lure adults into an online relationship with someone posing as a minor.  When a face-to-face meeting is organized, Creep Catcher documents the meeting via video and audio recording.  The recordings are then made public.

An example of a less formal group of vigilantes is the case of Richard Suter from Edmonton.  Mr. Suter was responsible for the death of 2-year old Geo Mounsef in 2013 after Mr. Suter drove his SUV, allegedly while intoxicated, into a family standing on a restaurant patio.  In January 2015, Mr. Suter was abducted from his home by three men.  He was badly beaten and his thumb was cut-off.

***Features of Vigilante Activities***

Research has suggested that there are seven common features to vigilante activities.  The activities are typically planned and premeditated.  They are conducted by private citizens who participate voluntarily.  The citizens act autonomously but they are often influenced by social issues or unrest.  Vigilantes often use threats of harassment, violence, or force.  Vigilante activities often arise when an established or expected order is deemed inadequate.  The vigilante activities aim to control crime or other social infractions.  The targets of vigilantism are often alleged perpetrators of a crime.

Two further features of vigilante activities have evolved with the speediness and popularity of internet-based social media.  Vigilantes often use social media to shame their targets.  Furthermore, many vigilantes appear to gain social popularity by promoting their vigilante activities online.

***Vigilante Motivations***

The behaviors of a vigilante depend on characteristics of the person, the environmental context of the activities, and whether one identifies with either the target of the vigilante behaviors or with others already committing vigilante behaviors.  Vigilante involvement is influenced by the following psychological motivations:

**Lack of trust in justice system.**  If the justice system is perceived as ineffective, vigilantes are motivated to invoke justice to compensate.

**Sanctioning a wrong-doing.**  The punishments applied by the justice system may be deemed inadequate, motivating the vigilante to disperse what he or she considers appropriate punishment for the wrong-doing.

**Deterring repeat offenses.**  Vigilantes are motivated to impose punishments in an effort to stop the wrong-doer from recommitting the offense.

**Deterring others from committing a wrong-doing.**  Fear that others might commit a wrong-doing, motivates vigilantes to punish a wrong-doer in a more severe or public fashion.

**Craving for someone to blame.**  Vigilantes struggle with perceived injustices and he or she will seek out an alleged perpetrator to identify and place blame.

**Social media status.**  Generating status, especially to a large number of followers, improves the vigilante’s self-perception.

These factors are important as they help individuals understand and accept their personal experiences and behaviors.  With the exception of social media status, all of the above motivations create a justification for vigilante behaviors.   The vigilante perceives his or her actions as a response to the behavior of someone who has committed a wrong-doing (i.e., externally caused) rather than being a result of some personal characteristic or quality (i.e., internally caused).  This powerful perspective is what allows a normal, values-based, law abiding citizen to commit wrong-doings and crimes in the name of justice.  Social media status has not been researched well but it appears that status is a reward that motivates vigilantism.

***Pros and Cons of Vigilantism***

Vigilantism can be seen as a cure for ineffective law enforcement and justice systems.  Vigilantism can also be considered a social movement that regulates social norms and expectations.  Despite these benefits, there are some challenges that arise.  Vigilantism can result in serious implications for the justice system.  Vigilantes often do not understand the rules of due process or evidence.  As a result, vigilante activities may compromise a fair trial, lead to wrongful convictions, or cause a mistrial for someone who is a serious offender.  Check out controversial cases of vigilantism (http://bit.ly/2co1i5a).

Unfortunately, there is no clear right or wrong in regards to the use of vigilantism but there are many questions.  When is vigilantism justified? Can vigilantism exist within the existing law and order of society?  Can vigilantism be conducted safely so as not to impede law enforcement or justice?

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