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The Right to Keep and Bear Arms—A Study of Civilian Homicides Committed Against Those Involved in Criminal Acts in Metropolitan Dade County from Between 1957 to 1982

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ABSTRACT: A study of civilian homicides in metro Dade County from 1957 to 1982 was performed. Cases in which civilians, not police, killed perpetrators of crime in order to protect life or property were collected and then analyzed as to age, race, sex, Spanish surname, alcohol, and location of incident of the victim. The method of homicide and, in more recent cases, drugs detected at autopsy along with prior arrest record of the victim were also noted. Graphical and statistical analysis on racial and ethnic variations in victims were also done. A total of 151 cases were studied.

KEYWORDS: criminalistics, ballistics, homicide

The right to keep and bear arms is afforded all citizens in the United States by the Constitution. Localities and states are allowed to enforce licensing of carrying a concealed weapon which varies widely from state to state.

Those who advocate firearm ownership point to growing crime as well as recreational and hunting use. Those opposed feel that firearms spawn violence or escalate it to dangerous levels.

Commercially available magazine as *The American Rifleman* and *Guns and Ammo* frequently run articles on "The Armed Citizens" and "A Right to Keep and Bear Arms" columns.

This study seeks to study who are the victims of such civilian homicides performed under the euphemism of "self-defense" or where a criminal act is being committed.

Materials and Methods

Metropolitan Dade County is an area of 2 000 square miles with a 1982 population of 1 739 000. It is a dynamic and growing area with two recent influxes of Cuban immigrants from 1959 to 1962 and from 1965 to 1971 [1] as well as a third boatlift in 1980 from the Mariel area of Cuba [2]. Such migration has changed the community from one with an estimated 70.6% non-Hispanic, 7.4% Hispanic, and 22% black population in 1960 to one with an estimated 43.2% non-Hispanic, 40.8% Hispanic, and 16% black population in 1980 [3]. It has also been marked by civil disobedience in 1980 as well as 1982.

Cases in which civilians, not police, killed perpetrators of crime (for example, breaking and entering a home, during a robbery, protecting one's business establishment) were studied be-

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tween 1957 to 1982. Only those cases where it was clear that the civilian was protecting life or property were included. Cases of the victim-precipitated homicide where ultimately the legal profession, police agencies, or judiciary ruled the homicide justifiable were not included.

Illustratively, an exemplary case of those studied was one in which a young homeowner observed an individual "jimmying" a back door. After verbally telling the individual to leave, the homeowner phoned police for help. While the police were en route, the perpetrator succeeded in entering the house and approached the homeowner with a sharp instrument. The homeowner, with no escape route, then shot the perpetrator and killed him.

A total of 151 cases were in the above-mentioned guidelines. These were studied with respect to age, race, sex, Spanish surname, alcohol, circumstances, and method of homicide of the victim. The victim of the homicide for purposes of this study is considered to have been engaged in an unlawful felonious activity that resulted in a civilian, not police, response fatal to the initiator of the felonious activity.

For those cases occurring between 1975 and 1982 (81 cases), additional data in the form of drugs detected at autopsy and prior arrest record of the decedent were also ascertained.

Results

Figures 1 and 2 represent the percentage of civilian homicides per total homicides for the year and per 100 000 population, respectively, over the past 25 years. Noteworthy factors in each graph are the times of major Cuban migration, civil disturbances, and Mariel boatlift. Figures 3 and 4 represent the percentage of black victims in civilian homicides and percentage of Hispanic surnames of victims in civilian homicides over the past 25 years. Tables 1, 2, and 3 show, respectively, the χ^2 distribution of total percent of cases and percentage of cases for black and Hispanic victims both between 1957 to 1971 and 1972 to 1982.

The statistical test χ^2 was chosen to compare the percentage or frequency of cases between the two eras to see if the migration factors previously mentioned played a statistically significant role either in increasing or decreasing the number of cases, or ethnic percentage of victims, realizing that many factors of causation are present.

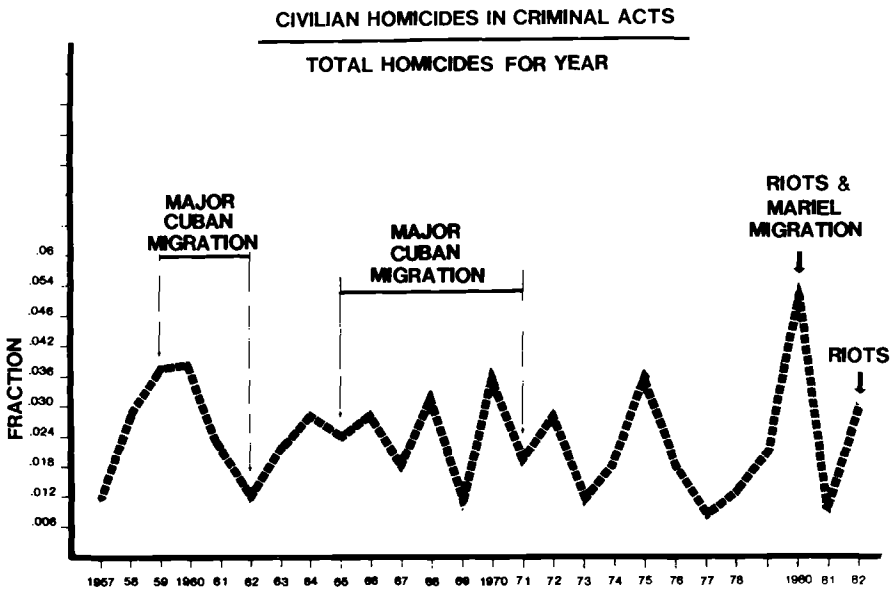


FIG. 1—Percentage of civilian homicides per total homicides for the year.

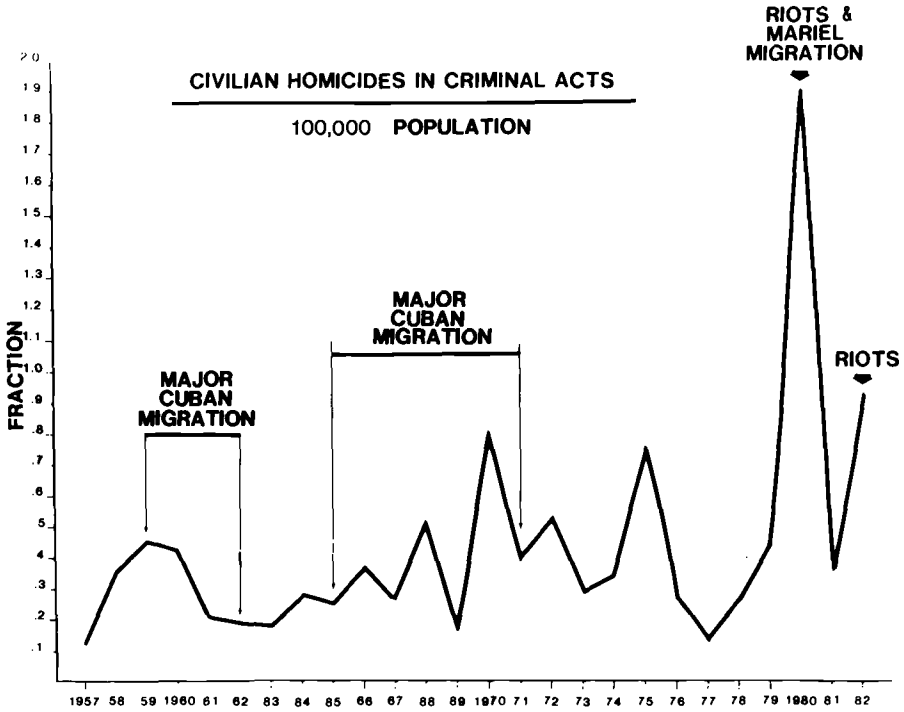


FIG. 2—Percentage of civilian homicides per 100 000 population.

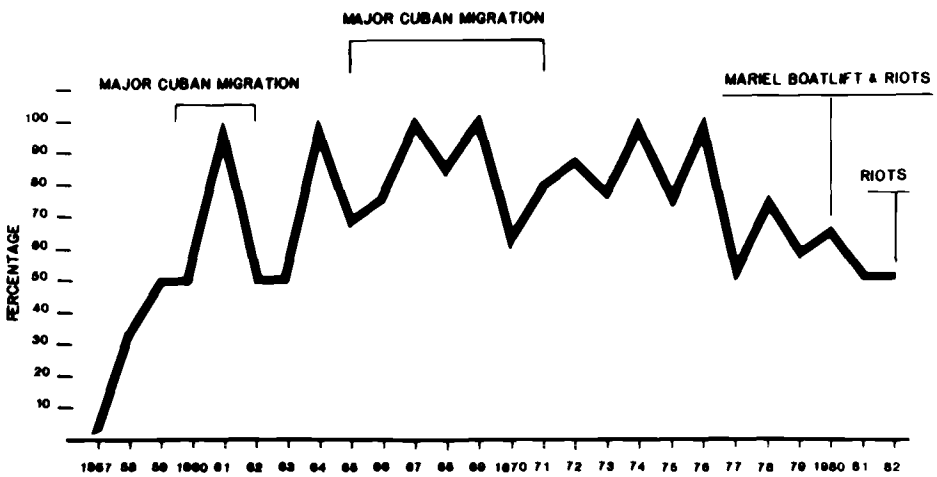


FIG. 3—Percentage of black victims in civilian homicides over the past 25 years.

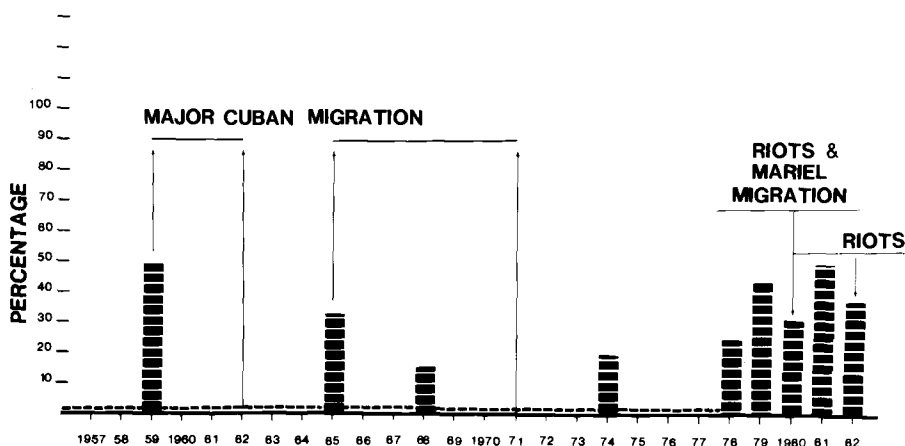


FIG. 4.—Percentage of Hispanic surnames of victims in civilian homicides over the past 25 years.

Tables 4, 5, and 6 show the percentages of victims in all years with respect to age, race, and sex.

Tables 7, 8, and 9 show the alcohol, location, and method data in all years.

Tables 10 and 11 show toxicology and prior arrest records of decedents between 1975 to 1982.

Discussion

Several thousands of people have been killed in metro Dade County over the past 25 years. A small fraction of these (2.5%) have been killed by civilians reacting to a criminal act of the victim.

From the previous graphs it is apparent that civilian involvement has varied and does vary in a seesaw fashion. Essentially, Figs. 1 and 2 depict the percentage of these civilian cases that occur each year over the past 25 years. These graphs vary in a seesaw fashion or up and down from year to year. Figures 3 and 4 depict the percentage of black victims and Hispanic victims (that is, the criminal perpetrator) each year over the past 25 years. Both figures vary from year to year.

However, as Table 1 indicates, there is no statistical difference in the percentage of civilian homicide cases of total homicides in comparing the migration era to the post-migration era, respectively, 1957 to 1971 and 1972 to 1982.

Major population variables such as Cuban emigration, civil disobedience, and Mariel boatlifts have occurred in the past 25 years. The data in Tables 2 and 3 indicate that the percentage of black people has not changed statistically either in the immigration era or in more recent years.

The percentage of Hispanic data should be interpreted with caution. At $P = 0.01$ or less

TABLE 1— χ^2 distribution of total number of cases.^a

Years	Civilian Cases	Other Homicides	Total Homicides
1957-1971	54 (2.5%)	2112	2166
1972-1982	97 (2.5%)	3821	3918

^aDegrees of freedom (df) = 1, $\chi^2 = 0.0021169$, and no significant difference at $P = 0.01$.

TABLE 2— χ^2 distribution of percentage of black victims.^a

Years	Black	Nonblack	Total
1957-1971	37	17	54
1972-1982	64	33	97

^adf = 1, $\chi^2 = 0.10540$, and no significant difference at $P = 0.01$.

TABLE 3— χ^2 distribution of percentage of Hispanics.^a

Years	Hispanic	Non-Hispanic	Total
1975-1971	4	50	54
1972-1982	21	76	97

^adf = 1, $\chi^2 = 5.144$, significant difference at $P = 0.05$, and no significant difference at $P = 0.01$.

TABLE 4—Age distribution of victims from 1957 to 1982.

Age	Number	Percent
11-20	39	25.8
21-30	62	41.1
31-40	30	19.9
41-50	13	8.6
51-60	4	2.6
61-70	3	2.0
71-80	0	0

TABLE 5—Race distribution of victims from 1957 to 1982.

Race	Number	Percent
Black	102	67.5
White	48	31.8
Other	1	0.6

TABLE 6—Sex distribution of victims from 1957 to 1982.

Sex	Number	Percent
Male	149	98.7
Female	2	1.3

TABLE 7—*Blood alcohol detected at autopsy of victims, 1957 to 1982.*

Blood Alcohol Content	Number	Percent
Not ascertained	19	12.6
None	73	48.3
Less than 0.1%	23	15.2
0.1% or greater	36	24

TABLE 8—*Location of homicide. 1957 to 1982.*

Location	Number	Percent
Home	56	37.0
Store	30	19.9
Bar	17	11.2
Street	10	6.6
Work	7	4.6
Service station	6	3.97
Car	5	3.3
Hotel/motel	5	3.3
Restaurant	2	1.3
Other	13	8.6

TABLE 9—*Method of the homicide. 1957 to 1982.*

Method	Number	Percent
Handgun	115	76.2
Shotgun	17	11.3
Rifle	11	7.28
Sharp instrument	6	3.97
Blunt instrument	2	1.3

TABLE 10—*Toxicology at autopsy, 1975 to 1982 (total 81 cases).*

Drugs Detected	Number	Percent
Not ascertained	20	25.0
No drugs detected	33	40.7
Drugs detected	28	34.3

TABLE 11—*History of prior arrest record of victim, 1975 to 1982 (total 81 cases).*

Prior Arrest Record	Number	Percent
Not ascertained	4	5
None	34	42
Yes	43	53

there is no statistical difference but at $P = 0.05$ it is statistically different between the two eras. For the readers that summarily eschew "statistical magic," this divergent conclusion is best interpreted that if there are statistical differences between the two eras they are not highly significant.

The most reasonable statement is that one should wait a few years to see if the Hispanic percentage levels off or increases.

Furthermore, one should not interpret this slight statistical difference in this study to negate any impact, if any, on the total number of homicides or crime that has occurred in recent years. For, in reviewing these cases, the total number of homicides each year has increased from 1956 to 1982.

What is apparent is, as seen in Tables 4, 5, and 6, that the overwhelming majority of such victims or perpetrators of criminal acts are young black males between the ages of 11 and 40. Furthermore, alcohol is involved in at least 39% of the time as shown in Table 7.

Table 8 shows that as in other aspects of forensic pathology the home is a very dangerous place where the most frequent civilian homicide occurs. Furthermore, quick trips to the store (for example, grocery, quick food, or liquor) and visits to the neighborhood bar can also be violent.

Methodologically, handguns reign supreme, although shotguns and rifles play a role as seen in Table 9. The latter could be interpreted that handguns, being more plentiful, are used more frequently. In reviewing these cases, this author also noted that rifles and shotguns are used sporadically throughout the years without any definitive pattern. Lobbyists of any group, touting the sale of rifles or shotguns for self-defense would have to realize that it is the handgun that is used most frequently in these self-defense cases.

The smaller data set involving toxicology and prior arrest records complete the picture of the "average victim" in that the decedent had drugs detected in 34.4% of the cases and a prior arrest record in 53% of the cases, as seen in Tables 10 and 11.

Summary

The right to keep and bear arms is afforded all civilians. This study has shown that successful use against people committing crimes occurs a very small percentage of the time. The author is neither a "daisy sniffing, tree hugging anti-gunner" [4], nor is he an advocate of people taking the "law into their own hands." However, should someone break and enter one's house it would be comforting to have protection.

References

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