

Time to let people kill burglars in their homes, says Met chief

By John Steele, Home Affairs Correspondent

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Householders should be able to use whatever force is necessary to defend their homes against criminals, even if it involves killing the intruder, the country's most senior police officer said yesterday.

Sir John Stevens, the Metropolitan Police Commissioner, said those who defended their families and property should only face prosecution over injuries to intruders in "extreme circumstances", where they could be shown to have used gratuitous violence.

Speaking exclusively to the Telegraph, days after John Monckton, a financier, was stabbed to death in an attempted robbery at his home in Chelsea, Sir John said: "My own view is that people should be allowed to use what force is necessary and that they should be allowed to do so without any risk of prosecution.

"There's a definite feeling around when I go out on the beat with officers and talk to members of the public that we need clarity in the law."

He said the current legal test of "reasonable force", which has evolved in common law, seemed to be weighted against householders and left the public confused about their rights.

Sir John suggested replacing it with legislation that put a statutory duty on police, prosecutors and the courts to presume that the force someone used in their home against a violent intruder was within the law, unless the facts clearly disproved this.

Other police chiefs shared his view - the strongest assertion of a home owner's right to self-defence issued by a senior officer in recent times - that there was too much doubt about what people could do, he said. The issue should be resolved by Parliament as "a matter of urgency."

Sir John, who will step down in January after five years as commissioner, said: "There is a real difficulty in people understanding what force they can use to defend themselves, their loved ones, their families and their homes. In years gone by I think there was a broad understanding of what it meant.

"The test at the moment is that you use reasonable force in the circumstances. You do not use excessiveness. I think the test of reasonableness needs to be looked at and clarified within statute.

"The thing is too imprecise at the moment for people when they are in extremis. You should be absolutely clear about what your legal rights are to defend yourself."

He suggested that the case of Tony Martin, the Norfolk farmer jailed for shooting dead a 16-year-old burglar, Fred Barras, in August 1999, was exceptional one which had distorted the issue of self-defence.

Martin, he pointed out, "did shoot the burglar as he was running away. He did use a gun that was illegal. The Martin case skewed everything and it was the wrong case to concentrate on".

Speaking at Scotland Yard, Sir John said: "Now is the time, specifically with these two cases we have had recently - in Chiswick and Chelsea - for the law to be clarified." The Chiswick case involved a teacher stabbed to death in his home in west London. A man has been charged with his murder.

"It's all very well for the lawyers to say the law is clear, but I'm afraid people on the street don't feel that, and on occasions neither do the police," said Sir John.

"Of course you don't want to have gratuitous or excessive violence... but you have to be given the power to use what is necessary.

"I'm not talking about guns but people being allowed to defend themselves and use whatever is necessary to defend themselves against someone who may well be armed with a knife."

There should be a presumption in law "that the person using the force to defend themselves is acting within the law, rather than the other way round".

Even if a struggle led to the death of an intruder, Sir John added, the law would presume that the person in that house had acted lawfully "and let the law change that presumption because of fact in evidence".

He said: "The message it sends to the would-be attacker is, 'Do not think you can come into people's homes and people will not defend themselves with the right type of force that's necessary.' At the moment it seems it's the other way round."

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