

Let householders defend themselves at last

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It is to be welcomed that Sir John Stevens, the Commissioner of the Metropolitan Police, should speak up in today's paper in defence of a householder's right to use force - including lethal force - against burglars. No sensible person would disagree with Sir John's assertion that there should be a presumption in law that force used within a private home against an intruder be legal.

But it is disappointing, and perhaps revealing, that he should trigger this debate only after a series of particularly gruesome cases of aggravated burglary, and within weeks of his own retirement in January. It would be more reassuring if police officers with an eye on promotion, rather than on retirement, were prepared to challenge the orthodoxy of the past 30 years and speak out in favour of the rights of property owners.

Sir John is certainly right when he suggests that householders' efforts to defend themselves and their families against burglary and assault are hampered by legal considerations. Too often, cases are brought against them by the Crown Prosecution Service that defy common sense. There is no direct democratic accountability for the decisions taken by the CPS, which is why it so often seems to act directly contrary to the instincts of the general public. The Conservatives' proposal to move towards greater accountability in law enforcement through elected sheriffs demands serious consideration. It could even become an electoral winner with an increasingly disillusioned public.

But in his interview today, Sir John betrays a certain muddled thinking. He cites the case of Tony Martin, the Norfolk farmer who shot dead a 16-year-old burglar, as one that has skewed the debate about the rights of homeowners. Sir John emphasises that the burglar was running away when he was shot, and that Mr Martin was using an unlicensed gun, thus suggesting that Mr Martin is therefore undeserving of sympathy. (It became clear during the trial that Mr Martin had suffered numerous burglaries of his farmhouse before the lethal event.)

If Sir John's argument is that there should be a presumption in law in favour of the householder in his dealings with an intruder, then surely it is irrelevant whether or not the gun was licensed. Sir John appears to be suggesting that a homeowner who detects a burglar should submit to the intruder if he remembers that, say, his shotgun licence has expired. If there is to be a presumption in law in favour of the householder, it must be almost absolute. To put it crudely: the reason why burglary is relatively rare in most parts of America is that intruders realise they are liable to be shot if disturbed, and that, if they survive, no court will find in their favour.

In this country, burglars have frequently broken into private homes carrying knives or other weapons, which they have then used - most recently in the horrific stabbings in Chelsea this week of John and Homeyra Monckton. Burglars need to know that, if they do invade a property, any offence against the person will be treated far more seriously than the householder's in defending property or family. Until householders, the police and criminals grasp this simple legal equation, people will continue to feel insecure in their own homes.

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