



Statement of Principles

As a national association dedicated to supporting and enhancing the effectiveness of prosecutors in their efforts to create safer communities, the Association of Prosecuting Attorneys (APA) creates this statement of principles regarding expansions to the Castle Doctrine to assist prosecutors in their effort to ensure justice and uphold public safety.

"Castle Doctrine" refers to the Common Law principle that a person has the right to defend against invasion and attack in their own home. In recent years, many jurisdictions have expanded this doctrine.

Castle Doctrine legislation has been expanded to apply to other areas outside the home, has diminished or eliminated the "duty to retreat" and other notable modifications including changing the burden of proving reasonableness to a presumption and providing blanket civil and criminal immunity.

Prosecutors, as upholders of justice and the integrity within our criminal justice system, retain a special role within the community through which confidence in our criminal justice system and public safety are maintained.

The expansion of the Castle Doctrine may have unintended consequences and inhibits the ability of law enforcement and prosecutors to fully hold violent criminals accountable for their acts.

The following statement of principles manifests the commitment of federal, state, local and tribal prosecutors to holding criminals accountable while protecting the rights of self-defense and defense of property.

- The right of self-defense and the right to defend one's home against invasion are well established in Common Law. The proper use of prosecutorial discretion ensures that justified acts of homicide are not prosecuted. For these reasons, expansions of the Castle Doctrine are unnecessary.
- Replacing the burden of proving reasonableness with a presumption of reasonableness eliminates the use of prosecutorial discretion. As upholders of justice and enforcers of the law, this is a key function of prosecutors that should not be taken away or diminished.
- Expanding the Castle Doctrine to public areas outside the home places heavier burdens on law enforcement when responding to such calls or incidents.
- Expansions to the Castle Doctrine negatively affect public health and the community's sense of safety by undermining prosecutorial and law enforcement efforts to keep communities safe as a result of expanding the realm in which violent acts can be committed with the justification of self-defense or defense of property.

- Any expansion to the Castle Doctrine must be based in research. Prosecutors and law enforcement agencies need to work with legislatures in collecting and analyzing data and evidence to support any legislative changes made to the Castle Doctrine.
- Use of the Castle Doctrine as a criminal and civil defense should be closely studied to ensure that expansions to the legislation are not being abused, and gaps within the legislative scheme are closed.