

Association of Prosecuting Attorneys
Statement on Legislative Expansion of the Castle Doctrine

*New Laws Create Dangerous Confusion in
Well-established Right of Self-defense and Defending One's Home*

Washington, DC – “As prosecutors, we have serious concerns about so-called ‘Stand Your Ground’ laws, which go far beyond the common law Castle Doctrine, the principle that one has the right to defend one’s own home from intruders,” said David LaBahn, President and CEO of the Association of Prosecuting Attorneys (APA). “Like others, we are watching the Trayvon Martin case in Florida very carefully. Florida’s ‘Stand Your Ground’ law has created serious – and potentially dangerous – confusion in an area that had long been handled appropriately by prosecutors and courts. We applaud Governor Scott’s review of this overbroad statute.”

“In recent years, we’ve watched a troubling trend as states have expanded the Castle Doctrine beyond its original purpose,” noted R. Seth Williams, the District Attorney of Philadelphia and a member of the APA’s Board of Directors. Under long-standing case law, according to Williams, “the right of self-defense and the right to defend one’s home against invasion are well established.” But a few states have broadly expanded the Castle Doctrine through these “Stand Your Ground” laws to apply to other areas and circumstances outside the home and have thus diminished or eliminated the historical “duty to retreat.” “We must protect lives, and that will come with the reduction – not expansion – of the justified use of deadly force” said Williams.

Moreover, while the traditional Castle Doctrine can provide the basis for a defense at trial, some of these “Stand Your Ground” laws, including Florida’s, give the killer immunity from prosecution. This blanket immunity is greater than the legal protections given to police officers who are involved in a shooting in the line of duty. This grant of immunity, both civil and criminal, can sharply undermine the ability of law enforcement and prosecutors to protect the public by prosecuting acts of gun violence.

Over the past several years, the APA has consistently raised concerns about the expansion of the Castle Doctrine because it may inhibit the ability of law enforcement and prosecutors to hold violent criminals accountable; may encourage vigilante behavior; and, in some circumstances, may put law enforcement lives at greater risk. In addition, according to Steven Jansen, APA’s Vice President and COO, “Prosecutors already have discretion, subject to court review, to determine which cases to pursue as homicides. This vast expansion of the Castle Doctrine is unnecessary.” In 2007, Jansen authored a report titled, *Expansions to the Castle Doctrine, Implications for Policy and Practice*. This document explains many of the law enforcement and public health impacts of Castle Doctrine and Stand Your Ground Legislation ([available at http://apainc.org/files/DDF/Castle%20Doctrine.pdf](http://apainc.org/files/DDF/Castle%20Doctrine.pdf)).

The APA encourages interested parties to review its fuller Statement of Principles on the Castle Doctrine (available at <http://apainc.org/html/APA+Castle+Doctrine+Principles.pdf>).

The mission of the APA is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. The APA is a national organization that represents and supports all prosecutors, including appointed and elected prosecutors and their deputies and assistants, whether they work as city attorneys, tribal prosecutors, district attorneys, state's attorneys, attorneys general, or U.S. attorneys. APA was founded as a national "think tank" to represent prosecutors and provide additional resources such as training and technical assistance in order to develop proactive innovative prosecutorial practices that prevent crime, ensure equal justice, and make our communities safer. For more information, please visit www.APAInc.org.