



Research Paper

Limiting Civilian Force in Defense of Property: A Legal and Ethical Analysis

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In the United States, laws surrounding the defense of private property vary, but remain relatively consistent, as they prioritize the protection of private property and human lives. Private property refers to the ownership of property, such as real estate, buildings, objects, and intellectual property, by individuals, rather than corporations (Cornell Law School, 2022). While individuals have the right to protect their private property, United States law generally does not permit the use of deadly force, which is typically referred as a force that is likely to cause death or serious bodily harm to another (Council of the District of Columbia, n.d.). However, the use of such force may be legally justified in situations where there is an imminent threat to one's life or safety, such as cases involving aggravated kidnapping, murder, sexual assault, or robbery, where the danger goes beyond the defense of private property. Within state laws, this principle is apparent in the Vermont Private Property Law Code, which restricts the use of deadly force in the defense of private property, allowing it only when serious bodily harm is imminent (Vermont General Assembly, 2024). Another commonly followed law in the United States is the infamous Castle Doctrine, which allows a person to defend their safety and home with the use of force, including the use of deadly force, without fear of legal prosecution (NCSL, 2022). However, Castle Doctrine emphasizes that the use of deadly force should be the last resort, revealing the consistency of private property protection laws across the United States. Therefore, if citizens are restricted in their rights to defend their private property, who should be held responsible for its protection? Law enforcement officers in the United States are generally individuals authorized by the law to prevent and detect crime, enforce laws, and protect life and property. They have different rights and responsibilities from those of the regular citizen and, therefore, are allowed to use deadly force when necessary in order to fulfill their duties. In essence, no injuries should be allowed to the private citizen for the protection of private property, as such a duty ought to remain in the hands of law enforcement officials; the use of force can be dangerous for both parties, as well as innocent bystanders.

Law enforcement officers, who not only have different responsibilities under the law but also the duty to protect citizens' lives and property, should be the only ones allowed to inflict injury in order to enforce the protection of property. United States law enforcement officers undergo a series of training and testing to prepare them for high-stress situations involving threats to property and life. Federal Law Enforcement Training Centers provide instruction and guidance to officers on topics surrounding the use of force, wherein they learn that the use of force should rely on a factual basis rather than "subjective opinions or making mere conclusions" (Federal Law Enforcement Training Centers, n.d.). Although programs such as these do not cover the entire range of scenarios, training allows officers to judge the situation faster, countering possible threats. Therefore, compared to a regular American citizen, law enforcement officers are far more capable of assessing danger and determining the appropriate level of force to resolve the situation. Their knowledge of legal standards, combined with the repeated exposure to realistic scenarios during training, helps them make decisions that are effective and legally justified. An untrained citizen, on the other hand, might act impulsively or emotionally, increasing the risk of unnecessary harm to themselves, the perpetrator, or even innocent bystanders. Therefore, by letting law enforcement officers protect private property, the risk of legal charges and growing lawsuits is reduced. Furthermore, officers are specifically trained in de-escalation techniques that reduce the likelihood of violent encounters. According to a 2020 evaluation by the University of Cincinnati Center for Police Research and Policy, officers who received training on de-escalation were involved in twenty-eight percent fewer use of force incidents and saw a twenty-six percent reduction in citizen injuries (Center for Police Research and Policy, 2020). These statistics highlight how relying on trained law enforcement officers to handle situations where

private property is in jeopardy reduces the risks of escalation, injury, and legal liability. In addition to training, law enforcement officers undergo extensive background checks before onboarding to ensure professionalism and integrity. These checks may include credit history, education records, criminal associations, military records, drug testing, and social media (All Criminal Justice Schools, n.d.). Beyond initial screening and training, officers are also held highly accountable during their jobs. According to Politico, as of 2020, seventy-nine percent of officers in America have reported working in departments with Body-Worn Cameras programs (Daly, 2024). These cameras not only discourage misconduct from officers, but also protect them from false accusations, building public trust. If an officer is found to have committed misconduct, they may face termination or even legal consequences. Together, these measures ensure that officers remain credible and responsible in their duties.

For untrained civilians, the use of force could escalate the situation, leading to the possible destruction of property and grave injury or even death. The concept of defending one's private property is similar to how many drivers react when they are involved in a hit-and-run accident. Although the instinct to chase the offender may feel justified, law enforcement officers strongly advise victims not to pursue hit-and-run drivers. Pursuing the offender is discouraged for several reasons. First, chasing an offender can turn out to be fatal, as it usually involves a dangerous, high-speed pursuit. It not only endangers the pursuer's life, but also the lives of innocent bystanders on the road. Second, a civilian, when chasing a suspect, lacks proper training and legal authority, unlike law enforcement officers; this increases the risk of misunderstanding and escalation, leading to an undesirable outcome. Lastly, when civilians take the law into their own hands, they may inadvertently break the law, such as in the case of reckless driving, leading to legal liability. These risks parallel the dangers when a property owner uses force to protect their private property without proper training. In both cases, the potential for harm to all parties increases significantly, demonstrating why professional law enforcement intervention is necessary, rather than allowing an individual to defend with force. Statistically, there have been several real-life examples where the use of force, even minimal, such as throwing a punch, has escalated to gunfire and death. For example, just this year in South Memphis, a physical altercation led to a thirteen-year-old boy being fatally shot (Silva, 2023). If one person in a dispute throws a punch, the other may respond irrationally in anger, ultimately leading to the use of deadly force. This demonstrates how quickly situations can spiral out of control when civilians use force, further reinforcing why professional law enforcement intervention is essential.

The use of force is additionally unnecessary because it is not the best option in a vast number of situations. The victims of force face unfair consequences for their actions. Common scenarios surrounding the protection of private property, such as theft, vandalism, and trespassing, vary widely in their degrees of severity and scope. Therefore, it becomes difficult to clearly justify the use of force in every situation. In addition, legal grey areas and loopholes lead to the use of inappropriate or excessive force, creating further liabilities. In many situations, the people on the receiving end of this force suffer unfair consequences, despite their actions being a minor offense or posing no immediate threat to the safety of the private property owner. For example, in many US jurisdictions, property boundaries are unclear, especially in rural, mountainous, or tourist areas. People may accidentally trespass without realizing the property they are on is private. This could be because they may think that it is public land, or they may come from countries with different property laws and cultural norms. Similarly, confusing situations could occur in a suburban neighborhood where one might accidentally cut across lawns to save time. In such cases, the use of force by private property owners is highly unjustifiable and immoral, as they most likely do not pose an imminent danger to either individuals or property itself. Just two years ago, in 2023, ABC News reported a case where a man shot a six-year-old girl and her family after a basketball accidentally rolled into his yard (Charalambous, 2023). This six-year-old girl posed no immediate threat to homeowners when only trying to retrieve a ball. Yet, the man chose to respond with violence when he should have contacted law enforcement if he believed there was a legitimate concern. Although the man was arrested and prosecuted for his crime, if laws permitting the use of force in defense of private property had been in place, it could have allowed him to escape accountability. Similar situations such as this highlight the danger of such laws, as they may be misused or interpreted to justify immoral actions.

Ultimately, while the defense of private property is a right that every citizen should have, the use of force in doing so should never be allowed for untrained civilians. The inconsistencies, gray areas, and moral risks involved with the use of force create dangerous conditions for not only the individuals involved in the private property altercation but also innocent bystanders. Currently, in the United States, laws surrounding the protection of private property allow for the use of non-deadly force, epitomized by the Castle Doctrine. However, incidents where children are shot over retrieving a basketball and shootings escalating from minor altercations illustrate how quickly situations can turn fatal. Law enforcement officers should be the only ones to intervene with force in these situations, as they go through extensive training, background checks, and

accountability measures, ensuring the best and safest possible outcomes. The prohibition of force in the defense of private property should be limited to trained officials and officers worldwide, assuring that lives are not lost to unnecessary violence.

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