

- VEST FIRST RESPONDER -

HELP FOR HEROES

DELAWARE

Self-Defense Law Reference Guide

*Duty to Retreat | Castle Doctrine (Home & Workplace) | Self-Defense | First Responder Protections |
Aggravated Strangulation Law*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

IMPORTANT: DELAWARE HAS A DUTY TO RETREAT IN PUBLIC

Delaware is NOT a Stand Your Ground state. Outside of the home or workplace, Delaware law imposes a duty to retreat before using deadly force when retreat can be accomplished with complete safety. However, Delaware's Castle Doctrine uniquely extends no-retreat protections to both the dwelling AND the place of work - providing meaningful protection for first responders attacked at their stations. Delaware also has one of the most distinctive chokehold laws in the country: violation is a FELONY offense.

STATUTE	SUBJECT MATTER
Del. Code tit. 11 S. 464	Use of Force in Self-Protection - Core Standard & Duty to Retreat
Del. Code tit. 11 S. 464(e)(i)	Castle Doctrine - No Retreat in Dwelling or Place of Work
Del. Code tit. 11 S. 465	Use of Force for Protection of Other Persons
Del. Code tit. 11 S. 466	Use of Force for Protection of Property
Del. Code tit. 11 S. 468	Chokehold/Aggravated Strangulation - Class D/C Felony (HB 350, 2020)
Del. Code tit. 11 S. 613	Assault 2nd Degree - Protected Class Enhancement for First Responders
Del. Code tit. 11 S. 616	Offensive Touching - Enhanced When Victim Is First Responder

PART I: THE DELAWARE SELF-DEFENSE STATUTORY FRAMEWORK

Del. Code tit. 11 S. 464 - Use of Force in Self-Protection

"The use of force upon or toward another person is justifiable when the defendant believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by the other person on the present occasion." - Del. Code tit. 11 S. 464(a)

Deadly force is justifiable under S. 464(c) when the defendant reasonably believes such force is necessary to protect themselves against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat. The 'immediately necessary' and 'present occasion' language mirrors Nebraska - emphasizing that both the urgency and the immediacy of the moment are required elements.

KEY ELEMENTS:

- Reasonable belief that force is immediately necessary.
- The threat must be on the 'present occasion' - not past or anticipated future harm.
- Deadly force requires belief of imminent death, serious physical injury, kidnapping, or sexual assault.
- Non-deadly force may be used without retreating under S. 464(b) - the duty to retreat applies specifically to DEADLY force.

Del. Code tit. 11 S. 464(e) - Castle Doctrine: No Retreat in Dwelling or Place of Work

"The defendant shall not be obliged to retreat from the defendant's dwelling or place of work, unless the defendant was the initial aggressor; and the defendant's place of work is also the place of work of the person against whom force is used." - Del. Code tit. 11 S. 464(e)(i)-(ii)

Delaware's Castle Doctrine explicitly extends to the PLACE OF WORK - a critical protection for first responders. At the dwelling or workplace, no retreat is required before using deadly force, provided you were not the initial aggressor.

WORKPLACE CASTLE DOCTRINE - DELAWARE'S CRITICAL PROVISION:

Del. Code tit. 11 S. 464(e) extends no-retreat protection to the place of work, joining Nebraska, Alaska, Connecticut, and Hawaii in this important protection. A fire station, EMS base, or any workplace where a first responder is deployed becomes a protected space where no duty to retreat exists. The co-worker exception (similar to Nebraska) applies: if the attacker is also an employee at the same workplace, the no-retreat protection may not apply.

Del. Code tit. 11 S. 465 - Defense of Third Persons

A person is justified in using force to protect another person when they reasonably believe the third person would be justified in using that force under S. 464, and intervention is necessary for the third person's protection. VEST Level III partner defense training is directly supported by this statute.

PART II: DUTY TO RETREAT - DELAWARE'S POSITION

CRITICAL: DELAWARE HAS A DUTY TO RETREAT IN PUBLIC

In public spaces - including most EMS and fire scenes outside of a dwelling or workplace - Delaware law requires retreat before using deadly force when retreat can be accomplished with complete safety. This is identical to Nebraska's, Alaska's, and Connecticut's 'complete safety' standard.

- PUBLIC SPACES: Retreat required if it can be done with complete safety.
- DWELLING: No duty to retreat - Castle Doctrine applies.
- PLACE OF WORK: No duty to retreat - Delaware's workplace extension applies.
- CO-WORKER EXCEPTION: If the attacker is also an employee of the same workplace, the no-retreat protection may not apply.
- NON-DEADLY FORCE: The duty to retreat applies primarily to DEADLY force. Non-deadly force may be estimated as necessary 'without retreating' under S. 464(b).

PRACTICAL IMPACT FOR FIRST RESPONDERS:

A Delaware EMS provider attacked at their station has no duty to retreat. A Delaware EMS provider attacked in public - at a roadway scene, in a patient's yard, or on a hospital campus not considered their workplace - operates under the complete-safety retreat standard. VEST training's emphasis on situational awareness and documenting why retreat was not safely available is especially important in Delaware public-space incidents.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

Del. Code tit. 11 S. 613 - Assault 2nd Degree (Protected Class Enhancement)

Delaware's assault statute is elevated to Assault in the Second Degree - a Class D Felony (up to 8 years imprisonment) - when the defendant causes physical injury to a first responder with intent to prevent them from performing their official duties. A Taser or stun gun used against a police officer, security officer, or first responder is elevated to a Class C Felony with up to 15 years imprisonment.

Del. Code tit. 11 S. 616 - Offensive Touching Enhancement

Offensive touching (an unclassified misdemeanor, up to 30 days) is elevated to a Class A misdemeanor (up to 1 year) when committed against a first responder, healthcare worker, or correctional officer. This covers even the lowest-level physical contact - including spitting, bodily fluids, or any non-consented contact directed at an on-duty first responder.

Delaware HB 323 (2024) - Emergency Vehicle Protection

A 2024 bill proposed elevating criminal mischief involving damage to authorized emergency vehicles performing their duties from a Class G Felony (2 years) to a Class E Felony (5 years). This addresses incidents like rock-throwing at fire trucks responding to emergencies. As of this document's preparation, the bill was advancing through committee.

TRAINER EMPHASIS:

Delaware's assault framework provides felony-level consequences for attacks on first responders at multiple tiers - from offensive touching (Class A misdemeanor) to assault with a stun gun (Class C Felony, up to 15 years). The progressive structure ensures that even minor physical attacks carry real criminal consequences.

PART IV: POLICE USE OF FORCE - HB 350 AGGRAVATED STRANGULATION LAW (2020)

Del. Code tit. 11 S. 468 - Aggravated Strangulation (HB 350, signed August 2020)

Delaware enacted one of the most stringent chokehold laws in the country when Governor Carney signed HB 350 in August 2020. The law creates the crime of Aggravated Strangulation as a FELONY offense - making Delaware one of only a handful of states where police chokehold violations are directly criminally enforceable as felonies.

"House Bill 350 creates the crime of Aggravated Strangulation as a Class D felony. Under the legislation, a chokehold is only justifiable when a law enforcement officer reasonably believes deadly force is necessary to protect the life of a civilian or an officer." - Delaware Governor's Office

KEY PROVISIONS OF DELAWARE'S HB 350:

- Chokehold is only justifiable when an officer reasonably believes deadly force is NECESSARY to protect the life of a civilian or officer.
- Unauthorized use is a CLASS D FELONY - up to 2.5 years imprisonment.
- If the person choked suffers SERIOUS INJURY or DEATH, the offense escalates to a CLASS C FELONY - up to 15 years imprisonment.

- Applies statewide to ALL Delaware law enforcement agencies.
- Criminal in nature: violations are prosecutable as felonies - not just administrative violations or policy breaches.

COMPARISON - DELAWARE VS. OTHER STATES:

- Delaware (Class D/C Felony): Criminal prosecution for unauthorized chokehold - among the harshest consequences in the country.
- Colorado (SB 20-217): Complete ban with no life-safety exception; POST decertification and civil liability.
- Minnesota (S. 626.8452): Complete ban including carotid holds; criminal and administrative penalties.
- Alabama: No statutory ban; policy level only.
- Florida: No statewide statutory ban; agency policy governs.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Del. Code tit. 11 S. 468 applies ONLY to law enforcement officers. EMS and fire personnel are governed by the civilian S. 464 self-defense framework. A Delaware paramedic defending their life against a violent attack is evaluated under S. 464 only - not the police chokehold felony statute. There is no statutory prohibition on civilian Delaware first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER DELAWARE LAW

1. Situational Awareness Is Your Legal Foundation

Because Delaware requires retreat in public when safe to do so, VEST Level I situational awareness training is legally foundational. Document all pre-incident threat indicators and all verbal intervention attempts. A provider who recognized the threat early, attempted de-escalation, and only used force when retreat was not safely available has established why the 'complete safety' retreat standard was not met.

2. Your Station Is a No-Retreat Location

Del. Code tit. 11 S. 464(e) explicitly extends the no-retreat exception to the place of work. A fire station or EMS base is your workplace - no duty to retreat before using justified deadly force. VEST station security and access control protocols support the factual record for this protection.

3. Forced Entry Into Your Station Justifies Defensive Force

The workplace no-retreat exception combined with the defense of premises provisions means that a violent forced entry into a fire station or EMS base activates strong defensive force authority. VEST training covering station security and entry point management is directly legally relevant in Delaware.

4. De-Escalation Is Legally Expected and Professionally Essential

Delaware's duty-to-retreat standard in public means de-escalation attempts are legally relevant - demonstrating that force became necessary only after alternatives were exhausted. VEST Level I curriculum is the evidentiary foundation for any Delaware self-defense claim in a public space.

5. The Felony Chokehold Law Is Critical for Joint Training

Delaware's HB 350 makes unauthorized chokehold use by law enforcement a Class D Felony and a Class C Felony with injury. When VEST delivers joint agency training with Delaware law enforcement, this must be clearly addressed: violations are criminally prosecutable as felonies - not just policy violations. Civilian first responders are evaluated under S. 464 in personal self-defense and are not subject to HB 350.

6. Partner Defense Is Covered

Del. Code tit. 11 S. 465 authorizes force to defend a third person under the same standards as self-defense. VEST Level III partner defense training is directly supported. In Delaware, if intervening to protect a partner who cannot safely retreat, your own duty-to-retreat is also relaxed.

7. Know When Force Ends

Delaware's force standard requires 'immediately necessary' force on the 'present occasion.' Once the threat is neutralized, the justification ends. VEST's continuous threat reassessment curriculum is both operationally and legally essential.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Delaware Code Title 11; HB 350 (2020) statutes are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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