

- VEST FIRST RESPONDER -

HELP FOR HEROES

HAWAII

Self-Defense Law Reference Guide

Duty to Retreat | Castle Doctrine (Home & Workplace) | Self-Defense | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

IMPORTANT: HAWAII HAS A DUTY TO RETREAT IN PUBLIC

Hawaii is NOT a Stand Your Ground state. In public spaces, Hawaii law requires retreat before using deadly force when retreat can be accomplished with complete safety. However, Hawaii's Castle Doctrine extends no-retreat protections to both the dwelling AND the place of work - an important first-responder protection. Multiple legislative proposals have attempted to eliminate the duty to retreat (HB 795 in 2024, HB 2561) but as of this document's preparation, the duty to retreat in public remains intact under HRS S. 703-304.

STATUTE	SUBJECT MATTER
HRS S. 703-304	Use of Force in Self-Protection - Core Standard & Duty to Retreat
HRS S. 703-304(5)(b)(i)	Castle Doctrine - No Retreat in Dwelling or Place of Work
HRS S. 703-305	Use of Force for Protection of Other Persons
HRS S. 703-306	Use of Force for Protection of Property
HRS S. 707-712	Assault in 3rd Degree - Enhanced When Victim Is Public Safety Officer
HRS S. 707-711	Assault in 2nd Degree - Enhanced for Serious Injury to Public Safety Officer
HPD Use-of-Force Policy	Police Neck Restraint Prohibition - Deadly Force Only

PART I: THE HAWAII SELF-DEFENSE STATUTORY FRAMEWORK**HRS S. 703-304 - Use of Force in Self-Protection**

"Subject to the provisions of this section and of section 703-308, the use of force upon or toward another person is justifiable when the actor 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." - HRS S. 703-304(1)

Deadly force is justifiable under S. 703-304(2) when the actor believes deadly force is necessary to protect against death, serious bodily injury, kidnapping, rape, or forcible sodomy. Hawaii uses a SUBJECTIVE belief standard (the actor must believe) rather than a pure objective reasonableness standard - however, the trier of fact evaluates whether that belief was reasonable under the circumstances.

HRS S. 703-304(5)(b) - Duty to Retreat / Workplace Exception

"The actor knows that he can avoid the necessity of using such force with complete safety by retreating... except that: (i) The actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be..." - HRS S. 703-304(5)(b)

Hawaii's duty to retreat in public uses the 'complete safety' standard - identical to Nebraska, Alaska, Connecticut, and Delaware. Only if retreat can be accomplished with COMPLETE SAFETY is it required. The workplace exception removes the duty to retreat when attacked in the actor's place of work, provided the actor was not the

initial aggressor and the attacker is not a co-worker.

HAWAII'S WORKPLACE CASTLE DOCTRINE:

HRS S. 703-304(5)(b)(i) explicitly extends the no-retreat exception to the place of work - the same protection shared with Nebraska, Alaska, Connecticut, and Delaware. A firefighter in their station or an EMS crew at their base has NO duty to retreat before using deadly force. The co-worker exception applies: if the attacker is also an employee at the same workplace, the no-retreat protection may not apply. VEST trainers delivering Hawaii curriculum must address this workplace protection explicitly.

HRS S. 703-305 - Defense of Other Persons

"(a) When the actor would be obliged under section 703-304 to retreat... the actor is not obliged to do so before using force for the protection of another person, unless the actor knows that the actor can thereby secure the complete safety of such other person..." - HRS S. 703-305

Hawaii's defense of others provision relaxes the retreat obligation when the defender is protecting a third person - specifically, when securing the other person's complete safety cannot be done by the actor retreating alone. The no-retreat exception for dwellings and places of work extends to defense of others in those locations as well.

PART II: DUTY TO RETREAT - HAWAII'S POSITION

Hawaii imposes a duty to retreat in public when retreat can be accomplished with complete safety before using deadly force. Multiple legislative proposals to eliminate this requirement have been introduced (HB 795 in 2024, HB 2561) but none has been enacted as of this document's preparation.

- PUBLIC SPACES: Retreat required if it can be accomplished with complete safety before using deadly force.
- DWELLING: No duty to retreat - Castle Doctrine applies.
- PLACE OF WORK: No duty to retreat - Hawaii's workplace extension applies.
- CO-WORKER EXCEPTION: If the attacker is also an employee at the same workplace, the no-retreat protection may not apply.
- LEGISLATIVE NOTE: Hawaii's legislature has debated Stand Your Ground expansion. VEST trainers should monitor potential future changes to HRS S. 703-304.

PRACTICAL IMPACT FOR FIRST RESPONDERS:

Hawaii EMS providers and firefighters attacked at their station have no duty to retreat - workplace exception applies. Those attacked in public operate under the complete-safety retreat standard. If retreat is not safely available, force is justified regardless. VEST Level I situational awareness training is legally foundational in Hawaii - documenting why safe retreat was not available at the moment force became necessary.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

HRS S. 707-712 - Assault in the Third Degree (Enhanced for Public Safety Officers)

Hawaii elevates assault to a more serious offense when the victim is a law enforcement officer, firefighter, paramedic, or emergency medical technician engaged in official duties. Third-degree assault against a public safety officer is treated as a Class C Felony when the victim is engaged in official duties and the attacker knows or should know their status.

HRS S. 707-711 - Assault in the Second Degree

Assault causing serious bodily injury to a public safety officer engaged in official duties is a Class B Felony, carrying up to 10 years imprisonment. Hawaii's tiered assault framework creates escalating criminal consequences based on the severity of injury and the protected status of the victim.

TRAINER EMPHASIS:

Hawaii's enhanced assault protections for firefighters and EMS personnel create felony-level consequences for attacks on on-duty first responders. The 'knows or should know' standard for the victim's status is met by operating in uniform or on a marked apparatus. VEST trainers should ensure participants understand both their legal protections and the consequences their attackers face.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Hawaii does not have a statewide statutory chokehold ban equivalent to Minnesota, California, or Delaware. Neck restraint policy is governed by individual agency use-of-force policies. The Honolulu Police Department (Hawaii's largest department) explicitly addresses neck restraints in its use-of-force policy.

Honolulu Police Department Use-of-Force Policy

"Neck restraints, chokeholds, and similar techniques, regardless if they are part of the department's training curriculum, are prohibited except when deadly force is justified." - HPD Use of Force Policy

The HPD policy classifies all neck restraints as prohibited except when deadly force is otherwise justified. This is effectively a deadly-force-only threshold, consistent with most states that restrict (but do not completely ban) neck restraints. Other Hawaii agencies may have different policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- HPD (largest department): Neck restraints prohibited except when deadly force is justified.
- Other Hawaii agencies: Governed by individual policies; may vary.
- Hawaii's 'complete safety' duty to retreat in public creates a de-escalation expectation that shapes the broader use-of-force culture.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Hawaii's law enforcement use-of-force policies do not apply to civilian first responders in personal self-defense. An EMS provider or firefighter using a defensive physical technique in lawful self-defense is evaluated under the civilian HRS S. 703-304 framework only. There is no statutory prohibition on civilian Hawaii first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER HAWAII LAW

1. Situational Awareness Is Your Legal Foundation in Hawaii

Because Hawaii requires retreat in public when safe to do so, VEST Level I situational awareness training is critically important. Document all pre-incident threat indicators, all verbal de-escalation attempts, and all factors that made safe retreat unavailable. Every pre-incident observation is a legal asset in a Hawaii public-space incident.

2. Your Station Is a No-Retreat Location

HRS S. 703-304(5)(b)(i) 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 force. VEST station security protocols support the factual record for this protection.

3. De-Escalation Is Both Legally Required and Professionally Essential

Hawaii'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 Hawaii self-defense claim in a public space.

4. Partner Defense - Retreat Relaxed When Third Person Cannot Safely Retreat

HRS S. 703-305 relaxes the retreat obligation when intervening to protect a third person who cannot safely retreat. VEST Level III partner defense training is directly supported. In Hawaii, protecting a partner who is trapped or unable to retreat has an easier legal standard than protecting yourself in the same public space.

5. Monitor Legislative Developments

Hawaii's legislature has repeatedly introduced Stand Your Ground bills (HB 795, HB 2561). VEST certified trainers in Hawaii should monitor legislative developments, as a successful enactment would significantly change the duty-to-retreat standard and VEST curriculum emphasis for the state.

6. Know When Force Ends

Hawaii'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. Hawaii Revised Statutes Chapter 703 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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