

- VEST FIRST RESPONDER -

HELP FOR HEROES

OREGON

Self-Defense Law Reference Guide

Stand Your Ground (Case Law) | Castle Doctrine (Dwelling & Workplace) | No Duty to Retreat | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

Oregon is a practical Stand Your Ground state through judicial interpretation of its self-defense statutes. The Oregon Supreme Court definitively held in *State v. Sandoval* (2007) that ORS 161.219 contains no duty to retreat before using deadly force in self-defense. While Oregon does not have a standalone Stand Your Ground statute, the practical effect is identical: lawfully present persons may use justified force without any obligation to retreat first. Oregon's self-defense laws are codified in ORS 161.209 (non-deadly force) and ORS 161.219 (deadly force). Oregon also recognizes Castle Doctrine principles for the dwelling and extends some protection to the place of employment or business.

STATUTE	SUBJECT MATTER
ORS 161.209	Physical Force in Defense of a Person - Non-Deadly Force Standard
ORS 161.215	Limitations on Use of Physical Force in Defense of a Person
ORS 161.219	Limitations on Use of Deadly Physical Force - Core Standard; Castle Doctrine
ORS 161.225	Use of Physical Force in Defense of Premises - Workplace Coverage
ORS 161.245	Use of Physical Force in Defense of Another Person
<i>State v. Sandoval</i> (2007)	Oregon Supreme Court - No Duty to Retreat from Imminent Deadly Force
ORS 163.208	Assault of Public Safety Officer - Enhanced Penalty
Oregon POST Standards	Police Use of Force - Neck Restraint Policy

PART I: THE OREGON SELF-DEFENSE FRAMEWORK

ORS 161.209 - Physical Force in Defense of a Person (Non-Deadly Force)

Oregon's core self-defense standard uses reasonable belief and proportionality. A person is justified in using force when they reasonably believe it is necessary to defend themselves or a third person from what they reasonably believe to be the imminent use of unlawful physical force. The force used must be 'no greater than is necessary' - proportionality is a core requirement.

ORS 161.219 - Limitations on Use of Deadly Physical Force (Castle Doctrine)

"Notwithstanding the provisions of ORS 161.209, a person is not justified in using deadly physical force upon another person unless the person reasonably believes that the other person is: (1) Committing or attempting to commit a felony involving the use or threatened imminent use of physical force against a person; or (2) Committing or attempting to commit a burglary in a dwelling; or (3) Using or about to use unlawful deadly physical force against a person." - ORS 161.219

ORS 161.219 is structured as a 'not justified unless' provision - listing the specific circumstances when deadly force IS authorized. Three key triggers: (1) felony involving physical force; (2) burglary in a dwelling; or (3) imminent deadly physical force. Oregon's case law (*State v. Sandoval*) holds that this statute contains NO requirement to retreat before invoking any of these justifications.

State v. Sandoval (2007) - No Duty to Retreat

"On a purely textual level, ORS 161.219 contains no specific reference to 'retreat', 'escape,' or 'other means of avoiding' a deadly confrontation. Neither, in our view, does it contain any other wording that would suggest a duty of that kind." - State v. Sandoval, 342 Or 506, 513-14 (2007)

The Oregon Supreme Court's 2007 Sandoval decision definitively resolved that there is no duty to retreat in Oregon before using deadly force in self-defense. The Court examined the plain text of ORS 161.219 and found it contained no retreat requirement. This ruling ended decades of inconsistency in Oregon's lower courts on the retreat question and aligned Oregon's practical framework with Stand Your Ground states.

KEY ELEMENTS FROM STATE v. SANDOVAL:

- No duty to retreat - established by the Oregon Supreme Court in 2007.
- ORS 161.219's text contains no retreat requirement - textual analysis supports the no-retreat rule.
- Previous contrary lower court decisions (including State v. Charles, 1982) are explicitly overruled.
- Applies at any lawful location, not just the dwelling.
- The Oregon Supreme Court has not limited this to any specific location.

IMPORTANT DISTINCTION - CASE LAW VS. STATUTE:

Like New Mexico, Oregon's no-retreat rule exists through judicial interpretation rather than a standalone statute. The practical effect is identical to a statutory Stand Your Ground law, but there are some differences: (1) Oregon lacks explicit statutory criminal and civil immunity provisions like Florida's S. 776.032 or Kansas's S. 21-5230; (2) the rule is based on statutory interpretation and could theoretically be modified by the legislature; (3) the burglary-in-a-dwelling trigger in ORS 161.219 creates a particularly strong Castle Doctrine for dwellings even without a separate Castle Doctrine statute.

ORS 161.225 - Defense of Premises (Workplace Coverage)

ORS 161.225 authorizes force to prevent or stop criminal trespass on premises the person controls. The statute explicitly applies to 'premises the person controls' - which includes a fire station, EMS base, or any controlled workplace. Deadly force may be used against a premises intruder when the person reasonably believes it is necessary to prevent commission of arson, burglary, robbery, kidnapping, or murder, or to prevent the use of unlawful deadly physical force. The 'premises the person controls' language gives first responders authority to defend their station as controlled premises.

ORS 161.245 - Defense of Another Person

Oregon authorizes force to defend another person under the same standards as self-defense. The actor must reasonably believe the third person would be justified in using that force, and intervention is reasonably necessary. VEST Level III partner defense training is directly supported by this statute.

PART II: DUTY TO RETREAT - OREGON'S POSITION

Oregon has NO duty to retreat - established definitively by the Oregon Supreme Court in State v. Sandoval (2007). No Oregon law requires retreat before using justified force at any lawful location.

- No duty to retreat - established by Oregon Supreme Court (2007); applicable at any lawful location.
- Burglary-in-a-dwelling trigger: deadly force explicitly authorized against burglars in a dwelling.

- Workplace coverage: ORS 161.225 authorizes defense of premises, including fire stations and EMS bases.
- Exception: Must not be the initial aggressor.
- Exception: Force must be proportionate - deadly force only authorized in the three specific ORS 161.219 circumstances.
- Note: No explicit statutory civil or criminal immunity provisions - documentation is especially important in Oregon.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

ORS 163.208 - Assault of a Public Safety Officer

Oregon's assault statute provides enhanced penalties when the victim is a peace officer, parole and probation officer, firefighter, corrections officer, or emergency medical technician engaged in official duties. Assault of a public safety officer is classified as a specific offense with elevated penalties. The attacker must have reason to know the victim is performing their official duties - satisfied by uniform, marked vehicle, or visible identification.

- Covers firefighters and emergency medical technicians by explicit statutory inclusion.
- Enhanced penalties above standard assault provisions.
- 'Reason to know' element: uniform, marked vehicle, or visible identification satisfies this standard.
- Oregon's framework creates felony-level consequences for physical attacks on on-duty first responders.

TRAINER EMPHASIS:

ORS 163.208's explicit coverage of firefighters and EMTs as protected persons creates elevated criminal consequences for attacks on on-duty Oregon first responders. Operating in uniform and in a marked vehicle satisfies the knowledge element. VEST trainers should reinforce that uniform discipline has direct legal significance in Oregon.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Oregon does not have a statewide statutory chokehold ban comparable to Colorado, Delaware, Maryland, or New York. Police neck restraint policy in Oregon is governed by the Department of Public Safety Standards and Training (DPSST) and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- DPSST training standards classify neck restraints as high-risk techniques authorized only when deadly force is justified.
- Individual agencies may adopt more restrictive policies; many Oregon departments have administratively banned chokeholds following national reforms.
- Oregon's Legislature has considered but not enacted standalone chokehold legislation as of this document's preparation.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Oregon's law enforcement use-of-force standards do not apply to civilian first responders in personal self-defense. An Oregon EMS provider or firefighter defending their life is evaluated under ORS 161.209 and 161.219 only. There is no statutory restriction on civilian Oregon first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER OREGON LAW**1. No Retreat - Sandoval Is as Binding as Statute**

The Oregon Supreme Court's 2007 Sandoval decision is the binding law of the state. Oregon first responders have no obligation to retreat before using justified force at any lawful location. VEST training reinforces this right through scenario-based decision making and the graduated force continuum.

2. Your Station Is Controlled Premises - ORS 161.225 Covers It

ORS 161.225's 'premises the person controls' language covers fire stations, EMS bases, and any workplace the first responder operates. VEST station security training and access control protocols support the factual record for premises defense authority. Deadly force to stop arson, burglary, robbery, or unlawful deadly force in a controlled premises is explicitly authorized.

3. No Explicit Civil Immunity Statute - Document for Civil Protection

Oregon lacks an explicit statutory civil immunity provision like Florida's S. 776.032 or Kansas's S. 21-5230. Documentation is therefore especially important in Oregon to defend against civil litigation as well as any criminal proceeding. PCR narratives, incident reports, and partner statements create the evidentiary foundation for justified use of force.

4. The ORS 161.219 Burglary Trigger Is Broader Than It Sounds

ORS 161.219(2)'s authorization of deadly force against 'a person committing or attempting to commit a burglary in a dwelling' does not require that the burglary be violent. Oregon law allows second-degree burglary to be non-violent. This means the deadly force authorization in a dwelling can arise even when the intruder has not yet displayed a weapon - a broader Castle Doctrine than states that require displayed or threatened deadly force from the intruder.

5. Partner Defense Is Covered - Same No-Retreat Rule Applies

ORS 161.245 authorizes force to defend another person under the same standards as self-defense. Oregon's no-retreat rule from Sandoval applies equally to defense of others. VEST Level III partner defense training is directly supported by this statute.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Oregon Revised Statutes Chapter 161; State v. Sandoval, 342 Or 506 (2007) 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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