

- VEST FIRST RESPONDER -

## HELP FOR HEROES

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# PENNSYLVANIA

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## Self-Defense Law Reference Guide

*Limited Stand Your Ground (Armed Attacker Only) | Castle Doctrine (Home, Vehicle, Workplace) | First Responder Protections | Police Use of Force*

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### CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

### IMPORTANT: PENNSYLVANIA HAS A CONDITIONAL DUTY TO RETREAT IN PUBLIC

Pennsylvania has a LIMITED Stand Your Ground law enacted in 2011 (18 Pa.C.S. S. 505(b)(2.3)). The no-retreat right in public applies ONLY when the attacker is armed with a firearm, a replica firearm, or another weapon readily or apparently capable of lethal use. In all other public-space deadly force situations, Pennsylvania retains a general duty to retreat. This weapon-display condition is unique to Pennsylvania among Stand Your Ground states and makes Pennsylvania's framework distinct from every other state in this series. The Castle Doctrine (home, vehicle, workplace) provides no-retreat protection without the weapon condition.

| STATUTE                          | SUBJECT MATTER                                                      |
|----------------------------------|---------------------------------------------------------------------|
| 18 Pa.C.S. S. 505(a)             | Use of Force in Self-Protection - Core Standard                     |
| 18 Pa.C.S. S. 505(b)(2)(ii)      | Castle Doctrine - Dwelling; No Duty to Retreat in Home              |
| 18 Pa.C.S. S. 505(b)(2.1)        | Castle Doctrine - Vehicle and Workplace                             |
| 18 Pa.C.S. S. 505(b)(2.3)        | Limited Stand Your Ground - Armed Attacker Condition (Act 10, 2011) |
| 18 Pa.C.S. S. 505(b)(2.4)        | No Stand Your Ground Against Lawful Law Enforcement                 |
| 18 Pa.C.S. S. 506                | Defense of Other Persons                                            |
| 18 Pa.C.S. S. 2702(a)(3)         | Aggravated Assault on Police/Fire/EMS - Second Degree Felony        |
| Pennsylvania State Police Policy | Police Use of Force - Neck Restraint Prohibition                    |

## PART I: THE PENNSYLVANIA SELF-DEFENSE FRAMEWORK

### 18 Pa.C.S. S. 505(a) - Use of Force in Self-Protection

The use of force upon another is justifiable when the actor believes such force is immediately necessary for the purpose of protecting themselves against the use of unlawful force by the other person on the present occasion. The 'immediately necessary on the present occasion' formulation is identical to Nebraska's and emphasizes that force must be required right now. Pennsylvania uses a reasonable-belief standard evaluated from the actor's perspective.

### 18 Pa.C.S. S. 505(b)(2)(ii) - Castle Doctrine (Dwelling)

*"The actor shall not be obligated to retreat from his dwelling or place of work, unless the actor 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."*  
- 18 Pa.C.S. S. 505(b)(2)(ii)

Pennsylvania's Castle Doctrine covers the dwelling and the place of work (with the co-worker exception). The dwelling is any home or fixed habitation. The co-worker exception mirrors Nebraska and Connecticut: if the attacker is also an employee at the same workplace, the no-retreat protection at the workplace may not apply.

### 18 Pa.C.S. S. 505(b)(2.1) - Castle Doctrine Vehicle Extension

Pennsylvania's Castle Doctrine also extends to occupied vehicles under S. 505(b)(2.1): a person who is not engaged in criminal activity and is in a vehicle is not required to retreat before using force. An ambulance or fire apparatus qualifies as a vehicle covered by this provision.

#### **AMBULANCE AS VEHICLE - CASTLE DOCTRINE APPLIES:**

Pennsylvania's vehicle extension of the Castle Doctrine covers ambulances and fire apparatus. A violent forced entry into an occupied Pennsylvania ambulance triggers the Castle Doctrine no-retreat protection - without the weapon-display condition required for public Stand Your Ground. Combined with the dwelling and workplace no-retreat provisions, Pennsylvania first responders have Castle Doctrine protection in three critical environments.

### **18 Pa.C.S. S. 505(b)(2.3) - Limited Stand Your Ground (Armed Attacker Only)**

*"An actor who is not engaged in a criminal activity, who is not in illegal possession of a firearm and who is attacked in any place where the actor would have a duty to retreat under paragraph (2)(ii) has no duty to retreat and has the right to stand his ground and use force, including deadly force, if: (i) the actor has a right to be in the place where he was attacked; (ii) the actor believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping or sexual intercourse by force or threat; and (iii) the person against whom the force is used displays or otherwise uses: (A) a firearm or replica of a firearm; or (B) any other weapon readily or apparently capable of lethal use." - 18 Pa.C.S. S. 505(b)(2.3)*

#### **THE WEAPON-DISPLAY CONDITION - PENNSYLVANIA'S UNIQUE LIMITATION:**

- Stand Your Ground in public ONLY applies when the attacker DISPLAYS OR USES a firearm, replica firearm, or other weapon readily or apparently capable of lethal use.
- If the attacker uses ONLY their hands, fists, or other body parts without a weapon, the public Stand Your Ground protection does NOT apply.
- In that scenario, a duty to retreat may exist if retreat was possible with complete safety.
- Inside the dwelling, vehicle, or workplace: NO weapon-display condition - Castle Doctrine provides full no-retreat protection.

#### **CRITICAL OPERATIONAL IMPLICATION FOR FIRST RESPONDERS:**

Pennsylvania's weapon-display condition creates a distinction that first responders must understand clearly. If attacked in public by an unarmed person, the general public Stand Your Ground protection does NOT apply - retreat may be required if safely available. If attacked in public by an armed person (knife, firearm, impact weapon), Stand Your Ground applies. Inside an ambulance, fire station, or workplace, full Castle Doctrine applies regardless of whether the attacker is armed. VEST Level I threat recognition training is especially important in Pennsylvania for identifying whether the weapon-display condition is met.

### **18 Pa.C.S. S. 505(b)(2.4) - No Stand Your Ground Against Lawful Law Enforcement**

Pennsylvania's Stand Your Ground provision does NOT apply when force is used against a peace officer who is acting in the performance of official duties and the actor knows or reasonably should know the person is a peace officer. This mirrors North Carolina's limitation and is critical for joint training contexts.

## **PART II: DUTY TO RETREAT - PENNSYLVANIA'S NUANCED POSITION**

Pennsylvania has a **CONDITIONAL** duty to retreat in public. The framework is more complex than most other states in this series:

- **IN PUBLIC vs. UNARMED ATTACKER:** Duty to retreat may apply if retreat is safely available.
- **IN PUBLIC vs. ARMED ATTACKER (weapon display):** No duty to retreat under S. 505(b)(2.3) Stand Your Ground.
- **IN DWELLING:** No duty to retreat - Castle Doctrine (S. 505(b)(2)(ii)).
- **IN VEHICLE:** No duty to retreat - Vehicle Castle Doctrine (S. 505(b)(2.1)).
- **IN WORKPLACE:** No duty to retreat, unless the attacker is a co-worker (co-worker exception).
- **NON-DEADLY FORCE:** No duty to retreat before using non-deadly force anywhere.

## PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

### 18 Pa.C.S. S. 2702(a)(3) - Aggravated Assault on Police/Fire/EMS

Pennsylvania's aggravated assault statute elevates the offense when the victim is a police officer, firefighter, or EMS provider engaged in their duties. Aggravated assault against these protected persons is a Second Degree Felony (up to 10 years imprisonment). Aggravated assault causing serious bodily injury to these persons is a First Degree Felony (up to 20 years). The statute lists protected persons in S. 2702(c) and includes firefighters and emergency medical service providers.

- Aggravated assault on firefighter/EMS on duty: Second Degree Felony, up to 10 years.
- Aggravated assault causing serious bodily injury to firefighter/EMS: First Degree Felony, up to 20 years.
- Electric or electronic incapacitation device (Taser) against protected persons: Second Degree Felony.
- 'Acts in the scope of employment' element satisfied by uniform, marked vehicle, or visible identification.

#### TRAINER EMPHASIS:

Pennsylvania's tiered aggravated assault framework creates serious felony consequences at both the injury and serious-injury level for attacks on firefighters and EMS providers. The Taser/electronic incapacitation device provision specifically addresses a common threat at EMS and fire scenes. VEST trainers should ensure participants understand this graduated framework.

## PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Pennsylvania does not have a statewide statutory chokehold ban. Neck restraint policy is governed by the Municipal Police Officers Education and Training Commission (MPOETC) and individual agency use-of-force policies. The Pennsylvania State Police has adopted a use-of-force policy that restricts neck restraints.

- **NO** statewide statutory chokehold ban as of 2024-2025.
- Pennsylvania State Police policy prohibits the use of any technique that compresses the neck, throat, or trachea in a manner likely to restrict breathing, except when deadly force is authorized.
- MPOETC training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies.

**FIRST RESPONDERS VS. LAW ENFORCEMENT:**

Pennsylvania's law enforcement use-of-force standards do not apply to civilian EMS and fire personnel in personal self-defense. An EMS provider or firefighter is evaluated under 18 Pa.C.S. S. 505. There is no statutory restriction on civilian Pennsylvania first responders using any defensive technique in genuine life-safety self-defense.

**PART V: APPLYING VEST PRINCIPLES UNDER PENNSYLVANIA LAW****1. Know the Two Different Public Standards - Armed vs. Unarmed Attacker**

Pennsylvania's weapon-display condition creates a framework that requires providers to identify not just the threat level but the presence or absence of a visible weapon. VEST Level I threat recognition training - specifically identifying weapon indicators - is both operationally and legally essential in Pennsylvania. The type of threat determines which legal standard applies.

**2. Castle Doctrine Covers Your Full Operational Environment**

Pennsylvania's Castle Doctrine covers the dwelling (no-retreat for patient home defense), the workplace (fire station and EMS base), and the vehicle (ambulance). In all three, the weapon-display condition does NOT apply. VEST compartment security, station security, and indoor scene safety training directly support these protections.

**3. Non-Deadly Force Has No Retreat Requirement**

Pennsylvania's duty-to-retreat applies only to deadly force. Non-deadly defensive responses have no retreat requirement anywhere. VEST Level I and II physical defensive technique training provides Pennsylvania first responders with legally unrestricted defensive options in all public scenarios.

**4. Stand Your Ground Does Not Apply Against Lawful Law Enforcement**

S. 505(b)(2.4)'s exclusion for lawful law enforcement actions must be addressed in joint training. A first responder cannot invoke Stand Your Ground against a law enforcement officer performing lawful duties - this applies in both the public and workplace contexts.

**5. Document Whether the Weapon Condition Was Met**

In any Pennsylvania public-space incident involving deadly force, the PCR narrative should document: whether the attacker was armed, what the weapon was, how it was displayed or used, and why retreat was not safely available if the weapon-display condition was not met. This documentation is the evidentiary foundation for the S. 505 justification.

**LEGAL DISCLAIMER**

*This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Pennsylvania Consolidated Statutes Title 18; Act 10 of 2011 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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