

- VEST FIRST RESPONDER -

HELP FOR HEROES

RHODE ISLAND

Self-Defense Law Reference Guide

Duty to Retreat in Public | Castle Doctrine (Dwelling and Place of Business) | Civil Presumption | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

IMPORTANT: RHODE ISLAND HAS A DUTY TO RETREAT IN PUBLIC

Rhode Island is NOT a Stand Your Ground state. Outside of a dwelling or place of business, Rhode Island imposes a duty to retreat before using deadly force when retreat is safely possible. Rhode Island's Castle Doctrine under RIGL S. 11-8-8 covers both the dwelling and the place of business - an important protection for first responders attacked at their station or EMS base. Rhode Island case law has also interpreted the Castle Doctrine to apply throughout buildings where a person is lawfully present, not just their own home.

LEGAL SOURCE	SUBJECT MATTER
RIGL S. 11-8-8	Castle Doctrine - Dwelling/Building; Civil/Criminal Rebuttable Presumption
Rhode Island Common Law	Self-Defense Standard; Duty to Retreat in Public
State v. Fetzik (1992)	RI Supreme Court - Castle Doctrine Extended to Full Dwelling
RIGL S. 11-5-2	Felony Assault - Enhanced When Victim Is Peace Officer or Emergency Personnel
RIGL S. 11-5-2.2	Domestic Violence Enhanced Assault Provisions
Rhode Island POST Standards	Police Use of Force - Neck Restraint Policy

PART I: THE RHODE ISLAND SELF-DEFENSE FRAMEWORK

Common Law Self-Defense Standard

Rhode Island's self-defense law is primarily governed by common law principles developed through case law. The core elements are: (1) the defendant had a reasonable belief that they were in immediate danger of death or serious bodily harm; (2) the force used was not more than was reasonably necessary under the circumstances; (3) the defendant was not the initial aggressor; and (4) in public, the defendant retreated if safe retreat was available. The prosecution generally bears the burden to disprove self-defense beyond a reasonable doubt once it is properly raised.

RIGL S. 11-8-8 - Castle Doctrine (Dwelling and Place of Business)

"In the event that any person shall die or shall sustain a personal injury in any way or for any cause while in the commission of any criminal offense enumerated in sections 11-8-2 through 11-8-6, it shall be rebuttably presumed as a matter of law in any civil or criminal proceeding that the owner, tenant, or occupier of the place where the offense was committed acted by reasonable means in self-defense and in the reasonable belief that the person engaged in the criminal offense was about to inflict great bodily harm or death upon that person or any other individual lawfully in the place where the criminal offense was committed. There shall be no duty on the part of an owner, tenant, or occupier to retreat from any person engaged in the commission of any criminal offense enumerated in sections 11-8-2 through 11-8-6." - RIGL S. 11-8-8

RIGL S. 11-8-8 creates both a rebuttable presumption of reasonable self-defense AND a no-retreat rule when a person in a dwelling or place of business faces someone committing a felony offense under SS. 11-8-2 through 11-8-6 (breaking and entering, burglary, and related offenses). The statute covers both the owner/tenant AND

'any other individual lawfully in the place' - meaning first responders who are lawfully in a building benefit from this protection.

KEY ELEMENTS OF RIGL S. 11-8-8:

- Covers dwelling AND place of business - both are explicitly included.
- Covers owner, tenant, occupier, AND any other individual lawfully in the place - first responders who are lawfully present are covered.
- Rebuttable presumption - the prosecution must rebut the presumption in both civil and criminal proceedings.
- No duty to retreat - explicit for persons facing the enumerated offenses in these protected locations.
- Applies when a covered criminal offense (burglary, breaking and entering, etc.) is being committed in the location.

FIRST RESPONDERS AS LAWFUL OCCUPANTS:

RIGL S. 11-8-8's coverage of 'any other individual lawfully in the place where the offense was committed' extends Castle Doctrine protection to first responders who are lawfully present in a building - such as a fire station, EMS base, or any premises where they have been lawfully admitted. An EMS crew summoned to a location is lawfully there; a firefighter in their station is lawfully there. If a covered offense (burglary, breaking and entering) occurs while they are present, S. 11-8-8 protects them.

State v. Fetzik (1992) - Castle Doctrine Extended to Full Dwelling

"[T]his court has recognized that the General Assembly has by virtue of [S.] 11-8-8 created a presumption in favor of one who defends his home against a person who feloniously enters in the event that the intruder sustains a personal injury or dies. Consequently we are of the opinion that defendant was under no duty to retreat when the assailant had entered defendant's dwelling." - State v. Fetzik, 613 A.2d 1007 (R.I. 1992)

The Rhode Island Supreme Court in Fetzik extended RIGL S. 11-8-8 to apply throughout a dwelling, clarifying that the protection is not limited to the specific room of entry but applies throughout the home. This confirms that the Castle Doctrine protection attaches to the entire building where the lawful occupant is present.

PART II: DUTY TO RETREAT - RHODE ISLAND'S POSITION

CRITICAL: RHODE ISLAND HAS A DUTY TO RETREAT FOR DEADLY FORCE IN PUBLIC

In public spaces outside a dwelling or place of business, Rhode Island's common law imposes a duty to retreat before using deadly force when safe retreat is available. This is the traditional common law duty-to-retreat standard, not the 'complete safety' formulation used in states like Nebraska or Connecticut.

- PUBLIC SPACES: Duty to retreat if safely available before using deadly force.
- DWELLING: No duty to retreat when facing a person committing a covered felony offense (RIGL S. 11-8-8).
- PLACE OF BUSINESS: No duty to retreat in the same circumstances (RIGL S. 11-8-8).
- LAWFUL OCCUPANTS in these locations: Same no-retreat protection as owners and tenants.
- Non-deadly force: Reduced or no retreat obligation before using non-deadly force.

- Exception: The Castle Doctrine in Rhode Island is tied to the commission of enumerated felony offenses - it requires that the covered offense actually be occurring.

PRACTICAL IMPACT FOR FIRST RESPONDERS:

Rhode Island EMS providers and firefighters at their station or any place of business they lawfully occupy have no duty to retreat under RIGL S. 11-8-8 when someone commits a covered offense there. In public, the common law duty-to-retreat framework applies. VEST Level I situational awareness training is legally foundational for Rhode Island public-space incidents.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

RIGL S. 11-5-2 - Felony Assault (Enhanced for Emergency Personnel)

Rhode Island's assault statute provides enhanced penalties when the victim is a law enforcement officer, firefighter, or emergency medical services provider engaged in their official duties. Assault against these protected persons is elevated from a misdemeanor to a felony classification. The attacker must know or have reason to know the victim is an emergency services provider performing official duties - satisfied by uniform, marked vehicle, or visible identification.

- Enhanced felony penalties for assault on law enforcement, firefighters, and EMS providers on duty.
- 'Knows or has reason to know' standard: uniform, marked vehicle, or visible identification satisfies this element.
- Elevated classification above standard misdemeanor assault when victim is an on-duty first responder.

TRAINER EMPHASIS:

Rhode Island's assault enhancement converts misdemeanor assault to a felony when directed at on-duty first responders. VEST trainers should ensure participants understand they are specifically named and protected by this escalation provision. Uniform visibility and marked apparatus operation are legal assets that satisfy the knowledge element.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Rhode Island does not have a statewide statutory chokehold ban. Police neck restraint policy is governed by the Rhode Island Police Officers Commission on Standards and Training (RIPOC) and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- RIPOC training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies; some Rhode Island departments have administratively banned chokeholds.
- Rhode Island's common law duty-to-retreat framework creates a de-escalation culture that shapes overall use-of-force evaluation.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Rhode Island'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 common law self-defense and RIGL S. 11-8-8. There is no statutory restriction on civilian Rhode Island first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER RHODE ISLAND LAW**1. Your Station Is a No-Retreat Location When Crimes Occur**

RIGL S. 11-8-8 provides no-retreat protection for persons in a place of business when a covered felony (breaking and entering, burglary) is occurring. A fire station or EMS base is a place of business. VEST station security training - covering controlled access, alarm systems, and entry point security - directly supports the factual record for this protection.

2. You Are a Lawful Occupant Wherever You Are Admitted

RIGL S. 11-8-8's coverage of 'any other individual lawfully in the place' extends Castle Doctrine protection to first responders as lawful occupants. An EMS crew summoned to a location is lawfully there; a firefighter invited into a building is lawfully there. This lawful-occupant status matters for invoking the S. 11-8-8 protections.

3. Non-Deadly Force Has a Reduced Retreat Burden

Rhode Island's duty-to-retreat standard applies primarily to deadly force under common law. Non-deadly defensive responses may be available without any retreat requirement. VEST Level I and II physical defensive technique training provides Rhode Island first responders with legally sound defensive options.

4. Situational Awareness and De-Escalation Are Legally Essential for Public Incidents

Rhode Island's public-space duty-to-retreat framework means VEST Level I situational awareness training is legally foundational for any public-space deadly-force incident. Document why retreat was not safely available when force became necessary.

5. Partner Defense Follows the Same Common Law Standards

Rhode Island's common law self-defense extends to defense of others under the same reasonableness standards. VEST Level III partner defense training is directly supported by this authority.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Rhode Island General Laws S. 11-8-8; Rhode Island Common Law; State v. Fetzik (1992) 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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