

— VEST FIRST RESPONDER —
HELP FOR HEROES

SOUTH DAKOTA

Self-Defense Law Reference Guide

Stand Your Ground | Castle Doctrine | Self-Defense | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

This document is intended exclusively for VEST Certified Trainers delivering VEST Level I, II, and III curriculum in the state of South Dakota. It is not a substitute for legal counsel.

PART I: THE SOUTH DAKOTA SELF-DEFENSE STATUTORY FRAMEWORK

South Dakota's self-defense laws are codified in Chapter 22-18 of the South Dakota Codified Laws (SDCL). South Dakota is a Stand Your Ground state with an integrated framework that addresses self-defense, deadly force, defense of dwelling, defense of others, and civil immunity in a comprehensive series of statutes within the same chapter.

CORE STATUTE MAP

STATUTE	SUBJECT MATTER
SDCL § 22-18-4	Use of Force — Defense of Person (Non-Deadly Force)
SDCL § 22-16-35	Justifiable Homicide — Deadly Force in Defense of Person
SDCL § 22-18-4.1	Deadly Force in Defense of Person — Stand Your Ground
SDCL § 22-18-4.2	Defense of Dwelling or Residence — Castle Doctrine
SDCL § 22-18-4.3 & 4.4	Presumption of Reasonable Fear — Castle Doctrine
SDCL § 22-18-4.8	Civil and Criminal Immunity for Justified Force
SDCL § 22-18-1.05	Assault of Law Enforcement, Firefighter, Ambulance Personnel — Enhanced Penalty
SDCL POST Standards	Police Use of Force — Neck Restraint Policy

SDCL § 22-18-4 — Non-Deadly Force in Defense of Person

A person is justified in using non-deadly force against another when they reasonably believe it is necessary to defend themselves or another from the other's imminent use of unlawful force. Force must be proportionate to the threat, and the actor must not be the initial aggressor.

"A person is justified in using or threatening to use force, other than deadly force, against another if the person reasonably believes that using or threatening to use force is necessary

to defend against the other's imminent use of unlawful force. A person who uses or threatens to use force in accordance with this section does not have a duty to retreat before using or threatening to use such force."

SDCL § 22-18-4.1 — Deadly Force in Defense of Person (Stand Your Ground)

South Dakota's deadly force provision extends Stand Your Ground protections to all locations where a person is lawfully present. A person may use deadly force if they reasonably believe it is necessary to prevent death or great bodily harm to themselves or another person, or to prevent the commission of a forcible felony.

"A person is justified in using or threatening to use deadly force if the person reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another person or to prevent the imminent commission of a forcible felony against himself or herself or another person."

Under SDCL § 22-18-4.1, a person does NOT have a duty to retreat before using deadly force if they are in a place where they have a right to be, are not engaged in criminal activity, and did not provoke the confrontation.

STAND YOUR GROUND:

South Dakota's Stand Your Ground protections apply at any lawful location — public spaces, vehicles, workplaces, and all areas where a first responder is lawfully deployed. No retreat is required. A South Dakota EMS provider or firefighter attacked on duty may stand their ground and use force — including deadly force when warranted — without the obligation to flee.

SDCL § 22-18-4.2 — Castle Doctrine (Defense of Dwelling or Residence)

South Dakota's Castle Doctrine provides enhanced protections for persons defending themselves in their dwelling or residence. The statute creates a presumption of reasonable fear when an intruder unlawfully and forcibly enters or has entered a protected space.

"A person is justified in using or threatening to use force, including deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the other's unlawful entry into or attack upon a dwelling or residence."

SDCL §§ 22-18-4.3 & 4.4 — Presumption of Reasonable Fear

South Dakota's statutes create a legal PRESUMPTION that a person using force inside a dwelling reasonably feared imminent death or great bodily harm. This presumption does not apply if the intruder had a right to be there, the person using force was engaged in criminal activity, or the situation falls within one of the enumerated exceptions.

SDCL § 22-18-4.8 — Civil and Criminal Immunity

South Dakota provides explicit immunity from both civil and criminal liability for persons who use justified force. A person who uses or threatens to use force as permitted under the self-defense

statutes is immune from criminal prosecution and civil action for using such force. This is one of the broadest immunity provisions for justified defensive force in the Midwest.

"A person who uses or threatens to use force as permitted in this chapter is immune from criminal prosecution and civil action for the use of such force."

SOUTH DAKOTA CIVIL IMMUNITY:

SDCL § 22-18-4.8 provides explicit immunity from both criminal prosecution and civil lawsuits for justified use of force. This is a stronger provision than Missouri's and comparable to Texas's § 83.001. A South Dakota first responder who uses lawful, proportionate defensive force is protected from both criminal charges and civil litigation by this immunity statute.

PART II: DUTY TO RETREAT — SOUTH DAKOTA'S POSITION

South Dakota has NO duty to retreat. Both SDCL § 22-18-4 (non-deadly force) and § 22-18-4.1 (deadly force) explicitly state that persons do not have a duty to retreat before using force.

- You are NOT required to attempt escape before using force at any location where you are lawfully present.
- Your failure to retreat CANNOT be used as evidence of unreasonableness.
- These protections apply at every EMS scene, fire scene, hospital, station, or public space in South Dakota.
- Exception: Aggressors who initiated or provoked the confrontation do not receive Stand Your Ground or Castle Doctrine protection under SDCL § 22-18-4.9.

PART III: FIRST RESPONDER ASSAULT — ENHANCED CRIMINAL PROTECTIONS

SDCL § 22-18-1.05 — Enhanced Penalties for Assault on First Responders

South Dakota's assault statutes specifically protect first responders through felony enhancements when the victim is a law enforcement officer, firefighter, ambulance personnel, healthcare employee, or corrections employee acting in official capacity.

- Simple Assault against a first responder — elevated from a Class 1 misdemeanor to a Class 6 Felony (up to 2 years and/or \$4,000 fine).
- Aggravated Assault against a first responder — elevated to a Class 2 Felony (up to 25 years and/or \$50,000 fine).
- Aggravated assault is a crime of violence, triggering additional sentencing enhancements and restrictions on probation and firearm possession.

South Dakota's enhancement to Class 2 Felony for aggravated assault on a first responder carries up to 25 years imprisonment — among the most severe first-responder assault penalties in the

Midwest. The statute explicitly names ambulance personnel alongside law enforcement, firefighters, and healthcare employees.

TRAINER EMPHASIS:

The 25-year maximum for aggravated assault on ambulance personnel or firefighters is a powerful deterrent. Trainers should ensure participants know that their attackers face severe criminal consequences, and that VEST's framework — awareness, de-escalation, and documented force responses — supports both personal protection and clear legal accountability for aggressors.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

South Dakota does not have a standalone statutory chokehold ban comparable to Minnesota, California, or Illinois. Law enforcement use of neck restraints in South Dakota is governed by South Dakota Law Enforcement Officers Standards and Training (SD POST) standards and individual agency use-of-force policies.

SD POST Standards — Neck Restraint Classification

Under SD POST guidelines, vascular neck restraints (carotid restraints) and respiratory chokeholds are classified as intermediate-to-lethal force techniques. Their application is restricted to scenarios where the officer reasonably believes the subject poses an imminent threat of serious bodily injury or death. The general use-of-force authority under South Dakota law (SDCL § 22-18-2 — justifiable force by public officers in arrest) governs the threshold for deadly force applications.

- No statewide statutory chokehold ban exists in South Dakota as of 2024.
- Neck restraints are governed by SD POST training standards and agency use-of-force policies.
- The deadly force threshold (imminent threat of death or serious bodily injury) governs when neck restraints may be applied.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

South Dakota's law enforcement use-of-force standards do not apply to EMS and fire personnel. Civilian first responders are governed by the civilian SDCL §§ 22-18-4 and 22-18-4.1 self-defense framework. A South Dakota paramedic defending their life against a violent attack is evaluated only under the civilian standard — not any police use-of-force restriction. Their use of any physical defensive technique in lawful self-defense is governed solely by the civilian standard.

PART V: APPLYING VEST PRINCIPLES UNDER SOUTH DAKOTA LAW

South Dakota's self-defense framework offers robust protections for first responders — Stand Your Ground in all lawful locations, Castle Doctrine with a presumption of fear, and explicit civil and

criminal immunity for justified force. VEST's principles align directly with what South Dakota law expects and protects.

1. You Have the Legal Right to Defend Yourself — With Civil and Criminal Immunity

SDCL §§ 22-18-4 and 22-18-4.1 remove the duty to retreat and justify defensive force in any lawful location. SDCL § 22-18-4.8 provides explicit immunity from both criminal prosecution and civil lawsuits for justified force. A South Dakota first responder who uses proportionate, lawful defensive force has strong statutory protection from both criminal and civil consequences. VEST training builds the documentation and situational awareness record that supports this protection.

2. Your Ambulance and Station Carry Castle Doctrine Protections

South Dakota's Castle Doctrine covers dwelling and residence. EMS crews should also be aware that the general Stand Your Ground provision (§ 22-18-4.1) provides no-retreat protections in any lawful location — including vehicles and workplaces. VEST compartment security and station security protocols directly support the factual record for any force justification claim.

3. De-Escalation Remains Your First Priority

Even with strong no-retreat protections, South Dakota law requires that force be reasonably necessary. Documenting all de-escalation attempts before force was used demonstrates proportionality and good faith. VEST Level I curriculum builds this behavioral and evidentiary foundation.

4. Protect Your Partner — Defense of Others Is Fully Covered

South Dakota's self-defense statutes explicitly extend to defense of others. A South Dakota first responder who intervenes to protect a partner from violent attack has the same justification as if defending themselves. VEST Level III partner defense training is fully supported by South Dakota law.

5. Civil Immunity Protects Your Organization

SDCL § 22-18-4.8's civil immunity provision protects not just the individual first responder but reduces civil exposure for the agency when force was lawfully justified. VEST training supports the documentation standard that sustains this immunity protection.

6. Know When Force Ends

South Dakota's justification for force is tied to preventing or terminating unlawful force — once the threat is neutralized, the justification ends. VEST curriculum teaches continuous threat reassessment for this reason. Continuing force after a subject is compliant or restrained is not protected and may defeat both the self-defense claim and the civil immunity.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. South Dakota Codified Laws 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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