

- VEST FIRST RESPONDER -

HELP FOR HEROES

VERMONT

Self-Defense Law Reference Guide

*Stand Your Ground (Case Law) | Castle Doctrine | Duty to Retreat Analysis | First Responder Protections |
Police Use of Force*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

Vermont's self-defense law is unusual in this series: it has NO codified self-defense statute comparable to most other states. Vermont's self-defense framework is entirely governed by common law as developed through case decisions and codified in Vermont Model Criminal Jury Instructions. The Vermont Supreme Court's decision in *State v. Hatcher* and subsequent cases established that a person is not required to retreat before using deadly force if they honestly and reasonably believe immediate use of deadly force is necessary to prevent death or serious bodily injury. Vermont Model Jury Instructions now include this rule. Vermont is therefore classified as a practical Stand Your Ground state through case law - but the absence of a self-defense statute creates unique challenges for documentation and legal analysis.

LEGAL SOURCE	SUBJECT MATTER
Vermont Common Law	Self-Defense - All Standards Governed by Case Law
<i>State v. Hatcher</i>	Vermont Supreme Court - No Duty to Retreat (Model Jury Instruction Basis)
Vermont Model Criminal Jury Instruction 5.403	No Duty to Retreat When Honest and Reasonable Belief of Immediate Necessity
13 V.S.A. S. 1023	Assault - Simple and Aggravated
13 V.S.A. S. 1023(a)(1)(B)	Aggravated Assault - Enhanced for Attacks on Law Enforcement and Emergency Personnel
Vermont POST Standards	Police Use of Force - Neck Restraint Policy

PART I: THE VERMONT SELF-DEFENSE FRAMEWORK

Common Law Self-Defense Standard

Vermont has no statutory self-defense law equivalent to the statutes found in every other state in this series. Vermont's self-defense law derives entirely from common law principles developed through judicial decisions. The Vermont Supreme Court has articulated the following core elements: (1) the defendant honestly believed they were in immediate danger of death or serious bodily harm; (2) the defendant reasonably believed that force was necessary to prevent that harm; and (3) the force used was proportionate to the threat. Both the subjective element (honest belief) and the objective element (reasonable belief) must be established.

State v. Hatcher - No Duty to Retreat (Model Jury Instruction)

"A person is not required to retreat if the person honestly and reasonably believes that it is immediately necessary to use deadly force to protect the person from imminent death or serious bodily injury." - Vermont Model Criminal Jury Instruction 5.403 (based on State v. Hatcher)

The Vermont Supreme Court in *State v. Hatcher* approved a jury instruction providing that a person is not required to retreat before using deadly force when they honestly and reasonably believe immediate use of deadly force is necessary to prevent imminent death or serious bodily injury. Vermont Model Criminal Jury Instructions now include this no-retreat rule. This makes Vermont a practical Stand Your Ground jurisdiction - but through jury instruction rather than statute.

KEY CHARACTERISTICS OF VERMONT'S FRAMEWORK:

- No statutory self-defense law - everything is common law and jury instructions.
- Honest AND reasonable belief - dual standard (subjective honesty + objective reasonableness).
- No duty to retreat - established by case law and jury instructions, not statute.
- Castle Doctrine - recognized through common law; no separate statute.
- No explicit statutory civil or criminal immunity provisions.
- Prosecution must disprove self-defense beyond a reasonable doubt once properly raised.

VERMONT'S UNIQUE POSTURE - COMMON LAW ONLY:

Vermont is the only state in this series without any statutory self-defense provisions. Everything derives from case law and jury instructions. The practical effect is similar to Stand Your Ground states, but the absence of explicit immunity statutes, mandatory penalty provisions, and written statutory standards creates specific challenges for documentation and post-incident legal analysis. For VEST curriculum purposes, this means documentation is even more important in Vermont - the legal record is built almost entirely on facts presented at trial through witness testimony and documentary evidence.

Vermont Castle Doctrine

Vermont's Castle Doctrine is recognized through common law. A person in their own home does not have a duty to retreat before using defensive force against an unlawful intruder. The Vermont Supreme Court has affirmed this principle in multiple cases. While not codified in a single statute, the Castle Doctrine applies throughout Vermont's courts as established common law. Vermont's Castle Doctrine applies to the dwelling. Extension to vehicles and workplaces is less clearly defined by Vermont case law than in states with explicit Castle Doctrine statutes.

PART II: DUTY TO RETREAT - VERMONT'S POSITION

Vermont has NO duty to retreat - established through case law and codified in Model Criminal Jury Instruction 5.403. This jury instruction is given to Vermont juries in appropriate cases and provides the no-retreat rule as a matter of jury instruction, not statute.

- No duty to retreat - established by case law; reflected in Vermont Model Jury Instructions.
- Honest AND reasonable belief standard - both prongs must be satisfied.
- Castle Doctrine recognized for the dwelling through common law.
- No explicit statutory civil or criminal immunity provisions.
- Prosecution must disprove self-defense beyond a reasonable doubt.
- Exception: Initial aggressors cannot claim self-defense without clearly withdrawing.
- CRITICAL NOTE: Vermont's entire framework is common law. There is no statutory text to cite - only case precedent, jury instructions, and prosecutorial discretion in declining charges.

PRACTICAL IMPACT FOR FIRST RESPONDERS:

Vermont's common-law only framework means that documentation and the evidentiary record are even more important here than in statutory states. There is no explicit statutory immunity, no statutory arrest-authority limit, and no written statutory force standard to cite. The facts - as documented in PCR narratives, incident reports, partner statements, and other evidence - are the legal foundation for any Vermont self-defense claim. VEST trainers should emphasize thorough documentation more strongly in Vermont than in any other state in this series.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS**13 V.S.A. S. 1023(a)(1)(B) - Aggravated Assault on Law Enforcement and Emergency Personnel**

Vermont's aggravated assault statute elevates the offense when the victim is a law enforcement officer, firefighter, or emergency medical services provider engaged in their official duties. Aggravated assault against these protected persons is a felony offense carrying enhanced penalties above standard aggravated assault. The statute requires that the attacker know or should know the victim is performing official duties - satisfied by uniform, marked vehicle, or visible identification.

- Aggravated assault on officer/firefighter/EMS on duty: felony with enhanced penalties.
- 'Knows or should know' standard: uniform, marked vehicle, or visible identification satisfies this element.
- Enhanced classification above standard aggravated assault when victim is an on-duty first responder.

TRAINER EMPHASIS:

Vermont's aggravated assault enhancement for attacks on on-duty first responders provides meaningful criminal accountability. The 'knows or should know' standard is met when the provider is in uniform or operating a marked vehicle. VEST trainers should reinforce that uniform visibility is a legal asset in Vermont.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Vermont does not have a statewide statutory chokehold ban. Police neck restraint policy is governed by the Vermont Criminal Justice Center (VCJC) and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- VCJC training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies.
- Vermont's common-law judicial culture tends toward careful analysis of all use-of-force claims.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Vermont'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 Vermont common law self-defense. There is no statutory restriction on civilian Vermont first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER VERMONT LAW

1. Documentation Is MORE Important in Vermont Than Any Other State in This Series

Vermont has no self-defense statute, no explicit statutory immunity, and no written standard to cite. The entire legal case for justified force rests on the facts documented in PCR narratives, incident reports, partner statements, and other evidence. VEST Level I documentation training should be emphasized even more strongly for Vermont providers than for any other state.

2. The Dual Standard - Honest AND Reasonable

Vermont's 'honest and reasonably believes' formulation requires both genuine subjective belief and objective reasonableness. VEST training prepares providers on both dimensions: Level I observational training builds the genuine belief component; the graduated force continuum and scenario training documents that the belief was objectively reasonable.

3. No Duty to Retreat - But No Statutory Immunity Either

Vermont's no-retreat rule from case law is operationally equivalent to statutory Stand Your Ground, but without explicit statutory immunity, the post-incident legal exposure is higher than in states like Florida, Kansas, or South Carolina. Documentation is the primary protection for civil and criminal exposure in Vermont.

4. Castle Doctrine in Patient Homes

Vermont's common-law Castle Doctrine protects persons in their dwelling from unlawful intruders without a duty to retreat. When EMS providers are inside a patient's home and face an unlawful intruder, the homeowner's Castle Doctrine applies. The extension to visiting EMS providers (as in Tennessee's 'invited guest' provision) is less clearly defined in Vermont law.

5. De-Escalation Is Your Evidentiary Foundation

In Vermont's common-law framework, every documented de-escalation attempt is evidence that force was a last resort. VEST Level I de-escalation curriculum creates the evidentiary record that makes any Vermont self-defense claim stronger - because the entire case turns on the documented facts.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Vermont Common Law; State v. Hatcher; Vermont Model Criminal Jury Instruction 5.403; 13 V.S.A. Chapter 19 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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