

- VEST FIRST RESPONDER -

HELP FOR HEROES

WASHINGTON D.C.

Self-Defense Law Reference Guide

*Middle Ground (Neither Full Retreat Nor Stand Your Ground) | Castle Doctrine | First Responder Protections
| Police Use of Force*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

IMPORTANT: WASHINGTON D.C. USES A UNIQUE 'MIDDLE GROUND' STANDARD

Washington D.C. does not follow either a traditional duty-to-retreat framework or a Stand Your Ground framework. Instead, D.C. courts have established a 'middle ground' approach: there is no absolute duty to retreat in public, but a jury MAY consider whether the defendant could have retreated to safety when assessing whether self-defense was necessary. This jury-consideration approach makes D.C. distinct from every other jurisdiction in this series. D.C. also has a Castle Doctrine for the dwelling, and a comprehensive police chokehold restriction enacted through the Police Reform Commission Act of 2020.

LEGAL SOURCE	SUBJECT MATTER
D.C. Common Law / Jury Instructions	Self-Defense Standard - Middle Ground Approach
Bassil v. United States (2016)	D.C. Court of Appeals - Middle Ground; Jury May Consider Retreat
D.C. Common Law	Castle Doctrine - No Retreat in Dwelling
D.C. Code S. 7-2561	Police Reform Commission Act (2020) - Chokehold Restriction
D.C. Code S. 22-405	Assault on a Law Enforcement Officer, EMS Personnel - Enhanced Penalty
D.C. Code S. 22-405.01	Aggravated Assault on Police Officer, Firefighter, or EMS - Felony

PART I: THE WASHINGTON D.C. SELF-DEFENSE FRAMEWORK

The 'Middle Ground' Standard - D.C.'s Unique Approach

"[T]he castle doctrine does not impose a duty to retreat but does allow a failure to retreat, together with all the other circumstances, to be considered by the jury in determining if there was a case of true self-defense." - Bassil v. United States, 147 A.3d 303, 315 n.28 (D.C. 2016)

Washington D.C. occupies a unique position: it has neither a traditional duty-to-retreat law like Massachusetts or New York, nor a Stand Your Ground law like most other states in this series. Instead, D.C. courts have adopted a 'middle ground' approach under which: (1) there is NO ABSOLUTE duty to retreat before using defensive force; but (2) a jury MAY consider whether the defendant could have retreated to safety, along with all other circumstances, in determining whether self-defense was genuinely necessary.

THE MIDDLE GROUND IN PRACTICE:

- NO absolute duty to retreat before using force in D.C. - a person is not legally required to flee.
- BUT: A jury may consider whether retreat was safely available as one factor in assessing whether force was 'necessary.'
- Distinction from Stand Your Ground: juries in D.C. can use failure to retreat as a factor against the defender.
- Distinction from traditional duty to retreat: failure to retreat does not automatically defeat a self-defense claim.
- The jury weighs all circumstances, including retreat opportunity, in a holistic reasonableness analysis.

HOW THE MIDDLE GROUND AFFECTS FIRST RESPONDERS:

For Washington D.C. first responders, the middle ground standard means that any incident where retreat was theoretically available may be scrutinized at trial. A jury could weigh the failure to retreat as one factor - though not a dispositive one - against the self-defense claim. VEST Level I situational awareness training is especially important: documenting why retreat was not safely available, or why the speed and nature of the attack made retreat impossible, provides the jury with the context needed to assess reasonableness without focusing on retreat opportunity.

D.C. Self-Defense Standard

D.C.'s self-defense standard, as applied through jury instructions, requires: (1) the defendant actually and reasonably believed they were in imminent danger of death or serious bodily harm; (2) the force used was no more than was reasonably necessary under the circumstances; and (3) the defendant was not the initial aggressor. D.C. uses both a subjective element (did the defendant actually believe danger was imminent?) and an objective element (was that belief reasonable?).

Castle Doctrine - D.C. Dwelling

Washington D.C. recognizes a Castle Doctrine for the dwelling through common law. A person in their own home is not required to retreat before using force in self-defense against an unlawful intruder. The D.C. Court of Appeals has affirmed this principle while noting that even in the home, the jury may consider all surrounding circumstances. The Castle Doctrine in D.C. is not as expansive as in states with explicit statutory Castle Doctrine provisions covering vehicles and workplaces.

PART II: DUTY TO RETREAT - WASHINGTON D.C.'S POSITION

Washington D.C. uses a 'middle ground' standard - neither absolute duty to retreat nor absolute Stand Your Ground.

- PUBLIC SPACES: No absolute duty to retreat, but jury may consider failure to retreat as one factor in the reasonableness analysis.
- DWELLING: Castle Doctrine - no duty to retreat in one's home against an unlawful intruder.
- Standard: 'Middle ground' - jury weighs all circumstances holistically.
- Non-deadly force: Reduced retreat consideration compared to deadly force.
- Exception: Initial aggressors cannot claim self-defense without clearly withdrawing.
- UNIQUE TO D.C.: The jury instruction specifically permits consideration of retreat availability as one factor - making D.C.'s standard more similar to Maryland or Maine than to Stand Your Ground states.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

D.C. Code S. 22-405.01 - Aggravated Assault on Police Officer, Firefighter, or EMS Personnel

Washington D.C. provides enhanced penalties for assault on law enforcement officers, firefighters, and emergency medical services personnel engaged in their official duties. Aggravated assault on these protected persons is a higher-grade felony than standard aggravated assault, with enhanced sentencing ranges. The statute

explicitly names firefighters and EMS personnel as a protected class.

D.C. Code S. 22-405 - Assault on a Law Enforcement Officer

Simple assault on a law enforcement officer in the performance of their duties is elevated from a misdemeanor to a Class-A misdemeanor with enhanced penalties. More serious assaults - those causing significant bodily injury or using dangerous weapons - are elevated to felony classifications. The framework parallels the tiered approach seen in New York, Virginia, and North Carolina.

- Enhanced penalties for assault on firefighters and EMS providers engaged in official duties.
- Tiered classification based on severity of injury and weapons used.
- 'In the performance of their official duties' - satisfied by uniform, marked vehicle, or visible identification.

TRAINER EMPHASIS:

D.C.'s first-responder assault enhancements create felony-level accountability for serious attacks on on-duty firefighters and EMS providers. Operating in uniform and in a marked vehicle satisfies the knowledge element. VEST trainers should communicate that D.C.'s legal environment, while more complex in terms of self-defense, provides meaningful criminal consequences for attacks on first responders.

PART IV: POLICE USE OF FORCE - D.C. CHOKEHOLD RESTRICTION (2020)

D.C. Police Reform Commission Act (2020) - Chokehold Restriction

Washington D.C. enacted comprehensive police reform through the Police Reform Commission Act (B23-0774) and related legislation in 2020. A key provision restricts the use of chokeholds and neck restraints by Metropolitan Police Department (MPD) officers and other D.C. law enforcement.

- D.C. Police Reform Commission Act (2020): Prohibits chokehold and neck restraint use by D.C. officers except in life-threatening situations where the officer reasonably believes deadly force is necessary.
- Covers Metropolitan Police Department and other D.C. law enforcement agencies.
- Life-threatening/deadly force exception: narrower than some states, broader than a complete ban.
- Duty to intervene: officers must intervene when witnessing excessive force by colleagues.
- Reporting requirements for all use-of-force incidents.

D.C. COMPARED TO OTHER JURISDICTIONS:

- D.C.: Chokehold prohibited except in life-threatening/deadly force situations.
- Washington State: COMPLETE BAN, no exceptions (RCW 10.116.020).
- Colorado: COMPLETE BAN, no exceptions (SB 20-217).
- New York: Standalone felony offense for unauthorized use causing injury.
- Delaware: Class D/C Felony for unauthorized use (HB 350).

FIRST RESPONDERS VS. LAW ENFORCEMENT:

D.C.'s chokehold restriction applies to peace officers only. D.C. EMS and fire personnel in personal self-defense are evaluated under the common law/jury-instruction framework. There is no restriction on civilian D.C. first responders using any defensive physical technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER WASHINGTON D.C. LAW

1. Document Why Retreat Was Not Safely Available - Jury Will Consider It

D.C.'s middle ground standard means a jury may consider whether retreat was safely available. Every factor that made safe retreat unavailable - speed of attack, blocked exits, partner location, patient care obligations, scene geometry - is potentially important to the jury's assessment of whether force was necessary. VEST Level I situational awareness training is legally foundational for D.C. providers.

2. Non-Deadly Force Has a Reduced Retreat Consideration

D.C.'s retreat-as-a-factor analysis is most significant for deadly force. Non-deadly defensive responses carry a reduced burden. VEST Level I and II physical defensive technique training provides D.C. first responders with legally sound defensive options.

3. Castle Doctrine Inside a Patient's Dwelling

When EMS providers are inside a patient's home and face an unlawful intruder, D.C.'s Castle Doctrine may apply - no retreat required in the dwelling against an unlawful intruder. VEST Level I indoor scene safety training prepares providers to recognize and respond to threats in patient residences.

4. The Middle Ground Standard Rewards De-Escalation Documentation

Because a D.C. jury weighs all circumstances in the reasonableness analysis, a comprehensive record of de-escalation attempts and threat indicators is especially valuable. Every VEST Level I de-escalation step documented in the PCR narrative is evidence the jury can consider showing that force became necessary only as a last resort.

5. Know D.C.'s Chokehold Framework for Joint Training

D.C.'s 2020 reform restricts chokeholds and neck restraints for MPD officers to life-threatening/deadly force situations. When VEST delivers joint training with D.C. law enforcement, this framework must be explicitly addressed. Civilian first responders are not bound by this restriction in personal self-defense.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. D.C. Common Law; Bassil v. United States (2016); D.C. Code S. 22-405; Police Reform Commission Act (2020) 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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