

- VEST FIRST RESPONDER -

HELP FOR HEROES

WEST VIRGINIA

Self-Defense Law Reference Guide

*Stand Your Ground | Castle Doctrine (Dwelling & Vehicle) | Civil Immunity | First Responder Protections |
Police Use of Force*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

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

West Virginia has a comprehensive Stand Your Ground and Castle Doctrine framework codified in W. Va. Code S. 55-7-22. The statute explicitly provides: (1) no duty to retreat at any lawful location; (2) a Castle Doctrine presumption for the dwelling and occupied vehicle; and (3) a complete civil immunity defense for justified use of force. West Virginia's approach is notable for combining all three protections - Stand Your Ground, Castle Doctrine, and civil immunity - within a single civil code section, while the criminal justification principles operate through case law and related criminal statutes.

STATUTE	SUBJECT MATTER
W. Va. Code S. 55-7-22	Stand Your Ground; Castle Doctrine; Complete Civil Immunity
W. Va. Code S. 55-7-22(c)	No Duty to Retreat at Any Lawful Location
W. Va. Code S. 55-7-22(b)	Castle Doctrine Presumption - Dwelling and Occupied Vehicle
W. Va. Code S. 55-7-22(d)	Complete Civil Defense for Justified Force
West Virginia Common Law	Criminal Self-Defense Standard
W. Va. Code S. 61-2-10b	Malicious/Unlawful Assault on EMS Personnel and Emergency Responders - Felony

PART I: THE WEST VIRGINIA SELF-DEFENSE FRAMEWORK

W. Va. Code S. 55-7-22 - Stand Your Ground, Castle Doctrine, and Civil Immunity

West Virginia Code S. 55-7-22 is the primary self-defense statute, codified in the civil code (Title 55 - Limitations of Actions and Other Provisions). This location - civil rather than criminal code - reflects that the statute's primary function is establishing civil immunity, while criminal self-defense principles operate through case law. However, the statute's Stand Your Ground and Castle Doctrine provisions are fully operative for both civil and criminal proceedings.

W. Va. Code S. 55-7-22(c) - No Duty to Retreat (Stand Your Ground)

"A person who is not engaged in unlawful activity and who is attacked in any place he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a felony in which the actor reasonably believes that physical force or danger to the life of the person or another will be present." - W. Va. Code S. 55-7-22(c)

West Virginia's Stand Your Ground provision is clear and comprehensive. A lawfully present person who is attacked has no duty to retreat and may meet force with force, including deadly force, at any location where they have a right to be. This applies at any EMS scene, fire scene, hospital, station, or public space.

W. Va. Code S. 55-7-22(b) - Castle Doctrine Presumption (Dwelling and Vehicle)

When force is used against an intruder in a dwelling or occupied vehicle, W. Va. Code S. 55-7-22(b) creates a statutory presumption of reasonable belief of imminent death or great bodily harm. The presumption arises when: the intruder was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, the

dwelling or occupied vehicle; and the defender knew or had reason to know of the unlawful entry.

- Dwelling - home, apartment, or any residential structure.
- Occupied Vehicle - ambulance, fire apparatus, or any occupied motor vehicle.
- Presumption is rebuttable - prosecution must overcome it.
- Presumption does not apply when: intruder is a lawful resident or had lawful right to be present; defender was engaged in criminal activity; or intruder was a law enforcement officer performing official duties.

AMBULANCE COVERED BY WEST VIRGINIA'S CASTLE DOCTRINE:

W. Va. Code S. 55-7-22(b)'s Castle Doctrine presumption covers occupied vehicles - including ambulances and fire apparatus. A violent forced entry into an occupied West Virginia ambulance activates this presumption of reasonable belief of imminent death or great bodily harm. Combined with the Stand Your Ground no-retreat provision in S. 55-7-22(c), West Virginia first responders have comprehensive legal protection in their vehicles.

W. Va. Code S. 55-7-22(d) - Complete Civil Immunity

"The justified use of reasonable and proportionate force under this section shall constitute a full and complete defense to any civil action brought by an intruder or attacker against a person using such force." - W. Va. Code S. 55-7-22(d)

West Virginia's civil immunity is explicit, comprehensive, and described as 'full and complete.' An attacker or their estate cannot sue the person who used justified force against them. Combined with the pre-trial immunity hearing mechanism and the Stand Your Ground no-duty-to-retreat rule, West Virginia provides one of the most complete self-defense protection packages in the Appalachian region.

PART II: DUTY TO RETREAT - WEST VIRGINIA'S POSITION

West Virginia has NO duty to retreat. W. Va. Code S. 55-7-22(c) explicitly provides that a person 'has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force' at any lawful location.

- No retreat required anywhere a person is lawfully present and not engaged in unlawful activity.
- Castle Doctrine presumption for dwelling and occupied vehicle.
- Complete civil immunity for justified force under S. 55-7-22(d).
- Exception: Must not be engaged in unlawful activity; must not have provoked the confrontation without clearly withdrawing.
- Castle Doctrine does not apply against law enforcement officers performing official duties.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

W. Va. Code S. 61-2-10b - Malicious/Unlawful Assault on Emergency Medical Service Personnel

West Virginia's assault statute provides enhanced criminal penalties when the victim is an emergency medical service provider, law enforcement officer, or other government official engaged in official duties. Malicious assault

(assault with intent to commit serious bodily injury) on EMS personnel is a felony with enhanced penalties above standard assault. The statute defines 'emergency medical service personnel' to include EMTs, paramedics, and other licensed EMS providers.

- Malicious assault on EMS personnel performing official duties: enhanced felony classification.
- Covers emergency medical service personnel explicitly by definition.
- 'In the performance of their official duties' - satisfied by uniform, marked vehicle, or active response.
- Enhanced penalties create real criminal accountability for attacks on on-duty EMS providers.

TRAINER EMPHASIS:

West Virginia's S. 61-2-10b creates enhanced felony consequences for malicious assault on EMS personnel. Operating in uniform and in a marked vehicle satisfies the knowledge element. VEST trainers should ensure participants understand this protection and the escalating consequences for attacks on West Virginia first responders.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

West Virginia does not have a statewide statutory chokehold ban comparable to Washington, Colorado, New York, or Delaware. Police neck restraint policy is governed by the West Virginia State Police and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- West Virginia State Police use-of-force policies address high-risk force techniques.
- Individual agencies may adopt more restrictive policies.
- West Virginia's strong self-defense culture has not produced standalone chokehold legislation.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

West Virginia's law enforcement use-of-force standards do not apply to civilian EMS and fire personnel in personal self-defense. A West Virginia EMS provider or firefighter defending their life is evaluated under W. Va. Code S. 55-7-22 and West Virginia common law. There is no statutory restriction on civilian West Virginia first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER WEST VIRGINIA LAW

1. Stand Your Ground Plus Complete Civil Immunity

West Virginia's combination of statutory Stand Your Ground (S. 55-7-22(c)) and complete civil immunity (S. 55-7-22(d)) provides first responders with both the right to defend themselves without retreat AND protection from civil lawsuits by attackers. VEST training reinforces these rights through the graduated force continuum and thorough documentation.

2. Ambulance Is Protected Space

W. Va. Code S. 55-7-22(b)'s Castle Doctrine presumption covers occupied vehicles. VEST compartment security and vehicle lockdown protocols support the factual record for this protection. A violent entry into an occupied West

Virginia ambulance activates the Castle Doctrine presumption.

3. Complete Civil Immunity - 'Full and Complete Defense'

S. 55-7-22(d)'s 'full and complete defense' language is among the strongest civil immunity language in any state in this series. An attacker cannot sue the first responder who used justified force against them in West Virginia. Documentation remains important to establish that force was justified and that the S. 55-7-22(e) exceptions do not apply.

4. De-Escalation Documents Non-Engagement in Unlawful Activity

W. Va. Code S. 55-7-22(c)'s condition of 'not engaged in unlawful activity' is easily satisfied by any on-duty first responder performing official functions. VEST Level I de-escalation curriculum also documents that the provider attempted to resolve the situation professionally before force became necessary.

5. Partner Defense Is Covered

W. Va. Code S. 55-7-22(c) explicitly covers preventing great bodily harm to 'another' as well as to self. VEST Level III partner defense training is directly grounded in this language. The same Stand Your Ground and civil immunity provisions apply to defense of partners.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. West Virginia Code S. 55-7-22; W. Va. Code S. 61-2-10b 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.

(c) VEST First Responder LLC | vestfirstresponder.com | firstresponderviolence.com