

— VEST FIRST RESPONDER —
HELP FOR HEROES

WISCONSIN

Self-Defense Law Reference Guide

Castle Doctrine | Self-Defense | Duty to Retreat | First Responder Protections | Chokehold Law

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 Wisconsin. It is not a substitute for legal counsel. Trainers should direct participants with individual legal questions to a licensed attorney in their jurisdiction.

⚠ IMPORTANT: WISCONSIN IS NOT A STAND YOUR GROUND STATE

Unlike Georgia and Texas, Wisconsin does NOT have a Stand Your Ground statute. Wisconsin imposes a conditional duty to retreat in public spaces before using force. The Castle Doctrine provides important exceptions within defined locations, but first responders operating in public — at roadway scenes, in patient homes, or in open areas — operate under a more restrictive legal standard than they would in Stand Your Ground states. Understanding this distinction is critical for all VEST Certified Trainers delivering curriculum in Wisconsin.

PART I: THE WISCONSIN SELF-DEFENSE STATUTORY FRAMEWORK

Wisconsin's self-defense laws are codified primarily in Chapter 939 of the Wisconsin Statutes — Crimes: General Provisions. The core self-defense statute is Wis. Stat. § 939.48. Unlike Georgia and Texas, Wisconsin does not have a standalone Stand Your Ground law. However, Wisconsin does have a robust Castle Doctrine provision within § 939.48(1m), and case law has established important no-retreat principles within protected spaces.

CORE STATUTE MAP

STATUTE	SUBJECT MATTER
Wis. Stat. § 939.48(1)	Self-Defense and Defense of Others — Core Force Standard
Wis. Stat. § 939.48(1m)	Castle Doctrine — Dwelling, Motor Vehicle, Place of Business
Wis. Stat. § 939.48(1m)(ar)	Castle Doctrine Presumption of Reasonableness
Wis. Stat. § 939.48(2)	Provocation — Effect on Self-Defense Privilege
Wis. Stat. § 939.48(4)	Defense of Third Persons
Wis. Stat. § 939.49	Defense of Property

Wis. Stat. § 940.20(7)	Battery to Emergency Personnel — Enhanced Penalty
Wis. Stat. § 941.20(1m)	Pointing Firearm at First Responder — Felony
Wis. Stat. § 66.0511 (Act 48, 2021)	Chokehold Prohibition in Law Enforcement Use-of-Force Policies
Wis. Stat. § 175.44	Law Enforcement Use-of-Force Policy Requirements & Accountability

Wis. Stat. § 939.48(1) — Self-Defense and Defense of Others

This is the foundational self-defense statute in Wisconsin. It creates a 'privilege' — Wisconsin's term for a legal justification — to use force when facing an unlawful attack.

"A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself."

THREE-PART TEST FOR SELF-DEFENSE IN WISCONSIN:

1. The defendant believed there was an actual or imminent unlawful interference with their person.
2. The defendant believed the amount of force used or threatened was necessary to prevent or terminate that interference.
3. The defendant's beliefs were reasonable — measured by what a person of ordinary intelligence and prudence would have believed in the same position under the same circumstances.

KEY STANDARDS:

- Reasonableness Standard — Wisconsin uses the 'ordinary intelligence and prudence' objective standard, evaluated from the actor's perspective at the moment of the incident, not with hindsight.
- Proportionality — Force must match the threat. Non-deadly force for non-deadly threats. Deadly force only when necessary to prevent imminent death or great bodily harm.
- Imminence — The interference must be actual or imminent. Past threats or anticipated future threats do not satisfy this standard.
- Unlawful Interference — The force being defended against must be unlawful. Responding to lawful force (such as a lawful arrest by an officer) is not protected.
- Burden at Trial — The defendant has the initial burden of producing evidence to establish the self-defense claim. The prosecution then bears the burden of disproving self-defense beyond a reasonable doubt.

FOR FIRST RESPONDERS:

Section 939.48(1) applies to EMS and fire personnel as civilians. A paramedic or firefighter attacked while on duty may use force — including deadly force if imminent death or great bodily harm is threatened — to defend themselves. The three-part test applies: reasonable belief of actual or imminent unlawful interference, necessary force, and objective reasonableness.

Wis. Stat. § 939.48(1m) — Castle Doctrine

Wisconsin's Castle Doctrine is codified in § 939.48(1m). It creates a legal presumption of reasonableness when deadly force is used against someone who is unlawfully and forcibly entering — or who has already unlawfully and forcibly entered — a protected location. This is one of the most significant self-defense protections available to Wisconsin first responders.

THE CASTLE DOCTRINE PRESUMPTION — § 939.48(1m)(ar):

"If an actor intentionally used force that was intended or likely to cause death or great bodily harm, the court may not consider whether the actor had an opportunity to flee or retreat before he or she used force and shall presume that the actor reasonably believed that the force was necessary to prevent imminent death or great bodily harm to himself or herself if the actor makes such a claim under sub. (1) and either of the following applies: 1. The person against whom the force was used was in the process of unlawfully and forcibly entering the actor's dwelling, motor vehicle, or place of business, the actor was present in the dwelling, motor vehicle, or place of business, and the actor knew or reasonably believed that an unlawful and forcible entry was occurring. 2. The person against whom the force was used was in the actor's dwelling, motor vehicle, or place of business after unlawfully and forcibly entering."

WHAT THE CASTLE DOCTRINE PRESUMPTION DOES:

- Creates a legal PRESUMPTION that the actor reasonably believed deadly force was necessary — shifting the evidentiary burden to the prosecution.
- Prohibits the court from considering whether the actor had an opportunity to flee or retreat before using force — no-retreat is automatic within the protected space.
- Applies to two scenarios: (1) the intruder is in the process of forcibly entering, and (2) the intruder has already forcibly entered.

PROTECTED LOCATIONS UNDER THE CASTLE DOCTRINE:

- Dwelling — any residence or habitation where the actor has a right to be, including adjacent outbuildings such as a garage.
- Motor Vehicle — occupied personal or emergency response vehicle.
- Place of Business — your workplace, including a fire station, ambulance bay, EMS station, or hospital EMS facility.

CRITICAL LIMITATION — 'FORCIBLE' ENTRY:

Wisconsin courts have interpreted 'unlawfully and forcibly entering' strictly. The entry must be both unlawful AND forcible. An unauthorized but non-forcible entry (e.g., someone who was let in by another occupant and then became violent) may not trigger the Castle Doctrine presumption. A violent, unauthorized forced entry clearly does.

AMBULANCE AS CASTLE:

An ambulance is a motor vehicle and the EMS crew's place of business. A violent forced entry into an occupied ambulance triggers the Castle Doctrine presumption under § 939.48(1m)(ar). The court may not consider whether the crew had the opportunity to flee, and will presume the

crew reasonably believed deadly force was necessary. This is a powerful legal protection directly applicable to EMS workplace violence scenarios.

PART II: DUTY TO RETREAT — WISCONSIN'S NUANCED STANDARD

⚠️ **CRITICAL: WISCONSIN IS NOT STAND YOUR GROUND — THIS MATTERS FOR FIRST RESPONDERS**

Wisconsin does NOT have a Stand Your Ground law. In public spaces — including most EMS and fire scenes — whether you had an opportunity to safely retreat is a factor a jury CAN consider when evaluating whether your use of force was truly necessary. This does not mean you must always retreat. But it does mean that your failure to retreat when safe retreat was available may be used to argue that force was not 'necessary.' VEST trainers must understand and teach this distinction clearly.

The Wisconsin Duty-to-Retreat Framework

Wisconsin's approach to retreat is a middle ground: there is no explicit statutory duty to retreat, but Wisconsin case law allows juries to consider whether retreat was available as part of the overall 'necessity' analysis.

THE CASE LAW STANDARD (State v. Wenger, 1999):

"While there is no statutory duty to retreat, whether the opportunity to retreat was available goes to whether the defendant reasonably believed the force used was necessary to prevent an interference with the defendant's person. A jury instruction to that effect was proper." — State v. Wenger, 225 Wis. 2d 495 (Ct. App. 1999)

This means: in public, if a jury believes you had a safe, complete path of retreat available and chose not to use it, that fact can support a finding that force was not 'necessary' — which defeats the self-defense claim. However, if retreat was not safe or was not feasible, the absence of retreat does not defeat the self-defense claim.

Wis. Stat. § 939.3(2) — No Obligation to Retreat from Lawful Location

Importantly, Wisconsin enacted a statutory provision that partially codifies a no-retreat rule:

"A person does not have an obligation to retreat from a place where the person is present lawfully. Nothing in this subsection limits the applicability of the presumption under s. 939.48(1m)(ar)."

This provision confirms you are not legally obligated to retreat from a lawful location — but it does not eliminate retreat as a factor in the 'necessity' analysis. The practical effect: failing to retreat when it was safe to do so can still be used by a jury as circumstantial evidence that force was not necessary, even if you were lawfully present.

Where No-Retreat IS Absolute in Wisconsin

RETREAT IS NOT REQUIRED IN THESE SITUATIONS:

- **CASTLE DOCTRINE LOCATIONS** — When attacked in your dwelling, motor vehicle, or place of business: § 939.48(1m)(ar) explicitly prohibits the court from considering whether you had an opportunity to retreat. No-retreat is absolute here.
- **WHEN RETREAT IS NOT SAFE** — If retreat was not safe or feasible, the jury cannot hold the failure to retreat against you in the necessity analysis.
- **WHEN ATTACKED WITHOUT WARNING** — If an attack was sudden and offered no realistic opportunity to retreat before force was necessary, retreat is not a factor.
- **INITIAL AGGRESSOR EXCEPTION** — If you started the confrontation but were then attacked with force you could not reasonably avoid retreating from, you may reclaim the self-defense privilege.

THE PRACTICAL DIFFERENCE FOR FIRST RESPONDERS:

A paramedic attacked in their ambulance (Castle Doctrine location) has no duty to retreat — period. A paramedic attacked in a patient's front yard (public space) is in a different legal position: retreat availability may be considered by a jury. VEST training's emphasis on scene awareness, threat recognition, and early de-escalation is especially important in Wisconsin because the legal standard in public spaces is more demanding than in Stand Your Ground states.

PART III: DEFENSE OF OTHERS & DEFENSE OF PROPERTY

Wis. Stat. § 939.48(4) — Defense of Third Persons

Wisconsin's defense of others provision allows a person to use force to protect a third party under the same standards that apply to self-defense.

"A person is privileged to defend a third person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which the person is privileged to defend himself or herself from real or apparent unlawful interference, provided that the person reasonably believes that the facts are such that the third person would be privileged to act in self-defense and that the person's intervention is necessary for the protection of the third person."

TWO CONDITIONS FOR DEFENSE OF OTHERS:

- You reasonably believe the third person would be privileged to act in self-defense under § 939.48(1); AND
- You reasonably believe your intervention is necessary for the protection of that third person.

PARTNER PROTECTION — DIRECT LEGAL AUTHORITY:

A Wisconsin EMS provider or firefighter who witnesses a violent attack on their partner may use force — including deadly force if imminent death or great bodily harm is threatened — to protect that partner under § 939.48(4). The same retreat considerations that apply to self-defense also apply here: if the attack is inside an ambulance or at a place of business, the Castle Doctrine

no-retreat presumption applies.

Wis. Stat. § 939.49 — Defense of Property

Wisconsin law allows force — but NOT deadly force — to defend property. Under § 939.49, a person is privileged to threaten or use force to prevent or terminate what they reasonably believe to be unlawful interference with their property. Only such force as is reasonably necessary may be used, and it is never reasonable to use force intended or likely to cause death or great bodily harm solely to protect property. Property defense alone does not justify lethal force and should not be the basis for any VEST-related defensive action.

PART IV: ENHANCED CRIMINAL PROTECTIONS FOR FIRST RESPONDERS

Wisconsin law provides specific criminal enhancements when first responders are the victims of battery or threatening conduct. These protections have undergone significant recent legislative changes, and VEST trainers should be aware of the current status as of 2025-2026.

Wis. Stat. § 940.20(7) — Battery to Emergency Personnel

Wisconsin classifies battery to emergency personnel as a felony-level offense, elevated from simple battery. Under § 940.20(7):

"Whoever intentionally causes bodily harm to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver who is acting in an official capacity and who the person knows or has reason to know is an emergency department worker, an emergency medical technician, a first responder or an ambulance driver, by an act done without the consent of the person so injured, is guilty of a Class H felony."

PENALTY STRUCTURE:

- Class H Felony — carries up to 6 years imprisonment and/or \$10,000 fine in Wisconsin.
- The actor must know or have reason to know the victim is an EMS/fire first responder acting in an official capacity.
- Applies to: Emergency department workers, EMTs, first responders, and ambulance drivers.

Wis. Stat. § 941.20(1m)(b) — Pointing Firearm at First Responder

Wisconsin separately criminalizes pointing a firearm at a first responder acting in official capacity:

"Whoever intentionally points a firearm at or towards a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, an ambulance driver, or a commission warden who is acting in an official capacity and who the person knows or has reason to know is one of these persons, is guilty of a Class H felony."

SIGNIFICANCE:

This statute means that any display of a firearm directed at an on-duty EMS or fire responder is a Class H felony — not merely a misdemeanor threat. The 'knows or has reason to know' standard is practically met any time a responder is in uniform, driving a marked unit, or otherwise visibly identifiable as emergency personnel.

2025 Legislative Update — SB 897 and EMT Protection Gap

⚠️ IMPORTANT 2025 DEVELOPMENT: EMT STATUTE RECODIFICATION

In August 2025, Wisconsin passed Act 24, which recodified the battery and threat statutes (formerly in §§ 940.20 and 940.204) into new provisions at §§ 940.51-940.66. A legislative oversight in this recodification resulted in the removal of EMTs' protected status for threat-related (non-battery) offenses, unless the threat occurred at a healthcare facility. As of the date of this document, SB 897 has been introduced to restore full EMT protection. VEST Certified Trainers in Wisconsin should monitor this legislative development and consult current statute text when advising participants.

Battery offenses against first responders remain protected under the recodified statutes. The gap affects threat-based charges (threats of bodily harm) for EMS personnel outside healthcare facilities. VEST trainers should note this as a compliance and awareness issue in Wisconsin, distinct from the self-defense rights framework.

PART V: POLICE USE OF FORCE & THE CHOKEHOLD STATUTE

Wisconsin enacted a chokehold restriction statute in 2021 — one of 118 laws passed that year. The statute is located in the municipal law chapter and operates differently from Texas's Code of Criminal Procedure approach, but has similar practical effect for law enforcement agencies.

Wis. Stat. § 66.0511 — Law Enforcement Use-of-Force Policies (Act 48, 2021)

Wisconsin Act 48, effective June 2021, amended Wis. Stat. § 66.0511 to prohibit law enforcement agencies from authorizing chokeholds in their official use-of-force policies, with a defined exception.

CHOKEHOLD DEFINITION — § 66.0511(1)(a):

"Choke hold means the intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head."

THE PROHIBITION AND EXCEPTION — § 66.0511(2):

"A law enforcement agency may not authorize the use of choke holds by law enforcement officers in a policy or standard under this subsection, except in life-threatening situations or in self-defense."

WHAT THIS STATUTE DOES AND DOES NOT DO:

- DOES: Prohibit law enforcement agencies from including chokeholds as an authorized tactic in their written use-of-force policies.
- DOES: Establish a statutory definition of 'choke hold' that encompasses both tracheal compression (respiratory choke) and carotid artery compression (vascular neck restraint).
- DOES: Require all law enforcement agencies to prepare and publicly disclose their use-of-force policies under § 66.0511(2).
- DOES NOT: Create a criminal offense for an officer who uses a chokehold — the law does not specify criminal penalties for violators. Prosecutors must rely on other charges (assault, reckless endangerment) if an officer violates the prohibition.
- DOES NOT: Absolutely ban all chokeholds — the life-threatening/self-defense exception preserves the ability to use a neck restraint when deadly force is otherwise legally justified.

Wis. Stat. § 175.44 — Use-of-Force Policy Requirements and Accountability

Wisconsin Act 48 worked in conjunction with Wis. Stat. § 175.44 to create broader accountability for use-of-force practices. Section 175.44 requires law enforcement agencies to adopt written use-of-force policies and establishes a duty to report and intervene when noncompliant force is observed:

- Law enforcement officers have a DUTY TO INTERVENE to stop or prevent another officer from using noncompliant force — including unauthorized chokeholds.
- Officers have a DUTY TO REPORT noncompliant use of force. An officer who fails to report may be fined up to \$1,000 or imprisoned up to 6 months.
- Officers may NOT be retaliated against for reporting noncompliant force, intervening to stop it, or testifying in proceedings related to it.

THREE-STATE COMPARISON: NECK RESTRAINT LAWS

STATE	MECHANISM	STANDARD / KEY DISTINCTION
Wisconsin	Statutory prohibition in agency policy (§ 66.0511, Act 48)	No criminal penalty for violation; life-threatening/self-defense exception; duty to report and intervene
Texas	Statutory prohibition in Code of Criminal Procedure (Art. 2.33/2.34)	Must discontinue immediately when threat passes; TCOLE training mandate; clearer enforcement pathway
Georgia	Policy-level only — no statute	Classified as deadly force by GLECP standards; permissible when § 17-4-20(b) is met; no statutory ban
California	Complete statutory ban (Gov't Code § 7286.5)	No exceptions for carotid or tracheal restraint by law enforcement

NO CRIMINAL PENALTIES — KEY DISTINCTION:

Unlike Texas, which ties its chokehold restriction to the Code of Criminal Procedure with clear enforcement via prosecutorial authority, Wisconsin's Act 48 does not specify criminal penalties for officers who use unauthorized chokeholds. This has been identified as a practical enforcement gap. As of 2025, prosecutors must rely on existing assault or reckless endangerment statutes to charge officers who violate the restriction — a higher evidentiary burden.

First Responders (Non-Law Enforcement) and Neck Restraints in Wisconsin

Wisconsin's § 66.0511 applies ONLY to law enforcement agencies and their sworn officers. EMS and fire personnel are governed exclusively by the civilian self-defense standard under § 939.48. A paramedic or firefighter who applies a physical restraint technique in genuine self-defense is evaluated only under § 939.48(1)'s three-part test: reasonable belief of actual or imminent unlawful interference, necessary force, and objective reasonableness.

IMPORTANT FOR VEST TRAINERS:

There is no Wisconsin statute that restricts or prohibits civilian first responders from using physical defensive techniques in lawful self-defense. A paramedic defending against a life-threatening attack is not subject to § 66.0511 — only to the civilian § 939.48 standard. This distinction matters when discussing defensive tactics with mixed audiences of law enforcement and EMS/fire participants.

PART VI: WISCONSIN VS. GEORGIA VS. TEXAS — KEY COMPARISONS

LEGAL ISSUE	WISCONSIN	GEORGIA	TEXAS
Self-Defense Standard	Privilege — § 939.48(1); 3-part test; objective reasonableness	Justification — § 16-3-21; reasonable belief of imminent unlawful force	Justification — § 9.31; immediately necessary to prevent unlawful force
Stand Your Ground	NO — jury may consider failure to retreat in public	YES — § 16-3-23.1; no duty to retreat anywhere lawfully present	YES — embedded in §§ 9.31(e), 9.32(c); no duty to retreat + evidentiary bar
Castle Doctrine	YES — § 939.48(1m); presumption in dwelling, vehicle, place of business	YES — § 16-3-23; justification (no presumption)	YES — § 9.32(b); strongest: PRESUMPTION of reasonableness
Duty to Retreat (Public)	Conditional — retreat availability is jury-relevant factor	None — not required; cannot be held against you	None — prohibited from jury consideration under § 9.32(d)
Ambulance as Castle	YES — motor vehicle + place of business; presumption applies	YES — occupied vehicle; justification (no presumption)	YES — vehicle + place of employment; PRESUMPTION applies
Defense of Others	§ 939.48(4) — same conditions as self-defense	§ 16-3-21 — same conditions as self-defense	§ 9.33 — identical standard to self-defense
Civil Immunity	Self-defense as affirmative defense; no standalone civil immunity statute	§ 16-3-24.2 — criminal immunity; pre-trial hearing	§ 83.001 — explicit civil immunity statute; bars lawsuit
First Responder Enhanced Penalties	§ 940.20(7) — Class H felony; § 941.20(1m) — Class H felony for firearm threat	§§ 16-5-21, 16-5-24 — up to 20 yrs; HB 838	§§ 22.01(b), 22.02 — 3rd/2nd degree felony enhancements
Chokehold Law	Act 48 — agency policy ban; no criminal penalty for violations; life-threat exception	No statute — GLECP policy only; deadly force classification	Art. 2.33/2.34 — statutory prohibition; discontinue requirement; TCOLE mandate

PART VII: APPLYING VEST PRINCIPLES UNDER WISCONSIN LAW

Wisconsin's self-defense framework is more nuanced than Georgia's or Texas's — but VEST's core training philosophy applies with equal force: first responders have the legal right and the professional responsibility to defend themselves and their partners. The following principles connect Wisconsin law directly to VEST curriculum, with special attention to the ways Wisconsin's conditional duty-to-retreat framework shapes how providers should approach, document, and articulate their defensive actions.

1. You Have the Legal Right to Defend Yourself — With Important Nuance

Under Wis. Stat. § 939.48(1), every Wisconsin EMS and fire responder has the legal privilege to use force — including deadly force when imminent death or great bodily harm is threatened — to defend themselves from unlawful attack. Wisconsin's civilian self-defense standard applies to you everywhere you legally operate. The 'nuance' is retreat: in public spaces outside Castle Doctrine locations, a jury can consider whether safe retreat was available. VEST training prepares providers to respond with proportionate, documented, and justifiable force — reducing both the risk of harm and the risk of a successful challenge to the self-defense claim.

2. Your Ambulance Is Your Castle — No Retreat Required

Inside your ambulance, no retreat is required — period. Wis. Stat. § 939.48(1m)(ar) creates an absolute no-retreat rule and a legal presumption of reasonableness for deadly force used to stop a forcible entry into or attack within your motor vehicle or place of business. This is one of the strongest legal protections available to EMS providers in Wisconsin. VEST training addresses compartment security, cab lockdown, patient positioning, and vehicle egress — all of which are directly relevant to establishing the Castle Doctrine factual record in the event of an incident.

3. Scene Awareness Is a Legal Necessity in Wisconsin

Because Wisconsin allows juries to consider retreat availability in public spaces, scene awareness becomes not just a tactical skill — it becomes a legal asset. A provider who recognizes a developing threat, attempts de-escalation, positions themselves appropriately, and only uses force when no safe alternative remained is in a much stronger legal position than one who has no documented pre-incident assessment. VEST Level I curriculum — threat recognition, color code awareness, pre-attack indicators — directly supports the 'necessity' element of Wisconsin's three-part test.

4. Verbal De-Escalation Is Your First Legal Defense

Wisconsin's 'necessary force' standard means the law expects all reasonable alternatives — including communication — to be exhausted or unavailable before force is used. VEST's graduated force continuum framework aligns precisely with this requirement. Verbal de-escalation first, physical intervention only when necessary — this is both the ethical standard VEST teaches and the legal standard Wisconsin courts apply. VEST trainers should emphasize: every step on the force continuum that precedes physical force is also a piece of evidence that your eventual use of force was necessary.

5. Protect Your Partner — § 939.48(4) Covers You

Wisconsin's defense of others provision under § 939.48(4) uses the same legal standard as self-defense. A VEST-trained provider who intervenes to protect a partner being violently attacked has the same legal justification as if they were defending themselves. The same Castle Doctrine no-retreat protections apply if the attack is inside a protected location. VEST Level III scenario training — partner extraction, mutual defense, joint response to violent encounters — is legally grounded in this statute and should be trained with that legal backing made explicit.

6. Document Extensively — Wisconsin's Standard Demands It

Because Wisconsin's self-defense standard includes a necessity analysis that may consider whether retreat was available, your documentation must tell the complete story: what you perceived, what you said, what you did before force became necessary, and why retreat was not a safe or feasible option at that moment. PCR narratives, incident reports, body cam footage, partner statements, and supervisor notifications all contribute to the evidentiary record. VEST trainers should consistently reinforce: documentation is not an afterthought — it is part of the defensive strategy.

7. Know When Force Ends — Proportionality Is Ongoing

Wisconsin's § 939.48(1) limits force to that 'necessary to prevent or terminate' the unlawful interference. Once the threat is neutralized — subject is restrained, compliant, or no longer capable of harm — the justification for further force ends. Continuing force after this point is not protected by the self-defense privilege and may constitute criminal assault or battery. VEST curriculum teaches continuous threat reassessment for this reason: not just as an operational skill, but as a legal boundary that every certified trainer must teach clearly.

8. Understand the Law Enforcement Framework — The Chokehold Distinction

Wisconsin's Act 48 (Wis. Stat. § 66.0511) prohibits law enforcement agencies from authorizing chokeholds in their use-of-force policies except in life-threatening situations. When VEST delivers joint agency training involving law enforcement partners in Wisconsin, this distinction must be addressed: police officers operating under authorized agency policies cannot use neck restraints as a routine control technique. Civilian first responders are not subject to § 66.0511 — their use of any physical defensive technique is evaluated solely under § 939.48's civilian standard. Training both groups together requires clarity on which standard governs each.

9. The Duty to Report — Wisconsin's Culture of Accountability

Wis. Stat. § 175.44 creates a duty for law enforcement officers to report and intervene when noncompliant force is observed. While this provision applies to sworn officers, it reflects a broader Wisconsin policy culture of accountability that VEST certified trainers should reinforce. When VEST trains joint teams, reporting obligations, documentation standards, and post-incident review processes should be addressed explicitly — not only because they are legally required for officers, but because they represent best practice for all first responders.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Wisconsin statutes are subject to legislative amendment — including active 2025-2026 recodification under Act 24 and pending SB 897 — 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. Reference statutes as of 2025 Wisconsin Statutes and 2021 Wisconsin Act 48.

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