

ASSAULTS AGAINST FIRST RESPONDERS

InfoBrief



International Public Safety Association

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About

This International Public Safety Association InfoBrief examines publicly available national data regarding assaults against law enforcement, firefighters, EMS providers and K9 officers.ⁱ It sheds light on the current national level reporting systems, recent legislative action to combat the issue and protect first responders, and concludes with a section about scene safety, situational awareness and de-escalation techniques. This InfoBrief does not discuss fatal assaults.

This InfoBrief was authored by members of the IPSA's Executive Director's Policy Task Force.ⁱⁱ The IPSA advocates for the entire public safety community and establishes Policy Task Forces that work with the IPSA's Executive Director to respond to issues through the development of position statements, model policy development, issues papers and related research and materials to disseminate to the field. All Policy Task Force members micro-volunteer to address an emerging issue.

Introduction

While assaults against first responders are not new in the public safety profession, they are seemingly becoming more serious with each passing year. A quick web search will illustrate assaults against first responders that are nationally occurring. Below is a list of assaults against K9 officers, paramedics, firefighters and law enforcement officers, in which death did not occur, in recent history:

1. June 2018: Police K9 officer stabbed after shooting on Oahu's North Shore.ⁱⁱⁱ
2. February 2018: San Diego Police Department K9 officer stabbed seven times.^{iv}
3. March 2018: Paramedic assaulted because of where an ambulance was parked.^v
4. May 2017: Paramedic shot in Dallas while treating a shooting victim.^{vi}
5. May 2018: Firefighter assaulted when responding to a medical call in Tucson.^{vii}
6. July 2018: Firefighter assaulted by a passer-by while responding to a fire at an apartment.^{viii}
7. July 2018: Two police officers suffered from gunshot wounds while responding to a call.^{ix}
8. July 2017: Homeless man beat police officer unconscious.^x

Volunteer and paid law enforcement officers, firefighters, EMS providers and K9 officers have been assaulted during emergency and non-emergency calls ranging from domestic disputes, psychiatric and medical emergencies, fires, gunshots and numerous other circumstances. A scene or situation that may seem like a routine call for service can turn violent quickly. As such, first responders need to be both mentally and physically prepared to react quickly. There are several preventive measures that all first responders can take, and those techniques are described in more detail in the Scene Safety Section of this report.

Assaults are not only a terrifying aspect of being a first responder in today's climate, but these incidents also create numerous issues for public safety agencies. Assaults against first responders may impact the recruitment and retention of volunteer and professional staff, create serious medical issues for personnel and may contribute to a culture that may support assaults against first responders. Every agency must have policies, plans and procedures in place for effectively managing assaults.

Data limitations

Before discussing the national data that was reviewed in this report, it is important to highlight the data limitations. First, there is a lack of consistent reporting in each of the respective disciplines. Second, the IPSA examined third-party data. This is not original data collection, and our assessment is based on the currently available data. Third, it is assumed that the number of assaults against first responders are under-reported. Fourth, it is possible that one first responder discipline may be more likely to report an assault over another. For example, the number of assaults against K9 officers are assumed to be more accurate than the number of assaults against their human, law enforcement counterparts. Fifth, the data sets span a period of years.

National data and reporting

A national level consolidated or comprehensive reporting system to track assaults against first responders does not currently exist. Even within the respective disciplines of law enforcement, the fire service and EMS reporting is often voluntary, may be inconclusive and even conflicting at times. Due to the inconsistency of reporting across all first responder disciplines, it is challenging to get a complete picture of the extent of assaults against first responders that are occurring.

This section will describe the current reporting systems in place, and this discussion will begin with sworn law enforcement.

Sworn law enforcement officers

The most comprehensive reporting system for assaults on law enforcement officers is the FBI's Law Enforcement Officers Killed & Assaulted (LEOKA) Program which is part of the Uniform Crime Reporting (UCR) Program. There are specific criteria for assaults and deaths to be reported to LEOKA which include being a duly sworn officer with full arrest powers, working for a law enforcement agency and acting in an official capacity at the time of the incident.

Though accidental deaths are included in the data, deaths from natural causes are excluded. However, the accidental deaths are reported separately from felonious assaults and deaths. As indicated in the LEOKA report, the FBI's program is "one of a number of entities that report information concerning line-of-duty deaths and/or assaults of law enforcement officers in the United States with each organization having its own purpose and may use different methods to collect and report information or focus on somewhat different aspects of assaults and deaths of law enforcement officers." Therefore, the FBI warns that care should be taken not to compare LEOKA data to data provided by other entities, such as the Officer Down Memorial Page, National Law Enforcement Officers Memorial Fund, or others.^{xi}

Firefighters

The nationally recognized reporting system for the fire service is the National Fire Incident Reporting System or NFIRS. Though some states require fire departments to participate in the NFIRS program, it is still voluntary. For the period 2012-2014, it is estimated that only 67 percent of fire department related activity was captured. And, while the system is designed to report firefighter injuries and deaths, there is no mechanism to report assaults against firefighters where there is no injury. According to the 2012-2014 NFIRS report, 7.1 percent of firefighters were injured by being struck or assaulted.^{xii}

The U.S. Department of Labor, Bureau of Labor Statistics (BLS) also compiles data on firefighter injuries, illnesses and fatalities. For 2013, the BLS reports that about 2 percent of firefighter injuries were the result of "violence and other injuries by persons or animals." This data is skewed by the inclusion of injuries inflicted by animals and is not consistent with the NFIRS data from the same general period.^{xiii}

EMS providers

The most centralized mechanism for reporting violence against EMS providers is the EMS Voluntary Event Notification Tool (E.V.E.N.T.). This program was started in 2013 in cooperation with the National EMS Management Association (NEMSMA). The most notable weakness of the program is that participation is voluntary. Another shortcoming is that knowledge of this program may not be widely known among EMS agencies evidenced in part by the fact that 36 violent incidents were reported in 2014, only 25 incidents in 2015, 39 incidents in 2016 and only 52 incidents in 2017. Simply reading news accounts of assaults on EMS providers would suggest that the numbers of assaults against EMS providers are substantially under reported in this system.^{xiv}

The Center for Disease Control 2016 injury data^{xv} only considers EMS providers who went to the emergency room. This would not represent the data accurately since of course, not all assaults result in a trip to the emergency room. This same report also included firefighters who were performing EMS duties when they were “injured.” It is these types of erratic reports that make it very difficult to get an accurate view of how often assaults are occurring on EMS providers and firefighters.

The Centers for Disease Control and Prevention estimated 2,600 EMS providers received hospital treatment in 2014 for injuries resulting from work-related violence.^{xvi}

When given the opportunity to share stories anonymously, reports reveal more firearms being utilized in the casual self-report.^{xvii} Firefighters and EMS providers report they quite often end up in dangerous situations due to what they believe is a lack of either information gathering and/or information disseminating by their dispatcher.^{xviii}

Some paramedics perceive assault as part of the job. As such, they may not report the assault due to the empathy they develop for their patients. EMS providers are often in contact with individuals who are not of sound mind and they are in a caretaker role, whether it is because of a substance, a mental health issue or other situation.^{xix}

Summary

While the FBI’s LEOKA Program appears to be the most comprehensive reporting system about first responder assaults, it is presently limited to sworn law enforcement officers. Reporting to the NFIRS program is currently voluntary, but mandatory reporting for all fire departments and a mechanism established to report assaults against firefighters that do not result in injury should be considered. The E.V.E.N.T. system for assaults on EMS providers has merit, but needs to be widely advertised to increase participation by EMS agencies. Given that many EMS are private entities, mandatory reporting presents greater challenges compared to governmental agencies such as law enforcement and fire departments.

Ultimately, there needs to be a central clearinghouse to collect and analyze the data from the various reporting systems. Since assaults against first responders are crimes with varying degrees of penalty depending on the severity of the incident, the FBI may be the logical choice for capturing and analyzing all data about assaults.

Relevant legislation

Several states are initiating legislative action in response to the increasing incidents involving assaults against first responders. These legislative actions fall into three overarching categories which include:

1. Arming first responders.
2. Offense category and sentence enhancements for targeting first responders as victims of physical violence.
3. Adding first responders as victims to hate crime statutes ostensibly for enhancing sentencing.

According to a national telephone and online survey conducted by *Rasmussen Reports*, 54 percent of likely U.S. voters favor a law in their state that would make attacks on first responders a hate crime and increase the penalties for such attacks. Thirty percent oppose increased penalties and 16 percent are undecided.^{xx} The following discussion is representative of legislative action from several states and should not be considered as all inclusive.

Firearms

In 2016, the Governor of Kansas signed into law H.B. 2502 which authorizes public employees who are legally qualified to carry concealed handguns, to be armed while engaged in their official duties. The legislation also prohibits employers from restricting or otherwise prohibiting by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in the duties of such employee's employment outside of such employer's place of business.^{xxi}

South Carolina H.B. 3187 introduced in 2018, would permit EMS providers, firefighters or other first responders who are engaged in examining, treating or directing persons during an emergency and who are authorized to carry a concealed weapon or who have completed the same training as law enforcement officers in the state, to carry a concealed weapon. The bill is still under consideration in the legislature.^{xxii}

Texas H.B. 435 signed into law on September 1, 2017, allows volunteer emergency services personnel who are properly licensed to carry handguns on the property of a state hospital. It is noteworthy that this law is narrowly tailored to volunteers and not full-time emergency services personnel and only applies to state hospitals.^{xxiii} Another bill from Texas, H.B. 982 introduced in January 2017, would have permitted certain first responders to carry handguns while engaged in the discharge of the first responder's duties but the bill died in committee.^{xxiv}

A similar bill in Michigan, H.B. 4842 of 2017, that would have exempted firefighters and medical first responders from pistol-free zones also died in committee^{xxv}. However, a series of Michigan Senate Bills 584-586 have passed the Senate and are currently in the House Judiciary Committee. These bills would add a pistol free zone exemption for an individual who held a concealed pistol license (CPL), or was applying for an initial or renewal CPL. The license holder would be required to request the exemption on his or her license application and certify that he or she had completed at least eight hours of training that met specified conditions, or is certified as a firearms instructor.^{xxvi}

Another failed proposal was Georgia HR 807 introduced in the 2013-2014 session that would have authorized firefighters to carry firearms while on-duty with the permission of their department. The bill appears to have died in committee.^{xxvii}

Finally, in West Virginia H.B. 2916 of 2018 as introduced would have authorized firefighters and EMS providers to carry firearms while on-duty. However, the final enrolled version of the bill was a substitute from the

committee that only addressed Attorney General Investigators and reserve sheriff deputies carrying firearms with firefighters and EMS providers being removed from the final version.^{xxviii}

Sentence enhancements

As of March 2017, 30 bills had been introduced by legislators in 14 states referred to colloquially as “Blue Lives Matter Legislation.”^{xxix} The proposed legislation would authorize prosecutors to seek enhanced penalties for perpetrators of violent crime against law enforcement officers, firefighters or EMS providers.

One such piece of legislation is Michigan, S.B. 127 of 2017 that would make the commission or attempt to commit a felony against a law enforcement officer, firefighter, or EMS provider a two-year felony to be served consecutively with any other charges. This bill was reported favorably by the committee which recommended immediate effect, but the bill was never voted on by the committee of the whole^{xxx}.

Ohio H.B. 38 of 2017 passed by the House and is now under consideration by the Senate. It imposes extra prison time for criminal offenders who assault or murder first responders or members of the military.^{xxxi}

In Maryland, which already had enhanced penalties for assaults against law enforcement officers, H.B. 236 was enacted in 2015 which makes intentionally causing physical injury to a firefighter or EMS provider engaged in firefighting or emergency medical or rescue service a felony with a maximum sentence of 10 years.^{xxxii}

H.B. 1293 signed into law by the Governor of South Dakota in March 2018 is of broader scope including health facility workers and Department of Correction’s employees. The statute specifies that simple assault if committed against a law enforcement officer, firefighter, ambulance service personnel, Department of Corrections employee, health care facility worker or other public officer while engaged in the performance of their duties be elevated to a Class 6 felony and aggravated assault to a Class 2 felony.^{xxxiii} Also, outside the realm of first responders Texas H.B. 2908 signed into law in June 2017 increases the penalty for criminal offenses committed against peace officers or judges.

Colorado Senate Bill SB18-278 introduced in the 2018 regular session would increase a second-degree assault on a peace officer or firefighter to a Class 3 Felony if the peace officer or firefighter was engaged in the performance or his or her duties and the person who committed the assault knew or reasonably should have known the person was a peace officer or firefighter.^{xxxiv}

Hate crimes

Some states are viewing the intentional assaults on first responders as hate crimes. Notwithstanding opposition, some states have been successful in passing hate crime legislation to include first responders.

The Louisiana Governor in 2016 signed into law H.B. 953 that amended the hate crime statute to include selecting a victim because of their actual or perceived employment as a law enforcement officer, firefighter or emergency medical service personnel as a hate crime^{xxxv}. A similar law, H.B. 14, was signed into law by the Governor of Kentucky in May 2017^{xxxvi}.

Following suit, a New York bill has passed the Senate and is under consideration by the Assembly. Senate Bill S1114A would designate offenses against law enforcement officers, firefighters and emergency medical services personnel as hate crimes^{xxxvii}. In New York hate crimes which are felonies are specified as violent felony offenses. Misdemeanor crimes are increased one category higher if associated with a hate crime^{xxxviii}. This act would ultimately increase penalties for offenses against specified first responders.

In Nevada, SB 541 introduced in May 2017 and signed into law by the Governor in June 2017, provides that any person who willfully commits certain crimes directed at first responders defined as any peace officer, firefighter or EMS provider acting in the normal course of duty, “may, in addition to the term of imprisonment

prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.”^{xxxix}

An omnibus measure in North Carolina known as the First Responders Act of 2017 would create a hate crime against emergency personnel. Under the provisions of H.B. 181 “anyone who, with the intent of harming a person who is emergency personnel, lures the person to a location by falsely reporting or having another individual falsely report that emergency services are needed and then assaults that person because the person is emergency personnel is guilty of a Class E felony.”^{xi} The bill was last reported in the Committee on Finance.

Connecticut H.B. 5227 introduced in the 2018 session would, “include within the offense of intimidation based on bigotry or bias the act of a person intimidating or harassing another person because such other person is a police officer, firefighter or emergency medical technician.”^{xii} The bill has been reported out of committee and is under consideration by the full house. Also passed by the House and under consideration by the Senate in Michigan is H.B. 4590 of 2017 which would expand hate crimes to include law enforcement officers, firefighters and emergency medical services personnel.^{xiii}

Attempts to pass legislation to authorize firefighters and EMS providers to carry firearms while on duty have not garnered the necessary support. Even relaxing “gun free zone” restrictions for first responders have not met with much success. Several states have successfully passed legislation enhancing penalties for intentional infliction of physical harm on first responders though this proposed legislation has not been successful in all states. The most successful trend in legislation appears to be the amendment of state hate crime statutes making the intentional intimidation or physical assault of first responders, including law enforcement officers, firefighters and EMS providers a hate crime.

Law enforcement horses and K9s

The Federal Law Enforcement Animal Protection Act, H.R. 1791 (106th Congress), brings recognition to the important role of all law enforcement K9 officers and horses. Before President Clinton signed the Act in 2000, K9 officers were considered property.

“Sec. 1368. Harming animals used in law enforcement

‘(a) Whoever willfully and maliciously harms any police animal, or attempts or conspires to do so, shall be fined under this title and imprisoned not more than 1 year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury or the death of the animal, the maximum term of imprisonment shall be 10 years.

‘(b) In this section, the term ‘police animal’ means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.’^{xliii}

According to the IPSA’s 2017 Line of Duty Death Report, there is an increased use of service animals in all aspects of public safety. These highly trained and specialized K9s are used for explosive and contraband detection, vapor wake, search and rescue and emotional support/therapy by all first responder disciplines. Focused efforts are needed in the care, protection and transportation of service animals.^{xliiv}

Scene safety and situational awareness

Assessing scene safety is paramount during every call for service that a first responder answers, and it is critical to remember that every call is unique. For example, senior living facilities are generally not thought of as a dangerous environment, but on June 25, 2018, there were reports of a fire alarm and explosion at such a facility, a fire crew responded, and, tragically, a firefighter was shot and killed while investigating the scene.^{xlv}

This tragedy reminds all first responders that there is no such thing as a routine call. All first responders need to be cognizant of their surroundings and establish scene safety. There are several preventive measures that law enforcement officers, firefighters and EMS providers can take. An article by Battalion Chief J. Scott Quirarte highlights several scene safety tips, below are three examples:

1. **“Vehicle staging.** Parking up the street gives time for evaluating the scene. Take a few seconds to evaluate the environment. Look, listen, hear and smell it. Do you see broken windows, drug paraphernalia, blood or any indicators of violence? Do you hear a fight or yelling? Do you smell alcohol, drugs or vomit?
2. **Look for conventional and unconventional weapons.** Guns and knives are conventional weapons. Unconventional weapons include pencils, kitchen or household appliances, sporting equipment.
3. **Actively assess the scene the entire time.** Take in the entire picture and identify escape routes and safety zones. Avoid the need to escape but escape if absolutely necessary.”^{xlvi}

Establishing scene safety is the first thing every first responder must do before entering a scene. The 2016 FBI LEOKA report’s data reveals that law enforcement officers are most likely to be assaulted when they are responding to a disturbance call. These disturbance calls contain variables that also effect firefighters and EMS providers who may be responding to the same call. The need for law enforcement assistance during a fire or medical call can often be determined at the time the call is received by the 911 communications center. When caller information indicates the presence of weapons or potentially dangerous persons, law enforcement officers must be dispatched along with fire or EMS providers who should stage at a predetermined location close to, but a safe distance away from the incident until the scene is declared safe by law enforcement.

Situational awareness

Situational awareness is an important concept for how it works to keep first responders safe. It can be described as “a human mental process that can be enhanced using technology to assess, analyze and present information to have a greater understanding of existing conditions and how they will change over time.”^{xlvii} In other words, first responders need to have a solid understanding of the factors and events contributing to the 911 emergency as it relates to their own personal safety.

The late Colonel Jeff Cooper created a “Color Code” to identify situational awareness at varying levels: White, Yellow, Orange and Red. Dick Fairburn describes these levels in an article on *PoliceOne.com*:

- **“White.** You are relaxed and unaware of what is going on around you.
- **Yellow.** You remain relaxed, but are aware of who and what is around you.
- **Orange.** You have identified something of interest that may or may not prove to be a threat.
- **Red.** If the focus of your attention in condition orange does something you find threatening, you will shift to condition red.”^{xlviii}

In Quirarte’s article mentioned above, it includes several key questions and tips that every first responder needs to be asking to determine situational awareness:

1. “How are you determining scene safety? Is it a quick look around when you arrive on scene? If so, what are you looking for?”
2. Are you using dispatch information? If so, what pre-arrival information would cause you concern? Or are you using standard safety procedures developed by your agency?”
3. Do you have a way to communicate with first responders at the scene when something is off – like a code word or phrase?”
4. When you are clear to enter the building or residence, clearly identify yourself as “fire department,” “paramedics” or “law enforcement.”
5. Put something between you and the patient (or individual) during your approach. This will provide a block and may slow any attacker trying to get to you.
6. Don’t get tunnel vision on the patient or individual you’re talking to – remember to look around. Understand where your nearest exit is and whether it’s clear of any obstructions.
7. If you don’t like the room or if the environment seems off, then move. Remember patient condition does not dictate where patient care is done, the environment does.
8. For firefighters and EMS providers: Have a safe word that everyone on your crew knows that tells them that it’s time to exit and call law enforcement. Make sure everyone’s radios are off when you’re making that call for law enforcement support.”^{xlix}

De-escalation techniques

Once a first responder arrives and there is now a relatively dangerous situation, it becomes particularly important for first responders to have a good understanding of how to safely get themselves into a safe situation, call for assistance and/or de-escalate the situation as best as they possibly can.

Data from the FBI’s 2016 LEOKA report revealed that approximately 57, 180 law enforcement officers were assaulted while on-duty. This is a rate of 9.8 per 100 sworn officers.^l

According to Lieutenant Manley with Nahant Police Department, “A person during a crisis – and in the heat of the moment – cannot always communicate their thoughts, feelings or emotions clearly. They may find it difficult to understand what others are saying. Therefore, it is important to empathize with the person’s feelings, stay calm and try to de-escalate the situation.” Manley proceeds to further describe eight concepts for first responders to adopt:

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| <ol style="list-style-type: none"> 1. Situational assessment. 2. Actively listen. 3. Remain empathetic. 4. Maintain a safe, physical distance. 5. Be mindful of your non-verbal communication. | <ol style="list-style-type: none"> 6. Clearly establish limits. 7. Do not rush the individual in crisis. 8. Conduct an immediate, post-incident debriefing.^{li} |
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Other de-escalation techniques include physical de-escalation techniques that can help to protect first responders such as “never turn [your] back” and “try to position yourself in a room where you have easy access to the door.”^{liii}

While there are numerous things a first responder can do in such an emergency, departments need to come up with a generalized standard about what their policy is, then train personnel what they would like individuals to do in certain situations. Not only will this help to solidify what first responders should do when faced with such circumstances, but, it will also help first responders to understand specifically what their department would like them to do if faced with such situations.

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