

Policy Number: MP 110.18  <p style="text-align: center;"><b>REPORTING VIOLENT ACTS</b></p>	Related Policies: Violent Incident Procedures, Volume II 206.01
This policy is for internal use only and does not expand an employee’s legal duty or civil liability in any way. This policy should not be construed as creating duty to act or a higher duty of care, with respect to third party civil claims against employees or the Phoenix Fire Department (PFD). A violation of this policy, if proven, can only form the basis of a complaint by the PFD for non-judicial administrative action in accordance with the laws governing employee discipline.	
NFPA Standard:	
Other Reference:	
Date Implemented: 6/2020	Review Date: 6/2020

**Procedures for Firefighter Assaulted On-Duty**

**Definition:**

**A person commits Assault by:**

1. Intentionally, knowingly or recklessly causing any physical injury to another person; or
2. Intentionally placing another person in reasonable apprehension of imminent physical injury;
3. Knowingly touching another person with the intent to injure, insult or provoke such person.

**A person commits Aggravated Assault:**

1. If the person causes serious physical injury to another.
2. If the person uses a deadly weapon or dangerous instrument.
3. If the person commits the assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of any body part.
4. If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.
5. If the person commits the assault after entering the private home of another with the intent to commit the assault.
6. If the person is eighteen years of age or older and commits the assault on a minor under fifteen years of age.

7. If the person commits the assault knowing or having reason to know that the victim is any of the following:

(a) A peace officer or a person summoned and directed by the officer.

(b) A constable or a person summoned and directed by the constable while engaged in the execution of any official duties or if the assault results from the execution of the constable's official duties.

**(c) A firefighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of any official duties or a person summoned and directed by such individual while engaged in the execution of any official duties or if the assault results from the execution of the official duties of the firefighter, fire investigator, fire inspector, emergency medical technician or paramedic.**

### **Injury:**

An act that wrongs, harms or hurts another, violation of another's rights for which the law allows an action to recover damages; hurt, damage or loss sustained.

### **Physical Injury:**

Physical injury means the impairment of physical condition.

### **Blood Borne Pathogens/ Bodily Fluids**

Many assault cases occur when the patient/suspect intentionally transfer their bodily fluid through spitting or intentionally transfers their blood borne pathogens to the attending firefighter(s). The criminal charge of Assault is found in ARS 13-1204.A.3, Knowingly touching another person with the intent to injure, insult or provoke such person. Touching is also described through the spitting and transference. The charge is then elevated to an Aggravated Assault under 13-1204.8.C due to the firefighter(s) being on-duty and executing their official duties.

### **Process for Reporting firefighter being Assaulted:**

When a firefighter(s) suspects or encounters an unstable incident that can lead to, or leads to an assault, Phoenix PD must be contacted immediately for assist.

If the firefighter(s) is involved in an on-duty incident where they are assaulted they will immediately advise their Company Officer. The Company Officer will determine if medical attention is required and act accordingly to information provided by the victim firefighter(s). Decisions made will be in the best interest of the firefighter(s) health and safety. The victim firefighter(s) will be evaluated and appropriately treated to ensure immediate medical attention. The Company Officer will ensure the injured are transported to an appropriate facility for treatment and begin documentation of the incident.

A firefighter cannot be forced to seek medical treatment but must be evaluated to determine fitness for duty.

Once the incident is controlled and the firefighter(s) has been evaluated, the Company Officer will notify the on-duty Battalion Chief. The Battalion Chief will then notify the Operation's Deputy Chief who will notify the District Commander and Operation's Assistant Chief.

Whether physically injured or not, the assaulted victim firefighter(s) will provide a statement of the incident to PD investigators conducting the assault investigation. The Company Officer will ensure the injured firefighter(s) complete(s) a Fire Department Injury Report, the police investigation is conducted and an Industrial Claim Packet for on-duty injuries is completed. The Company Officer will complete the 'Violent Incident Report' form whether an injury occurs or not. This form can be found in Forms page in FirePoint and will be disseminated through the SharePoint workflow process to the Safety Chief, Member Services Chief, Special Investigators at the Phoenix Fire Department's Office of Special Investigations and the Health Center. The Office of Special Investigations will collect/store the Violent Incident Report and any related documents to track assault incidents for future use in the firefighter safety strategic plan process. They will also provide legal process support for the victim firefighter(s).

Our victim firefighter(s) will have process and procedure questions once they have completed the interview process with PPD's Assault Investigators. The Member Services Chief will contact the victim firefighter(s) within 24-hours after the incident to assist with EAP services and check on the wellbeing of the victim firefighter(s), whether physically injured or not. Office of Special Investigation's Investigators will also contact the victim firefighter(s) within 24-hours of receiving the incident report from the Company Officer. The Special Investigators will guide the victim firefighter(s) through the judicial process and attend interviews and/or court proceedings if requested by the victim firefighter(s).

The criminal justice system process is complicated and methodical in protecting the rights of all those involved, both the victims and defendants. The result is a lengthy legal process that includes the following steps. Upon completion of the investigative report with the victim firefighter(s) the Assault Investigator will submit the report to the County Attorney's Office for review and consideration of charging. The Assigned Deputy County Attorney will determine if probable cause exists that the crime of assault or aggravated assault occurred. If a crime is determined, then a Probable Cause or Grand Jury hearing will be conducted. If either of those groups determine a crime did occur, then the suspect will be formally charged, assigned legal representation and scheduled for trial at a future date. In the following days and months both the Prosecutors and Defense Attorneys will discuss sentencing agreements or prepare for the upcoming trial. During this period the victim firefighter(s) may be requested to interview with attorneys or testify. They may receive a subpoena for pre-trial interviews and are required to attend to aid in furthering the process. Maricopa County Attorney's Office Victim Advocates will advise the victim firefighter(s) on the case status and perform as a liaison between the prosecutor and the victim(s). Phoenix Fire Department Special Investigators will also provide support and perform as an advocate for the victim firefighter(s).