



Investigation of Assaults and Hate Crimes on Police Officers, Police Staff and Volunteers whilst on Duty Policy (903/2021)

Abstract

To provide a set of standard procedures, highlighted in the seven-point plan which will ensure that there is a consistent approach to investigating and recording assaults on police officers, Special Constables, police staff and Volunteers.

Policy

1. Introduction

1.1 Assaults on police and the severity of these assaults are on the increase in Sussex. It is important that both the management and culture around reporting offences changes and the seven-point plan is adopted in order to provide a consistent approach to the investigation of assaults on police officers (including Special Constables) police staff and volunteers. The overall perception must be that being assaulted is NOT 'part of the job'.

1.2 This policy details a procedure which will ensure that there is a consistent approach to investigating and recording assaults and hate crimes on police officers, police staff and volunteers and, where possible and appropriate, to highlight opportunities to minimise both the frequency and severity of violent offences committed.

2. Scope

2.1 The procedures associated with this policy incorporate both the expectations of Sussex Police for the investigation, review and disposal of crime and the specific recommendations from the National Police Chiefs' Council (NPCC) Office and Staff Safety Report (OSSR), published 2020, in relation to assaults on police officers, police staff and volunteers.

3. Policy Statement

3.1 Every day police officers and police staff are on duty protecting the public and some of the consequences are hate crimes or deliberate assaults on police personnel. Sussex Police does not tolerate violence, sexual assault or hate crimes against our officers and staff and we will be robust in ensuring crimes are appropriately reported and recorded, pursuing the offenders and bringing them to justice.

This policy will also ensure all individuals undertaking police duties are afforded the same care, commitment and compassion afforded to all victims of crime.

3.2 As a direct result of the Assault on Emergency Workers (Offences) Act 2018 there are new offences for minor assaults against emergency workers when acting in the exercise of their functions as such a worker, and to introduce an aggravating factor when other more serious offences are committed against such workers

3.3 This Act recognises the unique position that emergency workers fulfil and afford them greater protection through increased penalties for offenders convicted of assaulting them whilst engaged in their emergency work.

This legislation supersedes the offence of Assaulting an officer in the execution of their duty and like offences for other emergency workers. This Act came into force on 13th November 2018.

3.4 If there is a hate crime recorded against a member of staff, existing legislation should be used as it carries a greater weight within the criminal justice system.

3.5 The overriding principle should be that the most appropriate legislation, relative to the individual circumstances being investigated, should be applied and rigorously pursued.

The 7 point plan would still be implemented regardless of offence type.

Procedure

1. Introduction

1.1 Any assault or hate crime on a police officer, member of police staff or volunteer is a serious matter for the individual, the organisation and members of the public at large.

The Assault on Emergency Workers (Offences) Act 2018 legislation is significant but it demands from the outset of an investigation the recognition and identification that the victim is an emergency worker.

This will need to be carefully detailed within the victims account and made mention of within the victim personal statement.

Consideration for the inclusion of an impact statement from the relevant organisation should also be made.

1.2 All offences are subject to the Crown Prosecution Services (CPS) Charging Standards and where the injuries sustained in an assault are more serious, then offences of Grievous Bodily Harm (GBH) or Actual Bodily Harm (ABH) will be charged in accordance with those standards.

Prosecutors are also encouraged by their guidance to consider if section 1 offences (Common Assault and Battery) heard in the magistrates court could be sent to the Crown Court for sentencing under this legislation.

1.3 The burden of proof, however, remains the same whether the person assaulted is a police officer, police staff, volunteer or a member of the public. Police officers are reminded that Body Worn Video (BWV) evidence should be captured where appropriate and in line with the Body Worn Video (1133).

1.4 In serious cases, STORM Serial Logs will be marked as OFFICIAL SENSITIVE and the duty of care for the victim will be paramount, not only because the victim is a colleague but also because the impact on public confidence in these cases is high.

2. Crime Recording

2.1 All offences should be recorded according to the Home Office Counting Rules (HOCR) and the National Crime Recording Standard (NCRS). The most appropriate offence should be recorded and the Assault on Emergency Workers (Offences) Act 2018 legislation applied to that offence, where appropriate. For more information, please refer to the Crime and Incident Disposal, Recording and Auditing Policy (757).

2.2 It is important that the Assault on Emergency Workers (Offences) Act 2018 is used robustly and appropriately from the beginning to ensure that prosecutors and the courts set positive precedents as this will help drive down assaults and highlight the deterrence that this legislation represents.

3. Seven Point Plan

3.1 Where a police officer, member of police staff or volunteer has been assaulted or is a victim of hate crime, the investigation must take cognisance of the seven-point plan (see 3.2 below).

3.2 Assaults and hate crimes on police officers, police staff and volunteers whilst on duty are not acceptable.

If legal, arrest should always be the preferred outcome including in cases where the assaults occur within the custody environment.

Being attacked while undertaking your duties, being targeted because of who you are and being afraid to be yourself, is a harsh reality for many of us. Sussex Police will not tolerate such behaviour, endeavouring to support and guide each individual through the following points.

(1) Assaults and hate crimes on police officers, police staff and volunteers should be investigated with the same care, compassion and commitment as an assault on a member of the public.

Assaults and hate crimes will be recorded and treated equally in conjunction with any other crime. The victim's wishes should be considered alongside the public interest because we, as the police, have a duty to pursue offenders. Consideration should be given to restricting the NICHE/Computer Aided Dispatch (CAD) on a case by case basis. All assaults and hate crimes against police officers, police staff and volunteers on duty will be notified to the Divisional Critical Incident Manager (CIM) when on duty, Force CIM during a late shift, and out of hours to the 'On Call' Force CIM if serious. Otherwise email notification to their Senior Leadership Team will be made.

(2) The Victim Code applies to all victims and, therefore, to police officers, police staff and volunteers.

The victim should be regularly updated, included in discussions relating to outcome options, and the investigation should take in to account the victim's point of view before imposing a final outcome. An evidential review will occur frequently and any decision regarding finalisation or discontinuance will not be undertaken without due consideration and communication with those it concerns. This is crucial because we know we do not

always get our response to these offences right, with our colleagues reporting dissatisfaction at the way they have been treated.

(3) The officer or member of staff must never be the Officer in the Case/ (OIC) for the investigation into their own assault or hate crime.

The victim will not have any involvement in the investigation. The duty supervisor is to determine the OIC who, where possible, should not be an officer from the same team. The supervisor is to ensure the integrity of the investigation is protected at all times. Decisions as to whether ownership will be assigned to Criminal Investigations Department (CID) will be made on the same basis as for non-officer/staff/volunteer offences; if not assigned to CID, there will be investigative oversight from a Detective Sergeant (DS)/Professional Investigators Programme (PIP) 2 Supervisor on the day of reporting who will set an investigation strategy and copy and paste this 7 point plan onto the Occurrence Enquiry Log (OEL) to show compliance and actions under each point.

(4) Line managers will ensure they meet with the police officer, police staff or volunteer, and will ensure appropriate welfare support.

Victims recover better and more quickly if they receive the right welfare and supervision (this may also extend to their family). It is the line manager's responsibility to ensure the physical and mental well-being of the victim is maintained.

The victim's manager (or, if they are not on duty, the Duty Inspector) is to make timely contact, in person wherever possible, once they are informed of the incident.

The line manager will conduct a two stage personalised debrief process, once at the time of the event and then a follow up within 7 days, ensuring the officer or staff member is familiar with and able to access the range of support available through the Force and those available to all victims. The Police Federation, Superintendent's Association and UNISON can also provide valuable extra support to the victim and with the victims consent should be contacted by the line manager to ensure they are aware of the assault /incident to their member. If the victim agrees, the Force Incident and Assault Management System (FIAMS) and circumstances should be proactively shared with the staff association. The victim may downplay the impact the incident has had on them and supervisors are asked to review the potential effects, both physically and psychologically.

(5) Line managers must ensure that an appropriate senior manager is informed so that continuity of welfare support is maintained.

As per point 1, a relevant CIM or Senior Leadership Team member must be notified. All assaults and hate crimes against police officers, police staff and volunteers on duty will be recorded on the Divisional/Departmental Daily Management Meeting (DMM) document for oversight that this plan is being implemented from both welfare and investigative aspects.

(6) All assaults and hate crimes on police officers, police staff and volunteers will be recorded as a crime or incident as appropriate, and assaults will be reported to Health and Safety.

Reporting this information is extremely important as it helps us understand the type and frequency of assaults and hate crimes against our staff, so that we can try and prevent

them and in order to comply with HOCRs, NCRS and the Force Hate Crime Policy (590). Certain injuries from assaults must also be recorded by law. The Hate and Anti-social behaviour Risk Assessment (HARA) should also be completed.

The Duty Supervisor is to have oversight of Health and Safety report completion, and assign an appropriate person to complete this should the victim be unable to do so. In Sussex, Health and Safety reports will be made the using the FIAMS.

(7) To achieve a successful prosecution, the best evidence must be presented.

The OIC must understand the 'Points to Prove' and meet the basic evidential needs to ensure the best chance of successful prosecution.

- The victim should never be asked to write their own victim statement, except in very limited circumstances, if assessed as appropriate and in line with the three tiered approach. The tiered approach outlines the appropriate resource to obtain the victim statement.
- The Duty Supervisor/DS will with the investigator identify all reasonable lines of enquiry; this plan will be placed on each report. This will include all relevant sources of evidence including communications/digital and forensic evidence and will take into account the timescales for such evidence being provided by third parties/experts.
- The Duty Supervisor/DS will ensure these enquiries are completed in a timely fashion, with specific attention paid to ensuring that summary only offences with a 6 month time limit for prosecuting from the day of offence, are charged or referred for a charging decision to the CPS as soon as possible.
- In hate crime cases, evidence of a demonstration of hostility or a motivation to hostility based on one of the 5 protected strands must be provided with the case file.
- Where a charging decision is sought, the DS will review the file prior to submission to the CPS, ensuring that admissible evidence has been obtained to meet each element of an offence proposed to be charged, in accordance with the plan.
- If a CPS decision is sought, the OIC is to include the Chief Constable's Impact statement to help the decision making process at this stage.
- A Victim Personal Statement is to be obtained before sentencing.

4. Crime Library

4.1 The Crime Library has been developed to ensure investigations teams have access to relevant support, guidance and advice as well as up to date policy and procedures all in one place. This is so that investigators can continue to work with optimum efficiency, providing a professional and quality service to the public and victims of crime.

5. Review and Disposal

5.1 The review and disposal of investigations MUST take cognisance of the Crime Management Strategy.

6. Publicity

6.1 Any enquiries from the press will be routed through the Media Relations Team in Corporate Communications and Public Engagement Department (CCPED) with particular emphasis on maintaining anonymity where requested or required.

6.2 The Senior Investigating Officer (SIO) should consider if a media appeal would be helpful to the case and liaise with media relations.

6.3 In serious cases, STORM Serial Logs will be marked as OFFICIAL SENSITIVE and the duty of care for the victim will be paramount, not only because the victim is a colleague but also because the impact on public confidence in these cases is high.

7. Notification and Wellbeing

7.1 Any assault should be brought to the attention of the relevant Command Team in line with point 5 of the seven-point plan detailed above.

7.2 Health and Wellbeing support can be provided by the force, via the Wellbeing Hub and the Police Federation or Unison as appropriate.

Where an offence is recorded, it should be raised to the duty command officer so that the victim's welfare can be appropriately managed and to ensure that a personal and caring approach is undertaken. Wider organisational support and referrals should also be considered as appropriate (Employee Assistance Programme (EAP), Occupational Health and Wellbeing Service, and wider support networks).

7.3 Initially, the 'On Duty' Inspector must be informed as soon as is possible and should consider all such reports as potential critical incidents.

7.4 Police officers and police staff who need to go to hospital to have their injuries treated and who are in uniform, are not to be left unaccompanied at the Accident and Emergency Department (A&E). This includes circumstances where the injured person is not based on the division in question and local officers may therefore be required to support them.

8. Victim Code and Victim Support

8.1 Victim's Code as detailed at point two of the seven-point plan above. For more information on the Victim Code [click here](#)

This also includes the 'Right to Review' when cases are not prosecuted. It is a mandatory requirement in line with NPCC directives and was launched in Sussex in May 2015. For more information [click here](#)

8.2 This also includes being consulted and updated at all the key stages of the case including charge, subsequent court dates and hearings and the final outcome at court, by the Witness Care Units. There should not be an assumption that police officers or police

staff will automatically know this just because they work within the criminal justice system.

8.3 If the police officer or member of police staff is warned to attend court to give evidence, the Witness Care Officer (WCO) will offer a referral to the Witness Service for a Pre Trial Visit.

8.4 On conviction for a sexual or violence offence, where a custodial sentence of 12 months or over is given, the WCO will offer a referral to the Victim Contact Scheme for updates on sentence and release.

8.5 Additionally, victims cannot be properly supported if witnesses fail to attend court. It is essential that regular contact is maintained with witnesses by the WCO and, where a witness may have moved away without providing a forwarding address, every effort will be made by the OIC, their supervision and the WCO to locate their current whereabouts.

9. Reporting Incidents to Health and Safety

9.1 Any assaults or significant near misses must be recorded on the FIAMS.

9.2 Near misses may equate to an incident where the same thing could happen again if processes are not reviewed and possibly updated as a result or at least brought to the attention of the Health and Safety Service. This data will help the force highlight hotspots, identify trends and support opportunities to gain a better picture of assaults on staff with the aim to minimise both the frequency and severity of offences of violence.

Team: Specialist Crime Command (Investigations)