



VIA TRANSIT POLICE DEPARTMENT

Standard Operating Procedures



Section 706 – Assaults on VIA Employees

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| Forms Referenced in Procedure: | | Related Procedures: | Section 703 – Crime Scene Duties |

.01 INTRODUCTION

The purpose of this procedure is to establish a process for officers to follow when handling Assaults/Aggravated Assaults on peace officers / uniformed security officers, bus operators and other VIA Employees. This procedure assists the officer in gathering evidence necessary for the successful prosecution of the suspect(s).

.02 PROCEDURE FOR ASSAULTS ON PEACE OFFICERS / UNIFORMED SECURITY OFFICERS

- A. Assaults on uniform personnel pose unique challenges, therefore the VIA Transit Police Investigator shall be notified as soon as practical. If available, the investigator may request all witnesses, suspects, and complainant(s) be transported to the Police Department for statements and photos. Should the Transit Police Investigator not be available, copies of all reports are routed to the Criminal Investigation Division.
- B. When an officer has determined an assault on a peace officer or uniformed security officer has occurred and the actor(s) are going to be arrested or filed on for Aggravated Assault on a peace officer or uniformed security officer, the following guidelines are followed:
 1. Officers' injuries are photographed as soon as possible. Should an officer be transported to a hospital for medical treatment and a photograph cannot be taken, the officer is advised to contact the VIA Transit Police Investigator to make arrangements for photographs.
 2. Peace officers, who are complainants, may write their own offense report, unless the officer is incapacitated or otherwise directed by a supervisor. If incapacitated or directed by a supervisor, another officer is assigned the reporting responsibilities and the complaining officer will submit a supplemental report as soon as practical. Uniformed security officers shall be required to submit a written security report as soon as practical.
 3. Other officers who are witnesses, or who were involved in any part of the incident, shall write a supplemental report.
 4. The offense report documents the following information:
 - a) Names of complainants, witnesses, and suspects;
 - b) Details of the incident;
 - c) Injuries sustained to the complainant or suspect;
 - d) Medical treatment received by complainant or suspect; and
 - e) Photographs of the complainant's or suspect's injuries.
 5. In the event the officer receives medical treatment, the officer shall make available to the VIA Transit Police Investigator or his designee, all medical paperwork pertaining to the injuries sustained.
 6. A supervisory officer shall be notified for all assaults on a peace officer or uniformed security officer. The supervisor officer shall make the scene of all assaults on officers when an arrest is made.
- C. If the peace officer or uniformed security officer is injured, the supervisor writes the proper injured employee reports and forwards the reports to all appropriate VIA personnel.



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- D. Any evidence physical evidence collected during the investigation will be handled according to Procedure Section 703.

.03 PROCEDURE FOR ASSAULTS ON BUS OPERATORS AND OTHER OPERATIONS FIELD PERSONNEL

- A. Under the direction of the VIA Metropolitan Transit Authority Safety, Training and System Security Division, assaultive offenses committed against VIA transit operators are divided into two (2) categories outlined below. The appropriate overall response from the VIA Transit Police Department is not determined by the category of the assault. Other departments within the VIA Metropolitan Transit Authority may adjust their response or protocols dependent on the category of assault.
- B. The overall determination of the assault category of an operator is first made by the police dispatcher on duty at the time the assault call is received. Confirmation or reclassification of the assault category will be made by the first officer arriving on the scene of the assault, after assessing the situation and obtaining facts of the incident. Assault Categories are:
1. **Operator Assault 1** Operator Assault 1 is an assault on a transit operator that would normally fall under the classification of a “class C” misdemeanor, except that the assault was committed against a “public servant”. Assaults occurring under this classification include:
 - a. Threatening an operator with imminent bodily injury; or
 - b. Causing physical contact with an operator when the person knows or should reasonably believe that the operator will regard the contact as offensive or provocative.
 - c. This classification also includes the offense of “Harassment of a public servant” which is a 3rd degree felony. Defined - Causing an operator to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the operator is lawfully discharging an official duty or in retaliation or on account of an exercise of the operators official power or performance of an official duty.
 2. **Operator Assault 2** Operator Assault 2 is an assault on a transit operator that would normally fall under the classification of a “class A” misdemeanor or higher, except that the assault was committed against a “public servant”. Assaults occurring under this classification include:
 - a. Causing bodily injury to an operator; or
 - b. Causing serious bodily injury to an operator; or
 - c. Sexual assault of an operator (of any grade offense); or
 - d. uses or exhibits a deadly weapon during the commission of the assault; or
 - e. kidnapping of an operator
- C. The Operator Assault Protocol establishes better coordination of the response and investigation of Operator Assault offenses between the VIA Metropolitan Transit Police and other departments within the VIA Metropolitan Transit Authority and to ensure that all departments involved work together to expedite the availability of resources pertinent to the investigation and ultimate apprehension of the suspect(s).
- D. The on-duty police dispatcher, upon obtaining information on the event from the bus dispatcher, makes a preliminary determination of the level of the offense that has occurred and dispatches officer(s) to the scene based upon the information available to you at the time. The Dispatcher continually relays any new information to the responding officer(s) until they arrive on scene and take charge of the event. The on-scene officer(s) will confirm or reclassify the initial determination. Should the on-scene officer(s) determine that the event is an Operator Assault 1, normal procedures should be followed as with any other assault call. Should the on-scene officer(s) determine that the event is an Operator Assault 2, the dispatcher will immediately initiate the Operator Assault 2 protocol and notify the appropriate personnel to include:
1. The on-duty patrol supervisor;



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2. The on-duty (or on call) detective;
 3. Police Command Staff;
 4. Bus Operations;
 5. STSS Supervisor and/or VIA Video records specialist.
- E. Patrol Officer(s) Response: Response to offenses listed under either category require an immediate response by patrol officers assigned by dispatch. Dispatchers will determine whether the specific call should be classified an “emergency” or “Code 3” response based upon the information available to them at the time.
- F. Responding officers shall treat the matter with the utmost importance and respond directly to the scene. Upon arrival, the patrol officer(s) should:
1. Assess the scene and take necessary action to immediately render the scene as safe, such as detaining any actor(s), separating disputing parties, etc.
 2. Administer to any immediate medical needs of the operator or any other party, by providing basic first aid and/or notifying dispatch to start emergency medical personnel to the scene.
 3. After obtaining the basic facts of the event, the officer(s) shall make a determination whether the assault should be classified as an “Operator Assault 1” or an “Operator Assault 2”, and immediately notify dispatch of that determination so that the proper protocol may be followed. Officer shall also notify Dispatch whether the actor(s) are on-scene (detained or not) or if the actor(s) have fled the scene.
 4. The Officer(s) shall conduct a thorough preliminary investigation, to include but not limited to:
 - a. Identifying the victim, suspect(s) and witness(es),
 - b. Document the scene by taking any photographs of the crime scene and victim’s injuries, taking written statements, etc.
 5. The officer shall request the VIA Transit Police Investigator and on-duty supervisor to the scene and assist as directed.
- G. The primary responding officer shall make a report on every Operator Assault call regardless of what offense occurred or if the Operator wishes to file charges.

.04 PROCEDURE FOR ASSAULTS ON ALL OTHER VIA EMPLOYEES

- A. An assault on any VIA employee is treated with equal importance by the VIA Transit Police Department.
- B. Assaults on VIA employees who are not listed in sections .02 and .03 of this procedure are not currently recognized by the Bexar District Attorney’s Office as “public servants”, therefore no assault category is assigned and the case is handled by standard protocols.
- C. The Chief of Transit Police, with input from the VIA Transit Police Investigator, may authorize additional resources for a follow-up investigation as he deems necessary.