

Does the judicial system give justice to assaulted EMS first responders?

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Violence toward first responders is widespread and can face a felony charge in Pennsylvania, yet new research shows that victims often feel they do not receive legal justice. Now a study of victim cases and interviews with district attorneys in Philadelphia offers three solutions to help educate first responders and legal professionals to participate constructively in the legal system intended to prevent incidents from occurring and deliver justice. The findings, from researchers at the Dornsife School of Public Health at Drexel University, are published today in the *American Journal of Industrial Medicine*.

The Drexel team conducted in-person, in-depth interviews of five Philadelphia district attorneys on specific cases of [first responders](#) attacked on the job. The team sought to learn about job demands and pressure experienced by the DAs, how they prosecute these types of cases and their experiences with perpetrators of the assaults.

"This study uncovers a tension between society's desire to turn perpetrators of crimes into productive citizens and providing justice to victims," said senior author Jennifer Taylor, Ph.D., MPH, CPPS, an associate professor of Environmental and Occupational Health at Drexel's Dornsife School of Public Health. "This study listened to those who have prosecuted these cases to come up with practical, scalable solutions that respect all stakeholders and improve how the system serves injured first responders."

In interviews, DAs shared factors that can prevent an assault from

ending in a felony charge, such as prosecutorial merit. For example, DAs reported that cases can "fall out" at the preliminary hearing due to lack of evidence or because a municipal court judge says the case is not "serious enough to go to the Court of Common Pleas for a felony trial," as one DA noted. Respondents also said it may be difficult to prove intent—that the offender had a mens rea, or guilty mind.

Compounding the problem, victims may have very limited involvement with the court process, because of physical or [emotional pain](#), not being able to afford taking leave from work, among other reasons.

DAs also discussed what factors they perceive could influence a judge's sentencing decision, including concern for the future well-being of the defendant, the view that violence is an acceptable "part of the job" of a first responder and the belief that the justice system is more focused on rehabilitating the offender than the victim.

Using this feedback, the researchers came up with three solutions:

- Educate DAs, judges, and defense attorneys that violence against first responders is not an expected "part of the job" by informing them about how the violence impacts an EMS worker.
- Train EMS responders whom have experienced violence on how to prepare for a court appearance, in collaboration with the DA's office, leadership from the fire department and labor union.
- Enact non-punitive leave policies to encourage injured EMS responders to attend court appearances.

"EMS providers are often among the first on the scene to respond to fires, crimes, and a range of other disasters, and can face spitting, biting, [verbal abuse](#) and sometimes even stabbings or shootings," said Taylor, who is also director and principal investigator of the Center for Firefighter Injury Research and Safety Trends (FIRST), established at

Drexel to collect and analyze data for the United States Fire and Rescue Service. "This paper unveils simple steps to address the frustration and dissatisfaction of assaulted first responders."

Previous studies report that the majority—some suggesting up to 90 percent—of EMS first responders have been verbally or physically attacked at least once during their career. In addition to the effects of the attacks, such incidents result in lost productivity and stress that can impair the EMS worker's ability to perform their job. A 2016 study by the Drexel team illuminated concerns shared by victims about the legal system.

More information: Jasmine Y. Wright et al, "Felony assault should stick:" Assaulted EMS responders' frustration and dissatisfaction with the legal system, *American Journal of Industrial Medicine* (2019). [DOI: 10.1002/ajim.23036](https://doi.org/10.1002/ajim.23036)

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