

BATON ROUGE POLICE DEPARTMENT

General Order
No.206

Effective Date
03-01-1996

Revised Date
05-20-2017

Subject: Injury or Property Damage Sustained on Duty Reviewed 5/20/17

POLICY

It is the policy of this department to ensure that medical attention is provided for all persons injured in an arrest situation or as the result of an officer's actions; this includes, but not limited to the officer(s) involved, suspect(s) or innocent bystanders. Furthermore, any report of such injury will be properly documented. The primary duty of an officer is to preserve life. In certain cases it will be necessary for officers to render first aid. It shall be the policy of this department to do so in keeping with the scope of the individual officer's training. If property is damaged during an arrest or as the result of an officer's action, this also will be documented as it is the policy of the department to live up to all obligations as determined by applicable civil law and current contracts.

PROCEDURES

I. Injuries to Suspects

- A. When an injury occurs as a result of an arrest situation, it is the arresting officer's responsibility to attend to the injured party and properly document the incident. Officers shall notify their supervisor or an available supervisor as soon as possible following any injury to a suspect. The responding supervisor shall notify Internal Affairs as soon as possible after the incident.
- B. Any injured arrestee shall be brought to the Our Lady of the Lake Hospital or LSU BR Urgent Care (see attached LSU BR Urgent Care procedures) prior to being booked. The extent of the injuries shall determine whether the arrestee will be transported by ambulance or by police unit.
 1. If transportation is by ambulance, only EMS will be utilized. Although it is not mandatory that an officer ride in the ambulance, an officer will accompany the arrestee in all cases even if in separate vehicles (refer to General Order 208 "Transporting Prisoners", Section VI).
 2. If transportation is by police unit, the policy on transporting injured prisoners shall apply.
- C. If the arrestee is to be treated and released, the arresting officer will then obtain the hospital release form(s) and proceed to Parish Prison to book the prisoner. The original medical release will be given to Prison Medical Services and copies of the release form(s) will be attached to the Offense and/or Use of Force report (refer to General Order 135 "non-Lethal Force, Section II).
- D. If the arrestee is to be transported to another facility or admitted, the officer will contact his supervisor. The supervisor will then follow departmental procedure in accordance with General Order 208 "Transporting Prisoners", Section VI.F, relative to Security for Hospitalized Prisoners.

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II. Employees Injured on Duty

- A. An employee receiving a life threatening occupational injury will be transported to the closest medical facility for treatment.
- B. An employee receiving a non-life threatening occupational injury (minor where no ambulance is required for transport and time is not of the essence) will be transported to the departmentally approved non-emergency medical center.
- C. The employee's supervisor will complete an "Employer's Report Illness/Injury (Injury Report).The employee and his supervisor will complete the "City-Parish Employee/Supervisor Accident/Injury Report" (4 page report). The original reports will be forwarded to the Health and Safety office on the next regular business day. If the employee is no longer able to perform his or her duties, the incident will be documented by the employee's commanding officer. The original reports will be forwarded to the Health and Safety office on the next regular business day.
- D. Any employee so severely injured that he or she cannot submit the written report, described above, will submit such report as soon as he or she has recovered. In the event that an injured employee is unable to submit a written report within seven days of the incident, a supervisor will be assigned by the district/unit commander to obtain an oral report from the injured employee. The original injury report will be forwarded to the Health and Safety office on the next business day with no exceptions.
- E. An employee receiving an occupational injury while working extra-duty will immediately notify an on-duty supervisor in the district where the injury occurred. This supervisor will assume the responsibility of completing an "Employer's Report of Injury/Illness Report" (Injury Report).The employee and the supervisor will complete the "City-Parish Employee/Supervisor Accident/Injury Report. The original reports will be forwarded to the Health and Safety office on the next regular business day. If the employee is no longer able to perform his regular duties, the injured officer's commanding officer will document the incident. All original documentation will be forwarded to the Health and Safety office on the next regular business day.

VII. Recurrences of Injuries

- A. Employees must report any recurrence of disability related to injuries suffered in the line of duty to their supervisor.
 - 1. The supervisor will immediately notify the Health and Safety Office or officer on-call.
 - 2. The employee will be carried on the weekly roster as ordinary sick leave, pending a medical examination and report.

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3. The employee will be directed to the office of the City-Parish designated doctor for examination.
4. The employee will be instructed to bring all medical reports concerning his disability to the examining doctor.
5. If the medical report of the City-Parish doctor indicates that the employee has sustained a recurrence of his original injury the weekly roster will be so amended.
6. The burden of proof to establish a claim that the current disability related to a prior injury sustained while on duty rests with the employee making a claim.

III. Injuries to Third Parties

If a third party is injured resulting from an incident involving an officer of this department, the injured person's family will be notified if requested or if the injured party is unable to do so.

- A. He/she will be transported to the hospital of his choice by means of his choice or consistent with established medical procedure Refer to General Order 262 "Ambulance Service").
- B. At no time is the injured person or his family to be led to believe the department is in any way responsible for any medical bills.
- C. The officer will notify his supervisor or district supervisor as soon as practical. This supervisor will notify Internal Affairs of the circumstances surrounding the injuries as soon as he/she can.

VIII. Return to Duty

- A. Employees who have been certified by the City-Parish designated doctor as fit to return to duty will do so on the date specified.
- B. In the event that an employee fails to return to duty when specified by the City-Parish doctor, his status will be changed to "absent without leave" as of the date he failed to return to duty.

IV. Property Damage

- A. If property belonging to a third party is damaged during the course of an investigation or as the result of an officer's action, it is the investigating officer's responsibility to properly document the circumstances.
 1. If the owner is present a supervisor shall be called to the scene. The responding supervisor shall make the owner aware of the procedure for securing a copy of the report, including the file number.
 2. If the owner is absent the file number will be left at the scene.
 3. Photographs of the damaged property shall be taken.

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- B. Except as provided in paragraph H. of this section, if the damaged property belongs to an officer, this shall be noted in the offense report. A letter on standard interdepartmental correspondence shall be addressed to his commanding officer with copies to the chain of command detailing the specific action(s) that led to the property damage.
 - 1. A request for reimbursement, if applicable, shall be a part of the interdepartmental correspondence.
 - 2. If the court orders restitution and the officer has already received reimbursement from the department, he shall notify the prosecutor and have the restitution made to the department.
- C. Except as provided in paragraph H. of this section, if the damaged property belongs to an arrestee, this shall be noted in the offense report and photographs shall be taken of the damaged property.
- D. Although the arrestee may be found guilty of the offense as charged, if the facts surrounding the property damage are not properly documented, the department or the officer himself may be liable for the damage.
- E. Except as provided in paragraph H. of this section, if the property damaged belongs to the department, the facts surrounding the damage shall be noted in the offense report. The officer who was issued the property shall also document the facts in interdepartmental correspondence, addressed to his commanding officer with copies to the chain of command and the supply officer.
- F. Subject to the provisions of articles relative to mishandling of departmental property, the officer shall then be issued a replacement or the property will be repaired.
- G. This section tracks the drug and alcohol ordinance as adopted by the Municipal Fire & Civil Service Board.
- H. Regardless of the ownership of the property, any occurrence in which an officer's neglect, act or failure to act causes or contributes to property damage which renders the property inoperable or damages 33% or more the property constitutes a "serious incident". A "serious incident" requires that the officer submit to a drug test. Therefore, whenever property is damaged in the line of duty the officer's supervisor shall be immediately notified. If the supervisor believes that the property damage rises to the level of a "serious incident", or if the supervisor is unsure as to whether the property damage constitutes a "serious incident", the supervisor shall call the Health & Safety Officer, who shall decide if the damage is a "serious incident".