



**RLS**

**RAINS LUCIA STERN  
ST. PHALLE & SILVER, PC**

**THE ULTIMATE BACKUP**

# On-Duty Injury Checklist



**CONTACT AN RLS REPRESENTATIVE (866) 964-4513**

In addition to complying with your departmental policies regarding on-duty accidents, the following steps and guidelines should be considered following an accident:



## SAFETY FIRST

### **Emergency Brake**

Be sure to engage the brake so your vehicle doesn't move. You don't want it to roll into a dangerous area, cause injury to another or damage personal property.

### **Emergency Hazard Lights**

Turn them on to warn others of the accident scene. Many injuries occur in secondary accidents because oncoming traffic is not alerted to the first accident. Place cones, warning triangles or flares when available.

### **Exit Vehicle**

Following an accident, your vehicle may be damaged and in a potentially dangerous situation. It is often safest to exit the vehicle and move behind a physical barrier so you are not in danger of being hit by other vehicles or traffic.

### **Check for Injuries**

Check yourself, passengers and others for possible injuries. Provide reasonable assistance to the injured until medics arrive.

### **Notify Dispatch/Call for Medical Assistance if Needed**

Once in a safe place, notify dispatch and report the accident. Call for medical to provide treatment on scene and transportation to hospital, if needed.



## **Collect and Preserve Evidence at the Scene**

It is likely that you will not be the primary investigating officer, but there are still steps you can take immediately after the accident to help collect and preserve evidence from the accident scene. Much of this will be routine for you since you are tasked with investigating accidents. This will not only be important for your potential civil case, but it will also aid the investigating officer from your agency, or other agency that may be called in to investigate, such as the California Highway Patrol.

## **Activate Your Body Worn Camera (BWC)**

(Applies to law enforcement agencies with BWC) If your BWC wasn't automatically activated, make sure that you turn it on as soon as practically possible. The BWC will capture the damage to vehicles, location of vehicles, debris, skid marks, people present and statements of the parties involved.

## **Identify Vehicles**

Write down the make, year, model, license plate number, vehicle identification number and color of all vehicles involved. Describe any damage.

## **Obtain Insurance Information**

It is critical to obtain the driver's license and insurance card number for the other driver. This confirms the driver's identity, the vehicle owner and appropriate insurance company. Get names, addresses, driver's license numbers, vehicle identification numbers, names and addresses of the vehicle owners (if different from driver) and names, addresses and policy numbers for the insurers.

## **Identify Witnesses**

Keep track of potential witnesses. Write down names, addresses, telephone numbers, which vehicle they were in, and brief statements. If someone drives off, try to capture the license plate number and provide a description of the individual and what he/she would have seen.

## **Take Photographs**

If possible, take photos of the entire scene and each vehicle involved before the vehicles or other evidence are moved. Get shots of each vehicle individually and any skid marks or other indications of the paths before and after the incident.



## Create a Diagram

Map out the accident scene, outlining the street, cross streets, driveways, crosswalks, stop signs, traffic lights and street lights. Identify where each vehicle came to rest and any other potential evidence, like skid marks, scratches, damage to the road or physical objects.

## Speak to the Investigating Law Enforcement Officer

Be polite and cooperative. You may provide a statement, but stick to the facts (what you saw, heard or felt). Do not speculate about what happened, what other people must have done or thought or who was at fault. Obtain the contact information of the officer and report number. Provide the officer with any of the above evidence that you were able to collect.

## Seek Medical Consultation

Go immediately to the emergency room or your personal physician if you think you may be injured. Do not refuse assistance or transportation if emergency personnel suggest you be taken to a hospital. Failure to get medical attention may be used against you if, ultimately, you are forced to seek compensation for your injuries.

## What You Need to know About Your Injuries

Most people think they are going to be okay, so they have delayed going to their doctor or getting an MRI. The reality is things can seem minor but progressively get worse.

***You should always get medical care right away. Better to be safe than sorry.***

Consider taking photos of your injuries, including scrapes, bruises and lacerations. It may also prove helpful to keep a journal to track pain and other symptoms of injury. Jot down the pain location, a description of the sensation, and activities that increase your pain.





# REPORT THE INJURY TO YOUR EMPLOYER

It is **crucial** that you **immediately report your industrial injury to your supervisor**, regardless of how minor you may think the injury. Request a **“Workers’ Compensation Claim Form (DWC 1)”** from your supervisor. Your employer is required to provide you with the form.

To properly file the claim, **fully and accurately fill out the “Employee” section** of the DWC 1 form and immediately return it to your supervisor. It is important that you fully describe your injury and identify all body parts that you are experiencing pain.

**Keep a copy** of the completed DWC 1 form and ask your employer to return the form to you with the employer section completed. Within one working day after you file the claim form, your employer must complete the “Employer” section, give you a dated copy, keep one copy, and send one to the claims administrator.

The claims administrator, who is responsible for handling your claim, **must notify you within 14 days** whether your claim is accepted, denied or delayed (if additional discovery/investigation is needed).

You are entitled to Workers’ Compensation benefits including medical care and potentially salary continuation if the claim is accepted. If the claim is delayed, you are entitled to medical care (up to \$10,000 in costs). Your employer can control your medical care provider for the first 30 days of treatment, after which you can designate a new treating physician. Since there is such a broad range of available physicians within the Workers’ Compensation system, it is imperative that you contact a **Workers’ Compensation attorney** at this point for guidance (not necessarily to retain them) on which doctor may be the best for you and your injury.





## FOLLOW UP

### **Contact an Attorney**

It is important to contact an attorney as soon as possible regardless of who was at fault. An attorney can advise on which topics are appropriate to discuss and with whom. Further, it may be preferable to have an attorney speak or make statements on your behalf. You should never make a written or recorded statement without first being advised by an attorney.

### **Contact your Insurance Company**

Make this contact as soon as you are able. You will need to provide your insurance policy information and only the most basic details about the incident: date, time, location, vehicles and people involved and a brief description of what occurred. When possible, speak with a lawyer first.

### **Contact by the Other Driver's Insurance Company**

It is common for insurance company representatives to insist on receiving a written or recorded statement. You are not required to give a statement. You should speak with an attorney before having contact with the other driver's insurance company if at all possible.

## What You Need to Know About Insurance Companies

Do not trust any insurance adjuster or companies; they are not your friend. It is common for insurance company representatives to insist that you provide a written or recorded statement; however, there is no obligation. This step should be taken only after consultation with an attorney who specializes in motor vehicle cases.

***Remember: the insurance company representatives do not represent you, they represent the interests of the insurance company***

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CALIFORNIA TO SERVE YOU**

**RLSlawyers.com**

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NOTICE: Making a false or fraudulent workers' compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.