

BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 17, 2016

GENERAL ORDER A-17

SUBJECT: MEDICAL TREATMENT FOR POLICE CUSTODY CASES

PURPOSE

- 1 - The purpose of this Order is to describe and clarify Departmental policy and procedures in providing authorized medical treatment in police custody cases.

POLICY

- 2 - Prisoners that are in need of emergency medical treatment shall be given prompt care at an appropriate medical facility **as further outlined below**.
 - (a) Those prisoners in extremis (those with potentially life threatening illness or injury) will be transported to the closest "Receiving Hospital" based on the medical needs of the prisoner.

PROCEDURES

- 3 - Persons subject to Police authorized medical treatment include pre and post booking prisoners.
- 4 - Any prisoner in custody is our responsibility, and we have an affirmative duty to **ensure** that **he or she receives** prompt medical care as soon as employees become aware that it is needed. To do otherwise is to **potentially** expose the prisoner to medical risk and **the City to** liability.
- 5 - Prisoners who require medical treatment or fitness for confinement evaluations, but who are not in need of emergency transportation by ambulance, should be taken to either Alta Bates or Highland Hospital. This includes prisoners who will be booked at Santa Rita Jail.
 - (a) Other medical facilities such as Eden Hospital in Castro Valley or Valley Care Hospital in Pleasanton should only be used when there is an unexpected need for medical care or evaluation that is discovered during prisoner transportation to Santa Rita Jail or after arrival at Santa Rita Jail.
- 6 - Prisoners in our custody and transported via ambulance either Code 2 or Code 3 may be taken to any hospital, including Alta Bates or Highland, in all cases when medical intervention is required.
 - (a) The medical needs of the patient come first and paramedics will have the final decision as to the facility used. For prisoners already booked into our jail, Highland, Alta Bates or any other "Receiving Hospital" may be utilized to provide services.
- 7 - Officers should inquire as to whether the prisoner has medical insurance (including Kaiser, Medi-Cal, etc.) and provide this information to medical staff.

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- (a) The medical insurance plan may be noted by medical staff on the admissions form.
 - (b) Each hospital may attempt to recover cost of treatment from the prisoner or **his or her** insurance provider as required as per PC 4015 (d).
- 8 - Prisoners should only receive emergency medical treatment which renders them fit for incarceration.
- 9 - Officers shall notify the admitting clerk that the patient or their insurance provider (not the City) is responsible for treatment costs. Under no circumstances shall an officer accept financial responsibility for treatment on the City's part by signing admitting paperwork or stating that the City will pay the medical bill.

PROCEDURE FOR SUPERVISORS

- 10 - Supervisors should consider the following before initiating prisoner emergency medical treatment **in order to evaluate the options:**
- (a) The extent of the injury and needed medical care,
 - (b) The staff time required for transporting and guarding a prisoner during treatment,
 - (c) Releasing the prisoner on a citation or O.R. to avoid overtime costs during custody at the medical facility,
 - (d) The prisoner's willingness to feign injury/illness in order to obtain a release from custody, **based on the facts and circumstances,**
 - (e) The cost for emergency care is not a factor, since the City is not liable for medical treatment costs (PC 4015 (d)).

References: General Orders A-53, A-60, I-16, J-1