



When Cops Get Hurt

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Your Rights Against the Bad Guys

Your rights to recover from someone who hurts you do not end when you put on your uniform. And unlike some people will say, when you became a police officer you were not “assuming the responsibility” of being hurt at work.

Vehicle Crashes

Sadly, between automobiles and motorcycles, vehicle-related crashes have proven to be the leading cause of death in law enforcement consistently over the last decade.

Whether at home or at work, when someone else causes a car crash that injures you, you have the right to recover money from them—to include your medical expenses, lost time at work, pain and suffering, and so on.

Drunk drivers are a huge danger to LEOs on the road. If you are hit by someone driving drunk, you can recover punitive damages against that person. That means that in addition to the usual recovery, you can be awarded extra money that is enough to punish the defendant and make an example of their bad behavior.

Protect Yourself With Uninsured Motorist Insurance

Here in Texas, we all need to be carrying Underinsured/Uninsured Motorist Coverage (“UIM”) on our insurance policies.

Personal Injury Protection (“PIP”) is another helpful tool so that if you get hurt in a vehicle-related incident, your own insurance will help you cover the costs of medical expenses.

Fortunately, UIM and PIP on your POV will usually extend to protect you in a patrol car.

For example, my office represented an Austin Police Officer (who has graciously allowed me to discuss the facts of his case) that was undercover and on-foot in a late night drug bust on a cocaine dealer in early 2014. When the unit “lit him up,” the defendant tried to flee the scene, slammed the accelerator in reverse, and backed into the officer. It threw him 10 feet in the air and landed him on a concrete curb—breaking his thumb, cutting his leg, and causing pain and bruising across his whole body.

To that officer’s surprise, the insurance he carried on his POV helped cover him for this injury. First, we collected the whole \$30,000 insurance policy on the suspect’s car

(that was owned by the suspect’s mother) and then collected an additional \$10,000 from the officer’s own Personal Injury Protection. As a result, after medical expenses, attorney’s fees and costs, that officer received over \$25,000 cash in his pocket.

UIM and PIP coverage will help you so long as you are in an automobile or your body makes actual contact with a vehicle involved in the incident. This includes covering you on a bike or as a pedestrian.

Non-Vehicle Injuries

Not all injuries to LEOs happen in a patrol car. Because non-vehicle injuries are less uniform than ordinary automobile crashes, consult with an attorney to thoroughly discuss the facts and what options might be available to you. Keep in mind that statutes of limitations apply to your injuries, so always look for help sooner rather than later.

Pay the Taxpayers Back

When you are hurt on the job, your work comp coverage will usually pay the medical bills to treat your injuries. Depending on your specific employer, the money covering your medical expenses is sometimes funded directly by the taxpayers of that taxing entity. This is true even if a person committing serious crimes hurts you—the taxpayers still foot the bill. This is not fair to you or to the taxpayers.

But when you pursue the criminal who hurt you and you recover money from them, the taxpayers get paid back.

It is written in law that when you recover money from a person who hurts you, you have to pay back your health insurance, the city, or the work comp policy out of your settlement money. In legal terms, we call this “subrogation.” What this effectively does is repays the taxpayers the dollars they spent on your medical expenses and wage continuation.

Once you complete your claim against the bad guys, you should be compensated for your injuries, your pain, and your time off work, and the taxpayers are paid back for the dollars they spent cleaning up a mess that a suspect has made. It is a win-win solution to one of the biggest hazards of the job.

James Wood’s Austin-based law practice is exclusively focused on personal injuries across Texas. Mr. Wood’s experience representing law enforcement officers ranges from officers being hurt in minor wrecks in their personal vehicles to police injured during fatal officer-involved shootings.