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### CHP urges pension probe

Disability retirements may involve abuse or fraud, a report concludes.

**By John Hill and Dorothy Korber -- Bee Staff Writers**  
**Published 2:15 am PST Wednesday, December 1, 2004**

Fifteen medical pensions granted to California Highway Patrol officers in the past four years warrant investigation for abuse or fraud, and some could result in criminal charges, according to a CHP report released Tuesday.

Spurred by a September investigation in The Bee, the report calls for an ambitious overhaul of the department's own procedures for handling workers' comp cases and medical pensions, as well as changes beyond the power of the CHP.

"The system and programs were designed and implemented for a worthy purpose," the



report states, "yet, over time, they have become mired in cost overruns and suspicion of misuse and outright fraud."

CHP Commissioner Mike Brown ordered the review of all medical pensions awarded since 2000, as well as department procedures, shortly after he was appointed in September. The lucrative pensions, reserved for public safety employees, shield half of retirement income from taxes.

Brown said Tuesday that the department already is acting on many of the recommendations.

"We are going to do everything we can to make sure that our house is in order," he said. "We are taking this very seriously."

The report calls for assigning injured officers to less strenuous assignments, hiring legal counsel to analyze workers' comp cases, and establishing a hotline or Web site to report fraud.

It also proposes fixes that would have to be approved by the Legislature or others. These include scrapping the tax benefits of some medical pensions, limiting pensions when retired officers go on to other law enforcement jobs, and revising laws that automatically presume certain injuries - including cancer and heart trouble - were caused by the job.

The investigation published by The Bee described a phenomenon known within the CHP as "Chief's Disease." High-ranking officers, nearing the end of their careers, routinely pursued disability claims that awarded them workers' comp settlements. That, in turn, led in many cases to disability retirements.

As they collected their disability pensions, some of these former CHP chiefs embarked on rigorous second careers - one as assistant sheriff of Yolo County, for example, another as the security director for San Francisco International Airport.

The Bee's articles led state Sen. Jackie Speier, D-Hillsborough, to call for a legislative hearing on the abuse of disability retirements in the CHP and other public safety agencies. That hearing is set for Jan. 24.

After reviewing the CHP report, Speier said that while Brown's recommendations are sound, more needs to be done.

"They probably don't go as far as they need to go - we will explore that in the hearing," said Speier, chair of the Senate's government oversight committee.

Speier said she was disheartened by the report's findings.

"More than 200 CHP officers have died in the line of duty - more than any other law enforcement agency in the state - and it sickens me that this ultimate human sacrifice is cheapened by a dynamic that defrauding the system is somehow acceptable," she said. "The whole value system within the institution needs to be polished."

Speier emphasized that any cases of fraud should be turned over to criminal prosecutors and publicized.

"That sends a huge message - and an appropriate message - to everyone in the

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Highway Patrol that such abuse will not be tolerated," she said.

Jon Hamm, executive director of the CHP's union, the California Association of Highway Patrolmen, said he could not comment on the report because he had not yet read it.

But he said the union should be consulted about changes.

Brown, who was named CHP commissioner a week after The Bee's investigation was published, ordered the 45-day study of the problem by the Workers' Compensation Fraud Audit Task Force, composed of CHP investigators, in September. Brown also revived a separate special unit that in the early 1990s targeted workers' comp fraud within the department.

The report confirmed many of The Bee's findings. For instance, it documented that the earlier workers' comp fraud team had a dramatic effect, resulting in lower-than-expected injury costs.

But, for a variety of reasons, the unit fell apart, and workers' comp costs soared.

The report said that the newly revived unit will be triple the size of its predecessor, and will include an assistant chief, a lieutenant, eight sergeants and an officer.

The report validated the "chief" aspect of Chief's Disease, finding that medical pensions occur most frequently in the highest ranks.

More than 80 percent of assistant chiefs, for instance, received disability retirements in the past four years - compared to 60 percent for the department as a whole.

This is explained in part, the report notes, by the fact that higher-ranking officers tend to be older and have served longer than their lower-ranking counterparts.

Brown would not comment on whether the cases detailed in The Bee's investigation are among the 15 that warrant further investigation. The report says that the 15 "have indicators of potential abuse." If further CHP investigation appears to substantiate that abuse, the cases will be referred to local prosecutors.

Another 20 cases raised enough suspicion that they are being forwarded to the California Public Employees' Retirement System for further review. Cal-PERS, which administers retirement benefits for state and local workers, decides whether to grant medical pensions.

The report found that an attitude tolerant of abuse prevailed at the CHP. In this atmosphere, some retirees worried about pursuing injury claims "ultimately decide that, since many others have taken advantage of the system, they should too."

It identified failures of CHP supervisors to follow department policy on injury claims, including flagging questionable claims.

The department's records of injury claims also fall short, the report said, and officials in the CHP and other agencies that deal with claims failed to

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communicate with each other as the claims moved through the system.

The report describes earlier reform attempts and says that the department's past recommendations did not lead to legislation.

This time around, the state Business, Transportation and Housing Agency will review the report and forward recommendations for action to Gov. Arnold Schwarzenegger, said agency spokesman Patrick Dorinson.

The report emphasizes that working at the CHP is a dangerous business, and that officers injured in the line of duty need to be treated fairly.

But it added, "any practice that casts doubt" on the CHP's integrity "must be identified and eliminated."

### **Curing CHP 'Chief's Disease'**

Highlights from a new report on disability retirements in the California Highway Patrol:

- \* "Chief's disease" - the tendency of CHP top brass to take disability retirements at career's end - is real. Assistant chiefs, for example, take disability retirements at a rate 33% higher than rank-and-file officers.
- \* An analysis of all CHP disability retirements since 2000 found 15 cases that may warrant criminal prosecution.
- \* Another 20 questionable cases have been referred to the state retirement system for investigation. \* The percentage of CHP officers taking disability retirements increased from 47 percent in 1996 to a high of 82 percent in 2002.
- \* The number of disability retirements spiked in the late 1990s when the patrol's fraud investigation team was disbanded.
- \* CHP workers' compensation costs last year totaled \$67 million, nearly one-tenth of the patrol's total payroll and up 86 percent since 1995-96.

Source: California Highway Patrol report, "Workers' Compensation and Disability Retirement within the CHP"

To read the "Chief's Disease" investigation and The Bee's other coverage of public pensions and perks, go to: ["Premium pensions."](#)

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