

## Training Risks

### OBJECTIVES

The objectives of this large loss claim review are to:

- Examine a recent Workers' Compensation claim related to law enforcement training;
- Understand the physical straining associated with certain law enforcement trainings;
- Develop specific risk management best practices to either prevent or mitigate future losses for Connecticut law enforcement agencies based on lessons learned.

### BACKGROUND AND INVESTIGATION

- The injured employee was a 36-year old female police officer hired in 2004.
- The officer was assigned and required to attend annual recertification training on the use of her TASER, ASP, and OC Spray.
- On the date of loss, the officer reported for training at 8am and was instructed that the training session would be for handcuffing and arrest and control techniques.
- The training was broken into two (2) segments;
  1. First was a PowerPoint and video review segment lead by an instructor,
  2. The second would consist of hands-on scenarios between partnered officers.
- The injured officer and class completed the first segment of the training and broke for lunch. The class was instructed to return to the training location in one (1) hour for the second segment of the recertification training, which would include takedowns and handcuffing techniques.
- The officer returned to the training facility as required and was partnered with another officer of similar size.
- The second segment of this training focused on using techniques from the "L.O.C.K.U.P." system. Each technique was demonstrated by the class instructor who was a certified instructor in "L.O.C.K.U.P." training.
  - ▶ L.O.C.K.U.P. (Law Officers Combat Kinetics Unarmed Protection) program teaches arrest and control maneuvers for all levels of physical resistance and aggression, with a primary focus on techniques for UNARMED police engagements.
  - ▶ L.O.C.K.U.P. is currently the only standard police arrest and control (Defensive Tactics) system accepted in the state of Connecticut.
  - ▶ L.O.C.K.U.P. empty hand maneuvers can be deployed by trained personnel during violent physical altercations.
  - ▶ It adapts specific arrest and control maneuvers to fit an officer's physical and physiological change during these altercations to control a suspect's movements.
- The instructor ran the physical aspect of the training from 1-2 pm. During this time period, each officer was required to practice takedowns and lockup positions multiple times on their partner. This included:
  - ▶ Having to take each other down to the ground while holding an arm behind their back into the lockup position and kneeling on the same shoulder.
  - ▶ This occurred multiple times, some requiring the injured officer to "tap out."
- In her initial statement, the injured officer mentioned that she did not feel any pulling or popping during the training session. She stated that she only felt sore while in the class.
- The instructor provided a short break to the participants and upon reconvening the training the class moved onto handcuffing techniques.
- The training concluded at 3 pm.
- The injured officer stated that she had soreness in both shoulders, with the left shoulder being sorer than the right one. Soreness is commonly expected after this training. The officer did not report anything to the instructor, training Sgt. or department supervisors.
- After several days, the injured officer was unable to bend her left arm and began complaining of tightness in her shoulder. Any movement increased the pain.

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- The injured officer contacted her primary care physician who referred her to an orthopedic group.
- The orthopedic doctor issued significant work restrictions and ordered several tests, including an MRI.
- After seeing the orthopedic doctor, the injured officer notified her supervisor that she was injured during the training and provided the restricted duty notice to her employer.
- The MRI showed that there was a labrum tear in the injured officers left shoulder, which the orthopedic doctor causally related to the torque and repetitiveness of the training in which the officer engaged.

## DAMAGES

The claim was ultimately accepted under the CIRMA Member's Workers' Compensation policy.

- The injured officer underwent an initial surgery to repair the torn / damaged labrum.
- The injured officer did not recover well and had significant complications in the healing process, including pain and lack of range of motion post operatively that did not improve.
- The injured officer ultimately underwent a full shoulder replacement and was given permanent restrictions.
- The employer engaged in the interactive process and unfortunately it was determined that the restrictions were beyond the ability for the employer to accommodate.
- The injured officer, her employer and CIRMA entered into a full and final stipulated agreement and resolved the claim for \$563,700; settlement breakdown is as such:
  - ▶ Indemnification - \$421,473
  - ▶ Medicals - \$142,227

## CONCLUSION

"The high-risk profession of policing leaves little room for error; therefore, training is critical and should be the top priority of every law enforcement organization," James Burdock, instructor with the FBI's Law Enforcement Officers Killed and Assaulted program.

As a profession, policing presents many dangers to both the police officer and those they encounter during calls for service. However, proper training can help reduce these risks.

To effectively operate, law enforcement members have a responsibility to provide appropriate, up-to-date, and sustainable training, as mandated by Conn. State Law and the Police Officers Standards and Training Council (POST-C). These standards emphasize the importance of law enforcement agencies in maintaining high moral and ethical standards, providing officers with the education and techniques needed to protect themselves and equip them with the knowledge needed to handle combative suspects.

Taking extra steps to provide advanced instruction helps law enforcement organizations to succeed. Proper completion of law enforcement trainings provides protection, reduces risks, and fosters growth for officers, agencies, and ultimately communities.

It does take time, resources, and funding to make law enforcement training possible. However, improper planning and training execution can lead to costly officer injuries during training and in the community.

## KEY RECOMMENDATIONS/ACTION ITEMS

To further assist Connecticut law enforcement members in managing the increased exposure surrounding physical training the following recommendations are proposed:

- **Communicate to all officers attending training of any topic changes** - This will assist in making sure that the officers are prepared for the training session and requirements prior to arriving for the class.
- **Consider implementing a Safety Officer at all "hands on" training sessions** – A safety officer is a qualified officer not participating in the training evolution who observes the class as they engage in the physical aspect of any training. This person works directly under and with the instructor or training Sgt. to help manage the risks that officers may be exposed to during the training class with the focus on achieving the expected outcomes of the training.
- **Consider working with the class instructors to slow down hands on physical training scenarios to a safer speed**- Slower movements and increased repetitions can still build the needed muscle memory to utilize these techniques in real life or full speed scenarios.



- **Recommunicate accident reporting procedures and protocols** – The success of the Accident Reporting and Review Program depends on everyone. Employees must report accidents promptly to their supervisors. The Connecticut Workers' Compensation Statute Section 31-294b(a) states;
  - ▶ (a) "Any employee who has sustained an injury in the course of his employment shall immediately report the injury to his employer, or some person representing his employer..."
- **Ensure that injured employees know and understand that they should seek first treatment at the department's Initial Care Provider (ICP)** - When an employee is injured on, or becomes ill from, the job, he or she becomes eligible for a number of statutory benefits. First of these is necessary medical treatment. The most immediate concern in cases of occupational injury or disease is the health and physical well-being of the employee and providing prompt initial care. Because of this, an injured or ill employee is entitled to receive all necessary and appropriate medical treatment. The employer is responsible for furnishing the initial medical treatment at an employer-designated office or facility. (Reference: *Initial Medical Treatment [31-279, 31-279-10, 31-294d]*)

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Questions on this topic? Ask your Supervisor or CIRMA Risk Management Consultant.