

Det. Bob Buffington holds his medical file. His wife, Gloria, is behind him.

BADGES, BULLETS AND BROKEN PROMISES



Five Atlanta Police officers wounded in the line of duty say the city withholds the medical care they desperately need

STEPHANIE RAMAGE

BY STEPHANIE RAMAGE

There are five of them, with eight wheels between them, countless pills and shots, and many catheters. Their injuries span decades. Most resulted from bullets.

On their badges, the City of Atlanta's rising phoenix and motto, "Resurgens," shine. Their names have all, at one time or another, graced the pages and broadcasts of the city's news organizations: Atlanta Police Detective Richard Williams, Detective Bob Buffington, Detective J.J. Biello, Sgt. Ryan Phinney and Officer Patricia Cociolone.

Many of the eyes that travel over those names probably don't recognize them. Their faded presence in the public memory is something else they share, along with stacks of paperwork that have grown over the past few years as the city that once took care of them in gratitude for their sacrifice in the line of duty has found other things to worry about.

As the City of Atlanta has turned its back, they say, the wheelchairs that belong to Biello

and Phinney have gone unrepaired for months. Oxygen tanks have been withheld. Medication to prevent Cociolone's crippling migraines has been stopped. Surgeries have been delayed. The city has refused to pay for Buffington's therapeutic support hose, the kind paraplegics wear to aid circulation in their legs. And Williams can't use the air conditioner in the used van the city provided him, because its motor and battery weren't intended to power a van of its size, much less the lift he has to use.

My familiarity with this string of petty indignities began one recent sunny Friday, in Cociolone's living room in Lilburn.

The first thing she wants to know is, "Can I get in trouble?"

Her voice is uncertain. She pauses frequently, obviously searching for what the next word should be. This is the result of brain damage she suffered when a man named Gregory Paul Lawler killed her fellow Atlanta police officer, John "Rick" Sowa, in 1997, and then turned the gun on her.

The gunman had already shot her, oblit-

erating her hip, and she was on the ground trying to speak into her radio to ask for help when he stood over her and pressed the end of his rifle to her forehead. She managed to turn her head at the last moment. The move probably saved her life, but it sent the bullet tearing through the portion of her brain that governs speech and memory. Unfortunately, it

"The city didn't even have the decency to call and tell me they were not going to pay for the medication anymore."

—Officer Patricia Cociolone

didn't interfere with the part of her brain that churns out nightmares in which she tries to shoot Lawler again and again.

"My bullets just won't hit the target. It's not working," she recounts through tears. "I'm just not good enough."

Today, because of her aphasia, she struggles

to describe the dreams induced by post-traumatic stress disorder, but she's crystal clear on how complaining about the City of Atlanta's refusal to pay for her medication might get her in "trouble."

"If they retaliate, we will march in the streets," Sgt. Scott Kreher tells her. Kreher is president of the local chapter of the International Brotherhood of Police Officers union, but he also has a personal connection to Cociolone. He was assigned to guard her hospital room after she was taken to Grady Memorial Hospital for emergency surgery that day in 1997. At that time, he'd only been on the force for four years. His expectation was like Cociolone's: the city would take care of cops who were injured in the line of duty.

That expectation has been dashed, and Cociolone is worried that by telling people what the city has done to her, things will get worse, that she will anger the supervisor of the city's workers' compensation program, Michele "Mickey" Walker.

Soothed by Kreher's reassurance, she goes

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COURTESY J.J. BIELLO



Det. J.J. Biello with his family.

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on to explain how, since December 2008, she's been unable to get the city to cover the medication she takes to prevent the daily severe migraines she's experienced since she was injured in the line of duty.

"The city didn't even have the decency to call and tell me they were not going to pay for the medication anymore," she says.

Instead, her pharmacist told her when she tried to get the prescription refilled.

Cocciolone's remarks are being recorded on camera by Kreher to be used in a presentation about how the city's workers' compensa-

pening, the former APD deputy chief checked on other injured cops and sent a letter to the city's chief financial officer.

The letter, dated March 6, 2009, reads in part: "These officers report a pattern of authoritarian and irresponsible bullying by Walker. There is also a pattern of manipulation of payments that has required judicial intervention to seek remedy for violations of Georgia's workers' comp code. The City of Atlanta then repeatedly delays these court actions, only at the last minute to concede and approve the necessary and physician-prescribed care and or equipment or to

"The day I broke my leg was the day they finally approved my wheelchair being fixed."

—Det. J.J. Biello

tion office, along with its contractor company NovaPro Risk Solutions, treats the APD's injured officers. I've been invited along. After Cocciolone tells her story and the camera is turned off, she says there's something she wants to show me and leads me to her home office. There, in two glass display cases, are mementos from her time in the APD: her badge, a plaque in memory of Sowa, awards, photos of her with other cops.

"It was the best job in the world," she says. "I just felt that I was doing something that mattered. I would go back today if I could."

Buffington, Biello and Phinney say the same thing—they would go back today if they could. But they can't. Buffington did for a while; so did Phinney. But eventually, their health deteriorated so much they couldn't work anymore.

Lou Arcangeli was Buffington's police partner back in the 1970s and has remained a close friend. When he heard what was hap-

pening, the former APD deputy chief checked on other injured cops and sent a letter to the city's chief financial officer.

"HE STRADDLED ME AND SHOT ME"

The story of Biello's wheelchair begins April 15, 1987.

"There was a robbery at a Provino's on Wieuca Road," says Biello. "When I got there, a guy had a gun to the receptionist's head and he had the manager by the throat. I rushed him. We wrestled. He shot me three times and I collapsed."

Then, "he straddled me and shot me," he says. "I had damage to my spinal chord, my vocal chords, and I was shot in a lung. Blood was all over the place. People were screaming."

He has been paralyzed from the neck down, with some use of his right arm, ever since.

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But he's made good use of the time. He served as a Cherokee County commissioner for 14 years. He has a wife, two children and four grandchildren.

Biello takes medication four times a day to alleviate what he describes as constant pain. Someone has to catheterize him seven to 10 times daily so he can urinate. Someone has to feed him, and someone must "cough" him.

In the past, the city paid a nurse to do that. "I went 20 years without having to get an attorney to get the city to cover my costs," he says. In the past couple of years, though, the city has not only delayed covering his prescriptions, it has refused to pay for his oxygen—for an eight-day stretch. Biello has 20 percent of the breathing capacity he had before the shooting.

When his wheelchair's leg support broke, he told the city that he needed the chair

repaired or replaced, but Walker put him off for five months, he says, while his atrophied legs whipped along in the vicinity of where the support used to be. One day, going through a doorway, he heard a loud snap and turned to see his leg bent at a peculiar angle.

"The day I broke my leg was the day they finally approved my wheelchair being fixed," he says.

Biello says the city has denied reimbursement for a majority of his medication over the past two years.

Across the conference room table from Biello at a business where we've met on Fulton Industrial Boulevard, Buffington sits with his legs swaddled in a polar sleeping bag. He explains that he needs the sleeping bag, as well as the two pairs of long johns he wears inside it, because without them he feels like he's "in a bathtub of ice water up to my waist."

The special legwear he needs, called Jobst, is customized for his weight and injury. They are designed to keep his blood, and its warmth, circulating in his legs, but the city stopped paying for the Jobst about two years ago. They cost about \$500 per pair.

His life as an injured cop began in January 1977 while working on the narcotics squad in the Summerhill, Mechanicsville and Kirkwood neighborhoods. As he approached some suspects in a parking lot, there was a flash. A bullet seared through his vena cava and another took out one of his kidneys.

"The dirt exploded around my face," he says. "I was lying there next to a Church's Fried Chicken box and thinking, 'I'm going to die next to a Church's Fried Chicken box in a gravel lot on Pryor Street.' But the Emory doctors at Grady put me back

together."

Buffington could walk, and he went back to work.

"I couldn't run and I couldn't fight," he says. "But I wanted to come back because we knew the people in the neighborhoods and I thought I could be helpful. But the 24-hour days were really affecting me," he says. "I went back to Grady and they said, 'You can no longer be a police officer.'"

The department offered him a desk job but he taught in the police academy instead, until, he says, he needed a new wheelchair in 2004 and the city refused to cover it.

"Then in 2007 and 2008, the city just refused to pay for most of my medicine and they wouldn't provide the stockings," he says.

DEADLY DELAYS

In Downtown Atlanta, Richard Williams, a detective for the APD's school resource officer program, meets us on a steeply sloped sidewalk.

Kreher immediately gets behind Williams' wheelchair and pushes it up the grade for him.

Williams was shot by a 15-year-old criminal 22 years ago. "I've been back at work for 21 years," he says proudly. "And up until about three years ago, I had excellent care from the city."

In 2007, the used van the city provided him in

"If I die, my claims die with me, so if they delay enough, they could save themselves a lot of money."

—Sgt. Ryan Phinney

2006—without his input—died while he was at a training conference in St. Simons. He had to have it towed 100 miles to a shop. The problem, he says, is the van was kind of jerry-rigged for a handicapped person to use. Its battery and motor are too small. It doesn't have real seals around the modified doors; Williams developed pneumonia, which his doctor said was caused by exposure. He says the city hasn't paid for the tow bill, the repairs, or the treatment for his pneumonia. He's paid it all with his credit cards, but the city has taken so long to reimburse him, he says, that he's been unable to pay his bills.

This is familiar ground to Sgt. Phinney, who rolled into the world of paraplegia on Sept. 11, 1989, at the intersection of North Avenue and Boulevard, where his cruiser was T-boned. When he woke up in the hospital, he learned that he was paralyzed from the chest down.

He went back to work for the APD's computer services in a wheelchair. He helped design the department's reports database. Unable to work long hours because of the degenerative effects of his injury, he worked part-time jobs until 2002, when he could no longer work.

Beginning in 2004, he says, the city has

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LOU ARCANGELI

The officers (seated) with their spouses and partners. (Left to right) Officer Patricia Coccione, Sgt. Ryan Phinney, Det. Bob Buffington, Det. Richard Williams. J.J. Biello is not pictured.

THE CITY'S RESPONSE

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When I asked Tom Garrison, Atlanta area manager for NovaPro, the city's workers' comp contractor, for a list of guidelines or the protocol for claims, he told me, "There is really no such thing. There are complex circumstances in every case. There is no standard set of protocols."

When I called Mickey Walker to ask her about the accuracy of the former cops' allegations, she forwarded me to Mayor Shirley Franklin's communications staff. From there, media officer Catherine Woodling sent my questions, initially directed to CFO Jim Glass, to the city's legal department. Deputy City Attorney Jerry DeLoach responded May 13. Here are my questions and his answers:

STEPHANIE RAMAGE: Would you kindly enumerate the steps of the [workers' comp] process?

CITY OF ATLANTA: Complex catastrophic injuries, such as the five former Atlanta police officers cases, involve a multitude of parties, including attorneys, medical providers, attendant care workers, rehabilitation providers, accessibility experts, and other various vendors. All of these parties provide relevant guidance and information into the process in accordance with the rules and regulations of the Workers' Compensation Act. Unfortunately, delays often occur. Delays are often caused by third parties on which the employer/self insurer and servicing agent must rely to obtain information and recommendations before any decisions can be reached or authorization given. Also pursuant to the Workers' Compensation Act, the employer/self-insurer and servicing agent has a duty to investigate any treatment, procedure and modality to obtain information on their medical necessity, relatedness, and causation before reaching an ultimate decision on the authorization.

SR: When the city or NovaPro (I'd appreciate your clarifying which it is), decides not to continue covering a medication, is the retiree informed of this by the city or by the pharmacist at time of renewal? Also, how is such a decision reached? Does Ms. Walker or one of NovaPro's staffers meet with doctors and discuss the medication?

COA: The injured employee is informed by the pharmacist. NovaPro informs the appropriate party of non-authorization. Non-authorization is the acknowledgement by NovaPro that the employee does not have the proper documentation for the requested service. No one from NovaPro,

stopped doing anything regarding worker's comp unless legally compelled to do so. For a year, the city delayed sending anyone to look at a garage door that he said his van wouldn't fit through. He says it took a legal hearing to get them to do it. In the end, the modification took about two hours and cost about \$350. He doesn't know how much the litigation cost the city.

He needed surgery to sever his heel cord. The city delayed approving the surgery for four months, only to approve it four days before a scheduled hearing on the matter. In February, Phinney developed kidney stones. His doctor scheduled a CT scan, to get a look at the stones. The City of Atlanta, he says, cancelled the CT scan, which forced Phinney into an emergency room four days later.

"They don't outright deny, because that would land them in court," he says. "Instead, they come up with reasons to delay. Keep in mind that if I die, my claims die with me, so if they delay enough, they could save themselves a lot of money." **SP**

nor the City of Atlanta, meets with the providers and/or physicians to discuss medication; however NovaPro will make an inquiry with the physician prior to making a decision on determination of authorization.

SR: As a general rule, how long are requests like those for wheelchair repair or toilet modification investigated by the city before a decision is made to repair or modify?

COA: There is no such thing as a general rule. Each situation, each case, and each request is different and may require a different procedure for authorization. This authorization can be impacted by the time period that it takes a provider to respond to the request for additional information or documentation.

SR: Is part of the workers' comp dilemma a matter of the city's budget shortfall? In other words, does the city simply not have the money to pay the claims in a timely fashion? If so, then, will the mayor's proposed tax hike alleviate the problem?

COA: The issues raised by the former officers are not related to the City's financial position. **SP**