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Goal/Purpose

The primary policy issues I want to address are how individuals with PTSD and other mental disabilities are being discriminated against just for having a mental disorder. The policy in which I chose was one from the Tennessee Peace Officer Standards and Training Commission (POST), which outlines the standards to be followed when issuing police certification within the State of Tennessee. Tennessee Code Annotated 38-8-106 states that all persons employed as a full time law enforcement officer after July 1, 1982, must be certified by POST and shall comply with the all guidelines set forth in TCA 38-8-106. In Tenn. Code Ann. Ch 1110-02, § 03, (1) (i) (1982), the Legislature provided guidelines that state “Have been certified by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the Diagnostic Statistical Manual (DSM). No waiver will be granted for mental disorders.”

The reason I chose this topic is because I believe this policy not only violates the American with Disabilities Act (ADA), but also sends a clear message to police officers that are suffering from a mental disorder such as PTSD, to not seek help and to deal with their issues on their own causing many to self-medicate and become a danger to themselves as well as the citizens they serve on a daily basis.

In conducting this policy review I hope to have the Tennessee Police Officer Standards and Training Commission revise the existing policy and for the Tennessee Legislature to remove the law from the books. Police officers are often forced to make split-second, life-or-death decisions about situations they are in and the last thing we need is an officer on the street who has a mental disorder but is afraid to seek help out of fear of losing his job. Along with

treatment comes knowledge about how to handle the disorder and it has often been said that the worst thing you can have is power and lack of knowledge.

Problem

The Army's first study of the mental health of troops who fought in Iraq found that about one in eight reported symptoms of post-traumatic stress disorder. The survey also showed that less than half of those with problems sought help, mostly out of fear of being stigmatized or hurting their careers (Seal, Maguen, Cohen, Gima, & Metzler, 2010). Tennessee's current policy discriminates not only soldiers returning from combat but also against women who have been raped, 9/11 survivors and their families, and individuals who have been subject to any traumatic event which causes them to have trouble sleeping, irritability, and mood swings (Ehrenreich, 2003).

Another study conducted by the Army's Mental Health Advisory Team found that 17 percent of the soldiers suffered from PTSD and a Rand study put the number at 14 percent, his model found that about 35 percent of the soldiers who deploy to Iraq will ultimately suffer from PTSD (Lapierre, Schwegler, & LaBauve, 2007). That would put the number at around 300,000 people, with 20,000 new sufferers for each year the war continues. On average the United States military employees 2,271,475 soldiers and of those more than half or 1.4 million troops have the chance of seeing combat sometime within their career (Minnick 2010).

In 1997 Congress passed the "Troops to Cops Bill" which would make it easier for returning war veterans to become police officers. The bill was designed to encourage the hiring of recently separated members of the armed forces to serve as law enforcement officers. Grants are to be used by law enforcement agencies for expenses associated with the hiring of new police recruits. The Department of Justice reported the program had funded 240,000 positions by the

end of 2009 while a review by the White House Office of management and Budget put the number below 200,000 (Kidston, 2009).

Through their training and active duty, the men and women serving our country in the military have proven trustworthy and capable in the most critical of circumstances. Many soldiers tend to gravitate towards careers in law enforcement once they leave the military due to their ability to follow orders, same command structure and it fits in very well with their prior military service training. As noted with the study mentioned many of these soldiers will have a mental disorder mainly PTSD and the current law would force soldiers who are seeking treatment to stop in order to continue their careers.

Audience

According to Kates (2010), there are more than twenty one thousand police officers in the State of Tennessee alone this policy has a far reaching effect in that many officers suffer mental disorders once on the force. Many police officers deal with shootings, car wrecks and other events that can cause them to develop Post-traumatic stress disorder (PTSD). Posttraumatic stress (PTS) and post-shooting trauma (PST) reactions may occur immediately following a frightening or life-threatening event. A shooting, car accident or decomposing body may cause an officer to feel fear, guilt, disgust, hopelessness and terror. Some officers may have suicidal thoughts, sleep poorly and stop eating. But PTS and PST symptoms can be managed and, in most cases, eliminated.

The current policy also also hinders soldiers that are leaving the military and wish to become police officers. As mentioned the numbers are staggering in which soldiers are returning with PTSD, and with laws that are in place to help them acquire jobs in law enforcement this policy could only hurt their ongoing therapy or force them to quit altogether. It also affects the

citizens which could bear the brunt of lawsuits brought on by individuals who this policy discriminates against.

Approach

More than 54 million Americans or one out of every five, suffer from a mental illness in any given year. Two thirds of all people with a diagnosable mental disorder do not seek treatment (American Psychiatric Association[DSM-IV], 2000). A majority of these hesitate to get help for their mental health problem because of stigmatization. This is extremely unfortunate because effective treatment exists for almost all mental illnesses. One out of every four police officers will suffer from some form of mental disorder within their career (Kates, 2010). In Chattanooga alone I know of twenty four other police officers who saw the same veteran's counselor I did and have since left counseling out of fear of being fired due to this policy.

The removal of this policy could have wide spread implications for many soldiers or others who work or are wanting to work in law enforcement. I am currently engaged in a lawsuit with the City of Chattanooga in which they used this policy to fire me. I served time in the military and saw combat in Iraq and upon returning home I was diagnosed with PTSD. In United States of America v. State of Tennessee (2002) the Federal Court of the Eastern District of Tennessee held that this policy was in violation of the ADA and could not be enforced by the state. Tennessee agreed not to enforce the policy and to present the Governor for inclusion in his legislative package, which was submitted to the Tennessee Legislature in 2003 to strike the law from the books. The Tennessee Attorney General also agreed to inform the Tennessee Legislature that this statute is invalid because it conflicts with federal law.

Challenges

The State of Tennessee failed to uphold its obligation to remove the law and it is still on the books however it was once again ruled unconstitutional by a Hamilton County court just a short time ago. The state has agreed to finally remove the statute and a new policy is being written at the time of this analysis. Some cities such as Chattanooga have argued that they will continue to enforce the policy until it is actually stricken from the books and have since filed an appeal with the Tennessee Court of Appeals to keep the policy on the books. A final court hearing concerning this policy is set for August 15, 2011 in the Federal district court in Chattanooga.

Implications

The primary mission of the social work profession is to enhance human wellbeing and help meet the basic human needs of all people. Social workers promote social justice and social change with and on behalf of clients. An appropriate social work role in the current policy discourse would be to engage in policy advocacy. The Law permits interest groups to set up organizations called political action committees (PACs), to make donations to political campaigns. PACs solicit donations from their members and give these donations to political candidates. The PAC then transfers these funds to a candidate or lobbyist who they believe have the power to help them in their fight against social injustice (Ehrenreich, 2003). The NASW has a PAC called Political Action for Candidate Election (PACE). Another important role social workers could play is to volunteer to counsel police officers after dangerous situations or shootings. In New York a group of volunteer social workers helped implement the Police Organization Providing Peer Assistance (POPPA), which is an independent, not-for-profit agency, offering entirely confidential services through trained professionals. After 9/11 POPPA talked to thousands of police officers and helped them work through the grief and

uncertainty after the attacks (Kates, 2010). Something like that could really help here in Chattanooga as more and more veterans are returning to the area and more police shootings have since taken place.

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