Police Officers in Service to their Country

In the Reserves, In Iraq, and then Home – What Will be Law Enforcement's Response?

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They say the war is over, but the hostilities rage on in Iraq. The news media is filled with a daily barrage of hope and despair in the Middle East amongst constant reports of death and destruction. With an uncertain date for the return of all troops to American soil, the public continues to mount pressure on our President to bring our involvement in Iraq to a close. This comes at a time when the United States has experienced more than 2,317 casualties, with an added 16,653 wounded in the Iraq War by the end of 2005.[1] The War on Terrorism has been difficult, to say the least, and our country's military is being stretched to their limits.

While the war continues in Iraq and military personnel rotate in and out of the war zone, several questions come to mind, "What will be the impact of the returning Iraq War veteran to law enforcement?" Some reports say that many employers are unprepared for the returning veteran, especially if he/she has been wounded.[2] What can we do as police organizations to help mitigate any negative effects of a long term exposure to the war environment, and is there anything we can do before the employee is actually deployed to initiate the healing process upon their return? In the pages that follow, we will look at the

[1] Http://icasualties.org accessed 3/18/06
[2] http://www.msnbc.msn.com/id/11374940/ accessed 3/3/06

current policies, procedures, or protocols of law enforcement on how to effectively work with the returning war veteran.

The Citizen Soldier

Military personnel are deployed across the globe. Today, an estimated 2,253,800 men and women are members of the various branches of the U.S. Military. Of this number, about 863,300 are reservists.[3] Much of our success during recent conflicts in Afghanistan and Iraq has been with the assistance of our Reserve Forces. Customarily, Reserves enlist for active duty one weekend a month, and a two week training period a year. Public employers of military reserve personnel are mandated by state and federal law to ensure their jobs remain available upon their return[4], including their seniority status. Unfortunately, the impact of these "weekend warriors" on law enforcement has resulted in a critical need to backfill these positions for months rather than a few weeks.

Many police agencies employ significant numbers of reservists in their ranks. One report shows that as many as 44 percent of the police forces in the United States have employees deployed in Iraq.[5] The impact on a Police Department of lengthy combat deployment is difficult enough. The psychological, emotional and logistical issues presented by this challenge are important to understand and address. Through the implementation of policies and procedures specifically aimed at mitigating these challenges, the officer-reservist may be assisted in a smooth transition to and from military life. A new policy addressing this issue is especially important, because the new

[3] http://www.defenselink.mil accessed 4/6/05
[4] Uniform Services Employment and Reemployment Act
[5] http://www.ips-dc.org/iraq/failedtransition/A_Failed_Transition-webver.pdf accessed 3/4/06

reality is many reserves remain periodically deployed for many years after a war. Germany and Korea still have American military personnel on bases in their countries even though wars in those regions have been over for more than 50 years. This creates a situation where reservists are continued in full-time military status for longer periods of time, thus leaving a void in their law enforcement jobs. Increasingly, police organizations are forced to deal with keeping vacant positions open and requiring current employees to pick up the slack.

Initially, one might assume the issues of serving in reserves while a member of law enforcement would only impact the individual reserve and his or her family. Truthfully, the issue is much larger especially during this time of conflict in the Middle East. Their absence creates conflicts with the mission of policing by impacting available personnel with which to meet the increasing demands of policing in our communities. When reserves return to their civilian jobs, the impact of their war experience may be felt in physical and psychological terms. Every progressive organization should take the necessary steps to address this issue now.

Post-Traumatic Stress and the Police

The primary concern for police agencies of the returning war veteran should be to what extent combat has affected them. The Law Enforcement Profession is already strenuous enough and does not need any other stressors added to it. Officers are required to make life or death decisions only to be prone to some type of civil action later on where an attorney will have months to prepare where an officer had to make a split second

decision. This is a reality within the profession. Those police officers who serve a double duty in the reserve forces have the added stress of knowing that it may only be a matter of time before they are activated and deployed to the war zone. They have felt the strain first hand of constant activations to trouble spots around the globe. This, along with any other issue that may be going on in their lives, is on the minds of police officers while they put on the uniform and hit the streets of the communities they serve.

Most commonly, these returning veterans might experience symptoms of Post Traumatic Stress Disorder (PTSD). PTSD has had a number of different names including "shell shock or battle fatigue". PTSD is a psychiatric disorder that occurs following an experience or witnessing of a life threatening event such as military combat.[6] According to the National Center for PTSD, people suffering from PTSD relive the experience through nightmares, flashbacks, have difficulty in sleeping with an accompanying feeling of detachment or being estranged. In some cases, these symptoms can be severe enough to impair a person's daily life or worse yet, not manifest themselves until a later period in time.

About 697,000 U.S. veterans served in the First Persian Gulf War. More than 263,000 have since sought medical care at the Department of Veterans Affairs. About 185,000 have filed claims with the Veterans Administration for service-related medical disabilities, including significant physical and psychological distress that they attribute to their participation in the operation. This illness consists of three distinct symptom types, fatigue, mood and cognition problem (feeling depressed, having difficulty remembering

[6] National Center for Post-Traumatic Stress Disorder accessed 3/16/05 at www.ncptsd.va.gov

or concentrating, feeling moody, feeling anxious, having trouble finding words, having difficulty sleeping), musculoskeletal problems.[7] The ground offensive of the first Gulf War only lasted two weeks and the total American casualties were 148 killed in action, 458 wounded and 121 Americans died through non-combat related incidents.[8] This war was over relatively fast. It can't really be compared to the current war, with regard to the scope of hostilities and lives lost.

In an article written by Dr. Beverly J. Anderson, she noted physicians studying the effects of PTSD during the first Gulf War agreed there weren't as many cases reported, probably due to the short time period, but that's not to say that there weren't any cases at all (military personnel assigned to body recovery and identification showed the highest rates of reported PTSD).[9] Unfortunately, the symptoms of PTSD don't stop when a member of the military leaves active service.

PTSD contributes to a person's inability to function in normal family or social life. Problems that may occur are occupational instability, marital problems and divorces, family discord, and difficulties in parenting. Operation Comfort, an organization dedicated to providing a nationwide network of mental health providers and agencies to donate their services to family members who have a loved one serving in the Middle East, conservatively states that one in six deployed servicemen and women are "at risk for mental disorders within the first three months of returning home from the Middle

[7] http://www.ncptsd.va.gov/facts/veterans/fs_gulf_war_illness.html accessed 2/20/06
[8] http://www.historyguy.com/GulfWar.html accessed 3/14/06
[9] Htt://www.giftfromwithin.org/html/readjust.html accessed 2/20/06

East."[10] With the number of forces deployed across the globe, the odds of dealing with PTSD at the civilian workplace indicate the need for action now.

The total number of ground forces now deployed in Iraq and Kuwait is estimated to be some 150,000.[11] That means that almost 25,000 military personnel are at risk for PTSD. The Journal of the American Medical Association published a study of the military personnel who participated in a "post deployment health assessment" between May 1, 2003, and April 30, 2004. These personnel returned from Operation Enduring Freedom in Afghanistan, Operation Iraqi Freedom, and other locations. More than 19.1 percent of Iraqi Freedom Veterans, 11.3 percent of Enduring Freedom Veterans and 8.5 percent serving in other areas reported having some type of mental problem. Thirty-five percent of Iraq war veterans accessed mental health services in the year after returning home; 12 percent per year were diagnosed with a mental health problem. More than 50 percent of those referred for a mental health reason were documented to receive follow-up care, although less than 10 percent of all service members who received mental health treatment were referred through the screening program.[12] What is the military doing about this? How are they dealing with PTSD within the military services? For cops who serve our country, is there a need for police agencies to address this need in addition to anything the military might do to re-assimilate their returning veterans?

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[10] www.operationcomfort.com accessed 3/25/2005
[11] http://www.iiss.org/iraqCrisis-more.php?itemID=2 accessed 3/14/06
[12] http://jama.ama-assn.org/cgi/content/short/295/9/1023 accessed 3/3/06

Potential impact on law enforcement

One of the most important reasons for a strong policy addressing the needs of returning veterans to the workplace is that law enforcement organizations are already prime targets for civil litigation. Policies and procedures to deal with the potential concerns of veterans needing mental health services (and ensuring full-scale needs assessment is completed so their return is healthy) is an important step to mitigate potential pitfalls and exposure to lawsuits stemming from the conduct of officers. The potential outcomes of a returning Iraq War Veteran may include additional Workman's Compensation Claims, increases in individual counseling and workplace violence both inside the walls of the organization as well as in use of force incidents in the streets.

Organizations need to be mindful of potential issues surrounding the returning Iraq War veteran and of potential for adverse litigation stemming from allegations concerning their conduct. If it can be shown an organization was aware of issues surrounding the returning Iraq War veteran and did nothing to mitigate it, they could find themselves liable in civil court.[13] Further civil liability is present if an organization has a habit, custom, or policy of violating a persons civil rights.[14] If officers are identified as being problematic and organizations hire, retain or fail to mitigate problems, punitive liability may be attached.[15]

Expert Panel Discussion

A discussion panel was convened including Police Commanders, Human Resource and Risk Management personnel, VA Doctors, Labor Attorneys, and two U.S. Marines who

[13] Monell v. Department of Social Services, 436 U.S. 658 (1978)
[14] http://www.constitution.org/brief/forsythe_42-1983.htm accessed 3/14/06
[15] Canton v. Harris, 489 U.S. 378 (1989)

were veterans of the first and second Gulf War. The panel discussed possible impacts to the organization and community resulting from the re-integration of the returning Iraq War Veteran.

The Marine who recently returned from Fallujuh, Iraq said there was a one-day training session on mental health and reintegration back to the home life. The Marine Colonel who served in the first Gulf War stated he received no training at all regarding this issue.[16] He said if a veteran wanted additional counseling, they would have to ask for it. Asking for psychological help in an environment where one is expected to be rough and tough isn't the most popular thing to do. The same mentality holds true for the law enforcement community. The U.S. Army has acknowledged the problems associated with PTSD and has begun counseling their troops on how to "fit" back into their lives at home.[17]

The panel discussed the returning Iraq War veteran and identified a variety of possible future trends and events relevant to this issue. The panel concluded their work by emphasizing the importance of preparing an organization for the inevitable activations of their personnel to military duty, and implementing a program or procedure to address the issues identified during their discussion.

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[16] NGT Panel Discussion dated 5/3/05

[17] "Returning troops screened for emotional problems" accessed 3/25/05 at www.armytimes.com

Options for the Reintegration of Police Reservists

What should police organizations do to prepare themselves for this inevitable problem? First, they must establish a Strategic Plan outlining protocols and procedures to effectively address crucial issues for the reservist prior to their deployment. Second, they should identify the reservist employees and their duties, and how their tasks would be absorbed among other staff while they are deployed.

Employment Assistance Programs exist in many cities that offer counseling on a variety of emotional and psychological issues. Progressive organizations also offer "peer counseling" or "mentoring" programs to assist employees with the stresses of working as a police officer. These already-established programs could be expanded to include a "Formal Re-Entry Program" specifically designed for reservists. This re-entry program would require the cooperative work of the police department, city or county human resources, contract or staff psychological services professionals and the reserve officers in a network of mutual support in the interests of the reserve, the agency and the community they serve.

Only qualified personnel should be selected to work as counselors, mediators, or mentors to assist an employee with their eventual deployment to the war environment. These persons may not necessarily be employed by the respective law enforcement organizations, but should be sought from those in the medical and professional community who have the knowledge and ability to help assimilate the deployed employee back into police service. The department psychologist should play a key role

in determining the criteria for a formal Re-Entry Program. In addition, law enforcement organizations should consider allocating additional dollars for psychological services as a preventative measure, which may diminish any future civil litigation or workmen's compensation claims.

A Case Study

The Los Angeles Sheriff's Department has such a program in place for their employed military reservists. According to their department psychologist, Dr. Michael DeMania, their three day program devotes time to update any administrative or financial paperwork with the County, as well as time to obtain equipment or be updated on new policies with the assistance of a mentor or Field Training Officer. Most importantly, a meeting with the department psychologist is mandated to familiarize the employee with the services available to them and their family.[18]

Their program also serves as a reference source for supervisors who may not be familiar with the laws pertaining to the military personnel returning from combat service and, in one instance, was instrumental in ensuring that a quality employee did not resign from their organization because he felt that he was being treated unfairly.

Dr. DeMania stated that there is an overwhelming feeling of comfort that such a program exists and available to the returning veteran. He estimates that about eight percent of their employees schedule follow-up visits on their own to help ease with their transition back to work. During the program's initial implementation, a visit to the department

[18] Phone call with Dr. Michael DeMania, PHD 3/16/06.

psychologist was on a voluntary basis. True to police culture, non-mandatory visits were often not attended. In one case, however, a veteran who returned during this time period where the visit was voluntarily was found to be experiencing symptoms related to PTSD, emphasizing the importance of such programs in Los Angeles and everywhere else peace officers are tasked to fulfill combat duties for the military.

A Model Re-Entry Program

Based on my research, and using the Los Angeles Sheriff's Department's program as a guide, a hypothetical situation where a military reservist from a law enforcement organization, having an established Re-Entry Program, could go as follows:

1. Orders activating the reserve employee to a full duty status are received and department is notified.
2. Re-Entry Program Personnel are advised of the activation and make contact with employee and family to ascertain if any assistance needed and services available to them.
3. Employee designates someone from the department to act as a liaison between their family, the department, and the military.
4. During their deployment, chosen liaison personnel keep in contact (if possible) with deployed personnel and keeps law enforcement organization updated as to their status.
5. Liaison personnel also keeps in constant contact with deployed personnel's family to ascertain if they are in need of anything where the department can be of service.
6. Upon the return of the deployed employee, he/she shall be allowed ample vacation time to spend with their respective families.
7. Upon notification that the employee is ready to return to work, he/she is mandated to attend a psychological meeting **before** they are allowed to return to full duty.
8. Once the employee is ready to return to work, he/she is made current with any additional equipment, policy and procedure updates.
9. In the event that the employee does return to work before their psychological meeting, they should be assigned to desk duty until the meeting can take place.
10. If additional time off is required or requested, it should be granted, even if it is beyond their accumulated time.

11. Unless any issues arise, the employee should be allowed to return to full duty.

Upon receipt of activation and eventual deployment orders to the war zone, an organization should consult their employee and inquire as to their mental and legal preparedness to be deployed. The employee should name someone as a liaison between the military, police department, and their family. This liaison officer could communicate with the reservist and their employer to help with any of their personal or professional needs.

A Psychological Meeting should also be implemented prior to and immediately after their deployment and allow the family access to psychological services if they desire. The costs associated with the meetings could be absorbed through the already established budget for newly hired employees who routinely undergo psychological testing as part of their background process or through Human Resources with their Employee Assistance Programs. Family, Marital, Substance Abuse Counseling or Assistance is already available to city employees through their Human Resource Departments and therefore establishing some new protocol for assisting the families of the soon to be deployed reservist would not be necessary. It would only be a matter of accessing what is already in place.

The placement on desk duty is not meant to be a punishment or a designation that they have psychiatric problems because of their military duty, on the contrary, it is meant to further assist them in their assimilation into police service. If all, and not selected,

employees are mandated to undergo this process and it is an established norm within the organization, fellow employees would look at this as a normal process of their return. This is not to say that deployment to the war zone will automatically trigger the need for counseling. Some employees may very well be able to perform the duties of a full time police officer with no additional interaction by anyone; however, to avoid any type of negative stigmatism being placed on any employee of undergoing the Formal Re-Entry Program, all should be mandated to participate in it. The key here is that all employees are mandated to undergo this re-entry process as a means of complying with relevant laws pertaining to one's mental or physical health.

Implications of the ADA

The Americans with Disabilities Act provides that no person with a disability or presumed disability be discriminated against or forced into a medical examination or make inquiries of an employee as to whether he or she has such a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.[19] In this matter, the organization should not ask if an individual has a problem, but merely mandate that all of its employees participate in the program. The session with the psychologist is not an examination, but merely a session where their options or services available to them are explained.

All the requisite personnel who would have an impact on this program, from selection, implementation, and fiscal responsibilities should immediately plan and develop a Formal Re-Entry Program for implementation. Once the plan is in action, measuring the

[19] http://www.dol.gov/esa/regs/statutes/ofccp/ada.htm accessed 3/3/06

department's progress should also be monitored to ensure they are doing the right thing or effect changes if necessary.

What would constitute progress? The smooth and easy transition into police service would be a start. Honest feedback from the involved employees, along with the deployed reservists, would be necessary to ensure that the department is on the right track. Progressive departments may also have some type of "early warning" system where potential problems with excessive force, inordinate amount of personnel complaints, or other criteria deemed necessary to identify potential problem with employees could also be reviewed to determine success within the re-entry program.

Conclusion

The implementation of a Formal Re-Entry Program or any other type of protocol or procedure dealing with the returning veteran will not be a "fix all" program for law enforcement organizations, but will put the department in a better position to deal with potential problems or civil litigation. Policies and procedures should be updated to show that the organization has taken proactive measures to mitigate potential civil liability.

Reserve activations will continue to be something law enforcement will have to deal with for some time to come. Looking at currently employed reservists, their assignments, and cross-training personnel to fill in while they are deployed will help ease the strain of their time away from the job. Ensuring the department does all that they can with their reservists, both before and after their deployment, will ensure that the soon to be

deployed police officer will have had every opportunity to get their affairs in order, ensure that their family is taken care of, and put them on track for hopefully a smooth transition home.