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As police claims of PTSD soar, Minn. officials scramble for solutions

Minneapolis has paid out more than \$22 million for PTSD-related claims since 2020

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By Randy Furst
Star Tribune

MINNEAPOLIS — Hundreds of police officers in Minnesota diagnosed with post-traumatic stress disorder have severed ties with their departments in the last two years, resulting in millions of dollars in payouts through workers' compensation settlements and state disability pensions.

The issue is most acute in Minneapolis, where the city has paid out more than \$22 million in workers' comp to about 130 officers for PTSD-related claims since the police murder of George Floyd in 2020, according to a Star Tribune review of City Council minutes.



Minneapolis police outside the Third Precinct station during a 2020 protest. Since the death of George Floyd, 130 Minneapolis officers have made PTSD claims, a number that could rise to 200. (Aaron Lavinsky - Star Tribune)

That number could rise to 200 officers and a total of \$35 million in workers' comp settlements, according to an attorney representing most of the officers.

Minneapolis City Council members have publicly and repeatedly wrung their hands over the settlements for officers, even as most of them have voted to approve the payouts — most with price tags ranging from \$100,000 to \$200,000 each.

"These payouts are turning out to be pretty untenable," Council Member Jeremiah Ellison, who chairs the council's Policy and Government Oversight Committee, told a recent council meeting.

Even so, Ellison urged a yes vote. Council members have been advised by city attorneys that rejecting a settlement could lead to even more costly litigation.

The number of PTSD settlements in Minneapolis was calculated by the Star Tribune on the basis of cases noted in City Council minutes that were handled by law firms representing officers with the condition. City officials, citing data privacy, would neither confirm or deny the figures.

There also has been a rise in the number of police officers from across the state applying for and receiving permanent disability pensions. The Public Employees Retirement Association (PERA), the state pension system, received 666 applications from 2019 through 2021 for duty disability — injuries caused in the line of duty — that were submitted by public safety workers. Eighty percent were PTSD cases.

Of the 666 applications, 86% came from police officers, 7% from sheriff's offices and 7% from firefighters. PERA initially approved 583 and denied 15 applications for duty disability — all of which

were subsequently approved. Another 68 applications were still being processed as of Jan. 25, the most recent information available.

"In pretty much every case, we were provided additional information that changed it from denial to approval," PERA Executive Director Doug Anderson said.

He said that 54 cases were awaiting decision and one appeal was under consideration as of Jan. 25.

"We know the surge in disability applications has increased our liability by \$70 million," Anderson said. "A 1 percent surge in liability is concerning but it does not change the overall health of our plan. If it is an ongoing issue that isn't addressed, then it becomes a concern."

Attorney Ron Meuser Jr., whose Eden Prairie law firm represents the vast majority of Minneapolis police claimants, said officers claiming PTSD "have been typically out on the streets for some 20 years and have been exposed to any number of traumatic incidents," such as suicides, car accidents, shootings, sexual assault and child abuse. Over time, he said, "it wears them down from a mental standpoint."

Many officers in Minnesota have been shaken by the public outrage at police in the wake of Floyd's murder, which triggered demonstrations and civil unrest across the nation. The American Psychiatric Association says that PTSD, which results from witnessing or experiencing a traumatic event, causes people to have "intense, disturbing thoughts and feelings" that last long after the trauma is over, often through flashbacks or nightmares.

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Studies have shown that not all PTSD claims are valid, according to Dr. Mikel Matto, a forensic psychiatrist at the San Francisco VA Medical Center and assistant clinical professor at the University of California, San Francisco. Matto said that classifying individuals with PTSD "can be an extremely exploitable system anytime it involves payouts." He noted that the Minnesota disability program had not turned down a single applicant.

"If this system has 100 percent of applicants being considered permanently disabled and receiving all the associated benefits, there needs to be someone carefully scrutinizing the system for abuse," said Matto, lead author of an article for the American Academy of Psychiatry and the Law titled, "A Systematic Approach to the Detection of False PTSD."

The large number of PTSD cases in the the Minneapolis Police Department, he said, "amounts to a public health emergency."

'A PERFECT STORM'

Public officials say many of the police officers who are leaving and getting the payouts could instead get treatment to help them recover from PTSD and go back to work. The Legislature is considering a bill that could make that happen.

"Why are we just accepting the fact that we are kicking them to the curb and not caring for them?" said Sen. Jeff Howe, R- Rockville, who is sponsoring the bill in the Senate. "We need to take care of these folks."

The growing number of public safety workers out on disability also affects law enforcement agencies as they struggle to find replacements. "We don't have enough people to fill these positions," said Matt Hilgart, government relations manager for the Association of Minnesota Counties. "We have understaffed departments, overworked departments and underserved communities."

Changes in the law over the last decade have made it progressively easier for public safety workers with PTSD to qualify for workers' comp.

The Legislature in 2013 made PTSD an illness eligible for workers' comp; five years later, lawmakers passed an amendment that a public safety worker diagnosed with PTSD was presumed to have gotten it through their job. That made it easier for public safety workers to qualify for workers' comp, said David Larson, professor of labor and employment law at Mitchell Hamline School of Law.

There are two parallel tracks in Minnesota for police with PTSD to access benefits. To obtain state duty disability benefits, two doctors must certify that the officer has PTSD and can't do the job for at least 12 months. After the officer leaves the department, they receive a minimum of 60% of their final average pay, plus 3% for each year of service they had over 20 years. The disability benefit converts to a retirement benefit at age 55.

The other track requires officers seeking workers' comp to file a claim, which a government entity must respond to within 14 days — a period generally considered too short to evaluate PTSD claims.

If the PTSD claim is denied — most are initially — civil litigation may begin with depositions. The government entity reviews the claim and may ask a third medical professional to interview the claimant. There is often mediation and a settlement, though some claims are challenged and heard by an administrative law judge.

The surge in PTSD claims has created public unease. Minneapolis City Council members have gotten regular complaints about workers' comp payouts from Twin Cities-based Communities United Against Police Brutality. While no one at the Legislature has challenged the veracity of the claims, the issue has sparked major interest among lawmakers.

"We are seeing this perfect storm of events with a spike of claims, a Legislature that's focused on public safety, and we have a budget surplus if we need to make an investment in public safety wellness," said Anne Finn, assistant intergovernmental relations director at the League of Minnesota Cities. "The resources are there."

Under the House bill, training on PTSD would be mandated for public safety workers. Those given that diagnosis would have to undergo up to 32 weeks of treatment from medical professionals of their choice, with the state covering the cost, before they could apply for permanent disability under the state pension system. While in treatment, they would continue to be paid their wages with state funds.

The bill's first version said workers' comp payments would follow treatment, but criticism led to a change in that provision to instead have a disability pension following treatment. The bill does not address the impact on workers' comp, but more revisions are expected. The costs are yet to be determined but are expected to run into the millions.

"There is clearly a mental health crisis going on in our police departments, and the problem is tough for these officers who go out on disability status," said bill sponsor Rep. Jamie Long, DFL-Minneapolis, in an interview. "What we are trying to do is put treatment first."

Long told a House hearing Tuesday that the current system is not working. "Doing nothing this year," he said, "is not an option." While disability applications by police officers have declined in Minneapolis since early 2021, they continue to come in weekly, according to Long.

The bill has the general support of statewide organizations representing cities, counties, chiefs of police and sheriffs, but it faces significant opposition. A Teamsters Union official who represents police officers spoke against it, as did an attorney for the Minnesota Professional Firefighters Association. A half-dozen Republicans voted against it in committee last week.

There is also concern about the burden local governments face in having to pay health insurance premiums of employees under 65 if they are receiving a duty disability payout. Though the state is supposed to pick up the insurance costs of those who qualify for disability, it has had insufficient funds and the level of reimbursement has steadily declined. Last year the state reimbursed the city of Minneapolis for only 13.6% of the costs.

"Right now the employers are frustrated that PERA has been approving [PTSD applications] at such a high rate," said Finn. "The health insurance benefit is really costly and employers have for some time been feeling the financial sting of that benefit."

Matto, the San Francisco psychiatrist, said people with PTSD significantly improve with evidence-based treatment. People develop PTSD from a traumatic experience, not stress on the job, he said, and PTSD that permanently disables someone "is the exception to the rule."

"Based on the high level of Minneapolis police officers who are being designated permanently disabled," Matto said, "you could be prematurely and inappropriately discharging police officers who are treatable."

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