

Denial of trooper's disability pension not abuse of discretion, Supreme Court says

'Disabling stress' from assault of arrestee not in course of duties

By: Eric T. Berkman // July 28, 2024 //

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The superintendent of the State Police did not abuse his discretion by denying a disability pension to a state trooper who allegedly could no longer perform his duties because of psychological trauma that stemmed from his assault on an arrestee in a jail cell, the Rhode Island Supreme Court has decided.

On Feb. 26, 2014, Trooper James Donnelly-Taylor entered a jail cell and repeatedly struck Lionel Monsanto, whom he had arrested for driving with an expired license. He later pleaded nolo contendere to an assault charge.

A few weeks after the assault, the plaintiff reported personal and work-related stress. On the recommendation of his doctor, the State Police placed him on injured-on-duty, or IOD, status.

In December 2018, asserting he was suffering chronic symptoms of post-traumatic stress disorder stemming from Monsanto's civil rights suit against him, media attention regarding the case, and other stressors that rendered him unable to function in a work setting, the plaintiff requested a disability pension.

Col. James M. Manni, superintendent of the State Police, denied the request, finding that while the plaintiff's injuries may have arisen from his experiences as a state trooper, they stemmed from the assault and thus were not incurred while performing his duty as a state trooper.

A Superior Court judge reversed Manni's decision as arbitrary and capricious, but the Supreme Court reversed the ruling on appeal.

"[T]he evidence before the superintendent was reasonably sufficient to support a conclusion that Trooper Donnelly-Taylor's assault of Monsanto was the 'moment ... from which his injuries arose,'" Chief Justice Paul A. Suttell wrote for the court. "One need not agree with the superintendent's denial of the disability pension to recognize that it was scarcely irrational for him to conclude that, had the trooper not assaulted Monsanto and been held accountable for his actions, he would not have experienced the disabling stress for which he now requests a disability pension."

The 26-page decision is *Rhode Island Troopers Association, et al. v. State, et al.*, Lawyers Weekly No. 60-042-24. The full text of the ruling [can be found here](#).

Common law notion

The state's attorney, Vincent F. Ragosta Jr. of Providence, said the ruling reflects the common law notion that

one should not profit from a wrong.

He said the ruling also highlights the deferential standard applied by courts pursuant to G.L. §42-28-21(a) when reviewing a determination by the police superintendent as to whether a claimant's disabling injury stemmed from the performance of duty.



"It wasn't the Superior Court's discretionary call; it was then-Superintendent Manni's call," Ragosta said. "It's irrelevant that a decisionmaker could have made a different choice, as long as the choice made by the decisionmaker, Superintendent Manni, was rational. It clearly was."

Ragosta said he found particularly noteworthy the court's distinction between disabling injuries suffered as a direct consequence of experiences while employed as a state trooper and those suffered in the course of performance of a trooper's duties.

It's irrelevant that a decisionmaker could have made a different choice, as long as the choice made by the decisionmaker was rational. It clearly was.

— Vincent F. Ragosta Jr., Providence

"At the moment of his jail cell assault on Mr. Monsanto, from which Donnelly-Taylor's mental injuries arose, he was *not* engaged in a duty status," Ragosta said. "Obviously, Superintendent Manni agreed with the attorney general, as affirmed by the Supreme Court [in its 2018 *State v. Rhode Island Troopers' Ass'n* ruling], that the intentional criminal assault on Monsanto was not within the scope of employment of a trooper."

Plaintiffs' counsel Carly Beauvais Iafrate of Providence said the decision would have a significant negative impact on Donnelly-Taylor, his family and his future.



She said the decision was particularly troubling in that the division of State Police had already recognized, in granting her client IOD benefits, that he had a disability caused by his role as a trooper in performance of his duties for three years before denying him pension benefits for the same injury based on the same medical information.

Meanwhile, according to Iafrate, the Supreme Court was essentially saying that the superintendent's opinion about whether the pension should be granted trumped that of the medical expert.

"From our perspective, the colonel is not a medical expert and is not the person who can connect PTSD to the performance of duty," Iafrate said. "That should have been up to the doctor who was chosen by the colonel."

More broadly, Iafrate said, other troopers should be concerned that decisions like the one here are up to another state trooper — the superintendent — as opposed to a doctor.

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— Carly Beauvais Iafrate, Providence

Similar decisions rendered by the state pension system and the municipal system involve three independent medical examinations, and both systems' respective boards must make their decision based on the substantial weight of the medical evidence, she pointed out.

"So, there's essentially a different standard for state troopers," Iafrate said. "That's my beef with the decision

and that's why the lower court had granted the benefits.”

Denial of benefits

Donnelly-Taylor was a four-year veteran of the State Police when he entered Monsanto's cell and struck him multiple times.

A few weeks later, he reported experiencing personal and work-related stress, and his doctor recommended he take a leave of absence.

The State Police soon placed him on IOD status.

That same month the plaintiff was indicted on one count of simple assault. He pleaded nolo contendere to the charge and received community service. The criminal disposition was later expunged.

Meanwhile, the trooper remained out of work, collecting IOD benefits. Though his doctor, Brian Pickett, indicated he could return to work without restrictions in July 2014, the plaintiff admitted in an August meeting with the superintendent that he had violated division rules and agreed to a 30-day suspension and counseling.

A month later, an independent psychiatric examiner, Marilyn Price, determined that the plaintiff was unable to safely perform all his duties due to psychological symptoms but that he could work safely in a position that did not require use of a firearm.

Price attributed multiple stressors to the plaintiff's symptoms, including matters related to his family life, the jail cell incident and ensuing charges, and an incident that happened a month before the assault in which he fired his service weapon at a fast-approaching car.

In October 2014, the plaintiff returned to duty in a limited capacity while receiving treatment. After three months of treatment, his treating therapists cleared him to return to full-duty status.

The plaintiff apparently experienced no further psychiatric issues until March 2016 when Monsanto named him as one of several defendants in a federal civil rights action.

The department told him it would only provide a defense for claims against him in his official capacity, meaning actions within the scope of his duties and not due to misconduct. That resulted in a dispute between the troopers' union and the state that went to the Supreme Court, which ultimately ruled that his actions indeed fell outside the scope of his employment.

On Feb. 15, 2017, the plaintiff sent a division-wide email asking recipients to watch a video interview of Monsanto that supposedly revealed what the plaintiff “had to deal with” the night of the jail cell incident and lamented that his name had been “dragged through the mud” and that he was left to defend himself in Monsanto's suit.

The division opened an investigation into whether his mental state rendered him unfit for duty, and he returned to IOD status.

[Rhode Island Troopers Association, et al. v. State, et al.](#)

THE ISSUE

Did the superintendent of the State Police abuse his discretion by denying a disability pension to a state trooper who allegedly could no longer perform his duties because of psychological trauma that stemmed from his assault on an arrestee in a jail cell?

DECISION

No (Rhode Island Supreme Court)

LAWYERS

Carly Beauvais lafrate of Providence (plaintiffs)

Vincent F. Ragosta Jr. of Providence (defense)

In April 2017, one of his therapists reported he was exhibiting PTSD symptoms that were worsening. Then, in November 2018, the therapist concluded that he was medically disabled.

The plaintiff formally requested a disability pension, which §42-28-21(a) authorizes for any member of the State Police who has been disabled in the course of performing his or her duties.

Superintendent Manni denied the claim, finding that the plaintiff's disabling injury connected back to the jell cell incident and thus was not suffered in the performance of his duties.

Superior Court Judge Kevin F. McHugh found the denial to be arbitrary and capricious and ordered the division to grant the plaintiff's request.

The state appealed.

Scope of duties

Reversing the trial judge, the Supreme Court found Superintendent Manni's decision was not, in fact, arbitrary and capricious.

The court noted that the superintendent did not refute medical expert opinion that the plaintiff's disabling injuries were suffered as a direct consequence to his experiences as a state trooper.

"According to Trooper Donnelly-Taylor, the superintendent's acceptance of this uncontradicted medical opinion 'should have been conclusive' of his entitlement to a disability pension under § 42-28-21(a)," Suttell wrote. "The statute does not ask, however, whether an applicant's injuries were suffered as a direct consequence to experiences while employed as a state trooper; it asks whether an applicant's injuries were suffered in the course of performance of their duties. And it is between these separate constructions that the superintendent rationally perceived a distinction."

Accordingly, the Supreme Court reversed the Superior Court judgment.

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