

**ACLU OF RI POSITION: AMEND**

**TESTIMONY ON 23-H 5373, AN ACT RELATING TO  
RELIEF OF INJURED AND DECEASED FIREFIGHTERS AND POLICE OFFICERS  
March 28, 2023**

This bill would extend injured-on-duty benefits and accidental disability retirement allowance to police officers diagnosed with post-traumatic stress injuries resulting from their employment. While the ACLU of Rhode Island does not have a position on this legislation conceptually, we oppose its scope in at least one very particular, but extremely important, respect.

Especially in the context of the “Black Lives Matter” movement of recent years, police accountability has never been more important. However, passage of this bill would allow police officers who may have engaged in serious misconduct against a civilian, but who are not disciplined for it, the ability to financially benefit from that person’s suffering by reporting that the incident has led the officer to suffer PTSD.

Unfortunately, this concern is not hypothetical, but is confirmed by news reports of actual incidents along these lines. We note two in particular:

1. In examining the police handling of protests in Minneapolis over the death of George Floyd, the *Minneapolis Star Tribune* reported the filing of over 400 complaints of police misconduct and excessive force, including the indiscriminate spraying with chemical irritants of non-violent protesters and journalists.<sup>1</sup> The story goes on to note that over 150 Minneapolis police officers had initiated the application process for disability claims, alleging post-traumatic stress disorder from their involvement in the protests where this excessive force occurred.<sup>2</sup> Many of those protesters who were victimized by this misconduct will, for a variety of reasons, likely have a hard time obtaining any compensation for the violation of their rights. But with a bill like this in effect, officers who engaged in the misconduct would often be entitled to financial benefits of their own.

2. Even more disturbing is a 2019 story about an Arizona police officer who was acquitted in the fatal shooting of an unarmed man seen on video pleading “please do not shoot me.” The

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<sup>1</sup> “Complaints skyrocket over police response to George Floyd protests,” July 2, 2020.  
<https://www.startribune.com/complaints-skyrocketing-in-wake-of-mpls-police-response-to-floyd-protests/571608232/>

<sup>2</sup> “Minneapolis police officers say they are suffering from PTSD after George Floyd Protests,” July 10, 2020.  
[https://www.washingtonpost.com/national/minneapolis-police-ptsd-floyd-protests/2020/07/10/e2bbf5dc-c2fd-11ea-b4f6-cb39cd8940fb\\_story.html](https://www.washingtonpost.com/national/minneapolis-police-ptsd-floyd-protests/2020/07/10/e2bbf5dc-c2fd-11ea-b4f6-cb39cd8940fb_story.html)

officer was temporarily rehired by his department so he could apply for an accidental disability pension based on his alleged suffering from PTSD as a result of shooting the man.<sup>3</sup>

It is also worth noting that, under this bill, the PTSD diagnosis authorizing benefits to a police officer does not even need to be made by a doctor, but could be pronounced by a clinician with a master's degree.

A police officer's job can be very stressful, and while many do not commit incidents of such severe misconduct, holding accountable those who do is a daunting task. Between the protections provided police through the Law Enforcement Officer Bill of Rights and the legal protections given to officers by the court-made standard of "qualified immunity," the bill's current language, barring benefits only if there has been an "adverse job action," is woefully insufficient to prevent misuse of this benefit.

To the extent this legislation would allow officers who engage in misconduct against civilians to obtain recompense that the civilians themselves often can't obtain, it should be rejected. If this bill is to be favorably considered, an amendment carving out an exception to address scenarios such as those described above is essential to avoid the compounding of injustice in certain instances.

Thank you for considering our views.

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<sup>3</sup> "Police officer who fatally shot sobbing man temporarily rehired to apply for pension," July 12, 2019. <https://www.nbcnews.com/news/us-news/police-officer-who-fatally-shot-sobbing-man-temporarily-rehired-apply-n1028981>