

LAWYERS WEEKLY

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Woman allegedly beaten by trooper while in custody

Published: February 24, 2014

On or about August 28, 2008, the plaintiff, a 95-pound female, was traveling on Route 93 North in and around Braintree when she was pulled over by the defendant state trooper, who told the driver that she was traveling too closely to the vehicle in front of her. The trooper then instituted a field sobriety test. In the course of the test, the trooper allegedly verbally and physically assaulted the plaintiff, including violently slapping down the plaintiff's arms. The trooper handcuffed the plaintiff and shoved her into the police cruiser for transport to the State Police barracks in Milton. The plaintiff was not read her Miranda rights, according to plaintiff's counsel.

Upon arrival at the barracks, the trooper allegedly pulled the plaintiff from the cruiser in violent fashion, ripping the plaintiff's shirt in the process. She was thrown into a booking room, where the trooper handcuffed her right hand to a pole connected to the wall above her head. Over the course of the next several hours, the trooper allegedly continued her verbal and physical assault the plaintiff by, among other things, behaving towards the plaintiff in a threatening and belligerent manner.

The plaintiff claimed she was in substantial fear for her safety, given the allegedly violent and unprovoked behavior on the part of the trooper. The plaintiff kept a constant eye on the video surveillance camera that was mounted to the wall in the booking room, to which the trooper allegedly responded by taunting and laughing at the plaintiff, and advising her that there was no film in the security camera and no one there to help her.

According to plaintiff's counsel, the trooper, suddenly and without provocation, approached the plaintiff, whose arm remained handcuffed to the wall above her head, and pressed her body against the plaintiff, pinning her to the wall. The trooper then placed her hand around the plaintiff's throat and began to strangle the plaintiff, banging her head against the wall in the process while simultaneously punching her. There plaintiff claimed she was unable to defend herself from the unprovoked attack.

The trooper then uncuffed the plaintiff and brought her to a holding cell. She threw her a roll of paper towels and told the plaintiff to clean up the blood that allegedly was gushing from her head onto the floor. At that time, the plaintiff was also having difficulty breathing (she would later learn that the defendant had fractured her vocal cords in the attack).

At no time from the moment she was brought into the barracks until the following morning did the plaintiff witness any other personnel, supervisory or otherwise, in or around the area where she was being held, inclusive of the lobby, the booking room and the holding cell.

Contrary to the plaintiff's assertion, the arrest report indicates that the officer read the plaintiff her Miranda Rights. The "Desk Officer" cited on the report is listed as "Trooper Default 0000," which indicates that no desk officer was on duty.

When the morning shift began, a young male trooper entered the area of the holding cells and, upon seeing the plaintiff, immediately stated that she needed medical assistance and went to get help from the sergeant on duty. Still, the plaintiff was denied medical attention.

The plaintiff was then allowed to call her parents and was given water before being shackled and transferred to Quincy District Court and eventually released into her father's care.

The plaintiff was immediately brought by her father to the South Shore Hospital Emergency Room, where she was examined and diagnosed with, among other things, fractured vocal cords, a sprained wrist and multiple contusions. She was also suffering from extreme emotional distress and fear. She was referred for counseling and psychiatric treatment and continues to struggle with emotional distress arising out of the alleged attack.

It was discovered that the defendant had a history of 31 prior citizens' complaints against her. The plaintiff alleged that the agents, servants and/or employees of the commonwealth, the State Police

Department and the Executive Office of Public Safety and Security either knew or should have known of the defendant's propensity for violence and to violate State Police rules and regulations. As such, the commonwealth demonstrated a conscious indifference to the safety of the public by retaining the defendant without proper training or supervision.

Detailed Information

Type: Settlement
Total Value: \$215,000.00
Verdict/Settlement Date: 12/16/2013
Type of Action: Other
 (Other Text: Negligent Supervision / Training of State Trooper)
Court: Suffolk Superior Court (MA)
Case Number: 2011-03111-A
Caption: *Patricia Dooling v. Commonwealth of Massachusetts, Kathleen Carney, John Doe*
Plaintiff(s) v. **Defendant(s)**
 Patricia Dooling Commonwealth of Massachusetts
 Kathleen Carney
 John Doe

Injuries Alleged: Head, brain, neck
 Emotional, psychological
Injuries Detail: Plaintiff suffered fractured vocal cords, contusions, ecchymosis and severe emotional distress as a result of assault and battery while in police custody.
Tried Before: Not Applicable
Judge or Mediator or Arbitrator: Not Specified

Attorney(s) for Plaintiff(s)

Lead Attorney: James V. Marano Jr.
Firm: Kushner & Marano, P.C. (Newton, Massachusetts)
Other Attorney: Linda M. Freehill
Firm: Kushner & Marano, P.C. (Newton, Massachusetts)

Attorney(s) for Defendant(s)

Lead Attorney: Michelle Kalka
Firm: Office of the Attorney General (Boston, Massachusetts)
Other Attorney: Joseph G. Donnellan
Firm: Rogal & Donnellan, P.C. (Norwood, Massachusetts)

Insurance Carrier(s)

No insurance companies involved

Plaintiff(s) Expert(s)

No plaintiff experts