

performing assessments in capital cases, it is useful for forensic evaluators to be aware of how such factors may influence the court.

A final interesting question raised by this case is who will fund the in-depth mental health evaluations considered essential in death penalty cases. The original \$2,000 allotted to Mr. Jones's trial attorney would presumably have only covered a small fraction of a forensic psychiatrist's 130 hours of billing time. It would seem unfair if the ability of a capital defendant to receive a just sentence were predicated in part on having sufficient money to hire forensic evaluators to do extensive work, but this scenario is a possible implication of the ruling in this case.

## Qualified Immunity of Public Officials

**Karina España, MD**  
Fellow in Forensic Psychiatry

**Karl E. Mobbs, MD**  
Affiliate Faculty

Department of Psychiatry  
Oregon Health and Science University  
Portland, Oregon

### Jailers Not Protected by Qualified Immunity for Unlawful Detention of Defendant with Mental Illness

DOI:10.29158/JAAPL.230065L1-23

**Key words:** civil commitment; competency to stand trial; due process; nonrestorable; qualified immunity

In *Harris v. Clay County*, 47 F.4th 271 (5th Cir. 2022), the U.S. Court of Appeals for the Fifth Circuit considered whether Steven Jessie Harris's jailers were entitled to qualified immunity after unlawfully detaining him for six years after he was found incompetent to stand trial without an expectation of competency restoration and after his civil commitment proceeding was dismissed. The court ruled that his jailers were not entitled to qualified immunity and their actions were an "obvious" constitutional violation.

#### Facts of the Case

Mr. Harris, a Black man with schizophrenia, was charged with murdering his father, shooting three law enforcement officers, shooting into occupied vehicles, carjacking, and kidnapping. He pleaded not

guilty in a Clay County, Mississippi circuit court and was ordered to remain in custody without bail. His competency to stand trial evaluation concluded that there was "no substantial probability that Mr. Harris [could] be restored to competence to proceed legally in the foreseeable future" (*Harris*, p 272). From a hearing held on October 12, 2010, the court agreed that Mr. Harris was not competent. It was ordered that the state pursue civil commitment proceedings in the chancery court and Mr. Harris be detained until the court's determination. On the same day the circuit court removed his criminal case from its active docket, the chancery court dismissed the just-filed commitment proceeding for lack of jurisdiction owing to the pending criminal charges in the circuit court. On October 25, 2010, Sheriff Laddie Huffman and Deputy Eddie Scott signed and submitted a "Diligence Declaration" to the circuit court related to a separate indictment against Mr. Harris, asserting that they were unable to locate Mr. Harris in the county, despite his still being in custody.

The district attorney, Forrest Allgood, approached Mr. Huffman in 2012 after learning of the court's error. Mr. Huffman acknowledged Mr. Harris's continued confinement and that his mental health was improving. Mr. Allgood submitted a motion for reevaluation to the circuit court. The circuit court never ruled on this motion.

A local news outlet began to ask questions about the case four years later. Sheriff Scott reached out to the district attorney at that time, who then filed a motion for the chancery court to reconsider its dismissal of Mr. Harris's civil commitment case. The chancery court accepted the civil case in June 2016 and civilly committed Mr. Harris, determining that he was a danger to himself and others. During a later evaluation, Mr. Harris was again found incompetent to stand trial without hope of regaining competence. The circuit court dismissed his criminal charges in 2017. Mr. Harris was released to his family soon after.

Mr. Harris's mother, on his behalf, sued Mr. Allgood, Mr. Huffman, Mr. Scott, and Clay County, alleging that they violated Mr. Harris's Fourteenth Amendment rights by unlawfully detaining him for years and giving him forced medications, and that the county was liable.

The district court dismissed Mr. Allgood from the case owing to absolute prosecutorial immunity and qualified immunity and determined that Mr. Huffman

and Mr. Scott were not entitled to qualified immunity on the detention claim. The court denied summary judgment to Clay County. Mr. Huffman was granted qualified immunity for the forced medication claim, while the court let the medication claim proceed against Clay County. The case was then appealed to the Fifth Circuit.

#### Ruling and Reasoning

The Fifth Circuit Court of Appeals dismissed the Clay County appeal and affirmed the district court's denial of summary judgment for Mr. Huffman and Mr. Scott. The court found that they lacked jurisdiction on the forced medication claim or on whether the county bore any responsibility. They then considered the question of whether Mr. Huffman and Mr. Scott were entitled to qualified immunity for jailing Mr. Harris for years after Mr. Harris had been found incompetent and his commitment case was dismissed.

On the question of whether a constitutional violation occurred, the Fifth Circuit agreed with the district court that there was "obvious" violation in this case. The court noted that when a defendant is found incompetent to stand trial without an expectation of competency restoration, the state must either civilly commit or release the defendant, and that this rule, established in *Jackson v. Indiana*, 406 U.S. 715 (1972), had no "wobble room" for interpretation.

The Fifth Circuit noted that there have been additional cases involving briefer unlawful detentions, such as *Jones v. City of Jackson*, 203 F.3d 875 (5th Cir. 2000), where it was held that detaining a defendant for nine months without seeing a judge violated due process rights. Mr. Harris did not see a judge for six years. Also, the declaration by Mr. Huffman and Mr. Scott in 2010 suggesting that Mr. Harris was no longer detained further indicated that they were "covering something up." The Fifth Circuit agreed that the argument that Mr. Huffman and Mr. Scott were detaining Mr. Harris pursuant to the initial order in 2006 was without merit. Noting that sheriffs have traditionally been held responsible for unlawful detentions, the court affirmed the district court's decision that Mr. Huffman and Mr. Scott were not protected by qualified immunity.

#### Discussion

*Harris* highlights the struggles of states to determine what happens when people are found incompetent to stand trial and are not civilly committable but are

deemed dangerous. There is a balance between the state's *parens patriae* power to commit civilly individuals with mental illness and the individual rights protected by the Fourteenth Amendment. *Harris* highlights the importance of procedural safeguards as they relate to detainment, civil commitment, and qualified immunity.

Civil commitment proceedings have similar liberties at stake when compared with criminal proceedings. Case law has considered safeguards to protect indefinite detention without due process and the concept of "dangerousness." In *Lessard v. Schmidt*, 349 F. Supp. 1078 (E.D. Wis. 1972), the court dismissed the notion that due process safeguards in civil commitment proceedings can be less stringent than criminal proceedings owing to the state's *parens patriae* role. The court also developed a narrower definition of dangerousness to others. *Addington v. Texas*, 441 U.S. 418 (1979) balances the state's interest with the individual's liberty interest when considering the standard of proof required by the Fourteenth Amendment in civil commitment proceedings, setting a standard of clear and convincing evidence.

Furthermore, this case highlights accountability of public officials who represent the application of the law in the criminal legal system and are granted the responsibility to protect society. This power is coupled with procedural safeguards to protect the rights of detained individuals. An officer's qualified immunity is "an *immunity from suit* rather than a mere defense to liability; and like absolute immunity, it is effectively lost if a case is erroneously permitted to go to trial" (*Mitchell v. Forsyth*, 472 U.S. 511 (1985), p 526, emphasis in original). In *Harris*, the consideration of qualified immunity was focused on whether the evidence allows a jury to find that Mr. Huffman and Mr. Scott violated Mr. Harris's due process rights and whether these rights are "clearly established," specific to the facts of the case. An official's conduct violates this right when "the contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right" (*Anderson v. Creighton*, 483 U.S. 635 (1987), p 640). Previous cases have found that ignorance of a court order authorizing a defendant's release does not protect from liability (*Whirl v. Kern*, 407 F.2d 781 (5th Cir. 1969)).

The murder of George Floyd and other high-profile homicides of people of color with and without serious mental illness involving police officers have

ignited public conversations about qualified immunity. It is crucial to consider the role of structural racism in the criminal legal system and its relevance to defendants like Mr. Harris, a Black man with serious mental illness. Studies have shown that Black men and other nondominant groups are more disadvantaged at every step of the criminal justice system (Trestman RL. Is justice really blind? Nondominant groups in the American justice system. *J Am Acad Psychiatry Law*. 2018 Dec; 46(4):416–8). The disproportionate contact of law enforcement with individuals with serious mental illness and people of color has been well characterized (Bailey RK, Barker CH, Grover A. Confluence of law enforcement, mental health, and race. *Behav Sci & L*. 2022; 40(4):532–9). An intersectional theoretical framework, as developed by Kimberlé Crenshaw, provides a lens to see how various forms of inequality overlap and exacerbate each other on multiple levels such as gender, race, sexuality, and socioeconomic status. This framework helps contextualize Mr. Harris's identity within the criminal legal system and the cumulative disadvantage he faced. These considerations are integral to forensic psychiatry ethics (Friedman SH. Searching for the whole truth: Considering culture and gender in forensic psychiatric practice. *J Am Acad Psychiatry Law*. 2023 Jan; 51(1):23–34).

*Harris* sets a precedent for public officials to be actively engaged in the due process protections afforded to all, including those in the criminal legal system, a system that historically has perpetuated harm against structurally marginalized populations. An understanding of these disparities facilitates a critical evaluation of procedural safeguards to attempt to mitigate undue harm. Qualified immunity is not a shield of protection when actions of individuals who are sworn to protect the public clearly violate the rights of citizens.

## Mental Injury Worker's Compensation Claims

**Lauren J. Ryan, PhD**  
Fellow in Forensic Psychology

**Danielle Rynczak, JD, PsyD**  
Assistant Professor of Psychiatry  
Law and Psychiatry Program

Department of Psychiatry  
University of Massachusetts Chan Medical School  
Worcester, Massachusetts

## Context and Preexisting Conditions Matter in Worker's Compensation Mental Injury Claims

DOI:10.29158/JAAPL.230066-23

**Key words:** extraordinary and unusual stress; mental injury; preexisting conditions; worker's compensation

In *Patterson v. Matanuska-Susitna Borough Sch. Dist.*, 523 P.3d 945 (Alaska 2022), the Supreme Court of Alaska considered whether the Alaska Workers' Compensation Appeals Commission erred in affirming the Alaska Worker's Compensation Board's ("Board") denial of "physical-mental" and "mental-mental" claims. The court affirmed the lower court's findings because the Board found that the incident was not the cause of the plaintiff's mental health difficulties and because both the court and the Commission must respect the credibility determinations made by the Board, which in this case involved substantial expert testimony that the work incident was not the predominant cause of the plaintiff's mental health condition.

### Facts of the Case

In September 2014, Shannon Patterson worked for the Matanuska-Susitna Borough School District as a school nurse. She responded to reports of a child choking, attempting to clear the child's airway and performing CPR, but the child died. Having been exposed to bodily fluids, Ms. Patterson was assessed but tested negative to disease. The District paid her temporary total disability benefits for three months, and she was excused from work because of "on-site trauma" and "situational distress." After she sought counseling, her clinician ultimately diagnosed her with posttraumatic stress disorder (PTSD). Three months later, at the request of the District, Ms. Patterson was evaluated by a psychiatrist, Dr. David Glass, who noted personality traits and concluded that ongoing mental health problems were not work related. Based on his conclusions, the District controverted benefits.

In February 2015, Ms. Patterson filed a worker's compensation claim seeking disability benefits, medical costs, and a second independent medical evaluation (SIME). She claimed exposure to blood-borne pathogens and emotional stress as the injury, with various body parts and her mind as the injured body parts. The District denied it was liable for further payments, and Ms. Patterson filed an amended