

explicitly restrict the duration of prehospitalization waits, the courts must remain committed to preventing unnecessary delays that could compromise a defendant's rights.

Overall, the Eleventh Circuit's decision reinforces the flexibility courts have in ordering multiple competency evaluations, thereby ensuring that the defendant's mental state is accurately assessed throughout the legal proceedings. It also brings attention to the need for close oversight in managing prehospitalization detention periods. This case may serve as a precedent for future interpretations of competency statutes and involuntary commitments.

Legal Liability in Correctional Suicide

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Court Considers Evidence of Substantial Risk of Suicide in Correctional Setting

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In *Smith-Dandridge v. Geanolous*, 97 F.4th 569 (8th Cir. 2024), the U.S. Court of Appeals for the Eighth Circuit ruled on a case involving the death of Andrew Dawson Bell, a pretrial detainee, who died by suicide. The court of appeals upheld the lower court's ruling, granting summary judgment in favor of the defendants based on qualified immunity. The court found that the defendants' actions, although possibly negligent in failing to properly diagnose and mitigate Mr. Bell's suicide risk, did not amount to deliberate indifference.

Facts of the Case

On the afternoon of September 24, 2016, Mr. Bell called his mother, Judy Lynn Smith-Dandridge,

expressing concern about a possible break-in at his apartment. Officer Sutley was dispatched but left after he found nothing unusual. Following this, Mr. Bell made several calls to the Fayetteville police, reporting a burglary and claiming that people were trespassing onto his balcony. Officers Sutley and Jones were dispatched but left after they found no evidence of vandalism or burglary. That evening, a neighbor reported an intoxicated person who had threatened someone and was stabbing the ground. Officers Sutley and Jones were dispatched and encountered Mr. Bell walking briskly while holding a flashlight and two knives. Mr. Bell was arrested for terroristic threats, disorderly conduct, and carrying a weapon. Prior to his transport to the Washington County Detention Center (WCDC), Mr. Bell requested to be taken to the hospital for what he claimed was a broken hand. But Officer Sutley transported Mr. Bell directly to WCDC to be diagnosed by jail nurse staff, as Mr. Bell did not indicate he was in pain.

Mr. Bell arrived at WCDC around 11:15 p.m. During intake, he disclosed his diagnoses of bipolar disorder, anxiety, depression, and current psychiatric medications. Mr. Bell also disclosed a history of four previous suicide attempts, most recently about one and a half years prior, but reported to intake officers that he was not currently having thoughts about harming or killing himself or others. At 4:00 a.m., Nurse Dominguez examined Mr. Bell's hand, finding that it was not swollen or bruised and did not appear to cause Mr. Bell distress. Mr. Bell was housed with WCDC's general population. Mr. Bell made several calls that morning and afternoon from his cell block to his mother and bail bond agents related to his arrest and potential bail. Within a minute of his final call at 3:17 p.m., Mr. Bell reported having a panic attack to jail staff. Deputy Jennings checked on him, as Nurse Hill was occupied at the time. After speaking with Mr. Bell for a few minutes, Deputy Jennings informed Nurse Hill that Mr. Bell "did not seem to be panicking anymore" (*Smith-Dandridge*, p 574). Based on this update, Nurse Hill decided to "wait for now" to visit Mr. Bell.

Surveillance video showed that Mr. Bell requested via intercom again that a nurse check on him. Deputy Carter responded that a nurse would come when available. Moments after this exchange, Mr. Bell returned to his cell and immediately hanged himself. His body was discovered 10 to 15 minutes later by two jailers, who were unable to revive him.

Following Mr. Bell's death, Mrs. Smith-Dandridge filed a lawsuit alleging that the Fayetteville police officers, WCDC intake, jailer, and nurse defendants were deliberately indifferent to her son's serious medical needs, in violation of his Eighth and Fourteenth Amendment rights. She also alleged that Washington County failed to adequately train its jail staff. The U.S. District Court for the Western District of Arkansas granted summary judgment for the defendants on the basis of qualified immunity, and Mrs. Smith-Dandridge appealed to the U.S. Court of Appeals for the Eighth Circuit.

Ruling and Reasoning

The Eighth Circuit Court affirmed the district court's summary judgment, ruling that the defendants were not deliberately indifferent to Mr. Bell's serious medical needs under 42 U.S.C. § 1983 (1996). To establish a claim of deliberate indifference, the plaintiff must demonstrate both an objective component (an objectively serious medical need) and a subjective component (that the defendant actually knew of, but deliberately disregarded, such need) as described in *Vaughn v. Gray*, 557 F.3d 904 (8th Cir. 2009). The court emphasized past precedent that deliberate indifference is more blameworthy than the negligence standard and that subjective recklessness is the appropriate test for deliberate indifference.

The court assumed that the objective component was satisfied in that Mr. Bell had a serious medical need as evidenced by his history of mental illness, suicide attempts, and use of psychiatric medications. The court then proceeded to analyze the facts related to the subjective component, i.e., if the defendants had actual knowledge of a substantial risk to Mr. Bell's health and safety and disregarded it.

Beginning with the police officers who arrested Mr. Bell, the court described that Mr. Bell's behavior put the officers on notice that he was mentally ill, but not that he was actively suicidal. Although Mr. Bell disclosed to jail staff that he had multiple attempted suicides, the court emphasized that Mr. Bell denied having current suicidal thoughts. As a result, intake officers at WCDC did not classify Mr. Bell as being at an elevated suicide risk that required heightened observation, and he was detained in general population. The court reasoned that Mr. Bell's prior suicide and psychiatric history were insufficient to establish that the defendants had actual knowledge of an acute suicidal risk. The subjective recklessness test requires that

the jail staff must have actually known Mr. Bell was suicidal and disregarded that risk; the court asserted that the defendants did not actually know he was suicidal in the moments before he hanged himself.

The court also found that Mr. Bell's behavior leading up to his death, such as his report of a panic attack, did not provide sufficient warning to the jailers or jail nurses that he was at imminent risk of suicide. As the court stated in *Farmer v. Brennan*, 511 U.S. 825 (1994), an official's failure to recognize a risk cannot meet the subjective component unless the risk was so obvious that the official must have known.

Additionally, the plaintiff's claim that Washington County failed to properly train its jail staff was dismissed. The court reasoned that the plaintiff must show that deficient training caused WCDC defendants to be deliberately indifferent to Mr. Bell's substantial risk of suicide. The court found that the county could not be held liable as the WCDC defendants were found not to have been deliberately indifferent.

Discussion

The ruling in *Smith-Dandridge* highlights the challenges correctional facilities face in managing the mental health needs of detainees, particularly regarding suicide prevention. For professionals working in correctional settings, this case underscores the complexities of assessing risk and providing timely care in environments that are often underresourced.

One key concern raised by this case is the importance of adequate suicide risk assessments and ongoing monitoring and assessment of detainees with significant psychiatric histories, including past suicidal behaviors. Mr. Bell's history of significant mental illness and previous suicide attempts could have prompted his classification at higher risk for suicide with a more frequent observation schedule. Additionally, when he exhibited signs of distress with his reported panic attack, an assessment at that time could have recognized a need for a higher level of observation. This raises questions about how well correctional staff are trained to identify potential mental health emergencies and whether their training protocols address the need for timely responses to such crises.

Although the court did not find deliberate indifference, citing the lack of actual knowledge of an imminent suicide risk, it acknowledged that the jail staff and medical personnel may have been negligent in their handling of Mr. Bell's case. This suggests

that, although their actions did not amount to a constitutional violation, there were possible acts or omissions that might have been negligent.

Forensic psychiatrists are routinely retained in wrongful death lawsuits to review similar cases of suicide in correctional facilities. It behooves forensic psychiatrists to be aware of the different legal standards they are being asked to apply in rendering opinions, such as distinguishing negligence from subjective recklessness standards when appropriate.

Ultimately, this case, regardless of any potential legal liability, underscores the need for correctional facilities to implement clear protocols for managing detainees with serious psychiatric conditions. These protocols should involve making informed housing decisions, ensuring effective communication between staff, and providing all personnel with adequate training to recognize and respond to psychiatric crises.

NGMI and Double Jeopardy

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Court Affirms Rejection of NGMI Defense and Rules No Double Jeopardy Violation

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In *Bolen v. State*, 547 P.3d 961 (Wyo. 2024), the Wyoming Supreme Court examined whether Solomon Bolen could invoke a not guilty by reason of mental illness (NGMI) defense despite the fact that his delusions were methamphetamine induced. The court ruled that Mr. Bolen's drug-induced mental state did not meet the legal threshold for NGMI under Wyoming law. Additionally, the court rejected Mr. Bolen's claim of double jeopardy, affirming his convictions for attempted second-degree murder and aggravated assault.

Facts of the Case

On the day of the offense, Mr. Bolen, under the influence of methamphetamine, exhibited erratic and paranoid behavior, ultimately firing a rifle at a group of men, seriously injuring two of them. The victims, brothers Richard and John Cleary, along with their friend George Heger, were packing their hunting gear when Mr. Bolen confronted them with a firearm. Following a series of delusional accusations, Mr. Bolen fired a single shot that struck two of the men, causing severe injuries.

The police arrested Mr. Bolen, who raised an NGMI defense, claiming that his actions were the result of a severe mental illness. But a court-appointed forensic psychiatrist, Dr. Renee Wilkinson, evaluated Mr. Bolen and concluded that his mental state was influenced by methamphetamine intoxication rather than an underlying mental illness, disqualifying him from asserting the NGMI defense under Wyo. Stat. Ann. § 7-11-305(c) (2023).

Mr. Bolen was convicted of 13 of 15 criminal offenses and sentenced to 30 to 40 years in prison. Mr. Bolen filed a motion for a new trial, asserting that his trial attorneys were ineffective because they did not pursue NGMI jury instructions and a special verdict form after pleading NGMI. Mr. Bolen asserted that he had been prejudiced by this ineffective counsel because the jury was not permitted to consider whether his conduct was the result of mental illness rather than voluntary intoxication. The district court denied Mr. Bolen's motion, finding that the trial counsel for Mr. Bolen made a strategic decision not to pursue the NGMI defense and to focus instead on the voluntary intoxication defense. Mr. Bolen appealed to the Supreme Court of Wyoming.

Ruling and Reasoning

The Supreme Court of Wyoming, in a ruling authored by Chief Justice Fox, upheld the district court's decision, ruling that an instruction on statutory defense of NGMI was not warranted and that Mr. Bolen was not prejudiced by his attorneys' allegedly deficient failure to renew a request for NGMI jury instructions because Mr. Bolen did not meet the statutory criteria for an NGMI defense under Wyo. Stat. Ann. § 7-11-305(b). This statute places the burden on the defendant to disprove the presumption of mental responsibility by demonstrating by greater weight of the evidence that he had a severe mental illness or deficiency during the instant offense that