Duty, Dilemma, and Decisions: Leonard v. Silva's Spotlight on Use-of-Force during Mental Health Turmoil

Description

In a recent decision, *Leonard v. Silva*, et al., the Eleventh Circuit Court of Appeals addressed a pressing issue currently dominating the law enforcement profession.[1] This pivotal case brings to the fore the nexus between § 1983 claims for excessive use of force and the intricate challenges law enforcement officers confront when responding to mental health crises in healthcare settings. The insights offered from this case hold significant relevance, especially as we approach Daigle Law Group's 2023 Use of Force Summit in November, where we will delve deeper into the overarching concept of duty of care as it relates to use-of-force, especially in response to mental health crises.

Central to this case is Jarvis Randall, a patient at a mental health facility in Florida. His stay was marked by bipolar depression, a condition that became worse after learning about his father's death. Despite undergoing treatments and discussions about a possible release, the absence of a solid discharge plan, due to Randall's limited resources and lack of healthcare support, was a pressing concern.

However, events took a turn on December 1 when Randall became highly agitated. Rejecting medication, he openly threatened the nursing staff. Security videos, along with footage from officers' body cameras, revealed Randall's violent actions, including causing property damage and forcibly entering an unoccupied outpatient section. Recognizing the potential danger, the hospital staff called in law enforcement.

Two Deputies responded to the call and found themselves dealing with a distraught individual armed with a pencil. Randall's statements made clear his suicidal intentions, as he grew more confrontational by the second. With the situation worsening, the officers called in for backup and Deputy Wilson DeJesus arrived with a "less-lethal" bean bag launcher. Despite negotiation attempts, Randall remained aggressive.

A tactical approach was developed, utilizing several officers and non-lethal measures. However, Randall's continued aggressive behavior, now wielding sharp pieces of broken plexiglass, led to the decision to use lethal force. Tragically, this ended with Randall being critically injured and later pronounced dead at the hospital.

The personal representative of Randall filed § 1983 action for excessive use of force and state battery claims against three officers and the Broward County Sheriff's Department. The BSO defendants moved for summary judgment on the excessive force claims, asserting their entitlement to qualified immunity, however, the Plaintiff argued that the existence of disputed facts precluded summary judgment for the officers.

Upon hearing the case, the district court assessed three central facts: The nature of the weapon Randall possessed, whether Randall was effectively contained, and the degree to which officers tried to de-escalate the situation. The district court granted the officers qualified immunity, noting that the

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plaintiff did not demonstrate the officers' actions were excessive.

Hearing the case on appeal, the Eleventh Circuit affirmed the lower court's grant of summary judgment in favor of the Broward Country officers. The Circuit addressed each of the plaintiff's arguments that challenged the lower court's ruling. First, the court tackled the plaintiff's claim that the district court wrongly characterized Randall as a felon fleeing arrest. The court clarified that the lower court made no such factual finding. Next, on assessing whether the objects in Randall's hands posed an immediate threat, the Circuit emphasized that the plexiglass shards Randall wielded could be reasonably perceived by officers as capable of causing serious harm to the officers on scene.

The court validated the district court's finding that Randall was not effectively contained. The emphasis here noted his access to unlocked double doors, and his proximity to an emergency exit door he had been kicking, which can be unlocked after just three pushes. This supported the notion that he had a real potential for escape, further justifying the officers' actions. Finally, on the topic of de-escalation techniques, the Eleventh Circuit stated that while alternative techniques might exist, the pivotal point was whether a reasonable officer in the situation could have believed that conduct was justified.

The Circuit affirmed that the district court correctly dismissed the Plaintiff's argument about Randall's intent to engage in dialogue. Randall's comments, which indicated that either he or the officers would not survive the encounter, did not manifest an intention to communicate nor do they support this finding.

As for the use of force, the appellate court agreed with the lower court's view that an officer could reasonably have believed Randall posed an imminent threat of serious physical harm. The court further emphasized that the use of deadly force was constitutionally permissible under these circumstances. It went on to discuss that even assuming a constitutional violation occurred, there was no clearly established law that would have alerted the officers that their conduct was unconstitutional.

Finding that the officers' actions were justifiable and lawful, the Eleventh Circuit affirmed the district court's decision to grant qualified immunity to the officers.

The *Leonard v. Silva* case has yielded invaluable insights for the law enforcement community. Central to its teachings is the Eleventh Circuit's affirmation of the lower court's stance, which accorded the officers with qualified immunity. Their actions, when viewed through the lens of the imminent threat posed by Randall, especially given his possession of plexiglass shards and a demonstrable potential for escape, were deemed both justifiable and lawful.

While officers should always strive for de-escalation, this case underscores that the critical question here considered is what a reasonable officer would perceive and execute under similar circumstances. Thus, *Leonard v. Silva* stands as a testament to the intricate balance between use-of-force decisions and the unique challenges posed by mental health crises. Officers must assess the situation carefully, considering both the immediate threat and containment factors. But remember, at the end of the day, the law sides with reasonable actions taken in volatile situations.

[1] **Leonard v. Silva, et al., No. 23-10244 (11th Cir. 2023)**

Date Created
10/10/2023

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