

Case Law by Topic

- **Police Psychology**

- *Bonsignore v. City of New York* (1982)

Courts ruled that the police agency can be held liable for the actions of employees who were not properly screened.

- *Conte v. Horcher* (1997)

Courts ruled that police agencies have a right to order an officer to submit to a physical or mental exam to determine the officer's ability to perform the requirements of the job.

- *David v. Christian* (1987)

Courts upheld that the employing agency that requests an evaluation is the client and holds the right of confidentiality.

- *McCabe v. Hoberman* (1969)

Courts ruled that police agencies have a right to include psychological evaluations in their screening process.

- *Vinson v. The Superior Court of Alameda County* (1987)

The court ruled that the examiner should have the freedom to probe deeply into the plaintiff's psyche without interference by a third party.

- **Investigative Psychology**

- *The Estate of Sam Shepard v. State of Ohio* (2000)

The judge ruled that a former FBI profiler would need to limit his or her expert testimony and could not testify. The judge ruled that such testimony would amount to profiling evidence, and profiling testimony did not meet the standards of Daubert.

- *U.S. v. Robinson* (2000)

Federal courts ruled that forensic psychology professionals may not testify as to whether an individual could or could not have committed a crime based on typologies.

- **Competency to Stand Trial**

- *Faretta v. California* (1975)

The court ruled that competency to waive one's right to counsel had no relationship to the defendant's actual ability to legally self-represent.

- *Godinez v. Moran* (1993) (Competency to stand trial)

The court ruled that no different or higher standard was required for the waiver of important rights than the Dusky standard.

- *Jackson v. Indiana* (1972) (Competency to stand trial)

The US Supreme Court ruled that if a defendant is determined incompetent, the state may involuntarily hospitalize and treat the defendant for a reasonable period of time to determine the probability that the person can achieve trial competency in the foreseeable future.

- *Pate v. Robinson* (1966) (Competency to stand trial)

The US Supreme Court ruled that a trial judge must raise the issue of competency if any evidence presented creates a “bona fide doubt” about the defendant’s competency.

- *Riggins v. Nevada* (1992) (Competency to stand trial)

The US Supreme Court ruled that a defendant found incompetent could be administered medication against his or her will if the state can show that the medication is essential for the defendant’s safety or the safety of others or that there are no other less intrusive means to obtain an adjudication of guilt or innocence.

- *United States v. Duhon* (2000) (Competency to stand trial)

The court ruled that the release of a mentally retarded defendant who did not pose a danger to himself or society since he would never achieve trial competency.

- **Criminal Responsibility**

- *Durham v. United States* (1954) (Criminal responsibility)

The court ruled that when attempting to determine guilt there has to be both free will and intent to do harm.

- *United States v. Brawner* (1972) (Criminal responsibility)

The court repealed the Durham rule and adopted a modified version of the Model Penal Code Rule (The **Brawner rule**).

- *United States v. Hinckley* (1982) (Criminal responsibility)

The US Congress passed the Federal Insanity Defense Reform Act (1984). Defendants must prove insanity by clear and convincing evidence

- **Coerced Treatment**

- *Washington v. Harper* (1990)

The US Supreme Court upheld that an administrative hearing is sufficient to administer psychoactive drugs to an inmate against his or her will.

- *McKune v. Lile* (2002) (Coerced treatment)

The US Supreme Court ruled that a prison could withdraw privileges if an inmate refused to participate in a treatment program.

- **Correctional Psychology**

- *Barefoot v. Estelle* (1983)

The US Supreme Court ruled that a mental health professional's expert opinion regarding the prediction of dangerousness met the criteria for the Daubert standard regarding admissibility of evidence.

- *Ford v. Wainwright* (1986)

The US Supreme Court ruled that it is unconstitutional to execute an inmate who does not appreciate what is happening to them due to a mental illness.

- *Joseph v. Brierton* (1984) (Right to treatment)

The ruling of *Estelle v. Gamble* was extended to include psychiatric care.

- *Penry v. Lynaugh* (1989)

The US Supreme Court ruled the execution of a mildly mentally retarded individual (Penry) did not violate constitutional safeguards if the individual was found competent to stand trial.

- *Washington v. Harper* (1990)

The US Supreme Court upheld that an administrative hearing is sufficient to administer psychoactive drugs to an inmate against his or her will.

- **Right to Treatment**

- *Estelle v. Gamble* (1976) (Right to treatment)

The court ruled that an inmate must prove that prison officials were deliberately indifferent to the health needs of the inmate.

- *Wellman v. Faulker* (1983) (Right to treatment)

The ruling of *Estelle v. Gamble* was extended to include psychiatric care.

- **Civil Commitment of Sex Offenders**

- *Kansas v. Hendricks*, (1997)

The US Supreme Court ruled that if an individual convicted of a sex offense is dangerous to others due to a "mental abnormality," the individual may be committed to treatment indefinitely. The Court ruled that such a commitment does not constitute "double-jeopardy."