

## Position Statement on Death Sentences for Persons with Dementia or Traumatic Brain Injury

Approved by the Board of Trustees, December 2005  
Reaffirmed by the Board, December 2014  
Approved by the Assembly, November 2005  
Reaffirmed by the Assembly, November 2014

"Policy documents are approved by the APA Assembly and Board of Trustees...These are...position statements that define APA official policy on specific subjects..." – *APA Operations Manual*.

The Presidential Council has previously recommended, and the APA has adopted, two position statements on mental illness and the death penalty -- one proposing criteria of diminished responsibility for offenses committed by offenders suffering from severe mental disorder at the time of their offenses, and another pertaining to issues arising after sentencing when prisoners on death row suffer from mental illness. These two statements were developed in close collaboration with the American Bar Association Task Force on Mental Disability and the Death

Penalty. The Council has now approved a third position (and final) proposal on this subject developed in collaboration with the ABA Task Force. This statement has a very limited aim -- it is designed simply to urge courts and legislatures to extend the Supreme Court's ruling in *Atkins v. Virginia* (exempting people with mental retardation from the death penalty) to two other disorders involving equivalent levels of impairment -- dementia and traumatic brain injury. The proposed position statement follows:

**"Defendants should not be executed or sentenced to death if, at the time of the offense, they had significant limitations in both their intellectual functioning and adaptive behavior, as expressed in conceptual, social, and practical adaptive skills, resulting from mental retardation, dementia, or a traumatic brain injury."**