

NCD Forced Drugging of a Texas Inmate with a Psychiatric Disability Statement

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A state district judge in Texas has ordered inmate Steven Kenneth Staley to take psychiatric medication so that he can be declared mentally fit for execution. In 2003, the U.S. Circuit Court of Appeals permitted officials in Arkansas to forcibly administer medication to control an inmate's behavior, making him "competent" enough to be executed.

In the National Council on Disability's 2000 Report *From Privileges to Rights: People Labeled with Psychiatric Disabilities Speak for Themselves* (<http://www.ncd.gov/newsroom/publications/2000/privileges.htm>), NCD stressed that forced drugging should be viewed as inherently suspect and that practices that would often be illegal if administered to people without disabilities are routinely used on people with psychiatric disabilities in the name of "treatment." But the notion of administering psychiatric medication to someone so that he is considered "fit" for execution should shock the conscience of all Americans.

In *Atkins v. Virginia*, the U.S. Supreme Court ruled that executions of people with cognitive disabilities found guilty of a crime are "cruel and unusual punishments" prohibited by the Eighth Amendment. The Court reasoned that it was "not persuaded that the execution of mentally retarded criminals will measurably advance the deterrent or the retributive purpose of the death penalty." The Court also referred to the growing number of states prohibiting the execution of people with mental retardation as a reflection of society's view that those with cognitive disabilities are less culpable for their offense. The Supreme Court should take the *Atkins* decision one step further and weigh in on the unresolved issue of the constitutionality of medicating inmates to make them competent to be executed.

The forced treatment of Mr. Staley, particularly for purposes of execution, has severe implications for people with disabilities. NCD urges that in the absence of judicial clarity, a closer look be taken at death penalty legislation and the possibility of modification to make forced treatment of inmates a cruel and unusual punishment and hence unconstitutional.

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