



The Death Penalty and Intellectual Disability

Edward A. Polloway

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This book is the authoritative resource on the application of diagnostic information concerning intellectual disability (ID) in death penalty cases. In a landmark decision in *Atkins v. Virginia* in 2002, the Supreme Court ruled that executing someone with ID is a violation of the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment. In its 2014 decision, *Hall v. Florida*, the Court ruled that, while states have the right to establish their own rules for handling *Atkins* cases, they cannot ignore scientific and medical consensus regarding intelligence and the nature and diagnosis of ID. The Court rejected the use of an IQ test score of 70 as a bright-line cutoff for determining ID and rules that all evidence pertinent to the claim, including adaptive behavior assessments, should be considered. This publication provides a comprehensive and cogent resource for the use of the range of professionals involved in the determination process for intellectual disability within the criminal justice system. The following are among the critical topics addressed: foundational considerations, including diagnostic criteria, the definition of ID, the analyses of *Atkins* cases; assessment considerations; intellectual functioning, including IQ testing and the Flynn effect; adaptive behavior; and related topics, such as cultural and linguistic factors, competence to waive Miranda rights and to stand trial, retrospective diagnosis, malingering, comorbid disorders, educational records, and professional issues.

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