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BY

THE HONORABLE JAMES K. STEWART, DIRECTOR
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BEFORE

THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

CONFERENCE ON OFFENDERS WITH MENTAL RETARDATION
AND THE CRIMINAL JUSTICE SYSTEM

8:40 A.M.
FRIDAY, SEPTEMBER 15, 1989
THE HYATT REGENCY HOTEL
CABINET JUDICIARY ROOM
BETHESDA, MARYLAND
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JAN 11 1990

ACQUISITIONS

Good morning. Secretary Sullivan, Acting Director Young, Members of the President's Committee on Mental Retardation, and distinguished guests, as the Director of the National Institute of Justice, it is my pleasure to greet and welcome you to this groundbreaking conference on offenders with mental retardation and the criminal justice system.

The National Institute of Justice, the Department of Justice's criminal justice research and development agency, is honored to join hands together with the Department of Health and Human Services and the President's Committee to address the complex and special issues mentally retarded offenders present.

When I was approached last year during the conference's planning stage about the possibility of co-funding it, I realized just how little contact my agency had with the President's Committee on Mental Retardation and, indeed, with much of HHS. As we discussed the purpose of the conference and developed its themes, I certainly became more knowledgeable about the mentally retarded individuals in our society who have entered the criminal justice system.

And at the same time the President's Committee and its constituency indicated their strong interest in learning more about the purposes, goals, and operations of our Nation's criminal justice system through taking the initiative to put together this conference of scholars, judges, corrections and law enforcement officials, and physicians and specialists in mental

retardation. May I take this time to suggest that just as your system -- the mental retardation system -- can be as confusing and alien to law enforcement professionals, so can the criminal justice system be as confusing and alien to you. That is why it is so tremendously significant that principals in these systems, coming from all levels of government, academia, and private service, have met to dispel myths, illuminate the data, confront the unknown, and take on the hard choices that exist in mental retardation policy with respect to criminal justice policy.

I pledge the continuing interest and cooperation of the Department of Justice, at the Federal level, with our counterparts at the Department of Health and Human Services. The National Institute will do its part with criminal justice research to shed light on options, policies, and activities of law enforcement as it encounters mentally retarded persons.

As a former police officer, I can honestly say that law enforcement professionals want to protect individuals and the community. Law enforcement officers are most often the first to be called for assistance in a crisis. And for them, like anyone, the unknown can be frightening and confusing. Unusual behavior or a retarded person's poor communication skills puts officers on guard. How should an officer handle himself when he arrests a mentally retarded person and wants to ensure that he understands his constitutional rights and can exercise them? I submit to you today that the major obstacle in more appropriate handling of mentally retarded offenders is the lack of knowledge and training

of police, judges, defense counsel and prosecutors, and correctional staff. Law enforcement officers and the other members of the criminal justice system have to be trained to recognize the borderline mentally retarded individual, in particular, and to distinguish his/her masking and possibly belligerent behavior from mental illness and ordinary uncooperativeness. Clearly, how well the police respond to and understand the dimensions of mental retardation will determine the quality of the police and the community's response to mentally retarded suspects and offenders. This knowledge and information campaign can't ignore the public either. Why? Because it is from the public that jurors are drawn.

In closing, it is a mark of the importance of our meeting that the Attorney General of the United States, the Honorable Dick Thornburgh, will be the keynote speaker at tonight's dinner. I reiterate my thanks to the President's Committee for initiating this conference. I endorse its purposes, and I pledge our support for ways we in the Administration can work together to make our respective systems work better.

Thank you.