

Acquired Brain Injury and the Criminal Justice System: A briefing for police officers & staff

Each year, around 350,000 people are admitted to hospital in the UK with an acquired brain injury, with an estimated 1.3 million people living with a disability as a result (Centre for Mental Health, 2016). A brain injury, the effects of which can often be hidden and misunderstood, can include difficulty managing behaviour and controlling one's anger, as well as the ability to process and retain information or instruction.

Brain injury survivors can find themselves coming into contact with the criminal justice system as victims or after being arrested. This can be as a result of their disabilities not being recognised or understood, or as a result of the individual's difficulties managing their behaviour and emotions.

Being a victim or being arrested can be a traumatic time for a survivor of a brain injury. They may be confused, afraid and emotional about the situation they find themselves in. They may also experience severe anxiety or anger management issues from being confronted, left alone, being in a noisy environment or a confined space.

The **Brain Injury Identity Card** provided free-of-charge by leading brain injury charity Headway, is designed to help police officers and staff more easily identify brain injury survivors and ensure that they receive an appropriate response.

The card has the endorsement and support of the National Police Chiefs' Council, Police Scotland and the Police Service of Northern Ireland.

Its aim is to divert survivors of a brain injury away from the criminal justice system, where appropriate, while ensuring specialist legal representation is available to them via a 24/7 legal helpline managed by solicitors trained in understanding brain injury.



Thousands of identity cards have now been issued to survivors of brain injury across the United Kingdom. Visit www.headway.org.uk/idcard for more information.

What action to take if a card is presented or existing brain injury is suspected in custody:

- The detained person should be treated as a vulnerable adult.
- The custody sergeant should be alerted to consider if further medical advice, liaison and diversion, or an appropriate adult, is required.
- If the detained person is in possession of a Brain Injury Identity Card or if a brain injury is suspected, legal advice and representation can be requested through our 24-hour helpline: **0800 140 4031**

What is acquired brain injury?

Acquired brain injury (ABI) refers to any brain injury sustained since birth. This includes strokes, infections, tumours, poisoning, oxygen deprivation and traumatic brain injury (TBI). The most common causes of TBI are violent assaults, domestic violence, road traffic collisions, falls, and accidents in the workplace.

Effects of brain injury

No two brain injuries are the same. The effects of brain injury are wide ranging and frequently hidden. Many survivors will lack **insight** and **awareness** into their difficulties making it hard to identify and provide appropriate support.

It is important for police officers to be aware of the signs and behaviour that may indicate a brain injury. Behaviour such as appearing drunk, being aggressive or uncooperative could be indicative of a brain injury.

Some of the effects of brain injury which may lead to police involvement with a survivor include, but are not limited to:

- **Mobility or speech problems** which may create the appearance of inebriation;
- **Emotional/anger problems** which could lead to confrontation;
- **Memory problems** which could lead to forgetting to pay for items before leaving a shop

Brain injury can also leave people with a reduced tolerance of alcohol, so if alcohol has been consumed, its effect may be magnified.

Some other common effects of brain injury include:

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| • Information processing difficulties | • Lack of self-awareness |
| • Attention and concentration problems | • Disinhibition and impulsivity |
| • Decision-making difficulties | • Fatigue |
| • Planning and organisation problems | • Depression and anxiety |

A brain injury survivor may be carrying medication to help treat the effects of their brain injury such as epilepsy. It is important that a survivor in custody has access to this medication if required.

For more information about the effects of brain injury visit: www.headway.org.uk/effects-of-brain-injury.

You can also contact the Headway helpline on **0808 800 2244** or helpline@headway.org.uk. It is a free, confidential service for anyone with a question about brain injury.

Partners of Headway's Justice Project

Headway work closely with the following organisations to improve understanding and awareness of brain injury in the UK's criminal justice systems:

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| • National Police Chiefs' Council | • Crown Prosecution Service |
| • Police Federation of England and Wales | • Public Prosecution Service |
| • Police Scotland | • National Appropriate Adult Network |
| • Police Service of Northern Ireland | • Her Majesty's Prison and Probation Service |
| • NHS England | |