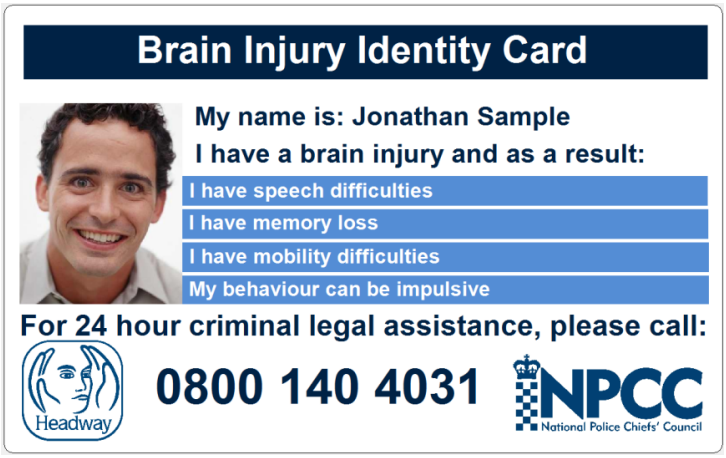
Acquired Brain Injury and the Criminal Justice System: A briefing for police officers & staff

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 controlling 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 being in a confined space.

The ***Brain Injury Identity Card*** provided 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 support and endorsement of the National Police Chiefs' Council and other agencies.

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 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**

© Headway – the brain injury association, 2022

What is acquired brain injury?

Acquired brain injury 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 road traffic collisions, falls, violent assaults, accidents in the workplace and domestic violence.

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:

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

A survivor of a brain injury may be carrying medication to help treat the effects of their brain injury. 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

The following organisations have agreed to become partners in the Justice Project:

- National Police Chiefs' Council
- Police Federation of England and Wales
- Police Scotland
- Police Service of Northern Ireland
- NHS England (Liaison and Diversion)
- Crown Prosecution Service
- Public Prosecution Service
- National Appropriate Adult Network
- Her Majesty's Prison and Probation Service
- The Department for Work and Pensions