

Acquired Brain Injury & the Criminal Justice System: A briefing for probation staff



the brain injury association

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.

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.

How many people in prison have a brain injury?

Research indicates that more than half of people in prisons may have had a traumatic brain injury. The rate is high in both male and female prisons, with many women suffering their injuries through 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.

Some of the effects of brain injury that may have an impact on a survivor's journey through the criminal justice system include, but are not limited to:

- **Memory problems**, which could lead to a survivor finding it difficult to follow a daily routine, remember rules, regulations and instructions;
- **Attention and concentration difficulties** can also affect a survivor's ability to follow and take in information;
- **Impulsivity and lack of self-control**, which may lead to displays of inappropriate behaviour and confrontation;
- **Anger & irritability** which may result in explosive outbursts;
- **Information processing difficulties**, which may result in slower verbal and physical responses that could be misinterpreted as evasive or unco-operative behaviour;
- **Communication difficulties** that make it difficult for a survivor to understand others or articulate their own needs or views;
- **Fatigue**, which is one of the most commonly experienced and most debilitating effects of brain injury, can impact every aspect of a person's day-to-day functioning and may result in the survivor appearing lazy or disinterested;
- **Executive functioning deficits** can impact a survivor's ability to problem solve, plan, organise and think flexibly;
- **Epilepsy**, which may result in seizures and require medication.

Survivors of brain injury are **vulnerable** and may be easily led astray and exploited.

Brain injury survivors will frequently experience difficulties with **substance misuse** and mental health issues, including **anxiety** and **depression**. They are also at increased risk of **self-harm** and **suicide**.

For more on the effects of brain injury, please visit: www.headway.org.uk/effects-of-brain-injury

For any brain injury related questions, you can also contact the Headway helpline on **0808 800 2244** or helpline@headway.org.uk. It is a free, confidential service available to anyone with a question about brain injury, from survivors and carers, to professionals and students.

Headway's Justice Project

Headway established its **Justice Project** in response to the over-representation of survivors of brain injury within the criminal justice system.

The frequently hidden nature of brain injury means it can be difficult for professionals to identify survivors and provide appropriate support, resulting in higher rates of criminal behaviour and reoffending.

The charity's **Brain Injury Identity Card**, which is endorsed by the National Police Chiefs' Council and other agencies, is designed to ease identification of brain injury and ensure that the survivor receives an appropriate response and support. The card is also recognised by the Department for Work and Pensions.

The clinically verified ID card is personalised with the survivor's photograph and four effects of their brain injury. The card also gives access to a 24/7 legal helpline to seek criminal legal assistance from solicitors trained in understanding brain injury.



The Brain Injury Identity Card is available free-of-charge to anyone aged over 18 with a clinically verifiable brain injury, including eligible prisoners and prison leavers. The charity encourages all staff to assist eligible individuals, where possible, to apply online or complete a paper application. Visit www.headway.org.uk/idcard for more information.

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:

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