

*Scottish Head Injury Forum*

# Head injury and offending

Dr Derek Chiswick

Consultant Forensic Psychiatrist

The Orchard Clinic

Royal Edinburgh Hospital

*[Derek.Chiswick@lpct.scot.nhs.uk](mailto:Derek.Chiswick@lpct.scot.nhs.uk)*

# Head injury and offending: why?

- personality change +/- cognitive impairment
- pre-injury features
- maladaptive behaviour patterns
- impulsivity, self-centredness
- sexual disinhibition
- carer interactions
- alcohol, drugs
- secondary mental illness

# The head injured person in the criminal justice system

- criminal justice system is not a treatment agency
- but some offenders with mental disorders only obtain treatment through the criminal justice system

## What sort of offence?

- any!
- breach of peace and minor assaults
- damage to property
- crimes of dishonesty
- more serious assaults
- sexual offences
- fire-raising
- homicide

# Arrest

- police action, discretion, arrest
- police station
- questioning, appropriate adult, charge
- custody
- medical examination
- psychiatric assessment
- fitness to be detained

# Court

- representation
- plea
- bail
- remand in custody
- remand in hospital (where?)
- psychiatric report: procurator fiscal
- psychiatric report: solicitor

# Trial

- fitness to plead
- mental responsibility
- diminished responsibility (murder only)

# Sentence

- penal: e.g. prison, probation, CSO, fine, SD
- treatment: e.g. condition of probation
- hospital treatment: compulsory?  
security? conditions of detention?

# Problems: prison

- not a treatment environment
- nature of regimens
- difficulty/ease of adaptation
- victimisation
- health care
- epilepsy
- visiting

# Problems: hospital

- criteria for detention under MH(S)A 1984
- appropriate treatment
- appropriate environment
- staff skills
- likelihood of improvement
- unavailability of continuing care
- community provision

## Summary

- small group within a small group of offenders
- problem or deficit may be missed
- existing facilities usually unsuitable
- few professionals with necessary experience
- requirement for continuing (lifelong) care poorly provided (or acknowledged) in today's NHS