

Independent Custody Visiting Association
Briefing for Independent Custody Visitors and Scheme Managers
Neurodiversity in Custody
September 2021



Background to the briefing:

Her Majesty's Inspectorate of Prisons (HMIP) have published a review into neurodiversity within the criminal justice system (CJS). You can read the report [here](#), which includes links to an accessible version of the report and the press release.

The report covers the definition used for neurodiversity, the prevalence of neurodiversity in the criminal justice system and recommendations to improve the experience of those who are neurodivergent through all stages of the criminal justice system. Schemes have requested a standalone briefing on the parts of the report that are relevant for police custody.

What is neurodiversity?

Neurodiversity is an umbrella term used to describe differences in the human brain in relation to a range of mental functions, such as sociability, learning and mood attention.

A person whose brain 'diverges' from the majority can be described as neurodivergent. Neurodivergence can be genetic, the result of a brain-altering experience, or a combination of the two. Neurodivergent conditions often come with pronounced strengths. However, there will typically also be areas where neurodivergent individuals struggle.¹

For the review, HMIP used the term 'neurodivergence' as an umbrella term to refer to the group of conditions that fall under the broader category of neurodevelopmental disorders (NDDs). These incorporate learning difficulties and disabilities (LDDs).

What does the report say on neurodiversity'?

The report states:

- That elements of police custody processes and the custody environment could be unsettling to a neurodivergent person which can lead to perceptions of non-compliance.

¹ <https://paas-s3-broker-prod-lon-6453d964-1d1a-432a-9260-5e0ba7d2fc51.s3.eu-west-2.amazonaws.com/s3fs-public/2021-06/neurodiversity-glossary-of-terms.pdf>

- Adjustments should be made in custody for those with neurodiversity.
- That the effectiveness of screening for neurodiversity was often reliant on the persistence, skills, and experience of individual custody staff.
- Liaison and diversion services were available, but the call for evidence for this report had minimal returns.
- Intervention and screening from liaison and diversion services often relied upon custody staff recognising the possibility of neurodiversity.

It is then, important for staff to be aware of those detainees with neurodivergent conditions and adjust their approach accordingly. Doing so is likely to minimise distress for the detainee and ensure that they are able to engage effectively with the criminal justice process and custody staff. Treating all detainees as an individual is integral to meeting the needs of neurodivergent detainees in police custody.

What does good practice in custody look like?

- Prioritising vulnerable/neurodivergent people – avoiding lengthy waits.
- Respecting their personal space.
- Allowing more time to explain things and for information to be digested.
- Making longer appointments.
- Moving detainees at less busy times.
- Using consistent staff where possible.
- Keeping to regular routines.
- Providing advance warning about any changes to plans.
- Providing staff ‘scripts’ to support communication with individuals who find this helpful.

It is really important to note that not all of the above will suit all detainees. Custody staff should discuss with detainees what might help them during their time in custody and then act accordingly. There may be other things which could assist a neurodivergent detainee which aren’t on the list above such as distraction items.

What should ICVs do to monitor ‘neurodiversity’?

ICVs are not expected to be experts on neurodiversity but can perform an incredibly valuable function in terms of oversight. You could find out from staff in each custody suite what items they have to support Neurodivergent people so that you know what is available when monitoring.

ICVs should consider the following points/questions:

Communication

- If you are aware/become aware or suspect that the detainee is neurodivergent, ask.
- Adjust your communication and be aware that communication needs can vary greatly.
 - Examples include communicating slowly, clearly and checking understanding. It is very important to avoid being patronising to the detainee.

Safeguards

- Check whether an Appropriate Adult (AA) has been contacted.
- If no AA has been requested but you think the detainee would benefit from that safeguard, raise this with custody staff.

Rights and Entitlements

- Check whether the detainee has received information in an accessible format that is appropriate for them.
- Consider the environment:
 - Has a quieter place within police custody suites been used to book in or interview detainees?
 - Has a route been used that avoided the busy custody desk?
 - Have quieter cells/ quieter wings been used?
 - Are the lights dimmable?
- Check whether any individual sensory adjustments been made. Depending on the custody suite, these could include
 - masks; tinted glasses;
 - earplugs,
 - headphones, or ear defenders;
 - clothing without seams or labels;
 - weighted blankets;
 - sensory brushes;
 - chew toys;
 - and alternative food options (e.g., dry items).
- Check whether any recreation and distraction items been provided. Depending on the custody suite, these could include:

- fidget items (cubes, spinners, and tangles);
- foam footballs and stress balls;
- distraction packs, colouring books, puzzles, cards, crosswords and wordsearches;
- and easy read or picture books.

Remember if something is good, report it! If something doesn't look right, report it!

The National Police Autism Association, along with the College of Policing, have put together two really useful glossaries of terms associated with neurodiversity. The first is hosted on the College of Policing's website and is an in-depth glossary, developed with police staff and the College. You can access this full document [here](#). The second document is a simplified version of the glossary which provides more of a quick reference guide to terms you might hear. You can access this glossary [here](#).

Briefing ends.