



# About 'ADHD in Custody A Guide to Police Custody for ADHDers'

## Who are we?

The ADHD Alliance was founded in February 2022 by a group of serving ADHD police officers. Initially a Metropolitan Police focused support group, the Alliance quickly grew, opening its doors to police forces across the UK. The group's commitment to raising awareness, supporting, and fighting for the welfare of ADHDers extends beyond Police officers and staff, and into the Criminal Justice System, where ADHDers are disproportionately represented and inadequately supported.

Neurodiversikey™ is a newly formed organisation spearheaded by two of the co-founders of Neurodiversity in Law. Neurodiversikey™'s focus is on neuroinclusion in the legal profession, law enforcement, and criminal and civil legal systems, as well as the legal rights of neurodivergent individuals.

## What are we doing?

The ADHD Alliance and neurodiversikey™ have produced ADHD IN CUSTODY A Guide to Police Custody for ADHDers - a booklet aimed at ADHDers detained in police custody. The booklet provides basic information about ADHD and legal rights in relation to police custody, including Appropriate Adults and reasonable adjustments.

## Why ADHD?

In the Criminal Justice System:



1 in 4 people are ADHDers.<sup>1</sup>



1 in 3 people are neurodivergent.<sup>2</sup>



96% of ADHDers have a comorbidity.<sup>1</sup>

Failing to identify or support ADHD can have serious implications.



ADHDers have an increased risk of early death, reducible by early identification/treatment.<sup>3</sup>



Evidence may be inadmissible.



Potential for miscarriages of justice.



ADHD may affect fitness to: be interviewed, plead, give evidence, stand trial.



ADHD costs the CJS £11.7m per year.<sup>4</sup>



Suicidal ideation, attempts and deaths are more common in ADHDers.<sup>5</sup>



ADHD medication can reduce criminality and suicidal thoughts.<sup>5 6</sup>

## What's the goal?

The guide aims to:



Give ADHDers (identified or not) insight into their own thoughts, actions, and needs, as someone being detained and questioned;



Empower ADHDers in custody by assisting individuals in understanding and obtaining support appropriate to their needs;



Further fairness and effectiveness in the custody process and consequently the wider Criminal Justice System.

## Who is the guide for?

The guide is intended for all suspects detained in custody.

## How will the guide be used?



The guide should be given to **all** detainees on arrival at the Custody Suite **irrespective** of risk assessments, screenings, or other evaluations.

## Why should all detainees receive it?



PNC flags may not be sufficiently detailed or up-to-date to accurately inform frontline Police officers about an individual's neurodivergence;<sup>7</sup>



custody risk assessments and vulnerability screening tend to be too generic to identify neurodivergence;<sup>7</sup>



identification of neurodivergence in custody tends to depend on further investigation, expertise, and experience from Custody Sergeants;<sup>7</sup>



self-reports are better predictors of ADHD than Custody Officers' evaluations;<sup>8</sup>



when ADHD is identified, the required support is not always provided e.g. Appropriate Adult;<sup>8</sup>



some detainees' ADHD will be missed by both self-reports and Custody Officers' evaluations.

The guide could prevent some of those detainees slipping through the net, unidentified and unsupported, by:

- encouraging ADHDers to disclose and to seek support;
- empowering unidentified ADHDers to recognise their own indicators of ADHD and to flag them.

## How does it assist the police?

Identifying and supporting ADHD is crucial to:



achieving fairness, effectiveness, and justice;



meeting obligations including those under the Equality Act 2010 and PACE 1984 Code C;



improving the custody process and environment for all;



facilitating the detainee-Police relationship.

## References

- 1 Young et al. (2021) "ADHD and Offending" Journal of Neural Transmission (2021) 128:1009-1019
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- 3 Kosheleff et al. (2023) "Functional Impairments Associated With ADHD in Adulthood and the Impact of Pharmacological Treatment." J Atten Disord. 2023 May;27(7):669-697.
- 4 Young et al. (2018) "The economic consequences of attention-deficit hyperactivity disorder in the Scottish prison system." BMC Psychiatry. 2018 Jun 25;18(1):210.
- 5 Medical News Today (n.d.) <https://www.medicalnewstoday.com/articles/adhd-suicide#adhd-and-suicide-risk>
- 6 Lichtenstein et al. (2012) "Medication for attention deficit-hyperactivity disorder and criminality." N Engl J Med. 2012 Nov 22;367(21):2006-14.
- 7 Criminal Justice Joint Inspection (2021) "Neurodiversity in the Criminal Justice System: A Review of Evidence" <https://www.justiceinspectorates.gov.uk/cjji/wp>
- 8 Young et al. (2013) "The effectiveness of police custody assessments in identifying suspects with intellectual disabilities and attention deficit hyperactivity disorder." BMC Medicine 2013 11:248.

