



The Scottish Parliament  
Pàrlamaid na h-Alba

## Justice Committee

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By email

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Dear Alan

### Brain injury and offending

On 13 September 2016, the Justice Committee heard informally from Professor Tom McMillan, Chair of the Brain Injury and Offending Workstream, National Prisoner Healthcare Network on its recent report *Brain Injury and Offending*<sup>1</sup>.

The recommendations in the report suggest ways to improve initial screening for brain injury in custody centres and prisons, in particular through asking simple questions to ascertain whether the person has suffered a recent injury to the head. During the discussion on 13 September, the Committee noted that individuals caught up in the criminal justice system might not always communicate well with authority figures, whereas defence solicitors might be in a good position to ask questions and make an initial assessment of whether a client appears to be presenting with a brain injury.

The Committee agreed to write to the Law Society of Scotland to ascertain whether defence solicitors consider that they have the information and training they need to recognise when brain injury may be present in clients they represent. Given that, as the report discusses, a disproportionate number of individuals caught up in the

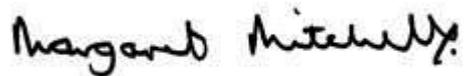
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<sup>1</sup> <http://www.nphn.scot.nhs.uk/wp-content/uploads/sites/9/2016/07/NPHN-Brain-Injury-and-Offending-Final-Report.pdf>

criminal justice system have suffered brain injury, the Committee would also be interested to know whether the possibility of a client having a brain injury is a factor commonly taken into account by defence solicitors during early contact with their client.

I should be grateful if you could seek the views of your colleagues and reply by 18 October. The Committee will consider what further action, if any, to take in the light of your response.

For information, I am writing to the Cabinet Secretary with other questions relating to the report. All relevant correspondence is being published on our webpages.

A handwritten signature in black ink that reads "Margaret Mitchell". The signature is written in a cursive style with a large initial 'M'.

Margaret Mitchell MSP  
Convener, Justice Committee