Case Study: Nick’s Story

Below is a case study about the arrest and detention of an individual with Asperger's Syndrome. Read the case study carefully and think about how the scenario developed.

Nick was a 24 year old man whose father had recently been diagnosed with a terminal illness. Nick had become depressed. He experienced severe mood swings and he found it difficult to look after himself. Nick’s family was struggling to cope and did not know how to help him. Nick began seeing a psychiatrist and was prescribed medication. Nick’s social worker recommended that Nick should move away from the family home. Nick was moved out of the family home into a hostel for adults with learning disabilities.

While at the hostel, Nick was arrested and taken into police custody for smashing flower pots in the garden. No further action was taken. He was told by the hostel manager that he would be evicted if anything happened again. After several other incidents, Nick was told to leave. He was moved to another hostel. Nick did not like being at the hostel and he kept returning to the first hostel. The police were called to return Nick to the new hostel several times. On one occasion, the first hostel called the police after a service user told them that Nick was planning to self-harm with a craft knife. He was arrested and cautioned for carrying a concealed weapon in a public place. He did not have a solicitor but was provided with an Appropriate Adult ('AA').

Nick was unable to return to the second hostel and was advised to go to a psychiatric hospital. He was detained under the Mental Health Act for two weeks. After he was discharged he was moved to a third hostel. At each hostel, Nick experienced physical and verbal abuse from service users and some staff. At the third hostel, Nick responded by threatening a member of staff. The police were called. They restrained Nick and he was arrested. Nick felt threatened by the police. He was taken to the police station and detained in police custody for 8 hours. He did not have an AA on this occasion and was not interviewed. Nick was released without charge.
Nick was returned to the hostel. Later that week everything became too much for Nick and he had a meltdown. He kicked and cracked a fire door exit in the hostel. Three support workers at the hostel responded and attempted to pin Nick down on the floor. Nick tried to resist this and started to pinch and scratch the support workers. This caused cuts and bruising. The support workers called the police. Two police officers attended the incident. By the time the police officers arrived at the hostel, Nick had calmed down. The police officers arrested Nick for criminal damage and causing Actual Bodily Harm. He was handcuffed and taken to the police station in a police car with the sirens on.

When Nick arrived at the police station, he was taken to the Custody Sergeant. During the booking-in process, Nick told the Custody Sergeant that he had mental health issues and that he was self-harming. The Custody Sergeant called for a Forensic Medical Examiner (‘FME’). They carried out a medical assessment under section 36 of the Mental Health Act 1983. The FME decided that Nick was fit to be detained in police custody and fit to be interviewed. He was later interviewed. A duty solicitor was present during the interview. Nick also had an AA. Nick was advised by the duty solicitor to say no comment throughout the interview. He felt frustrated by this as he wanted to tell his version of events.

Nick was detained for 48 hours. He was very distressed and anxious during his detention. He found the police cell claustrophobic because there was no natural light. He did not like the food or hygiene/toileting facilities. Nick also found it difficult to cope with the noise in the police station and struggled to sleep. He did not like not knowing what was going to happen or how long things were going to take. Nick wanted to get out of the police station as quickly as possible.

Nick was remanded in prison and was advised to plead guilty to the charges. The court convicted Nick and he was ordered to pay a fine.
Individual exercise

After reading the case study, think about the questions below:

- List the key decision points in the scenario?
- Which criminal justice professionals were involved in these decisions?
- How was Nick involved in these decisions?
- Should Nick have been arrested?
- Should Nick have been detained?
- Could this scenario have been prevented?

As a group discuss:

- What other support could Nick have been provided with?
- What could be done to improve the way individuals with Autism Spectrum Conditions are dealt with by the Criminal Justice System?

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