



Department of
**Health, Social Services
and Public Safety**

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By email:
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Dear Kathryn

MENTAL CAPACITY BILL – REQUEST FOR FURTHER INFORMATION RELATING TO PART 9

Thank you for your email of 12 October, seeking further information following the evidence session on Part 9 of the Bill.

The Department of Justice's response is as follows.

Place of Safety statistics

The PSNI has provided the DoJ with a response to the request for statistics regarding detentions at place of safety under Article 130 of the Mental Health (Northern Ireland) Order 1986. This response is appended to this letter.

With regards the place of safety statistics, it is important to note that they relate only to detentions at a police station: data is not routinely collected by the PSNI in relation to detentions at hospitals. In order to address this issue, clause 154 of the Bill will create a statutory obligation for the PSNI to collect and publish records on the numbers of persons detained at both a hospital and a police station under Part 9.

Disregarding detention under Part 9

Clause 59 of the Bill allows for certain detention under the Bill to be disregarded for a variety of purposes. Currently, detention under the place of safety power in Part 9 of the Bill is not mentioned in clause 59.

It should be noted that detention under a place of safety power would not be disclosed as the result of an application for a basic criminal certificate issued by Access NI under section 112 of the Police Act 1997. This is because detention under a place of safety power is not a conviction by a court.

However, a detention under Part 9 *may* have to be disclosed if an enhanced criminal record certificate (ECRC) is sought. Section 113B(4) of the Police Act 1997 provides that a chief officer of police must provide “relevant information” to Access NI where it is believed that this information would be relevant to the job in respect of which the applicant has applied. This test to determine whether any information is indeed “relevant” is subject to a full ECHR proportionality analysis.

Conduct that threatens public safety or which is directed towards certain types of person, for example children, males or females or older people, *might* be considered by the PSNI to be relevant information as it may show a dangerous attitude or mind set or a propensity to violence that ought to be disclosed for the purposes of an ECRC. Such conduct would normally be required to be serious, involving, for example, the use of a weapon against other people.

Resisting detention under Part 9

Resisting detention under Part 9 of the Bill is not a criminal offence under the Bill. However, if an individual becomes violent when resisting detention, then an offence might be committed, if for example, a police officer is assaulted during an altercation.

I hope that this reply is helpful. The Bill Team is happy to consider any further queries the Committee may have.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrew Dawson", is centered on a light gray rectangular background.

Andrew Dawson
Mental Health Policy Unit / Mental Capacity Bill Project
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Enc

Appendix: Places of Safety statistics – response by PSNI

I am writing in response to Dr Kathryn Aiken's letter, addressed to Andrew Dawson, Head of Mental Health Policy Unit dated 12th October 2015; which was shared with PSNI by DOJNI's Bill Team.

Police respond to, or encounter a diverse range of occurrences which are categorised using a number of codes e.g. Concern for safety, Criminal Damage, Missing Person, Assault etc. Police interaction with people with mental disorders often arises from a response to another form of incident e.g. a person acting erratically in a public place could be reported using a number of codes. Therefore it is not possible to easily isolate and access information which relates to individuals removed to or detained using the current Police powers under Article 130 of the Mental Health (Northern Ireland) Order 1986.

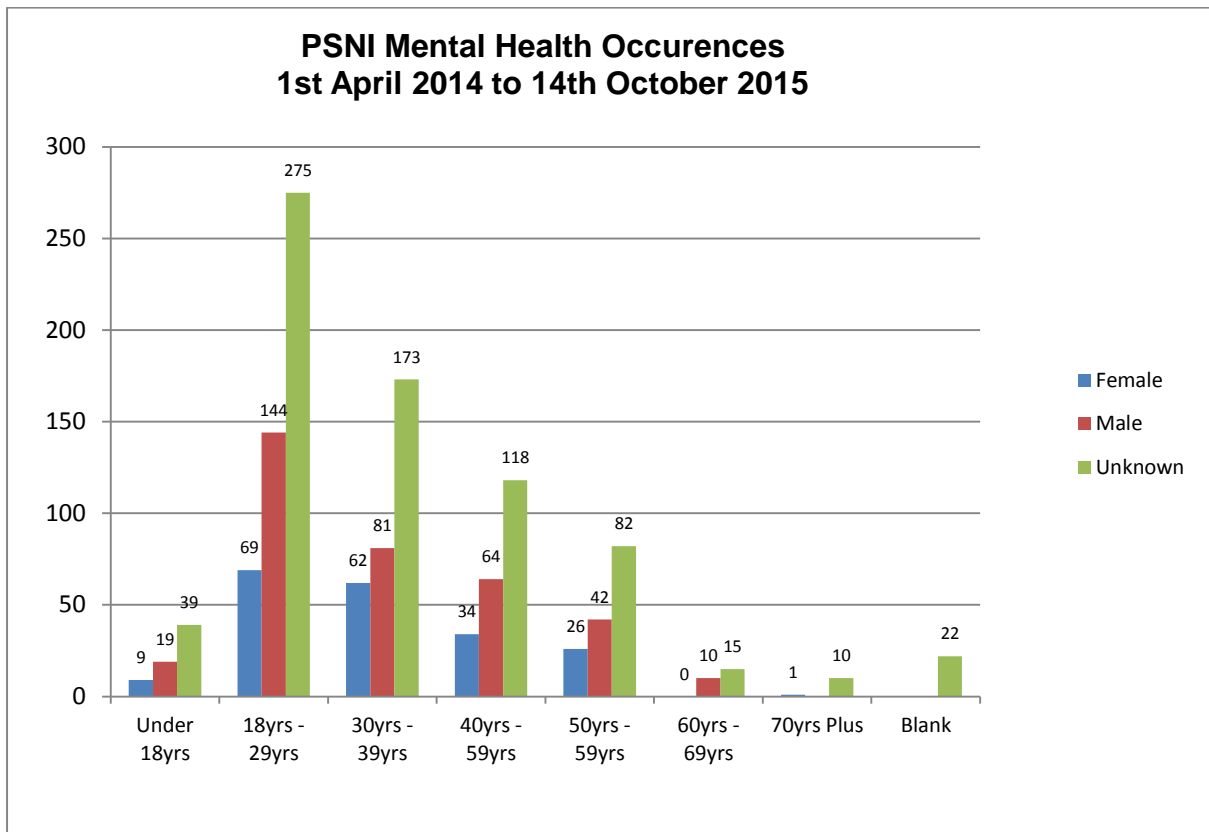
Dr Aiken requested statistics on the number of people removed and/or detained to a place of safety, under current legislation and any available breakdown. Due to the open nature of this question a member of my team contacted Elaine Farrell, Assistant Clerk at NI Assembly to clarify any timescale and to articulate those difficulties in extracting this data, outlined above. PSNI agreed to provide what data is available.

Please find below what information PSNI has been able to gather within the short timeframe.

This data has been categorised into occurrences which PSNI has attended, where mental health has been a factor. This includes persons removed to a place of safety/or detained at a place other than Police custody under the current Mental Health Order. As there are 1,295 incidents from 01/04/2014 to date, it would take significant resource to analyse this data to breakdown in terms of age profile, reason for their removal, where they were removed to and the outcome.

As we do not have the resource to check all of this data PSNI has carried spot checks, using various closing codes and those occurrences that were checked all involved person being removed to a place of safety. Given the caveat above, this data is presented below as PSNI Mental Health Occurrences. We have provided a graph outlining the age range and gender, where this is available.

Also attached in greater detail is those occurrences where persons with mental disorders have been detained a Police station, during the same period i.e. 01/04/2014 – present.



Closing Code	Female	Male	Unknown	Total
Abandoned call	2		2	4
Arrest	35	49	102	186
ASB - Nuisance	5	8	23	36
ASB - Personal	2	4	6	12
Assault	10	16	100	126
Breach of injunction/bail/curfew/order		1	8	9
Burglary			3	3
Collapse/injury/illness/trapped	13	19	17	49
Concern for safety	95	191	272	558
Contact record	1	2		3
Criminal damage	4	6	35	45
Domestic abuse	8	13	18	39
Drugs offence		1	1	2
Duplicate incident		1		1
Fire			2	2
Firearms			1	1
Firearms incident		1	1	2
Genuine alarm activation			1	1
Hoax call		2		2
Missing person	7	20	29	56
Other notifiable crime			3	3
Other offences against the person	1	3	24	28
Person found	11	8	13	32
PSNI generated resource activity		1	1	2
Public order offences	5	9	43	57
RTC - injury (RTIY)			1	1
Sexual/indecency	1		7	8
Suspicious circumstances		3	5	8
Theft	1	2	6	9
Theft of vehicle			2	2
Traffic offences			8	8
Total	201	360	734	1295

**People removed/detained by Police taken to Police Custody Article 130 Mental Health (NI) Order 1986: 1st
April 2014 – 14th October 2015**

Disposal	Custody Suite	Gender	Age
D/P sectioned by FMO and ASW	Musgrave	F	29
D/P Suicidal taken to MIH	Musgrave	M	29
Released unconditionally	Musgrave	M	22
Released unconditionally	Antrim	M	37
Released unconditionally	Antrim	M	43
Released into care of guardian	Armagh	M	17
Released unconditionally	Bangor	M	21
Released unconditionally	Bangor	M	21
D/P Sectioned & Transported to ward	Bangor	M	44
Released for report	Bangor	M	26
Non Court Disposal	Bangor	M	17
Released for report	Bangor	M	26
No prosecution	Bangor	M	28
Released unconditionally	Coleraine	M	37
Released unconditionally	Coleraine	F	50
Prosecution - Common Assault	Enniskillen	M	51
Prosecution - Common Assault	Enniskillen	M	51
Released unconditionally	Enniskillen	M	51
Released unconditionally	Enniskillen	M	60
Released unconditionally	Enniskillen	M	26
DP conveyed to Place of Safety	Lurgan	M	17
Proecuted Criminal Damage/Assault on Police	Strand Road	M	18
Charged with Assault on police	Strand Road	M	37
Prosecution - Disorderly Behaviour	Strand Road	M	21
Released unconditionally	Strand Road	M	19
PND Notice	Strand Road	M	51
Suspended Sentence - Assault on Police & Dis Behaviour	Strand Road	F	43
Released unconditionally	Strand Road	F	24