BRITISH MEDICAL JOURNAL

SATURDAY 27 JANUARY 1979

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We may return unduly long letters to the author for shortening so that we can offer readers as wide a selection as possible. We receive so many letters each week that we have to omit some of them. Letters must be signed personally by all their authors. We cannot acknowledge their receipt unless a stamped addressed envelope or an international reply coupon is enclosed.

Mentally disordered offenders

SIR,—I would venture to suggest that a period of five or six years during which "mentally disordered offenders have hardly been out of the news," as you say in your leading article (6 January, p 1), is a very substantial underestimate. They have, in fact, been newsworthy ever since the Mental Health Act 1959 came into operation in November 1960.

I know this to be so because at that time and until I retired from the National Health Service in November 1976 I was a consultant psychiatrist at Horton Hospital, Epsom, which admitted, in all probability, more of these offenders than any other conventional mental hospital in the country. It became evident almost from the word go that Part V of the Act, which is concerned with the admission of patients concerned in criminal proceedings, etc, was ill conceived and doomed to failure.

The reasons are complex, but there are two

of prime importance. The first was the failure to appreciate that a man may be both mentally disordered and a criminal or, put more succinctly, that he may be both mad and bad. Treatment in a considerable proportion of these doubly disadvantaged people is ineffective so that they are eventually recognised as incurable in psychiatric terms and incorrigible in penal terms. Nevertheless, in the early days, there was an attempt to comply with the spirit of the Act and admission to mental hospital was arranged under a Hospital Order (Section 60). Not infrequently he absconded, committed further offences, and was readmitted, not once but often on repeated occasions. The circular process has now stopped: mental hospitals are refusing admission on the pretext that there is nothing they have to offer. Other than asvlum in the true sense of the word, this may be so; but without the availability of a hospital bed the judiciary has no alternative in many cases but to award a custodial sentence to the offender.

The second prime cause of failure, more doom laden than the first, was the provision for admission to conventional mental hospitals of patients under a Restriction Order (Section 65). It must be remembered that where these orders are made an element of dangerousness may be presumed. And it must also be remembered that at the time of the implementation of the 1959 Act the concept of the "open mental hospital" was in full flower. Not only did it go against the grain for nurses to assume the role of gaolers, but security in the physical sense became an impossibility. Abscondences, even from locked wards, of patients who posed a real threat to the public could and did take place.

For some years now there has been an everincreasing opposition, due in no small measure to the attitude of the nursing staff, to the admission of offenders in whom there is the remotest suggestion of dangerousness. The special hospitals, particularly Broadmoor, have for their own very good reasons to be extremely selective. Faced with the dilemma of a mentally disordered offender for whom a bed in a hospital cannot be found, HM judges