

**For information
on 13 June 2015**

Legislative Council Panel on Welfare Services

Support for Mentally Incapacitated Persons Involved in Criminal Proceedings

Purpose

This paper briefs Members on the Social Welfare Department (SWD)'s support for mentally incapacitated persons involved in criminal proceedings.

Support for Mentally Incapacitated Persons Involved in Criminal Proceedings

2. To protect mentally incapacitated persons, SWD provides guidelines for social workers on the procedures of handling mentally incapacitated adults involved in criminal proceedings as well as the division of work in handling these cases. The guidelines also set out in detail the assistance provided for mentally incapacitated adults by social workers of either SWD or non-governmental organisations (NGOs) at various stages of criminal proceedings. If suspected cases of abuse or sexual violence are involved, social workers are advised to also refer to the respective procedural guides/guidelines for handling such cases.

Details of Support Services

3. If a mentally incapacitated person involved in criminal proceedings is receiving casework services provided by SWD or NGOs, the responsible social worker will, after being informed of the incident by the mentally incapacitated person concerned, the mentally incapacitated person's family members, the Police or other persons, provide

appropriate support for the mentally incapacitated person. If the mentally incapacitated person is not receiving casework services of SWD or NGOs, the Police will refer the case to a social worker for follow-up services as necessary.

4. When handling cases involving mentally incapacitated persons, social workers will accord priority to the protection of the well-being and safety of the mentally incapacitated person, pay attention to their needs and take great care to safeguard their welfare. The support and welfare services that SWD and NGOs currently provide for the mentally incapacitated person involved in criminal proceedings include the following:

- (a) Crisis intervention: Immediate assistance and emotional support are provided for the mentally incapacitated person and their families. If there is a need, the social workers may accompany the mentally incapacitated person during statement taking or video-recorded interviews¹. Social workers will also assess the needs of the mentally incapacitated person for temporary accommodation or refuge centres and/or for company in attending medical examination and treatment, etc.
- (b) Counselling services: Counselling is provided for the person in question and their families to relieve their emotional distress.
- (c) Clinical psychological services: If necessary, victims and witnesses will be referred to receive clinical psychological services, including psychological assessment, intellectual assessment and psychotherapy.

¹ A family member of a mentally incapacitated adult, a staff member of the residential home concerned or any other adult who is well acquainted with the mentally incapacitated adult may accompany him/her in taking statements or attending video-recorded interviews, provided that such person is not involved in the investigation of the case and is not a witness in the case. If necessary (e.g. if no such person who is well acquainted with the mentally incapacitated adult can be found), a social worker may accompany the mentally incapacitated adult to take statements or attend video-recorded interviews provided that the social worker is not involved in the investigation of the case and is not a witness in the case.

- (d) Support services for witnesses: Specially trained staff or volunteers will be deployed to take up the role of support persons to provide support services for the mentally incapacitated witnesses, including arranging a pre-trial interview for them, accompanying them in visiting the Court before the trial and accompanying them in giving evidence to help reduce their anxiety. These support persons will not provide any advice on the case or prejudice the trial process.
- (e) Facilitating communication with the Police: To help explain to the Police that the person in question is a mentally incapacitated person so that the Police can consider whether appropriate arrangements should be made.
- (f) Multi-disciplinary co-operation: The mentally incapacitated person involved in criminal proceedings may come into contact with professionals of various disciplines. To ensure that the person in question will have the most appropriate and effective services, social workers will, on condition that they will not provide any advice on the case or prejudice the trial process, maintain good and effective communication and co-operation with professionals of various disciplines to jointly work for the benefit of the person in question.

Professional Training

5. To help social workers and other stakeholders in the community (such as community care workers) gain a better understanding of mentally incapacitated persons and to enhance their professional knowledge and skills, SWD organises mentally incapacitated person-related training courses on a regular basis, covering topics like case handling skills and experience sharing sessions for special cases. In 2014-15, a total of 11 such training courses were held by SWD for 1 368 participants.

Way Forward

6. SWD will remain in close collaboration with relevant stakeholders to support mentally incapacitated persons involved in criminal proceedings. Apart from this, SWD will provide briefing and training for law enforcement agencies on a need basis, with a view to enhancing frontline workers' understanding towards the special needs of mentally incapacitated persons.

**Labour and Welfare Bureau
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