

CHALLENGES FOR PEOPLE WITH AUTISM SPECTRUM DISORDERS IN THE CRIMINAL JUSTICE SYSTEM

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- **Autism Spectrum Disorder (ASD)-Overview**
- **Misconceptions and Misunderstanding of People with ASD**
- **Challenges for People with ASD in the Criminal Justice System**
- **Negative Outcomes for People with ASD in Jail and Prisons**

OVERVIEW OF
PRESENTATION

AUTISM SPECTRUM DISORDER (ASD)

What is Autism Spectrum Disorder (ASD)

- Autism Spectrum Disorder (ASD) is a “neurodevelopmental condition characterized by social communication difficulties and restricted and repetitive behaviors among strengths in varied domains.” *
- The American Psychiatric Association’s *Diagnostic and Statistical Manual* details the various deficits that may be associated with the disorder, including: (1) persistent deficits in social communication and social interaction; (2) deficits in nonverbal communicative behaviors used for social interaction, such as abnormalities in eye contact and body language; (3) deficits in understanding and use of gestures; (4) and even a total lack of facial expressions and nonverbal communication. **

ASD and Co-Occurring Conditions: Mental Health Conditions, Intellectual Disability, Physical Disabilities/Medical Conditions

- *CDC ,[What is Autism Spectrum Disorder? | CDC](#)
- **AM. PSYCHIATRIC ASS’N DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-5)(2013)



MISCONCEPTIONS ABOUT PEOPLE WITH ASD

- **Misconceptions about people with ASD**
 - People with ASD can sometimes present with certain characteristics that can appear to be a lack of emotion, a lack of empathy, impaired speech, or what may seem to be inappropriate responses to their social circumstances (e.g. smirking, unusual facial expressions, and grunting).
 - Certain behavior and seeming lack of emotion can be misunderstood as lack of remorse or unwillingness to take responsibility for one's actions.



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POLICE INTERACTIONS: ARREST & QUESTIONING

- **Possible Challenges for people with ASD during police interactions:**
 - Communication deficits
 - Failure to follow police requests/instructions
 - Misunderstandings or inability to understanding *Miranda* warnings
 - Suggestible
 - Rigid thinking
 - Risk of False Confessions



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PRETRIAL ISSUES

- Difficulty participating in pre-bond/bail hearing and consequently difficulty obtaining release on bail/bond
- Awaiting trial/adjudication in jail-as discussed later, carceral settings are not
- Incompetency to stand trial
 - May have to wait for competency evaluation and restoration in jail
 - Competency restoration may not be accessible for a person with ASD or a person with co-occurring ASD and mental illness and/or ID or other condition
 - May have to receive competency evaluation and restoration in hospital setting not equipped or staff with individuals who have expertise in serving individuals with ASD. Consequently, could result in extensive use of chemical and physical restraints and concomitant harm



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COURTROOM ISSUES

- Court may be unaware that the defendant has ASD or unfamiliar with what that means and how ASD may impact the person's presentation
- Lack of understanding and misconceptions about the person with ASD's behavior, communications, reactions, or even facial expressions and demeanor can lead to misinterpretation by judge, jury, and prosecutor and others
- Need for Reasonable Accommodations/Modifications and Effective Communications in the Courtroom
- May need to enlist assistance of an expert to help educate Court about characteristics of ASD and need accommodations and also for underlying defense of case



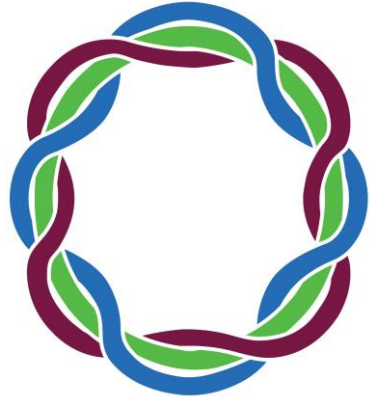
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NEGATIVE OUTCOMES FOR PEOPLE WITH ASD IN JAIL AND PRISONS

- Lack of Identification/Screening in Jails and Prisons
- High Risk of Infractions and Concomitant Punishment: solitary confinement, restraints, other restrictions
- High Risk of Victimization
- Risk of Loss of Skills, Exacerbation of Maladaptive Behavior and/or Acquisition of New Behavioral Problems, and Related Harm
- Risk of Trauma or Exacerbating Trauma
- Need for reasonable accommodations/modifications and effective communications in jail and prisons.



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WE'RE HERE TO HELP!

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