



Autism Spectrum Disorder (ASD) and the Criminal Justice System: An Introduction for Professionals

By Hannah Fordice and Jerrod Brown

Abstract

Autism Spectrum Disorder (ASD) is the fastest growing developmental disability in the United States. Emerging in early childhood, ASD is characterized by deficits in communication, social interaction, and behavior. As its name suggests, ASD encompasses a broad number of symptoms, deficits, and degrees of severity, and although the majority of individuals with ASD will not become involved in the criminal justice system, the symptoms of ASD can have a debilitating effect in this setting. The familiarization of criminal justice professionals with ASD has the potential to improve short- and long-term outcomes for individuals diagnosed with this disorder.

Introduction

Autism Spectrum Disorder (ASD) is the fastest growing developmental disability in the United States; nearly one in 68 individuals receive a diagnosis during his/her lifetime (CDC,

2015). Emerging in early childhood, ASD is characterized by deficits in communication, social interaction, and behavior. Although this population is not generally seen as overrepresented in the criminal justice system, individuals with ASD are at a higher risk of victimization and perpetration of illegal acts than individuals without ASD (Mouridsen, 2012). As such, criminal justice professionals should be familiar with the symptoms and deficits of ASD. This brief article highlights 10 key points about ASD for criminal justice professionals to consider.

Language Deficits

Language deficits are very common in individuals with ASD. In fact, nearly 25% of autistic children have no ability to use language at all (NIDCD, 2010). Even those with higher functioning autism are likely to have trouble communicating, particularly in high-anxiety situations involving law enforcement.

Repetitive/Self-stimulating Behaviors

Individuals with ASD often use repetitive behaviors as a calming mechanism. Although typically harmless, repetitive behaviors can become self-injurious or may escalate into more violent movements during periods of over-stimulation (Browning & Caulfield, 2011).

Emotional Deficits

The emotional deficits of ASD can be misinterpreted as a lack of remorse or empathy (Paterson, 2008). This can translate to perceptions of general indifference during police interviews and court testimony. Further, emotional dysregulation can result in over- or under-reactions to common life events.

Irresponsive Behavior

Individuals with ASD may appear to be unaware of what is occurring around them, fail to answer questions, or not respond to direct commands from authority figures. Such observations can be misinterpreted as a lack of cooperation or outright defiance of law enforcement and other emergency personnel (Browning & Caulfield, 2011).

Social Deficits

Individuals with ASD desire interpersonal relationships, but often lack the social skills to develop and maintain them (White & Schry, 2011). Attempts to impress or fit in with peers may lead to victimization or unwitting participation in criminal behavior. Additionally, the social deficits of ASD may interfere with an individual's capacity to understand legal rights and actively participate in a legal defense (Mayes, 2003).

Lack of Boundaries

Due in large part to social deficits, individuals with ASD may display inappropriate behavior, cross personal boundaries, or be unable to differentiate between private and public acts (Sevlever, Roth, & Gillis, 2013). Public masturbation, exhibitionism, inappropriate comments, and invading personal space are all common examples of the lack of boundaries displayed by individuals with ASD (Freckelton, 2013).

Inflexible Behavior

In some cases, pattern rigidity and an aversion to change cause individuals with ASD to act out violently (Adler et al., 2015). This could take the form of tantrums precipitated by the disruption of an established routine. In extreme cases, these tantrums may cause unintentional harm to themselves or nearby people. When interacting with an individual who may have ASD, it is critical to allow for established patterns.

Obsessive Interests

Fixation and obsession with an idea, person, object, or activity may lead individuals with ASD to unknowingly break the law (Barry-Walsh & Mullen, 2004). The single-minded pursuit of an obsession can result in several crimes including negligence, stalking, arson, harassment, inappropriate sexual behaviors, computer crime, and violence.

Hyper/Hypo Response Stimuli

Sensory issues are common in individuals with ASD. For example, an overload of stimuli during an emergency situation (i.e. sirens, lights, lots of activity, questions, noises, etc.) may cause the individual to either completely shut down or begin to physically act out.

False Confession

Increased desire to please others or conform to social norms (acquiescence) may cause some people with ASD to be at a higher risk of giving false testimony and/or false confession (Maras & Bowler, 2010). This could be done to please a guilty “friend” or family member or in an effort to quickly resolve an interview that may be over-stimulating and uncomfortable (Woodbury-Smith & Dein, 2014; North, Russell, & Gudjonsson, 2008).

Conclusion

As the name suggests, Autism Spectrum Disorder (ASD) encompasses a broad number of symptoms, deficits, and degrees of severity. Although the majority of individuals with ASD will not become involved in the criminal justice system, the symptoms of ASD can have a debilitating impact in this setting. More research on the links between ASD deficits and crime are necessary for the development of appropriate risk assessment tools, integrated treatment options, and appropriate emergency response. Familiarity with this emerging work by criminal justice professionals has the potential to improve short- and long-term outcomes for individuals with ASD.

Biographies

Hannah Fordice is a graduate student at Concordia University, St. Paul. She is interested specifically in the areas of trauma, family homicide, domestic abuse, and sexual offending. After graduation, Hannah plans to pursue a career in program development for non-profit-based crisis centers, shelters, and legal services set up for victims of abuse.

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References

- Adler, B. A., Wink, L. K., Early, M., Shaffer, R., Minshawi, N., McDougle, C. J., & Erickson, C. A. (2015). Drug-refractory aggression, self-injurious behavior, and severe tantrums in autism spectrum disorders: A chart review study. *Autism, 19*(1) 102-106. doi:10.1177/1362361314524641
- Barry-Walsh, J. B. & Mullen, P. E. (2004). Forensic aspects of Asperger's syndrome. *Journal of Forensic Psychiatry & Psychology, 15*(1), 96-107. doi:10.1080/14789940310001638628
- Browning, A. & Caulfield, L. (2011). The prevalence and treatment of people with Asperger's syndrome in the criminal justice system. *Criminology & Criminal Justice, 11*(2), 165-180. doi:10.1177/1748895811398455
- Centers for Disease Control and Prevention. (2015). *Facts About ASD*. Retrieved from: <http://www.cdc.gov/ncbddd/autism/facts.html>
- Freckelton, I. (2013). Autism spectrum disorder: Forensic issues and challenges for mental health professionals and courts. *Journal of Applied Research in Intellectual Disabilities, 26*(5), 420-434. doi:10.1111/jar.12036
- Maras, K. & Bowler, D. M. (2010). The cognitive interview for eyewitnesses with autism spectrum disorder. *Journal of Autism and Developmental Disorders, 40*(11), 1350-1360. doi:10.1007/s10803-010-0997-8
- Mayes, T. A. (2003). Persons with autism and criminal justice. *Journal of Positive Behavior Intervention, 5*(2), 92-100. doi: 10.1177/10983007030050020401
- Mouridsen, S. (2012). Current status of research on autism spectrum disorders and offending. *Research in Autism Spectrum Disorders, 6*, 79-86.
- National Institute on Deafness and Other Communication Disorders. (2010, June 23). *NIH Workshop on Nonverbal School-Aged Children with Autism*. Retrieved from: <http://www.nidcd.nih.gov/funding/programs/10aut>
- North, A. S., Russell, A. J., & Gudjonsson, G. H. (2008). High functioning autism spectrum disorders: An investigation of psychological vulnerabilities during interrogative interview. *The Journal of Forensic Psychiatry & Psychology, 19*(3), 323-334. doi:10.1080/14789940701871621
- Paterson, P. (2008). How well do young offenders with Asperger syndrome cope in custody? *British Journal of Learning Disabilities, 36*(1), 54-58. Retrieved February 3, 2015, from <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-3156.2007.00466.x/abstract>
- Sevlever, M., Roth, M. E., & Gillis, J. M. (2013). Sexual abuse and offending in autism spectrum disorders. *Sexuality and Disability, 31*(2), 189-200. doi: 10.1007/s11195-013-9286-8
- White, S. W., & Schry, A. R. (2011). Social anxiety in adolescents on the autism spectrum. In C. A. Alfano & D. C. Beidel (Eds.), *Social anxiety in adolescents and adults: Translating developmental science into practice* (pp. 183-201). American Psychological Association (APA).
- Woodbury-Smith, M., & Dein, K. (2014). Autism spectrum disorder (ASD) and unlawful behaviour: Where do we go from here? *Journal of Autism and Developmental Disorders, 44*(11), 2734-2741. doi: 10.1007/s10803-014-2216-5