

The *Autism Spectrum Disorders and Juvenile Justice Professionals Briefing Document* below was developed from his 2004 report *Beyond Guilt or Innocence* for the Developmental Disabilities Leadership Forum. The Forum is a project of the UCE at the Shriver Center, a division of the University of Massachusetts Medical School. Technical Support is provided by New England INDEX. This is an Official Page/Publication of the University of Massachusetts Medical School. This report can be viewed at:
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The rate of autism has grown since the 1980s, from approximately 2-5 in 10,000 to 1 in every 150 births. Children and adults with autism spectrum disorders (ASD) now live, work, go to school and recreate in the community. Undoubtedly in the coming years, juvenile justice system (JJS) professionals will have increasing interactions with children and teens who have autism.

People with autism are as different from each other as we all are. They may inherently present behaviors and characteristics in different combinations and degrees. Each person will have a different level of independence as well. Some with autism will have a caregiver with them at all times. Others will live semi or fully independent lives. All may have public safety or criminal justice contacts. You will hear terms such as low functioning autism, high functioning autism, and Asperger syndrome to describe the condition. In most cases, the person will have difficulties following your verbal commands, and deficits in social understanding.

Whether as offender or victim-witness, persons on the autism spectrum will present dilemmas in the interview and interrogation room. Their concrete answers, conceptions, and reactions to even the most standard interrogation techniques can cause confusion for even the best trained, seasoned veterans.

Beyond guilt or innocence, when a child or adolescent with an autism spectrum disorder has contact with criminal justice system professionals, measures will need to be taken to avoid misinterpreting behaviors and characteristics typical of those with autism, as evidence of guilt, indifference or lack of remorse.

Youth with ASD often get in to trouble without even realizing they have committed an offense. Offenses such as making threatening statements; personal, telephone, or internet stalking; inappropriate sexual advances; accomplice crime with false friends; and making physical outbursts at school, would certainly strike most of society as offenses which demanding some sort of punishment. This assumption, though valid at face value, may not take into account the particular issues that challenge the ASD individual. Problems with sensory overload, poor social awareness, semantic misunderstandings, inability to deal with changes in routine or structure, and little to no understanding of non-verbal communications, are the very kinds of things that make more appropriate responses to society very difficult for someone with ASD. While the individual with ASD might have committed the offense, the intent might well have been anything other than to do harm (Debbaudt, 2003a). Without benefit of even a basic briefing, JJS professionals may struggle to differentiate between the stereotypical behaviors of autism and the typical conduct of a juvenile

offender. The teenager's communications difficulties include hardships in making sense of the verbal and body language of the investigator. His difficulty maintaining eye contact or his insistence on changing the subject of conversation to a topic of his choice-all typical diagnostic behaviors of a person with autism can mislead be misleading. The investigator may see someone who seems to lack respect and observe a "rude, fidgety and belligerent kid" who appears to have something to hide.

Standard interrogation techniques can confuse the concrete thinking adolescent with autism into producing a misleading statement or false confession. The teen can become overly influenced by the friendly interrogator. Isolated and in a never-ending search for friends, the teen can easily be led into saying whatever his new friend wants to hear. Left unexplained, the teenager's displays of laughing or giggling, his loud vocal tone, and aloof body language-also inherent to the condition of ASD-could lead many to conclude that this is, indeed, a guilty and remorseless young man. Everything in the suspect's demeanor says so. The ASD teen will have no idea of the effect his behavior is having on a JJS professional.

During questioning, an ASD teenager might display these additional behaviors and characteristics:

- Inability to quickly process and respond to requests, commands and questions
- Be a poor listener, may not seem to care about what you have to say
- Be unable to deduce what others are thinking and why they are thinking it
- Repeat the words, statements, body language and mannerisms of the investigator
- Make brutally honest statements. He may bluntly remind you about weight, smell of smoke or perfume
- Misunderstanding of rolling eyes, raised eyebrows and your non verbal signs of frustration and disbelief

Those who interact with and question young people with autism or Asperger Syndrome will have their best chance for success when they:

- Approach in a quiet, non-threatening manner
- Talk calmly in a moderated voice
- Do not interpret limited eye contact as deceit or disrespect
- Avoid metaphorical questions that cause confusion when taken literally, i.e. a hard time, Are you pulling my leg?, Cat got your tongue?, What's up your sleeve?, or You think you are cool?
- Avoid body language that can cause confusion. Be alert to a person modeling your body language.
- Understand the need to repeat and rephrase questions
- Understand that communications will take longer to establish
- Use simple and direct instructions--allow for delayed responses to questions, directions and commands
- Seek assistance from objective professionals who are familiar with autism spectrum disorders

In cases where it is clear that the young person has committed the crime and qualifies for a diversion or probation program, the offender may be further stymied by his autism. Traditional options might include group therapy with other young offenders. Meeting with strangers, sharing personal information or contributing comments about others or themselves will be difficult conditions for the ASD youth to meet.

Juvenile corrections professionals can find success when they create diversion or probation programs that:

- Use language and terms the teen will understand
- Avoid the use of technical terms
- Involve persons that the teen knows and trusts
- Describe (use photographs) beforehand of persons the teen will work with and venues they will meet in
- Assure the teen that the new persons are safe
- Utilize the teen's fine rote memory skills
- Teach rules of program with visual aids
- Use pictures to describe actions and situations
- Create a chronological list of the program, develop a poster with bullet points
- Discover what is important to the teenager with ASD and utilize that knowledge (Nightingale, 2003b)

People with autism across the spectrum are oftentimes victims of crime. Become familiar with the person's communication style and background by reviewing fresh records and interviewing others who know the person well.

A basic briefing about ASD is essential for law enforcement, prosecution, criminal defense, juvenile, judicial and corrections professionals. A good quality training will always be the best way to maximize the use of valuable Juvenile Justice System time and resources that involve interactions with youth with autism spectrum disorders. (Dennis Debbaudt, a Florida-based law enforcement trainer, author and training video producer, specializes in autism spectrum issues.

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