



### Statement of Problem

Current research indicates a lack of understanding within the criminal justice system regarding how autism spectrum disorder (ASD) affects an individual's ability to function. Individuals with ASD often experience a range of social and behavioral challenges. Symptoms of ASD become apparent when the demands exceed their capacity. Deficits in expressive communication and a lack of awareness regarding social cues and norms is common and concerning if an individual with ASD experiences legal issues. How ASD specifically affects an individual varies depending on the severity of the disorder. The symptoms of ASD can have a tremendously negative impact on their ability to function without proper support. Individuals with ASD may become involved in the legal system for a number of reasons. It is important that those within the judicial system have knowledge about ASD to better understand the legal case within the context of the disorder. Certain measures need to be taken to ensure there is a fair trial.

### Introduction

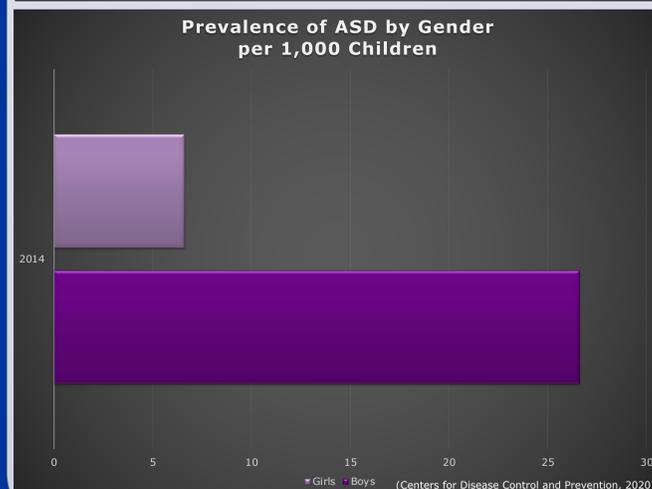
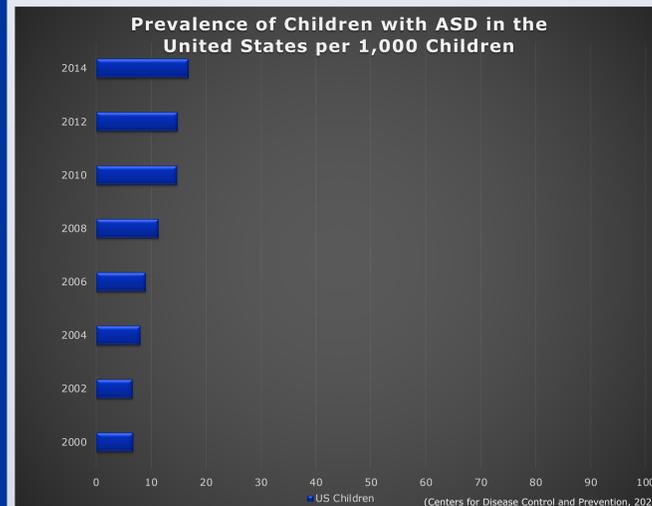
- + ASD is a neurodevelopmental disorder that can be diagnosed as early as within the first two years of life.
- + Areas of development that are affected include: impaired communication, lack of social awareness, and repetitive behaviors (APA, 2013).
- + ASD symptoms can negatively impact the ability of children to meet their developmental milestones, which can later result in professional, personal, and legal challenges throughout their lives.

### Hypothesis

- + The criminal justice system is not aware that those with autism spectrum disorder may have deficits in their decision-making abilities.

### Key Terms

- + **Autism spectrum disorder** – People with ASD often experience challenges with their social interactions compared to those who are typically developing (APA, 2013). Those with ASD may also have difficulty engaging in reciprocal communication and making eye-contact with others (APA, 2013).



### Current Research

- + The Centers for Disease Control and Prevention (2020) estimate that 1 in 59 children are diagnosed with ASD in the United States.
- + A study was conducted interviewing 21 California Superior Court Judges about sentencing those with high-functioning ASD. Results of this study indicated that judges believed that high-functioning ASD was a mitigating factor that may have explained why a crime was committed. However, judges expressed concern about the criminal justice system's ability to help or offer sentencing options for those with high-functioning ASD (Berryessa, 2016).
- + Lack of understanding about those with ASD appears to be a problem not only in the United States but in other regions of the world. In England, 33 judges, barristers, and solicitors were surveyed about their experiences with individuals who have ASD in the legal system. Results of this study found that participants believed those within the legal system lacked empathy for individuals with autism spectrum disorder (Maras et al., 2017).
- + A sample of 400 criminal justice undergraduate students was gathered to measure awareness of autism spectrum disorder. Results indicated that those with more knowledge and exposure to ASD were more likely to be understanding than those who lacked experience with ASD. Therefore, those who do not have experience working with individuals with autism spectrum disorder may not be able to understand how the disorder can affect their decision-making ability (Mogavero, 2018).
- + Challenging themes were identified that individuals with autism spectrum disorder often experience. The themes found were: perspective taking, acting appropriately around those of the opposite sex, forming and maintaining personal relationships, and relationships at work (Sperry and Mesivov 2005).

### Proposed Interventions

- + Provide early childhood education to facilitate earlier diagnosis and treatment.
- + Enforce laws that provide protections for vulnerable populations to ensure the criminal justice system is treating people with autism spectrum disorder fairly.
- + Implement proper training to those who work in the criminal justice system so they can appropriately handle cases involving individuals with ASD.
- + Utilize alternate ways of communicating laws and rights to a victim or perpetrator who has autism spectrum disorder as necessary. Using visual aids, for example, might be helpful.
- + Use an expert witness to provide information regarding ASD that is relevant to the case will likely ensure there is a fair trial.
- + Make allowances based upon the needs of the individual. For example, an individual with autism spectrum disorder may need to be asked questions sitting next to a caregiver, rather than on the witness stand.
- + Create social skills groups for adults with ASD who are involved in the legal system.

#### References

American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). Washington, DC: Author.

Berryessa, C. M. (2016). Brief report: Judicial attitudes regarding the sentencing of offenders with high functioning autism. *Journal of Autism and Developmental Disorders*, 46, 2770-2773. doi:10.1007/s10803-016-2798-1

Centers for Disease Control and Prevention (2020, February 7). *Autism Data Visualization Tool*. <https://www.cdc.gov/ncbddd/autism/data/index.html>

Maras, K. L., Crane, L., Mulcahy, S., Hawken, T., Cooper, P., Wurtzel, D., & Memon, A. (2017). Autism in the courtroom: Experiences of legal professionals and the autism community. *Journal of Autism and Developmental Disorders*, 47, 2610-2620. DOI 10.1007/s10803-017-3162-9

Mogavero, M. C. (2018). What do criminal justice students know about autism? An exploratory study among future professionals. *Journal of Police and Criminal Psychology*, <http://dx.doi.org/10.1007/s11896-018-9302-0>

Parsons, S. & Sherwood, G. (2015). A pilot evaluation of using symbol-based information in police custody. *British Journal of Learning Disabilities*, 44, 213-224. doi:10.1111/blid.12140

Sperry, L. A., & Mesivov, G. G. (2005). Perceptions of social challenges of adults with autism-spectrum disorder. *The National Autistic Society*, 9, 362-376. doi:10.1177/1362361305056077