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Terminology

The terms autism, Asperger syndrome and autistic spectrum disorders (ASD) are all used in this booklet. The phrase 'people with autism' includes those with Asperger syndrome unless otherwise specified. Those with Asperger syndrome may be referred to as a specific group. Please see pages 2, 5 and 6 for detailed explanation.

Design by Column Communications

Printed by Newnorth

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1 Autism – a guide

Although autism was first identified in 1943, it has remained a relatively unknown disability until recently. For this reason, many professionals, including those in the Criminal Justice System, may be unsure how to work with someone they believe may be on the autistic spectrum.

Autism, including Asperger syndrome, is a lifelong developmental condition characterised by a triad of impairments: difficulties forming social relationships, problems with verbal and non-verbal communication and the development of strong, narrow, obsessional interests. The range of disorders with these features is often referred to by the term ‘autistic spectrum disorders’ or ASD.

Some people with autism may also have severe learning disabilities, and some may never speak. People with Asperger syndrome, on the other hand, usually have an average or above average IQ, and acquire spoken language at the same age as typically developing children, although their speech is often stilted or overly pedantic.

It is estimated that there are 535,000 (around 1 in 110) people with an autistic spectrum disorder in the UK, but many, especially adults with Asperger syndrome, may not have had the condition diagnosed, or have previously been misdiagnosed with another condition, for example schizophrenia.

Real life

Simon Humphreys, Police Superintendent in North Wales and Operations Manager for the Counties of Conwy and Denbighshire, writes:

“Before 1998 my knowledge of autism was limited to Dustin Hoffman in Rain Man. But in 2001, that all changed, because my son Joshua was diagnosed with autism, at the age of two years and six months.

Following the diagnosis, my wife and I felt relief that Joshua’s difficulties weren’t our fault, and deep sadness because we knew there was no magic pill to make him better: autism is a lifelong disability. However we have learned, adapted and grown together.

Joshua is now eight. He has made some real progress but he is still challenged in many ways and challenges us all the time! Josh is nimble, fast and agile. He has no fear of heights, no separation anxiety, and no sense of danger. He can’t be let out into the garden alone as he uses things to climb over fences. The police had to help recover him twice in two weeks – having access to your own works’ helicopter does help! Our garden is escape proof and has no objects available to build towers.

As both a father, and a Superintendent, I wonder what will happen to Joshua when he grows up. As he becomes an adult his erratic behaviour will become less easy for others to understand. I wonder what would happen, were he to be questioned by the police for any reason. My hope is that by then police professionals will have a better understanding of autism, be able to appreciate that he has a disability and be able to meet his needs, like any other section of society.

Joshua is an eight-year-old human whirlwind who brings joy and laughter to my family. I am very proud to have him as my son. I love him and understand him for who he is.

As a police officer I want to help my colleagues in the criminal justice agencies to understand Joshua's needs and to be able to deal with those on the autistic spectrum in a sensitive, professional and caring way. Not only is this effective, it's good business sense, looking to meet the needs of our clients and customers."



How this guide can help you

- The guide provides background information about autistic spectrum disorders. It aims to assist all professionals working in the Criminal Justice System, who may come into contact with someone who has autism, particularly police officers, solicitors, barristers, magistrates, justices of the peace, the judiciary and the courts.
- It is based on the experience of people who work with individuals on the autistic spectrum and of people with autism. It contains real life examples, including those gleaned from personal accounts and reports from professionals, callers to the Autism Helpline and from people with autism themselves.
- The guide is designed to be used by Criminal Justice System professionals as a regular reference: some repetition occurs from section to section so that they can be used individually.
- Specialist training and other resources are available from The National Autistic Society.¹

¹ Training enquiries for England and Wales: The National Autistic Society Training and Consultancy, 4th Floor, Castle Heights, 72 Maid Marian Way, Nottingham, NG1 6BJ.

Tel: 0115 911 3363; email: training@nas.org.uk; website: www.autism.org.uk/training

Training enquiries for Scotland: The National Autistic Society Training and Consultancy, 1st Floor, Central Chambers, 109 Hope Street, Glasgow, G2 6LL. Tel: 0141 221 8090; email: training@nas.org.uk

Information enquiries: The National Autistic Society Information Centre, 393 City Road, London EC1V 1NG.

Tel: 0845 070 4004; email: info@nas.org.uk

2 Why it is important to know if a person may have autism

It may not be immediately obvious to the general public, or to criminal justice professionals, that the person they have encountered has particular needs. His or her unusual behaviour may invite the attention of others, but in general autism is a hidden disability.

All people with autism can experience difficulties with communication, social interaction and may develop strong, narrow, obsessional interests. In addition, they may have sensory difficulties and some co-ordination problems. (See pages 6 and 12 for more details which may help in recognising the condition and communicating with a person on the autistic spectrum.) People with autism frequently suffer from high levels of anxiety resulting from their inability to make sense of what is going on around them.

Contact with the criminal justice system

Individuals with autism who come into contact with the criminal justice system are more likely to be from the more able end of the spectrum with high-functioning autism, or Asperger² syndrome as they generally have a greater degree of independence than those who have autism accompanied by severe learning difficulties. Those at the less able end of the spectrum, with classic 'Kanner'³ autism, may have little or no speech, may attend day services, live in residential services, or be in the constant care of their parents, for example, and are likely to spend much of their time in the presence of support workers or family members.

However, the command of spoken language in a person with high-functioning autism or Asperger syndrome is not necessarily indicative of their level of understanding or social awareness. Their apparent independence may mask their social disability: many people with autism are often confused by what goes on around them and may be vulnerable individuals. Some individuals may be unemployed or homeless.

Lack of understanding

People with autism often do not understand the implications of their actions, or the motivations of others. Due to difficulties with social imagination, problems with flexibility of thought and a tendency towards obsessive and repetitive behaviour an individual may not learn from past experience. People with autism often find it difficult to understand how others perceive their actions and to intuitively transfer experience from one situation to another. Some, therefore, may become victims or repeat their behaviour if not offered the appropriate support and intervention.



Confused by what goes on around them

² In 1944 Hans Asperger published an account of children with many similarities to Kanner autism (see below), but who had abilities, including, for example, average or above average grammatical language.

³ In 1943 Leo Kanner first described this specific pattern of behaviour with its range of difficulties in children who also had learning disabilities and special educational needs as 'early infantile autism.'

John is an adult with Asperger syndrome in his early 40s. His mother had prepared him for most situations where he might become a victim of mugging. He had learned to avoid dark places, places where there weren't many people, and to use taxis if he was out later in the evening. He was not prepared to be surrounded by a gang of youths on a Saturday afternoon outside a Marks and Spencer store. The gang asked him if he had money. He said he hadn't. They then asked him for his watch which he handed over. He could have drawn attention to what was happening or stepped back into the store but he hadn't been taught how to deal with this situation.

Real
life

People with autism often find unexpected situations extremely difficult to cope with, no matter whether they are innocent or not. In a dangerous situation where they are being intimidated he or she may not know how to respond and become increasingly anxious. Sometimes individuals with autism become involved in activity which alarms others or which breaks the law. This may well not be intentional.

"We like rules...Rules are secure...I haven't always been able to tell a good rule from a bad rule and I am sure that AS kids have difficulty with this. Adults, that's where you come in. It's up to you to explain these things clearly to the AS kid." Luke Jackson⁴

Real
life

If the behaviour of a person with autism has become unacceptable, the desired change in behaviour may not easily come about as a result of a warning, or, for example, the issue of an ASBO⁵, unless there is particular support or intervention. This, once again, is because people with autism find it difficult to generalise and adapt learning from one situation to another. It is important to ensure that the person with autism properly understands the consequences of their actions and the impact their behaviour may have on others.



Finds it difficult to generalise and adapt learning from one situation to another

Autistic spectrum disorders, including autism and Asperger syndrome, are identified mental and behavioural disorders in the World Health Organisation International Classification of Diseases, ICD10. This classification of the conditions could trigger the provisions of the *Mental Health Act 1983/the Mental Health Act [Scotland] 1984*⁶. If there is reason to believe that a detainee/client/defendant has an autistic spectrum disorder, a report from a specialist psychiatric service dealing with Asperger syndrome and autism may be in the best interests of the individual and the cause of justice.

The NAS Autism Helpline, 0845 070 4004, has a list of specialists who are expert in this area of work. The Helpline is open from Monday-Friday, 10am-4pm. The following sections of this booklet will help criminal justice professionals in their approach to individuals with autism if they meet them in the course of their work.

⁴ Luke Jackson (2002). *Freaks, Geeks and Asperger syndrome*. London: Jessica Kingsley Publications.

⁵ Anti-Social Behaviour Order (in England and Wales), introduced in the *Crime and Disorder Act 1998*, with the legislation further amended in the *Police Reform Act 2002*, and in the *Anti-Social Behaviour Act 2003*.

Anti-Social Behaviour Order (in Scotland), introduced in the *Crime and Disorder Act 1998*, with the legislation further amended in the *Anti-Social Behaviour etc. (Scotland) Act 2004*.

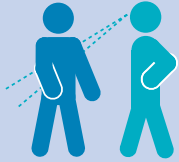
Anti-Social Behaviour Order (in Northern Ireland), introduced in the *Crime and Disorder Act 1998*, with the current legislation brought into force by Order in Council in the *Anti-Social Behaviour (Northern Ireland) Order 2004*.

⁶ This is to be superseded by the *Mental Health (Care and Treatment) (Scotland) Act 2003* which should come into force in 2005.

3 The characteristics of autism

People with autism, including those with Asperger syndrome, share a difficulty in making sense of the world around them.

A person with autism shows some of the following characteristics:



Eye contact lacking or inappropriate

Social interaction

- Appearing to be indifferent to others or socially isolated
- Being unable to read social cues
- Behaving in what may seem an inappropriate or odd manner
- Appearing to lack empathy
- Avoiding eye contact when under pressure.

Communication

- Having difficulty in understanding tone of voice, intonation, facial expression
- Making a literal interpretation of figurative or metaphorical speech; the phrases “has the cat got your tongue” or “he’d make mincemeat of you” would be alarming to a person with autism
- Finding it difficult to hold a two-way conversation
- Becoming agitated in responses or coming across as argumentative, stubborn...
- ...or coming across as over-compliant, agreeing to things that are not true
- Using formal, stilted or pedantic language
- Having poor concentration and thus poor listening skills
- Being honest to the extent of bluntness or rudeness.



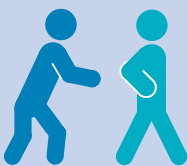
Finds it difficult to hold a two-way conversation

Imagination

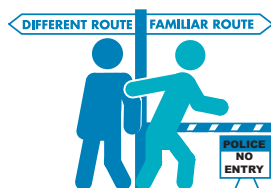
- Having difficulty in foreseeing the consequences of their actions
- Becoming extremely anxious because of changes in routines or unexpected events
- Liking set rules, and overreacting to other people’s infringement of them
- Often having particular special interests, which may become obsessions
- Finding it difficult to imagine or empathise with another person’s point of view.



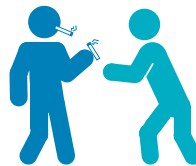
May display unusual behaviour



Appears indifferent to others



Dislikes changes in routine



May be influenced by others



May be aloof, or excluded from, the activities of others

People with autism and the Criminal Justice System

A minority of people with autism come into contact with the Criminal Justice System in various contexts: as victim, witness, suspect or offender. Autism is a communication disorder affecting each individual to varying degrees. As the need to gain accurate information is central to the work of Criminal Justice System it is therefore important to use effective strategies on an individual basis to enable clear communication and mutual understanding. This will help the interviewer avoid receiving inaccurate or inappropriate responses, when they are seeking clarification about a particular situation.

There is no evidence that people with autism are any more likely to commit crimes than the rest of the population. People with autism are particularly vulnerable individuals because of their social and communication disabilities. They have a particular need for understanding and appropriate support from the Criminal Justice System. For example, making an emergency '999' call could be very difficult for someone with autism, as could giving a statement to a police officer following a burglary. The wider implications of the situation may not be apparent to the person. He or she may not understand what kind of information they need to give.

A lack of understanding of autism can lead to certain behaviour being misconstrued as offending behaviour. People with autism are often unaware of the effect their behaviour will have on other people and the consequences of their actions because they do not instinctively link cause and effect. Some can display extreme behaviour in certain circumstances often resulting from their inherent high anxiety levels and this requires appropriate support to meet the needs of the individual properly.



May display unusual behaviour

Helen's experience

“One afternoon I was driving at a roundabout and had a milkshake in my hand. A police car indicated to me to stop and I got out of the car. I had only just received a diagnosis of Asperger syndrome and didn't have a card on me about the disability. When I spoke to the police, in my usual, rather direct way, they thought I was being rude. I told the police I had Asperger syndrome and asked if I could get a friend who could help me to explain myself, but they did not seem to understand the condition and I was told that I couldn't. At this stage I became very nervous and tried to get away. In response, they called for back-up and tried to arrest me. When they tried to put the handcuffs on me it felt like an invasion of my space, I felt anxious and so the situation worsened. They shoved me into a van. I felt so scared that I responded by biting an officer.”

“At the station, my friend tried to explain my disability but the police didn't understand what Asperger syndrome was and were not open to her explanations. I had to give a statement but the two policemen who took this were those who had arrested me so it was very difficult to get them to understand. I waited to see a doctor, growing increasingly anxious. When they arrived they didn't have any knowledge of Asperger syndrome either. I felt I was being treated as if I were mad.”

“In the end I was allowed home, but to this day I don't really understand what the conclusion was. I don't know if I've been given a written caution or a verbal caution. The situation was very unclear and no one has explained it to me. I feel very strongly that had the police officers who initially spoke to me had an understanding of Asperger syndrome and autism, that I would not have experienced such a traumatic situation.””

Real life



May use abrupt or over literal language

Below are some further examples of the kinds of situations which may bring people with autism into contact with a criminal justice professional.

Misunderstanding social cues

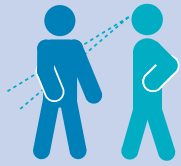
Many people with autism have difficulties with eye contact. Often eye contact will either be avoided or may be fleeting. In some cases eye contact may be prolonged or intrusive.

Real life

“Sometimes we find it hard or even painful to make eye contact, and people can misunderstand us, thinking we are shifty or dishonest.” Person with Asperger syndrome⁷

A recent news story concerned a young man with autism who was served an Anti-Social Behaviour Order for staring over a neighbour’s fence.

“I recently found myself in court opposite a 15-year-old with Asperger syndrome and it was obvious how difficult he was finding the whole thing and how his behaviour might influence the view the magistrates took of him. For example, the lack of eye contact can be interpreted as a person telling lies. Magistrates have been trained on the eye contact issue in connection with certain cultures but I am not sure that they have been made aware of how it is also the case in people with Asperger syndrome.” Solicitor, Brighton and Hove



Eye contact lacking or inappropriate

Social naivety

Social naivety has led to people with autism making inappropriate social approaches; for instance, they may stand very close to another person, intruding into that person’s perception of personal space.

Some people with autism, concerned about what is the correct thing to do, respond to a situation in a way which others find difficult to take.

Having been taught about road safety, one young person with autism took to shouting instructions about crossing the road to everyone who came to the traffic lights near his house.

People with autism, wanting friendship, to be part of a social group, and unable to read the motives of other people, have been duped into acting as unwitting accomplices in theft and robbery.

A man with autism who worked in a jeweller’s shop was persuaded to let the new night watchman ‘look after’ the keys, which enabled the watchman to later steal from the shop.

“One of the things with my Asperger syndrome is that I always do what other people tell me to. So, one time someone told me I should go travelling and I did. I spent nearly six months in Australia and I hadn’t got a clue what to do next, until I called my dad [contact with parents was irregular and infrequent] who said I should come home. So then I went home. I also got involved in drugs because I got accepted by people and when they offered me a smoke, as long as I said yes, they were my friends.”

Real life



May copy the activities of others without necessarily understanding the consequences

⁷ National Autistic Society (2003). *Asperger syndrome: what it means to us*. London: NAS

Social isolation

The behaviour of some people with autism may come across as odd or eccentric. They may appear to be socially isolated. This makes them particularly vulnerable to bullying.

“In many respects, children with Asperger’s make perfect ‘victims’, a fact that most bullies are quick to discover: we have no tactics for verbal or physical self-defence, we are extraordinarily naïve...we can be reduced to tears of frustration and rage with delicious ease by simple ploys like making fun of our obsessions.” Clare Sainsbury⁸

A young man with autism was attacked on a train by a gang and robbed of his mobile phone. However, because of his difficulties in communication, the police came to the conclusion that he would be an unreliable witness and the case was dropped.

A teenager with Asperger syndrome became prey to harassment by a neighbour’s family. Once they called the police when they saw him writing his name in salt in the driveway: he was copying what he had seen on a TV children’s art activity programme.

Unusual behaviour

Unexpected changes, for example train delays, can be so distressing to a person with autism that they may react with an aggressive outburst. Conversely, an individual may express an outburst of absolute elation about something apparently trivial in a public place, which could cause alarm or undue interest from others.

A young man with autism, unable to cope easily with a change in his familiar travel route, reacted in a loud and explosive manner, swearing profusely and pacing up and down, on the day when his usual bus stop was moved temporarily.

A man, frustrated by others ignoring parking regulations, took to attacking the parked cars, causing criminal damage.

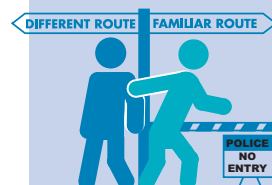
“While walking in the street I saw a woman struggling to get a heavily built teenage boy into the rear of the car. The boy was punching and head butting the woman’s shoulder, but she was coping. A police officer approached and asked if he could help. The woman explained her son had autism. It transpired that the shop the boy liked to go to had unexpectedly closed and as a result he was very upset. The mother explained that if the officer got involved it might make matters worse. In the meantime there were cars passing with drivers shouting out of their windows telling the officer to help. It was clear the officer would have helped if needed. The boy sat in the car eventually.” Passer by

A 50-year-old man with high-functioning autism left work on one occasion so delighted by the fact that he had a new Barclaycard that he hopped and skipped along the road, talking aloud about it and laughing constantly, causing passers by to turn and stare, and one person to follow him for a short distance. Completely preoccupied with his thoughts, he stepped out into the road and caused a car to swerve. Fortunately, a work colleague saw him, led him to safety, and encouraged him to take a taxi home.

Real
life



May be aloof, or excluded from, the activities of others



Dislikes changes in routine

Real
life

⁸ Clare Sainsbury (2000). *Martian in the playground*. Bristol: Lucky Duck Publishing

Obsessional interests

People with autism are often so single-minded about their interest that they are unaware of the effect that their actions have on others, or that it could lead to putting themselves in danger. In addition, an individual may not realise that through making a certain action they may have committed a crime.

Real life

A five-year-old girl, obsessed with the leather tags on a pair of jeans, would approach people wearing jeans and flick the tags with her finger. The obsession continued into her teens: it led her into more than one very vulnerable situation.

One man, obsessed with trains, took control of a steam engine at a station and set off along the track.

A child with autism, fascinated with fire engines, set light to public waste bins so that he could see the fire brigade arrive and extinguish the fire.

Interest and skill with computers has led to a person with autism hacking into computer systems.

Running away

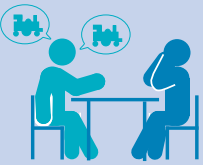
Some people with autism, whether children or adults, are prone to run away whenever left unattended or when carers are otherwise occupied. It is not easy to understand why they do this: it may be that a particular individual does not recognise the need to stay or they may enjoy the stimulation of air rushing past their face. Some may have played hide and seek in the school playground and, not realising that this particular situation is different from school, expect that someone will come and find them. Others may run off to find a place or an activity which is the focus of a special interest or obsession.

This can bring individuals and their families into contact with the police. Such situations can lead to dangers both for themselves and for others.

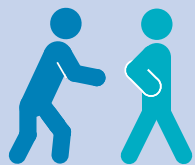
Real life

“I was never going anywhere in particular, just going. I’d climb the stairs at the high-rise flats, play in the elevator or try to find out how to get on the roof with every intention to jump off and ‘fly’.” Donna Williams⁹

People on the autistic spectrum often do not recognise danger. They may not, for example, recognise boundaries, may run into oncoming traffic, climb into a neighbour’s garden, enter unlocked vehicles or sheds, or peer into other people’s windows. Water sources such as ponds, fountains, rivers and canals may be of particular fascination, and therefore danger, to the individual. The situations highlighted on page 2 by Superintendent Humphreys emphasise this danger, of which the person with autism is often completely unaware. The extract on the opposite page from an autobiography by a person with autism also underlines this lack of awareness:



Talks obsessively about one subject



Appears indifferent to others

⁹ Donna Williams (1999). *Nobody nowhere: the remarkable autobiography of an autistic girl*. London: Jessica Kingsley Publishers

“I had an overwhelming desire to get to the water beyond our home but was imprisoned by the four-barred gate that kept me in the garden...I remember one time I managed to escape...I just loved the sea...I don’t know how long I sat on that dune, mesmerised by the incoming waves of the evening tide...In the distance I heard voices calling my name... My neighbour, Jenny, was standing at the steps at the foot of the cliff ‘...don’t move. I’m coming to get you’...[She] picked me up. I had not noticed that while I was sitting there, the tide had come in and my isolated sand dune was now the only visible sand above sea level.” Wendy Lawson¹⁰

If the alarm has been raised by the parent or carer because the person has disappeared, using their knowledge of the individual’s disability can be very helpful. Parents or care providers can provide police officers with details of the individual’s problems and particular strategies for approaching him or her. In any of the other situations outlined above, family or care providers may be able to offer explanation, particular advice or support.

However, if the person’s identity is not known, it is particularly important for the police officer or other criminal justice professional to take into account the suggested approaches listed in the next section of this booklet and to use the strategies that are appropriate for the occasion.

John, the man who was mugged outside the Marks and Spencer store (see page 5), also ‘left’ home one night after an argument with his mother. He walked from his home through the city centre to another town some 18 miles away. He then walked back because he didn’t know what else to do.

Real
life



In a world
of their own

Real
life

¹⁰ Wendy Lawson ((2000). *Life behind glass: a personal account of autistic spectrum disorder*. London: Jessica Kingsley Publishers

5 Recognising and approaching people with autism

People with autism are all individuals, but all experience difficulties with social interaction, communication and imagination. The difficulties differ in form and/or degree from one person with autism to another, therefore it may not always initially be easy to recognise whether he or she has the condition. However, if the behaviour and response of an individual encountered by a criminal justice professional is unusual, it is important to consider whether the person may be on the autistic spectrum.

The guidelines for approaching and speaking to a person with autism are in many ways similar to those which police officers and other emergency service staff would apply in approaching any other potentially vulnerable individual in a stressful situation. They may, for example, encounter the person outdoors or somewhere away from their familiar home surroundings.

Lawyers are more likely to meet the individual in the structured setting of an office or interview room, and court staff in the court environment, where the unfamiliar environment and circumstances are equally likely to cause stress.

An informed approach

In any of these circumstances there are certain characteristics of autism, detailed on page 6 and below, which are worth looking out for if you come to suspect the individual may be on the autistic spectrum, as this will help inform the approach to the person concerned.

Depending on the nature of autism an individual has, he/she may display some of the following characteristics:

Behaviour. He/she may

- Not recognise police (or other emergency services') uniforms or vehicles and may not understand what is expected of them; conversely, their association of police with uniforms may be so strong that they will not understand the concept of 'police' in a plain clothes situation
- Cover ears or eyes, stare, or look down or away constantly
- Walk on tiptoe or in an unusual way
- React to a stressful situation with extreme anxiety, which could include pacing, hand flapping or twirling, self harming, screaming or groaning, shouting and loss of control. (All of these are a response to fear, confusion and frustration and are an effort to stop the stimuli and retreat into a calm state.)

Speech. He/she may

- Speak in a monotone voice and/or with unusual or stilted pronunciation
- ...Or appear to have normal language but this may be masking their actual level of understanding
- Repeatedly ask the same question or copy/repeat the last phrase they heard (echolalia)
- Not respond to questions or instructions
- Communicate non-verbally: many people with autism cannot speak
- Become noisy or agitated if required to deviate from regular routine
- Speak obsessively about a topic of particular interest to them, but which may have no apparent relevance to the situation.



Finds it difficult to generalise and adapt learning from one situation to another



May repeat last sentence (echolalia)

Changes to routine and plans can be very confusing and threatening to people with autism – variety is not the spice of life!

Communicating with a person with autism

A person with autism will often find unexpected, or unusual situations very difficult. The points below will be helpful to professionals throughout the Criminal Justice System when communicating with someone with the disability:

Aim to keep the situation calm

- Do not attempt to stop the person from flapping, rocking or from other repetitive movements as this can sometimes be a self-calming strategy for people with autism and may subside once things have been explained clearly to them.
- People with autism may carry an object for security such as a piece of string, or paper. Removing it may raise anxiety and cause distress.
- If sirens or flashing lights are being used, turn them off to avoid alarm and distraction.
- If possible, and if the situation is not dangerous or life-threatening, try to avoid touching a person with autism as they may respond with extreme agitation because of heightened and acute sensitivity.
- People with autism may have an unusual response to pain and not report or be able to communicate injury. Check the person for any injuries in as non-invasive a way as possible, checking for unusual limb positions (hanging arm or limping) or other signs, for instance of abdominal pain.

Guidelines for effective communication

- People with autism often understand visual information better than spoken words. It may be useful to use visual supports/aids, such as drawings or photos, to explain to the person what is happening, or if they can read, to put it in writing.
- Explain clearly to the individual the situation that they are in and what the professional will be asking them questions about, to prepare them. If you are taking the individual somewhere else, clearly explain where and why to lessen anxiety.
- Try to avoid shouting at the person with autism.
- Keep language clear, concise and simple: use short sentences and direct commands.
- Allow time for the person to respond, for example ten seconds. Individuals with autism may take a long time to digest information before answering, so do not move on to another question too quickly.
- Reinforce gestures with a statement to avoid misunderstanding.
- If you know the person's name use this at the start of each sentence so that they know you are addressing them. Give clear and direct instructions slowly. For example, "Jack, get out of the car."
- Avoid using sarcasm, metaphors or irony. People with autism may take things literally, causing huge misunderstandings. Examples of idioms that would cause confusion to someone who interprets language literally are "You're pulling my leg", "Have you changed your mind?", "It caught my eye."
- Ensure that questions are direct, clear and focused so that confusion is avoided. If a person with autism is asked "You didn't do this, did you?" they may repeat the question (known as 'echolalia'), or say "No". If the question is "You did this, didn't you?" Similarly, they may repeat the question or say, "Yes". Responses may well be made without understanding the implication of what they are saying: a person with autism may want to please authority by agreeing as it is 'what you're supposed to do.'



People with autism often understand visual information better than spoken words



May repeat last sentence (echolalia) - in interview setting

Patience and understanding may be required. See overleaf for some pointers about the possible responses by a person with autism.



May use abrupt or over literal language

Response by the person with autism

- As indicated on the previous page, do not expect an immediate response to instructions as time may be needed to process the question or the instructions.
- If the response seems to indicate echolalia (ie repetition of the question, for example), it is important that this is not immediately construed as insolence: check that a question has been posed clearly.
- Avoidance of eye contact by the person with autism should not be misconstrued as rudeness or cause for suspicion.
- People with autism may not understand personal space. They may invade your personal space, or they may need more personal space than the average person.

Autism recognition cards

The person with autism may be in possession of one of the cards issued by The National Autistic Society (NAS) and other autism organisations, which indicate and explain the condition. The NAS issues business-card sized cards, designed to be given out to passers by as needed, stating that the holder has autism or Asperger syndrome. The NAS also produces the Autism Alert card (see p18).

Questioning people with autism

6

People with autism are individuals with their own characteristic ways of relating to others, and no two people with autism are likely to display all the characteristics outlined in this guide. Nevertheless, it is important to be aware of what is outlined below when interviewing a person with autism.

Stress and anxiety leading up to the interview

It is important to be aware that people with autism find changes in routine very difficult to handle. They will certainly be stressed if their routines are disturbed by being taken to a police station, for example. Even planned events, such as an interview with a solicitor, may be very stressful. An individual may also be extremely anxious in a strange environment, such as a court or waiting room.

Some people with autism are hypersensitive to noise and light, and others are fearful of crowds. They often have difficulty waiting their turn or understanding social conventions such as queuing. An individual may be unable to tolerate such an experience, their anxiety leading them to become agitated or disruptive. If their anxiety increases they may even lash out. If an individual is in this type of situation any questioning may of course be adversely affected.

Difficulties in understanding

People with autism are likely to have difficulty understanding what is said to them, and can have difficulties maintaining a meaningful two-way conversation; this may be more likely when they are stressed. Even those with seemingly good expressive speech are likely to struggle with non-literal communications such as figures of speech, sarcasm, or jokes. They often take what is said to them completely literally, so, for example, if given an appointment at 2pm may expect to be seen at precisely that time.

Helpful hints for the interview process

It may not be possible to gather all the information you need during one interview. You may have to hold several sessions to build up familiarity with the individual. If possible, talk to the individual's parents or carers, or professionals involved with them, such as their psychiatrist, to seek advice on the best way to interview them.

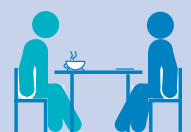
Additionally, it may be necessary to seek the advice of a psychologist or a social worker who specialises in the field of autism. The support of an 'appropriate adult' for either a child or adult with autism, especially one who has knowledge of the disability, is often essential to help the process move forward. On occasion, it may be a good idea to call upon the services of an advocate.

It will be helpful to keep the interview as short as possible. A child with autism may not be able to concentrate for any longer than ten to 15 minutes at the most.

The information overleaf will help when interviewing a person with autism:



May become agitated in unfamiliar environment



Interview setting
– keep the interview as short as possible

Interview process

Keeping the situation as calm as possible: the environment

- The individual may be calmer if they are interviewed in a familiar place, with a familiar person present.
- If it is known, explain how long the interview is likely to take and what will happen at the end of the session.
- Use video links or other adaptations to meet the needs of people with autism giving evidence where court procedures allow this.
- Ensure there are no background noises, which could provide distractions during the interview.
- Children and some adults with autism often have an attachment to particular objects sometimes as simple as a piece of string. The child or adult may wish to hold an object or possibly twiddle or flap with it during the interview. Research suggests that sometimes this helps them to concentrate. Removing the object may cause unnecessary distress.

Conducting the interview

- Talk calmly in your natural voice, keeping language as simple and clear as possible. Only use necessary words.
- Try not to exaggerate your facial expression or tone of voice as this can be misinterpreted.
- Keep gestures to a minimum, as they may be a distraction. If gestures are necessary, accompany them with unambiguous statements or questions to explain.
- Use the individual's name at the start of each question so they know they are being addressed.
- Cue the individual in to the language you are about to use, preparing them for instructions or questions that might follow. For example 'John, I am going to ask you a question.'
- Give time for the person to respond; don't assume that silence means that no answer is to be forthcoming.
- Avoid open questions: closed questions are more likely to be understood. For example, asking "Tell me what you saw yesterday" may be too vague and the individual may not be able to judge exactly what the interviewer needs to know. Better would be "Tell me what you saw happen in the shopping centre around 10 o'clock."
- People with autism have a very literal understanding of language. Avoid using irony or sarcasm.
- Back up questions with the use of visual aids or supports. People with autism often understand visual information better than words. Consider asking them to draw or write down what happened.



Interview setting
– keeping it calm

Interviewee response

- Allow the individual extra thinking time to respond to each question. People with an ASD often take longer to process information. If there is no response at all try rephrasing the question. A person with autism is unlikely to be able to inform you when they don't understand what you have asked: be prepared to prompt the individual in order to gather sufficient relevant information.
- People with autism may have better expressive language skills than receptive language skills. Be aware that they may not comprehend fully what is said to them. Some people with ASD have echolalia: they may echo and repeat accurately the words of others without understanding the meaning of the words.
- Don't expect the individual to necessarily make eye contact during the interview.
- Remember that people with autism may speak in a monotone, and/or use very stilted language.
- In some situations, people with autism may come across as stubborn or belligerent. Alternatively, they may be over-compliant – agreeing with the interviewer's suggestions or to statements that are untrue. They may not understand the consequences of this action.



May repeat last sentence

For those held in custody

Individuals with autism being held in custody must be supported. It is best practice to follow the above advice when communicating with them and it is important to remember that their disability renders them vulnerable. Reactions by those held in custody, especially if left unattended, may include forms of self-harm, including repeated biting or poking of parts of their body or by banging their heads against a wall.

Individuals with autism should have access to a professional who understands their disability, can provide advice and explain their needs; an appropriate adult may also be needed during the interview process. Their family and carers should be consulted as to the support, care or intervention that the individual requires.

Further help or support

Anyone coming into contact with the Criminal Justice System is likely to experience higher than usual levels of anxiety. It is likely to be a stressful experience because of the circumstances leading to this involvement.

However, for someone with autism, the anxiety of having their routine changed, their actions questioned, or their circumstances scrutinised, can lead to unmanageable outbursts of frustration or equally inexplicable silences. The reactions that people with autism display are different in every individual and professionals involved in their care and support whilst in contact with the criminal justice system should be as prepared and able to assist as possible.



The National Autistic Society is able to help – contact us on 0845 070 4004 if you need any further information, advice or training.¹¹

Autism is a hidden disability but, with knowledge and understanding, we can assist the people it affects and ensure that they are able to play a full role in society and be afforded the rights and protection they need.

¹¹ See also footnote 1 on page 3 specifically for training enquiries.

7 The Autism Alert card

Some people with autism may carry the Autism Alert card (pictured below). This is a credit-card sized wallet issued by The National Autistic Society which individuals with autism (including Asperger syndrome) can use to explain the condition.

The wallet includes a leaflet of key facts about autism and a credit-card style insert, which can be used to include emergency contact details.

The leaflet is available in a variety of languages on the NAS website. Further details about the Autism Alert card can be found at www.autism.org.uk/card

The NAS also produces business-sized cards explaining autism or Asperger syndrome that can be handed out to passers by as needed.

It is important to note that the Autism Alert card does not indicate that the carrier has a formal diagnosis of autism. When in doubt, the opinion of a medical specialist should always be sought.

Further information on autism, including Asperger syndrome, for criminal justice professionals can be found at www.autism.org.uk/cjp or by calling our Information Centre on 0845 070 4004.



Notes

