Creating a Culture of Prevention: 
Addressing Autism in Today’s Criminal Justice System

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Topics for Discussion

• Individual strategies and systems reform to increase safety for victims/defendants and:
  – Reduce unnecessary police interactions
  – Improve access to emergency services
  – Ensure access to effective communication in emergencies or during police interactions
HOW DO WE CREATE A CULTURE OF PREVENTION?

Education is KEY!
Crisis Prevention vs. Crisis Intervention Approach

• How do we define “crisis”?
• Do autistic people most often come in contact with officers in crisis situations?
• CIT programs focus on psychiatric disabilities
• Police departments now developing policies on intellectual/developmental disabilities
Pathways to Justice®

• More than training; establishes Disability Response Teams
• One day training by and for the community
• Broad reach to a number of criminal justice professions; creates shared vision
• 4 Steps:
  Identify - Communicate - Assess - Support

Pathways to Justice®
www.nccjdpathwaystojustice.org
Steps:
1. Identify
2. Communicate
3. Assess
4. Support

Pathways to Justice Model*

Why Learn About Autism?

- Overrepresented in jails and prisons
- Often a hidden population
- Confusion about psychiatric and developmental disabilities
- More likely to be victimized
- Avoid liability; build community trust
Challenges as Suspects/Offenders

• Represent 4-10% of prison population, with even more in juvenile facilities and jails

• An estimated 70% of justice-involved youth have disabilities (including I/DD and mental illness)
Learning Objectives: Defendants

• Understand the difference between different disabilities and how to respond
  – Learn how to identify if someone has I/DD as soon as possible upon initial interaction

• Learn effective interaction tips and how to de-escalate potentially dangerous situations

• Be familiar with disability specific issues common in prisons and jails (i.e., screening, solitary confinement, etc.)

• Know their local resources and potential partners
Signs Regarding Officer Contact

- Difficulty communicating and expressing themselves
- Easily influenced by and eager to please others
- Tries to hide disability
- Unresponsiveness or does not understand verbal commands
- Become overwhelmed by the officer’s presence
- Try to run away or become upset if being detained
- Have trouble making eye contact
Common Interactions

• Used by criminals without disabilities unknowingly
• False confessions
• “Offensive”/suspicious behavior
• Disturbances
• Wandering
• Seizures

Communication Tips: Autism

• Do not touch the person, touch may actually cause the person pain
• Do not approach the person from behind
• The person may not respond to verbal questions or requests. Be reassuring, try again
• Understand that sudden outbursts or impulsive behavior may occur. If no one is at risk of harm, wait for the behavior to subside and then calmly continue.
I/DD Specific Accommodations

• Take extra time to ask more questions to determine presence of disability
• Speak slowly, clearly; check for understanding
• Use plain language, pictures, symbols, communication boards
• Call on local disability agencies
• Assist filling out forms as needed
• Do not question individuals without a support person present
How to Spot *Hidden* Disabilities

**Three Steps That Can Save A Life**

1. **Look deeper**
   Hidden disabilities are identified by behaviors, not appearance

2. **Slow down**
   Call your supervisor/support staff to the scene
   Call the person’s family member/support staff/advocate

3. **Ask yourself**
   What is really going on here? How could disability be playing a role? Who can I call for support or assistance?

*The Arc*
National Center on Criminal Justice & Disability

*Achieve with us.*
Resources

Impact Feature Issue on Justice & Disability
https://ici.umn.edu/products/impact/301/#Cover

Police Chief Magazine Article
Resources

NCCJD® - sign up for our newsletter!
www.thearc.org/NCCJD
https://www.facebook.com/NCCJD

Pathways to Justice® Training
www.nccjdpathwaystojustice.org

NPR’s Abused and Betrayed Series
www.npr.org/series/575502633/abused-and-betrayed

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Assisting People with ID/DD Who Have Been Victims of Crime

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Voice: (202) 596-1056
www.autisticadvocacy.org
Who Are We?

- Nation’s largest advocacy group by and for autistic people ourselves
- All-Autistic leadership, plus majority of Board is autistic – including people with significant communication and support needs
- 21 Chapters Nationwide, plus international affiliates and partners
• People with ID/DD are up to **3 times** more likely to be victimized by others
• People with cognitive disabilities are at greatest risk
• High % of crimes are by people known to victim
• At risk for abuse, bullying, trafficking

Source: https://www.bjs.gov/content/pub/pdf/capd0915st.pdf
Special Concerns for Victims with Disabilities

- Communication challenges
  - Failure to provide communication supports
- May be ignored or disbelieved by police
- “Private family issue”
- Cases rarely prosecuted
- Assumptions that victims cannot testify at trial
  - “Incompetent to testify”
  - “Would be too hard on the victim”
  - “Won’t be credible”
- Lack of assistance navigating criminal system
- Lack of coordination between different response agencies
  - Police
  - Adult Protective Services
  - Child Protective Services
- Individual’s response to abuse may be seen as the problem
Identifying Potential Victims

• Was the person targeted for victimization due to disability?
• Is the person able to report what happened, with or without supports?
• If not, are they showing fear of an individual, or trying to escape?
• Could the person think this treatment is normal?
• Does the person think the perpetrator is a “friend”? Does the person think they “need” the perpetrator?
• Are they unaware of how serious or dangerous the situation is?
• Can they get help, get to a safe place or obtain victim services or counseling? Can they receive necessary independent living supports there?
Special Communication Needs

• Motor/Sensory:
  – Augmentative communication
  – Text vs. speech
  – Interpreters

• Cognitive:
  – Simple language
  – Repetition
  – Visual aids
  – Redirection
  – Cognitive translators/supporters

• Emotional:
  – Supporters
  – Redirection
  – Tone of voice
Duty to Communicate

• Title II of Americans with Disabilities Act
  – Reasonable accommodations
  – Auxiliary aids and services for communication
Special Communication Needs: Motor/Sensory

- **AAC devices**
  - Not interchangeable
  - Allow extra time for communication
  - Do not interrupt or attempt to finish sentence

- **Text vs. Speech**
  - Phone not universally accessible
  - Consider “chat” programs for same-time communications
  - Provide written summaries of meetings

- **Interpreters**
  - May be different from typical sign-language interpreters
  - People with idiosyncratic communication needs may need friends or family to interpret
  - If concerns about intra-family abuse, ask who else is able to interpret, try to obtain independent validation of previous statements, use yes/no questions that the person can answer alone and independently
Special Communication Needs: Cognitive

• Simple language
  – Resources available through www.plainlanguage.gov
  – Consider “reading level” programs like http://www.hemingwayapp.com/

• Repetition:
  – Avoid showing frustration
  – Provide memory aids of what’s happened

• Visual Aids:
  – Illustrations of the process
  – Timelines
Special Communication Needs: Cognitive

- Keeping on topic can require skill and practice!
- Trauma can influence ability to stay “on topic” and follow what you are saying
- May need frequent breaks
- Strategies include:
  - Visual agenda
  - Concrete questions with very specific answers
    - “What happened right after that?”
    - “Tell me exactly what they said right then.”
  - “Can I interrupt for a minute? We were talking about ___.”
  - “I need help understanding how this relates to what happened.”
  - Schedule extra time
Special Communication Needs: Ambiguous Communication

• Some statements may not seem to make sense, but will actually have important content
• Ability to communicate clearly is not necessarily related to ability to understand what happened
• Try “mirroring” statements back in your own words
• Ask for documentation or other records that may help clarify
• If client is literate, ask them to write down what they are trying to say
Special Communication Needs: Emotional

• Developing trust is essential
  – Begin with topics not directly related to the crime

• Supporters
  – Ensure access to supporters, preferably ones who are “outside” the situation
  – Balance with need for privacy in interview
  – Speak directly to the person, not the support person or interpreter
  – Ask who the person wants supporting them
  – Connect to advocates, especially peer advocates

• Redirection
  – May be difficult in aftermath of trauma

• Tone of voice
  – Avoid “parentese”
Testimony

• Prepare to educate court about necessary communication, cognitive, emotional supports

• Witnesses and victims are entitled to reasonable accommodations

• Document “capacity”:
  – Consistency of statements
  – Effect of accommodations
  – Effectiveness of AAC method

• Never use a victim as “demonstrative evidence”
  – We are people, not props
Resources

• ASAN’s Safety Toolkit: www.autisticadvocacy.org/safety

• ASAN/UCSF Toolkit on Communication: http://odpc.ucsf.edu/communications-paper

• ABA Commission on Disability Rights: https://www.americanbar.org/groups/disabilityrights/resources.html

• State Court Accessibility Resources: https://www.americanbar.org/groups/disabilityrights/resources/state_court_accessibility.html