The National Autistic Society

Autism: a guide for criminal justice professionals

Accept difference. Not indifference.

Contents

How this guide can help you 3

What is autism? 4

Why it is important to know if a person may have autism 7

People with autism and the Criminal Justice System 10

Recognising and approaching people with autism 17

Questioning people with autism 21

Autism alert cards 25

How can we help you 26

Terminology
The terms 'autism' and 'Asperger syndrome' are 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.

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How this guide can help you

- This guide provides background information about autism and aims to assist all professionals working in the criminal justice system (CJS) 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 experiences of people with autism and those who work with people on the autism spectrum. It contains real-life examples and personal accounts by professionals, callers to our Autism Helpline and 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 each can be used individually.

1: What is autism?

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 CJS, may be unsure about how to work with someone they believe to be on the autism spectrum.

Autism, including Asperger syndrome, is a lifelong developmental disability that affects how a person communicates with, and relates to, other people. It also affects how they make sense of the world around them. It is a spectrum condition, which means that, while all people with autism share certain difficulties, their condition will affect them in different ways. Some people with autism are able to live relatively independent lives but others may need a lifetime of specialist support. People with autism may also experience over- or under-sensitivity to sounds, touch, tastes, smells, light or colours.

Asperger syndrome is a form of autism. People with Asperger syndrome are often of average or above average intelligence. They have fewer problems with speech but may still have difficulties with understanding and processing language.

It is estimated that there are 500,000 (around 1 in 100) people with autism in the UK, but many, especially adults with Asperger syndrome, may not have had the condition diagnosed or may have previously been misdiagnosed with another condition, such as schizophrenia.

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 will show some of the following characteristics.

Social interaction

He or she may:

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

Social communication

He or she may:

- have difficulty in understanding tone of voice, intonation, facial expression
- make 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
- find it difficult to hold a two-way conversation
- become agitated in responses or come across as argumentative, stubborn...
- ...or come across as over-compliant, agreeing to things that are not true
- use formal, stilted or pedantic language
- have poor concentration and thus poor listening skills
- be honest to the extent of bluntness or rudeness.

ARE YOU GONNA SPEAK UP— OR HAS THE CAT GOT YOUR TONGUE?

Social imagination

He or she may:

- have difficulty in foreseeing the consequences of their actions
- become extremely anxious because of unexpected events or changes in routine
- like set rules, and overreact to other people's infringement of them
- often have particular special interests, which may become obsessions
- find it difficult to imagine or empathise with another person's point of view.

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. 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 member 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 autism 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."

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

It may not be immediately obvious to you as a criminal justice professional that the person you 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 and social interaction and may develop strong, narrow, obsessional interests. They may also have sensory difficulties and some co-ordination problems. (See page 16 for more details which may help in recognising the condition and communicating with a person on the autism spectrum.) People with autism frequently suffer from high levels of anxiety due to their inability to make sense of what is going on around them.

Contact with the criminal justice system

People with autism who come into contact with the criminal justice system (CJS) are likely to be from the more able end of the spectrum, with high-functioning autism or Asperger syndrome[1], as they generally have a greater degree of independence than those whose autism is accompanied by severe learning difficulties. Those at the less able end of the spectrum, with classic 'Kanner'[2] autism, may have little or no speech, may attend day services, live in residential services, or be in the constant care of their parents, so 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 does not necessarily indicate their true level of understanding or social awareness. Their apparent independence can mask their

1 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.

2 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'.

social disability: many people with autism are often confused by what goes on around them and may well be vulnerable individuals.

Lack of understanding

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

Real life

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 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.

People with autism often find unexpected situations extremely difficult to cope with. In a dangerous situation where they are being intimidated, they may not know how to respond and will therefore become increasingly anxious. Sometimes people 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 [Asperger syndrome] 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 Jackson[3]

[3] Luke Jackson (2002). *Freaks, geeks and Asperger syndrome*. London: Jessica Kingsley Publishers.

If the behaviour of a person with autism has become unacceptable, it may not be easy to change it as a result of a warning, or, for example, the issue of a civil or court order, unless this is accompanied by 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 understands properly the consequences of their actions and the impact their behaviour may have on others. The following sections of this booklet will help criminal justice professionals in their approach to people with autism if they meet them in the course of their work.

Autism 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 (as amended by the Mental Health Act 2007) in England and Wales, or the Mental Health (Care and Treatment) (Scotland) Act 2003 in Scotland or the Mental Health (Northern Ireland) Order 1986.

However, it is very important to note that, as set out in the Codes of Practice issued in both England and Wales following the Mental Health Act 2007, while provisions of the Act could apply to people with autism regardless of whether they have a co-occurring mental health problem, this is likely to be rare. Both Codes of Practice also set out the importance of ensuring that anyone carrying out an assessment of someone with autism has appropriate experience and training in working with people with autism or that they seek advice from a specialist where they do not have this training. The Criminal Justice (Northern Ireland) Order 2008 says that in the case of a 'mentally disordered person', the court should obtain a medical report detailing their condition before any sentencing can take place.

The NAS Autism Helpline (0808 800 4104) has a list of specialists with expertise in this area of work and is open from Monday-Friday, 10am-4pm.

3: People with autism and the criminal justice system

Only a minority of people with autism come into contact with the criminal justice system (CJS), either as a 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 the CJS 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.

People with autism are vulnerable due to their social and communication difficulties, so they have a particular need for understanding and appropriate support from the CJS. 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 them and they 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 consequences of their actions or the effect their behaviour will have on other people 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. Therefore, appropriate support is required to meet the proper needs of each person.

Real life

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."

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 find it difficult to make eye contact. In some cases it will be fleeting or may be avoided altogether. In others, eye contact may be prolonged or intrusive. This has led to cases such as a young man with autism who was served an Anti-Social Behaviour Order for staring over a neighbour's fence.

"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 syndrome[4]

"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

Social naivety

Social naivety sometimes leads 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. For example, 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 at times been duped into acting as unwitting

[4] The National Autistic Society (2003). *Asperger syndrome: what it means to us*. London: The National Autistic Society

accomplices in theft and robbery. One man with autism who worked in a jeweller's shop was persuaded to let the new night watchman 'look after' the keys, enabling that 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."

Person with Asperger syndrome

Social isolation

The behaviour of some people with autism may come across as odd or eccentric. They may appear to be socially isolated and 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 naive... we can be reduced to tears of frustration and rage with delicious ease by simple ploys like making fun of our obsessions."

Clare Sainsbury[5]

In one case, 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.

Another teenager with Asperger syndrome became prey to harassment by a neighbour's family. On one occasion they called the police when they saw him

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

writing his name in salt in the driveway: he was copying what he had seen on a children's art activity TV programme.

Unusual behaviour

Unexpected changes, such as 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.

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

By contrast, on one occasion, a 50-year-old man with high-functioning autism left work so delighted by the fact that he had a new credit card that he hopped and skipped along the road, talking aloud about it and laughing constantly. This caused 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.

"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

Obsessional interests

People with autism are often so single-minded about their interest that they are unaware of the effect that their actions could have on others, or that those actions

could lead to them putting themselves in danger. A person may also not realise that by acting in a certain way they may have committed a crime.

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

Another 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. One man, obsessed with trains, took control of a steam engine at a station and set off along the track, while an interest and skill with computers led to another person with autism hacking into computer systems.

Running away

Some people with autism, whether children or adults, are prone to run away whenever they are left unattended or when carers are otherwise occupied. It is not easy to understand why they do this: it may be that a particular person does not recognise the need to stay or they may simply 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.

Such situations can lead to dangers both for the person with autism and for others and can sometimes bring people and their families into contact with the police.

"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 Williams[6]

People on the autism spectrum often do not recognise danger. They may not, for example, observe 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

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

particular fascination, and therefore danger, to the person. The situations highlighted on page 5 by Superintendent Humphreys emphasise this danger, of which the person with autism is often completely unaware. The following extract from an autobiography by a person with autism also underlines this lack of awareness.

"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 saying '...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 Lawson[7]

John, the man who was mugged outside a store (see page 7), 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.

If a person with autism has disappeared and the alarm has been raised by their parent or carer, their knowledge of the person's disability can be very helpful. Parents or carers can provide police officers with details of the person'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, 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 use strategies that are appropriate for the situation. Always take into account the suggested approaches listed in the next section of this booklet.

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

4: Recognising and approaching people with autism

People with autism are all individuals, but each experiences difficulties with social interaction, social communication and social imagination. These difficulties differ in form and/or degree from one person to another, so it may not always be easy at first to recognise whether he or she has the condition. Nevertheless, if the behaviour and response of any person encountered by a criminal justice professional is unusual, it will be important to consider whether that person is on the autism spectrum.

The guidelines for approaching and speaking to a person with autism are similar to those which police officers and other emergency service staff would apply when approaching any other potentially vulnerable person in a stressful situation.

You may, for example, encounter the person outdoors or somewhere away from their familiar home surroundings. Lawyers are more likely to meet the person in the structured setting of an office or interview room, and court staff will probably only have contact within the court environment; but all of these unfamiliar surroundings and circumstances are likely to cause the person particular stress.

An informed approach

Whichever of these circumstance apply, there are certain characteristics, detailed on page 3 and 4 and below, which are worth looking out for if you suspect a person may be on the autism spectrum. Identifying these will help to inform how you approach the person concerned.

Depending on the nature of their autism, the person may display some of the following characteristics.

Behaviour

They 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 stressful situations with extreme anxiety, which could include pacing, flapping or twirling of their hands, 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

They may:

- speak in a monotone voice and/or with unusual or stilted pronunciation; if they appear to have normal language, this may be masking their actual level of understanding
- repeatedly ask the same question or copy/repeat the last phrase they heard (this is known as '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 that is of particular interest to them, but which may have no apparent relevance to the situation.

Communicating with a person with autism

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

Aim to keep the situation calm

- Do not attempt to stop the person from flapping, rocking or making other repetitive movements as this can sometimes be a self-calming strategy and may subside once things have been explained to them clearly.
- 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 due to their 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, looking for unusual limb positions (eg limping or a hanging arm) or other signs, such as 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. If they can read, it may be useful to put your information in writing.
- To prepare the person, explain clearly the situation that they are in and what the professional will be asking questions about. If you are taking the individual somewhere else, explain clearly where and why to lessen their 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. People 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, slow and direct instructions; 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?" and "It caught my eye".
- Ensure that questions are direct, clear and focused to avoid confusion. A person with autism may respond to your question without understanding the implication of what they are saying, or they may agree with you simply because they think this is what they are supposed to do. 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" but if the question is "You did this, didn't you?" they may repeat the question or say "Yes".

Responses by the person with autism

- Do not expect an immediate response to questions or instructions, as the person with autism may need time to process them. Give the person at least ten seconds to respond.
- If a response indicates echolalia (ie repetition of the question) it is important not to construe this as insolence: check that you have posed the question clearly enough.
- Avoidance of eye contact by the person with autism should not be misconstrued as rudeness or a cause for suspicion.
- People with autism may not understand the notion of personal space. They may invade your personal space, or may themselves need more personal space than the average person.

Autism recognition cards

The person with autism may be in possession of a card which indicates and explains their condition. The National Autistic Society (NAS) and other autism organisations issue cards like this, which are the same size as a business card and are designed to be shown as needed if the holder is unable to explain their own condition (see page 25).

5: Questioning people with autism

People with autism are individuals with their own particular 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 that you are aware of the points below when interviewing a person with autism.

Stress and anxiety leading up to the interview

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, for example, being taken to a police station. Even planned events, such as an interview with a solicitor, may be very stressful for them. A person 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, while others are fearful of crowds. They often have difficulty in waiting their turn or understanding social conventions such as queuing. A person 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 a person is in this type of situation, any questioning may be adversely affected.

Difficulties in understanding

People with autism are likely to have difficulty understanding what is said to them, and can struggle to maintain a meaningful two-way conversation; this is even more likely when they are stressed. Even those with seemingly good expressive speech are likely to struggle with non-literal communication 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 they may expect to be seen at precisely that time.

Guidance for the interview process

It may not be possible to gather all the information you need during one interview. It might be necessary to hold several sessions in order to build up familiarity with the person. If possible, talk to their parents, carers or the 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 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 following tips will also help you during the interview itself.

Keeping the environment as calm as possible

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

Conducting the interview

- Talk calmly in your natural voice, keeping language as simple and clear as possible. Use only 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 that clarify their meaning.
- Use the person's name at the start of each question so that they know they are being addressed.
- Cue the person into the language you are about to use, preparing them for the 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 there is no answer forthcoming.
- Avoid open questions: closed questions are more likely to be understood. For example, asking a person with autism to "tell me what you saw yesterday" may be too vague. The person may not be able to judge exactly what the interviewer needs to know. A better approach would be to say "Tell me what you saw happen in the shopping centre at 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.

Interviewee response

- Allow the person extra thinking time to respond to each question. People with autism 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 person 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 autism have echolalia: they may echo and repeat the words of others without understanding the meaning of those words.
- Don't expect the person 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.

For those held in custody

People with autism who are being held in custody must be supported. It is best practice to follow the advice above when communicating with them and to remember that their disability renders them vulnerable. If left unattended, those held in custody may react by self-harming, which could involve repeated biting or poking of parts of their body or banging their heads against a wall.

People 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. Family and carers should be consulted as to the support, care or intervention that the person requires.

Witness Intermediary Scheme

The Witness Intermediary Scheme operates in England and Wales for victims and witnesses of crimes. It applies to children and young people, and any adults whose quality of evidence would be affected because they have a mental disorder, a significant impairment of intelligence and social functioning or a physical disability. Through the Scheme a professionally qualified Registered Intermediary helps the person understand questions during the interview and advises the police and the Crown Prosecution Service about the person's communication abilities and needs and how to achieve the best evidence from them at interviews and in court. At present, provision of a Registered Intermediary does not extend to vulnerable defendants. In such cases it is recommended that contact is made with an appropriate professional/ vocational organisation for details of suitable alternative options for this type of assistance.

Further information about the Witness Intermediary Scheme is available from the National Policing Improvement Agency website at www.npia.police.uk/soc

Further help or support

Any person with autism who comes into contact with the Criminal Justice System is likely to experience higher than usual levels of anxiety. Not only is it likely to be a stressful experience because of the circumstances leading to their involvement, but for many, 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 person. Professionals involved in their care and support whilst they are in contact with the Criminal Justice System should be prepared and able to assist them as much as possible.

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

The National Autistic Society is able to help. Contact our Helpline on 0808 800 4104 (free from landlines and most mobiles) if you need any further information, advice or training.

6: Autism alert cards

Some people with autism carry the Autism alert card. This card is issued by The National Autistic Society and designed to be used by people with autism (including Asperger syndrome) to explain their condition. It is kept in a credit-card sized wallet.

The Autism alert card does not necessarily indicate that the carrier has a formal diagnosis of autism. When in doubt, you should always seek the opinion of a medical specialist.

This card is available to order from the NAS website at www.autism.org.uk/shop or by telephone on 0845 458 9911.

7: How we can help you

The National Autistic Society is the UK's leading charity for people affected by autism. We rely on donations to fulfil our ambition to end the isolation of the two million people in the UK who are living with autism.

There is a range of ways we can help you to support more people with autism through your daily work.

Further information

This free guide contains introductory information about autism and how you can better support people with autism, but more information for criminal justice professionals can be found at www.autism.org.uk/cjp or by calling our Information Centre on 0845 070 4004.

Training and conferences

We can develop bespoke training for professionals in the penal and criminal justice professions, based around a thorough assessment of team knowledge and development requirements. Go to www.autism.org.uk/training

We also run a series of events for criminal justice professionals – register your details at www.autism.org.uk/conferences

Regional support in your area

Our regional officers and branch volunteers can also provide support and information. Go to www.autism.org.uk/inyourarea

Get involved

There are many ways you can get involved with our work, from cycling to Paris, to taking part in one of our local family events, to joining us a member and helping us to effect change on a national and local level. Go to www.autism.org.uk/getinvolved

The National Autistic Society is the UK's leading charity for people affected by autism.

Over 500,000 people in the UK have autism. Together with their families they make up over two million people whose lives are touched by autism every single day.

Despite this, autism is still relatively unknown and misunderstood. Which means that many of these two million people get nothing like the level of help, support and understanding they need.

Together, we are going to change this.

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Switchboard: 020 7833 2299
Autism Helpline: 0808 800 4104
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Website: www.autism.org.uk

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