Assisting People with Autism

Guidance for Justice Professionals in communicating with people with autism

National Disability Authority
Údarás Náisiúnta Míchumais

This guidance document is based on the publication 'Autism: a guide for criminal justice professionals', produced by the National Autistic Society Northern Ireland and the Department of Justice in Northern Ireland in 2014. The NDA wishes to thank Shirelle Stewart, Director of the National Autistic Society Northern Ireland, for her support and input into developing the guidance document for the Republic of Ireland, and for permission to use text from the Northern Ireland guide for producing this.

The National Autistic Society

Contents

How this guide can help you

- This guide provides background information about autism spectrum disorders and aims to assist those working in the civil and criminal justice system who may come into contact with someone who has autism in order to best communicate with and support them. This includes public service officials such as anGarda Síochána, the Courts Service, the judiciary and the Prison Service and the Probation Service, and members of the legal profession such as solicitors and barristers.The term justice professional is used in the guide to refer to the two groups.

- 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 can be helpful if you are aware of the points in this guide for communicating with a person with autism

- People with autism may come into contact with justice professionals in different ways. The guidance aims to be a useful and practical resource for a wide range of people in the justice system who may come into contact with witnesses, respondents and complainants with autism in the course of their work.

- The guide draws from a guidance booklet on 'Autism: a guide for criminal justice professionals' produced by the National Autistic Society Northern Ireland and the Department of Justice. The NDA obtained permission for using text from that publication in this guide

- The guide is based on the experiences of people with autism and those who work with individuals on the autism spectrum. It contains real-life examples and personal accounts by professionals, family members and people with autism themselves in Ireland. The NDA wishes to thank all who provided personal accounts, shared their personal stories and agreed to have them included in the guide. To ensure their anonymity and privacy, the stories in the guide are not attributed to named persons.

- The guide is designed to be used by justice system professionals as a regular reference. It is produced by the National Disability Authority with inputs from a range of bodies and individuals. Some repetition occurs from section to section so that each can be used individually.

- This guide is not intended to equip justice professionals to diagnose someone as being on the autism spectrum as some of the characteristics described could be attributed to other conditions.

A range of resources are available from autism support organisations. The Appendix lists support organisations and other sources of information and support.

Autism actions in the National Disability Strategy

The National Disability Strategy Implementation Plan (NDSIP) 2013–2015 set out a programme of actions for implementation by government departments and public bodies with the goal of ensuring a whole of government approach to advancing the social inclusion of all persons with disabilities, including those with autism.

The Programme of Actions on Autism is in keeping with the cross disability, whole of government, social model of disability approach set out in the NDSIP. It recognises that an increased understanding of autism across the public sector is required to ensure that effective implementation of the NDSIP.

The guide meets one of the commitments in the Programme which states that the NDA will develop guidance for the Justice system on engaging and supporting people with autism who come into contact with the system.

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 civil and criminal justice system, may be unsure how to work with someone they believe to be on the autism spectrum. Alternatively, they may not realise that behaviours they find unusual are due to someone having autism.

Autism, including Asperger syndrome, is a lifelong condition 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 1 in 65 primary school aged children in Ireland with an autism spectrum disorder. The prevalence may not be as high in adults, especially adults with Asperger syndrome, due to less diagnosis and less awareness when those adults were children. It is also estimated that between 40% and 69% of people who have autism also have an intellectual disability.

Psychiatric disorders are a common feature among people with Autism Spectrum Disorder. The prevalence rates vary but about 70% of children are estimated to have a psychiatric co-morbidity (Crowe and Salt, 2015), of which the most common is anxiety (Skokauskas and Gallagher, 2012). Other studies have estimated that around 30% of adults have obsessive compulsive disorder (Russell et al., 2013) and between 5% and 34% have depression. Psychiatric disorders are difficult to diagnose in those with ASD. They can be over diagnosed due to overlap between autism symptoms and those associated with the psychiatric disorder. People with ASD and a psychiatric disorder can see a worsening of their autism symptoms which can interfere with the education and behaviour.

The characteristics of autism

Some people with autism, including those with Asperger syndrome, may have a difficulty in making sense of the world around them.

A person with autism may 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 or facial expression
- make a literal interpretation of figurative or metaphorical speech (for example, the phrases “has the cat got your tongue” or “he’d make mincemeat of you” could 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 or stubborn
- 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

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 Story, from a young man with autism

To the best of my memory I think I must have been about 16 or 17 years old at the time. I've always been very nervous as a young teenager. This could have been contributed to by the fact that I attended a very rough school and felt uncomfortable around many of the students. I suppose you could say that I found it difficult to trust many of my class mates at the time.

Anyway, one evening I decided to take a trip to a local late night shop just a few minutes from my house. Even though it wasn't particularly late, it was quite dark. As I was walking along I saw some teenagers my own age. I didn't know them and I guess I felt nervous and uncomfortable around them. I tried to act as confident as possible nonetheless. But I couldn't help every so often look back behind to see if anyone was behind me.

Suddenly a tall man with a beard approached me. He introduced himself by name first then told me he was with the Gardaí and presented his badge to me. He asked me if I knew he was with a Garda. I told him that I didn't as he was not in a uniform. He told me that I appeared to be very nervous. But to be honest that startled me as I didn't notice him approaching me at first. So he then asked me if I was carrying any drugs. I told him I wasn't. He then asked me if he could search me. I certainly didn't want to make the inspector (I think he was an inspector) more suspicious so I let him search me. I just wanted to prove to him at I had nothing to hide. So he searched my jacket pockets and trousers. Of course he found nothing as there was nothing to find. When he had finished searching he confirmed that the only reason he searched me was because I seemed very nervous.

Continued

After this event I felt rather embarrassed, confused and quite offended that the inspector felt a need to search me at all. It certainly made me feel more self conscious of my social awkwardness and nervousness. At that stage in my life, I knew nothing about Asperger's syndrome nor did it even seem to me that I may have Asperger's or any form of autism. It took me a great many years to build up the level of confidence I have reached today.

Sensory difficulties

Many people with an autism spectrum condition have difficulty processing everyday sensory information such as sounds, sights and smells. This is usually called having sensory integration difficulties, or sensory sensitivity. It can have a profound effect on a person's life. Every individual will be affected differently, and some will be oversensitive to sensory stimulation while others will be under-sensitive and seek out sensory stimulation.

People who struggle to deal with all this sensory information are likely to become stressed or anxious, and possibly feel physical pain.

Real Life Story, from a young person with autism

Once, I was re-enacting a dramatic movie scene in my head while I was daydreaming in public. I was semi-aware that my thoughts were affecting my body language, but did not realise how I appeared to other people. A security guard approached me and asked if I was okay. It turned out that onlookers thought that I was having a fit and had sent him over.

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

It may not be immediately obvious to you 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 some may develop strong, narrow, obsessional interests. They may also have sensory difficulties and some coordination problems (see page 6 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 Justice System

Individuals with autism who come into contact with the Justice System may 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. Only a minority of people with autism tend to come into contact with the Criminal Justice System, either as a victim, witness, suspect or offender.

The main focus of this guide is on criminal justice cases, as less has been written about people with autism in the civil justice cases. However, most of the guidance is common to justice professionals operating in criminal and civil law cases.

Real Life Story, from a Family Court judge

In the course of various childcare cases, I have come across a situation where a parent is on the autistic spectrum with cognitive impairment.

One such case was an application for a full care order under section 18 of the Child Care Act 1991. When one of the parents went into the witness stand, it became very apparent that the witness was in serious difficulties in terms of their understanding of the proceedings due to their confused answers to the questions. I stopped the hearing because I suspected that this parent was on the autistic spectrum with cognitive impairment which was undiagnosed. I directed a psychological assessment of this parent with specific psychometric testing and I directed the psychologist, who conducted the assessment, to appear in court so that I could properly question him. His conclusion was that this parent was on the autistic spectrum with mild to moderate cognitive impairment with a tendency of borderline personality disorder.

Our brains are hard-wired to understand the world in terms of time, space, cause and effect and that understanding is expressed through the medium of language. This parent had difficulties in all these areas of understanding in their world. I adjourned the hearing and appointed a properly qualified advocate to assist the parent engage with their legal team. The hearing was adjourned until that appointment was made so as to ensure that the parent had the ability to meaningfully participate in the proceedings before the court.

1 In 1994, 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.

Autism is a developmental disability affecting each individual to varying degrees. As the need to gain accurate information is central to the work of the Justice System it is therefore important to establish an individual's level of understanding and expressive ability at the outset. This will require the use of 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.

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, and 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 social disability: many people with autism are often confused by what goes on around them and may well be vulnerable individuals and thus more likely to be victims or to be manipulated into offending or confessing.

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, an individual 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.

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 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 [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]

2 In 1943, Leo Kamner first described the specific pattern of behaviour with the range of difficulties in children who also had learning difficulties and special educational needs as 'early infantile autism'.

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 for them to change it in response to a warning. What is required are particular supports or intervention. Otherwise the may end up in the courts or custody,. This, once again, may be necessary 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 justice professionals in their approach to individuals with autism if they meet them in the course of their work.

People with autism coming into contact with the Justice System

People with autism may be more vulnerable than others due to their social and communication disabilities, so they have a particular need for understanding and appropriate support from the criminal justice system. Making an emergency '999' call could be very difficult for someone with autism, as could giving a statement to a Garda 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. This may arise where they are 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 individual. Below are some further examples of the kinds of behaviour to be aware of.

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. Some people with autism may not know or understand social etiquette such as exchange of pleasantries with someone else.

Social naivety

Social naivety sometimes leads individuals with autism to make inappropriate social approaches; for instance, they may stand very close to another person, not realising they may be 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.[4]

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 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.[5]

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[6]**

A teenager with Asperger syndrome in England became prey to harassment by a neighbour's family. On one occasion they called the police when they saw him writing his name in salt in the driveway: he was copying what he saw on TV.[7]

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.

4 Example taken from Autism: a guide for criminal justice professionals, produced by the National Autistic Society Northern Ireland and the Department of Justice in Northern Ireland, 2014.
5 Ibid.
6 Claire Sainsbury (2000), Martian in the playground. Bristol: Lucky Duck Publishing.
7 Example taken from Autism: a guide for criminal justice professionals, produced by the National Autistic Society and the Department of Justice Northern Ireland.

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.[8]

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. An individual 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.[9]

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 individual 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.

> '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'.[10]

8 The above examples are taken from Autism: a guide for criminal justice professionals (2014) by the Department of Justice and the National Autistic Society Northern Ireland.

9 The above examples are taken from Autism: a guide for criminal justice professionals (2014) by the Department of Justice and the National Autistic Society Northern Ireland.

10 Donna Williams (1999) Nobody nowhere: the remarkable autobiography of an autistic girl. London: Jessica Knightly Publishers.

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 particular fascination, and therefore danger, to the individual.

Real Life Story, from a Garda

There was an issue where a child with autism kept running away from home. The child in question was verbal but would not answer questions or respond to their name, the child could also bite if distressed. Both Gardai and family would search for the child. If the Gardai (unfamiliar to the child) were to locate the child first, there was often a scenario of the child becoming more distressed and attempting to bite the Garda as the natural reaction of the Garda was to ask questions or the child's name.

Following on from these incidents, I meet with parents of the local support group for Autism and an Autism Safety Plan was developed an Autism Safety Plan Person Information Sheet. The Person information forms were completed by parents of the support group and are kept in the Garda Divisional Headquarters. It means any Garda member responding to a call of a missing child/ engaging with any person with autism can reference the form to see all relevant information to liaise with the person in the most suitable manner and reduce the risk of causing further distress or injury. This has worked very well in the county.

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 an individual has the condition, or to what degree. Nevertheless, if the behaviour and response of any individual encountered by a justice professional is unusual, it will be important to consider whether that person may be on the autism spectrum.

Justice professionals may, for example, encounter the person outdoors or somewhere away from their familiar home surroundings. Barristers and solicitors are more likely to meet the individual 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 individual particular stress.

An informed approach

Whichever of these circumstance apply, there are certain characteristics, detailed below, which are worth looking out for if you suspect an individual 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 individual may display some of the following characteristics.

Behaviour

He or she may:

- not recognise Gardaí or other emergency services' uniforms or vehicles and may not understand what is expected of them; conversely, their association of Gardaí with uniforms may be so strong that they will not understand the concept of 'Garda' 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 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

He or she may:

- speak in a monotone voice and/or with unusual or stilted pronunciation: even if a person appears to have normal language, this may be masking his/her 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.

Real Life Story, from a parent of a child with autism

A young boy with autism spectrum disorder was sexually assaulted by an older boy. Both boys were neighbours. A third party told the parents about the abuse. Having discussed the matter with the little boy, he told his parents about the assault that had taken place, after what appeared to be a week of pressuring and propositioning of the child by the older boy. The parents made contact immediately with child services about the incident. A duty social worker was assigned to the family and called to the house to discuss the allegation, which she explained had to be reported to the Gardaí. A report was made and sent to the Gardai. In the meantime, the parents were told to keep their son safe and away from the other child. The little boy did not understand why he was no longer allowed to play with his friend and due to his autism, he was unable to control his emotions and frequently got angry and verbalised his frustrations frequently outside the front of the home, for all to hear. The parents would try and take him in home during these meltdowns to ensure the neighbours and other family concerned would not hear him. There were no services appointed to the child or his family at this time. They had no support from any service, and were more or less hiding out in their home, avoiding the other family, friends and neighbours, while the devastation hit them and the confusion of what had happened set in for the young boy.

The parents were informed that two special investigators would have to interview the young boy because of his disability. The parents felt that one investigator was quite rude and very unsympathetic towards the parent who along with her family, was going through a very difficult time. Investigators began the process of taking a statement from the young boy. The family had been assured that the investigators were highly trained and used to dealing with children with autism. However, the parents felt that the investigators were very loud and proceeded to explain the process to one parent, outlining that they would determine whether the little boy would make a good witness for court or not. The parent tried to explain that they would have to use a low tone of voice, and speak slowly to the child, asking him about his interests or playing a quick little game in order to put him at ease. When the boy would not look at one investigator, they demanded eye contact whereupon the child became uneasy and got up from his seat and fled the room. The child was brought back and the investigators then followed the mother's advice which worked better as the child began to speak.

The next interview with the boy was much better and the little boy was more at ease with the body language of the investigators and that they asked him about school and his interests before starting the interview. He managed to give some testimony. A meeting was scheduled for videotaped interview to take the young boy's statement at a special interview room. The young boy continued to have some issues with explosive outbursts, internalising his feelings and some withdrawal and depression during the year. The young boy was referred to specialist services but he did not receive any therapy whatsoever.

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 justice system – particularly criminal justice - 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, e.g. limping or 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 individual, 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. 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, slow and direct instructions; for example, "Pat, 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, i.e. 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.

A person with autism may not understand the notion of personal space. The may invade your personal space, or may themselves need more personal space than the average person.

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 can be helpful if 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 Garda station. Even planned events, such as an interview with a solicitor, may be very stressful for them. 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, while others are fearful of crowds. They often have difficulty in 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 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

Since autism can impact on someone's ability to communicate, you may not be able 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 individual. If possible, talk to their parents, carers or the professionals involved with them 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, is often essential to help the process move forward. On occasion, it may be a good idea to call upon the services of a support organisation. A list of support organisations are listed in the Appendix.

You should seek to ensure that anyone brought in to provide support has the specialist knowledge and skills to support someone with significant communication difficulties.

It will be helpful to keep the interview as short as possible. A child with autism, or an adult with autism who also has a learning disability, may not be able to concentrate for any longer than ten to fifteen minutes at the most.

The following tips will also help you during the interview itself.

Keeping the environment as calm as possible

- The individual 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 session.
- Where a person is eligible for "special measures", court procedures allow for the use of certain measures to meet the needs of people with disabilities who are giving evidence.[11]
- 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.
- You may see the person use repetitive movements – such as hand-flapping or rocking – which are known as "stimming". These should be permitted, since they often have a calming effect, though they can also indicate agitation or that the person may need a break.

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 individual's name at the start of each question so that they know they are being addressed.

11 Special measures are statutory provision to allow vulnerable and intimidated witnesses give their best possible evidence in criminal proceedings. There is currently no provision to have screens as a special measure in court but it is hoped to introduce this option under the EU Victims of Crime Bill. There is legislation for using intermediaries but there has been little use of them. To qualify for these special measures, there are specific criteria applied. Further information can be found at: http://www.citizensinformation.ie/en/justice/witnesses/witnesses_under_17_years.html

- Cue the individual in to 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 individual 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 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 the words of others without understanding the meaning of those 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.

Real Life Story, from a barrister

A young boy who suffered from profound autism made two allegations of sexual assault against a neighbour. They both lived in a large country town. The boy's mother brought him to a Garda station and a local garda took a short and simple statement from the boy, in which he named the accused man as the man who had touched him inappropriately on two occasions.

The Garda investigation concluded with interviews in which the accused man denied any inappropriate physical contact with the boy.

The Gardaí and the Director of Public Prosecutions had concerns as to the ability of the boy to give evidence effectively. At that time, in the 1990s, the video link facilities were only available in Dublin and the boy would have to come to Dublin in order to give his evidence via video link. The boy was taciturn and, while not monosyllabic, it was difficult to conduct a conversation with him; he had no facility for small talk whatsoever.

Before the Director made the final decision as to whether or not to prosecute, Counsel met with the boy and his mother. The boy's mother was adamant that he would be able to give cogent evidence and that it was in his and his family's interests to vindicate his rights in this way. Guided by her, the decision was made to proceed with the case.

When the boy came to give evidence, he described one incident of assault clearly and convincingly, though without much surrounding detail. When asked about the second incident he said he could not remember it.

His cross-examination began with a question about his trip to Dublin on the train. Counsel for the Defence knew that his client had met the young complainant on the train and introduced the subject by asking the witness "who was on the train this morning?" Any other witness would have known that the barrister was actually asking the boy to confirm to the jury that he had seen the accused on the train. The witness took the question literally, however, and answered (with a somewhat puzzled look, as if to say that this was wholly irrelevant to the proceedings) "there were lots of people on the train". From that moment on, it was obvious to the jury that this witness was going to answer every question exactly and honestly.

The accused was found guilty of sexual assault in relation to the one incident which the boy had been able to recall. He served a custodial sentence even though the offending behaviour had not been especially severe due to the vulnerability of his victim and the fact that he could not rely on the mitigation of having pleaded guilty; he had not spared his victim the ordeal of giving evidence about the incident.

For those held in custody

Individuals 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.

Individuals with autism should have access to a professional who understands their disability, can provide advice and explain their needs; a registered intermediary and 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 individual requires.

Real Story, from a Probation Officer

Shane lived in the UK as a teenager where with special educational supports he got on reasonably well in school. He didn't attend school after the family returned to Dublin when he was 16 years, but he retains a keen interest in and ability with computers. He has pursued this interest via internet cafes or DVD stores, as he has not always had other access to a computer.

While other members of his family had issues with alcohol and related offending, Shane did not come before the Courts until he was 22 years of age when he was charged with "Indecency". He was seen by other customers at an internet cafe to be engaging in inappropriate sexual behaviour while apparently watching on-line pornography. He admitted the behaviour on his arrest and was referred by the Court for a Probation assessment report. The following is his account of important aspects of his life as he described to his Probation Officer.

He missed his special support teacher desperately after moving to Dublin. He found it impossible to approach training, employment or educational services because he was scared of talking to strangers. He hadn't accessed a medical card and had no GP. He never formed any friendships in Dublin and was conscious of being quite over-weight. He was only content when playing computer games and his only relationships were with internet contacts. He vaguely described a few casual sexual encounters but seemed uncertain about his sexuality. He described recurrent periods of depression that appeared to be related to his isolation, during which he could become very agitated and irritated. If depressed or agitated he was more likely to use the internet in cafes to access pornography sites. He said he had seen others engaging in inappropriate sexual behaviour while watching pornography in the cafes and did so himself, taking steps to avoid being seen. He knows it wasn't right.

Shane's Probation Officer had concerns that he might be someplace on the autism spectrum and referred him for psychological assessment. This confirmed that Shane was on the Adult Autism Spectrum with considerable autism traits. After the assessment he accessed services that included formal computer training as well as group-work and social skills supports through a support organisation for people on the autism spectrum.. His family learned to reduce stress around him.

The Probation Officer was given some hints for communication which included the following: he had high anxiety levels that were not apparent; his understanding of visual communication was better than words - draw what happened; explain everything very clearly and simply to lessened anxiety; use short sentences, direct commands, and give time to respond - don't rush on to the next question; avoid open questions, be careful with language - he takes things literally; interview him in a familiar place; have short interviews; talk to parents and professionals to seek advise on how to deal with him. Shane completed 12 months probation successfully.

Further help or support

Any person with autism who comes into contact with the 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 (known as "meltdown") or equally inexplicable silences (known as "shutdown"). The reactions that people with autism display are different in every individual. Professionals involved in their care and support whilst they are in contact with the justice system should be prepared and able to assist them as much as possible.

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

A list of autism organisations which can offer advice and support are included in the Appendix on page 25.

Appendix – Autism Organisations

Autism Ireland	Coole Road Multyfarnham, Mullingar, Co. Westmeath N91 WC67 Phone: 044 9371680 Email: info@autismireland.ie
Aspire – Asperger Syndrome Association of Ireland	Carmichael Centre, Coleraine House, Coleraine Street, Dublin 7. Phone: 01 878 0027 Email: info@aspireireland.ie
Irish Society for Autism	Unity Building, 16/17 Lower O'Connell Street, Dublin 1. Phone: 01 874 4684 Email: admin@autism.ie
Shine Ireland	The Shine Centre, Weston View, Ballinrea Road Carrigaline, Co.Cork. Phone: 021 4377052 Email: info@shineireland.com
AsIAm.ie	Please visit the website: AsIAm.ie

Other Organisations

Victims of Crime Helpline
The Helpine offers a confidential national helpline service providing information and support to victims of crime and people impacted by crime is currently being funded by the Commission for the Support of Victims of Crime. Volunteers are trained to understand the effects of crime and provide practical and emotional support to people struggling to cope and recover after being victimized and to navigate the criminal justice system. The Helpline also serves as a gateway for victims to the large number of face-to-face and specialised services available to crime victims in Ireland.

Tel: 116006

Victim Support at Court

Victim Support at Court or V-SAC, is the only voluntary service in Ireland dedicated solely to court accompaniment for victims of crime, their families and witnesses. It provides a court accompaniment service within the Irish judicial system:

www.vsac.ie

Useful Resources

The Victims of Crime Office has a virtual library of booklets and leaflets for victims of crime:

www.victimsofcrimeoffice.ie/en/vco/Pages/WP10000001

Guidance on going to Court

A Going to Court as a Witness Guide is available on the website of the Director of Public Prosecutions:

www.dppireland.ie/filestore/documents/information_booklets_-_revised_nov_2013/Going_to_Court_as_a_Witness_-_ENG.pdf

References

- Crowe B, Salt A (2015) 'Autism: the management and support of children and young people on the autism spectrum (NICE Clinical Guideline 170)', Arch Dis Child Educ Pract Ed. 100/1, 20–23
- Russell AJ, et al (2013). 'Cognitive Behavior Therapy for Comorbid Obsessive-Compulsive Disorder in High-Functioning Autism Spectrum Disorders: A Randomized Controlled Trial', Depression and Anxiety 30/8, 697–708
- Skokauskas N, Gallagher L (2012) 'Mental health aspects of autistic spectrum disorders in children', J Intellect Disabil Res. 56/3, 248–57

National Disability Authority
Údarás Náisiúnta Míchumais
25 Clyde Road,
Dublin 4.
Tel/Minicom 01 608 0400
Fax 01 660 9935
Email nda@nda.ie
www.nda.ie