Autism and the Criminal Justice System: Policy Opportunities and Challenges
An International Society for Autism Research Policy Brief

About the Issue: Preventing, reducing, and improving interactions between autistic individuals and the criminal justice system are urgent research and policy priorities. Research should guide evidence-based programs and policies that limit unnecessary interactions between autistic individuals and the criminal justice system and address documented high rates of victimization among autistic individuals. A diverse team of autistics, family members, researchers, criminal justice system professionals, and policymakers formed the Global Autism and Criminal Justice Consortium to advance policy recommendations that span the entirety of the criminal justice system, which is often disconnected, using an adapted version of the Sequential Intercept Model (SIM). The revised SIM, displayed below, illustrates a cyclical process for how autistic individuals as victims and offenders interact with the various steps of the criminal justice system. Arrows at each Intercept point back to the community to illustrate exit ramps, or areas for diversion out of the justice system.

Statement on Diversity, Equity, and Inclusion*
International protests in solidarity with Black Lives Matter have informed and catalyzed the need to interrupt longstanding, systemic failure of the criminal justice system that impacts individuals, families, and communities. Intersectional approaches advocate an understanding of how racial, ethnic, sexual, gender, and other minority groups are disproportionately impacted by negative and violent encounters with law enforcement and elevated risk of victimization. It will be imperative for the autism research community to continue to not only include but prioritize the voices of diverse minority groups in future work. Inclusive research practices that meaningfully involve and partner with neurodiverse minority groups are needed to generate policy change in the criminal justice system, which excessively and disparately harms minority communities.
Policy Recommendations across the Criminal Justice System

To drive clinical care:

- Ensure that autistic victims receive trauma-informed supports.\(^{13}\)
- Offer training for autistic individuals and their caregivers to understand available supports in the event of a criminal justice system interaction, and training centered around the lived experiences of autistic individuals for criminal justice professionals and service providers.
- Address social determinants of health, such as housing and food security,\(^{14}\) by investing in communities and neighborhoods to develop programs that prevent criminal justice system interactions and support those with previous justice system experiences.

To inform spending priorities:

- Develop and ensure access to coordinated community-based services, including mental health supports, skill building, and job supports, to fortify support systems that respond to individual needs across the justice continuum including, prevention, safety, and effective transitions.
- Substantial investment in research, resource development, and programs with evaluative components that generate economic evidence of costs and benefits.

To affirm human rights:

- All nations should ratify the United Nations Convention on the Rights of Persons with Disabilities.

Policy Recommendations by Intercept

COMMUNITY SERVICES: INTERCEPT 0

Supports that prevent criminal justice system interactions for autistic individuals as victims or offenders.

- Develop data-sharing mechanisms for service providers across community and education settings to comprehensively be informed of individual and family needs.
- Develop and implement safety goals in service plans for autistic people that focus on healthy relationships, cyber security, community safety, and interacting with law enforcement.
- Utilize public health messaging about the broad autism spectrum to promote equitable access to community spaces, social opportunities, and awareness of non-emergency options for support.

LAW ENFORCEMENT: INTERCEPT 1

Interactions between autistic individuals as victims, offenders, or witnesses and law enforcement.

- Address violent police interactions through 1) recurring training on de-escalation tactics to reduce use of force, handcuffing, and deaths, 2) provision of non-lethal weapons as an alternative to firearms, and 3) accountability for police-related deaths.
- Utilize alternatives to police via responder models led by mental/behavioral health providers/social workers who follow up with vital services and supports in non-criminal or non-violent interactions.
- Establish tools for autistic citizens to share information voluntarily and securely about their diagnoses and other needs to aid first responders.
- Offer social opportunities to build trust among the autism community and law enforcement.

INNOVATION IN ACTION

- Examples for an alternative responder model in the United States and training opportunities for law enforcement from the United Kingdom (UK).

INNOVATION IN ACTION

- Clearly described justice system information from New Zealand.
- Resources from Pennsylvania to encourage safety and prevent sexual victimization.
• Provide police-assisted diversionary programs that offer services and supports, in place of charges, for autistic individuals and those with social and communication support needs.
• Implement evidence-based communication and environmental modifications in interview practices to preserve basic legal rights.
• Follow nations that have enacted Appropriate Adults and Intermediaries, originating in the United Kingdom (UK), to ensure disability justice.

• Divert offenders from courts to communities based on individual needs, history, and case severity.
• Link courts and disability services using community service resource lists to highlight existing access points to facilitate and identify supports.
• Implement modifications to court rooms based on sensory needs that align with best practices or offer virtual or remote participation alternatives for autistic individuals so long as this consistent with country-specific rights and protections.
• Offer certified court advocates that facilitate communication, participation, and system navigation.

• Develop or determine an existing tool to assess social communication, executive functioning, and sensory considerations, for intake and transfer staff to help determine support needs and potential accommodations.
• Offer alternative and sensory-friendly living situations for autistic individuals.
• Utilize peer mentoring programs to support autistic offenders and autistic victims.\textsuperscript{15,16}

• Develop or adapt exit and re-entry programs and resources to be individualized, assessment-based, and utilize universal design, such as enhanced communication and visual components.
• Coordinate service delivery needs, and prioritize continuity, between confinement settings, community-based service providers, and natural supports, including family, for effective transitions.
• Reduce suicide and recidivism risk by ensuring transition planning across life domains (e.g., health care, housing, food access, employment, community participation).
• Integrate data systems of courts, prisons/jails/confinement settings, and service provider programs to ensure that court-mandated services are actively implemented.
COMMUNITY CORRECTIONS: INTERCEPT 6
Supports that prevent autistic individuals from re-offending such as parole/probation and established community services.

- Proactive, individualized planning, routine assessment, and reassessment are essential to evaluate service and support needs, and to provide stability, which reduces recidivism risks.  
- Link system navigators or social workers to corrections officers so parole/probation interfaces with community-based supports and community connections.
- Prioritize immediate access to employment and needed services, including housing, transportation, medical care, and community-based mental health services.
- Adapt existing practices for specialized caseloads (i.e., individuals with mental health diagnoses) for probation/parole officers who interact with autistic offenders.

* This brief was submitted on April 12, 2022. The Policy and Analytics Center at the A.J. Drexel Autism Institute strives for inclusivity and acknowledges that language preferences evolve over time.

**Closing**

We thank INSAR for emphasizing equitable justice for autistic individuals. The Global Autism and Criminal Justice Consortium that generated these interdisciplinary recommendations was led by the Policy and Analytics Center at the A.J. Drexel Autism Institute. For more information and citations visit: www.drexel.edu/autism/criminaljustice. Please contact PAC@drexel.edu with questions.

**References**