

## Dealing with Victims / Witnesses or Suspects who have an Autistic Spectrum Condition

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

### Behaviour

He or she may:

- “ not recognise police or other emergency services uniforms or vehicles and may not understand what is expected of them; conversely, their association of police with uniforms may be so strong that they will not understand the concept of police in a plain clothes situation
- “ cover ears or eyes, stare, or look down or away constantly
- “ walk on tiptoe or in an unusual way
- “ react to 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; if he/she 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.

## 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 (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, “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 “I 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.

“ 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. Autism West Midlands & 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 end of document for examples)

# 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.

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

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 individual. 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.

If using the caution or explaining the requirements of the Criminal Justice Act declaration at the beginning of a statement it will be necessary to find the simplest way of explaining it as its legal format will probably confuse someone with autism.

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

- “ 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.

### 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; 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.

## 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 individual. 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.

Below are examples of the attention cards issued by Autism West Midlands and NAS. Other variations are issued by other Autism Charities and groups such as in Wales, Cheshire, NI etc. be aware that not everyone who has autism carries one of these, some may have never had a formal diagnosis others are not aware of them and some refuse to do so because of the perceived stigma. The more locally issued ones such as the AWM Attention card will have a unique issue number and a database of appropriate carers / parents is held by AWM relevant to the person carrying the card. Early contact with them will undoubtedly make dealing with the person easier particularly if they can attend and speak with the individual as a familiar face is a calming influence and they will understand their particular mannerisms etc.

