



Lifespan Services, L.L.C.

P.O. Box 3322
Princeton, NJ
Phone: 609-468-1381
Fax: 609-397-3613

LAW ENFORCEMENT AGENCIES AND AUTISM

David L. Holmes

In the United States Autism is on the rise with now approximately one in one hundred children identified as being on the Autism Spectrum (Rice, 2006).

With this significant increase in the number of individuals being diagnosed with Autism and with individuals with Autism Spectrum engaging in most all activities of daily life; with entitlements and eligibilities through the Individuals with Disabilities Education Improvement Act [IDEIA] as well as civil rights laws including the Americans with Disabilities Act [ADA] and Section 504 of the Vocational Rehabilitation Act [1975], individuals with Autism, as with other developmentally disabled individuals, have a seven-fold increased probability of coming in contact with law enforcement agents than age-matched, non-disabled individuals (Curry, et al, 1993).

Affirming this inclusion of people with Autism Spectrum as being part of the fabric of American Society with all of its diversity and ethnicity, culture, gender, religion, sexuality and disability is their recent inclusion in television, in books, in movies, and in internet activities.

For example, books such as Jody Picoult's (2010) book, House Rules, focuses on a young teenage boy with Autism who is obsessed with police activities and crime scene replications. This teenager with autism eventually becomes "a person of interest" in a murder in his small town merely because of his obsessive-compulsive interest in the case.

Another recent book by Mark Haddon (2003), A Curious Incident of the Dog in the Nighttime also depicts a boy with Autism and his engagement with law enforcement as he tries to unravel the death of his neighbor's dog; he too is a "person of interest" due to his peculiar behavior.

More recently there are increased depictions of Autism on television including "The Big Bang Theory", "Bones", and "Parenthood" (Sepinwall, 2010).

Movies are also depicting Autism. The first such movie, the four Oscar Award winning, "Rain Man"[1988], and, more recently, the seven Oscar Award winning movie, "Temple Grandin" (2010).

The significant increase in the diagnosis of Autism in the United States is reflective of increased awareness by the public; expansion of the diagnostic symptomatology; environmental issues; and, more sensitive data (The Centers for Disease Control, 2011).

With Autism being depicted in media, both print and video, as well as the significant increase in numbers of individuals being diagnosed with the Syndrome, it would be expected that our federal, state and local law enforcement agencies would have a better understanding of the disability and that their reason for existence, i.e., "to protect and serve", would in turn benefit those with Autism Spectrum Disorder [ASD]. Such an expectation is not usually the case.

Although law enforcement agencies are becoming more proactive in training their forces to be sensitive to the symptoms and responses by those on the Spectrum when confronted by a law enforcement agent, individuals with Autism Spectrum are continuing to be misunderstood; both by law enforcement agencies as well as the courts. [Debbaudt and Rothman, 2001) To this end, individuals with Autism are being seriously hurt and sometimes even die while in custody.

In Los Angeles, Ca. a young man with Autism was shot and killed by a police officer merely because he "did not respond to his directives"; he appeared to be "a shadowy figure" as he lay under a balcony behind an apartment building. (Watkins, 2011)

His mother stated, after the shooting, that he was merely "experimenting with living outdoors" as he was "fascinated by reading about homelessness".

In 2006, a teenager with Autism in Miami is now "brain dead" after officers "hogtied him following an outburst". He apparently suffered from a "lack of oxygen to his brain"; anoxia.[local 10.com, 2006]

Situations like this are increasing in frequency across the Nation due to poor or no training for law enforcement agents in how to identify individuals on the Autism Spectrum and then how to engage them in order to protect not only the person with autism but also the law enforcement officer[s].

One individual who has pioneered the training of law enforcement officers in dealing with individuals on the Autism Spectrum is Dennis Debbaudt. He published a handout for law enforcement agencies entitled "Avoiding Unfortunate Situations" (2002). This handout is used in training law enforcement officers to be able to identify when they are dealing with an individual on the Autism Spectrum and then how to effectively interact with that individual in order to de-escalate the situation and to avoid harm to the individual and/or to the law enforcement agent.

Reasons for Law Enforcement Engagement.

Before discussing how it is that law enforcement agents should respond to matters involving individuals with Autism, it is important to describe what those matters may entail.

First, if a child with Autism is self-injurious parents can be accused of child neglect and abuse when neighbors, acquaintances, family members, school personnel or medical personnel notice that a child has bruises, abrasions, and/or lacerations on his/her body. In the majority of such cases, law enforcement is contacted by school, medical and/or social service personnel.

Sometimes, under such conditions, the child is taken into

protective custody leaving the parent to defend his/her reputation all the while mourning for the loss of their child to the situation; one which is unfamiliar to the parents and child leaving them anxious and frightened. More often than not such conditions are determined to be self-imposed in nature and the child returned to his/her family; but the event itself is traumatizing to the parents as well as the child [Rzucidlo, S., 2006].

Another reason for involvement of law enforcement agencies can be when a person with Autism is creating "a public nuisance". Such behavior can be as innocent as entering a neighbor's home without permission; looking in the windows of a neighbor's home; or, more seriously, making "terroristic threats", i.e., yelling epitaphs out of fear or anger; and/or, public nudity to name a few.

Another reason for involvement might be failing to heed the directions of law enforcement agents when, for example, it comes to motor vehicle infractions. Failing to: stay within the speed limit; come to a full stop at a stoplight; and, even driving too slowly, can be reasons for law enforcement to attempt to issue summonses.

Another area can be domestic violence; where an individual with Autism may be assaulting his mother or father or siblings while having a behavioral meltdown or tantrum. This may include property damage as well.

Currently, an ever-increasing area where law enforcement comes in contact with Autism is in illegal Internet activity including hacking into web sites and databases and, even more devastating, viewing child pornography.

And, finally, a disturbing trend that is developing across the United States is when personnel in service agencies responsible for individuals with Autism call law enforcement agents when an individual with Autism becomes "out of control". For many such NGOs (non-government organizations), this is a policy for "managing" behavior; one which is ill-conceived.

Rather than contacting law enforcement to manage such situations NGOs should have internal policies and training for staff to be able to be the first responders to behavioral outbursts rather than relying on lesser-trained or untrained law enforcement

agents to manage these highly volatile and potentially dangerous situations.

With the aforementioned examples in mind, it is apparent that a person with Autism can either be the victim or the perpetrator requiring nuanced responding on the part of the law enforcement agencies responsible for the case.

Today, due to heightened potential for civil suits against law enforcement agents, we are finding that law enforcement agencies are concerned not only for the health and safety of all individuals involved in a case but also ensuring that their investigative and retention practices do not expose them to civil or criminal suits. They sometimes find themselves defendants for overreacting and causing harm; unlawful seizure/retention; and, wrongful death. [Johnson, K., 2007].

To this end, law enforcement agencies are putting forth a greater effort to properly train law enforcement agents in "tactical communication". George Thompson, Founder and President of the Verbal Judo Institute, Auburn, New York, metaphorically states it quite succinctly;

"The American Eagle as shown on the dollar bill holds a spear in one talon and an olive branch in the other. This is the image of the peace warrior - what every police officer should also reflect, however most police training focuses only on the spear. Tactical communication training focuses on the olive branch".[Thompson and Jenkins, 2004]

From what is known about individuals with autism, being able to "tactically communicate" with them always results in the best possible outcome not only for the individual with autism but also for the law enforcement agent.

Responses of Individuals with Autism.

Research has demonstrated that the majority of individuals with Autism have overly active Amygdala; the centers of the brain that trigger a fight or flight condition.[Baron-Cohen, et. al., 2000] The Prefrontal Cortex is the area of the brain for executive functioning; it helps to determine whether a condition/situation requires "fight or flight" or should be directed to the Hippocampus, the area for calming and happy thoughts.[Umeda, et.al., 2010]

For individuals with Autism, the Prefrontal Cortex and

Hippocampus are often not as robust as in typical individuals and, so, the Amygdala then is the ultimate arbiter of environmental engagements. As such, most individuals with Autism are in a state of alertness/vigilance and any stimulus that has a history of an attribution of trauma or fear on the part of the individual can trigger a significant behavioral response, one that appears to be "overreacting". Novel experiences also have a tendency to trigger the Amygdala and result in fear, anxiety, and panic on the part of the individual with autism. [Holmes, 2009]

With this in mind when law enforcement agents engage an individual with Autism, more often than not if improperly handled, such engagement can trigger a fight or flight response on the part of the individual usually resulting in someone getting hurt or worse, mortally wounded.

Information that Law Enforcement Agents should have.

Individuals in law enforcement should understand that Autism is a developmental disorder that severely impacts the capacity of an individual to understand social values and mores and also to comprehend language; especially language that is replete with sarcasm, idioms, and/or suggestion (The Autism Society of American, 2011).

To these ends, training for law enforcement agents must focus on tactical communication, i.e., approaches that utilize proper language, e.g., language that is concrete and to the point, and directives that tell an individual what to do as opposed to merely what not to do.

Individuals with Autism become anxious when they are told to stop doing something without being told what they can and should do under the circumstances. For example, telling an individual not to view child pornography without explaining the profound impact on children and the severe legal consequences for the behavior must be replaced with something more prosocial. He must be told the consequences of such behavior and given one or two clear choices to replace that immoral/illegal behavior. [Moran, et.al., 2011]

It is important to note that more alternative choices rather than fewer is not necessarily indicated as it may create anxiety on the part of people with autism as choice making is a

conflicting, difficult exercise for them.

Being aware of "body language" is also important as individuals with Autism have difficulty reading non-verbal social cues such as facial emotions and body posturing.

In an article "Contact With Individuals With Autism" by Dennis Debbaudt and Darla Rothman published in the FBI Law Enforcement Bulletin (April, 2001), these authors review the many nuances of autistic individuals' responses in general and specifically when law enforcement agencies are involved with them in order that agents not feel that the person is dismissing them; mocking them; or, resisting their directives.

Additionally, they address how an agent should interact with a person with Autism in order to defuse and/or not incite an individual when responding to a crisis or investigating a potential criminal activity. Specifically, they discuss behavior that will help agents recognize persons with autism and then they offer suggested responses on the part of law enforcement agents in order to secure the safety of the person with autism as well as the safety of the law enforcement agent and others.

Recognizing a Person with Autism.

A Person with Autism:

- Has difficulties with communication; may be non-verbal; may be echolalic, i.e., repeating exactly what is said to them (may appear as mocking); may utilize a communication system such as the Picture Exchange Communication System (Bondy and Frost,2001); may use a computer generated augmentative communication system; and/or use sign language.
- Has significant social challenges and may appear to ignore/dismiss the law enforcement agent.
- May not heed a request to "Stop" by running away in a fight or flight response.
- Oftentimes has heightened levels of anxiety and may rock back and forth covering ears and moaning or screaming.
- May not recognize the law enforcement agent's badge or uniform or even understand the authority associated with such information.
- Usually only understands concrete information and will respond in a concrete manner. For example,[Agent] "What

are you doing?"; [Person with Autism] "Standing here."

- Does not understand sarcasm, jokes or teasing.
- Generally presents poor eye contact or maladaptive eye movements appearing to be indifferent or lying to the person making requests.
- Often has difficulties in determining personal space; more often than not by moving away, i.e., standing at a great distance from the law enforcement agent or, in some cases, rapidly approaching the agent in an effort to hug or make personal contact with the agent.
- May appear argumentative or belligerent by not responding to demands of the law enforcement agent or constantly inquiring as to why demands are being made.
- May be extremely fearful of dogs (K-9 responders) and sights [flashing lights] and sounds [sirens] associated with law enforcement.
- May be on medication that makes the individual appear to be drunk or on drugs.
- May try to get the law enforcement agent to leave by screaming incessantly or attempting to bite or spit at the law enforcement agent.
- May bang his head against hard surfaces or generally engage in self-injurious or non-directed assaultiveness.
- May try and calm himself by engaging in significant self-stimulatory behavior including hand flapping, head weaving, body rocking, clapping hands.
- May have epileptic seizure activity including petit and grand mal seizures.
- May incessantly inquire of the law enforcement agent personal information in a perseverative fashion including; "What is your name?", "How old are you?", "When were you born?", all of which may appear to be distracting the agent from his line of duty when in actuality he is merely collecting information to better know the agent.
- Will be correct/exact in responding, often agreeing to culpability at a crime scene or during interrogation in an effort to try and get back to some order in their life; as change and disruption in routine is very distressing.
- During interrogation, due to central auditory processing dysfunctions, may affirm portions of what they hear; as they are not able to process all the questioning and information presented to them. This frequently leaves the interrogating agents with testimony that holds individuals

with Autism accountable for behavior that they did not engage in.

How to Respond to an Individual with Autism.

- Speak slowly and concretely; do not use slang or metaphors.
- Allow extra time for the individual to process information, sometimes a three to five second delay.
- Position oneself so as not to give the impression of blocking the individual; which may only trigger a fight or flight condition.
- Be a calming influence under volatile conditions as individuals with Autism can sense fear, anger, and other emotions in others more readily than being able to see/read such emotions on others' faces and body language.
- Do not engage in interrogation activities until the situation is calm and the individual with Autism appears safe and more relaxed.
- Ask caregiver/parents about a situation rather than expecting the person with Autism to be able to answer questions with a high degree of fidelity.
- Assess the situation for any personal injury to the individual with Autism as frequently they may be unaware of personal safety and danger as well as, due to lower sensory feedback mechanisms, lack awareness of physical injury to themselves.
- Due to sensory dysfunction, be aware of excessive lights and noises as this can result in a fight or flight response on the part of a person with Autism.
- Move slowly with confidence as this will calm the individual with Autism and reduce the potential for viewing the agent as a threat.
- Avoid touching the individual as this may be alerting and evoke a fight or flight response.
- Be prepared to use restraint procedures only as a last resort and always be aware of the potential for asphyxiation or bodily harm as a person with Autism, under such conditions, frequently is in a heightened state of arousal and will be fighting the controlling measures. This can escalate to the point of agents compressing a person's chest and resulting in unintentional death.
- Finally, if a person with Autism is required to be brought into custody, be certain to assess the capacities of the

individual through consult with a mental health/human services professional who understands Autism. Be prepared to segregate individuals with Autism from the general population of those incarcerated as those with autism will be vulnerable to abuse and assault and do not have the capacity to defend themselves.

In conclusion, law enforcement, when Autism is a consideration, requires ongoing inservice training of agents. Such training will help agents to better understand the motives behind the person with Autism's behavior and, inturn, defuse what might otherwise be a situation that could result in someone getting hurt or even fatally harmed.

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Suggested Hyperlinks.

Autism and Law Enforcement: A Plea for Understanding.
WWW.PsychologyToday.com

Autism and Law Enforcement
www.neurodiversity.com/law_enforcement

L.E.A.N on Us; Law Enforcement Autism awareness Network
www.leanonus.org

Police and Autism: Avoiding unfortunate situations
www.policeandautism.cjb.net