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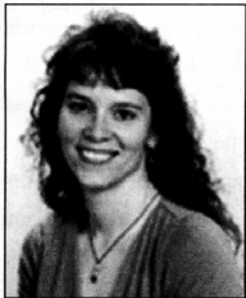


Respect. Honor. Remember.

PHOTO BY DARLYNN BROWN, DANE COUNTY SHERIFF'S OFFICE

Autism & Law Enforcement: Why It Matters

By Chris Lacey



Chris Lacey

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It's a cold night in the middle of winter when a call comes in. A child has been spotted wandering along a highway. It's almost midnight. You arrive on the scene to find a young girl, approximately 6 years old, wearing only a sweatshirt and a diaper, with nothing on her feet. Temperatures are near thirty degrees. When you call out to her, she does not respond. You step in front of her, but she does not look at you or acknowledge you, she simply steps around you. When you touch her arm, she shrieks and bats your hand away. As you walk alongside her, you realize that what you thought was shivering from the cold is actually odd, repetitive hand movements. You try once again to gain her attention, but she ignores you completely. It is as if you don't exist; and perhaps in her autistic world, you don't.

You are running radar one afternoon when a car speeds by. You proceed to pull the vehicle over. As you approach, you perceive that the individual is acting strangely. His eye contact is intermittent and his general demeanor makes you suspicious. When you tell him that you clocked him going 16 miles over the speed limit, he proceeds to inform you of the fallibility of radar gun technology, about how the instrument needs to be calibrated on a regular basis to be accurate, and how the angle and position at which you used the gun could have had some relevance to the speed at which you claim to have recorded him traveling. He continues to act disrespectful and argumentative and you end up writing him several tickets. The next day you receive a call from his mother explaining that her son has Asperger's syndrome, a form of autism.

These are just a couple of scenarios police officers encounter every day when working with autistic children and adults.

WHAT IS AUTISM?

Autism is a lifelong neurological disorder that affects 1 in 150 children across the US (CDC, 2007),

and that number is rising at an alarming rate. It is four times more common in boys than girls. Autism is characterized by impaired social interaction, impaired communication, and restricted and/or repetitive interests and activities. Persons with autism have the same range of intelligence as the normal population and their level of independence varies. Likewise, autism stretches across all socioeconomic groups. Autism may also be referred to by other names including autism spectrum disorder (ASD), pervasive development disorder (PDD), childhood degenerative disorder (CDD), Rett syndrome, and Asperger's syndrome.

Persons with autism are seven times more likely to encounter law enforcement than their neurotypical peers (Curry, 1993). Typical autistic traits may appear to be suspicious or threatening to the police officer who is trained to be highly alert to aberrant behaviors. For example, persons with autism often do not make appropriate eye contact. Coupled with their odd body language, this may lead an officer to assume the person is acting in a suspicious or guilty manner. Likewise, many persons with autism do not understand the meaning of symbols, such

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as a badge or uniform, nor know what is expected of them. Hence they may run away from a police officer. Alternatively, they may be dangerously or obsessively drawn to emergency personnel or vehicles. In both cases, they are unlikely to respond to the word STOP. In addition, many children and adults with autism are drawn to shiny objects, and may innocently reach for your badge or, worse, your gun. Unfortunately, many of these scenarios end badly, with the police officer responding to a seemingly threatening situation with too much force, unable to recognize the telltale signs of autism.

RECOGNIZING AUTISM

Since many of the behaviors associated with autism are inaccurately perceived as red flags to law enforcement, recognizing autism is critical for a safe and appropriate response. Persons with autism tend to display certain physical, social, communication, and sensory signs. Although there are no distinguishing facial or other physical features, some autistic individuals walk on their toes. Up to 40% suffer from seizures. Another common trait is the presence of unusual, repetitive mannerisms called “stims” or “stimming.” These may include repetitive vocalizations, hand flapping, spinning in circles, or fixating on an object. Always check for medical alert IDs such as a necklace, bracelet, shoe tag, zipper pull, tags sewn in clothing, temporary tattoo, or an autism card.

Socially, the first thing you might perceive is that something seems “off.” Their eye contact is often unusual (either too little or too much) and their responses may be slow, inappropriate, or unrelated. Likewise, they rarely understand body language, social cues, or gestures, and may not appreciate personal space or boundaries. They may ignore you

completely, acting as if you don’t exist, which may lead you to wonder if they are on drugs. Alternatively, they may stand nose-to-nose with you, oblivious to your agitation and discomfort.

Persons with autism are most severely affected in the area of communication. They may not respond to their names and may appear to be deaf. Likewise, they may not be able to follow even the simplest command. Some have language processing delays which means that it can take them up to 30 seconds to process what was said to them. Furthermore, persons with autism tend to be very literal, concrete thinkers and do not understand idioms or figures of speech. With regard to speaking, many autistic persons are non-verbal, or non-verbal under stress. Those that do speak may repeat what you say (echolalia), confuse pronouns—saying “you want a drink” when they themselves want a drink, or use words in a seemingly random fashion. On the other hand, persons with Asperger’s syndrome, which is sometimes referred to as high functioning autism, are very verbal and may come across as argumentative, disrespectful, or a know-it-all. However, they still face the same challenges as others in this group and tend to lack social etiquette, invade personal space, come across as self-centered or controlling, be unable to stay focused/engaged, or obsess about an object or topic of conversation.

With regard to sensory issues, persons with autism tend to be overwhelmed by their environment. Many are adverse to bright lights, loud noises (you may observe them covering their ears), strong odors, or certain colors. Soft touch may feel like fire on their skin, whereas deep, firm touch may be soothing. When overwhelmed, they may “melt down” or become self-injurious or aggressive toward others. In addition, many autistic individuals need a high level of sensory stimulation and may be seen swinging, spinning, running, or squeezing themselves into tight spaces. Furthermore, many have extremely high pain thresholds and may not recognize or acknowledge even the most severe injuries.

INTERACTION GUIDELINES

Once identified, interacting with someone on the autism spectrum can be truly challenging. Locating a caregiver or advocate should always be your first priority. Seek to restrict sensory input, including lights, sirens, environmental distractions, and

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the number of people present. Interacting one-on-one in a small, enclosed space can be comforting to the autistic child or adult. Let them explore their environment and get comfortable. Ignore any odd behaviors as long as they are not dangerous. An autistic person may ask the same question over and over again; answering it patiently may help calm them. If they have a meltdown, let them de-escalate on their own. However, be alert to seizures as they can be triggered by stress, change, or sensory overload.

Be aware that restraining an autistic person can lead to the fight or flight response, which may be perceived as aggression. Whenever possible, constrain by geographic containment as opposed to physical force. Avoid chest-down or face-down holds as weak trunk muscles can, and have, lead to positional asphyxiation and death. If physical restraint is required, handcuff in front as opposed to behind and have an officer stand on each side of the person, holding them by their upper arms. Since light touch is often painful to an autistic person, firm-pressure touch is preferred. Indirect touching with a blanket, cushion, or vest can also be effective.

The following suggestions can increase your chances of success. Use a calm voice and calming body language. Ignore any unusual behaviors or disrespectful words. Speak slowly, using simple, concrete words. Avoid idioms, slang, and other non-literal figures of speech. Ask one question or give one instruction at a time. Give the individual at least 15 to 30 seconds to process what you've said. Avoid touching if at all possible.

Be aware that non-verbal individuals may use alternative communication methods such as picture cards, assistive communication devices, writing or typing, or sign language. If the person does not respond to your verbal question or command, try writing it down. Offer the person a pen and paper, or a computer to type on. Try using pictures and/or demonstrating what you want them to do. Try whispering to them. Try singing the instruction to them; this has been known to work well with both children and adults.

REASONS FOR CALLS

Police officers encounter autistic persons in everyday situations, as well as in situations unique to autism. Calls for autism can generally be grouped into the following categories: suspicious behavior,

inappropriate public conduct, and wandering. These behaviors are often manifestations of their attempts to meet a need or deal with sensory overload. Calls can also be related to a misinterpretation of a caregiver's or autistic person's actions or a seemingly strange home environment. In addition, calls can pertain to the individual being a crime victim or witness, or an unwitting criminal accomplice.

Since persons with autism lack an understanding of socially acceptable behavior, their actions are often viewed as suspicious or dangerous. Persons with autism may look into windows or enter unlocked vehicles or homes. An autistic adult may be found on playground equipment with children nearby. Also, autistic persons tend to be unaware of danger and may run into a busy street, enter construction sites, climb tall structures, or enter bodies of water, including public fountains.

Further inappropriate public conduct may include removing clothes in public or inappropriate touching of self or others. In addition, autistic persons may develop an obsession with someone they like and want to befriend, leading to unwanted attention that may be perceived as stalking or sexual harassment.

Wandering is a terrifying prospect for the caregivers of autistic children. Like Alzheimer's patients, those with autism may leave without warning. Finding them is especially difficult since many of them do not respond to their names, nor seek out assistance from people when they are injured or hungry.

Well-meaning onlookers may misinterpret family interactions. A mother's attempt to control her son may be viewed as abuse. A daughter hitting her mother may be viewed as assault. In both cases, the caregiver may be in control and successfully handling a difficult situation. Another area of concern is a child or adult with bruises — which may have been self-inflicted.

The home environment of an autistic person may appear odd, neglectful, or abusive to someone unfamiliar with the disorder. Barred and locked windows and doors; the absence of furniture, curtains, or decorations; furniture bolted down; a bare mattress on the floor; and feces smearing or the smell of urine are, unfortunately, not uncommon. Parents must

often go to extreme measures to keep their children safe. If you are concerned about anything you see, be sure to ask questions first. Almost all autistic children and adults have case workers, therapists, teachers, physicians, and other persons in their lives who can tell you if there is reason for concern or if the family is truly doing the best they can with a difficult situation.

Since autistic persons have no sense of good versus bad people, they are often unwitting accomplices to criminal activity. Gangs often use persons on the autism spectrum as drug runners because they are easily convinced that they are being helpful and that the other gang members are their "friends."

Unwitting criminal acts, such as theft, are easily detected. A boy who is hungry may enter a store and help himself to a piece of fruit. A girl who loves music may take a CD from the store, making no effort to hide or conceal it. Persons with autism are generally unable to form the intent to harm or commit a crime. Likewise, they generally are incapable of lying, and can be very gullible when others lie to them.

Autistic persons are especially at risk for being crime victims due to their inability to interpret social cues and their communication difficulties. Autistic persons are 12 times more likely to be robbed and 10 times more like to be sexually assaulted. In addition, autistic children are often bullied at school and there has been an increase in the number of reports of autistic children being charged with assault and battery after finally fighting back.

POLICE PROCEDURE AND INTERVIEW TECHNIQUES

Police training is designed to be effective in rooting out and dealing with criminal activity in the general

population. However, methods used for the general population are both ineffective, and often harmful, to persons with autism. It is not uncommon for routine questioning of an autistic individual to turn into a full-out interrogation when the autistic person's mannerisms are misinterpreted as suspicious or an indication of guilt. Furthermore, questioning a person with autism can be a trying event. Their communication deficits alone can challenge the best investigator. In addition, they tend to have many characteristics that work against them when it comes to routine police investigation.

Persons with autism may have idiosyncrasies that can lead an investigator to question their authenticity. Under questioning, an autistic person may seem evasive, or answer questions inconsistently. These are not willful acts but an inability to process information effectively. When asking yes or no questions, be sure to ask a series of them so that you can judge the reliability of the autistic person's answers. While specific "who, what, where, when" questions may elicit more accurate responses, many autistic individuals are unable to answer these questions. They may have difficulty remembering physical facts or details. However, many persons with autism have excellent auditory memories and may be able to repeat, verbatim, things they have overheard. This can be problematic when an investigator, who does not realize that the autistic person overheard a private conversation, concludes that the individual has classified information, thus indicating their guilt.

To further complicate matters, a person with Asperger's syndrome may initially appear typical. However, several things may alert you to their condition. Their answers may be blunt or tactless, they may change the subject often, they may be unable to understand or accept a rational answer, they may use inappropriate eye contact, or they may seem argumentative, stubborn, or inattentive. They may seem like a smart-aleck when the questioner uses idioms such as "are you pulling my leg?" An autistic person would interpret this question literally and respond as such. Likewise, they are unlikely to be able to understand their Miranda rights and when asked if they want to "waive their rights," you may see them waving their right hand and foot in the air. Although comical to envision, it is a stark reminder that you are not communicating on the same wavelength.

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Once your department is trained, consider creating a special radio code for responding to calls involving persons suspected of having an autistic disorder.

Because autistic persons are exceedingly honest, the types of questions used in a typical interrogation can be problematic. A question such as "have you ever thought about robbing a bank" would elicit a firm NO from most of us. Typical people understand that passing thoughts of robbing a bank to ease financial concerns are just that, and not something we've ever seriously considered doing. But an honest-to-a-fault autistic person would answer YES, even though he or she is no more likely to commit robbery than you or I. Furthermore, interrogators must be careful to avoid asking leading questions.

False confessions are a well-known and real problem with this population. Persons with autism rarely lie intentionally and have an expectation that others are equally honest. If a police officer claims to have information that the autistic person was at the scene of the crime, the autistic person may doubt their own recollection and agree since the officer must be telling the truth. In addition, if an officer promises the individual something he wants, he may confess to a crime he did not commit in order to obtain the desired outcome, such as being allowed to go home. The good cop/bad cop act is an especially effective way to gain a false confession. Autistic persons want friends and often realize that their autism sets them apart. When a police officer offers them what appears to be friendship, they may readily latch onto it, going along with whatever is necessary to maintain that friendship. Furthermore, many autistic persons have been trained to be compliant by caregivers, and may readily admit to whatever you ask them to admit to. In addition, persons with autism tend to lack an understanding of consequences and are unable to differentiate between major and minor problems. As Dennis Debbaudt states in his book *Autism, Advocates, and Law Enforcement Professionals*, "if it sounds too good to be true, it probably is."

Thus, investigators will need to carefully consider their questions, as well as their trained perceptions, when working with individuals on the autism spectrum. It is highly recommended to enlist the services of an autism advocate who is used to working with law enforcement. An advocate can assist law enforcement in communicating effectively with the individual, as well as differentiating between typical autistic traits and aberrant behavior. In all cases, be sure to document the autism if it is present or suspected. Lastly, if jailing is required and autism

is even remotely suspected, be sure to jail that individual separately. Persons with autism will, without a doubt, be victimized by other inmates if housed with the general population.

COMMUNITY PARTNERSHIPS

There are several things that law enforcement agencies can do to be proactive in their communities. Some families of autistic children may think ahead and come to you, but most will likely not realize the need to meet their first responders until there is an incident. Too often, the outcome of that incident is negative, leaving law enforcement and parents at odds with one another, instead of partners in the community. Being proactive can help to alleviate stress and prevent unfortunate incidents.

The first thing law enforcement can do is receive training in autism. There may be an organization in your area dedicated to offering this type of training, such as Autism ALERT, Inc., which is located in south central Wisconsin (www.autismalert.org). In addition, some local autism societies offer training upon request. Alternatively, Dennis Debbaudt, who has been training law enforcement for many years, has an excellent videotape on the subject, which is available for purchase through his website (www.autismriskmanagement.com). Once your department is trained, consider creating a special radio code for responding to calls involving persons suspected of having an autistic disorder.

The next step is to meet families in your community who are affected by autism. Developing a rapport now can make future encounters more successful. Autistic persons can be found in home, school, or work settings. They may live independently, in a family setting, or in a group home or institution. Visiting schools and issuing a press release inviting families of autistic children to meet their first responders may open many doors. It can also give you an opportunity to educate families on things that would make your life easier, such as making sure an autistic child or adult has some form of medical alert ID or an autism card that can be used to make first responders aware of their condition. Window decals for cars and homes can also be useful in the event of an emergency. Developing info sheets on the affected person can help families disseminate important information about their loved ones quickly, including the autistic person's communication ability,

sensory issues, approachability, odd behaviors and mannerisms, emergency contact info, likelihood to wander, medications and co-occurring medical conditions. Some departments choose to carry these info sheets in their squad cars. Other departments encourage parents to keep them readily available at all times. One thing to be aware of is that if you are collecting information on autistic individuals, you must be very careful with it. Creating a database of these individuals is equivalent to generating a list of victims for someone with bad intentions. The intent to protect must be balanced with the real risk of putting this population in further jeopardy.

Other steps include evaluating what types of calls and cases you are getting relative to your autistic population. If you have a population that wanders, consider investing in Project Lifesaver, a radiofrequency-based tracking system available to law enforcement agencies to assist in finding persons who wander, including persons with autism or Alzheimer's. If your calls involve persons responding inappropriately to first responders, consider an initiative to have mock-interactions where autistic individuals can practice with community officers on appropriate ways to respond. Another popular initiative is to have community officers visit schools and develop a relationship with autistic students. Sitting down at a table and allowing them to ask questions can put them at ease and aid in future interactions.

CONCLUSION

Recognizing autism is only the beginning. Effectively dealing with autistic individuals requires innovative and proactive community partnerships between caregivers and first responders. Start by securing autism training for your department. Then take the time to get to know the autistic members of your community.

The following phrase and acronym can help you remember what to do when faced with an autistic person: "Our Community CARES." C stands for "locate a Caregiver," which is essential in achieving the best outcome for any autistic person. Caregivers act as translators, communication aids, and a source of comfort for the affected individual. A is for "don't make Assumptions." Persons with autism may appear to be on drugs. Furthermore, environments in which autistic children and adults thrive may seem abusive or neglectful to those unfamiliar with the disorder. R is for "Restrict sensory input," including lights, sirens, environmental distractions, and the number of people present. E represents "Empathize," for this population truly is doing the best that they can do. Lastly, S stands for "Secure," a reminder never to leave an autistic individual unattended as they may wander off.

Remember, positional asphyxiation is the second leading cause of accidental death and physical restraint almost always leads to aggression. Restrain by environment and time, not force. Since odd behavior of an autistic person is often due to sensory overload, an increase in force will aggravate the situation, not alleviate it. While waiting out this behavior may take longer, it is your best chance at achieving the desired outcome without a physical confrontation.

Responding to a situation with an autistic person can challenge all of your instincts and training. Many injuries and deaths have resulted from misconstruing a situation and using increased force to subdue an individual with autism. Litigation often results, with increased public scrutiny and a loss of credibility and public confidence. Taking initiative now can prevent these types of tragedies. Working together, we can make a difference.

BIO

Chris Lacey is a professional trainer, author, and founder of Autism ALERT, Inc., an organization dedicated to training first responders and caregivers. She has two children, one of whom is autistic. Chris lives in south central Wisconsin where she strives to raise autism awareness and promote community partnerships. For more information, visit her website at <http://www.AutismAlert.org>

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