

Autism and the Criminal Justice  
System: A growing need  
What Judges, Prosecutors and Public  
Defender's need to know.

*Lawrence R. Sutton, Ph.D.*

The Pennsylvania Conference on  
Juvenile Justice

*November 5 - November 7, 2014*



WESLEY SPECTRUM  
SERVICES

Individuals with Autism are at risk of committing socially inappropriate often offending behaviors and are entering local and federal courts in growing numbers.

Many of those who are “higher functioning”, are often not recognized by either the police or the court and “look” like they should know better.

This paper will examine the growing presence of autism in the court system, how to recognize it and what to do when faced with someone who has committed a crime and would benefit from treatment.



WESLEY SPECTRUM  
SERVICES

# One in Fifty



WESLEY SPECTRUM  
SERVICES

# What is a toothbrush?



WESLEY SPECTRUM  
SERVICES

## Who am I?

- Psychologist with Wesley Spectrum Services
- Psychologist - Manager of psychology for Department of Juvenile Justice Services state-wide; Manager of the Western Region of the Bureau of Autism; consultant with Allegheny County District Attorney's office and Public Defender in both Juvenile and adult Court
- Author – Healthy Relationships
- Catholic Deacon and written on Autism and the Church
- Researcher with Duquesne University



WESLEY SPECTRUM  
SERVICES

## ...in the not so distant past

- Mt. Lebanon Elementary School
- 6<sup>th</sup> grade student with Asperger Syndrome
- Problematic Social Studies class
- School Policy and Shuman Center
- Officer from Juvenile Division
- **Manifestation** of the disability



WESLEY SPECTRUM  
SERVICES

## Billy and the **Thought** Police

- Billy, early life fixation on Thomas the train, then on trading cards, then match box cars, then fixation on serial killers...
- Dealing with being bullied
- A well meaning guidance counselor
- An odd result at the RTF (residential treatment facility)
- Placement in a long term sex offender unit
- Clinical Depression and a **good judge**



WESLEY SPECTRUM  
SERVICES

## Agenda

1. What should police – or another first responder do – how should they approach? What they should know??
2. What is the Risk (repeated-offense)
3. Who is At Risk (people who look like they should know better)
4. What is Autism? (**How it is diagnosed**)
5. What is not taught and Why
6. Why autism is different, and if recidivism counts, why it's important to recognize it (talking often doesn't work – demonstrating is often better)
7. Proactive (and reactive) responses to 'fill in the gap' – emerging best practice



WESLEY SPECTRUM  
SERVICES

## Agenda

- “They are smart, **shouldn’t they know better**”?  
Who is teaching them??
- New Castle Study – ‘meeting the students’
  - Prevalence of autism
  - Prevalence of depression
  - Prevalence of being victimized – (prior to offense)
- PCCD Grant application – who was to be involved – local police, District Justice, County Court, detention and long term



WESLEY SPECTRUM  
SERVICES

## How is Autism Diagnosed?

- The following symptoms before the **age of 3 years**
  - Delay in onset and Use of **Language**
  - Difficulties with **socialization**, recognition of social cues, difficulties with social talk
  - **Behavior and Sensory** –
    - Repetitive behaviors, tantrums, ‘bad’ liars,
    - Sensitive to textures in foods, feel of materials, noise



WESLEY SPECTRUM  
SERVICES

## Who is At Risk

- Participants will be able to recognize areas of potential risk - common symptoms of autism and developmental disorders observed in non-typical places – with similar aged peers, at a home accident, during a traffic stop, in a criminal justice setting.



WESLEY SPECTRUM  
SERVICES

## What is not Taught

- Participant will better recognize skill deficit and better understand then skills necessary for more successful relationship/courtship skills with teens and young adults in the autism spectrum and how problems can evolve.
- The role of media (television or video games, cell phone camera's) in 'filling in the gaps' in the absence of other instruction



WESLEY SPECTRUM  
SERVICES

## Who is at Risk

- Pre-Adolescents
- Adolescents
- Growing number of ADULTS (no accurate number of how many adults are autistic, particularly higher functioning autism)



WESLEY SPECTRUM  
SERVICES

## Proactive (and reactive) responses to ‘fill in the gap’ – emerging best practice

- Participants will be able to identify techniques for working with teens and young adults in the autism spectrum before and when there are problems with **emotional regulation** (why is that teacher yelling at me), perspective taking, and coping with related issues due to over stimulation.



WESLEY SPECTRUM  
SERVICES

## Proactive (and reactive) responses to 'fill in the gap' – emerging best practice

- Necessity of **understanding the problem**, having autism skilled (competent clinicians) who understand and have the skill level to prepare those at risk in areas of basic self-care, human sexuality, how to develop, maintain and enrich interpersonal relationships while preparing to live independently as an adult



WESLEY SPECTRUM  
SERVICES

## Who is at Risk



WESLEY SPECTRUM  
SERVICES

# Jimmy



WESLEY SPECTRUM  
SERVICES

# Jimmy

- Jimmy is a high functioning individual with an autism spectrum disorder from this region – his experiences are real and may **NOT** be uncommon.



WESLEY SPECTRUM  
SERVICES

## Jimmy

- Trouble at school – at age 11
  - Noise, fire drills, class change bells
  - Noise in school bus, before and after school, in the cafeteria
  - School phobic problems and the rides to school
  - Special arrangements to meet teacher before other students arrive
  - No friends or friendly peers despite good apparent expressive language (except for an girl who was infatuated with Jimmy --- at the time).



WESLEY SPECTRUM  
SERVICES

## Jimmy

- Age 11 and his younger sister
  - She is his best friend (no best friend or even kids his age to play with)
  - She is 5 years younger
  - She is pretty
  - She is easy to look at, at various stages of dress/undress



WESLEY SPECTRUM  
SERVICES

## Jimmy

- Age 13 – Home schooling when school phobic symptoms became too great
- Still no friends other than his sister (who is now “guarded” by their parents)
- Summer vacation in the South
- New “fiends” while on vacation
- Television and “the date” with new friends
- The request/demand at the end of the date



WESLEY SPECTRUM  
SERVICES

## Jimmy

- Age 14 – still no friend/best friend
- Vacation again in the South and but now a new “best friend”
- Discovery of sexually oriented magazines
- A summer of pornographic video’s and magazines
- “Understanding” of **what sex “really is”**



WESLEY SPECTRUM  
SERVICES

## Jimmy

- Obsession with old girl friend
- Old girlfriend and her friends
- Stalking of “beautiful” old girlfriend to look, stare and attempt to talk to her
- Accusation of Rape despite no physical contact
- (Placement at the YDC (until he is 21 and then ACT 21)???)



WESLEY SPECTRUM  
SERVICES

## There are a lot of Jimmy's

- New Castle study
  - 60% of the youth in the sexual offenders program were autistic (Focus on Autism and Other Developmental Disabilities, XX(X) 1-9, 2012)
  - Are all ASD kids sexual offenders??
- Where they learned the behavior and who they learned it from
- Depression and Hopelessness
- Abused themselves...



WESLEY SPECTRUM  
SERVICES

## There are a lot of Jimmy's

- Some at New Castle realized that they hurt someone else, so every time they became aroused...they tried to hurt themselves
- Some kids hadn't hurt others, but were severely bullied – remember - **Billy and the Thought Police**...



WESLEY SPECTRUM  
SERVICES

## There are a lot of Jimmy's

- Of all the young men I met, one scared me
- **3 minutes of glory** – he was incarcerated for a much less offense, but it's what he learned from his new best friends in groups...
- Most at New Castle (those who were autistic) seemed to **embrace** replacement behaviors, the special unit's success...



WESLEY SPECTRUM  
SERVICES

## Adam and the Internet Child Pornography and the FBI

- Cases of 'innocent' but not, of child pornography and the FBI's request
- One offense/pic is too many, however he had so few compared to others and was so disorganized, that it raised a question.
- A new Adam just last week and no police involvement – sending pictures of himself



WESLEY SPECTRUM  
SERVICES

## George and the FBI Internet pornography

- 54 years old, no prior police involvement
- Bachelor's degree, but satisfied with work in less skilled area
- Odd partnered relationship
- Viewed a lot of adult pornography
- File sharing exposed to child pornography
- Got stuck – very limited exposure – but once is enough
- Upset at police who 'got the wrong guy'
- Resolution



WESLEY SPECTRUM  
SERVICES

## English paper entitled, “**How do I tell my parents I had sex with my brother??**”

- Older brother watching/baby sitting younger sister
- She is autistic with language
- He was later determined to be Asperger’s
- She made sexual advances
- He was 4 years older so he is on the registry and incarcerated



WESLEY SPECTRUM  
SERVICES

## Never letting go

- **Good practices** – but are they always the best for different populations – for someone who is autistic?
- **George’s rumination** – perceived slight by a 7<sup>th</sup> grade teacher, being taught to write grievances and then throw them away and then discovering the magic of emails – but once something is sent – it is gone.



WESLEY SPECTRUM  
SERVICES

## Change in routine

- 24 year old with Asperger's
- Invisible until the bathroom cleaning schedule is changed
- Fired for workplace violence
- Mediation Judge and President of the company and Autism 101 at the Compensation Hearing....



WESLEY SPECTRUM  
SERVICES

## Unable to defend oneself

- Heinous crime on a loved toddler
- 'I didn't do it', but didn't offer an alternative
- No affect – flat and matter of fact – police didn't seem to look further
- Easily provoked – he – DA – Judge
- Death penalty hearing as he is over 17 and had an IQ above 70



WESLEY SPECTRUM  
SERVICES

## More dangerous risks

- Camp heritage and the quirky kid –
  - A loner, peanut and jelly diet, expert on the shooting range – army sniper.
- Sandy Hook and Adam L -



WESLEY SPECTRUM  
SERVICES

## What is missing or What hasn't been taught



WESLEY SPECTRUM  
SERVICES

## Things not taught in school

- **Rules change**
  - How does one pick up changes in rules? The **DePaul Institute** 11 year olds and communication
- **Adolescent growth requires teaching**
  - What are these feelings?
  - How and where
  - Privacy – dressing, bathing, other



WESLEY SPECTRUM  
SERVICES

## Recidivism and Autism

- Saying it may not change the behavior
- Practicing **Replacement Behaviors** – acceptable behaviors to address needs
- Practicing in real life (while managing community safety)
  - Story of Samuel to his Judge
  - Hard to practice behind razor wire



WESLEY SPECTRUM  
SERVICES

## One way to provide meaningful intervention

### Healthy Relationships

Self Care

Human Sexuality

Relationship Development



WESLEY SPECTRUM  
SERVICES

## Things not taught in school

- **Scripts needed** unless television is the teacher
  - Two strangers meet at the start of a sitcom, after 30 minutes they are somehow in bed together, is that the ways things are done?
  - 44 Questions – readiness for dating
- Someone who teases may not be a bully, they may be courting you...difference between a friend and a bully



WESLEY SPECTRUM  
SERVICES

## Things not taught in school

- **Hygiene** –
  - Why it's necessary to pay attention to it
  - Why wearing your favorite shirt 10 days in a row might not be the best way to impress
- **Human sexuality**
  - Definition (problems at New Castle)
  - **Slang** – so as to know what is being referred to (so as to not be setup to be teased)
  - Understanding their own bodies



WESLEY SPECTRUM  
SERVICES

## Things not taught in school

- Subtleties (are missed...)
  - Staring
  - Touching (someone's hair, necklace...)
  - Texting
  - Sexting
  - Rules to engage (date)
  - **Because she is nice to me she knows what I'm thinking – the lifeguard**



WESLEY SPECTRUM  
SERVICES

## How to Respond Emerging best practices

- **Self-care**
- **Human Sexuality**
- **Relationship Development** – differences between a friend and a bully, how to make a friend, what is courtship...
- **How to live as an adult**



WESLEY SPECTRUM  
SERVICES

## How to Respond Emerging best practices

- **Healthy Relationships**
  - Started in a gross way at New Castle
    - Practiced social interactions
  - Organized first as an outpatient group
  - Then as a school based group
  - Now in bridge/transition to adult programs, school based and outpatient (**most parents don't know these problems exist**)



WESLEY SPECTRUM  
SERVICES

## How to Respond Emerging best practices

- Acting proactively –
  - **practicing replacement** alternatives or behaviors
  - They may not fully get lectures, if you don't practice something, it might not happen in real life
  - They are often afraid of stern voices
  - If recidivism is to be reduced, treat/teach by modeling, role play, visual methods –



WESLEY SPECTRUM  
SERVICES

## How to Respond Emerging best practices

- Recognition that high functioning individuals in the autism spectrum have a developmental disability **that can't be 'cured'** (but they learn to **manage their symptoms**) and that **Executive Functioning and Theory of Mind** problems will be more evident in times of sickness, sleep deprivation, grief, significant changes – talking therapies may not always be sufficient



WESLEY SPECTRUM  
SERVICES

## Where to go

- More Research defining “emerging best practices” for:
  - **Identification** – PCCD, AIR and Duquesne’s current initiatives and ASERT
  - The **treatment** of those who are Developmentally Disabled and who offend
  - To **Divert** them from Criminal Justice settings into settings where they **can learn and practice** acceptable alternatives to their offending behaviors.



WESLEY SPECTRUM  
SERVICES

## Summary

We need to break down the steps to appropriate **social and sexual behaviors** and think about it from the moment the developmentally disabled child enters school (certainly by middle and before high school).

If you would not allow the behavior in a typically developing child neither should you allow it in a child with Autism.

Be careful of “inappropriate” touching/behaviors. **Model** another way to get the need met. What is ‘cute’ in a 4 year old might be an assault as a 16 year old.

© Lawrence Sutton 5 9 2013  
Wesley Spectrum Services



WESLEY SPECTRUM  
SERVICES

## Summary

- Be **proactive** – sexual interest exist, they are often not defined, modeling often comes from unexpected places – peers, television, someone's video's ...
- Remembering that talking to someone won't necessarily lead to change and
- Teaching replacement behaviors is crucial – *if not this, then what* – ...**I will do what I did last time, unless I've practiced something else**....proven again and again to effective.

© Lawrence Sutton 5 9 2013  
Wesley Spectrum Services



WESLEY SPECTRUM  
SERVICES

# QUESTIONS??????

© Lawrence Sutton 5 9 2013  
Wesley Spectrum Services



WESLEY SPECTRUM  
SERVICES

Lawrence R. Sutton Ph.D.

[lsutton@WesleySpectrum.org](mailto:lsutton@WesleySpectrum.org)  
[lawrence.sutton@stvincent.edu](mailto:lawrence.sutton@stvincent.edu)



WESLEY SPECTRUM  
SERVICES