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# How is the Criminal Justice System Failing Individuals with Autism Spectrum Disorder?

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**In June 2020, the Equality and Human Rights Commission report warned that the CJS is failing those with ASD and learning disabilities.**

**Research has shown that:**

- **1 in 5 teens with ASD will be stopped and questioned by the police before the age of 21.**
- **Individuals with ASD are 7 times more likely to intersect with the police.**
- **People with disabilities, including ASD, are 5 times more likely to be detained than those without.**



**All individuals with ASD are legally classed as 'vulnerable' meaning they have the right to an Appropriate Adult (AA) as well as other reasonable adjustments when they are being questioned by the police, or following an arrest.**

**Despite this, a recent study found that:**

- 75% of individuals with ASD were not given reasonable adjustments during their experience within the CJS.**
- Only 52% of individuals with ASD were considered by the police to be vulnerable adults.**
- Over a third (35%) of individuals with ASD were not provided with an AA during police investigations.**
- A further 33% did not have an AA present because their diagnosis was not known to the police.**



**Of the defendants with ASD whose cases went to trial, (22%) were not given any reasonable adjustments even though their lawyers stated that this would have been helpful.**

**In just under half of the cases that included a trial by jury, the jury was not informed that the defendant had a diagnosis of ASD.**

**Lawyers of individuals with ASD reported that 59% of prosecution barristers and 46% of judges or magistrates said or did something during the trial that made them concerned that they did not have an adequate understanding of ASD.**

**Many judges interviewed admitted that their lack of knowledge affected their ability to make independent determinations on ASD, and instead relied upon expert assistance to effect justice.**

**“It is vital that jurors are provided with information about a defendant’s diagnosis and its implications, otherwise they are likely to misinterpret atypical behaviour exhibited by the defendant in court. Similarly, judges may fail to take into consideration mitigating factors that might otherwise influence sentencing”.**

**Research has also found that part of the issue may be that those working within the CJS are unaware that an individual has ASD or of the implications of this.**

**Many individuals with ASD do not disclose their diagnosis at the point of police contact or are themselves unaware that they have ASD.**



**However, and as these findings show, even defendants who disclose their diagnosis are failing to receive reasonable adjustments.**



**Due to difficulties with sensory input and communication, reasonable adjustments are crucial to ensure that individuals with ASD feel informed, safe and comfortable enough to engage during contact with the police.**

**Research has shown that when reasonable adjustments are not provided, incidents of false confessions, non-compliance and meltdowns are more likely.**

**It is therefore crucial that those working within the CJS receive adequate training to spot the signs of ASD and the appropriate reasonable adjustments that are available, as well as ensuring that they are being offered on every occasion.**

