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How to Assemble an Autism Response Team Where You Live

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Final Installment in a Three-part Series

There are ever-increasing numbers of persons with autism spectrum disorder (ASD) who are being charged with criminal offenses. The vast majority of these individuals are being represented in court by attorneys who have no knowledge about autism spectrum disorders or its implications. As a result, persons with ASD are being sentenced to jail terms, and are sustaining felony convictions due, in part, to uninformed and ineffective counsel.

In our previous two articles we described how the Autism Response Team (ART) can be a very effective tool to ensure that individuals on the spectrum who become involved in the criminal justice system, either as victims, witnesses, or defendants, can receive fair and compassionate treatment. Now it's time to provide you with the information that can make the ART a reality in your area.

Establish Partnerships

The first step to setting up an ART is to establish partnerships with your local stake holders. Your local autism society or other support group is a great place to start. These organizations will be able to help identify potential partners within the criminal justice system. This can be done through direct contact with the membership at meetings, or via phone calls, newsletter, e-mail and/or web sites. This process should also help you to discover other contacts—professionals working in the criminal justice system who have a direct ASD connection, such as parents, grandparents, brothers, sisters, aunts, uncles, cousins, friends, and neighbors. These individuals can

also help you to recruit their interested and experienced co-workers.

The local autism society chapter or support group can further assist you by providing outreach to other organizations, and by providing meeting and training space and other resources. Consider expanding the ART to include other regional developmental disabilities advocacy organizations. An all-inclusive approach may enable you to draw in more partners, and as a result, more resources to help establish your local team.

The most important consideration when building an ART is to ensure that you have representatives from both the criminal justice system and from the ASD field. This means that you will



want a representative from each of the following areas:

Law Enforcement. Officers on the street will, in all likelihood, be the first persons to come into contact with the individual with ASD in a criminal justice situation. It is imperative that they have knowledge and understanding of ASD so that their handling of the situation does not escalate into a tragic scenario. The initial contact with the individual is crucial since one bad experience with the police may make it less likely that the person with ASD will ever trust those involved in the criminal justice system.

The ART model is best served when there are representatives from both the patrol and investigations units, as their roles are quite different. In cases where the person with ASD has been accused of, or is the victim of a crime, it is crucial to have an ART member present during interviews so that he or she can advise regarding spectrum issues and nuances. For instance, to avoid taking a false confession, the ART member can see to it that issues such as lack of eye contact, failure to stick to the subject, and other behaviors likely to be deemed indicators of guilt, are identified as autism-related



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aviors, so that they may be taken into account, and dealt with appropriately. Hence, with ART assistance, the investigator will be much more likely to see past the behaviors, and present a fair case to the prosecutors.

Prosecution / Public Defender's Office.

Once a case is handled by the police, it is then passed on to the local prosecutor's office for further investigation, charging decisions, and/or prosecution. ART advice and assistance is essential to both the prosecutor and the public defender. Armed with good information, an ART-trained prosecutor and defense attorney, working in tandem, will be able to carefully examine and provide information about the case through the lens of ASD.

When the person with ASD is accused of a criminal offense, with ART input, a prosecutor will be more able to determine if the defendant really had criminal intent. He or she will also be more able to carefully examine incriminating statements to determine their consistency with the facts of the case, and hence be more able to make a good, informed decision about whether or not to file criminal charges. In the case of an ASD victim, the prosecutor will know that he or she will need to spend a good deal of time with the victim to build trust, and to allow the individual to tell his or her story at a comfortable pace.

Obviously, ART assistance and advice for defense attorneys would help them to look at the circumstances of the case through the prism of autism. It would enable them to work with prosecutors regarding the extent to which the person's autistic symptomatology might have contributed to the alleged offense. Most importantly, a trained defense

counsel will be better able to communicate accurately about autism-related issues in the courtroom setting, and to articulate the ASD defendant's rights so that justice may be served.

Victim-Witness Coordination Sector. Most jurisdictions now employ victim-witness personnel that typically work under the umbrella of the prosecutor's office. Their primary responsibility is to provide services to victims of crime, as well as to witnesses. There is a startling lack of basic knowledge about autism (and frankly, about all developmental disabilities) among victim-witness offices. This may account for the feelings of "going it alone" that many persons with ASD experience when they are faced with the often intimidating criminal justice process. ART-trained victim-witness advocates would be able to compassionately guide persons with ASD through the system.

Judicial Sector. The judge in a criminal case is the ultimate arbiter of facts—the person charged with the administration of justice. Having a trained judiciary would ensure that throughout the court process, ASD issues are considered in a fair and just manner. The judge can educate jurors, for example, not to read anything into the behavior of a defendant with ASD who may be displaying body language or facial expressions / emotions that are inconsistent with the proceedings, or who may appear emotionless while sitting at the defense table. It is important to note that jurors are often profoundly affected by such displays, and further, that such reactions can cause them to prejudge a case, to the detriment of the individual with ASD.

Probation. There will be cases in which persons with ASD will be placed on

probation supervision, a situation that can be very demanding. Successful communication in the probation setting requires the person with ASD to have a level of trust with the probation officer, and to be comfortable within that venue. An ART-trained probation officer will know how to make the person feel comfortable, for instance, by allowing the probationer sufficient time to process questions and instructions. He or she will also know that, because the person with ASD is most comfortable when things are routine and predictable, it is most important to build predictability into the reporting schedule. Hence, the officer will provide chronological schedules when needed, and will know when and how to utilize pictures to introduce new persons and concepts. A person on the spectrum is much more likely to successfully complete probation if he or she can get to know and be supervised by an accommodating ART-trained probation officer.

Autism Professionals. It is extremely important—in fact integral to the workings of the ART—to have an individual from within the world of ASD serving on the team. This individual might be a case manager who works with persons with ASD on a daily basis, or perhaps a physician who specializes in diagnosing and treating ASD. These professionals should be extremely knowledgeable on the subject of ASD so that they can offer objective opinions and support regarding spectrum-related issues. If necessary, this individual could also testify in court as an expert witness.

Persons on the Spectrum and Parents / Caregivers. Any successful ART should have at least one person on the spectrum and a parent of an individual with ASD who can act as consultants. Persons with

autism, parents, and other caregivers can be especially valuable during ART training, by providing advice on critical issues such as wandering, de-escalating behavior, communicating with individuals on the spectrum, and handling sensory issues.

Components of the Training Program

Once team members have been identified, the focus should shift to appropriate training. An ideal program would be one that combines classroom training with practical experience. The classroom training would focus on providing all members of the ART with a comprehensive presentation on ASD, to include:

- **Definitions and explanations of autism and Asperger syndrome as spectrum conditions**
- **Discussion of ways in which persons with ASD may come into contact with law enforcement personnel (e.g., by wandering away from home or school; by exhibiting unusual behavior, etc.)**
- **Wandering and public safety issues**
- **Strategies that enable one to recognize, prevent, and safely respond to behavioral meltdowns**
- **Information regarding seizure disorder and the possibility of positional asphyxia during restraint**
- **Information regarding forensic interviewing techniques**
- **Avoiding false confessions**
- **Offender and victim issues**

This is by no means an all-inclusive list of topics, but it does provide a starting point for ART training. Team members should plan regular contacts with persons on the spectrum, and should

also attend meetings organized by their partner autism society or support group, in order to better understand the culture of autism.

Each ART should meet quarterly for training updates, and to discuss and debrief on cases that they have handled. This is also an excellent way to keep up-to-date on any new trends or research data. A team member should also be designated to monitor media resources for spectrum-related cases so that they may be discussed when the team meets.

Conclusion

It is our sincere hope and desire that this series of articles has inspired you

to form an Autism Response Team in your jurisdiction. Such a team would go a long way towards protecting the rights of persons with ASD and other developmental disabilities. Because the spectrum population is extremely vulnerable, extra time and effort will need to be spent to ensure that individuals with ASD are treated fairly within the criminal justice system.

It has been said that the true worth of a society can be measured by how it treats its least powerful and most vulnerable citizens. Establishing an ART can help us to *measure up* to this important responsibility! 🇺🇸

BiO

Dennis Debbaudt is the proud father of Brad, a young man who has autism. In the 1980s, Dennis wrote for the Detroit News and worked with network television current affairs programs in the U.S., Canada, and United Kingdom. A professional investigator and journalist for 28 years, Dennis turned his attention to autism spectrum disorders in 1987 after his son was diagnosed. He wrote *Family-School Liaison: Safety and Risk Support* with Walter Coles for ASQ's Summer 2004 inaugural issue.

Since 1993, he's authored numerous articles and books including *Autism, Advocates and Law Enforcement Professionals: Recognizing and Reducing Risk Situations for People with Autism Spectrum Disorders* for Jessica Kingsley Publishers, London UK (2002) and *Contact with Individuals with Autism: Effective Resolutions* with Darla Rothman for the FBI Law Enforcement Bulletin (2001). Dennis was instrumental in the development of the state of Maryland's Police and Correctional Training Commissions curriculum *Why Law Enforcement Needs to Recognize Autism*. He has consulted to ABC News 20/20 for a segment about false confession and autism, and has presented his training session for Department of Homeland Security instructors at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia.

Dennis will present frequently this year for law enforcement, criminal justice and spectrum audiences. He can be contacted through his web site www.autismriskmanagement.com Dennis resides with his family in Port St. Lucie, Florida.

Matt Brown has been in the law enforcement field for 18 years, and currently serves as a U.S. Probation Officer in Portland, Maine. He and his wife Nancy have three children, Elizabeth, Matthew Jr, and Grace. Their middle child, Matthew, Jr., has been diagnosed with high functioning autism. Approximately three years ago, after meeting Dennis Debbaudt and attending one of his "train the trainer" seminars, Matt developed a program in Maine to train law enforcement, fire/rescue/EMS and other first responders about autism. Since then, he has traveled all over the state (and in Canada) as a volunteer for the Autism Society of Maine, providing this training. He is currently working with the Autism Society of Maine to get legislation passed this spring, to require police and prosecutors to receive autism training. The Autism Society of Maine is currently trying to secure a grant to pursue the idea of establishing an ART (as described in the Debbaudt / Brown article) in Maine.

