Research on Autism and the Law

Q & A with Dr. Jennifer Sarrett, lecturer at Emory University within the Center for Discovery of Human Health http://humanhealth.emory.edu/. Dr. Sarrett jsarret@emory.edu recently authored the paper, "Revealing the training on intellectual and developmental disabilities among forensic mental health professionals: a survey report." Journal of Intellectual Disabilities and Offending Behaviour 8.4 (2017): 176-187.

Question 1: Why did you decide to write about autism spectrum disorder (ASD) and the criminal justice system?

In the Fall of 2016 I was teaching a class called “Health and Human Rights“ and in my Disability and Institutions section I taught a white paper by the organization RespectAbility https://www.respectability.org/about-us/ on disability in the criminal justice system. There was almost nothing in there about ASD or intellectual and developmental disabilities (I/DD). When I looked further into the issue I saw that there was very little research or information on this population in criminal justice settings. So, I decided to merge my professional focus on neurodiversity, ethics, and disability studies with my emerging interest in the criminal justice system.

Question 2: What is the overall message that you want families, clinicians, community helpers, and researchers to understand?

There are ways in which our communities create contexts and situations that disadvantage our community members with ASD or I/DD, including criminalizing non-normative behaviors. This means that acting strangely in public can attract concern and police attention, especially when race and gender intersect with disability. These instances can lead to a criminal record which can prevent opportunities for those already have difficulties getting jobs and care.

Question 3: What did you learn that surprised or concerned you?

There is some evidence that people with ASD or I/DD spend longer times incarcerated because they do not or cannot access early release programs (which are educational or therapeutic opportunities that may lead to early release or parole). These programs are not adapted for people with non-normative minds, and both prison conditions (i.e., bullying) and the nature of ASD or I/DD may lead to isolation, so individuals are not likely to access these programs.

Question 4: In practical terms, where do we go from here?

We need to figure out how people with ASD or I/DD experience and interact with criminal justice settings, from police interaction through incarceration. Part of this is figuring out how to capture the prevalence of ASD or I/DD in incarcerated settings, which is complicated by both the difficulties of assessing adaptive functioning in an institutionalized setting and the lack of standardization in assessment techniques used by forensic mental health professionals working with those touched by incarceration.