ASC and the Criminal Justice System. Has the Autism Act made a difference? A power point presentation from the Living Autism Conference 2013

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ASC and the Criminal Justice System. Has the Autism Act made a difference?

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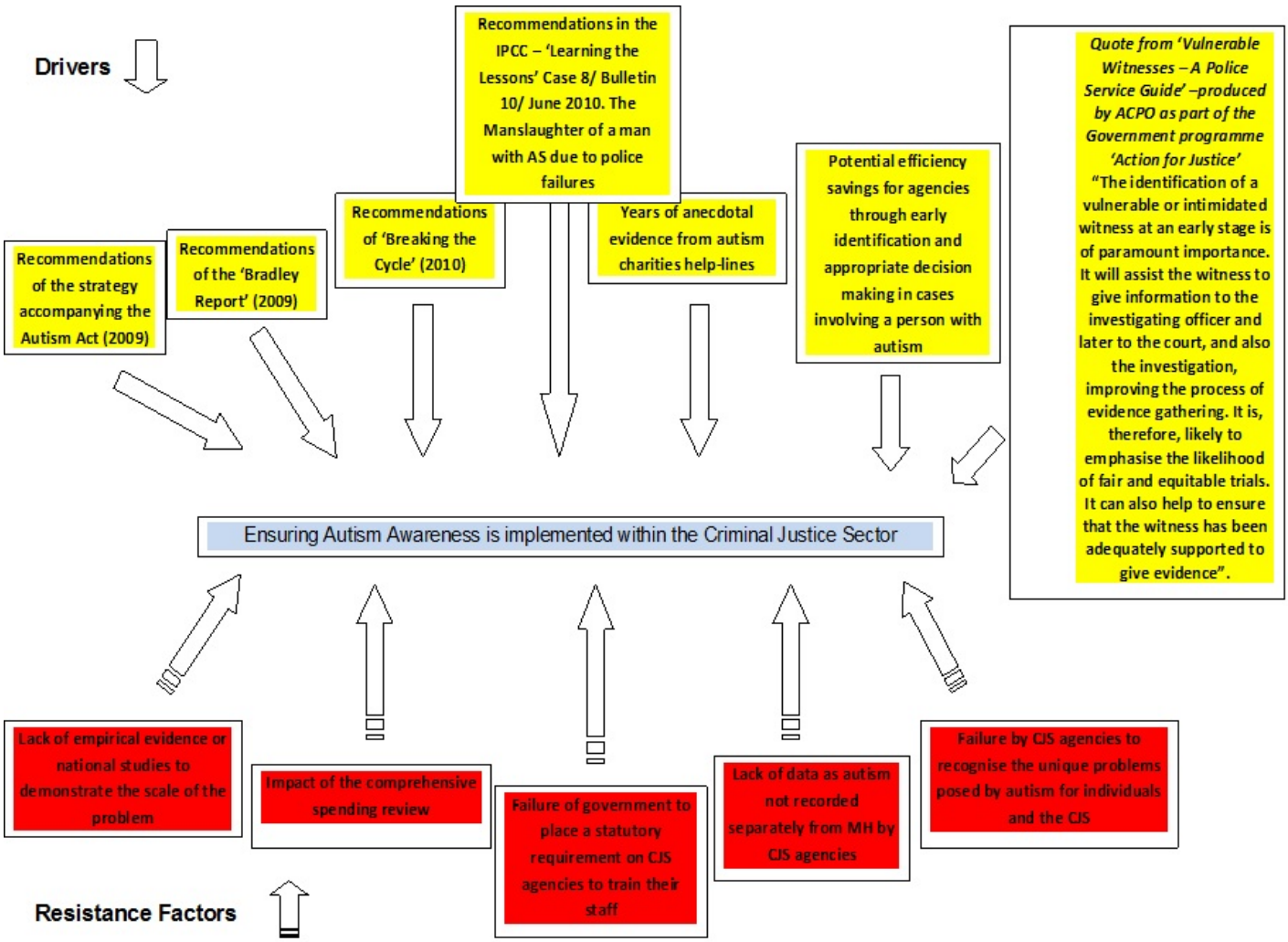
Relevant Legislation

- The Autism Act (2009)
  - Places a **statutory requirement** on Local Authorities and Health Service – to implement autism specific services and train their staff.
  - **Recommends** all public sector agencies train their staff as does the Bradley Report (2009)

- The Equality Act (2010)
  - Incorporated the previous Disability Discrimination Act
  - Requires all public bodies to make 'Reasonable Adjustments' for people with a disability-ASC included
  - *"Service providers should not wait until a disabled person wants to use a service that they provide before they give consideration to their duty to make reasonable adjustments".*


Drivers
Recommendations in the IPCC – 'Learning the Lessons' Case 8/ Bulletin 10/ June 2010. The Manslaughter of a man with AS due to police failures
Recommendations of the strategy accompanying the Autism Act (2009)
Recommendations of the 'Bradley Report' (2009)
Recommendations of 'Breaking the Cycle' (2010)
Years of anecdotal evidence from autism charities help-lines
Potential efficiency savings for agencies through early identification and appropriate decision making in cases involving a person with autism
Quote from 'Vulnerable Witnesses – A Police Service Guide' –produced by ACPO as part of the Government programme 'Action for Justice'
"The identification of a vulnerable or intimidated witness at an early stage is of paramount importance. It will assist the witness to give information to the investigating officer and later to the court, and also the investigation, improving the process of evidence gathering. It is, therefore, likely to emphasise the likelihood of fair and equitable trials. It can also help to ensure that the witness has been adequately supported to give evidence".
Ensuring Autism Awareness is implemented within the Criminal Justice Sector
Lack of empirical evidence or national studies to demonstrate the scale of the problem
Impact of the comprehensive spending review
Failure of government to place a statutory requirement on CJS agencies to train their staff
Lack of data as autism not recorded separately from MH by CJS agencies
Failure by CJS agencies to recognise the unique problems posed by autism for individuals and the CJS
Resistance Factors

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Victims or Witnesses

Unfortunately police will often mistakenly take a view that someone with an ASC may not be a reliable witness due to their communication and social skill difficulties.

The reality in those able to communicate:

Excellent recall

Attention to detail

Difficulty in lying

Lack of embellishment

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Why people with an ASC may become Suspects

- Offences relating to social naivety.
- People with ASC often adhere rigidly to rules and may become extremely agitated if other people break rules.
- Offences relating to a misunderstanding of social cues.
- Preoccupations with topics, objects, people Special Interests
- Offences of an aggressive nature, which are often related to an unexpected change in routine or to the environment, which may cause great anxiety and distress.

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Issues

- Custody
- Police Interviews
- CPS
- Courts
- Probation / YOS / Prisons

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What is needed?

- Tiered autism specific training
- Specific ASC marker on IT systems
- Simple guidance for operational staff
- Evaluation / Screening at custody
- Referral pathways – specialist services

Benefits of police training

- **86.9% of respondents** felt that the training had proved useful in dealing with a person with autism and enabled them to adjust their methods for the benefit of all parties

- **In 52.9% of cases** where the person with autism was an offender 'no further action' was taken against them due, in part, to recognition of the impact of their autism on their behaviours.

- **Another 14.7% of suspects** were referred to other services such as CAMHs or Social Services instead of processing as an offender

Financial Benefits?

- No exact figures nationally but in 2012 – 5.5% of prisoners in Birmingham Prison had a diagnosis or were suspected to have an ASC (80 individuals)

- Potential savings to the CJS ranging from £13,000 to £106,000 per individual as follows:

    - £13,000 per crime investigated (Social Exclusion Unit figure 2002)
    - Average 5 x offences prior to imprisonment (£65,000)
    - £41,000 per year prison costs ('The Learning Prison' report)

*Figures from **'Adults with Autism and the Criminal Justice System'** a report from Birmingham City Council Health and Social Care Overview and Scrutiny Committee published December 2012*

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For more information

http://www.autismwestmidlands.org.uk

Access our website Home Page and click the 'Downloads' box then scroll down to the CJS guidance booklet

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If you need help looking for services for an individual with an autism spectrum condition, we can help. Click below for the Autism Placement Support Service.

Click here for our Autism Placement Support Service