

COMMITTEE INQUIRY INTO THE CRIMINAL JUSTICE SERVICES AVAILABLE TO VICTIMS AND WITNESSES OF CRIMES IN NORTHERN IRELAND

Thank you for this opportunity to provide written evidence on behalf of Autism NI for the Committee inquiry into the Criminal Justice Services available to victims and witnesses of crimes in Northern Ireland.

1. Autism NI, as Northern Ireland's Autism charity, has a membership that includes almost 2,000 carers as well as a Family Support network of over 30 groups.
2. Autism Spectrum Disorder (ASD) is a lifelong disability that can limit a person's motor control development and skill acquisition. People with ASD generally have trouble interacting socially, communicating and may display behavioural problems.

Sensory sensitivities to touch, pain, temperature and sounds are common for people with Autism. These impairments may result in problems associated with neurological (brain) functions. Examples of some problems may include within the planning, attention, motivation and/or emotional aspects of completing a task or performing a movement.

Communication involves both understanding language (receptive skills) and providing information (expressive skills). On a day to day basis, individuals with ASD are putting enormous physical and psychological energy into being present and focussed. This is not only an exhausting and stressful experience daily for individuals but can put a person with ASD at risk of mental health issues later in life.

Autism Spectrum Disorder is as the name suggests a spectrum. Each individual experiences the disability in a unique way. As a result three key factors could cloud the ability to assess an individual with ASD's ability to make decisions:-

Firstly, people with ASD can find it difficult to explain what they are thinking. They can also find it hard to understand someone else's point of view. This means talking to people and interacting can be very complex for them.

Secondly, understanding what people mean when they present information verbally is also difficult. Some people with ASD do not understand any communication (not even pointing). Others get confused. They experience periods of heightened anxiety which can mask actual ability. Baron-Cohen and Belmonte (2005) suggest that individuals with ASD fail to integrate emotional contextual cues into the decision-making process.

Thirdly, people with ASD often do not cope very well with changes to their routine. They find it hard to make quick decisions and imagine what they should do next.

3. In relation to responding to questioning or assessment as a witness, many individuals with ASD may have difficulty. They may be particularly unable to respond to abstract, complex or indirect questions or give clear and adequate explanations for their

behaviour. They may also lack any real understanding of the situation they find themselves in (Allen et al, 2007). In order to avoid feeling under pressure, which can often provoke anxiety for individuals with ASD, they often will agree to a question or will indicate that they completely understand an issue when in fact they do not. This is a strategy they have developed in order to blend in and be seen as the same as neurotypical people. Safeguards need to be in place to ensure and measure the understanding of an individual with ASD in order to avoid limiting that person's rights.

For those who are victims or witnesses of crime, it has been suggested that they will have major difficulties in navigating the CJS (Allen et al, 2007). The report "Locked Up and Locked Out: communication is the key", a report of a conference hosted by the Youth Justice Agency and the Royal College of Speech and Language Therapists, recommends provision of intermediaries within Criminal Justice System and that reasonable adjustments are made for people with communication support needs. It is also vital that there is an early intervention/integrated approach to develop and commission a comprehensive speech and language therapy service throughout the criminal justice pathway to meet the needs of young people with a communication disability.

4. There is huge potential for misunderstanding and misinterpretation of the behaviour of an individual with Autism when they come into contact with Criminal Justice Agencies; however, with specialist training a range of agencies can be made more aware of the issues. Autism NI has worked in partnership with the PSNI Diversity Unit and District Training Teams and has delivered an Autism Awareness training package aimed at frontline officers. The feedback from these sessions suggest strongly that such training was well received (Police Ombudsman for NI and NI Policing Board report "Views and Experiences of People with Learning Disability in relation to Policing arrangements in NI"). However, this training needs to be available to the range of criminal justice agencies that may be involved, e.g. the NI Courts service.
5. Failing to consider any one of these factors can mean that an individual with ASD may not appear to have the ability or capability to make choices. Even as victims of crime, individuals with Autism may have such poor social skills that might lead others into thinking that they are being arrogant, non-compliant and non-cooperative. Sometimes misunderstandings can arise because individuals with Autism may not understand the meaning of a procedure with regards to the law. They may lack deference to people they come into contact with, including the police and others in authority, especially when feeling anxious or threatened. In some circumstances, we would prescribe that parental, carer or Autism trained appropriate adult support is always available and that an individual with ASD must be supported and given all practicable help. A range of appropriate strategies to facilitate all of the above should be considered, e.g. Autism friendly information and appropriate augmentative communication adaptations.