

Illuminating the experiences of autistic people during arrest and custody

**Assessing needs and vulnerabilities, evaluating
support structures**

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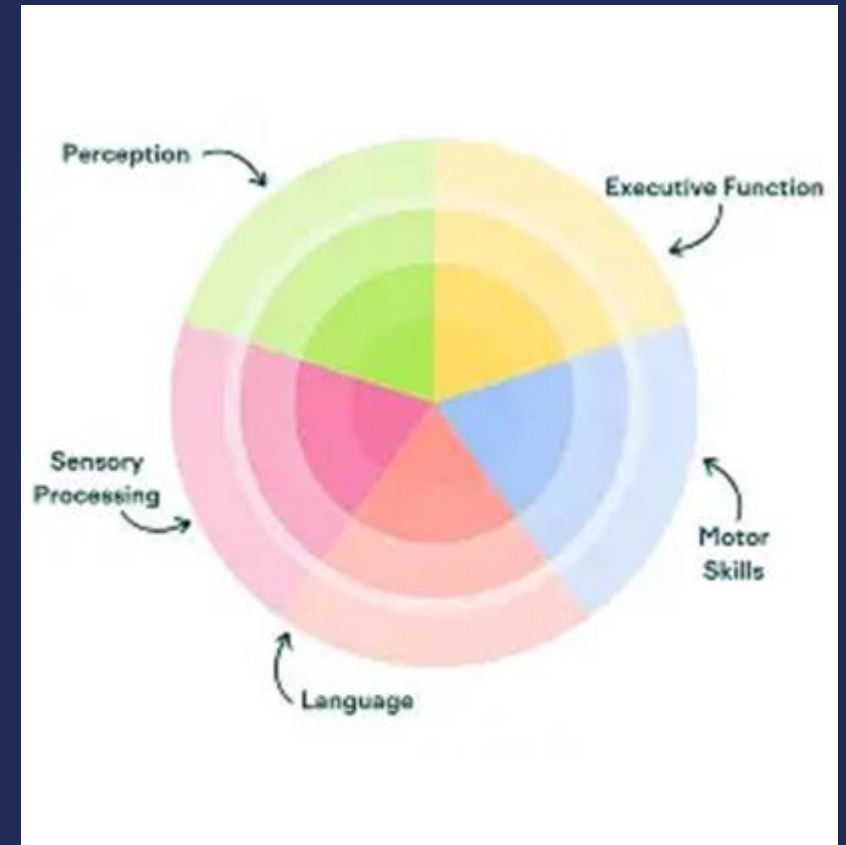


Overview

- Context
- Research aims and method
- Findings
- Recommendations

Context – What is Autism Spectrum Condition (ASC)?

- A neurodevelopmental condition that affects how a person perceives and experiences the social world, as well as communication and interaction with others
- Described as a **non-linear spectrum**
- Currently, over 700,000 people in the UK are diagnosed with ASC
 - With a similar number estimated to be undiagnosed (National Autistic Society, 2025)
- In the UK, autism is classified as a developmental disability under the Equality Act 2010



Source:
<https://daisychainproject.co.uk/about-autism-neurodiversity/>

Context – Autistic People in the Criminal Justice System

- Autistic individuals
 - Have higher rates of interaction with the criminal justice system, both as victims and offenders (see e.g. Slavny-Cross et al., 2023; Salerno and Schuller, 2019)
 - Have a higher likelihood to be arrested and cautioned by the police (see e.g. Griffiths et al., 2019; Slavny-Cross, et al., 2023)
 - Are disproportionately overrepresented in the prison population (Payne and Gooding, 2024)
- They are also more likely to have negative experiences when entering the criminal justice system (see e.g. Holloway et al., 2022; Maxwell and Kramer, 2023; Parry and Huff, 2022)

Research Aims

The research project

- Explores **needs and vulnerabilities** of, and **challenges** encountered by, autistic individuals in custody, and police officers' and staff's ability to respond to these adequately
- Reviews existing **support structures** and areas of improvement, including **environmental factors**, such as design of custody suites
- Identify gaps in **knowledge around autism** among police officers and custody staff
- Assesses the provision of **role-specific training** and areas of improvement.

Method

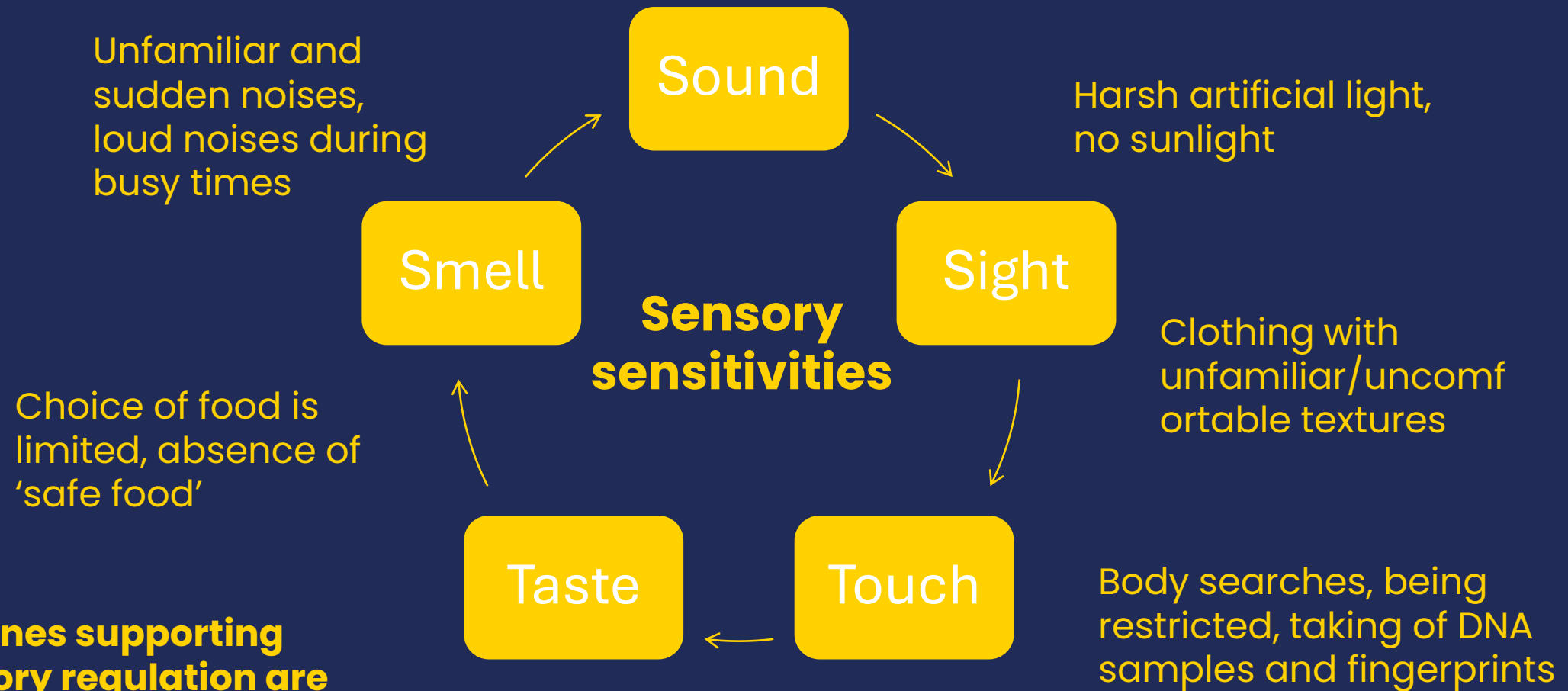
Qualitative research design utilising semi-structured expert interviews with two groups of participants

- 1) **Police officers and custody staff** from two police services in the North of England, including custody sergeants, detention officers, youth justice service police officers and mental health leads (n=19);
- 2) **Practitioners** working in roles supporting autistic people, including members of autism advocacy organisations and charities, special education practitioners, (youth) social workers, youth justice and safeguarding practitioners, neurodivergence consultants and support workers, and independent custody visitors (n=20)

Findings

- 1) Experiences of Autistic People during Arrest and in Custody: Vulnerabilities, Risks and Challenges
- 2) Risk Management, Support Structures and the State of Knowledge about Autism among Police Officers and Custody Staff
- 3) Improving Processes and Practices: Enhancing Awareness, Training and Delivery of Service
- 4) Structural Factors and Resourcing

Vulnerabilities, Risks and Challenges



- **Routines supporting sensory regulation are disrupted**
- **Little room for distraction**

Vulnerabilities, Risks and Challenges

Differences in communication, verbal processing and executive functioning

- Differences include:
 - Lack of short-term recall of information
 - Different rates of verbal processing and response time
 - 'Black and White' thinking
 - Taking what is said very literally
- Can lead to misunderstandings and misinterpretations, or to important legal information being missed
- Can lead to autistic people appearing inconsistent, dishonest and/or suspicions e.g. in interview

Vulnerabilities, Risks and Challenges

“Officers will bring a[n autistic] person into the custody suite and they say you’re only going to be here for a couple of hours. They will take that as, ‘right, it’s 8 o’ clock, I’m going home at 10 o’ clock’, but then 10 o’ clock comes, and they’re not gone and they can’t understand why that happened. So then sometimes people become agitated by that.”

Custody Sergeant

Vulnerabilities, Risks and Challenges

“A classic communication issue is, if an autistic person is accused of something, but they haven't done it or they feel this is unjust and you say, well, you know, why don't you get a solicitor? And they say, I don't need a solicitor because I'm not guilty. Instead of understanding that there is a process, there is a system, that you have to prove your innocence. It's that a classic sort of clash of communication.”

Charity Support Worker

Vulnerabilities, Risks and Challenges

Inadequate responses to coping and/or stress responses

- E.g. meltdowns and shutdowns
 - Risk of misinterpretation as non-compliance, resistance or volatility
 - Risk of escalation and use of physical force by police officers and custody staff
 - This can lead to significant legal consequences and traumatising experiences for the autistic detainee

Vulnerabilities, Risks and Challenges

“If somebody is autistic and they don’t like to be touched, and you may only find out that they’re autistic after the search, which can then result in them overreacting, flinching, pulling away, which can then ‘cause the officers to escalate it and uphold of them and stop them. And then you’re in a sort of downward spiral of behaviour.”

Custody Inspector

Risk Management, Support Structures and the State of Knowledge

Existing support structures

- Risk assessment via questionnaire
- Physical and mental health support
- Distraction items and calming down spaces
- Appropriate Adults
 - A trained volunteer or responsible person, such as a parent, carer, or social worker, who safeguards the rights, welfare, and communication of children (under 18) or vulnerable adults during police detention or interview

Risk Management, Support Structures and the State of Knowledge

"If they [police] met me on the street and they arrested me, would they automatically think of getting an Appropriate Adult for me? Well, no, they wouldn't, because I mask [my neurodiversity] extremely well. I speak the same as everybody else, I can give eye contacts amazingly well. [...] I've actually openly said if I was arrested, even being a police sergeant, I would ask for an Appropriate Adult, even though I am good at communicating and everything because there may be the time where I'm in the interview where I don't necessarily get the gist of what they're trying to get me to answer, and even though I can communicate really well and know the legal side, I might still not fully get what they're going on about."

Police Sergeant with lived experience with autism

Risk Management, Support Structures and the State of Knowledge

Compassion and knowledge-based support structures

- Adequate support is strongly dependent on policer officers and custody staff knowledge and understanding of autism
 - Including differences across a non-linear spectrum and gendered differences
- The importance of empathy and compassion allowing:
 - To build relationships of trust
 - To adjust modes of communication
 - To de-escalate when an autistic individual is becoming agitated or experiences a meltdown
 - To understand an individual's support needs

Risk Management, Support Structures and the State of Knowledge

"One of the [autistic detainees] was quite a troubled child who was quite well known to the police. And she was quite known for being violent, aggressive, having to be dragged in, or forcibly brought into the police station and generally refusing to comply by in being very difficult to get searched [...] When I went to the cell, she was in the corner crying under the blanket, that's when she told me that she had autism. So from her point of view, she didn't see the police as her friend. She didn't see you as an individual. She saw you as a uniform. Just the police and all her knowledge of the police was that they were the people that came and arrested you and brought you to the police station. So I tend to try and bring some of my own personal experiences into it to try and give the idea that actually, I'm a human being. I have a family and so it was a case where I just sat down and spoke to her. Explained. Look, I have two children with autism. I understand the anger. I understand the fact that you can lose your temper."

Custody Inspector with Lived Experience With Autism

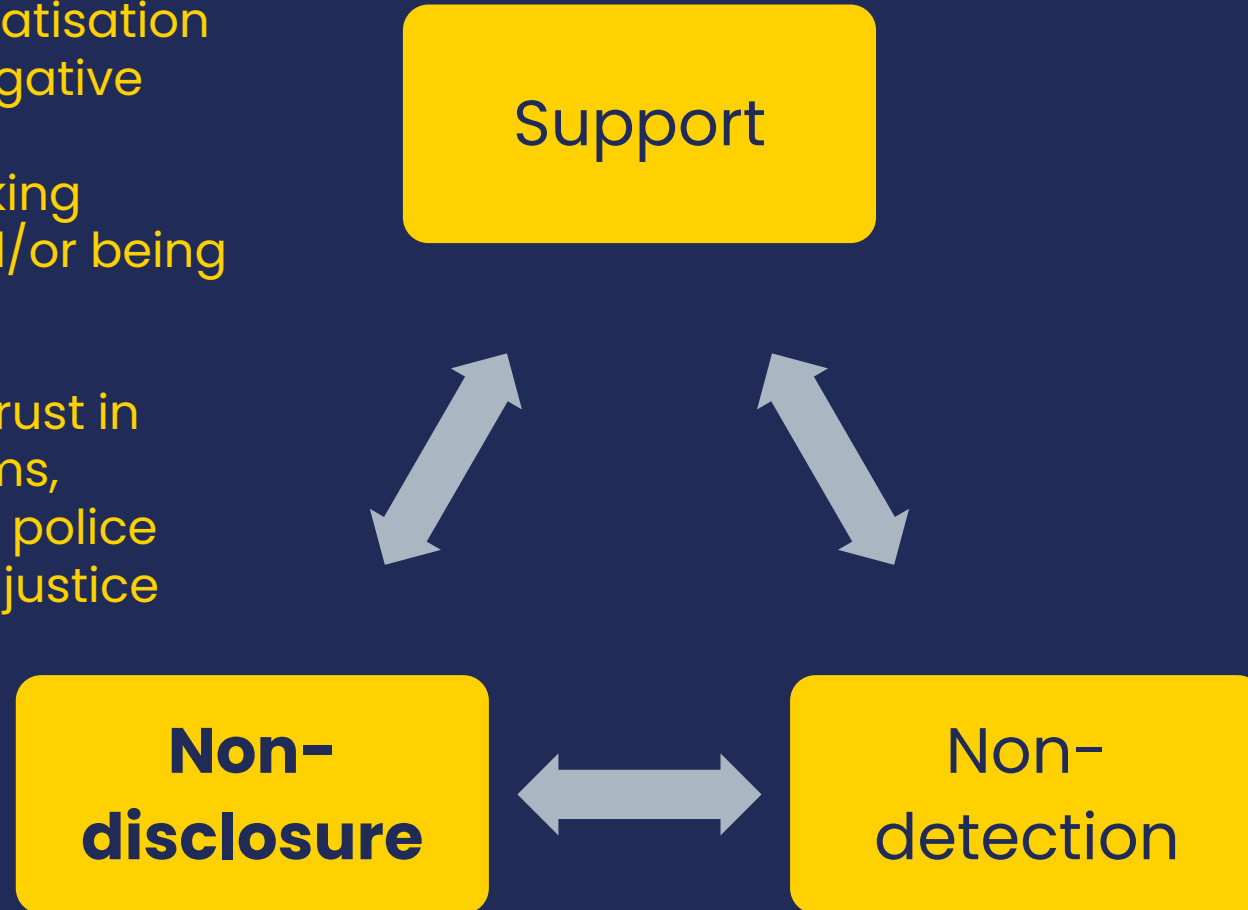
Risk Management, Support Structures and the State of Knowledge

“I said to him [the autistic detainee], if you got any questions, if you’ve got any needs, just ask. If someone says they are autistic, I don’t have a checklist, I go up to them and speak to them to see what they need, because autism is different in every one person. So I ask them, what do you need? Not what the checklist says you need, but what do you need as an autistic person?”

Custody Sergeant with Lived Experience with Autism

Enhancing Awareness, Training and Delivery of Service

- Fear of stigmatisation
- Receiving negative responses
- Not being taken seriously and/or being believed
- General mistrust in expert systems, including the police and criminal justice



Enhancing Awareness, Training and Delivery of Service

“We [as autistic people] learn very early that disclosing being autistic is not safe. Because as much as a diagnosis of autism should be something that helps, most of the time it's something that hinders. You are automatically put into a different box. Automatically, a bunch of stereotypes are dumped on you. Automatically, agency gets taken away from you, automatically choices are taken away from you, and you automatically are a few layers down than other people when it comes to agency and choice. So I can see why people won't disclose it.”

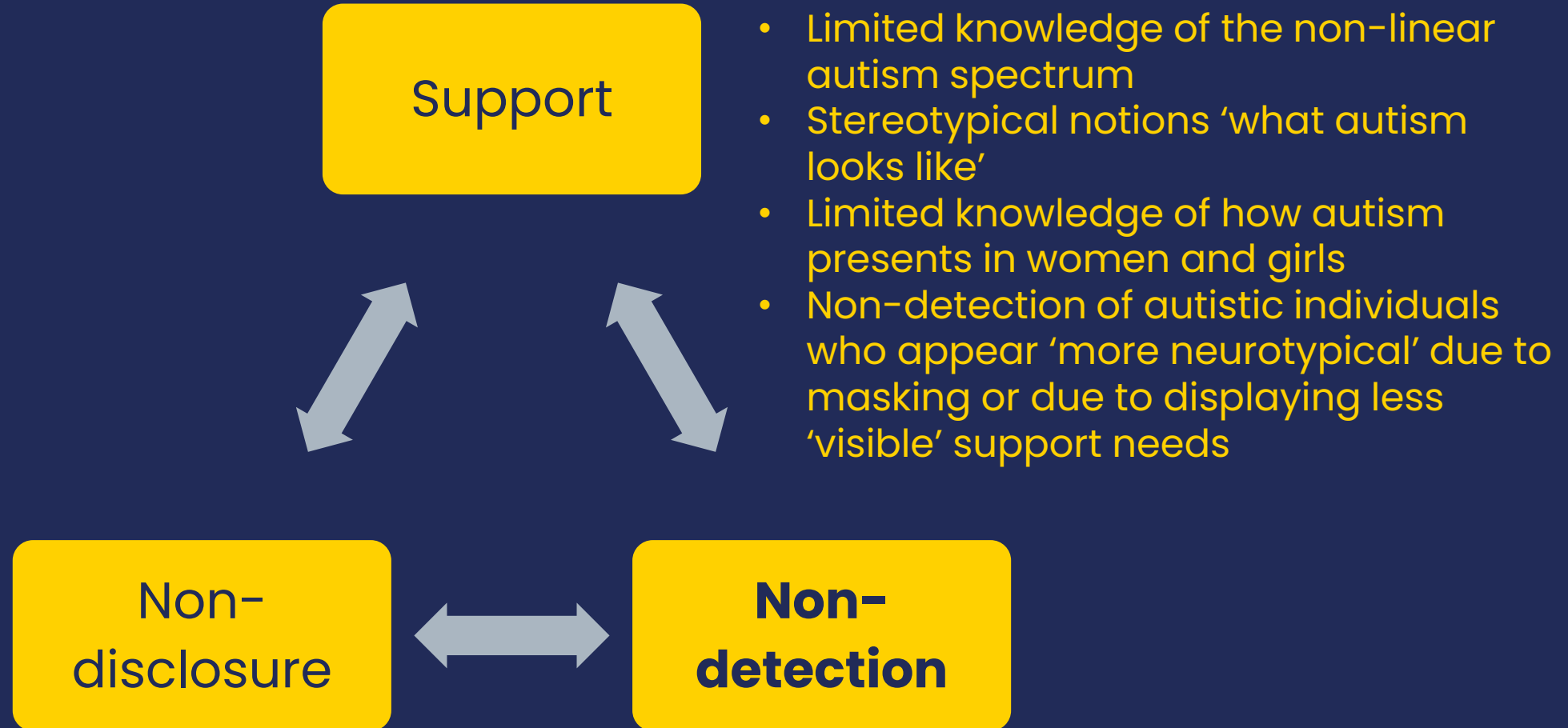
Neurodiversity Consultant with Lived Experience with Autism

Enhancing Awareness, Training and Delivery of Service

“They're very mistrustful of neurotypical systems that are set up by and for neurotypical people because they don't feel like they're working for them. That's a problem, not believing that people who are there to help them – actually, really are going to help them – and are credible and will understand them. The people I've worked with have a very long memory, so if a support system said to them we'll do something and then that help either hasn't been appropriate or has dropped off the end of a list, or in some cases, that person has been deemed to be able, despite having highly significant difficulties, but actually slightly hidden. Those people have not had the help that they have felt they needed, and therefore that's created mistrust.”

Autism Support Worker

Enhancing Awareness, Training and Delivery of Service



Structural Factors and Resourcing

Institutional limitations

- Can significantly impact of police custody's staff ability and capacity to adequately respond and interact with autistic detainees
 - This includes:
 - Time pressures, especially during busy periods
 - Short staffing
- Risk assessment processes becoming mere 'box-ticking' exercises not allowing sufficient time and space to assess and respond to individual support needs

Structural Factors and Resourcing

Environmental factors and design of custody suites

- Booking-in areas that are cramped and do not offer space for privacy
- Acoustic environments that increase echo noise, especially during busy times
- Disorienting interference factors including lack of daylight in cells, intimidating architectural design
- Removal of routine, familiar and self-soothing items due to safety protocols
- Being confined in a cell with no possibility of access to resources for distraction

Structural Factors and Resourcing

The ideal design of custody suites

- Spacious booking-in areas and private booking-in areas that are separate from the main area
- Custody suites that are designed to accommodate complex needs rather than neurotypical fit
- Skylights or windows that allow for natural sunlight
- In-build safe distraction items such as non-destructible TVs inserted in walls behind security glass, projectors or blackboards
- Calming decorations or the provision of clocks to avoid disorientation
- Calming sensory room-style cells with soothing colour schemes, sound, lighting and interactive sensory designed features

Structural Factors and Resourcing

“It would be good if there was a room specifically for people with neurodiversity because they might need that more than a neurotypical person. And I think even if people aren’t neurodiverse, that would benefit them anyway. So, what would benefit someone with autism would benefit the entire population anyway. I think a lot of people have autistic traits and they might have, you know, been undiagnosed, but I think we’d all benefit from learning to self-regulate better and having spaces that are kind of encouraging that rather than encouraging you to do the opposite. And that would create less violence and less traumatising experience and less re-offending in the future.”

Probation Worker

Recommendations

- Provision of sufficient information about processes, potential consequences and available support structures
- Risk assessments and booking-in processes should allow for sufficient time to assess and respond to individual support needs and to provide sufficient information, including about diagnosis disclosure and its consequences
- Choice and autonomy should be granted to the detainee whenever possible
- Responsibility for navigating differences in communication should not be placed solely on the autistic individual – structured reasonable adjustments should be put in place
- Avoidance of deficit-language in all (verbal and written) communication
- Establishment of a sufficiently large pool of suitable Appropriate Adults, in liaison and cooperation between police forces and advocacy and support organisations

Recommendations

- Improvement of mechanisms for communication and knowledge sharing between regions to achieve consistency, depth and breadth in knowledge about autism across police forces
- Development of training and knowledge exchange that actively dismantles stigmatising and stereotypical notions of autism and promotes awareness of the condition that is not problem and/or deficit-oriented
- Development of lived-experience led interactive activity-based and practice-oriented, including reflective and immersive exercise that assist in the development of understanding, empathy and compassion
- Establishment of relationships with key external stakeholders informing training plans
- Acknowledgement that knowledge is learned and shared via informal mechanisms, including learning from colleagues with lived experience
- Creation of forums to encourage and foster these forms of more hands-on, experiential and tacit knowledge alongside more formally oriented training

Recommendations

There is a need for protocols that embed the possibility of neurodivergence as a standard and to move from neurotypical-centric to neurodiverse inclusive practices

This includes:

- The commitment to following good practice recommendations prioritising detainees' autonomy and dignity (see e.g. Skinns and Sorsby, 2019)
- Embedding neurodiversity as a default position, whereby forms of 'adjustments' are considered standard
 - And become engrained in police culture, to the benefit of all – not just neurodiverse – detainee's well-being and safety

Contacts

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