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The National
Autistic Society

High risk and offending behaviour in autism

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High risk and offending behaviour in autism

Background and context

- **Media reports** –often sensational
- Concern from the **autism community**
- Concern from the **legal and criminal justice system**
and allied health professionals

Take home

- Rates of offending behaviour low but exaggerated by media
- More studies needed of specific populations
- Low rates of violence and offending behaviour *as a proportion of all offences* but Asperger subjects at increased risk
- Social isolation appears to be a significant predisposing factor
- Diversion strategies to include awareness training for professionals and assertive follow up
- Recognition that a very small number may represent a high risk

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- **Media reports**

- Sensational reporting and speculation

- Howlin 2004

- High profile cases

- *Freer – convicted of killing a colleague at McDonalds*
- *Smith- convicted of killing 10 year old child*
- *Bristol case- juvenile convicted of killing of baby sibling*
- *Dorset case –juvenile convicted of killing of elderly woman*
- *Napper – Wimbledon Common murder*

- Recent press interest in UK and US

- *McKinnon case*
- *Reilly- The Exeter nail bomber*

High risk and offending behaviour in autism

- **Concern from the autism community**
 - Asperger syndrome 'given a bad press'
 - Families may be bearing the brunt of the problem
 - Poor recognition and support from health and other agencies
 - Confused response from the legal and criminal justice system

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- **Concern from the legal and criminal justice system**
 - **Legal defence** – law on diminished responsibility in EU – In England debate about mens rea (the guilty mind) and Asperger syndrome
 - Numbers - nature of offending . . . *and re offending?*
 - Troubling and high profile cases
 - Low awareness and training of police, legal and CJS and health professionals

High risk and offending behaviour in autism

- **Why do some people with autism get into trouble?**
 - Autism features e.g.
 - Their difficulties with 'instinctive' social behaviour
 - their 'special interests'
 - their problems with self monitoring and control
 - Other conditions e.g.
 - Seizure related
 - Mental disorder
 - Social factors e.g.
 - Bullying
 - Exclusion and social isolation
- **Combination of some or all of the above?**
- **Some examples**

Problems with social context

Ivan 18 years

- Ivan is a tall, handsome, African man. He does not speak . Ivan has been trained to travel independently to and from college using public transport (the London tube).
- Ivan usually travels at times when the tube is crowded but this particular evening he has been to a social event at college. When he boards the tube the carriage is empty apart from an elderly lady. Ivan sits next to her.
- **What happened next?**

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Autism :- Present from birth or early life

Core features

Presence of unusual behaviours and development

Absence of usual behaviours and (instinctive) social development



Overlapping and other related states; learning disabilities , neurological and psychiatric conditions

Environment and relationships

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Key questions

- What is the nature of offending behaviour ?
- How common is offending behaviour in ASD?
- What are the predisposing and precipitating factors and implications?
- What can be done about it?

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What is the nature of offending behaviour?

From case studies ;Hare et al 1999

- **Deliberate exploitation by others-** *Accomplice to other crimes; possession of stolen property; Trafficking*
- **Violent offences-** *Homicide and attempted homicide; arson, kidnapping; assault; hostage taking*
- **Antisocial offences-** *Stalking; harassment; computer crime; pornography related offences; other sexual offences; threats and hoax calls*

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How Common?

In the less able individual

- Violence reported in 70% children and adults
 - Mills and Wing 2005; McGill et al 1995
- **BUT** - even severe violence rarely seen as a criminal offence - called 'challenging behaviour'.
 - Holland et al 2002
- High usage of psychotropic medication to control
 - Mills and Wing 2005; Martin 1991

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How common?

In the more able group

- Violence reported in over 40% of NAS study (n 720) but not known how representative
 - Mills and Wing 2005
- Violence and dangerousness noted in single case reviews
 - Bankier et al 1999 ; Baron Cohen, 1988;
Mawson et al, 1985; Overall and LeCouteur 1990

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How common?

In the more able individual

- Asperger spoke of "*mischievous, malicious acts without regard for consequences*"
 - Asperger 1944
- Low rates of violence and offending as a proportion of all offences but Asperger subjects at increased risk
 - Tantam 2000; Mouridsen et al 2008; Woodbury-Smith et al 2006

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How common?

- **More likely to be victims than perpetrators. *Majority rigidly law abiding -Disabled 4-10 times more likely to be victims of crime***
 - Tantam, 2000, Wing, 1997, Howlin, 2004 ; Nat Academy of Science, 2004, Murrie et al, 2002
- **Asperger subjects seven times more likely encounter the law- More likely to be caught if they do offend**
 - NAS 2006: Howlin, 2004, Murrie et al 2002

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How common?

- Small over representation of AS in the English Special (secure) Hospitals
 - Not all were offenders - but all defined as 'high risk'
 - Only 10% diagnosed at time of admission
 - 90% with other psychiatric diagnoses – often multiple
Mainly schizophrenia – 'treatment resistant' and PD
 - Females significantly over represented (7/60)
 - Hare et al 1999; Scragg and Shah, 1994, Crocombe et al 2007 (females)

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How common?

- Cont...
 - **31/1305 (2.4%)** definite ASD but similar number of equivocal cases
 - **21/1305 (1.6%)** Asperger syndrome (AS)
 - Homicide rates the same for ASD and non ASD
 - Arson over represented
 - Low rates of sexual offences
 - Offenders with AS spend longer in detention
 - Hare et al 1999

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How common?

- Literature review of 21 publications (132 cases) of Asperger syndrome found that only 3 (2.3%) were described as violent
 - Gahaziuddin and Tsai, 1991

but ...

- Low level of awareness of ASD in the criminal justice system
 - Scragg and Shah 1994. Hare et al 1999

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How common?

- Tantam 1998, Long term users of mental health services regarded as **socially isolated**
 - 77% with Asperger syndrome
 - 44% - isolated offences
 - 23% - actual criminal offences involving violence
- cited in Hare et al 1999

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How common?

Concern about autism symptoms in a small number of serious cases

- Oosterhoff 2003, citing VanderGraaf (assassinated Pim Fortuyn)
...later retracted
- **Dunblane shooting- Hamilton cited as having AS. Later retracted**
- Hungerford shootings- Ryan cited posthumously as AS
- **Cho Seung- Hui – gunman killed 33 : Virginia 2007; Reported AS**

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How common?

Concern about autism symptoms in a small number of serious cases

- Silva 2004, citing **Kaczynski** (the "Unabomber") "evidence of Asperger's disorder"

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How common?

Population study

Wales (1.2 million); 126 with Asperger syndrome (AS)

- Low numbers in prison
- 33 offended (**26.2%**); 16 cases studied- all male ;
- **81% report violence** –low level of acquisitive / sexual offending
 - Allen et al 2002

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Predisposing factors

- **Cognitive features** such as :-

lack of concern or awareness for outcome; Impulsivity; social naivety and misinterpretation of rules; inability to predict response of others (Difficulties of TOM, Executive function and Central coherence)

Tantam 2008; Baron Cohen 1988

- **Autism features** such as:-

Fixations and obsessive interests (possibly morbid), repetitive routines

Wing 1997; Hare et al 1999;

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Predisposing factors

- **Substantial number with co morbid psychopathology, including ADHD, Psychosis, PD ; other neurological disorder**
 - Ghaziuddin et al 1998; Hare et al 1999
- **Social factors : living alone or socially isolated; experience of bullying**

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Precipitating factors- from case reviews

High significance

- Dislocation from routine
- Social conflict; perception of slight or ridicule – social trigger

Moderate significance

- Neurological phenomena – episodic dyscontrol, impulsivity, seizure
- ADHD type behaviours
- Anxiety and panic

Low significance

- Reaction to sensory stimuli
- OCD type behaviours

- Hare et al 1999, Howlin 2004, Wing 1997

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Precipitating factors- from case reviews

- Response to bullying – Hostility to family member- *may warn*
- Pursuit of special interest ... *political 'causes'*
- Exploited – *duped or following lead of stronger personality*
- Calculated escape from stress or demands
- Lack of awareness of wrongdoing – indifferent to victim (differs from psychopathy)
- Intellectual interest in the crime and its effects
- Emotional disconnection but lack of empathy not significant
 - Wing 1997 cited in Hare 1999, Hare et al 1999; Tantam 2008; Berney 2004

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Implications of failure to recognise ASD

- **Inappropriate response from legal or Criminal Justice system**
 - *Miscarriage of justice/ too little too late -vulnerability*
- **Problems in detention**
 - *Obeying implicit rules, suicide and self harm, depression, conflict, being bullied; stay longer*
- **Inappropriate response from psychiatric services**
 - *No recognition - Misdiagnosis*

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What can be done ?

Understand the causes of offending in ASD

- Good population studies of adults with ASD needed
- Examination and analysis of known cases; empirical studies to explore
 - **Nature of offending**
 - Predisposing and precipitating factors –clustering?
 - **Impact of co occurring conditions**
 - Crossover with other groups – e.g. PD, ADHD and schizophrenia - neurological and neuropsychiatric factors

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What can be done ?

Prevention of offending

- Education and awareness of professionals - Early identification and prevention strategies?
 - *'at risk' individuals; risk; predisposing and precipitating factors; prevention of bullying and isolation*
- Reduce social isolation in adults
- Develop health based alternatives to custody
- Community initiatives
 - e.g. Alerting systems; cards; good behaviour contracts; advocacy - mentors

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- **What can be done ?**

- **Post offending**

- Education and awareness of professionals
- Improve identification -Screening and assessment
- In-reach support; adaptation of process and environment
- Advocacy and mentoring and vocational help
- Assertive aftercare – may not cooperate

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Summary and conclusion

- Prevalence of ASD 1% but prevalence of autism and offending in population not properly understood
 - Studies estimate that between 2% and 4% of **offenders** may have an autistic disorder
- Less able group insignificant in terms of offending
- Various studies suggest 15% of Asperger population may be at risk ;
 - Lower rates of acquisitive and sexual offending
 - Mixed evidence on violent offences
 - Higher risk of arson and offences linked to antisocial behaviour e.g. stalking, harassment

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Summary and conclusion

Low rate of offending overall - **BUT**

- No good studies of whole population of adults
- A small number of serious crimes **are** attributable to autism features
- Comorbid psychiatric disorders appear less important than predisposing autism features and precipitating social factors
- Social isolation seems to be associated with increased risk
- Legal capacity determined on a case-by-case basis

Take home

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Last words.....

***"In order to understand a person,
you have to understand what
that person understands"***

Sören Kierkegaard

(With thanks to Lena Nylander)



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Thank you

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