

# Incredibly different or differently credible?

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## Impact of Autism on Police Interviews

# Issues

- Involvement in criminality
- Recognition
- Assessment
- Memory and Recall
- Emotion
- Obtaining Best Evidence and Special Measures
- Police Expectations

# Autism & Criminality

## Suspects

- Majority of autism sufferers is law-abiding and not involved in violent activities (Frith, 1991 & Barry-Walker et al, 2004)
- Criminal behaviours are often strange and bizarre to the extreme (Katz et al, 2006)
- Intoxication at time of offending and use of knives or guns less common than in other groups (Whaland et al, 2006)
- Autism alone is not a risk factor for serious violence; 84% of offenders also have mental health problems (Newman et al, 2008)
- Autism psychopathology has been linked to sexual serial killings (Silva et al, 2004)
- More easily led, manipulated or coerced into criminal activity by others (Gudjonsson et al, 2004)

# Reasons for criminal behaviour

- Exploitation by others
- Interruptions to routines leading to disruptive behaviour
- Difficulties understanding social clues
- Obsessional tendencies/morbid interests (Howlin, 1997)
- Distinction between people and things is less sharp than is normally expected (Tantum, 2000)
- Psychological compartmentalisation .... in ways that would be difficult to understand or incomprehensible to most people (Baron-Cohen, 2003)

# Victimology

- Dearth of empirical literature on victimology – e.g. Petersilia's (2001) review on crime victims with developmental disabilities
- Particularly vulnerable to bullying, exploitative crimes, being led into criminality by others without understanding and far more likely to be victims than perpetrators due to social impairment (Howlin, 2007, Tantum, 2008)
- Greater time spent on-line (Benford, 2008); may be especially vulnerable to involvement in contemporary criminality involving internet including grooming, fixation, radicalisation, high-tech crime and cyber threat related

# Recognition - Autism Spectrum Disorders\*

## Prevalence - adults in private households\* in England

- 1% adult population (1.8% M, 0.2% F)
- 8% males in social housing & 4.5% all single males
- 7.5% males with learning difficulties and 4.3% males in IQ range 70-85
- Correlated negatively with IQ in males

(Health & Social Care Information Centre, Social Care Statistics, 2009)

## Prevalence in secure settings

- High functioning males over-represented in secure hospitals
- Prevalence in prisons and in police detention unclear (North et al, 2008)
- 15%\* individuals connected with most serious violence offences, 63% of which had committed arson (Siponmaa, 2001)

## Phenotype & trait like prevalence

- Significant Autistic Traits below diagnostic threshold
- Increased incidence in families with 1+ member with diagnosis of ASD (Piven, 1997)

# Autism Spectrum Disorder\*

Characterised by qualitative impairments in reciprocal social interaction and communication, and a restricted, stereotyped or repetitive pattern of interests and behaviour persisting from early developmental period

Intellectual ability can fall across spectrum

Delay/deviance in language development can be marked or mild

(North et al, 2008)

Without speech



With speech\*



# Diversity within Autism Spectrum

Albert Einstein

Robert Napper - Green Chain Murders

Charles Darwin

Nicky Reilly (aka Mohammed Alim) - Exeter Bomber

H G Wells

Gary Ridgeway - Green River Killings

Thomas Jefferson

Barry George – principle suspect Jill Dando (fixation) murder

Isaac Newton

Gary McKinnon – US Computer Hacker

Satpal Singh – 12 year old boy killed by mother

**And 500,000 others (in UK)**

# Assessment

- ASDs defined under Mental Health Act 2007 as mental disorders
- Several different diagnoses not uncommon
- ASDs lifelong conditions – crisis may be catalyst for diagnosis
- Commonly undiagnosed or misdiagnosed in adults
- Hidden conditions – may appear articulate and intelligent
- Majority of psychiatrists regard themselves as unqualified to conduct assessments on people on autism spectrum

# Memory & Recall

- Difficulties in working memory; long term memory unaffected but complexity affects recall
- Recall events involving themselves less well than events performed by peers (Bowler et al, 1997)
- Experience of social situations different (Gras-Vincendon et al, 2008) and recall tends to feature less social elements than for most people (Gaigg et al, 2008)
- Understanding of language is unaffected even though may not use speech, so is immediate memory. Recall of faces, social scenes and dynamic spatial awareness affected (Williams et al, 2005)
- Superior performance in tasks relying on detection and graphic reproduction of visual elements (Caron et al, 2004)

# Emotion

- Difficulty regulating emotion
- Fluctuate between 'flat' and heightened emotions
- Tend not to identify with more complex emotions
- Have difficulty expressing own emotions in real time and anticipating emotional response of self and others
- Difficulty in recalling emotions and memories of emotional experiences
- Emotional understanding lags behind intellectual understanding which can result in confusion
- May not understand impact of criminality, whether as suspect or victim, at time of incident, for long time after incident or possibly not ever

# Communication, Attention & Physical Responses

- Difficulties in turn-taking and recall within conversation
- Use 'I' and 'Me' less than most people and difficulties in organising thoughts in terms of time (Colle et al, 2008)– leads to difficulties in distinguishing between what is and isn't relevant. (Colle et al, 2008)
- Literal interpretation of meanings and rigid thinking (Frith, 2001)
- Difficulties in shifting and sustaining attention (Bonnet et al, 2008)
- Involuntary facial expressions affected and associated often accompanied with involuntary sound productions
- Recognising emotion in facial expressions, especially fear, is suggested as a potential factor in sustained violence (Baron-Cohen et al, 2007)

# Sensory Difficulties & Environmental Factors

- Sensation and attention difficulties most commonly in over-focusing (Liss et al, 2006)
- Tend not to be able to attend to looking and listening simultaneously (Bonnet et al, 2008)
- Superior visual and auditory discrimination (O’Riordan, 2006)
- Repetitive behaviours associated with low functioning group and ruminating with high functioning group (Carcani-Rathwell, 2006)

## Vulnerability at Investigative Interview

- HF individuals may not be recognised as vulnerable by police by virtue of apparent competent use of language and presenting as intellectually capable. However may face difficulty with demands of police interview (North et al, 2008)
- Free recall elicits less information, especially gist in AS group, but no difference in amount of additional information obtained using general and specific questions. More reliant on questioning to facilitate recall (McCrorry et al, 2007)
- Significantly less accurate when interviewed using CI but no difference when interviewed using SI (Maras, 2010)
- Suggestibility level no different in AS group as a whole but scores vary more than for general population
- Compliance significantly greater in AS group (North et al, 2008)

# Achieving Best Evidence

- Special measures likely to achieve best evidence irrespective of level of functioning
- Quiet interview room and calm approach critical
- Allow plenty of time
- Single interview unlikely to result in best evidence
- Preparation – seek advice from appropriate adult, intermediary or NAS helpline

- CI found not to be helpful - SI preferable
- Avoid open questions and make more use of direct questions
- Allow lots of thinking time
- Encourage to say if 'cannot remember' or 'do not know' (beware over-compliance)
- Frequent summarising and checking of understanding by interviewer and interviewee
- Avoid making inferences
- Use of diagrams recommended
- May volunteer ongoing trickle of new or additional evidence after interview

# Manage Expectations

- Don't underestimate potential for misunderstandings even if person appears articulate and intelligent
- Assume requirement to check understanding frequently during and between interviews
- Remember that conforming to social norms is difficult for those on the autism spectrum
- Remember sophisticated coping strategies are common and can mask true extent of communication difficulties
- Don't assume apparent contradictions are result of dishonesty
- Be tolerant if person appears more upset than might ordinarily be expected
- Bear in mind people with ASDs are easily damaged, are difficult to treat and can take extraordinary lengths of time to recover from upsets

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