

Autism and the criminal justice system

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PRISON
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What I will cover:

- About the Prison Reform Trust
- Prevalence of prisoners with learning disabilities and learning difficulties
- Prisoner experiences of the penal system
- Providing the right support – what we can do.

About the Prison Reform Trust:

- Creating a just, humane and effective penal system
- *Out of Trouble* programme
- Mental health, learning disabilities and difficulties, women in prison
- Advice and information service.

How many people?

- 20 – 30% of offenders have learning disabilities or difficulties that interfere with their ability to cope within the criminal justice system (Loucks 2007)
- 7% of prisoners have an IQ of less than 70 and a further 25% have an IQ of less than 80 (Mottram, 2007)
- 23% of prisoners under 18 years of age have an IQ of less than 70 (Harrington and Bailey et al, 2005).

How many people?

- 20% of the prison population has a 'hidden disability' that 'will affect and undermine their performance in both education and work settings. (Rack, 2005)
- Dyslexia is three to four times more common amongst prisoners than amongst the general population (Rack, 2005)
- There is a small over representation of those with ASD in the special hospital population (Hare, Gould, Mills and Wing 1996) but the number in prison is thought to be low (Allen 2008).

Important to remember:

One of the most prevalent vulnerable groups amongst offenders comprises those who do not have an intellectual disability as formally defined but who do have much lower cognitive and adaptive abilities than do either the general population or the offending population.

(McBrien, 2003)

At the police station:

- *How the police behave to you is sometimes not helpful. They should treat you the same as other people. They are rough with you. They think you're thick.*
- *It's frightening in the back of a van with ten coppers looking at you. I was there with my mate and they were worse with me. They were poking fun at me.*
- *One person said: They shouldn't hurt you, should they?*

At the police station:

- *I had my support worker there, she just sat there, she didn't help. She was there for her own good, not mine.*
- *They got me a dodgy solicitor who wasn't my choice; he just sat there.*
- *I didn't ask for any help. I told the truth so I didn't any help. I didn't lie. I told the truth.*

In court:

- *I couldn't really hear. I couldn't understand, but I said 'yes, whatever' to anything because if I say I don't know, they look at me as if I'm thick. Sometimes they tell you two things at once.*
- *I am not good at speaking and they don't listen. I needed more time to explain myself.*
- *The judges don't speak English; they say these long words that I have never heard of in my life.*

In court:

- *I was upset, I didn't know why I was there. I really didn't think I had done anything wrong.*
- *I understand that I have done something wrong but I'm still unsure as to what that is.*
- *I got sent to prison, which I didn't even know.*

Arriving into prison:

- *It's scary, very scary.*
- *When I first came in I was petrified. The first one and a half years were really bad; I tried to commit suicide three times.*
- *It's been a nightmare. Basically I don't know what the rules and regulations are.*

Reading and writing:

- Over two-thirds had difficulties reading, which rose to four-fifths for prisoners with learning disabilities
- Over two-thirds had difficulties filling in prison forms, which rose to over three-quarters for prisoners with learning disabilities.

Reading and writing:

- *I knew 'a' was sandwiches so I lived off sandwiches.*
- *Everything is written for a very educated person and the words are very long. It's really a humiliation if you have to ask someone.*
- *The things I can't fill in I just leave them out. Sometimes wrong things get delivered so I stay away from important things.*

Understanding and being understood:

- Over two-thirds of prisoners experienced difficulties in verbal comprehension skills, including difficulties understanding certain words and in expressing themselves
- Over half said they had difficulties making themselves understood, which rose to more than two-thirds for those with learning disabilities.

Understanding and being understood:

- *I would just act like I know what they are talking about basically, but then I would walk away wondering what they were talking about.*
- *That happens to me all the time. I muddle up words and that causes problems.*
- *I get depressed when people don't understand me so I leave them alone.*

Depression and anxiety:

- Prisoners with learning disabilities and difficulties were almost three times as likely as the comparison group to have clinically significant depression, and clinically significant anxiety.

Prisoner experiences:

- Over half said they had been scared while in prison, and almost half said they had been bullied or that people had been nasty to them:
 - *I am a bit scared in the shower; someone got raped in the shower.*
 - *They do try and bully you, like pushing you.*
 - *I have been spat on, tripped up and I have been called names.*

Prisoner experiences:

- Prisoners with learning disabilities were the least likely to:
 - Have a job in prison
 - Know when their parole or release date was
 - Be in touch with family and friends
 - Ask if they didn't know what was happening
 - Know what to do if they felt unwell
 - Know how to make a complaint
 - Have participated in CBTs

In-cell activities:

- *I watch TV, drink tea or sleep. There's not much I can do.*
- *I just sit there. I don't like TV.*
- *I just sleep when I'm by myself.*
- *I study and I write letters, I do puzzles in magazines, I knit for the shoe box appeal, I do cross stitch and I may watch TV and do a bit of yoga.*

Being in prison:

- *Sometimes I feel I am better inside than when I'm out. I rely on my family a lot on the outside, so my family aren't under stress when I'm inside. How can I stop doing crime if I can't do anything?*
- *Being in here has helped me with my reading and writing.*

Providing the right support:

- Knowing who needs support...
- From:
 - The prison service; statutory and ‘beyond the call of duty’
 - Education
 - Healthcare
 - Social care
 - Chaplaincy
 - Libraries
 - Other prisoners
 - Voluntary sector organisations.

Framework for support:

- Responsible/accountable person on the senior management team; named DLO, ring-fenced time
- Awareness training for prison staff
- Knowing who needs support; screening on arrival into prison
- Cooperative working across the prison: infrastructure, systems and procedures

Framework for support:

- Access to expertise: in situ; 'in reach', shared
- Prison matrix of support (identify gaps); prisoner focus groups
- Routine procedures for referrals in place; monitoring and reporting
- 'Outside-in' support: statutory and voluntary services

Framework for support:

- Information sharing protocols
- Accessible information
- Accessible regimes
- Adapted programmes
- Daily living support; prisoner mentors

Framework for support:

- Qualified education staff (SENCo) and shared strategies with prison staff
- Advance planning prior to release (12 weeks).

Martin's story

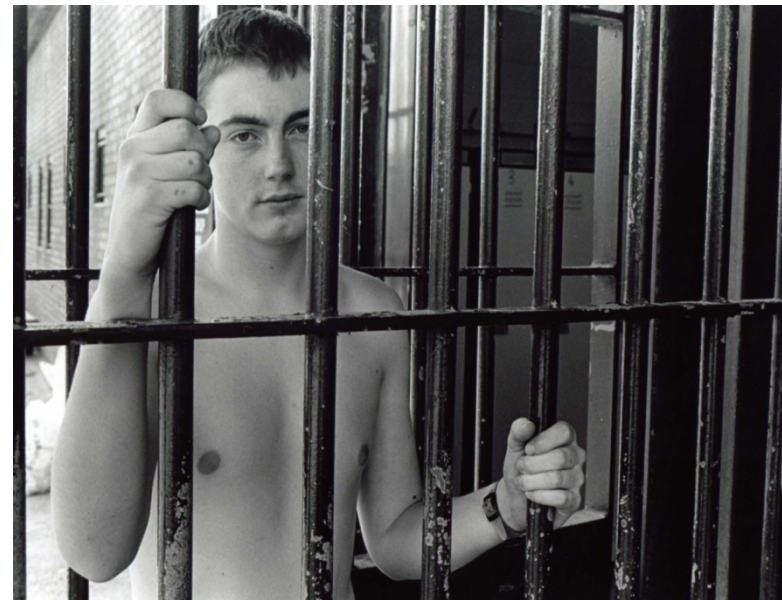
- And, following his death – aged 23 – his mother's recommendations for what would have helped.

Levers for change:

- PSO 2855
- Equality Act 2010; public sector equality duty
- Fulfilling and rewarding lives: strategy for adults with autism in England, HM Government, 2010
- NHS White paper: equity and excellence, liberating the NHS
- Green papers on criminal justice, and children and young people with special educational needs and disabilities (forthcoming).

Levers for change:

Whether provision is made available or not so often depends on individuals rather than on any formal procedures or structural framework. Results can often be achieved simply by picking up the phone.



Thank you

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