

**Autism: A guide for law enforcement officers
communicating with persons with autism
spectrum disorders**

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A. Purpose of this Guide

The purpose of this Guide is to enhance law enforcement officers' awareness of autism spectrum disorders ("autism" hereafter) and to provide guidelines for facilitating their communication with persons with autism in the course of work. Law enforcement officers should not solely rely on their judgment for identification of autism. Should they suspect a person concerned has autistic conditions, they should contact the parents/guardian or carers of the person concerned, or the professional involved with the person concerned to ascertain whether that he/she is a person with autism.

Autism is a hidden disability. It may not always be easy to recognise by appearance alone whether a person has autistic conditions. Therefore, a lack of understanding of autism may lead to misinterpretation of their behaviour. When a person with autism comes into contact with the law enforcement agencies, either as a victim, witness, suspect or offender, it is important for law enforcement officers to understand autism in order to gain accurate information and to deal with persons with autism in a sensitive, professional and caring way.

This Guide aims to provide reference for law enforcement officers to adopt as far as reasonably practicable. Every law enforcement agency has its own special operational needs. For instance, this Guide may not apply to the correctional institutions under the Correctional Services Department and Castle Peak Bay Immigration Centre under the Immigration Department, which serve primarily detention purposes.

B. Acknowledgment

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C. Steps that should be taken by law enforcement officers

Once a law enforcement officer finds that the person he/she encountered has unusual behaviour and response, or has difficulties with communication, and suspects the person may have autism, the officer should contact the parents/guardian or carers of the person concerned, or the professional involved with the person concerned in the first instance to ascertain if that person is autistic or not. The law enforcement officers should not solely rely on their own judgment for identification of autism.

No matter whether the person concerned is an adult or a child, once ascertained to be autistic, the person's parent/guardian or carer, or the professional involved with the person concerned should be invited to accompany that person for the interview, if any. The person concerned should be informed that such invitation has been made. They will be able to advise the law enforcement officers on how to best communicate with the person with autism and their presence can safeguard the human

rights of the person with autism and defend the value of due process in criminal justice. In this way, law enforcement officers will be able to carry out their duties effectively and in an appropriate manner.

In addition, the EOC proposes that all law enforcement agencies may consider writing their own guidelines and a set of procedures for all officers of that agency to follow when they suspect or ascertain the person they encounter is on the autism spectrum.

D. What is Autism Spectrum Disorders?

Autism spectrum disorders is an umbrella term for a group of lifelong neurodevelopmental disabilities that affects how a person communicates with, and relates to, other people. It also affects how they make sense of the environment around them. The cause of autism is uncertain, but possible factors include:

- a. Hereditary factor; and
- b. Differences in the development of certain brain functions, leading to impairment in cognitive and social aspects.

Persons with autism experience have characteristics varying in form and/ or degree from one person to another, and manifest their characteristics through different behaviours.

High functioning autism and Asperger Syndrome

“Autism” or its diagnostic term “Autism Spectrum Disorders” represents a range of functional disorders, from mild to severe. At one end of the spectrum, people are severely affected by autism with comorbid condition such as intellectual disabilities. Some people call this end of autism “low functioning autism”, “classic autism” or “Kanner’s autism”.

At the other end of the spectrum, people with high functioning autism or Asperger Syndrome have average or above average intelligence and have a higher level of independence; they have fewer problems with

speech, but may still have difficulties in understanding and processing language, and effective social functioning.

Therefore, the command of spoken language may mask the actual levels of understanding of persons with high functioning autism or Asperger Syndrome. Many persons with high functioning autism have a very literal understanding of language, and think people always mean exactly what they say. A person with high functioning autism may be able to speak like an average person and have average intelligence; however, he cannot understand sarcasm or slangs, or express himself/herself with the appropriate non-verbal body language. For example, they may have facial expression that does not match what they are saying.

Persons with Asperger Syndrome or high functioning autism are more likely to come into contact with law enforcement officers as they have a greater level of independence than persons with low functioning autism who may be in the constant care of their parents or carers.

"High functioning autism" and "low functioning autism" are informal terms to distinguish relative levels of development. A person with high functioning autism does not mean that he or she is high functioning in all aspects. While a person with autism may possess strong skills in some areas, such as having an excellent memory or excelling in art or music, he/she may be low functioning in some other areas. Therefore, law enforcement officers should not overlook the needs of persons with high functioning autism.

In particular, law enforcement officers need to note that some persons with high functioning autism may not disclose that they have autistic conditions or even try to hide their autistic conditions. In such situation, law enforcement officers need to pay particular attention to the behaviour and response of the individual they encountered. Should they suspect that person has autistic conditions, they should try to contact the person's parents/guardian or carers, or the professional involved with the person concerned as soon as possible to ascertain if that person has autistic conditions.

E. Identifying autism

Does the person you are trying to communicate with have the following characteristics?

- Avoid eye contact?
- Seem to struggle to understand you?
- Find it difficult to talk to you or seem inattentive?
- Repeat what you or another person says?
- Speak honestly to the point of bluntness or rudeness?
- Display repetitive, obsessional-type behaviour?
- Difficult to foresee the consequences of what they themselves or others have said or done?

If they have the abovementioned characteristics, they may have autism. Care should be taken not to misinterpret some of these behaviours as disrespectful, deliberate or hostile. While all people with autism are different from an average person in terms of social interaction, language and communication, as well as behaviour, the degree of difference varies.

For a diagnosis to be made, a person with autism will usually be assessed as having persistent difficulties with social communication and social interaction and repetitive patterns of behaviours and activities, or narrow scope of interests since early childhood, to the extent that these behaviours limit and impair everyday functioning. Some of those characteristics are as follows:

(i) ***Social Interaction:***

- Lack of body language and other non-verbal communication skills, e.g. eye contact;
- Unable to read social cues;
- Lack social interests or avoid social contacts;
- Weak communication and interpersonal skills, e.g. having difficulty sharing feelings with peers and making friends;
- Failure to notice, understand and respond to others' feelings and needs.

(ii) ***Language and Communication:***

- Have poor concentration and poor listening skills;
- Weak ability to comprehend content of conversation;
- Have difficulty in understanding tone of voice, intonation and facial expression;
- Have difficulty in understanding sarcasm, jokes, slang and innuendos;
- Make a literal interpretation of figurative or metaphorical speech;
- Weak ability to express self through conversation;
- Weak in verbal expression and in organising phrases and sentences, e.g. confusing "you" and "I" ;
- Speak in a monotone voice and/or with unusual or stilted pronunciation, e.g. using excessively high pitch;
- Repeatedly ask the same question or repeat the last phrase or sentence they heard like a parrot (this is known as echolalia);
- Speak obsessively about a topic that is of particular interest to him/her, but which have no apparent relevance to the situation;

- Show a "one way communication" mode when talking with others, e.g. keep on speaking and refusing to listen;
- Appear to be over-compliant in some ways, agreeing to things that are not true.

(iii) Behaviour:

- May not recognise police or other disciplined forces' uniforms or vehicles; or their association of police uniforms may be so strong that they will not understand the concept of police in plain clothes; or they may fear a person in uniform;
- Have no eye contact or avoid eye contact;
- Cover ears or eyes, stare or look down or away constantly;
- Repetitive / stereotypic activities e.g. spinning or rocking self or waving hands;
- Very sensitive to touch, light, colour, sound, smell or temperature, etc;
- React to stressful situations with extreme anxiety, which could include pacing, flapping or twirling of hands, self-harming, screaming or groaning, shouting and loss of control;
- Rigid and ritualistic, e.g. insisting on taking the same route when going out.

F. What to be Aware of Before an Interview

- Persons with autism may find it stressful when their routines are disturbed, for example, being taken to a police station;
- A person with autism may be extremely anxious in an unfamiliar environment. He or she may be more relaxed if he or she is interviewed in a familiar place, with a familiar person present;

- Keep the waiting time as short as possible. Long waiting time without knowing the exact schedule may cause great anxiety to a person with autism;
- Some persons with autism are hypersensitive to touch, noise and light, while others may be fearful of crowds. Their anxiety may lead them to become agitated;
- Persons with autism are likely to have difficulty understanding what is said to them and can struggle to maintain a two-way conversation; this is even more the case when they are stressed;
- Persons with autism may run away or scream loudly out of anxiety in coping with the interview which they feel they do not understand;
- Prolonged interviews with persons with autism should be avoided as far as reasonably practicable as some persons with autism, in particular children with autism, have short concentration span. During an interview, rest(s) should be arranged should the need arise;
- Persons with autism may have an unusual response to pain, including laughter, humming or taking clothes off, and may be unable to communicate injury. Law enforcement officers should exercise special care to see if the person has any injuries should they observed those unusual response;
- Be aware of medical issues. Some persons with autism have higher risk of seizures or epilepsy.

G. What to DO Before an Interview with a person with autism

- Contact the parents, guardians, carers of the person with autism, or professionals involved with the person with autism concerned, to seek advice as to the best way to interview that person;
- Allow an “appropriate adult”, i.e. the parents, guardians, carers of the person with autism, or professionals involved with the person with autism concerned, to accompany a person with autism

during the interview. With the presence of a familiar person, the person with autism may feel more relaxed. The support of an appropriate adult for either a child or an adult with autism, in particular one who has knowledge of the autistic conditions, is often essential to help the interview process to move forward;

- Adequately prepare the person for the interview. Explain clearly why he or she is brought there, provide a clear description of the interview process and the ground rules, possibly showing the interview room to the person with autism before starting the interview;
- Inquire about any medications the person takes. If he or she is taking medications, consult medical advice as to the side effects of the medications and the timing of the medications;
- Limit distractions in the room. Ensure there are no background noises which may distract the interviewee during the interview. Be alert to signs of frustration of the person with autism; and
- If sirens or flashing lights are being used, turn them off when practicable to avoid alarm and distraction or take the person away from the scene before enquiry or interview when practicable.

H. What to DO In an Interview

- (i) To help persons with autism to comprehend what the interviewer says:
 - Prepare them for the instructions or questions that may follow. For example, “Sam, I am going to ask you a question”;
 - Keep language clear, concise and simple; use short sentences and direct commands to express one thought at a time;
 - Talk calmly in your natural voice. Try not to exaggerate your facial expression or tone of voice as this can be misinterpreted;

- Keep gestures to a minimum as they may be a distraction. If gestures are necessary, reinforce gestures with a statement to avoid misunderstanding;
 - Use visual aids to increase understanding, such as drawings or photos, to explain to the person what is happening, or if they can read, use writing to help them to understand as persons with autism often understand visual information better than spoken words;
 - Use identifiers whenever possible, instead of pronouns. For example, use “Sammy”, “the man with a white T-shirt”, rather than “he”, “she” or “they”;
 - Avoid open questions. For example, instead of asking, “Tell me what you saw yesterday”, a better question will be “Tell me what you saw happen in the shopping mall at around 2pm yesterday.”
- (ii) To help persons with autism to express their thoughts and respond to the interviewers’ questions:
- Be patient. Allow the person with autism extra time to process and respond to questions. Persons with autism may take a long time to digest your question before answering. If you move onto another question too quickly or interrupt their thinking process, they may have to start again or become overwhelmed;
 - Listen carefully to ascertain what words the person with autism uses and what those words mean to him or her. For example, if he says someone beat him, you should ask, “When you say ‘beat’, what do you mean?”; and
 - May consider asking the person to write down or draw what happened if the person has the ability to write or draw. Persons with autism often communicate better in visual information than spoken words.

- (iii) To deal with persons with autism in a sensitive and caring way:
- Persons with autism can be overwhelmed by an unfamiliar environment and unknown investigation procedures. They may not know how to ask for what they need during an interview or during their stay in a police station or other law enforcement agencies. Law enforcement officers should proactively ask the person if he/she needs to take a break, to eat or drink, or to go to the toilet.

I. What NOT TO DO In an Interview

- (i) To keep the situation calm
- DON'T make the person wait in a crowded, noisy room. This may cause overload and meltdown;
 - DON'T attempt to stop the person from flapping, rocking or making other repetitive movements unless necessary as this can sometimes be the means the person used to calm himself/herself down when over anxious or stressed. Such movements may subside once things have been explained to them clearly;
 - DON'T remove the person's comfort object as far as reasonably practicable since that may raise anxiety and cause stress, with the exception of arrested persons and persons in custody due to safety considerations;
 - Be aware that some persons with autism are hypersensitive to touch and they may respond to touch with extreme agitation due to their acute sensitivity. Law enforcement officers should exercise care and sensitivity should they need to come into body contact with the person with autism;
 - DON'T shout or make quick movements to avoid undue sensory disturbances to the person with autism concerned.

(ii) For effective communication

- DON'T ask more than one question at a time;
- DON'T use abstract ideas and phrases open to both literal and figurative interpretations;
- DON'T use sarcasm, metaphors, jokes, colloquialisms such as "Don't play possum". Persons with autism may take things literally, causing misunderstandings;
- DON'T give a lot of choices for answers to your question. It will be difficult for them to know which choice will be the best.

J. Interpretation of Responses given by the person with autism

Autism spectrum disorders is a communication disorder, which means it is difficult for persons with autism to understand what information you ask them to provide. Some of their behaviours are easy to be misconstrued as offending and may even give the wrong impression that they are hiding something from the law enforcement agencies. It is important for law enforcement officers to understand autism and not to judge from their usual perspective, in order to avoid misinterpreting the behaviours of persons with autism.

- DON'T take lack of eye contact as a sign of telling lies, guilt or rudeness. They may need to not to look at the interviewer in order to concentrate on what the interviewer is saying; and many persons with autism simply find it difficult to make eye contact;
- DON'T assume slow response or hesitations mean the person is making up a story. The person with autism simply needs time to understand and process what you have said. Do not expect an immediate response to questions or instructions. Give the person concerned sufficient time, for example ten seconds or more, to respond;
- DON'T assume that saying "yes" means the interviewee understands your question and agrees to what you suggest.

Consider asking a series of yes or no questions to determine the dependability of the response. Also, you may rephrase the question which allows checking the understanding of the question and the meaning of the answers given by the person with autism;

- Some persons with autism may be over-compliant, agreeing with the interviewer's statements or suggestions which are untrue simply because they believe they are supposed to agree with authority figures;
- A person with autism may be agreeing to law enforcement officers' questions or what they suggest, partly because the person believes that saying yes to those questions can allow he/she to leave the law enforcement agency as soon as possible;
- DON'T assume the repeating of what you say by the interviewee means he or she agrees to what you state, or the person is being rude. Such response may indicate echolalia/parrot-like repetition of words or phrases, which means a person with autism may repeat the words of others without knowing the meaning of those words;
- DON'T assume the person is being deliberately rude or disrespectful if they talk inappropriately or about irrelevant topics. They may need to exhaust these topics first to get ready to understand what you say. This may be their way to process information;
- DON'T assume blunt responses as the interviewee challenging the law enforcement officers. In some situations, persons with autism may appear stubborn or even belligerent;
- DON'T assume emotional outburst means the interviewee is being intentionally uncooperative. Watch out for signs of stress. They may overload and go into meltdown quite suddenly;
- Stop what you are doing or saying if the person with autism goes into meltdown, causing harm to the person himself/herself, others or property may result if the interview continues. The person concerned need peace to calm themselves down. A person with

autism may take a long time and specific ways to calm themselves down;

- DON'T assume the refusal to stay as the person being uncooperative or even rebellious. Some persons with autism find it difficult to stand the breaking of their daily routine, or they just try to run away from the interview simply because they do not recognise the need to stay.

K. For Persons with Autism Held in Custody

Law enforcement agencies should not hold persons with autism in custody unless necessary. Persons with autism may find it stressful and anxious in an unfamiliar environment. They may even harm themselves, for example, by banging their heads against a wall, if they feel very stressful. If a person with autism has to be held in custody, his/her parents/guardian or carer should be consulted as far as reasonably practicable as to the support and care that person requires. The law enforcement officers concerned have to take the greatest care and to pay close attention to the person with autism held in custody to avoid any harm being done to the person and to ensure their needs are catered for. For instance, the officers should proactively and regularly ask the person with autism held in custody if he/she needs anything to eat or drink, to go to toilet.

L. Rights of Persons with Autism

It is important for law enforcement officers to know about autism and then treat persons with autism in the course of work appropriately and in a caring way, so as to ensure the rights of persons with autism are protected. Both the Convention on the Rights of Persons with Disabilities and the Disability Discrimination Ordinance protect persons with disabilities, including persons with autism.

Not all individuals' disabilities are instantly observable. If law enforcement officers merely treat everyone in the same way in the

course of work, it may not ensure equality of treatment for persons with disabilities, especially those with hidden disabilities such as autism.

The Convention on the Rights of Persons with Disabilities requires that effective access to justice for persons with disabilities on an equal basis with others should be ensured, and accommodations should be provided to facilitate the participation of persons with disabilities in all legal proceedings, including investigation.

Article 13 of the Convention provides that –

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Autism is a disability covered by the Disability Discrimination Ordinance (DDO). Under the DDO, disability (殘疾), in relation to a person, not only means physical disability, but also “a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour” (Section 2 of the DDO).

Section 6 of the DDO provides that, a person discriminates against another person if-

- (a) on the ground of that other person's disability he treats him less favourably than he treats or would treat a person without a disability;
- (b) he applies to that other person a requirement or condition which he applies or would apply equally to a person without a disability but-
 - (i) which is such that the proportion of persons with a disability who can comply with it is considerably smaller than the proportion of persons without a disability who can comply with it;
 - (ii) which he cannot show to be justifiable irrespective of the disability or absence of the disability of the person to whom it is applied; and
 - (iii) which is to that person's detriment because he cannot comply with it; or
- (c) on the ground of the disability of an associate of that other person he treats him less favourably than he treats or would treat a person without such a disability.

----- End -----

Disclaimer: The above information is provided for reference only and should not be construed as legal advice. For specific enquiries, please seek independent legal advice or contact the Equal Opportunities Commission.

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