

The CCRI worked with the [Bazelon Center for Mental Health Law](#) to produce this Fact Sheet in 2017. Please note that this document only offers an overview and simply serves as a starting point in considering the impacts of a particular condition on an individual. This Fact Sheet does not provide the level of detail, citations, medical terminology, or full diagnostic criteria that an expert or medical professional would need to make a diagnosis or that a lawyer would need to have to advocate most effectively on behalf of her client.

## Autism Spectrum Disorder

Autism Spectrum Disorder (ASD) is an umbrella term for a group of brain development disorders that are characterized by difficulties in social interaction, difficulties in verbal and nonverbal communication, and repetitive behaviors. Since 2013, previously distinctive subtypes including autistic disorder, childhood disintegrative disorder, pervasive developmental disorder-not otherwise specified (PDD-NOS), and Asperger syndrome have all been folded into the ASD diagnosis. ASD is viewed as a continuum, with some individuals presenting a mild form of ASD and others having more severe symptoms. The causes of ASD remains unknown, but there are indications that it is caused by a mix of genetic and environmental factors affecting early brain development.

### Signs of Autism Spectrum Disorder

Children with ASD can begin to exhibit signs of the disorder within the first six months after being born, with other indications presenting through age two. For an individual to have ASD, he or she must show symptoms from early childhood even if those symptoms are not recognized until later in life. Typical early signs of ASD include:

- No big smiles or other warm, joyful expressions by six months or thereafter.
- No back-and-forth sharing of sounds, smiles or other facial expressions by nine months.
- No babbling by 12 months.
- No back-and-forth gestures such as pointing, showing, reaching or waving by 12 months.
- No words by 16 months.
- No meaningful, two-word phrases (not including imitating or repeating) by 24 months.

ASD is primarily characterized by problems communicating, difficulty with social interactions, and repetitive behavior. Symptoms include:

#### *Problems Communicating:*

- Significant language delays as children.
- Difficulty sustaining conversations.
- Difficulty with the “give-and-take” of conversations.

#### *Difficulty with Social Interactions:*

- Difficulty interpreting social cues, such as what others are thinking and feeling.
- Inability to understand the meaning of nonverbal expressions such as shrugging shoulders or grimacing.

- Difficulty seeing things from another's perspective and predicting another's actions.
- Difficulty regulating emotions.

*Repetitive Behavior:*

- Tendency to engage in a restricted (i.e. limited) range of activities.
- Unusual repetitive behaviors, such as hand-flapping, rocking, jumping and twirling, arranging and rearranging objects, and repeating sounds, words, or phrases.
- Need for strict consistency in the environment and daily routine. Preoccupations or obsessions with sometimes unusual objects, or depth of knowledge about topics, such as science or mathematics.

### **How Autism Spectrum Disorder Might Impact Behavior**

ASD can lead to significant social challenges in daily life. The difficulty that ASD causes in interacting with other individuals may manifest through the following behavioral patterns:

- An inability to quickly process and respond to requests, commands, or questions.
- Poor listening skills that make it seem that the individual is uninterested in what others are saying.
- An inability to deduce what others are thinking and why they are thinking it.
- A tendency to make statements that seem tactless or brutally honest.
- Difficulty understanding slang terms, innuendo, colloquialisms, figures of speech, or jokes.
- Difficulty interpreting communications such as rolling of eyes, raised eyebrows, and other non-verbal signals of frustration or disbelief.
- Preoccupations with a specific person, object, or topic.
- Difficulties understanding the passage of time, including distinguishing between what was known at a specific time in the past and what is known now.
- Repetitive behavior.
- Sensory overload that causes the individual to not be able to take in more information or understand what is said; this may make the individual attempt to leave the room.

Individuals with ASD may commit offenses without even realizing they have done so because of difficulty picking up on social cues and interacting with others. Thus, individuals with ASD may make threatening statements, stalk others, or have verbal and physical outbursts without realizing the social and legal implications.

When questioned by investigators or in court, ASD offenders may have trouble maintaining eye contact, or may insist on changing the subject to another topic of their choice, which others can wrongly interpret as an attempt to be evasive or misleading. Interrogation techniques involving trickery or deceit can confuse an individual with ASD and lead to misleading statements or even false confessions.

There has been little research on the impact of ASD on a person's likelihood to become involved with the criminal justice system. However, ASD can be accompanied by other disabilities such as learning disabilities or attention-deficit/hyperactivity disorder (ADHD), which can increase the likelihood of criminal justice involvement.

## Resources for Additional Information

- Asperger/Autism Network: <http://www.aane.org>
- Autism Speaks: <https://www.autismspeaks.org>
- The Centers for Disease Control and Prevention: <http://www.cdc.gov/ncbddd/autism/hcp-dsm.html>
- Autistic Self Advocacy Network: <http://autisticadvocacy.org/>
- Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), American Psychiatric Association, “Autism Spectrum Disorder,” p.50