



Principles on Criminal Legal Issues and Autism

The Autism Society of America recognizes the complex and often challenging interactions between individuals with Autism and the criminal legal system. These principles outline the Autism Justice Center's commitment to advocating for and supporting individuals with Autism who encounter legal issues, as well as educating and collaborating with justice system professionals.

Autism is a neurologically based developmental disability (DD) that significantly impacts social learning, and the ability to communicate and to interact in a socially appropriate manner. Individuals with Autism may exhibit behaviors that can be misunderstood by law enforcement and other criminal legal professionals. It is crucial to understand these behaviors within the context of Autism.

Our statement is based on the following principles:

People with Autism are human beings who deserve to be valued, respected, and treated accordingly, regardless of race, ethnicity, gender, economic status, or sexual orientation.

Autistic individuals have the right to adequate legal representation. This includes ensuring that legal professionals are knowledgeable about Autism and its impact on behavior and communication.

Autistic people must have access to communication devices and support of their choice during legal proceedings.

Law enforcement officials, legal professionals, and court personnel must receive specialized training to recognize and appropriately interact with Autistic individuals.

The criminal legal system must follow the spirit of the Americans with Disabilities Act (ADA) in safeguarding the rights of Autistic people and to provide reasonable modifications to policies, practices, and procedures in jails, courts, prisons, and during police encounters.

An individual's Autism diagnosis must be considered when determining appropriate sentences and rehabilitation programs.



Diversion programs rather than incarceration must be considered for individuals with Autism.

Judicial assessments for competency to stand trial must be overhauled to recognize Autism specific traits such as masking difficulties and emotional dysregulation.

Incarcerated Autistic individuals must not be subject to discipline and abuse as a result of a behavioral manifestation of their disability; this includes the use of disciplinary segregation such as solitary confinement and restrictive housing placements.

Autistic individuals and families must be equipped to understand the criminal legal system, including education and prevention.

An individual in mental health crisis deserves a mental health response.

Re-entry services are important to help individuals find housing, meet parole obligations, obtain employment, and to secure benefits such as Supplemental Security Income.

These principles aim to ensure that individuals with Autism are treated fairly and compassionately within the criminal justice system, addressing their unique needs and reducing the likelihood of negative outcomes.