

Abstract

Purpose: This paper aims to critically review the current police training and criminal justice policy regarding the treatment of suspects with autism spectrum disorder (ASD) during the initial stages of the criminal justice system, and provide potential policy reform and areas for further research.

Design/Approach: By reviewing extant literature, research and policy documents, this paper provides a critical review of the current policy and training for dealing with suspects with ASD in the current criminal justice system in England and Wales for suspects with ASD.

Findings: This paper proposes that current policy and police staff training is insufficient during all initial stages of the criminal justice process. Although there are emerging policies and schemes which are promising, they require further research and national participation. Policy reform and improved training is required to ensure minimal opportunities for miscarriages of justice to those individuals with ASD.

Originality: This paper provides a chronological journey through the initial stages of the criminal justice system in England and Wales for a suspect with ASD, and the challenges that they may face. Suggestions are made based on criminological and psychological research to remedy the potential opportunities for miscarriages of justice.

Keywords

Autism Spectrum Disorder • Criminal Justice • Police • Offending Behaviour • Custody •

Suspect

Introduction

Individuals with Autism Spectrum Disorder (ASD) face many social challenges in everyday life, which can become exacerbated during the criminal justice process. Typical symptoms of ASD, such as poor communication and interpersonal skills, may be interpreted as incriminating, putting those with ASD at a distinct disadvantage from the very beginning of a criminal investigation. The presentation of behavioural symptoms of ASD can both make an individual more vulnerable to certain aspects of the criminal justice system (CJS), and also might increase their risk of becoming involved in the CJS in the first instance. Research suggests that individuals with ASD are up to seven times more likely to enter the CJS than their neurotypical peers (Curry et al, 1993). The current criminal justice response in England and Wales is unequipped to deal with offenders with ASD (Browning & Caulfield, 2011), though progress is being made. Last year saw the first prison in England and Wales, HMYOI Feltham, receive accreditation from the National Autistic Society (NAS), after working on its standards of care for autistic offenders for two years (Lewis et al., 2015). While this is a step in the right direction, there is still much work ahead. A systematic literature search on psychological and criminological databases (JSTOR, ProQuest, ScienceDirect, PsychINFO and Academic Search Premier) yields little research on the initial stages of a criminal investigation. Much of the relevant research focuses on interview techniques for those with ASD, and treatment during trials and imprisonment, but little attention has been paid to the rights of the individual during this process, and the potential for injustice in cases involving individuals with ASD. It is clear that further academic interest is required to investigate and inform future policy, to ensure those with ASD are subject to the same constructs of justice that neurotypical counterparts receive.

ASD, often referred to as an invisible disability, affects an estimated 1 in 45 people (Zablotsky et al., 2015). It is a lifelong neurodevelopmental disorder which is characterised by the so-called 'triad of impairments': social interaction, social imagination and social communication (Wing, 1996). Within each category of impairment there can be much variation and severity of symptoms, hence why the disorder is labelled a 'spectrum' (Fakhoury, 2015). However, typical symptoms can include rigid routine behaviours, impairments in communication with, and understanding other people and obsessive interests (Baron-Cohen, 2000; Hill & Frith, 2003; Robertson & McGillivray, 2015). It is proposed that the triad of impairments are related to the individual having a lack or impairment of 'theory of mind'; the ability to infer the mental state of others, such as their emotions and intentions (Baron-Cohen, 2000; Baron-Cohen, Leslie, & Frith, 1985; Heerey, Keltner & Capps, 2003). Theory of mind allows us to understand situations, and predict what people may do next, based on their actions and communication. The impairment of theory of mind is thought to be present to some extent in all individuals with ASD or Asperger Syndrome (AS), regardless of IQ or severity of symptoms. As a result, those with ASD can find it difficult to anticipate social situations, and can become confused and distressed, particularly in new social situations with uncertain outcomes, such as interactions with the police. Without interventions, these deficits in social skills can trigger 'negative' behaviours, such as acts of physical and non-physical aggression, self-injury and self-stimulation (e.g. flapping of hands, rocking back and forth) which can often be misinterpreted as offending or guilty behaviours (Gillberg and & Billstedt, 2000; Hartley, Sikora, & McCoy, 2008).

Brugha et al (2009, 2012) suggest that individuals with ASD are over-represented in the CJS, with a general population prevalence of between 0.3 and 2 per cent, while the

prevalence in prisons was found to be between 5 and 40 per cent. As the police station is the conduit between the general population and the penal system, the prevalence of individuals with ASD in police custody may be even higher. This paper will analyse the potential difficulties that an adult suspect with ASD may encounter during the initial stages of a criminal investigation in England and Wales, presented in a chronological order. Arrest and the police caution will be discussed first, followed by police custody, the interview, and finally, the official charging of a suspect. At each stage, current policy will be critically assessed, and where applicable, suggestions for policy reform will be made. Due to the modest amount of academic literature on the subject area, this paper has had to use literature whereby ASD has been labelled under terms such as ‘intellectual disability’, ‘learning disability’ and ‘mental vulnerability’; it should be noted that this does not reflect any personal stance of the author. ASD is a pervasive neurodevelopmental disorder, and to categorise it under numerous different labels may cause confusion for professionals in the CJS, and those with ASD. This paper refers to adults with a diagnosis of ASD, but there may be many individuals who have not yet been formally diagnosed and are vulnerable to the same challenges.

Initial Contact

Police Response

The first contact for a suspect during the criminal justice process will likely be arrest by the police (Bradley, 2009). This stage has received attention from the media in previous years, due to the unlawful and excessive force sometimes used (BBC News, 2016; Lakhani, 2017). Currently, frontline police officers in England and Wales receive very little training about ASD: a two-hour online ‘mental health’ training session is provided to new recruits, which includes a sub-section on ASD. The categorisation of ASD under this umbrella term of

mental health raises immediate concerns. Although ASD can co-exist with other diagnoses within these groups, providing training in this way can only result in confusion for police officers about what ASD really is, and thus, training cannot be truly effective. A study of police officer's understanding of ASD found that 70 per cent of surveyed police officers in England and Wales had received no formal training on ASD, and that there was significant misunderstanding of the differences between mental illnesses and developmental disabilities (Chown, 2010). The behavioural symptoms and social impairments discussed above can make individuals with ASD particularly vulnerable, and subject to extreme stress and anxiety during arrest. They can even be the reason an individual becomes a suspect, based on behaviours that can be interpreted as 'guilty' – such as avoidant behaviours, communication difficulties and acts of aggression. For example, if when police officers arrive at the scene of a crime, they find an individual who will not talk to them, avoids eye contact and upon questioning, and tries to flee the scene, these behaviours may lead to the arrest of that person as a suspect. Those with ASD can have sensory issues; the feeling of touch may be physically painful (Bogdashina, 2003; National Autistic Society, 2011). The sensation of being detained by the police and handcuffed can be seriously psychologically and physically distressing, resulting in negative behaviours being exhibited by the suspect, and the police use of force escalating (Nyx et al., 2011).

A failure to recognise common symptoms and behavioural responses in persons with ASD by the police will most likely result in the incorrect treatment of the individual and the use of excessive force. Police officers cannot be expected to diagnose ASD in individuals upon first contact with them, and it is important that individuals disclose the fact that they have an ASD to the police, in relevant cases. However, while disclosing a diagnosis should prevent

behaviours being negatively construed, many individuals fear being negatively stereotyped by disclosing their disorder (Crane et al., 2016; Huws & Jones, 2011). Autism alert cards have been developed to aid in the identification of ASD for police, as a means to increase confidence of the individual and increase disclosure. Currently, only 11 police forces in the UK that have adopted schemes. For the cards to give freedom to individuals with ASD, and confidence to travel without concern for discrimination from authorities, this scheme needs to be rolled out nationally. An inspection of the welfare of vulnerable people in police custody suggests that a better sharing of resources between agencies could help inform police officers of the particular circumstances of an individual before, or while, responding to a call out (Her Majesty's Inspectorate of Prisons (*HMIC*), 2015). This sharing of resources could allow responding officers to be made aware of any diagnosed conditions, and better inform their reactions to situations.

Caution

During the arrest of a suspect, the officer will read the police caution to the suspect: "You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."(Gov.uk, n.d.). Individuals with ASD have difficulties comprehending this caution, and any possible consequences in both verbal and written form (Salseda, Dixon, Fass, Miora, & Lark, 2011). They may say that they understand, simply because it is the answer they have seen given on television, or because they feel it is the desired response. A failure to understand this caution, combined with impairments in social communication skills puts those with ASD at risk of self-incrimination, regardless of whether they are incorrectly or correctly accused of a crime. As such, it is proposed that an ASD friendly version of the caution

be developed, so that suspects are better able to comprehend the rights that they are being informed of, to the same level as a neurotypical peer. Studies using symbol-based information sheets in police custody have yielded positive results when trialled with ASD suspects and offer an encouraging and suitable alternative (Parsons & Sherwood, 2015). This would ensure that the arrest of an ASD suspect complies with the Police and Criminal Evidence Act 1984 (PACE), which states that sufficient information must be given to the arrested person, so that they understand why they are being deprived of their liberty ("Police and Criminal Evidence Act 1984 - Code G Revised", 2012).

Police Custody

Once arrested, the suspect will be taken into police custody. For an individual with ASD, this can be traumatic and stressful, particularly for those with sensory issues. Changes in routine, unfamiliar places, bright lights and noises can be upsetting and result in negative behaviours. The Bradley Report (2009) proposes that vulnerable suspects would be better served to be dealt with in an adapted environment; however, there is currently no specific policy which stipulates this, and as a result, ASD suspects are often not accommodated in custody to best suit their requirements for mental and physical welfare (Crane et al., 2016). A study of the experiences of adults with ASD in police custody reported that environments were not suitably adapted, leading to emotional stress (Crane et al., 2016). There is also concern regarding the use of restraints while in custody, such as handcuffs, body belts and leg shackles. Reports have found that police frequently use these to prevent the suspect from harming themselves or others, but in individuals with ASD, these can cause further distress, both physical and psychological (HMIC, 2015). It is concluded that the police are currently

unequipped to deal with suspects with ASD in custody suffering from agitation or meltdowns; they have the wrong training, environment and policing tools for the tasks presented.

A vital role in this process is played by the custody officer, whom is charged with the task of assessing each detainee; whether they are fit to be detained in custody, and determining if they require any accommodations or help during their detention. Upon arrest, responsibility of the suspect passes to the custody officer, who will ask a series of questions to determine the identity and welfare of the suspect. The NAS has proposed that all custody officers should include the question “do you have any difficulties that I may not be aware of?” to further encourage disclosure of invisible disorders, such as ASD (Chown, 2010). However, the Bradley Report (2009) comments on the challenges of relying on self-reporting of diagnoses in the police station, suggesting that the environment of a custody suite does not encourage open disclosure of mental health and disorders, furthering the argument for a shared database between agencies to share information. Reports also suggest that there is a lack of training in mental health (and developmental disorders) in spite of the Autism Act 2009, and that there is little consistency between police forces (The Bradley Report, 2009; HMIC, 2015). As this is the stage where it is determined if any extra help or provisions are required for the suspect, needs must be promptly identified to ensure equal rights for the suspects, and to prevent undue distress. Individuals with ASD may have relatively good verbal skills, which mask their impairments in social communication (Allen et al., 2008). This can result in the custody officer not identifying the vulnerability, and the individual not receiving any help that they need (Burton, Evans & Sanders, 2006). For the CJS to comply with the due process model according to King (1981), equality between parties is a necessity; therefore suspects with ASD must be afforded the same rights as neurotypical peers. This makes

prompt and accurate assessment of each suspect, and the necessary adaptations to procedure, vital to achieving justice.

If the suspect is determined to be mentally vulnerable by the custody officer, they must be allocated an Appropriate Adult (AA) to make sure that the suspect understands what is being asked of them and to protect them from giving self-incriminating or unreliable information (Cummins, 2007; Murphy & Clare, 1998). The presence of an AA has been found to increase the likelihood that a legal representative will also be present, and that they will play a more active role in the process (Medford, Gudjonsson & Pearse, 2003). An AA also serves to ensure that suspects with ASD are able to understand their rights while in custody, in concordance with Code C of PACE (Cummins, 2011). Code C also states that if the custody officer has any doubt as to the mental vulnerability of the suspect, they should proceed on the assumption that the individual is vulnerable, and so must appoint an AA. In spite of this, it is estimated that up to 235,000 detentions and interviews of vulnerable adults are conducted without a required AA each year (National Appropriate Adult Network, 2015). Currently, only half of the police forces in England and Wales have an established AA scheme, which could explain the large number of cases where there has been a failure to supply an AA, alongside the lack of training for custody officers in conducting assessments of vulnerability (Cummins, 2007). Contrary to the scheme for juveniles, an AA for a vulnerable adult does not require any training or experience, and has no agency with statutory responsibility, making responses to requests for an AA inconsistent, and sometimes non-existent (Durcan, Saunders, Gadsby & Hazard, 2014). As such, it is common for a parent or carer to take the position of AA, which poses problems of impartiality, qualifications and of undermining the autonomy of the individual. While the AA scheme has a number of benefits

and good intentions, it fails to be implemented consistently and effectively. It is reasonable to suggest that the vulnerable adult AA scheme would benefit from a pool of trained dedicated AA's, but perhaps the problems lie with the responsibilities of the custody officer. Giving them very limited, if any at all, training and asking them to diagnose the presence of ASD, intellectual disability or other mental health problems is inherently challenging. A more thorough and efficient solution may be to employ a trained expert to assess all arrestees in custody, removing pressures from the custody officer and providing educated assessments, ensuring the welfare of suspects, and ultimately, that due process is followed and justice achieved.

While not currently available to vulnerable suspects or defendants, it is also noteworthy to discuss the Registered Intermediary (RI) scheme. In England and Wales, at present RIs are only appointed to vulnerable witnesses and victims. The role of the RI is to aid in clear and accurate communication between parties, ensuring that communication needs of the individual are met. Typically a trained professional from fields of psychology, education or speech and language, the RI will assess the abilities and needs of the individual and create a report for the police or court considering environment, vocabulary and pace of interview (Cooper &Wurtzel, 2013). This report can guide the interviewing police officer (or court) as to how best adapt the interview to achieve the best evidence in compliance with guidelines (Ministry of Justice, 2011). The RI is then able to be present in the interview and throughout the trial process, using their expertise to ensure open and clear communication channels between parties, intervening if required. Presently, there is no legislation which affords a suspect the same assistance (Cooper & Wurtzel, 2013). Sections 33BA and 33BB of the Youth Justice and Criminal Evidence 1999 Act (as inserted by Section 104 of the Coroners

and Justice Act 2009) allow the use of an interpreter, or other 'court-approved person', to aid in examination of a vulnerable defendant; in essence, an 'un-registered intermediary'. However, this legislation has not yet come into force and it is argued that when it does, it will only cover the vulnerable defendant whilst giving testimony in court, not during any other stage of the criminal justice process (Cooper, 2014). There is also concern that when the legislation does come into force, the intermediaries will not be matched to the suspect (or defendant) in the same way that witnesses are, from a pool of registered experts. To this extent, it is proposed that there should be one register of all trained, professional intermediaries used for all vulnerable people within the CJS, witness, victim or defendant (Talbot, 2012). This would allow suspects with ASD (and all vulnerable adults) an equal chance for a fair trial compared to those without ASD, in compliance with article 6 of the Human Rights Act 1998.

PEACE Interview Framework

Having explored the role of the custody officer, the AA and RI schemes, the interview stage will be assessed with regard to the problems it poses for suspects with ASD, and policy to accommodate these suspects. The current police interview framework is based on the cognitive interview model developed by Fisher and Geiselman (1992). Given the acronym PEACE, the framework outlines five distinct stages to the interviewing process; planning and preparation; engage and explain; account, challenge and clarification; closure; and evaluation. The evaluation stage is an opportunity for the interviewer to reflect on their own performance and does not involve the suspects, therefore not relevant to discuss in this paper. Each of these stages is designed to play a role in gathering accurate and reliable information from the interviewee. The initial planning stage prompts the interviewer to

consider any needs of the suspect, the suitable place to carry out the interview and make a plan of interview topics and objectives ("Investigative interviewing", 2013). There is the ability during this stage to make adaptations for interviewing suspects with ASD, provided the interviewer is aware of a diagnosis. If the suspect has not disclosed their ASD, nor the custody officer assessed the suspect as vulnerable, then it is likely that the planning stage will result in no accommodation being made for the individual. The police training information states that the planning phase is one of the most important components of an effective interview, and that the success of an interview, and thus the success of the investigation, depends on the planning of any appropriate adaptations, specific to the individual ("Investigative interviewing", 2013).

The engage and explain stage requires the interviewer to explain what will happen during the interview, and to build a rapport with the interviewee. *Achieving Best Evidence* (Ministry of Justice, 2011) states that building a rapport before interviewing is essential to improve the quality and quantity of information gathered, and to relax the suspect. It is suggested that discussing neutral topics can build rapport, creating a positive mood, trust, empathy, while reducing anxiety and unreliable information (Fisher & Geiselman, 1992; Milne & Bull, 1999; Shepherd, 1993). However, individuals with ASD can find establishing empathy to be difficult, due to the social impairments which characterise ASD, and taking part in 'small talk' can increase anxiety, rather than reduce it (Frith, 2008; Maras, Mulcahy, Memon, Picariello, & Bowler, 2014). Individuals with ASD can unintentionally act and respond in a manner that suggests a lack of respect or defiance, which can result in the interviewer adopting a negative bias of the suspect (Murrie, Warren, Kristiansson, & Dietz, 2002). Therefore, building rapport may not be an appropriate means to build a relationship with ASD

suspects, and this stage may be detrimental to the intended outcomes of the interview. Interviewers must also be very careful when explaining the process of the interview, as individuals with ASD can be more prone to compliance and deference than their neurotypical peers during police interviews, due to a desire to please the interviewer, or to avoid conflict (North, Russell, & Gudjonsson, 2008).

‘Account, clarification and challenge’ is the stage used to obtain the statement from the suspect, probe topics and to verify (and challenge, where necessary) details. Usually initiated by simply asking the suspect to “tell me what happened” as per the cognitive interview model, this phase can cause problems for an ASD suspect. Those with ASD can be unable to determine what information is relevant when reconstructing an experience or giving a narrative and may produce vague answers which are unhelpful to the investigation (Losh & Capps, 2003; White, Burgess, & Hill, 2009). Due to the impairment of social imagination in individuals with ASD, suspects may have difficulty remembering experiences in context, particularly in situations which are cognitively demanding or stressful (Maras et al., 2014). Research has suggested that this phase of the interview, similarly to the cognitive interview model, is unsuitable for individuals with ASD, and that information gained can be inaccurate (Maras & Bowler, 2010). The PEACE framework guidance proposes that this stage is carried out in a loop structure following the main account; the interviewer reviews a topic to probe, asks specific questions regarding that topic, examining the responses given, and challenging or clarifying any inconsistencies in account, and repeats these stages throughout the process (“Investigative interviewing”, 2013). This technique is designed to ‘catch out’ offenders, by disrupting the order of memory recall, but can also easily confuse those with ASD who have difficulty recalling the temporal order of experiences, and result in them

incriminating themselves (Allely, 2015; Archer & Hurley, 2013; Maras, 2011). When surveyed, 60% suspects with ASD report being dissatisfied with their experience of police interviews (Crane et al., 2016). It is within this phase of the interview that the need for an RI scheme for suspects becomes evident. As the main characteristics of ASD are a deficit in communication and social skills, the presence of an expert (or at the very least, somebody with specific training) would prevent miscarriages of justice arising from misunderstandings and communication barriers between parties. An appropriate assessment of the individual's needs and abilities would benefit both the suspect and the CJS, enabling interviews to be conducted in an adapted manner more suitable for the suspect, which will likely yield more reliable and accurate information. The use of an untrained AA during the interview process may be unhelpful, especially if they are a close family member or friend of the suspect who is familiar with their communication style – the AA may not realise that the interviewer is misinterpreting statements.

During the account clarification phase, police training guides suggest the use of various types of questions to investigate topics, such as open-ended, forced choice and leading questions ("Investigative interviewing", 2013). The problematic nature of open-ended questioning has been discussed with regard to ASD the filtering of relevant information, and both forced choice and leading questions raise concerns around accuracy and reliability of information. In asking a forced-choice question, it is implied that one of the answers is correct and therefore presents an opportunity for errors. Leading questions are those which encourage the suspect to give the answer desired, and are only recommended to be used as a 'last resort' in police guidance ("Investigative interviewing", 2013). The impact of leading questions in police interviews has been extensively researched; the distortion of

memories, opportunities for introducing bias into the account, and providing unreliable information (Fisher & Geiselman, 1992; Loftus & Palmer, 1974; Roberts, 2012). Interviewees with ASD may have increased levels of susceptibility to misinformation, compliance and deference than neurotypical peers, which could result in them making a false confession, or self-incriminating statements (Allely, 2015; Gudjonsson, 2003; North, Russell, & Gudjonsson, 2008; Maras & Bowler 2012). It is proposed that police guidance should remove their support of the use of leading questions completely, in all cases, but particularly in those involving suspects with ASD. To achieve best evidence in cases involving ASD, a professional in language and communication, with training on ASD, should be present, or have assessed the suspect and their communication abilities and liaised with the interviewing officer beforehand.

The closure stage of the PEACE interview process allows the interviewer to bring the interview to a planned and structured close, summarising what has been said and giving the suspect chance to clarify any inconsistencies between parties and finally explaining any further stages of the investigation to the suspect. The structure of this stage can be helpful to a suspect with ASD; informing them of what to expect can reduce anxiety about changes in situations (National Autistic Society, 2011). It is important that the suspect fully understands what has been summarised before agreeing. Due to the impairments of theory of mind present in those with ASD, the suspect may not be able to anticipate the consequences of what they are agreeing with, again making them vulnerable to self-incrimination, highlighting the need for an AA to be present (Baron-Cohen, 2000; Barry-Walsh & Mullen, 2004).

Charging of a Criminal Offence

Following the completion of the interview, the suspect may be officially charged with a criminal offence. In this circumstance, if the suspect was deemed to be vulnerable by the custody officer and an AA provided, the custody officer must make attempts to give the AA sufficient notice so that they can be present at the time of official charging. However, there is no legislation stipulating this, and the custody officer does not have authority to continue to detain the suspect to wait for the AA (National Appropriate Adult Network, 2015). This may result in a suspect being officially charged with a crime, without comprehending why, or what that means for them – if they are bailed with conditions, they could inadvertently violate those conditions due to impairments in communication. Again, it could prove beneficial to have a trained professional in communication and language present at this stage, to ensure that the individual fully comprehends what is being imposed on them.

Conclusion

Having discussed all initial phases of a typical criminal investigation, it becomes evident that while there is a growing recognition of the needs of suspects with ASD, there are still stages that require further research and policy to prevent injustices occurring. Common ASD traits, including impairments in communication and theory of mind can cause issues when in contact with the police, and cause anxiety to the individual if they enter the CJS (Baron-Cohen, 2000; Wing, 1996). The disparities in the prevalence of ASD between the general population and within the CJS suggest that individuals with ASD are over-represented in the CJS (Brugha et al., 2009; 2012). This paper has provided a critical assessment of the current criminal investigation process in England and Wales, from the arrest of a suspect, the use of the police caution, police custody, the interview and finally, official charging. For each

stage, the current policy and guidelines have been reviewed and critiqued for efficacy, with regard to the due process criminal justice model and legal rights of the suspect. There have been some suggestions made for future policy reform to ensure that suspects with ASD are afforded the same right to a fair trial as their neurotypical counterparts.

Current police training fails to fulfil the need of officers to understand ASD, in order to recognise symptoms and adapt their responses to individuals with ASD (Chown, 2010). Common ASD behaviours can be misinterpreted by the police and due to a lack of training, their response during arrest can result in an escalated situation and a traumatic experience for the suspect. While police training is failing to equip police with the skills they need to deal with ASD suspects, there is a reluctance of suspects to disclose an ASD diagnosis to police (Crane et al., 2016; Huws & Jones, 2011). This creates a gap, which is difficult to bridge – it is unrealistic to expect police officers to diagnose ASD on first contact with an individual, so the focus must turn to a more understanding culture in which individuals feel that they can disclose their diagnosis without fear of negative stereotypes. Autism alert cards, if embraced by all police forces and advertised sufficiently to make persons with ASD feel that there is an institutional understanding of the disorder, offer an encouraging and standardised means to communicate their needs with the police. The potential for a better sharing of agency resources was also explored, particularly between health agencies and the CJS. The need for an ASD-friendly format of the police caution is vital to ensuring that the suspect understands their rights and any legal consequences of their actions. In compliance with code G of PACE, with the possibility of a symbol-based version of the caution suggested (Parsons & Sherwood, 2015; "Police and Criminal Evidence Act 1984 - Code G Revised", 2012).

Detention in police custody presents opportunity for anxiety and stress in those with ASD, which can lead to the presentation of negative behaviours. It is proposed that many police forces are unequipped to deal with ASD suspects and further training and policy is required to remedy this (Bradley, 2009). During police custody, the custody officer plays an important role in assessing the vulnerability of arrestees and determining if any adaptations are necessary. It is suggested that the custody officer does not receive enough training in detecting vulnerabilities, and this stage would benefit from the implementation of a shared resource system between agencies, and the employment of a trained professional to assess the vulnerability of arrestees and recommend how best to accommodate them. The AA scheme was assessed, concluding that while it can be useful in helping ensure clear and understood communication between parties, it fails to be used consistently throughout the country and would benefit from a shared pool of trained AAs (National Appropriate Adults Network, 2015). The introduction of an RI scheme could provide the support and knowledge that suspects with ASD require in order to receive a fair trial and for the police to comply with ABE guidelines (Ministry of Justice, 2011).

Current interview framework creates opportunity for the police to adapt their procedures to accommodate those with ASD, but without proper training and knowledge of ASD, it also creates opportunity for unreliable information, false admissions of guilt, and anxiety for the suspect (Archer & Hurley, 2013; Frith, 2008; Maras & Bowler, 2010). Suspects with ASD can be prone to deference and compliance during the interview, and may give answers which they believe to be socially desirable, or may accept inaccurate statements given by the police officer without realising the consequences (North, Russell, & Gudjonsson, 2008). It is during the interview stage that an RI scheme for suspects would be instrumental

in ensuring that the suspect has the same rights and abilities as a neurotypical peer, preventing miscommunication between parties and miscarriages of justice. Currently, there is no policy that specifies accommodation to be made during official charging of vulnerable suspects. If an AA was provided during interview, the suspect is able to have them present at the time of charging, but this is not statutory. It is vital that the suspect understands the result of their arrest and any terms of release, therefore policy should reflect this. Critical assessment of the current policy and guidelines finds that ASD is not sufficiently accommodated within any of the initial stages of a criminal investigation, and that to comply with the due process model and to allow suspects the same opportunities as non-ASD counterparts, further training for police officers and reforms to current policy in each stage is required.

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