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## **Autism: Sensory needs and criminal justice issues**

This article is not aiming to be definitive, all wise and knowing. It is about highlighting the sensory needs, and associated stimming behaviours, of some autistic adults and examining the difficulties and possible repercussions these repetitive actions can have for autistic adults, their families and members of the public particularly in relation to the Criminal Justice System (CJS)

### **Definition**

“Stims is short for self-stimulatory behaviours, behaviours most people exhibit. We might twirl our hair or tap a pencil – that’s stimming” (Grandin, 2011).

These repetitive behaviours often increase when the person is feeling anxious or stressed (Attwood, 2002; Howlin 2004). Other examples of stimming may include pacing, spinning, tapping or hitting an object e.g. a person hitting/tapping their own head or hitting their head on something.

Definitions can only ever demonstrate a small part of the issue and in reality things are more complicated, as in the below example:

A young autistic man in his “day-setting” wanted to shake everybody’s hand whenever he saw them. This was potentially a slight issue, but generally manageable. The problem stemmed from the fact that he would constantly have his hand down his trousers too! Combine the two and suddenly there are numerous issues that arise. Even in a safe and contained environment this caused a problem for staff for various reasons, particularly as some residents and visitors expressed concerns. Some staff refused to take him out as “they feared repercussions in a public place.”

### **Problems that may arise**

Grandin (2011) argues that it is the type and intensity of the repetitive behaviour that makes the difference between acceptable and non-acceptable. This is undoubtedly true but other issues such as age (Howlin 2004), gender, the person’s size and even the autistic person’s visible level of disability are also important - if a person looks the same as other people then there is an

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expectation they will act the same. A child in a public place smelling a person's hair or touching a particular type of clothing because they like the material may be seen as "odd" or "strange"; but a 6ft adult male behaving in the same way is going to be interpreted very differently. It might lead to outsider intervention, possibly to police involvement and even criminal proceedings.

It could be argued that all stimming behaviours that can be misinterpreted as unsocial or threatening should be discouraged by families, carers or professionals in childhood. However, this is not always realistic or desirable for the autistic person. Attwood (2002) makes the point that autistic people often have very few enjoyable activities so rather than stop all [unsocial/threatening] repetitive behaviours, a level of compromise is needed. For example, boundaries are set such as, this is a home or a bedroom activity, not one for outside.

This appears a sensible approach, but as with most things there is a level of risk involved. If an autistic adult finds themselves in a new and unexpected situation e.g. their normal travel route is blocked or a train is cancelled, this may lead to enormous anxiety and a need for comfort from a certain repetitive activity - the fact that they are not at home can become irrelevant due to their immediate situation.

"Routines and rituals bring some predictability to an otherwise incomprehensible world"  
(Bogdashina, 2006).

A person's repetitive behaviour may get them into trouble in various situations. The National Autistic Society (NAS) explain that "stimming can happen as a result of feeling overloaded by '[Too Much Information](#)', often in public spaces where things are loud, bright, busy and unpredictable."

The police can become involved at different points of an incident with autistic people. They may simply receive a quiet complaint where they have time to think about their response and perhaps get advice. Alternatively, they may be called out to an incident with witnesses and onlookers; with virtually no time to assess or think if the person might be autistic (the question of police training is a topic for a different article).

Many autistic people appear to be anxious of the police (Purser 2016) and therefore being confronted by them in an already volatile environment can lead to an escalation. If the behaviour is seen as serious enough and the autistic adult is taken into custody the anxiety levels are almost certain to increase further. Therefore the stimming increases too and there is a huge risk of a meltdown.

If an autistic adult should receive a custodial sentence due to a "lack of social awareness or the severity of obsessional behaviours [meaning] that they are a risk to themselves or others" (Attwood 1998; Howlin 2004), then, due to others perceptions and attitudes, their sensory issues could cause huge problems for them whilst in custody.

Firstly, internal issues such as coping with certain types of lighting, being in a place with sudden loud noises (such as doors banging), having difficulty with food issues (Kuschner et al 2015) or having to wear/sleep in materials that cause pain.

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Secondly, there is the issue of stimming and the response that it may get from fellow inmates who may see it as threatening or just a good excuse to “have a go”.

Fortunately several institutions are becoming more aware of autism and doing some very promising work meeting the needs of autistic individuals e.g. Feltham Young Offenders Institute gaining autism accreditation in 2016 [link to Clare’s article on NA] (Downloaded May 2016).

## **Case studies**

### **Family home**

A young autistic adult with associated learning difficulties, liked looking out of his bedroom window for long periods at a time as he liked to feel the heat from the sun on him. The difficulty for others is that although there appeared to be no apparent or visible sexual motivation or gratification for this behaviour the gentleman found the activity more enjoyable and relaxing naked. Neighbours started to complain to the police as well as the family. His parents were quite elderly and found it increasingly difficult to deal with his “meltdowns” when he was stopped from undertaking this activity. A builder friend of the family suggested a film coating to go on the window which meant the young man could still look out but people could not see him - all parties were satisfied with this outcome.

### **Custodial**

An autistic person given a custodial sentence had a great sensitivity to light and before going to prison had to wear sunglasses all of the time. Home office rules stated that sunglasses were not permitted to be worn in prison and were not for various reasons able to move on this issue. However, it was decided that the person could wear tinted glasses. This solution was workable for the autistic person and the prison staff.

### **Secure Hospital**

An autistic gentleman who would seek out sensory stimulation in terms of smell found himself attracted to women’s public toilets. Lots of complaints were received, the police became involved and he was detained in a special hospital. The staff at the hospital worked with him to see how the women and girls using the toilets would have felt in terms of being scared. They helped him understand that he was putting himself at risk if someone had become angry at his behaviour e.g. a parent feeling that their child is at risk. He also successfully found a way to meet his sensory needs through a horticultural group developed by hospital staff.

## **Conclusion**

This article has given a definition of stimming and demonstrated that as an autistic person gets older, this behaviour can become less socially acceptable and on occasions can be perceived as threatening and lead to contact with the CJS. On the other-hand, autistic people are, at times,

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unknowingly putting themselves into vulnerable positions and it is important that there is the appropriate support and understanding that will keep them safe and prevent them getting into trouble. There are some examples of good working practice with stimming in custodial environments. There are also various organisations, information packs/videos and campaigns that highlight sensory differences experienced by some autistic people.

The work of the police in such situations can be thankless. On the one hand, they have an autistic person who has carried out an activity, often in a completely innocent way, perhaps in a state of high anxiety - some might argue a victim of their situation. On the other hand, people who are on the receiving end of this behaviour may perceive themselves to be victims of a crime. The reason why the autistic person did what they did, may not seem particularly relevant to them. A catch 22 if ever there was and an issue needing much debate!

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- 9.) UK Health, Justice and Learning Disability/Autism Newsletter (March 2016) "First prison receives autism accreditation".

Additional resources:

- [National Autistic Society website \(criminal justice\)](#)
- [National Autistic Society website \(sensory\)](#)

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