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Trauma-Informed Care in the Criminal Justice System: Supporting the Emotional and Physical Wellness of Autistic Individuals

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Individuals with Autism Spectrum Disorder (ASD) face unique and complex challenges within the criminal justice system, largely due to environments and interactions that are often not suited to their sensory, communication, and emotional needs. A critical yet underexplored issue is the intersection of autism and trauma, which is often overlooked in both research and practice. This population faces numerous hurdles, such as social misunderstandings, systemic discrimination, and sensory overload, all of which heighten the risk of victimization and further trauma. Research shows that individuals

with high-functioning ASD are typically law-abiding and more likely to be victims of crime than offenders. However, they are still seven times more likely to interact with the criminal justice system than those without ASD (Berryessa, 2014). These risks are further compounded by the traditional, compliance-focused practices in correctional settings, which can increase distress and reinforce negative outcomes. Howlin (2004) identifies four primary factors that contribute to increased vulnerability in individuals with ASD: social naiveté, aggression triggered by routine disruptions, aggression from social misunderstandings, and obsessive behaviors without awareness of consequences. Other factors, such as difficulty managing emotions and challenges with moral reasoning also increase the likelihood of involvement with the criminal justice system for individuals with ASD (King & Murphy, 2014). Since individuals with ASD experience trauma differently, adopting trauma-informed care (TIC) approaches in criminal justice settings is crucial to ensure safety, individualized support, and a deeper understanding of their unique needs, leading to more equitable and supportive systems of care. TIC, which integrates an understanding of trauma into policies and practices at all levels of an organization, focuses on preventing and healing trauma and emphasizes principles of safety, trust, choice, collaboration, and empowerment (Fallot & Harris, 2009; Harris & Fallot, 2001; Hanson & Lang, 2016).



The study *Autism, Adverse Events, and Trauma* (Lobregt-van Buuren et al., 2021) emphasizes important considerations for individuals with ASD in the criminal justice system. The intersection of autism, trauma, and co-occurring mental health issues like anxiety and depression complicates interactions with law enforcement, courts, and correctional systems. Individuals with ASD are at a higher risk for adverse events such as bullying and family dysfunction, which can lead to trauma (Lobregt-van Buuren et al., 2021). Trauma-related behaviors, such as aggression or withdrawal, are often misunderstood by criminal justice professionals, who may perceive them as noncompliance or resistance. Additionally, the overlap between autism-related and trauma-related symptoms can result in diagnostic challenges, leading to the misattribution of anxiety or hypervigilance as autism rather than a response to trauma. This misdiagnosis may result in punitive measures instead of trauma-informed care. Individuals with ASD may also struggle to recognize unsafe situations or disclose traumatic experiences, which leads to underreporting and a lack of appropriate care, exacerbating behavioral issues and increasing the risk of criminalization. Social communication difficulties and behavior regulation challenges further increase the likelihood of being misunderstood or penalized for actions that may not be fully comprehended. Trauma-induced anxiety and emotional dysregulation may also contribute to disproportionate criminal involvement.

The criminal justice system creates significant barriers to the emotional and physical well-being of individuals with ASD or other intellectual and developmental disabilities (IDD). Law enforcement often fails to recognize autistic traits, such as misinterpreting meltdowns as aggression, misunderstanding the absence of eye contact, or misjudging the use of sensory regulation tools like headphones. Communication breakdowns during police encounters, interrogations, and court proceedings make these situations even more complex. Furthermore, sensory overload in jails—due to bright lights, loud noises, and unpredictable schedules—can intensify emotional and psychological distress. A study by Slavny-Cross et al. (2022) reveals that 35% of autistic defendants did not receive an Appropriate Adult during police investigations, and 18% were not even identified as autistic. Additionally, only 25% of these individuals received reasonable accommodations during police questioning, despite legal requirements under the Equality Act (2010) in the UK and the Americans with Disabilities Act (1990) in the U.S. Only 60% of autistic defendants received reasonable accommodations during court proceedings, with elevated rates of anxiety and self-harm observed among these individuals. This underscores the urgent need for autism awareness training for legal professionals, improved support during legal proceedings, and alternative sentencing options for autistic offenders to ensure fair trials and reduce harm (Slavny-Cross et al., 2022).

Individuals with ASD often encounter barriers within the correctional system due to the lack of specialized training for criminal justice professionals and limited access to autism-specific services. Core characteristics of ASD, such as difficulties with social communication, emotional regulation, and repetitive behaviors, often lead to justice system involvement due to misinterpretations of these behaviors as intentional criminal acts (Peraire et al., 2023; Collins et al., 2023; Michna & Trestman, 2016). The lack of routine use of standardized ASD screening tools, such as the Ritvo Autism Asperger Diagnostic Scale (RAADS-14), often leads to underdiagnosis or misdiagnosis, preventing individuals from receiving necessary accommodations and interventions (Collins et al., 2023). Correctional staff may misinterpret ASD-related behaviors, such as limited eye contact or rigid routines, as defiance or aggression, leading to punitive measures instead of supportive responses (Peraire et al., 2023). This misperception exacerbates the vulnerabilities of individuals with ASD, increasing their risk for victimization, exploitation, and emotional distress within the correctional environment (Michna & Trestman, 2016). Solitary confinement, often used to protect individuals with ASD, can exacerbate psychological harm and heighten sensory sensitivities (Collins et al., 2023). A lack of ASD-specific training and support services limits staff's ability to provide appropriate accommodations, such as clear communication strategies and extra processing time (Peraire et al., 2023). Rehabilitative programs in correctional facilities often fail to address the unique needs of individuals with ASD, leaving gaps in social skills training, sensory integration therapy, and individualized habilitation services (Michna & Trestman, 2016). Failing to provide these necessary accommodations can violate constitutional rights, as outlined in *Estelle v. Gamble*, which mandates adequate medical care for incarcerated individuals (Peraire et al., 2023).

Best practices for supporting individuals with ASD require routine, comprehensive trauma screening, especially when ASD symptoms are heightened or violent behaviors are present. Tools like the Trauma Information Form and Trauma Symptoms Investigation Form in Autistic Spectrum Disorders (TIF-ASD) should be used to assess trauma and any functional changes, including in communication, behavior, and self-care skills (Faccini & Allely, 2021). It's important to rule out traumatic stressors and assess conditions such as PTSD or mood disorders while avoiding diagnostic overshadowing by attributing all symptoms to ASD. Once trauma is identified, a trauma-informed approach should be adopted, including developing a safety plan tailored to the individual's needs. Treatment should be modified to provide extra time for explanations, address misunderstandings, and involve the support system. Therapeutic interventions should prioritize safety, empowerment, and competence, utilizing techniques such as play therapy, art therapy, social stories, trauma-informed behavioral interventions, group therapy, and EMDR therapy. In forensic settings, trauma identification is crucial for appropriate interviews and investigations, as well as distinguishing between behavioral

and trauma-triggered violence. Understanding trauma is also essential for adapting forensic examinations, including sexual assault procedures, to accommodate sensory and communication sensitivities (Faccini & Allely, 2021). Addressing the lack of training and resources in secure care settings is essential for providing effective, individualized care (Faccini & Allely, 2021).

The law enforcement intercept, which refers to the initial contact between individuals and criminal justice professionals like police officers, is a key area of research concerning ASD and the criminal justice system (Cooper et al., 2022). Studies indicate that individuals with ASD experience disproportionately **high rates of police contact**, with figures ranging from 7.9% to 32.5%. Negative interactions with law enforcement are common, with many individuals reporting fear, distrust, and excessive use of force. These negative experiences are often attributed to unmet needs and the lack of police understanding of ASD. Parents and caregivers may report positive experiences, but these may not fully reflect the experiences of autistic individuals themselves. Officers frequently express the need for more training to improve their understanding of ASD and their ability to recognize autistic individuals (Cooper et al., 2022). Enhancing and consistently implementing ASD-specific police training, bolstering community support services, offering non-police responses to mental health crises, fostering collaboration between families and law enforcement, and using visible identification for autistic individuals are essential steps. Policy and practice reforms are necessary to reduce negative and traumatic encounters with the police, including exploring alternative responder models involving mental health professionals (Cooper et al., 2022).

In conclusion, trauma-informed care is essential in the criminal justice system, particularly for individuals with ASD, who face unique challenges at every stage. From interactions with law enforcement to court proceedings and corrections, addressing the intersection of trauma and ASD requires a supportive, understanding approach. Without TIC, individuals with ASD may face misjudgments and punitive measures that only increase trauma. In court, communication difficulties hinder their participation, while in corrections, a lack of ASD-specific training exacerbates psychological harm. Integrating TIC across law enforcement, courts, and corrections is crucial for ensuring fair treatment and improving outcomes for individuals with ASD. This necessitates policy reforms, enhanced training, and collaboration between criminal justice professionals, families, and mental health experts to create a more inclusive system focused on rehabilitation over punishment.



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