The Autism Spectrum
Internet Crime and Culpability

Mary R. Cohen, Ph.D.
Autism Spectrum Diagnostics & Consulting
www.autismdiagnostics.com
Prevalence of ASD Incarceration

ASD is estimated to be 1 to 1.4% of population (using 1 in 68 CDC rate)

No rates specified by BOP, anecdotal evidence of increase
1.7% in UK high security hospitals, 4% in Scottish prisons,
4.4% in US maximum security prisons (Fazio & Denney, 2012)

10% in Swedish pre-trial evaluations
Assumed higher relative to general population but few studies to support, many undiagnosed?
No universal training on ASD for CJS professionals
## Rates of Sexually-related Offenses (Lindsay et al, 2014)

<table>
<thead>
<tr>
<th>Neurotypicals</th>
<th>Autism Spectrum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stalking</td>
<td>2.8%</td>
</tr>
<tr>
<td>Non-contact</td>
<td>33.7%</td>
</tr>
<tr>
<td>Stalking</td>
<td>8.5%</td>
</tr>
<tr>
<td>Non-contact</td>
<td>42.6%</td>
</tr>
</tbody>
</table>
Characteristics of ASD Offenders

4:1 ratio male to female
ASD Level 1 (Asperger’s)
Average to Superior IQ (90-140+)
Offenses tend to involve:
- Verbal threats
- Personal, phone or internet stalking
- Inappropriate sexual advances
- Inappropriate internet contact with minors
- Downloading and sharing child pornography
- Accomplice crime with false friends
- Physical outbursts
- Arson
Why ASD Individuals Are At Risk

Verbal Communication Deficits - concrete, literal, processing slow, no understanding of idioms, metaphors, prosody, volume, poor feedback loop

Nonverbal Communication Deficits - no understanding of nonverbal cues and gesturing body language, shows no emotion when interrogated, rigid posture, difficulty recognizing facial emotions

Poor Executive Functioning - poor organization, doesn’t understand consequences of one’s actions, doesn’t generalize from one situation to another, doesn’t learn from experience
Why ASD Individuals Are At Risk

Sensory Integration Difficulties: hypertonia, hypotonia, visual, olfactory, auditory, tactile defensiveness, sensory overload, difficulty with sexual intimacy

Cognitive Rigidity: need for sameness, fear of novel situations, repetitive behaviors, weak central coherence (doesn’t see the big picture)

Theory of Mind: inability for perspective-taking, limited empathy, inability to predict other’s behaviors

Restricted Interests/ Preoccupations: (illegal pornography, computer hacking, collecting weapons, arson)

Inability to understand and communicate when charged/interrogated: poor interview behavior, influenced by leading questions, desire to please
Why ASD Individuals Are At Risk

Interpersonal Relationship Deficits - lack of social initiation, poor self-esteem, naivete, loneliness, desperate to please, unhealthy relationships, exploitation, accomplice crimes

Sexuality - lack of sexual experience, lack of sexual education, stalking, pornography compulsion, unusual sexual preferences, lack of knowledge of personal boundaries, fetishes, voyeuristic behavior, interest in collecting images of body parts, confusion over sexual orientation (Henault, 2006)

Trauma: bullying, victimization

Mary R. Cohen, Ph.D.  
Copyright ©
Why ASD Individuals Are At Risk

Restricted Interests- obsessive compulsive behavior related to interests, isolation, dangerous preoccupations that may lead to criminal offenses (fire, weapons), computer crime

Rigid routines/naivete: when pop up boxes appear, they click, “why would it say click if the link is illegal?”
ASD Offenders Are Often Misunderstood by Law Enforcement

- Can seem rude or belligerent when interviewed, blunt remarks, irrelevant topics
- Invades personal space
- Odd prosody, monotone, formal speaking style
- No understanding of nonliteral language “cat got your tongue?”
- Act bored or tired during interrogation, seem unconcerned, remorseless
- Lack of eye contact, evasive conversational style when interrogated, doesn’t seem to listen
ASD Offenders Are Often Misunderstood by Law Enforcement

- Concrete thinking can cause misleading statements or false confessions
- Inability to quickly process and respond to questions
- Normal appearance may mask social deficits
Distinctive Features of Offending Behavior in ASD Individuals

They make no attempt to conceal offending behavior (lack of capacity for deception)
They are concrete thinkers who may provide false confessions
Their behavior is often based on special interests
They are naïve and difficult to understand
Their offending behavior results from misreading social cues

Ghaziuddin, 2013
ASD

Affective Empathy
- The drive to respond with appropriate emotion to what someone is thinking or feeling. Cannot effectively deceive. Lacks cognitive empathy

Psychopath

Cognitive Empathy
- The ability to imagine someone else’s thoughts or feelings. Can effectively deceive others. Lacks affective empathy.
Counterfeit Deviance

“Individuals with ASD who are alleged to have committed sexual offenses may engage in unusual sexual behavior due to challenges in judgement, social skills, or impulse control, diagnostically different than Paraphilia.”

Asperger’s Syndrome and the Criminal Law: The Special Case of Child Pornography.

Mahoney, 2009
ASD and Attraction/Vulnerability to the Internet

Qualitative impairment in social interaction
Facility with technology
Highly attracted to screen-based technology, prone to addiction, dopamine release reinforces obsessive loops
Restricted repetitive and stereotyped patterns of behavior, interests, and activities
Significant impairment in social, occupational, & other areas of functioning (the internet does not require social functioning and can fill in the empty space during the day when others are at work)
No delay in language, cognitive development or adaptive behaviors (the internet can be very stimulating cognitively and linguistically)
Child Pornography Issues Particular to ASD

Attraction to younger individuals due to delay in social/sexual development, “stuck in adolescence” (Henault, 2009)

Lack of sexual outlets with peers, exploring internet for sex education or to satisfy needs (Attwood, 2014)

Tendency to collect large amounts without knowledge of content (file sharing)

A determination to explore all aspects of pornography to “complete the collection” (Attwood, 2014)

Repetitive, obsessive behaviors, prone to addiction
Child Pornography Issues Particular to ASD

Emotional detachment, difficulty understanding perspective and experiences of the children they are viewing (Attwood, 2014)

Lack of awareness of what constitutes child pornography, why is it illegal?

Isolation, lack of opportunity to discuss sexual thoughts, feelings and experiences with peers during adolescence

ASD individuals often treated as asexual by peers and parents, lack of sexual education, internet becomes primary source of information (Henault, 2014)
United States v. Christopher Geanakos

The difficulty of an Insanity defense for Autism Spectrum Disorder and possession of child pornography
Pornography “I know it when I see it.” Justice Potter Stewart

Does ASD?

“junk science” link of ASD to viewing child pornography considered irrelevant to the insanity defense

the mental defect must “prevent the defendant from appreciating the nature and quality or wrongfulness of his acts”

Geanakos didn’t understand the underage girls were real, lacked capacity to to understand
detective suggested he write a letter to victims expressing he was sorry and knew what he did was wrong
Case Example: RE
Lack of ToM/Fantasy

30 year old male with Master’s degree, unemployed, lives with father
Won Math and Science awards in HS
Dxs: ASD (24 yrs), Major Depressive Disorder, Generalized Anxiety Disorder, chronic gastrointestinal illness
Rarely left his house
Charged w possession and distribution of child pornography through EMULE file-sharing
No social relationships, no sexual experience
Confused about his sexual orientation
Didn’t understand why he was arrested
Case Example: RE/Social delay

Watches children’s TV shows because “it’s easy to tell the good vs. bad characters”, doesn’t understand deception, manipulation
Bullied excessively, doesn’t trust adults
Stated that pornography is “like a Hollywood movie”, children are actors with scripts and direction
Admitted children may have been “tricked” into doing things but wasn’t sure
Stated viewing pornography is a “victimless crime” and like a “peeping tom”
No child contact
Sentenced 14 years
Case Example JA

33 year old incarcerated male
Average intelligence, poor academic record
Took explicit pictures of young niece
Inappropriate communication w/ teen girls (13, 14 yr olds) on NeoPets website, asked for their tights, underwear
Never attempted physical contact
Shared their interests, “drop down”
No sexual education, no sexual experience
Didn’t meet criteria for pedophilia
Diagnosed ASD while incarcerated
No sentence reduction
Case Example: CJ/ Lack of ToM

25 year old male, dropped out of HS
Obsessional interest in computers/technical expertise
Above average intelligence, Dx ASD
Emotional expression and understanding very limited
Developmental Hx of neglect, abuse and multiple traumatic events
No peer relationships, no sexual experience
Arrested for possession and distribution of child pornography
Case Example: CJ
Lack of ToM / Obsessive Collecting

Over 6,000 pornographic images saved on his computer

Obsession with demonstrating the ease of downloading child pornography “I want to archive how easy it is to obtain”

Facility with encrypted networks, TOR, Onion network

Writing a research paper exposing the ease of illegal pornography downloading “Laws Unwritten for Child Pornography”

No emotional reaction to the children in the images/videos “I never thought about them”

No child contact

Sentenced to 11 years
Case Example JC/Social Isolation

34 year old male
Dx ADHD, LD as a child
NO peer relationships
Was manipulated by younger peers to purchase alcohol when 21 yrs
Stole women’s underwear on 2 occasions (after they refused to give it to him)
Took computer to be repaired, computer tech found over 100 child pornography videos and images, reported to FBI
Case Example JC

- Poor executive function, couldn’t manage money, difficulty living independently
- Couldn’t maintain employment in food service, multiple firings
- An obsessive collector since childhood, TV sitcom collection, comics
- Dx ASD while incarcerated
- Inadequate defense, never raised mitigating mental health issues
- Reduced sentence w mandatory treatment
Case Example PR

- Borderline IQ, DX ASD
- No sex ed, programmed in autistic support classes
- Clicked on “legal child pornography” pop-up