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Understanding How Those Affected With Autism Spectrum Disorder Unintentionally Enter the Justice System

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Joe M. Barnett, Jr.

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Walden University
2024

Abstract

Understanding How Those Affected With Autism Spectrum Disorder

Unintentionally Enter the Justice System

by

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MS, University of Cincinnati, 2012

BS, Ohio University, 2010

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

May 2024

Abstract

The culture of society within the United States is slowly changing to be inclusive to all people, as seen with the current wave of integrating those with autism spectrum disorder (ASD), who were once institutionalized, into communities across the country. This integration of those with ASD has caused an unintended consequence for members of the law enforcement community, who typically are first responders to an emergency. Today, the law enforcement community is tasked more with duties that were once the responsibility of the mental health field. The problem created lies with law enforcement failing to identify someone with ASD versus someone who has been deemed uncooperative. Those who identify as having ASD can be nonverbal and easily excitable, often lack eye contact, and may fail at following orders. This type of unusual behavior from the individual with ASD can lead to an escalated encounter, unnecessary arrest, violence, and even death. The focus of this qualitative study was understanding how individuals with ASD are entering the criminal justice system and if training is effective in helping law enforcement personnel identify individuals with ASD. The conceptual framework for this qualitative study was based on Woodbury-Smith and Dien's theory of intent, which separates ASD from other cognitive impairments where intent can be formed. One of the questions explored addressed how law enforcement can better identify those with ASD. The findings indicated that the criminal justice system is not adequately prepared to approach and identify someone with ASD and their unique needs. Implications for social change include adequate training for law enforcement to identify and approach someone with ASD and how to deescalate the situation and avoid arrest.

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Dedication

I dedicate this work to those in underserved and marginalized communities who feel they have no voice. We hear you and we will continue to share your story.

Acknowledgments

I dedicate this to my family who have stood by me through this journey. To those who are here, and to those who are no longer here. Thank you.

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Chapter 1: Introduction to the Study

Introduction

Fairness and equal treatment of all are two of the tenets on which the United States was founded. However, there is a growing number of arrests being made by law enforcement of individuals within the autism spectrum disorder (ASD) community due to a lack of communication and inability to communicate in a quick manner (Tint et al., 2017). This has created a divide between the ASD community and law enforcement in recent years due to fears in those in the ASD community that they will lose their civil liberties and be lost in the shuffle of the criminal justice system because of communication differences (Khan, 2021.). Members of the ASD community feel as though they are not afforded the same resources from law enforcement as others within the community who do not identify as being affected by ASD (Gardner & Campbell, 2020). Lack of understanding and communication between the law enforcement community and the ASD community is a phenomenon that has not been thoroughly investigated since the rate of autism diagnosis have been on the rise (Iland, 2014; Tint et al., 2017; Woodbury-Smith & Dein, 2014).

The number of studies in published research that address the disconnect between criminal justice agencies and the ASD community is minimal (Gardner & Campbell, 2020). Currently, very little action is being taken by the law enforcement community to train and educate staff on the signs of autism (Rava et al., 2017). Law enforcement departments in some states such as New Jersey have implemented ASD training into their curriculum, but many have not at this point (Railey et al., 2020). The inability to recognize the signs of ASD has contributed to a rise in injuries and deaths of those within

the ASD community caused by law enforcement (Copenhaver & Tewksbury, 2018). This broader lack of understanding of ASD by the law enforcement community has left those within the ASD community with a feeling of isolation, often afraid to go out in the community alone due to a chance encounter with someone in law enforcement who does not recognize the signs of an individual with autism (Bloomberg, 2018).

This study focused on describing the experiences, through the eyes of caretakers, of those within the ASD community who have encountered law enforcement voluntarily or involuntarily, and how better insight can be gained to avoid injury, arrest, or death due to a difference in communication style between the two entities.

Background

ASD is a complex and multifaceted neurodevelopmental and cognitive disorder that affects about 52 million people worldwide (Elsabbagh, 2020). The condition is currently identified by social impairment and communication deficiency, with some showing signs of repetitive behavior, restrictive practices, and sometimes language or intellectual impairment; individuals with ASD can also be marked with special skills in areas such as music and the arts (Baio et al., 2018). The most recent data show that the prevalence of ASD in the year 2000 was about 1 in 150 children (Abbas et al., 2020). Now, data sets show that number has increased to roughly 1 in 59, which makes ASD the fastest growing developmental disorder in the United States (Johnson et al., 2018).

Local police officers and sheriff's deputies have been put in a unique situation where they encounter people in public who were once institutionalized, and they are only equipped with training they received for what to do when someone is intentionally being uncooperative and not responding to verbal commands (Mulcahy et al., 2018).

The training provided to law enforcement for those who are uncooperative with verbal commands typically involves physical contact and can even include lethal force in some situations (Burleigh & Vaughan, 2018). Previous studies (Syma, 2019; Tint et al., 2019; White et al., 2017; Zapetelli, 2019) on law enforcement perceptions have indicated is that a key element of the identification of an individual with a mental illness is the appearance of the person. Inferring mental illness based on appearance alone should not be entirely relied on as an approach. It is true that some disabilities can be identified by physical traits alone, such as spinal cord injuries for which the person is confined to a wheelchair; however, appearance should not be a primary factor that law enforcement personnel use in the initial assessment of a person who may have ASD (Koga, 2020). The most accurate assessment of a person to identify an invisible disability would involve personally interacting one on one with that person so that behavioral cues can be documented and used in conjunction with other observations (Lopez-Husky, 2017).

One of the most useful means to identify a disability and respond to it appropriately is interpersonal communication. Law enforcement officers are likely to encounter an individual with ASD who is engaging in a variety of behaviors. Compared to the non-ASD population, the ASD community, both adolescents and adults, are more likely to use emergency services (Copenhaver & Tewksbury, 2019). Typically, when law enforcement personnel arrive on the scene of an emergency call involving someone with ASD, they are likely to find the ASD individual involved in self-stimulating activities such as repetitively pacing or rocking back and forth, which are calming techniques used in an overstimulating situation. Other behaviors may be observed that involve repetitious

activities such as wandering, pacing, or other disruptive behavior that suggest someone who may be under the influence of drugs (Holloway et al., 2019).

The nature that an overstimulated person with ASD exhibits can be challenging for law enforcement personnel when assessing a situation. In this situation, members of the ASD community may demonstrate lack of verbal communication skills, lack of eye contact, and repetitive behavior. To untrained law enforcement personnel, these types of actions mimic those of someone who is guilty of a crime. Furthermore, if the individual with ASD is handcuffed, research has shown that law enforcement assume that they know why they are being handcuffed (Brewer et al., 2017). However, handcuffing some individuals with ASD is likely to agitate and confuse them because they are unable to communicate with law enforcement, which could turn into a use-of-force situation.

Salerno and Schuler (2019) attempted to study how often law enforcement personnel come into contact with individuals with ASD and found that often there is no documentation that the person arrested, or offending, has ASD. This has led there to be an absence of recordkeeping on how often someone who is offending, who is involved in criminal behavior, or cannot communicate clearly to law enforcement identifies as having ASD. Many researchers (Tint et al., 2019) believe that those personnel who use physical force on an ASD individual are the minority and that the current research is not inflated compared to the general population.

Although past research (Cipriani, 2016; Myers, 2017; Shannon, 2019) is limited on this topic to which the depth is just superficial, a qualitative study approach was necessary to provide researchers insight into the lived experiences of those with ASD who have had a negative experience with the law enforcement community (Syma, 2019;

Zapetelli, 2019). A negative experience would be classified as harassment, discrimination, and abuse by someone in an authoritarian law enforcement position within society. This study outlined a detailed understanding of the experiences of someone with ASD and other insight into how their experiences may influence their perception of the criminal justice system.

Problem Statement

There is a problem in the law enforcement community in that personnel may use improper communication techniques to approach a person from the ASD community. There is a widely held belief among the law enforcement community that the best indicator to identify a person with a mental illness is physical appearances (Tent et al., 2019). This assumption by law enforcement personnel should not be totally relied upon when making an initial assessment of someone they encounter. In some cases, hidden disabilities exist, such that identification through physical appearance alone would not be possible (Shannon, 2019). Research (Cipriani, 2016; Myers, 2017; Shannon, 2019; Syma, 2019; Zepetelli, 2019) has indicated that many law enforcement agencies are left unchecked for use of force in situations that involve those affected by ASD. This freedom, coupled with an inferiority complex where violence is socially accepted by law enforcement, has left the ASD community vulnerable to physical, emotional, and psychologic trauma (Even-Tzur & Hadar, 2019). There has been a lack of studies that focus on the perceptions and experiences of those with ASD and the criminal justice community.

Purpose of the Study

The purpose of this qualitative study was to understand the perceptions of caregivers of those with ASD who have had interactions with law enforcement and are unintentionally targeted by the criminal justice system due to a difference in communication style, which can result in the loss of civil liberties for people within the ASD community. According to McDaniel et al. (2020), the vocal complexity of those within the ASD community is as unique as the disorder itself. McDaniel et al. went on to explain that for many people with ASD, vocal communication is very difficult, especially in a high-stress situation such as an encounter with a department affiliated with a criminal justice agency. This study provided answers to the general understanding of the challenges and barriers that members of the ASD community face when they are interacting with members of the criminal justice system.

Research Questions

How do caregivers of those within the ASD community feel about the criminal justice community (e.g., law enforcement, prison system, court system)?

What factors influence the ASD community's perception of the criminal justice system?

Theoretical Framework

The theoretical framework for this study was Woodbury-Smith and Dien's (2014) theory of intent, which is grounded in areas such as medical research, perceptions, and statistically based facts from the psychiatric community regarding the various sectors of law enforcement and the criminal justice community alike. The founding premise of Woodbury-Smith and Dien's theory of intent, as applied to this study, is that unlike other

neurological impairments, such as psychopathy, sociopathy, and dissociative identity disorder, ASD is associated with significant socioemotional impairments that affect the ability to form intent (Woodbury-Smith & Dien, 2014). The theory of intent has been used in research conducted on individuals to explore the nature of an individual's ability to form intent of a crime, also known in legal terms as *mens rea*. It is generally established within the psychological community that a child under the age of 7 years does not have the ability to form intent (Cipriani, 2016). Furthermore, those children between the ages of 7 and 14 have the inability to form what is known as criminal intent (Brown & Charles, 2019). According to Greely and Farahany (2019), the agreed-upon definition of criminal intent is the conscious decision someone makes to engage in an unlawful act against a person or damage to private property. It is furthermore argued that ASD is presented mostly in children at an early age, and the prevalence of the disorder should be well documented by the medical community throughout the life of the child and into the teenage years (Shields & Beversdorf, 2020). Casartelli et al. (2020) found that children who have been diagnosed with ASD do not learn motor functioning or social dynamics from other children when placed in small groups. The authors found that children who had been diagnosed with ASD were self-taught how to complete a project and avoided interaction with the other children, which excluded the socializing aspect. Even though the ASD children lacked social interaction with the other children, their behavior should not be ascribed to a lack of understanding others, as much of the non-ASD population assumes (Casartelli et al., 2020). Woodbury-Smith and Dien's theory of intent shows that the inability to form intent by the ASD community provides a better understanding of how the criminal justice community should view someone who may be practicing self-

soothing behavioral coping techniques instead of seeing them as someone with an intent to harm law enforcement personnel. Using the theory of Woodbury-Smith and Dien in the study was important for the criminal justice community to understand the difference between a perceived threat and an actual threat when interacting with individuals from the ASD community.

Nature of the Study

I chose a qualitative phenomenological research approach to this study as it allowed me to gain knowledge, through caregivers, of how those affected by ASD communicate differently, whether verbal or physical, from the rest of the population when encountered by someone within the criminal justice community. Phenomenology is a philosophical approach to research that was developed in the early part of the 20th century to ground the foundation of knowledge so that skeptics and naysayers could be easily overcome (Umanilo, 2019). In order to build a secure basis for knowledge, one must decide how to overcome the problem of objects or events appearing consciously if they never came through one's conscience in the first place. Grounding the foundation of knowledge in this instance has allowed me to argue the validity of the claims that are associated with the criminal justice community and those within the ASD community. Merging the two has allowed me to positively identify, and address, where a deficiency may lie and a possible solution to the problem (Young & Brewer, 2019).

Qualitative research has roots that can be traced back to anthropology and sociology and now has a highly visible standing in the world of research (Tracy, 2019). Widely accepted by the social sciences, qualitative research is a social approach by the researcher to interact with their study (Ravitch & Carl, 2019). Combining a

phenomenological approach and qualitative approach to this study, I sought to engage in a data-rich exploration of lived experiences and to fully understand something in which my knowledge was limited. The data on this intersection of the criminal justice community and the ASD community were limited, and this topic was seen as a smaller issue within the criminal justice community and a bigger issue with the ASD community.

Definition of Terms

Attention deficit hyperactivity disorder (ADHD): A lifelong chronic condition that is typically diagnosed in childhood and is marked by attention difficulty, hyperactivity, and impulsiveness (Zappetli, 2019). Other symptoms can be present, such as lack of restraint, persistent repetition of words or actions, mood swings, and anxiety (Sedgwick et al., 2019). This is not an inclusive list of symptoms, but they are the most common. Those with ADHD have been lumped into the ASD community, which represents a classification of individuals whose symptoms of ADHD range from mild to severe.

Applied behavioral analysis (ABA): A discipline that integrates real-world settings into behavioral science intervention (Enoch & Nicholson, 2020). The goal of ABA is to improve social dilemmas, learning problems, and behavior.

Autism spectrum disorder (ASD): A term used to describe a developmental disorder in which social and communication interaction is impaired (Myers et al., 2019). Challenges with sensory perception and processing also exist. Symptoms can vary across populations from mild to severe.

Autism: A commonly used, broadly based term for autism spectrum disorder, which is classified as a social and communication developmental disorder (Hyman et al., 2020).

Asperger's syndrome: A label used to describe someone who is autistic but has no language delay or co-occurring intellectual disability (Nilsson et al., 2020).

Criminal justice community: A term referring to officials associated with the court, police officers, correctional officers, probation officers, and parole officers. It is much like the term *law enforcement*, but the criminal justice community encompasses the court system, which can include lawyers, judges, and paralegals (Souryal & Whitehead, 2019).

Individualized educational program: A program that identifies a student's specific learning expectation and outlines how the educational setting will address the expectations through specialized education programs and services (Yell et al., 2020).

Invisible disability: Also referred to as a *hidden disability*, which describes a disability that is not immediately apparent from a visual inspection of an individual (Syma, 2019). This does not mean that the individual is disabled; however, a person is considered to have a disability if they have difficulty performing certain functions (seeing, hearing, communicating effectively, etc.)

Law enforcement: A term referring to police officers, correctional officers, probation officers, and parole officers. Much like the criminal justice community, the law enforcement community encompasses those who are tasked with enforcing laws outside of the scope of the court process (Del Carmen, 1991).

Positive behavior support: Helping people to develop and engage into socially acceptable patterns of behavior and overcome those patterns of behavior that are deemed destructive and stigmatizing (McDaniel & Bloomfield, 2020).

Sensory integration: A term to describe the way the brain processes sensory stimulation and how that stimulation can be processed into planned, specific, and coordinated motor activity (Cheung & Lau, 2020).

Visual supports: Written words, pictures, or icons that convey information in a visual way to the viewer. This form of communication does not involve behavioral cues from the recipient to successfully communicate a message (Rutherford et al., 2020).

Assumptions

I assumed that all participants who were interviewed were honest and truthful concerning their inclusion within the ASD community. I assumed that the participants in my study were honest about their experiences and perceptions of interacting with the criminal justice community (e.g., the court system, jail and/or prison, and law enforcement in general) and that all questions posed were answered openly and honestly. I assumed that the participation of all participants was voluntary.

Scope and Delimitations

This study included a group of non-ASD caregivers who looked after and assisted an individual with ASD on a daily basis. The group was located in Eastern Kentucky, and all of the caregivers had experienced interactions with the law enforcement community in regard to the ASD individual that they oversaw. Their experiences helped the research by providing an understanding of how the caretakers of ASD individuals experience, perceive, and interact with members of the criminal justice community, whether intended or unintended.

Limitations

A noted potential limitation for this study was that it only involved participants from rural areas of eastern Kentucky. Another limitation for this study was that the participant pool was small, which may not be indicative of all perceptions and experiences from the ASD community in a larger urban area. The findings of the study may not be generalizable to other ASD communities in Kentucky or in other states throughout the United States, given the small sample studied.

Significance of the Study

This study fills a gap in the literature by providing a better understanding of how those in the law enforcement community can recognize and effectively communicate with someone who has ASD so the risk of injury and death to the person with ASD is minimized. This study provides insight into those caretakers who are with the ASD person 24 hours a day and their perception of law enforcement and the criminal justice community. Moreover, it provides clear insight into how experiences, either real or perceived, can influence the perception of the law enforcement community by those affected with ASD and those who are caretakers. There was a lack of empirical research in the field of criminal justice regarding the ASD population because until recently, confrontations between the two groups were rare and isolated instances (Cunial et al., 2019). Research had questioned the preparedness of the criminal justice for recognizing and identifying someone who is of the ASD community (Bith-Melander, May & Franklin, 2020). This situation created a need for understanding the perception of those in the ASD community and how communicating differently influences interactions between the two communities. The results of this study not only add to the criminal justice and

criminology knowledge base, but also add to the ever-growing knowledge base of ASD (Lane & Chong, 2019).

Positive Social Change

The ASD community is underrepresented and often discriminated against in the criminal justice system as a whole. Because of this, members of the ASD community often choose not to report crimes where they are the victim due to a lack of understanding of their unique needs by various criminal justice agencies. This study showed that the criminal justice system is lacking in understanding the special needs of the ASD community. Positive social change will occur when the criminal justice system addresses these needs, and the ASD community will no longer fear revictimization when assistance is needed.

Summary

The purpose of Chapter 1 was to introduce the research problem and to establish the focus of the study. The first chapter contained the background, problem statement, purpose of the study, research questions, theoretical framework, nature of the study, assumptions, limitations, scope, delimitations, and significance. Chapter 2 will introduce a review of existing literature in which a detailed theoretical framework of the theory of intent, effects of significant socio-impairment on communication and contact with the criminal justice system, and police training and education.

Chapter 2: Literature Review

Introduction

Members of the Autism Spectrum Disorder (ASD) community have historically been institutionalized which prevented interaction with the law enforcement community and the criminal justice system. Now that members of the ASD community are living at home with parents and caretakers, the chance for an encounter with law enforcement has increased substantially, which will therefore increase the likelihood of becoming involved with the criminal justice system. In addition to an encounter with law enforcement, many members of the ASD community have reported mistreatment, harassment, and discrimination with their involvement in the criminal justice system. The purpose of this study was to understand how members of the ASD community are unintentionally targeted by the criminal justice system due to a difference in communication.

In this chapter, I present an overview of literature concerning the ASD community's response to interactions with law enforcement personnel and subsequently the criminal justice system as a whole. The review of literature targets the theoretical framework of intent, fact-based statistics, roles within the criminal justice system, and education and police training.

Literature Review Strategy

The literature review for this study included peer-reviewed qualitative research, which provides perspective from the ASD community in reference to experience and interactions with the criminal justice system. I searched various databases such as the Criminal Justice Database, Bureau of Justice Statistics, Sage Journal, PsycINFO, and

PubMed. Some of the keywords I used for my search were *autism spectrum disorder, police and autism, criminal justice system, police education, discrimination, law enforcement, police training, courts, and intent*. These terms were searched individually and in combination to locate a manageable amount of journal articles for the literature review.

Theoretical Framework of Woodbury-Smith and Dien's Theory of Intent

Intent is broadly defined by Grant et al. (2018) as a mental determination, or desire, to perform a specific act or to act in a particular manner for a specific reason, including wishing not to participate in the specific act. It can be formed when a person creates a metarepresentation in the somatopsychic area of the mind, which is responsible for emotional development (Grant et al., 2018). The authors suggested that in individuals who are not considered to have ASD, this area of the mind develops in stages throughout childhood until the person has the ability to form intent. Conversely, in someone who is considered to have ASD, the inability to create a metarepresentation is met with a block in emotional development, which prevents proper connections throughout childhood to emotion and sensory processing and hinders the development of empathy and problem-solving, which, in turn, translates into the child doing repetitive actions without purpose (Grant et al., 2018). This repetitive behavior prevents sociorelational skills and sensory stimulation, which results in an unpleasant situation being processed by the person with ASD into a single sensory component (Grant et al., 2018).

When most individuals have an encounter with a law enforcement official, it is human nature to want to explain the situation or their side of the story. Giving an individual a chance to be heard will likely make them feel more satisfied that all facts

have been presented to authorities so that the law enforcement official can make an informed decision on the situation. In addition to being heard, an individual will likely act in a more agreeable manner when they feel the law enforcement official's decision is based on fact rather than assumptions or personal biases (White et al., 2017). Most individuals believe that they have an intrinsic right to be treated with respect, but when they are not treated with respect, they are inclined to act more negatively when not treated according to their expectations (White et al., 2017). Many studies (Burleigh & Vaughan, 2018; Grant et al, 2018; Lane & Chong, 2019; Tint et al, 2019; White et al, 2017) have concluded that a link exists between procedural justice and police legitimacy relating to an individual's perception of their encounter with a law enforcement official.

The perception of a law enforcement encounter by members of the ASD community is different than that of the non-ASD community. To understand this better, Gibbs and Haas (2020) conducted qualitative research on people within the ASD community and their caretakers, recording the satisfaction each received after a law enforcement encounter. In the study, 50 adults who identified as being autistic and 61 parents or caretakers received and completed a multiple-choice questionnaire, and as a follow-up, 30 randomly selected participants of the questionnaire were interviewed for a more in-depth response. In analysis of the data, it was determined that most of the police interaction from the participants was voluntary, which included scenarios such as seeking assistance or reporting being a victim of crime. It was further quantified that autistic adults were almost unanimously unsatisfied with their interaction with law enforcement personnel, which led to fear of disclosing their diagnosis of autism to the law enforcement community. This fear of disclosing an autism diagnosis to law enforcement

is due in part to the autistic adult believing that law enforcement personnel will not see their complaint as legitimate and even somewhat overblown due to a perceived stereotype by the non-ASD community that individuals within the ASD community are inherently less socially intelligent. The authors suggested that for a more positive experience with the ASD community, law enforcement personnel should be given increased awareness of autism and the use of appropriate accommodations within the ASD community. Further suggestions include ways for law enforcement officials to discuss investigatory strategies that would show those within the ASD community that a lodged complaint or concern will be appropriately addressed by officials (Gibbs & Haas, 2020; Tint et al, 2019; White et al, 2017).

Legitimacy by Law Enforcement

Law enforcement legitimacy is the belief that “legal authorities have the moral right to administer and enforce the law and that people are obligated to obey the law” (Bolger & Walters, 2019, p. 94. “These beliefs have also been found to correlate directly with willingness to comply with the law and the authorities” (Reisig & Lloyd, 2019, p. 45. This theory, which is based on a two-step process, posits that the perceptions one has of police process should lead to thoughts of law enforcement legitimacy, which will then manifest into compliance with the law and cooperation with law enforcement authorities. Essentially, there is a vital importance for these two steps to work together to achieve a positive outcome for the best interest of the community that is being served.

There is an understanding that if the perception exists that members of law enforcement are treating individuals within the community fairly and with respect, then law enforcement officers are more than likely be seen as legitimate and sincere with those

in the community (Demir et al., 2020). Within the scope and context of law enforcement legitimacy, there lies a component where the trust and judgment of the law enforcement officer are considered to be a motivating factor (Solomon, 2019).

To comprehend how the identity of ASD impacts police perceptions with those in the ASD community and furthermore their trust in police legitimacy, Salerno-Ferrero and Shuller (2020) conducted an online survey of 35 adults, who ranked how their status in the ASD community would be perceived by law enforcement interactions. The authors of the study suggested that those members of the ASD community who had an interaction with the law enforcement community were largely dissatisfied for various reasons. The findings indicated that the major concern was how those within the ASD community's perceived disability would affect their treatment by the law enforcement community. Members of the ASD community believed that their outward appearance and reactions would be misinterpreted and potentially lead to adverse outcomes. The findings also indicated that typical autistic behaviors such as stimming and self-soothing could be interpreted by the law enforcement community as either a threat or the person with ASD asking for assistance to not being taken seriously. The finding further indicated that members of the ASD community would feel more empowered if they were involved in the ongoing training of new and seasoned law enforcement personnel.

In a further review of literature from various academic databases including Sage Journal, Taylor & Francis, CQ Researcher, and socINDEX, authors Eilenberg et al. (2019) reviewed 40 cases of individuals with ASD to see if their interactions indicated whether or not race played a factor in their satisfaction with a law enforcement encounter. It was discovered that among those within the ASD community who had had an

encounter with law enforcement, race was not a factor. The determination was that law enforcement had treated those within the ASD community who had a previous encounter with law enforcement equally and that race was not a determining factor in the decision to be unsatisfied with the law enforcement encounter. Echoing previous research, communication difficulty, self-soothing actions, and stimming were the main reasons for dissatisfaction with an encounter with law enforcement. This study has the potential to elaborate on the understanding of researchers and policymakers regarding the ASD community and law enforcement encounters.

Literature Corresponding to Contact With Law Enforcement

One of the functions of the criminal justice system is to keep citizens safe by promoting law and order throughout the community while overseeing the rights of individuals as interpreted by the Constitution. Another function of the criminal justice system is to have injustices, whether criminal or civil, heard by an independent judge, which is a component of the court system. If a judge, or a jury of an individual's peers, determines that the individual has wronged another party, the sentence could include incarceration within a jail or prison. Institutions for incarceration comprise another element of the criminal justice system that houses individuals convicted of crimes and provides the community with a stronger sense of overall security. These branches of the criminal justice system are all an integral part of the protection of people's rights as citizens, fair and balanced decisions, and overall physical protection of those within the community. However, recent research (Burleigh & Vaughan, 2018; Even-Tzur & Hadar, 2019; Holloway et al., 2019; Lane & Chong, 2019; Salerno-Ferraro & Schuller, 2020; Thompson-Hodgetts et al., 2020; Tint et al., 2019) indicated that those who exhibit signs

of ASD are treated differently by the criminal justice system as a whole. Exploring deeper into the criminal justice system, the sections that follow will show detailed information regarding encounters of a person who has ASD with law enforcement personnel, the legal channel of the criminal justice system, and subsequently jails and prisons.

Law Enforcement and the Autism Spectrum Disorder Community

There is sufficient evidence to suggest that members of the ASD community are subjected to various types of mistreatments, including abuse, by the law enforcement community due to a lack of understanding of verbal and nonverbal cues given from someone who is ASD.

In examining the experiences of 920 adolescents and young adults who identified as having ASD who were stopped by law enforcement, it was found that they were questioned at much higher rates than their non-ASD counterparts and reported being mistreated and harassed (Tint, 2017). Encounters by law enforcement, according to Tint et al. (2017), have resulted in those within the ASD community being reluctant to seek further help from those in law enforcement for fear of being mistreated and harassed. Those who have had a negative encounter with law enforcement fear that a second encounter will potentially be equivalent to being victimized a second time by being rejected, being disrespected, and having their case not be handled appropriately (Gill et al., 2018).

There is evidence that supports the negative experiences that those in the ASD community have when reporting crimes. In a qualitative research examining perspectives from the ASD community on police interactions, Salerno-Ferraro and Shuller (2020)

found negative consequences that individuals with ASD experienced when interacting with law enforcement. This study found that 34% of the ASD respondents were verbally harassed during a police encounter. They also found that 37% of ASD respondents were touched by law enforcement personnel during an encounter. Both of these actions, according to the study, resulted in the encounter being escalated as a result of law enforcement's actions to deescalate the situation. These results suggest that those in the ASD community are highly likely to be verbally harassed and touched during an encounter with law enforcement personnel. Participants in the ASD community provided many reasons for negative experiences with law enforcement. As an example, 45% reported that a calm demeanor by law enforcement personnel is essential to a positive encounter, 34% stated that atypical eye contact by the ASD person would confer a sign of guilt, and 20% said atypical speech and language use would be a potential barrier that would prevent them from a successful interaction with the law enforcement community. These results suggest that members of the ASD community may be more reluctant to report crimes to the law enforcement community or be considered suspects to a crime by the law enforcement community (Salerno-Ferraro & Shuller, 2020).

Regarding members of the ASD community being mistreated by law enforcement, Salerno and Schuller (2019) found that out of 35 respondents who were surveyed identified as ASD, 80% had encountered law enforcement at least once in their life. Of the 80% who encountered law enforcement, 42% described force being used, with handcuffing being most common. Other types of force used included being forcefully shaken, dragged, and struck with an object by the law enforcement officer. Participants in the study suggested that their experience with law enforcement was not

fair and they were not satisfied with their interaction and thought the outcome of their experience was unfavorable. The most common emotional responses were, in order, uncomfortable, anxious, and afraid. Sixty percent of respondents identified their law enforcement encounter as traumatic. When asked if they would call emergency services if they needed assistance, only 42% of the respondents said that they would call for assistance.

In another study of caregivers' perceptions of interactions between the ASD community and law enforcement, Wallace et al. (2021) found that nearly 60% of respondents who had police interaction were fearful of future police contact. Wallace et al. (2021) also found that it is widely known through the ASD community that behavior associated with needs is often seen as uncompliant, insubordinate, and noncommunicative during an emergency situation where law enforcement is involved with the ASD community. The ramifications, according to Wallace et al. (2021), can include the misuse of police force as well as isolation and fear of using emergency services from those in the ASD community.

Evidence has also suggested that ASD individuals may become targets within their own community by law enforcement if they exhibit unusual behaviors that could be interpreted as challenging or disrespectful (Railey et al., 2020). When examined, Railey et al. (2020) reported that when the ASD community needed assistance from law enforcement, only 15% satisfaction in resolution of the case was achieved. In examining the interactions between the ASD community and law enforcement, Gardner et al. (2019) suggested that those within the ASD community who have externalized behaviors are at a greater likelihood to be stopped, questioned, and arrested by the law enforcement

community. When stopped and questioned by law enforcement, the ASD individual was performing normal activities within the community such as walking, waiting for public transportation, or doing other duties such as shopping (Gardner et al., 2019).

Across their lifespan, individuals with disabilities are more likely than those without disabilities to come in contact with law enforcement as either a victim of a crime or a perceived perpetrator (Wanshel, 2020). During an encounter with a law enforcement officer, an individual who exhibits outward behaviors of ASD is often deemed as suspicious due to their lack of communication skills and social skills, which may be interpreted by law enforcement as uncooperative, thereby increasing the vulnerability of the ASD individual (Stavropoulos, 2020). Petrosino et al. (2020) suggested that a lack of understanding of disabilities by a law enforcement officer responding to a call for assistance may result in a higher rate of force and incarceration for those within the ASD community.

Hepworth (2017) examined the occurrence of arrests for those within the ASD community and found that the rate of arrest was 7 times higher than for those not in the ASD community. The finding indicates that members of the ASD community were less likely to report crimes due to fear of arrest from being unable to communicate effectively, nonphysical aggression, and hand flapping, which can appear to the law enforcement community as signs of offending or guilt. Overall, the findings of Hepworth (2017) indicated that members of the ASD community found it more difficult to report crimes and receive assistance due to the perception of guilt or unimportance by the law enforcement community. The findings of this study demonstrated that law enforcement

personnel's perception of the ASD community can determine whether or not a crime will be reported.

Courts and the Autism Spectrum Disorder Community

Research (Holloway et al., 2020) has documented the victimization and discrimination of the ASD community within the court system. However, evidence suggests that the ASD community is skeptical about the court system appropriately addressing their needs and concerns due to their inclusion within the ASD community (Maras et al., 2019). The skepticism stems from their perceived victimization by the law enforcement community and fear being victimized a second time by the court system (Holloway et al., 2020).

Norris et al., (2020) have highlighted the unique experiences of the ASD community in the court system and the apparent need for more research on the topic. The court system is ill-equipped to handle the unique needs of the ASD community and there is a need to understand this community as victims of crime and suspects of crime (Norris et al., 2020). The authors found that as defendants, those within the ASD community are largely underrepresented in terms of access to legal help when being charged with a crime. This creates a domino effect where the defendant does not fully understand the impact, implications, or severity of being charged with a crime. The findings indicated that most people make a judgment of guilt or innocence based on body language such as eye-contact, body movements and the overall demeanor of the defendant. Many participants within the study chose not to disclose their status within the ASD community to the court due to feeling that media portrayals of those who are ASD are more prone to violence than their non-ASD counterparts. This research suggested that there is a great

need for further study the perceptions of the ASD community and the court system as a part of the criminal justice system.

Vinter et al. (2020) found that when autistic defendants do choose to go to court, they often appear to be remorseless or unsympathetic to their actions of the victims involved. Research by Jones et al. (2010) has determined that this appearance of a lack of remorse is not due to a being unsympathetic, rather difficulty by the autistic defendant comprehending how others may feel. Difficulties expressing remorse and expressing emotion to a victim is seen as problematic in the criminal justice system for autistic defendants (Vinton et al., 2020).

Participation in the criminal justice system for someone who is autistic is largely defined as humiliating and a shaming experience. Perlin and Cucolo (2020) suggest that while understanding of autism has increased in the past two decades, the criminal justice system has been slow to keep up with the changing attitude of the general public. The authors found that the criminal trial process of defendants with autism is largely unexplored or underexplored. Perlin and Cucolo (2020) also suggest the incorporation of effective utilization of voir dire, or the formal examination of a witness or juror under oath to determine competency, during the selection of a jury to consider the attitudes of potential jurors on topics such as mental disabilities and perception of the defendant's expression of remorse and empathy. The authors also recommend warning potential jurors of using common sense when making a decision of innocent or guilt based on the defendant's inaction of expressing remorse or empathy.

Foster and Young (2021) determined that sentencing ASD individuals within the court system are more harsh than non-ASD defendants and are longer than the national

sentencing recommendation. The length of incarceration for sexual offenses were significantly higher in the ASD community than the non-ASD community when compared with the same offense. However, Foster and Young (2021) found no significant difference in sentencing between the two communities for charges such as murder, manslaughter, and assault. The findings of Foster and Young (2021) echo previous research (Holloway et al., 2020; Maras et al., 2019; Norris et al., 2020; Vinton et al., 2020) which suggests the ASD community is perceived as unfavorable throughout the judicial arena which results in harsher sentences than other non-ASD defendants.

Researchers (Perlin & Cucolo, 2020; Sturges & Nunez, 2021) have determined that research on courts and the ASD community is scarce. Since the information on ASD defendants is limited, a growing trend is to examine best practices to use in the court system for ASD defendants. Sturges and Nunez (2021) researched mock-jury trials where jurors were presented with a case vignette where a subsequent verdict was issued, and those jurors were asked to discuss with the researchers their reasoning for the verdict. Sturges and Nunez (2021) found that an autism diagnosis was a mitigating factor in the jurors' decision which resulted in a lower conviction rate by jurors in most of the cases studied. Sturges and Nunez (2021) determined that jurors take into account the severity of the defendant's ASD where an increase in the severity resulted in fewer guilty verdicts. Sturges and Nunez (2021) found that jurors viewed social impairments in adults to be on par with intellectual impairments for those defendants with ASD.

An overview of experiences of the ASD community and the court system is scarce (Hepworth, 2017). Other research suggests that the ASD community is not as trustworthy of the court system because they do not want to be victimized again (Rava et

al., 2017). The authors cited fear as a motivating factor of the ASD community to not get involved in the court system. Because of this, the ASD community is less likely to prosecute for crimes and testify in court out of fear of discrimination which does not allow them to seek fair treatment and protection of laws (Rava et al., 2017).

Incarceration and the Autism Spectrum Disorder Community

Evidence suggests that incarcerating individuals in the ASD community would be more detrimental to the individual and society (Ellis & Alexander, 2017). The authors of this study argue that psychiatric patients who are incarcerated are more at-risk for physical and sexual abuse, not receiving their prescribed medication, and not having the ability to communicate effectively to demonstrate their needs. Ellis and Alexander (2017) posit that individuals from the ASD community have a greater need for specialized attention which include sensory processing challenges. The authors surmise that jail staff do not have adequate time to give individual attention to inmates with psychiatric conditions including ASD.

According to Young et al. (2018), about 11 million people worldwide are currently incarcerated in a penal institution. Of those 11 million, the authors estimated that approximately 2.8 million of the world's prison population are individuals known to have ASD. Young et al. (2018) argue that those within the ASD community are at greater risk for recidivism and that intervention while incarceration is necessary to help facilitate a more pro-social role in the community once released from incarceration. The authors argue that ASD training is very limited in the prison setting and if more training was available, it would help raise awareness with prison staff on how to better manage prisoners who are either known ASD or who present signs of ASD.

In another study, Chaplin et al. (2021) screened 240 prisoners for signs of ASD using the Autism Diagnostic Observation Schedule (ADOS). The researchers found that 46 inmates screened positive for traits associated with ASD, but only 12 had a positive ADOS score, and only two of the 12 were known by prison staff to have an ASD diagnosis. The authors argued that these findings conclude that within this group, 83.3% of the population met the diagnostic threshold for ASD, but were not positively identified, leaving a large gap of inmates undiagnosed who could possibly benefit from therapeutic mental health services while incarcerated.

In a two-year review of prison inmates who identified as members of the ASD community, Buadze et al. (2020) discovered that these inmates take up more time and resources from prison staff, have a higher rate of conflict with other inmates, and are exposed to more disciplinary actions due to behavior. The researchers also noted that other inmates did not recognize ASD as a disorder, like schizophrenia, because there were generally no physical attributes to the disorder like in other intellectual impairments. This results in a higher rate of conflict with other inmates who see ASD as a nonlegitimate diagnosis. Buadze et al. (2020) also noted barriers for the ASD inmate such as prescribed medication not being available due to some autism medication being a controlled narcotic which is not allowed in a prison setting. The authors noted that if medication to treat ASD symptoms became available to the ASD inmate, most refused the medication because they had gone for so long without it, and made a self-diagnosis that medication should not be a first-line treatment.

Murphy (2017) has argued that the ASD community commit fewer crimes than in other populations due to their strict adherence to schedules, patterns, and rules. About

60% of calls for law enforcement assistance in the ASD community are from someone witnessing or experiencing an ASD individual in a verbal or physically aggressive state (Young et al., 2018). When an ASD person is in this verbal or physical aggressive state, it is often due to a well-defined routine being disrupted and the individual does not know how to mentally process their feelings which are then displayed in an externalized fashion (Young et al., 2018). Evidence suggests that when law enforcement personnel arrive, the routine of the ASD individual is further disrupted and physical force is then used to restrain the ASD individual creating further turmoil and while the behavior may seem menacing and can cause harm, there is no intent to do so (Salerno-Ferraro & Schuller, 2020).

A recent study by Loureiro et al. (2018) has shown that members of the ASD community are incarcerated at a disproportionately higher rate than the non-ASD community. The authors show that no correlation exists between ASD and psychopathy but that being ASD is an independent risk factor for incarceration. People who are ASD have poor emotional regulation and their naivety of social relationships between people make them more exploitable and susceptible to incarceration through no fault of their own (Loureiro et al., 2018).

The criminal justice system will continue to see an increased number of encounters with the ASD community due to the soaring rates of diagnoses (Newman et al., 2019). Due to the unique challenges that face the members of the ASD community, there is evidence that suggests training and education are a critical link to improving the relationship between the criminal justice community and the ASD community. The next

section will highlight current research regarding the training and education of the criminal justice community.

Review of Literature Relating to Law Enforcement Training

Evidence has suggested that a friction exists between the criminal justice community and the ASD community. To improve this relationship between the two communities, studies have suggested that law enforcement personnel be trained and educated on how to appropriately respond to the unique challenges that face the ASD community (Tint et al., 2017; Woodbury-Smith & Dein, 2014; Rava et al., 2017; Copenhaver & Tewksbury, 2018; Lopez-Husky, 2017). For example, Railey et al. (2020) examined the importance of criminal justice personnel training and responding appropriately to the ASD community. The authors found that training for criminal justice personnel was inadequate for handling the unique needs of the ASD community such as de-escalation techniques, effective communication strategies, and techniques for support during a crisis situation. Overall, the authors suggest that the criminal justice community should be trained more specifically on how to recognize and respond to the needs of the ASD community in a more effective manner than what is currently not being taught. It was also suggested that proper training and education has the capacity to substantially decrease costly litigations for the police department while helping to increase the awareness of knowledge of members from the ASD community.

To help understand the need to train the criminal justice community on the ASD community, Railey et al. (2020) found that only 37% of Law Enforcement Officers (LEOs) had actual training in autism awareness. Of those 37%, the authors found that over 25% of LEOs reported dissatisfaction with the training. These findings demonstrate

a need for a more in-depth training, as the authors noted the actual training was a 13-minute videotape on how to identify and support individuals with autism. Furthermore, 80% of LEOs surveyed were unable to identify defining features of ASD (p.222) and 35% of the sample identified the movie “Rain Man” as their only knowledge of ASD. The findings demonstrated that there is a need for LEOs to be trained in behavior and emotional reactions as well as sensory sensitivities and the communication needs of the ASD community. Negative consequences to actions such as misinterpretation of a behavior during a high-stress situation can be improved not only through training, but also through repeated contact with someone in the ASD community (p.222).

In a pilot survey of how well law enforcement understands the ASD community and their associated needs, Christiansen et al. (2021) randomly sampled law enforcement personnel via a survey to assess their prior experience, comfort, knowledge, and ability to identify someone of the ASD community. Christiansen et al. (2021) found out that just over half of the law enforcement personnel surveyed had previous ASD training provided through their place of employment. Of those individuals surveyed, Christiansen et al. (2021) reported that only 34.8% of the respondents had a personal experience or exposure to the ASD community. It was determined from the survey that those individuals who have had prior ASD training or have personal experience with the ASD community are more likely to recognize features exhibited by the ASD community in clinical vignettes. Christiansen et al. (2021) state that further research is needed to determine what type of specific ASD training is needed for the law enforcement community in the future.

Swan and Perepa (2019) conducted a study of available research and determined that members of the ASD community who get separated from a caregiver in public are

more likely to be seen by LEOs as being noncompliant, challenging, or even suspicious. The authors also point out that as autism rates increase, a key focus of autistic adults is learning independence but failing to recognize dangers such as getting lost, talking to strangers, and understanding how to reach out for help to the law enforcement community (p.4-5). These findings indicate that there is an increased likelihood that the criminal justice community will encounter someone from the ASD community in the near future as autism rates increase, but proper training is lacking for the criminal justice community to handle and recognize the needs of the ASD community. The authors suggest that those who are employed by the criminal justice system often use their own intuition when approaching a situation involving a member of the ASD community and most have little to no training on autism (p.13).

Researchers Wallace et al. (2020) echo the findings of Swan and Perepa (2019) detailing that 60% of adults with ASD are fearful of a future police encounter. Wallace et al. (2020) found that adults with ASD worry that if an encounter with the law enforcement community happens, their behavior will be seen as noncompliant, and communication misinterpreted which could ultimately lead to a physical altercation between the two parties. The authors noted the ramifications of this fear is not only isolated to the ASD adult, but their caregiver, parents, and other family.

Sarrett and Ucar (2021) presented research that aligns with previous research (Foster and Young, 2021; Holloway et al., 2020; Maras et al., 2019; Norris et al., 2020; Vinton et al., 2020) where those within the ASD community continue to have negative experiences with the Law enforcement community as victims and as the accused. The study by Sarrett and Ucar (2021) involved twenty-seven members of the ASD community

where they were asked to rate their experience with the law enforcement community as positive, negative, formal or informal. The study did consider age, race, gender, and severity of ASD. What was discovered is the overwhelming need for a higher level of respect to the ASD community by the law enforcement community no matter the type or result of the experience or encounter. Respondents agreed that while they feel they should be treated with more respect and legitimacy, they also think their disability merits more attention in law enforcement interaction (Sarrett & Ucar, 2021).

Diamond and Hogue (2021) found that most law enforcement officers surveyed viewed autism in the same overgeneralized category as with emotional disorders and someone who is learning disabled. This general lack of knowledge of autism and other disabilities leaves law enforcement officers feeling unprepared for properly handling an encounter. For this reason, the authors suggest preparing students with disabilities for successful interactions with the police both at home and in a school setting. Diamond and Hogue (2021) posit that no universal curriculum exists for teaching students with disabilities how to interact with police, but some nonprofit organizations and private developers are beginning to see the need for access to this type of training for parents and caregivers.

In the United States, state and local law enforcement entities provide an average of 843 hours of basic training to new police officers (Reaves, 2016). Basic training is provided through various specialized academies such as state police, county police, city or municipality police, college programs and technical schools which use one of the following three models: a stress-based military model that combine both physical and psychological pressure to the trainee, a nonstress model where training is focused on

physical training as well as educational training, or a combination of the stress-training model and nonstress training model (Reaves, 2016). All of the training models provide a range of topics based on best practice outlined by the U.S Department of Justice, State Police Officers Standards and Training (POST) guidelines (Nevada Commission on POST, 2019; U.S. Department of Justice, 2019). Reaves (2016) further outlines that instruction and mode of delivery may differ but common subject areas of training focus on operations (e.g., department procedures, traffic stops, report writing), self-defense tactics (e.g., firearms, nonlethal weaponry, use of force guidelines), self-improvement (e.g., professionalism, integrity), and furthering legal education (e.g., constitutional law, criminal law, highway and other traffic laws).

Once basic training is complete, over 80% of law enforcement agencies require the new recruit to complete an average of 500 hours of field training where content that was learned during basic training is applied to the everyday practical experiences of job duties (Dulin et al., 2019). This type of field training allows the new officer the opportunity to understand the community they are serving as well as learning the culture of the police department in which they are hired (Reaves, 2016). It is only after successful completion of basic training and field training when new officers are ready for assignments and should remain abreast of training topics offered by their department that affect current policing practices.

Agencies that are POST certified through state and federal agencies are required to have all law enforcement officers, which they employ, annually complete 12-hours of training on topics such as racial profiling, de-escalation techniques, mental health and disabilities, human trafficking, or firearms (Department of Justice, 2019). This type of

training is referred to as in-service training and is generally viewed by law enforcement personnel as refresher courses that were learned during basic training but contain updates on current policing issues and current trends across society (Reaves, 2016). One of the most commonly mentioned in-service training is Crisis Intervention Team (CIT) training.

CIT training is a concept that was developed in 1988 through a collaboration with mental health professionals, health counselors, and law enforcement agencies in response to a series of unfortunate events for those who were experiencing a mental health crisis when law enforcement arrived (Diamond & Hogue, 2021). The goal of this training, according to Diamond and Hogue (2021), is to equip the law enforcement community with the education they need to identify when someone is in the midst a mental health crisis and to use positive de-escalation techniques which include communication and other soothing behaviors in order to assist the individual in a calming and nonthreatening manner. CIT training is not a mandatory training for law enforcement agencies and there is no specific count on how many departments offer this training in the United States (Reaves, 2016). Those known law enforcement agencies which have adopted and offer CIT training to their law enforcement officers have reported a decrease in use-of-force by officers and those who have completed CIT training report they are better equipped to identify a mental health crisis and defuse the situation with minimal force (Diamond & Hogue, 2021). CIT training curriculum addresses concerns surrounding mental illnesses but does not directly detail specific disabilities which creates a false narrative that all disabilities are mental illnesses (Diamond, 2020).

Hinkle and Lerman (2021) discuss a current uptick in the unnecessary use of force by the law enforcement community, which escalates an already tense situation, in order

to gain the compliance of an individual of the ASD community who appears to be uncooperative. The authors conducted a relatively small experiment with 24 police cadets and demonstrated the efficacy of behavioral skills training. This study used live actors to simulate the ASD community to evaluate the use of performance-based instruction on ways to promote compliance within the ASD when law enforcement is responding to an emergency situation. The police cadets were taught verbal and physical cues most commonly exhibited within the ASD community and alternative means to de-escalate a perceivably tense situation. The result of the experiment conducted by Hinkle and Lerman (2021) was that hand-on role playing should be incorporated, or supplemented, in the commonly used forms of didactic instructions already being delivered to law enforcement personnel.

Disability specific training is a type of training that is offered to law enforcement personnel to take at their discretion where the training is geared toward recognizing individuals with a developmental or intellectual disability (Eadens et al., 2016). Currently, there are 28 states that offer disability specific training to law enforcement personnel, and only eight of those states offered ASD specific training geared at recognizing and interacting with someone who is autistic (Diamond & Hogue, 2021).

Most of the disability specific training offered to law enforcement personnel is created and taught by nonprofit organizations (Diamond, 2020). These trainings offer law enforcement an overview of disabilities as noted in the Americans with Disability Act (ADA) where the focus is primarily on a successful interaction with the individual with a disability (Reaves, 2016). Disability specific training is taken at the discretion of the law enforcement officer and due to current events presently in the United States between law

enforcement and minorities, most law enforcement personnel are choosing to take trainings for minority population awareness (Diamond & Hogue, 2021).

Summary and Conclusion

Members of the ASD community commonly face challenges in their daily lives when interacting with members of the criminal justice community which can include harassment, discrimination, victimization, and even violence. Also known is that the criminal justice system lacks the accommodations to adequately assist members of the ASD community. What was not fully known is their perceptions when seeking assistance from departments within the criminal justice community. Research (Burleigh & Vaughan, 2018; Even-Tzur & Hadar, 2019; Holloway et. al., 2019; Lane & Chong, 2019; Salerno-Ferraro & Schuller, 2020; Thompson-Hodgetts, Labonte, Mazumder, & Phelan, 2020; Tint et. al., 2019) suggested that future studies need to be conducted on procedural justice and legitimacy by LEOs by individuals of the ASD community.

In this chapter, I have provided an exhaustive overview of relevant literature in reference to the ASD community and their perceptions and experiences with the criminal justice community. The literature presented focused on the theoretical framework of intent, contact with the criminal justice community, and LEO training, education, and knowledge of the ASD community. In chapter 3, I will discuss the design of the research, sampling, as well as instruments and other procedures used to determine the results.

Chapter 3: Research Method

Introduction

The purpose of this qualitative study was to understand how those in the ASD community perceive and interact with the criminal justice community (law enforcement, jail or prison, and the court system) and its responses when assistance is sought or a crime is reported. The previous chapters detailed the experiences of the ASD community within the systems of criminal justice and provided an analysis of the literature concerning police legitimacy, prescribed justice, and the ASD community's contact from criminal justice officials and the training and education of those representing the criminal justice system. This chapter introduces the research methodology used.

Research Design and Rationale

The research questions that led this study and shaped the data collection process and analytical thinking are listed as follows:

1. How do caregivers of those within the ASD community feel about the criminal justice community (e.g., law enforcement, prison system, court system)?
2. What factors influence the ASD community's perception of the criminal justice system?

A qualitative phenomenological study was used to evaluate the perceptions and experiences of those in the ASD community concerning the different sectors of the criminal justice system (e.g., law enforcement, prison or jail system, and the judicial system). Lester et al. (2020) posited that qualitative research is best used to detect a respondent's thoughts, feelings, and opinions on a particular subject. Additionally,

qualitative research focuses on words, depth, and exploratory methods rather than numbers and breadth of the topic (Lester et al., 2020). Other research techniques require much more involvement by the researcher; in this way, it is the opinion of the researcher that shapes the outcome of the study (Lester et al., 2020).

Howard et al. (2019) suggested that other qualitative analysis, such as interpretive phenomenological analysis (IPA), be used to examine the experiences of the ASD community. According to Howard et al., IPA produces an account of lived experiences by the respondent instead of one that is prescribed by a preexisting theoretical conception. Howard et al. stated that there had been a limited number of empirical studies on the interaction between the ASD community and the criminal justice community. In addition, Norris et al. (2020) noted the need for more in-depth studies when examining interactions between the ASD community and the criminal justice community. The arguments made by Lester et al. (2020), Howard et al., and Norris et al. support the use of a qualitative research approach to studying interactions between the ASD community and the criminal justice community. Using a qualitative approach to research, I endeavored to conduct an in-depth search of the problem expressed through the words of the ASD community.

In this study, I attempted to obtain firsthand knowledge of the experiences of the ASD community through the eyes of caretakers and their perceptions of the criminal justice system when those they care for are seeking help, reporting a crime, or entering the system as a victim or offender. I chose to use the phenomenological qualitative approach to this study. According to Howard et al. (2019), phenomenology is a focus on what is or what is experienced by an individual to get a pure experience. This type of

research design aligned with the research questions and was able to capture the perceptions, experiences, and any perceived challenges of the caretakers within the ASD community who had a previous encounter with the criminal justice system. Due to a lack of research studies focusing on this community, using a phenomenological research method to analyze and study lived experiences and interactions with the criminal justice system had the potential to provide an exploration into any perceived barriers or challenges that might be presented during their interaction.

Role of the Researcher

My role as the researcher was to serve as the data collection instrument in this study. My aim as the researcher was to be open minded to what was being studied while being focused on the participants' experiences and not my own experiences. In addition to these roles, I participated in active listening, being fully present but not interjecting my own prejudices into the conversation, instead following the lead of the participants, who were considered experts on the phenomenon being studied. Leading the approach this way, I was able to uncover and provide a detailed analysis of the views of ASD caretakers on their interactions with the criminal justice system when seeking help due to the individual they cared for being a victim of a crime or reporting a crime.

As the researcher, I was careful to not allow my experiences, preconceptions, ideas, or emotions interfere with the results of this study. I remained attentive to the needs of being an active listener for the participants and was mindful not to interject my own opinions or theories into the conversation. My role as the researcher was to ask the participants to explain, in their own words, their experiences when interacting with the criminal justice system.

Methodology

Participants

The participants in this study were individuals who identified as caretakers of someone who is a member of the ASD community, were over the age of 18, and had observed, or witnessed, an interaction between someone they cared for and the criminal justice system (law enforcement, prison, and courts). The participants were a homogenous sample of the population who were selected by using the snowball technique because all shared social and demographic characteristics. Research (Namey et al., 2016) has suggested that a typical sample number for a phenomenological study is in the range of four to 10 participants. It is also thought that the primary focus of qualitative research is not determining the number of individuals who have experienced the phenomenon being studied, but studying the experience of the phenomenon in great detail (Namey et al., 2016).

Because I do not identify as someone from the ASD community or a caregiver of someone from the ASD community, I used a gatekeeper who had immediate access to this population. Straiton et al. (2021) recommended using a gatekeeper when research is being conducted on individuals, or groups, that have been somehow marginalized by society. I recruited participants for this study by posting fliers on online community information boards and in conspicuous places throughout the community of Ashland, Kentucky. The fliers included information such as my email address and a phone number. There was also expected to be participants who were recruited by word of mouth from individuals who had seen a flyer posted in the community and online, which proved true.

The participants in this study were screened by being asked the following questions:

1. Are you at least 18 years or older?
2. Do you identify as a caretaker for someone in the ASD community?

Participants were asked to take part in the study if they were (a) at least 18 years of age or older and (b) self-identified as a caretaker of someone within the ASD community.

Instrumentation

I created an eligibility sheet for participants to complete (Appendix A). This form helped to determine if participants were eligible to participate in the study by meeting the required criteria.

A semistructured interview guide that I created was used for this study (see Appendix B). The interview guide focused on information regarding experience with, and perceptions of, the criminal justice system (e.g., law enforcement, court, or prison system) during an interaction with the ASD individual by caretakers of ASD individuals. The interview guide was used in a manner to facilitate a broader discussion in the one-on-one interview while encouraging participants to answer the questions in an ongoing open-ended format. I used follow-up questions such as “tell me more about that” or “how did that make you feel?” to help clarify and further broaden the investigation into the participants’ responses when necessary.

A modified version of the Stevick-Colaizzi-Keen method was used to analyze the data that were collected from participants. There are six steps to this modified method:

1. Begin with a full description of the researcher’s personal experience concerning the phenomenon being studied.

2. Develop a list of significant statements.
3. Group the significant statements into meaning units or themes.
4. Write a textural description.
5. Write a structural description.
6. Write a composite description of the phenomenon being studied, incorporating both the textural and structural descriptions.

Recruitment, Participation, and Data Collection

Due to the ongoing Covid-19 pandemic, all participants were invited to participate in an individual, one-on-one interview that was conducted by telephone only. All participants agreed in advance to have their interview conducted by phone, not only to ensure adherence to Covid-19 safety protocols, but to protect confidentiality. At the beginning of the interview, each participant was read the consent form, which explained the purpose of the study, the procedures of the study, the risks and benefits of participation in the study, their right to privacy and confidentiality, and the right to withdraw from the interview at any point they might choose.

Participants of the study were informed that if they experienced any discomfort before or after the interview, a list of local counseling services would be provided to them. Participants were also provided the contact information for the research participant advocate at Walden University. As an incentive for participation in the study, each participant was given a \$10 gift card. The interview of each participant was recorded using audio equipment, and I then transcribed the interviews and organized the transcriptions into codes, categories, and themes. The debriefing procedure involved thanking the interview subjects for their participation, providing my contact information

for any follow-up questions the participants might have, and reminding the participants of the purpose of the study. No follow-up interviews were necessary.

Data Analysis Plan

Before I began the interview process with each individual, I composed a series of brackets that detailed my experience with the phenomenon before listening to the lived experiences of each individual caregiver during the interview process. Bracketing, or *epoche*, is when the researcher sets aside any prior knowledge or opinions to focus solely on the participant's experience while being as unbiased as possible in their role as the researcher. Once bracketing my personal experiences and biases was completed, I transcribed each participant interview using Microsoft Word. Each transcript was read thoroughly in its entirety with the purpose of identifying significant statements.

Before proceeding to the next step, I printed and organized each transcribed interview. I then developed an ongoing list of significant statements, manually, which is also referred to as *horizontalization* (Cheng, 2021). The significant statements that were collected are related directly to the participants' description of their lived experience. The next step involved organizing and clustering the significant statements into themes. Each statement that is nonrepetitive or nonrepeating was listed in detail. The themes were then clustered into a color-coded table format, which makes for easy viewing and reference. Once the nonrepetitive and nonrepeating themes were identified, I began writing a textual description. The textual description was derived from the common themes found in each transcript that described what the participant experienced, including verbatim quotes relating to their experiences and perceptions in terms of the criminal justice system. The next step included structural descriptions, which were created to describe how the

participants experienced the phenomenon. The final step in completing the analysis was to create in writing a composite description of the participants' experience. Creating a composite description provided a better understanding of their lived experiences and perceptions of the criminal justice system.

Issues With Trustworthiness

To address the establishment of trustworthiness in the research process and data collection, four criteria were used: conformability, credibility, dependability, and transferability. According to Tomlinson and Schnackenberg (2022), a researcher can ensure conformability by the standard fundamental of bracketing, which is both reflexive and an essential component.

Confirmability

I attempted to maintain the confirmability of this research study using the process of reflexivity. I acknowledge that I had a past career in law enforcement, which could have affected this research study in some ways. I recognized the potential for personal bias and made an attempt to neutralize it by allowing the literature review to guide the research and by using a predetermined set of interview questions. Only follow-up questions that naturally arose during the interviews and were necessary for the sake of clarification were used to help maintain confirmability.

Credibility

Credibility was ensured by rechecking all ambiguous information that was received during the interview process. By restating and paraphrasing all ambiguous information with the participant that was obtained during the interview process, I was able to obtain clear and concise statements to ensure accuracy of the information

received. This also allowed me to gain a better understanding and clearer perception of the participants' view of the criminal justice system as they experienced it using their own words. Saturation was achieved during this step.

Dependability

The dependability of this study was established through a type of audit trail. The interviews were recorded in their entirety and then transcribed. The transcriptions were used to create codes, categories, and themes before conclusions were drawn from the data. The reader is able to see that the research is dependable when reviewing the original transcription and comparing it to the different codes, categories, themes, and conclusions that were drawn as a result of the initial data.

Transferability

I acknowledge that issues of transferability may exist in my research, as the study included only a small number of participants. I attempted to minimize these issues by including a variety of participants rather than only using participants from one family or people from the same organizations. The issues that were addressed in this study exist nationwide, and the results will likely be beneficial for any law enforcement agency. I also minimized any issues of transferability by asking interview questions that could apply to any parent or caretaker outside of this geographic region.

Ethical Procedures

I recruited caretakers of those with ASD who had encounters with members of the criminal justice community by distributing fliers in the community of Ashland, Kentucky; speaking to people in public in the Ashland, Kentucky area; and creating a public Facebook post to recruit other locals who might not see the posted fliers in the

community. Those who were recruited were given a consent form to read and sign. The form included a description of the study, a disclaimer that the interview would be recorded and transcribed, and assurance that no identifying information would be used in the final study to maintain confidentiality. The consent form also informed the participants that they would receive a \$10 gift card for their participation in the study and that they could discontinue the study at any time with no repercussion. Information with personal or identifying information was not shared with any outside source.

I did not interview anyone whom I knew personally, and I did not live in the community of Ashland, Kentucky.

Summary

While the study included only a small number of participants, issues were minimized by including a variety of participant-caretakers willing to speak out about their perceptions of law enforcement and the ASD community. The purpose of this study was to address the potential issue of law enforcement failing to recognize someone in the ASD community who may need their services or who may be in distress. A phenomenological qualitative study was conducted in order to fill this gap in the literature. Interviews were conducted with parents or caretakers of those in the ASD community using a predetermined set of questions to determine if more education and training by law enforcement are needed to further identify those in the ASD community.

Chapter 4: Results

Introduction

The purpose of this qualitative study was to describe and understand the perceptions of caregivers of those with ASD who have had interactions with law enforcement and are unintentionally targeted by the criminal justice system due to a difference in communication style, which can result in the loss of civil liberties for people within the ASD community. The problem that this study explored was the need to describe the experiences, through the eyes of caretakers, of those within the ASD community who have encountered law enforcement voluntarily or involuntarily, and how better insight can be gained to avoid injury, arrest, or death due to a difference in communication style between the two entities. A qualitative phenomenology research methodology was used to capture the embodiments of this phenomenon. The research questions that guided this study were the following:

1. How do caregivers of those within the ASD community feel about the criminal justice community (e.g., law enforcement, prison system, court system)?
2. What factors influence the ASD community's perception of the criminal justice system?

In Chapter 2, I provided an exhaustive overview of relevant literature in reference to the ASD community and members' perceptions and experiences with the criminal justice community. The literature presented focused on the theoretical framework of intent, contact with the criminal justice community, and LEO training, education, and knowledge of the ASD community. In Chapter 3, I reviewed the research methodology,

the ethics of protection governing the participants, the research questions, the number of participants, the recruitment methods, and the sampling strategy that were used in this study. In Chapter 4, I provide a description of the research setting, demographics of the participants involved, and the data collection and data analysis process that was used in this study. I also address the credibility of the study and provide a description and explanation of the major themes that were attained from the participants' perception of the criminal justice system.

Setting

To collect data from caretakers of those with ASD and their perceptions of the criminal justice system, I posted fliers on community bulletin boards located in grocery stores, libraries, and college campuses throughout the cities of Ashland, KY; Grayson, KY; and Morehead, KY (see Flier 1). I also posted a flier on my personal social media page and shared the post to online community boards within the aforementioned cities (see Flier 2). The information on the fliers included an email address and phone number or directed potential participants to private message me on social media for more information. I did not physically meet with any of the participants in my study but only connected with them during a prearranged Zoom conference call.

Demographics

The sample study consisted of 10 self-identified caretakers of those in the ASD community. Seven of the caretakers were identified as female, and the remaining three were male. Seven of the participants self-identified as being White/Caucasian and of non-Hispanic ethnicity. Two participants self-identified as being Black, or African American,

and of non-Hispanic ethnicity, and one participant identified as Hispanic or Latino. The age, ethnicity, and gender of the 10 participants are shown in Table 1.

Table 1

Participants' Demographic Data

ID	Age	Ethnicity	Gender
P1	22	White/Caucasian	Female
P2	34	White/Caucasian	Female
P3	33	African American	Male
P4	45	White/Caucasian	Female
P5	39	White/Caucasian	Female
P6	42	African American	Female
P7	36	Hispanic/Latino	Male
P8	51	White/Caucasian	Female
P9	49	White/Caucasian	Male
P10	46	White/Caucasian	Female

The participants in the study shared common characteristics such as (a) self-identifying as a caretaker of someone who is a member of the ASD community, (b) having had or witnessed an encounter of the criminal justice community (law enforcement, prison system or the court system) with a member of the ASD community, (c) being of age of consent (18 years or older), and (d) speaking English as their first language. The mean age of the participants was 37.4 years, with the youngest being 22 years of age and the oldest being 51 years of age. Seven participants self-identified as a female caretaker while the remain three participants self-identified as being male caretakers. All participants were native English speakers who were caretakers of someone in the ASD community and had witnessed or observed an interaction between the criminal justice community and the ASD person for whom they cared. To minimize any concerns about the participants' identity and to ensure a high level of confidentiality, an identifier number was assigned to each participant prior to the start of the interview.

Data Collection

I began to collect data after receiving approval from Walden University's Institutional Review Board office with an approval number of 10-02-23-0756460. After fliers were posted in the cities of Ashland, Grayson, and Morehead, Kentucky, and in online forums, I started to receive phone calls and emails from 14 potential participants to set up interview dates and times. Four potential participants did not return my call or email, so those potential participants were deleted, and the final number of participants was 10. I conducted interviews with the Zoom teleconferencing software. The interviews were conducted over a period of 1 week (October 7, 2023–October 14, 2023) before reaching saturation where no other participants were recruited. The interviews lasted between 15 minutes and 60 minutes, with the median interview lasting 30.8 minutes, and they were audiotaped with the consent of each participant. A random number was assigned to each participant before the interview began.

Before the start of each Zoom interview, I provided a short, but thorough, introduction of the study and encouraged each participant to ask questions throughout the interview. Once the participant indicated their acceptance and understanding of their role in the interview, I obtained basic demographic information, and then the interview process began. During each interview, I listened carefully to each participant's response so I would know if I needed to probe or ask for additional clarification. Upon completion of each individual interview, I labeled each unique recording with the identifier number that was assigned to the participant at the beginning of the interview. I then backed up the recordings on a password-protected hard drive to better assist with confidentiality. After this process was complete, I then listened to the recording entirely and began transcribing

the information into a Microsoft Word document. Specific information such as proper names, location, or any medical diagnosis divulged were omitted from the transcripts to further ensure the confidentiality of the participant and protect their anonymity.

All of the respondents who participated in the study were very eager to share their experiences, feelings, and thoughts on their interactions with the criminal justice system based on their role as a caregiver of someone in the ASD community. Those who participated remained on topic during the interview; some were very detailed, and some required follow-up questioning to ensure the accuracy of their account.

Data Analysis

The data analysis process that I used for this study was a modified version of the Stevick-Colaizzi-Keen method to analyze the data collected. I used Microsoft Word to sort, filter, store, and organize the data by manually organizing the data into themes. Several steps were needed to manually analyze the data used in bracketing and horizontalization. The first step was to describe my personal experiences with the phenomenon being studied. Prior to conducting interviews, I kept a journal that allowed me to detail my thoughts on the phenomenon, which kept my feelings, thoughts, and experiences out of this study.

The second step involved creating a list of significant statements, which I did by assigning equal weight and value to all the statements in the transcript. This allowed me to develop a running list of statements that were not overlapping and nonrepetitive and kept the focus on the phenomenon being studied.

The third step was grouping the meaningful statements into reoccurring themes. The meaningful statements were stored and organized in Microsoft Word, where tabs

were created to group those statements into codes that were assigned descriptive titles (e.g., “Helpful, Honest”). Once completed, there were 37 titles that would help guide the research.

The fourth step consisted of illustrating, through writing, a textual description of the participants’ experience, which included quotations taken from the participants’ transcripts. These illustrations of the participants’ experiences represented their feelings, thoughts, perceptions, and experience(s) with the criminal justice system.

The fifth step consisted of blending both textual and structural descriptions of the phenomenon, from the participants’ perspectives, which represented an accurate description for all participants.

The sixth and final step was to develop a composite description of the phenomenon and incorporate both the textual and structural descriptions of the data that I had collected.

Evidence of Trustworthiness

The trustworthiness of this study is based upon four established criteria: (a) confirmability, (b) credibility, (c) dependability, and (d) transferability.

Confirmability

To achieve confirmability of the study, I kept a journal that was reviewed before and after each interview. Referencing a journal allowed me to ensure that my experiences, thoughts, and feelings did not infiltrate the study.

Credibility

Credibility was ensured in this study by rechecking, rephrasing, and summarizing any ambiguous information during each interview that may have lacked a meaningful interpretation of the answers that were given by the participants.

Dependability

I ensured dependability throughout the study by keeping a clear, detailed, and orderly description of how I collected data so that researchers in the future can replicate the study and research process.

Transferability

Transferability was ensured in this study by collecting a wealth of data and by incorporating both the textual and structural descriptions of each participants' experience, knowledge, perceptions, and account of the phenomenon being studied.

Results

Analyzing the data produced two primary themes that represented the perceptions of the participants and the criminal justice system as it relates to the ASD individual: (a) their thoughts about the criminal justice system and (b) their experiences, whether direct or indirect, with the criminal justice system. These two themes emerged through the significant statements of the participants that supported the two research questions that guided this study:

1. How do caregivers of those within the ASD community feel about the criminal justice community (e.g., law enforcement, prison system, court system)?

2. What factors influence the ASD community's perception of the criminal justice system?

Theme 1: Interactions Within the Criminal Justice System

The first theme to emerge from the participant data was the thoughts of the participants regarding the criminal justice system. Extracting the data from their answers led to three codes being generated: (a) emotional response, (b) lack of safety, and (c) appeal for assistance.

Emotional Response

The first code that was developed from the data obtained was emotional response. All participants indicated some level of emotion when interacting with someone from the criminal justice community (e.g., law enforcement, the judicial system, or the prison system). Only three participants (1, 6, and 10) never had any personal interaction with someone from the criminal justice community, but all three agreed that parts of the criminal justice system need work done to them to help alleviate difficult experiences for those in the ASD community. Further in-depth explanations of the participants' emotional responses are detailed below.

Law Enforcement. Participants were first asked if they had witnessed any interactions between the police and a member of the ASD community. Participants 2, 6, and 7 had personally witnessed an interaction at a previous time. Participant 2 indicated a positive interaction with police but explained that she initiated the interaction between police and her autistic son at scheduled events such as fairs, parades, and other community engagements. Participants 6 and 7 expressed a cautiously optimistic view of police. Participant 6 further explained that while she did not inherently believe that all

police are bad individuals, there could be room for improvement when handling a situation where a special needs individual is involved. Participant 7 stated that because he lived in a smaller town, it was possible that he would know most of the individuals on the police force in some way. According to Participant 7, residing in a small town could be seen as a positive or negative, but it was more of a negative because he had witnessed the police in his town interact with people who have physical and intellectual disabilities, and the behavior of the police was not consistent.

Participants 1 and 3 expressed that while they had not had a direct interaction with the police involving someone from the ASD community, they would fear an interaction as a caretaker of someone who is in the ASD community. Participants 4, 9, and 10 agreed that an encounter with police instills a lot of fear in a caretaker. Citing various recent news stories from around the United States, Participant 4 stated that she would be on the defensive if approached by the police while she was in a caretaking role. Participants 5 and 8 both agreed that any interaction by police while in their caretaker role would be no cause for alarm.

The Court System. As with law enforcement, there were some participants who did not have any personal experience interacting with the court system. Participants 1, 3, 4, 9, and 10 did not have any personal experience interacting with the court system; the remaining participants provided detailed descriptions regarding their interaction.

Participant 2 indicated that she felt “out of place” being in the courtroom. She indicated that the current setup of courts is not that of a sensory-friendly place. She stated that she was there for herself but also had to balance being an ASD caregiver while in court:

Even though I was in court for myself, as a mother of someone who is autistic, the environment was a sensory overload for my child. From the endless chattering to the banging of the gavel after each case, it is stressful enough for anyone who does not have the challenge of being ASD.

Participant 5 indicated that she had a somewhat positive experience regarding the court system because court personnel saw her struggling with her ASD child for whom she cared and allowed her to wait outside until her case had been called. "I really don't know what I would have done if I could not go outside and sit with my child to calm them down. I was really struggling with my child which showed."

Participant 6 stated that being African American and caring for an ASD child in public in a rural community results in a lot of unwanted attention.

My child is prone to sudden nonsensical outbursts. My parenting skills are judged not only based on how I administer punishment when my child has done wrong in public, but also by what the public sees that may be unorthodox treatment from a Black mother to her autistic child.

Participant 6 further stated that she was able to excuse herself from the court situation briefly to take care of her ASD child and then return.

Participants 7 and 8 indicated that they were indifferent on the subject because they both hired attorneys to represent them in their business with the court. However, both Participants 7 and 8 stated that they would not want to navigate the judicial system alone while carrying out their duty of caretaker to someone who has ASD. Both Participants 7 and 8 stated that there would be a greater need for fairness fulfilled that would not be understood by the court and one that the ASD person could not articulate.

Participant 8 stated, “without some modifications, those within the ASD community without caretakers have a huge risk of becoming a statistic and being lost in the system.”

The Prison System. When asked about their interactions with the prison system, participant 3 stated that he had a long history with the prison system, but caring for his autistic child has made him turn his life around.

It scares me for my child because I know what is out there and I know how I was treated, and I was not deemed ASD. I don't want something to come up and my child automatically get accused because I am his father and because of my history.

Participant 3 continued to say that there needs to be a guardian for special needs accused offenders or some type of checks and balances so the ASD person will not get lost in the criminal justice system through no fault of their own.

Participant 7 and 9 both agreed that they do not have a direct connection with the prison system, but both have immediate family members who have been part of the prison system. Participant 7 believes the prison system, as it is set up where he lives, does not rehabilitate the offender, and will do more damage than good to those in the ASD community.

If someone from the ASD community was wrongly accused then sent to prison for a crime he didn't commit, that person will be ripped away from everything they've known since a child and likely be in fight or flight mode the entire sentence, which is a dangerous place to be.

Participant 9 agreed, to an extent, but believed that while prison staff do their best to classify incoming prisoners and place them with others where they will be homogenous,

that is not always done, nor is it perfect, and it really needs to be addressed more especially since we are hearing and seeing more high-profile people being sentenced to prison.

Lack of Safety

Lack of safety is the second code that was generated in this set. All 10 participants indicated some form of concern for safety when interacting with a member of the criminal justice community (e.g., law enforcement, the court system, and the prison system.) Their perceptions are captured below.

Law Enforcement. Most of the participants agreed that interacting with the police can be seen as risky business by caregivers of those with ASD.

Participant 10 stated that she did not feel like the police are safe because of an interaction she had a year ago in public with her unruly ASD child.

An observer called 911 and said I was abusing my child in public. The police arrived and escalated the situation instead of asking me what I was doing or using de-escalating techniques. They showed up in the middle of a crisis I was handling and did not even ask if I needed their help but jumped in and made things worse for me and my child.

Participant 6 agreed and stated that she believes police are not familiar with some communication dynamics with people of color.

Sometimes my son who is ASD will flail his arms wildly, make unusual sounds and squeals, but this is how I know he is scared and afraid. All I need to do is show him something familiar and sit down with him and he will stop all that nonsense. ASD can look different on different people.

Participants 2 and 4 seemed more optimistic about trusting the police to ensure safety but were still hesitant to forgive any poor behavior on the part of police and the ASD community. Participant 2 stated that it is extremely important for a caregiver of an ASD individual to know their rights when dealing with police. Participant 4 agreed with Participant 2's statement, but further added in that it is sometimes difficult to know your rights and responsibilities in the heat of the situation especially when you did not request for any assistance.

The Court System. Most of the participants believe that the court system, and associated players, are biased against the ASD community. Participant 2 stated that courts are not a safe place for those with ASD because they are not set up to deal with the unique situation of those who are ASD. Participant 5 said that watching her child, who is an adult with ASD, be tried in a court case without any regard given to their ASD would be a gross miscarriage of justice to her child. Participant 6 believes the court is not necessarily seeking the truth but is overburdened and only cares about closing cases and clearing the dockets which leaves a huge impact on the vulnerable population of those who are ASD.

Participant 7 believes that more guidance needs to be put into place on how to handle possible defendants that are ASD.

Just because someone may be age 18 on paper does not mean they are an adult. Someone who is ASD could have the body of an adult, but the mind of a child. Standing behind their physical age as a defense for the court to strip away the freedoms and rights of someone with the mind of a child is not justice.

Participant 8 also feels really biased against the court in terms of her capacity as a caretaker of someone that is in the ASD community.

I would be told that my child is an adult and that I cannot speak for them, even when I know they have not reached the mental capacity of an adult to understand when someone may be coercing their answer.

Participants 1, 3, 4, and 10 echoed the other participants' opinions in one way or another, but all agreed that they think the court system is not unbiased to those who are in the ASD community.

The Prison System. Most participants agreed that the prison system is not a place meant for their ASD loved one for various reasons. Participants 8 and 10 agreed that prison system was overall an unsafe environment for someone with ASD, citing multiple factors with living conditions being at the top. Participant 8 states that "it is difficult for prison personnel to understand the depth of thinking an institution needs to keep these individuals safe from not only themselves but also from prison guards who think they are being unruly." Participant 10 agreed and said that "it could become a vicious cycle of abuse for the person with ASD simply because they do not understand."

Participant 1 believes that a prison can become a deadly place for someone with ASD because there are not a lot of protections for someone who is ASD. "This could be a situation where someone doesn't understand ASD or thinks this person needs roughed up a bit to be compliant, but that is further from the truth." However, participant 4 believes that prisons can become deadly in another manner, leaving the ASD person alone with no help whatsoever.

It is taboo in the eye of the public when the media reports that an authority figure used excessive force on a child who is ASD. This could be a similar case where prison officials choose not to get involved with the ASD individuals, turn a blind eye, and the individual's needs are neglected.

Appeal for Assistance

The third code that was generated from the data was appeal for assistance based on their interactions with the criminal justice system. Half of the participants (1, 2, 8, 9, & 10) said that they would be willing to turn to the criminal justice system for assistance if a crime had been committed against the ASD person for whom they care. The other half (participants 3, 4, 5, 6, & 7) said they would not be so likely to seek the assistance of someone in the criminal justice system as a first line of defense when a crime had been committed against the ASD person for whom they care, rather they would turn to other members in the ASD community or community action organizations. Their responses are detailed below:

Willing to Take Assistance. Participants 1 & 2 stated that they would seek assistance from the criminal justice community no matter what happened. They both agreed their biases would outweigh the need to seek assistance in hopes that the criminal justice system would do the right thing. Participant 8 was hesitant to give the criminal justice community full control of the situation with no questions asked. Participant 8 made it clear that she would still like to be the guiding hand, to some extent, over the criminal justice process of what happens to her case.

Participants 9 & 10 were the two most reserved participants that were willing to take assistance. One of the major influencers of participant 9 & 10's decisions would be

the attitude of the person from the criminal justice community that were assigned to assist them. If they felt as if they were not being taken seriously or they felt as though the person assisting was not knowledgeable enough about the ASD community, they could be easily swayed to not take assistance.

Not Willing to Take Assistance. Participant 3 stated that he would not bother filing a police report on a crime against his ASD child unless it was a crime of a sexual nature. The rationale behind this thinking is because participant 3 had some of his child's disability money stolen by an ex-girlfriend. Participant 3 said that he knows now it was not worth his time because he feels he wasn't taken seriously even though he had proof, because the police felt like he allowed the crime to happen by not being present. Participant 7 agreed, to an extent, with participant 3, about not seeking assistance from the criminal justice community because he doesn't believe anyone would take him seriously and the criminal justice community would see this as a victimless crime since the victim in this case is nonverbal and doesn't speak.

Participants 4, 5, and 6, all agree that seeking the assistance of the criminal justice community would not be the best use of resources if a crime was committed against someone they cared for in the ASD community. Participant 5 stated that she once reported a situation of neglect by someone in authority when her daughter, who is ASD, was left restrained for hours while the other children played. She had immediately reported this to management first, who failed to take proper action, then called law enforcement. After a few days, she was told that it was a misunderstanding and that nothing further would happen with the case. Participants 4 & 6 both reported similar stories to that of participant 5, but not in that great of detail, rather they simply stated they

would not seek the help of the criminal justice community unless it was a major crime that was inflicted on the ASD loved one in their care.

Theme 2: Thoughts About the Criminal Justice System

The second theme to emerge from the extracted data was the participant's thoughts about the criminal justice system. Three major codes were generated from the data: (a) perceptions of success, (b) lack of protections, (c) and lack of training.

Perceptions of Success

The first code to be produced was perceptions of success by the criminal justice community. All 10 participants described their perceptions of success of each sector of the criminal justice community (law enforcement, the court system, and the prison system).

Law Enforcement. Participants were asked of the efficacy of the police and their perceptions of effectiveness of the performance of their duties. Participants 2, 6, & 7 were all optimistic that members of the law enforcement community were effective, but participants 6 & 7 were somewhat more reserved in praising the effectiveness of the performance of duties. Participant 6 said that things like the internet and social media is keeping some law enforcement in-check now that everyone has cell phones, but what is most upsetting to her is how far some in law enforcement will go just to try and arrest someone. Participant 7 lost most of his faith in law enforcement when he witnessed how law enforcement officers can manipulate your answers, so you seem uncooperative and unwilling to help.

Participants 1 & 3 did not have any direct or indirect instances regarding the successes of law enforcement. Both participants believe that it is just random luck, and

that you have no control over the situation, and just leave it to the universe. Participants 5 & 8 believe there is no cause for alarm and that all law enforcement encounters should be considered successful.

Participants 4, 9, & 10 believed that law enforcement was ineffective, and some were even fearful of an encounter. Participant 4 was outspoken and believes that law enforcement is effective at suppressing the rights of people of color. Participants 9 & 10 also agreed, but participant 9 believes that law enforcement is ineffective at controlling crime but very effective at intimidating people. Participant 10 said that even if one person on the force believed you, they wouldn't cross their peers that may feel differently.

The Court System. Participants 1, 3, 4, 9, & 10 believes that in its most basic sense, the Court system, as it pertains to the component of criminal justice, can be effective. "There is no uniformity from one court room to another, one county to another, and one state to another" according to participant 3. "This lack of uniformity in Judges, practices, and decisions creates anxiety when you are a caregiver for someone in the ASD community," according to participant 4. Participant 1 acknowledged the backlash that could occur if you win in court as an ASD caregiver: "It is a double-edged sword, one minute you are victorious from fighting, but then you will have to watch yourself, and who you care for while outside because that makes you a target for law enforcement."

Participants 7 & 8 had used an attorney in a previous matter and did not have to appear for any hearings, and ultimately, they were the successors in their respective case. Both participants said they would not want to go through the court system alone, and if the ones they cared for needed an attorney, both participants agreed they would be afforded the same rights.

Participant 6 believes that being a person of color and having a disability is already two-strikes against you in the eyes of the court and thinks the effectiveness of the court in the value terms of today is ineffective because there has been a failure to keep up with the changing times. Participant 2 said that she feels that the court system is too formal for the average person to understand and believes that a simpler system could be put into place than what is now. Participant 5 is more neutral when it comes to the effectiveness of the court system.

The Prison System. All 10 participants agreed that the prison system in the United States is ill-equipped to handle the special needs of those who are in the ASD community. Participant 3 said that the penal system has not kept up with studies that have indicated most will do better outside of a “get tough on crime” model of a penal system. “The prison system is not an effective deterrent like it may have been at one time,” said participant 3. Participants 1, 2, 4, & 5 agreed that prison is not a form of rehabilitation but is a form of political and social control for lower class citizens.

Participants 6 & 8 believe that prison can also be a tool to generate revenue for towns and states.

There’s a reason the Federal government would want to build a maximum-security prison in a small eastern Kentucky town where the highest grade achieved by most residents is the 9th grade. It is not to help the town with jobs. Most of the town could not work there because the Federal government requires a college education for most jobs, so they must recruit people to these small-town locations,

said participant 6.

Participants 7, 9, & 10 feel that the prison system, while ineffective, there is some room for improvement. Participant 10 said that the prison system shouldn't be discarded completely, but it should be considered for those who are ASD. Participant 7 agreed with participant 10, but also urged that we need to forward and look at alternatives to prisons because configuring an ASD population into prison does not seem to be a step forward but a step backward.

Lack of Protections

All participants agree that there are no laws that they know of in the state that provides any special protections to those in the ASD community. Participants 6 and 8 do not believe there are enough specific laws that protect those who are ASD. Participant 4 spoke about the Americans with Disabilities Act (ADA) and how there were protections built into that law that helps with the discrimination of those who are ASD. Participant 5 said that the protections within the ADA are not specific to ASD, but they are a step in the right direction.

Participant 10 stated that it is frustrating because the criminal justice community is slow to keep up with the science behind those who are ASD.

As someone who cares for a member of the ASD community without a day off, I am faced with the injustices and lack of protections given to my child even though I am told that he belongs to a protected class,

said participant 10.

Participant 7 & 9 both agreed that the criminal justice system is wanting to try and portray a positive community image for the face of those with ASD, but those who care for someone daily with ASD knows otherwise. Participant 7 said that he would not feel

any special protections if he found he and his ASD son surrounded by law enforcement in a case of mistaken identity. “There would be no time to explain to law enforcement that my son is ASD and may not understand commands, and there would likely be no de-escalation techniques offered by law enforcement to inquire if my son was ASD.”

Participant 9 agreed with participant 7 and further explained that he would fear for the safety of his ASD child if he were unavailable in a situation where law enforcement suddenly showed up. “Even though the police are supposed to protect and serve, I think there could be an opportunity for an abuse of power if I were not present with my child.”

Participant 2 said she believes that a mindset exists with the public, including law enforcement, that those in the ASD community are second-class citizens and their complaints are not taken seriously. Participant 5 agreed and said that while some people in the criminal justice system try to make an effort to be nice and listen to the concern, nothing truly ever gets done because those in power never take the complaint seriously.

Lack of Training

All participants agreed that training is one of the most, if not the most, important aspects for those in the criminal justice system to not only know their jobs, but to help accommodate those they serve, and to help reduce or eliminate lawsuits brought on by ignorance of the law.

Participant 6 fears that without her presence in a caretaker aspect, there could be a fatal misunderstanding that could potentially be avoidable with the right approach. She states that not everyone communicates the same, and her son is no exception.

As a person of color in a small town who has a child with ASD, I constantly worry that a situation will arise, and my son will have no choice but to encounter

law enforcement in some capacity. However, I am the one worrying, wondering if law enforcement will have the proper training on how to communicate with my child when encountered.

Participant 7 agreed that he fears a lack of training is standard throughout the criminal justice system and fears that without proper training, the ASD community will be pushed further behind closed doors as they fear a lethal encounter with law enforcement in particular.

At this point, any training is a start, a beginning in the right direction. Criminal justice agencies must make the first step to institutionalize the educating of those they employ that members of the ASD community are not being uncooperative or resistant, rather, they want nothing more than to help, but understanding they communicate differently is the key to a successful outcome.

Participant 9 also echoed the sentiment of fear that he faces daily as the caretaker of an autistic child.

What people outside of the ASD caretaker community fail to realize is that we fear any type of encounter. Whether it is emergency services rendering aid or being questioned by police, any of these encounters to you and I would be stressful, but to members of the ASD community, it is an unimaginable stress which in turn can become life-threatening.

Participant 4 agreed that an encounter with the criminal justice community can be stressful for the ASD individual, communication between the criminal justice community and the ASD community have been improving.

Community programs like “touch-a-truck” gives the ASD community a chance to meet firefighters and police on the individuals’ terms. These programs open the firehouse and police station to individuals who want to come by and take a look at a firetruck or police car while they are not in an emergency situation. This gives my child the ability to approach a situation on their terms, not when they are stressed out and unable to process what is going on at the time. My child has the opportunity to become less fearful of an emergency vehicle while giving emergency personnel a chance to meet my child, me explain their condition, and hopefully if they meet again in the future, they will remember one another.

Summary

The purpose of this qualitative research study was to describe and understand the perceptions and experiences of caregivers in the ASD community as they interacted with the various sectors of the criminal justice system (e.g., law enforcement, the court system, and the prison system). There were two research questions that guided this research: (1) how do caregivers of those within the ASD community feel about the criminal justice community (e.g., law enforcement, prison system, court system) and, (2) What factors influence the ASD community’s perception of the criminal justice system? The participants’ responses to the interview questions were analyzed and two themes were identified: (a) their thoughts about the criminal justice system; and (b) experiences, whether direct or indirect, with the criminal justice system.

Regarding the first research question, I found that the participants felt the criminal justice system, in general, is one in which they fear and which a great deal of work is needed to alleviate the negative experiences and obstacles that individual, including

caregivers, within the ASD community face when confronted with and interacting with the various sectors of the criminal justice system. A majority of participants in the study felt unsafe interacting with the criminal justice system because of the way they were treated or the perception of how they will be treated. For law enforcement, the participants felt an extra level of stress due to not knowing the level of expertise in which personnel had with individuals from the ASD community. Likewise, many caretakers believe the court system is biased against those in the ASD community because of the various actors potentially being uninformed, or misinformed, of those the unique accommodations needed by the ASD community. Regarding the prison system, the participants felt potentially unsafe because of the lack of safety protocols for those in the ASD community when being placed in jail during the booking process because of the lack of proper classification as someone with special needs. Based on these findings, most of the participants indicated that they would be unwilling to seek the assistance of the criminal justice system when a crime had been committed against someone they cared for in the ASD community. The other participants indicated that they would be willing to seek assistance from the criminal justice system and hope for a good outcome.

Regarding the second research question, the factors that I found which influence a caregiver of someone in the ASD community's perceptions of the criminal justice system were their perceptions of how effective they believed the respective sector of the criminal justice system to be, a lack of special accommodations and protections for the ASD individual, and the lack of training for the criminal justice system and associated personnel staff.

In Chapter 5, I will discuss the interpretation of the findings, the limitations of the study, recommendations, and the implications for social change of this research study.

Chapter 5: Discussion, Conclusion, and Recommendations

Introduction

The purpose of this qualitative phenomenological study was to describe, understand, and evaluate the perceptions and experiences of those in the ASD community concerning the different sectors of the criminal justice system (e.g., law enforcement, prison or jail system, and the judicial system) through the eyes of caretakers. The problem that this study explored was the need to understand the factors that influence the ASD community's perception of the criminal justice system. Given that there was a lack of empirical research in the criminal justice field regarding the views of caretakers in the ASD community, an investigation into the experiences of caretakers was warranted. This research study fills in the gap and contributes to the knowledge base in the field of criminal justice by providing a better understanding of the ASD community and the criminal justice community through the experiences and perceptions of caretakers.

I used Woodbury-Smith and Dien's theory of intent as a theoretical framework for this study and a modified version of the Stevick-Colaizzi-Keen method to analyze the data collected. The theory of intent, when it is applied to this study, is that unlike other neurological impairments, such as psychopathy, sociopathy, and dissociative identity disorder, ASD is associated with significant socioemotional impairments that affect the ability to form intent (Woodbury-Smith & Dien, 2014). The two questions that guided this study were the following:

1. How do caregivers of those within the ASD community feel about the criminal justice community (e.g., law enforcement, prison system, court system)?

2. What factors influence the ASD community's perception of the criminal justice system?

The participants' responses to the interview questions were analyzed, and two themes emerged: (a) interactions within the criminal justice system and (b) thoughts about the criminal justice system. Several subthemes also occurred, which will be discussed later in the findings.

Interpretations of the Findings

Participants in this study described their experiences and perceptions with the various areas of the criminal justice system as a caretaker for someone who has ASD. The resulting outcomes of their experiences and perceptions were positive, negative, and neutral toward various sectors of the criminal justice system.

Theme 1: Interactions With the Criminal Justice System

The findings for this specific theme have been organized according to the sectors of the criminal justice system—law enforcement, the court system, and the prison system.

Law Enforcement

Nearly all of the participants experienced a variety of emotions when dealing with law enforcement in their role of a caretaker of someone who has ASD. Over half of the participants stated that there would be some level of heightened fear that an interaction with law enforcement is best avoided if possible. Participants 1, 3, 4, 9, and 10 agreed that an encounter with police instills a lot of fear in a caretaker, citing various recent news stories from around the United States. Participants 6 and 7 expressed a cautiously optimistic view of law enforcement for reasons such as lack of education on the part of law enforcement departments in handling special needs populations and inconsistent

behavior in each law enforcement officer irrespective of the department. This finding is consistent with Demir et al. (2020), who stated that if the perception exists that law enforcement personnel are treating individuals within the community fairly and with respect, then law enforcement officers are more than likely to be seen as legitimate and sincere with those in the community. This finding also correlates with the findings of Salerno-Ferrero and Shuller (2020), who found dissatisfaction within the ASD community concerning attitudes toward law enforcement for various reasons. According to Salerno-Ferrero and Shuller, members of the ASD community fear a law enforcement encounter because they believe their perceived disability will affect the treatment they receive from the law enforcement community. In another study, Wallace et al. (2021) found that nearly 60% of respondents who had police interaction were fearful of future police contact.

Participants 2, 5, and 8 agreed that an interaction with law enforcement would be no cause for alarm in their role as a caretaker for someone who has ASD. Participant 2 reported a positive interaction with police but explained that she initiates interaction between police and her autistic son at public events and community engagements. Participants 5 and 8 both agreed that any interaction by police while in their caretaker role would be no cause for alarm without any further explanation.

The Court System

About half of the participants (2, 5, 6, 7, and 8) had a personal experience being in the courtroom that subsequently translated into a very strong opinion as caretakers within the ASD community.

Participant 2 indicated a feeling of being “out of place” when in the courtroom and further described a sensation of sensory overload and a place that is not autism friendly. Participant 5 struggled with her autistic child while in the courtroom but felt a sense of relief when she was permitted to wait outside until her case was called to be heard. Participant 6 stated that, like Participant 5, she was permitted to be excused from the courtroom temporarily to care for her autistic child who was experiencing sensory overload and then return. The experiences of Participants 2, 5, and 6 coincide with Perlin and Cucolo (2020), who suggested that while understanding of autism has increased in the past two decades, the criminal justice system has been slow to keep up with the changing attitude of the general public and that the criminal trial process of defendants with autism is largely unexplored or underexplored. Researchers Sturgis and Nunez (2021) echoed Perlin and Cucolo and suggested that research on courts and the ASD community is scarce.

Participants 7 and 8, while not attending a court proceeding in their duty as a caretaker in the ASD community but outside that duty, both agreed that the court atmosphere should be more inclusive and equitable to the needs of those in the ASD community.

The Prison System

Only three participants expressed their interactions with the prison system. Participant 3 was the only participant who had spent a significant amount of time in prison and stated that now that he was a caretaker for his autistic son, he recognized that a checks and balances system needs to exist in the prison system so that someone in the ASD community will not become a victim of the penal institution. Participant 3

suggested a special appointed guardian for those in the ASD community who may enter a prison facility. This correlates with the findings of Ellis and Alexander (2017), who found that individuals from the ASD community have a greater need for specialized attention, which includes accommodations for sensory processing challenges, and that jail staff do not have adequate time to give individual attention to inmates with psychiatric conditions including ASD. Participants 7 and 9 did not have a direct connection to the prison system, but both experienced prison life through the lens of non-ASD relatives. Participant 7 stated that the prison system is not set up to rehabilitate offenders, and as a caretaker of someone in the ASD community, this participant strongly discouraged a traditional prison sentence for an ASD individual. This statement suggests that incarcerating individuals in the ASD community would be more detrimental to the individual and society, which was determined by Ellis and Alexander (2017). Participant 9, while agreeing with Participant 7, thought that if the time comes that an ASD individual is sentenced to prison, a better classification system should exist where the needs of the ASD individual are better met by prison staff and administration. This statement coincides with research by Chaplin et al. (2021), who found that within their study group, 83.3% of the prison population studied met the diagnostic threshold for ASD but were not positively identified, leaving a large gap of inmates undiagnosed who could possibly benefit from therapeutic mental health services while incarcerated.

Theme 2: Thoughts About the Criminal Justice System

The belief that the criminal justice system is ineffective for those in the ASD community was expressed by many of the participants of this study. For example, Participants 4, 9, and 10 believed that law enforcement is ineffective in the ASD

community, and some even feared an encounter. Participant 4 believed that law enforcement is effective at suppressing the rights of people of color while Participants 9 and 10 expressed that law enforcement is ineffective at controlling crime but very effective at intimidating people. This supports the evidence suggested by Railey et al. (2020), who reported that when the ASD community needed assistance from law enforcement, only a 15% satisfaction in resolution to the case was achieved. In regard to the court system, Participants 1, 3, 4, 9, and 10 believed that while it can be effective, “This lack of uniformity in judges, practices, and decisions creates anxiety when you are a caregiver for someone in the ASD community,” according to Participant 4. This supports the suggestion by Rava et al. (2017), who stated that the ASD community is less likely to prosecute crimes and testify in court out of fear of discrimination, which does not allow them to seek fair treatment and protection of laws. Participant 6 believed that being a person of color and having a disability is already two strikes against an individual in the eyes of the court and thought that the court in the value terms of today is ineffective because there has been a failure to keep up with the changing times. Regarding the prison system, all 10 participants in the study agreed that the prison system in the United States is ill-equipped to handle the special needs of those who are in the ASD community. This belief was echoed in the research of Young et al. (2018), who argued that ASD training is very limited in the prison setting and that if more training were available, it would help raise awareness with prison staff on how to better manage prisoners who are either known to have ASD or who present signs of ASD. Participants 1, 2, 4, and 5 agreed that the prison system is not a form of rehabilitation but is a form of political and social control for lower class citizens.

There was agreement by all participants in this study that no laws exist that provide guaranteed protections to those in the ASD community. Participant 4 referenced the Americans with Disabilities Act (ADA) and how there were protections that help with the discrimination of those who have ASD, noting that although the protections within the ADA are not specific to ASD, they are a step in the right direction. Participant 10 found it frustrating because the criminal justice community is slow to keep up with the science behind those who have ASD, while Participant 2 said that she believed that a mindset exists within the public, including those in the criminal justice arena, that those in the ASD community are second-class citizens, and their complaints are not taken seriously. Participant 5 agreed with Participant 2 and further stated that while some people in the criminal justice system try to make an effort to be nice and listen to concerns, nothing truly ever gets done because those in power never take the complaint seriously. This supports the findings of Gibbs and Haas (2020), who stated that a belief exists in the ASD community where law enforcement personnel will not see their complaint as legitimate and even somewhat overblown due to a perceived stereotype by the non-ASD community that individuals within the ASD community are somewhat inherently less socially intelligent.

The belief that training is warranted on the needs of the ASD community in the criminal justice community was agreed upon by all participants in this study. The overall consensus of the participants was that criminal justice community personnel need basic training on how to interact with and identify key behaviors of those in the ASD community. Participant 6 feared that without her presence in a caretaker aspect, there could be a fatal misunderstanding that could potentially be avoidable with the right

approach. Participant 7 stated that a lack of training is standard throughout the criminal justice system and feared that without proper training, the members of the ASD community will be pushed further behind closed doors as they fear a lethal encounter with law enforcement in particular. This directly supports research by Tint et al. (2017), Woodbury-Smith and Dein (2014), Rava et al. (2017), Copenhaver and Tewksbury (2018), and Lopez-Husky (2017), who stated that to improve the relationship between the criminal justice and ASD communities, personnel within the criminal justice community should be trained and educated on how to appropriately respond to the unique challenges that face the ASD community. Participant 9 also echoed the sentiment of fear that he faced daily as the caretaker of an autistic child but further explained that any encounter instills fear. These findings support the suggestions by Petrosino et al. (2020), who stated that a lack of understanding of disabilities by a law enforcement officer responding to a call for assistance may result in a higher rate of force and incarceration for those within the ASD community. Research by Hepworth (2017) examined the occurrence of arrests for those within the ASD community and found that the rate of arrest was 7 times higher than for those not in the ASD community.

Limitations of the Study

While this study adds to the body of knowledge about the thoughts and perceptions of the criminal justice community by caretakers in the ASD community, there were several limitations to this study. First, although the sample size of the study was adequate for qualitative studies, it may lack applicability to the entire ASD caregiver community. Second, due to all of the study participants being recruited from rural areas,

it may lack the perceptions of other ASD caregivers in other cities, states, and regions of the United States.

Another limitation of the study was that of the demographics of the participants who were interviewed. Even though I made an exhaustive attempt to recruit participants of varying races, backgrounds, and genders, the primary demographics of this study were White and female. This study may not reflect the thoughts and experiences of the entire ASD caregiver community whose members share these demographics. Despite the limitations presented, this study provides an in-depth account of the thoughts and experiences of caregivers in the ASD community and their perception of the criminal justice system.

Recommendations

There is a paucity of research on the thoughts and experiences of caregivers in the ASD community and their perception of the criminal justice system. There is a need to better understand how their thoughts and experiences both influence and affect their perceptions and attitudes about the criminal justice system.

Future research should continue in other geographic regions to examine the specific thoughts and experiences of caregivers in the ASD community and their perception of the criminal justice system. It is important to understand the differences and similarities in how caregivers in different geographic regions perceive their thoughts and experiences with the various segments of the criminal justice system.

Considering the response of the participants in this study who overwhelmingly conferred that the criminal justice system was in need of training, future researchers on this topic should explore best practices for interacting with those in the ASD community.

Integrating sensitivity training for each segment of the criminal justice system could potentially promote alternative approaches and a more malleable response by criminal justice personnel to meet the unique needs of the ASD community. There is also a future need to study the relationship of those who care for members of the ASD community and procedural justice. Examining this specific relationship could provide future findings that could be of predominant importance in strengthening the existing fractured relationship between the criminal justice community and both caretakers in the ASD community and the ASD community in general. Numerous studies (Burleigh & Vaughan, 2018; Grant et al., 2018; Lane & Chong, 2019; Tint et al., 2019; White et al., 2017) have concluded that an existential link exists between procedural justice and police legitimacy relating to an individual's perception of their encounter with a law enforcement official and the criminal justice community.

Implications for Social Change

The ASD community is widely underrepresented and often discriminated against in the entirety of the criminal justice system. Because of this, the ASD community often takes drastic measures, which include choosing to not report crimes where they are victimized and being unwilling to seek the assistance of the criminal justice community due to a perceived lack of understanding of their unique needs by criminal justice agencies and fear of being revictimized. Likely to be one of the biggest implications of social change is if this study brings awareness to the unique challenges and potential barriers both caretakers in the ASD community and the ASD community in general face in their daily lives when confronted with the criminal justice system. Given that a dearth of literature exists on the lives of caretakers within the ASD community, this study

contributes to the gap in the literature by exploring the insight of these individuals to gain an understanding of how their experiences affect individual perceptions of the criminal justice system. Those who participated in this study were both keen and inclined to share their perceptions and experiences of the criminal justice system, which revealed the need for further qualitative research to be conducted and repeated with similar criteria.

Conclusion

The obligations of the criminal justice system should not be subjective to an individuals' ability to communicate effectively or how an individual presents or identifies. However, the relationship between the ASD community and the criminal justice system has been plagued with negative interactions, feelings of isolation, unreported crimes, revictimization, and even death. These such experiences have inhibited the ASD community and the criminal justice system from interacting with each other in an effectively and positive manner. A review of the literature revealed that there is a large deficit of scholarly research available about caregivers within the ASD community and their perceptions of the criminal justice system, specifically as it relates to their lived experiences with and perceptions of the criminal justice system. The purpose of this qualitative phenomenological study was to describe and understand the perceptions and experiences of caretakers withing the ASD community as they interacted with the criminal justice system. The problem that this study explored was how treatment and outcomes may influence caregivers in the ASD community's experiences and perceptions of the criminal justice system.

While it is widely agreed upon the ultimate purpose of the criminal justice system is to provide equal and fair treatment to everyone despite our differences, the findings of

this study confirm previous findings that training for criminal justice personnel was inadequate for handling the unique needs of the ASD community such as de-escalation techniques, effective communication strategies, and techniques for support during a crisis situation (Railey et al., 2020). In addition, the findings of this study depicted an accurate picture of caregivers within the ASD community's experiences and perceptions of their interactions with the criminal justice system which show barriers that they encounter during their involvement within the criminal justice community. Having written policies, procedures, and standard training on how to interact with individuals, caregivers included, within the ASD community may improve the treatment of those within the ASD community.

The findings contained within this study confirm there is a greater need for the criminal justice system to be trained on how to communicate and interact with those in the ASD community during interactions. Therefore, in addition to written policies and procedures, ASD training programs and education for the criminal justice system should be developed and implemented to improve positive communication and successful interactions with those in the ASD community.

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Appendix A: Participant Eligibility Form

The purpose of this form is to confirm you meet the inclusion criteria for a research study that will examine how those who care for someone in the Autism Spectrum Disorder (ASD) community perceive their experiences with the criminal justice system. For the following items, please select the one response in which you most identify or fill in the blank as appropriate.

1. Are you at least 18 years of age? _____

2. Do you identify as a caretaker for someone in the ASD community?

Yes: _____

No: _____

Appendix B: Interview Guide

Thank you for agreeing to join me today in this discussion. My name is Joe Barnett and I will be your interviewer today.

Today we are going to talk about caretakers responsible for those who identify as having Autism Spectrum Disorder (ASD) and have or have not witnessed an encounter with a criminal justice agency and the ASD community. The spectrum of the criminal justice community can be police or sheriff departments, court and judicial processes, and incarceration facilities such as jails or prisons. I encourage you to be honest and open as possible. Everything that you discuss with me today will be kept completely confidential as guaranteed by the informed consent you signed today.

To begin, I would like for you to introduce yourself and tell me about your initial thoughts or experiences with the criminal justice community.

Interview study seeks caregivers of those with Autism Spectrum Disorder (ASD)

There is a new study about the perceptions of the criminal justice system by caregivers of those who identify as members of the Autism Spectrum Disorder (ASD) community. For this study, you are invited to describe your perceptions and/or experiences of how someone in the ASD community may unintentionally enter the criminal justice system.

About the study:

- One 60 minute phone interview that will be audio recorded
- You would receive a \$10 e-gift card as a thank you
- To protect your privacy, the published study would list codes instead of names

Volunteers must meet these requirements:

- 18 years old or older
- A caregiver of someone in the ASD community

This interview is part of the doctoral study for Joe Barnett, a Ph.D. student at Walden University. Interviews will take place during September 2023

To confidentially volunteer, contact the researcher: Joe Barnett

Appendix D: Flier 2



There is a new study about the perceptions of the criminal justice system by caregivers of those who identify as members of the Autism Spectrum Disorder (ASD) community. For this study, you are invited to describe your perceptions and/or experiences of how someone in the ASD community may unintentionally enter the criminal justice system.

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- A caregiver of someone in the ASD community

This interview is part of the doctoral study for Joe Barnett, a Ph.D. student at Walden University. Interviews will take place during September 2023.

Please message Joe Barnett privately to let them know of your interest, or email