Autism in the Criminal Justice System

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Autism and Crime: What we know!

- Not any more likely to commit crime (debated)
  (Brewer & Young, 2015; Mouridsen et al., 2008)
- Autism is overrepresented in the criminal justice system
  (Debbaubt, 2004; King & Murphy, 2014)

Because…

- Vulnerable to unintentional criminal involvement and being victims
  (Brewer & Young, 2015)
- Misconceptions of wrongdoing due to atypical behaviour
  (Allely & Cooper, 2017; Silberman, 2017; The National Autistic Society, 2015)
- Autistic people are treated more harshly in the criminal judicial system

Where this research started and why it's important.

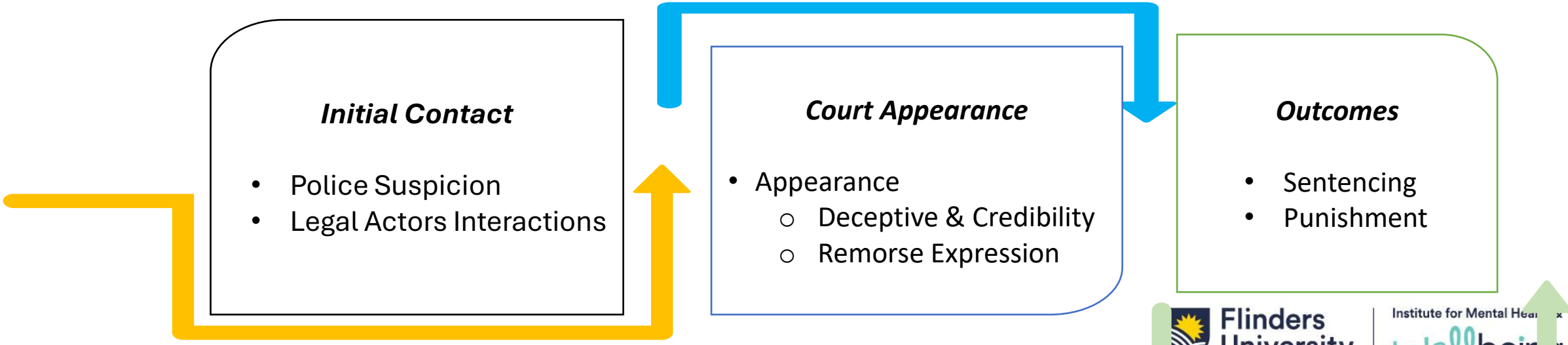
Examples:

Fantasy
CEM
Victims
Criminal and Civil Matters (Wills)


adidas

Background

- Autism is overrepresented in the criminal justice system **(CJS)** (King & Murphy, 2014)
- But, propensity to commit crime is no greater than individuals without autism (Brewer & Young, 2015; Mouridsen et al., 2008)
- This interaction can be mapped across ***three stages***:



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ASD Presentation: DSM-5-TR Criterion A

A1. Deficits in social-emotional reciprocity

- Inappropriate social approach, barging in/ignoring others
- Difficulties with reciprocal conversation, interrupting, monologuing, talking ‘at’ people

Why might this make one vulnerable?

A2. Deficits in non-verbal communicative behaviours

- Poorly coordinated gaze/inappropriate eye contact
- Difficulties reading and using body language: wooden impassive appearance
- ‘Flat’ affect or exaggerated expressions

Why might this make one vulnerable?

A3. Deficits in developing, maintaining and understanding relationships

- Few/no sustained relationships: difficulties with formation and maintenance
- Awkward interactions, social blunders
- Social disinterest

Why might this make one vulnerable?

ASD Presentation: DSM-5-TR Criterion B

B1. Stereotyped or repetitive behaviours

- Movements: toe-walking, flapping, spinning, pacing, rocking, self-injurious
- Use of objects: lining up, flipping, spinning, de/reconstruction
- Speech: echolalia, third person referencing, neologisms, accents, odd prosody/tone/volume, repetitive speech

Why might this make one vulnerable?

B2. Insistence on sameness, inflexible adherence to routines, or ritualised patterns of verbal or nonverbal behaviour

- Extreme distress at changes, difficulties with transitions
- Rituals: verbal or behavioural
- Rigid thinking patterns, pedantry, cognitive inflexibility, focused attention

Why might this make one vulnerable?

ASD Presentation: DSM-5 Criterion B

B3. Restricted, fixated interests (abnormal in intensity or focus)

- Strong attachment to or preoccupation with specific topics, objects, collections
- Circumscribed or perseverative interests - take up a lot of time/energy

Why might this make one vulnerable?

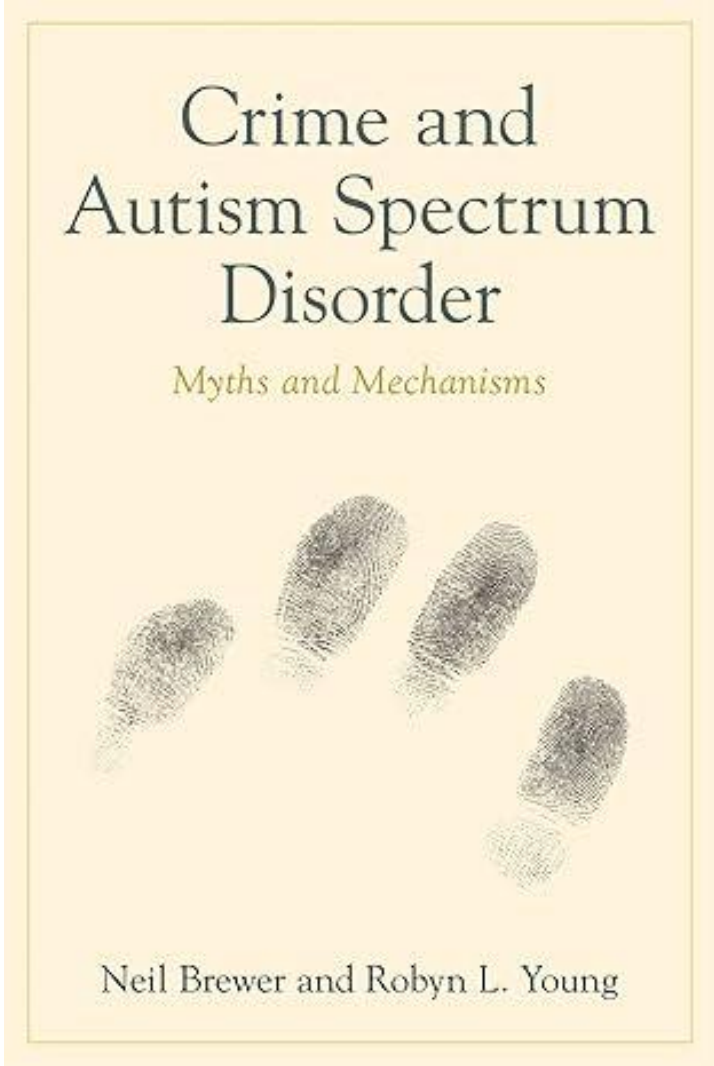
B4. Sensory hyper- or hypo reactivity

- Auditory/tactile/olfactory/oral/visual seeking or avoidant
- Over or under reactivity to temperature or pain

Why might this make one vulnerable?

Risk Factors: Interacting with CJS

- **Risk Factors** (Brewer & Young, 2015, 2018, 2025)
  - **Theory of Mind (ToM)**: perspective-taking, "read minds"
    - ability to decode the intentions, beliefs and emotions of others
  - **Restricted & Repetitive Interest & Behaviour**
  - **Coercion – social desirability**
  - **Sensory Sensitivity**
    - Hypersensitivity to touch
    - Sensory Seeking Behaviour



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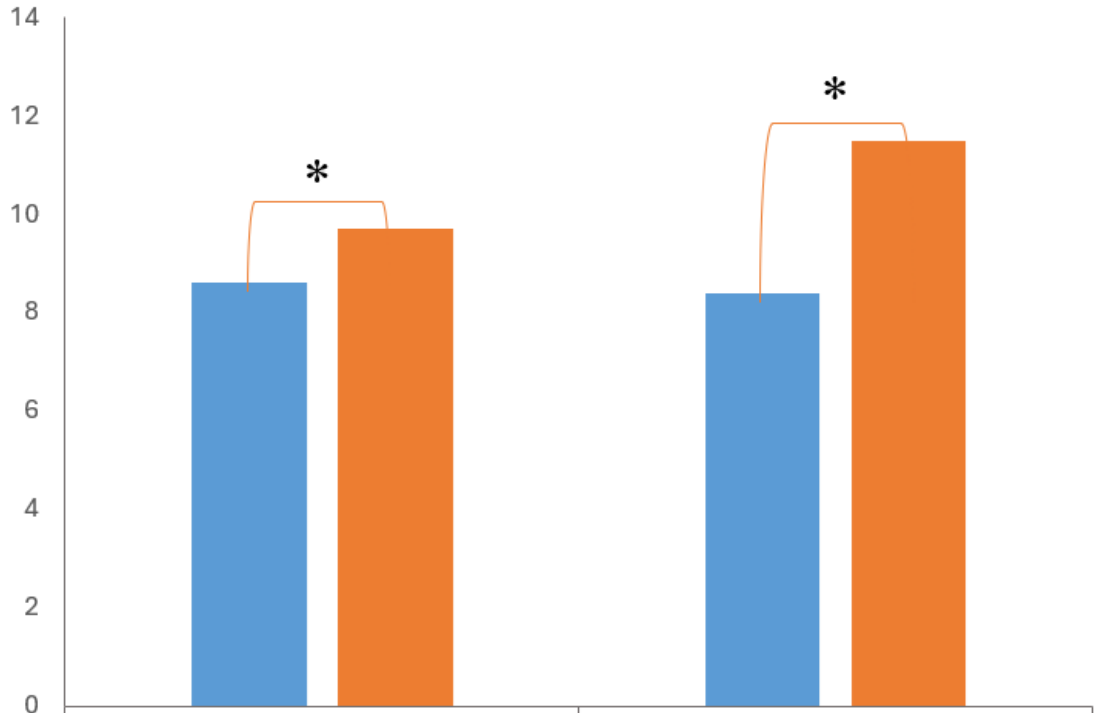
Initial Contact: Extrication Challenges

(Young & Brewer, 2020)

- **Findings:**
  - Autistic group performed worse on ToM & extrication tasks



	ToM [M, SD]	Extrication Task *[M, SD]*
ASD	8.6 (2.2)	11.5 (3.6)
Non-ASD	9.7 (1.4)	8.4 (3.3)
Comparison	t (50.55) = 2.50, p = 0.016	t (71) = 3.96, $p < 0.001$

* Significant differences

Appearance (Burleigh et al., 2025; Lim et al., 2022a, 2022b; Munt et al., 2025)

- Are autistic individuals judged as ***more deceptive and less credible*** when giving accounts of their behaviour?
- Are autistic individuals ***perceived as showing less remorse***?

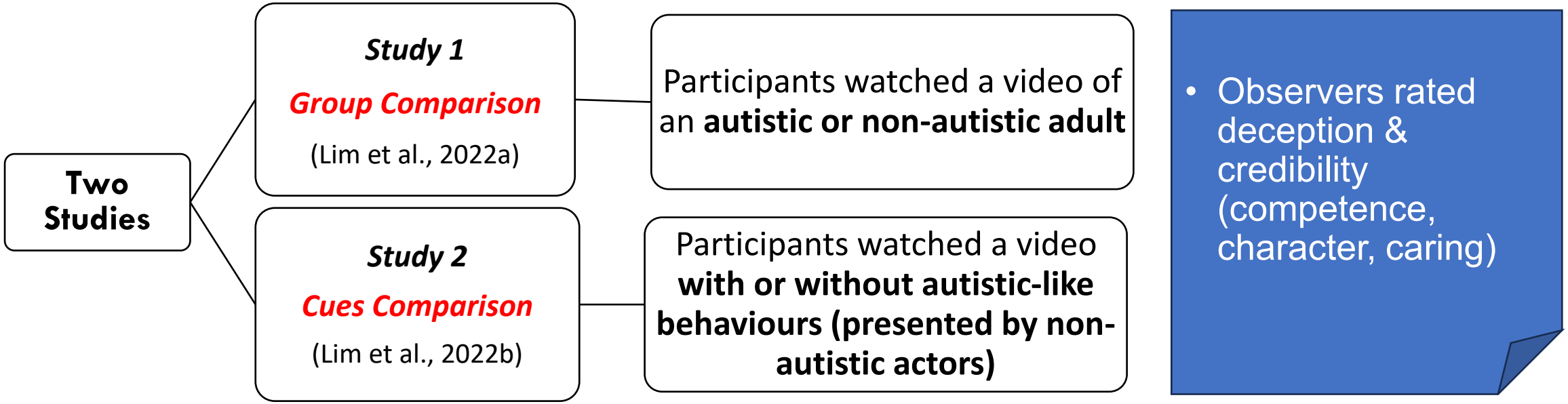
How Appearance is Judged – **Two Lines of Enquiry**

- Deception and Credibility (Lim et al., 2022a, 2022b)
  - Common (but wrong) belief: gaze aversion & fidgeting = lying
  - These cues overlap with typical autistic behaviours (e.g., limited eye contact, unusual body language, flat affect)
  - ***Risk: truthful autistic adults may be judged as deceptive and uncredible***

- Remorse (Burleigh et al., 2025; Munt et al., 2025)
  - Remorse strongly influences sentencing decisions
  - ***Risk: typical autistic behaviours may be misread as lack of remorse → harsher sentencing***

Deception & Credibility (Lim et al., 2022a, 2022b)

- **Question:** Do autistic adults, or even autistic-like behaviours, lead to judgments of greater deception and lower credibility?



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Group Comparison – **Video Stimuli** (Lim et al., 2022a)

- **Actors**: 30 autistic adults and 29 non-autistic adults
- **Task**:
  - Each person took part in a short filmed interview.
  - They were told there was $20 in the room but instructed not to take it.
  - The interviewer asked whether they had taken the money.
  - Their task was to convince viewers they had not taken it (all responses were truthful).

Group Comparison – **Participants** (Lim et al., 2022a)

- **Raters**: 1,410 online non-autistic participants
- **Task**:
  - Each person viewed just one video
  - Rated the individual either on truthfulness (***deception*** vs honesty) or ***credibility*** (competence, caring, character)
  - ***Re-rated*** after being told whether the person might be autistic
- **Behavioural Coding**
  - Two independent coders reviewed all interview videos
  - Coded for ***nonverbal cues*** often believed to be as deceptive
- **Clinical Impression**
  - Clinical raters provided ***overall impressions*** of each interviewee's presentation.

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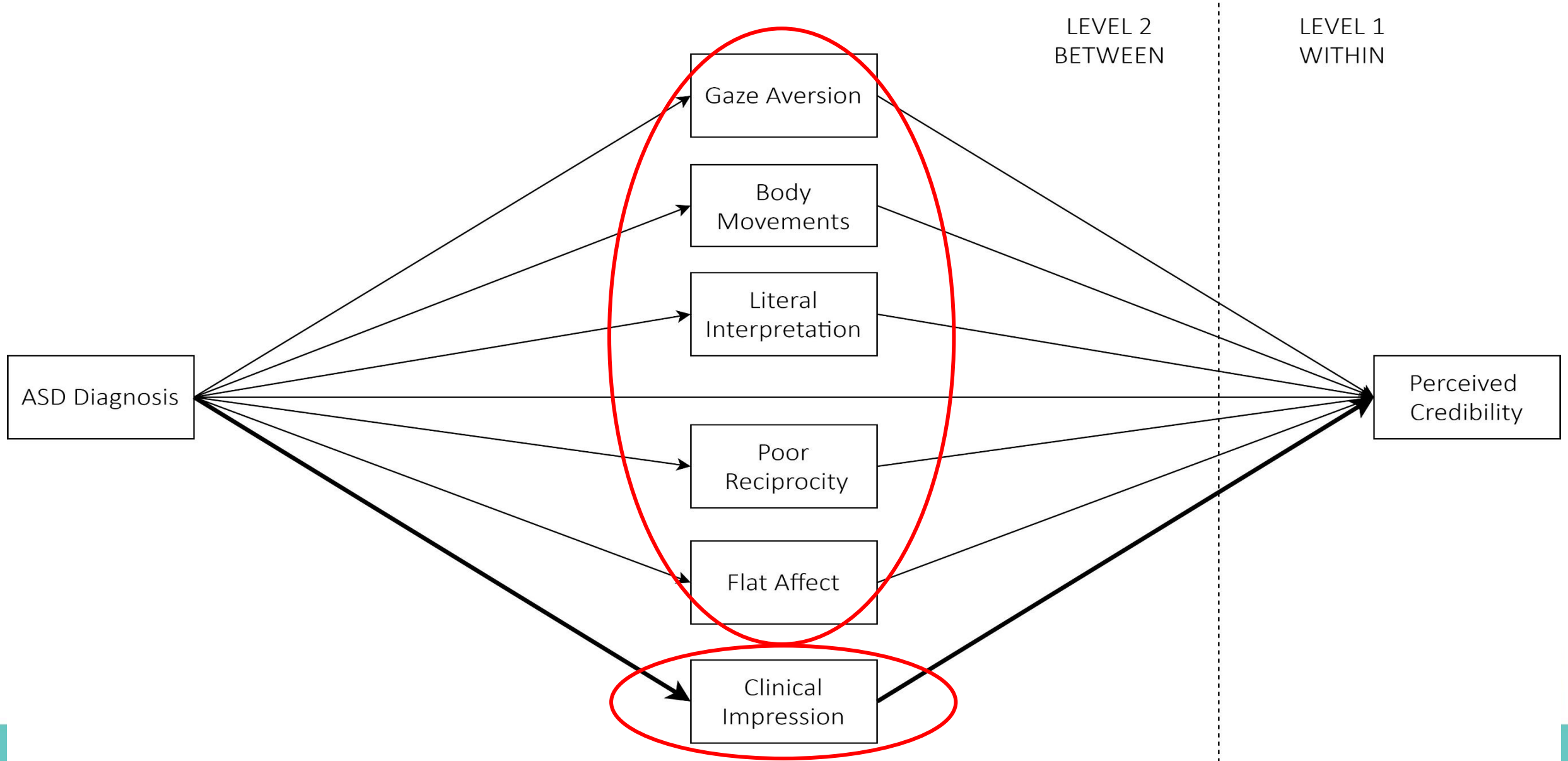
Group Comparison – **Findings** (Lim et al., 2022a)

- Autistic targets were judged as **more deceptive and less credible**
- Deception: Direct Effect
  ↑ ASD Diagnosis → ↑ Perceived Deception
- Credibility: Indirect Effect
  ↑ ASD Diagnosis → ↑ Clinical Impression → ↓ Perceived Credibility
- No Indirect Effect through autistic relevant non-verbal cues

  *Bias not explained by single behaviours; **overall impression** mattered*
- Disclosure ("the offender may have ASD") reduced bias for deception, but credibility remained lower – ***perceived as less competence***

Group **Comparison** (Lim et al., 2022a)



Cues Comparison – **Video Stimuli** (Lim et al., 2022b)

- **Actors**: 6 non-autistic actors (3 men, 3 women), diverse ethnic backgrounds
- **Task**:
  - Actors gave short biographical interviews using a standard set of questions about themselves
  - They were instructed to deliver the same script in different styles:
  - Neutral (control)
  - Autistic-like behaviours: gaze aversion, fidgeting, flat affect, monologue, literal interpretation, inappropriate emotional display
- **Output**: 36 video clips (2-3 minutes long)

Cues Comparison - **Participants** (Lim et al., 2022b)

- **Recruitment:** Adults recruited online via TurkPrime
- **Sample size:**
  - Experiment 1: 463
  - Experiment 2: 423 (test replicability and robustness)
- Each participant saw *one* stimulus video and rated either ***deception*** or ***credibility***

Cues Comparison - **Findings** (Lim et al., 2022b)

	d (95% CI)			
Condition of behavior	**Deception**	**Competence**	**Caring**	**Character**
Gaze aversion	0.48*** (0.25, 0.71)	0.49** (0.16, 0.82)	0.66*** (0.43, 0.88)	0.67*** (0.44, 0.90)
Repetitive body movements	0.40*** (0.17, 0.63)	0.36 (−0.02, 0.74)	0.28 (−0.07, 0.62)	0.48*** (0.19, 0.76)
Misinterpretation of figurative language	0.38* (0.07, 0.69)	0.53** (0.13, 0.92)	0.42*** (0.19, 0.64)	0.41*** (0.17, 0.64)
Monologue	0.28* (0.06, 0.51)	0.39* (0.05, 0.73)	0.33** (0.09, 0.57)	0.45** (0.17, 0.73)
Flat affect	0.28* (0.05, 0.50)	0.55*** (0.26, 0.84)	0.59*** (0.36, 0.82)	0.52*** (0.21, 0.82)

*$p \leq .05$, **$p \leq .01$, ***$p \leq .001$.

Almost all autistic behaviors had small but statistically significant effects on judgments of deception and credibility

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Deception & Credibility - **Summary** (Lim et al., 2022a, 2022b)

- **Expectancy Violations Theory**
  - People hold assumptions about "normal" social behaviours.
  - When behaviour seems incongruent, observers seek an explanation and often **default to suspicion of deception**.
  - ***Overall impression and relevant cues*** violate these expectations
- **Attribution Error**
  - Observers misattribute atypical behaviour to dishonesty or untrustworthiness (dispositional cause).
  - Once told the person is autistic, suspicion of deception decreases ***(behaviour reattributed to neurodiversity)***.
  - **However**: credibility judgments, particularly on competence, remain low despite diagnostic disclosure.

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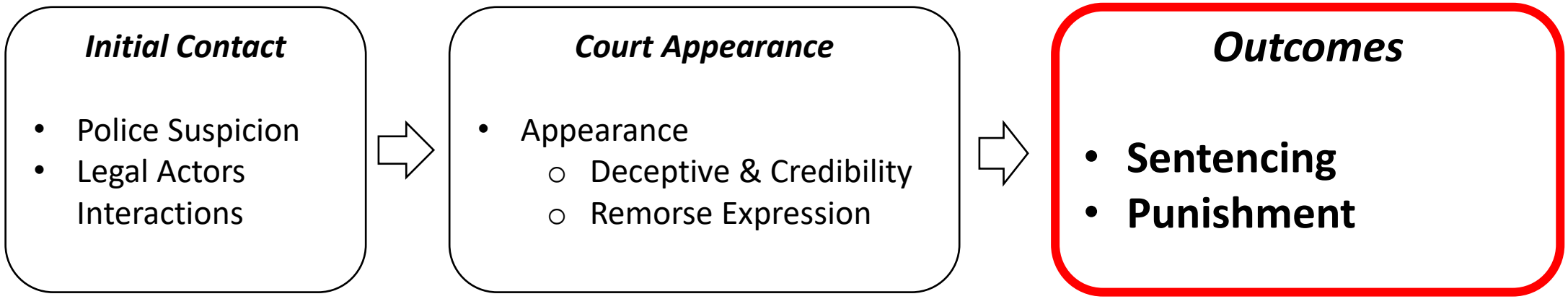
Sentencing Outcomes (Foster & Young, 2022)



Do offenders on the autism spectrum receive disproportionately harsher custodial sentences compared to non-autistic offenders for similar offences?

Sentencing Outcomes (Foster & Young, 2022)

Journal of Autism and Developmental Disorders (2022) 52:3314–3320
https://doi.org/10.1007/s10803-021-05212-4

BRIEF REPORT

Brief Report: Sentencing Outcomes for Offenders on the Autism Spectrum

Tammie R. Foster[1] · Robyn L. Young[1]

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Abstract
Although people diagnosed with autism spectrum disorder (ASD) are not more likely to commit crimes, they are overrepresented in the criminal justice system as reported by Howlin (Autism and Asperger syndrome: Preparing for adulthood, Routledge, 2004). This may, in part, be due to unfavourable interactions with the criminal judiciary. Evidence suggests the autistic population are perceived unfavourably in adjudicative proceedings resulting in harsher penalties. The present study explores whether ASD offenders (ASD-O) receive longer sentences compared to national sentencing data. Sentencing data from the Australian Bureau of Statistics (ABS) were used to compare ASD-O with similar offences. ASD-O attracted longer sentences across all offence classifications. Inferential analyses indicated sexual assault sentences were significantly higher in the ASD-O sample. No significant differences were found for murder, manslaughter, and assault.

Keywords Autism · Sentencing · Punishment—criminal justice · Offending · Criminal behaviour

- Sentencing data from 53 cases with defendants suspected/diagnosed with ASD
- Sentence length compared with average sentence length data (ABS, 2020)

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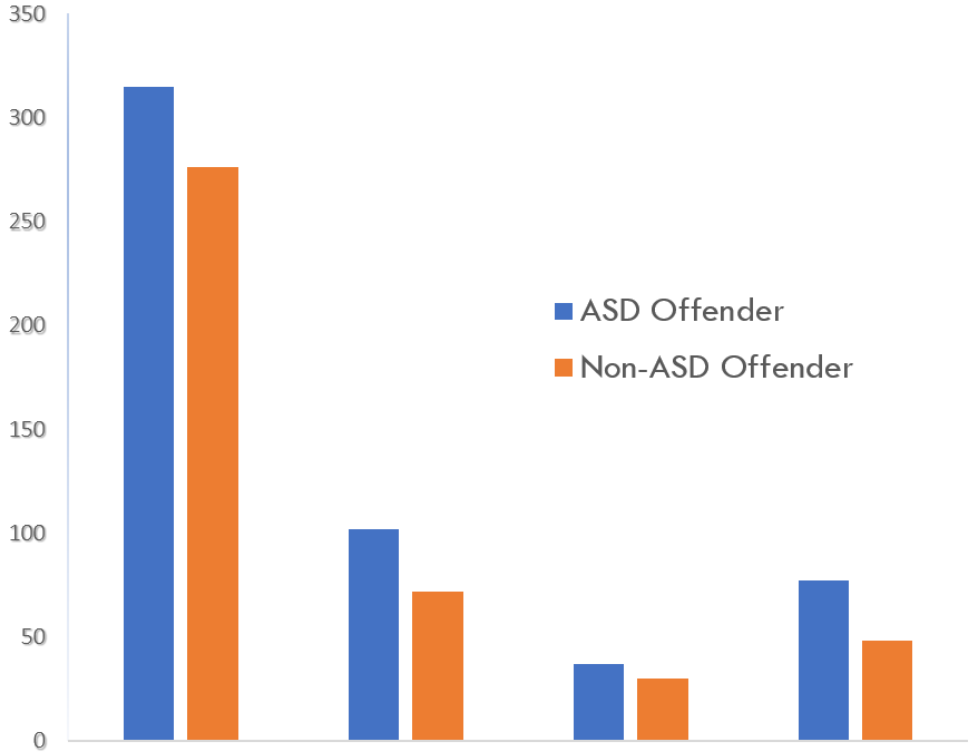
Sentencing Outcomes - Findings (Foster & Young, 2022)

Median length of sentence in all cases was longer for autistic individuals

Sexual Assault cases were significantly longer.



	Murder	Manslaughter	Assault	Sexual Assault
ASD Offender	315 months (26.25 years)	102 (8.5 years)	37 (3.08 years)	77 (6.42 years)
Non-ASD Offender	276 (23 years)	72 (6 years)	30 (2.5 years)	48 (4 years)

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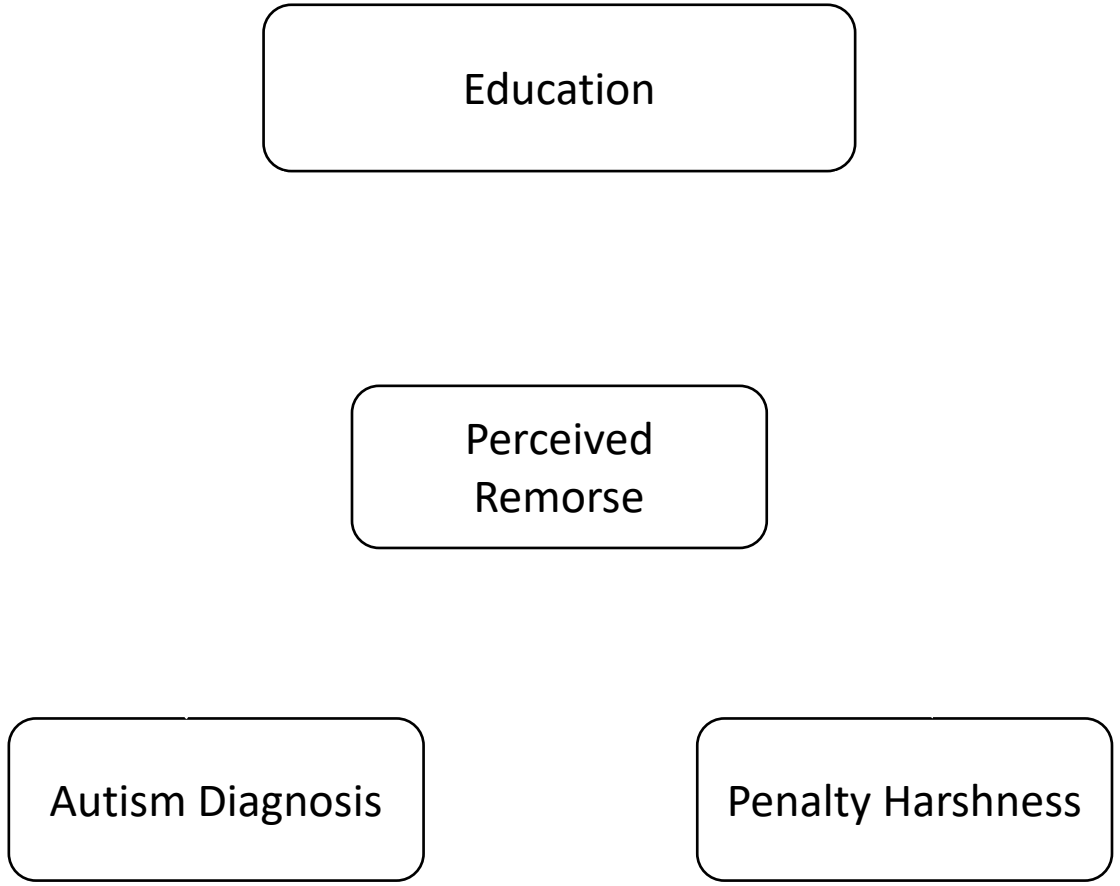
Remorse & Punishment Harshness (Burleigh et al., 2025)



- **Design:** Experimental mock-juror study
  - 195 Non-autistic participant viewed **two videos** (one autistic actor, one non-autistic actor)
  - Rated **perceived remorse** and **penalty harshness:** 1 (not at all) – 7 (extremely)
  - Received brief **autism education** about remorse-related traits
  - Re-rated the same videos after education

Remorse - **Video Stimuli** (Burleigh et al., 2025)

- **Actors**: 5 autistic adults and 5 non-autistic adults
- **Task**:
  - took part in two short filmed interviews
  - act as if they had committed the offence, pleaded guilty, and were addressing the judge
  - Explicit instruction: *display remorse, as the judge would be more lenient if they appeared remorseful*
  - answered *8 open-ended questions about the crime*

Remorse - **Educational Content** (Burleigh et al., 2025)

- Watch video
  → rate **perceived remorse** and **penalty harshness**
  → **education** is provided
  → re-rate **perceived remorse** and **penalty harshness**

Remorse – Education's Effects (Burleigh et al., 2025)

- **Findings**
  - Autistic defendants judged as showing **less remorse → harsher penalties**
  - **Education** increased perceived remorse and reduced penalty bias
  - **Bias not eliminated**; penalties still harsher post-education

Remorse – The Double Empathy (Munt et al., 2025)

- **Further extension of prior study**
  - **Double empathy:** autistic and non-autistic people may misread each other's emotions, creating **in-group advantages** for judging remorse
    e.g., autistic raters view autistic defendants as more remorseful, and non-autistic raters view non-autistic defendants as more remorseful
- **Method (building on earlier design)**
- Participants: ***both autistic and non-autistic adults***
  - Watched two videos (one autistic actor, one non-autistic actor)
  - Rated perceived remorse and penalty harshness
  - ***Ask whether they suspect the actor have a disability (Additional)***
  - Received autism education → re-rate perceived remorse and penalty harshness

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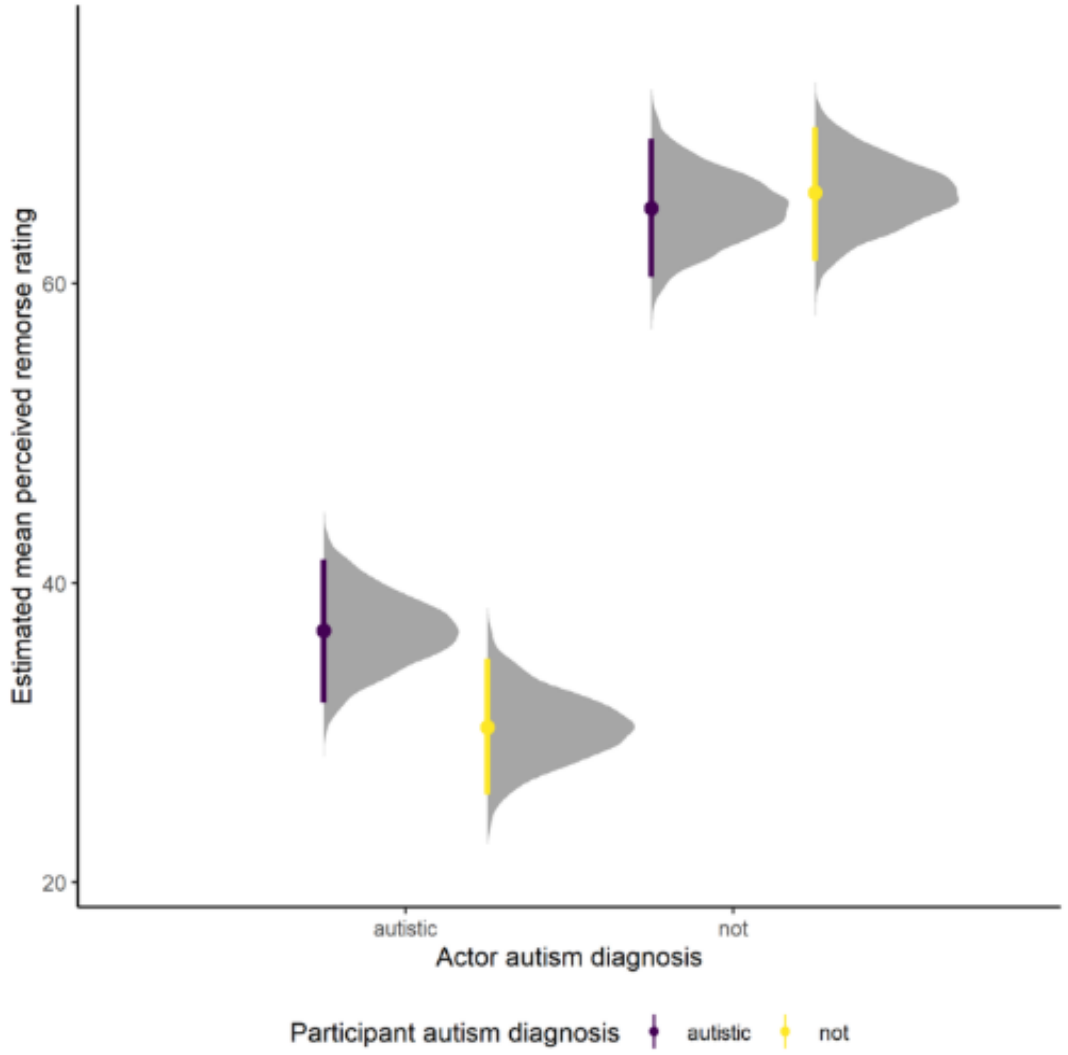
Remorse – The Double Empathy (Munt et al., 2025)

- Mixed Findings
  - Both autistic and non-autistic raters judged **non-autistic actors as more remorseful** than autistic actors
  - Autistic raters did **not** downgrade non-autistic actors' remorse
  - Autistic raters did perceive **autistic actors as slightly more remorseful** than non-autistic raters did



Remorse - Summary (Burleigh et al., 2025; Munt et al., 2025)

- **Penalty gap:** driven partly by autistic presentation being misread as ***lack of remorse***
- **Education:** improves perceived remorse and reduces harshness, but ***does not fully remove bias***
- **Later study:** education effect was weaker, the need for further research
- **Prior Detection matters:** if autism was already detected, education had little effect; if not detected, education reduced bias
- **Double empathy:** evidence limited; in-group advantage not strongly supported

Autism and Radicalisation

- The radicalisation of autistic individuals is extremely rare (Faccini & Alleley, 2017)
- Prevalence data:
  - Findings are mixed – few studies suggest an overrepresentation of autistic individuals amongst radicalised extremists (Kenyon et al., 2024; Rosseau et al., 2023)
- Why?
  - A paucity of research
  - What we aim to investigate.
- What we do know: radical pathways are extremely heterogeneous, as are presentations of autism
  - Therefore, a case-by-case approach to research is needed.

Shifting the Inquiry

- From profiles of radicalisation (who?) ➔ to pathways of radicalisation (how?)
- 3N Theory: (Weber & Kruglanski, 2017)
  - **Needs:** Why might autistic people be more vulnerable to pathways of radicalisation?
    - Many autistic individuals experience bullying, exclusion, rejection, leading to unmet **needs** for belonging, acceptance, and stability.
  - **Narratives:** Why might radical narratives resonate more?
    - Many autistic individuals gravitate towards rigid, rule-based, and black and white **narratives**, which many radical groups offer and can provide clarity and purpose.
  - **Networks:** Seeking connection
    - Radical social **networks** can provide meaningful connection and acceptance, though can also include coercive influence and reinforce anti-social narratives

By understanding how autistic individuals engage with radical ideology and groups, we can better understand how to support de-radicalisation processes and prevent exploitation

What can we do?

- **Criminal Justice System & Policing:**
  - **Avoid over-reliance on non-verbal cues** for credibility or remorse
  - **Support tailored disclosure/expert input** to explain autistic presentation
  - **Acknowledge atypical affect** – don't mistake it for lack of remorse
- **Education:**
  - **Normalise atypical communication** and encourage clarifying questions before judging deception and credibility
  - **Develop education modules** to help people involved in the syste recognise bias and ensure fair treatment

Conclusion

- Autistic individuals face greater challenges in the criminal justice system.

- Autistic traits can be misread under stress by police, judges, and jurors, leading to harsher judgement and treatment
- Education is required to minimise this gap

Flinders Autism Research Initiative

- Early Detection
- Access to services in rural and remote areas
- Autism and Trauma
- Understanding wrongfulness
- Apologising
- Using VR to address emotional regulation
- Rigidity in Autism
- Camouflaging and Stigma
- Autism and homelessness
- Autism and the female presentation
- Age Recognition
- Autism and Eating
- Radicalisation

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