



RESEARCH AUTISM
IMPROVING THE QUALITY OF LIFE



The National Autistic Society

Autism plus

High risk and offending behaviour

*Meeting of Minds 3:
Herring, Denmark*

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High risk and offending behaviour in autism

Background and context

- **Media reports** –often sensational
- Concern from the **autism community**
- Concern from the **legal and criminal justice system** and allied health professionals

High risk and offending behaviour in autism

- **Media reports**
 - Sensational reporting and speculation
 - Howlin 2004
 - **High profile cases e.g.**
 - Freer - convicted of killing a colleague at McDonalds
 - Smith- convicted of killing 10 year old child
 - Harkin- convicted of killing of baby sibling –now in Broadmoor- rape
 - Dorset case –juvenile convicted of killing of elderly woman
 - Napper – Wimbledon Common murder
 - **Recent press interest in UK and US**
 - McKinnon case
 - Reilly- The Exeter nail bomber

High risk and offending behaviour in autism

- **Concern from the autism community**
 - AS 'given a bad press'
 - Families may be bearing the brunt of the problem
 - Poor recognition and support from health and other agencies
 - Confused response from the legal and criminal justice system

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- **Concern from the legal and criminal justice system**
 - **Legal defence** – law on diminished responsibility in EU – In England debate about mens rea (the guilty mind) and Asperger syndrome
 - Numbers - nature of offending . . . *and re offending?*
 - Troubling and high profile cases
 - Low awareness and training of police, legal and CJS and health professionals

High risk and offending behaviour in autism

- **Why do some people with autism get into trouble?**
 - Autism features – instinctive social behaviour
 - Other conditions
 - Social factors
- **Combination of some or all of the above?**
- **Some examples**

Problems with social context

Ivan 18 years

- Ivan is a tall, handsome, African man. He does not speak . Ivan has been trained to travel independently to and from college using public transport (the London tube).
- Ivan usually travels at times when the tube is crowded but this particular evening he has been to a social event at college. When he boards the tube the carriage is empty apart from an elderly lady. Ivan sits next to her.
- What happened next?**

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Does having a diagnosis make a difference ?

- Smith jailed for life in 2004; murder of 10 year old girl
- Reilly jailed for life in 2009; attempted murder (recommended serve minimum of 18 years)
- Cottrell jailed for 8 years in USA; 'eco terrorism' – life in prison 'hell' because he had diagnosis
- McKinnon – facing extradition to the USA for computer 'terrorism';

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Autism :- Present from birth or early life

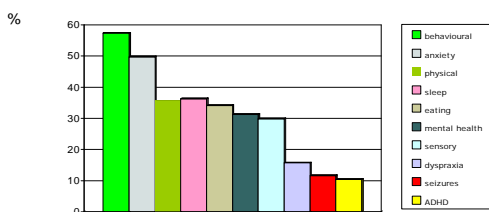


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Key questions

- > What is the nature of offending behaviour ?
- > How common is offending behaviour in ASD?
- > What are the predisposing and precipitating factors and implications?
- > What can be done?

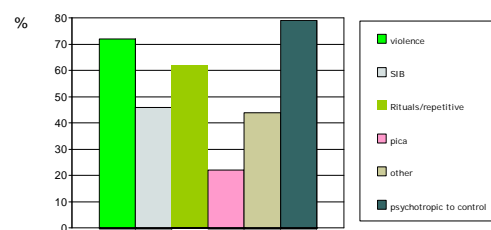
Most commonly reported difficulties in children and adults with autism and Asperger syndrome (n 1564)



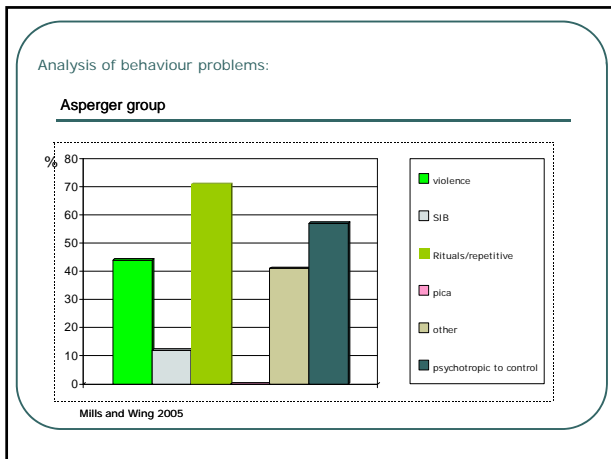
Mills and Wing 2005

Analysis of behaviour problems:

Autistic group



Mills and Wing 2005



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What is the nature of offending behaviour?

From actual cases ; Hare et al 1999

- **Deliberate exploitation by others-** *Accomplice to other crimes; possession of stolen property; Trafficking*
- **Violent offences-** *Homicide and attempted homicide; arson, kidnapping; assault; hostage taking*
- **Antisocial offences-** *Stalking; harassment; computer crime; pornography related offences; other sexual offences; threats and hoax calls*

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How Common?

In the less able individual

- Violence reported in 70% children and adults
 - Mills and Wing 2005;
- **BUT** - even severe violence rarely seen as a criminal offence - called 'challenging behaviour'.
 - Holland et al 2002
- High usage of psychotropic medication to control
 - Mills and Wing 2005; Martin 1991

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How common?

In the more able group

- Violence in over 40% of NAS survey
 - Mills and Wing 2005
- Violence and dangerousness noted in single case reviews
 - Bankier et al 1999 ; Baron Cohen, 1988; Mawson et al, 1985; Everall and LeCouteur 1990

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How common?

In the more able individual

- Asperger spoke of "*mischievous, malicious acts without regard for consequences*"
 - Asperger 1944
- Low rates of violence and offending as a proportion of all offences but Asperger subjects at increased risk
 - Tantam 2000; Mouridsen et al 2008; Woodbury-Smith et al 2006

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How common?

- More likely to be victims than perpetrators. *Majority rigidly law abiding -Disabled 4-10 times more likely to be victims of crime*
 - Tantam, 2000, Wing, 1997, Howlin, 2004 ; Nat Academy of Science, 2004, Murrie et al, 2002
- Asperger subjects seven times more likely encounter the law- More likely to be caught if they do offend
 - NAS 2006: Howlin, 2004, Murrie et al 2002

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How common?

- Prison population with ASD unknown –thought to be low
 - Allen et al, 2004
- Small population in forensic services - lower rates of pre admission violence than schizophrenia or PD - Lower rates of substance abuse
 - Murphy 2003

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How common?

- Over representation of AS in the English Special (secure) Hospitals
 - Not all were offenders - but all defined as 'high risk'
 - Only 10% diagnosed at time of admission
 - 90% with other psychiatric diagnoses – often multiple
Mainly schizophrenia – 'treatment resistant' and PD
 - Females significantly over represented (7/60)
 - Hare et al 1999; Scragg and Shah, 1994, Crocombe et al 2007 (females)

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How common?

- Over representation of AS in the English Special (secure) Hospitals
 - 31/1305 (2.4%) definite ASD but similar number of equivocal cases
 - 21/1305 (1.6%) Asperger syndrome (AS)
 - Homicide rates the same for ASD and non ASD
 - Arson over represented
 - Low rates of sexual offences
 - Offenders with AS spend longer in detention
 - Hare et al 1999

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How common?

- Literature review of 21 publications (132 cases) of Asperger syndrome found that only 3 (2.3%) were described as violent
 - Gahaziuddin and Tsai, 1991
- but ...**
- Low level of awareness of ASD in the criminal justice system
 - Scragg and Shah 1994. Hare et al 1999

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How common?

- Tantam 1998, Long term users of mental health services regarded as **socially isolated**
 - 77% with Asperger syndrome
 - 44% - isolated offences
 - 23% - actual criminal offences involving violence
cited in Hare et al 1999

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How common?

- Concern about autism symptoms in a small number of serious cases
- Oosterhoff 2003, citing VanderGraaf (assassinated Pim Fortuyn) ...later retracted
 - Dunblane shooting- Hamilton cited as having AS. Later retracted
 - Hungerford shootings- Ryan cited (posthumously) as AS
 - Cho Seung- Hui – gunman killed 33 : Virginia 2007; Reported AS

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How common?

Concern about autism symptoms in a small number of serious cases

- Silva 2004, citing **Dahmer and Kaczynski** (the "Unabomber") "evidence of Asperger's disorder"
"deficits in empathyhave frequently been explained as originating from a psychopathic core, thereby missing the possibility that they may also be due to autistic psychopathology."

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How common?

- 422 individuals with autism or Asperger syndrome
 - 31 violent non sexual offenders – **rate 7%**
 - Langstrom; Grann; Ruchkin; Siosted and Fazel, 2008
- 313 individuals with PDD
 - Childhood autism (n=113) **offending rate 0.9%**
 - Atypical autism (n=86) **offending rate of 8.1%**
 - Asperger syndrome (n=114) **offending rate of 18.4%**
 - Mouridsen, Rich, Isager and Nedergaard (2008)

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How common?

Population study

Wales (1.2 million); 126 with Asperger syndrome (AS)

- 33 offended (**26.2%**); 16 cases studied- all male ;
- **81% report violence** –low level of acquisitive / sexual offending
 - Allen et al 2002

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Predisposing factors

- **Cognitive features** such as :-
lack of concern or awareness for outcome; Impulsivity; social naivety and misinterpretation of rules; inability to predict response of others (Difficulties of TOM, Executive function and Central coherence)

Tantam 2008; Baron Cohen 1988

- **Autism features** such as :-
Fixations and obsessive interests (possibly morbid), repetitive routines

Wing 1997; Hare et al 1999;

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Predisposing factors?

- Substantial number with co morbid psychopathology, including ADHD, Psychosis, PD ; other neurological disorder
 - Ghaziuddin et al 1998; Hare et al 1999
- 100 'grave' adult forensic referrals : **55%** other neurodevelopmental disorders and abnormal adult personality development - *including psychopathy*
 - Soderstrom et al 2004

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Precipitating factors?

- Problems with agreement and accuracy of diagnosis and an uncertainty as to how co morbidities influence risk of offending
 - Palermo 2004

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Precipitating factors- from case reviews

- Social isolation appears significant
- Dislocation from routine
- Conflict; perception of slight or ridicule – social trigger
- Neurological phenomena – episodic dyscontrol, impulsivity
- ADHD type behaviours
- Anxiety and panic
- Reaction to sensory stimuli
- OCD type behaviours
- Hare et al 1999, Howlin 2004, Wing 1997

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Precipitating factors- from case reviews

- Experience of bullying – Hostility to family member- *may warn*
- Pursuit of special interest ... *political 'causes'*
- Exploited - *following lead of stronger personality*
- Escape from stress or demands
- Lack of awareness of wrongdoing
- Intellectual interest in the crime and its effects
- Emotional disconnection
- Wing 1997 cited in Hare 1999, Hare et al 1999; Tantam 2008; Berney 2004

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Implications of failure to recognise ASD

- Inappropriate response from legal or Criminal Justice system
 - *Miscarriage of justice/ too little too late -vulnerability*
- Problems in detention
 - *Obeying implicit rules, suicide and self harm, depression, conflict, being bullied; stay longer*
- Inappropriate response from psychiatric services
 - *No recognition - Misdiagnosis*

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What can be done ?

- Understand the causes of offending in ASD
- Good population studies of adults with ASD needed
- Examination and analysis of known cases; empirical studies to explore
 - Nature of offending
 - Predisposing and precipitating factors –clustering?
 - Impact of co occurring conditions
 - Crossover with other groups – e.g. PD, ADHD and schizophrenia - neurological and neuropsychiatric factors

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What can be done ?

Prevention of offending

- Education and awareness of professionals
- Early identification? - through schools?
 - 'at risk' individuals; risk; predisposing and precipitating factors
- Reduce social isolation in vulnerable individuals
- Develop health based alternatives to custody
- Community initiatives
 - e.g. Alerting systems; cards; good behaviour contracts; advocacy - mentors

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What can be done ?

- Post offending
 - Education and awareness of professionals
 - Improve identification -Screening and assessment
 - In-reach support; adaptation of process and environment
 - Advocacy and mentoring and vocational help
 - Assertive aftercare – may not cooperate

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Summary and conclusion

- Prevalence of ASD 1%
- Prevalence of autism and offending in population not properly understood - Studies estimate that between 2% and 4% of **offenders** have an autistic disorder
- Less able group insignificant in terms of offending
- 15-20% of Asperger population reported at risk ;
 - Lower rates of acquisitive and sexual offending
 - Mixed evidence on violent offences
 - Higher risk of arson and offences linked to antisocial behaviour e.g. stalking, harassment

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Summary and conclusion

Low rate of offending overall - BUT

- No good studies of whole population of adults
- A small number of serious crimes **are** attributable to autism features
- Comorbid psychiatric disorders appear less important than predisposing autism features and precipitating social factors
- Social isolation seems to be associated with higher risk
- Legal capacity can only be determined on case-by-case basis

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Importantly - we need our strategies and interventions to reflect an empathy for the way individuals with AS experience the world.

It is important to understand what that person understands



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Autistic Society

Thank you

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Selected bibliography

- Allen D; Evans C; Hider A; Hawkins S; Peckett H and Morgan H Offending Behaviour in Adults with Asperger Syndrome Journal of Autism and Developmental Disorders; Vol. 38/ April 2008; Springer: Netherlands; 2008
- Asperger H. 'Autistic Psychopathy' in childhood. (trans. U. Frith) In: Frith U. Autism and Asperger Syndrome. Cambridge: Cambridge University Press; 1944/1992. p. 37-62.
- Baron-Cohen S: An assessment of violence in a young man with Asperger's syndrome. J Child Psychol Psychiatry 29:351-60, 1988
- Baron-Cohen S: Mindblindness: An Essay on Autism and Theory of Mind. Cambridge, MA: MIT Press, 1995

Selected bibliography

- Baron-Cohen S, Ring H, Wheelwright S, et al: Social intelligence in the normal and autistic brain: an fMRI study. Eur J Neurosci 11:1891-999, 1999
- Barry-Walsh JB, Mullen PE: Forensic aspects of Asperger's Syndrome. J Forensic Psychiatry Psychol 15:96-107, 2004
- Emerson, E; McGill P and Mansell J (Eds) Severe Learning Disabilities and Challenging Behaviours: Designing High Quality Services Chapman and Hall, London 1994
- Everall IP, LeCouteur A: Firesetting in an adolescent boy with Asperger's Syndrome. Br J Psychiatry, 157:284-7, 1990
- Fombonne E: Epidemiological surveys of autism and other pervasive developmental disorders: an update. J Aut Dev Disord 33:365-82, 2003
- Ghaziuddin M, Tsai I, Ghaziuddin N: Violence in Asperger's Syndrome: a critique. J Aut Devel Disord 21:349-54, 1991

Selected bibliography

- Gillberg IC, Gillberg C: Asperger syndrome—some epidemiological considerations: a research note. *J Child Psychol Psychiatry* 30:631–8, 1989
- Gillberg CL: Autism and autistic-like conditions: subclass among disorders of empathy. *J Child Psychol Psychiatry* 30:813–37, 1992
- Gillberg C. **Offending behaviour in adults with Asperger syndrome**". *J Autism Dev Disord* 38 (4): 748–58. doi: 10 ... -
- Hall I, Bernal J: Asperger's syndrome and violence. *Br J Psychiatry* 166:262–8, 1995
- Hare DJ, Gould J, Mills R, et al: A preliminary study of individuals with autistic spectrum disorders in three special hospitals in England 1999 NAS

Selected bibliography

- Hare RD: *Without conscience: the disturbing world of the psychopaths among us*. New York: The Guilford Press, 1993
- Holland, T, Clare, I and Mukhopadhyay, T (2002) Prevalence of 'Criminal Offending' by Men and Women with Intellectual Disability and the Characteristics of 'Offenders': Implications for research and service development. *Journal of Intellectual Disability Research*, 46, supplement 1, May, pp 6 - 20
- Howlin P: Outcome in life for more able individuals with autism or Asperger syndrome. *Autism* 4:63–83, 2000
- Mawson D, Grounds A, Tantam D: Violence and Asperger's syndrome: a case study. *Br J Psychiatry* 147:566–9, 1985
- Langstrom N, Gran M, Ruckin V, Siostedt G and Fazel, S: Risk Factors for Violent Offending in Autism Spectrum Disorder: A National Study of Hospitalized Individuals: *Journal of Interpersonal Violence* Aug 2008 (epub)

Selected bibliography

- Mullen PE, Pathe M, Purcell R: *Stalkers and Their Victims*. Cambridge, UK: Cambridge University Press, 2004 Palermo MT: Pervasive developmental disorders, psychiatric comorbidities, and the law. *Int J Offend Ther Comp Criminol* 48:40–8, 2004
- Murrie DC, Warren JI, Kristiansson M, et al: Asperger's syndrome in forensic settings. *Int J Forensic Ment Health* 1:59–70, 2002
- Ousley Y, Mesibov GB: Sexual attitudes and knowledge of high-functioning adolescents and adults with autism. *J Aut Devel Disord* 21:471–81, 1991
- Scragg P, Shah A: Prevalence of Asperger's Syndrome in a secure hospital. *Br J Psychiatry* 165:679–82, 1994
- Shedler J, Westen D: Refining personality disorder diagnosis: integrating science and practice. *Am J Psychiatry* 161:1350–65, 2004

Selected bibliography

- Silva JA, Leong GB, Smith R, et al: Analysis of serial homicide in the case of Joel Rifkin using the neuropsychiatric developmental model. *Am J Forensic Psychiatry* 26:25–55, 2005
- Silva JA, Leong GB, Ferrari MM: A neuropsychiatric developmental model of serial homicidal behavior. *Behav Sci Law* 22:787–99, 2004
- Silva JA, Ferrari MM, Leong GB: The case of Jeffrey Dahmer: sexual serial homicide from a neuropsychiatric developmental perspective. *J Forensic Sci* 47:1347–59, 2000
- Silva JA, Ferrari MM, Leong GB: Asperger's disorder and the origins of the Unabomber. *Am J Forensic Psychiatry* 24:5–43, 2003
- Silva JA, Leong GB, Ferrari MM: Paraphilic psychopathology in a case of autism spectrum disorder. *Am J Forensic Psychiatry* 24:5–20, 2003

Selected bibliography

- Soderstrom H, Sjodin AK, Carlstedt A, Forsman A: Adult psychopathic personality with childhood-onset hyperactivity and conduct disorder: a central problem constellation in forensic psychiatry. *Psychiatry Research*. 121(3):271–80, 2004
- Stokes M, Newton N: Autistic spectrum disorders and stalking. *Autism* 8:337–9, 2004
- Sverd J: Psychiatric disorders in individuals with pervasive developmental disorders. *J Psychiatr Pract* 9:111–27, 2003
- Talbot J. *Know one Knows* ; Prison Reform Trust 2008
- Tantam D: The challenge of adolescents and adults with Asperger's syndrome. *Child Adolesc Psychiatr Clin North Am* 12:143–63, 2003
- Tantam D: Adolescence and adulthood of individuals with Asperger Syndrome, in *Asperger Syndrome*. Edited by Klin A, Volkmar FR, Sparrow SS. New York: Guilford Press, 2000, pp 367–99

Selected bibliography

- Wing L: Asperger's syndrome: a clinical account. *Psychol Med* 11:115–29, 1981
- Wing L, Gould J: Severe impairments of social interaction and associated abnormalities in children: epidemiology and classification. *J Aut Devel Disord* 9:11–29, 1979
- Wolff S, McGuire RJ: Schizoid personality in girls: a follow up study—what are the links with Asperger's Syndrome? *J Child Psychol Psychiatry* 36:793–817, 1995
- Wolff S: *Loners: The Life Path of Unusual Children*. New York: Routledge, 1995