

Supporting Effective Communication in the Justice System

**Guidance for**

**justice professionals on communicating effectively with autistic people**

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# Acknowledgments

The National Disability Authority (NDA) wishes to acknowledge the contribution and input of several organisations, including organisations supporting and advocating on behalf of autistic people, public bodies and experts in the development of this updated guide. A non-exhaustive list of those who contributed to the updated guide are included in Appendix 1.

In particular, the NDA wishes to acknowledge and thank all who provided personal accounts, shared their personal experiences, and agreed to have them included in the guide.

# Summary

This document provides guidance to those working in the civil and criminal justice system on how to effectively communicate with and support autistic people who they may meet or engage with during their work. This work updates existing guidance and implements an action in the Autism Innovation Strategy 2024–2026.

As with any member of society, autistic people can engage with the justice system in a variety of different ways, including as plaintiffs, defendants, victims, witnesses, suspects or perpetrators of a crime.

The guidance for communicating with autistic people is similar to those for approaching and engaging with any other person in a vulnerable or stressful situation.

## Key communication tips for justice professionals

Key tips which can be of assistance for justice professionals when communicating with an autistic person include:

### General tips for communicating and providing information

* Consult the person directly on their preferred mode of communication
* Adapt your language and communication style to the individual
* Engage with the person in a quiet, calm environment, if possible
* Consider the sensory environment where you are meeting the person and minimise stimuli (for example bright fluorescent lighting or noises) as much as possible
* Keep language clear, concise, and simple
* Minimise hand gestures, which may be distracting
* Avoid using irony, metaphors, or sarcasm, as these could be taken literally
* Try not to exaggerate your facial expression or tone of voice as these can be misinterpreted
* Allow the person additional time to process information and respond, if needed
* Facilitate the person to communicate in a form other than speaking, for example sketching or writing
* Avoid making assumptions about the person’s needs or supports which may be required
* Check for understanding when providing information
* Repeat the information or rephrase your statement if the person does not understand
* Offer support and show patience.

### Tips for interviewing

#### Environment

* Meet the person in a quiet environment
* Consider the sensory environment where you are meeting the person and minimise stimuli as much as possible
* Where possible, meet the person in a place which is familiar to them
* When meeting the person in a location which is unfamiliar to them, for example in a court room or an interview room in a Garda station, offer and facilitate an advance familiarisation visit where possible

#### Planning

* Provide any relevant information and documentation to the person in advance of meeting them, if possible, to reduce any anxiety
* Plan breaks and adhere to any pre-agreed procedures or timings

#### Consultation

* Enquire directly with the person about their communications needs and strengths, including if there is anything that may cause them particular stress or sensory discomfort
* Where a response is not forthcoming from the person directly, consider seeking information or assistance from those closest to them (such as a partner, friend, parent or others who may have relevant insights) about how to communicate effectively with the person
* Adapt your language and communication style to the individual

#### Rapport

* Establish rapport with the individual by explaining the purpose of your meeting or interview, the level and relevance of detail required (if appropriate), planned and unplanned breaks (and how they should ask for these), and ground rules, if applicable
* Efforts to build rapport through small talk should be tailored to the individual

#### Flexible and clear communication

* Keep questions clear, concise, and simple
* Avoid asking any leading questions
* Use visual supports or aids, such as drawings or photos, to explain what is happening or what you are asking
* Ask one question at a time and in chronological order if possible
* Explain any technical or legal terminology

#### Timing

* Give the person sufficient time to process and respond to a question and allow additional time if needed
* Offer support to the person and show patience

#### Understanding

* Actively check for understanding when asking questions
* Use the person’s name if they seem unsure that you are addressing them

#### Avoid

* Do not remove an object that a person may be carrying for comfort or a sensory item unless essential (for example for safety reasons)
* Do not stop a person from flapping, rocking, or making other repetitive movements (known as stimming). These should be permitted as they often have a calming effect and may subside once the person feels more at ease (providing clear information and explanations of what will happen next can assist in this regard)
* Do not misconstrue a person avoiding eye contact as rudeness, disinterest, guilt, deception, or a general cause for suspicion
* Do not separate an autistic person from any augmentative and alternative communication (AAC) tool or device they may use to communicate

#### Support

* Consider giving the person the option to communicate in a form other than speaking, for example sketching or writing down a response
* Tailor the length of a meeting or interview to the needs of the person. While some autistic people might require longer interviews, for procedures to be explained or to process information, it is important for others that interviews are kept as short as possible
* Apply any reasonable accommodations requested.

## Additional supports

The following supports, where relevant and available, may assist in ensuring more effective communication between justice professionals and autistic people interacting with the justice system:

* Registered intermediaries are impartial professionals with specialised skills in communication whose role is to facilitate effective two-way communication between justice professionals and individuals in the justice system with communication needs
* Independent advocates are professionals who can support autistic people to express their views and ascertain their will and preferences, ensuring their voice is heard, their decisions are articulated, and there is greater understanding of the person’s communication needs and preferences in the justice system
* Appropriate or responsible adults (close family members) can support certain people in Garda custody situations by checking the person’s understanding of questions and processes, providing practical support and emotional comfort, and assisting them to understand their rights.

Supports should be sought at the earliest possible stage (where relevant and available) to assist autistic people in understanding and navigating the justice system. A list of some of these and other support organisations is available in Appendix 2.

# Introduction

## How can this guide help you?

* This guide aims to assist those working in the civil and criminal justice system by providing advice on how best to communicate with and support autistic people who they may meet or engage with during their work. This includes members of An Garda Síochána and officials working in the Courts Service, the Irish Prison Service and the Probation Service, as well as the judiciary and members of the legal profession such as solicitors and barristers. For the purposes of this guide, the term ‘justice professional’ encompasses anyone working in these areas or services.
* This guide may also be beneficial for members of the public serving as jurors, including as background information for jurors involved in trials where someone is autistic.
* Autistic people are individuals who communicate, experience the world and express emotions differently to non-autistic people. No two autistic people are the same. Nevertheless, it can be helpful if you are aware of the general points in this guide that may assist you to better communicate with autistic people.
* As with any member of society, autistic people may encounter or communicate with justice professionals in a variety of different ways. The guidance aims to be a useful and practical resource for a wide range of people in the justice system who may meet or engage with autistic people who are witnesses, professional witnesses or experts, respondents, complainants, plaintiffs, defendants, victims, suspects, and offenders in the course of their work. It is also important to note that some justice professionals themselves may be autistic.

## How was this guidance document developed?

* The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and advice to the Government on policy and practice relevant to the lives of persons with disabilities, and to promote the adoption and application of a Universal Design approach across all sectors.
* The NDA originally published ‘Assisting People with Autism: Guidance for Justice Professionals in Communicating with People with Autism’ in 2018. It was primarily based on a 2014 publication by the National Autistic Society Northern Ireland and the Department of Justice in Northern Ireland, entitled ‘Autism: a guide for criminal justice professionals’.
* The current document is an update of the NDA’s 2018 guidance document, which was revised on foot of an action in the Autism Innovation Strategy 2024–2026. The Department of Children, Disability and Equality (formerly titled the Department of Children, Equality, Disability, Integration and Youth) prepared this strategy.
* The NDA consulted with several organisations, including organisations supporting and advocating on behalf of autistic people, public bodies and experts in the development of this updated guide, a non-exhaustive list of which are included in Appendix 1. Amendments were made in response to feedback as relevant and appropriate.
* The guide is based on the experiences of autistic people and those who work with autistic individuals in the justice sector. It contains real-life examples and personal accounts by autistic people, family members and justice professionals in Ireland. The NDA wishes to thank all who provided personal accounts, shared their personal experiences, and agreed to have them included in the guide.[[1]](#footnote-1) To ensure their anonymity and privacy, the stories in the guide are not attributed to named persons.

## How can you use this guide effectively?

* The guide is designed to be used by justice professionals as a regular reference document. Some repetition occurs from section to section so that each can be read and used individually.
* This document is not a guide about the diagnosis of autism and should not be used as such.
* The primary focus of this guide is on effective communication, though some other forms of support or accommodations which may facilitate more effective communication with autistic people within the justice context are also identified in the guide. The environmental, sensory, information, procedural and other supports highlighted in this document are not exhaustive, and the NDA recognises that autistic people may require additional supports and accommodations to ensure their full and equal participation in the justice system.
* These guidelines are intended to promote good practice for justice professionals when communicating with autistic people they meet during the course of their work. It should also be noted that there are legal obligations on justice professionals to reasonably accommodate the communication and other support needs of an autistic person under the Equal Status Acts 2000–2018.
* In addition to reading and applying the guidance contained in this document, justice professionals may also benefit from autism awareness and disability equality training to facilitate better communication with autistic people.

A range of resources are available from support organisations for autistic people. Appendix 2 lists support organisations and other sources of information and training.

# Language and Terminology

The language and terminology around autism, autistic people and disability continues to evolve. The NDA uses identity-first language in this document, describing someone as an ‘autistic person’ rather than using the person-first approach and saying ‘a person with autism’. The preference for identity-first language was clearly stated in the consultation processes to inform the development of the Autism Innovation Strategy. However, when interacting with an autistic person, it is important to ask what their preference is, as linguistic preferences may vary across the autistic community.

Justice professionals should also be aware that Autism Spectrum Disorder is the DSM-5 and ICD-11 diagnostic term for autism.[[2]](#footnote-2) While justice professionals will likely come across this term in the course of their work, they should be aware that many autistic people consider it offensive to describe someone as having Autism Spectrum Disorder as it implies there is something wrong with autistic people.

In addition, some autistic people choose not to identify as autistic but as neurodivergent. The neurodivergent community includes autistic people, as well as people with attention deficit hyperactivity disorder (ADHD), dyscalculia, dyslexia, and dyspraxia, among others. While the focus of this guide is on autistic people, some of the advice will also be relevant for other neurodivergent people.

More information can be found in the NDA’s Advice Paper on Language and Terminology. This is due to be updated this year to include our latest advice relating to language around autism, autistic people, and disability more generally.[[3]](#footnote-3)

# Autism Innovation Strategy

The Autism Innovation Strategy was published in August 2024. The Strategy aims to address the specific challenges and barriers facing autistic people and to improve mainstream understanding and accommodation of the needs of autistic people across the public sector and society more generally. Action 57 in the Strategy committed the National Disability Authority (NDA), in collaboration with autistic people, to revise its existing guidance for justice professionals on how to communicate with and support autistic people with the objective of improving understanding of autistic people within the justice system. The NDA updated this guidance document to fulfil this action.

The Autism Innovation Strategy also contains other actions relevant to the justice sector, as follows:

* Action 55: To support autistic people navigating the courts system, the Courts Service will ensure, in line with Government Design Principle 2, that consideration is given to the needs of autistic people and other people with disabilities as part of the design of their customer service journey. As part of this process, the Courts Service will consult with autistic people and others with a disability and consider supports that could be offered to allow people to better understand and prepare in advance for the experience of attending court, as far as is reasonably practicable[[4]](#footnote-4)
* Action 56: To better support autistic people interacting with the Irish Prison Service in a coordinated manner, efforts to support the development of Autism Accreditation Standards for the Irish Prison Service will continue. These standards will establish national custodial standards for autistic people in custody and autistic family members of people in custody.[[5]](#footnote-5)

In addition, the Strategy recognises several positive initiatives by public bodies operating in the justice sector to support autistic people and other people with disabilities, including the roll out of the Just A Minute (JAM) Card across the Courts Service, and the provision of autism awareness training by An Garda Síochána, the Irish Prison Service and the Probation Service.

# What should justice professionals know about autism and autistic people?

## What is autism?

Autism is a lifelong difference or disability which is characterised by differences in social communication and experiences with the world. Many autistic people have sensory processing differences relating to noise, touch, smells, and bright lights, which can be distressing, overwhelming, and painful for some. Autistic people can experience intense anxiety and extreme unease around unexpected situations or adapting to change and can have a strong preference for stability in their environment and keeping a consistent routine. However, no two autistic people are the same, and the degree to which they experience differences are unique to each individual.

Autism is oftentimes considered a hidden or non-visible disability as it may not be immediately obvious to others. Some autistic people may also have an intellectual disability or mental health difficulties (as well as other disabilities or health needs), meaning people need different levels of support.

## How do autistic people become involved in the justice system?

As with any member of society, autistic people can engage with the justice system in a variety of different ways, including as a plaintiff, defendant, victim, witness, suspect or perpetrator of a crime. Autistic people can also serve as a professional witness or expert, or as a juror, attend court proceedings, visit a prison, or seek legal advice or representation from a legal professional. Some justice professionals themselves may also be autistic.

The main focus of this guide is on the criminal justice system, as there is less literature about the involvement of autistic people in the civil justice system. However, most of the guidance is common to justice professionals operating in both the criminal and civil law spheres and we provide examples of real-life experiences from the two systems.

**Real Life Experience, from a Family Court judge**

In the course of various childcare cases, I have come across situations where parents are autistic, and also have an intellectual disability.

One such case was an application for a full care order under section 18 of the Child Care Act 1991. When one of the parents went into the witness stand, it became very apparent that the witness was in serious difficulties in terms of their understanding of the proceedings, providing confused answers to questions. I stopped the hearing because I suspected that the parent might be autistic and/or have an intellectual disability. I directed an assessment of this parent and directed the psychologist who conducted the assessment to appear in court so that I could properly question him. His conclusion was that this parent was autistic, with an intellectual disability and borderline personality disorder.

Our brains are hard-wired to understand the world in terms of time, space, cause and effect and that understanding is expressed through the medium of language. This parent had difficulties in all these areas of understanding. I adjourned the hearing and appointed a properly qualified advocate to assist the parent engage with their legal team. The hearing was adjourned until that appointment was made so as to ensure that the parent had the ability to meaningfully participate in the proceedings before the court.

## Why is it important to consider if a person might be autistic?

Awareness and understanding of autism amongst justice professionals is important for a range of reasons. First, justice professionals will encounter autistic people in the course of their work. It is important that justice professionals consider whether a person might be autistic to ensure that they approach and adjust their communications to meet the individual’s needs and preferences. Positive, inclusive interactions between justice professionals and autistic people can build rapport and understanding and improve communication.

Second, justice professionals should consider if someone might be autistic to provide them with reasonable accommodations or other appropriate support, including communication support, to engage effectively with the justice system. The level and type of support an autistic person may require differs depending on the individual. For example, making an emergency ‘112’ or ‘999’ call could be very difficult for an autistic person, as could giving a statement to a Garda following an experience as a victim of a possible crime. Similarly, noise and routine changes can create challenges for autistic people in a prison setting, requiring consideration of possible supports or accommodations.

Third, a lack of understanding of autistic people amongst justice professionals can also lead to certain actions or behaviours being misconstrued as suspicious. These misunderstandings can result in increased engagement between autistic people and the justice system, in particular the criminal justice system, and lead to negative interactions or adverse outcomes for autistic people, with international research pointing to the following examples:

* increased likelihood of arrest
* unnecessary escalation of force
* decreased likelihood of being considered for diversion from custody, and
* perception of non-compliance negatively impacting on access to necessary supports and effective participation in the criminal justice system.[[6]](#footnote-6)

## How can autism be recognised?

Autism is often classified as a spectrum, meaning that people have varying needs, that present in different ways, at different times, in different situations and environments. Every autistic person is different, and it may not always be obvious whether someone is autistic. A justice professional can always ask an individual they are communicating with if they have any support needs. However, many autistic people do not have a formal diagnosis of autism or may be unaware that they are autistic. Others may choose not to disclose that they are autistic.

Visible indicators that a person is or may be autistic can include the:

* carrying or wearing of an AsIAm autism identification card, Irish Society for Autism Alert Card or another badge or indicator to show people they are autistic
* use of a JAM (Just A Minute) card, which allows people with a hidden disability or communication barrier (such as autism) to let others know that they need more time and support in customer service situations
* wearing of a sunflower lanyard, badge, pin or wristband, or the use of a sunflower card, which show that the wearer has a non-visible disability (such as autism) and may need additional support.

However, where someone has not shared that they are autistic, or in the absence of a clear visual indicator, you may consider that a person might be autistic because they display some of the following characteristics.

Does the person you are communicating with appear to:

* have different patterns of (or no) eye contact and social interaction that are unique to them?
* process and understand information differently?
* communicate in ways that are different from conventional norms?
* use echolalia (repeating word or phrases, such as those which you or another person have said)?
* speak or communicate in an honest or direct manner, which you may perceive as overly straightforward?
* experience heightened levels of anxiety or stress in certain situations?
* engage in self-regulating behaviours, such as flapping or rocking?
* have deep and focused interests which they are passionate about?
* have sensory processing differences, including sensitivity to sound, light, or touch?
* have a unique understanding of social consequences and norms?
* have a persistent need for autonomy and control over their environment or situation?
* use an augmentative and alternative communication (AAC) tool or device to communicate?

These are all signs that the person may be autistic. However, a person may not display any of these signs or characteristics and still be autistic. Equally, a person may display some of these signs or characteristics, and not be autistic. Some common characteristics that autistic people can share are elaborated in more detail below.

### Social interaction, communication, or imagination

Autistic people can interpret both verbal and non-verbal communication differently to non-autistic people. Some have a very literal understanding of language and can think people always mean exactly what they say. Autistic people can find it more difficult than non-autistic people to use or understand:

* facial expressions
* tone of voice or intonation
* jokes, sarcasm, or metaphors (for example, phrases such as “has the cat got your tongue” or “he would make mincemeat of you” could be taken literally, causing alarm to an autistic person).

Some autistic people are non-speaking or minimally speaking.[[7]](#footnote-7) However, they may be able to understand all or some of what other people say to them. Justice professionals should be aware that some autistic people need to use, or prefer to use, augmentative and alternative communication (AAC), such as manual sign systems (including Lámh[[8]](#footnote-8)), body language or visual symbols, and may communicate very effectively without speech.

Some autistic people may find it harder than non-autistic people to maintain a two-way dialogue or understand the expectations of others within conversations, perhaps repeating what the other person has just said (this is called ‘echolalia’) or preferring not to engage in small talk. An autistic person may also be very articulate and understand what you are saying to them but could still need communication support, for example if a conversation moves to a topic that makes them anxious. The more anxious an autistic person becomes, the more support they may need and the greater the likelihood for misunderstandings.

Some autistic people may also be able to communicate verbally in some scenarios and not in others. For instance, when an autistic person is overwhelmed, they may lose access to spoken language.

Additionally, some autistic people may have difficulties reading certain social cues, for example, engaging in shared eye contact or other forms of joint attention with another person, particularly if they are anxious or stressed. Some can also be very direct and honest in their communications, while others can experience or display emotions differently to non-autistic people, which may be mistakenly perceived as a lack of empathy, remorse or indifference in certain scenarios. Perfectionism can be another challenge (as well as a strength) for some autistic people.

Furthermore, autistic people may have difficulties in foreseeing risks or the consequences of their actions. Similarly, others may find it challenging to imagine alternative outcomes to different situations or predict what will happen next based on social norms. Some autistic people may also find it harder than non-autistic people to form friendships and relationships or may have stronger feelings of loneliness or being excluded due to communications differences. Some may want to interact with other people and make friends but may be unsure how to go about it.

**Real Life Experience, from a young autistic man**

To the best of my memory, I think I must have been about 16 or 17 years old at the time. I've always been very nervous as a young teenager. This could have been contributed to by the fact that I attended a very rough school and felt uncomfortable around many of the students. I suppose you could say that I found it difficult to trust many of my classmates at the time.

Anyway, one evening I decided to take a trip to a local late-night shop just a few minutes from my house. Even though it wasn't particularly late, it was quite dark. As I was walking along, I saw some teenagers my own age. I didn't know them, and I guess I felt nervous and uncomfortable around them. I tried to act as confident as possible, nonetheless. But I couldn't help every so often looking back behind to see if anyone was behind me.

Suddenly a tall man with a beard approached me. He introduced himself by name first, then told me he was with the Gardaí and presented his badge to me. He asked me if I knew he was a Garda. I told him that I didn't as he was not in a uniform. He told me that I appeared to be very nervous. But to be honest, that startled me as I didn't notice him approaching me at first. So, he then asked me if I was carrying any drugs. I told him I wasn't. He then asked me if he could search me. I certainly didn't want to make the inspector (I think he was an inspector) more suspicious so I let him search me. I just wanted to prove to him that I had nothing to hide. So, he searched my jacket pockets and trousers. Of course he found nothing as there was nothing to find. When he had finished searching, he confirmed that the only reason he searched me was because I seemed very nervous.

After this event I felt rather embarrassed, confused and quite offended that the inspector felt a need to search me at all. It certainly made me feel more self-conscious of my social awkwardness and nervousness. At that stage in my life, I knew nothing about autism nor did it even seem to me that I may have autism. It took me a great many years to build up the level of confidence I have reached today.

#### Key points for justice professionals:

* Autistic people may not always understand the implications of their actions, or the motivations of others, for example because they are focused on their interests or actions, as opposed to the consequences. As a result, they may unintentionally become involved in activity which alarms others, or which breaks the law. For these reasons, an autistic individual may not learn from past experiences. They may find it difficult to understand how others perceive their actions and to intuitively transfer their experiences from one situation to another. As a result, some autistic people may become victims or repeat their behaviour if not offered appropriate information, support and intervention.
* The communication or sensory processing differences of some autistic people may be misperceived by some non-autistic people as odd or eccentric, potentially leading to suspicion. For example, the eye contact of some autistic people may be avoided, fleeting or prolonged. Some non-autistic people might incorrectly interpret this as inappropriate, intimidating, or suspicious.
* The natural desire to have friends and build relationships has led some autistic people to be befriended and socially manipulated by criminals and to become unwitting accomplices to crimes.[[9]](#footnote-9) Autistic people may not always understand other people’s motives. For example, one autistic man who worked in a jeweller’s shop was persuaded to let the new night watchman ‘look after’ the keys, enabling that person to later steal from the shop.[[10]](#footnote-10)
* Autistic people are generally very honest and can have a heightened sense of justice. This might result in an autistic person taking responsibility for collective actions involving non-autistic peers.
* Justice professionals should be cognisant that an autistic person might find it challenging or stressful to answer a question if they cannot do so with total accuracy and specificity due to a desire for perfection, and a fear of what would happen if they make a mistake or get it wrong. For example, if a justice professional asks how tall someone was, a non-autistic person might feel comfortable offering an approximate answer. However, an autistic person might be reluctant to answer at all if they don’t know someone’s precise height.
* Autistic people may not always appreciate danger or recognise safety risks within their environment. Some autistic people, including children, can wander off or run away when left unattended or when their carers are otherwise occupied.

**Real Life Experience, from a Garda**

There was an issue where an autistic child kept running away from home. The child in question could speak but would not answer questions or respond to their name, and the child could also bite if distressed. Both Gardaí and the family would search for the child. If Gardaí unfamiliar to the child were to locate the child first, there was often a scenario of the child becoming more distressed and attempting to bite the Garda.

Following on from these incidents, I met with parents of the local autism support group and developed an Autism Safety Plan, including an Autism Safety Plan Person Information Sheet. These forms were completed by parents of the autism support group and kept in the Garda Divisional Headquarters. It means any Garda member responding to a call of a missing autistic child or engaging with any autistic child can consult the form and understand how to engage with the child in the most suitable manner, reducing the risk of further distress or injury. This has worked very well.

### Focused or passionate interests

The world can sometimes seem a very unpredictable and confusing place to autistic people, who may often show a strong preference for routine. For example, an autistic person may always want to travel the same way to and from school or work, or consistently eat the same food for breakfast. Autistic people may find it especially hard to cope with the unexpected or unknown and are said to have an intolerance of uncertainty.

The use of rules can also be important for autistic people. It may be stressful for an autistic person to take a different approach to something once they have been shown a certain (or ‘right’) way to do it. Autistic people often have difficulty adjusting to change, but may be more likely to accommodate changes if they are aware and can prepare in advance. Providing as much predictability as possible can go a considerable way in supporting an autistic person.

Some autistic people can have focused or passionate interests, often from a fairly young age. These can change over time or be lifelong. Oftentimes, these interests can be a way to engage with or support an autistic person, particularly if they feel anxious or stressed. The intensity or topic of the interest may be perceived by some non-autistic people as unusual. Recent research has highlighted that autistic people are more likely than non-autistic people to have a monotropic way of thinking, where an autistic person’s thoughts and actions concentrate more strongly on one interest at a time.

#### Key point for justice professionals:

* Autistic people often have passionate and focused interests, with some unaware of the effect that their interests or actions could have on others or how they are perceived, or that those actions could lead to them putting themselves in danger. An individual may also not realise that by acting in a certain way, they may have committed a crime. For example, an autistic child, who was fascinated with fire engines, set light to public waste bins so that he could see a fire brigade arrive and extinguish the fire.[[11]](#footnote-11)
* Autistic people may strictly adhere to rules and become uncomfortable, upset or possibly agitated if other people break them. For example, one autistic man, frustrated by others ignoring parking regulations, caused criminal damage to several illegally parked cars.
* Autistic people can find unexpected situations more difficult to deal with than non-autistic people. An unexpected change in environment or routine can cause anxiety and distress for an autistic person, which in some cases can potentially lead to an aggressive outburst. For example, one young autistic man had difficulties coping with a change in his familiar bus route, reacting in a loud manner, swearing profusely, and pacing up and down. Conversely, an autistic individual may express an outburst of absolute elation about something apparently minor in a public place, which could potentially cause alarm or undue interest from others.
* Many legal processes involve periods of unavoidable uncertainty. Intolerance of uncertainty can cause high levels of anxiety in autistic people, which can hinder their ability to communicate effectively and respond appropriately to questions. Explaining the legal process, expectations on the person, next steps and so on, in a clear and concise way can reduce some of this anxiety.

### Sensory sensitivity

Autistic people may also experience over- or under-sensitivity to sounds, touch, tastes, lights, colour, temperature, or smells. This sensitivity can affect individuals differently: while some may be oversensitive to sensory stimulation (hyper-sensitive), others can be under-sensitive (hypo-sensitive) or seek out sensory stimulation (sensory seeking).

Autistic people may struggle to deal with sensory information, leading to stress or anxiety, and physical pain for some (autistic people can experience pain differently to non-autistic people due to sensory differences).

**Real Life Experience, from a young autistic person**

Once, I was re-enacting a dramatic movie scene in my head while I was daydreaming in public. I was semi-aware that my thoughts were affecting my body language, but did not realise how I appeared to other people. A security guard approached me and asked if I was okay. It turned out that onlookers thought that I was having a fit and had sent him over.

Sometimes an autistic person might experience sensory overload, leading to a meltdown. A meltdown takes place when an autistic person becomes overwhelmed and receives too much information, either communication or sensory stimuli, for the brain to manage. Someone experiencing a meltdown might express this verbally (for example crying or shouting), physically (for example lashing out or appearing outwardly aggressive) or both. Alternatively, an autistic person might experience a shutdown, where they may appear muted or withdrawn, and may be unable to engage in communication.

#### Key point for justice professionals:

* If an autistic person has a meltdown or shutdown, it is recommended that you use a low-key approach as follows:
  + give the person some time; it may take them a while to recover from an information or sensory overload
  + calmly ask them (or those closest to them such as a partner, friend, parent or professional) if they are okay, giving them plenty of time to respond
  + try to create a quiet, safe space and take action to reduce the overload of information: ask people to move along and not to stare, turn off loud music and turn down bright lights.

# How can justice professionals effectively communicate with autistic people?

## How to approach and engage with autistic people?

The guidelines for communicating effectively with autistic people are similar to those you would use for approaching and engaging with any other person in a vulnerable or stressful situation.

It is important to recognise that justice professionals will oftentimes communicate with an autistic person in an unfamiliar environment, away from their home. For example, barristers and solicitors will likely meet an autistic individual in the structured setting of an office or interview room, while court staff will likely have contact with an autistic person within the court environment. These unfamiliar surroundings and circumstances may cause heightened stress for an autistic individual, adversely impacting communication. Accordingly, you should consider whether it is feasible to communicate with an autistic person in a place which is familiar to them.

The following points and general tips will be helpful to professionals throughout the justice system – particularly the criminal justice system – when communicating with an autistic person.

### Do:

* Do: Aim to keep the situation calm.
* Do: Minimise stimuli as much as possible and communicate with them in a quiet environment. For example, turn off sirens, flashing lights or alarms.
* Do: Check the person for injuries if warranted, being as non-invasive as possible. Some autistic people may not tell you about an injury or may even be unaware of it themselves, due to sensory differences.
* Do: Clearly explain the situation and what you will be asking questions about. If you are taking the person to a different location, explain clearly where you are taking them and why.
* Do: Use visual supports or aids, such as drawings or photos, to explain what is happening or what you are asking. If the individual can read, it may be useful to put the information in writing. Some autistic people may understand visual information, or both visual and spoken information together, better than spoken words alone.
* Do: Keep language clear, concise, and simple and use plain English where possible: use short sentences and direct step-by-step instructions and, insofar as is possible, always follow through with what you have said.
* Do: Allow more time for the person to respond.
* Do: Provide the person with sufficient time to process their environment or situation.
* Do: Use the person’s name if they seem unsure that you are addressing them. Give clear, slow, and direct instructions: for example, “Jack, please get out of the car.”
* Do: Ensure that questions are direct, clear, and focused on one thing at a time to avoid confusion. An autistic person may respond to your question without understanding the implication of what they are saying, or they may agree with you simply because they think this is what they are supposed to do.
* Do: Consult the individual on their preferred mode of communication. An autistic person using aided augmentative and alternative communication (AAC) (such as choice cards or speech generating devices or software) should always have access to these communication tools or devices. Where a response is not forthcoming, consider seeking information or assistance from those closest to them about how to communicate effectively with the person.
* Do: Consider engaging the person in conversation on a topic they have expressed interest in, even if it is not directly relevant to what you want to discuss, particularly if they are stressed. This can provide reassurance to the individual, build rapport, and provide an opportunity to identify how a person prefers to communicate. However, such conversations can take the focus away from the purpose of the interaction and it is therefore important to clearly explain when it is time to shift attention to something else.

### Do not:

* Do not: Attempt to stop the person from flapping, rocking, or making other repetitive movements as this can sometimes be a self-calming strategy (known as stimming) and may subside once the person feels more at ease. An autistic person is more likely to be able to focus, listen or understand instructions if they are calm and relaxed. Providing clear information and explanations of what will happen next can assist in this regard.
* Do not: Remove an object that a person may be carrying for comfort, such as a piece of string or paper, or sensory items like noise cancelling headphones, sunglasses or fidget toys. Removing these may raise anxiety and cause distress, so this is not recommended unless essential (for example for safety reasons).
* Do not: Separate an autistic person from any AAC tool or device they may use to communicate. Access to AAC can be a form of reasonable accommodation.
* Do not: Touch the person or use handcuffs if the situation is not dangerous or life-threatening, as this may cause agitation due to heightened sensitivity.
* Do not: Expect an immediate response to questions or instructions, as the person may need time to process what you have said.
* Do not: Be alarmed if they seem too close to you. Some autistic people may not fully understand the notion of personal space and come up close to you without meaning to be intrusive. Alternatively, they may themselves need more personal space than others.
* Do not: Raise your voice or shout. Even mild intonation may be perceived as shouting by someone who is sensitive to noise.
* Do not: Use sarcasm, figures of speech or irony. Autistic people may take things literally, causing misunderstandings. Examples that would cause confusion to someone who interprets language literally are “You’re pulling my leg”, “Have you changed your mind?” and “It caught my eye”.
* Do not: Expect an immediate response to questions or instructions, as the person may need time to process what you have said.
* Do not: Misinterpret no response as a failure to cooperate. Increasing the amount of force in a demand could potentially escalate the situation, such as where an autistic person experiences Pathological Demand Avoidance and has a particularly strong desire for independence (and may avoid or actively resist any request or instruction which may be perceived as a demand).
* Do not: Misconstrue the person avoiding eye contact as rudeness, disinterest, guilt, deception, or a general cause for suspicion.
* Do not: Assume that if the person repeats what you say, they are being rude or disrespectful. A response like that could be echolalia (repetition of the question or phrase), so check that they have fully understood the question.

# How to question or interview autistic people?

It can be helpful if you are aware of the points below when questioning or interviewing an autistic person.[[12]](#footnote-12) The below guidance may also be of assistance to solicitors for client meetings.

## How can a justice professional prepare for interviewing or questioning an autistic person?

Planning and preparation are key to effectively interviewing autistic people. Asking an autistic person directly in the first instance, or, where a response is not forthcoming, liaising with someone who knows them, about their communication style and preferences,[[13]](#footnote-13) as well as their preferred location for the interview, can be beneficial in helping to plan for an effective interview.

It may not be possible to plan or prepare effectively for an interview where the justice professional is not made aware in advance that the person is autistic. A person may choose not to share that they are autistic or may not be aware that they are autistic.

### Reducing stress and anxiety leading up to the interview

Justice professionals ought to be aware that autistic people can find changes in routine more difficult than non-autistic people. They are likely to be stressed if their routines are disturbed by novel or unscheduled events, for example, having to attend a Garda station for interview at short notice. Even pre-planned events, such as a pre-arranged interview with a solicitor or video-recorded interview for court, may be stressful. An individual may also be anxious when present in a strange environment, such as a courtroom or court waiting room. Stress and anxiety can inhibit concentration and the ability to recall information – an interviewee is more likely to provide better evidence when they are relaxed and feel at ease.

To reduce any possible stress or anxiety, it is therefore important that you always outline procedures in advance and stick to them as much as possible. If changes are unavoidable, you should give the individual as much notice as possible.

Some autistic people are hypersensitive to noise and light, while others are fearful of crowds. They may have difficulty in waiting their turn or understanding social conventions such as queuing. An individual may find these experiences difficult, with increased anxiety possibly leading to agitation or disruption. If their anxiety increases, they may have a meltdown or shutdown. Such situations can adversely affect any questioning or interviewing.

Learning more about an autistic person can help reduce their stress and improve the quality of their evidence. For example, by talking to the person directly or, where a response is not forthcoming, those closest to them, you can find out whether they need accommodations during an interview, what causes them to feel stressed and anxious, and how this can be minimised. These conversations can also be useful in clarifying whether the person has any sensory differences or triggers, and what self-calming techniques they use that an interviewer should not interrupt.

### Supporting understanding of interview questions

Justice professionals should support autistic people to understand interview questions. Interviews with justice professionals, including the police, can be a daunting experience for any person, and particularly for those who communicate differently.

Gauging a person’s ability to express themselves and their level of understanding is central to supporting them effectively and obtaining an accurate account of events and good evidence. Therefore, it is important to get a sense of this before conducting the interview so that you can plan how to adapt your language and questions in advance.

## Pre-interview checklist

### Do:

* Do: Find out about the person’s particular communication needs (and strengths), including what causes them particular stress and sensory discomfort, from them directly and those closest to them.
* Do: Consult the individual and/or those closest to them on their preferred communication style and gauge their level of language. Some individuals may have a communications passport, detailing preferences in terms of communication. Adapt your language and questions accordingly.
* Do: If necessary, and where possible, request a registered intermediary, independent advocate (through the National Advocacy Service for People with Disabilities for example), or responsible / appropriate adult to assist with communication.[[14]](#footnote-14) Such supports can assist autistic people in understanding and navigating the justice system, as well as enhance communication with justice professionals.
* Do: Make preparations for an interview environment that takes into account their sensory needs (and strengths). For example, hold the interview in a room with softer lighting or away from an area of the building which is noisy. In some locations, there may be an interview suite with sensory supports.
* Plan what interview techniques you will use and how to tailor your questions to the individual’s communication needs (and strengths).
* Do: Provide information on the interview in advance, including directions to the relevant location, in clear and accessible formats.
* Do: Plan breaks and stick to these wherever possible. Talk to the individual directly and those closest to them about their attention span, how frequently they will need a break and for how long. A clear visual aid such as a sand timer can assist with this.
* Do: Understand your objectives for the interview.
* Do: Consider scheduling the interview or offer an appointment during a quieter time if the office or station is particularly busy.
* Do: Provide any relevant documentation to the person in advance of the meeting or interview.

### Do not:

* Do not: Leave the person unclear or confused about what will happen and when.
* Do not: Make sudden changes to the timing, location, or procedure (unless completely unavoidable).
* Do not: Assume you know best how to communicate with them.
* Do not: Make assumptions about their level of understanding.
* Do not: Assume that a person does not require support because they have good spoken language skills.
* Do not: Assume that a person requires additional support (such as a Registered Intermediary or independent advocate) because they are autistic.

## How to effectively interview an autistic person?

Autistic people often have different communication styles and preferences to non-autistic people. At the outset, it is important to be aware that you may not be able to gather all the information you need during one interview. The length of an interview should be tailored to the needs of the person.

While some autistic people might require longer interviews, for procedures to be explained or to process information, it is important for others that interviews are kept as short as possible. For example, some autistic people, especially those with co-occurring disabilities such as ADHD or an intellectual disability, may only be able to concentrate for short periods. It might also be necessary to hold several sessions to build up familiarity and rapport with the individual. Talk to the person directly, or if this is not possible, those closest to them, to seek advice on the best way to interview them, including any supports they may require.

Additionally, it may be necessary to seek the advice of a professional (such as a psychologist or social worker) with specialist autism experience. Where necessary and available, the support of a registered intermediary, appropriate adult, or independent advocate for either an autistic child or adult may also be essential in helping the process move forward.[[15]](#footnote-15) On occasion, it may be wise to engage the services of a support organisation, a non-exhaustive list of which is available in Appendix 2.

You should seek to ensure that anyone providing assistance has the specialist knowledge and skills to support someone with communication differences.

The following tips will also help you during the interview itself.

### Keep the environment as calm as possible

* The individual may be more relaxed if they are interviewed in a familiar place, with a familiar person present. If the setting is unfamiliar to the individual, organise a pre-interview visit to the place of interview or questioning if possible (for example a pre-visit to a courtroom).
* If known, explain how long the interview is likely to last and what will happen at the end of the session.
* Try to establish rapport with the individual. Explaining the purpose of the interview, the level and relevance of detail required (if appropriate), planned and unplanned breaks (and how they should ask for these), and ground rules can assist with building rapport. Efforts to build rapport through small talk should be tailored to the individual, bearing in mind that some (but not all) autistic interviewees may prefer not to talk about things that are unrelated to the interview, whereas others may prefer to engage in quite lengthy discussion about a neutral or specific topic to feel more relaxed and trusting of the interviewer. This should be gauged before and during the initial stages of the interview.
* Where a person is eligible for “special measures”, court procedures allow for the use of certain measures to meet the needs of people with disabilities who are giving evidence.[[16]](#footnote-16)
* Ensure there are no background noises or potential sensory sensitivities which could create challenges during the interview for example noises outside the room, echoes, clicking clocks, buzzing from lighting and so on (what may seem insignificant to a non-autistic person may be very distracting or stressful for an autistic person).
* Autistic children, and some autistic adults, may have an attachment to a particular object, such as a soft toy or piece of string. The child or adult may wish to hold the object or possibly twiddle or flap with it during the interview as a comfort. Research suggests that sometimes this can assist with concentration and removal of the object may cause the person unnecessary distress.
* You may see the person use repetitive movements – such as hand-flapping or rocking – which are known as stimming. These should be permitted, as they often have a calming effect. However, you should also be aware that these movements can occasionally also indicate agitation or that the person may need a break.
* Plan to minimise interruptions and avoid ‘waiting room’ time. Schedule the interview during a quiet period where possible, and at a time when interruptions are unlikely.
* The person may need frequent breaks. Explain clearly that they are going to have a break for a specified amount of time and what will happen next.

### Conduct the interview in an autism-friendly manner

* Talk calmly in your natural voice, keeping language as simple and clear as possible. Use short sentences and only necessary words. Avoid double-negative phrasing, for example “Was the room not empty?”.
* Try not to exaggerate your facial expression or tone of voice as these can be misinterpreted.
* Allow the person to nominate someone to support them with communication if this would be helpful (however, a justice professional should not automatically assume that a person requires communication support solely because they are autistic).
* Minimise hand gestures, which may be a distraction. If hand gestures are necessary, accompany them with unambiguous statements or questions that clarify their meaning.
* Use the individual’s name at the start of a question if they seem unsure that you are addressing them.
* Explain any technical terminology or legal jargon.
* Adapt your language and communication style to the individual and prepare them for the instructions or questions that might follow. For example, “John, I am going to ask you a question.”
* Be patient. Allow more time for the person to process the question and respond; do not assume that silence means there is no answer forthcoming. There may be a delay between hearing the question, understanding it, and working out how to respond. If there is no response at all, check their understanding or try rephrasing the question. Additionally, autistic people may remember very small details and have to recall them in chronological order, rather than jump to what you feel are the key points. While some autistic people can recall fine levels of detail, they may also find it difficult to recall the overall gist or context.
* Avoid open, vague or unfocussed questions insofar as is possible: clear, explicit and focused questions are more likely to be understood. Where open questions are used, they should specify parameters, such as time and place. For example, asking an autistic person to “tell me what you saw yesterday” may be too vague and they may be unable to discern what information is required. A better approach would be to say: “Tell me what you saw happen in the shopping centre at around 10 o’clock.”
* Specify the type of information you need. For example, that they should describe 'who', 'what', 'when', 'where' and 'how' the events occurred. This encourages the interviewee to be specific but without constraining their answers. On some occasions, it might be useful to phrase the question to indicate that an approximation is sufficient, for example “Approximately what height was the woman?”.
* Ask questions in chronological order insofar as is possible. Invite the person to segment the event up into its main parts and ask them to focus in on each segment in turn.
* Ask single questions, avoiding multiple, run-on ones such as: "Where were you on Tuesday at lunchtime, and what happened after that, and who was there?".
* Keep questions requiring fixed option answers, such as ‘yes or no’, to a minimum and always include a third alternative such as “I don't know”.
* If asked a ‘yes or no’ question, the person may repeat back the first or last word said with little or no understanding of the question. Try asking a series of ‘yes or no’ questions to determine the style and dependability of the response, and then follow this up with the key ‘yes or no’ questions you need an answer to.
* Avoid leading questions. Asking the correct questions in the correct manner is critical in eliciting the right information. Autistic people may be more compliant and more likely to agree with the interviewer’s suggestions or to statements that are untrue and not understand the consequences of this. An interviewer should therefore always consider how unwanted compliance can be reduced during an interview.
* Avoid using irony, metaphors, or sarcasm, as these could be taken literally. Questions posed as statements may also not be answered (for example, “And then you went to the shop?”).
* Do not use ‘tag’ questions such as “You went to the shop, didn’t you?”, or encouraging tags such as “That’s correct”.
* Actively check for understanding. It is important that the person understands the questions or information you are providing and to ensure that they are not providing responses that they think you want to please you, to avoid confrontation or to end what may be a stressful situation. An autistic person may also not be in a position to inform you if they do not understand what you have asked: be prepared to prompt the individual to gather sufficient relevant information.
* Do not expect the individual to make eye contact during the interview. Do not force eye contact or tell someone to look at you when speaking.
* Be aware that an autistic person’s facial expression or body language may not always communicate how they are feeling at a particular moment in time.
* Back up questions with the use of visual aids or supports. Autistic people often understand visual information better than words. Consider asking them to sketch, draw or write down what happened.
* Do not take offence to direct, matter-of-fact communication or to a person not elaborating on an answer or question.

**Real Life Experience, from a parent of an autistic child**

A young autistic boy was sexually assaulted by an older boy who was his neighbour. A third party informed the parents about the abuse. Following a discussion with his parents, the younger boy disclosed details of the assault, which apparently occurred after a week of pressuring and propositioning by the older boy.

The parents made contact immediately with child services about the incident, with a duty social worker assigned to the family. The duty worker called to the house to discuss the allegation, explaining that it had to be reported to the Gardaí. A report was subsequently made and sent to the Gardaí. In the meantime, the parents were told to keep their son safe and away from the older child. The younger boy did not understand why he was no longer allowed to play with his neighbour, frequently getting angry and verbalising his frustrations.

The parents were informed that two special investigators would have to interview the younger boy because of his disability. They were informed that the purpose of the interview was to determine if the child would make a ‘good’ witness in court. The parents felt that one investigator was quite rude and unsympathetic to the family, who were going through a very difficult time. The family was assured that the investigators were highly trained and used to interacting with autistic children. However, the parents felt that the investigators were very loud and tried to explain that they would have to use a low tone of voice, and speak slowly, asking the child about his interests or playing a quick game to put him at ease. When the boy would not look at one investigator, they demanded eye contact, causing the child unease and resulting in him leaving the room. The child was subsequently brought back, with the investigators following the mother’s advice, leading to increased engagement from the child.

The next interview marked a significant improvement. The younger boy was more at ease with the body language of the investigators, and they asked him about school and his interests before starting the interview. As a result, the child provided some testimony, and a meeting was scheduled for a videotaped interview to take his statement in a special interview room.

In some situations, an interviewer may misinterpret an autistic person’s response or demeanour to be stubborn, evasive, or confrontational. Alternatively, an interviewer may find that an autistic person is over-compliant during an interview, agreeing with suggestions or statements that are untrue, due to a lack of understanding of the consequences. It is important that the interviewer is alert to this when questioning or interviewing an autistic person.

**Real Life Experience, from a barrister**

A young autistic boy made two allegations of sexual assault against a neighbour. They both lived in a large country town. The boy’s mother brought him to a Garda station and a local Garda took a short and simple statement from the boy, in which he named the accused man as the person who had touched him inappropriately on two occasions.

The Garda investigation concluded with interviews in which the accused man denied any inappropriate physical contact with the boy.

The Gardaí and the Director of Public Prosecutions (DPP) had concerns about the ability of the boy to give evidence effectively. At that time, in the 1990s, video link facilities were only available in Dublin and the boy would have to travel to give evidence via video link. The boy was very reserved, and it was difficult to engage him in conversation: he did not engage in any ‘small talk’.

Before the DPP made the final decision as to whether to prosecute, a DPP representative met with the boy and his mother. The boy’s mother was adamant that he would be able to give cogent evidence and that it was in his and his family’s interests to vindicate his rights in this way. Guided by her, the decision was made to proceed with the case.

When the boy came to give evidence, he described one incident of assault clearly and convincingly, though without much surrounding detail. When asked about the second incident, he said he could not remember it.

His cross-examination began with a question about his trip to Dublin on the train. The defence counsel knew that the accused (his client) had met the boy on the train and introduced the subject by asking him “who was on the train this morning?”. While any other witness may have surmised that the barrister was asking the boy to confirm to the jury that he had seen the accused on the train, the witness took the question literally and answered (with a somewhat puzzled look, as if this was irrelevant to the proceedings) “there were lots of people on the train”. From that moment on, it was obvious to the jury that the boy was going to answer every question honestly.

The accused was found guilty of sexual assault in relation to the one incident which the boy had been able to recall. He served a custodial sentence even though the offending behaviour was not considered especially severe due to the vulnerability of his victim and the fact that he could not rely on the mitigation of having pleaded guilty; he had not spared his victim the ordeal of giving evidence about the incident.

## Communicating with autistic people in a court setting?

The court environment can pose challenges for autistic people, with noisy court buildings and busy court lists creating sensory challenges. In addition, the adversarial nature of court proceedings, including the experience of cross-examination, can be highly stressful for anyone, particularly autistic people. Justice professionals should consider ways of reducing sensory stimuli in the court environment and alleviating any stress or anxiety an autistic person may have about participation in court proceedings, including by facilitating an advance familiarisation visit to the court building and room. Information about the availability of a quiet room or private waiting area should also be provided to the person.

A justice professional should also consider meeting or speaking to the person the day before the court proceedings to offer an overview of what will happen in court, outline the format of the proceedings and what is expected of them (including security checks in the building), respond to any questions or concerns and so on. Particular care should be taken to provide information on court timings, including updates regarding schedule changes, to the person. Justice professionals should follow the guidance in this document when communicating or questioning an autistic person.

The Director of Public Prosecutions (DPP) has developed an information booklet for people going to court as a witness. More information is available on the [DPP website](https://www.dppireland.ie/victims-witnesses/). The Courts Service also have information available for those preparing for a court appearance, including for example videos on who will be in the courtroom and how a criminal trial works. They also offer virtual tours of several Dublin court buildings and courthouses, the purpose of which is to provide an opportunity to people to familiarise themselves with the court environment in advance of their visit. More information, including on preparing for court, is available on the [Courts Service website](https://www.courts.ie/preparing-court).

## Communicating with autistic people in custody or detention?

Internationally, autistic people are reported to be disproportionately over-represented in the criminal justice process, including in pre-trial custody and the prison system.[[17]](#footnote-17) Being arrested, held in custody or in prison detention (particularly in a cell) for even a short time is an anxiety-provoking experience for anyone. For an autistic person who may desire routine, they may be frightened or uncertain, and for those who have sensory needs or sensitivities, it can be especially difficult.

Autistic people are likely to experience difficulties during the custody process due to the different ways they communicate and process sensory information. The sensory demands associated with the custody and prison environments and processes may also be particularly challenging. Added anxiety can make custody and detention even more difficult for an autistic person. In some cases, this can have a negative impact on their wellbeing and ability to communicate and prevent them from participating effectively in the custody process or prison environment.

When autistic people process sensory information in the custody or prison environment:

* they may become stressed, overloaded, or anxious, and some may experience physical pain
* their anxiety may lead them to become agitated or disruptive
* they may find it difficult to concentrate, listen to and process information or to respond appropriately (this can result in other difficulties, for example attending school or workshops in a prison environment)
* they may find it difficult to share a cell
* they may have a meltdown or a shutdown.

Autistic individuals who are being held in custody or who are in prison must be supported. It is best practice to follow the advice in this guide when communicating with an autistic person. Mental health issues, including stress, depression, and self-harm, are more common among autistic people than others, and these risks can increase in police custody or in prison.[[18]](#footnote-18) It is important to be aware of these risks and minimise them through appropriate support.[[19]](#footnote-19) Justice professionals working within the prison environment should also be aware of and seek to address the difficulties some autistic people can have navigating the unspoken and implicit rules associated with prison life.

**Real Life Experience, from a Psychologist**

Jamie, who is autistic, was sentenced to prison for possession and distribution of child pornography. He spent a lot of his adolescence online and found it difficult to get on well with his peer group. He used to hang out with younger children in the park as he got on better with them. He enjoys collecting everything he can on his current interest, which is images, and organises these into different folders based on categories. If he is interested in something, it becomes all consuming.

In custody, Jamie struggled to build friendships and did not understand the informal rules associated with prison, finding himself in difficult situations that left him vulnerable to bullying. He likes things to be done the same way all the time and does not like change, or things to be completed in a different order. He dislikes disruption to his routine and on one occasion became angry when an appointment with the Psychologist was cancelled due to understaffing in the prison. He only engages in conversations with people if they have a topic of interest in common and does not like talking about a subject he is not knowledgeable about. He is very set on what he thinks and can appear argumentative to some.

When the Psychologist used humour in an effort to build rapport, Jamie took what she said literally and became confused and angry. He enjoys going to the computer workshop as it helps the time to pass by quickly and reduce his anxiety. However, he finds the noise on the landing difficult and does not feel safe. He has difficulty considering other people’s perspectives and he likes things to be done a certain way. For example, Jamie’s cell mate did not put things back exactly where they belong, which caused him distress. He prefers it when people explain things in simple, and concrete terms. Jamie needed help from prison staff to ‘learn the informal rules’ of prison. He also needed staff to appreciate the difficulties he experiences going to workshops and/or school where he is expected to socialise in a noisy environment.

Additionally, justice professionals need to support understanding and communicate effectively with autistic people who have served a custodial sentence, including those under probation supervision, using the strategies and tools mentioned in this guide. For example, it is important that the conditions of a probation order are clearly communicated to an autistic person to ensure understanding and compliance.

**Real Life Experience, from a Probation Officer**

Shane, who is autistic, lived in the UK as a teenager, where he fared reasonably well in school with the assistance of special educational supports. He did not attend school after his family returned to Dublin when he was 16 years old, although he had a keen interest in and talent for computers. He pursued this interest via internet cafés and DVD stores, as he did not always have access to a personal computer.

While some family members had issues with alcohol and related offending, Shane did not, and came before the courts for the first time when he was 22 years old. Charged with the offence of "Indecency", Shane was seen by other customers at an internet café engaging in inappropriate sexual behaviour while apparently watching online pornography. He admitted the behaviour on his arrest and was referred by the Court for a probation assessment report. He recounted the following aspects of his life to his Probation Officer.

Shane signalled that he missed his special support teacher dearly after moving to Dublin. He found it impossible to approach training, employment, or educational services because of his fear of talking to strangers. Shane said that he had not accessed a medical card and had no GP, had never formed any friendships in Dublin and was self-conscious of being quite over-weight. He was only content when playing computer games and his only relationships were with internet contacts. He vaguely described a few casual sexual encounters but seemed uncertain about his sexuality.

Shane described recurrent periods of depression that appeared to be related to his isolation, during which he could become very agitated and irritated. When depressed or agitated, he informed that he was more likely to use the internet in cafés to access pornography sites. He said he had seen others engaging in inappropriate sexual behaviour while watching pornography in cafés and did so himself, taking steps to avoid being seen, though knowing it was not right.

Shane's Probation Officer formed the view that he might be autistic and referred him for a psychological assessment, which confirmed this. After the assessment, he accessed some services, including formal computer training, as well as group work and social skills supports through an autism support organisation. His family learned to reduce stressors around him.

The Probation Officer was given some tips for communicating with Shane, who had high levels of anxiety, including to interview him in a familiar place for a short period and providing him with sufficient time to respond to a question. Shane successfully completed his 12 months’ probation.

# What communication supports may be available?

There are potentially several supports available to support effective communication between justice professionals and autistic people interacting with the justice system.

## Registered Intermediaries

### What is a Registered Intermediary?

The role of a Registered Intermediary is to facilitate effective two-way communication between a justice professional and an individual in the justice system with communication needs. Registered Intermediaries are impartial professionals with specialised skills in communication, with many having professional backgrounds in areas such as speech and language therapy, social work, clinical psychology, and occupational therapy. The use of intermediaries in court proceedings is underpinned by legislation.

### How can a Registered Intermediary support communication?

Registered Intermediaries carry out their role by undertaking an assessment and preparing a report advising on the most effective and appropriate communication method to use regarding the individual’s communication needs, for example by ensuring that questions are appropriate, how to appropriately use communications aids and devices to support communication and so on. The aim is to secure the person’s best evidence.

The Department of Justice is currently piloting a Registered Intermediaries Scheme for 12 months, with the Courts Service maintaining the Register. Launched in mid-2024, this pilot scheme is welcome, however it is limited to the use of intermediaries for court proceedings (as opposed to the pre-trial or investigation stage) and to witnesses and victims (as opposed to accused persons).[[20]](#footnote-20) The NDA hopes that the scheme will be rolled out nationally and expanded following the conclusion of the pilot initiative.[[21]](#footnote-21)

## Responsible Adult / Appropriate Adult

### What is a Responsible Adult or Appropriate Adult?

Certain suspects in custody who are undergoing a Garda interview may obtain support from an appropriate adult. The Custody Regulations (the language of which is quite outdated) makes provision for a ‘responsible adult’ to be present during an interview with an adult with an intellectual or mental disability or any child if a parent, guardian, adult spouse (if the child is married) or adult relative is not readily available or suitable.[[22]](#footnote-22) While the term ‘responsible adult’ is not defined, the Regulations also refer to an ‘appropriate adult’, defining that term as follows:

1. in the case of a person who is married and their spouse is an adult and is readily available, the spouse; and
2. in any other case, the parent or guardian, or where the parent or guardian is not readily available, an adult relative or some other responsible adult, as may be appropriate.

### How can a Responsible Adult or Appropriate Adult support communication?

Responsible or appropriate adults can play a role in checking the level of the person’s understanding of questions and processes, providing practical support and emotional comfort, and assisting them to understand their rights.

## Independent Advocacy

### What is Independent Advocacy?

The role of advocacy is to support and enable people who have difficulty in exercising their rights, expressing their views, exploring options, and making informed choices. Independent advocacy refers to advocacy support provided by an organisation that is free from conflict of interest and is independent of family and service providers.

### How can an Independent Advocate support communication?

An autistic person may benefit from the support of an independent advocate as they navigate the justice system, including to ensure their active participation and involvement in court proceedings and that they receive appropriate support or accommodations when engaging with the justice system. Independent advocates can also facilitate communication, and safeguard against misunderstandings or discrimination.

Independent advocates may also be able to assist and support disabled people, including autistic people, interacting with the justice system in for example:

* communicating with Garda personnel
* providing information to legal representatives on advocacy and disability services
* communicating with a person’s legal team (with their consent)
* attending at court during hearings and trials
* engaging with probation services, assistance with the reporting of crimes, and meeting support services.

Obtaining the support of an independent advocate, where relevant and available, can also prove beneficial for a justice professional (including a legal representative) in enhancing and facilitating their communication with an autistic person. For example, where an individual communicates differently, an independent advocate will seek to support that person to express their views and ascertain their will and preferences. This can ensure that the person’s voice is heard, their decision is articulated, and there is greater understanding of the person’s communication needs and preferences.

Contact details for the National Advocacy Service for People with Disabilities, which provides independent representative advocacy service to adults with disabilities, are available in Appendix 2. The Service is funded and supported by the Citizens Information Board, which has a mandate under the Comhairle Act 2000 (as amended) to provide advocacy for people with disabilities. There is no representative advocacy service operating in Ireland for disabled children, although a small number of representative advocacy services have been established to support specific groups, such as children in care.

## Additional assistance or support

With knowledge and understanding, justice professionals can assist autistic people, ensuring that they access justice on an equal basis with others and are afforded the rights and protection they are entitled to. A non-exhaustive list of autism and other support organisations which may be able to offer advice and assistance are included in Appendix 2.

Some autistic people interacting with the justice system may also require support with decision-making. The Assisted Decision-Making (Capacity) Act 2015 (as amended) established a modern legal framework to support decision-making by adults who may have difficulty making decisions without assistance. Under the legislation, a person will be considered to have the capacity to make a decision if they can:

* Understand the information relevant to the decision
* Remember the information long enough to make a choice
* Use or weigh up the information to make a decision
* Communicate their decision (this may be with assistance)

The 2015 Act also sets out nine guiding principles for anyone, including justice professionals, interacting with a person who has difficulties with their decision-making capacity. These guiding principles include that every adult is presumed to have capacity to make decisions, unless determined otherwise, and people should be supported to make their own decisions insofar as is practicable.

Justice professionals should also be aware that there are three tiers of decision support available for people who currently, or may shortly, face challenges when making certain decisions. These are:

* Decision-making assistant: A person who requires support to make certain decisions can appoint a decision-making assistant to help them access information, understand their options, and communicate their decisions to others.
* Co-decision-maker: A person who requires more support than that provided by a decision-making assistance agreement can appoint a co-decision-maker (typically a trusted family member or friend) to make certain decisions jointly with them.
* Decision-making representative: If a person is unable to make certain decisions, the court may appoint a decision-making representative to make those decisions on their behalf.

More detailed information and guidance on supporting people with decision-making capacity challenges, including for example a Code of Practice for Legal Practitioners, is available on the [Decision Support Service](https://decisionsupportservice.ie/) website.

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# Appendix 1 – List of consultees

The NDA sought feedback from a range of organisations, public bodies and experts in this area on potential updates to the guidance document, with the following providing input:

* AsIAm
* Aspire – the Autism Spectrum Association of Ireland
* Irish Society for Autism
* Courts Service of Ireland
* Irish Prison Service
* Legal Aid Board
* Probation Service
* National Advocacy Service for People with Disabilities
* Judicial Council
* Legal Services Regulatory Authority
* Law Society of Ireland
* Dr Alan Cusack (University of Limerick)
* Dr Chloe Holloway-George (University of Nottingham)
* Professor Danielle Ropar (University of Nottingham)
* Dr Katie Maras (University of Bath)
* Professor Laura Crane (University of Birmingham)
* Professor Yvonne Daly (Dublin City University)

The above list is non-exhaustive. The NDA extends its sincere thanks to all organisations, statutory bodies and individuals who generously offered their time and expertise during the consultation process.

# Appendix 2 – List of support organisations and resources

## Organisations supporting autistic people

### AsIAm

* Email: [admin@asiam.ie](mailto:admin@asiam.ie)
* Phone: (01) 445 3203
* Website: [www.asiam.ie](http://www.asiam.ie)

### Aspire – The Autism Spectrum Association of Ireland

* Email: [info@aspireireland.ie](mailto:info@aspireireland.ie)
* Phone: 089 465 2026
* Website: [www.aspireireland.ie](http://www.aspireireland.ie)

### Irish Society for Autism

* Email: [admin@autism.ie](mailto:admin@autism.ie)
* Phone: (01) 874 4684
* Website: [www.autism.ie](http://www.autism.ie)

## Other organisations

### Garda Victim Service

The Garda Victim Service Offices ensure victims of crime are kept informed about the progress of their case and the supports available to them. The Victim Service Offices are the central point of contact for victims of crime and trauma in each Division. They supplement victim support activity already being undertaken by investigating members of An Garda Síochána.

* Website: <https://www.garda.ie/en/victim-services/garda-victim-service/>

### Victims of Crime Helpline

The Crime Victims Helpline is a confidential national helpline that offers support to victims of crime in Ireland.

* Freephone or text: 116 006
* Website: <http://www.crimevictimshelpline.ie>

### Victim Support at Court

Victim Support at Court (or V-SAC) offers court accompaniment to victims of crime, their families and prosecution witnesses.

* Phone: (01) 872 6785
* Email: [info@vsac.ie](mailto:info@vsac.ie)
* Website: <http://www.vsac.ie/>

### National Advocacy Service for People with Disabilities

The National Advocacy Service for People with Disabilities provides a free and independent representative advocacy service to adults with disabilities across Ireland.

* Phone: 0818 07 3000
* Email: [info@advocacy.ie](mailto:info@advocacy.ie)
* Website: [www.advocacy.ie](http://www.advocacy.ie)

## Other resources

The NDA’s Centre for Excellence in Universal Design, together with the Department of Public Expenditure, NDP Delivery and Reform, co-developed a [Customer Communications Toolkit for Services to the Public – A Universal Design Approach](https://universaldesign.ie/communications-digital/customer-communications-toolkit-a-universal-design-approach), which provides guidance on how to design communications for the public using the simplest and clearest language possible and to ensure that all communications are accessible and meet the diverse needs of all customers. The NDA is also updating its eLearning module for public sector staff on disability equality, which will be available on the [NDA website](http://www.nda.ie) in late 2025. The module seeks to provide public sector employers and employees with the knowledge and skills to support autistic people and other people with disabilities in an effective, respectful, and inclusive manner.

Furthermore, the NDA is coordinating the development of a good practice guidance document on autism training in the public sector, in consultation with the autistic community, and in line with Action 6 in the Autism Innovation Strategy. Finally, the NDA is developing guidance on access to public services for non-speaking or minimally-speaking autistic people and other users of Augmentative and Alternative Communication (AAC), which may also be of interest to justice professionals.



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**Teileafón:** (01) 6080 400

**Ríomhphost:** [info@nda.ie](mailto:info@nda.ie); [info@ceud.ie](mailto:info@ceud.ie)

[**www.nda.ie/ga**](https://nda.ie/ga)

[**www.universaldesign.ie/**](https://universaldesign.ie/)

**National Disability Authority**

25 Clyde Road

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**Telephone:** (01) 6080 400

**Email:** [info@nda.ie](mailto:info@nda.ie);

[info@ceud.ie](mailto:info@ceud.ie)

[**www.nda.ie/ga**](https://nda.ie/ga)

[**www.universaldesign.ie/**](https://universaldesign.ie/)

1. Some of the terminology and language related to autism and autistic people in the stories and examples from our 2018 guide have been updated to change outdated terminology or language. [↑](#footnote-ref-1)
2. The Diagnostic and Statistical Manual of Mental Disorders, 5th edition (DSM-5) and International Classification of Diseases, 11th edition (ICD-11) are diagnostic manuals published by the American Psychiatric Association (APA) and World Health Organisation (WHO) respectively. They list the diagnostic criteria which clinicians in Ireland and many other countries use to diagnose autism. [↑](#footnote-ref-2)
3. National Disability Authority (2022) **NDA Advice Paper on Disability Language and Terminology**, Dublin: NDA. [↑](#footnote-ref-3)
4. For example, the Courts Service website offers virtual tours of several Dublin court buildings and courthouses, the purpose of which is to provide an opportunity to people to familiarise themselves with the court environment in advance of their visit. [↑](#footnote-ref-4)
5. The Standards will seek to support autistic people in custody and autistic people who visit prisons. [↑](#footnote-ref-5)
6. A lack of compliance for some autistic people might arise from Pathological Demand Avoidance, which is characterised by an intense, pervasive drive for autonomy and a heightened sensitivity to demands that threaten that autonomy. [↑](#footnote-ref-6)
7. The NDA advises against describing an autistic person as ‘non-verbal’. That is because to say that someone is non-verbal is to say that they are without words or language generally, when in fact you are referring specifically to spoken language. [↑](#footnote-ref-7)
8. Lámh is a manual sign system used by children and adults with intellectual disability and communication needs in Ireland. Lámh uses speech with signs in which key words in a sentence are signed. [↑](#footnote-ref-8)
9. In the UK, the term “mate crime” is used where people within certain communities, particularly people with disabilities, are befriended with the intention of them being exploited and abused financially, physically, emotionally or otherwise. [↑](#footnote-ref-9)
10. This example was taken from the Department of Justice and the National Autistic Society Northern Ireland (2014) **Autism: a guide for criminal justice professionals**. [↑](#footnote-ref-10)
11. This example was taken from the Department of Justice and the National Autistic Society Northern Ireland (2014) **Autism: a guide for criminal justice professionals**. [↑](#footnote-ref-11)
12. In some circumstances, a suitably qualified interviewer may be required to interview an autistic person. [↑](#footnote-ref-12)
13. An autistic person might outline their communications preferences in a communications passport. [↑](#footnote-ref-13)
14. These roles, and their availability, are explained in greater detail in the section on “What supports are available to address the communication barriers faced by autistic people when engaging with the justice system?”. [↑](#footnote-ref-14)
15. Regulation 13 of the Custody Regulations makes provision for a responsible adult to be present during an interview with a child if a parent, guardian, adult spouse (if the child is married) or adult relative is not readily available or suitable. Regulation 22 of the Custody Regulations requires that the provisions of the regulations that apply to children also apply to a person of any age who is or is suspected to be ‘mentally handicapped’. This regulation further specifies that the responsible adult referred to in Regulation 13 should ‘where practicable be a person who has experience in dealing with the mentally handicapped’. The Garda Inspectorate has recommended that the Department of Justice consider updating the legislation relating to arrangements for providing support to children and vulnerable adults in custody. The NDA has also recommended that these Custody Regulations be updated, including to remove out-dated terminology such as the phrase ‘mentally handicapped’. [↑](#footnote-ref-15)
16. Statutory special measures may be available to autistic witnesses and victims (provided they fall into the statutory classification of being, either children, adults with a “mental disorder” or a victim with a “specific protection need”) to ensure they give their best evidence in court (pursuant to the Criminal Evidence Act 1992 and Criminal Justice (Victims of Crime) Act 2017). These special measures may include: an opportunity to deliver evidence via a live television link; the removal of wigs and gowns by counsel and the judiciary in court; the delivery of evidence via an intermediary; the admission of video-recorded evidence and sworn depositions in court; and the use of screens. These measures are not available to accused persons. [↑](#footnote-ref-16)
17. Boran, L. (2024) “Suspects with Autism Spectrum Disorder and the Pre-Trial Investigative Interview” in Yvonne Daly (ed.) **Police Custody in Ireland**. [↑](#footnote-ref-17)
18. National Autistic Society (2020) Autism: a guide for police officers and staff. [↑](#footnote-ref-18)
19. For example, in a policing context, conducting a risk assessment and identifying whether a person is vulnerable is an important responsibility of the member in charge at a Garda station (the Garda responsible for your treatment in the Garda station) and it is the first step in ensuring that a person in custody can understand what is happening and the implications for them. [↑](#footnote-ref-19)
20. At present, this support is currently only available to certain prosecution witnesses in court pursuant to the Criminal Evidence Act 1992 or the Criminal Justice Act (Victims of Crime) Act 2017. [↑](#footnote-ref-20)
21. More information is available on the Courts Service website, <https://www.courts.ie/registered-intermediaries-register> (accessed 21 January 2025). [↑](#footnote-ref-21)
22. Regulation 22 of the **Custody Regulations** requires that the provisions of Regulation 13 that apply to children also apply to a person of any age who is or is suspected to be ‘mentally handicapped’. This regulation goes on to specify that the responsible adult referred to in Regulation 13 should ‘where practicable be a person who has experience in dealing with the mentally handicapped’. The NDA has noted that these provisions of the Custody Regulations use outdated and inappropriate terminology such as ‘mentally handicapped’ and are not aligned with the UN Convention on the Rights of Persons with Disabilities (UNCRPD). [↑](#footnote-ref-22)