

An investigation into police approaches towards managing neurodivergent suspects and the experiences of neurodivergent people when encountering the police as suspects.

By

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ABSTRACT

This research explored police approaches towards managing neurodivergent suspects and the experiences of neurodivergent people when encountering the police as suspects.¹ It examined several areas to discover how neurodivergent people thought they were managed and how police officers, including neurodivergent officers, thought they conducted themselves when dealing with neurodivergent suspects. While much has been written about the subject of police officers dealing with neurodivergent people in the criminal justice system there have been few studies that compare the interactions between these two groups. In addition, only recently has anyone considered including active neurodivergent input in neurodivergent research. This thesis looked at the police and neurodivergent suspects together and asked the neurodivergent participants to add their own thoughts and questions based on their lived experience. The primary aim of the research was to assess if improvements can be made to police management of neurodivergent suspects and assess where and how any improvements can be generated. Data was collected via a mixed method research design using online questionnaires. The research surveyed police officers in an English/Welsh regional force and neurodivergent people from across England and Wales who have encountered the police as suspects.

The findings presented in this thesis contribute original information to the field of neurodivergent suspect interactions with police. It expands existing knowledge in this area because data was obtained from neurodivergent police officers as well as neurotypical officers, which has not been discovered to have been done before, and the study asked the

¹ Such as arrest, attending a voluntary interview or being spoken to in the street.

neurodivergent cohort for their thoughts, opinions and lived experiences. This give a voice to neurodivergent people which is an uncommon occurrence. Also, it was conducted by a neurodivergent researcher.

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CHAPTER ONE: INTRODUCTION

Background

There has been concern in the literature for several decades over possible mishandling of police encounters involving suspects who are neurodivergent (e.g. Sigelman, Budd, Spanhel and Schoenrock, 1981; Gudjonsson, 1992; 2006; 2021; Bradley, 2009; Crane, Henry, Maras and Wilcock, 2015; Hepworth, 2017; 2023; Calton and Hall, 2022; Slavny-Cross, Allison, Griffiths and Baron-Cohen, 2022). Two important documents, the Bradley Report (2009) and the National Policing Improvement Agency guidelines (NPIA, 2010), paved the way for adjusting the way police deal with adults at risk, be they witnesses, victims or suspects. In 2010, at the request of the Association of Chief Police Officers, the National Policing Improvement Authority (NPIA) published detailed guidance on how the police should deal with individuals they suspect of having or who they know to have learning disabilities, mental ill health or neurodevelopmental conditions such as autism and ADHD (NPIA, 2010). The guidance included advice on recognising the traits of mental ill health and learning disabilities, how best to communicate with the individual, information management and sharing, appropriate care pathways, and the identification, assessment and management of risk.

The guidance had been prompted by a report from the Department of Health conducted by Lord Bradley (Bradley, 2009). This was an independent review of the experiences of individuals with mental ill health and learning disabilities (which included mention of autism) who found themselves in the criminal justice system (CJS) as witnesses, victims or suspects/defendants. The report went through the offender's CJS journey from initial

encounter with the police, through the courts and onto sentencing, highlighting the key areas where neurodivergent people could encounter problems. It ended with Bradley's recommendations, which included several suggestions on how to ensure cohesion between the various independent agencies involved in the CJS, more liaison between the CJS and community services, standardised assessment processes, and joint training for CJS and health personnel. Since the publications of the report and the guidance, the improvements made in response to the report and the guidance have since been considered insufficient (Burch and Rose, 2020; Holloway *et al.*, 2020). An update on the Bradley Report (2009) in 2014 by Durcan, Saunders, Gadsby and Hazard (2014) concluded that many of the report's recommendations had not been enacted.

In 2021, twelve years on from the Bradley Report, the Ministry of Justice instigated an evidence review, via HM Inspectorate of Prisons and HM Inspectorate of Probation, of neurodivergence in the CJS: an indication of official recognition that issues involving the mishandling of neurodivergent (ND) people throughout the CJS still existed (HM Inspectorate of Prisons, 2021; Smith, 2022). Smith (2022, p. 100) welcomed this call for evidence but declared it 'long overdue', stating that policy makers have given scant attention to ND CJS users and the problems they face. In 2022, the Ministry of Justice submitted a 'neurodiversity' action plan in response to the report (MoJ, 2022).^{2&3} This plan contained six recommendations for the CJS designed to increase support for ND CJS users. The report identified the following issues. It highlighted behavioural differences that could

² The action plan's recommendations shared a consensus with points that had already been made in the literature review in this thesis. It has been retrospectively cited throughout the following chapters.

³ The term 'neurodiversity' has been used instead of 'neurodivergent'. We are all neurodiverse, including neurotypical people (Fletcher-Watson, 2020).

make arrest more likely to occur and subsequently create difficulties with supporting the individual. There was a risk that ND people could admit guilt to please people. They may struggle to understand what is happening, or police may not know the individual has an ND condition or they may not understand the condition. It issued six recommendations which were an overall countywide strategy to improve outcomes, a universal screening tool, a systematic collection of screening data to assess ND prevalence in the CJS and information sharing, awareness training involving co-creation and co-development with ND people, the creation of neurodivergent-friendly environments, and interagency cooperation (more on co-development and cooperation later in this thesis) (MoJ, 2022).

The police are the first criminal justice professionals to encounter a suspect, thereby having the responsibility of raising any issues regarding a suspect's need for extra support (Bradley, 2009; Mackenzie and Watts, 2010; Archer and Hurley, 2013; Parsons and Sherwood, 2015; Chadwick and Wesson, 2020). A failure to identify a suspect's condition at this point can lead to greater problems later in the system, where their needs are not always met and necessary adjustments are not made (Talbot, 2010; Slavny-Cross *et al.*, 2022). The current study set out to ascertain how much knowledge police officers have of neurodivergent conditions and, importantly, it includes input and co-creation from neurodivergent individuals (Stark, Ali, Ayre *et al.*, 2021; Vargas, Whelan, Brimblecombe and Allender, 2022; Machin, Shah, Nicholls *et al.*, 2023). This input does not appear to have been attempted in this context of this subject until Love, Gibbs, Cooper *et al.* (2023) and Hepworth (2023), both published three years after the current study commenced. The Love *et al.* (2023) Global Criminal Justice Survey involved surveying and comparing the experiences of autistic suspects, parents/caregivers of autistic suspects, and CJS professionals in all areas of the

CJS. This research discovered that dissatisfaction about their encounters with CJS was felt by autistic people on a global scale. Hepworth (2023) completed her PhD thesis on police occupational culture which featured the experiences of both police and autistic people's encounters with each other. The present research adds to the findings from these two studies.

In some studies there is research involving police (e.g. Chown, 2010; Teagardin, Dixon, Smith *et al.*, 2012; Eadens, Cranston-Gingras, Dupoux and Eadens, 2016; Gardner, Campbell and Westdal, 2019; Maxwell and Kramer, 2024), and there are ND (usually autistic) participants who were victims, witnesses or suspects in other studies (as in Talbot, 2010; Helverschou, Steindal, Nøttestad and Howlin, 2017; Gibbs and Haas, 2020; Salerno-Ferraro and Schuller, 2020; Slavny-Cross *et al.*, 2022). Very little of this literature asks neurodivergent people for their input on the matter being investigated, and only Crane, Maras, Hawken *et al.* (2016) were discovered, initially, that compared the two groups' experiences.⁴ Then in 2023, the Love *et al.* (2023) Global Criminal Justice Survey was published, as was Hepworth's (2023) PhD thesis. However, no investigation on the matter of ND people in the CJS has been uncovered to date that has been conducted by known neurodivergent researchers.

This research explores the issues surrounding the management of neurodivergent individuals when they encounter the police as suspects. The term 'neurodivergent' encompasses autism, attention difference hyperactivity condition (ADHC),⁵ learning

⁴ Though the small-scale Holloway, Munro, Jackson *et al.* (2020) participative walkthrough (see Chapter Two) could also be included here.

⁵ The official term is attention deficit hyperactivity disorder (ADHD). The reason for the altered name above will be explained in Chapter Two.

differences (such as dyslexia and dyscalculia⁶), tic conditions such as Tourette's syndrome and coprolalia, and learning disabilities (Addressing Dyslexia, 2017).⁷ The subject of neurodiversity is a large one and differing opinions on many topics are still being debated (discussed in Chapter Two). There is a long and complex history of neurodiversity. The term is open to different interpretations and it is a cause of confusion even within the neurodiversity movement (Kapp, 2020b). It takes an entire book, *Autistic Community and the Neurodiversity Movement* (edited by Kapp, 2020), to explain neurodiversity comprehensively, but even here there is an admittance that there is misunderstanding (Kapp, 2020b).

This research examines encounters between the police and neurodivergent suspects, exploring the meeting/arrest, the custody procedure, detainment and interview. Neurodivergent people who have been questioned by police as suspects are asked about their experiences, and police are asked about their experiences of managing ND suspects. The perspectives of the two cohorts are compared to discover if the perceptions of the encounters of the two groups concur with each other. The overarching aim is to gain a greater understanding about the interactions.

Public Attitudes are also Police Attitudes

'The general population' can be spoken of as if it is an entirely separate entity from any specific group, but many subgroups make up that general population. Therefore, the attitudes that can be found in the general population will also be found in any subgroup as

⁶ Dyscalculia is a mathematical learning difference (Wilson, Andrewes, Struthers *et al.*, 2015).

⁷ The main terms will be explained in Chapter Two.

they can all experience the same influences and conditioning throughout their lives. When it comes to understanding and knowing about neurodivergence the population has been found to be lacking, as Mencap (2016b) discovered with its 'Here I am' awareness campaign. The organisation wrote, '...the first survey [...] on public attitudes for over 30 years, shows lack of understanding around learning disability and still concern over contact' (Mencap, 2016b, n.p.).

The official language has been changed many times over the last 150 or so years and it has been changed for one reason: successive official and medical words have become terms of abuse. From 'idiots', 'fools', 'imbeciles', 'feeble-minded', 'daft' and 'moron', through 'backwards', 'mental defective' and 'mentally retarded' to 'educationally subnormal' and 'mentally handicapped', the general public (and therefore police officers) has grown up using what used to be medical terminology as words of abuse (Higgins, 2014; Hodges, 2015; Gates and Mafuba, 2016).⁸ Even the phrase, "Are you autistic?" is now finding its way into schoolyard taunts (Hodges, 2015). This is the climate that could have conditioned those who have become police officers. This is important in the context of this study because the study is in part looking at the attitudes of police officers towards ND people, and attitudes can affect behaviour (Ajzen, Fishbein, Lohmann and Albarracín, 2018). Conditioning plays an important role in attitude formation, a view agreed with by Cherry (2021).

Alsehem, Abousaadah, Sairafi and Jan (2017) reported a needed improvement in public awareness of autism, while Cage, Di Monaco and Newell (2018) found a lack of

⁸ This could include the early name for trisomy 21 (Down syndrome), 'Mongoloid' (Powell-Hamilton, 2023; Wikipedia Contributors, 2023a), which became shortened to 'mong', the term used by a Metropolitan Police officer as reported in Casey (2023), mentioned below.

understanding that dehumanises autistic people. An absence of knowledge and lack of understanding and acceptance of neurodivergent conditions by the public will cause problems to some degree for ND people in every part of their lives (Mencap, 2016b). This is especially so if ND people find themselves involved as a CJS user (Logos, Brewer and Young, 2021). With police being the first contact point in the CJS (Reveley and Dickie, 2023), misunderstandings and lack of knowledge at this stage can have repercussions throughout the whole CJS (Talbot, 2010; Foster and Young, 2022). Neurodivergent and disability history, and particularly the history of its terminology, is important in what is to follow in this thesis and will be discussed in Chapter Two. This discussion is included because the public that goes on to form the police service has been exposed to the conditioning that previous language exerted. Without knowing where it came from it cannot be understood how this point was reached, nor can it be understood how the problems arose with the language. The residual influence from this long and complex history could be argued to be partly responsible for the attitudes of today, a point that is agreed with by Crow (2017). Even now, despite more awareness in young people of ND conditions, learning-disabled and autistic people are at a significant risk of being stigmatised, bullied and even physically hurt by other young people, and can be less accepted by them (Petry, 2020; Page, 2023), since younger generations are influenced by the attitudes exhibited by older ones (Babik and Gardner, 2021). The Baroness Casey Review (Casey, 2023) which examined the behaviour of Metropolitan Police officers revealed ableist attitudes towards both disabled members of the public and disabled fellow officers. This included offensive, ableist language being directed at officers who are not disabled, with a male officer heard using the term 'mong' about female and ethnic officers.

Thesis, Aims and Research Questions

There are two research questions, which are: how do the police participants view their interactions with and management of neurodivergent suspects, and how do the neurodivergent participants view their interactions with and management by the police?

The answering of these questions was accomplished by asking questions in the following areas:

- If there were any differences between the two groups in the experiences of how police procedure was conducted
- What police understand about ND conditions
- If both sets of participants considered police ND training to be sufficient
- The opinions the police and the ND participants have of each other
- If police best practise in managing ND people can be improved

The objective is to discover if improvements to police management of ND suspects are required and where and how any improvements can be made via the overarching aim of the thesis, which is to gain greater understanding about the interactions between these two groups.

Original Contribution to Knowledge – Statement of Originality

When this research commenced there were fewer academic articles in this area than there are now, but this work still retains its originality and importance which are explained in this section.

There is an unintentional concentration on autism in this research but people with other ND conditions were sought and participated. This is important as there is an enormous amount written in the literature about the topic of autism in the CJS but less so about other ND conditions. This study permitted non-autistic people to have their say too. While there have been studies into how neurodivergent people are managed by the police, research comparing the experiences of both police and neurodivergent suspects together is rare. I am examining the challenges faced by the police and neurodivergent suspects when they encounter each other. Comparing police and neurodivergent suspects only⁹ is not something that had been discovered to have been conducted previously until Hepworth (2023). My research adds to this. My work also includes ND interactions with patrol officers, an area of research in which there is currently limited knowledge (Reveley and Dickie, 2023) and considers the perspectives of suspects who are gender-diverse, a subject for which no literature has presently been discovered.

Another area of importance is that this research involves an element of active participation by the ND cohort by way of consultation and co-creation. Involving ND people doing anything in research other than answering questions is uncommon. In this study they are asked to provide questions of their own, and consultation with ND people was sought with regards to the suitability of the survey questions. Also, my research brings in ND people as police officers in a way other research has not. Of further importance is that previous research is potentially not coming from a neurodivergent direction. However, a few points cannot be ruled out – that a researcher may not have disclosed their ND status and may

⁹ As opposed to previous research which examined not only suspects but also victims and witnesses, and often included the views of the caregivers of ND people. The Love *et al.* (2023) surveyed people in several roles in the CJS, not just police.

have no wish to do so, that they might be ND and not know it (discussed in Chapter Two are some of the problems surrounding diagnosis, particularly in women and girls), or that the extensive literature searches made for this thesis simply missed a relevant publication. The importance of the current research is that I am overtly stated to be autistic and ADHC and I am viewing this research through a neurodivergent lens. The relaying of my own neurodivergency to my neurodivergent participants might have encouraged them to be their authentic selves in the data they provided, feeling under no obligation to mask their true selves.¹⁰ The traditional convention of writing only in the third person is broken on occasions throughout this work. 'We', 'us' and 'our' are used as a gentle reminder to the reader that this has been written from the perspective of being 'inside the room'.

The mixed methods surveys, the participation of ND people other than autistics, the bringing in of ND police officers, ND/patrol officer interactions, gender-diverse people in police encounters, the more active ND cohort participation, and the insider perspective of the researcher are what combine to create an original contribution to knowledge.

Chapter Outlines

This thesis is laid out over seven chapters, each containing sections, and often containing sub-sections too. Following the introductory Chapter One, Chapter Two forms the literature review. It incorporates an extensive examination of the available literature in the areas of autism and other neurodivergent conditions, and the issues surrounding police interactions with ND people. This chapter begins with a history of neurodivergency and the terminology that has been used, particularly the more recent and current terms. It discusses various

¹⁰ Masking is discussed later in this thesis.

aspects of autism, including a section detailing autistic traits, before considering learning difference/difficulty and learning disability. Mental ill health is mentioned briefly because of the high instance of its co-occurrence in neurodivergent people. A further section pertains to the prevalence of autism and other neurodivergent conditions. It features a review of the literature examining the prevalence of ND conditions in the general population and CJS user population and discusses how these figures may not be accurate. The chapter continues with a look at the academic research regarding how certain features of autism may provide the context of vulnerability to engaging in violent behaviour.

There then follows a review of prominent existing literature relating to neurodivergent suspects' interactions with police and the impact of police procedure on the ND individuals. There is a delve into the topic of neurodivergent people in the CJS, concerning the issues the police have when encountering neurodivergent people, particularly suspects. It goes through the difficulty of recognising and identifying people with ND conditions, the stages of arrest and custody procedure and the problems that neurodivergent suspects can experience throughout this procedure, and the interviewing of these suspects. Also featured is a look at how autism is portrayed in the media. This is important for this research as this is the area from which many people could glean their only information about autistic people, and it could be detrimental to ND suspects if police hold stereotypical or inaccurate views about autism and other ND conditions. The literature review chapter principally features literature from the United Kingdom but includes relevant publications and information from the rest of the world.

Chapter Three is the methodology chapter which references research method literature throughout. It details the research design employed and the methodology utilised to garner, record and analyse the data. The method section details the mixed methods and the sampling used. It then discusses the co-creation of the ND survey with the initial ND participants and the assessment of the first police survey submissions. There is information on the surveys, the data recording methods and the data analysis, followed by participant recruitment and the process of gaining police access. There are the ethical considerations which feature informed consent, confidentiality and data protection, and wellbeing and safeguarding. The latter part of the chapter discusses my position as the researcher and limitation of the research. Interspersed with what was the original plan is a commentary on how those plans evolved as the research commenced. This includes the alterations that had to be made to the surveys, the seeking of ethical approval for a change in the recruitment of neurodivergent participants, and the difficulties and setbacks faced.

Chapter Four examines, analyses and discusses the data that the ND and police surveys produced. First it examines the demographic data, including the gender and age ranges of both cohorts. It includes data concerning the ND conditions of the ND participants, the length of service and any ND conditions of the police participants, and if the police know others who are neurodivergent. This is followed by sections exploring the survey data grouped into categories. The categories include the two cohorts' perspectives when encountering one another, ND sensory issues, custody procedure and interviews, the two cohorts' opinions of each other, training and knowledge of ND issues for the police, and the surveys' final, qualitative questions. Half of both the ND participants and the police reported the disclosing of ND conditions to the police and both reported dissatisfaction with the

quantity and quality of police ND training, and there were disparities regarding the explaining of the caution and checking comprehension of it, ensuring understanding of the suspects' rights, and satisfaction experienced with how suspects were managed.

Chapter Five contains the conclusion and includes a summary of the research findings.

Chapter Six details the recommendations for the police service that can be garnered from this study with a view to improving encounters between the police and neurodivergent suspects, while the final chapter, Chapter Seven, examines the limitations of the study and suggestions for future research. There are three appendices. Appendix A provides participant information with a list of each participant alongside their demographic data, Appendix B has the questionnaires and detailed data not included in the main body of the thesis, and Appendix C contains the participant forms and recruitment posters.

CHAPTER TWO: LITERATURE REVIEW

Chapter Introduction

This chapter examines the existing understanding of ND conditions and how it sits in the wider story and history of neurodivergency. It begins with ND terminology and its problematic history. This is important in the context of this study because of the potential impact this history could have on present day thinking (Crow, 2017). Conditioning arising from being exposed to historical attitudes could possibly influence current attitudes towards those who are neurodivergent, including the attitudes of those people who go on to become police officers. To understand how this point was reached the route taken needs to be considered. As will be seen, there is a certain amount of intersection between the various conditions that constitute neurodivergence. As a result, the literature review was not restricted to one area of neurodivergence though autism dominates, partly because of the volume of autism literature that has been published over the last decade or so.

There then follows a look at the recent history of ND suspects in the CJS. There is an exploration of how police can misinterpret neurodivergent demeanours and how ND people can lack understanding of proceedings. How autism is portrayed in the media is looked at as the media can be a source of some of the misinformation about autistic people. This is followed by an inspection of the literature that examines what is currently known about police knowledge, training and attitudes around the topic of neurodivergent people in police custody. It investigates police procedure from caution to interviewing and its possible impact on ND suspects. The geographical area that was covered in this research is England

and Wales but included in the literature review is relevant information from the literature that does not pertain specifically to England and Wales.

The History of Neurodiversity and its Terminology

This discussion involving neurodivergent conditions will first delve into the history of these conditions. The complex and ever-changing terminology surrounding neurodivergence should be addressed to explain the roots of some common attitudes. The term 'neurodivergent' covers several different conditions which are described below.

'Neurodivergent' was initially used to describe 'autism and other departures from the neurological norm' (Blume, 1998, n.p.) but soon became linked to autism only. Its definition has since been expanded to re-encompass its original definition of any condition that involves any divergence of the brain from the perceived norm (Kapp, 2020b; Russell, 2020).

Origins of 'Neurodiversity'

The term 'neurodiversity' was for a long time thought to have been coined by Australian sociologist Judy Singer, a narrative promoted by Singer herself (Singer, 2021; Dekker, 2023b). However, the neurodiversity movement did not begin with Singer (Craft, n.d.), as explained next by Dekker (2023b, n.p.):

Contrary to what Judy Singer claims these days, the ideas behind the neurodiversity movement were never hers. They were the autistic community's. She was a member of my group [Independent Living or InLv] in the 1990s. The ideas developed there, from our emotional labour which was in turn based on ground work laid by Autism

Network International, Jim Sinclair in particular.¹¹ It is at ANI that the neurodiversity movement truly began, in 1992. [...] Now she claims it was all her original idea.¹²

Later, after checking through his InLv records, Dekker (2023a) discovered that an InLv member called Tony Langton originally used the term 'neurodiversity' in October 1996, two years before Singer in her master's thesis (Craft, n.d.; see also Botha, Chapman, Giwa Onaiwu *et al.*, 2024).

Neuro-terminology

Neurodiversity. Neurodiversity is a portmanteau word made up of 'neuro-', meaning the brain, nerves or nervous system, and 'diversity' as in variety. 'Neurodiversity' and 'neurodivergent' (below) are not the same thing, though they are sometimes confused with each other. A group of people is diverse, an individual cannot be. Diversity is the variability between things. There is a vast amount of human variation and therefore a vast amount of diversity, including neurological diversity (Fletcher-Watson, 2020; Disabled World, 2021).

See Figure 2.1 below. What follows are short explanations of neurodiversity terms.

¹¹ Jim Sinclair is a US autistic autism advocate and activist and non-binary individual. They formed the Autism Network International (ANI) in 1992 with fellow autistics Kathy Grant and Donna Williams. Sinclair writes online and mainstream media articles rather than academic ones but is considered an important commentator on autistic and other ND issues. Their essay 'Don't Mourn for Us' (Sinclair, 1993) is considered a pivotal piece and is just as relevant today as it was in the early 1990s (Pripas-Kapit, 2020).

¹² Singer (2021).

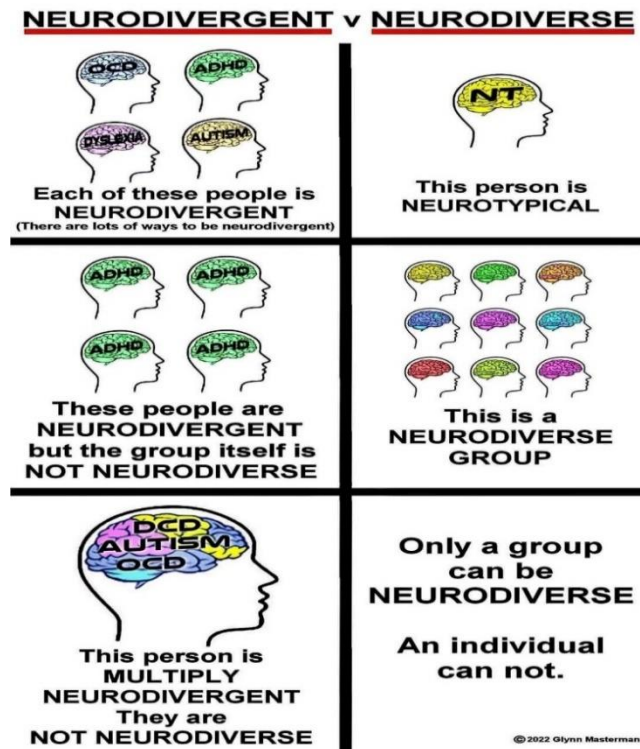


Figure 2.1. A pictorial representation of neurodiversity/divergence (Masterman, 2022, n.p.).

Neurodivergent (ND). Precisely what ‘neurodivergent’ includes is open to debate. A brief internet search asking what conditions are classed as neurodivergent will produce a plethora of answers. Each result will invariably mention autism, ADHC and learning differences such as dyslexia. However, depending upon the source, ND conditions can include epilepsy and obsessive-compulsive disorder (Addressing Dyslexia, 2017; Disabled World, 2021), mental ill health (Neumeier and Brown, 2020), learning disabilities (Russell, 2020; CJI, 2021) and acquired brain injury (Ciuffreda and Kapoor, 2012).¹³ (See Figure 2.2 below.) Exactly what is included as ND is not explicit. Russell (2020, p. 293) professes to be, ‘unclear about who exactly is “in,” [and] how widely the neurodiversity movement casts its net in defining ND.’ A simplistic explanation is that an ND brain is one that has developed in

¹³ Acquired brain injury features in one of the police participant responses in Chapter Four.

a way that is different from what is perceived to be the norm (Disabled World, 2021).

Neurodivergent is the opposite of neurotypical (discussed below).

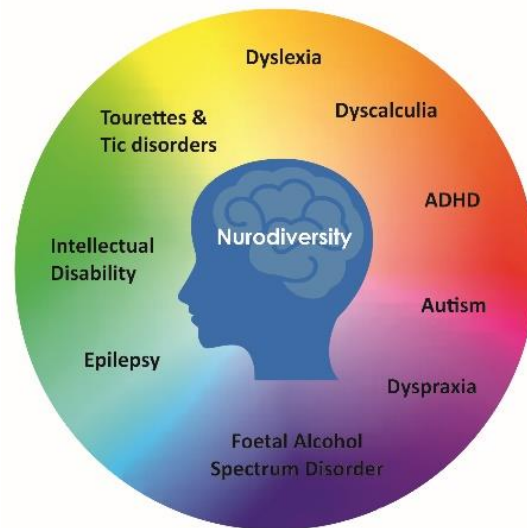


Figure 2.2. Some conditions classed as neurodivergent (Addressing Dyslexia, 2017, n.p.).

The neurodivergent conditions above are not mutually exclusive to each other or to any other condition. It is possible, in fact common, for an ND individual to have more than one condition (Craine, 2020; Kapp, 2020b; Kapp and Ne’eman, 2020; CJI, 2021; Smith, 2022), though the extent of this co-occurrence is not known (CJI, 2021). In this thesis, the term ‘neurodivergent’ is used to cover learning differences, which incorporates autism and ADHC, and learning disabilities.

Neurotypical (NT). An NT is someone with a typically developed brain. Neurotypicals are not autistic, nor do they have any other kind of neurodivergent condition. Another term for neurotypical is ‘typically developing’ (Chandler, Russell and Maras, 2019). The word ‘neurotypical’ is generally thought to have been coined within the ND community. Steve

Silberman, in his 2015 book *NeuroTribes*, writes that it was first used in an Autism Network International newsletter by Steve Cousins in 1993 (Silberman, 2015, cited in Gross, 2021, n.p.). However, the earliest citation of 'neurotypical' was found to be in a 1992 book by artist and teacher Toni Flowers (Liberman, 2014).¹⁴

Allistic. This means someone who is not autistic. The words 'allism' and 'allistic' were created by Main (2003) as direct opposites to 'autism' and 'autistic'. While the online article in which he introduced these words was a parody of a write-up about autism, the construction of the words exactly parallels the etymology of the words 'autism' and 'autistic' (discussed below). It is based on the Greek *allos* meaning 'other'. Neurotypical is the opposite of neurodivergent and allistic is the opposite of autistic (Logsdon-Breakstone, 2013). However, neurotypical is repeatedly used in the literature as the opposite of autistic (e.g. Hull, Petrides, Allison *et al.*, 2017; Lim, Young and Brewer, 2021; Wood-Downie, Wong, Kovshoff *et al.*, 2021). The word 'allistic' has not yet been found in academic articles but it appears in autism social media posts and will be used in this thesis when referring to non-autistic people (Darling, 2018; Ravenwind, 2019; Lee, 2021).

Autism and Asperger's Syndrome

Autism is classed as a developmental delay and can be defined as a minority neurotype. It is used to identify individuals with social, communication and behavioural 'differences that don't fit societal norms as defined by the dominant neurotype' (Martinelli, 2022, n.p.). The word 'autism' comes from the Greek *autos* meaning 'self', describing conditions in which people become an 'isolated self'. It was devised in 1910 by Swiss psychiatrist and eugenicist

¹⁴ Reaching the Child with Autism Through Art (1992).

Paul Eugen Bleuler (1857-1939) (Cook and Willmerdinger, 2015). What we now know to be autistic traits were first described in 1798 by French physician Jean-Paul Gaspard Itard (1774-1838) and over 100 years later Bleuler developed the theme and created the name (Cook and Willmerdinger, 2015). However, the two people who are credited with bringing about our current understanding of autism are Leo Kanner in 1943 and (most famously of all) Hans Asperger in 1944. Contrary to popular belief they did not come to their conclusions quite as independently as is assumed since two of Asperger's Jewish staff members, Anni Weiss and George Frankl, were rescued by Kanner in 1938, just before the Holocaust (Sparrow and Silberman, 2018).¹⁵ Asperger first posited the idea of 'autistic psychopathy' in 1938, five years before Kanner (Czech, 2018). The term 'Asperger's syndrome', to describe what became known as 'high functioning' autism was used by Lorna Wing in her 1981 paper, thus introducing Asperger and his work to the English-speaking world (Wing, 1981).¹⁶ Again contrary to popular belief, Wing did not coin the term herself, she credited Bosch (1962) (Wing, 1981, p. 115).

Mackenzie and Watts (2010) contend that Asperger's syndrome *is* a learning disability while King and Murphy (2014) and Maras, Mulcahy, Crane *et al.* (2018) write that some autistics have *co-occurring* learning disabilities. Mogavero (2019) calls autism a developmental disability. This point is important in the context of this research because this link between autism and disability lies in the minds of the public too (Dachez, Ndobbo and Ameline, 2015), the public which includes police officers. However, Wallace, Kenworthy, Pugliese *et al.* (2016) contend that almost 70% of autistic people do not have a co-occurring learning

¹⁵ Kanner, Weiss and Frankl escaped to the US (Sparrow and Silberman, 2018).

¹⁶ His work being already known in other parts, particularly Germany (Wing, 1981).

disability. Autism is a learning difference, given that the autistic brain functions in an alternative way to allistic brains and processes information differently (Coxon, 2021). It can be co-occurring with other learning difference conditions such as dyslexia (NHS, 2022) and ADHC (Leitner, 2014), both discussed below.

Autism Traits

Discussed now are the core traits that an individual must exhibit, no matter the level of intelligence, if they are to be diagnosed as autistic. These are followed by some of the many non-diagnostic traits which are a feature of autism and also of ADHC.¹⁷

Wing listed a 'triad of impairments' for autistic people (Wing, 1981; Chown, 2010; Murphy, 2018), referred to as 'three main areas of difficulty' by Nyx, Postgate, Green *et al.* (2011) and thought of as the 'three core traits' by this author, which is the term that will be used from here on. They involve delays in three functional areas. These are the absence of or limited:

- *Social interaction - reciprocal conversation and interaction
- Social communication – comprehension of verbal and/or written language and nonverbal communication
- *Social imagination – often causing restrictive, repetitive and sometimes obsessive behaviour or interests

(Wing, 1981; Chown, 2010, Nyx et al, 2011).

¹⁷ Traits that are a feature of both autism and ADHC are marked with an asterisk.

However, according to the Diagnostic and Statistical Manual of Mental Disorders, fifth edition (DSM-5) and the International Classification of Diseases, 11th Revision (ICD-11), the triad has now become a dyad, though the original three elements remain. Both the DSM-5 and ICD-11 state the repetitive, restrictive behaviour or interests of social imagination but now they combine social interaction and social communication (American Psychiatric Association, 2013; World Health Organisation, 2019). This is how the core traits are now presented in the literature (Smith, 2022; Mattison and Allely, 2022; Allely and Murphy, 2023; Allely, McKinnel and Chisnall, 2024).

*Social interaction difficulties can involve not understanding taking turns in and interrupting conversations, having problems with perspective taking, being bluntly honest, being uninterested in other people or being over-friendly, over sharing personal information, and appearing tactless by using inappropriate behaviour, words and reactions, such as laughing in serious situations (Nyx *et al.*, 2011; Murphy, 2018). Difficulties with social communication can entail misinterpreting or not using non-speaking communication such as facial expression, body language and other social cues, and taking words and phrases literally (Nyx *et al.*, 2011; Murphy, 2018; Allely *et al.*, 2024). Social imagination issues encompass difficulties coping with change and uncertainty, preferring sameness and routine, *and having passionate interests ('obsessions') in particular areas. This can be referred to as repetitive behaviours and restricted interests (Nyx *et al.*, 2011; Allely, 2015; Allely and Murphy, 2023).

People who are autistic or ADHC are all individuals – no two people are alike. Many autistics have heard the phrases “You don’t look autistic” and “I know an autistic person and you are

nothing like them” (McCreary, 2019; Seers and Hogg, 2021). The traits below are frequently found in autistic (and where relevant ADHC) people but no two autistic people will have the same autism profile (Mattison and Allely, 2022).

*Atypical eye contact is a common trait in both autism and ADHC and is a more widely known characteristic (Nyx *et al.*, 2011; Freckelton, 2019; Salerno-Ferraro and Schuller, 2020). Some autistic people avoid eye contact while others can stare intently (Salerno-Ferraro and Schuller, 2020), and eye contact can feel threatening or painful to a susceptible individual (Nyx *et al.*, 2011). Alexithymia is the absence of or reduced emotion recognition and expression (Allely, 2022). Also called emotional blindness, it is a condition in and of itself but is often co-occurring with autism, thought to be present in 50% of the autistic population. There can be a difficulty in identifying emotions and in describing emotions (Bloch, Burghof, Lehnhardt *et al.*, 2021). *Self-stimulating behaviours, otherwise known as stimming, is the repetitive movements or vocalisations used to calm oneself and/or to cope with overwhelming experiences or emotions (Smith, 2022). It can take various forms including hand flapping, body rocking and fidgeting (Allely, 2015).

*Sensory issues are expressed in the form of being hypersensitive (very sensitive) or hyposensitive (under sensitive) to lights, colours, noise, touch, feel, smell, taste, texture, balance, pain and spatial awareness (Ghanizadeh, 2011; Smith, 2022; Hepworth, 2023). Any autistic individual can be hypersensitive in some respects while hyposensitive in others. ‘Hypersensitivity and hyposensitivity can be combined or even change from one to the other’ (Nyx *et al.*, 2011, p. 23). Avoidant behaviours (including running away or otherwise trying to escape, an important factor in the context of police encounters) can be caused by

being overwhelmed by sensory information (Allely, 2015; Hepworth 2017). *Reduced information processing times are an issue for autistic people, requiring additional time in which to understand. This can occur regardless of intelligence levels (Allely and Murphy, 2023). Haigh, Walsh, Mazefsky *et al.* (2018) provided evidence that autistic individuals can have a significantly slower processing speed, and ADHD individuals experience similar problems (Ghanizadeh, 2011; Kofler, Soto, Fosco *et al.*, 2020). Butnik (2013) writes of how even 'gifted' ND people can have slower information processing speeds than NT people. The autistic requirement for explicit instruction is associated with information processing. Allistic people can extrapolate what is required of them from little information because their brains can instinctively fill in the gaps, but with autistic individuals more information is required because our processing functions do not complete the picture (Nyx *et al.*, 2011; Heidel, 2022). *Emotional or aggressive outbursts can be exhibited, possibly in the form of meltdowns which are obvious displays of feeling overwhelmed and can be caused by sensory overload or stress. Meltdowns can be mistaken for tantrums (Allely, 2015).

*Shutdowns are a more subtle reaction than meltdowns to being overwhelmed, stressed or experiencing sensory overload (Allely, 2015; Gill and Hosker, 2021). Sensory or information overload can cause a shutdown (or meltdown) which can cause selective muteness, or the person could be non-speaking to begin with¹⁸ (Murphy, 2018; Salerno-Ferraro and Schuller, 2020), this being another possible autistic trait (Wan and Schlaug, 2010).

*Absent or reduced executive function, executive functioning being a set of mental skills controlled by the frontal cortex that include memory, time-management, planning, self-

¹⁸ 'Non-verbal' is the term usually used, but the ND community prefers the term 'non-speaking', as 'verbal' is only one way of speaking. See Botha, Hanlon and Williams (2021).

control and adaptable thinking (Demetriou, DeMayo and Guastella, 2019; Young *et al.*, 2020). There is a 'substantial' co-occurrence of reduced executive functioning with autism (Lee, Ward, Lane *et al.*, 2023) and with ADHC, thought to be 40% in ADHC (The ADHD Centre, 2022) and up to 80% in autism (Bennie, 2018). Due to this, some autistic and ADHC people may find change and coping with uncertainty difficult and stressful (Nyx *et al.*, 2011; Young *et al.* 2013). Poor episodic memory and other memory impairments can be a feature of autism. The 'Rain Man' image of autistics having an incredible memory is inaccurate.¹⁹ A poor working memory means information can immediately slip out of memory retention. Working memory is the retention of small amounts of easily accessible information that allows an individual to plan, reason, comprehend and solve problems (Cowan, 2014). In addition, the general, semantic, memory may be unimpaired but the ability to remember specific events and the sequence of them can be problematic for autistic people (Allely and Murphy, 2023). There can be difficulties in remembering what occurred during events that were experienced personally and it may take autistics more time to recall events, possibly requiring more prompting to access individual episodes. This is episodic memory. These memory issues can cause an autistic person to appear to be uncooperative (Allely and Murphy, 2023). *Time management can be problematic due to poor time perception. Individuals can have issues judging the duration of an event (American Psychiatric Association, 2013; Freckelton, 2019; Allely and Murphy, 2023). *An inability to concentrate is a well-documented ADHC trait, but it can also be found in autism and it can be linked to poor executive function (Kofler, Rapport, Bolden *et al.*, 2010; Nyx *et al.*, 2011; Young *et al.*, 2013; Dattaro, 2020).

¹⁹ This theme is returned to later in the chapter.

There can be an absence or reduction in 'theory of mind' (Baron-Cohen, 2001). This is the ability to attribute mental states to the self and to others and to attribute emotions, desires, knowledge and beliefs to others. A reduced or absence of a theory of mind can create the impression that the individual lacks interest in what is going on (Mattison and Allely, 2022; Allely and Murphy, 2023). A theme that recurs in the literature over many years is the notion that autistic people lack empathy (e.g. Wing, 1981; Murrie, Warren, Kristiansson and Dietz, 2002; Woodbury-Smith, Clare, Holland *et al.*, 2005; Freckelton and List, 2009; Helverschou *et al.*, 2017), but there are two types of empathy and the empathy imbalance hypothesis holds that autistic people can lack cognitive empathy but have excess emotional empathy. Cognitive empathy relates to being able to use critical thinking to recognise and understand other people's thoughts, behaviour and mental states. (Allely, 2022). This can create the impression that someone is arrogant, cold or callous (Allely, 2015; Murphy, 2018). Emotional empathy involves the instinctive ability to feel what others are feeling. This can be overwhelming for autistic people as we may be hypersensitive to this type of empathy and it could potentially cause a shutdown. This shutting down could also give the impression that the person is cold and unfeeling (Rudy and Quimby, 2024).

Possibly related to executive function is *oppositional defiance (Buckle, Leadbitter, Poliakoff and Gowen, 2021). This is when an individual has anger management issues, does not want to comply with rules, and is argumentative and deliberately annoying (Rodden, 2019). It can be found in both autistic and ADHC individuals (Mayes, Pardej, Waschbusch, 2024).

*Neurodivergent inertia is also found in autism and ADHC. This is the term for when a person finds it difficult to start, stop or change activities. The exhibition of both oppositional

defiance and inertia traits can be mistaken for deliberate defiance and obstinacy (Brady, 2019; Buckle *et al.*, 2021) which can be problematic in a CJS setting.

A further autistic feature is a lack of prosody of speech, and other speaking differences can be evident in autistic people. Prosody is the stress, pitch and intonation of the voice (American Psychological Association, 2014) and in autistics the voice can lack these features and sound monotonous. Other possible differences are unexpected changes in volume and speed. The lack of prosody can give the impression that someone is cold and unfriendly (Allely and Murphy 2023).

There is much variation between autistic individuals (Smith, 2022), hence it being referred to as a spectrum. This is important in the context of the current research since understanding that there is variation could help police better manage ND people. The seriousness of the core traits and the combination of the other, non-diagnostic but often co-occurring, traits can vary enormously between autistic people (Chown, 2010). Tint, Palucka, Bradley *et al.* (2017) consider it important for police to understand how much diversity there is between autistic individuals. The current research investigated how much the police participants understood about how the traits of autism and other ND conditions manifest themselves.

Hans Asperger and Eugenics

Since the publication of the DSM-5 of the American Psychiatric Association in 2013, the term Asperger syndrome (AS) has ceased to be an official diagnosis for those with a less serious form of autism. It is now included under the umbrella term of autism spectrum disorder

(ASD), a term that was being used in the literature and in research for some years before it was incorporated into the DSM changes.²⁰ The change was made to enable more accurate diagnoses (Kapp, 2020a), and because the idea of subcategories is impractical and invalid since many years of evidence has shown that autistic people move in, out and around the subcategories (Aucademy, 2021). These subcategories include high functioning autism and low functioning autism.²¹ The American Psychiatric Association holds a lot of influence outside the US and is frequently cited in the literature (e.g. Freckelton and List, 2009; Mouridsen, 2012; Freckelton, 2013; Allely *et al.*, 2017; Gudjonsson, Gonzales and Young, 2019; Mitchell *et al.*, 2021), with Murphy (2018) stating that the DSM-5 lists the most widely-used criteria for diagnosing autism.

Since then, another reason to discontinue the name of Asperger (Asperger, 1944; Wing, 1981) has emerged. Johann Hans Friedrich Karl Asperger (1906-1980) worked in Nazi Vienna during the Second World War. Sheffer (2018) claims it had been understood that Asperger was a Schindler-type hero saving disabled children from extermination by the Nazis. The truth of his involvement in Nazi eugenics programmes came out initially in 2010, in a presentation given by Herwig Czech to a symposium held to honour the name and achievements of Hans Asperger (Sher, 2020). This was followed by the 2015 book *NeuroTribes* by Steve Silberman which outlined the Third Reich's appropriation of the hospital in which Asperger worked and its re-use as a eugenics centre (2015, cited in Sparrow and Silberman, 2018, n.p.). In 2016, Donovan and Zucker's full access to Czech's

²⁰ e.g. in Scragg and Shah (1994), Murrie *et al.* (2002), Schwartz-Watts (2005), Newman and Ghaziuddin (2008), Chown (2010) and Mouridsen (2012).

²¹ See this section below.

research resulted in them disclosing Asperger's complicit participation in child euthanasia (Donvan and Zucker, 2016, cited in Sparrow and Silberman, 2018, n.p.).

Then in 2018 Edith Sheffer and Herwig Czech both published works based on their respective, extensive studies of archived material that detailed the true account Asperger's work in wartime Vienna. This prompted mainstream media interest and a flurry of comment followed (Baron-Cohen, 2018; Connelly, 2018; Furfaro, 2018; Mnookin, 2018; Wharmby, 2018). Sheffer appeared to put blame onto Lorna Wing for bringing Asperger and his syndrome to such wide attention, claiming he would be a 'footnote in the history of autism' had it not been for Wing's work (Sheffer, 2018, n.p.). Meanwhile Czech (2018) again demonstrated Asperger to be far from the protector of disabled children he had always been considered, 'rescuing' only those autistic children and young people who could prove to be useful to the Reich. He concluded:

The narrative of Asperger as a principled opponent of National Socialism and a courageous defender of his patients against Nazi 'euthanasia' and other race hygiene measures does not hold up in the face of the historical evidence. What emerges is a much more problematic role played by this pioneer of autism research. Future use of the eponym should reflect the troubling context of its origins in Nazi-era Vienna (Czech, 2018, p. 1).²²

²² The term 'Asperger's syndrome' will be used in this work only when quoting from or referring to other authors' work, or when it is used in the surveys for the benefit of those who have an Asperger's diagnosis or who may not realise that AS and autism are the same thing.

Asperger's Syndrome and Other Terms

Asperger's syndrome was not classified in the International Classification of Diseases until the IDC-10 in 1990 (Cooper and Allely, 2017) and in the Diagnostic and Statistical Manual until the DSM-4 in 1994 (Schwartz-Watts, 2005). Prior to its removal from the DSM-5 in 2013 those people who had autistic traits but who were considered 'high functioning' (see this section below) were usually labelled as having Asperger's syndrome.

Autistic spectrum disorder is a term very commonly found in the literature (e.g. Scragg and Shah, 1994; Murrie *et al.*, 2002; Barry-Walsh and Mullen, 2004; Haskins and Silva, 2006; Allen, Evans, Hider *et al.*, 2008; Jaarsma and Welin, 2012; Dachez *et al.*, 2015; Murphy, 2018; Navarro-Pardo, López-Ramón, Alonso-Esteban and Alcantud-Marín, 2021). Crocombe (2006, cited in Copenhaver and Tewksbury, 2019, p. 313) has the first mention found in the literature of the phrase 'autistic spectrum condition' (ASC).²³ Very few others have used ASC (exceptions include Bargiela, Stewart and Mandy, 2016; Bates, 2016; Rynkiewicz, Schuller, Marchi *et al.*, 2016). Yet this is the term that is preferred by many autistics, and it is used by others to show respect to autistic people (Bargiela *et al.*, 2016).

Kenny, Hattersley, Molins *et al.* (2016) revealed a discrepancy between the language preferred by the medical, psychological and scientific communities and that favoured by autistic people. The professionals surveyed chose person-first language (i.e. person with autism) whereas the autistic respondents, feeling that their condition was such an intrinsic part of their lives, inclined towards condition-first language (i.e. autistic person/autistic)

²³ A 2009 report showed the Department of Health using 'autistic spectrum condition' (DoH, 2009). Three years earlier they had referred to autism as 'autistic spectrum disorder' (DoH, 2006).

(Kenny *et al.*, 2016; Stark *et al.*, 2021). Person first language first appeared in the 1970s to demonstrate ‘the person’s unique combinations of strengths, needs, and experiences [...] by literally placing the person before the disability’ (Vivanti, 2020, cited in Botha *et al.*, 2021, p. 870). Since then there has been a move by disabled people to reclaim their social identity (Botha *et al.*, 2021). A recent systematic analysis of academic article abstracts by Zajic and Gudknecht (2024) discovered a gradual shift is occurring towards person-first language in academic writing.

Person-first language was preferred by such authors as Chown (2010), Archer and Hurley (2013) and Foster (2015). Sinclair (2013) refuses to use person-first language and Nicolaidis (2012) writes about her rejection of it. Sinclair is autistic and Nicolaidis has an autistic son. Bottema-Beutel *et al.* (2021) wrote of person-first language as being ableist. Botha *et al.* (2021) wrote in support of identity-first language, referring to ‘person with autism’ as the ‘least preferred and most offensive’ term (Botha *et al.*, 2021, p. 871). Botha is autistic.²⁴

The argument by some autistic people is that autism is not a disease or an illness and therefore cannot be pathologised (Walker and Raymaker, 2021). The pathologising of autism can cause or reinforce the stigmatisation and discrimination faced by autistic people. It can cause us to be seen as ‘disordered’ and therefore problematic and suggests that autism is a deficit that can be fixed or cured (McClure, 2023). However, this attitude tends to come from those who are less seriously autistic. Kansen (2017, n.p.), who is autistic, points out that not all of us are ‘high-functioning enough to benefit from depathologizing

²⁴ The present work uses the terms ‘people with learning differences’, ‘learning-disabled people’ and ‘autistics’ or ‘autistic people’, and will refer to ‘autism’ not ASD/C.

autism', and that even less seriously autistic people can have problems with living independently. There are those who object to the gentler word 'condition', considering this term to be just as pathologised as 'disorder' (Walker and Raymaker, 2021). It is the contention of the current author that as so many things can have a condition (good, bad or neutral) the word is not the sole preserve of pathology.

Despite Asperger's syndrome not being recognised as an official diagnosis since 2013 it still appears in the literature. It is usually used when the author is referring to previous studies conducted when the name was still in official use (Bates, 2016; Murphy, 2018) but sometimes it is written of in a way that suggests it is still a diagnosis (Bargiela *et al.*, 2016; Helverschou *et al.*, 2017). Its continued use could puzzle the lay population. Both pre- and post the 2013 DSM-5 changes the literature referred to AS and autism being two separate conditions (Scragg and Shah, 1994; Newman and Ghaziuddin, 2008; Mackenzie and Watts, 2010; Archer and Hurley, 2013; Foster, 2015; Rynkiewicz *et al.*, 2016), and there has been debate over whether the term should still exist as a distinct diagnosis (Cooper and Allely, 2017). All this could result in more areas of confusion for allistic people. Maras *et al.* (2018) inform that in law, recognition of the earlier labels will continue for those given that diagnosis.

There are those who were diagnosed with Asperger's syndrome prior to the 2013 DSM changes who cling to that diagnosis (Kapp and Ne'eman, 2020). Reasons for this include an entrenched cultural identity and a sense of superiority over autistic people with greater needs (Kapp and Ne'eman, 2020), a typical autistic resistance to change (Simone, 2010) and a reluctance by these less seriously autistic individuals to be seen as being disabled or

incapable in any way (Stevenson, 2015). Meanwhile, the World Health Organisation's updated International Classification of Diseases (ICD-11) was not published until 2018, when it too collected the previous individual diagnoses under the ASD heading (Zeldovich, 2017).²⁵ This discussion is relevant to the current study because the many different and legally recognised, and sometimes insisted upon, terms used could add to the bewilderment of police officers assigned to deal with autistic suspects.

High Functioning Autism and Low Functioning Autism

High functioning autism (HFA) and low functioning autism (LFA) are phrases that are propagated both by the general population and in academic articles (Barry-Walsh and Mullen, 2004; North, Russell and Gudjonsson, 2008; Chown, 2010; Jaarsma and Welin, 2012; Rynkiewicz *et al.*, 2016; Lollini, 2019). They are not used so often by autistic people. Outside of autistic circles the terms are used to denote how seriously autistic a person is, but it is felt by many autistics and our allies that the terms are too simplistic, misleading and offensive (Kapp, 2020a). Yergeau (2010, n.p.) refers to it as a binary 'field-specific conversation', as if there are clear boundaries between them, Maras *et al.* (2018) and Alvares, Bebbington, Cleary *et al.* (2020) refer to it as a 'misnomer', and Allely (2022, p. 17) wrote, 'To simply state that an individual with ASD is high functioning is inaccurate and potentially highly misleading.' The premise is that HFAs have an average or above average intelligence quotient (IQ) and are therefore more capable of coping with independent living, whereas the lower the IQ the lower the functioning autism and the greater the care needs. This oversimplifies the reality. Comberousse (2019) writes that the 'spectrum' is usually

²⁵ While it was published in 2018 it was not adopted by the World Health Assembly until 2019 and did not come into effect until 2022 (Lindmeier, 2018).

considered by allistic people to be linear, and is used mainly by allistic people (Burns, 2019). Within the autistic community the notion of a disk or wheel of the spectrum colours is preferred (Comberousse, 2019) (Figure 2.3 below).

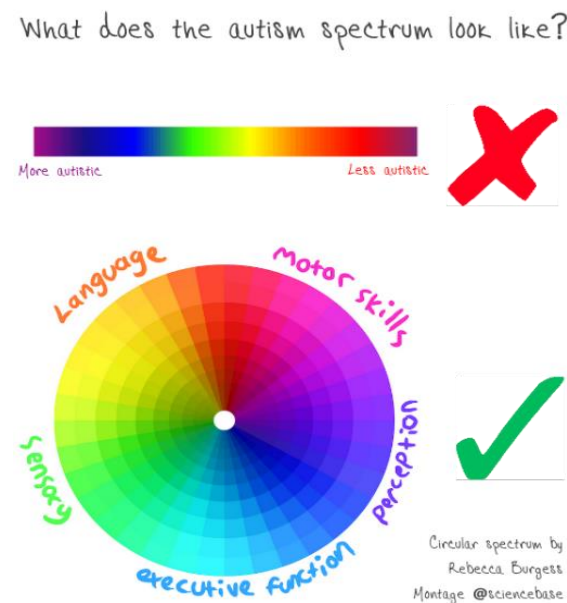


Figure 2.3. The autism spectrum wheel (Burgess, 2019, n.p.).

Some more recent articles not only shy away from using the terms HFA and LFA but also, they actively seek to discourage the use of these labels, explaining why they can be considered at best inaccurate and confusing and at worst offensive (Bal, Farmer and Thurm, 2017; Maras *et al.* 2018; Sparrow and Silberman, 2018; Burns, 2019; Comberousse, 2019; Kapp, 2020b). No diagnostic manual has ever used the terms HFA and LFA (Kenny *et al.*, 2016). Bal *et al.* (2017) say that the term LFA in the literature dates to 1969, with 'high autistic' being first used in 1973. Writing to the editor of the *Journal of Autism and Developmental Disorders* they state that:

A search on this Journal's website, which like other autism journal lists "high/low functioning" as potential submission classifications, yielded 167 results for "high-functioning" and 49 for "low-functioning" in 2016 alone (Bal *et al.*, 2017, p. 2938).

This suggests a heavy reliance on the terms in academia. Rudy and Gans (2019) think the terms can result in miscommunication and confusion and point out that the terms have never formed part of an official diagnosis. It can be argued that they can only cause more confusion for police. The police are not aided by the fact that 'high functioning' autism tends not to be obvious (Woodbury-Smith and Dein, 2014) especially when autistic people have learnt how to mask their autism in a bid to appear 'normal' (Rynkiewicz *et al.*, 2016; Hepworth, 2017; Schneid and Raz, 2020).²⁶ More confusion is created when HFA and Asperger's syndrome are seen as separate conditions, even as late as 2018 (Murphy, 2018), when both of these outdated terms should have disappeared from the literature. The terms 'more serious' and 'less serious' will be used here, for both autism and learning disabilities. The word 'mild' is found in the literature (Ghaziuddin, Tsai and Ghaziuddin, 1991; Hare, Gould, Mills and Wing, 1999; Milton and Lyte, 2012). Mouridsen (2012) refers to 'relatively mild' while Young, Hollingdale, Absoud *et al.* (2020) and Mitchell, Sheppard and Cassidy (2021) write the word 'mild' in inverted commas, thus indicating the inappropriateness of the word and the absence of any better words to use. For anyone who is wrestling with day-to-day life because of their neurological divergences it will not feel as if it is 'mild'. This word risks devaluing and trivialising the issues faced. The issue of this terminology relates to the

²⁶ The subjects of hiding disability and of autistic masking or camouflaging will be returned to later, in this chapter and in Chapter Four.

medical and social models of disability (Kapp, 2020b; Hepworth, 2023). The medical model of disability holds that the ‘symptoms’ (traits) of the condition are the cause of that disability and that a cure or method of prevention can perhaps be worked towards. With the social model there is a distinction between the ‘impairments’ seen as a medical condition and the disability caused by a society that does not consider physical, educational and societal accessibility (Kapp, 2020b). Though in recent years the medical and social models have moved closer together, and Kapp (2020b, p. 10) sums it up as ‘social barriers exacerbating biological challenges’. These barriers and challenges can have an impact in all areas of human interaction, including the interactions experienced when encountering the police.

Other ND Conditions

Neurodivergency involves more than just autism. Explanations of some of the better-known conditions will be presented here.

Learning Difference/Difficulty

Autism often co-occurs with other learning differences or with learning disabilities (King and Murphy, 2014; Maras *et al.*, 2018).²⁷ As pointed out by Talbot (2010) and Howard, Phipps, Clarbour and Rayner (2015), learning difference/difficulty and learning disability (also known as intellectual difficulties/disabilities) are often confused in the literature, with the terms being used interchangeably. In consequence it is sometimes difficult to tease out from each article what is meant by learning difficulty or disability (Fyson and Yates, 2011; Williams,

²⁷ Co-occurring meaning further diagnoses with different traits occurring alongside the original diagnosis (Hepworth, 2023). Co-morbid is the term that is usually used but co-occurring in the preferred community term (Bottema-Beutel *et al.*, 2021).

Swift and Mason, 2015; Gates and Mafuba, 2016). Hellenbach (2011) writes of a police participant of his who repeatedly confused the terms. Bradley (2009, p. 19) found that even among learning disability professionals there was ‘a lack of consensus in defining the boundaries between intellectual disability, borderline intellectual disability and learning difficulty.’²⁸ As well as learning disability and learning difficulty being confused with each other there are the added issues of whether or not autism is a learning disability (see the section on autism above), and of the US using learning disability to mean what the UK sees as learning difficulty (Gates and Mafuba, 2016). Learning difficulty in the UK refers to people who have difficulties in assimilating specific forms of information, such as reading or maths, and it can affect all levels of IQ. Within organisations that provide a service for people with learning difficulties the terms ‘learning differences’ and ‘specific learning differences’ (SpLD) are also used (British Dyslexia Association, n.d.). These terms have not so far been found in academic literature, but SpLD appears once in the Criminal Justice Joint Inspection report (CJJI, 2021). ‘Learning difference’ (LDiff) is the term that will be used from here on in.

Attention difference hyperactivity condition (ADHC)²⁹ – normally referred to as ‘attention deficit hyperactivity disorder’ (ADHD) – is another condition classed as a learning difference and has many mentions in the literature (e.g. Gudjonsson, Young and Bramham 2007; Rucklidge, 2010; Mouridsen, 2012; Young *et al.*, 2013; Dickie, Reveley and Dorrity, 2018; Cunial, Casey, Bell and Kebbell, 2019; Kirby, 2021). Like autism, it is a neurodevelopmental condition and, again like autism, is sometimes erroneously stated to be a mental disorder

²⁸ See below.

²⁹ ‘ADHD’ is the condition’s usual and official name but ‘ADHC’ (attention deficit hyperactivity condition) is sneaking into social media (Autistic Voices United, 2022) and chimes with this author’s own thoughts on the subject. It is the preferred term in this work but with the addition of ‘deficit’ being removed and swapped for ‘difference’ in the full title. This change is entirely of the author’s own doing.

(as in Lane and Reynolds, 2019). In 1798 physician Sir Alexander Crichton wrote about ‘abnormal inattention’ and described what would now be recognised as ADHC (Freckelton, 2019). It causes restlessness, over-activity (in the body and/or brain), inattention, distraction and impulsiveness, and it interrupts schooling or work (Gudjonsson, Sigurdsson, Bragason *et al.*, 2008; Crimlisk and Nichol, 2020). Around 3 to 6 in every 100 children are thought to have ADHC (Crimlisk and Nichol, 2020). A meta-analysis of ADHC literature published in English found an adult prevalence of 2.5% (Simon, Czobor, Bálint *et al.*, 2009) and Freckelton (2019) also states it is 2.5% of adults, although the worldwide prevalence of ADHC (across all ages) is stated by Young *et al.* (2020) to be 5%. Simon *et al.* (2009) consider there to be an underestimation of ADHC due to a lack of validity in diagnostic criteria in the DSM. Although the over-activity in adults becomes less pronounced, traits such as poor concentration, impulsiveness and risk-taking can increase (Crimlisk and Nichol, 2020).

Learning Disability

The history of learning, or intellectual, disability is longer than that of any other ND condition. Learning disability (LD) involves the ability to communicate and function socially (Talbot and Riley, 2007). Over the centuries there have been many words to describe people with LD.³⁰ When it comes to modern LD terminology there is yet more inconsistency and confusion. There are two phrases that are the current polite labels: intellectual disability and learning disability. Intellectual disability is used repeatedly throughout the literature but learning disability is sometimes favoured, particularly in UK literature, though the two can be used interchangeably (Dickie and Dorrity, 2018). In 2006 the term ‘learning disability’ was used to replace mental handicap in the UK (Gates and Mafuba, 2016). In recent years,

³⁰ This subject was discussed in Chapter One.

however, there has been a global shift to 'intellectual disability'. In the United States of America this relatively recently (2010) replaced the now heavily abused 'retarded'. In the UK there has been a gradual shift towards the use of intellectual disability with no one knowing why, and this is seen by learning-disabled self-advocates as a step backwards (Cluley, 2018), especially as some prefer the term learning difficulty rather than disability, thus creating more confusion for everyone (Beebee, 2010). Learning disability is a more encompassing term than intellectual disability, combining as it does both the intellectual and social aspects that are features of the disability (Fyson and Yates, 2011) and is the preferred term in this work. In the US, learning disability equates with learning difficulties in UK (Gates and Mafuba, 2016), which again can cause confusion when researching the literature, or when performing a quick online search such as police officers might do when faced with a suspect that they conjecture has learning problems.

Mental Ill Health

The tackling of the subject of mental ill health goes beyond the scope of this work but it requires a brief mention for three reasons. One is that mental ill health, particularly depression and anxiety related issues, are often co-occurring with neurodivergent conditions, a theme that appears repeatedly in the literature (e.g. Newman and Ghaziuddin, 2008; King and Murphy, 2014; Allely, Wilson, Minnis *et al.*, 2017; Hollocks, Lerh, Magiati *et al.*, 2019; Stark *et al.*, 2021). Benevides, Shore, Palmer *et al.* (2020) say that autistic individuals are at a greater risk of mental ill health than same-age allistic peers. Another reason is that learning differences can be confused with mental ill health (Gendle and Woodhams, 2005) even in the literature, with Young *et al.* (2013, p. 11) writing of people with learning disabilities 'and other mental health difficulties' and Ghanizadeh (2011, p. 89)

referring to ADHC as ‘one of the most common psychiatric disorders in children’. Finally, autism is still seen by many, again even in recent literature (Olubokun, 2019), to be a mental health problem. This is a myth that is compounded by the UK’s *Mental Health Act 2007* listing it as a mental disorder. In 2021, the National Autistic Society began attempting to have the situation of autism being classed as a mental disorder rectified in the UK.

The Government has published promising new proposals to change mental health law in England and Wales which could result in fewer autistic people being wrongly sent to mental health hospitals. [...] [Currently], it allows people to be sectioned because they’re autistic – even though autism isn’t a mental health problem (National Autistic Society, 2021, n.p.).³¹

Autism is not a mental health condition (Chown, 2010; NAS, 2021) and is listed in the DSM-5 as a neurodevelopmental condition, but a result of this confusion is that the public (and therefore police) can be under the misapprehension that an autistic (or otherwise ND) person is mentally ill. Hepworth (2023) discovered a confusion between autism and mental health in her study’s participants, finding that police autism training, when it exists, is often covered in a mental health module (Hepworth, 2017). This can result in inappropriate treatment and detention methods when an autistic person is arrested (Burch and Rose, 2020; NAS, 2022), which will be explored further in this research,³² or in being erroneously

³¹ A draft Mental Health Bill, the first step in modernising the *Mental Health Act*, appeared in 2022 (Gov.uk, 2022a). The bill proposes to remove autism from the definition of ‘mental disorder’ (NAS, 2022). The Joint Committee on the Draft Mental Health Bill (2023, n.p.) ‘heard repeatedly that autism and learning difficulties are not mental illnesses.’

³² See ‘Police and Neurodivergent Suspects in England and Wales’ below.

‘sectioned’ under the *Mental Health Act 1983* (Hepworth, 2023). Police and Criminal Evidence (PACE) Code C sets out how to manage vulnerable suspects, but nowhere does it mention neuro-developmental conditions or learning/intellectual issues, only mental health conditions and mental disorders (Home Office, 2023b).

In 2022, the Ministry of Justice (MoJ) action plan stated that neurodivergent conditions are different from mental ill health, but that ‘there is a high likelihood of co-occurrence’ of mental ill health and neurodivergency (MoJ, 2022, n.p.). It points out that ND people require support that is more ‘nuanced’ than the clinical support required by people presenting with mental ill health. Among the organisations agreeing to this action plan’s recommendation is the National Police Chiefs’ Council.³³

Prevalence of Autism and Other ND Conditions

The literature reveals that it is far from certain what the prevalence rate is for ND conditions, whether it is in the general population or any CJS service user population. This section of the chapter explores the differences of opinions in the literature regarding the prevalence of autism and other ND conditions, both in the general population and in those who have found themselves in the CJS. It also examines male-to-female ratios and the underdiagnosis of females. This is important to this research because it would be useful to establish the likelihood of police encountering ND people, especially since not all people who know they are ND will disclose their diagnoses (Crane *et al.*, 2016; Reveley and Dickie, 2023), an issue that will be discussed in due course. The true extent of the problem cannot

³³ An organisation that provides unification for the police forces of the United Kingdom (NPCC, n.d.). There are forty-five territorial forces across the whole of the UK and three special police forces, including the British Transport Police (Police.uk, n.d.).

be assessed without knowing how many people are involved at the various stages in the CJS. Prevalence in the CJS will be easier to establish than in the general population, as will be shown as the chapter progresses (CJJI, 2014; Hellenbach, 2017).

Prevalence of ND in the General Population

In 1981 Wing wrote that 'the exact prevalence of Asperger's syndrome is unknown' (Wing, 1981, p. 120). Citing a previous study (Wing and Gould, 1979), Wing considered that Wing and Gould's (1979) own prevalence rate of 1.7 per 10 000 'is almost certainly an underestimate' (Wing, 1981, p. 120). It was to be many years before other researchers came to the same conclusion and admitted that the true prevalence is unknown (Williams *et al.*, 2015; Chester, 2018). Most prevalence statistics refer only to autism, a condition that is becoming an increasingly popular subject in academic writings. Few were found that mention prevalence for learning disabilities in the general population.³⁴ Gates and Mafuba (2016) use the Department of Health statistics (2001, Gates and Mafuba, 2016, p. 13) of 3-4 per 1000 with more serious learning disabilities and a further 20 per 1000 for less serious. Williams *et al.* (2015) were the only ones to indicate that it is difficult to know exact figures when, because of contradictory definitions, it is difficult to know who can be classed as having an LD. As seen in the learning difference section above, the estimated adult ADHD prevalence is around 2.5%. For dyscalculia and dyslexia there are also estimated figures, of 6% and an average of 8% respectively (Wilson *et al.*, 2015).³⁵

³⁴ The few were Henshaw and Thomas (2012), Mediseni and Brown (2015), Williams *et al.* (2015) and Gates and Mafuba (2016).

³⁵ Wilson *et al.* (2015) stated figures that averaged 6% in dyscalculia studies and 5-11% across dyslexia studies.

Browning and Caulfield (2011) echoed Wing (1981) with regards to not knowing autism prevalence and pointed out how findings differ between studies. In their paper regarding AS, Burdon and Dickens (2009, p. 17) cited 'diagnostic inconsistency' as a cause of varying estimates. A recent global estimate comes from the Zeidan, Fombonne, Scora *et al.* (2022) systematic review of autism studies around the world published since 2012. They give a figure of 1% of children thought to be autistic. Figures for adult diagnoses were not considered.³⁶ Meanwhile Woodhouse, Hollingdale, Davies *et al.* (2024) stated the estimated autism prevalence for adults and children is 1 to 2.5%. The global meta-analysis of autism studies from 2008 to 2021 by Salari, Rasoulpoor, Rasoulpoor *et al.* (2022) gave a figure of 0.6% for autistics aged 0 to 27 years. The latest autism figures from the UK (O'Nions, Petersen, Buckman *et al.*, 2023) say the *diagnosed* population is 0.82%.³⁷ What becomes clear is that there is an inconsistency in research methods, as recognised by Burdon and Dickens (2009) and Salari *et al.* (2022).

A possible reason for a much increased prevalence is over-diagnosis, a thought supported by research performed by Davidovitch, Shmueli, Rotem and Bloch (2021). Davidovitch *et al.* (2021) asked the opinions of 174 psychiatrists and child development clinicians. The respondents considered that 10 per cent of ASD diagnoses are being given despite inconclusive results. Blumberg, Zablotsky, Avila *et al.* (2016) described how 13% of children later lost their autism diagnosis, a figure that is close to the 10% of possible overdiagnosis in

³⁶ 'Considered' meaning that the possibility of there being autistic adults is not mentioned. However, there is a practical reason why no accurate autistic adult figures can be given yet. As pointed out by Robison (2019; 2022), children can be screened easily because populations of schools can be screened. It is more difficult to access fixed populations of adults. Only in decades to come, when these screened children are adults of all ages, might we have an idea of prevalence in the total population.

³⁷ This article uses data from 2018 from England only. The authors estimate that a further 2% could be undiagnosed.

Davidovitch *et al.* (2021). Reasons given were children overcoming developmental delays as they mature and new information being provided to healthcare workers, as well as inaccurate previous diagnoses. Twenty-five percent of the young children studied by Gillberg, Ehlers, Schaumann *et al.* (1990) later lost their autism diagnoses and were instead diagnosed with other ND conditions such as ADHC and non-autism learning disability (Gillberg *et al.*, 1990; Gillberg, 2010). Meanwhile, another study discovered that 10% of children previously diagnosed as autistic also subsequently had their diagnoses amended to conditions such as ADHC and non-autism learning disability (Chawarska, Klin, Paul *et al.*, 2009).

Proponents for the opposite view from over-diagnosis argue that rising prevalence is due to improvements in diagnosis and better diagnostic tools, increased awareness, new adult diagnoses, and the increasing realisation that females can be autistic too. So more people are receiving a diagnosis which would explain a perceived increase in prevalence (Curley, 2019; Huang, Arnold, Foley and Trollor, 2020). (See 'Autistic Females' below.) Blumberg *et al.* (2016) describe how overdiagnosis alone cannot explain the recent increases in prevalence estimation since their 13% estimate is not high enough to explain these increases. Moreover, Levy, Mandell and Schultz (2009) pointed out that the small sample sizes that are used to estimate prevalence could be artificially creating high estimates. So there appears to be the dichotomy of autism being simultaneously underdiagnosed in some respects and over diagnosed in others: with genuinely autistic people being missed and those with perhaps other ND (or mental health) conditions being erroneously diagnosed as autistic. This is important with regards to this research as it could result in suspects not

being aware they are ND and cannot therefore ask police for assistance, and people who are not autistic being given the wrong assistance.

While improvements have been made in the diagnosis of children, adults are remaining undiagnosed but with more and more adults (whose autism was missed/dismissed as children) now being diagnosed (Lewis, 2016). Some people are being diagnosed in their sixties and seventies (Street, 2016). Also, there has been very little research about neurodivergent conditions in ethnic minorities (Hassiotis, 2020), an exception being Hutson, McGhee Hassrick, Fernandes *et al.* (2022) which looked only at Black males.³⁸ What research there is indicates a poorer outcome for ND ethnic minority individuals than that found in white ND communities, in many aspects including accessing a diagnosis (Slade, 2014; Smith, Gehricke, Iadarola *et al.*, 2020; Roman-Urrestarazu, van Kessel, Allison *et al.*, 2021). Members of minority ethnic groups are said to be over-represented in the CJS (Gov.uk, 2021; Jibona, 2023),³⁹ as are ND people (Farrugia and Gabbert, 2020), but delayed diagnosis will impact on how many ethnic minority CJS users are recognised to be neurodivergent. A literature search revealed no research on the intersection between ND ethnic minorities and the CJS.

Male-to-Female Ratios

When writing of Asperger syndrome, Burdon and Dickens (2009) confess that the male-to-female ratio is uncertain, but they add that the gender gap is ever widening. This is a puzzling statement since if the ratio is uncertain it cannot be ascertained that the gap is

³⁸ More recently Weitlauf, Miceli, Vehorn *et al.* (2024) researched the issue with Black and multi-racial children.

³⁹ There are many reasons for this but it is beyond the scope of this thesis to explore them here.

increasing, but they at least sound a note of caution. Ratio estimates for many years have usually been 4:1 (Haskins and Silva, 2006; Rynkiewicz *et al.*, 2016) or 3:1 (Wing, 1981; Wood-Downie *et al.*, 2021). A global meta-analysis of autism studies performed by Loomes, Hull and Mandy (2017) found a range between 8:1 and 2:1. The average was 3:1, contrary to the more commonly stated 4:1.

It was decided to exclude studies of prevalence in adults with ASD, as such research is currently rare; and ASD gender ratios for adults may be different from those in child and adolescent populations (Loomes *et al.*, 2017, p. 469).

This comment by Loomes *et al.* (2017) could refer to inconsistent diagnosis between adults and children caused by a lack of adult, particularly female, diagnosis (see next section). The Zeidan *et al.* (2022) systematic analysis, however, gave a ratio of 4.2 to 1. This study examined the literature from 2012 to 2022, whereas the Loomes *et al.* (2017) meta-analysis covered 1992 to 2011. Loomes *et al.* (2017) did wonder, since the prevalence rate has changed over the decades, if the male-to-female ratio has as well. Other ratio estimates range from the 8:1 reported in the ICD-10 (1992, cited in Freckelton and List, 2009, p. 22) down to the 2.6:1 of an early British assessment by Lotter's large-scale screening of children (Lotter, 1966).⁴⁰ A point of interest discovered by Rynkiewicz *et al.* (2016) was that stereotypical autistic behaviour in boys decreases significantly over their lives while remaining comparably the same in girls. This could have an impact on male-to-female

⁴⁰ 78 000 children according to Wing, Yeates, Brierly and Gould (1976).

estimates because gender gap ratios are based more on research with younger people.⁴¹

The fact that a study as large as Lotter's (1966) showed a 2.6:1 ratio compared to the wider ratios gaps shown in much smaller studies should be significant, yet it appears to have gone almost unnoticed. It could be argued that Lotter could have misdiagnosed some of the children, given the primitive knowledge of the condition compared with today, but he cannot be accused of the overdiagnosing that might occur now (Rowland, 2020) since he found a prevalence rate of 4.5 in 10 000 (Lotter, 1966).⁴² He found one of the smallest male-to-female ratio gaps discovered in the literature to date.⁴³ Recently, though, an Australian study of 1711 under 18s by McCrossin (2022) indicated that biases in recognition and diagnosis are preventing diagnoses of girls and young women.⁴⁴ His research suggested that the true male-to-female ratio is 3:4; a suggestion that turns previous thought of autism being a predominantly male condition on its head.

In addition, there appear to be no ratio statistics that include people who are transgender, non-binary or otherwise differently gendered. In recent years, it has been discovered that autism rates appear to be higher in gender diverse populations than in the cis-gendered population (Glidden, Bouman, Jones and Arcelus, 2016; Moore, Morgan, Welham and Russell, 2022; Kallitsounaki and Williams, 2023; Voltaire, Steinberg, Garfield *et al.*, 2024). Warrier, Greenberg, Weir *et al.* (2020) claimed it is possible that there could be five times as many gender diverse autistics than cis-gendered. Kallitsounaki and Williams' (2023)

⁴¹ With reference to the Loomes *et al.* (2017) comment above.

⁴² Though this prevalence rate is 2.5 times higher than Wing and Gould's (1979) rate 13 year later, Wing (1981) did admit that their occurrence rate was probably and underestimate (see above). Also, the Wing and Gould (1979) study sample was less than half the size of Lotter's (1966) sample.

⁴³ Fombonne, Du Mazaubrun, Cans and Grandjean (1997) found an average sex ratio of 1.8:1 in a study involving 174 French children, but the ratio varied between 4.7:1 and 1.5:1 depending upon the intellectual capacity of the children.

⁴⁴ This is another study that does not take older women into account.

systematic literature review and meta-analysis revealed the possibility of an autism rate of 11% in gender diverse populations. On the same theme, Stagg and Vincent (2019) found that incidences of autism were higher in those assigned female at birth (AFAB) than those assigned male at birth (AMAB), continuing the motif of under-diagnosis in people assigned female. The relevance to this work with regards to lack of female and gender diverse diagnoses will be explored in the next subsection.

Autistic Females

One reason for the increased prevalence of autism that was not taken into account in the literature for many years is the (now) increasing recognition that females can be autistic too. While most authors who write about the prevalence of autism in any community will also mention a male-to-female ratio (above), few have made mention of any reason for this imbalance, and fewer still have researched the issue. Autism has long been thought of as a male condition. Asperger (1944, p. 128) himself said he had ‘never met a girl with the fully fledged picture of autism’, which resulted in no girls being featured in his study. He did admit to discovering that some of the mothers of his male patients had ‘decidedly autistic features’ and hypothesised that maybe the female autistic traits only become evident after puberty. He confessed ‘we just do not know’ (Asperger, 1944, p. 128). With this one casual but telling finding he made some almost inadvertent but key observations that were to be ignored in the coming decades. He clearly pointed to the facts that women were showing signs of being autistic and that it could possibly manifest differently in females. A year earlier in Kanner (1943) only three of his eleven case studies featured girls (a ratio of almost 4:1). Appearing in the earliest autism literature, the apparent lack of female autism set the scene from then on with a male-biased attitude to autism (Rynkiewicz *et al.*, 2016), but by

the end of the twentieth century Hare *et al.* (1999) were warning that an undetermined number of cases were being overlooked as diagnosis was more difficult for females.

It seems that little has changed, since Murphy (2018, p. 310) stated that ‘it is also highly likely that the prevalence rate among females is a significant underestimate’. This could result in more women than men having their conditions missed while in police custody.

Also, there could have been a negative impact on this study as there may not have been any female ND participants. From 1 April 2022 to 31 March 2023, 84% of arrests in England and Wales were of males (Clark, 2023).⁴⁵ Combine this with the diagnosed male-to-female ratio of 4:1 or 3:1 and this could have left a very small pool of arrested autistic women. There must be a likelihood that autistic women are arrested, but without realising they are autistic they would not know they could volunteer for this study. The same problem is faced with ADHC and dyslexic women, since the gender imbalance occurs with these conditions too (Arnett, Pennington, Peterson *et al.*, 2017; Mowlem, Rosenqvist, Martin *et al.*, 2019; Oppenheim, 2022), as discussed in a later paragraph. Diagnoses in the gender diverse population are also affected by the gender bias, therefore the number of female participants could have been low and gender-diverse participants could have been absent.

Research on the subject has been performed in recent years by Bargiela *et al.* (2016), Rynkiewicz *et al.* (2016) and Wood-Downie *et al.* (2021). All found a female phenotype for autism and that females present differently from males which can camouflage or mask diagnostic features, making them less obvious. The phenotype presents as females being

⁴⁵ Male and female arrest figures were similar throughout the five-year period covered later in the field study.

likely to have greater social functioning than males, have subtler presentations of repetitive behaviour and special interests, and learn more easily how to mask their traits to appear 'normal' (Halladay, Bishop, Constantino *et al.*, 2015; Allely, 2022). The specific diagnostic tool to identify female autistics is not available at this time and those who do camouflage are less likely to receive an early diagnosis (Wood-Downie *et al.*, 2021; Allely, 2022). The two general diagnostic tools used are the Autism Diagnostic Interview - Revised and the Autism Diagnostic Observation Schedule (Reaven, Hepburn and Ross, 2008; Baron-Cohen, Lombardo, Auyeung *et al.*, 2011; Navarro-Pardo *et al.*, 2021). They were created around the idea that autism is a male 'disorder' and they are therefore designed to detect autism in males (Navarro-Pardo *et al.*, 2021).

With so much information and training involving only the male expression of autism it is possible that women are being missed in police stations, even if an officer has reasonable knowledge about autism. There is not thought to be the same sex difference problem with ADHC according to Rucklidge (2010), but Mowlem *et al.* (2019) and Oppenheim (2022) beg to differ, concluding that females with ADHC could be missed more than males since the hyperactivity and disruptive elements are heightened in males. Similar problems exist with dyslexia (Arnett *et al.*, 2017). In all cases the conditions' traits in males are more 'obvious' than in females, meaning that undiagnosed female suspects stand a greater chance of having their conditions missed while in police custody. However, if medical professionals cannot identify these conditions in non-cis male gendered people it is unrealistic to expect police officers to be able to do so. The findings of the current study develop this gender imbalance theme further, as per Chapter Four.

Prevalence of ND in Criminal Justice System Service Users

General population estimates and estimates of prevalence in CJS service users vary greatly in the literature. This makes comparison between general and CJS populations difficult (Allen *et al.*, 2008). It is stated by some that ND conditions may be over-represented in the CJS (Maras and Bowler, 2012; Mouridsen, 2012; Hellenbach, 2017; Jessiman and Cameron, 2017; Farrugia and Gabbert, 2020) but with no community comparison it is difficult to assess if over-representation is present in one place more than another, also recognised by Simpson and Hogg (2001). Hellenbach (2017, p. 1) writes of ‘ample evidence’ of over-representation but cites just two sources. Mouridsen (2012, p. 84) mentions ‘the potential overrepresentation and underdiagnosis of individuals with ASD in offender populations’, but the problem of underdiagnosis is not limited to those in the CJS.

‘Estimates of prevalence differ across studies, depending on definition of ID [intellectual disability]’, wrote Hellenbach (2017, p. 1) summing up the problem that is frequently encountered in this kind of research (see also Beebee, 2010). Hellenbach (2017) also refers to a Criminal Justice Joint Inspection report which revealed a failure to record and identify those with learning disabilities at the various stages of the CJS, and says the figure was ‘assumed to be up to 30%’ (Hellenbach, 2017, p. 1).⁴⁶ The King and Murphy (2014) systematic review revealed autism prevalence rates in offender populations to be anywhere between 2% and 29%, depending of the methodological variations of the study. Ashworth and Tully (2016) rely on Scragg and Shah’s (1994) autism statistic of 2.3% of the population of secure psychiatric settings, and quotes a general adult population percentage as 0.98.

⁴⁶ The CJI (2014) included autism in the umbrella term of learning disability. Again, the borders between the different ND terms are being blurred.

They fear that there is a potential for autism to go unrecognised in other forensic settings. This may be true but Ashworth and Tully (2016) have over-looked the fact that Scragg and Shah (1994) screened the entire male patient population of Broadmoor for Asperger's syndrome and therefore picked up all those they thought had AS (discussed later). This has not been, cannot be, carried out over the entire population. The general population prevalence is not known with the same detail so there cannot be an accurate comparison, also noted by Maras, Mulcahy and Crane (2015). Chester (2018) detailed the lack of research into autism prevalence rates at various points in the CJS. This looks set to change, though as a recommendation in the Ministry of Justice neurodiversity action plan states:

Screening data should be systematically collected and aggregated to provide a more accurate assessment of the prevalence of neurodivergence [...] at all levels of the criminal justice system (MoJ, 2022, n.p.).

Closely related to the subject of prevalence is the notion of over-representation in CJS service users. What can be seen in the figures above is the suggestion that there is a higher percentage of the various ND people in the CJS than there is in the general population. Chester (2018) says reports giving prevalence of intellectual and developmental disorders in the CJS are 'lacking' and for McBrien (2003, p. 95) the rates for LD offenders was 'in short supply'. For Maras *et al.* (2018, p. 53) it is unequivocally the case that '[t]here are no empirically established figures for the incidence of involvement of autistic individuals with police services, or the Criminal Justice System'. More recently, Maras and Mills (2021, n.p.) say that there is 'no consistent evidence' that there is an over-representation of autistic

people in offender populations, and Holloway, Munro, Cossburn and Ropar (2022, n.p.) point out that there is 'no exact figure' for those autistic people (victims, witnesses or suspects) who have contact with the police. ADHC CJS prevalence also varies greatly between studies. It is thought to be 25% of offenders according to the ADHD Foundation (2022) and is 11% in Samele, McKinnon, Brown *et al.* (2021).⁴⁷

When some commentators use the over-arching term of 'ND people in the criminal justice system' they refer to it being perpetrators only who make up the statistic (Browning and Caulfield, 2011; King and Murphy, 2014; Jessiman and Cameron, 2017; Marshall-Tate, Chaplin, McCarthy and Grealish, 2020; CJJI, 2021). It should be appreciated that there is a considerable number of ND people who make up the CJS statistics who are victims or witnesses instead, as acknowledged by Bradley (2009), NPIA (2010), Maras and Bowler (2012), Gibbs and Haas (2020) and Allely (2022).⁴⁸ Autistic people are over-represented among victims of crime (NAS, 2004; Allely, 2022; Smith, 2022). This is important as it makes it very difficult to know who is included in the much-remarked upon over-representation, making exact statistics even more difficult to ascertain.

This lack of statistics does not prevent claims that there is an over-representation of ND offenders. There is perceived to be a link between ND conditions, particularly autism, and offending behaviour, particularly violent offences. This perception has littered the literature for many decades. Mawson, Grounds and Tantam (1985), Baron-Cohen (1988), Scragg and Shah (1994), Murrie *et al.* (2002), Haskins and Silva (2006) and Freckelton (2013) all consider

⁴⁷ The Samele *et al.* (2021) figure was derived from the use of the Adult ADHD Self-Report Scale which Samele *et al.* (2021) consider to be a not particularly specific screening tool. However, Brevik, Lundervold, Haavik and Posserud (2020) opine that it has great diagnostic accuracy.

⁴⁸ Discussed in further detail below.

autistic people to be a greater risk of violent offending. There have been many perceptions about autistic people, perceptions that in recent years autistic advocates and researchers have struggled to dispel, and these perceptions are expounded now. This perceived link could be derived from certain behaviours that can be exhibited by autistics, such as the different cognitive functions that are said to cause a deficit in or an absence of theory of mind, which in turn can give the impression of a lack of empathy (Baron-Cohen, 1988). This deficit is thought to be independent of an individual's intellectual ability (Young and Brewer, 2020), and aggressive outbursts due to meltdowns and emotion dysregulation can result from an inability to manage over-stimulating situations (White and Kienlen, 2015).⁴⁹ Additional to this is the negative image often given in the media if a person suspected of being autistic is involved in a violent event (Browning and Caulfield, 2011; Maras *et al.*, 2015). Frequently cited papers that made a link between autism and violence include those by Mawson *et al.* (1985) and Scragg and Shah (1994). Mawson *et al.* (1985, p. 566) wrote that '[d]angerous behaviour in association with the syndrome [Asperger's] has not been described in any detail' and then selected and used only one case study as detail. Then, using this single case study, concluded that the speculative link between AS and violent behaviour was more recurrent than previously thought. They devised the hypothesis that there could be a great number of violent people with undiagnosed AS in various care institutions. They did not counter this with null hypotheses of there possibly being a great number of non-violent people with undiagnosed AS in both institutions and the general population.

⁴⁹ This theme continues below.

Then Scragg and Shah (1994, p. 680) screened every male patient in Broadmoor for Asperger's syndrome (n 392). They did not test the female patients. Files were examined for 'any evidence of autistic-type behaviours' including 'stereotypical behaviour' and a lack of empathy. If autism was suspected at this point, first the patients' nurses were interviewed, then the patients. Scragg and Shah (1994) found six patients meeting strict Asperger's syndrome criteria and a further three were ambiguous. This gave a prevalence of 1.5% for those patients who were autistic and 2.3% if the ambiguous patients were included. Scragg and Shah (1994) concluded that the prevalence was greater than that found in the general population which at the time was *estimated* to be 0.55%. This conclusion did not take two important facts into consideration. People with the kind of problems exhibited by these patients are going to be concentrated in a secure hospital like Broadmoor rather than disseminated throughout the prison population, and they tested the entire male population of the facility and compared it to the general population where few people had been tested or knew to have themselves tested. Therefore, there could be no direct comparison, a problem also recognised by Allen *et al.* (2008) and Mouridsen (2012). The above studies might not have been as robust as they could have been, with the researchers perhaps entering the research with a degree of confirmation bias.⁵⁰

What these and other studies (e.g. Baron-Cohen, 1988; Murrie *et al.*, 2002; Haskins and Silva, 2006) that link autism and violence have in common is sample size. They are always single case studies or single figure sample sizes, a feature that appears repeatedly. There can be practical reasons for this, including budget, time and personnel restrictions, but a lot

⁵⁰ Confirmation bias is the concentration on finding or believing evidence that backs one's pre-existing beliefs (Stapleton, 2019).

of generalisations seem to have been made over the decades from very small sample sizes, a point also found in Hippler, Viding, Klicpera and Happé (2010), Maras *et al.* (2015) and Murphy (2018). Yu, Bradley, Boan *et al.* (2021) found comparable charge rates between autistic and allistic offenders, though this ignores the possibility of some autistic offenders being diverted out of the CJS into a more appropriate setting, such as community-based help, healthcare or court diversion schemes (Bradley, 2009; Robin-D’Cruz and Whitehead, 2019; Burch and Rose, 2020; Farrugia and Gabbert, 2020).

Previous studies were small-scale and often carried out in clinical or forensic settings where there would be an expectation to find autistic people who had committed crimes, therefore biased samples (Collins, Horton, Gale-St Ives *et al.*, 2023), as in Scragg and Shah (1994) and Hare *et al.* (1999). Ghaziuddin *et al.* (1991) found that several claims of violence in the literature at the time referred to anti-social behaviour; what are called ‘meltdowns’ caused by being overwhelmed by sensory stimulation (Allely, 2015; 2022; Murphy, 2018) and are ‘an intense response to an overwhelming situation’ (NAS, n.d.). They can manifest physically or verbally and result from the individual being too overwhelmed to communicate in any other way (Bradley and Caldwell, 2013; Murphy, 2018; Sarris, 2022). Mouridsen (2012), following up from Ghaziuddin *et al.* (1991) came to the same conclusion: that autistic people are no more likely to commit crimes than the rest of the population. Newman and Ghaziuddin (2008) found 37 cases in 17 publications where Asperger syndrome was linked to violent crime, most of them single case studies. Of these there were 11 cases with a clear psychiatric disorder co-occurring with the AS and a further 20 where there was a probable psychiatric disorder: 31 out of 37 cases, or 84%.

Others were eventually to disagree with the autism/violent crime link (King and Murphy, 2014; Maras *et al.*, 2015; Tint *et al.*, 2017; Allely and Murphy, 2023). As previously stated, rather than being a perpetrator, someone who is autistic or has learning disabilities is more likely to find themselves in the CJS as a victim (Chown, 2010; Tint *et al.*, 2017; Copenhaver and Tewksbury, 2019; Allely, 2022). Brown-Lavoie, Viecili and Weiss (2014) and Mogavero (2019) held that autistics were more likely to be the victim of sexual assault/abuse, and Henshaw and Thomas (2012) stated that evidence suggested that people with learning disabilities are at increased risk of sexual assault.

While some researchers have found little evidence that there is a link between autism and criminality (e.g. Chown, 2010; Mouridsen, 2012; Mogavero, 2019; Allely and Murphy, 2023), there is some evidence that if an autistic person does become involved in criminal behaviour, they are more likely to commit certain types of crime. This will be discussed next.

When autistic people do offend it has been revealed that they are more likely to engage in particular crimes, in cyber crime, arson, sexual offences (including online accessing of indecent images of minors) and assault (Chown, 2010; Mogavero, 2019; Allely, 2015; 2022; Allely and Murphy, 2023). Along with others (Newman and Ghaziuddin, 2008; Mouridsen, 2012; Helverschou *et al.*, 2017) they point to psychiatric co-occurrence as the possible reason for the offence rather than the autism. This psychiatric co-occurrence as a possible reason for criminality is also found with ADHC (Cunial *et al.*, 2019; Young and Cocallis, 2021). According to some researchers, including Woodbury-Smith, Clare, Holland and Kearns (2006), Chown (2010) and Foster and Young (2022), the autism alone is either not enough or cannot always be the cause of criminal behaviour since autistics, having such a rigid, rule-

based mindset, are less likely to commit crimes than others in the population. Ironically though, it is sometimes that rigidity and being rule orientated that can cause some autistic people to become angry or aggressive if, for example, their routine is disrupted or there is a sudden change in their plans (Helterschou *et al.*, 2017; Hepworth, 2017; Allely, 2019; Courtenay and Perera, 2020).

Howlin (2004, cited in King and Murphy, 2014, p. 2718; Hepworth, 2023, p. 24) suggested four elements that might cause an act of aggression or law-breaking in autistic people:

- Social naivety creating a risk of being manipulated by others to commit a crime
- Disruption of routine
- Not understanding social situations, leading to frustration and aggression
- Pursuing a narrow and obsessional interest to extreme (which can lead to stalking accusations (Collins *et al.*, 2023)).

Or there is the becoming frustrated or anxious about people who break rules or the law that can in turn lead to law-breaking, such as the case of an autistic man who kicked cars that were parked illegally (Archer and Hurley, 2013; NAS, 2017). As pointed out by Beardson (2008, cited in Chown, 2010, p. 263) ‘...how are individuals protected by the law if they are simply behaving as an individual with AS, rather than with any criminal or malicious intent?’ Meanwhile, ADHC people are more likely to commit crimes due to impulsivity, executive dysfunction and emotion dysregulation (Young and Cocallis, 2021).

Police and Neurodivergent Suspects in England and Wales

There is some historical context to the problems currently faced by ND people in the CJS, which in turn led to an overhaul of the police investigatory process and the creation of the *Police and Criminal Evidence Act, 1984*. This will be explored here.

Some of the most infamous miscarriage of justice cases of the latter half of the 20th century involved people who were proven to be or suspected to be neurodivergent (Gudjonsson, 1993; 2002).⁵¹ Some examples are presented here. Timothy Evans had learning differences. He seemed to have an innocent, childlike quality that was exploited, first by serial killer John Christie and then by the police. He initially confessed to the crime of murder before retracting that confession and suffering memory distrust syndrome (Gudjonsson, 2002; 2014). The name 'memory distrust syndrome' was created by Gudjonsson and psychiatrist James MacKeith in 1981 (Gudjonsson and MacKeith, 1988) and was born out of fears over people with learning differences and disabilities (ND people) being susceptible to this manipulation. Memory distrust syndrome is when someone begins to doubt the accuracy of their own memory which leads to an 'uncritical acceptance of a false allegation' (Gudjonsson, 2014, p. 809). Twenty-five-year-old Evans had a mental age of eleven. He was hanged in 1950 for the murder of his toddler daughter. Three years later Christie was hanged for the same crime and for the murder of Evans' wife (Coates, 1999; Curnow, 2016). Derek Bentley was convicted on the principle of joint enterprise of the murder of PC Sidney

⁵¹ Miscarriages of justice involving false convictions can happen for a multitude of reasons, including tunnel vision on the part of CJS personnel, mistaken eye witness testimony and flawed forensic science (Kassin, Bogart and Kerner, 2012; Findley, 2013; LaPorte, 2018). Another cause for concern, certainly historically, is police misconduct (McGrath, 2014). This can take several forms including tampering with evidence and the extraction of false confessions using psychology or aggression (Gudjonsson, 2002). Due to their vulnerability and compliant, acquiescent and suggestible natures, ND people are at greater risk of becoming victims of false convictions than other members of the community (Jones and Talbot, 2010; Parsons and Sherwood, 2016; Allely *et al.*, 2024).

Miles, joint enterprise being where a person can be jointly convicted if involved with the crime of another, even if that person did not physically commit the crime (Liberty, 2022). He suffered several accidental childhood head injuries (acquired brain injuries, see Ciuffreda and Kapoor (2012)) which led the nineteen-year-old to have a mental age of eleven. Bentley was hanged in 1953 (Yallop, 1990; Martin, 2020).

Stefan Kiszco, who served seventeen years for murder of 11 Years-old Lesley Molseed, is popularly supposed to have had learning differences. In fact, he excelled at school and had academically skilled employment at a tax office. He had physical developmental delays and his parents' over-protective care of him seems to have caused arrested psychological development (Rose, Panter and Wilkinson, 1997) unless, as this author wonders, Kiszco was autistic. The Cardiff Three were convicted for murder of Lynette White on the false confession evidence of Stephen Miller, a man with learning disabilities and a mental age of eleven. Engin Raghip, convicted of the Broadwater Farm murder of police constable Keith Blakelock, had the fact that he had learning disabilities withheld from the jury (Chappell, 1994; Gudjonsson, 2002; 2006).

In the 1970s there was the Confait Case, which ultimately led to the *Police and Criminal Evidence Act, 1984* being devised and implemented, when three youths were convicted of murdering Maxwell 'Michelle' Confait. The aftermath of the quashed convictions in this case led to major changes in criminal justice procedure (Dehaghani, 2017). The Fisher Report (Fisher, 1977), written by High Court judge Sir Henry Fisher, formed the initial investigation into issues surrounding the Confait Case. This in turn led to a Royal Commission being established. As Gudjonsson (2021) stated:

The Confait case led to the establishment of the Royal Commission on Criminal Procedure in 1978 and was followed by the implementation of the Police and Criminal Evidence Act (PACE) and its Codes of Practice in January 1986 (Gudjonsson, 2021, n.p.).

The Royal Commission reported in 1981 (Cummins, 2011). All three youths were classed as vulnerable because of their age (Eady, 2009) but the oldest of the three, 18-year-old Colin Lattimore, was illiterate and had a mental age of eight (Robins, 2019). Gudjonsson (2006) identified 20 out of 30 disputed conviction cases that involved psychological vulnerabilities between 1989 and 2005. This author contends that two others (Kiszco and Stephen Downing⁵²) should have been included as being vulnerable by Gudjonsson, making 22 cases out of 30 (73%). This, then, is the early background to problems experienced by neurodivergent people in the CJS. The above mentioned were all people with ND conditions that were missed, ignored and/or misunderstood by criminal justice personnel. This is important with regards to this research as it will be seen that these issues continue today.

Problems with Identifying Neurodivergent People

If law enforcement officers are not trained to identify and appropriately respond to persons with ASD, it is possible that officers may exacerbate a situation, resulting in unnecessary trauma... (Teagardin *et al.*, 2012, p. 1113).

⁵² See Downing (2020).

Research by Siberry (2020), which examined the interactions between the police and ND individuals, found neurodiversity [sic] to be not generally understood by police and that it was not a policing priority. The subject of ND training for the police appears repeatedly in the literature (e.g. Gendle and Woodhams, 2005; Chown, 2010; Henshaw and Thomas, 2012; Howard *et al.*, 2015; Crane *et al.*, 2016; Young and Brewer, 2020; Hepworth, 2023). What is not straightforward is what this training should entail.⁵³ Before any officer can tailor police procedure and adjust their response to suit an ND individual, first they must know that the person has a neurodivergent condition.

The prevalence of ND conditions and its apparent increase in the population is discussed above, but a possible reason for the seemingly increased prevalence of autism and ADHC is adult diagnoses (Lai and Baron-Cohen, 2015; Freckelton, 2019; Huang *et al.*, 2020). This indicates that there are older adults who have not yet been diagnosed. Then there are younger adults who did not receive a diagnosis as children despite increased recognition of neurodivergent conditions over the last twenty or so years. If this is so with autism and ADHC it could be conceivably the same with other learning differences/disabilities. This leaves those with undiagnosed conditions in a difficult situation when encountering police, since a diagnosis could be of benefit in a custody setting by providing an explanation for the difficulties the individual experiences (Ashworth and Tully, 2016).

Hepworth (2017) said it is unrealistic to expect autism diagnoses from the police and it would be just as unrealistic to expect other ND diagnoses, since this is not their area of expertise. However, the police form the gateway to the CJS (Bradley, 2009; Parsons and

⁵³ Police training will be discussed later in this chapter and in Chapters Four and Five.

Sherwood, 2015; Tint *et al.*, 2017; Smith, 2022) and they are expected to signpost those entering it towards suitable service providers, whether that be the NHS, the courts or into court diversion schemes (Robin-D’Cruz and Whitehead, 2019). It is a duty of the custody officer to assess whether a detainee is vulnerable, but insufficient training in ND awareness can hamper identification (Hepworth, 2023). Holloway *et al.* (2022) devised training specifically directed at custody staff to address this issue with regards to autism training, carrying out a successful pilot study of the training in 2021.⁵⁴ Jacobson and Talbot (2009) stated that Liaison and Diversion (L&D) Services were originally intended to identify those for whom it was not in the public interest to imprison because this is an inappropriate setting for those who are vulnerable. L&D Services operate in police station custody suites across England and Wales (Chaplin, McCarthy, Marshall-Tate *et al.*, 2021). The Service is tasked with the identification of adults and youths at risk when in contact with the CJS (Chaplin, McCarthy and Forrester, 2017; Burch and Rose, 2020; Marshall-Tate *et al.*, 2020). One of the Bradley (2009) recommendations was that every custody suite should have access to L&D Services. Outside of L&D, if somebody has not yet received a diagnosis it is possible that the police will not know to refer them to relevant services.

People who are more obviously learning disabled are not being dealt with in this study. They are more likely to be recognised and diverted out of the system to the relevant community-based help or healthcare because their condition can be seen (Bradley, 2009; Burch and Rose, 2020; Farrugia and Gabbert, 2020). For people with more borderline learning disabilities and those with the mostly hidden disabilities of other neurodivergent conditions it is far less obvious that there is an issue if their traits are more subtle or deliberately

⁵⁴ Discussed in more detail later in this chapter and in Chapter Six.

camouflaged (Kidwell, Clancy and Fisher, 2023).⁵⁵ An IQ of 69 or below is classed as LD while a score of 70 to 79 is borderline (Howard *et al.*, 2015; McKinnon, Thomas, Noga and Senior, 2016). McKinnon *et al.* (2016) reported on a study in London that involved 150 detainees in police custody. Nine per cent had a IQ under 70 and in 42% the IQs ranged from 70 to 79. However, an IQ of under 70 is not always sufficient for a diagnosis of learning disability. Both social difficulties and communication difficulties need to be present (Talbot, 2010). This means people with less severe learning disabilities are at a disadvantage as their problems are less likely to be recognised (Mercier and Crocker, 2010). Meanwhile autistic people and those with learning differences with average or above average IQs could find the experience of arrest and custody ‘particularly challenging’ as ‘they appear more *normal* and intelligent’ [emphasis added] says Mogavero (2019, p. 430). These people will be difficult for the police to identify (Allely *et al.*, 2024). Accommodations cannot be made if the police are unaware of an ND issue. This highlights a limitation in attempts to address identification issues, especially if the arrestees do not meet at least three unusual or cause for concern factors in the vulnerability assessment framework devised by the University of Central Lancashire in collaboration with Lancashire Police and the Metropolitan Police: A – appearance, B – behaviour, C – communication capacity, D – danger, E – environment circumstances (College of Policing, 2022; Metropolitan Police, 2023).

The current study examined more than just what occurs at and after arrest, it also included some patrol officer and suspect interactions on the street as some of the ND participants in this study encountered the police in public places but were not arrested. In these brief circumstances, assessing if someone is ND will be even more difficult for police. The current

⁵⁵ See next section for an explanation of camouflaging.

literature indicates one potential approach to aid identification early in an encounter which is street triage (McKinnon *et al.*, 2016). In the area of mental ill health, officers are working to ensure that those who need extra help are recognised early by using street triage. Street triage schemes are widespread across England (Kirubarajan, Puntis, Perfect *et al.*, 2018) and are used at the point of contact with a person to ensure the efficacy of health outcomes and use of resources. Police with extra training work alongside a mental health nurse or other mental health clinician and have access to local medical records (McKinnon *et al.*, 2016). However, this useful service is available only for those with mental health conditions. No training or access to medical records is given to identify any other issues that might be flagged up and require additional information or help. Expanding this scheme to include ND conditions could benefit more people. This idea needs to be handled delicately as there would be issues around privacy and GDPR,⁵⁶ but these issues must have been addressed for the current street triage scheme to function within the data laws. An appropriate database, accessible to all agencies involved with people suspected of criminal activity, could help the suspect navigate the CJS, and perhaps divert them to a more appropriate agency. It is encouraging that this recommendation was found to be included in the Ministry of Justice's recent action plan which stated, '[S]upported by an information sharing protocol specifying how information should be appropriately shared within and between agencies' (MoJ, 2022, n.p.).

A further problem is that even if someone has been diagnosed and the officers suspect something could be an issue, the neurodivergent person may not feel comfortable revealing their condition, even when asked (NPJA, 2010). Stigma felt by ND people is a major factor

⁵⁶ General Data Protection Regulation.

that deters disclosure and has been broached repeatedly in the literature, particularly with reference to autistic people (e.g. Ghaziuddin *et al.*, 1991; Cant and Standen, 2007; Fyson and Yates, 2011; Eadens *et al.*, 2016; Beardon, Chown and Cossburn, 2018; EHRC, 2020; Logos *et al.*, 2021; Holloway *et al.*, 2022). Ghaziuddin *et al.* (1991) were writing at a time when ND conditions were not as understood as they are now. They wrote about concern that autistic people would feel increased stigmatisation because of the speculation around at that time about a supposed link between Asperger's syndrome and violence. In 2020, the Equality and Human Rights Commission (EHRC) was writing:

A number of defendants interviewed in England and Wales said they didn't want their needs to be identified, because they felt embarrassed, ashamed or were worried they would be stigmatised. (EHRC, 2020, p. 19).

The EHRC (2020) document was instigated in 2019. It was a legal enquiry into whether ND people and those with mental ill health experience discrimination in the CJS. There was disquietude over whether the needs of ND people were being identified and met, and if they were not if this could result in unfair sentencing or them being wrongly convicted (EHRC, 2019). The fear of stigma, ridicule and embarrassment are still an issue and are more reasons that can cause a suspect to hide and disguise ND issues (EHRC, 2020). Thirty years ago, Chappell (1994) argued that, because of negative stereotypes, people with learning disabilities faced discrimination in the CJS and called for equal treatment under the law, and Parsons and Sherwood (2016) found that concerns about discrimination were still evident. Habitual camouflaging or 'masking' is an ND characteristic, particularly for those who are less seriously neurodivergent (Kidwell *et al.*, 2023). Masking is pretending to be 'normal' and can

be accomplished by people with reasonable verbal skills (Hepworth, 2017; Schneid and Raz, 2020) and the pressure of doing this is one possible cause of depression and anxiety in autistic people (Hull, Levy, Lai *et al.*, 2021). This masking could prevent the identification of vulnerabilities (Smith, 2022). Masking seems to be a key feature in females, part of the female phenotype for autism (Bargiela *et al.*, 2016). It is one of the ways in which autism presents differently in females compared with males (Rynkiewicz *et al.*, 2016) since females can display 'superficial social skills' (Allely, 2022, p. 13). With some traits successfully masked, and a reluctance to disclose a potentially stigmatising condition to strangers possibly seen as hostile (Crane *et al.*, 2016; Holloway *et al.*, 2022) or not likely to understand (Calton and Hall, 2022), the scene is set for misunderstandings.

Misunderstandings

Communication is the imparting or exchanging of information. It involves the obvious using of spoken and written words and the less conspicuous but still important unspoken imparting of visual clues using facial expressions and body language (Wrench, Punyanunt-Carter and Thweatt, 2020). ND people can find themselves consciously or unconsciously struggling with all areas of communication (Parsons and Sherwood, 2016; Dickie and Dorrity, 2018). These problems can occur both in interviews and in simple encounters when stopped and questioned in the street (Smith, 2022). In the US, Rava, Shattuck, Rast and Roux (2017) discovered that by the age of 21, almost one fifth (19.5%) of young autistics had been stopped and questioned by officers. With a key element of human interaction lost or diminished, ND people can begin any association with others from a disadvantaged position, which is important in the context of this research because an aim is to minimise that disadvantage as much as possible.

Sources of misunderstanding are the neurotypical lack of understanding of neurodivergent challenges and demeanour, and lack of knowledge about the realities of being ND. Being unaware of what it means to be neurodivergent results in miscomprehension of how the ND brain works and processes information. The 1988 film *Rain Man* depicted an autistic savant who had a prodigious memory (IMDb, n.d.). The problem for so-called high functioning autistics is that people who have seen or know about *Rain Man* assume that we all have remarkable abilities, including excellent memories. Modell and Mak (2008, cited in Chown, 2010, p. 263; Mogavero, 2019, p. 431) asked US law enforcement officers what the word autism meant to them. Over 35% simply answered 'Rain Man'. A literature review by Jones, Gordon and Mizzi (2023) found that fictional media create a misleading image of autistic people. It contains explicit and implicit ableism with focus on a stereotypical portrayal of the autistic savant. This distorted image of autism could create misunderstanding.

Very few studies have examined the perspective of neurodivergent service users in the CJS, a conclusion also reached by Salerno and Schuller (2019). Many of what few there are look at the experiences of autistic people only who have been treated as suspects, witnesses or victims (e.g. Crane *et al.*, 2016; Helverschou *et al.*, 2017; Salerno and Schuller, 2019; Gibbs and Haas, 2020; Holloway *et al.*, 2020; Salerno-Ferraro and Schuller, 2020), with the studies finding a lack of police knowledge about autism, a high level of dissatisfaction about the participants' experiences and an unwillingness to divulge their autism.

Holloway *et al.* (2020) identified a lack of research into the difficulties faced by autistic people at each stage of the arrest and custody process and so conducted their own study to examine this. It took the form of a participative walkthrough with two autistic people taking

part. It provided important feedback from an autistic perspective in the areas of booking in, processing and cell detention but did not include arrest or police interviews. It revealed the thoughts and feelings of the two autistic people and could provide police with an important insight to the challenges faced by autistic suspects in police custody. The study identified key areas of concern. There were issues with the claustrophobic custody environment, with its over-bright lights and lack of privacy. Communication problems between the police and autistic people were highlighted, with a need for clearer communication with no ambiguity, and for better information regarding police procedure. There were worries over how to manage autistic sensory issues, and the lack of autism training of officers. Holloway *et al.* (2020, p. 1043) concluded that a combination of sensory issues, communication barriers and 'the typical difficulties suspects already experience' could greatly affect an autistic person's ability to engage with the custody process. Methodological limitations were apparent in the study as it was a small study with two articulate, university educated participants who had moderate care needs. 'Given the heterogeneity of autism' (Holloway *et al.*, 2020, p. 1043) the diversity of the condition would not be represented in only two individuals. In addition, the fieldwork was conducted in an artificial environment despite taking place in a working police station with genuine police officers. This is because participants had not been subjected to arrest, were there freely, were in an empty and quiet custody suite and were there for less than an hour. Therefore the participants would not have experienced the stressors of a real-life encounter. The study also experienced a research limitation remarked upon on occasions in this thesis with regards to research on ND people in the CJS, in that there was no NT comparison to show if or how the NT experience would be any different.

ND behaviour and demeanour can be misread and misinterpreted by neurotypical

investigators (Holloway *et al.*, 2022; Slavny-Cross *et al.*, 2022; Smith, 2022; Allely and Murphy, 2023; Salerno-Ferraro and Schuller, 2025), which is focussed on in now. Police interviewers are trained in deception detection involving the examination of non-speaking behaviours (Logos *et al.*, 2021). Logos *et al.* (2021, p. 215) stated, ‘A number of atypical nonverbal behaviors often associated with the condition [autism] overlap with behaviors known to arouse suspicion of an individual’s veracity.’ Evidence of deception is often seen by avoidance of eye contact or too much eye contact, lack of prosody, expressionless faces, fidgeting, pacing, high levels of anxiety and inappropriate emotional responses (Young *et al.*, 2020; Logos *et al.*, 2021; Calton and Hall, 2022; Smith, 2022; Allely *et al.*, 2024): but these are autistic characteristics (Nyx *et al.*, 2011; Allely *et al.*, 2024) and some are also ADHC traits, since the two conditions have a lot of similarities (Gudjonsson *et al.*, 2007; Rucklidge, 2010; Young *et al.*, 2013). These traits lie outside of Wing’s ‘triad of impairments’.⁵⁷ There is literature concerning ‘emotion regulation’ in autistic people (e.g. Cai, Richdale, Uljarević *et al.*, 2018; Beck, Conner, Breitenfeldt *et al.*, 2020; Conner, Golt, Shaffer *et al.*, 2021; Bradley, Onovbiona, del Rosario and Quetsch, 2023). Emotion regulation is the ability ‘to modulate, influence, and control one’s own emotional experiences’ (Bradley *et al.*, 2023, n.p.), while emotion dysregulation is described as ‘managing emotions in ineffective or maladaptive ways’ (Bradley *et al.*, 2023, n.p.), and meltdowns can be a characteristic of emotion dysregulation (Allely, 2015; Slavny *et al.*, 2022). Emotion dysregulation can be at higher levels in autistics, according to Samson, Huber and Gross (2012). Logos *et al.* (2021), who examined NT perceptions of ‘autistic behaviour’ in an artificial police interview setting, found that their participants exhibited biased assessments of guilt and deceit when confronted with the ‘autistic behaviour’. (The possibly autistic Stefan Kiszco exhibited signs

⁵⁷ See the section on autism above.

of 'guilt', 'deceit' and 'evasion' in his police interviews (Rose *et al.*, 1997)). Likewise, Lim *et al.* (2021)⁵⁸ found that their autistic interviewees were considered by their allistic participants to be more deceptive and lacking in credibility than the allistic interviewees.⁵⁹ However it was the autistic interviewees' overall demeanour and presentation that caused this effect, not the 'target behaviours' of 'gaze aversion, repetitive body movements, literal interpretation of figurative language, poor reciprocity, and flat effect'⁶⁰ (Lim *et al.*, 2021, p. 490). Such findings are explored in this study. A limitation in both Logos *et al.* (2021) and Lim *et al.* (2021) was that neither study was able to factor in the heterogeneity of autism due to the small sample sizes involved. In Lim *et al.* (2021) there were 31 autistic participants and in Logos *et al.* (2021) the single 'suspect' was an allistic actor demonstrating certain autistic traits. Therefore the full range of autistic behaviour that may be displayed during questioning may not have been represented, especially in Logos *et al.* (2021). In addition to this, the Logos *et al.* (2021) research was performed in artificial circumstances. As well as the actor playing the role of an autistic person, the study featured members of the general public acting as investigators. The study could not therefore ascertain how genuine police officers would react and respond to autistic characteristics in the real world.

It is some of these 'guilty' behaviours examined in the above studies that can lead to a person being arrested, if at a crime scene police find someone who will not answer questions, avoids eye contact or who runs away (Hepworth, 2017; 2023). The sensation of touch – such as rough handling or handcuffs – can be uncomfortable, distressing or painful so the process of arrest, even if it is a calm one, can be extremely distressing and provoke

⁵⁸ Also carried out in an artificial setting.

⁵⁹ The 'viewing participants' in this study were recruited online so it cannot be known if police officers were among the recruits.

⁶⁰ Prosody of speech (American Psychological Association, 2014).

threatening behaviour in the arrestee. This can then escalate the situation with the police who can then create further problems by using force (Nyx *et al.*, 2011; Allely, 2015; Hepworth, 2017; 2023; Smith, 2022). Sirens and flashing lights from emergency vehicles can induce avoidance behaviour and meltdowns in autistics as soon as the police arrive (Hepworth, 2023). Chown (2010) refers to a fight, flight or fright response than can be induced in an autistic person in stressful situations.⁶¹ An autistic person will commonly try to avoid this by using coping or avoidance behaviour. This can include behaviour that can escalate an already tense situation such as self-injury, running away or aggression (Bradley and Caldwell, 2013). This could mean that problems and misunderstandings are present before the suspect arrives at the police station.

Then there are misunderstandings when neurodivergent people do not understand what is expected of them. Due to difficulties in information processing and in comprehension of language and social norms, it is possible that neurodivergent people will not understand what is expected from them during the custody process and beyond. At the time of arrest it is possible that ND people might not understand why they have been arrested (Beebee, 2010) or not realise how serious the crime is (Helveschou *et al.*, 2017). At arrest and during interviews they might not understand how their responses and body language or lack of these can be misinterpreted, or they could misunderstand the meanings of questions and could misread the body language of others (Chappell, 1994; Chown, 2010; EHRC, 2020; Smith, 2022). Later, bail conditions may not be understood and therefore not be adhered to (Beebee, 2010). As a result of not understanding they could come across as uncooperative,

⁶¹ Stress can induce sensory overload, when any one or more of the senses can be overwhelmed to the point of total distraction (Autism West Midlands, 2019; Rowland, 2020).

evasive or obstructive (Cant and Standen, 2007; Young *et al.*, 2013; Hellenbach, 2017; Holloway *et al.*, 2022).

There are many reports of autistic people lacking empathy (e.g. Asperger, 1944; Wing, 1981; Baron-Cohen; 1988; Woodbury-Smith and Dein, 2014; Murphy, 2018). Processing difficulties mean we can come across as cold and unresponsive, lacking what is deemed by society to be the correct response. A cold attitude or inappropriate response could be misinterpreted by police as arrogant or callous (Allely, 2015; Murphy, 2018) and goes back to the ‘guilty’ behaviour above. In recent years another perspective has arisen. At a seminar in 2011 autistic researcher Damian Milton (2011, cited in Milton, 2012, p. 883) introduced the notion of the double empathy problem, as he has named it. Double empathy is summed up by Milton as:

[T]he theory of the double empathy problem suggests that when people with very different experiences of the world interact with one another, they will struggle to empathise with each other (Milton, 2018, n.p.).

The idea of the double empathy problem is gaining traction. Outside of Milton (e.g. 2012; 2018; 2021), authors such as Chown (2014), Dickie and Dorrity (2018), Holloway *et al.* (2020), Mitchell *et al.* (2021), Allely (2022), and Reveley and Dickie (2023) have used the term.

It can therefore be seen how double empathy might inadvertently occur during arrest, interviewing and custody. From one perspective, the neurodivergent suspects do not

necessarily understand what is happening and might not even understand what they have done wrong (Archer and Hurley, 2013; Helverschou *et al.*, 2017; NAS, 2017). This is reflected further in findings from this study where some ND participants reported not understanding what was happening, which will be discussed in Chapter Four. Meanwhile, the police cannot understand their suspects' behaviour and attitude and cannot understand why the suspects do not understand. However, the findings from this research, presented in Chapter Four, revealed that the police participants from the targeted force appeared to display more understanding of their suspects than was experienced by the ND participants from other police regions around England and Wales.

Autism in the Media

One element of daily life that could contribute to creating misunderstandings is the media. First impressions are compelling, and Dickie and Dorrity (2018) ask if criminal justice professionals might attribute falsely to autistic people if distorted images of autism in the media (both mainstream and social) influence their attitudes, the media being an area from which many people could glean their only information about autistic and other ND people. Jones *et al.* (2023, p. 2214) pointed out that, 'for many people, entertainment media is their primary source of information about autism', and non-entertainment media can be responsible for misinformation too. This is another important point with regards to the current research if the media is the only source of information for an officer. The studies featured in the systematic review by Jones *et al.* (2023) revealed that the portrayals of autism in films are inclined to show autistic people with high support needs, ignoring the wide heterogeneity of autism. Ableism is often displayed in these portrayals, and there tends to be an emphasis on repetitive behaviours and restrictive interests. The following

paragraphs explore the theme of how the media can create expectations in people and condition them.

Huws and Jones (2011) examined autism portrayal in newspapers. They found that newspaper accounts of autism were sensationalised, contained misconceptions, and misused the word 'autism' (ascribing the label to people who have not had a diagnosis, they merely exhibit some traits that others think indicate autism). They accused the newspapers of showing only a limited version of autistic individuals rather than portraying the wide diversity that exists (Huws and Jones, 2011). Bowden, Milne, Audas *et al.* (2022, p. 1783) also accused headlines of being 'sensationalist' when high-profile court cases feature autistic defendants.

It can be noted that in the media, when there has been a human-instigated tragic occurrence (such as a mass shooting) and the perpetrator has any kind of neurological problem, the neurological problem will be mentioned and assumed to be pertinent to the tragic occurrence (Browning and Caulfield, 2011; Maras *et al.*, 2015), with the Mail Online soon describing Adam Lanza (who shot dead 26 people (mostly children) at Sandy Hook elementary school in Connecticut, USA in 2012) as 'suffering from Asperger's syndrome' (Quigley and Durante, 2012b, n.p.) and as having a 'history of autistic behaviour' (Quigley and Durante, 2012a, n.p.). There has since been a little speculation in the US media that Lanza was not autistic and instead had an undiagnosed, and therefore untreated, condition that was camouflaged by a spurious Asperger's diagnosis (Solomon, 2014; Willingham, 2014b) with Willingham (2014a, n.p.) writing about the 'rampant speculation and misreporting' of Lanza's alleged Asperger's. However, Lanza was diagnosed twice, once in

2005 and again in 2006 (Allely *et al.*, 2017). Police officers, like the rest of the population, are likely to engage with media regularly and will read and hear about these aspects of the perpetrator and their possible impact on the cause of the events. They will be exposed to the uninformed opinions and speculation about the character and actions of the perpetrator, both in the mainstream media and social media (Brewer, Zoanetti and Young, 2017; Gabore and Xiujun, 2018). This conclusion was also reached by Crane *et al.* (2016). Allely *et al.* (2017) estimated that eight per cent of the 75 mass shooters they examined were potentially autistic, giving a possible mass shooter autism rate eight times higher than the general population autism estimate (discussed above).

With so much in the literature and media about ND people, particularly autistic people, involved in criminality and violence this is yet more conditioning for the public, including police officers. If an officer has preconceived ideas as to what to expect from an ND suspect there is a risk of it colouring opinion and leading to unfair treatment of the person they are questioning (Talbot, 2010; Hellenbach, 2017). This work examines police attitudes and knowledge of ND conditions to discover what conditioning, if any, the police participants had been subjected to with regards to ND people. A lack of awareness of ND conditions can negatively affect police attitudes and their confidence in dealing with ND people (Burch and Rose, 2020).

Arrest and Custody Procedure

The arrest and custody procedure from the first moment of contact can be precarious for ND suspects due to their psychological vulnerabilities, possible low IQs and slower information processing speeds (Gudjonsson, 1991; Gudjonsson, Clare and Cross, 1992;

Hughes, Bain, Gilchrist and Boyle, 2013; Parsons and Sherwood, 2015; 2016; Dehaghani, 2021): from initial connection and any restraint, through being read the caution and being issued with their rights, to the interview and being detained in a cell. Similar problems can exist even if an individual is stopped in the street after being perceived as acting suspiciously. Attempts have been made across the years to overcome the problems, as discussed below.

The Caution – The Right to Remain Silent

The caution is issued to enable the suspect to avoid self-incrimination during interview (Clare, Gudjonsson and Harari, 1998; Hughes *et al.*, 2013). It used to be referred to as ‘the right to silence’ and was issued with the words: ‘You have the right to remain silent, but anything you do say will be taken down and may be used in evidence’ (Zander, 1995-1996). In the *Criminal Justice and Public Order Act 1994*, proposals were put forward (and later adopted) to alter the words of the caution, now referred to as the ‘right to remain silent’. The wording was designed to allow juries and judges to consider silence in police interviews and in court as evidence of guilt (Howard and Tyrer, 1998).

Initially, a 60-word caution was proposed which brought about much criticism. In response to this criticism, a 37-word caution was devised: ‘You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence’ (Home Office, 2023b). If it is thought the suspect does not understand it police are permitted to explain the caution in their own words (Home Office, 2023b). However, there were still fears from disability groups over how those with learning differences/disabilities would cope, and this change to

the wording of the caution links to the current research because of the increased risk to ND individuals of not understanding their right not to self-incriminate (Chester, 2018; Smith, 2022). To assess the risks posed to ND suspects with regards to caution comprehension, Clare *et al.* (1998) carried out a study examining how easy it was for non-learning-disabled people to understand the new caution enough to be able to explain it.⁶² The study's participant groups were comprised of members of the general public, A-level students and serving police officers. Each member of each group was asked to explain what the caution meant. The researchers established that none of the public had an IQ below 70 or mental ill health. Tests on the public group estimated the average full scale IQ to be 94 with a range from 78 to 119.⁶³ The results were concerning. When read the caution in its entirety (the way in which it would be presented by the police to a suspect) 8% of the student group could explain all three sentences, 7% of the public could and 48% of the police officers who issue the caution were able to explain.

The researchers examined separately the results from those in the general group who had a borderline IQ. None of the participants who had a full-scale IQ of less than 90 was able to explain the caution correctly. Their findings backed up an earlier study by Shepherd, Mortimer and Mobasher (1995, cited in Clare *et al.*, 1998, p. 324). The cited study also suggested that people had an unjustifiable confidence in their ability to understand the caution (Shepherd *et al.*, 1995, cited in Clare *et al.*, 1998, p. 328). The new caution was first used in March 1995 so was soon followed by research that suggested the wording of the caution was not clear enough, even for those with an average IQ. More worryingly, the

⁶² The caution is 'the standard information which the police must give on arrest and repeat each time the suspect is interviewed about the alleged offence' (Clare *et al.*, 1998, p. 324).

⁶³ From borderline learning disability to high average (Clare *et al.*, 1998).

research revealed that it was not clear to the police, who would be expected to explain it to suspects (Clare *et al.*, 1998). In Fenner, Gudjonsson and Clare (2002), while 96% of their participants (whose full scale IQs ranged from 57 to 98) stated that they understood the caution fully, it transpired that none of them did.⁶⁴ Similar research by Hughes *et al.* (2013) revealed that despite the claim by 95% of participants (of various education levels) that they fully understood the spoken caution only 5% did so. Meanwhile, research by Randall, MacMahon and Kidd (2020) on caution comprehension in people with learning disabilities showed that all their participants said they understood the caution when none of them did so. Clare *et al.* (1998) advised that police and legal advisors should be cautious about accepting a suspect's claim to have understood the information.

Clare and Gudjonsson (1991) found that even the pre-1994 caution caused comprehension problems with LD people, despite it being a little more straight forward. Articles by Chester (2018) and Richards and Milne (2020) indicated that concerns regarding the understanding of the newer caution by neurodivergent people were ongoing a quarter of a century after its introduction. Chester (2018) reviewed the issues surrounding people with intellectual and developmental disorders (a term which includes ND conditions and covers people of varying IQ levels) in the CJS. She concluded that few people with learning differences/disabilities understand their rights while in custody, and that they are consequently disadvantaged from the very start of their journey through the CJS.

⁶⁴ Their participant groups were comprised of suspected persons detained in a police station and a control group obtained from the general population. Both groups did not understand the caution when it was presented to them in the manner it would be in arrest/interview settings.

It is not a problem that is confined to Britain. Rendall and MacMahon (2020) examined multiple empirical studies from the UK, US and Canada and found it a reoccurring theme, with the lack of understanding exhibited by those with learning disabilities a great concern. Police are instructed to ask suspects if they have understood the caution (Home Office, 2023b), but the individuals are often asked a closed-ended question with a yes/no answer, 'which may increase potential for acquiescence' (Randall *et al.*, 2020, p. 53). Medford *et al.* (2003) examined the audio recordings of interviews with a variety of vulnerable suspects, including those with individuals whose custody records indicated they had various ND conditions. The police usually (but not always) checked the suspects' understanding of the caution but did so only by asking if they understood. Autistic and other ND people can engage in social echolalia, in which someone responds in a way that suggests they have understood a question (Smith, 2022).⁶⁵ There is also a possibility of them answering 'yes' because either they do not want to admit their ignorance or because they genuinely believe they understand (as they did in Fenner *et al.*, 2002 and Hughes *et al.*, 2013, above). The findings from the Medford *et al.* (2003) study has serious repercussions for vulnerable groups such as ND people (Hughes *et al.*, 2013). Hepworth (2017, p. 214) wrote of autistic people, 'They may say that they understand, simply because it is the answer they have seen given on television, or because they feel it is the desired response.' A lack of understanding of the wording in the caution risks the ND suspect not understanding the implications of self-incrimination (Woodhouse *et al.*, 2024).

⁶⁵ Echolalia, which can occur in several ND conditions, is repeating the words of others or using stereotyped language (Wikipedia Contributors, 2024; Woodhouse *et al.*, 2024).

Notice of Rights and Entitlements

The Police and Criminal Evidence Act 1984 contains five Codes of Practice covering various aspects of police procedure including arrest, interviews and detention (Kassin, Drizin, Grisso *et al.*, 2010; Gudjonsson, 2021). PACE dictates that three things should happen to anyone brought into a police station for questioning. The person is: 1) cautioned 2) informed verbally that they have the basic rights to have someone informed of their arrest, to legal representation and to consult to Codes of Practice and 3) handed the Notice of Rights and Entitlements (Jacobson, 2008; Home Office, 2023b).⁶⁶ The Notice restates the basic rights, informs that the suspect can acquire a copy of the custody record and reiterates the caution (Murphy and Clare, 1998; Chester, 2018; Home Office, 2023b). As with the caution, ND people can be at a disadvantage with the Notice. This can be because of poor literacy, reduced comprehension, and the slower information processing speeds discussed earlier in this chapter. Gendle and Woodhams (2005) investigated the issues faced by people with learning differences/disabilities when trying to navigate the CJS and commented that people cannot exercise their rights if they cannot understand or remember them. A lack of understanding could be detrimental to the police and the CJS too, since evidence derived from an individual who does not understand their rights could be deemed unreliable (Clare and Gudjonsson, 1992, cited in Gendle and Woodhams, 2005, p. 77).

All information at arrest should be given verbally and then in writing thus giving two, different, opportunities to assimilate the guidance (College of Policing, 2022). However, difficulties in processing or understanding could extend across both formats and the detained person may not understand the Notice even if it is read to out (Murphy and Clare,

⁶⁶ Also known as Notice to Detained Persons (Gov.uk, 2019).

1998). The Notice was revised and simplified in April 1991 but Gudjonsson (1991) and Gudjonsson *et al.* (1992) found the improvements to be marginal. Gudjonsson *et al.* (1992, p. 289) reported ‘...the results indicate that the Notice remains inadequate for its intended purpose’. Chester (2018) stated that there is a suggestion that few ND people understand the caution or their rights while in detention, therefore they are likely to find themselves at a disadvantage about knowing how to access the support they need. If a person feels unable or is unwilling to admit that they cannot understand, due to the concerns mentioned previously, the police face an impossible problem as they cannot help if they do not know to help. This is something that will be explored further later in this thesis.

Interviewing ND Suspects

The caution and the presence of legal representation are safeguards designed to help a suspect avoid self-incrimination (Draycott Browne, n.d.b; Clare *et al.*, 1998; Hughes *et al.*, 2013). ND people can have difficulty in understanding the consequences of their words and actions. If they do not understand their rights and do not admit this, or they do not understand the impact their words might have, the safeguards will have failed (Howard and Tyrer, 1998; Parsons and Sherwood, 2016). Howard and Tyrer (1998) found that social naivety and the misunderstanding of social cues can potentially make them vulnerable and create a trusting nature. There is a problem with ND suspects placing a great deal of trust in and reliance on the police, as happened with Stephan Kiszko. He had been taught to respect the police and he put a great deal of trust in them to do the right thing (Rose *et al.*, 1997). Young *et al.* (2013) discovered that vulnerable suspects give an inordinate amount of ‘don’t know’ answers which could lead to the person being misinterpreted as unwilling and stubborn. Once a statement has been taken, a low literacy level may mean the suspect

cannot check the statement before signing. For autistic people, processing issues and an impaired theory of mind could cause difficulty with comprehending the purpose and meaning of questions asked (Howard and Tyrer, 1998).⁶⁷ If the suspect has chosen to hide their disability the police cannot make an accurate assessment.

The PEACE model is an interview method that was developed in the early 1990s. It arose in the aftermath of the Birmingham Six and Guildford Four quashed convictions. Police impropriety and aggressive interviewing were blamed for the false confessions that occurred in those cases. Combined with flawed forensic science, media and public pressure and a lack of advance disclosure, this brought about the wrongful convictions (Gudjonsson, 1993). All police officers in England and Wales are now trained to use the PEACE model (Healey, 2023). Work by Fisher and Geiselman (1992, cited in Hepworth, 2017, p. 216) instigated the development of the new interview framework. PEACE is an acronym that represents the five interview stages:

- Planning and preparation – prior to the interview. This is the stage at which the interviewer considers any needs or requirements that the suspect might have. This is when special adaptations can be made if the suspect has disclosed a condition or the police have surmised there is an issue. If an issue has not been raised or surmised then no accommodation can be made for the suspect.
- Engage and explain – creating a rapport with and encouraging participation from the interviewee. Police are instructed to discuss neutral topics and ‘chat’ with the

⁶⁷ The autistic alleged lack of theory of mind has been written about for thirty years, particularly by Simon Baron-Cohen (e.g. Baron-Cohen, 2001) (see Gernsbacher and Yergeau (2019, pp. 104 & 106) for a full list) but Gernsbacher and Yergeau (2019, p. 102) dismiss these claims as ‘empirically questionable and societally harmful’ and lacking robustness.

interviewee, but few autistics are comfortable with small-talk, and a lack of understanding of the rules of social engagement can make 'chatting' an uncomfortable experience for us. Far from putting the suspect at ease this enforced chat could increase anxiety. Hepworth (2017) suggests that trying to build a rapport with such suspects could be damaging to the end result of the interview.

- Account – deriving an account of events from the interviewee, challenging what is said and asking for clarification. This is the statement taking stage and probably the most problematic for autistic suspects and police alike. Autistic people can have trouble establishing which information is relevant and may give unusable details. Impairments in social imagination can cause problems for autistic people with remembering events in the correct sequence and in context. Research by Maras and Bowler (2010) suggested that this method of statement taking is not suitable for autistics since it can garner flawed information as a result of these issues. Meanwhile, people with ADHC can have trouble paying attention in interviews and have problems remembering events, making them look evasive.
- Closure – ending the interview appropriately. This is the one stage that can be of benefit to autistic people because it involves summarising what has happened and explaining what happens next. Anxiety about change in routine is common in autistics (NAS, 2017) and being forewarned of upcoming changes can help to alleviate some anxiety.
- Evaluation – done post interview by the interviewer and does not involve the suspect. (Milne, Shaw and Bull, 2008; Kassin *et al.*, 2010; Hepworth, 2017; Richards and Milne, 2020, Communicourt, 2022; Home Office, 2023a).

Before 1992 police received no formal training in the interviewing of the suspects. The main aim of the interrogation was to obtain a confession. Clarke and Milne (2001) performed a national appraisal of the PEACE model and concluded that a combination of the new interview training and the recording of interviews meant that it was 'far less likely to cause miscarriages of justice in the UK' (Poyser and Milne, 2011, p. 65). While there have been improvements in the way most suspects are interviewed, the new method has been discovered to be not as beneficial to neurodivergent people for the reasons mentioned above (Hepworth, 2017).

One word that appears with a high frequency in the neurodivergent literature is 'vulnerable' (e.g. Gudjonsson, 1993; 2021; Murphy and Clare, 1998; Gudjonsson, Hayes and Rowlands, 2000; Gudjonsson and Henry, 2003; Talbot and Riley, 2007; Talbot, 2010; Hellenbach, 2012; King and Murphy, 2014; McKinnon *et al.*, 2016; Chester, 2018; Burch and Rose, 2020).

Neurodivergent people in the CJS are repeatedly recognised as being vulnerable. It could be their vulnerability and ND characteristics that caused them to be noticed by the police.

Difficulties such as being manipulated by others to commit a crime, reacting aggressively to their difficulties in social situations, social naiveté and intense (i.e. obsessive) behaviour could attract police attention (Rava *et al.*, 2017; Allely, 2019; Gibbs and Haas, 2020). Or it could put them at risk of misinterpretation in an interview room (Dickie *et al.*, 2018; Holloway *et al.*, 2022).⁶⁸ Allen *et al.* (2008) is one of the rare and earlier examples that included asking autistic people for their own accounts, in this case about what they thought contributed to their offending. The researchers found that the autistic males they surveyed were using

⁶⁸ Ultimately being at risk of a miscarriage of justice (Gudjonsson, 2010; Gudjonsson, Sigurdsson, Sigfusdottir and Young, 2012; Gudjonsson *et al.*, 2019; Smith, 2022). Confessing immediately, even when not guilty, can be an autistic and ADHC trait (Gudjonsson *et al.*, 2008; Chester, Bunning, Tromans *et al.*, 2022).

dysfunctional methods to deal with such issues as impulsivity, being upset, bereavement, and family and mental ill health issues, and this led them into crime.

Risk factors in neurodivergent people such as suggestibility, compliance and acquiescence have been identified (e.g. Chappell, 1994; Gudjonsson, 2002; 2006; 2010; 2021; Gendle and Woodhams, 2005; Maras and Bowler, 2012; Woodbury-Smith and Dein, 2014; Chandler *et al.*, 2019; Gudjonsson, Vagni, Maiorano *et al.*, 2022; Allely and Murphy, 2023).

‘Suggestibility’ is the acceptance of information proffered by someone else (Maras and Bowler, 2012). The Gudjonsson Suggestibility Scale (GSS) was designed by Gudjonsson to gauge the level of suggestibility exhibited by people at risk during police interviews (Gudjonsson, 1984). Clare and Gudjonsson (1995) found learning-disabled people to be disproportionately inclined to be suggestible when being interviewed by police. In Gudjonsson (1988), the author discovered a correlation between intelligence and suggestibility when comparing 60 ‘normal’ subjects and 100 forensic patients.⁶⁹ All participants completed a Wechsler Adult Intelligence Scale – Revised or ‘IQ’ test and the GSS. Gudjonsson found that the lower the IQ the greater the degree of suggestibility. Murphy and Clare (1998) explained that the Gudjonsson Suggestibility Scale shows learning-disabled people to be less able than those with no learning disabilities to recall verbally presented passages and that they were more maleable when asked leading questions.

‘Compliance’ is an individual assenting to the suggestions of others even if the individual does not in fact agree with them (Maras and Bowler, 2012). Compliance can also occur

⁶⁹ Gudjonsson (1988) used inverted commas around the word ‘normal’ in his article.

because of a wish to avoid conflict (Calton and Hall, 2022). Research by Maras and Bowler (2012; 2014) concluded that autistic people could be no more suggestible, compliant or acquiescent than allistic people, but Gudjonsson *et al.* (2008) found ADHC people display a degree of compliance. The current research adds to the knowledge in this area, as shown in Chapter Four.

‘Acquiescence’ is answering yes to questions no matter what the questions are (Sigelman *et al.*, 1981). Murphy, Harnett and Holland (1995) and Howard and Tyrer (1998) say that learning-disabled people are more acquiescent, Sigelman *et al.* (1981) found a high risk of acquiescent answers in LD people, and Rammstedt, Danner and Bosnjak (2017) discovered that people with a lower educational level can be more acquiescent, all of which could have implications for LD people. Chappell (1994) argues that learning-disabled people are not *per se* more susceptible to acquiescence, it is more the approach with which information is generated. They are in an unfamiliar and threatening environment and could be scared. They might miscomprehend the questions and not be aware that their answers could be being misinterpreted (Gibbs and Haas, 2020; Foster and Young, 2022). They might answer ‘yes’ simply to please the investigator and because they think that is what they are expected to do (Woodbury-Smith and Dein, 2014). Though some studies have shown that women generally, regardless of any ND condition, can be more acquiescent than men, while other studies indicate there is no difference between men and women (Marin, Gamba and Marin, 1992; Weijters, Geuens and Schillewaertwhile, 2010.) In their research on learning-disabled people, Gendle and Woodhams (2005) found that police were unsure of how to formulate questions so as not to lead the learning-disabled suspect.

(In)Appropriate Adults and Registered Intermediaries

A section of both cohorts' surveys in this study asked about the provision of appropriate adults. Appropriate adults (AA) are utilised by police to support vulnerable suspects in interviews, whether those people are under 17 or if they are adults who have neurodivergent conditions/mental ill health. The subject of appropriate adults has been dealt with continually in the literature (including Chappell, 1994; McNally, 1996; Williams, 2009; Browning and Caulfield, 2011; McCarthy, Chaplin and Underwood, 2015; Chester, 2018; Richards and Milne, 2020; Hepworth, 2023). It is a repeat topic for Gudjonsson and his various colleagues (e.g. Gudjonsson, 1993; 2006; 2021; Gudjonsson and MacKeith, 1988; Medford, Gudjonsson and Pearse, 2003; Gudjonsson and Joyce, 2011). Appropriate adults were introduced in the *Police and Criminal Evidence Act, 1984*, section 1.7 to give help to suspects at risk (Dehaghani, 2022). Here it stated the conditions under which an appropriate adult should be sought and who could act an AA. They can be requested to help juveniles and adults at risk during police interviews. Anyone can act as an AA for someone who is 'mentally disordered or otherwise mentally vulnerable' (Home Office, 2023b, p. 63) if they are:

- Aged 18 or over
- A relative, guardian or carer, or
- Someone with experience of dealing with mentally vulnerable people (examples in Gudjonsson (1993) are social worker and psychologist)
- Anyone else who is not a police officer or employed by the police

(Home Office, 2023b).

A solicitor cannot act as an appropriate adult (Gudjonsson, 1993). An AA cannot give legal advice or discuss the alleged crime with the suspect (Gendle and Woodhams, 2005) and should be independent of both the legal advisor and the police (White, 2002). An appropriate adult's role is to support and advise the suspect, oversee fair treatment from the police, see that rights and due process are being observed, ensure the suspect understands their rights, assist communication between suspect and police (while respecting their right to remain silent), and to help the suspect understand the role of the AA (Chester, 2018; Home Office, 2023b). If an AA suspects or witnesses impropriety they can intercede and/or stop the interview (Richards and Milne, 2020). Hepworth (2023, p. 26) writes of concerns over the absence of explicit guidelines in PACE Code C with regards to what would render an interview unacceptable, '...should behaviours such as persistent questioning, raised voices and sarcasm (which can be especially challenging for autistic individuals) be deemed inappropriate during a police interview.'

White (2002) wrote about PACE giving no advice on how or when an AA should intervene and highlighted the lack of consistency in the provision of AAs, this latter point was indicated to some degree in the current study. Cummins (2011) had concern over the lack of guidance for AAs to determine whether an interview has been conducted to an acceptable standard. Cummins (2011, p. 308) described the role of AAs as ambiguous: 'not quite an advocate, not quite a referee.' Farrugia and Gabbert (2019) and Richards and Milne (2020) reiterated these problems, revealing that there were still concerns. Farrugia and Gabbert (2019) concluded that appropriate adults were not performing as PACE and its Codes of Practice indicated they should be, appearing to understand what they were meant to do but not to know when they should do it.

Cummins (2011) also raised concerns that those being asked to act as AAs were sometimes being chosen in an indiscriminate manner, be they trained or untrained. AAs have been found either not to intervene or to intervene inappropriately, not have full comprehension of their role and to be complaisant to or alienated by the police (Nemitz and Bean, 2001; Jessiman and Cameron, 2017). Leggett, Goodman and Dinani (2007) found a variable understanding among adults at risk as to what AAs are and what their role is.

A further problem is accessing AAs, in that while they can be available for juveniles there is no statutory duty for the provision of AAs for adults at risk and they are not always sought when they should be (Cummins, 2011; Jessiman and Cameron, 2017). An issue here is identification. If a suspect does not reveal ND status and police do not suspect it, they cannot know to request the provision of an AA (Leggett *et al.*, 2007; Bradley, 2009; Chester, 2018). Even when a vulnerability is disclosed, provision can be inconsistent (Richards and Milne, 2020). In their study, Leggett *et al.* (2007) found 27% of their learning-disabled participants were not granted an AA while Jessiman and Cameron (2017) discovered that 54% of their participants (with learning disabilities or mental ill health) did not have an AA present in interviews. Several reasons were put forward in Leggett *et al.* (2007) and Jessiman and Camerson (2017) as to why the ND suspects did not have AA representation. If a condition is not disclosed by the individual or suspected by the police, leading the police to not offer the option of having an AA. Others may not want an AA. Leggett *et al.* (2007) gave the example of a man who did not want to wait until an AA could arrive, finding an average wait time of 4 hours with some waiting 20 hours or more. There is also the possibility that the suspects may not understand or be aware of the advantages of having AA representation or be unaware that they could ask for one. Jessiman and Cameron (2017)

revealed AA provision could depend on how sympathetic custody sergeants were to the detainees' conditions. Both the Leggett *et al.* (2007) and the Jessiman and Cameron (2017) studies experienced limitations due to their small sample sizes. Leggett *et al.* (2007) was a small study with 15 participants in one county which could reflect AA provision in only that region, meaning results might not be generalisable to the whole country. Jessiman and Cameron (2017) were unable to recruit any police in two of the four regions they approached so there was limited police involvement [*n* 4]. With thirteen participants, their service-user sample was also small. Added to this is the further limitation of their choice of a focus group data collection method, which could have had the effect of stifling open participation if the participants felt that their privacy and confidentiality could be compromised.

Problems have been identified in the use of relatives, friends and other untrained individuals as appropriate adults for ND adults (Gudjonsson, 1993; Pearse and Gudjonsson, 1996; Robertson, Pearson and Gibb, 1996; Hepworth, 2017; Jessiman and Cameron, 2017). Gudjonsson (1993) said that relatives make unsuitable AAs because they are too emotionally connected to the detainee to be objective. Also he found incidences when the AA had learning disabilities sometimes of a considerably greater nature than the suspect at risk. Cummins (2011) told of father whose low IQ meant he could not fully understand his role. Medford *et al.* (2003) found family member AAs were more likely to intervene in an inappropriate, obstructive and purposeless manner, answer on the suspect's behalf and act as an investigating officer. Hepworth (2017) pointed out that official, trained AAs had the potential to enable more accurate information to be elicited in interviews. This is because family members would be so familiar with the neurodivergent suspect's communication

style that they might not realise the suspect's comments are being misinterpreted.

However, in Crane *et al.* (2016) it was discovered that the police prefer someone known to the suspect, considering them more useful due to their understanding of the suspect. The current research also found a preference among some police to use someone known to the suspect.

The idea of training people to be appropriate adults for neurodivergent people has been raised, since a lack of training is a criticism levelled at official AAs (Gudjonsson, 1993; Medford *et al.*, 2003; Leggett *et al.*, 2007; Bradley, 2009; Cummins, 2011; Hepworth, 2017; Chester, 2018). As long ago as 2009, Bradley (2009) was recommending training so that AAs could provide support more effectively for adults at risk and young people. Though even training might not solve all problems if it is not done properly or if it is underscored by previous conditioning, as discovered by Richards and Milne (2020) when they surveyed a mix of both volunteer and employed AA participants from AA organisations around England and Wales. They discovered that only 28.6% of those who responded had received autism training, and they found stereotypical and inaccurate knowledge was held about autistic people by some of their study participants. These were official AAs whose role it is to help vulnerable people in the interview room. Richards and Milne (2020) recommended further research to assess if stereotypical knowledge of autism could negatively impact the quality of the help that AAs can contribute to autistic suspects. The researchers cautioned that AAs need training to understand how autistic traits can place an autistic suspect at a disadvantage in a police interview. 'Role-specific autism training' for CJS professionals (including AAs) is important, as general autism knowledge is not enough to ensure that a police interview is navigated successfully by the autistic suspect (Maras and Mills, 2021,

n.p.). Role-specific training for police has also been suggested by Crane *et al.* (2016) and Holloway *et al.* (2022). Maras and Mills (2021, n.p.) considered the Richards and Milne (2020) AA research to be ‘much overdue’ and expressed concern over how little research there is concerning autistic suspects and their support requirements.

Registered intermediaries receive several mentions in the literature (TAG, n.d.b; Jacobson, 2008; Gudjonsson, 2010; Gudjonsson and Joyce, 2011; Stewart, Woodward and Hepner, 2015; NAS, 2017; Chester, 2018; EHRC, 2020; Ministry of Justice, 2023), especially by Maras and Crane (e.g. Crane *et al.*, 2016; Maras, Crane, Mulcahy *et al.*, 2017; Maras *et al.*, 2018). A registered intermediary (RI) is someone who aids a person at risk who is a witness or victim when they are giving evidence to police or in criminal courts (Ministry of Justice, 2023). They are trained communication specialists. They have been recruited and selected by the Ministry of Justice and are specially trained and assessed (Gov.uk, 2023b). They are impartial and are responsible only to the court irrespective of who employs them, such as the police (Chester, 2018; Maras *et al.*, 2018; Ministry of Justice, 2023). The role of the RI is more involved than that of the AA. RIs assess witness profiles and recommend how to help the witness to give best evidence. They are not thought to increase the accuracy of recall but can help to reduce anxiety (Maras *et al.*, 2018). According to Howard *et al.* (2015) and Chester (2018), provision of RIs is just as inconsistent as that of AAs. They are also expected to be self-employed, there being no central agency of permanently employed staff (Gov.uk, 2023b).

In England and Wales the RI scheme is not available for defendants or suspects (Chester, 2018; EHRC, 2020; Ministry of Justice, 2023). Stewart *et al.* (2015, p. 894) reported a 2014

England and Wales High Court ruling about the denial of a defendant's use of an RI, the court being 'puzzled' by this. According to the National Autistic Society (2017, n.p.) '[a]t the discretion of the judge, [a registered intermediary] can also be put in place for a vulnerable defendant.' The RI scheme is available in Northern Ireland for defendants (n.i.gov.uk, n.d.; Crane *et al.*, 2015) demonstrating that it is possible to extend the scheme. In 2023, a suspect in the Briana Ghey murder case, Eddie Ratcliffe, was provided with an RI for his police interviews. The RI was instructed by Ratcliffe's solicitor, Colin Rawson, and was engaged before the young man's subsequent diagnoses for autism and ADHC. The RI was instructed due to Ratcliffe's youth and general vulnerabilities, not because he was known at the time to be autistic and ADHC (Rawson, 2024).

Police Training

This area has received a lot of attention in the literature (e.g. Howard and Tyrer, 1998; Gendle and Woodhams, 2005; Gudjonsson, 2010; NPIA, 2010; Cummins, 2011; Crane *et al.*, 2015; 2016; Hepworth, 2017; 2023; Maras *et al.*, 2018; Young and Brewer, 2020; Christiansen, Minich and Clark, 2021; Reveley and Dickie, 2023) and is an important theme in the current study (see Chapters Four and Five). Despite this attention, current police ND training remains 'bit-part or non-existent' (Masterton, 2018, p. 1). What there is has been found to vary enormously and it is not mandatory (Beardon *et al.*, 2018; Holloway *et al.*, 2022).

Research in relation to police autism knowledge and training that features prominently in this thesis is that by Crane *et al.* (2016). Online questionnaires were used to ask 394 police officers and 31 autistic adults (as well as 49 parents of autistic people) from around England

and Wales about their experiences when encountering each other. Using Likert scales, the police participants graded various aspects of their contact with autistic people (victims, witnesses and suspects). They were asked about their interviews with the autistic individuals, the obtaining of written statements, the appropriateness of the interview room, what adaptations they made, if any, to accommodate the autistic person, how satisfied they were with how they managed the autistic individual, and about their current training and knowledge about autism. The autistic participants were also asked about what adaptations were made for them and how satisfied they were with the encounter. Findings from Crane *et al.* (2016) can be found throughout this thesis.

A case featured in Hepworth (2023) demonstrates the need for mandatory ND training. In 2021, a police officer based in Mersyside's Safer School unit was convicted of assault after dragging and kicking a 10-year-old autistic boy. '...this serves to highlight the fundamental need for mandatory autism and neurodiversity training for all frontline officers' (Hepworth, 2023, p. 31). A further example is given in Smith (2022), where a 19 years-old autistic man was the subject of forceful restraint and arrest, despite the police being informed he was autistic and sensitive to touch and that time and patience were all that were needed. A proposed Police Officer Training (Autism Awareness) Bill from 2017 to 2019, which urged mandatory police autism training, was thwarted when it 'failed to complete its passage through Parliament before the end of the session' (Parallel Parliament, 2019, n.p.) and no information has been found that suggests there is a plan to resubmit this bill. The proposed awareness bill was concerned only with autism, not the other ND conditions that could cause issues for police and suspects. However, there has been an interesting recent development in this area. In May 2023 it was announced that the City of London Police will

pilot a scheme to screen for ADHC in police custody. Initially using the Adult ADHD Self-Report Scale, this scheme aims to detect undiagnosed ADHC in suspects to enable referral for diagnosis and support (Police Oracle, 2023). This is a first for England and Wales.

Holloway *et al.* (2022) performed a pilot study of the role-specific autism training they had devised. The training was developed over a year long period in a coproduction with police officers and autistic people 'with lived experience of the criminal justice system and/or expertise in socio-legal research' (Holloway *et al.*, 2022, n.p.). They also devised an autism toolkit which contained both written and visual material for use by custody staff and autistic detainees but this was not included in the pilot study. The training featured the identification of autistic people, how best to communicate during the custody process, the need for information to be delivered in an accessible manner, the sensory issues that can be sparked by the custody environment, and the impact that police custody can have on autistics. The study later compared the participants' autism knowledge before and after the training. The authors assessed the participants' perceived knowledge of autism prior to and post training rather than their actual knowledge. An issue that presents itself here is that with self-rating it could be difficult to determine if the officers are over-rating or under-rating their knowledge. In addition, the pilot study was aimed solely at custody staff and not the patrol officers who would first encounter the autistic person or officers conducting investigations. Holloway *et al.* (2022) argue for more role-specific training, such as first responders and investigators, rather than one-size-fits-all instruction, as do Crane *et al.* (2016) and Maras and Mills (2021).

The training was delivered to 142 members of custody staff across five English and Welsh forces. This training was delivered in the form of in-person presentations with videos. The

researchers pointed out the suggestion found in Teagardin *et al.* (2012) and Railey *et al.* (2020) that in-person delivery could be preferred over online/video training only, and that opportunities to interact and reflect should be included in training. The study was received favourably by the officers involved.

The Oliver McGowan Mandatory Training on Learning Disability and Autism is a three-tier training plan for use in health and social care settings and became law in 2022 (Reveley and Dickie, 2023). It features interactive online and in-person training delivered by a learning-disabled person and an autistic person, as well as a facilitator. When asked by this author if the training could be adapted for delivery to police officers the instigator of the training, Paula McGowan (2023, n.p.), replied, *'I absolutely believe Oliver's training can be adapted for [...] public service. I am aware that many police departments have already done Oliver's training as it currently is.'*⁷⁰ The Oliver McGowan training is an already available and free resource that could be adapted (in a co-production between police trainers and neurodivergent consultants) specifically for police use. Reveley and Dickie (2023) also agree that the McGowan training could be adapted for police use.

Chapter Conclusion

This chapter explored the literature surrounding neurodivergent conditions and has provided an examination of the ND/CJS user literature from the early days of concern in this area in the 1970s, with the Fisher Report (Fisher, 1977), up until this year (2024). It tackled the history and the sometimes confusing and contradictory terminology used to describe

⁷⁰ Link to the Oliver McGowan training (including an explanation as to who Oliver was): <https://www.hee.nhs.uk/our-work/learning-disability/current-projects/oliver-mcgowan-mandatory-training-learning-disability-autism> (McGowan, 2023).

the types of individuals who come under the umbrella term of 'neurodivergent'. This is important in the context of this research because this is the terminology police would be expected to understand when dealing with ND suspects and other ND CJS service users. Historic and current prevalence rates of autism and other ND conditions have been investigated along with the supposed male-to-female ratio and the problems surrounding the diagnosis of autism and other ND conditions in females. It featured a look at the academic research regarding a link between autism and violence. It looked at how autism is portrayed in the media and probed issues with the caution and Notice of Rights and Entitlements, the police's arrest and detainment procedure and the PEACE interview method. What has been revealed is that the last forty-five years have seen a great deal of improvement in police procedure and police attitudes when dealing with detained people. The *Police and Criminal Evidence Act 1984* engendered several reforms. Code C of the Act brought about specific ways in which suspects, including suspects at risk, should be treated and questioned. The Bradley report (2009) and NPIA (2010) guidance further paved the way for adjusting the way police deal with people at risk, be they witnesses, victims or suspects. The use of appropriate adults and the issue of police ND training were also examined.

While changes have been made to the management of ND suspects in the CJS, authors like Gudjonsson are still writing and warning about the same issues as they were in the 1980s: an indication that there remain improvements to be made.⁷¹ ND research, especially autism research, has become commonplace but research is not translating into solutions to the issues raised or into deeper understanding of autism and its often co-occurring ND conditions. Dated language still litter research and opinion pieces, and there seems to be as

⁷¹ Collaborating as recently as 2024 in Woodhouse *et al.* (2024).

much confusion and misunderstanding of what it means to be neurodivergent as there ever was.

Research into ND experiences of other CJS services is important, but the police are the first point of contact with the system (Parsons and Sherwood, 2015; Smith, 2022). A satisfactory outcome here can only make a neurodivergent person's passage through the rest of the system run more smoothly or perhaps result in them being diverted out of the CJS altogether and into more appropriate services. Research that compares the opinions of both police officers and neurodivergent people who have been interviewed as suspects is scarce. The only ones found pertain only to autistic individuals. Other areas of neurodivergency are comparatively neglected.

CHAPTER THREE: METHODOLOGY AND METHOD

Chapter Introduction

This chapter details the research design and methodology used for this study. It will discuss the study, the method and the ethical issues that were involved in: creating the survey questionnaires; the rationale for the survey questions; accessing the research samples; obtaining, collating, analysing and presenting the data that was collected; the ethical considerations; and the limitations of the study. It will feature the progression through the research, a reflection on the problems experienced during the fieldwork period and will link to the research literature throughout. During this chapter I will be reflecting on the difficulties of gaining access to my research participants, and the issues that arose when conducting the survey and during the analysis of the data the survey produced.

Methodological problems surfaced as the survey progressed and alterations had to be made to the original plan.

Method

The approach taken for this study was one of mixed methods, combining both quantitative and qualitative research (Mason, 2006). Quantitative research has its origins in the seventeenth century, but the methods were not refined until the 1930s (Alasuutari, 2010). Quantitative data are data that can be measured and can be quantified numerically. These structured measurements permit objectivity, statistical analysis and comparison (Goertzen, 2017). However, quantitative research does not reveal the motivation for people thinking or acting in particular ways (Goertzen, 2017). Qualitative research came about through psychological studies, beginning with psychologist Paul Felix Lazarsfeld in 1925, when

researchers realised that they could not adequately assess human experience using numerical data alone (Pathak, Jena and Kalra, 2013; Bailey, 2014). Qualitative methods generate data from words instead of numbers (Bryman, 2004; Busetto, Wick and Gumbinger, 2020) and provide explanation of human actions and reactions (Pathak *et al.*, 2013). Pathak *et al.* (2013) considered quantitative research to be more dependable because of its objectivity, but they pointed out that the non-numerical data produced by qualitative methods reveals motives behind attitudes and behaviour and creates understanding of experiences. Mason (2006, p. 10) argued that ‘a ‘qualitatively driven’ approach to mixing methods’ provides the best potential for understanding something as complex as social experience. While this was a mixed methods study, the ND survey evolved to be slightly more qualitative, with the quantitative data providing basic descriptive statistical analysis to help contextualise the qualitative analysis. Meanwhile the police survey became primarily quantitative with some qualitative data adding detailed context.⁷²

According to Palinkas, Horwitz, Green *et al.* (2015) there have been calls in recent years for more use of mixed-method designs. They claimed there is an improved understanding of the issues than what would be obtained by qualitative or quantitative research alone. Alasuutari (2010) pointed out the increased growth of interest in mixed-method research since the 1980s. A mixed method design was used by Gibbs and Haas (2020) for their research into the experiences of autistic adults and their parents/carers who had interacted with police as victims, witnesses or suspects. They asked qualitative and quantitative questions in questionnaires and later conducted semi-structured interviews. It was also

⁷² The reasons why this occurred, and the questionnaires’ contents will be discussed in more detail later in this chapter.

utilised by Crane *et al.* (2016) in their questionnaires surveying police and ND people and their parents/carers. As such, a mixed-method approach was deemed as the most effective way of meeting the aims of the research questions in this study because the quantitative data would allow an equivalent comparison between cohorts, while the qualitative data would be used to provide context for the quantitative data. The quantitative data in this survey consisted of answers to Likert scale (see McLeod, 2019) questions that asked about the levels of satisfaction felt by the participants for various aspects of their experiences and, in the police survey, how confident the officers felt about dealing with ND suspects. There were also some yes/no questions and multiple-choice questions.

The data collection method used was surveys in the form of online questionnaires (see Appendix B for the questionnaires). The surveys were exploratory in nature using primary research, collecting firsthand data directly from participants (Driscoll, 2011). Exploratory research is used to examine subjects that thus far have not been investigated in detail or at all (Neuman, 1997; George, 2023). As already mentioned, few studies have compared the perspectives of both police and ND suspects, with Crane *et al.* (2016) being the only such study discovered when the current research commenced. Therefore, exploratory surveys were considered the most appropriate data collection method for this research. Novel exploratory questions were asked in the current research in various areas, including the comprehension of the caution and the Notice of Rights and Entitlements.

There were two questionnaires, as the study was comprised of two cohorts:

- Police officers from a targeted regional police service who had had experience of interviewing suspects in the previous five years

- People with neurodivergent conditions who had been interviewed or stopped and questioned as suspects in the previous five years.

The key rationale for using questionnaires is that they allowed participation for those neurodivergent people who are minimally-speaking or non-speaking. Estimates for the percentage of autistic people who are minimally-speaking or non-speaking ranges from 25% to 30% (Wan and Schlaug, 2010; Deweerdt, 2013; Rose, Trembath, Keen and Paynter, 2016).⁷³ Also, being autistic myself, I recognise my own limitations and preferences. I prefer written communication too. Howard and Sedgewick (2021) discovered reasons for the autistic preference for written communication included more thinking time and no necessity to 'mask', and this structured form of communication gave a sense of control. A further benefit to using written questionnaires is that they are a convenient and inexpensive way of gathering data from many people within the confines of a time limit, particularly if the participants are distributed over a large geographical area (Ng, 2006).⁷⁴ Questionnaires are a very widely used method of data collection (Rowley, 2014; Taherdoost, 2016). The questionnaires were distributed using Qualtrics, a web-based survey tool.⁷⁵ It was used to create the questionnaires, allow participant access and provided a breakdown of the data.

However, it is important to acknowledge that conducting face-to-face interviews (whether in person or online) rather than using a questionnaire would have enabled me to engage more with the participants, and interviews could have been adapted more easily than questionnaires to fit people's needs (Bloch, Phellas and Seale, 2011). I could have

⁷³ Some of these estimates come from studies on children only.

⁷⁴ I sought (and subsequently obtained) volunteers for the ND cohort from all over England and Wales. Details later in this chapter.

⁷⁵ Qualtrics software, version (January 2022), copyright© (2022) Qualtrics.

ascertained in real time whether they understood what was being asked and obtain more detail if required (Bloch *et al.*, 2011), but there are immediately problems with this method as far as autistics are concerned. The Howard and Sedgewick (2021) survey asked autistic people about their preferred method of communication. Emails, texts and other written electronic media were the most preferred methods while telephone was the least preferred. Speaking in an online interview would not be too dissimilar to speaking on the telephone. Another benefit of a written questionnaire was that the questions could be answered at a time which was convenient for the participant. This was an advantage for busy people who would find it difficult to commit to a specific time on a specific day for what could be a great length of time, depending on how much the interviewee had to say. With written surveys, there would be less pressure and this may have been an encouragement with regards to asking for volunteers for both cohorts. Compared with the dynamic nature of an interview, the fixed nature of questionnaires creates a limitation of not being able to elicit additional information if a response provokes a requirement for more detail. To offset this, I initially asked the survey participants if they would permit me to email them at a later date if I had any further questions based on what they had told me. As will be discussed later in this chapter, this option became unfeasible when the surveys became anonymous. The Qualtrics anonymisation process is explained below in the Ethics section.

The focus group method of data gathering was rejected from the beginning because a group setting might stymie genuine responses as the participants might feel it necessary to give socially acceptable answers (Hollander, 2004), and the reduced verbal ability and social

reciprocity in the ND people would make focus groups uncomfortable places for the participants, so it could also deter potential recruits.

The two surveys contained a mix of open and closed questions, with the closed questions comprising the dichotomous and multiple-choice answers as well as Likert scales. There are advantages and disadvantages attached to the use of open and closed questions. The advantages of open-ended questions are that they can reveal something unexpected, they are not restrictive, and it is easier to answer questions on complex issues (Copeland, 2017). The disadvantages are that they could result in too much and unnecessary detail, it can be difficult to compare results, and the questions might be challenging for people who are less literate (Copeland, 2017). At least one of the ND participants was dyslexic, at least two were dyspraxic, one stated 'learning problems' and two did not disclose their condition/s. Furthermore, at least one participant did not have English as her first language.⁷⁶ Then there is the length of time it would take to answer such questions, which might prove off-putting to busy people (Reja, Manfreda, Hlebec and Vehovar, 2003; Copeland, 2017). For closed-ended questions, the benefits are that they are quicker to answer, they make comparison between surveys easier, they are less demanding for those with learning differences, and later study replication is more straightforward (Copeland, 2017). This is offset by drawbacks such as simplistic answers being given to complex issues, it might not be noticed if the question has been misinterpreted, and they can force an answer when the person's desired answer is not included (Reja *et al.*, 2003; Copeland, 2017). To counteract this last point, options such as 'other', 'none' and 'don't know' were included in questions where relevant.

⁷⁶ This was explicitly stated in one of her responses.

There are extra considerations to be borne in mind when creating a survey for people who are neurodivergent. The asking of open-ended questions, while eliciting more accurate details in most people, does not always have this effect with autistic people, according to Gendle and Woodhams (2005) and Hepworth (2017). More information with more accurate detail is gained from some autistic people by asking closed questions, as claimed by Hepworth (2017) and Farrugia and Gabbert (2020). Autistic people commonly require much more clarification with open-ended questions and can give a lot of irrelevant information and unnecessary detail (Hepworth, 2017; Farrugia and Gabbert, 2020). Farrugia and Gabbert (2020) reported research that indicates that the open questioning of adults at risk is counterproductive, producing fewer correct details. White, Burgess and Hill (2009), in their study on autistic children, found that open-endedness interfered with executive function.⁷⁷ Meanwhile, with any ND participant with co-occurring learning disabilities there is a risk of acquiescence when asking closed questions (Sigelman *et al.*, 1981), and Mencap (2016a) states that it is better to ask open-ended questions of those with learning disabilities, though it does not elaborate as to why. This is contradictory to Copeland (2017) who says that less articulate and less literate people are at a disadvantage with open-ended questions. In the event, none of my participants stated they had learning disabilities. One had 'learning problems' but the nature and extent of those problems were not disclosed.

There was a balancing act between addressing the preferences of different combinations of neurodivergent conditions (both between participants and within individual participants),

⁷⁷ Executive functioning is a set of mental skills, controlled by the frontal cortex, that include memory, time-management, planning, self-control and adaptable thinking (Demetriou, DeMayo and Guastella, 2019; Young *et al.*, 2020). There is a 'substantial' co-occurrence of reduced executive functioning with autism (Lee, Ward, Lane *et al.*, 2023, p. 688) and with ADHC (Kofler *et al.*, 2020), and it is thought to occur in 40% of ADHC people (The ADHD Centre, 2022) and up to 80% of autistics (Bennie, 2018).

and another between asking for enough of the desired information while not intimidating, leading or obstructing the participants. It would be difficult to compose a more closed-question survey and receive answers with the depth required, and unfeasible to write a more open-questioned survey as this would require a literacy level that may have been absent in respondents with learning differences. A compromise was reached. Care was taken not to ask leading questions, though there needed to be some guidance in the open questions as to what was expected. Therefore, the open questions were followed by prompts to give some guidance to the respondent, without leading them to a specific answer. The survey could not be too lengthy or complicated because of ND information processing issues, limited attention span and possible reading difficulties. As well as the type of question there was the issue of the language in which the questions were couched for the ND survey. It had to be accessible enough for those with learning differences whilst not coming across as too patronising for those with no learning issues. I had created a recruitment poster to ask for volunteers. The poster contained the eligibility requirements of the participants I hoped to recruit, the intended research, how to volunteer, and my university email address. On it I highlighted the accessibility of the language to encourage some and offset any umbrage in others. All but two out of 27 respondents answered the qualitative questions to varying extents. Then there was the obligation of having to tread delicately with the ND participants because of the sensitive subject being discussed and the vulnerable nature of the participants. There were different issues with constructing the police survey. Here, too many qualitative questions would create a protracted survey that could prove off-putting to busy officers. While my preference was to ask more open-ended questions, I had to prioritise closed-ended questions in a bid to ensure participation.

However, after some closed questions I provided the opportunity for officers to give more, qualitative, information if they wished to do so and most of the officers did.

I utilised purposive sampling, which is also known as purposeful sampling and judgement sampling (Battaglia, 2011; Palinkas *et al.*, 2015). This is a form of non-probability sampling which is used when a specific population is required, rather than the random sampling of a larger population (Battaglia, 2011; Etikan, Musa and Alkassim, 2016). Purposive sampling:

...is the deliberate choice of a participant due to the qualities the participant possesses [...] the researcher decides what needs to be known and sets out to find people who can and are willing to provide the information by virtue of knowledge or experience [...] concentrate[s] on people with particular characteristics who will better be able to assist with the relevant research (Etikan *et al.*, 2016, pp. 2-3).

Campbell, Greenwood, Prior *et al.* (2020, p. 653) described purposive sampling as being better for 'matching [...] the sample to the aims and objectives of the research' and claimed that the rigour of the research is improved by using this method. It can improve the depth (rather than breadth) of understanding of the subject under investigation (Palinkas *et al.*, 2015). It is the process of utilising the whole population within the relevant parameters, as opposed to selecting specific participants from that population. Purposive sampling was the most relevant sampling method for this study as this research concentrated on specific communities and only people from those communities would be able to provide the necessary information. The research could not and was not designed to be extrapolated out

over the general population. In fact, it is important to note that inferences could be gained only from answers given by those who responded and not from the entire target population (Small, 2009). Purposive sampling is better used for smaller sample sizes. This is due to the subjectivity employed in the selection of participants and where there is no intention of extrapolating the results to other populations (Battaglia, 2011; Etikan *et al.*, 2016).

There was a small sample size in each cohort, and there can be issues with small sample sizes. For example, a study's ability to detect small and moderate effects decreases with decreased sample size leaving only large effects apparent, creating the possibility of the robustness of a study decreasing with sample size (Morgan, 2017). This means that assessing statistical significance with small cohorts can be difficult as the sample size can be too small to detect differences (Leppink, Winston and O'Sullivan, 2016). Also, statistically significant results obtained from small samples can be erroneously seen as being a real effect (Leppink *et al.*, 2016). However, a benefit to small samples is the speed with which a study can be conducted, a vital consideration when conducting a study that needs to be completed within a time limit (Hackshaw, 2008). Research with small cohorts can still be valuable, especially if the results are not to be extrapolated over large populations (Faber and Fonseca, 2014) because when research questions are asked in small sample studies they are often being asked of underrepresented groups (Etz and Arroyo, 2015), as is the case in this research.

There can be several reasons for small sample sizes. Issues experienced in this study included small and hard to access target groups (van de Shoot and Miočević, 2020). Only around 15% of the population of the UK is in some way neurodivergent (Henley and Jordan,

2020).⁷⁸ Between April 2021 and March 2022, 1.1% of the population of England and Wales was arrested (Gov.uk, 2023a).⁷⁹ The intersection between ND people and people being treated as a police suspect would have been small, resulting in a limited number of participants (Leppink *et al.*, 2016). Catalogued below are the problems I encountered accessing my ND participants. The police participants were drawn from one regional force and needed to have had experience interviewing ND suspects since 2017, so this would also not have been a large pool from which to draw my volunteers. A time limit of five years since their last encounter was decided upon for two reasons. It would be unrealistic to compare the experiences of an officer or someone encountering the police some time ago with those of someone with more recent experience. There have been some improvements in society with regards to ND awareness and acceptance in recent years (Autism Together, 2019) and attempts to legislate and to give guidance to police (Bradley, 2009; NPIA, 2010; CJI, 2021; MoJ, 2022). An officer with older experience could have been at a disadvantage, having perhaps not benefitted from more up-to-date training or being less influenced by more modern attitudes. Also, it was to ensure as much recall as possible as it is unreasonable to expect a great amount of recall from incidences that occurred a long time ago (also reasoned by Holloway *et al.*, 2020). Gibbs and Haas (2020) also used a five-year cut-off date.

I was eventually to acquire 26 to 27 ND participants and 27 police participants. The reason for there being 26 to 27 ND participants is because one participant answered few questions.

This means some quantitative results are out of 26 participants and others are out of 27.

This will be explained further later in the chapter. Fofana, Bazeley and Regnault (2020)

⁷⁸ This figure does not include those with mental ill health conditions alone. See Chapter Two for conditions classed as ND and for individual prevalence rates of some of those conditions.

⁷⁹ This does not consider people who were spoken to by the police but not subsequently arrested.

attempted to find a suitable sample size for mixed studies. There was no definitive answer, just concerns around reaching saturation. If a sample size is too small there is the possibility that saturation (the obtaining of information until no more significant details are forthcoming) would not be reached (Palinkas *et al.*, 2015). Then there is the point at which saturation has been reached and any results obtained after that point are superfluous (Fofana *et al.*, 2020). Mason (2010, n.p.) considers saturation in qualitative research to be ‘the guiding principle’. In the current study there was a mix of saturation points, with saturation being reached with answers to some questions but not with others.⁸⁰

The Surveys

This section first examines the co-creation of the ND survey with the assistance of three ND participants, then moves onto the use of the first few submitted police surveys to assess the suitability of the police survey. The survey questions will then be discussed later in this section.

Co-creation of the ND Survey

The following paragraphs explain the path taken to co-create the ND survey with ND people who had lived experience of being CJS service users. Co-creation involves collaboration with stakeholders involved in the project (Vargas *et al.*, 2022). For the study, I required an initial two or three people to act as my co-creators of the ND survey. This co-creation and ND input was important as it was to be used to ascertain the practicality and feasibility of the survey and to identify any unanticipated problems. The participants would be asked for their input and alterations could be made as required. Other aims were to ascertain if the

⁸⁰ See Chapter Four.

survey was the most appropriate data collection method for the neurodivergent volunteers or if I needed to offer an interview option,⁸¹ and if the survey and information were written in accessible enough language, as discussed earlier in this chapter. I had already mentioned my research to an autistic acquaintance who I knew had attended a voluntary interview. They knew of an ADHC person who had been arrested and interviewed. They both agreed to take part in the survey and to act as my co-creators. My acquaintance is university educated while their friend has a non-specific learning difference as well as ADHC. Both said they found the language in the survey acceptable. Both saw questionnaires as the best data collection method and neither saw any problems nor had any queries.

When an autistic person contacted me after seeing a post of mine in a Facebook autism group I had a third person who agreed to test the survey. This participant, Nex (not their real name), found no issues with the survey itself but had some queries about information on the recruitment poster I had posted on social media and the participant information sheet (both the poster and information sheet can be found in Appendix C).⁸² Nex wrote:

It says on the info sheet that 'I'm no longer distressed' by having been arrested. I am and always will be distressed about having been arrested, as I should think most people will be, so can I ask what that bit's about and whether you're not wanting anyone who found it distressing and still finds the memory distressing to take part?

⁸¹ Discussed later.

⁸² More details about the poster and information sheet below.

I'm also not clear on whether you're going to be getting in touch with the officers who arrested participants or not as the wording seemed to imply that you are, as you've said about hearing their side of arrests, so could you clarify that as well?

After this feedback I made small alterations to the relevant documents. I was able to elucidate about the 'no longer distressed' area and explained that it meant someone who is so distressed that taking part in this study could cause them serious harm.⁸³ Another part I needed to make clearer on the information sheet is Nex's other point. I added the sentence: 'I will **not** be contacting the police officers who interviewed you. The police officers who take part will be random volunteers.' I was able to reassure Nex on all the points they raised and they duly completed my survey, giving me some extremely interesting information which will appear in due course.

Assessment of the Police Survey

Due to the issues involving the anonymity of the police survey (see 'Recruitment and Access' below) there was no opportunity for police consultation with regards to the police survey. Instead I was going to examine the first three submitted responses for any potential problems so that I could make any changes necessary if there were any issues with the police survey. Unfortunately, I did not realise for some days that I had had any responses. I was notified of responses to the ND study by emails from Qualtrics and expected the same to happen for the police survey. I could not understand why this issue had occurred but I managed to rectify the problem. Eight responses had been submitted and these were used

⁸³ This is explained in detail in the section on ethics later in this chapter.

to assess the suitability of the survey. While processing these responses I noticed answers were missing from one of the questions.⁸⁴ In the demographic questions, after being asked, 'Do you know someone who is ND?', demographic question (DQ) number 7 asked, 'Who do you know who is ND?', followed by a list of multiple-choice answers. After these answers the participants were asked, 'Please state which conditions you have experience of through the ND people you know', which was accompanied by a text box. None of the six participants who had answered DQ7 had entered any text, which left me not knowing with which conditions the participants were familiar.

I wondered if this part of the question was being overlooked. I altered the question in Qualtrics so that the words 'please state' were in block capitals to make it clearer. In the next three responses two stated that they knew someone who was ND. Only one told me which condition was involved. The 'conditions' text box for the other response was again left blank. The answer to this question would give me important information. If a police participant knew someone with an ND condition this would give that officer some 'inside information' and that could affect their later answers about training, experience and confidence around ND suspects. Another alteration was necessary. Not wishing to renumber the DQs I instead split DQ7 into a and b, with, 'Please state which conditions you have experience of through the ND people you know', now forming the separate question of DQ7b. This worked. Of the ten relevant responses after this, nine of them answered this question.

⁸⁴ The police survey is discussed in the results chapter, Chapter Four, and the questionnaire can be found in Appendix B.

The only other methodological issues with the questions that became apparent in these first responses was a minor one. For question 4 I asked about which ND conditions the officers had experience with regards to suspects. It puzzled me that two responses had answered 'other' and then entered in the text box 'Learning differences, autism, ADHD' and 'all the above'. I had instructed that they could choose more than one from the list of options. On inspection of the survey in Qualtrics I discovered that I had not set that question to allow multiple answers. I immediately rectified this.

Overview of the Survey Questions

The survey questions can be found in Appendix B and are discussed further in Chapter Four, but the question types will be probed here. The presentation of the qualitative data in Chapter Four involves the inclusion of verbatim quotations from both groups of participants. A decision was taken to perform a small amount of editing on these quotes. They have been edited to correct typing errors, missing punctuation and spelling mistakes. This is to allow for ease of reading. Other editing decisions were not to indicate with ellipses if the quote comes in part way through a sentence or if the sentence continues after the quotation as these were not necessary for clarification. However, I have used [...] to indicate gaps. Some quotations are from different parts of the same response and some are an amalgamation of answers from two different questions.

The surveys asked both cohorts about their most recent experience. As explained above, the rationale for using a five-year cut-off date was to enable as much recollection as possible, and because it was unfair to compare the experiences of an officer or someone

encountering the police some time ago with those of someone with more recent experience.

Part of this study involves neurodivergent active participation, with regards to ‘nothing about us without us’ (Chown, Robinson, Beardon *et al.*, 2017, p. 721; Fletcher-Watson *et al.*, 2021, n.p.; Stark *et al.*, 2021, p. 198), a motto from the disability rights movement. It was heard by Michael Masutha and William Rowland (of Disabled People South Africa) at an international disability rights conference and they subsequently employed it. It was later utilised by autism self-advocates (Charlton, 1998). The literature revealed very little research about ND people that involves ND people as anything more than the subjects. One objective of this study was the inclusion of ND people, not just as subjects but also by more meaningful participation (Fletcher-Watson, Adams, Brook *et al.*, 2019). So it was to this end that the ND survey included the final questions mentioned in this chapter.

Both surveys began with eligibility questions with yes/no answers. A ‘no’ to any question would take the would-be participant straight to the ‘thank you’ note at the end of the survey. This occurred multiple times with people who attempted the ND survey, and there were almost as many failed respondents as successful ones. Both sets of eligibility questions can be found in Appendix C. There then followed the consent form before the surveys began, which will be discussed in the Ethics section below.⁸⁵ Both surveys featured demographic questions which included gender and age-range for all participants, ND

The consent forms can be found in Appendix C.

condition for ND participants, and length of service and any personal experience of ND conditions for the police.⁸⁶

Regarding the ND survey, with sources such as Wood-Downie *et al.* (2021) and Oppenheim (2022) claiming that there are more males than females diagnosed as autistic and ADHC, I wanted to know the gender identities of the ND participants and discover if I had managed to reach the section of the population that I was worried I might miss (as discussed in Chapter Two), namely ND females. The age question was asked of the NDs because I wanted to know the overall age range of the participants. With older adults not receiving diagnoses until, sometimes, quite late in life (Huang *et al.*, 2020) I wanted to discover if the participants were distributed over a large age range and if I was getting experiences from people of all ages.

It occurred to me midway through the collection of ND data that there might be an issue regarding the age of my participants when they were arrested or otherwise spoken to by police as people deemed to be exhibiting suspicious behaviour. They may be 18 or above now, but were they adults when they were questioned? It is standard practice to provide an appropriate adult for a minor and to employ a different approach to interviewing (Youth Justice Legal Centre, n.d.; Slavny-Cross *et al.*, 2022; Home Office, 2023b). This might skew some of my data since later questions (see Chapter Four) asked about the provision of an appropriate adult. I had two participants who answered that they were aged '18 to 25'. One responded before the survey was made anonymous so I was able to ascertain that the

⁸⁶ Asperger syndrome was listed as a choice on the surveys for the benefit of those who had been given that diagnosis prior to the changes in 2013.

participant had been an adult at the time they were arrested.⁸⁷ The other had accessed me through an acquaintance of mine so I was able to determine that they were an adult at the time of their arrest. On the consent form I altered the wording of the question about age to enquire about age when arrested/stopped by police. Initially I was not going to include a question about the ND participants' ethnic background but was advised to do so by my supervisory team. Participants were also asked which ND condition/s they had. No options were given, the participants were asked to fill in a text box. Their replies elicited expected responses such as autism and ADHC and less expected conditions such as obsessive-compulsive disorder and Geschwind syndrome.⁸⁸

After the demographic questions, the neurodivergent participants were asked questions in the chronological order of their encounter, from their initial contact with the police – whether they were arrested and taken in, detained under section 136 of the *Mental Health Act 1983*, asked to attend a voluntary interview or spoken to in the street. This told me the extent of their first contact and if they were taken to a police station or not. While my preference was for the participants to have been arrested and interviewed, I did not exclude submissions from participants who were questioned in the street and therefore not taken to a police station. They attracted police attention because of such events as demonstrative autistic behaviour, suicidal intentions and an unnerving episode resulting in an officer appearing to behave unprofessionally, all discussed in Chapter Four. The justification here was that it gave me an insight into how officers dealt with the situations that occurred with my participants outside of police stations. There is little information available regarding

⁸⁷ The anonymity of the survey and the reason it became anonymous is discussed later in this chapter.

⁸⁸ See Çolak, İlhan and Duman (2021).

interactions between ND people and officers in the street and other public places (Reveley and Dickie, 2023) so this research added to knowledge in this area. Everyone was asked whether the police knew of their ND status and how the police knew, so I discovered if the participants disclosed their ND status in street situations, also adding to current knowledge.

From arrest, the questions moved on to the custody procedure and booking in process. They asked the participants not only if they were cautioned and given the Notice of Rights and Entitlements booklet, but also if they understood the caution and their rights. Also, enquiries were made about the cell they were kept in and the room in which they were interviewed. There was a question section delving into the difficulties experienced by the ND individuals, particularly around their neurodivergent traits. Likert scales were used to ask the participants to grade how they felt about the experience of being involved with the police generally and about the officers they met specifically. The two related subjects were asked about in two separate questions because I wanted to isolate their views on the police officers from those of the entire experience. The final section looked at the answers to the last three questions on the survey. Since I have never had occasion to be interviewed by police as a suspect, I do not have the lived experience to be certain I had asked every pertinent question. Equally, I have no experience of being a police officer or of police procedure. For these reasons, the later questions in the both surveys asked 'Is there anything else you think I should have asked you? If so, how would you answer your own questions?'. In addition, the ND participants were asked if there was anything the police should have done differently and if there was any question they wished they could ask the police about their time spent in police custody, or anything they wanted to tell the police about it. This gave the participants the opportunity to use their own lived experience to

ensure I had missed nothing important, perhaps revealing aspects and issues I could not have foreseen due to my lack of experience within the CJS. These questions also formed the essential function of generating active neurodivergent input, with this consultation with neurodivergent people being part of the original contribution to knowledge of this thesis.

Questions were asked throughout the ND survey that enquired after the participants' thoughts and feeling regarding the situation they found themselves in. Asking only ND suspects about the emotional impact of dealing with the police as suspects meant that I could not be sure that the problems I was encountering were particular to ND people or if neurotypical suspects experience the same issues, if the ND response to being arrested is different from that of a neurotypical person. Wooff and Skinns (2017) examined the emotions felt by detainees in four English police stations.⁸⁹ The participants described feelings of fear, upset, devastation, intimidation, anger, frustration, anguish, helplessness and despair. Slavny-Cross *et al.* (2022) gathered quantitative data that compared autistic and NT CJS experiences. The quantitative data was not particularly useful to my research question as there was little that allowed me to compare the emotional impact of arrest on ND and NT people. What it did reveal was that both their diagnosed and undiagnosed⁹⁰ autistic participants did not feel supported on their journeys through the CJS, and that they felt significantly more dissatisfied with their police experience than the NT participants did.

The preference was to conduct this survey online. The disadvantage of there not being a postal option meant that anyone who did not have the necessary computer skills or who did

⁸⁹ It was not ascertained if all of Wooff and Skinns' (2017) participants were NT – unknown to the authors, there may have been ND individuals in their survey. Some participants had mental ill health and therefore could be argued to be ND (as explained in Chapter Two).

⁹⁰ Undiagnosed at the time of arrest.

not have internet access would have been denied a voice, unless they had someone who could help them. However, I wished to avoid postal surveys for data protection reasons. Even though there would be no personal details on the form there was no guarantee that data protection would not be breached if the envelopes were damaged or lost.

For the police survey, the age-range and length of service questions related to the possible reasons for the confidence levels each officer felt in their ability to manage neurodivergent suspects.⁹¹ The first question in the main body of the police survey, upon reflection, felt better placed with the demographic questions in the results. This question enquired if the participants had served in a police region other than the current one in the previous five years. However, the answers to this question revealed only that the participants had or had not served anywhere else in those five years. It did not mean they had never served anywhere else during their service or indicate if they had their basic or any ND training in the targeted region or elsewhere as I had neglected to ask about this. Despite the importance of survey questions related to neurodivergent management training, I did not know where any training took place. This meant that I did not know if the targeted force had been responsible for any ND training they had received.⁹²

Other police demographic questions asked about any personal experience they had of ND conditions (either through themselves or people close to them) and what conditions they knew. I wanted to know of personal knowledge outside of police training that might explain any understanding they had about ND conditions. When examining Holloway *et al.* (2020), it

⁹¹ Confidence was asked about in a later question.

⁹² The training will be discussed in more detail in Chapter Four.

was subsequently discovered that the researchers had asked some similar demographic questions regarding previous autism experience. Before they received the training, officers with previous autism experience in Holloway *et al.* (2022) were found to have made changes to their working practice by making appropriate accommodation for autistic suspects. They achieved this by using unambiguous language, ensuring sensory needs were met and obtaining support for the suspect from family members or friends. The police participants in the present study were not asked if they were formally diagnosed or self-diagnosed, which may be a potential limitation.

Questions asked about the officers' experience of interviewing ND suspects. There was a section asking police about their current knowledge of ND conditions and the source of that knowledge. This was followed by questions around police ND training, where they were asked if they had had training, how long ago, and if they thought the training was adequate. Long after the fieldwork period ended it occurred to me that I had asked about neurodivergent training in general. I did not ask the precise nature of the training. Much is written in the literature about autism only training (e.g. Crane *et al.*, 2016; Holloway *et al.*, 2022) and this thesis will later make a point about how training needs to encompass other common ND conditions, also advised by Santiago (2024). I missed the opportunity to discover which conditions the participants' training had covered. After this, two Likert scale questions asked about the participants' familiarity with Bradley (2009) and NPIA (2010).

Then the survey questions went in chronological order from arrest through custody procedure and interview. Then Likert scale questions asked the participants to rate certain aspects of their encounters, how they considered their suspects to have behaved and how

confident they felt in their abilities to manage ND suspects. One question had to be reworded twice after the first few survey submissions. The question asked if the participants had needed to explain or read out the Notice. Two of the first few participants indicated that they did not understand what I meant by 'the Notice', so I altered the wording of the question to include the full title of the Notice of Rights and Entitlements. There was still subsequently a comment of, 'I don't know what you mean', so I further altered the question to include mention of the Notice of Rights and Entitlements booklet. This proved to be the solution but the previous wording of the question exposed my absence of knowledge of police procedure, which led to some officers not providing the information I required about reading out/explaining the wording contained in the booklet. This was important as I wanted to compare police and ND answers to the questions about the Notice.

There were ten Likert scale questions. Two asked about knowledge of the Bradley report (2009) and the NPIA guidelines (2010). When writing up the results of the other eight Likert questions I wondered if I had asked too many. They had been designed to elicit quick-to-answer quantitative information about the behaviour, attitude and demeanour of the participants' suspects and the feelings of the police towards the suspects, without asking leading questions about issues such as anxiety, emotion regulation, meltdowns and shutdowns. I felt constrained as I was not able to be more explicit in the information I was seeking. I could have asked 'Did your suspect...' and list such characteristics as shutdown, meltdown, overwhelm, but if an officer is unfamiliar with how these traits are expressed, and that they are in fact ND traits, they would not necessarily have been able to answer even such an explicit question. I could have asked if the suspect appeared to have any problems with the environment they were in, but there is the possibility of my aim being

misunderstood because, if the officers were not looking for signs that the lights or noise were bothering their suspects, they would not necessarily understand my intention. The final Likert scale question asked about the participants' confidence in managing ND suspects. The last survey question asked, as one of the ND survey questions did, if the participants wanted to add anything else.

Returning to the genders of both sets of participants, I subsequently regretted not giving more than four options,⁹³ or at least that I had not included a text box next to the 'other gender' option. I feel that it may not have been as inclusive as it could have been and it means that I do not know precisely how one of my ND participants identifies, which might be important given the limited literature examining autism in gender-diverse populations.⁹⁴ The results for both cohorts can be found in Chapter Four.

Data Analysis

Deductive reasoning is the progressive narrowing from a larger idea down to a particular conclusion (Bhandari, 2022b). After gathering the results for the surveys, deductive reasoning was employed to make a conclusion, at the culmination of this thesis, about the general assumptions posed by the research questions (DeCarlo, 2018), namely: what were the experiences of the two cohorts in this context and was there a difference between the perspectives of police and neurodivergent people? However, when it came to examining the qualitative data, discussed later, I approached the examination with no preconceived ideas

⁹³ Male, female, non-binary/other gendered, and prefer not to say.

⁹⁴ See relevant section in Chapter Four.

of what I hoped or expected to find and therefore the process was instinctively inductive,⁹⁵ in that I allowed the data to lead the analysis. Deductive and inductive reasoning are not mutually exclusive and can be complementary (Mallios, n.d.; Turner, 2014). Deductive reasoning is often used with quantitative research and inductive reasoning with qualitative, and this is a mixed methods approach (Gabriel, 2013). Bar charts, pie charts and tables were utilised throughout the police results to display the quantitative data more effectively (Salanti, Ades and Ioannidis, 2011).

Recruitment and Access

The fact that there were two groups within the sample meant that there were two distinct areas of recruitment and access required, which are discussed in this section.

Neurodivergent

While the term 'neurodivergent' includes a lot of conditions (as discussed in Chapter Two) this study evolved to have an unintended bias towards autism. Chapter Four explains in more detail that 81% ($n = 22$) of my participants were autistic, some with co-occurring ND conditions such as ADHC, dyslexia and other learning differences. Participants with other ND conditions were also present in the cohort.

A potential concern with regards to ND volunteers involved diagnosis. Crane *et al.* (2016) were concerned that they could not verify the autism diagnosis of their participants. Verification of diagnoses were not possible for me, either. However, while the last ND

⁹⁵ Moving from the specific to the general (Bhandari, 2022a).

demographic question asked about formal or self-diagnosis,⁹⁶ self-diagnosis was not a barrier to participation. The analysis of the ND demographic data in Chapter Four indicates that 73% (*n* 33) of the conditions mentioned were formally diagnosed, but even here there is the possible issue of whether the participants were being truthful. I had neglected to consider until after the fieldwork period that this might occur. The question about their conditions was the last one in the survey. After going through all that it would not be unreasonable for someone to worry that admitting self-diagnosis might result in their responses being deleted. I had not mentioned in any of the literature provided to potential participants that self-diagnosis was valid. The reason for this is that I preferred as much formal diagnosis as possible due to concern that my results might be considered less rigorous if there was a high number of self-diagnoses. In nine cases (20%) the type of diagnosis was not disclosed and three conditions (7%) were self-diagnosed.

Another recruitment concern was that there might be few female volunteers comprising the ND sample, as explained in Chapter Two. A combination of late diagnosis in women and fewer female offenders could have resulted in an unintended male bias for this component of the study, depriving this part of the study of a female voice. There was also the strong possibility that there would be no one who was non-binary or otherwise gender diverse. As later analysis shows (see Chapter Four), this worry did not materialise since I had a strong showing of female participants and some non-binary/other gendered people in the cohort.

After several unsuccessful attempts to access recruitment help from suitable national and local organisations, I employed the Crane *et al.* (2016) method of using social media to

⁹⁶ See Chapter Four and Appendix B.

procure volunteers. A Twitter account was set up for this purpose. I was already a member of several autism groups on Facebook, and I had a LinkedIn profile. I posted my recruitment poster (which can be found in Appendix C) on various social media. However, it was only by tweeting an organisation called Autistica that I was able to access many of my participants, to be discussed shortly.⁹⁷ Acquiring enough ND people was a long and frustrating process. My recruitment drive began in early April 2022. My fieldwork period was short overall (eight months), and the lack of any funding meant I could offer no financial incentives to encourage participation.

After a month, I had obtained the three participants I needed for the co-creation of the ND study. There then followed a stressful, frustrating and barren two months. To give me longer to acquire more ND participants I changed the closing date from 1 August to 1 September, running into the police research period. It occurred to me that perhaps the lack of anonymity for this cohort might be deterring potential participants and I wondered if anonymity would encourage more people to volunteer. I returned to the ethics board at the university to ask for approval to make the survey anonymous. I was granted approval on 10 June and from that point on, the ND survey was anonymous.⁹⁸

Anonymity was not to be an instant solution. Seven more people volunteered over the next two months but I was despairing. I did not seem to be reaching the right people. By this time I had changed the closing date for responses again. This time I pushed it back to 1 December – the same date as the police survey. This meant that the surveys for the two cohorts could

⁹⁷ A UK autism research and campaigning charity (Autistica, n.d.a).

⁹⁸ Anonymity for this study is explained in 'Ethics' below.

not run consecutively, which was my original plan. I had contacted over 80 individuals, groups and organisations through social media. I then discovered, on Twitter (now known as X), the organisation Autistica. I tweeted them and received a response, but this had happened so many times before with other organisations. I had had many promises of help that were not forthcoming so I did not raise my hopes. However, once they had ascertained that I was a genuine research student and had ethical approval from the University they shared my advertisement. Finally, responses began to flow in but by this time I had opened the police survey and both results were coming in at the same time, something I wanted to avoid.

It was mentioned above that my number of ND participants was '26 to 27', which will now be explained in more detail. Twenty-six participants answered all the quantitative questions. Of those 26, 25 answered the qualitative questions to varying extents and all the demographic questions. One participant, Nate, answered only the tick box questions.⁹⁹ He also did not answer one of the four demographic questions. Then there was the participant I named Nori. Of the 21 questions plus the demographic questions they answered only nine questions, all quantitative, and did not answer any demographic questions. I considered not including the data from this participant since it was so sparse. That was until I remembered what I had written in one of the statements on the consent form, to which the participants would have had to agree before commencing any questions. The first statement said '...I also know that if I don't want to answer any of the questions, I don't have to...' Nori had taken me at my word. I decided to retain the data, since Nori had responded and would

⁹⁹ All participant names are pseudonyms.

have expected their responses to be included. In the results in Chapter Four I will specify whether the data involved came from 26 or 27 participants.

Police

An English/Welsh police service was approached via the partnerships' coordinator of that region's service. The first step was to gain external ethical approval from this police region. This step could be taken only after university ethical approval had been granted, as the police would not accept an application without it. This presented a problem as I needed police ethical approval to gain university approval. The problem was resolved with conditional approval from the university being granted. For police approval, an initial research proposal application form was completed. After this it needed to be established what level of vetting I would require. Then vetting had to be cleared before the process moved onto their data controller agreement and data management plan. My application was simplified by my not requiring access to any police premises.

The external application form asked about research aims, methodology and the advantages of the research to the targeted police region. The research proposal was submitted for consideration to the evidence-based policing lead. The consideration included the lawful basis under which I was asking for the police data, whether my research could help with current policing objectives of the targeted police service, and whether the research proposal was significantly different from their then on-going research projects. When my application was accepted, I was asked to take part in an online meeting with the targeted police region's partnership coordinator to discuss further details. This is when the coordinator asked that the survey should be anonymous, completely anonymous, to the extent where

the relevant region cannot be disclosed. This is the rationale for referring to the police region as the 'targeted police' and not by name. As has been mentioned above, the anonymity was not ideal but I had to be content to sacrifice further participation to obtain initial participation. Once I had gained external ethical approval from the police, I completed my university approval process. Upon the completion of this I informed the police that the survey was now live.

I had a plan before recruitment began to acquire some ND officers deliberately. I wanted five or six ND officers to give me their views to see if they diverged from those of their NT colleagues, or if their personal experience of ND conditions gave them greater insight and more confidence. I wanted to examine if a different perspective could be provided in this research if ND suspects are viewed through an ND police officer's lens. The deliberate targeting of ND police proved to be unnecessary as these participants all came to me without any deliberate attempt to enrol them. By the end of the fieldwork I had eight ND officers, three of whom were autistic. I found myself wondering as to the extent of neurodivergency in police service. However, this heavy bias towards participants with personal ND experience is not surprising. There are several factors that can encourage people to take part in surveys (e.g. reward, obligation, survey length, assurance of confidentiality, even boredom), but a major influence on participation is an interest in the subject (Groves, Presser and Dipko, 2004; Mayfield, 2013; Saleh and Bista, 2017). Groves *et al.* (2004) found that the chance of cooperation in their surveys was 40% higher if the participants were interested in the subject, while Saleh and Bista's (2017) research into response rates discovered that 88% of their participants would respond to a survey if the topic interested them.

In the first week or so after my survey was advertised on the police region's intranet, I received a short stream of responses and soon had ten participants. A second push at the targeted force a few weeks later gradually brought in the remainder of my participants over the following month. On 1 December 2022 I closed both surveys.

Ethics

The ethical considerations in this chapter involved objectivity, informed consent, anonymity, confidentiality and data protection. Ethical considerations are put in place to protect research participants and ensure that there are no damaging effects. They are there to reduce the possibility of risk or harm to the participant, while respecting the participant and protecting privacy and dignity (Bos, 2020). Research ethics are the guidelines used to determine the way research is conducted (Wellcome Trust, 2014). Neuman (1997, p. 147) stated that to be ethical we need to 'balance the value of advancing knowledge against the value of noninterference in the lives of other people.' Ethical considerations are important in any research. The participants should not be exposed to any harm, be it physical, mental or emotional, and strenuous efforts are required to ensure the participants' wellbeing. This will be discussed in this section.

This study involved voluntary participation, as opposed to people who are being observed without their knowledge or people who are coerced to take part (Lavrakas, 2008). As mentioned above, there were two distinct groups of volunteers: police officers and neurodivergent people who had been considered suspects by the police. I also had to remember that there could have been police volunteers who are also neurodivergent. It was

my hope to uncover any ND conditions that participating officers might have and as mentioned above, this is what happened.

Ethical issues arise immediately when research involves any adult at risk. Careful consideration is needed from the outset that incorporates how to approach participants, how one engages with them, manages them, questions them, and treats them (Bryman, 2004). In this study there was the added ethical complication of there being at-risk adults who were being probed about experiences that could have provoked negative responses and emotions at the time the events occurred. This study was then asking them to confront that negativity and relive experiences that some, maybe all, of them found difficult or distressing. Even the requests for volunteers might have caused upset to people who had no intention of volunteering. Due to the sensitive nature of the information required from ND participants, the advertisement for these participants contained a content warning. All the volunteers were informed of my own ND status (and the nature of it) from the very beginning and it was mentioned in all material requesting volunteers. The reasons for this were potentially to put neurodivergent people at ease and for full disclosure to the police. Neurodivergent people could be more likely to feel more comfortable with someone who is 'one of them' (Sinclair, 2010; Crompton, Hallet, Ropar *et al.*, 2020). They were already discussing difficult subjects so the more at ease they felt the better the experience could be for them.

Informed Consent and Participant Information

Informed consent is a vital element of research, with the aim of informed consent being to protect the participant by providing them with the necessary knowledge to actively agree to

participation. The participants must give their consent voluntarily and be legally competent enough to give it (Bos, 2020). Dealing, as I was, with ND people I had to be vigilant and ensure my participants understood to what it was they were agreeing. I wrote the participant information sheet and consent form in more accessible language than I used in the police equivalents. Informed consent demonstrates that an individual has made a fully informed and independent decision to take part in the research and it shows the researcher that the participant understands their role in the study (Bos, 2020). It indicates that the researcher's study meets ethical requirements and legal requirements under the *Data Protection Act 1998* (Gov.uk, 2018a). At no point did I feel any cause for concern that any of the participants might not be legally competent enough to take part.

The consent forms were included in the Qualtrics surveys before the questionnaires. There was an 'I agree' response after every statement. Qualtrics was set so that these were forced responses and every clause had to be agreed to before the participant was allowed to progress. I was concerned that there could be an ethical issue in any consent form which is that if someone really wants to take part they will say yes to anything to be given access to the survey. This could be countered, in part, by providing the participants with as much information as possible (such as the information sheets discussed above) and allowing the facility to ask questions.¹⁰⁰ They should understand exactly what it is they are agreeing to, whether the agreement stated is genuine or not – a lack of genuine agreement being something that cannot be guarded against completely.

¹⁰⁰ All participants were provided with my university email address and encouraged to contact me if they had any questions.

The neurodivergent consent form consisted of nine statements. As well as usual statements such as confirming that they were happy to participate and understood they could withdraw from the survey, the final statement was of a serious nature. It asked about certain health conditions which are discussed below. The police consent consisted of eight statements. The consent forms stated the circumstances under which the participants might be identified; namely, if they gave me information they have given to others and if those others know they have taken part in the study. Only direct identifiers, such as names, can be pseudonymized. Information given by the participants and comments made by them, the latter included in the results verbatim, would be classed as quasi-identifiers or indirect identifiers (Hintze and El Emam, 2018). A researcher cannot control the information given freely to others by the volunteer, merely warn of the ramifications.

Also, the consent form stated the circumstances under which confidentiality might be broken, written in more accessible language on the ND consent form as, 'I understand that information I give will be kept private, but if I give any information about any of my behaviour now that is against the law or suggests serious or immediate risk of harm to myself or others, the researcher may have to report my information or give my private information to people who can help.' The consent forms can be found in Appendix C.

All participants were given access to a participant information sheet. The ND participant information sheet asked for people who do not have known heart problems, epilepsy, post-traumatic stress disorder (PTSD) caused by being a police suspect, or any serious mental ill health to volunteer, as did Crane *et al.* (2016) in their study. The consent form asked the participant to confirm they did not have these conditions. Stress and distress cause

hormones such as adrenaline, cortisol and norepinephrine to be released and these can affect the areas of the brain that induce epileptic seizures (Ranabir and Reetu, 2011; Klein, 2013; Privitera, Haut, Osborne Shafer and Sirven, 2014). Acute stress can also cause spikes in blood pressure which can lead to heart attacks, heart failure and sudden cardiac death in susceptible individuals (Torpy, Burke and Glass, 2007). Therefore, it was prudent to screen out individuals with health conditions that could be adversely affected by acute stress. With mental ill health and anxiety, it is the 'serious' and 'PTSD' ends of the mental health and anxiety spectra that were screened out.¹⁰¹ It would probably be a struggle to find enough autistic people who do not have some form of mental ill health or anxiety related problem. Hudson, Hall and Harkness (2019) found that autistics are four times more likely to experience depression than neurotypical people. Screening out everyone with any kind of mental-ill health or anxiety disorders could have left me with few eligible participants. However, the screening out of individuals with serious mental-ill health or anxiety was necessary with regards to consent, as these people could be exceptionally vulnerable and there may be a risk of them not being considered legally competent enough to give consent.

Some police officers might have felt uncomfortable about their memories of interviews involving neurodivergent people, or people they suspect had a neurodivergent condition. It might have caused them to reflect on what happened with the possibility of negative emotions being aroused by that reflection. Reflection involves critically observing and analysing your own behaviour or words, deriving insights from this (Franks, 2016). If the issue had never been raised before it may not have occurred to them to think in depth

¹⁰¹ Though one participant, Nelson, did mention that he had PTSD on one of his responses. However, this originated prior to the incident reported and was not caused by the incident. (See Chapter Four and Appendix C.)

about how they or others approached their suspects. Both groups were given a tailored debriefing sheet at the end of the surveys which contained details of where to ask for help from relevant support resources, should they need it.

In autistic people, stress has the potential to induce sensory overload which in turn can cause shutdowns and meltdowns (discussed in Chapter Two) (Nyx *et al.*, 2011; Rowland, 2020). For this reason it was emphasised in various participant documents, both ND and police, that there was no need to rush to complete the survey. The ND participants were also told that they did not have to read all the documentation at once, as were the police.

Confidentiality and Data Protection

Confidentiality is '[a]ny information relating to the private sphere of a person that they wish not be shared with others ...' (Bos, 2020, p. 153). To keep personal data confidential, pseudonymisation and anonymisation are the options for a researcher. Pseudonymised data can be linked back to the participant whereas anonymisation involves processing the data to an extent that it renders tracing back to the individual impossible (Millward, 2020).

Pseudonymisation is the replacing of someone's name with a fake name or a code, but the participant's identity is known to the researchers, whereas with anonymisation not even the researcher knows who the participant is (Neuman, 1997).¹⁰² However, it is less easy to ensure anonymity with qualitative research than it is with quantitative. Numerical data is merged, but word data is standalone and more difficult to disguise (Bryman, 2004) and this was a mixed methods study. While it featured anonymous dichotomous, multiple-choice

¹⁰² This can still involve the use of fake names or codes when presenting the data but the researcher does not know who the participant is.

and Likert scale questions, it also incorporated qualitative questions. The answers to these questions document the participants' thoughts, feelings, actions, words and experience and it is here that anonymity could be difficult to maintain. All participants were asked to agree to a statement on the consent form that stated 'I understand that some of the sentences I use to answer the questions might be used, verbatim, in the study. This means that I might be identified by people I know if they have heard me use these sentences and if they know I have taken part in the study', to warn them that their words will be used and the possible implications of that. One implication is deductive disclosure, which is when a combination of individual traits related to the same participant can be combined to render the individual identifiable (Kaiser, 2009; Bos, 2020). Deductive disclosure is possibly a reason for the targeted police force insisting on the anonymity of the region.

The original plan to ensure confidentiality was by pseudonymisation. This was to mitigate one of the limitations of using a questionnaire as the data collection method. As previously discussed, if an answer suggested that the participant had not understood the question, or if a point of interest needed more clarity or additional information, I planned to be able to contact the participant to ask for more detail. Pseudonymisation would have allowed the necessary data linkage for me to be able to contact participants (Tinabo, Mtenzi and O'Shea, 2009). An identification number issued to each participant would have allowed me to track back from the data to the relevant participant.

Both the early pseudonymous and later anonymous participant identifiers originally involved using a unique identification number. This was a randomly generated and randomly assigned number (Neuman, 1997). The police participants' numbers were prefixed

with a 'P' and the neurodivergent respondents with 'ND'. However, it was pointed out by my Director of Studies that the numbers looked a little impersonal. Instead, randomly issued fake names were used: 'N' names for the neurodivergent participants and 'P' names for the police.

The surveys were Open Access surveys conducted through Qualtrics. This type of survey can be completed by anyone who is given a link to the survey. They are anonymous by default but they can still collect IP addresses (ECU, n.d.). As stated above, the police approval was given on the condition of anonymity and the ND surveys became anonymous after the first few surveys were submitted. To ensure anonymity, two Qualtrics functions need to be activated. The first feature is anonymous responses. When this is enabled it ensures that the IP addresses and locations of the participants are not connected to the survey responses. The second feature is the anonymous link, which is a single, reusable link that can be used by all participants, rather than an individual trackable link which is issued to each participant¹⁰³ (Illinois State University, 2024). In this case there was one link for the ND participants and one for the police.

Wellbeing and Safeguarding

The wellbeing and safeguarding of both my participants and of myself had to be considered. The detailed participant information and debriefing sheets given to, and informed consent obtained from my participants would enable the participants to understand what they were undertaking. They were forewarned that the questions may awaken unwanted memories and could cause stress and upset. Every attempt was made to lessen any negative impact

¹⁰³ This type of link was given to the initial ND participants before the survey became anonymous.

that participation might cause. An issue with asking members of a minority community to volunteer the benefit of their experience raises the concern of epistemic exploitation (Dunne and Kotsonis, 2022; Wodziński and Moskalewicz, 2023). This is a term devised by Berenstein (2016) and describes the act of those in a position of privilege coercing marginalised, oppressed individuals/groups into being responsible for the education of the privileged about the nature of the oppression. This can involve the marginalised going uncompensated, unrecognised and unappreciated for performing potentially emotionally charged, distressing work to provide this education. I was acutely aware that I was asking the ND participants to relive a difficult, possibly traumatic, time in their lives for the educational benefit of people who may never be in the same position, and I include myself as one of those who benefitted. I could offer no compensation for this reliving; I can only try my best to ensure they receive the recognition and appreciation they deserve.

My wellbeing also had to be considered as there was the possibility of my research proving stressful to me. I had to consider the possibility that an officer might divulge attitudes I found uncomfortable or perhaps even offensive, but it cannot be stressed enough how important it was to receive honest answers and reactions. There was a possibility of finding neurodivergent accounts disturbing. I have a typical autistic sense of fairness and desire for justice (Jarrett, 2014). I knew that if I experienced any negative emotion that could impact on my mental welfare, I could make use of my supervisory team and Student Wellbeing at the university. Any possibility of physical harm was negated since the survey was taking place entirely online. I did not find the study particularly emotionally difficult in the end.

Position of the Researcher

In part, I belong to one of the groups that participated in this study in that I am ND. I have never been a police officer and know nothing of the difficulties faced by the police in their work. Throughout this study, to guard against bias, I allowed the data to lead, rather than searching the data for confirmation of any preconceived ideas (Stapleton, 2019). Gitlin, Siegel and Boru (1989) argue that the bias is not necessarily in the data but in whose interest the bias serves, since social research 'is always from someone's point of view, and is therefore partisan' (Becker, 1967, cited in Hammersley and Gomm, 1997, p. 8).

Qualitative research is subjective, and the results and conclusion depend on the researcher. It is imperative in research to be aware of any biases and what they are to enable one to avoid unconscious bias and confirmation bias (Stapleton, 2019; Collins, 2020). My position as researcher is that I am part of one of the communities involved, and my position as a fellow ND could have affected my ND participants' responses to me, perhaps making them more willing to share their experiences (Berger, 2015). I had to maintain balance and be continually vigilant for any attitude or approach that could suggest bias, using reflexivity to ensure accuracy and credibility of the findings (Berger, 2015). Reflexivity is the researcher being aware of their role in the research and deliberately and consciously being aware of their 'own reactions to respondents and to the way in which the research account is constructed' (Berger, 2015, p. 9). I have no stakeholders to appease so any bias would be entirely my own (Oliver, Kothari and Mays, 2019). Autistic people can have an innate sense of fairness (Jarrett, 2014), and while it is argued that we can also have a deficit of theory of mind or 'mind blindness' (Baron-Cohen, 2001), meaning that we cannot assign mental states to others, there are counterarguments, notably written by autistic researchers (Gernsbacher

and Yergeau, 2019).¹⁰⁴ I tried to put myself in the place of others. Doing this allowed me to view scenes from police perspectives. I have been aware that I am not motivated to be partisan. My aim was not to 'prove' one group 'wrong' and the other group 'right'. I was examining the challenges faced by both cohorts in a bid to improve the relationship between them.

One way to manage bias is through a fieldwork journal. Throughout the fieldwork, a journal of fieldnotes was kept. Fieldnotes are considered to be 'an essential component of rigorous qualitative research' (Phillippi and Lauderdale, 2018, p. 381). This is information taken contemporaneously or written up soon after the event. Some notes were observational, creating contextual data (Phillippi and Lauderdale, 2018) and listing dates and times of events. Others were a self-reflection on my experiences and any negative or positive impact of the fieldwork on my emotional state, or critical reflection of any beliefs, ideas and bias (Maharaj, 2016). Critical reflection 'requires that researchers not only reflect upon their research but also consider how their personal experiences relate to their assumptions' (Maharaj, 2016, p. 115-6). Any participant identification in the fieldwork journal was done using the individual's pseudonym (Phillippi and Lauderdale, 2018).

¹⁰⁴ Yergeau has taken a dim view of the research carried out by Simon Baron-Cohen (e.g. Gernsbacher and Yergeau, 2019), referring to him in one article as 'Borat's cousin' (Yergeau and Huebner, 2017). Simon Baron-Cohen is the cousin of 'Borat' creator, actor and comedian Sacha Baron Cohen.

Further Limitations

As with all studies, certain issues had to be considered while conducting this research, and most of these have been discussed already. There were other possible areas that could have revealed limitations which will now be discussed.

While the ND participants were sourced nationwide over England and Wales, police respondents were accessed through the one targeted police region. I contacted the College of Policing to ask about what awareness training is provided for police and if the training is uniform throughout England and Wales and was informed that there is no centralised training. It is delivered at force level (Williams, 2023). So different police regions could have different levels and quality of neurodivergent awareness training. This created an issue with direct comparison between the two groups.

I was relying on self-reporting throughout both surveys. Without looking in-depth into all the service's training, it cannot be assessed if the training delivered would be considered sufficient by someone who is ND or an ND ally. Also, they would be self-reporting their own competence and confidence levels, which is a subjective assessment to begin with. Chown (2010, p. 256) pointed out that, 'self-assessments may exaggerate competence.' One aim of the study was to compare one group's assessment with the assessment of the other, and as everyone was self-reporting there was no way of verifying any participant's account. This limitation is not restricted to this study. By necessity, the relevant research cited in the literature review also relied on self-reporting (as in Chown, 2010; Crane *et al.*, 2016; Gibbs and Haas, 2020; Love *et al.*, 2023). Police respondents to the survey might think they are

doing well and have sufficient training, but they have nothing to compare their perception to.

This investigation could have experienced one of the same obstacles that was encountered by Crane *et al.* (2016) in that the participants were self-selecting. This could have resulted in a disproportionate amount of ND respondents who had had negative experiences of being in police custody and wished to voice a grievance, and police officers who already had an interest in the study subject. As will be discussed further in Chapter Four, I received most police responses from people who are ND or who know ND individuals; people who could be argued to have an interest in the subject. Eventually, only 26% ($n = 7$) of the participants had no personal experience of ND conditions. This meant that my results were sited against a background of nearly three-quarters of the participants already having some non-police-training-related knowledge. Writing of self-selecting limitation, Crane *et al.* (2016, p. 2039) posited '[t]his latter point may also play a part in the apparent discrepancy between the overall satisfaction ratings of the police and ASD community samples', something that will be considered with reference to this study in Chapter Four.

Chapter Conclusion

This chapter has outlined the processes and paths taken to actualise this study, a study that was focussed on addressing the overarching research aims of investigating police approaches towards managing neurodivergent suspects and the experiences of neurodivergent people when encountering the police as suspects. The chapter has explained how I approached the methodology, delving into such elements as the method employed, the sampling technique used, the recruitment of and access to the samples, the

ethical considerations required and the limitations experienced. The survey's questionnaires were discussed and an overview given of their contents and the analysis of the results. It charts the restrictions I experienced due to the anonymous nature of the surveys and being unable to clarify some of the points raised.

I feel that being a fellow neurodivergent, something that I pointed out in both the ND recruitment poster and on the ND participant information sheet, could have helped put my ND participants at ease. Nonetheless, being ND did not blind me to the problems that the police face when dealing with a population about which they do not always have training. My own personal challenges were addressed. My own autism had to be taken into consideration as well as that of my participants. The results of the surveys are presented in Chapter Four, next.

CHAPTER FOUR: RESULTS AND DISCUSSION

Chapter Introduction

This chapter analyses the results from the survey of the two cohorts while linking, where relevant, to the literature discussed in Chapter Two. It features concurrent discussion about the results and findings from each cohort's data to discover what the findings suggest in each group. It is important to be mindful throughout this results and discussion chapter that both the ND and the police participants can report only what they remember of their experiences. Participants were being asked to remember incidents that occurred up to five years ago and this could result in recall bias.

Throughout the chapter there are quotations from the qualitative data, though the predominance of quantitative police data means that, in some areas, there are fewer quotations from the police participants than from the ND participants. As explained in Chapter Three, the decision was taken to limit the quantity of qualitative questions for the police participants to avoid creating a protracted survey that could discourage participation from busy officers. Charts and tables have been utilised to better display the quantitative results.

This chapter begins with a look at the demographic data. It progresses to the next section which deals with the issues surrounding ND suspects and police when they encounter each other, moving through the divulging of an ND condition, the emotions felt and traits exhibited by the ND participants, and the opinions the ND participants have of the police they encountered. Following on from this, the next section examines police procedure from

the perspectives of both cohorts. It delves into four areas of procedure that arrested individuals will encounter: being cautioned, being advised of their rights while in custody, the interview, and the provision of appropriate adults. This section ends with a look at the data from the Likert scale questions that were asked of the police about their interviews with their ND suspects, if they are aware of police guidance and how confident they feel when managing ND suspects. There then follows a section on police training, encompassing what training the officers have had, their opinions of that training, and the ND participants' views on police training. Then a section explores the answers to the final, qualitative questions which ask the participants to offer details of any subject that was not covered by the survey and gives the ND participants the opportunity to ask their own questions or make any statement they feel is appropriate. This is followed by the chapter conclusion.

Demographic Data

Both surveys contained demographic questions. The examination of the demographic data supplied by the participants in both groups is discussed in this section. There were four demographic questions for the ND participants: gender, age range, ethnicity and ND condition/s. The demographic questions for the police were more involved and police were presented with nine questions: gender, age range, length of service, and questions pertaining to whether they are ND or know someone who is. Tables can be found in Appendix A of this thesis (Tables A.7 and A.8) which list each ND and police participant with their demographic data.

Gender

Twenty-six of the 27 ND participants gave their gender identity. Nori provided no demographic data. Ten participants were female, 13 were male and three were non-binary/other gendered. All three of the non-binary/other gendered participants were autistic,¹⁰⁵ which chimes with the literature regarding autism in the gender-diverse population, in Glidden *et al.* (2016), Warrier *et al.* (2020) and Moore *et al.* (2022). A gap in the literature was revealed regarding gender-diverse ND individuals in the CJS. Although the sample was small ($n = 3$), this research gives a snapshot of the intersectionality between ND gender-diverse people in the CJS.

The police cohort saw a similarly high proportion of women respondents with 56% stating they were women. As with the ND cohort, the police were given the options of female, male, non-binary/other gendered and 'prefer not to say'. The responses were binary with everyone answering that they were male or female. The results showed that 15 of the police cohort were female and 12 were male. As of March 2023 the proportion of officers in England and Wales that was female was 34.7%, as can be seen in Figure 4.4, below (Gov.uk, 2023c). Since the proportion of women officers in this survey was 56% it means there was a disproportionately higher percentage of female participants. In the past, women have been 'disproportionately underrepresented' in the police service (Franklin, 2005, p. 1). Over the last 15 years there has been a concerted attempt to increase the percentage of women police officers and the number has steadily climbed (see Figure 4.4 below) (Silvestri, 2018).

¹⁰⁵ Information derived from a later demographic question below.

Rynkiewicz *et al.* (2016), Loomes *et al.* (2017), Wood-Downie *et al.* (2021) and others consider there to be a higher ratio of male than female ND people, and the Gov.uk (2023c) data indicate that only one third of UK police officers are female, so an answer was sought as to why so high a proportion of women and AFABs¹⁰⁶ responded to the surveys in both cohorts. Smith (2008) found that females contributed disproportionately to surveys. His research discovered that females are more likely to engage in information sharing and males in information seeking. Surveys can be seen as information sharing. However, according to Royall (2020) there is still uncertainty as to why females are more likely than males to respond to surveys. Salerno and Schuller (2019) also found an unexpected over-representation from females, there being 21 women, 13 men and one unknown in their autistic participant group.

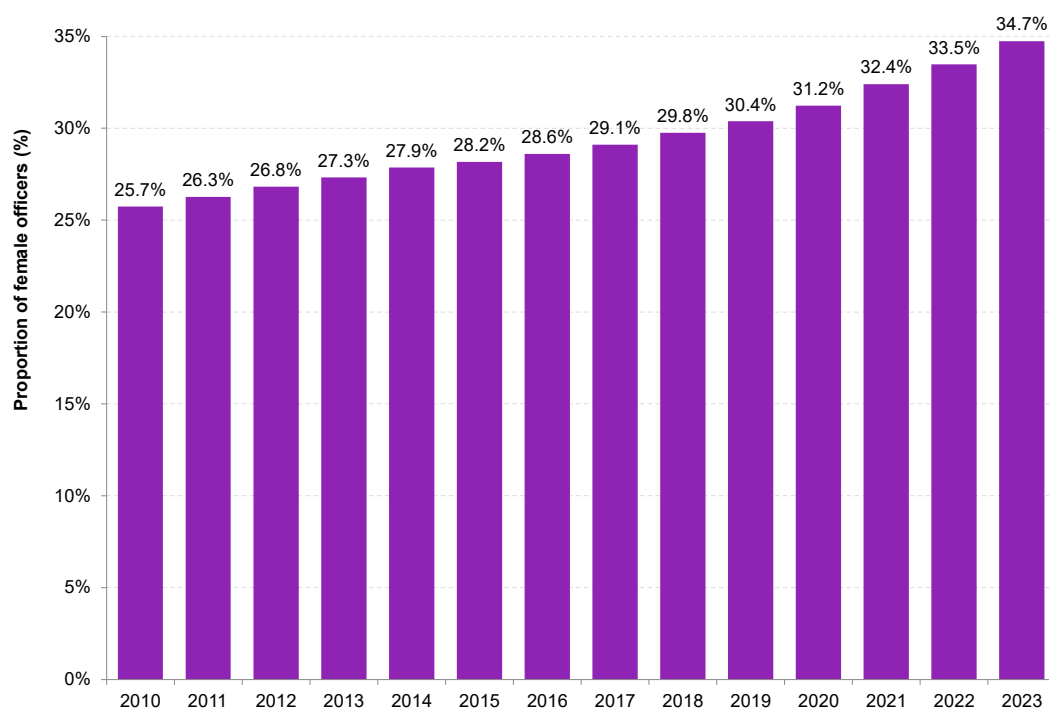


Figure 4.4. Column chart showing proportion of women officers in England and Wales, 31 March 2010 to 31 March 2023 (Gov.uk, 2023c, n.p.).

¹⁰⁶ Assigned female at birth. I know that two of the gender-diverse participants were AFAB. These two responses were submitted early, before anonymisation.

Age

Fifteen out of 26 (58%) of the ND participants were aged 18 to 35 and 11 (42%) were 36 to 65, meaning there was a bias towards people 35 or under. The absence of anyone aged 66 or over could be caused by several variables which include less technical ability and less engagement with social media in older people (Delello and McWhorter, 2017). Also, Woodbury-Smith *et al.* (2006) and Lewis (2016) wrote about the dearth of adult diagnosis, so there will be fewer people diagnosed with ND conditions in this older age group, as discussed in Chapter Two. For the police, 14 participants (52%) were aged between 18 to 35 and 13 participants were 36 or over. Smith (2008) noted that younger people were more likely to respond to surveys than older people, particularly to online surveys where more IT skills are required. Table 4.1 below provides a breakdown of the age data.¹⁰⁷

Table 4.1. Table showing age range data for ND and police participants.

Age range	No. of ND participants	No. of police participants
18 to 25	2	1
26 to 35	13	13
36 to 45	5	6
46 to 55/46 or above	3	7
56 to 65	3	N/A
66 or over	0	N/A
Unknown	1	N/A

¹⁰⁷ Three of the age range categories were not applicable to the police data. Two of these categories (56 to 65 and 66 or over) were not provided for the police due to police retirement age. The 'unknown' category is present because one ND participant did not provide any demographic data.

Ethnicity

As discussed in Chapter Three, the neurodivergent participants were asked about their ethnicity. The responses about ethnic background revealed that there was only one person of African descent and one whose answer was 'other Black'. One person chose 'other ethnic', a category distinct from 'other Asian', 'other Black', 'other White' and 'Arab'. As discussed in Chapter Two, very little research has been conducted into neurodivergent conditions in ethnic minorities (Hassiotis, 2020), though it has been found that ethnic individuals can struggle to access a diagnosis (Slade, 2014; Roman-Urrestarazu *et al.*, 2021). A delayed diagnosis will impact on how many ethnic minority CJS users can access relevant assistance.

There were 15 categories given from which to choose (various white, Black, Asian, 'others' and Arab) (Gov.uk, n.d.b) but only six of them were utilised by the 26 participants who responded to the question. Table 4.2 below gives a breakdown of the categories that had responses.

Table 4.2. Table showing the ethnic backgrounds of 26 of the 27 ND participants.

Category of ethnic background	African	Other Black/ African/ Caribbean	White Eng/Ir/ Scot/Wel*	White European	Other white	Other ethnic group
Number of Participants	1	1	19	3	1	1
Per cent of participants	4	4	73	11	4	4

* English/Irish/Scottish/Welsh

Length of Service

Length of police service was enquired about and this mostly correlated with the participants' ages. No one aged 35 or under had served more than ten years, while all those aged 36 or over had served at least 11 years. No one in their late thirties, their forties or their fifties had recently joined the service. The police participants in Crane *et al.* (2016, p. 2030) had varying degrees of police service, '29 % = 6–10 years, 28 % = 11–20 years, 26 % > 20 years', but none who had served fewer than six years. Figure 4.5 below shows length of service data.

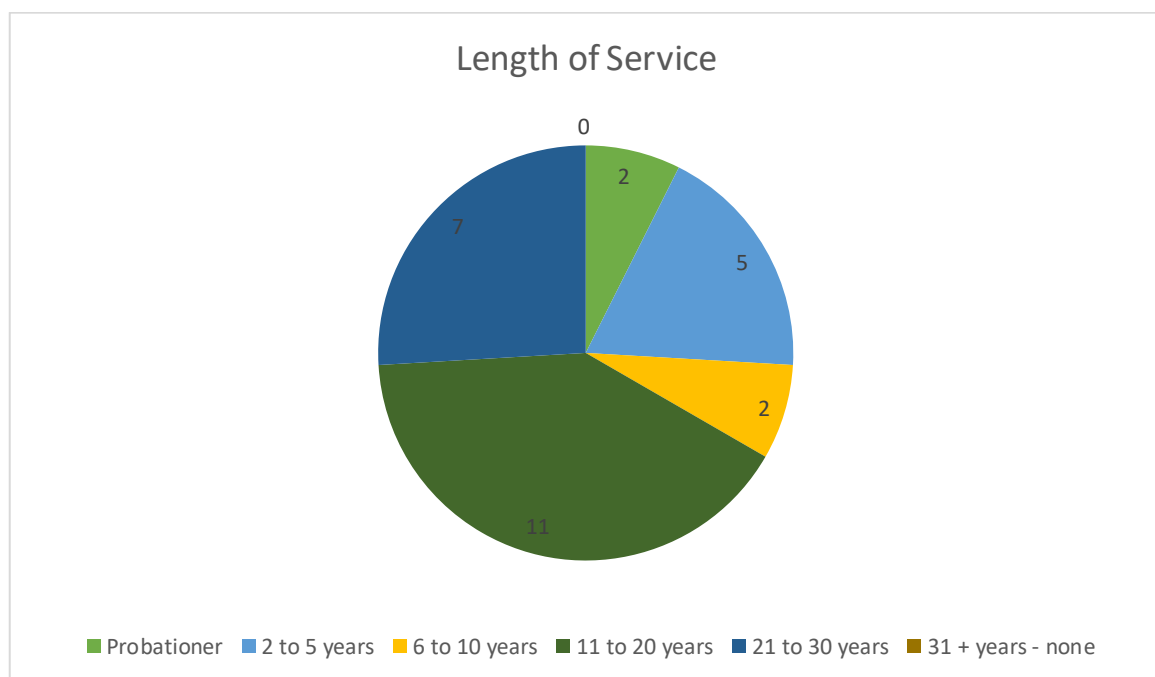


Figure 4.5. Pie chart showing police participants' length of service.

A question in the survey asked whether the participants had served in a police service other than the current one since 2017. Participants answered: No – 21 (78%); Yes – 6 (22%).

Reflected on in Chapter Three was the omission of a further, related question: whether the participant served in other forces at any point during their police careers, since their training

could have occurred in another force. In Holloway *et al.* (2022) only 7% of their police participants reported receiving any autism-specific training and all stated this had occurred during other employment, indicating this was prior to joining the police.

ND Conditions

Both groups were asked about neurodivergent conditions. Enquiries were made of the ND participants about their ND condition/s while the police were asked a series of questions about if they were ND and if they know anyone who is neurodivergent. The results from these questions are discussed next.

Due to acquiring around half of my participants via the charity Autistica the participants were predominantly autistic. Of the participants who responded to the question ($n = 25$) there were 22 who were autistic, though fourteen of these participants reported dual/multiple ND diagnoses. There were seven incidences of autism co-occurring with ADHC. Leitner (2014) states that studies have shown between 30% and 50% of autistic people exhibit ADHC traits and that there are estimates that two-thirds of people with an ADHC diagnosis show autistic traits. Two ND participants had ADHC as their sole ND condition. Two participants declined to answer. Figure 4.6 below displays the ND conditions disclosed by the ND participants and whether their conditions were formally or self-diagnosed, while Figure 4.7 below displays the number of participants with single or multiple conditions. Table 4.3, also below, demonstrates the 'other' conditions listed by the participants that are considered by some

authorities to be neurodivergent.¹⁰⁸ Ten male participants and eleven female/AFAB participants were autistic (as was the third gender-diverse participant). It should not be assumed that the present study gives a representation of the true male-to-female ratio, even given that the McCrossin (2022) research that found a ratio of 3:4.

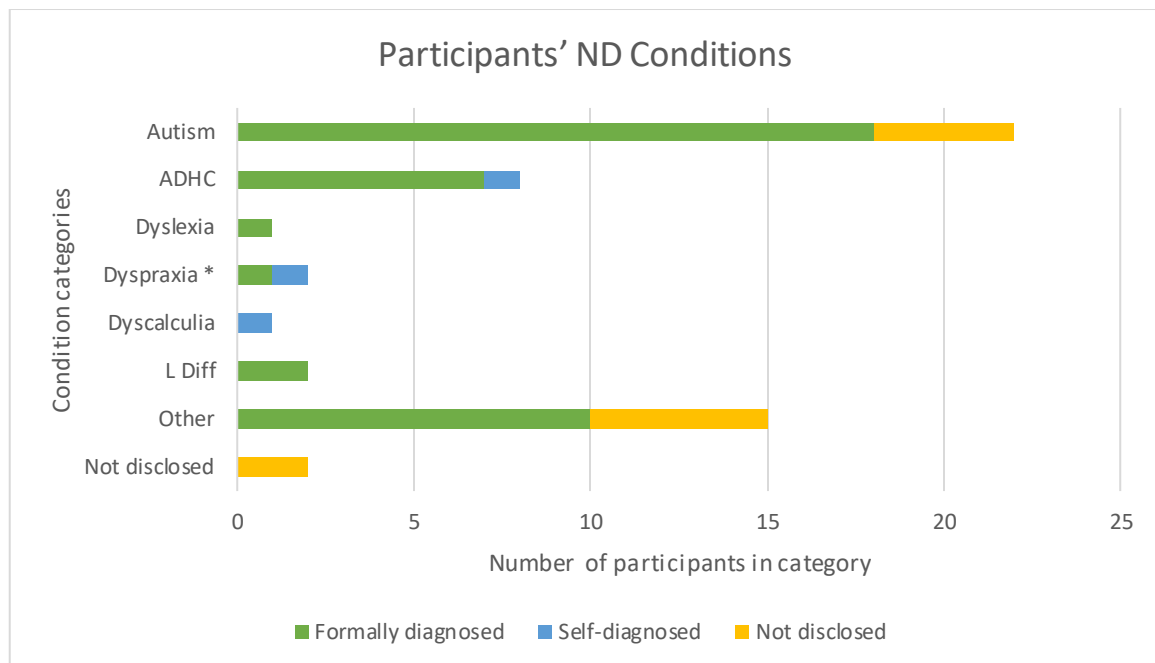


Figure 4.6. Bar chart showing conditions of ND participants. ¹⁰⁹ & ¹¹⁰*

¹⁰⁸ As previously discussed, mental ill health is considered by some to come under the ND umbrella e.g. Addressing Dyslexia (2017), Neumeier and Brown (2020), Russell (2020) and Disabled World (2021).

¹⁰⁹ Data labels have been omitted from this chart for reasons of legibility.

¹¹⁰ *Dyspraxia is a developmental condition that affects coordination (NHS, 2020).

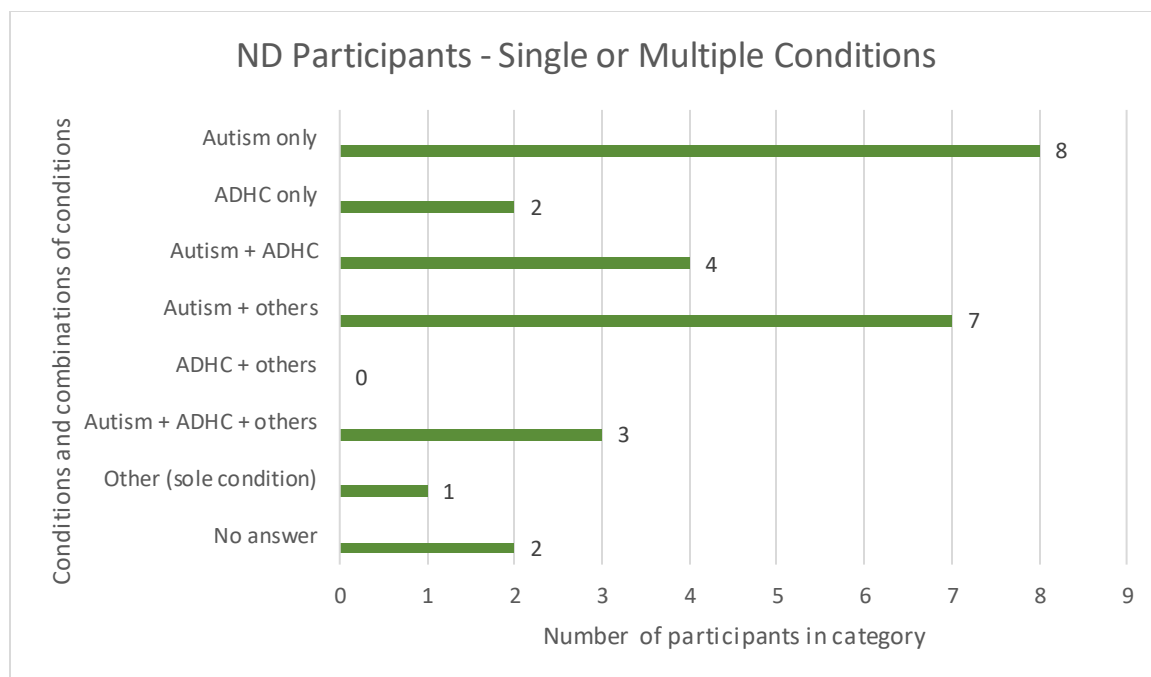


Figure 4.7. Bar chart showing the number of participants with single, dual or multiple conditions.

Table 4.3. Table displaying 'other' ND conditions listed by the ND participants.

Condition	Number of participants with condition
Anxiety	7
Depression	5
Geschwind syndrome	2
Sensory processing disorder ¹¹¹	1
Obsessive compulsive disorder	1
Complex conditions with no specific descriptor	1

The police participants were asked if they are neurodivergent and, if so, what condition/s do they have. Answers were: Yes – 8 (30%); No – 13 (48%); Don't know – 6 (22%). Thirty per cent ($n = 8$) stated they are neurodivergent, which was a higher percentage than I expected.

¹¹¹ See Rodden (2022).

However, research by Groves *et al.* (2004), Smith (2008) and Saleh and Bista (2017) demonstrated that those with an interest in the subject being surveyed are more likely to respond, so it could mean that the survey subject matter attracted ND officers. A further six officers answered that they were 'not sure' if they were ND, Pia stating she was suspected of being autistic (though she did not divulge who suspected her of being autistic). Figure 4.8, below, displays the police ND conditions. Of the eight ND officers, six of them (75%) were female. All of them had conditions that are traditionally seen as being significantly more common in males. Since women are more likely to respond to surveys than men (Smith, 2008), the high percentage of female ND police is not surprising. Of the six officers who were unsure of having any ND status the divide was 50/50.

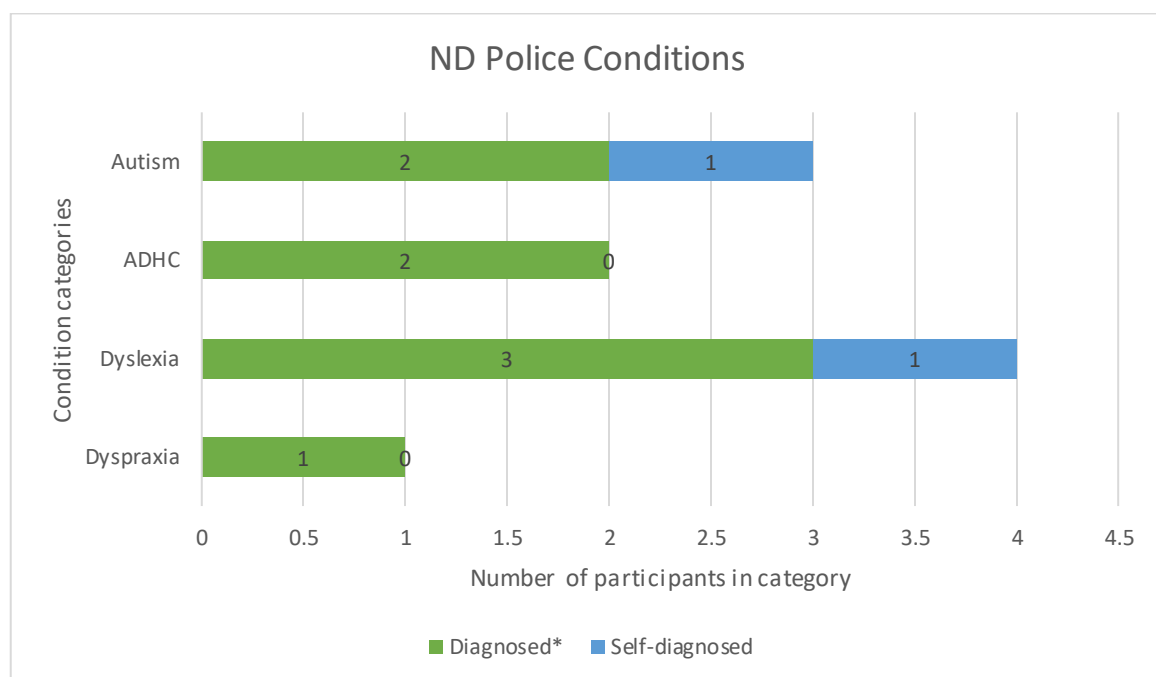


Figure 4.8. Bar chart showing police officers' ND conditions.

*The participants are diagnosed insomuch as we can know that they are. Police participants were not asked if they were formally diagnosed or self-diagnosed. One participant, Paxton, happened to state that they were self-diagnosed with regards to autism and dyslexia. Phoebe made reference to her adult diagnosis for dyspraxia.

Only two officers were happy for everyone in the workplace to know about their ND conditions, and a further two told only selected colleagues. Half of them ($n = 4$) had not revealed their ND status, two considering that their conditions were no one else's business and one answering that they just did not want others to know. There was one 'other' answer. This officer (Paxton) was the individual who was self-diagnosed. Paxton answered that, *'I am undiagnosed but self-aware.'* The results showed two motivations for these participants for not informing colleagues of their ND status: internal and external. Internal being private, my business only; external regarding potential concern over how others will react, as when Phoebe wrote about people maybe treating her differently if they knew she was ND. Evidence suggests that 'coming out' at work with a neurological condition can be difficult, triggering concerns over stigmatisation (Johnson and Joshi, 2016; Kidwell *et al.*, 2023). Context for the disclosure question was provided when participants were asked to explain why they had told or not told their colleagues about their ND status. Two officers were happy for all their colleagues to know of their ND status. Penelope wrote:

I need reasonable adjustments to be made. I also don't believe that people understand ADHD in women properly so I make a point of dispelling myths, etc. in the workplace, so I have to be completely open to do this. I am treated differently but not in a negative way; people are very understanding and give me more leeway.

While Paige replied, *'I prefer openness. It gives my colleagues understanding of some of the issues I may face.'* Phoebe limits to whom she gives the information, saying, *'10 years on [from her adult diagnosis] and I am still a bit embarrassed to say anything to people apart*

*from those close to me in case people treat me any differently or see it as an 'excuse'.*¹¹² The two participants who had not told colleagues both thought the same way. Poppy said, *'I'm just a private person'*, and Polly replied, *'I am a private person and this is private information they do not need to know.'*

The police demographic questions did not only revolve around the ND status of the officers. One question enquired if the participants know an ND person well. This depends on the subjective interpretation of 'well', though answers to a further question, below, provide more information. Eighteen (67%) replied 'yes'. Eight officers did not know any ND people but one of those was ND herself. As mentioned in Chapter Three, this left just seven participants (26%) who had no personal experience (whether they are ND, know ND people or both) of neurodivergent conditions. In Gardner *et al.* (2019) 40% (*n* 28/72) of their police participants did not have any relationship with an autistic person. The officers do not appear to have been asked if they are autistic themselves.

When asked about their relationships to the ND people, the answers provided some context to the previous question. Four officers had an ND child or children, two had an ND partner and ten had other family members who were ND. Meanwhile seven had ND friends. There were two 'other' answers but no explanation from either participant as to who this 'other' was.¹¹³ Holloway *et al.* (2022) also asked their police participants about prior autism knowledge. Thirty-nine per cent of their participants had autistic family members, friends and had met autistic colleagues 'in other settings' (Holloway *et al.*, 2022, n.p.). There was no

¹¹² Penelope, above, stated that she is indeed treated differently, in a positive way but still differently.

¹¹³ Three officers knew more than one category of person.

mention of autistic police officers taking part in the survey and only one autistic officer was known to one of the participants.

The second part of this question asked which ND conditions were known through these people. Figure 4.9 below reveals with which conditions the officers had personal experience. As mentioned in Chapter Three, this part of the question was being disregarded initially and had to be made clearer. Eleven out of a potential 18 officers responded, three of them having experience of more than one condition.

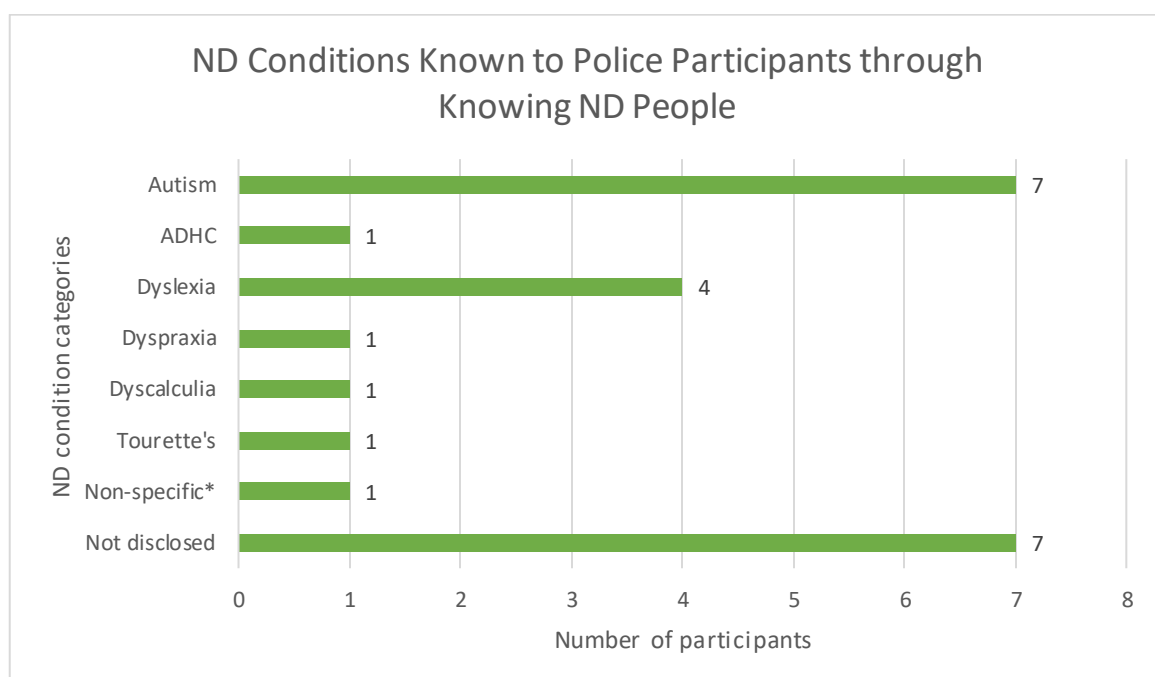


Figure 4.9. Bar chart showing the ND conditions with which the officers were familiar.

*Non-specific behaviour disorder.

Police Encounters

This section begins by discussing the themes around the contact between police and ND people. It delves into the subjects of the disclosure of neurodivergent conditions by the ND

cohort and disclosure to the police participants by their suspects, which ND conditions the police had encountered in suspects in the previous five years and the frequency of the police's encounters with ND suspects those five years. Later in the section there is an examination of the emotions felt by the ND participants about their experience with the police, and the ND traits they exhibited. The section ends with data from Likert scale and qualitative questions that asked the ND participants for the opinions they hold of the police they encountered and of their experience of being stopped/arrested by the police.

Sixteen regional forces were represented in the ND data, plus the British Transport Police. There are 43 police regions in England and Wales (Police.uk, n.d.) so 37% of forces were featured in the neurodivergent participant data as well as the British Transport Police. Only one arrest occurred in the targeted police region featured in this study. Initial encounters with these forces took the forms of arrest – including detention under section 136 of the *Mental Health Act 1983* ('sectioned') – being questioned by police in the street as people deemed to be exhibiting suspicious behaviour, or being asked to attend a police station for a voluntary interview.¹¹⁴ There were a total of 18 arrests and one detention under section 136 (70% of the participants), three people were to spoken in the street and five attended voluntary interviews. Participant stories from all these settings will feature at points in this chapter.

As discussed previously, having an ND condition can still be seen as stigmatising (EHRC, 2020). Crane *et al.* (2016), EHRC (2020), Gibbs and Haas (2020) and Salerno-Ferraro and

¹¹⁴ This is when someone is not arrested but are still interviewed by police. This could result in criminal proceedings commencing or end the person's involvement with the matter (Noble Solicitors, 2018).

Schuller (2020) all uncovered a reluctance to disclose an ND diagnosis to the police due to such factors as fear of stigmatisation, victimisation and mistreatment by police. Fourteen out of 27 (52%) of the ND participants in this study recalled divulging their condition to the police or someone known to them did so. This included the four participants who encountered police 'on the street'.¹¹⁵ A gap in the literature was identified in respect of interactions between ND suspects and first response/patrol officers. Reveley and Dickie (2023) reported that there is little research about street disclosures of autism to police, an area of research that is particularly important given that 'autistic people are more likely to be stopped and questioned in the street' than arrested/convicted (Calton and Hall, 2022, pp. 274-5). This thesis addressed this gap in knowledge by including data from the ND participants who were spoken to by attending officers. In this research, all the participants who did not attend police stations (*n* 4) divulged their ND conditions. Eleven out of the 21 relevant police participants (52%)¹¹⁶ recalled being told of their suspects' ND condition, either by the suspect or by someone with them. In 52% of the cases in both cohorts the suspects or someone with them felt comfortable or confident enough to disclose diagnoses to police. Given the reluctance written about in the literature (Crane *et al.*, 2016; EHRC, 2020), unexpected openness was exhibited by the suspects or their families/key workers. In Gibbs and Haas (2020) only 32.5% of their participants divulged their condition.¹¹⁷ It was a slightly different story with Crane *et al.* (2016) who discovered that 39% of their participants

¹¹⁵ This number includes Nadine who was placed under section 136. While a section 136 is a form of detention, Nadine was not taken to a police station, interviewed or detained in a cell. Her encounter was at a railway station, though she was also taken to hospital by the police. Nadine is included here as she only interacted with police while they were out on patrol.

¹¹⁶ Twenty-one of the 27 police participants (78%) had had experience of dealing with ND suspects since 2017. The other six officers were not asked this question.

¹¹⁷ The figure was 36% for parents or carers divulging a diagnosis of the ND individual.

always disclosed their condition and 25% disclosed sometimes.¹¹⁸ However, it is difficult to make a direct comparison between this study and those of Gibbs and Haas (2020) and Crane *et al.* (2016). The Gibbs and Haas (2020) study was conducted in Australia and the Crane *et al.* (2016), although British, is eight years old. Both studies experienced some of the same limitations that were apparent in the current research. Crane *et al.* (2016) were concerned about the self-selecting limitation of their participants, as this could result in their participant groups being comprised disproportionately of autistic individuals who felt disgruntled about their encounters with the police, and police officers who were already interested in the study's subject matter. Meanwhile, neither Crane *et al.* (2016) nor Gibbs and Haas (2020) were able to verify the diagnoses of their participants, they could only ask, as this study did, if the participants had received a diagnosis. There were also issues over a lack of heterogeneity of the participants in both studies, with a concern over lack of representation of a wider range of autistic expression.

In three incidences reported in the police survey (14%) the police recalled specifically enquiring if their suspect was ND rather than their suspects volunteering the information. Explicitly asking all suspects about ND conditions could assist both ND individuals and police in interviews and custody care. However, while the police can ask, it does not follow that the detained person will divulge their conditions (Hepworth, 2017). Three further police participants answered 'other' and there was a text box for elucidation. Perry was the only police participant to mention that any medical condition would be identified as part of routine checks in the booking processes, explaining, '*This would be picked up as part of*

¹¹⁸ 90% of parents/carers disclosed a diagnosis in Crane *et al.* (2016), there seeming to be a far greater reluctance with the autistic individuals to disclose than with their care givers.

*routine checks, both as a normal part of the custody booking in or the voluntary attendance booking in process.*¹¹⁹ Pamela said, *'Information already held [detailed the person was ND]. Confirmed with the person.'* It was not explained why this information was already held. *'I was aware but did not discuss it with them directly'*, wrote Pearl. Again, it is not known how Pearl knew, but she gave further information in a later section of the survey, writing, *'I was aware that the suspect had learning disabilities [...] and referred to The Advocate's Gateway [toolkit] to refresh myself on best approach.'* Prior to reading this response from Pearl I had not heard of The Advocate's Gateway (TAG). TAG is a not-for-profit organisation run by volunteers which gives free guidance on communicating with vulnerable CJS users (TAG, n.d.a; 2022).¹²⁰ Pearl was the only participant to mention this resource.

One officer indicated that she did not know at the time of the interview that the individual was ND but discovered this later. The routine checks mentioned by Perry above appear not to have picked up on this suspect's condition. If those checks involve self-disclosure it returns to the problems discussed both previously and in the next paragraph. Nader said they were asked for *'all my medical conditions'* while being booked in yet did not divulge they were ND because the police *'didn't ask'* about ND conditions, Nader presumably not considering being autistic to be a medical condition.

With 17 ND participants stating that police knew of their condition, this left ten who did not disclose their ND diagnosis. I was able to discover the reasons why most of these

¹¹⁹ These checks are performed by the custody officer. There are ND custody screening questions, but there is a problem here in that the custody officer has to suspect or be aware of an ND condition to know to ask the relevant questions (Hepworth, 2023).

¹²⁰ The toolkit referred to by Pearl is Toolkit 3 – 'Planning to question someone with an autism spectrum disorder including Asperger syndrome' (TAG, 2016).

participants said the police were unaware of their ND conditions as the next survey question asked why the police did not know. Nine participants responded. Five of the nine who responded were not diagnosed at the time of their police encounter.¹²¹ Late diagnosis impacts on whether an individual knows about their conditions to be able to tell the police.¹²² Nathan was *'too scared to tell'* (but did not elaborate. This is an instance when I would have liked to ask further questions, as discussed in Chapter Three). Two of the participants did not think to tell the police, with Nadia saying, *'I didn't think to. I didn't think it was important,'* and Nina replying, *'I didn't think to tell him.'* These reasons for non-disclosure are concordant with those discovered by Crane *et al.* (2016), Gibbs and Haas (2020) and Salerno-Ferraro and Schuller (2020), namely not being diagnosed at the time, not considering it important, and being too scared to tell. In the literature, Crane *et al.* (2016), EHRC (2020) and Gibbs and Haas (2020) found other motives for ND people not divulging their ND status to police. This included fearing stigmatisation or victimisation, previous negative outcomes and the police not understanding what autism is. The issue of disclosure is important (Beardon *et al.*, 2018). As pointed out by Salerno and Schuller (2019), if the police do not know of their suspect's condition, they will not know how best to go forward with their interactions with the ND person, putting both police and suspect at a disadvantage. Figure 4.10 below illustrates how police knew their suspects were ND. There were the four individuals whose conditions were not picked up through any routine checks, but these individuals were arrested in police regions other than the targeted region.

¹²¹ Four out of the five undiagnosed (80%) were female, and three out of the five (60%) (including the male) were aged 46 or above.

¹²² Explored in Chapter Two.

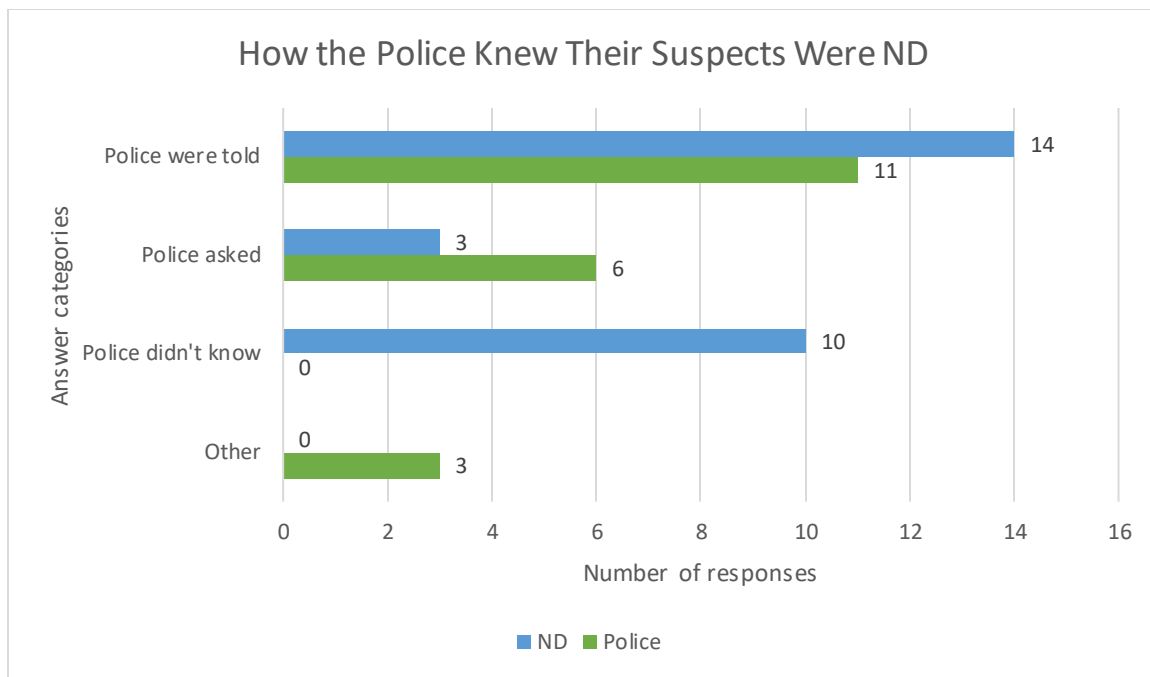


Figure 4.10. Bar chart showing how police knew their suspects were ND. (Zero indicates not applicable.)

The police were asked about how often they had dealt with ND suspects in the previous five years.¹²³ Twenty-four per cent ($n = 5$) replied 'often', for 43% ($n = 9$) the answer was 'sometimes' and 'very occasionally' was chosen by 33% ($n = 7$). However, what one considers to be often, sometimes and very occasionally is subjective, but participants could not be expected to remember a precise figure. In Australia, Gibbs and Hass (2020) reported that police were interacting with autistic people at least as frequently as they were allistic people.¹²⁴

Figure 4.11 below depicts the ND conditions that the police participants remember encountering in their ND suspects over the previous five years. Almost three-quarters of the

¹²³ Six officers had either no experience of interviewing (known) ND suspects or had no recent experience so were not asked this question.

¹²⁴ In the form of witnesses, victims and suspects.

police participants ($n = 15$) stated that they had experience with several of the conditions listed but six replied that they had only encountered autism. Most were reported as sole conditions. Only Percy specifically reported the possibility of more than one condition in the same individual, writing, ‘*The suspect told me that he has autism [...] and ADHD.*’

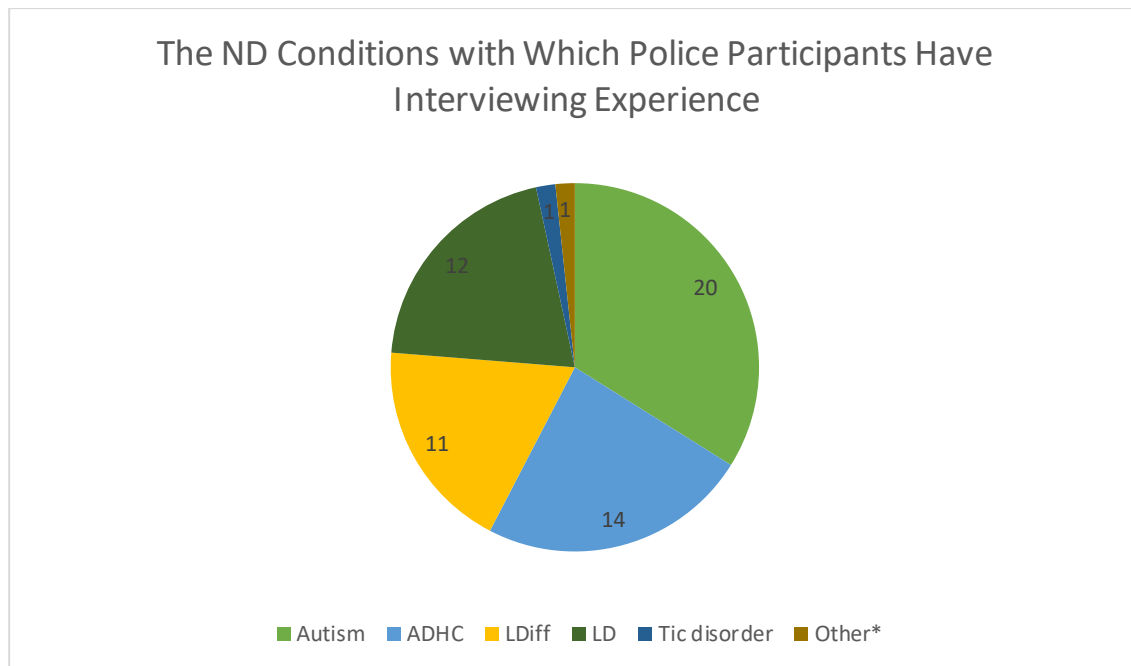


Figure 4.11. Pie chart showing the ND conditions that the police remember encountering in their suspects.

*Other – acquired brain injury.

It was pointed out by Talbot (2010) and Howard *et al.* (2015) that learning difficulty and learning disability are often confused with each other and there is a lot of confusion over the difference between the two terms. Although both options were given on the police survey it cannot be known if the officers who chose those options understood the (sometimes hazy) differences between the two terms, as Hellenbach (2011) discovered (see Chapter Two).

Eleven police participants (52%) said that they were aware of how to consider the person's condition when interviewing them, two replied that they did not know but asked for advice from a colleague or did some research, four did not know but attempted to accommodate their suspects' needs, and three participants treated the ND suspect in the same way as they would anyone else. One of these latter participants was the officer who did not find out that her suspect was ND until after the interview. There are only the participants' own assessments with regards to knowing how to consider the ND suspect's condition in the interview. In Perry's 'other' answer he indicated that he relied on the appropriate adult to help with the interview, replying:

As a minimum, appropriate adults are requested and assessments would be conducted to ensure the person was fit to be detained and fit to be interviewed. If this cannot be managed then further support would be arranged first.

The eleven officers who felt that they knew how to accommodate their suspects were asked about the source of their knowledge. Ten of them revealed various combinations of being ND themselves, knowing someone who was ND, receiving some form of ND training or had done research,¹²⁵ while Phelan knew only due to his own research. Penelope wrote:

I make a point to research into other ND conditions because of my own research at university and own interest in ND issues. If I came across a condition I wasn't aware of [...] I would likely go away and

¹²⁵ Discussed later in this chapter.

do some research before interviewing them, especially with regards to whether an appropriate adult is necessary. I may reword questions or consider my pacing in interview.

Pamela seemed to understand the previously mentioned ND reluctance to reveal their condition, writing, *'From their mannerisms I formed the suspicion that they were ND and treated them as such without asking. I didn't want to embarrass them.'*

Paris pointed to time constraints when dealing with people who need extra help, *'There tends not to be the time to make different arrangements.'* There were time constraint concerns in Crane *et al.* (2016) and it was a finding of McKinnon, Moore, Lyall and Forrester (2022, p. 7) who concluded:

...the legislative time constraints that apply in custody, further limitations become apparent. Nevertheless, given the high levels of psychiatric morbidity [...], it is incumbent on services to do their best to identify people and subsequently ensure that they receive the best available treatment.¹²⁶

Pauline revealed, *'The person was unable to read or write. This was highlighted when I asked him to read a line during the introduction phase of the interview.'* Adding, *'This phase is designed to highlight such issues.'* Pauline was one of only two participants who recounted

¹²⁶ Autism and ADHC were included as 'psychiatric' conditions in the McKinnon *et al.* (2022) study.

testing someone's ability to read or write.¹²⁷ The other officer to test reading ability was Pippa, who was also one of only two police participants (with Pamela, above) who understood disclosure hesitancy, replying:

In terms of training I have been told to watch out for signs of learning difficulties, such as testing someone's ability to read/write [...] I use my own judgement and understanding of myself and people I know to look for signs. I know people won't necessarily want to tell someone they have ND.

Pippa, who is neurodivergent, was using her lived experience to assist in identifying those in need of help. Here it has been shown that ND training and prior knowledge of neurodivergence can benefit people in custody.

Neurodivergent Perspective

This section explores the emotions felt by the ND participants and the ND traits exhibited by them after they had been being stopped/arrested. The results revealed issues around anxiety, speaking, eye contact, sensory and information overload, and 'being watched'. The results show occasional positive incidents reported by the ND participants but the comments made were primarily negative. Also discussed here is what the ND police wrote about their feelings about their own ND traits. It will be seen that the ND participants spoke

¹²⁷ This does not mean this is not the experience of the other participants, only that these two participants thought to write about it or had the time to write about it.

of their sensory difficulties, sometimes unprompted, and about their ND traits manifesting themselves while in police custody.

As discussed in Chapter Two, everyone has varying degrees of emotion regulation but research by Samson *et al.* (2012), Conner *et al.* (2021) and Bradley *et al.* (2023) shows emotion dysregulation to be at higher levels in autistics. With arrest or being spoken to by the police about suspicious behaviour having the potential to be emotional experiences, it would be unsurprising to find emotions running high in individuals whose emotion regulation could be impacted because they are autistic or ADHC. The questions on the ND survey were open-ended but to give guidance, prompts followed some questions.¹²⁸ These usually included prompts such as ‘how were you feeling?’ and ‘what did you feel?’. The answers to these questions inevitably incorporated ‘emotion words’.¹²⁹ However, some of the questions that did not have a ‘feelings’ prompt elicited emotions too. The word cloud in Figure 4.12 below illustrates the emotions the ND participants faced during their encounters with police. They were entirely negative. They encompass what was felt on the initial encounter with police and (where applicable) going through being taken to/going to a police station, being booked in, placed in a cell, and being in the interview room.

¹²⁸ As explained in Chapter Three.

¹²⁹ E.g. anxious, scared.



Figure 4.12. Word cloud showing the emotions felt by ND participants during their encounters with the police.

An issue with asking ND individuals about emotions is alexithymia, which is the reduced or absent ability to describe or identify emotions (Allely, 2022). What should be considered is that while the feelings prompts attempted to aid the participants in emotional awareness it is possible that their interpretations were compromised.

Literature was sought to compare the ND response to being arrested to that of neurotypical individuals. Wooff and Skinns (2017, p. 569) wrote, ‘Emotional uncertainty [...] becomes a key part of the custody environment, both for detainees and for staff.’ Wooff and Skinns (2017) examined the emotions felt by detainees in four English police stations. Their participants variously described themselves as feeling frightened, upset, devastated, intimidated, angry, frustrated, anguished, helpless and despairing, demonstrating a small overlap with this study’s findings. However, there is no information as to whether the participants in Wooff and Skinns (2017) were all neurotypical or if any were ND, certainly

some had mental ill health. Furthermore, Slavny-Cross *et al.* (2022) found that their autistic participants experienced significantly less satisfaction with the police who dealt with them when compared to the allistic counterparts but emotional impact was not investigated, though there were mentions of stress, meltdowns and shutdowns.

Some of the participants described what happened when they encountered the police and the emotions they felt. These descriptions are presented here. Nerys stated:

An officer came to my house at 10 pm. After informing him my children and I were autistic he still came inside. He told me I would need come to the station to have a voluntary interview [...] This would not take place for weeks to months. It was learning this that I asked him to leave my house as that time scale given to me at 10 pm gave me extreme anxiety, and I thought the time of day at which he came to tell me was quite unreasonable and unnecessary. This information could have been given to me at a reasonable time in the day where I could access support from a family member. I was left feeling vulnerable, upset, anxious and a little angry.

And Nex complained:

They kept telling me to calm down, but telling someone who is stressed to calm down does not calm them down. The words are pointless. They didn't help me really. I might not have been so bad if

I hadn't spent a sleepless and stressed-out night in the cells, or if I were in a nicer, more relaxing room.

Nex has support for this last comment from Hoogesteyn, Meijer and Vrij (2020), that physically comfortable rooms can promote disclosure and cooperation. They discovered that rooms decorated to be more 'home-like', warm and inviting with comfortable chairs, were more conducive to cooperation from the suspects. In Crane *et al.* (2016), police respondents demonstrated variable knowledge about simple actions that can make interviewing ND people easier, such as changing the layout of the interview room or changing to a more suitable room. 'Soft' interview rooms are currently used for witnesses and victims only. They are more comfortable, but less secure, than the severe and stark conventional interview rooms used for suspects (Prestogear, 2020). Though, Nottinghamshire Police opened a new, purpose built, 50 cell custody suite in 2022. It contains rooms specifically for vulnerable people including autistics (Nottinghamshire Police and Crime Commissioner, 2022; Notts TV, 2022; Smith, 2022).

Nina's response was, *'He didn't seem to understand that he was the one making me anxious.'* Nelson felt, *'confused about what was happening'*, and Natalie said she was, *'severely anxious [...] terrified'*. The next two comments hint at sensory and privacy issues, which will be explored further later in this chapter. Noah wrote, *'I have particular problems with being searched. This was ignored [...] causing me a lot of stress'*, and Nora was, *'in a meltdown and covered my ears and eyes. I said I don't want to be touched.'* The sensation of touch can be problematic for autistic individuals, to the extent where it can feel painful (Nyx *et al.*, 2011; Hepworth, 2017; Mogavero, 2019). Autistic participants in Gibbs and Haas

(2020) and Salerno Ferraro and Schuller (2020) all reported on their (sometimes extreme) aversion to being touched.

A total of four participants mentioned self-harm and suicide and were treated with varying degrees of sympathy by police. Self-harm was described by Wallace, Herbert, Tyler and McGee-Hassrick (2021, p. 950) as being ‘commonly displayed’ in autistic people. Here is Nelson’s account, which is particularly important given that ‘suicide’ was mentioned four times in his narration:

Then they arrested me so they could search my house and protect a vulnerable person from myself. I told them I was vulnerable, I have Asperger’s, anxiety, depression, PTSD and have had a number of suicide attempts, but they didn’t class me as vulnerable.¹³⁰

The story of his arrest continues with, *‘While in the van I was trying not to cry [...] Was in the cell for over 2 hours planning on killing myself when I got home.’* When asked his feelings about the cell in which he was detained, Nelson replied, *‘I hated it. They took my trousers off and gave me horrible ones to wear while at the station.’*¹³¹ *Trying not to cry and thinking about suicide.’* Later in the survey, when asked if there was any question the participant wished he could ask the police about his time spent in police custody, Nelson replied:

¹³⁰ Nelson recounts later in this chapter that he was arrested after allegedly being exploited on social media by someone he had considered to be a friend.

¹³¹ This might give an indication that the police considered Nelson a suicide risk if the replacement trousers were paper ones.

I did in my complaint but they said they did nothing wrong.

Hopefully, the IOPC [Independent Office for Police Conduct] don't agree with them. This situation has destroyed me. Had 2 more suicide attempts. Constantly have flashbacks of being in the van, cell, etc.

I found it frustrating that Nelson did not repeat those questions from his police and IOPC complaints in his answer, and that I would be unable to ask him due to the anonymity. I would be interested to know the outcome of his IOPC complaint, too.

The Holloway *et al.* (2020) participative walkthrough raised concerns over ND sensory issues that could be experienced within the custody environment. In the interview room alone there could be the over-bright, humming, possibly flickering fluorescent lighting; distracting noises outside the room; the hum of the recording apparatus; the stale smell in an unaired, unventilated room; the absence of natural light; or the sensation of an unsuitable chair or table surface. Even though most participants in the current study did not explicitly state they had sensory issues, almost everyone in the ND study who provided qualitative data wrote about sensory avoidance. As an autistic myself I immediately recognised that the participants were writing of the hyper-sensitivity associated with autism and ADHC (Bradley and Caldwell, 2013; Murphy, 2018). Some participant quotations relate to the sensory issues experienced in the cells and interview room. Fifteen out of 27 of the participants (56%) were held in a cell at some point. When asked about the cells in which they were held, the relevant participants considered them claustrophobic, smelly (including a strong smell of bleach), too hot, noisy, too brightly lit and uncomfortable. There were issues with lack of

privacy due to the security cameras and door hatches. The Holloway *et al.* (2020) participative walkthrough also found sensory issues to be a problem in the custody environment, with claustrophobia, echoey cells, humming over-bright lights, bright or glossy colours and lack of privacy commented on by the two autistic participants. Table 4.4 below gives a sample of the comments regarding sensory issues experienced by the ND participants in the police stations.

Table 4.4. Table showing sample comments regarding sensory issues experienced by the ND participants.

Sensory issue	Comment
Noise	Whenever anyone looked through [the door hatch] it clanged so loudly it startled me (Nex) The doors slamming was very frightening (Noah)
Smells	I wasn't able to overcome the problem I have with toilet fumes (Nader)
Lights	The lights were difficult (Nessa) Brights lights everywhere (Nelson)
Multiple issues	I felt claustrophobic and overwhelmed by the brightness and noise (Naomi) It smelled strongly of bleach which began to give me a headache, with the over-bright lights not helping (Nolan) It smelt [...] It hurt my nose. The lights were too bright and hurt my eyes and it was too noisy (Nigel) Loads of noise [...] Officers stared at me for over an hour (Nelson)

One participant who was explicit about sensory issues was Natalie. She had concerns over most of the environment, including here regarding the interview room:

The interview room was a sensory nightmare for me. It was very small and claustrophobic. I felt trapped and very uncomfortable. [...] Very hot in there and no natural sunlight. Bright artificial strip lights above me were very sensory overloading.

Being overwhelmed, which can happen with sensory or information overload (Autism West Midlands, 2019) can result in an autistic person having a 'meltdown' or else shutting down. Naomi, Nora and Nico mentioned 'meltdowns' and Nadine, Natalie, Nina, Nico and Nancy wrote of feeling overwhelmed or of shutting down. Nico explained, *'I had a meltdown in the cell as it was so claustrophobic. This made me even more quiet at the interview as I had shut down by this point.'* *'I was in such a state of overwhelm and shutdown'*, Nadine wrote. Nancy said, *'They should not have belittled me when I refused the breathalyser or to do things because this shuts me down more.'* Shutdowns can cause an individual to struggle to speak or not to be able to speak, sometimes called selective mutism (Murphy, 2018; Salerno-Ferraro and Schuller, 2020). Eighteen participants said that they found it difficult to talk (see Table 4.5 below) as evidenced by this quote from Naomi, *'I couldn't talk very well. I struggled to explain the events.'* Nerys said, *'I couldn't speak properly and that made me feel worse.'* Norell said, *'I was having problems speaking.'*

Six out of the 25 ND participants that gave qualitative data (24%) raised the issue of processing speeds, which can be slower in ND people (Haigh *et al.*, 2018; Kofler *et al.*, 2020).¹³² Natalie announced, *'I have slow mental processing.'* In the police responses, Peter recognised this, writing, *'[They] can often take longer to process questions and formulate a*

¹³² Explored in in Chapter Two.

response. 'I didn't like making eye contact or I stared at people' was a trait displayed by 18 out of 27 ND participants (Table 4.5 below) but only four police made mention of it when asked for their current understanding of neurodivergent conditions. The ND cohort also mentioned problems with information overload, with Nico referring to, '*too much info*'.

A multiple-choice question asked the ND cohort about any difficulties related to their conditions that they met while with the police. They were given a list of possible responses with the last response giving them the opportunity to give a difficulty not listed. Table 4.5 below gives the list of difficulties that were provided and the number of responses given. The predominant problem experienced was feeling very stressed, upset or anxious, which was experienced by 74% of the participants ($n = 20$ out of 27). Eighteen participants (67%) had eye contact issues and 12 (44%) could not keep still. Investigators can consider such traits as avoidance of eye contact or too much eye contact, fidgeting, and inappropriate emotional responses as evidence of deception (Young *et al.*, 2020; Logos *et al.*, 2021; Holloway *et al.*, 2022). Eye contact is a widely known issue for autistics and ADHC, with the potential for it to feel threatening and for it to cause pain to the ND individual (Nyx *et al.*, 2011).

All but one ND participant experienced typically ND problems while in custody but few police participants wrote of witnessing ND traits being exhibited. Pamela recalled witnessing behaviour that prompted her to write, '*From their mannerisms in custody I formed the suspicion that they were ND.*'

Table 4.5. Table showing the difficulties faced by the ND participants during their encounters with the police.

Nature of difficulty	N/27 (and per cent) of participants who experienced the difficulty
I had no difficulties	1 (4)
I can't remember	0 (-)
I found it difficult to communicate by speaking	18 (67)
I didn't like the noise, or lights, or smells, or touch	17 (63)
I couldn't sit still	12 (44)
I couldn't stop talking	3 (11)
I could hardly move	8 (30)
I didn't like making eye contact or I stared at people	18 (67)
There was too much spoken or written information	17 (63)
I got very stressed, upset or anxious	20 (74)
I couldn't concentrate/pay attention	16 (59)
I have a different answer from the ones above*	10 (37)

*The 'other' problems that were experienced by the participants included 'crying all the time' (Nadia), anger (Norell) and processing and retention issues (Nex).

The qualitative data, below, gave context to the quantitative data in Table 4.5, above. I understood some of the autistic traits mentioned immediately, without the participants explicitly stating their issue with it. When Nancy wrote, *'they went through my bag to ID me'*, I knew that autistic people can be particular about our possessions and do not always like our 'stuff' to be touched by others, but the only reference I could find for this was on social media (Quora, 2021). Nigel wrote about possessions, too, but in a different context.

They hauled me out of the house and wouldn't let me get my stuff. I always have a bag with me when I go out with the things in it that I think I might need. I never leave the house without my stuff so I was stressed right at the start.¹³³

Naomi had a similar experience in the police station, saying, '*At the station [...] all my possessions were taken off me. This distressed me greatly.*'

Privacy when in a cell was a problem. Nex found, '*I couldn't tell if the CCTV could see me when I was on the loo or not*', continuing with:

I didn't like being watched by people I couldn't see properly either [writing of the hatch and spyhole in the cell door]. I tried to ignore the CCTV camera completely because if I'd thought about that too much I would have felt even more dreadful.

This theme continues with Natalie:

He started the interview and then tells me, "Oh by the way, there are 5 cameras recording you", and pointed individually to them. I take direct eye contact as an extreme threat, and cameras pointing directly at me watching me feels no different than 5 people sat there

¹³³ Nigel would not have been permitted to keep hold of a bag anyway, since personal possessions are not usually allowed in police cells (Northumbria Police, n.d.).

staring at me. This completely took me off guard. I was not told I would be recorded. I did not want to be recorded [...] I spent months after trying to get them to delete the video and making complaints. They refused to delete it and refused my FOI¹³⁴ request asking who had watched my interview video. The fact that it exists causes me anxiety every day.

The idea of being watched causing distress to this participant relates to the findings of Hays and Butauski (2018, p. 377) who touched on the point made by Natalie about the camera footage. Their research is not directly relevant but they do state ‘...individuals believe that they own their private information and have the right to control co-ownership of the information’.¹³⁵ Leotti, Iyengar and Ochsner (2010) discovered that humans have an innate need to control their own environment, and the desire to control one’s own environment can be acute and overwhelming in autistic people (Kanakri, Shepley, Varni and Tassinary, 2017; Jones; 2021).

In a prompt to one of the questions, the ND participants were asked if the police did anything to aid them with their problems. There were few replies that acknowledged this prompt. Nadine dismissed the idea with, ‘*I didn’t particularly want their help.*’ Help was not forthcoming to Nessa who wrote, ‘*Police didn’t help me. Just kept talking and talking*’, and Nico simply stated, ‘*No one helped me.*’ After searching the data for explicit comments that indicated help from the police, I searched the results for responses that implied a helpful

¹³⁴ Freedom of Information.

¹³⁵ This study examines privacy management of parents with autistic children.

nature, such as Nadia who was given a cup of tea in the interview room and was spoken to kindly. Nancy found that, '*Police at the station were very nice*'. Noah considered that, '*The police were polite and professional*.'

While there were many mentions in the neurodivergent cohort's data of ND traits being displayed, unless the participants explicitly stated to the police that they had these problems it is possible that the police in their cases would have been unaware. It would not necessarily be noticeable if someone is experiencing sensory problems, having auditory and information processing problems, is moving/talking more/less than usual or experiencing information overload, especially for someone not versed in picking up the possible signs of such characteristics. Some traits are not obvious or might be indistinguishable from emotions shown by NT suspects. While the effects of anxiety and fear might be obvious there could be nothing that looks any different between NT and ND people.

It was difficult to compare police and ND experiences directly. The ND participants spoke about how they felt while the police participants could write only of what they witnessed on the surface of their suspects. As explained in Chapter Three the police participants were not asked many qualitative questions, but they were given the opportunity to expand on the information given in some of the quantitative questions if they wished. When providing more detail none of the NT officers wrote about any emotions that they may themselves have experienced during arrest or interview. However, three ND officers made brief mentions of how their ND traits can impact them. Pippa said that she has hypersensitive hearing which can cause issues for her, while Paige and Penelope wrote about the masking they felt they needed to do while at work. Penelope's words were:

I myself have been told by colleagues that I don't outwardly seem as if I am ADHD, and I have tried to explain masking behaviours to them and how I am almost a completely different person at home.

When trying to divine ND emotion in their suspects, meltdown behaviour, for example, can vary from autistic person to autistic person and listing every possible outward display as a prompt could cause the question to become leading and protracted (NAS, n.d.; Murphy, 2018). Shutdowns are not easy to explain to those who do not experience them and are a subtle expression of being overwhelmed (Autism West Midlands, 2019). The total withdrawal and silence of an interviewee could be seen as a natural result of being interviewed or as arrogant, stubborn, disrespectful, rude, guilty or the otherwise unhelpful behaviour described by Hellenbach (2017) and Murphy (2018). Two officers gave answers that suggested they were aware of not being presumptuous based on their suspect's behaviour. Poppy said, *'They may come across as rude (without meaning to).'* Phoebe was in agreement, *'They may [...] come across as rude.'*

Parnell was one of the few police participants to explicitly mention ND traits, though he did not explain what these traits were, writing, *'The suspect was difficult during the interview, evasive, and displaying ND traits, however pre and post interview, did not display traits as significantly.'* It is possible that the pressures of the interview caused the traits to become pronounced, but Parnell had previous knowledge of the individual and said, *'The suspect had a previous conviction for [...], for which ADHD was a mitigating factor. She claimed to me that she only claimed that to reduce her punishment.'*

Further police participants mentioned ND traits, but not in the way I was expecting. Percy wrote of having to move to closed questions due to the interviewee struggling with open questions, stating, *'In subsequent interviews I asked more closed questions, which the suspect was more comfortable answering.'* As well as Parnell, another officer had concerns about a ADHC interviewee. Penelope wrote:

I did have a suspect begin to get annoyed and state he would not be answering questions due to ADHD. I knew this suspect quite well and knew his ADHD did not usually display as mutism [...] so I explained to him that I also have ADHD and attempted to regain control of the interview. The suspect then either understood that he was attempting to take liberties by using his ADHD as an excuse, if you will, or felt more comfortable knowing I had ADHD, and the suspect then began to answer questions again. [...] you cannot tell whether the suspect is using it as an excuse. I don't say using it as an excuse lightly, as I have had people accuse me of this before, but some suspects really will try and blame all their negative actions on having ADHD, in particular, so it can be a difficult pill to swallow at times when experiencing difficulties in interview.¹³⁶

In the matters of ND traits manifesting – be it sensory issues, meltdowns, shutdowns, processing issues or being overwhelmed – or emotional responses, it was unsurprising that

¹³⁶ This was not in reference to her most recent ND interview but some interesting issues were raised in this comment.

these would occupy more of the ND participants' replies than those of the police. The Slavny-Cross *et al.* (2022) research found meltdowns (82% of participants) and shutdowns (62%) to be common responses when encountering the CJS. In Crane *et al.* (2016) only 15% of their police participants found it easy or very easy to manage sensory issues, with almost half of them finding it hard or very hard (out of the 61% of their participants who responded to the question).

Neurodivergent Opinions of Police

This section examines the ND participants' opinions of both the police officers they encountered and of their experience being of arrested/stopped by police. There are some positive comments but they are mostly negative.

It was unsurprising to discover that the ND participants were unhappy with encountering the police, it is not unusual for any suspect, whether ND or NT to hold negative opinions of police (Papachristos, Meares and Fagan, 2012; White, Mulvey and Dario, 2016). Surprises lay in how extreme some of those experiences were and the difference between how some individuals were treated in the same circumstances in different police regions. What became apparent in the data was that the participants' opinions of the officers who dealt with them were not necessarily as low as their opinions of their whole encounter.

Participants were asked how they felt about the police officers themselves, and about how they felt about the experience of being spoken to/arrested generally. The participants were given Likert scales to answer these questions. Eleven out of 27 participants (41%) graded their opinion of the officers higher than that of their experience of being a suspect. Bar charts depicting both data sets are below (Figures 4.13 and 4.14).

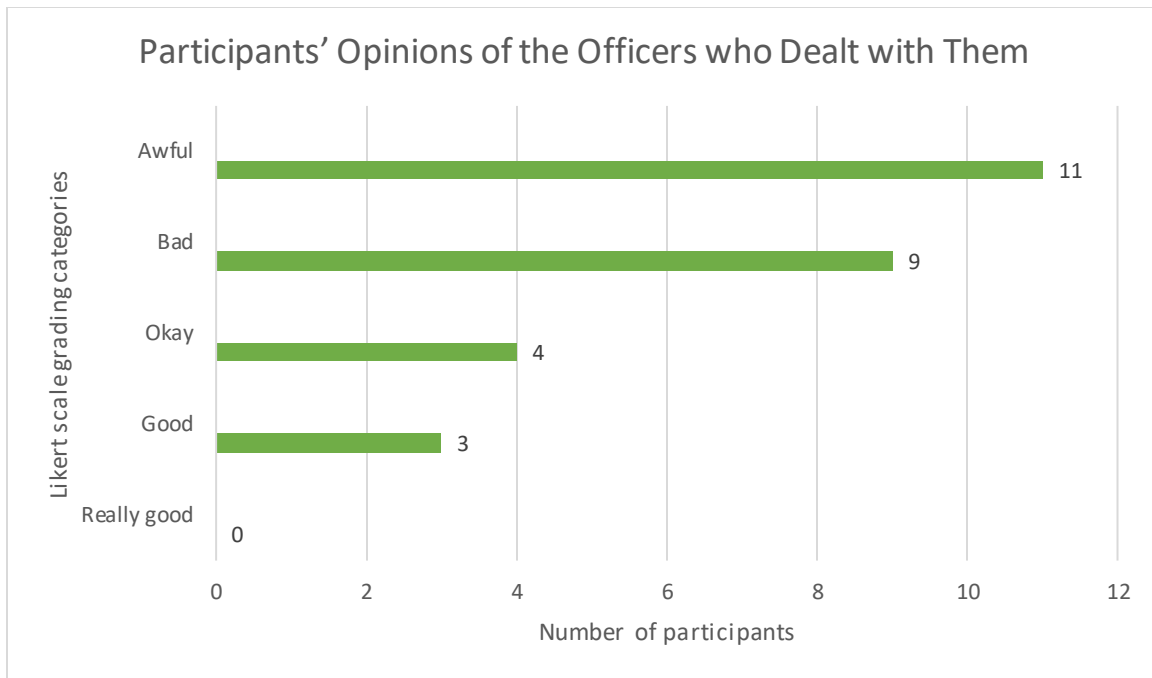


Figure 4.13. Bar chart showing ND participants' opinions of the officers who dealt with them.

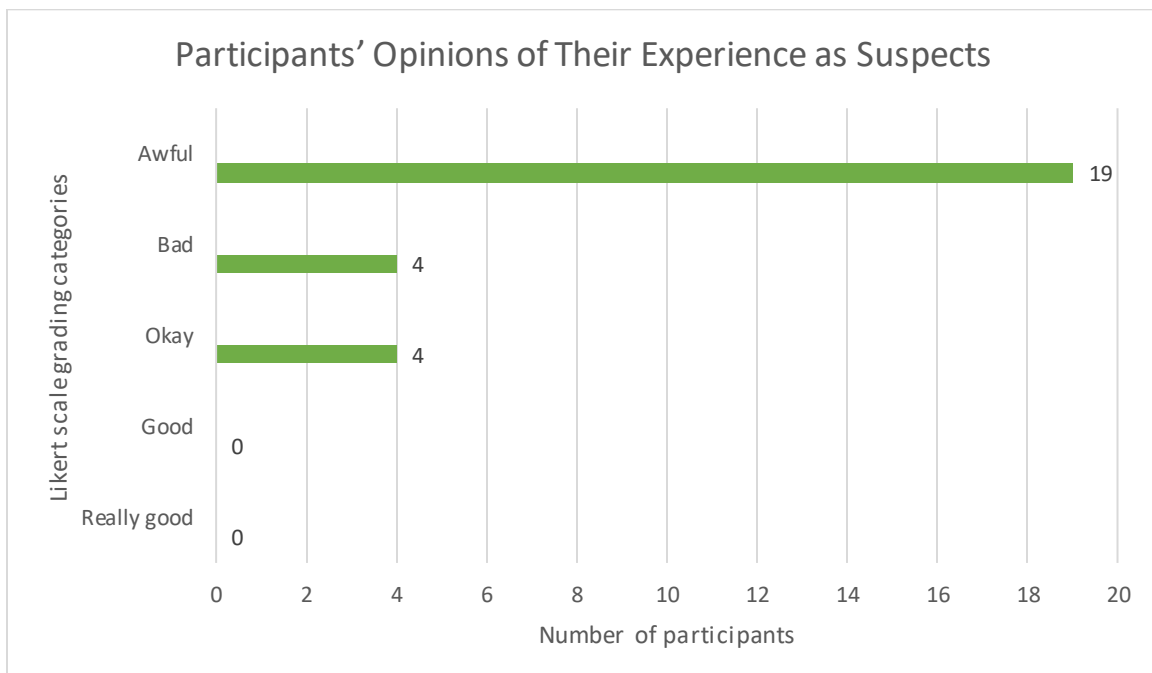


Figure 4.14. Bar chart showing the ND participants' opinions of their experience as suspects.

This isolating of the opinions of the police they encountered and the experience of being a suspect appears not to have been done before and adds to current knowledge.

Qualitative data giving context to the opinions displayed in Figure 4.13 is featured now. As mentioned above, 41% of participants had a higher opinion of the officers than they had of the experience, with some giving positive comments. Noah stated, *'The police were polite and professional'*. Nadia said that she was treated *'kindly'* at arrest. Her positive experience continued in the custody suite where she was spoken to *'nicely'*, and on into the interview where, *'They made me a cup of tea, told me to calm down. They spoke nicely to me'*. The result of this positive treatment was Nadia rating the police as 'good' and the experience as 'okay'. For Nex, the response was mixed, *'Overall, I was 'politely' treated'*. They continued:

That didn't make it okay because I was still utterly powerless and vulnerable and I was terrified that at any point, without warning, the 'niceness' would be withdrawn and replaced by the kind of treatment that multiple of my friends have experienced.

Two participants discovered the benefits of meeting officers who had some knowledge about autism, as shown next with this comment from Nora, one of the participants involved in a street encounter:

I had a meltdown [in the street]. A police officer stopped me and asked me why I was behaving this way and if I had consumed drugs or alcohol. My husband jumped in and told him about my autism. I was still in my meltdown and wasn't really able to answer his [the officer's] questions. The police officer called for back-up [...] A female

police officer joined, and to my luck she knew about autism and convinced her partner that this isn't a matter of concern.

Rava *et al.* (2017) write of the externalising behaviours, such as meltdowns, that can attract police attention which seems to have occurred in this instance. Nadine, who was prevented from attempting suicide, said:

I showed them my autism alert card and they called the named contact on there. One policeman was really nice and knew about autism, I think. I think he told the others to be careful with me.¹³⁷

Nonetheless, Nadine continued her narrative with the next statement about what happened later, '*Unfortunately, eventually the shift changed and a not terribly nice woman came instead and insisted on searching me.*' However, Nadine had been placed under section 136 of the *Mental Health Act 1983* which is detention, but not because of committing of an offence. It is used to enable police to take a person at risk of self-harm or suicide to a place of safety (*Mental Health Act 1983*; McKinnon *et al.*, 2016). As it is a form of arrest, this allows for the person at risk to be searched under section 32 of the *Police and Criminal Evidence Act 1984* (Home Office, 2023b). Nadine calling one officer '*really nice*' and another one '*not terribly nice*' suggests a different style of approach between the two officers. Nadine is the only participant (ND or police) who mentioned an autism alert card. Alert cards feature occasionally in the later literature. Most articles refer to autism alert cards (Crane *et al.*, 2016; Hepworth, 2017; Dickie and Dorrity, 2018; Salerno-Ferraro and Schuller,

¹³⁷ Alert cards are explained in the next paragraph.

2020; Young *et al.*, 2020; CJI, 2021; Allely and Murphy, 2023; Edwards, Love, Flower *et al.*, 2024) or autism information cards (Logos *et al.*, 2021). Only Young *et al.* (2020) mentions more general alert cards which can specify the carrier's condition. This is a simple and relatively inexpensive idea that could help ND individuals, but it is not without its problems. As Logos *et al.* (2021) pointed out, merely announcing autism or other ND conditions may not be sufficient if police have no prior knowledge or understanding of the condition, and Nadine initially encountered an officer who seemed to have autism knowledge only for him to be replaced by an officer who seemed not to understand autism. Edwards *et al.* (2024) state that the effectiveness of the cards is reliant upon the knowledge and attitude of the person receiving the disclosure. Alert cards might be of benefit if they are combined with police training (see below for police training). Nadine was taken to a mental health facility in a police van and was given a positive reaction to a request, writing:

They told me to go into the back of the van [...]. I was very unhappy with that and told them I want to go on the backseat and I will mind my behaviour. Luckily for me they let me sit on the backseat in the end, but one officer kept very close by and kept a very close eye on me.

The rest of the ND cohort consistently reported negative arrest and police experiences. Nancy also encountered the police when considering suicide and was met with a different response from the one Nadine received, as shown here:

I was arrested on a bridge at 2 in the morning with suicidal ideation. I was arrested due to having consumed alcohol and accused of drink-driving to get to the bridge. I refused to be breathalysed at the roadside as I hadn't been drink-driving and was told that this was grounds to arrest me [...]. I refused to tell police my name as I was crying a lot and having a panic attack and they went through my bag to ID me. I had resisted handcuffs due to having self-harmed on my wrists [...] but I was handcuffed in the back of a police car with a police officer sat with me.

Nancy was not sectioned. She was arrested, placed in a cell and interviewed as a suspect. She made no mention of any medical attention, despite having self-harmed, or mental health care she could have received while in detention, but it might not have occurred to her to mention such medical and mental care if it had happened as I did not ask.¹³⁸ The police perspective on these events is not known, but Nancy's story raises some questions. It is an offence not to give a specimen of breath when requested to do so by police (Gov.uk, n.d.a), but Nancy stated she had not been driving when the police spoke to her and was not witnessed by the police driving or attempting to drive because she had walked to the bridge, so it is difficult to understand the grounds for asking Nancy for a breath specimen. Under section 4(1) of the *Road Traffic Act 1988*:

It is an offence if a person drives or attempts to drive a motor vehicle on a road or other public place whilst unfit through drink or drugs.

¹³⁸ Another example of how I would have liked to have been able to ask further questions.

Similarly, s.4(2) RTA 1988 makes it an offence if the person is in charge of a motor vehicle when under the influence of drink or drugs (Crown Prosecution Service, 2019, n.p.).

Nina's account, below, was disturbing. This young (18 to 25) woman was walking home in the summer of 2021. She sat on a grass verge to have a rest.

I was sitting there texting my partner when a car drove up and a man got out and came up to me. He said he was a police officer and started asking lots of questions – who I was, how old I was, what I was doing there. [...] He was asking a lot of questions and wanted personal details like my full name, address and an ID, which I initially didn't want to give him, but then he started radioing the station with my description and asking for another car and more officers to take me there, so I showed him my passport. I was really scared and crying and shaking by this point. He gave the passport number and other details to the station and then didn't give it back when he was done, but held on to it for ages, so I felt even more trapped.

Nina's account states that this man was in plain-clothes, in an unmarked car, did not tell her his name, and offered no form of identification. 'Police officers in plain-clothes are required to identify themselves and produce their warrant card when they are performing their police duties and exercising their police powers' (North Yorkshire Police, n.d., p. 1). This was the summer of 2021 – just three or four months after the murder of Sarah Everard and near

the time of the trial of Wayne Couzens.¹³⁹ Covid-19 restrictions of the time had not been lifted but the participant was on her own in the outdoors. Given the climate at the time, the officer's actions might be considered inappropriate. Nina's story continues with the following comment:

Eventually I thought to phone my partner, who I'd been texting before, and he was able to calm me down a bit and convince the officer to let me go [...] He never told me why he had stopped me or what he thought I'd done wrong, or even admitted he'd made a mistake. I filed an official complaint but was told I didn't have enough details for them to identify the officer (he never told me his name).

A person does not have to give their name to a police officer unless that officer has stated the offence that the person is suspected of, and Nina did not recall this officer doing that (London.gov.uk, n.d.). I could not understand how the police could not identify the officer. If he radioed into the control room then it must have been logged, and it should have been recorded (Warner, n.d.). The date and time that the officer radioed in should assist in identifying the officer in question. I began to have grave suspicions that this was not a genuine police officer, although Nina clearly believed he was, to the extent that she got into his car with him:

¹³⁹ The police officer subsequently convicted of Sarah's murder. See Wikipedia Contributors (2023b).

I wasn't taken to the police station in the end, though the officer did insist on driving me to the bus station. I really didn't want to get in the car with him and didn't feel safe, but I didn't feel like I had a choice. I kept my partner on the phone, which helped.

At The Police Station

This section explores arrest and elements of the custody procedure from the perspective of both cohorts. The arrest and custody procedures were outlined in Chapter Two, where the obstacles that can be met by ND people were described. Disparities between the two cohorts' accounts were apparent in the topics of the caution and the Notice of Rights and Entitlements (also known as the Notice to Detained Persons), with clear disparities in the explaining of the caution and Notice. The police data indicated that provision of and assistance from official appropriate adults was commonplace in the targeted police region but it appeared a little less so across other areas of England and Wales according to the ND data. The section finishes with a look at the answers to the Likert scale questions that were posed to the police. These asked about their interview experiences with their most recent ND suspect and how they thought they managed the suspect.

The Caution

This section examines the ND and police experiences around the caution, or right to remain silent. There is research and discussion in the literature about the limited understanding of the words of the caution, particularly by ND individuals (e.g. Clare *et al.*, 1998; Hughes *et al.*, 2013; Rendall *et al.*, 2020), but no research has been uncovered that examines if suspects

had the caution explained to them or had their comprehension properly checked. This thesis sought to address this gap by including an examination of the explaining of the caution.¹⁴⁰ All the relevant twenty-one police participants said that they explained the caution to their suspects. This contrasts with three out of the nineteen relevant ND participants who recalled having the caution explained to them by police.

Here we get an understanding of the issues surrounding the caution from the ND point of view. The right to remain silent was detailed in Chapter Two but to summarise, there are concerns over the clarity of the wording and how much people comprehend, which is particularly problematic for individuals with learning differences and learning disabilities (Clare *et al.*, 1998; Chester, 2018; Rendall *et al.*, 2020). Nineteen out of the 27 ND participants (70%) were cautioned, six were not cautioned (four of them due to not being arrested) and two did not know/could not remember if they were. Eighteen arrests¹⁴¹ and five voluntary interviews suggests that there ought to have been 23 cautions issued, which left two individuals unaccounted for. The data was examined to discover why these two participants appear not to have been cautioned, although it is important to note that the data contained only what the participants could recall of events that occurred during an experience which could have been particularly stressful, anxiety-provoking and potentially distressing. What they wrote revealed that they should have been cautioned. One was arrested and the other attended a voluntary interview. Nanette was arrested, placed in a cell and later interviewed but says she was not cautioned. Natalie attended a police station for a voluntary interview but these are meant to be carried out only after the issuing of the

¹⁴⁰ This theme is returned to in Chapter Seven in Limitations and Future Research.

¹⁴¹ Not counting the participant who was detained under section 136 and who would therefore not have been cautioned.

caution (Draycott Browne, n.d.a). Much has been written of the vulnerability of ND people in the CJS and how compliant and acquiescent they can be (Gudjonsson, 2002; 2007; 2010; 2021; Woodbury-Smith and Dein, 2014; Chandler *et al.*, 2019; Gibbs and Haas, 2020; Allely *et al.*, 2024). Nanette and Natalie's answers relate back to the worries expressed by these and other authors. Natalie said she had not only not been cautioned but also that she was not represented by a solicitor at the interview, as Natalie explains:

I have slow mental processing. I need time to answer a question [...]

He asked me if I wanted a solicitor to be present, but this made so many questions pop into my head, like do I have to pay for that?

How does that get arranged? Do I have to find one myself? Do they provide one? How long will this take? I just got overwhelmed and said no [...]. I did not want to do this interview.

Four of the nineteen cautioned participants did not state whether they understood the caution. Of the remaining 15, only two explicitly stated that they understood it. One was Norell who wrote, '*I understood it perfectly.*' Yet research by Hughes *et al.* (2013) and Rendall *et al.* (2020) discovered that few people who think they understand the caution in fact do so. Three further participants stated they had some understanding of the caution, five said they thought they understood it, two were unsure if they understood and four participants did not understand the caution at all. The caution is issued upon or shortly after arrest and before each interview (Saunders Law, 2016), giving officers at least two

opportunities to explain.¹⁴² Three ND participants remembered having the caution explained to them by police. This was not useful to Ned who responded with the following concerning comment, *'I said I understood but I didn't really'*. Clare *et al.* (1998) advised that police and legal advisors should be cautious about accepting a suspect's claim to have understood the information because of the risk of a suspect, through embarrassment or simply to hasten along proceedings, falsely claiming they understand. Nerys' response revealed ND, particularly ADHC, problems that could work against an ND suspect – poor working memory and retention:

I found it hard that if there were any information I'd maybe forgotten to mention or said later that it would be used against me in court and I would be looked negatively on if that situation happened, as I often forget things and was under a lot of stress.¹⁴³

Only Nigel reported asking the police for clarification but he was not met with a helpful response, *'I tried to explain in the car that I didn't get the middle bit of the caution but I was dismissed'*, and says the caution was never explained to him. Meanwhile Nex answered with another statement that exemplifies the issues surrounding the caution, *'I wasn't even aware I was allowed to ask anything about what was being said.'* Nelson was having difficulty but said he received no help. He said, *'I didn't understand it and kept interrupting because I was confused and the other officer kept telling me to be quiet and listen.'* Noah pointed to a possible information processing delay that ND people can experience (Haigh *et al.*, 2018;

¹⁴² Or at least one opportunity for voluntary interviews.

¹⁴³ Nerys' caution was explained by her solicitor and appropriate adult, not by the police.

Kofler *et al.*, 2020). He said, *'I thought I understood the caution at the time but did not understand the further implications. Some aspects [of the caution] were explained.'*

Information processing delay is an element of ND conditions that might not be known about or understood by NT people. Nessa gave the curious response of, *'Not sure I understood it but it was okay because it came quickly'*.

The only ND participant to have been arrested in the targeted area, Neil, received an explanation. He said, *'I have been cautioned before, so I have heard it before. I do understand it, I think. They tried to explain it to me anyway, but I was too angry to listen properly'*. Despite him being given an explanation, Neil's comment still raises issues. Neil had been cautioned previously but was still not certain that he understood it. He was too angry to listen properly so this suggests that he maybe have not had his understanding checked with the comprehension questions mentioned by officers later in this section.

Nessa said that she was not sure that she understood it. 'Not sure' might indicate that she did not ask for clarification, or have it explained, or have her comprehension checked. These are problems that might have had unfortunate consequences for the ND participants if they had been unaware of their right not to self-incriminate. Nex gives more detail about their experience of being cautioned:

I honestly don't remember the words they said, I went into shock and struggled to process all information I was given from that point onwards. [...] I didn't ask them about what was being said to me because I was terrified [...] I wasn't able to really ask for people to explain anything properly or repeat anything.

It is possible that comprehension was not checked with Nex either. They did not ask any questions, thereby giving no indication that they had not understood what was said. This shutting down and not processing the information is not necessarily something that NT officers would understand. Without a comprehension check after allowing time to process, the words of the caution could be meaningless. The literature indicates that caution comprehension among the general population can be limited, with Clare *et al.* (1998) finding that only 10% of participants understood, even when given the words a sentence at a time. Fenner *et al.* (2002, p. 84) discovered similar problems with both a general population cohort and an offender cohort, stating ‘the normal procedure, involving asking suspects ‘Do you understand?’ [...] is a poor method of assessing comprehension.’ Nancy explained that the caution was issued to her under difficult circumstances:

I was cautioned whilst police officers were trying to put me in the back of the police car, which required 3 police officers as I was handcuffed and refusing to get in the car and kept dropping to the ground because I was having a panic attack.

Because of Nancy’s mental state officers were not required to issue the caution at the point of arrest (Liberty, n.d.). Nancy remembers that they did caution her but it could have happened that she was not in an appropriate condition to comprehend or retain information. Nolan exemplifies when an individual may not be in a condition to understand or retain, stating, *‘I’ve heard the words loads of times on television so I wasn’t even listening properly. I understand the caution but I was too drunk to pay any attention.’*

Meanwhile, Naomi exhibits the autistic issue of central coherence difference (Happé and Frith, 2006), that is understanding the individual words but not the sentences.¹⁴⁴ Naomi commented, *'No, I didn't understand the caution. I never have done as there are too many words which I don't understand. I hear each word separately but not strung together in a sentence.'*

Laid out now is the caution procedure from the perspective of the police participants. Although there were five answer options about explaining the caution to their ND suspect, only two of the options had responses.¹⁴⁵ Out of the 21 relevant participants, ten (48%) explained the caution because they thought their suspect did not understand and eleven (52%) chose the 'other' option. This was a curious split almost down the middle between just two of the available answers. A text box was provided to explain the 'other' reason. Had there been no text box an important detail would have been missed because, when asked for details, without exception the eleven participants gave the same information – that they explain the caution to everyone regardless of the presence of any ND condition. This is exemplified in the following quotes. Pamela stated, *'Yes – I always explain the caution'*, and Perry said, *'I don't start an interview without explaining'*. Paul responded:

I always explain the caution during the interview and gain an understanding of the subject's own comprehension of it – if I'm not happy with their response, I go back and try to break it down further.

¹⁴⁴ Officially weak central coherence, referred to as central coherence difference by this author.

¹⁴⁵ The answer options were: Yes, because they asked me to explain it; Yes, because I suspected that they didn't understand; No; I can't remember; Other.

'Yes, because I explain it to everyone, regardless', was Pauline's reply. In an answer to a later question, Pauline mentioned that explaining was a 'requirement'. PACE Code C section 10D only states, 'If it appears a person does not understand the caution, the person giving it should explain it in their own words' [underline added] (Home Office, 2023b, p. 41). A person who is heavily masking could appear to understand. Pauline and Polly were the only participants to mention requirement and that they explained 'regardless' of any ND condition. Polly wrote, *'It is a requirement [...] regardless of whether your suspect is ND.'*¹⁴⁶ Nothing in the data explained why almost half of the participants did not explain the caution to everyone. Not knowing the service history of each participant (since they were asked only about their service since 2017) I could not ascertain where the eleven who did explain to everyone were trained always to explain the caution. As discussed previously, whether the officers have served in the same region in the previous five years is meaningless if they received basic and other training in other regions and not the targeted force (Figure 4.15, below). A variation for officers trained in other areas might be understandable, although that suggests inconsistent training across the service to perform the same standard tasks. One way to explain the inconsistency might be length of service: is it only more recent recruits who have been trained to always explain? However, an examination of the demographic data revealed no correlation between length of service and training always to explain.

¹⁴⁶ Police are instructed to ask suspects if they have understood the caution (Home Office, 2023b).

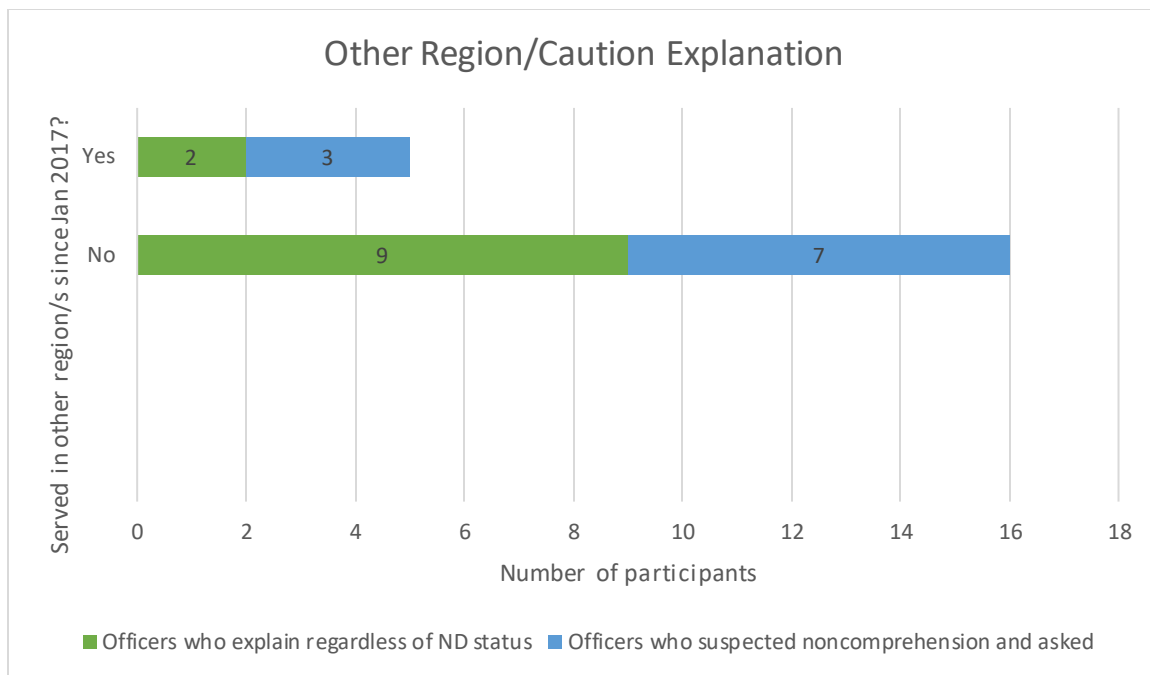


Figure 4.15. Bar chart showing if officers have served in different regions against whether they ask all suspects their understanding of the caution.

The participants were asked if they wanted to give more details about explaining the caution. Several participants mentioned that they used their own words to explain the caution and three participants, Petra, Pia and Pamela, gave the wording of their explanations. *'The middle part - up until 'anything you do say...' - this is this most difficult to explain'*, wrote Pamela. This was an issue investigated by Clare *et al.* (1998), so I was interested to see how the three officers elucidated this difficult sentence.¹⁴⁷ The following quotes from Petra, Pia and Pamela explain:

Now is your first chance to explain what happened. If you are charged and go to court, you will be asked similar questions by the court. If you don't answer my questions now, and then give an

¹⁴⁷ Discussed in Chapter Two.

answer at court, they might question whether your story is true (Petra).

You are allowed to sit there in complete silence and you do not have to speak to me, but if your case goes to court and you tell them something which you chose not to tell me today, the court may wonder why and that may have a negative impact on your case. The audio recording and notes I take during the interview can be used as evidence in court (Pia).

I explain it in 2 parts – when they say something now but change it in the future, and then if they say nothing at all and say something in the future. I try to use a simple example of, ‘you say it is Sunday and then say it was Tuesday’ (Pamela).

Penelope was the only participant to raise the next point, saying, *‘I have always been taught that the caution should always be explained or the interview may not be PACE compliant (e.g. it will get thrown out at court).’* Yet not all ND participants reported having the caution explained or their comprehension of the caution checked.¹⁴⁸

When questioned about explaining the caution, three officers wrote about checking the comprehension of their suspects after the issuing of the caution. Hellenbach (2011), Rendall

¹⁴⁸ Though it could be that they did not remember this happening.

and McMahon (2020) and Rendall *et al.* (2020) said that it is important a comprehension check exceeds a basic yes or no answer.

This can prevent the dismissal of important evidence, which is based on later discovery of caution misunderstanding, or even the potential of feigned miscomprehension being used to manipulate the system (Rendall and McMahon, 2020, p. 19).

The suspect should explain their own understanding of the words, as happened with Perry who said that after explaining the caution, *'I then ask a series of questions to ensure they understand'*. Percy indicated the same with, *'I explain the caution to all suspects and check their understanding with questions'*. Pauline wrote, *'I then ask the suspect questions about it to ensure their understanding.'* Medford *et al.* (2003) recommended that both police and solicitors should actively test the suspect's comprehension of their rights before the commencement of an interview. The problem of any suspect being unwilling to admit ignorance is circumvented by explaining the caution to everyone, as described by Pia:

I always explain the caution to every suspect regardless of their answer to the question "do you understand the caution?" as this covers those who do not understand but do not wish to say they don't.

All the police participants appeared to be making concerted efforts to ensure that their suspects understood. For instance Pearl said, *'I explain it to everybody in an appropriate way*

in easy-to-understand terms.' Petra told how, *'I have an adapted version of my introduction and caution explanation to ensure the person I interview understands the process.'* Perry began with, *'I don't start an interview without explaining and checking the understanding of the caution to any individual'*, but it seems he can have problems with the solicitors present at interviews intervening in the comprehension checking process, because he continued with, *'I regularly have to prevent solicitors from answering for their clients or writing down answers for them to present an understanding of the caution'*. Perry was keen to ensure the explanation was done in as inoffensive a manner as possible:

I then give the caution to the suspect and explain that I will explain the three parts of the caution as I do with every suspect. In doing this I aim to ensure that whoever I am interviewing doesn't feel patronised and has the opportunity to understand the caution.

Perry also provided examples of the comprehension questions he asks:

1) Do you need to answer my questions? – if they say no, I will continue and get an agreement, where possible, that if they don't want to answer they will indicate via no comment or similar. If they say yes, the interview will not continue. 2) What may the court think if you choose not to answer questions at court which you are asked to account for here today? I would expect them to present an understanding of doubt on the court's behalf/their defence being harmed. 3) Can we check what has been said in this interview later? I

would expect an acknowledgement of an understanding about whichever recording media is present. These three questions often lead to an opportunity to identify bits to be clarified.

Parnell checked comprehension by asking both his suspect and the appropriate adult present to indicate their understanding, *'by asking them to tell me what each element meant in their own words'*.

Meanwhile, Pauline gave detail of training with regards to the caution:

As a part of the introduction phase of the interview we are taught to read the caution, explain it and then ask the suspect questions about it to ensure their understanding. This is regardless of any ND issue, learning difficulty, etc.

Pauline may have been the only participant to state that this is part of training but that does not mean the others were not trained this way. It needs to be considered that time constraints, or a detail simply not being thought of at the time of completing the survey could explain any omissions. Few ND participants reported receiving an explanation and none reported having their comprehension checked, though this does not mean that these events did not occur, only that the participant did not remember.

Whether it was because they always explain to everyone or they explained because they thought their suspect did not understand, every police participant explained the caution to

their suspect. Sixteen per cent of ND participants recalled receiving an explanation. If recall is accurate, this reveals the greatest discrepancy between the ND and police experiences. In addition, comprehension checks were not reported by the ND participants, three out of 21 police participants mentioned carrying out a comprehension check. This discrepancy occurs near the beginning of the CJS process and it is one that can have far reaching ramifications if a suspect is unaware of the implications of the caution. The United Nations, in Article 5 of its Convention on the Rights of Persons with Disabilities (United Nations, 2006) stated, 'In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.' As pointed out by Parsons and Sherwood (2016), problems abound if a suspect does not understand their rights, whether it is the right to remain silent or to avoid self-incrimination or the rights detailed in the Notice.¹⁴⁹ If steps are not taken to ensure rights are understood it is debatable whether reasonable accommodation been provided.

Hughes *et al.* (2013) and Rendall and McMahon (2020) stated that an understanding of the words would be of benefit to both the detained individual and police, since this can prevent the dismissal of evidence in court if it is later discovered that the caution was misunderstood. There appears to be a lack of uniformity in the conducting of routine police procedure, even within the same police region, based on what the participants could recall and have imparted in their answers.

¹⁴⁹ Discussed in the next subsection.

The Notice

In this section the ND and police experiences of the Notice of Rights and Entitlements are explored. As with the caution, while there have been concerns over the clarity of the information in the Notice, especially with regards to ND suspects (Gudjonsson, 1991; Gudjonsson *et al.*, 1992; Chester, 2018), again there has been no literature discovered that examines ND or police perspectives of the explaining of the Notice's contents. This thesis seeks to address this gap in the literature. Eleven out of the relevant 23 ND participants (49%) recall being issued with the Notice booklet and none of them remember having this booklet read or explained to them. This contrasts with eighteen out of twenty-one police participants (86%) who recall that they read/explained the rights and entitlements to their suspects in the interview room.

The Notice of Rights and Entitlements is issued by the custody sergeant at the police station, after which a booklet containing the information is handed to the detainee (Home Office, 2023b). Of the 27 ND participants, eleven remember being given the Notice booklet, six could not remember if they were given the booklet, and ten replied that they were not given the booklet to read. For four of these participants the question was not applicable because they were stopped in the street or were sectioned. This left three who had been arrested and three attending voluntary interviews who replied that they had not been given any booklet or had their rights read to them or explained. The custody sergeant would have read the participants their rights at the desk but I enquired if they had been given the booklet to read and digest for themselves, as directed in PACE Code C, section 3.2 (Home Office, 2023b). The rights and entitlements are tailored for those attending voluntarily and those in detention, and those there voluntarily should still be read their rights. Also, they

are allowed to ask to read the Codes of Practice which summarise the rights in the Notice (Gov.uk, 2018c).

Of the eleven who remember the booklet, ten were detained and one was there voluntarily. None of them recalled it being read and/or explained to them. For example, Nerys (who attended a voluntary interview) said, *'I didn't read it, it was not read to me, it was just on the table and pointed to for me to acknowledge'*, and Neil wrote, *'I only looked at it quickly. I didn't really read it. Nobody read it to me. I can't remember if they told me what it was for.'* Nigel replied, *'It was too noisy and busy. I couldn't hear what the bloke behind the desk was saying and had to keep asking him to repeat it'*. For Nico it was, *'Too much info, but didn't ask for it to be explained. It would still be too much info'*. Lack of comprehension and retention continued in the cell with the booklet. Nex said:

I read the whole thing and I did understand most of it but it was full of spelling and grammar mistakes and was so dull I had to read it multiple times to make the meaning sink in.

Meanwhile Nigel felt that:

I mostly understood it but I wasn't reading it properly. I couldn't concentrate in the situation. Nothing was going in. No one read it to me or explained it, I was just given it and put in a cell.

Ned was given *'something'*, continuing, *'There were a lot of words on it. I just took it into the cell and pretended to read it.'* Nadia also professed, *'I pretended I was reading it but I couldn't concentrate because I was scared.'* A comprehension check like the ones given by some officers with regards to understanding the caution would be useful here, but only two officers reported performing such a check (Parnell and Perry). Other police explained the suspects' rights to them but made no mention of checking comprehension, discussed next.

There were more varied police results for the question about explaining the Notice than for the caution. On this occasion all five answer options had responses. Thirteen out of a possible 18 officers explained the contents of the Notice,¹⁵⁰ with eight participants doing so because they surmised that the suspect did not understand/could not read it, and one participant answered that they were asked by the suspect to explain/read it. Three officers did not explain it, two could not remember if they had, and six officers were not asked this question as they did not have recent interviewing experience with ND suspects. Figure 4.16 below displays the percentage of police and ND people who gave or received explanations of the caution and Notice.

Four 'other' answers again wrote of reading/explaining being done for everyone, including Pearl with, *'Yes - because I do to everybody'*. Pamela explained:

¹⁵⁰ Three officers did not understand what I was asking in this question so did not answer (see Chapter Three). Eighteen out of the relevant 21 officers answered this question.

The suspect told me they understood; however I chose to explain the notice in simple language [...] as I suspected they may have been claiming they understood to avoid admitting they did not.

Meanwhile Pauline wrote:

Every suspect should be read their rights at the custody desk by the sergeant and then again in interview by the interviewing officer. It is a part of the introduction phase of the interview.

Percy responded, *'I believe this is done by the Custody Sergeant'*. The use of the words 'should' and 'chose' do not suggest a requirement to do so or certainty that it has happened. 'I believe' implies they do not know for a fact that it was explained. *'This was done within custody, not by the interviewing officer'*, stated Polly, yet Pauline stated that it is procedure for the rights to be read out by both the custody sergeant and the interviewing officer, and that both the caution and Notice are read and explained to suspects.

'Read out' does not necessarily mean 'explained'. Just to read out the words might not be enough if a suspect needs their own time in which to process and absorb the information, since processing difficulties could result in the detained person not understanding the Notice even if it is read to out (Murphy and Clare, 1998). Or they may need to be given the chance to read the rights booklet themselves or have someone (police officer, appropriate adult, solicitor) read it to them as many times as is necessary. Although the Notice was

revised and simplified in April 1991, Gudjonsson *et al.* (1992) found the improvements to be marginal and considered the text still to be ‘fairly difficult’ overall for their participants, who had IQs ranging from 63 to 98. They discovered that ‘...the results indicate that the Notice remains inadequate for its intended purpose’ (Gudjonsson *et al.*, 1992, p. 289). The ‘easy read’ version of the Notice (supposedly of benefit to people with learning differences/disabilities) contains 44 pages (Gov.uk, 2018b). There are a lot of pictures to support the text but these are spread over 44 pages, and this could be a lot for someone who may have attention and retention problems.

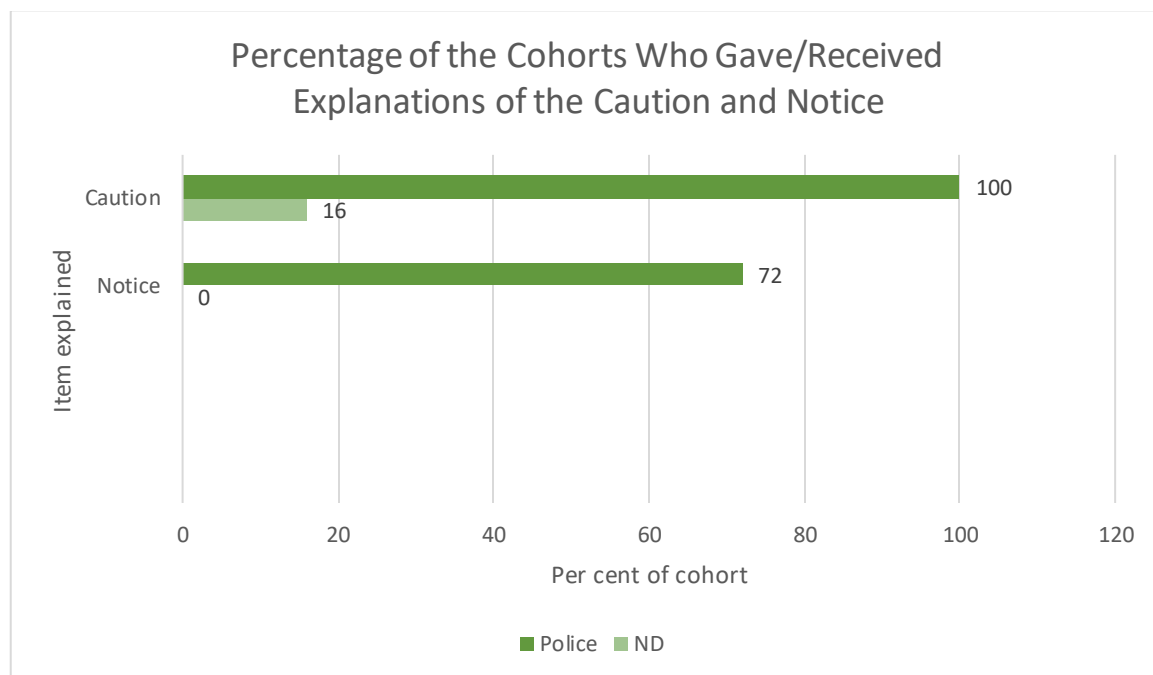


Figure 4.16. Bar chart showing the percentage of police and ND cohorts who gave/received an explanation of the caution and Notice.

Only six police participants gave an indication they understood information processing difficulties.¹⁵¹ This means that some officers may not understand the issues faced by an ND suspect in the custody suite. In any situation some ND brains can struggle to process information (Haigh *et al.*, 2018; Kofler *et al.*, 2020).¹⁵² A person can hear the words but the brain makes no sense of the sentences, suggesting the possibility of a central coherence difference (Happé and Frith, 2006). It can occur in and is possibly unique to autism (Gladfelter and Barron, 2020; Tassini *et al.*, 2022). Auditory processing disorder can make it difficult to even hear the words in busy or noisy environments, and a stressful, probably fearful, situation can exacerbate these traits (Jafari, Kolb and Mohajerani, 2017). It is debatable as to how much an ND detainee is absorbing in the custody suite, especially if it is busy, noisy and distracting. Only Nex wrote about what may have been the Notice in the custody suite:

They gave me a thing to read on a computer screen which I couldn't get the meaning of to stay in my head, and I didn't feel able to take my time or say I was struggling with it.

This gives an example of processing difficulties. It has been described in the literature how processing difficulties can affect ND suspects' interactions, with advice provided for the police regarding allowing enough time for the individual to process what they have heard or read (Gibbs and Haas, 2020; Allely and Murphy, 2023). What has not been discovered to have been examined in the literature is the processing issues that can occur specifically with

¹⁵¹ This is returned to below in the section on police ND training.

¹⁵² Discussed in Chapter Two.

an individual's rights when attending a police station. This study endeavoured to address this gap by asking the participants explicitly about their experiences with help in understanding their rights. As can be seen in the ND results, those who were given the booklet did not pay much, if any, attention to it and some could not process or hear what was being said when being booked in. How much are they later processing when the Notice is run through with them in an uninviting interview room in the likely stressful situation of a police interview? There could be quickly muttered 'yeses' in answer to, "do you understand?" just to move proceedings along (Allely and Murphy, 2023) (as happened in one incident in the current study when Ned told the officers that he had understood when he had not because, '*I didn't want to make them angry with me*'), though acquiescence is not limited to people who are ND. As previously mentioned, Weijters *et al.* (2010) found that women in general can be more acquiescent than men, though other studies indicate there is no sex difference (Marin *et al.*, 1992). Rammstedt *et al.* (2017) reported that people with a lower educational level can be more acquiescent.

Reading through the police responses caused me to remember that the arresting officer would not necessarily be the officer putting the suspect in the cell or issuing the booklet. The police participants would not know if the booklet had been issued unless they asked/checked.

In the same manner as the caution, there is a clear discrepancy between accounts. While 72% of the relevant police participants recalled ensuring understanding of the Notice, no ND participant reported any assistance being given to them by their police interviewers. Although 13 out of 18 officers explained, only two of these reported that they ensured

understanding by checking their interviewees comprehension. This potentially leaves all the ND participants and most of the police participants' interviewees without a full understanding of their rights during detainment or voluntary interview. It is another example of how training in even routine procedure does not appear to be universal, when taking the responses to these surveys into account.

The Interview

This section explores details about the police interviews and the provision of an appropriate adult (AA) during that interview. The ND participants were asked about the room in which they were interviewed to discover how triggering an environment this might be, while the police were asked questions pertaining to the success of the interview and if they observed any concerning behaviour during it. Both groups of participants were asked about AA provision and who acted as the AA.

The police participants were given the opportunity to give qualitative information about the interviews with their ND suspects. I hoped this would allow me insight into what effect they perceived the interview to have had on their suspect. Some comments centered around the suspect being treated fairly. The officers seemed to have perceived that as the reason I was asking, which is unsurprising given that the question was quite vague and open to interpretation. Perry asked his interview subject for their opinion of the interview: *'The suspect understood the process and reasoning and when asked about the process felt it was fair.'* Petra commented, *'They understood the process, understood their rights and they were treated fairly.'* The following quote from Penelope shows how the interview seemed to go well for both parties.

I would say it went well in that the suspect was not visibly uncomfortable at any time and we still maintained a good rapport after the interview, which to me shows that the interview was not a particularly negative experience.

This could be what happened, but it caused me to recall the next comment from Nex:

‘I was getting handcuffed and then they were joking about how tiny my wrists were and the pair of them were comparing wrists with me [...] In that sort of situation I start being overly eager to make light of things and make jokes [...] I went into ‘auto-mode’ and watched/ listened to myself talking and making jokes both in the van and once I got to the station.

Nex did what I do in nerve-wracking situations and that is to make jokes and make light of it, trying to mask discomfort at the situation, using this as a coping strategy (Alley and Murphy, 2023). There is no reason why the police in Nex’s case would not have taken Nex’s actions at face value and think that Nex was accepting of what was happening. Penelope admitted that her interviewee was not ‘visibly’ uncomfortable and she could have been accurate in her assessment that the interview went well and was not a negative experience. With Nex joking their way through their arrest, the police in that case might have reached the conclusion that Nex was not negatively impacted by their arrest. ND people can be adept at masking, making it difficult for officers to know the genuine impact (Hepworth, 2017). The police in Nex’s case might have been left thinking that all was well, but Nex’s replies in the

survey and in their emails to me clearly indicate that this was not the case. Pauline also explained in detail how her interview was conducted ethically:

I was more than happy that the interviewee had a full understanding of what was going on. I was patient and explained everything and they had an official appropriate adult present to intervene at any point they felt necessary to do so.

Giving an interesting ND officer perspective, and again raising the issue of lack of research around ND and NT suspect comparison, Pia wrote:

The interview did not differ in any notable way from interviews with NT suspects – however, I am suspected to be autistic myself (undiagnosed at this time) therefore what may stand out as ND to others, may not have stood out as out of the ordinary to me as a possibly ND interviewer.

This revealed the possibility that even if an officer is ND they may still not pick up on ND traits. It had been my hope to uncover any ND conditions that participating officers might have as I wanted to examine if a different perspective could be provided if ND suspects are viewed through an ND police officer's lens. A gap in the literature was discovered with regards to research with ND police officer participants, a gap this thesis addresses. The only example found in the literature regarding ND police was Bothwick (2022). This study surveyed dyslexic officers in the Dorset Police but, unlike the current research, it did not

simultaneously survey non-dyslexic police and it was not conducted in relation to how the officers' dyslexia might affect their interactions with dyslexic suspects.

When Percy (who is not ND) noticed his suspect struggling with open questions being asked he changed his interview technique, revealing that he, *'asked more closed questions, which the suspect was more comfortable answering'*, and later said, *'The difficulty with asking closed questions is that there is a tendency to be more leading, which will influence the answer given by the suspect'*. Question style was an aspect that was altered to suit the suspect with ND officer Polly as well, *'When interviewing I employed techniques such as making sure questions are direct and without colloquialisms or ambiguity, that language is kept simple'*. These comments revisit an issue that was raised in the literature regarding which type of question is more suitable, with Copeland (2017) and Farrugia and Gabbert (2020) explaining the pros and cons for both types depending on which ND condition/s are present (see Chapter Three). Maras *et al.* (2018) reported police in their previous study (Crane *et al.*, 2016) adapting their interview and communication styles to better suit their ND interviewees, as they discovered that conventional interview techniques were not as effective.¹⁵³

For Parnell the difficulty was his suspect, *'displaying ND traits, however pre and post interview, did not display traits as significantly.'* Phoebe sums up the entire circumstance with, *'I have conducted many suspect interviews with individuals with ND and I feel like there could be more provisions available to help officers interview in these situations.'* Phoebe was the only officer to raise the subject of registered intermediaries. She wrote that she had

¹⁵³ This would include the PEACE interview method discussed in Chapter Two.

arranged through the National Crime Agency for a registered intermediary (RI) to help in the interview. This was notable as RIs usually only attend interviews with vulnerable victims and witnesses (Chester, 2018; EHRC, 2020), something which Phoebe was aware of because she continued:

Usually intermediaries are only requested for victim/witness interviews [...] and it seems to be very rare that an intermediary is used in a suspect setting. I find this extremely surprising as it's extremely common that we find suspects have ADHD, autism, dyslexia amongst many others.¹⁵⁴

Here is a police officer who seems as puzzled by the lack of RI assistance for vulnerable adult suspects as was the High Court judge referred to in Chapter Two (Stewart *et al.*, 2015). Chapter Two considered the provision of an RI, and the lack of provision of RIs to vulnerable adult suspects in police stations. I would have liked to have asked Phoebe about this RI provision and how it was achieved. Crane *et al.* (2016, p. 2029) wrote of 'non-registered' RIs in some police regions for 'some cases involving vulnerable suspects,' and Eddie Ratcliffe had an RI for his police interviews, but only because of his youth and general vulnerability (Rawson, 2024).¹⁵⁵

¹⁵⁴ The National Crime Agency's website only mentions witnesses and victims in relation to RIs (NCA, n.d.).

¹⁵⁵ Discussed in Chapter Two.

Appropriate Adult Provision

Both cohorts were asked about appropriate adult provision. In Slavny-Cross *et al.* (2022) just over a fifth of both autistic participants and allistic participants were provided with an appropriate adult.¹⁵⁶ In the current study, ten out of 18 ND participants who were arrested were provided with an appropriate adult. There were also five participants who attended voluntary interviews and two of these had an AA in attendance at those interviews. This left 48% (*n* 11 out of 23) participants who were not provided with an AA. Three participants did not tell police that they were ND, therefore the police in those cases would not know to obtain an AA. A further four participants were not diagnosed at the time of their interviews and so could not have divulged any relevant information, though Noah, while not diagnosed as autistic at the time of the police interview, had mental ill health, as he explains here:

I suffered with mental health [...] I tried to find the paperwork about my problems but the police would not allow me, this would have helped as explaining my problems was very difficult.

Noah therefore appears not to have been treated as vulnerable despite having documentary evidence to the contrary. In all, 22% (*n* 5 out of 23) who could have been provided with an AA were not, to the best of the participants' recall – this figure being comparable to that found by Slavny-Cross *et al.* (2022). This is also close to what was revealed by Leggett *et al.* (2007) who found 27% of their learning-disabled participants were not granted an AA, and it compares favourably with Jessiman and Cameron (2017), where 54% of participants (with

¹⁵⁶ Though for these allistic suspects to have been provided with an AA some other vulnerability must have been known about or suspected.

learning disabilities or mental ill health) were not supplied with an AA. Dehaghani (2022) reported on police sometimes failing to identify vulnerability. Despite Crane *et al.* (2016) claiming there is 'mandatory' AA provision, there remained five individuals who all told police of their ND conditions but who say they found themselves in a police interview with no AA present. There is deep concern in the literature, particularly from Gudjonsson (e.g. Gudjonsson and Joyce, 2011), about unprotected adults at risk in police interviews. Nelson was not classed as vulnerable despite both him and his accuser informing the police that he was autistic. Nico replied, '*I didn't know to ask for [an AA] and one wasn't offered*'. Natalie attended a voluntary interview but should still have been provided with an AA and a solicitor (discussed above) but had neither. Nanette said she was not cautioned though she had indicated she had been arrested. She also said she had no AA present.

Noah provides a further worry with, '*The police came to my house early one morning. They said someone had been [states the very serious crime]. I confessed immediately.*'¹⁵⁷ I did not discover if Noah was confessing to being the genuine perpetrator of the crime or if he was confessing falsely in the face of authority, as might be feared by e.g. Gudjonsson (2006), Allely (2015), Gudjonsson *et al.* (2019) and Mogavero (2019). However, confessing (whether guilty or not) can be an ND trait (Chester *et al.*, 2022; Smith, 2022). Helverschou *et al.* (2017) found that many of their autistic participants confessed immediately to police, and some admitted to further offences for which they were not being investigated. The researchers indicated that autistic individuals can be more eager to please and prefer to avoid confrontation. Noah stated he had no appropriate adult present at his interview without

¹⁵⁷ This echoes the words of a participant in Helverschou *et al.* (2017, p. 464) who said, 'I confessed it all'.

elucidating as to why but mentioned, *'There was some confusion about me being treated as vulnerable'*. Nancy had no problem acquiring an AA, saying, *'I had an AA as soon as they knew I was ASD.'* Naomi reported that, *'I couldn't talk very well. I struggled to explain the events.'* She wondered why the police did not try to contact her, *'support worker, GP or mother to find out if I had a reason to be struggling to communicate.'* A support worker or her mother could have acted as AA and been able to smooth the process of the interview. Meanwhile, police did not believe Nolan when he said he was autistic, saying, *'They didn't believe I was autistic and telling them was a complete waste of time.'*

The literature shows that AA provision can be inconsistent (White, 2002; Jessiman and Cameron, 2017), something which appeared in this study's ND cohort, with Natalie not being given an AA despite telling the police she was ND, while Nader did not tell the police they were ND yet they were supplied with an AA.¹⁵⁸ Nex was self-aware enough to ask for an AA, replying:

I told them I needed an appropriate adult as I was autistic and had anxiety and was going to struggle to process what they were saying to me. I was probably going to struggle to monitor my tone of voice and come across as being awkward when I wasn't meaning to be.

Nex was provided with an AA but had not been given vital information about the AA's role or forewarned of potential consequences. They reported:

¹⁵⁸ There was nothing in Nader's survey data that suggested why this might be. They stated the reason the police did not know they were ND is because, *'They didn't ask.'*

[The solicitor] didn't tell me that the appropriate adult is not someone who keeps confidence regarding what I say in front of them, so I said things in front of her in our meeting that he should have warned me could potentially now be revealed in court by her as a witness.

While Pearse and Gudjonsson (1996) wrote about the non-confidentiality of AAs, it was not easy to find recent confirmation of what Nex said about AAs not keeping confidences. Some trawling of the internet and literature was required to discover if anything had changed in recent years (Rethink Mental Illness, n.d.; Dent and O'Beirne, 2021). This suggests the possibility that the non-confidentiality of AAs is something that is not widely known. No other ND participant and no police participant wrote of this detail about AAs and I could find scant mention of it in the literature. Dent and O'Beirne (2021) discuss the lack of certainty about an AA's legal status and whether they should keep confidences. For this reason, solicitors often exclude AAs from their private conversations with clients. However, this prevents AAs from being able to assist the suspect during their solicitor consultations.

Neil, the only targeted region suspect, was provided with an AA, replying to the AA survey question with, *'It was a woman I didn't know. She didn't say much to be honest, just sort of introduced herself then sat there quietly.'*

Data from the police survey revealed that eighteen out of the twenty-one officers (86%) with recent ND interview experience arranged for an AA to attend the interview, with most (*n* 14) arranging for an official AA. For example Parnell said, *'I requested an appropriate*

adult through the custody team. The adult was not a social worker in this instance but was a qualified AA volunteer.' Four participants preferred to provide an AA who was known to the suspects. This lived experience contradicts authors such as Gudjonsson (1993), Hepworth (2017) and Dehaghani (2022) whose literature analyses included details of the problems with using untrained AAs, particularly ones known to the suspect. Gudjonsson (1993), for instance, claimed that relatives make unsuitable AAs because they are too emotionally connected to the detainee to be objective.¹⁵⁹ Robertson *et al.* (1996) and Jessiman and Cameron (2017) also wrote of problems using untrained AAs. Both carried out studies of AA use almost twenty years apart, but both had sampling limitations. The Robertson *et al.* (1996) research was conducted in one small area of one police region, thus examining AA use in this area only. Jessiman and Cameron (2017) was discussed in Chapter Two. They were restricted because of the small service user sample ($n = 13$) and limited police involvement.

The experience of the police participants that disagreed with the literature included Phoebe who considered, '*An appropriate adult known to him will help him in settling into the situation*'. Poppy thought, '*A person known and trusted by the suspect was, in my opinion, a better option*'. This chimes with the findings of Crane *et al.* (2016) whose police participants revealed that they preferred someone known to the suspect since they will better understand the suspect, but Hepworth (2017) had concerns that someone that well known to the suspect would be so familiar with the ND individual's communication style that they would not pick up that the suspect was being misinterpreted. Percy gave the reply of, '*The*

¹⁵⁹ Further concerns about AAs known to the suspect can be found in the relevant part of Chapter Two.

suspect was interviewed on three occasions – twice with an official AA and once with his mother acting as the AA. There was more lived experience from Paul to support Phoebe and Poppy, writing that an official AA, *'Didn't really provide much – whilst their role is to ensure that understanding is known, I ended up doing that during my questioning of the suspect.'* Medford *et al.* (2003) found that the presence of an AA increased the likelihood of a solicitor being engaged but, when writing of issues with official AAs, Perry replied with this illuminating comment:

Official AAs insist on solicitors who can then railroad clients into certain responses when the interview is something that would end an investigation, as the client may have a lawful defence but instead is instructed to say nothing/no comment and is subsequently charged or investigated further.

The literature also has contradictory views on official AAs. Hepworth (2017) contends that a trained AA had the potential to enable more accurate information to be elicited in interviews. Meanwhile, Richards and Milne (2020) found unhelpful stereotypical and inaccurate knowledge was held about autistic people by some of the fifty-five AA participants drawn from across England and Wales that took part in their study. There was some agreement from the participants to suggestions that autistic people can be very aggressive and that they have good memories of events. Also from Perry is the comment, *'AA provision is good in some areas and poor in others - I have concerns over the timeliness of the service in places.'* Fragmentary provision is another complaint in the literature (White, 2002).

Three police participants reported not providing an AA as the suspects declined them, one of which was Preston who wrote, *'One was offered and declined.'* Two further officers discussed more general AA refusal in suspects they had encountered, with Penelope's experience being, *'Usually any ND suspects I have interviewed have not had an AA. They have been given the choice but refused this.'* Polly's suspect did not request an AA but one was provided, with Polly stating, *'Due to our suspicions we ensured an AA was present for the interview.'* Though she informed that she usually left the decision to request an AA to the suspect, saying, *'Often, asking the individual what they need and whether they feel they require an AA is appropriate.'* There was a wider issue for Petra:

I would always arrange for an AA to attend custody for a ND individual. They can refuse an AA but I would ask for one to attend and conduct a welfare check and talk to them prior to interview.

A point was raised by Polly that indicated that the provision of AAs can be of benefit to the police as well as ND suspects:

Due to our suspicions we ensured an AA was present for the interview. This was later ratified at court who asked if an AA had been present. We were able to confirm that an AA had been present for all required events and the defence were unable to use this in their favour.

Perry was quite insistent about requiring an AA.

At the earliest opportunity, as soon as any form of issue is identified that may impact an individual's ability to understand or communicate within any part of the process, as a minimum an appropriate adult would be required.

Requiring would not necessarily result in definite provision if there was no AA availability. Despite the patchy nature of availability, the targeted force seems to be willing and able to acquire AAs, and provision around the country appears to be better than the recent literature would suggest (Jessiman and Cameron, 2017). Four out of the twenty-seven ND participants (15%) were not interviewed at a police station so would not have been eligible for an AA, so in total 48% ($n = 11$ out of 23) of the remaining ND participants did not have an AA present, decreasing to 22% for those participants who were known to the police to be ND.

Police Likert Scale Answers

This section looks at the answers to the Likert scale questions on the police survey. Writing up each of the Likert questions individually here would become repetitive and protracted, so I have amalgamated the results from seven of the ten questions.¹⁶⁰ Three of the Likert Scale questions will be dealt with separately as these are distinct questions that cannot be amalgamated with the others. There is also the qualitative data supplied in answer to a further, related, question in this section of the survey. Two of the individual questions will be discussed next.

¹⁶⁰ Bar charts depicting the results for each of the seven individual questions can be found near the end of Appendix B.

As mentioned in previous chapters, two important documents regarding the police management of ND people were the Bradley report (2009) and the NPIA guidelines (2010). In this study, two questions asked the police participants how familiar they were with these documents. The answer categories were – extremely familiar, very familiar, moderately familiar, slightly familiar and not familiar. The data presented in Figures 4.17 and 4.18 below indicate how little familiarity there is among the police participants regarding the report and guidance, which were developed to help professionals understand people with various ND conditions.

There was a little more familiarity with the NPIA guidelines (2010) than with the Bradley report (2009). This is not surprising as it is the guidelines that are more directly relevant to the police. However, no one was extremely or very familiar with either. Seventy per cent (*n* 19) of the participants were not familiar with the Bradley report (2009), whereas 48% (*n* 13) were not familiar with the police guidelines from the NPIA that were specifically drafted to aid the police in their encounters with vulnerable ND people. Despite the existence of the guidance, no officer had been made/remained more than moderately familiar with the contents. While the NPIA (2010) guidance is now fourteen years old (and would therefore benefit from an update), the guidance includes still-useful advice on the following:

- recognising the traits of mental ill health, developmental conditions and learning disabilities
- how best to communicate with the individual
- information management and sharing
- appropriate care pathways

What became apparent in this research's data, particularly from the neurodivergent cohort, was that there are still shortfalls in these areas. Regarding the recognising of traits, most of the police participants who answered the question regarding their understanding of ND traits demonstrated that they have some knowledge (more details below). Some participants admitted to little or no knowledge. The ND participants seemed to feel there was a lack of knowledge on the part of the officers they encountered.

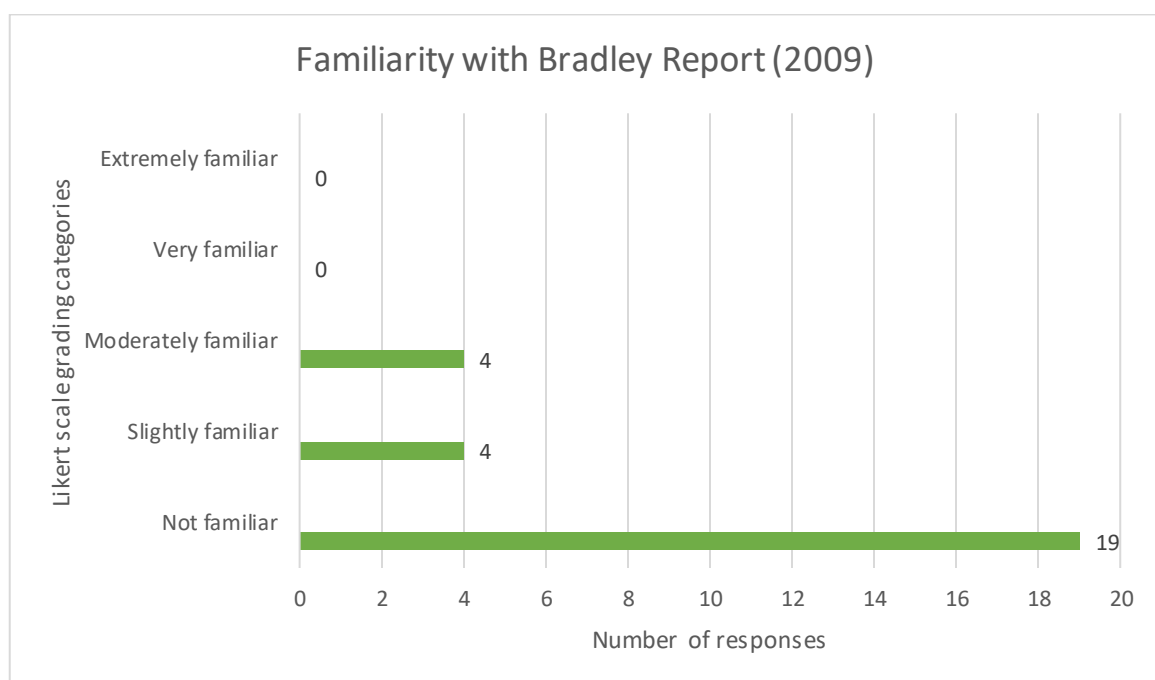


Figure 4.17. Bar chart showing police participants' familiarity with Bradley (2009).

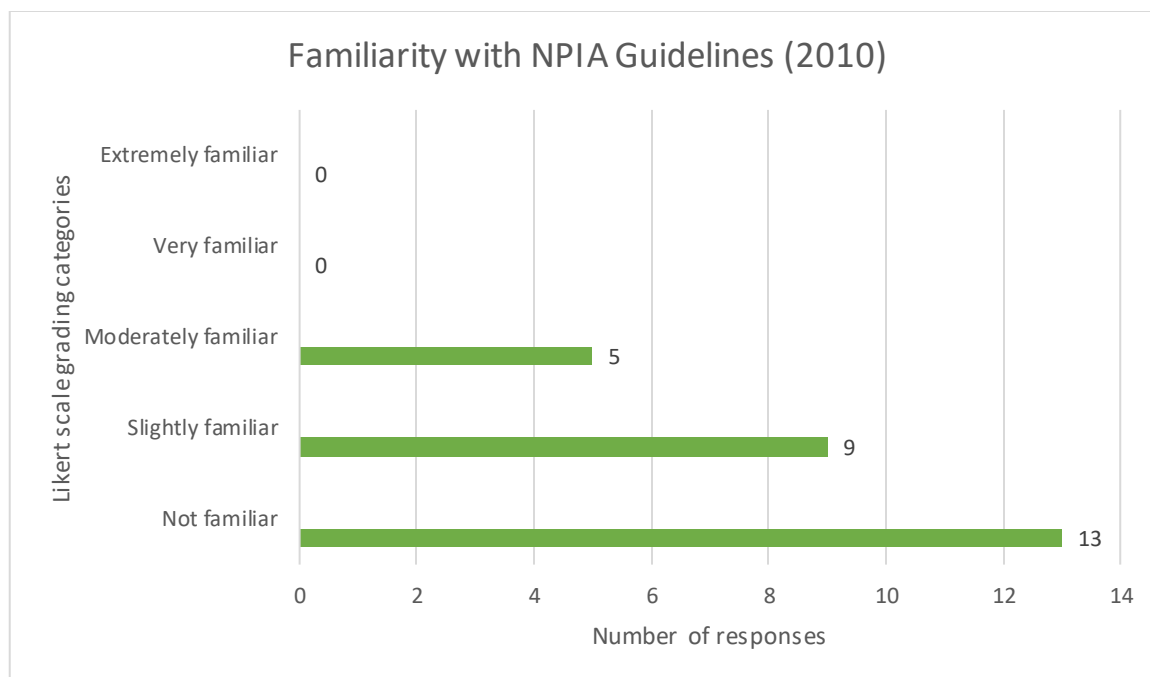


Figure 4.18. Bar chart showing the police participants' familiarity with NPIA (2010).

The rest of the Likert scale questions had the following answer categories: strongly agree; somewhat agree; neither agree nor disagree; somewhat disagree; and strongly disagree. Of the seven questions where the results have been amalgamated, four of the questions enquired about positive behaviour and opinions experienced by the participants. For these questions the most negative answer that could have been given was 'strongly disagree'. Over the four 'positive' questions there was a total of 39 responses of 'somewhat agree' and 17 of 'strongly agree', with the participants agreeing to how well the interview went, how cooperative they found the suspect, the quality of information given, and their satisfaction at how the interview went. This result suggests that the police participants did not encounter many ND traits that created issues for them. There were three questions that asked about negative behaviour and opinions experienced by the participants. Here the most negative answer that could have been given was 'strongly agree'. For the three 'negative' questions, asking about concerning behaviour and how the participant felt about

it, 23 participants strongly disagreed and 20 somewhat disagreed, again indicating that the police met with few, if any, issues in their interviews.

Fifteen out of 21 participants (71%) agreed that their suspects had been cooperative to some degree. There was no information about what the remaining 29% found to be uncooperative but it is not unknown for suspects of any neurotype to be uncooperative while in police custody. Herein lay the problem – without feeling able to specify overt ND behaviour I could not know if the apparent non-cooperation was caused by a trait such as shutdown.¹⁶¹

The participants were asked if they wanted to add anything about what they thought about their ND suspect and any behaviour exhibited and nine officers responded. *‘I have never had any suspect with ND ever be outwardly hostile towards me in interview’*, was Penelope’s emphatic answer regarding all the ND suspects she had encountered. *‘The last interview I conducted had ADHD and I did not find any behaviour concerning’*, was Phoebe’s response. Pamela continued the theme with:

I did not notice any behaviour that I would describe as concerning. At no point did I feel anxious around the suspect and did not fear for my safety. The suspect was overall very calm and co-operative with the procedural aspects of the interview and custody procedure.

¹⁶¹ Issues with not being able to be explicit are detailed in Chapter Three.

Petra was the only participant to mention fidget toys (Ismail, 2023). Her station recognises the potential benefit of them for autistic and ADHC people, saying, '*In [name of town] custody, ND detainees can be given fidget toys or items to fiddle with. My latest interview subject had an object to fiddle with and he said it helped to keep him calm.*' Perry made a point that calls back to one made elsewhere in this work – does being interviewed by police affect NDs and NTs differently?

I just wanted them to feel supported and able to engage. Their behaviour changed as our rapport and understanding grew but that is no different to NT individuals who find themselves being interviewed.

The questions were attempting to elicit answers that might reveal more obvious ND traits were being displayed, traits that might worry a person who is not accustomed to witnessing them. Pippa made a comment that recalled the research by such researchers as Mawson *et al.* (1985), Baron-Cohen (1988) and Scragg and Shah (1994) that investigated a supposed link between violent crime and autism. Pippa wrote, '*The suspect was not at all aggressive or intimidating but was polite throughout.*' This comment caused me to wonder if Pippa was aware of this supposed link and if she thought this was the reason the question was being asked.

The final Likert scale question asked if the participants were confident that they could competently manage neurodivergent suspects. An inherent problem, when asking about someone's confidence in an area, is the Dunning-Kruger effect (Kruger and Dunning, 1999).

If an individual has limited knowledge in a subject, it is possible for them to overestimate their knowledge. If you don't know you don't know, how do you know you don't know it?¹⁶² The question was asking the participants to assess themselves against a background of self-admitted limited knowledge and little to no ND training.¹⁶³ In some participants I found that the opposite of the Dunning-Kruger effect seemed to be true. Some who one could hazard ought to feel more confident downplayed their competence. One participant who is ND, has ND children and who had received police ND training answered, 'somewhat disagree'. Of all the respondents I would have expected to feel confident in this area it was this officer. Imposter syndrome is a psychological outlook that causes an individual to doubt their own skills, intelligence, talent, competence and accomplishments, and to consider themselves a fraud (Cuncic, 2022), and there is a possibility that this might be occurring with some of the participants here.

In all, fifty-nine per cent (*n* 16) of the participants felt strongly or somewhat confident in their ability to manage ND suspects. Crane *et al.* (2016, p. 2035), in reference to training and knowledge about autistic people, asked their police participants asked how 'well equipped' they felt they were to work with autistic individuals. Of the 237 officers who responded, 48% of them reported that they felt equipped enough to manage, but 27% felt poorly equipped and 24% gave a neutral response. The results for the present study revealed only 15% (*n* 4) of the police participants felt somewhat unconfident in their abilities and 26% (*n* 7) were neutral. This implies that the participants in this recent survey felt more comfortable dealing with neurodivergent suspects than those in the Crane *et al.* (2016)

¹⁶² Contractions are deliberate.

¹⁶³ See training section later in this chapter.

study. Reasons for this could include the Crane *et al.* (2016) research being published nine years ago. In the intervening nine years there has been a relative increase in the awareness and understanding of autism. This is not as comprehensive as would be wanted, but the increased awareness could have encouraged the suspects that the current study's participants encountered to divulge their conditions. The responses to the confidence question are presented in Figure 4.19, below. Crane *et al.* (2016), as well as asking if officers felt 'well equipped', also asked their police participants if they were happy with how they had dealt with autistic people, while I asked the police participants about confidence in dealing with ND suspects, so there cannot be a direct comparison between my results and theirs. However, the percentage of participants in both studies who were not happy/confident are almost identical. They found that 42% (*n* 168) of their participants were unsatisfied while 41% of the participants in the current study (*n* 11) were neutral or in disagreement about their confidence.

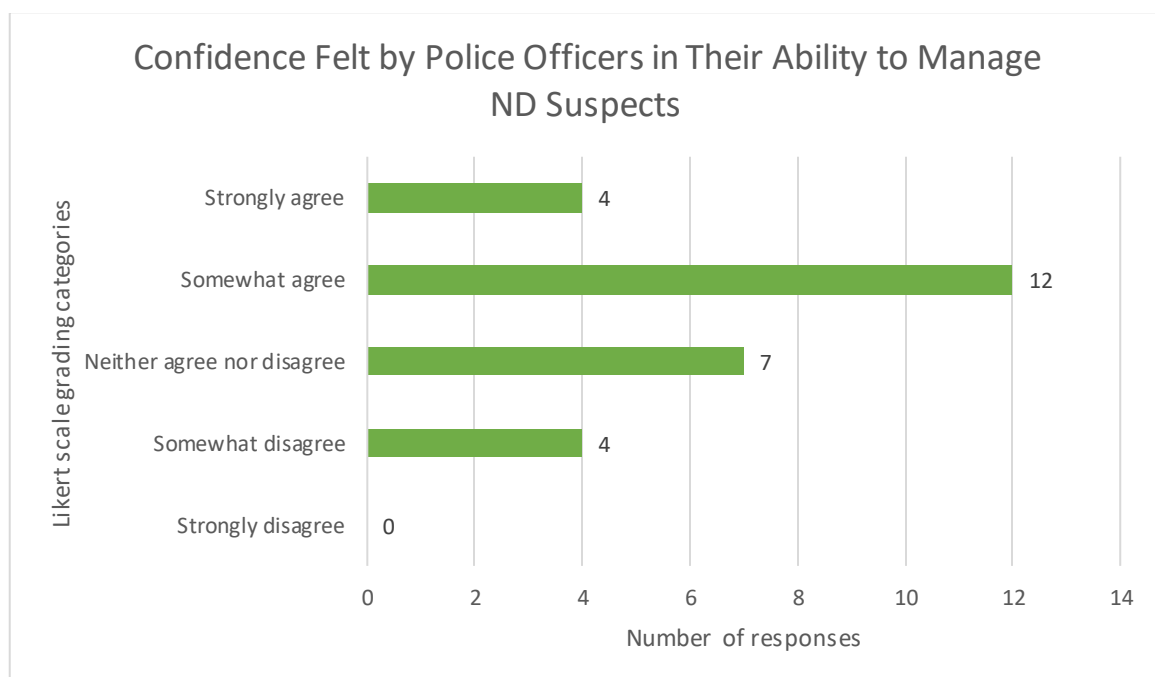


Figure 4.19. Bar chart showing how confident the officers feel in their ability to manage ND suspects.

The Crane *et al.* (2016) police participants were basing how well equipped they felt with how knowledgeable they felt, though as the researchers point out, 'the possibility of a discrepancy between police self-reported competence and professional conduct in practice cannot be discounted' (Crane *et al.*, 2016, p. 2037). I compared the levels of confidence that they could competently manage ND suspects to training status, expecting to find those with ND training comprising the 'strongly agree' and the 'somewhat agree' responses but that was not what I discovered. There was no correlation between those with ND training (police training or otherwise) and high confidence. I wondered if the key to high confidence levels was in being ND or having ND family or friends, but this did not seem to apply either. I then examined the regularity with which each participant had encountered an ND suspect: often, sometimes or very occasionally (or not applicable due to not interviewing ND suspects in the previous five years), and even the demographic data to ascertain if length of service or age or even gender had an effect. I constructed an elaborate table with a row for every participant, comparing all the information. With regards to age, it was ever-so slightly in favour of older participants being less confident than younger ones, but the sample sizes in the age categories are not large enough to make reliable inferences. There was a slight correlation between how often the officer had interviewed an ND suspect and confidence levels. Otherwise I could find no single aspect or combination that produced a consistent result. I could therefore conclude only two things, either that those confident in their abilities were just naturally confident people, or that there was a possibility of imposter syndrome/Dunning-Kruger effect influencing confidence levels.

A direct comparison could not be made between the two cohorts that gauged participant satisfaction with each other. This was due to different questions being asked regarding

satisfaction with police/management of ND suspects. Instead, a comparison was made between ND participant opinions of the police officers they met, and police confidence levels and opinions of their interviews. In Crane *et al.* (2016) and Love *et al.* (2023) the autistic participants were dissatisfied with their encounters with the police, while police were somewhat more likely to be satisfied with their ability to manage autistic suspects. In this study's results, police opinions of their interviews and confidence levels were significantly higher than the ND participants' opinions of the police they met. The police generally considered themselves to be managing their ND suspects reasonably well with a 71% (*n* 14/21) positive response from the police interview question. Fifty-nine per cent (*n* 16/27) of officers felt confident in their ability to manage ND suspects. The ND participants who had had interactions with the police did not concur with this view, regarding the officers they met to be unsatisfactory with only a 26% (*n* 7/27) positive response from the ND cohort (see Figure 4.13 above). Although, as discussed above, the opinion of the police officers themselves was higher than the opinion of the experience for 41% of the participants. The self-selecting limitation mentioned in Chapter Three, also found by Crane *et al.* (2016), could have influenced the satisfaction ratings of the two samples, in that the cohorts could be comprised disproportionately of ND respondents who had grievances towards the police, and police officers who already had an interest in the study subject.

Police ND Training

The data collected revealed some important insights regarding police ND training and knowledge. Recurring throughout the literature for decades are comments about the lack of police ND training and ND awareness (e.g. Howard and Tyrer, 1998; Gendle and Woodhams, 2005; NPIA, 2010; Crane *et al.*, 2016; Maras *et al.*, 2018; Haas and Gibbs, 2020; Young and

Brewer, 2020; Christiansen *et al.*, 2021; Hepworth, 2023). An essential part of this survey was to ascertain how much knowledge police currently have of ND conditions. Police participants were asked if they had received any police training at any time in their police career that deals with the management and interviewing of ND suspects but, as raised in Chapter Three, I had neglected to ask if they had received their ND training in other police regions. What the results revealed was that even in the cohort who had not served elsewhere since 2017 (*n* 21), there was little recent training or no training at all. Crane *et al.* (2016) and Maras *et al.* (2018) discovered a willingness in police officers for ND training and a frustration at their current lack of knowledge. This willingness and frustration were supported in the current study, which is discussed next.

Previous ND training study results from police officers were mixed (Bailey, Barr and Bunting, 2001; Chown, 2010; Henshaw and Thomas, 2012; Eadens *et al.*, 2016; Gardner *et al.*, 2019; Gardner and Campbell, 2020). Some police were not happy with how they managed ND people they had interviewed (whether they were witnesses, victims of suspects) or with how much training they had been given in the matter, citing time constraints, outdated facilities with their triggering lights, smells and noises, and not knowing what could cause distress because of some of the problems the ND service users faced (Chown, 2010; Henshaw and Thomas, 2012; Eadens *et al.*, 2016; Crane *et al.*, 2016). Other officers were content with their experiences and felt they handled it well (Crane *et al.*, 2016).

Studies by Crane *et al.* (2016), Gibbs and Haas (2020), Holloway *et al.* (2020) and Slavny-Cross *et al.* (2022) found that neurodivergent people (specifically autistic people) were more consistent in their views and they were generally unhappy with their experiences with the

police, with some problems experienced cited as lack of support from police, lack of understanding from police, distractions in the interview room and fear of victimisation from police.

Police Views on Training

As will be seen as this section progresses, the police results could be described as inconsistent. Perry wrote, '*As police officers we are given training about ND conditions*', but the results showed that while Perry believed officers generally were given training this did not appear to be the case. Thirteen (48%) had received no training and six (22%) could not remember any.¹⁶⁴ If someone cannot remember being given training it is logical to assume that they cannot remember the content of the training. This left 30% (*n* 8) of participants who recalled receiving ND training, and for some that training was a few years ago.¹⁶⁵ The results from this study are in accord with those from the Crane *et al.* (2016) study, where 37% had received autism training with 13% of those having refresher training. One of the eight participants (13%) in the current study mentioned refresher training. In Hepworth (2023) only 27% of the police participants recalled receiving autism training.

Below, Figure 4.20 depicts if participants had served in different regions (since 2017) against whether they had had ND training, while Table 4.6 (also below) shows what type of ND training they received and when. Later in this section it will be revealed what the participants think of the training they received.

¹⁶⁴ One was a probationer and might not had that kind of training yet.

¹⁶⁵ Details in Table 4.6 below.

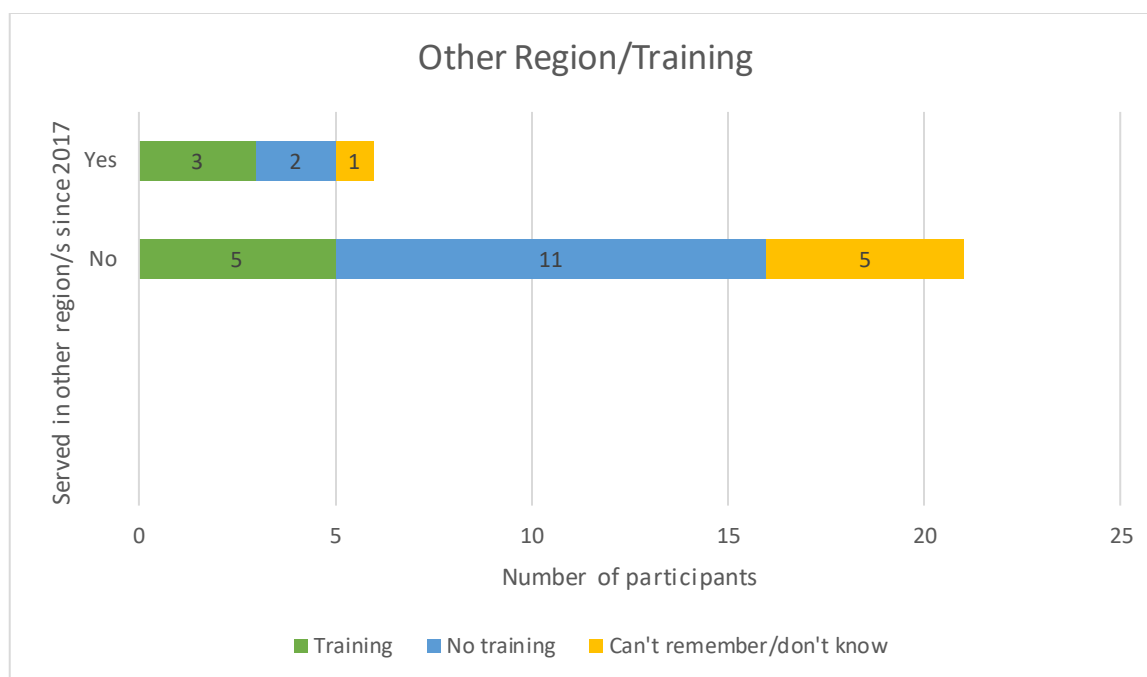


Figure 4.20. Bar chart showing if officers have served in different regions (since 2017) against whether they have had ND training.

Table 4.6. Table showing time since and type of training received by participants. Also indicates if they have served in other regions since 2017.

Served elsewhere since 2017	Last training?	Part of...?
No	4 years ago (2018), with refreshers held annually	Continuing professional development (CPD)
Yes	2 years (2020)	CPD
No	Ongoing (2022)	Specialist interview training
Yes	Six months (2022)	CPD
No	5+ years (2017 or earlier)	Basic
Yes	3 to 4 years (2018-19)	Basic
No	11 years (2011)	Specialist interview training

I wondered if length of service explained the inconsistencies in training and there was some correlation between length of service and whether the participant had received ND training,

but surprisingly it was those who had served the longest who had received the least training. Forty-four per cent ($n = 4$) of those serving ten or fewer years had received ND training while the figure was 22% ($n = 4$) for those with 11 or more years' service, with 22% of both groups unable to remember if they had had training.¹⁶⁶ The relevant eight participants were asked if they were happy with the quality of the training received. Only two said 'yes'. Three (38%) said they were not satisfied, and the remaining three said 'not sure'. It can be hypothesised that a reason for the 'not sure' answers is how can one be sure of the quality of the training if one has little knowledge of the subject with which to judge? In Crane *et al.* (2016), 25% of the police participants were not satisfied with the autism training they had received.

When all 27 participants were asked if they would be amenable to having training/further training, the majority (85%, $n = 23$ which included 7 of the 8 officers who had had training) said 'yes', while two were 'not sure'. There were two who said 'no'. I found it interesting that participants like Pippa, who is ND, is close to other ND people and who had received training, wanted more training, but Pauline and Palmer who are not ND, know no ND people and who did not have/could not remember any training replied that no, they did not want any training. I would have liked to have enquired of Pauline and Palmer why they did not want training. Knowing why people do not want something can be as important as knowing why they do want it, since discovering what the barriers are or what the reluctance is can enable training providers to find a way around the issues. Research by Sobiechowska and

¹⁶⁶ $N = 2$ for 10 years or under, $n = 4$ for 11 years or over.

Maisch (2007) found some reluctance towards continuing training was due to the pressures of training while also being in full-time employment.¹⁶⁷

Two of the participants who answered yes to more training were the two with the most recent training. One participant's training was ongoing when they completed the survey. Despite this up-to-the-minute training the participant still answered 'yes' to being interested in receiving more police training that covers the management and interviewing of ND suspects. The other participant had undergone training six months before completing the survey. Hepworth (2023) also discovered a lack of autism training in the various participating English and Welsh forces and a police desire for autism training.

The participants were asked where their ND knowledge came from. Figure 4.21 below displays the seven answers available to the participants along with the number of responses for each answer. Seventy-four per cent of participants (*n* 20) chose more than one option. The non-police training and 'other' responses involved attending courses after family member diagnosis, volunteering for a charity that has ND clients, interest through friends, and the subject studied as part of a university degree. Personal experience (*n* 19, 36%) and own research (*n* 13, 25%) were by far the most common answers.

¹⁶⁷ The Sobiechowska and Maisch (2007) research was carried out on social workers, not police.

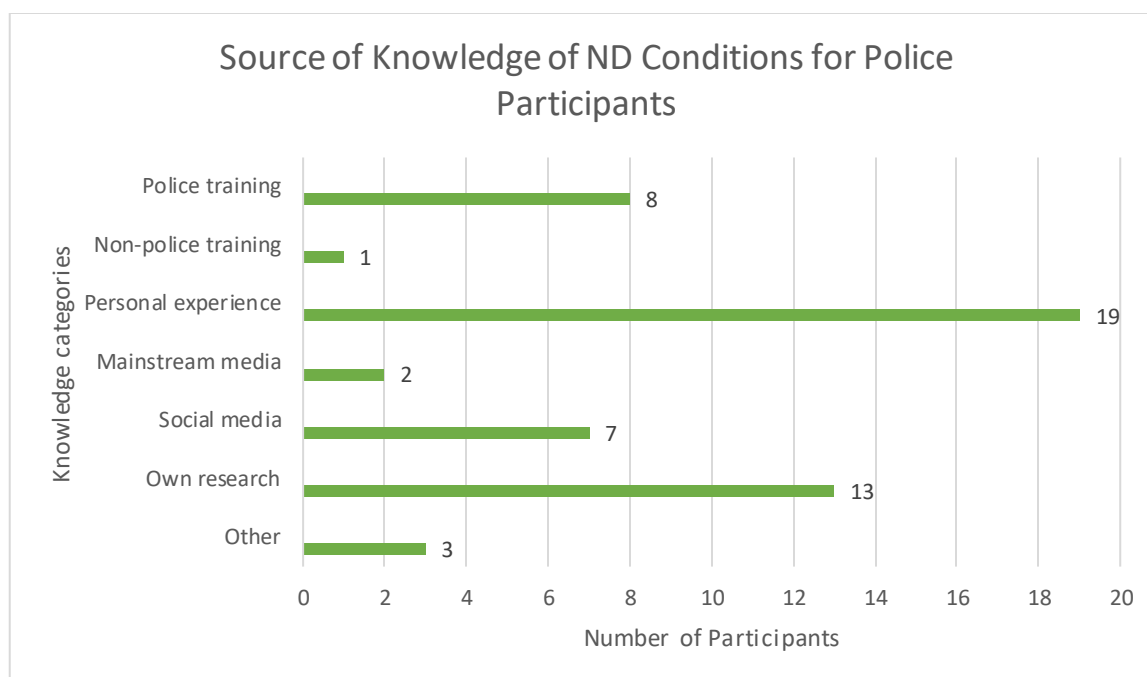


Figure 4.21. Bar chart showing source of knowledge of ND conditions for police participants.

Officers' Current Understanding of Neurodivergence

The police participants were asked about their current understanding of neurodivergent conditions and what were the visible traits of those conditions. I enquired about the 'visible traits' as I would not expect anyone to detect any masked ones. Three participants perceptively remarked that the traits would not necessarily be visible,¹⁶⁸ Peggy's response being, *'They are not always visible traits.'* While three participants gave no answer (including Priscilla who was the only participant with experience of Tourette's), twenty-four participants responded to the question to varying degrees. Their knowledge of ND traits was accurate, though sometimes limited, from Preston's succinct and honest reply of, *'Very little'*, to more detailed answers. Notably, the participants who had the most personal experience were usually the ones who wrote the most, but a factor that must be born in mind is the possible time constraints of the individuals when undertaking the survey.

¹⁶⁸ Perry, Peggy and Phelan.

Hepworth (2023) discovered greater autism knowledge in those officers who had the most personal experience of the condition. As stated elsewhere, these officers would already have an interest in the subject being investigated. With reference to his own police autism awareness research, Chown (2010, p. 265) commented:

Given the tendency for respondents to be interested in autism,
autism awareness levels in the sample were considered likely to be
significantly greater than those of the [general] population.

The participants revealed differing degrees of knowledge and several themes became apparent. Some traits were mentioned multiple times whereas others were commented on by only one or two participants. While the participants often seized upon the more stereotypical traits, something that was also evident in Siberry (2020) and Hepworth (2023), there was nothing that was inaccurate in what they wrote. Percy, for example, had no personal experience of ND conditions and admitted to ‘*very limited*’ knowledge, but he was still accurate in what he did know. Ten participants remarked on the variety of traits and how no two individuals present in the same way, which was also recognised by police participants in Crane *et al.* (2016) (see also Maras *et al.*, 2018). This is very important. An assumption that if you have a particular condition then you must behave in a particular fashion can be harmful as it can lead to misconceptions. Many autistics will have encountered the comment, “You don’t look autistic” (McCreary, 2019; Seers and Hogg, 2021). An expectation of ‘neurodivergence by numbers’ can result in the misunderstandings that concerned Haas and Gibbs (2020) and Holloway *et al.* (2020) and that were commented on in Smith (2022) (such as sensory issues, information processing delays, and demeanour

being considered disruptive or violent) which in turn can increase vulnerability and adverse outcomes. Phoebe pointed out, *‘Every person will present symptoms completely differently’*. Penelope knew, *‘ND conditions can vary greatly dependant on gender, life experience, age, and any other number of factors.’* For Poppy it was a case of, *‘Each person with ND is completely different.’* A related and important theme is masking (Bargiela *et al.*, 2016; Hepworth, 2017), though this received only three mentions, including this from Penelope:

I would assume that someone with an ND disorder that is being interviewed may actually mask quite heavily in order to overcome any stereotypes and unconscious bias that may come from exhibiting ND symptoms.¹⁶⁹

This opinion finds support from Crane *et al.* (2016) who discovered that participants feared negative stereotyping if they disclosed their autism. Neurodivergent behaviour and demeanour can be misread and misinterpreted by neurotypical investigators, according to Holloway *et al.* (2022), Slavny-Cross *et al.* (2022) Smith (2022) and Salerno-Ferraro and Schuller (2025), so masking might be deployed for this reason too. Paige admitted, *‘I have masked the condition all my life’*.

Only Petra, Penelope and Pierce recognised gender differences in NDs, with Petra stating, *‘ND in females is a lot harder to see as they are often better at masking.’* Pierce replied, *‘In*

¹⁶⁹ ‘Symptoms’ is not a word that the ND community uses, the words ‘traits’ and ‘characteristics’ being preferred, and the community also tends to reject the word ‘disorder’ (Bottema-Beutel *et al.*, 2021). Penelope’s comment may indicate that part of ND training should involve terminology, even to someone who is ND themselves as Penelope is. This calls back to the terminology discussed in Chapter Two and relates to the medical model of disability.

respect of ADHD the traits exhibited in females can often manifest themselves in a quite different way from that of males', which is the same for other ND conditions. Arnett *et al.* (2017) found this with dyslexia and as previously discussed, the literature indicates it is increasingly recognised as occurring with autism e.g. Halladay *et al.* (2015), Bargiela *et al.* (2016), Rynkiewicz *et al.* (2016), Murphy (2018) and Wood-Downie *et al.* (2021).

Distraction, inability to concentrate and lack of attention were mentioned by nine participants. This trait is present in both autism and ADHC (Rucklidge, 2010; Nyx *et al.*, 2011). *'Roaming attention and inability to concentrate'*, is how it was described by Pamela, while, *'a very low attention span'*, was Pierce's assessment. Six officers wrote about a lack of social skills, perhaps resulting in NDs appearing to be rude, or *'aloof'* as described by Nyx *et al.* (2011) and Allely and Murphy (2023). Poppy said, *'They may come across as rude [...] due to their social skills.'* Patsy said, *'Finds social activities/interaction difficult.'* Haigh *et al.* (2018, p. 7) found evidence that autistic people can have slower processing speeds, claiming there is a *'large and significant processing speed deficit,'* and Kofler *et al.* (2020) examined information processing delays in ADHC. The issue of processing difficulties was raised by six police participants. Poppy said, *'can struggle to understand what is being asked of them and often needs to be asked in different ways or repeated.'* Pia recognised the problem of, *'delayed processing of information i.e. needing time to process information given or to answer questions.'* Peter said, *'Can often take longer to process questions and formulate a response.'* Sensory issues were a primary theme for the ND participants, but the police displayed a possibly limited awareness of them. As well as two brief mentions of sensory problems from Pippa and Pierce, Pia had more understanding of sensory issues, writing, *'Sensory differences, including but not limited to sensitivity to bright lights, sound/noise levels, or background noise, sensory aversion (avoiding/sensory seeking).'* When examining

autism awareness in the CJS, Dickie *et al.* (2018) identified only one participant (a police officer) out of thirty who understood autistic issues with noise. No other sensory issues were mentioned.

I was surprised at there being only four mentions of eye contact and three of obsessive behaviour since these seem to be the traits that people often ‘know’ (Salerno-Ferraro and Schuller, 2020; Lim *et al.*, 2021; Foster and Young, 2022; Allely *et al.*, 2024). Pia was one of the few who wrote about eye contact, saying, *‘Difficulty making or maintaining eye contact, person may appear to look past/through you or express being uncomfortable making eye contact, lowering line of sight or avoiding it altogether.’* Percy admitted to limited knowledge but was the only officer who understood that ‘eye contact’ could include excessive eye contact and not just avoidance, as explained in Murphy (2018), writing, *‘I understand that ND people can [...] struggle with eye contact. I understand that fixation and staring/persistent eye-contact is also a trait.’* Phil, writing of ADHC, said, *‘Can be obsessive over certain matters.’* Again, there are other conditions with this trait, with Nyx *et al.* (2011, p. 27) explaining it as ‘special – often ‘obsessive’ – interests’ in autism. Pauline raised an important point when she stated that *“not normal”* [original inverted commas] ND behaviour, *‘may lead the officer to make conclusions that are incorrect such as “they are behaving in a guilty manner”,’* which was an issue discussed in Allely and Murphy (2023) in relation to an autistic individual’s reduced recall ability and emotional expression.

Pia was responsible for most of the trait awareness, being one of two or sometimes the only participant to bring up some traits. She was not sure if she is ND but knows someone who is. She has received no ND training and some of her knowledge comes from her own research.

The rarely broached topics mentioned by Pia included, *'non-verbal ability to articulate topics'*, *'executive (dys)functioning'*, *'short-term memory/recall, disjointed storytelling which may be particularly relevant in interview'*, *'seeming to go "off on a tangent"'*, *'echolalia or similar use/repetition of words/phrases'*, *'emotional (dys)regulation'*, *'shutdown'*, and *'stimming'*. Pia was the only officer to mention shutdowns whereas this was a problem for four ND participants. Different 'one-offs' were recognised by Pamela, *'Cannot cope well with changing plans/direction/instruction'*, Pierce acknowledged, *'Struggles with change'*, and Polly understood, *'Verbal memory. Things to consider when such people recall events and what was said or written.'* Paxton was the only officer who considered asking the individual what help they might require, replying, *'I always ask people if they have a specific need or help they would like and discuss from their response what is best for them.'* Parnell made an important point when he noted, *'They sometimes do not fully understand the consequences of their actions or their answers in interviews'*. This ties in with the literature, with Gibbs and Haas (2020) and Foster and Young (2022) revealing concerns that ND suspects may not be aware that their answers could be being misinterpreted. Meanwhile Parnell's comment of, *'instructions need to be prescriptive at times'* was the only one that indicated an understanding that ND people (particularly autistics) need explicit instruction rather than being expected to divine what is required (Nyx *et al.*, 2011; Heidel, 2022). No officer listed meltdowns as a trait while three ND participants explicitly stated they had meltdowns in police presence/at the station and two others described behaviour that could indicate they were in a meltdown state (featured below).

As commented on previously, there is a problem if the ND people do not want to admit to their ND condition. This was understood by Pauline who said, *'People with dyslexia or*

learning difficulties can sometimes be embarrassed about this and try and hide it.' Adding to Paris's earlier comment about time constraints was Phelan with, *'Our encounters with people are too brief for us to be able to judge the degree of the condition.'* Tint et al. (2017) considered it important for police to understand how much diversity there is between autistic individuals. Two of the officers mentioned in their responses that they understood about treating ND people as individuals. It might be easy to think that someone with X condition would behave in Y way and should therefore be treated in Z fashion, but many conditions, including ND ones, exist on a spectrum. They are not 'one size fits all'. Phoebe commented, *'Each person should be treated completely individually when in custody/interview'*, and Phil who stated, *'Treat as individual'*, but a problem remains with how much can be done within the time constraints of the 'PACE clock' ticking.¹⁷⁰ Finally, Penelope offers words of wisdom to fellow ND officers, *'I cannot claim to be an expert on all ND disorders just because of my personal experiences.'*

There were some comments forthcoming from the ND participants about police training, but these appeared in answer to the final three questions on the ND survey. They will therefore be presented in the final section of this chapter, which deals with the responses to those questions.

Neurodivergent Cohort Thoughts on Police ND Awareness

ND themes demonstrated that a lack of police ND awareness was a problem, with comments about lack of information and no forewarning. This section deals with the

¹⁷⁰ PACE rules state that a suspect should be charged or released within 24 hours of arrest (Gov.uk, 2022b).

feelings of frustration felt by some of the ND participants with regards to lack of information or forewarning coming from the police, or because they felt as if no one was listening to them. A lack of information about what is happening and what is going to happen can be very stressful and anxiety-causing for autistic people (Hepworth, 2017). Being forewarned of upcoming changes can help to alleviate some anxiety (NAS, 2017). In the PEACE interview method explored in Chapter Two the one phase that can be of benefit to autistic suspects is the closure (Hepworth, 2017; 2023).¹⁷¹ When listing what they understood of ND conditions, no officer mentioned that lack of information/warning can be a problem, though two officers wrote about ND people potentially struggling with change.

The ND participants could have benefitted from explanation and forewarning from the start of the process since, sometimes, the lack of information began at the beginning of the encounter as in the following incidences, starting with Nex who wrote, *'I wouldn't give my name when they asked it (I wasn't sure if I had to and they didn't actually tell me whether I did or not before they arrested me).'* While Nina noted, *'He never told me why he had stopped me or what he thought I'd done wrong'*. This contravenes the codes of practice that govern police stops that state police should explain the grounds for the stop (Quinton, 2020). *'It seems highly unlikely [...] officers are unaware of the need to tell people why they have been stopped'*, said Quinton (2020, p. 25). Natalie was asked to attend a voluntary interview and explained, *'I should have been sent a letter with all the information on [...] I had no idea what to expect.'* Nessa was also asked to attend a voluntary interview, *'I thought it might make clearer what had happened.'* The lack of information continued throughout the experiences with the police with Niles saying, *'I didn't know what was going*

¹⁷¹ The summarising of what has happened and explaining what happens next.

on. I was not aware of why they were interrogating me.' 'I didn't know what was going to happen next', said Nadia, and Nelson was, 'confused about what was happening'.

Neil felt very strongly that he was not being listened to. He made this claim eight times in his survey responses, including:

Nobody had listened to my side of the story [...] I tried to tell them
that it wasn't my fault but felt like nobody was listening to me [...]
The more they didn't listen, the more I got anxious and then angry.

Others claimed officers did not listen to them. *'They didn't listen to me at all',* claimed Naomi. *'I was telling the truth, but he didn't believe anything I said',* was Nina's response.

The feeling of not being listened to extended to those who felt they were innocent. I did not ask the participants what crime they were alleged to have committed. Some of the participants still told me the reason they had been arrested or stopped, particularly those who stated they were innocent. I do not have the police officers' account of the encounters and, as has been pointed out previously in this thesis, I have only my participants' words to tell me what happened, but reading their stories it was clear that there was room to wonder why they had been stopped/arrested. Norell, who found themselves in a voluntary interview, said, *'I only went in there to give them some information about the whereabouts of some stolen property and to report that a madman was threatening people with a shotgun'*. Nina was simply sitting on a grass verge for a rest and was questioned by an officer. Nader stated,

'The police arrested me following a malicious report by a security guard who was violent towards me'. Noel explained:

I was passing the crossing on the way home and pressed the button to request the traffic to stop. There must have been a police car following me and two policemen got out and came towards me [...] the explanation they gave was that I was suspected of shoplifting and playing with the crossing control. Luckily, I had been trained to keep my receipts which were in the bag. My wife fished them out and after a short discussion they apologised and left.

While Naomi's experience was:

I was arrested for criminal damage and assault. Five police officers turned up. I was bundled into a car in handcuffs. I was actually in a meltdown [...] I hadn't assaulted anyone but the police just wanted me to be arrested [...] I was treated like a criminal, even though it turned out that no offence had been committed and the person who had called the police was over-reacting.

Nanette had been experiencing aggressive behaviour from someone she knew. She pointed out in detail how much bigger than her he was. When he approached her on another occasion, *'By reflex I hit him when he got into my personal space (very close to me). Next morning the police came and arrested me'*. She refused to admit the offence of assault or to

accept a caution. Nanette was later found not guilty in court; her defence of self-defence being accepted.

Norman appears to have been in a meltdown caused by sensory overload at the time of his encounter with the police.

The police were called to my home because I was attacking my family because of noise outside of my home.¹⁷² Four police officers came into the kitchen where I was being held by my dad and two brothers and held me on the ground. My wrists were handcuffed behind my back, my legs were strapped together and a full-face bite mask was put over my head.¹⁷³ I was held that way for over 2 hours until paramedics came. I was frightened, they were too close – I don't like people too close and I couldn't calm down. I didn't want to keep fighting but I couldn't stop.

A further participant, Nicholas, was struggling with a difficult family situation into which the police were called to help. Nicholas's own assessment was that the police misjudged the situation:

I was trying to flee away from suffering domestic abuse and they [police] ended up restraining me and complained I was kicking off. I

¹⁷² Possibly misophonia (See Tunç and Başbuğ, 2017; Cartreine, 2019).

¹⁷³ Possibly restraint, segregation and seclusion techniques performed by both the family members and the police. See Roberts (2013), Robison (2018) and the Care Quality Commission (2022).

was only trying to escape a controlling family. They [police] certainly made a mess of it, misjudging the situation. They me put in the back of the van with handcuffs while they were laughing.

Nicholas was arrested and cautioned but explained that later, *'the interview collapsed.'*

The 'kicking off' comment leads me to wonder if this participant was in a meltdown at the time at the time of his arrest. It can only be speculated that the restraint induced or exacerbated the meltdown. Nyx *et al.* (2011), Hepworth (2017) and Mogavero (2019) described how the sensation of touch, such as rough handling or handcuffs, can be uncomfortable, distressing or painful to an autistic. This can provoke threatening behaviour in the detainee which in turn can escalate the situation with the police, as explained in Allely and Murphy (2023).

Initially, Natalie appeared to have experienced a lack of communication between agencies, writing, *'Two days prior to this [phone call from police] I had been very suicidal and self-harmed severely and had a severely distressing welfare check. But that was not communicated to the police.'* While this suggests a lack of interagency cooperation, it is the police who perform the welfare checks on behalf of other agencies (Leeds.gov.uk, 2022).

Natalie continued:

They asked to interview me 2 days after this traumatic experience about an incident that occurred 6 months before that. It was very bad timing. Poor communication in-house. I was filled with anxiety, and very scared.

Relating to interagency cooperation is this comment from Nora,

I always have my NHS record on me and I would feel more comfortable showing it to the police instead of getting questioned base on my behaviour, etc.

Four of the six recommendations in the Ministry of Justice's neurodivergent action plan advocated cooperation across the various agencies involved in the CJS (MoJ, 2022).¹⁷⁴

The subject of police ND training and awareness is one of only two areas which sees the two cohorts agreeing with each other.¹⁷⁵ Both groups, from their relevant perspectives, deem the current level of ND training to be unsatisfactory. More details on this theme can be found in the next section.

Final Questions

The answers to the final questions on the two surveys are presented here. The participants were given the opportunity to add anything they felt I had forgotten to ask. There were three questions for the ND cohort, who were also given the opportunity to put forward the questions or comments that they would like to have put to police. The police had the same opportunity in one question but few comments were forthcoming from the police, so this results in there being more comments from the ND participants in this section. That the ND participants had more to say about their experiences than the police had is perhaps natural

¹⁷⁴ The subject of interagency cooperation is discussed further in Chapter Six.

¹⁷⁵ The other incidence of agreement can be found earlier in this chapter, on the topic of divulging ND conditions to the police.

as their experience would have had more of an impact on them. For the police, it is their job and they arrest and interview people all the time. The rare and one-off experiences of the ND participants would have engendered more emotion, more unique an experience, and more to think about.

“Why Didn’t You Listen?” – The ND Input

The latter three questions on the ND survey all asked for input from the community itself, for what the people of this community think should be included in the discussion. Chapter Three discussed how my original intention to include some of these answers as questions in the police survey was thwarted by time restrictions, so the questions at the end of this chapter could not be put to the police participants.¹⁷⁶ I could therefore not ask the police their opinions of the comments. Question 19 asked the ND participants if there were any other questions that should have been included in the survey and, if so, how would they answer that question. Question 20 wanted to know if the participants thought the police should have done anything differently when dealing with them. Related to this was the ultimate question: ‘Is there any question you wish you could ask the police about your time spent in police custody, or anything you would want to tell the police about it?’ What follows are the responses to these questions.

Three main issues emerged through the answers to Questions 19 and 20, which were operational concerns, attitudes exhibited by officers, and a lack of understanding from

¹⁷⁶ This idea is returned to in Chapter Seven in Future Research.

and/or training of police. Nex experienced a problem after they had been issued with a police caution:¹⁷⁷

After I admitted it, the police officer then told me he was relieved I'd admitted it because there was no way they would have been able to take me to court, because they had no idea who owned the building and they would have had to get in touch with them in order to do so – so I essentially got conned into having a caution when I needn't have had one because both the police and the solicitor misled me.

Nelson had problems with trying to get across to the officers that he was an adult at risk, explaining, *'I told them I was vulnerable, have Asperger's, anxiety, depression, PTSD & have had a number of suicide attempts, but they didn't class me as vulnerable'*, and was subsequently not provided with an AA. However, he later made a subject access request (SAR) and, *'I found out in my SAR my accuser told the police I had Asperger's and mental health problems so they knew before coming to my house'*.¹⁷⁸ Research by Gudjonsson over the decades has shown vulnerable suspects to be at a disadvantage while in police custody (e.g. Gudjonsson, 1993; 2010; 2021), but Nelson did not have his vulnerability recognised which resulted in the lack of an AA.

Two participants commented on alternatives to arrest for adults at risk. Nora suggested, *'Just add a question [to the police] about skipping the police station, as for some individuals*

¹⁷⁷ The official caution issued after a crime has been admitted, not the right to remain silent.

¹⁷⁸ For details about SARs see Information Commissioner's Office (n.d.).

it could be avoided', while for Nicholas the solution was, *'Instead of being arrested [...] you can be held under the Mental Health Act'*.¹⁷⁹ Here I am put in mind of Nancy, the would-be suicide, who was arrested rather than detained under section 136. The possibility of diversion out of the CJS was raised by Bradley (2009), Robin-D'Cruz and Whitehead (2019), Burch and Rose (2020) and Farrugia and Gabbert (2020), who discussed more appropriate routes for some ND or mentally unwell individuals, whether that is a section 136, community-based intervention or court diversion schemes. L&D Services are a court-based service for CJS users with mental ill health and other vulnerabilities and operate throughout England and Wales in both police stations and courts (Chaplin, McCarthy, Marshall-Tate *et al.*, 2024). They have been developed to help identify vulnerable suspects and defendants and to support them through the CJS (Chaplin *et al.*, 2017).

Niles's assessment was, *'Police cannot just arrest and interrogate the person unless they are in a right state of mind. I mean, you wouldn't interrogate a drunk person who had way too much to drink.'* Nolan was drunk when he was arrested but was left to sober up in a cell before being interviewed. During the interview he said the police, *'behaved like my autism was just part of my drunkenness, despite me being pretty much sober by this time'*. Earlier in this chapter, Nex commented on how the interview would have gone better if they had been in a nicer room. Three other participants agreed. *'Put me in a nicer room. I'm not a murderer or rapist or nasty'*, said Nadia. Nigel explained, *'It would have been better to have a nicer, more comfortable room'*. Ned's suggestion was, *'Put me in a better room to talk to me'*. This is supported by the research conducted by Hoogesteyn *et al.* (2020). Autistic participants and their parents/carers in Crane *et al.* (2016) also complained about the

¹⁷⁹ Section 136 is still detention but, as explained earlier, it is used to take a person at risk to a place of safety (McKinnon, 2016).

inappropriate station environment.

Norman, who had been restrained on the floor by officers using leg restraints and a bite mask, was still unable to comprehend what offence he had committed,¹⁸⁰ asking, *'Did they make me understand what I had done wrong? No. Did I get any help to know what to do next time? No.'* This goes back to the example in Archer and Hurley (2013) and NAS (2017) of the man who kicked illegally parked cars who could not understand what crime he had committed.

Natalie had a lot to say about how officers should behave with ND people being asked to attend voluntary interviews. Her feedback is presented in its entirety in the next quotation. It encapsulates some of what has been discussed previously with regards to autistic traits, about being prepared/forewarned (Hepworth, 2017; NAS, 2017). It also demonstrates the autistic need for explicit instruction. This was mentioned only by Parnell when police were asked about their knowledge of ND conditions (Nyx *et al.*, 2011; Heidel, 2022).

I think as soon as I identified myself as neurodivergent on the phone, the officer should have said in that case we will send you all the information about your interview in the post and arrange a day to do it on. They should send you a sheet saying step-by-step this is exactly what will happen during your interview. Do you have sensory issues? Do you consent to being recorded? Do you have issues with communication? Would you prefer to answer our questions in

¹⁸⁰ Fighting his family during a possible meltdown.

writing? Would you like someone to attend the interview? If yes, this is how we can arrange that, then explain all the details of doing that. And explain the rules. Would it be OK to leave the interview or stop it if feeling overwhelmed. Etc., etc. There are so many things the police could do differently.

Norman continued this theme, writing, *'Asked me questions earlier – I can't remember things that happened 2 weeks ago. Asked me if speaking to someone on a computer was okay. Made sure I understood what would happen next.'*¹⁸¹ Naomi wondered why police did not, *'try to contact a support worker, my GP or mother to find out if I had a reason to be struggling to communicate.'* While Nerys wrote:

I think their correspondence with me was questionable, their tone and use of language was not kind, and on several occasions I had to remind them I was autistic and that their approach was giving me extreme anxiety and upset.

Noah admits it was, *'difficult because I was not diagnosed'*, but he continued, saying of the police:

They could have taken more care to understand the problems I did know about. I believe I should have had someone with me as anyone

¹⁸¹ Which would have been done in the 'C' (closure) part of a PEACE interview, but that is at the end of the interview. Norman would have benefitted from this happening earlier.

suffering from mental health issues should have an appropriate adult.¹⁸²

Several participants identified a lack of understanding from police. Nerys had this to say, *'When an interview was arranged the officer cancelled this 15 mins before it was due to take place'*. Autistic problems with sudden changes in plans have been discussed previously in this work and have featured over the decades in the literature (e.g. Kanner, 1943; Wing, 1981; NAS, 2011a; 2017; Burdon and Dickens, 2009; Chown, 2010; Hepworth, 2017; Courtenay and Perera, 2020), but received only two mentions in police comments about their knowledge of ND conditions. However, it must be considered that time constraints and not recollecting the trait at the time of the survey could account for this. Nolan claimed, *'They didn't want to understand.'*

An apparent lack of ND training of police was pinpointed by some of the participants. During her unsatisfactory time in the company of the police Nerys stated that, *'On one occasion I even asked if there was an officer who was autism trained'*. *'None of the officers had any basic understanding of autism'*, complained Nelson. Natalie wished that the police had, *'tried to understand better'*, wondering, *'Did the police appear to have any knowledge of neurodivergent conditions?'* Nora continued the theme of training:

First of all, they need proper training. I always have my NHS record on me and I would feel more comfortable showing it to the police instead of getting questioned based on my behaviour, etc. There are

¹⁸² This is correct. See the Home Office (2023b).

basic courses the police can attend which cover ASC and other conditions/disabilities. My husband said that the female police officer was familiar because she has a family member with autism.

I do not know to which courses Nora is referring, but there is a short online training module provided by the National Autistic Society specifically for training police in autism awareness (NAS, 2011b).

In a category of its own is the incident with Nina and the possibly bogus officer. Nina offered the following recommendations, *'The officer should have started by giving me his name and other identifying information [and showing his warrant card]. He could have asked why I had a sunflower lanyard. He could have told me why he was detaining me.'* Nina was wearing a sunflower lanyard. This is used to indicate that the wearer has a hidden disability and might require assistance. It was introduced in 2016, but not everyone is aware of its significance. In fact, since the lockdowns of 2020 its true meaning has become blurred. It became co-opted by people who did not have to or did not want to wear face masks and therefore it is considered by some to be a mask exemption lanyard (Dodds, 2021). It is possible, if the officer was genuinely police, that he considered the lanyard to indicate a mask-exempted status given that the incident with Nina occurred just before the UK's final lockdown ended.

Nora seemed to feel disregarded by the police who stopped her in the street, wondering, *'Why he doubted me but listened to my husband.'* For Neil it was a case of wanting the police to be, *'Listening more instead of just assuming they know what went on.'* After discovering that the police at the station were, *'very nice'*, Nancy said, *'I wish the arresting*

officers had been more understanding'. Here, police from the same force, probably the same station, displayed very different approaches to the same individual, raising the question of possible disparities in officer training even within forces. Nelson made a serious claim when he said, *'They kept putting words in my mouth and getting me to agree with them which goes against guidelines when dealing with autistic people.'*

This last quote revolves around the subjects of compliance, acquiescence and suggestibility that were discussed in Chapter Two, and are subjects that appear multiple times in the literature by authors such as Gudjonsson (2002; 2010), King and Murphy (2014), Chester (2018), Chandler *et al.* (2019) and Allely and Murphy (2023). Compliance and acquiescence were demonstrated by the ND cohort several times in the data, with Noah confessing immediately, Nex exhibiting a compliant nature and joking along with the arresting officers, and with some ND participants telling police when asked that they understood the caution or notice when they did not.

Nex complained, *'They shouldn't have asked me 'how they did' with me as a disabled person, as though they wanted congratulations for not being appalling towards me.'* Nex is the person from the initial stages of the ND fieldwork who told me that, *'I am and always will be distressed about having been arrested'*, so I do not think that any time would have been a good time to approach Nex to ask about their experience. Even years after the incident, Nex was deeply unhappy about what happened. Nex does not record if they gave the police any feedback.

Nex had more to say in these final questions than many of the other ND participants. It included the following quotation:

They shouldn't have misled me into thinking I was going to court unless I accepted a caution when court was never actually on the cards, and if I'd just said nothing at all I wouldn't have had a caution either. [...] They could have tried talking to me properly before arresting me just for not giving my name which I wasn't sure whether I legally had to or not. [...] I wouldn't ever want to speak to them again. If pushed I'd ask them what on Earth good arresting me did anyone and why they think it does anyone any good to cause them trauma in response to a perceived 'wrongdoing'. [...] I honestly did not feel like I was seen as a human being, I was a 'suspect' not a person.

And in a comment that is relevant to the Chapter Two discussion about the over-prevalence of ND people as CJS users (Scragg and Shah, 1994; Maras and Bowler, 2012; Hellenbach, 2017) Nex wrote, *'They should be wondering why on Earth they come into such frequent contact with neurodivergent and disabled people.'*

This section is completed by questions and comments that some of the participants wish could be put to the police. While most of the comments relate to the participants' own personal experience, they can all be expanded to encompass any ND person who finds themselves as a police suspect. Their answers to the final question included Nex wanting to

know, *'How is anyone meant to calm down and act rationally when treated in such an inhuman way in such inhuman conditions?'*. *'Why did he feel the need to detain me when I wasn't doing anything wrong?'* asked Nina, and Nancy wished that, *'the arresting officers had been more understanding. I didn't need handcuffs as I was not being violent or threatening violence.'* Norell asked, *'Couldn't you see I was having problems speaking? Shouting at me didn't make me communicate any better, did it?'* Norman wrote:

Why couldn't I have a support worker with me? They offered to come. Why don't you understand what it is like to be me?¹⁸³ Why did you let people hold me on the ground? Why did you get so close to me?

And Niles complained:

[F]or the future don't interrogate people who have learning, mental or poor disability, anything that could affect someone's behaviour because it might make it difficult for them to communicate. So go easy and ask them if they're fit and able to talk.

Nerys continued the theme of police ND training in her final comments, stating,

'I told them they needed autistically [sic] trained officers that could be more aware of the impact this process has had on me...I even

¹⁸³ Milton's double empathy problem, as explained in Chapter Two (Milton, 2012).

asked if there was an officer who was autistic.'

Natalie said, *'I did tell them how it made me feel in my complaint. I got a generic apology, but nothing saying they would change or train their officers in neurodivergent conditions.'*

Natalie was not the only participant who was unhappy with the response to their official complaint. In total, four participants felt compelled to make or try to make official complaints about how they felt they had been treated. In all four cases the participants were unhappy with how their complaints were handled by the police. Nina was told the officer could not be traced, despite him supposedly radioing into the control room. Noah commented, *'I tried later to address the problems by making an official complaint. This was also stressful and my complaint was handled very badly.'* Nelson was waiting for a response from the IOPC at the time of the survey. Unfortunately, none of the participants stated they had repeated their police complaint comments in their survey answers.

Meanwhile, Nolan said, *'If someone tells you they are autistic have a quick look as to what that means.'* 'Why did you not pay attention when I said I was autistic?' asked Nigel. Ned replied, *'You knew I was autistic so you could have looked up how to help me and what to do. Why didn't you?'* Norell simply asked, *'Why didn't you listen?'* For three of the participants there appears to have been far-reaching implications due to how they felt they were managed by police. Norell's last words on the survey were, *'Meanwhile I cried myself to sleep that night and vowed that, even if I witnessed a murder, I was never going to help the police again.'* The last words of Nelson were, *'Before this I liked the police, but now I hate them'*, while Naomi ended with:

Tell them I now dislike anyone in a uniform because I feel judged and like a bad person. I feel 'small'. I wouldn't talk to any police officer now. I avoid even looking at an emergency vehicle. I don't respect them.

And Nex was scathing about police officers in general:

They're all just monsters and villains. They should remember [...] they're just as fallible and flawed as the rest of us (and are statistically more likely to commit domestic abuse so maybe they shouldn't be so darn quick to judge anyone else).

The above comment reveals a powerful view. Nicholas admitted, '*This is the real world and police are not social workers or solicitors.*' Being thwarted in being able to put these comments to the police has meant my being unable to give officers the chance to reply and offer their perspective to this and the other comments and questions in this section. Echoing some of the participants in the current study, the autistic participants in Salerno and Schuller (2019) declared themselves less willing to contact the police in an emergency because of their previous negative experiences.

The Last Word from Police

The ultimate question on the police survey gave the police participants the chance to add anything else about any relevant topic. If they felt I had missed anything from the survey this was their opportunity to raise the issue. There were nine responses out of the possible

27 (33%). Training and guidance were the main themes for the police. Seven out of the nine responses to the final police survey question discussed training. Three of these seven participants had had training, one as recently as six months prior to taking part in the survey. All wrote of the desirability of receiving training and guidance, presented below.

The training comments began with Phoebe who stated, *'I think more training should be done and more provisions within the interview setting to be available to assist the suspect'*. *'I believe this area is something that requires more training in the police'*, is the opinion of Pippa. Percy ended his comment with, *'Any future guidance on the management of ND suspects would be welcome.'* More opinions followed, with Parnell commenting, *'I think extra training for officers dealing with ND suspects would be useful'*, and Perry declaring, *'I think within certain elements of policing a culture exists where suspects should be treated differently from victims or witnesses.'*¹⁸⁴ *When I was trained in [advanced training] I became a better suspect interviewer as a result.'* Paris stated, *'I was not prepared [...] We need proper, standardised training'*. These comments about proper training are echoed by Pamela:

It would be beneficial for forces to have a proper training programme for all officers for how to interview ND suspects, deal with ND victims, witnesses and members of the public. Overall I do feel training and support in those areas is lacking [...] I feel more could be done.

¹⁸⁴ This comment recalled the work by Hepworth (2023) regarding police operational culture.

Petra was the only participant to mention the L&D Service, saying, *'I think [name of town] custody manage ND individuals well. The Liaison and Diversion team are good at intervening when required'*.

Other than concerns over the lack of training, little more was forthcoming from the police participants in this final question.

Chapter Conclusion

This chapter saw the analysis of the neurodivergent and police cohorts' data and a discussion around that data. It first looked at the demographic data, which examined such details as gender, age range, ethnic background, length of service and ND conditions of the participants, before moving onto sections that revolved around the themes of initial encounters, emotions, ND opinions of police, neurodivergent traits materialising, and both cohorts' experiences of the caution and the Notice of Rights and Entitlements. It then moved through police interviews and appropriate adult provision and Likert scale questions that were asked of the police, then police ND training and knowledge, and neurodivergent frustration over being under informed and not listened to. The chapter ended with the questions and comments the ND participants wished to put to the police, and the final thoughts of the police participants.

Fear and anxiety were the predominant emotions experienced by the participants but it could not be ascertained how the ND experience differs from that of NT suspects. Overall the participants felt dissatisfaction in their encounters with the police. Except for the occasional positive or neutral comment and stories of considerate management, the police

encounters experienced by the neurodivergent participants from around England and Wales were overwhelmingly negative. This was also the finding of Crane *et al.* (2016) in Britain, Gibbs and Haas (2020) in Australia, and Salerno and Schuller (2019) and Salerno-Ferraro and Schuller (2020) in Canada.

Neurodivergent traits manifested themselves with sensory issues around noise, bright lights and off-putting smells, as well as participants reporting meltdowns, shutdowns and being overwhelmed by their surroundings and what was happening to them. Problems with information overload and processing, and auditory processing were discussed.

Two ND participants wrote of encountering officers who appeared to have autism knowledge and how much easier it was to deal with them when compared with their colleagues. Two participants had very different experiences during suicide attempts, with one being sectioned, treated in casualty and then diverted to a mental health facility, and one being accused of drink driving despite a lack of evidence of this and subsequently being arrested, interviewed, and apparently not being treated for self-inflicted wounds.

Four ND participants made official complaints to the relevant police but were dissatisfied with how their complaints were handled. Nina could not take her complaint further due to being unable to identify the officer but call logs should have provided an identification for the police. Nelson did not feel that his complaint had been handled satisfactorily and so had progressed to the IOPC. The police in these cases, despite complaints suggesting that their actions may not have been appropriate, did not appear to redress the problem.

There was no concurrence between the ND and the police experiences of the reading and explaining of the caution or Notice of Rights and Entitlements. All the police explained the caution, eleven of them described how they always explain the caution regardless of whether the suspect is ND. Meanwhile, 16 out of 19 ND participants said they did not have the caution explained to them by police. It was a similar story with regards to the Notice, with 13 out of the possible 18 police explaining, and none of the ND participants reporting having the Notice explained. There was a concerning lack of comprehension from the ND cohort regarding the words and meaning of the caution and Notice. The police participants had ensured they explained to their suspects about these topics. The ND participants said that their understanding had not been examined. This is an area of police procedure where it might be supposed there would be consistency in the training across the police service. However, as stated previously, it may be that the ND participants simply did not remember having their rights explained, which may have been further exacerbated by the stress and anxiety of the situation.

Issues with appropriate adult provision became apparent. Police are not liable for the inconsistent official appropriate adult service provision around the country. However, the ND data produced revealed that AAs (professional or otherwise) might not be being utilised as often as they could be. Conversely, the police data revealed some reluctance in ND suspects to engage the services of an AA. Police cannot necessarily provide an AA if the suspect is unwilling and it could be that the suspects are unaware of the potential benefits of AAs, particularly official ones.

The police had varying degrees of knowledge about ND characteristics but very little of this knowledge came from police training. Despite the good will and personal interest, many of the participants still felt undertrained, even those who had received police ND training. What has been demonstrated in this research is that ND training is delivered at a local level, but what was revealed by the data is that training is not consistent, perhaps not even within the same police region. Only eight police participants had received any ND training that they could remember and the time since training varied from ongoing to eleven years previously. There was a desire and willingness from the police for ND training, even from those who had recently had training. Eighty-five per cent of officers (*n* 23) wanted more training and only 25% of those who had had training considered that training to be satisfactory. Most police participants knew someone who was ND or/and were ND themselves. They were likely to have been drawn to this survey due to having a personal interest but it was still a surprise to find so many participants had this close link with the ND community. They all had some knowledge of their own conditions or those of family or friends, but did not have knowledge of ND conditions generally, and they still desired ND training. Training was felt by both cohorts to be lacking.

In the final three questions the ND participants had been given the opportunity to express their overall feelings towards what had happened to them. Their stories had been almost unrelentingly sombre and remained that way to the end. The responses to these final survey questions revealed that the ND participants' interactions with the police had clearly induced strong and lasting negative emotions and reactions, engendering mistrust in the police service. Some of the participants had been greatly adversely affected by their encounter with the police, for some the effects were still evident five years after the event.

For police the important theme was training, with seven out of nine responses involving the subject.

There were police who felt they had communicated successfully with their suspects and even built up a rapport. Meanwhile, the ND participants were wondering why the police did not listen to them or did not try to understand them. It should be remembered that in this study only one ND participant encountered the police in the targeted region. The others were from across England and Wales where the officers could have experienced different training. Another factor is that all but seven of the police participants in some way had personal experience of ND conditions and this could arguably put them in a better position to understand. The police who volunteered for the survey showed a desire and a willingness to play their part in ensuring that ND suspects and detainees were managed appropriately. There is meagre training and the training that exists is considered insufficient by the officers themselves. There were eight ND officers with various conditions – autism, ADHC, dyslexia and dyspraxia – and most of the other officers had ND family members and/or friends. Confidence in the managing of ND suspects was varied, but even where an officer has personal experience of ND conditions there was not always confidence in their ability to manage neurodivergent individuals. Despite this, the officers are trying to surmount the obstacles that they feel come between them and a satisfactory outcome with regards to neurodivergent people who enter the CJS. The officers appeared to have had the best intentions with regards to managing ND suspects. The ND data indicated that this was not apparent with their colleagues across England and Wales, if the ND cohort's experience is representative.

CHAPTER FIVE: CONCLUSION

Introduction

There is a long history of neurodivergent people experiencing difficulties in the CJS due to their vulnerabilities (e.g. Gudjonsson, 1992; 2021; Bradley, 2009; Crane *et al.*, 2016; Hepworth, 2017; 2023; Calton and Hall, 2022; Slavny-Cross *et al.*, 2022). This thesis has revealed that, despite recent advances in knowledge and a desire by many officers for training and advice in this area, the historical issues with managing ND CJS users can be as prevalent today as they have been in the past.

This research sought to determine what the police approaches are towards managing neurodivergent suspects and what the experiences are of neurodivergent people when encountering the police as suspects. It examined several areas to discover if there were differences between how neurodivergent people thought they were managed and how the police thought they conducted themselves when dealing with ND suspects. It looked at: (a) how the police participants view their interactions with and management of neurodivergent suspects; (b) how the neurodivergent participants view their interactions with and management by the police; (c) what police understand about ND people and ND traits; (d) if participants considered police ND training to be sufficient; and (f) the opinions the police and the ND participants have of each other. The purpose of this thesis was to discover if improvements to police management of neurodivergent suspects are required and, vitally, to assess where and how any improvements can be made. Some of the discoveries contained here were in accord with those found in the existing literature while others

contrast with or develop this previous literature, which will be referenced throughout this chapter.

Using online questionnaires, the aims were addressed by surveying 27 serving police officers from a targeted police region and up to 27 neurodivergent people from across England and Wales who had been treated as suspects by the police. A mixed-methods, exploratory approach was taken to collect the necessary data. The combination of both qualitative and quantitative research was deemed to be the most appropriate method of conducting the survey because it allowed for the easy and equivalent comparison of quantitative data that was supported by more detailed data. The qualitative data in this study revealed some important details that would have been missed in a quantitative survey.

This thesis provides an original contribution to knowledge by the combination of mixed methods surveys, participation of ND people other than autistics, ND/patrol officer interactions, gender-diverse people in police encounters, bringing in ND police officers, more active ND cohort participation, and the insider perspective of the researcher.

Findings

What has been demonstrated in this thesis is that the police and neurodivergent suspects' experiences have some discrepancies between them. These involved the following, the two most important points (where there is a marked contrast) are presented first.

Explaining the caution revealed the biggest disparity between the two groups' experiences.

Although Clare *et al.* (1998), Hughes *et al.* (2013) and Randall *et al.* (2020) examined caution

comprehension by various ND people and of those with borderline learning differences, a gap in knowledge was identified and addressed regarding if police ensure caution comprehension and, if so, how is this achieved. All the police participants explained the caution to their suspects, with some officers stating it is procedure to explain the caution to everyone, regardless of the presence of an ND condition. Only three officers declared that they performed comprehension checks to ensure understanding and gave an example of the questions they ask to perform this check. Sixteen per cent of the ND participants recalled having the caution explained to them and no one mentioned any checking of their comprehension. As with the caution there appeared to be a discrepancy in the explaining/reading out of the Notice. Gudjonsson (1991), Gudjonsson *et al.* (1992), Gendle and Woodhams (2005) and Chester (2018) all expressed concerns about the levels of comprehension exhibited by adults at risk regarding the Notice, considering the wording not fit for purpose. What has not been found to have been examined in the existing literature was any investigation of the occurrence of Notice explanations, a gap that this thesis addressed. Fifty-seven per cent of the police participants explained the suspect's rights, and two officers reported performing comprehension checks. No ND participant reported receiving help with understanding the Notice or recalled having their comprehension checked. What was relayed in the ND data would suggest that there may be some inconsistency in the performing of routine custody procedure. The above two findings are the most important because, not only did they reveal the widest discrepancies between the two data sets, but also there are wider implications for the CJS and police best practise if rights are not being/cannot be exercised. There is also a risk of the interview not being PACE compliant and the case could be rejected in court (Gendle and Woodhams, 2005; Home Office, 2023b).

Processing issues were mentioned by both police and ND participants. The subject of how reduced processing speeds can affect autistics and ADHC appears in the literature (Ghanizadeh, 2011; Butnik, 2013; Haigh *et al.*, 2018; Kofler *et al.*, 2020; Allely and Murphy, 2023) but no research has been found that examined the processing issues experienced by ND people during specific aspects of encountering the police. This thesis addressed this gap by explicitly asking the ND participants about their experiences of understanding their rights. As well as the results above pertaining to the caution and the notice, two participants commented on their struggles to process what was being said to them at the custody desk.

Seven ND participants specifically wrote of shutdowns, meltdowns and feeling overwhelmed, just as they did in Gibbs and Haas (2020), Salerno-Ferraro and Schuller (2020) and Slavny-Cross *et al.* (2022), though such issues were surprisingly absent in Crane *et al.* (2016). Sensory issues were very evident in the ND narratives but officers appeared to have little knowledge of sensory issues when asked of their understanding of ND conditions (in an effort not to lead the officers they were not asked specifically about ND traits, only their understanding of the conditions). While there are repeated mentions of sensory issues in the literature, particularly with regards to autism and autism training (e.g. Allely, 2015; Crane *et al.*, 2016; Hepworth, 2017; Murphy, 2018; Holloway *et al.*, 2020; Salerno-Ferraro and Schuller, 2020; Smith, 2022; Allely *et al.*, 2024), despite this widespread academic attention this research revealed a large gap in police ND knowledge and training in this area, indicating a topic that requires necessary police training attention. One of the six areas included in the Holloway *et al.* (2022) training revolved around autistic sensory issues. How police participants thought they managed their suspect's interviews, as well as police confidence in managing ND suspects, was compared with ND participant opinions of the

officers they met and their views on the whole experience. Police opinions of their interviews and their confidence levels were significantly higher than the ND participants' opinions of police and ND experiences of being treated as suspects. The discoveries contained here were in accord with those of Crane *et al.* (2016), Love *et al.* (2023) and Hepworth (2023), the only similar studies so far uncovered, where the autistic participants were dissatisfied with their encounters with the police, while police were somewhat more likely to be satisfied with their ability to manage autistic suspects. In this study's results, the police in the regional force generally considered themselves to be managing their ND suspects well. Fifty-nine per cent ($n\ 16/27$) of the participants felt strongly or somewhat confident in their ability to manage ND suspects and 71% ($n\ 15/21$) were satisfied with their interviews with ND suspects. The ND participants from other police regions did not concur with this view. Eighty-five percent ($n\ 23$) of ND participants regarded their experiences with the police to be bad or awful. Their opinions of the officers they encountered were broadly poor, with 74% ($n\ 20$) answering bad or awful, though 41% ($n\ 11$) of the participants had a higher opinion of the police as individuals than of the experience itself. This result adds to knowledge in this area by isolating the ND individuals' opinions of the police they encountered and the experience of being spoken to as a suspect. Crane *et al.* (2016) examined the satisfaction felt at various stages of the encounter with police and found that, overall, 69% of the autistic adults were unsatisfied whereas the 21% of the police participants were not satisfied with their encounters with autistic people.

Fifty-two per cent of both the ND participants and the police participants reported the disclosing of ND conditions to the police. Gibbs and Haas (2020) discovered that 32.5% of their participants divulged their condition to the police and for Crane *et al.* (2016) 39% of

their participants always disclosed their condition. Twenty-two per cent of the ND cohort whose conditions were known to the police did not recall having an AA present at their interviews. Fourteen per cent of the police officers did not provide an AA but only because their suspects stated they did not want an AA present. This result contrasts favourably with the findings of Jessiman and Cameron (2017) where 54% of their participants (with learning disabilities or mental ill health) did not have an AA present in interviews, though methodological limitations were apparent in the Jessiman and Cameron (2017) study and these were discussed in Chapter Two.¹⁸⁵

The two groups were in accord with each other about ND training. Both felt that ND training was inadequate. From the police responses it was gleaned that training is sparse to non-existent, and what is provided is not sufficient in quantity and quality. This chimes with the results garnered from the studies by Crane *et al.* (2016) and Hepworth (2023). The police participants desired more training. Frustration was exhibited by the ND participants over how they felt unheard and misunderstood. Crane *et al.* (2016) also discovered an absence of police ND (autism) training, with only 37% of the police stating they had received training, and a willingness for more training. The autistic participants in Hepworth (2023) felt unheard. The research for this thesis discovered a clear desire in the police participants to be adequately trained and that they are willing to receive that training. Officers in this region ensured fair treatment of their ND suspects despite the apparent lack of relevant training and guidance to help them. All of them explained the right to remain silent, even if few of them reported determining with specific questions that their suspects had sufficient

¹⁸⁵ They included a small, local service-user sample and the researchers' choice of a focus group to collect data, which could have had limited open participation if the participants felt that their privacy and confidentiality might be compromised.

understanding of the caution. Meanwhile, the experiences of ND people around the country revealed that not all police regions seem to offer the same support.

The findings also examined interactions between two groups of people currently neglected in the literature: ND people who encounter patrol officers but who do not attend police stations, and gender-diverse ND people, thus adding to the knowledge on these topics.

There is little research about street disclosures of autism to police (Reveley and Dickie, 2023) which is important as 'autistic people are more likely to be stopped and questioned in the street' than arrested (Calton and Hall, 2022, pp. 274-5). In this research the ND participants who were spoken to by attending officers ($n = 4$) all divulged their ND conditions, but three of the four reported poor opinions of the police they encountered and of the experience itself. All three gender-diverse individuals in this study also recorded poor opinions of the police they encountered and of the experience itself.

CHAPTER SIX: RECOMMENDATIONS FOR THE POLICE SERVICE

The police are the gateway to the CJS, thus forming the 'point in the offender pathway [that] provides the greatest opportunity to effect change' (Bradley, 2009, p. 34). What has become evident in the findings of this research is that this point in the pathway is not being used to its full potential in the context of ND people. Several recommendations were indicated in the current research, with some recommendations mapping on to those found in the existing literature. The literature involving the intersection between ND people and the CJS revealed several disparate ideas to improve the management of ND people who enter the CJS, but what became clear in this research was the absence of a cohesive plan to integrate these ideas into a concentrated plan of action. Each element is not a solution, only a partial solution. The implications of this research's findings and the recommendations suggested by it are presented in this section:

1. In the current study, the starkest difference between the accounts of the two cohorts was with regards to the issuing of the caution. The recommendation produced by this research is that an explanation and a comprehension check should be carried out for every suspect, regardless of whether vulnerabilities are suspected. A set of standard comprehension questions should be used. Further questions can be tailored to fit the suspect if the officer considers this necessary.
2. The Notice of Rights and Entitlements is another highly problematic area. Gudjonsson *et al.* (1992, p. 289) found the Notice 'inadequate for its intended purpose' regarding its comprehensibility. The current research discovered that time to digest the booklet or it being read out and/or explained do not appear to be routine. The recommendation

produced by these findings is that adequate time, as much time as every individual requires, should be given to read and digest a written notice before the notice is compulsorily read out and explained prior to the interview. A comprehension check should be carried out for everyone, regardless of ND/NT status. A set of standard comprehension questions should be used. Further questions can be tailored to the suspect if the officer deems it necessary.

3. Over half of both the ND participants and the police reported the disclosing of ND conditions to the police. Another finding of this research showed that it is still does not appear to be routine to ask suspects if they have an ND condition the police should know about (Chown, 2010). Only three police participants remembered asking as a matter of course. The 'routine checks' at the custody desk, required under PACE Code C (Home Office, 2023b) do not seem to be sufficient to detect ND conditions. The recommendation is routine and explicit asking about ND conditions which could prompt those individuals who did not think to say they were neurodivergent. ND people do not always ascribe to the medical model of disability with regards to neurodivergency so they might not think to mention ND conditions when asked about medical issues (Kapp, 2020). Neurodivergence is not a mental health condition so police asking after mental ill health would not necessarily prompt a disclosure of ND (NAS, 2021). Without explicit instruction to state ND conditions the suspect might not think to mention them (Heidel, 2022). However, asking at the custody desk could be too late. Nyx *et al.* (2011), Hepworth (2017; 2023) and Mogavero (2019) commented on how arrest, particularly ones that involve physicality, can be sensorily triggering and emotionally overloading to autistic individuals. With the potential for a fight, flight or fright response being

triggered in any individual (whether ND or NT) at arrest, the appropriate time for routine asking about possible ND conditions is at this first encounter, if possible, not later at the desk.

An encouragement to disclosure would be if there were an environment in which a person could feel safe divulging information that can be seen as stigmatising (Crane *et al.*, 2016; Hepworth, 2017; 2023; Gibbs and Haas, 2020; Salerno-Ferraro and Schuller, 2020; Reveley and Dickie, 2023), and Bradley (2009) commented that the custody suite environment does not encourage disclosure. A safe environment should mean both a physical environment and a psychological one. If it were widely known that there was an attitude among the police of being open to the acceptance of and of being willing to understand ND conditions, these measures might elicit disclosure from suspects. Whether arresting someone or just wishing to speak to them officially, the 'right to disclose any disabilities' (Salerno-Ferraro and Schuller, 2020, p. 7) could be issued to all people of interest in a comparable way to the right to remain silent.

4. This thesis shows that both the cell and the interview room can induce many sensory problems. They were very evident in this study's ND narratives, but these phenomena can be difficult to detect by those who are not versed in recognising the signs. Unless a suspect explicitly informs the police that they were experiencing problems with the lights, noise and smells the findings of this research indicate that the police would not necessarily realise. In addition, police in this study gave an indication that they were unfamiliar with sensory issues. Four ND participants commented on the possibility of improved interview outcomes if they had been questioned in nicer rooms (Hoogesteyn

et al., 2020). Almost all the ND participants experienced sensory issues while in the police station/with police in the street so it might be wondered how it is that autistic and ADHC officers are not triggered by the same station environment as the suspects are. A possible reason is because the officers have more control over their environment. Any individual can feel an innate need to be in control of their own environment, but this can be particularly so in autistic people (Leotti *et al.*, 2010; Jones, 2021). The officers may feel they have or know they have some control over their environment. This could possibly result in even ND officers not understanding the sensory issues of their suspects while in custody and therefore not detecting them. The recommendation produced by this research is for officers to be educated about ND traits, such as sensory issues, and be helped to understand that problematic behaviour in the cells and 'hard' interview rooms could be being triggered by the environment. The use of existing soft interview rooms for ND suspects should be considered.

5. Related to sensory issues are shutdowns and meltdowns. When asked what they understood about ND traits no officer listed meltdowns. Shutdowns are less easy to recognise (Autism West Midlands, 2019) and uncommunicative suspects must be a common experience for police. Only one officer listed shutdowns as an autistic trait. As above, it is recommended that police training covers the recognition and understanding of ND traits, such as meltdowns and shutdowns, to better help both the suspect and the police.
6. Inconsistent appropriate adult provision was not as evident in this research as it had been in earlier literature (e.g. Jessiman and Cameron, 2017). Crane *et al.* (2016) found

that the police prefer someone known to the suspect, a finding that was repeated in the current research. Previous literature revealed AA provision to be inconsistent (Jessiman and Cameron, 2017). Consistent provision is required, with the recommendations from this research being for police to be responsive towards requests for AAs, and for suspects who are reluctant to be provided with an AA to be informed of the benefits. Suspects, however, need to be warned about the non-confidential nature of AAs.

7. The two cohorts in this study were in accord with each other about ND training, both feeling that training was inadequate. The subject of police training has provoked multiple discussions in the existing literature (e.g. Howard and Tyrer, 1998; Gendle and Woodhams, 2005; NPIA, 2010; Gudjonsson, 2010; Crane *et al.*, 2016; Hepworth, 2017; 2023; Maras *et al.*, 2018; Young and Brewer, 2020; Christiansen *et al.*, 2021; Holloway *et al.*, 2022). In three of this research's examples the police did not pay attention to the ND individuals themselves but listened to their spouses/partner, and two ND participants reported encountering officers who understood autism and officers who did not and the difference it made to them to be helped by officers with autism knowledge. Training is the key practical implication that has become obvious during the current research. Police cannot be expected to diagnose autism and other ND conditions, but with the correct training, officers will become better adept at detecting the characteristics and will then be able to manage their suspect appropriately. Public, and therefore police, attitudes were discussed in Chapter One and training, no matter how well developed and delivered, will not necessarily translate into changed attitudes. Awareness and identification are only part of the battle. Perhaps the hardest thing to change is attitude and an atmosphere of acceptance must be fostered by police. Awareness would involve

the education of police to enable them to be aware of the more telltale signs of the most common ND conditions. While police ND training does exist it is not mandatory, and some forces cover autism training in their mental health training (Holloway *et al.*, 2022; Hepworth, 2023). As discussed earlier, autism is not a mental health condition and treating it as such can be confusing for officers and unhelpful/harmful to autistic individuals (Hepworth, 2023). There is no uniformity of training or consistency in delivery (Holloway *et al.*, 2022; Williams, 2023). Also, so much research and development centres around autism – training should include other common ND conditions such as ADHD and dyslexia.

With regards to autism, police have indicated a willingness to be trained and that they are frustrated with their lack of training (Crane *et al.*, 2016; Maras *et al.*, 2018). In Crane *et al.* (2016) their police respondents demonstrated a lack of knowledge about simple actions that can make interviewing easier, such as changing the layout of the interview room or changing to a more suitable ‘soft’ room. The police in these previous studies admitted a lack of knowledge and training and that their roles were too inflexible to accommodate an autistic individual. Training for police and other CJS personnel was mentioned in two out of six of the recommendations in the Ministry of Justice’s neurodivergent action plan, with it being advised to be mandatory for frontline staff (MoJ, 2022).

The recommendations produced by this research include training programmes, not only to train in awareness but also in acceptance and the willingness to be more accepting of ND conditions. Awareness would involve the education of police to enable them to be

aware of the signs of the most common ND conditions, whether that person is a suspect, witness or victim. Neurodivergent people are likely to be more inclined to reveal their ND conditions if it is felt that they are in a safe environment where they will not be ridiculed, stigmatised or misunderstood (Talbot, 2010; EHRC, 2020). Crane *et al.* (2016), Parsons and Sherwood (2016), Gibbs and Haas (2020) and Slavny-Cross *et al.* (2022) all found fears of stigmatisation and being discriminated against by the police for being neurodivergent were prevalent among CJS service users. Also included here is the recommendation that training should feature some classroom-based in-person training, not just online training. This would allow for any queries to be answered and any confusion to be resolved. Also, all training material needs to be centrally generated and distributed by the College of Policing to ensure it is standardised and consistent, a point recently supported in Maxwell and Kramer (2024) in their research with the PSNI (see also Hepworth, 2023).¹⁸⁶ What was revealed by this research is that ND participants in different parts of the country had very different experiences in similar settings, such as the two considering suicide and how some people had the caution explained and others did not. Some officers in the survey received what training they did during basic training and others during continued professional development training.¹⁸⁷ Neurodivergent training being delivered at both these points would be of most benefit, so that officers can implement their training as soon as possible in their careers and receive refreshers and updates throughout.

¹⁸⁶ Police Service Northern Ireland, the police region involved in Maxwell and Kramer (2024).

¹⁸⁷ Some officers received their training during specialist interview training, but not every officer receives this as it is not routine training in the way that basic and CPD are.

Since the commencement of this thesis, strides have been taken to address the issue of inadequate training and two recent training programmes that have been devised were discussed in Chapter Two. These were the work by Holloway *et al.* (2022), with their pilot study that examined autism training for police custody staff, and the Oliver McGowan Mandatory Training on Learning Disability and Autism three-tier training plan for use in health and social care settings that could be adapted for police use (Skills for Care, n.d.b; McGowan, 2023; Reveley and Dickie, 2023).

So much research around training concentrates on autism only training, neglecting the other common ND conditions such as ADHC and dyslexia. With regards to the Oliver McGowan training, nothing can be found that indicates whether the training includes learning differences such as ADHC and the Holloway *et al.* (2022) training refers to autism only. Individuals with other ND conditions should not go unprovided for and training needs to ensure that more ND conditions are covered, a notion also expressed by Santiago (2024). The City of London Police scheme to assess likely suspects for ADHC referral (Police Oracle, 2023) will only work if officers have an idea of what traits to be vigilant for, the scheme itself will be nothing without the relevant training.

Other Recommendations

More research involving ND issues needs to be inclusive of ND active input from the outset, whether by consultation, co-creation or coproduction. This is a proposal that appears in the literature (Mogavero, 2019; Holloway *et al.*, 2020; 2022; Worthington and Rossetti, 2020; Christiansen *et al.*, 2021; Maxwell and Kramer, 2024). Skills for Care recommend co-producing and co-delivering ND training with autistic and learning-disabled people (Skills for

Care, n.d.b).¹⁸⁸ Holloway *et al.* (2022, p. 445) concluded that ND training for police, ‘needs to be developed with the input of autistic people and police and should consider the possibility of employing autistic individuals to deliver the training’, and Maxwell and Kramer (2024) suggested involvement from autistic individuals and autistic police officers. These are suggestions that were going to be included in this thesis almost from the start of the research. However, despite the obviousness and simplicity of these suggestions, the issue of epistemic exploitation needs to be examined. Dunne and Kotsonis (2022, p. 345) admit, ‘Intuitively it makes sense: those that are oppressed are uniquely positioned to know certain things that others who lack the same standpoint do not’, but problems have been discovered to lie in various areas. Sometimes the educator’s testimony is not believed, even though they are speaking from a position of personal experience, which can psychologically harm the educator. It consumes the attention and time of the educator which cannot then be put to a preferred use by the educator. Also, the privileged can be the ones who receive acclamation for their knowledge, while the educators receive no recognition for imparting the knowledge (Berenstain, 2016).

Wodziński and Moskalewicz (2023, p. 4) write of the experience of autistic people in an academic setting whereby they are treated ‘as objects of research rather than equal partners in the research programs’. It could be argued that this study benefitted from epistemic exploitation, involving as it did the reliving of emotional trauma and no form of recompense being offered to the participants. Despite an attempt to give meaningful involvement to the ND participants they were not involved equally, this was so even if time

¹⁸⁸ Although Skills for Care work in the adult social care sector (Skills for Care, n.d.a) their good practice terms can be utilised in other areas.

constraints had not resulted in their comments and queries not being put to the police participants. Going forward, though, this last point can be rectified retrospectively by using the data in future research. Holloway *et al.* (2022) and some of the organisations adopting the Ministry of Justice recommendations (MoJ, 2022) are guilty of epistemic exploitation, yet there are tangible, every day benefits of their research for the marginalised communities involved. So while it may be ‘intuitive’ to use the lived experience of marginalised people to educate others, an immense amount of care must be taken to prevent the garnering of that experience becoming exploitative.

Co-production or co-developing is the collaboration between researchers and the stakeholders who will benefit from the research being carried out (Oliver *et al.*, 2019). Frameworks and guidance on how best to implement co-production have been established for twenty years (Machin *et al.*, 2023). It can simply involve information sharing, but it can encompass active involvement (Oliver *et al.*, 2019). Active involvement is a proposal suggested by the findings of this thesis with regards to developing ND training for police.¹⁸⁹ In this respect, what is interesting about the Ministry of Justice’s neurodiversity action plan is the sentence, ‘The programme should be developed and delivered in consultation with people who have personal experience of neurodivergence’ (MoJ, 2022, n.p.). Elsewhere in the plan, one of the interested parties (the Deputy Director of the Female Offenders and Offender Health Policy) indicates that they have already acted in this regard. In October 2021, and in partnership with the Revolving Doors agency,¹⁹⁰ they set up a forum for ND people to share their CJS experiences, with a view to using these experiences to direct

¹⁸⁹ Salerno-Ferraro and Schuller (2025) have just published a study regarding a community-informed autism training module for police in Canada.

¹⁹⁰ See Revolving Doors (n.d.).

policies and decision-making regarding ND people in the CJS. This is an encouraging start and it can only be hoped that this initiative is enacted by the other stake holders throughout the CJS. The recommendation is for any police ND training to involve the relevant ND communities and community allies. If neurodivergent individuals, be they police officers, ex-suspects and/or neurodivergent consultants, are to be involved in the co-produced construction of a police ND training programme, care needs to be taken to ensure that those individuals are content to be involved and that they are appropriately employed for their work on the project.

A failing that has been noticed on several occasions is the lack of communication and information sharing between the various agencies involved with ND suspects (Gendle and Woodhams, 2005; Cummins, 2011; Fyson and Yates, 2011; Howard *et al.*, 2015; Mediseni and Brown, 2015; Hellenbach, 2017; Hepworth, 2017; Chadwick and Wesson, 2020; EHRC, 2020). Again, it is a problem that has continued over many years. The agencies can include police, The Appropriate Adult Service, Crown Prosecution Service, National Health Service, Home Office, Ministry of Justice, The National Probation Service and His Majesty's Prison and Probation Service as well as the accused person's solicitor and defence team. A lack of joint training within partner agencies could cause confusion, said Gendle and Woodhams (2005). They concluded that interagency cooperation would benefit from skill sharing and make better use of limited funds – an important consideration. In their research involving learning-disabled people, Fyson and Yates (2011) found that the aims of the various services could conflict with each other. This could necessitate multiple assessments and additional stress for the detained person. It may even result in a failure to address the person's needs completely. Fifteen years on from Gendle and Woodhams (2005), the Equality and Human

Rights Commission (EHRC, 2020) was reporting on the confusion felt by ND people in having to deal with so many different agencies. The report identified a problem with information sharing. The police, courts, prisons and health services use different information systems. This means that even when information is known or collected about a defendant or an accused person's impairment it may not be passed through the system. This means the opportunity to make adjustments is lost and agencies must make further efforts to identify or assess their needs (EHRC, 2020, p. 23). While authors like Cummins (2011), Howard *et al.* (2015), Hellenbach (2017) and Chadwick and Wesson (2020) raised the issue of a lack of interagency communication and information sharing, Hepworth (2017) broached the matter of better sharing of resources. Then in 2022, the Ministry of Justice's neurodivergent action plan advocated cooperation across the various agencies involved in the CJS in four of its six recommendations (MoJ, 2022).

Two further recommendations were suggested by this study. The first is whether The Advocates Gateway (TAG) and L&D Service are being utilised efficiently. It should be considered by the police that wider use should be made of these facilities that are already in place. While L&D services do depend on availability and funding, the TAG guidance and their toolkits are already freely available to officers. L&D services were mentioned by only one officer in this study's findings and the awareness and use of relevant toolkits (also mentioned by only one officer) have been discovered to be insufficient (Hepworth, 2023). Additionally, masking was mentioned by three officers (two of them ND) and understood by them to be an issue. Nex joked their way through their arrest, perhaps giving an impression to the police in that case that might result in them not being aware how negatively impacted Nex was by their arrest. Masking is an important aspect of the ND personality that

should be understood and considered by police (Hepworth, 2017; Schneid and Raz, 2020; Kidwell *et al.*, 2023).

Although this research concentrated on the interactions between ND suspects and the police, the relevant recommendations and any future training could be expanded to include any ND person who interfaces with the police and other CJS personnel as a witness, victim or casual enquirer. These recommendations will require time, effort and, importantly, funding. No one solution will be sufficient on its own, but a combination in a concerted attempt could enable the police to deal more effectively and efficiently with ND suspects, uncomplicating the task for the police and easing the passage through the CJS for ND people.

CHAPTER SEVEN: LIMITATIONS AND FUTURE RESEARCH

This chapter will first look at the limitations that became apparent in this study's methodology, followed by suggestions for future research that were indicated by the literature review and the research results.

Limitations of this Study

This section discusses the limitations encountered during this study.

The first limitations became apparent at the planning stage of the methodology. The neurodivergent data was being sought from the entirety of England and Wales, but the police data was produced by one regional force. Since there is no systematic nationwide training, the data from this targeted region's police cannot be extrapolated across England and Wales (Holloway *et al.*, 2022; Williams, 2023). Sixteen regional forces were represented in the ND data, plus the British Transport Police. With limited time in which to conduct the research it would not have been feasible to obtain ethical approval for all 43 English and Welsh regional forces (Police.uk, n.d.). A further methodology limitation is the small sample sizes of both study cohorts, necessitated in part by the same time factor. Another time related limitation is, despite restricting the participants to incidents that occurred since 2017, some of them were still required to remember events from five, sometimes nearly six, years previously and this could have affected the accuracy of their recall.

An unforeseen limitation regarding the police recruits is how many of the participants already had a vested interest in the subject under investigation. Three-quarters of the participants had personal experience, through themselves or people they know well, of ND

conditions. However, this also resulted in a strength to this research in that this allowed me to survey ND police officers, research that has been discovered to be scarce. Crane *et al.* (2016) wrote of the self-selecting limitation they experienced that this study also confronted. The nature of this study could have attracted both ND individuals who were aggrieved about their police encounter and police with a personal interest in improving interactions with ND people. As with Crane *et al.* (2016) this could be the cause of discrepancies between the levels of satisfaction/confidence felt by the parties about their encounters with each other. As noted in Chapter Three, another possible limitation was the police not being asked if they were formally or self-diagnosed as ND, a limitation that also occurred in Crane *et al.* (2016).

When thinking about the research design, the anonymity of the surveys was frustrating. On several occasions, when examining the data, the answers produced more questions, questions that could not be put to the participants. More could have been achieved with semi-structured interviews, but as explained in Chapter Three, my police ethical approval was obtained under strict conditions and an anonymous survey was considered the most appropriate data collection method and was approved by the relevant force.

The survey questions were couched carefully so as not to lead the participants and, at one point, this resulted in a limitation. One of the Likert scale questions asked the police if there was any concerning behaviour that perturbed them or made them anxious for their own safety during the interview. However, 'concerning' is a vague word that could cover any number of witnessed behaviours, many of which might not be specific to ND people. Being anxious for your own safety in the context of an interview room could simply mean the

suspect was a violent person who was being aggressive, rather than an autistic individual having a fierce meltdown due to being overwhelmed. Also, this study contained more qualitative data from the ND participants than it did from the police in answer to the final question which resulted in a limitation in this area, a limitation that could have been due to time constraints. These two limitations are addressed in Future Research below.

A limitation in any study involving humans will always be the participants' words. There must be a reliance on the memory and veracity of participants, and trust that they have no bias or agenda, unconscious or otherwise. There can be no way of verifying the accounts of the participants. This study relied on self-reporting, as did some of the research cited in the literature review (e.g. Chown, 2010; Crane *et al.*, 2016; Gibbs and Haas, 2020). A researcher can go off not only these few individuals, but also what information the individuals have chosen/remembered/had time to impart. Each account is only one half of the story and each account relies on the accuracy of the memory of the individual. Time constraints on the participants could also have been a factor.

Future Research

The research produced various ideas for future research and these will be discussed now.

Direct comparisons gauging participant satisfaction with each other could not be made between the two participant groups due to different questions being asked regarding satisfaction with police/management of ND suspects. The ND participants were asked their opinion of the police they met, and the police were asked their opinions of their interviews and about their confidence in dealing with ND suspects. This could be addressed in future

research by asking both cohorts identical questions that encompass their opinions about each stage of the custody process, about how they felt that they managed to deal with it, and how they thought the other person/people present (police or ND suspects) dealt with it.

The survey revealed how ND people feel when they encounter the police as suspects but it is not known how this compares with and to the experience of NT individuals who are arrested/stopped – if it is different and, if it is, in what ways it is different? When this study commenced, a gap in the literature was discovered with regards to comparing ND and NT perspectives of interactions with the police. It could discover what ND people thought about their involvement with police (Crane *et al.*, 2016) and the Wooff and Skinns (2017) research examined the emotions felt by assumed neurotypical detainees. Slavny-Cross *et al.* (2022) performed quantitative research in this area and there was psychometric (with some qualitative) data in Love *et al.* (2023), but there is a dearth of qualitative data.

Understanding the differences between the two could help to isolate specific ND issues which in turn can direct training. Similarly, returning to a gap in the literature discussed in Chapter Four, there is no research that compares NT and ND police officer experiences of managing ND (or any) suspects. Bothwick (2022) surveyed dyslexic officers but it did not simultaneously survey non-dyslexic police, and there was no examination of how the officers' dyslexia might affect their interactions with dyslexic suspects.

The results from the ND cohort produced ideas for future research with regards to certain aspects of the custody and interviewing processes. These were:

1. Do ND people remember their rights being read to them, do they understand that what is read to them is their rights and what their rights entail (in relation to both the caution

and the Notice)? How much information did they retain from having their rights read to them in a busy custody suite setting or in the interview room?

2. There is the subject of AA provision, and the police experience of ND suspects not wishing to have an AA present raises the question of why some suspects did not want an AA. What is it that causes this reluctance and can this barrier be overcome to allow ND suspects extra assistance? Investigating this reluctance or lack of knowledge as to the help that AAs can provide could prove beneficial to ND suspects and police. Given the experience of Nex in this study, are suspects advised that AAs can be summoned to give evidence for the Crown? Suspects might be helped more if their conversations with AAs are confidential.

Despite the claimed over-representation of both ethnic minority and ND people in the CJS (Farrugia and Gabbert, 2020; Gov.uk, 2021; Jibona, 2023) there appears to be a paucity of intersectional research that examines the possible additional challenges facing ND ethnic minority individuals. Likewise, research investigating the additional complications that could face the gender-diverse ND population is lacking.

Interactions between ND people and patrol officers are under-researched (Reveley and Dickie, 2023) and this research added to current knowledge in this area, but more needs to be done. The prevalence rates of ND/police interaction can record arrests, conviction and prison population but it is not known how many ND people are stopped in public places due to their behaviour and reactions, or how many are diverted out of the CJS into community-based help, healthcare or court diversion schemes, as discussed in Bradley (2009). An ND participant in this study was questioned by police because she was in a meltdown. This

study included individuals stopped in the street to gauge police reactions with people who are ultimately not arrested but the sample size was small ($n = 4$).

The questions and comments for the police that the ND cohort supplied to the final survey questions could not be used as intended in this thesis, but they could provide the springboard for future research. A survey could be conducted of police officers that revolves around the issues raised by the ND participants. Some participants wrote as if they were directly addressing the officers they encountered, others aimed their comments at police in general. Their answers produced the following questions and comments:

- Do you explain explicitly, from the beginning of the encounter, what is going to happen and what the individual can expect next? (Nadia, Natalie, Norman). Nex suggested that *'they could have tried talking to me properly before arresting'* and asked, *'How is anyone meant to calm down and act rationally when treated in such an inhuman way in such inhuman conditions?'* Neil wanted someone to be, *'Listening more instead of just assuming they know what went on'*. Nina's experience produces these questions: do you identify yourself clearly and show your warrant card when not in uniform, particularly if you are off duty? Do you plainly state why you are stopping/detaining the person? Noel also wanted to know why he had been stopped. Three participants wanted to know why the officers paid attention to what the participants' partners/spouses were saying rather than the participants themselves (Nina, Nora and Noel).
- There were concerns over the interview rooms. Amalgamating these concerns produces the questions – Is there a more comfortable room in which you can interview suspects? Is it possible to make existing soft interview rooms more secure for the purposes of interviewing ND suspects without compromising the comfort of the room?

- Some participants felt that they could have been given more support from another source – *‘He could have suggested I call a friend or relative to support me and speak on my behalf’* (Nina), *‘Why couldn’t I have a support worker with me? They offered to come’* (Norman), *‘They could have tried to contact a support worker, my GP or mother to find out if I had a reason to be struggling to communicate. They didn’t do that’* (Naomi).
- Nigel asked – *‘Why did you not pay attention when I said I was autistic? Why did you not ask what that meant, or ask me to help you understand me, or look it up on the internet?’* Ned’s question was similar – *‘You knew I was autistic so you could have looked up how to help me. Why didn’t you?’*

A limitation of this study which could be addressed by future research resulted from not asking direct questions about specific behaviours or interactions that can be exhibited in autistic individuals. There could be no explicit asking about the manifestation of such traits as shutdowns and meltdowns, with a description of these traits to help the police recognise what they might have witnessed. However, if this study were to be conducted again it may be of more benefit to ask a little more explicitly to extract more information, e.g. *‘Did your suspect display behaviour such as x, y and z?’* in open-ended questions.

Eight officers were neurodivergent and research focusing on ND officers could assess how their conditions could impact upon or enhance their lives as police officers. It could give valuable insight that could be compared with their NT colleagues. In Chapter Four it was revealed that there was the possibility that even if an officer is ND they may still not pick up on ND traits in a suspect. No research was found that specifically targeted ND police officers and how, if at all, their ND conditions aided their work with ND victims, witnesses and

suspects. This result revealed a gap in the literature in this respect which was partly addressed by this thesis.

The fact that only seven officers (26%) had no personal experience of ND conditions could have impacted the findings. With most of the officers having personal knowledge this means that these results may not necessarily be representative of the police force generally, only of the portion of the police who have personal knowledge. Even here, the police who did have experience would only have that experience about their own/family/friends' conditions – not all ND conditions. Research like the current police research is needed on officers who have no personal connection or suspected personal connection with ND conditions to produce more universal findings.

Future research with the police could involve conducting this or a similar survey in other police regions to assess any regional differences in ND suspect management and training. With regards to training, questions could be asked regarding the reason for officers wanting or, perhaps more importantly, not wanting to receive ND training, the causes of the reluctance, and solutions for overcoming this barrier. The level of willingness for more ND training needs to be assessed in other police regions and among officers with no present connection to people with ND conditions.

A research idea that could prove informative (but difficult to accomplish except in an artificial setting) is testing police awareness of displayed ND traits when in the interview room or stopping to speak to anyone deemed to be acting suspiciously. Police understanding of ND conditions and their ability to recognise them could be measured via a

study using videos of mock suspects, with neurodivergent 'suspects' and a control of neurotypical 'suspects'

With regards to the issuing of the Rights and Entitlements booklet, do interviewing officers currently ensure the booklet had been supplied and ask if the suspect had read it? Do they ask if their detainee wants help reading it? Do they explain it?

Time constraints may have been responsible for this study containing more qualitative data from the ND participants than it did from the police in answer to the final question, especially since this question was at the end of a 34-question survey. In future research, instead of being asked 'would you like to add anything else about any relevant topic?' they could be given some topics and asked to contribute their thoughts on the subject. Topics could include their own ND knowledge and source of that knowledge, comprehension checks of the caution and Notice and other areas of the custody process regarding ND suspects, interviewing ND suspects, and opinions on ND training. A less protracted survey and more time to respond could result in more qualitative data, data that will encompass issues the officers could consider pressing which may not be covered in a survey set by someone who is not a police officer.

Final Word

This research discovered a clear desire in the police participants to be adequately trained and that they are willing to receive that training. Officers in this region ensured fair treatment of their ND suspects despite the paucity of relevant training and guidance to help them. All of them explained the right to remain silent, even if few of them reported

determining with specific questions that their suspects had sufficient understanding of the caution. Meanwhile, the experiences of ND people around the country suggested that perhaps not all police regions offer the same support.

This thesis gave a voice to the people who are most affected by the issues raised, and to those who desire improved training. The situation will only be improved if there is a systematic and concerted attempt to introduce standardised training and practice; training that involves the relevant stakeholders and encompasses the recommendations that have been generated by this research.

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APPENDICES

This section features an introduction to the individual participants (in Appendix A) and contains the participant documents for both cohorts. The surveys are in Appendix B. At the end of Appendix B are bar charts that give the responses to the individual police Likert scale questions, as mentioned in Chapter Four. The eligibility questions, information sheets, consent forms and recruitment posters can be found in appendix C.

Appendix A

This appendix lists the pseudonyms given to both cohorts of participants along with the demographic data gathered about each of them (see Tables A.9 and A.10 below).

Neurodivergent Participants

Table A.7. Table listing the neurodivergent participants' names with some demographic data.

Pseudonym	Gender	Age range	Ethnicity	Condition
Nadia	Female	36 to 45	White Eng/Irish/ Scot/Welsh	ADHC, LDiff
Norell	Non-binary/ other	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, other
Nex	Non-binary/ other	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, other
Neil	Male	18 to 25	White Eng/Irish/ Scot/Welsh	ADHC
Nina	Female	18 to 25	White European	Autism
Nancy	Female	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, ADHC
Nate	Male	26 to 35	Other	Not disclosed

Nelson	Male	36 to 45	White Eng/Irish/ Scot/Welsh	Autism, other
Natalie	Female	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, ADHC, dyspraxia, dyscalculia, other
Nader	Non-binary/ other	36 to 45	White Eng/Irish/ Scot/Welsh	Autism, other
Noel	Male	26 to 35	White Eng/Irish/ Scot/Welsh	Other
Nora	Female	26 to 35	White Eng/Irish/ Scot/Welsh	Autism
Nicholas	Male	46 to 55	White Eng/Irish/ Scot/Welsh	Autism, ADHC, other
Norman	Male	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, other
Naomi	Female	56 to 65	White Eng/Irish/ Scot/Welsh	Autism, other
Nerys	Female	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, ADHC, dyslexia, dyspraxia. other
Nadine	Female	46 to 55	White European	Autism, ADHC
Nessa	Female	26 to 35	White Eng/Irish/ Scot/Welsh	Autism
Noah	Male	56 to 65	White Eng/Irish/ Scot/Welsh	Autism
Nanette	Female	46 to 55	White European	Autism
Nathan	Male	56 to 65	White Eng/Irish/ Scot/Welsh	Autism, other
Niles	Male	26 to 35	Black African	Autism
Nolan	Male	26 to 35	White Eng/Irish/ Scot/Welsh	Autism
Nigel	Male	36 to 45	Other white	Autism
Ned	Male	36 to 45	Other Black	Autism, LDiff
Nico	Male	26 to 35	White Eng/Irish/ Scot/Welsh	Autism, ADHC
Nori	Information not provided	Information not provided	Information not provided	Information not provided

Police Participants

Table A.8. Table listing the police participants' names with some demographic data.

Pseudonym	Gender	ND?	Knows ND person?	Age range	Length of service
Penelope	Female	Yes	Yes – family member	Under 25	2 to 5
Phoebe	Female	Yes	Yes – family member	26 to 35	2 to 5
Peter	Male	No	Yes – friend	26 to 35	6 to 10
Pamela	Female	Not sure	Yes – child, family member, friend	26 to 35	11 to 20
Paul	Male	Not sure	Yes – friend	26 to 35	11 to 20
Poppy	Female	Yes	Yes – friend	26 to 35	11 to 20
Paige	Female	Yes	No	36 to 45	11 to 20
Paris	Female	No	No	46 or above	21 to 30
Patrick	Male	Yes	Yes – child	46 or above	21 to 30
Pearl	Female	No	Yes – other	46 or above	21 to 30
Preston	Male	No	Don't know	36 to 45	11 to 20
Pia	Female	Not sure	Yes – friend	26 to 35	2 to 5
Phil	Male	No	Yes – other	26 to 35	Probationer
Perry	Male	Not sure	Yes – family member	26 to 35	11 to 20
Paxton	Male	Yes	Yes – child, family member, friend	36 to 45	21 to 30
Petra	Female	No	Yes – family member	26 to 35	6 to 10
Pauline	Female	No	No	26 to 35	11 to 20
Peggy	Female	Not sure	Yes – family member	26 to 35	2 to 5

Palmer	Male	No	No	46 or above	21 to 30
Pippa	Female	Yes	Yes – family member	36 to 45	11 to 20
Percy	Male	No	No	26 to 35	2 to 5
Pierce	Male	Not sure	Yes – child, partner/spouse, family member	36 to 45	11 to 20
Priscilla	Female	No	Yes – friend	26 to 35	Probationer
Parnell	Male	No	No	46 or above	11 to 20
Patsy	Female	No	No	46 or above	21 to 30
Phelan	Male	No	No	36 to 45	21 to 30
Polly	Female	Yes	Yes – family member	46 or above	11 to 20

Appendix B: The Questionnaires

Below are the survey questionnaires. Later in this section are bar charts that give the responses in full to the police Likert scale questions.

Neurodivergent Survey

Q1. In what year were you questioned by the police as a suspect? If you can't remember exactly, a guess will do.

Q2. In which town or city in England or Wales did this happen?

Q3. Tell me about what happened at the time that the police arrested you or questioned you as a suspect. What did the police do and say? What were your thoughts and feelings when this happened?

Q4. Tell me about how you got to the police station and what happened on your journey. For instance did the police take you? Were you handcuffed? How were you feeling on that journey?

Q5. Did the police know that you have an ND condition?

1. Yes, because I told them/someone I know told them without being asked
2. Yes, because the police asked and so they were told then
3. No, they didn't know at all.

Please tell me why didn't they know? You can give any answer you like but example

answers are – I didn't know I was ND, not diagnosed at the time, too scared to tell, didn't think to tell.

Q6. Did the police caution you? (A police officer would have said the words, "You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.")

1. Yes
2. No
3. Don't know/I can't remember

Q7. Tell me about being cautioned. For instance, did you understand it? Did you tell the officers you couldn't understand it? Was it explained to you?

Q8. When you got to the police station you would have been booked in. A police officer, called a custody sergeant, would have been behind a big desk asking you questions and telling you why you had been arrested. What do you remember about being booked in and what were your thoughts and feelings about it?

Q9. Did the police give you a little book to read? You may remember it was called Notice to Detained Persons or Notice of Rights and Entitlements?

1. Yes
2. No
3. Don't know/I can't remember

Q10. Tell me about being given the Notice book. For instance, could you read it and understand it? Did you tell the officers you couldn't read/understand it? Was it read/explained to you?

Q11. Were you held in a police cell? This might have been before you were interviewed, after you were interviewed or both before and after.

1. Yes

2. No

Q12. What was the cell like? Tell me what you liked or did not like about it, and what were your thoughts and feelings about it?

Q13. Tell me about the room you were interviewed in. For instance, what did it look like? Was it a nice room? Did you like it, or not like it, or not care about it? Did you feel at ease in it or not?

Q14. Did you have someone with you in the interview room?

(I don't mean your solicitor or the police, I mean anyone else who was there. You might remember this person was called an 'appropriate adult'.)

1. No

2. Yes, I asked for a family member, or friend, or carer, or my social worker with me

3. Yes, the police got someone to be with me, someone I didn't know

4. Someone else. Please tell me who was this person was.

Q15. What difficulties, if any, related to your conditions can you remember experiencing while you were with the police? You can tick more than one answer:

- a. I had no difficulties
- b. I can't remember
- c. I found it difficult to communicate by speaking
- d. I didn't like the noise, or lights, or smells, or touch
- e. I couldn't sit still
- f. I couldn't stop talking
- g. I could hardly move
- h. I didn't like making eye contact or I stared at people
- i. There was too much spoken or written information
- j. I got very stressed, upset or anxious
- k. I couldn't concentrate/pay attention
- l. I have a different answer from the ones above (please write your answer below)

Q16. If you had any difficulties, please tell me more about them. For instance, how did they make you feel? How did the police behave with you? Did you ask for help? Did they try to help you?

Q17. What is your overall feeling about the individual officers who dealt with you?

1. awful 2. bad 3. okay 4. good 5. really good

Q18. What is your overall feeling about your experience of being with the police?

1. awful 2. bad 3. okay 4. good 5. really good

Q19. Is there anything else you think I should have asked you about your time with the police? If so, how would you answer your own questions?

Q20. Is there anything you think the police should have done differently when they interviewed you?

Q21. Is there any question you wish you could ask the police about your time spent in police custody, or anything you wished you could tell the police about it?

About you.

DQ1.¹⁹³ Are you:

Male

Female

Non-binary/Other gendered

Prefer not to say

DQ2. How old are you?

18 to 25

26 to 35

36 to 45

46 to 55

56 to 65

¹⁹³ DQ = demographic question.

66 or over

DQ3. What is your ethnic background? Please pick the one that best describes you.

Asian:

Indian

Pakistani

Bangladeshi

Chinese

Any other Asian background, please tell me

Black:

African

Caribbean

Any other Black/African/Caribbean background, please tell me

White:

White English/Irish/Scottish/Welsh

White European

Traveller

Any other white background, please tell me

Other:

Arab

Any other ethnic group, please tell me

Prefer not to say

DQ4. Tell me about your neurodivergent conditions. What condition/s do you have? Are you formally diagnosed or self-diagnosed with it/them?

Police Survey

DQ1. Gender

1. Female
2. Male
3. Non-binary/other gender
4. Prefer not to say

DQ2. Age range

1. Under 25
2. 26 to 35
3. 36 to 45
4. 46 or over

DQ3. Years of service (including probationary period):

1. Currently serving probationary period
2. 2 to 5
3. 6 to 10
4. 11 to 20
5. 21 to 30

6. 31 or over

DQ4. Are you neurodivergent yourself?

1. Yes
2. No
3. I'm not sure

DQ5. What is/are your ND condition(s)?

1. Autism/Autism spectrum condition (previously known as Asperger's syndrome)
2. ADHD¹⁹⁴
3. Learning difficulty (e.g. dyslexia). Please state what it is/they are
4. Other. Please state

DQ6. Do you know well someone who is ND?

1. Yes
2. No
3. Don't know

DQ7a. Who do you know that is ND?

1. Child
2. Partner/Spouse
3. Other family member
4. Friend

¹⁹⁴ The term 'ADHD' rather than the 'ADHC' that is used throughout this thesis had to be used on participant documents as this is the official term and the one that the participants would know.

5. Other

DQ7b. Please state which conditions you have experience of through the ND people you know.

DQ8. Have you disclosed your own ND status to your colleagues?

1. Yes, I am happy for everyone to know
2. Yes, but only to selected colleagues
3. No, it's no one else's business
4. No, I don't want others to know
5. Other (please state)

DQ9. Please explain why you have told/not told your colleagues. For instance, do you prefer openness? Do you fear stigmatisation? Are you concerned you might be treated differently? Were you treated differently when you told of your condition/s?

General:

Q1. Have you served in a territorial police service other than the current one in the last five years?

1. No
2. Yes

Q2. Have you interviewed any neurodivergent suspects in the last five years?

1. No
2. Don't know
3. Yes
4. Not in the last five years but I have prior to that. (PLEASE STATE when, approximately.)

Q3. How often have you have dealt with ND suspects in the last five years?

1. Often
2. Sometimes
3. Very occasionally

Q4. Regarding interviewing suspects, with which ND conditions do you have experience?

(You can select more than one answer.)

1. Autism (which can also be known as ASD, ASC and Asperger's syndrome)
2. Attention deficit hyperactivity disorder
3. Learning difficulties (e.g. dyslexia)
4. Learning disabilities
5. Tic disorders (e.g. Tourette's, coprolalia)
6. Other (please state)

Q5. Regarding the neurodivergent suspect, did:

1. The person tell you they were ND?
2. You suspect and ask?
3. You not suspect but asked as a matter of course?
4. Or did you not know or suspect the person was ND, but you found out afterwards?

5. Other (please state)

Q6. Were you aware of how to consider the person's condition when interviewing them?

1. Yes

2. I didn't know but I asked for advice from a colleague/did some research

3. I didn't know or ask/research but I made an attempt

4. I treated the ND suspect in the same way as I would anyone else

5. Other (please give details)

Q7. If you wish, please give more details about knowing about the person's ND condition/s, which condition/s the suspect had and your consideration of the condition/s during your interviewing of them. You may bullet point your answer if you wish.

Q8. In which crime/s was your most recent ND suspect alleged to have been involved? (You can select more than one answer)

a. Driving offences

b. Theft/burglary/stealing

c. Public order offences

d. Disorderly conduct (including drunk)

e. Criminal damage

f. Arson

g. Domestic violence

h. Other violent crime

i. Sexual offences against a minor (including indecent images)

j. Sexual offences against an adult (including intimate/indecent images)

k. Manslaughter/murder

l. Other (please state)

[Ultimately, I could not find a place for the data provided in answer to this question, but a bar chart displaying the results is included at the end of this appendix. A future use might be found for this data.]

Training and knowledge:

Q9. Have you received any training in your police career that deals with the management and interviewing of ND suspected people?

1. Yes

2. No

3. Don't know/I can't remember

Q10. Was your training part of...

1. Basic training

2. Continual professional development training

3. Both

4. Other police-related training (please state)

Q11. Approximately how long ago was this training (please state months or years)?

Q12. Does your current knowledge of ND conditions come from (you can select more than one answer)?

1. Police training
2. Other, non-police-related, training (please give details)
3. Personal experience of being ND or knowing ND people
4. Mainstream media
5. Social media
6. Your own research into the subject
7. Other (please give details)

Q13. Do you consider the police training you have received to be of sufficient quality and quantity?

1. Yes
2. No
3. Not sure

Q14. Would you be interested in receiving more/improved police training that covers the management and interviewing of ND suspects?

1. Yes
2. No
3. Not sure

Q15. What is your current understanding of neurodivergent conditions such as autism, ADHD, dyslexia, etc. and the visible traits of those conditions? (Bullet point this answer if you wish.)

Q16. How familiar are you with The Bradley Report of 2009?

1. Not familiar
2. Slightly familiar
3. Moderately familiar
4. Very familiar
5. Extremely familiar

Q17. How familiar are you with the NPIA guidelines of 2010?

1. Not familiar
2. Slightly familiar
3. Moderately familiar
4. Very familiar
5. Extremely familiar

Custody process:

Please now think about your most recent ND suspect.

Q18. Did you have to explain the caution to this ND suspect?

1. Yes, because they asked me to explain it

2. Yes, because I suspected that they didn't understand
3. No
4. I can't remember
5. Other (please give details)

Q19. If you wish, can you give me more details about explaining the caution? (You may bullet point this answer if you wish.)

Q20. Did you have to explain or read out the Notice to this ND suspect?

1. Yes, because they asked me to explain/read it
2. Yes, because I suspected that they didn't understand/couldn't read it
3. No
4. I can't remember
5. Other (please give details)

Q21. If you wish, can you give me more details about explaining or reading out the Notice? (You may bullet point this answer if you wish.)

Q22. Was there an appropriate adult (AA) present when you interviewed this ND suspect?

1. Yes, we arranged for someone known to the suspect
2. Yes, we arranged for an official AA
3. No, the suspect told us they did not want one
4. No
5. Other (please give details)

Q23. If you wish, can you give me more details about the provision or absence of an AA? (You may bullet point this answer if you wish.)

How much do you agree with the following statements?

Q24. My interview with the ND suspect went well.

1. Strongly agree
2. Somewhat agree
3. Neither agree nor disagree
4. Somewhat disagree
5. Strongly disagree

Q25. Please tell me more about how the interview went. You may bullet point your answer if you wish.

Q26. I found my ND suspect to be co-operative.

1. Strongly agree
2. Somewhat agree
3. Neither agree nor disagree
4. Somewhat disagree
5. Strongly disagree

Q27. I obtained useful information from my ND suspect.

1. Strongly agree

2. Somewhat agree
3. Neither agree nor disagree
4. Somewhat disagree
5. Strongly disagree

Q28. I found some of the behaviour exhibited by my ND suspect to be concerning.

1. Strongly agree
2. Somewhat agree
3. Neither agree nor disagree
4. Somewhat disagree
5. Strongly disagree

Q29. I was perturbed about and/or worried for my ND suspect because of the concerning behaviour they exhibited.

1. Strongly agree
2. Somewhat agree
3. Neither agree nor disagree
4. Somewhat disagree
5. Strongly disagree

Q30. I felt anxious about my own safety because of the concerning behaviour they exhibited.

1. Strongly agree
2. Somewhat agree

3. Neither agree nor disagree

4. Somewhat disagree

5. Strongly disagree

Q31. Please tell me more about what you thought about your ND suspect and any behaviour exhibited. You may bullet point your answer if you wish.

Q32. Overall, I was satisfied with my interview with the ND suspect.

1. Strongly agree

2. Somewhat agree

3. Neither agree nor disagree

4. Somewhat disagree

5. Strongly disagree

Q33. I am confident that I can competently manage neurodivergent suspects.

1. Strongly agree

2. Somewhat agree

3. Neither agree nor disagree

4. Somewhat disagree

5. Strongly disagree

Q34. Would you like to add anything else about any relevant topic?

Responses to the Police Likert Scale Questions and Q8

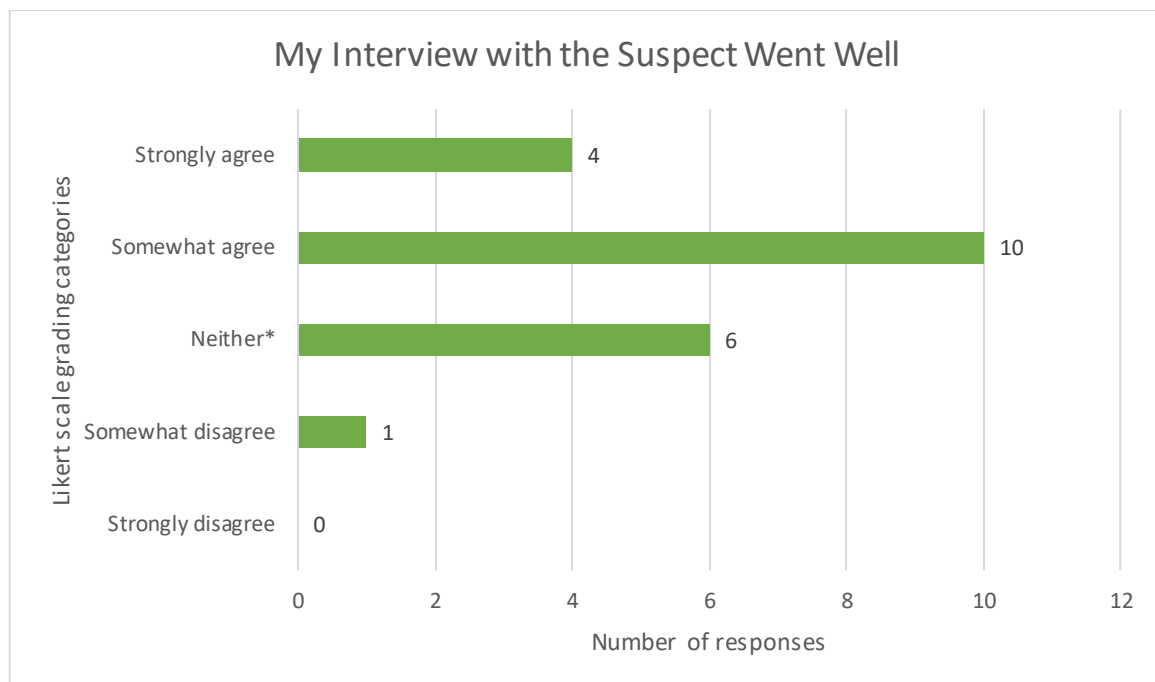


Figure B.22. Bar chart showing answers to the question: My interview with the ND suspect went well.

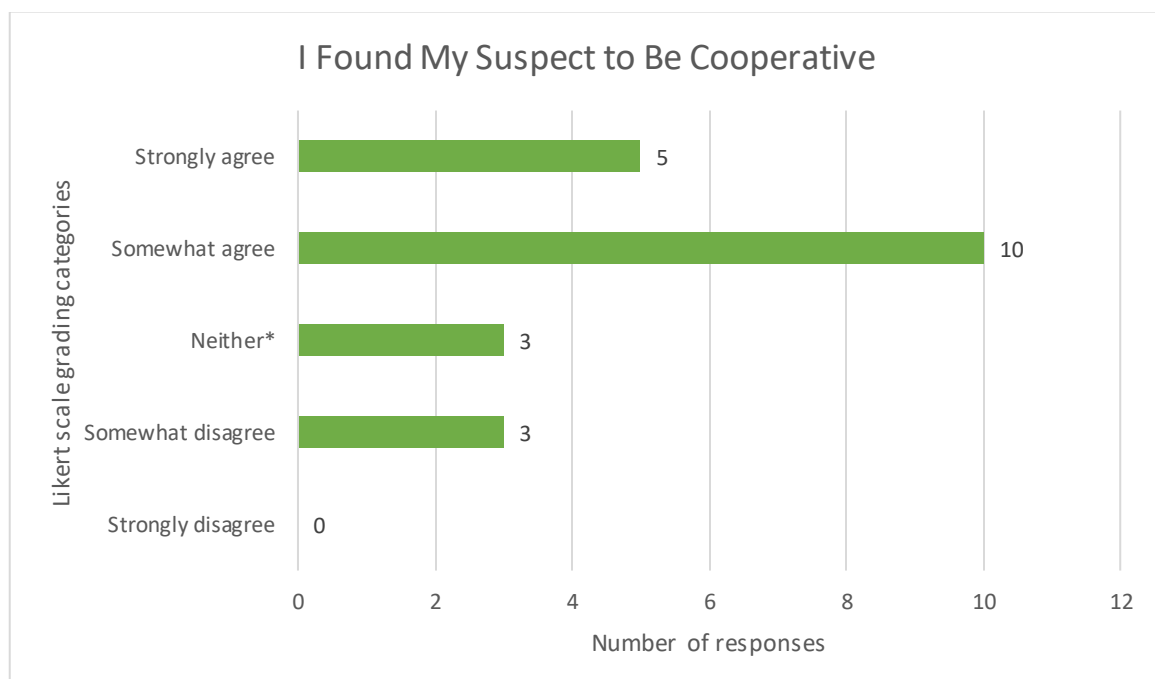


Figure B.23. Bar chart showing answers to the question: I found my ND suspect to be co-operative.

*Neither agree nor disagree

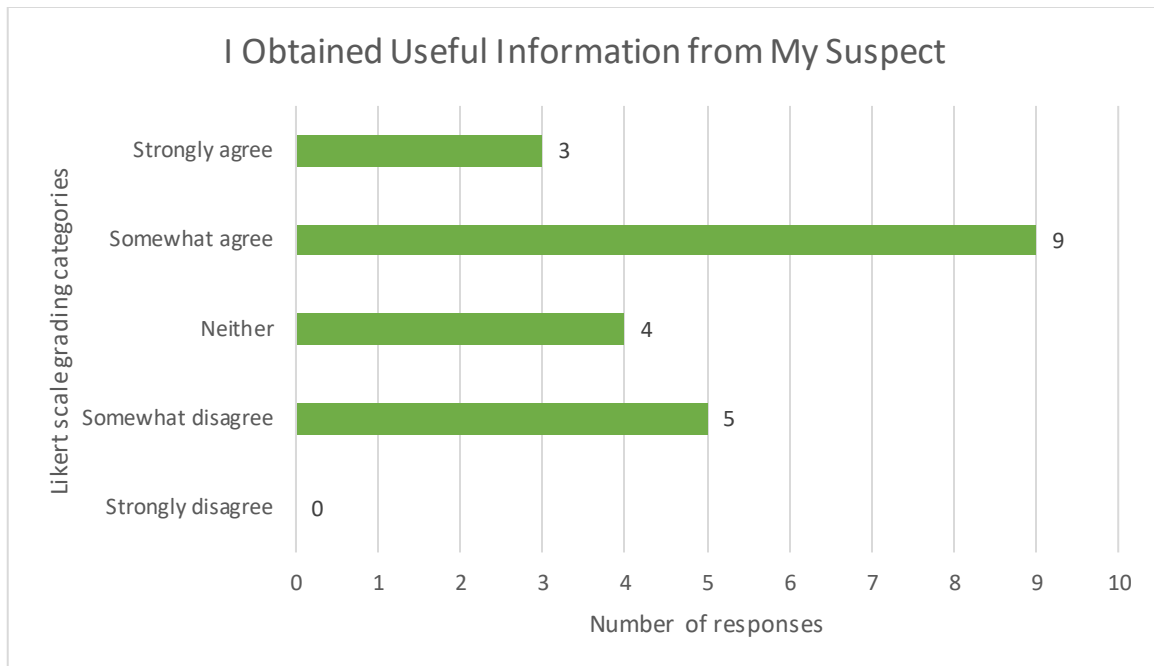


Figure B.24. Bar chart showing answers to the question: I obtained useful information from my ND suspect.

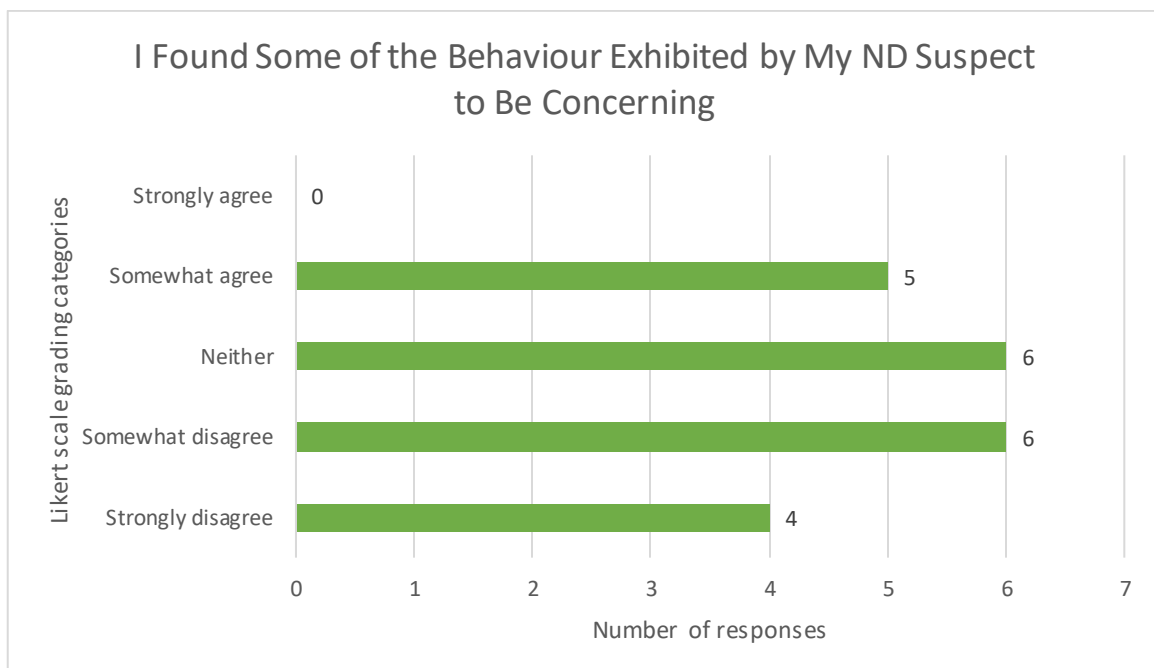


Figure B.25. Bar chart showing answers to the question: I found some of the behaviour exhibited by my ND suspect to be concerning.

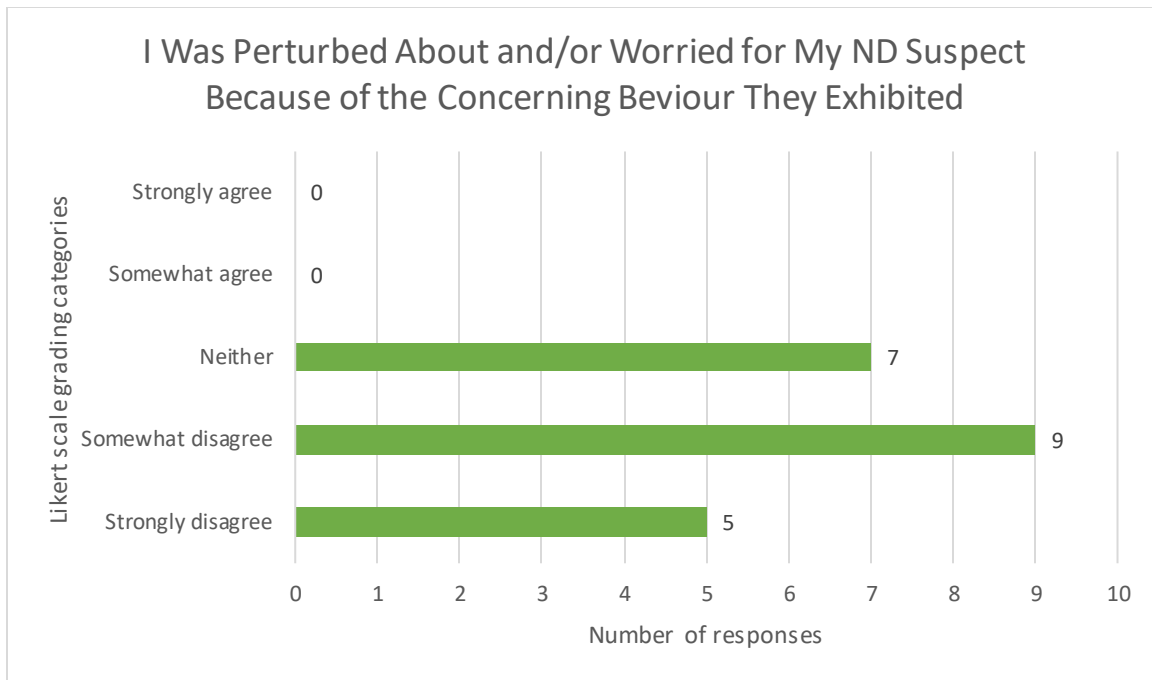


Figure B.26. Bar chart showing answers to the question: I was perturbed about and/or worried for my ND suspect because of the concerning behaviour they exhibited.

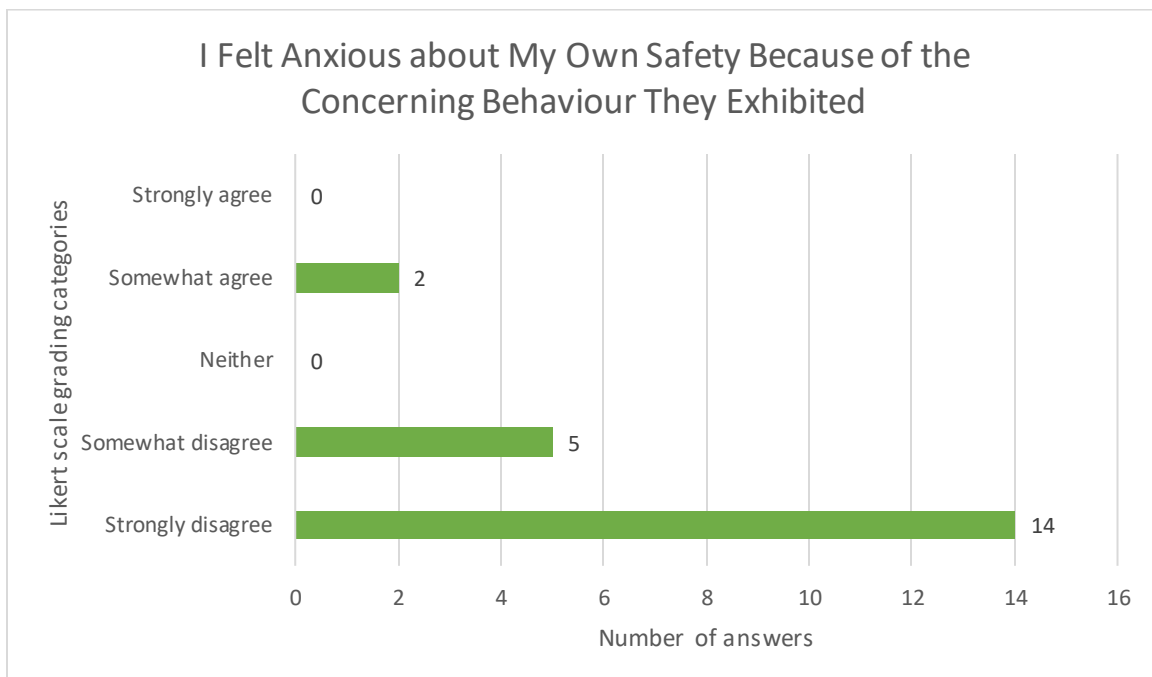


Figure B.27. Bar chart showing answers to the question: I felt anxious about my own safety because of the concerning behaviour they exhibited.

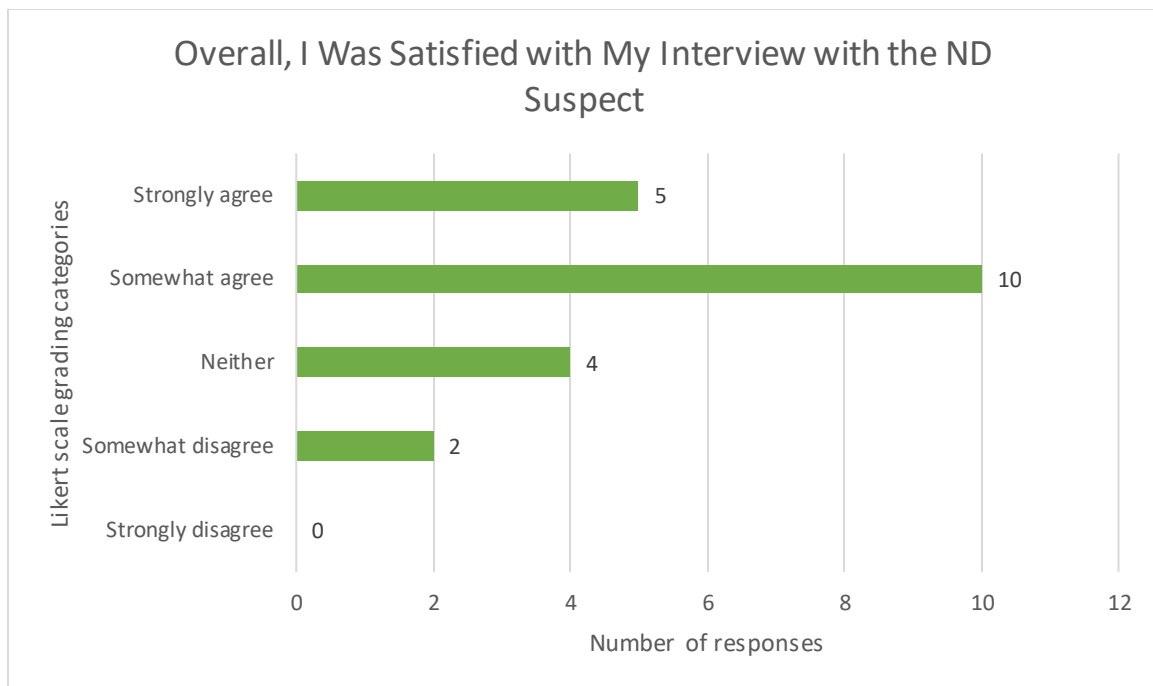


Figure B.28. Bar chart showing answers to the question: Overall, I was satisfied with my interview with the ND suspect.

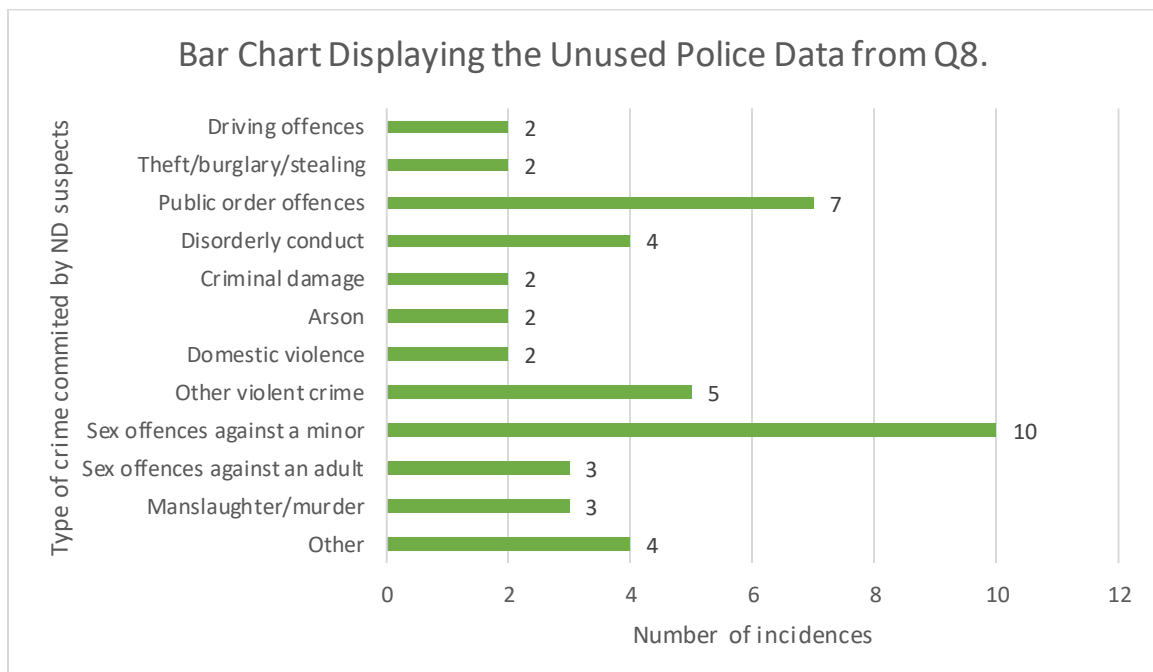


Figure B.29. Bar chart displaying the unused police data from Q8.

See note after Q8 in the police survey above.

Appendix C: Participant Forms

Neurodivergent Participant Forms

Eligibility Questions:

EQ1. Were you aged 18 or over when you were arrested/stopped by police? (Originally: Are you aged 18 or over?)¹⁹⁵

Yes

No

EQ2. Are you autistic/have AS, have a learning difference (such as dyslexia, ADHD, Tourette's) or have other neurodivergent conditions?

Yes

No

EQ3. Have you been arrested/interviewed/stopped as a suspect by the police at some time since 2017?

Yes

No

EQ4. Did your arrest/stop happen in England or Wales?

Yes

No

¹⁹⁵ As discussed in Chapter Three.

Participation Information Sheet:

Title of Study

An investigation into police approaches towards managing neurodivergent suspects and the experiences of neurodivergent people in police custody.¹⁹⁶

Invitation Paragraph

You do not have to read this information sheet if you do not want to (scroll to the bottom of the page and hit the arrow to move on), but you may find any questions you have are answered here. You are being invited to take part in a research study. This study will be looking at what police officers and neurodivergent people who have been questioned by police as suspects think about their time with each other. Before you decide whether to take part, it is important for you to understand why the research is being done and what it will include. Please take time to read the following information. Please also feel free to discuss this with your friends, relatives, social workers, carers if you want to. I would like to stress that you do not have to go along with this invitation and should only agree to take part if you want to. Thank you for reading this.

What is the purpose of the study?

This is an investigation into police approaches towards managing neurodivergent suspects and the experiences of neurodivergent people in police custody. The word 'neurodivergent' means someone who does not have a typically developed/functioning brain. It often means people who are autistic/have Asperger's syndrome but can include attention deficit

¹⁹⁶ Original title.

hyperactivity disorder (ADHD), learning differences like dyslexia and conditions such as Tourette syndrome.

There has been a lot of worry in recent years over how neurodivergent people are interviewed as suspects by the police. The behaviour, actions and levels of understanding shown by people with these conditions have been known to give the wrong idea to police when they are interviewed by officers, especially when it is not known or not seen that the person has a condition. Mix ups at the early stage with the police have been shown to lead to unfair treatment of the neurodivergent person, unfairness which can then go throughout the courts and into the prison system.

The aims of the study are to find out if there is any difference in thoughts between the two groups, with a view to improving police understanding and training in this area if it is shown to be needed. I will **not** be contacting the police officers who interviewed you. The police officers who take part will be random volunteers.

Do you have to take part? No. This is all voluntary and you can decide not to carry on at any time, without telling me why and without there being any trouble.

What will happen if you take part? You are being asked to answer some questions. You can ask someone to help you or be there with you if you like while you answer them. The written questions can be read out loud to you and the answers can be written for you, but it is important that the answers given are your own. It is not helpful to me if other people answer for you. If you want to answer the questions all in one go, depending on how much

you want to say and how quickly you want to type/write, it will take at least 20 minutes, but you can fill in the questions in your own time. They do not all have to be answered all at once.

Although I have supervisors keeping an eye on me, I am the only researcher who will be thinking up and asking the questions. This is an anonymous study so no one knows who you are, not even me. There are some questions about what happened to you and how you felt, followed by questions about you, such as your age. I will need your questionnaire back by 11:45 at night on 30 November 2022.

AN IMPORTANT thing to know is that I'm neurodivergent too. I am autistic and ADHD and have anxiety and dyscalculia.

How will your data be used? The University processes personal data as part of its research and teaching activities in accordance with the lawful basis of 'public task', and in accordance with the University's purpose of "advancing education, learning and research for the public benefit". Under UK data protection legislation, the University acts as the Data Controller for personal data collected as part of the University's research. The University privacy notice for research participants can be found on this link:

https://www.uclan.ac.uk/data_protection/privacy-notice-research-participants.php

Further information on how your data will be used can be found below, if you want to read it.

QUESTIONS YOU MIGHT HAVE AND MY ANSWERS

How will my data be collected?

By questionnaire.

How will my data be stored?

Your data will be stored on the University approved OneDrive for Business.

How long will my data be stored for?

In line with UCLan policy no data will be kept for more than seven years after collection.

What measures are in place to protect the security and confidentiality of my data?

Your data will be stored on the secure UCLan network.

Will my data be anonymised?

Your data is anonymous. No one will know who you are.

Who will have access to my data?

Only I will have access to your data. The cloud storing tool OneDrive for Business on the university system will hold your data.

How will my data be destroyed?

UCLan has in place the facilities to permanently delete electronic data and to destroy paper records beyond retrieval.

Who to contact if you have any concerns regarding ethics?

The University Officer for Ethics. Email: OfficerforEthics@uclan.ac.uk).

Consent Form:

C1. I understand that taking part in the project is my own choice and that I can pull out at any time without giving a reason. I also know that if I don't want to answer any of the questions, I don't have to. I understand that taking part means being asked questions about a stressful time in my life. I know I can read an information sheet and debriefing sheet if I want to and ask any questions about this research.

I agree.

C2. I give permission to have access to my answers. I understand that my name cannot be linked to the answers I give, and I cannot be named in the project. People will only know I took part in the study if I choose to tell them myself.

I agree.

C3. I understand that some of the sentences I use to answer the questions might be used, word for word, in the study. This means that I might be identified by people I know if they have heard me use these sentences and if they know I have taken part in the study.

I agree.

C4. I agree and understand that my answers will be used in this study and might also be used by the researcher in a future study about this subject.

I agree.

C5. I agree for the information I give to be used in the researchers doctoral thesis, professional educational magazines, education and training presentations, for police training, and for giving the results to me and other participants.¹⁹⁷

I agree.

C6. I understand that consent forms and original questionnaires will be kept in safe online storage until no more than seven years after collection, in line with data protection needs at the University of Central Lancashire. After this time they will be destroyed.

I agree.

C7. I agree to give my answers to the questions to the researcher on behalf of the research team, and I understand that members of the research team will be the only people who will see the questionnaire I fill in.

I agree.

C8. I understand that there will be no face-to-face contact and that the whole study will be done online. This means there is no risk from COVID-19, and no risk of plans being changed because of any future changes to COVID-19 rules.

I agree.

¹⁹⁷ The final part of this statement was left over from before the study became anonymous and retained. Early participants had requested the study results and later participants had my email address and could have requested the results.

C9. I confirm I do not have known heart problems, epilepsy, post-traumatic stress disorder (PTSD) caused by being a police suspect, or any serious mental ill health.¹⁹⁸

I agree.

¹⁹⁸ Nelson, in Chapter Four, reported in a comment that he has PTSD but he still agreed with this statement prior to starting the survey. It was only after reflection that I realised the wording of the statement referred only to PTSD caused by being a police suspect, not to having preexisting PTSD.

Recruitment Poster:



CAN YOU HELP PEOPLE WHO ARE AUTISTIC OR HAVE LEARNING DIFFERENCES?

RESEARCH VOLUNTEERS WANTED

TRIGGER WARNING: The following may cause upset.

Who can take part? Adults who –

- ✓ are autistic (or have Asperger's syndrome), ADHD or have other learning differences
- ✓ have been arrested/treated as a suspect by the police and been interviewed by them, or stopped and questioned by them
- ✓ have been interviewed/stopped in England or Wales at some time since 2017

What is the research about? - It's about what autistic people or those who have AS or learning differences feel about the time they were interviewed by the police. I'm an autistic and ADHD PhD student and I need people to take part in my research to find out what happened when you were a police suspect. This study is anonymous.

Why take part? - Your help might help others to make sure police stations meet the needs of autistic people and people with learning differences in the future.

What do you want me to do? - The study is made up of written questions. All writing is written in accessible language where possible. This study is all being done online. This means there is no risk from any changes to COVID-19 rules.

Survey Link: <https://uclan.eu.qualtrics.com/jfe/form/SVeeQbelV08H4P7Ei>

For more information, please email me at: [name]@uclan.ac.uk

Police Participant Forms

Eligibility Questions:

EQ1. I am a police officer currently serving in the officially targeted police region. (Region cannot be named for ethical reasons. You should have heard about this survey through your station/regional colleagues/police region social media.)

Yes

No

EQ2. I have had some experience of interviewing suspects since 2017.

Yes

No

(Original EQ1. I am a serving police officer in England or Wales.)

Participation Information Sheet:

An investigation into police approaches towards managing neurodivergent suspects and the experiences of neurodivergent people in police custody.

Thank you for agreeing to participate in this study. I am interested in how police officers feel they manage neurodivergent suspects, and the challenges faced by police officers when encountering suspected people who have neurodivergent conditions. 'Neurodivergent' refers to someone who does not have a typically developed brain. It often refers to people

who are autistic (which includes the now defunct diagnosis of Asperger's syndrome) but it has many other aspects, including attention deficit hyperactivity disorder (ADHD), learning differences such as dyslexia, learning disabilities, and conditions such as Tourette syndrome.

The aims of this study are to discover how ND people are managed while in police custody, and if there is any difference in perception between police officers who might have interviewed neurodivergent suspects and ND people who have been interviewed as suspects. There is a lot of research looking at the problem from a neurotypical (typically developed brain) direction but very little examination from a neurodivergent perspective. The study will compare the perspectives of police officers and neurodivergent people. I am myself autistic and ADHD.

The survey is in the form of this anonymous online questionnaire. The questionnaire begins with consent questions that must be agreed to before the rest of the questions can be accessed. You can fill in the questions in your own time. The length of time the questionnaire will take will depend on how much you wish to write in response to questions, but it could take at least 20 minutes.

The University processes personal data as part of its research and teaching activities in accordance with the lawful basis of 'public task', and in accordance with the University's purpose of "advancing education, learning and research for the public benefit". Your data will be stored on the University approved OneDrive for Business. In line with UCLan policy no data will be kept for more than seven years after collection. UCLan has in place the facilities to permanently delete electronic data. Under UK data protection legislation, the

University acts as the Data Controller for personal data collected as part of the University's research. The University privacy notice for research participants can be found on this link: https://www.uclan.ac.uk/data_protection/privacy-notice-research-participants.php

Who to contact if you have any concerns regarding ethics - The University Officer for Ethics.
Email: OfficerforEthics@uclan.ac.uk).

This is entirely voluntary and participants are free to withdraw their participation at any time, without explanation, and without incurring any disadvantage. You do not have to answer all the questions if you wish not to. If you go ahead with this, please could you submit the completed questionnaire before 1 December 2022. Thank you.

Consent Form:

C1. I understand that participation in the project is my own decision and that I can withdraw at any time without giving a reason. I am also aware that I do not have to answer any of the questions if I choose not to. I understand that I will be unable to withdraw my responses once I have submitted the survey.

I agree.

C2. I give permission for the researcher to have access to my answers. I understand that my name is not known and cannot be linked to the answers I give, and I cannot be named in the project. People will only know I took part in the study if I choose to tell them myself.

I agree.

C3. I agree for the information I give to be used in the researcher's doctoral thesis, academic publications, presentations, for police training, and for giving the results to participants.

I agree.

C4. I understand that consent forms and original questionnaires will be kept in secure cloud storage until no more than seven years after collection, in line with data protection requirements at the University of Central Lancashire. After this time they will be destroyed.

I agree.

C5. I agree to allow my answers to the questions to be collected by the researcher on behalf of the research team, and I understand that members of the research team will be the only people who will see the completed questionnaire.

I agree.

C6. I understand that some of the sentences I use to answer the questions might be used, verbatim, in the study. This means that I might be identified by people I know if they have heard me use these sentences, know I have taken part in the study, and if they read the study.

I agree.

C7. I understand that I must not take part in this study if I am under 18 years old at the start of the study.

I agree.

C8. I understand that there will be no face-to-face contact and that the whole study will be done online. This means there is no risk from COVID-19, and no risk of plans being changed because of any future changes to COVID-19 rules.

I agree.

Recruitment Poster:



ARE YOU A SERVING OFFICER WITH EXPERIENCE OF INTERVIEWING SUSPECTS?

RESEARCH VOLUNTEERS WANTED

Who can participate?

- ✓ officers of any rank
- ✓ who have experience of interviewing suspects
- ✓ from 2017 onward

What is the research about? – To discover if there is any difference in perception between police officers who might have interviewed neurodivergent suspects, and neurodivergent people who have been interviewed as suspects. I'm an autistic and ADHD PhD student and I need research participants for my study. This is an anonymous study.

Why participate? - Your assistance might help to ensure that police stations meet the needs of neurodivergent suspects and interviewing officers in the future.

What is required of you? – To fill in a questionnaire. This study is all being done online which means there is no risk from any changes to COVID-19 rules.

Study Link: https://uclan.eu.qualtrics.com/jfe/form/SV_eycxs2xivcPRvsq

For more information, you can email me at:
[name]@uclan.ac.uk