Appropriate Treatment for ASD Convictions

Individuals with ASD who have been convicted of non-contact child pornography offenses need specialized sex offender treatment. They will not get this while incarcerated. Your sentencing argument can include the need for shorter confinement in order to get your client into an appropriate treatment program.

Deeper-dive:

Gary Mesibov and Melissa Sreckovic caution:

> Prison Can Be Disastrous for Someone with ASD. Prison is a well-accepted part of our jurisprudence system and a well-accepted form of punishment; however, it is often very hard on people with ASD because it can be especially cruel and dangerous for them. There are no special prisons or sections of prisons for people with ASD in the United States, and a diagnosis of ASD does not make one eligible for housing in a psychiatric facility. If arrested for child pornography, those with ASD are also ineligible for placement in a camp or minimum-security prison. Their problems in prison settings are many; their direct manner, unusual behaviors, and characteristics are interpreted by others as invitations to exploit, bully, and control. The same characteristics that make this population extremely vulnerable to being bullied in school will likely make them vulnerable to being victims in prison settings; however, the prison climate is much harsher than the school climate. These characteristics include communication challenges (Cappadocia, Weiss, and Pepler, 2012), severe social skills deficits (Sterzing et al., 2012), gullibility (Sofronoff, Dark, and Stone, 2011), internalizing mental health problems and depression (Cappadocia et al., 2012; Zablotsky et al., 2013), limited social support from peers (Humphrey and Symes, 2010), and few friendships (Cappadocia et al., 2012; Hebron and Humphrey, 2013). Correctional workers often view them as rude and incorrigible, when they are actually just oblivious to social cues. Moreover, individuals with ASD are likely to be victims in prisons. Their failure to detect manipulation by others, combined with their high degree of social anxiety and inability to defend themselves effectively or to control to any extent social interactions, leads these individuals to be especially vulnerable. In prisons, where domination and regulation among prisoners plays an important role in inmate survival, a socially fragile individual such as one with ASD is an easy target for physical and sexual abuse.
>
> Gary Mesibov and Melissa Sreckovic (2017). *Caught in the Web of the Criminal Justice System*, pp. 94-95.

Mesibov and Sreckovic continue:

> A treatment team from Yale University has summarized five points for a comprehensive treatment program for a child pornography offender with ASD as follows: they need to be instructed very concretely, literally, and firmly that this behavior is unacceptable; they need instruction on the concept of underage females and males; they need instruction on how to distinguish between pornography that is everywhere and child pornography; they need instruction on explicit sanctions for viewing child pornography; and most of all they need instruction on how not to violate the rule that has been taught (Klin, n.d.). Further preventive action could include putting blocks on computers and computer monitoring by the individual's parents and a therapist to ensure appropriate usage while a program of this kind is being implemented. Treatment provided in this manner should be sufficient to prevent individuals with ASD from accessing child pornography in the future. With that said, it is unnecessary to label individuals with ASD as sex offenders, because it has severe implications for those with ASD who are not a threat to children and who, with appropriate instruction, can be taught not to access child pornography.
>
> Gary Mesibov and Melissa Sreckovic (2017). *Caught in the Web of the Criminal Justice System*, pp. 100-101.

Higgs and Carter note:

> Given that group-based interventions require participants to carry out introspection, sharing personal information and interacting in a group, all activities that an individual with ASD will invariably find challenging, efforts need to be made to develop interventions to work responsively, safely, appropriately and effectively with this client group to reduce risk of sexual recidivism.

Higgs, Tamsin; Carter, Adam J. (May 2015).
Autism spectrum disorder and sexual offending: Responsivity in forensic interventions.
Aggression and Violent Behavior, Vol 22, pp. 112-119.

Dr. Fred Volkmar of Yale University.

> Most individuals with these conditions are victims rather than victimizers. The experience of bullying and social isolation is frequent. The sometimes rigid pursuit of collecting things often appears to mask or attempt to cope with chronic anxiety. . . Fortunately, individuals with these conditions can respond to clear limit setting and a neuropsychologically informed psychotherapy where explicit guidance is provided.

Lawrence A. Dubin (2017). *Caught in the Web of the Criminal Justice System*, p. 53.

Dr. Klin (2008a) states:

> Individuals with Asperger Syndrome benefit from behavioral intervention that provides them with clear instruction, explicit rules, and an understanding of the reasons for those rules… This intervention can be done by an experienced mental health professional, and there are specific curricula for such interventions in the area of sexuality… The individual's conduct should be monitored for compliance and positive feedback should be provided in response to his understanding of the situation.

Lawrence A. Dubin (2017). *Caught in the Web of the Criminal Justice System*, p. 62.