

19 May 2011

Senator James E. Timilty, Chair  
Representative Harold P. Naughton, Chair  
Honorable Committee Members  
Joint Committee on Public Safety and Homeland Security  
State House, Room 167

Dear Chairman Timilty and Chairman Naughton,

I am writing to respectfully urge the Joint Committee on Public Safety and Homeland Security to favorable report Senate, No. 1197, An Act relative to criminal justice training regarding persons with autism spectrum disorder, and House, No. 2909, An Act relative to criminal justice training regarding persons with autism spectrum disorder, from committee. These bills will be heard before your Committee on 19 May 2011.

I am a resident of Melrose and currently attend Lexington Christian Academy. I will be attending Georgetown University in the fall. I am a member of the Autistic Self-Advocacy Network and the Autism Women's Network. Because I am Autistic and because I am interested in a career in law enforcement, it is particularly important to me that mandatory training on autism becomes mandatory for all police and corrections officers in this state. The importance of this training cannot be underscored enough.

Autism is a neurological and developmental disorder usually diagnosed in childhood. It is a lifelong condition spanning infancy to adulthood. Autistic people may be diagnosed with one of the three autism spectrum disorders defined by the American Psychological Association's Diagnostic and Statistical Manual: Autistic Disorder, Asperger Disorder, or Pervasive Developmental Disorder Not-Otherwise-Specified. Autistic people may also be diagnosed with similar, related conditions including Rett Syndrome, Nonverbal Learning Disorder, or Childhood Disintegrative Disorder. Some Autistic people may not receive a formal diagnosis until long into adulthood, and a minority may never be diagnosed. Autism is neither a mental illness nor intellectual disability, although some Autistic people also have diagnoses of mental disorders or intellectual disability.

Autistic people, irrespective of specific diagnosis, are characterized by significant differences in social interactions, expressive and receptive communication, sensory processing and integration, and adaptive functioning abilities. Autistic people usually understand language literally, rarely comprehend social subtexts or subtlety, and often take longer to process words spoken to them. They may not respond to others in a socially appropriate way and are usually unaware of how another person might perceive their behavior in a social interaction.

In an interview or an interrogation setting, Autistic people may not comprehend the court-upheld deceptive component to some types of police interrogation, or identify and respond to subtleties in language used by an officer. These situations, which are stressful for most non-Autistic people, can severely exacerbate already high levels of anxiety in Autistic people. Police interrogation has been known to induce false confessions when Autistic people tell an officer

what they believe the officer wants to hear in order to leave the situation or when they believe the officer is acting as their friend. Autistic people are also at extreme risk of victimization of crime, and victim interviews without proper training would be unlikely to elicit any useful information or to provide emotional support to the Autistic victim.

Autistic people process all information differently—including linguistic and social information—but are especially affected by differences in sensory processing. Sometimes termed “sensory processing disorder,” Autistic people may be hyposensitive or hypersensitive to stimuli affecting all five senses. They may experience physical pain at light or unexpected physical touch, recoil from sounds inaudible to non-Autistics, have aversions to certain colors or types of lighting (too bright or too dim), and may not adjust well to barrages of sensory information.

Some Autistic people repeat certain phrases as a coping mechanism for sensory overload, while others engage in calming behaviors called self-stimulation (or stimming), such as flapping their hands or arms, rocking, bouncing on the balls of their feet, humming, or spinning. Stimming can be interpreted as a symptom of inebriation or illegal drug use, and has in several cases. Autistic people have been arrested on the false suspicion of inebriation or drug use.

Some Autistic people will repeat words spoken to them (occasionally with pronouns reversed) in an attempt to process them better, which can seem defiant or disrespectful. Autistic people may be inflexible about altering or interrupting their routines or any plans; this inflexibility can cause extreme anxiety when presented with change. Some Autistic people may have meltdowns—a more extreme form of a tantrum—which can be easily mistaken for violence. Standard police responses to domestic violence calls—flashing lights, presence of police dogs, sirens, multiple officers, forceful and repeated verbal commands—will usually be ineffective with Autistic people and will exacerbate a meltdown by causing sensory overload.

Some Autistic people engage in potentially dangerous “wandering” behavior by disappearing from residences or schools (not in the typical “taking a long walk” fashion). When this happens, these particular Autistic people may be in danger of being hit by cars or becoming lost far from home without realizing where they are. When police are called by frantic parents or caretakers, they will often deploy the same standard tactics described above, which will usually elicit the opposite response of the one desired—frightening the Autistic person and driving him or her away instead of locating the Autistic person and bringing him or her safely home.

According to a December 2005 report by the Massachusetts Department of Public Health, about 1 in every 122 Massachusetts residents is Autistic. This includes children and adults, male and female, of all races, in all neighborhoods and in all communities. Autistic people attend our schools and churches, stay in our hospitals and prisons, live on our streets, and work at our places of employment. They are represented in all facets of our communities. Furthermore, according to a 2001 article in the *FBI Law Enforcement Bulletin*, Autistic people are *seven* times more likely to encounter a police officer than non-Autistic people. Because Autistic people belong to an increasingly-recognized minority, it is imperative that our police officers, who swear to protect and defend all the members of a community, are given the appropriate knowledge and techniques to protect and defend the Autistic members of their communities.

These bills are not prohibitive of training relative to mental illness (which autism is *not*) or to other developmental disorders. Conditions such as Down Syndrome and Tourette's Syndrome often present many of the same or very similar characteristics as autism, which means the training outlined in this legislation would also aid officers in recognizing and responding appropriately to individuals with similar characteristics to Autistic individuals.

This legislation does not require officers to become diagnosticians able to diagnose an autism spectrum disorder while on the job. We do not intend (or need) to make our police officers experts on autism. Instead, this legislation provides a basic framework based on the needs of both the autism community to be safe and treated equally under the law, and law enforcement to be adequately equipped to handle a wide variety of situations and different types of people. It provides a set of tools which an officer can use when interacting with an Autistic person. It educates officers on some of the common characteristics of Autistic individuals and the most effective techniques for a mutually positive outcome to a situation.

In Florida, Indiana, Maine, North Carolina, Pennsylvania, and Illinois, similar legislation has already been passed. Those states are required by statute to train their police officers about autism. The proposed legislation here goes further and also includes corrections officers. Unfortunately, a small subset of Autistic people are incarcerated in houses of correction, some rightfully and some wrongfully. Whenever Autistic people are in prisons, they are at extreme risk of abuse. It is imperative that corrections officers also be made aware of the common characteristics of autism so that they do not mistake Autistic behaviors as noncompliance, defiance, or disrespect.

This legislation is not limited to a one-time statewide training session. It requires that all new recruits for police or corrections officers be trained about autism, in addition to mandating regular in-service training for currently employed police and corrections officers who would not receive new recruit training. It will ensure that all law enforcement officers in Massachusetts receive a basic education about autism.

Police and corrections officers work on the front lines of public safety. Police officers work to prevent, detect, and investigate crime. Corrections officers work to ensure the safe custody of offenders entrusted to the corrections system. These people often need to make heat of the moment decisions. They don't have the luxury of pausing time to research an individual's behavior in order to determine whether it is dangerous or not. This legislation would provide training that would better equip officers to make such decisions with information already provided to them. We want them to make the best decisions they can, no matter what situations they encounter.

This legislation by itself might be in danger of becoming an unfunded mandate if passed. Thankfully, the honorable Chairman, Senator Timilty, filed another bill this session, Senate, No. 1258, An Act relative to police training, which would fund all police training through a very small surcharge on the policyholder of any auto insurance policy (estimated to around \$2 per policy). 100% of funds collected through these surcharges would be retained for use by the municipal police training committee. These funds are specifically designated for special and statutorily mandated training programs for police across the state.

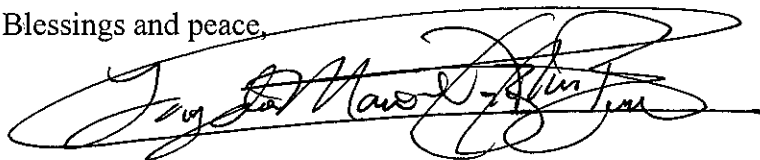
In Massachusetts, several individuals and local agencies have recognized the importance of autism-related training. U.S. Representative Bill Keating, in his previous capacity as Norfolk County District Attorney, partnered with Bill Cannata to found the Autism and Law Enforcement Educational Coalition, which has provided training on autism to police officers, fire officials, and EMTs throughout Norfolk County and some surrounding areas. In addition, the Asperger's Association of New England has provided trainings specifically on Asperger's syndrome (one of the autism spectrum disorder diagnoses) to the Watertown Police Department and other local officers. More recently, internationally-recognized autism trainer Dennis Debbaudt, a former law enforcement professional with an Autistic son, was contracted to develop an online training course on autism for Massachusetts State Troopers.

Unfortunately, these initiatives are not standardized or required statewide for all police officers, and an online course is intended to be a supplement to traditional education. Without this legislation (and funding for it), it is unlikely that private donations and nonprofit organizations will be able to effectively and continually provide this necessary training to our police.

In North Carolina, it took the highly publicized death of an Autistic man during an encounter with a police officer who knew nothing about autism for legislation on police training to pass. Only a few months ago, the family of an Autistic man in California won a lawsuit against their local police department for the Autistic man's wrongful death during an officer-involved shooting. Over the past several years, several highly-publicized cases have involved wrongful arrests of Autistic people and wrongful deaths because of police who were not trained. There are Autistic people in Massachusetts who have had unfortunate and avoidable encounters with police officers. I urge you to ensure this legislation passes in Massachusetts before an Autistic Massachusetts resident dies to drive home its importance.

Thank you,

Blessings and peace,

A handwritten signature in black ink, appearing to read "Lydia M. X. Z. Brown", with a large, stylized flourish extending from the end.

Lydia M. X. Z. Brown

