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4 February 2016

Rep. Harold P. Naughton, Jr., House Chairman
Sen. James E. Timilty, Senate Chairman
Joint Committee on Public Safety and Homeland Security
Massachusetts State House

Dear Committee Members:

I am writing to respectfully urge the Joint Committee on Public Safety and Homeland Security to favorably report **Senate No. 1264 and House No. 2098, “An Act relative to the criminal justice training regarding autistic persons,”** from committee. These bills will be heard before your committee on 4 February 2016.

I am a disabled (specifically autistic) activist and advocate who is currently the chairperson of a state council on disability, co-president of TASH New England, a board member of the Autistic Self Advocacy Network Boston chapter, and a board member of the national Autism Women’s Network. However, I am here today in my individual capacity. Seven years ago, as a high school student, I wrote the text of this bill – and have since revised it over the years in different legislative sessions – with the aim of instituting police training on autism and related developmental disabilities to reduce likelihood of unintentional harm to autistic people interacting with law enforcement or prison staff.

If passed, the bill would require all police and corrections officers in the state including university police to take a course where they would learn some basic information about autism and ostensibly other developmental disabilities from both autistic and non-autistic trainers. In the course, police and corrections officers would learn conflict de-escalation techniques to be better able to prevent or mitigate some terrible situations. They would also learn strategies for identifying abusive situations, which is especially important given the extremely high rates of parental and intimate partner abuse of people with developmental disabilities.

This bill is not a magical solution to all potential situations of excessive force related to disability status, especially those also compounded by race. However, I do believe strongly that the training that this bill requires could reduce at least some potential harm, ensure baseline knowledge of cognitive and neurological difference among police and prison staff, and **overall have a net positive impact that would be well worth the limited funds necessary to implement the mandate.**

The basic idea is grounded in the principle of harm reduction. Police training can help educate at least some who take the course, and will benefit at least some autistic people by preventing unnecessary violence and by helping police recognize abusive family situations. For several years now, fundamentally changing criminal justice policies impacting people with disabilities has been at the core of my advocacy work. Research and experiences have shown that developmentally disabled people in particular are disproportionately likely to interact with law enforcement officers in routine encounters, give false confessions or unintentionally incriminating statements, and experience police brutality due to disability-related characteristics

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– which can be compounded by racial bias and prejudices targeting sexual minorities and transgender people. It is incredibly important that meaningful education on autism, developed and implemented in part by actually autistic people, becomes mandatory for all law enforcement officers in this state. **The importance of this training in mitigating overall risks of harm cannot be underscored enough.**

Autism is a developmental disability characterized by atypical social interaction, expressive and receptive communication, and sensory experiences. Autistic people frequently have difficulties with recognizing sarcasm, responding to open-ended questions, or producing immediate verbal responses under stress. Autistic people also tend to move in atypical ways, which may cause an atypical posture or gait being misread as drunkenness, drug use, or hiding weapons. Stimming (repetitive actions, such as spinning, flapping arms or hands, rocking, or humming) may be misinterpreted as substance abuse or threatening gestures, while echolalia (repeating words spoken by someone else) may be misinterpreted as defiance, disrespect, or lack of understanding. Many autistic people have been arrested on the false suspicion of drunkenness or drug use, or have been tasered, arrested, or shot based on a faulty judgment of noncompliance or danger.

In an interview or an interrogation, autistic people may not be attuned to legally permissible deceptive techniques used in police interrogations, and may have significant difficulty identifying and responding to an officer's linguistic subtleties. These situations, which are already stressful for most non-autistic people, can severely exacerbate pre-existing anxiety for 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 so they can leave or when they believe the officer is their friend. Autistic people are also at extreme risk of victimization of crime, and interviews of autistic complaining witnesses where the police interviewer has little to no understanding of the best strategies for communicating with autistic people could impede the efficacy of a criminal investigation.

Police must be taught to presume competence and to attempt alternate communication strategies in order to prevent autistic victims of violent crime, including sexual violence, from being shut out of court because of ableist misperceptions that they are not reliable or credible witnesses.

Autistic people process all information differently—including linguistic and social information—but are especially affected by differences in sensory processing. Autistic people may be hyposensitive or hypersensitive to stimuli affecting all five senses. We may experience physical pain when exposed to light or unexpected physical touch, sounds inaudible or merely annoying to non-autistics, or certain types of lighting (too bright or too dim). Barrages of sensory information (such as police dogs, police radios, sirens, flashing lights, multiple people, and forceful commands) can be extremely overwhelming and lead to meltdown (which can be misinterpreted as aggression) or shutdown (which can be misinterpreted as noncompliance). All of these characteristics can be easily misinterpreted as signs of drug use, aggression, or criminal guilt – this holds especially true for young Black and Brown autistic people.

Some autistic people may find themselves in potentially dangerous situations, often termed “wandering” by families and caregivers. When police are called in these situations, they will

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often deploy the same standard tactics described above, which will usually elicit the opposite response of the one desired—frightening and overwhelming the autistic person and driving them away instead of finding them and guiding them to a safe place of their choosing.

It is also imperative for police to learn to recognize the signs of potentially abusive situations, especially with family members, caretakers, and romantic/sexual partners, who may claim that an autistic relative, dependent, or partner is “wandering” in order to gain the aid of well-intentioned police in returning the autistic person to an abusive home or relationship.

Even if an autistic child or teenager has been reported missing or wandering, it is possible that the autistic person disappeared in an attempt to escape an abusive situation. Police must be trained to both (a) assist autistic people genuinely in danger, and (b) communicate with autistic people to determine whether returning home is safe. We need to be able to trust that officers will be willing to believe us if we disclose an abusive, unsafe home environment, and not simply take for granted the word of an abusive relative or caretaker that we are incompetent and wandering.

Regardless of their factual innocence or guilt, autistic people are also represented in jail and prison populations, both as pretrial detainees and post-conviction prisoners. Whenever autistic people are incarcerated, they are at extreme risk of abuse both from prison staff and other inmates. It is imperative that corrections officers also learn about common characteristics of autism so that they are less likely to mistake them for noncompliance, defiance, or disrespect.

Because we as autistic people are part of the communities where we live and work, it is imperative that our police officers, who are sworn to protect and serve all the members of a community, are given the appropriate knowledge and techniques to better protect and serve us as well. The training required in this bill will also equip officers with many techniques useful in interacting with people with many different types of disabilities, including psychiatric, cognitive, and other intellectual and developmental disabilities, as we often have similar characteristics and have co-occurring disabilities.

In Florida, Indiana, Maine, North Carolina, Pennsylvania, Illinois, and most recently, Maryland, similar legislation has already been passed. Those states are required by statute to train their police about autism. The proposed legislation here goes further and also includes corrections officers and university police officers. This legislation is not limited to a one-time statewide training session. It requires that all new recruits for police or corrections officers receive training, and also mandates regular in-service training for current police and corrections officers who would not receive new recruit training. This bill has broad support from police officers (many with autistic children), autistic people and people with other disabilities, and family members of autistic people.

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 (ALEC), which has provided training on autism to police officers, fire officials, and EMTs throughout Norfolk County and some surrounding areas. In

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In addition, the Asperger's/Autism Network (formerly the Asperger's Association of New England) has provided trainings to the Watertown Police Department and other local departments. In the last couple years, 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, which at present does not exist in mandated statewide form. **Without this legislation, it is unlikely that private donations and nonprofit organizations will be able to effectively and sustainably provide this important 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. This is not an isolated incident. Over the past several years, there have been many highly-publicized cases involving wrongful arrests and deaths because of untrained police. In Los Angeles, police killed Steven Eugene Washington (Black autistic youth) and Mohammad Usman Chaudhry (Pakistani autistic man). There are also autistic people in Massachusetts who have had unfortunate and avoidable encounters with police officers. I spoke only yesterday with a Black mother of an autistic son who is now an adult, and she, like many in our communities, is worried that in the absence of this type of training, there is a much higher chance than already exists that her son might die in a police killing.

I urge you to ensure this legislation passes in Massachusetts.

Sincerely,

Lydia X. Z. Brown