The Autism Spectrum Internet Crime and Culpability

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Prevalence of ASD Incarceration

ASD is estimated to be 1 to 1.4 % of population (using 1 in 68 CDC rate)

No rates specified by BOP, anecdotal evidence of increase

1.7% in UK high security hospitals, 4% in Scottish prisons, 4.4% in US maximum security prisons (Fazio & Denney, 2012)

10% in Swedish pre-trial evaluations

Assumed higher relative to general population but few studies to support, many undiagnosed?

No universal training on ASD for CJS professionals

Rates of Sexually-related Offenses (Lindsay et al, 2014)

Neurotypicals

Stalking
2.8%

Non-contact
33.7%

Autism Spectrum

Stalking
8.5%

Non-contact
42.6%

Characteristics of ASD Offenders

4:1 ratio male to female

ASD Level 1 (Asperger's)

Average to Superior IQ (90-140+)

Offenses tend to involve:

- Verbal threats
- Personal, phone or **internet stalking**
- Inappropriate sexual advances
- **Inappropriate internet contact with minors**
- **Downloading and sharing child pornography**
- Accomplice crime with false friends
- Physical outbursts
- Arson

Why ASD Individuals Are At Risk

Verbal Communication Deficits -concrete, literal, processing slow, no understanding of idioms, metaphors, prosody, volume, poor feedback loop

Nonverbal Communication Deficits -no understanding of nonverbal cues and gesturing body language, shows no emotion when interrogated, rigid posture, difficulty recognizing facial emotions

Poor Executive Functioning- poor organization, doesn't understand consequences of one's actions, doesn't generalize from one situation to another, doesn't learn from experience

Why ASD Individuals Are At Risk

Sensory Integration Difficulties: hypertonia, hypotonia, visual, olfactory, auditory, tactile defensiveness, sensory overload, difficulty with sexual intimacy

Cognitive Rigidity: need for sameness, fear of novel situations, repetitive behaviors, weak central coherence (doesn't see the big picture)

Theory of Mind: inability for perspective-taking, limited empathy, inability to predict other's behaviors

Restricted Interests/ Preoccupations: (illegal pornography, computer hacking, collecting weapons, arson)

Inability to understand and communicate when charged/interrogated: poor interview behavior, influenced by leading questions, desire to please

Why ASD Individuals Are At Risk

Interpersonal Relationship Deficits- lack of social initiation, poor self-esteem, naivete, loneliness, desperate to please, unhealthy relationships, exploitation, accomplice crimes

Sexuality- lack of sexual experience, lack of sexual education, stalking, pornography compulsion, unusual sexual preferences, lack of knowledge of personal boundaries, fetishes, voyeuristic behavior, interest in collecting images of body parts, confusion over sexual orientation (Henault, 2006)

Trauma: bullying, victimization

Why ASD Individuals Are At Risk

Restricted Interests- obsessive compulsive behavior related to interests, isolation, dangerous preoccupations that may lead to criminal offenses (fire, weapons), computer crime

Rigid routines/naivete: when pop up boxes appear, they click, "why would it say click if the link is illegal?"

ASD Offenders Are Often Misunderstood by Law Enforcement

- Can seem rude or belligerent when interviewed, blunt remarks, irrelevant topics

- Invades personal space

- Odd prosody, monotone, formal speaking style

- No understanding of nonliteral language "cat got your tongue?"

- Act bored or tired during interrogation, seem unconcerned, remorseless

- Lack of eye contact, evasive conversational style when interrogated, doesn't seem to listen

ASD Offenders Are Often Misunderstood by Law Enforcement

- Concrete thinking can cause misleading statements or false confessions
- Inability to quickly process and respond to questions
- Normal appearance may mask social deficits

Distinctive Features of Offending Behavior in ASD Individuals

They make no attempt to conceal offending behavior (lack of capacity for deception)

They are concrete thinkers who may provide false confessions

Their behavior is often based on special interests

They are naïve and difficult to understand

Their offending behavior results from misreading social cues

Ghaziuddin, 2013

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ASD   Psychopath

Affective Empathy

- The drive to respond with appropriate emotion to what someone is thinking or feeling. Cannot effectively deceive. Lacks cognitive empathy

Cognitive Empathy

- The ability to imagine someone else's thoughts or feelings. Can effectively deceive others. Lacks affective empathy.

Counterfeit Deviance

"Individuals with ASD who are alleged to have committed sexual offenses may engage in unusual sexual behavior due to challenges in judgement, social skills, or impulse control, diagnostically different than Paraphilia."

Asperger's Syndrome and the Criminal Law: The Special Case of Child Pornography.

Mahoney, 2009

ASD and Attraction/Vulnerability to the Internet

Qualitative impairment in social interaction

Facility with technology

Highly attracted to screen-based technology, prone to addiction, dopamine release reinforces obsessive loops

Restricted repetitive and stereotyped patterns of behavior, interests, and activities

Significant impairment in social, occupational, & other areas of functioning(the internet does not require social functioning and can fill in the empty space during the day when others are at work)

No delay in language, cognitive development or adaptive behaviors (the internet can be very stimulating cognitively and linguistically)

Child Pornography Issues Particular to ASD

Attraction to younger individuals due to delay in social/sexual development, "stuck in adolescence" (Henault, 2009)

Lack of sexual outlets with peers, exploring internet for sex education or to satisfy needs (Attwood, 2014)

Tendency to collect large amounts without knowledge of content (file sharing)

A determination to explore all aspects of pornography to "complete the collection" (Attwood, 2014)

Repetitive, obsessive behaviors, prone to addiction

Child Pornography Issues Particular to ASD

Emotional detachment, difficulty understanding perspective and experiences of the children they are viewing (Attwood, 2014)
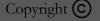
Lack of awareness of what constitutes child pornography, why is it illegal?

Isolation, lack of opportunity to discuss sexual thoughts, feelings and experiences with peers during adolescence

ASD individuals often treated as asexual by peers and parents, lack of sexual education, internet becomes primary source of information (Henault, 2014)

United States v. Christopher Geanakos

The difficulty of an Insanity defense for Autism Spectrum Disorder and possession of child pornography

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Pornography "I know it when I see it." *Justice Potter Stewart*
Does ASD?

"junk science" link of ASD to viewing child pornography

considered irrelevant to the insanity defense

the mental defect must *"prevent the defendant from appreciating the nature and quality or wrongfulness of his acts"*

Geanakos didn't understand the underage girls were real, lacked capacity to to understand

detective suggested he write a letter to victims expressing he was sorry and knew what he did was wrong

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Case Example: RE
Lack of ToM/Fantasy

30 year old male with Master's degree, unemployed, lives with father

Won Math and Science awards in HS

Dxs: ASD (24 yrs), Major Depressive Disorder, Generalized Anxiety Disorder, chronic gastrointestinal illness

Rarely left his house

Charged w possession and distribution of child pornography through EMULE file-sharing

No social relationships, no sexual experience

Confused about his sexual orientation

Didn't understand why he was arrested

Case Example: RE/Social delay

Watches children's TV shows because "it's easy to tell the good vs. bad characters", doesn't understand deception, manipulation

Bullied excessively, doesn't trust adults

Stated that pornography is "like a Hollywood movie", children are actors with scripts and direction

Admitted children may have been "tricked" into doing things but wasn't sure

Stated viewing pornography is a "victimless crime" and like a "peeping tom"

No child contact

Sentenced 14 years

Case Example JA

33 year old incarcerated male

Average intelligence, poor academic record

Took explicit pictures of young niece

Inappropriate communication w teen girls (13,14 yr olds) on NeoPets website, asked for their tights, underwear

Never attempted physical contact

Shared their interests, "drop down"

No sexual education, no sexual experience

Didnn't meet criteria for pedophilia

Diagnosed ASD while incarcerated

No sentence reduction

Case Example: CJ/ Lack of ToM

25 year old male, dropped out of HS

Obsessional interest in computers/technical expertise

Above average intelligence, Dx ASD

Emotional expression and understanding very limited

Developmental Hx of neglect, abuse and multiple traumatic events

No peer relationships, no sexual experience

Arrested for possession and distribution of child pornography

Case Example: CJ
Lack of ToM / Obsessive Collecting

Over 6,000 pornographic images saved on his computer

Obsession with demonstrating the ease of downloading child pornography "I want to archive how easy it is to obtain"

Facility with encrypted networks,TOR,Onion network

Writing a research paper exposing the ease of illegal pornography downloading "Laws Unwritten for Child Pornography"

No emotional reaction to the children in the images/videos "I never thought about them"

No child contact

Sentenced to 11 years

Case Example JC/Social Isolation

34 year old male

Dx ADHD, LD as a child

NO peer relationships

Was manipulated by younger peers to purchase alcohol when 21 yrs

Stole women's underwear on 2 occasions (after they refused to give it to him)

Took computer to be repaired, computer tech found over 100 child pornography videos and images, reported to FBI

Case Example JC

- Poor executive function,couldn't manage money, difficulty living independently
- Couldn't maintain employment in food service, multiple firings
- An obsessive collector since childhood, TV sitcom collection, comics
- Dx ASD while incarcerated
- Inadequate defense, never raised mitigating mental health issues
- Reduced sentence w mandatory treatment

Case Example PR

- Borderline IQ, DX ASD
- No sex ed, programmed in autistic support classes
- Clicked on "legal child pornography" pop-up

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Autism Spectrum

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