

Dyspraxia/DCD, Vulnerability and the Criminal Justice System



Dyspraxia/DCD can vary in severity and can often overlap with other conditions such as dyslexia, ASD, or ADHD. It affects each individual differently and they will present with support needs that are unique to themselves. Many people with dyspraxia experience social communication difficulties and each individual has a unique set of characteristics explainable in terms of neurological immaturity, dysfunctional perceptual skills and impaired motor and/or speech and language development.

Many young people with dyspraxia find the world difficult to navigate and social nuances are often lost on them. Making and maintaining relationships can be problematic and some people with the condition become vulnerable to scrapes with the criminal justice system, perhaps by making poor choices or very often due to lack of understanding and often without any knowledge or intention of wrong doing.

The criminal justice system can be rather severe and unforgiving and is something that is best avoided. Families may like to consider the following case studies as areas for discussion with young people. It is often the case that matters that other young people take for granted and knowledge of the world that they appear to absorb, needs to be taught to the young person with a neurological difference. They do not simply acquire the knowledge. It is best to anticipate and walk through a problem than allow it to become perceived criminal behaviour. Consider the following examples which are all factual.

Case Study 1. Luke Luke was 19 years old and rather isolated socially. He spent a great deal of time in his own room on his laptop often interacting with 'friends' on social media. Luke made a 'friend' of a girl who was chatty, friendly and apparently pleased to spend her cyber time with him. She told Luke that she was 16 years old and in time they began to exchange explicit messages and later photographs of a sensitive nature. There was no coercion or unkindness. One night, Luke's sleep was shockingly interrupted by a number of police officers who marched him to the police station where he was accused of grooming an underage female. It transpired that Luke was conversing with a 13 year old girl and the messages and photographs had been discovered by her parents, who were understandably alarmed and reported them to the police. Luke had never doubted the girl in question. He believed that everyone told the truth.

Areas for discussion:

- What constitutes friendship?
- What is safe to share via the Internet?
- Who can you talk to if you are not sure about something?
- How can you tell if a person is telling the truth?
- Why is the above example considered wrong in the eyes of the law?
- What is grooming?
- Why is a child an inappropriate partner for an adult?
- At what age does a person become an adult?
- Consider the possible consequences of this action (e.g. the sex offenders register and what that means).
- The dangers of social media.
- Explore what social activities are available in your area to decrease dependence on the internet.
- Draw up a contract together re internet use and perhaps have a timer when access is stopped.
- Discuss the importance of not loaning an electronic device to anyone else.

Case study 2. Andrew

Andrew's parents were contacted by the police when he was accused of assault. Andrew was 19 years of age and had a tendency to spend time with children much younger than himself who he found less intimidating and easier to follow and keep up with. He had, without his parents' knowledge been frequenting a local playground and was, it transpired, being exploited by others who were stealing and damaging his possessions and ridiculing him. One 8 year old child had been kicking him in the shins and calling him names. He had (in what might be seen as a great show of self-restraint) asked the young boy politely to stop to no avail and so he pushed him away where the boy fell and grazed his knee. His mother decided to press charges as she was worried about this seemingly grown man 'hanging about around children'. Andrew was found guilty of common assault.

Areas for discussion.

- What age range should an adult be socialising with?
- How might Andrew have managed the situation better (eg walked away)?
- What constitutes a friendship?
- What hobbies/interests might be used to fill his time productively?

- Why touching a child without their consent is considered assault.
- Why you should not accept ridicule or the damage of your own property.
- What is exploitation?
- Who might you talk to if worried?
- Talk about assertiveness.

Case Study 3... Sarah

Sarah was a 23 year old woman with a number of overlapping conditions including dyspraxia. She worked in an office and was pleased to have a job which she was able to manage. Her mother noticed that she rarely had any money and it transpired that each Friday she was treating everyone to a drink at the local pub after work and lending her 'friends' money that they said they really needed. On further investigation Sarah was found to be in quite serious debt. She refused to discuss any of it with her parents who were extremely concerned.

Areas for discussion.

- What is debt?
- What are the possible consequences of debt?
- What constitutes friendship?
- How to be more assertive.
- When it is Ok to refuse a request for money.
- Why people should take turns to share.
- Perhaps invite a workmate home for supper.

These three examples highlight the difficulties that may be encountered by some young people who find themselves rather confused by societal norms and unable to decipher what is appropriate and inappropriate behaviour. Without a best friend to turn to for guidance, or peers to lead by example they were left to navigate these issues alone and each of them ended up in an unenviable situation which caused them and their families an enormous amount of stress and anguish.

The first piece of advice to parents is: don't take anything for granted as far as knowledge (particularly of a sexual nature) is concerned. Like all young people, those with dyspraxia will enquire and experiment just as other young people do and it is advisable to have frank and open discussions about the risks involved, and how those risks can be avoided especially in the age of fast moving social media. Talk about what constitutes a friendship or partnership and what people who care for each other do and don't do for and to each other. Talk about consent and age appropriate behaviour.

Be aware of your young person's whereabouts and internet habits and if possible talk to them about contacts on social media and the risks involved in sharing information with others. The Dyspraxia Foundation publishes an excellent information sheet around Cyber safety which is available free of charge to members.

Young people with dyspraxia are undoubtedly vulnerable, often open to suggestion and may engage in criminal activity in order to acquire 'friends'. Some may engage in acts of theft to impress others and some may experiment with drugs simply because another person suggests that is a good idea.

If you are concerned about matters at work it might be worth having a discussion with your young person's employer or asking the police to have a frank conversation in the workplace about the exploitation of vulnerable others. However this would need to be very carefully managed as the young person has every right to refuse any help or intervention. Perhaps there is another trusted adult that your young person is more likely to talk and listen to.

Some TV programmes and TV Soaps cover some gritty topics. If you watch these as a family, take the opportunity to explore the topic further. Don't avoid it because it is uncomfortable. Subjects are only taboo because people refuse to talk about them in a relaxed and comfortable way.

You may be able to seek some legal advice from a charity such as MENCAP or the National Autistic Society (if appropriate) who offer a legal service.

Have parental controls established on your computers at home, even for adults. It is easy to 'happen upon' content of a sensitive (or illegal) nature without meaning to.

If you are unsure how to tackle sensitive topics you can find some useful easy to understand booklets available online. Whilst these are aimed at people with a learning disability rather than a person with dyspraxia, they are nonetheless a useful resource that a young person can look at on their own and are likely to understand without further explanation.

<http://www.changepeople.org/shop/products/sex-and-relationships-collection>

Navigating the Criminal Justice system.

Melanie Jameson is a consultant in Specific Learning Difficulties/differences, and since 2008 she has focused her work on spreading awareness of SpLD's throughout the Justice system. Melanie has written and produced an excellent guide which is full of all the information you will need if you find yourself in this system, which can be very worrying and puzzling.

<http://www.dyslexia-malvern.co.uk/docs/justice/Coping%20With%20Courts%20%26%20Tribunals.pdf>

It is important to let the police know as soon as possible that the young person has a learning difficulty and how it affects them. Also disclose any mental health conditions such as anxiety. This can be done as part of the logging in procedure. Your young person may just attend for a police interview in the first instance and no actual charges made at this time. You may have some current assessment results that would be useful.

People with dyspraxia should carry some information about dyspraxia/DCD on their person at all times. The Dyspraxia Foundation has an excellent wallet sized Alert card which can be purchased here... <https://dyspraxiafoundation.org.uk/shopping/product/other-items/dyspraxia-alert-cards/>

Do not expect the police officers or duty solicitors to know anything about the condition. **If you are at all concerned about your young person's ability to answer questions then make it known clearly as soon as possible.** It may be possible though to ask for an officer who has some training in learning disability/Autism and he or she is likely to have a better idea how to approach your young person. There is a published guide for police relating to autism and much of the information contained within that is relevant and helpful.

[file:///C:/Users/User/Downloads/Autism-a-guide-for-police%20\(2\).pdf](file:///C:/Users/User/Downloads/Autism-a-guide-for-police%20(2).pdf)

The College of Policing is clear that police officers should have the training and skills to identify when a person is vulnerable. All forces should have a definition of vulnerability. This does not mean that the police need to be able to diagnose specific illnesses or disabilities, rather that they need to recognise when intervention from partner agencies, such as health professionals, may be necessary. If you do not have any up to date assessment material to help your case there may be the possibility of asking for psychometric testing or a psychologist's opinion on your ability to follow proceedings. Ask the duty solicitor about this.

If your young person has a social worker, involve them if possible.

Be prepared for a great deal of anxiety and pressure if your young person finds themselves having to navigate and cooperate with the criminal justice system. You may want to consider visiting your GP for advice as to how the stress may best be alleviated for the young person and your family.

Investigations tend to be slow and interviews can be intimate and intrusive in certain circumstances. Prepare your young person for this and support them as best as you can. They are likely to be very anxious. Be cooperative and polite and work with the police as far as is possible.

Remember that each case is different, as is each vulnerable person.

Watch your young person after an interview has taken place as these can be traumatic.

Further information

A simple guide to the way in which an investigation progresses and is run can be found here:-

<http://www.intermediaries-for-justice.org/parents-carers/>

A short information sheet by Melanie Jameson entitled Access to Justice can be found here

https://www.bdadyslexia.org.uk/common/ckeditor/filemanager/userfiles/Dyslexic_Main_Tab/Access_to_Justice_BDA_2017_002.pdf

There is a guide to Autism for the Police available at: [file:///C:/Users/User/Downloads/Autism-a-guide-for-police%20\(2\).pdf](file:///C:/Users/User/Downloads/Autism-a-guide-for-police%20(2).pdf)

There is some very useful information about the process for vulnerable individuals here:

<http://www.intermediaries-for-justice.org/>

Supporting vulnerable people who encounter the police: A strategic guide for police forces and their partners:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/405397/6.379_Supporting_guidance_web_doc_v3.pdf

The welfare of vulnerable people in police custody:

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-welfare-of-vulnerable-people-in-police-custody.pdf>

The National Police Autism Association (NPAA) was founded in 2015 to support UK police officers, staff and volunteers who are affected by autism spectrum condition (including Asperger syndrome) and other hidden conditions including dyslexia, dyspraxia and ADHD. The NPAA supports those who are affected personally by these conditions, carers for children and family members, and those with a professional interest. They maintain a network of force champions, and run a closed web forum for members of the police and criminal justice family

For more information, visit the NPAA website at www.npaa.org.uk

MENCAP. Advice re your rights. https://new.mencap.org.uk/sites/default/files/2016-06/Your%20rights%20when%20you%20are%20living%20in%20the%20community_EASYREAD_3%20%281%29.pdf?_ga=2.164477690.495629460.1514649403-1096776669.1514649403

NAS helpline: <http://www.autism.org.uk/get-involved/about-us/contact-us.aspx>

The Appropriate Adult network:

<http://www.appropriateadult.org.uk/index.php/policy1/vulnerable-adults/9-public-articles/143-looking-out-adults>

Books

Attwood, T (2014) *The Autism Spectrum, Sexuality and the law. What every parent and professional needs to know.* This book is a very useful and enlightening case study of a 27 year old man with Aspergers syndrome who was accused of downloading child pornography. It is set in America where the criminal systems are different but it is none the less useful. There are a number of useful research documents sited in the references also.

Backen, P (2017) *They Just Don't Get It: Communication and the Work of an Intermediary in the Vulnerable People in the Justice System*

Dubin, L (2017) *Caught in the Web of the Criminal Justice System: Autism, Developmental Disabilities, and Sex Offenses*

Fanstone, Claire, (2005) *Learning Disabilities, Sex and the Law: A Practical Guide* Pub fPA

MacDonald, S,J (2010) *Crime and Dyslexia: A Social Model Approach*

Further information available from:

Dyspraxia Foundation, 8 West Alley Hitchin Herts SG5 1EG

Helpline Tel: 01462 454986

Admin Tel: 01462 455016

Fax: 01462 455052

Web: www.dyspraxiafoundation.org.uk

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