

Autism in prison: Perspective on the current scenario

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Abstract

According to a supervising attorney, “[Prison] mirrors or echoes what goes on in society. People with disabilities are often hidden and not seen”. In reality, prisons are not the only setting in which autistic people face discrimination. In all environments, including the society in which they should be free, autistic people are targeted and face cruel treatment. Prisons are only a more extreme example of the enduring issue. This article is an attempt to bring forth the societal response to autism spectrum disorder in the prison setting.

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Introduction

Around fifty percent of people in prison have a neurodiverse condition. And, around nine percent of incarcerated individuals are on the autism spectrum. That may seem like a small number, but it actually accounts for over 100,000 individuals nationwide. ASD rates inside correctional facilities are roughly twice that of the general population. With such a large proportion of the prison population having some sort of neurodevelopmental disorder, there should be many resources available to them. However, the prison setting does not adequately provide support for the neurodiverse [3].

Embrace Autism, an autism research organization, has researched several factors that make prison a non-conducive environment for autistic people. Autistic people are convenient targets for bullying, manipulation, and sexual abuse by other inmates and guards. People with ASD sometimes struggle to register nonverbal communication such as facial expressions, which makes navigating prison even more dangerous. Furthermore, people with autism can have sensory-processing issues that cause stimuli, like the routine opening and shutting of doors, to induce anxiety [4].

Many autistic individuals share stories about their struggles in the justice system even before entering prison. Often, autistic individuals are taken advantage of and manipulated, causing such a vast amount to enter correctional facilities [5].

According to a clinical psychologist’s report, “People with autism don’t comprehend unwritten rules”. Many autistic individuals find it difficult to recognize the unspoken code of conduct. Many times, autistic individuals find it difficult to act accordingly with the prison norms. For example, they may not understand that they should not venture into areas considered “off-limits” but that were never explicitly stated to be. It is also not socially acceptable to betray or snitch on the other inmates, but many prisoners with ASD cannot comprehend this norm and fail to obey it. They often face retaliation from other inmates in the form of bullying and physical abuse [6].

Autistic people are more likely to become the target of bullies or get involved in fights because they are seen as reactive or gullible. Though they are frequently bullied and abused, most prisons lack the proper mental health care for autistic inmates. This is because it is often difficult to recruit qualified mental health professionals to work in prison and retain those who

do, leading to staff shortages. The US Federal Bureau of Prisons mandates that federal prisons employ one psychologist for every 500 inmates, but prison psychologists tend to have a much higher load because prisons are overcrowded and understaffed. Due to this inherent issue, many inmates with autism go undiagnosed, and the diagnosed ones fail to receive proper attention and care [6].

On many occasions, prison staff are ignorant of the needs of autistic individuals. Inmates with ASD can receive disciplinary write-ups for being unable to submit urine samples for drug tests. A common phenomenon is “shy bladder”, a condition that makes them too anxious to use the bathroom when others are nearby. Prison officials punish them by pushing their release dates back or docking their prison job pay [6]. Autistic inmates also may be punished for failure to perform manual tasks that are assigned as part of their jobs. Superiors in the carceral setting may deem their inability to perform tasks as an act of rebellion rather than a sign of their autism. People with ASD, especially women, learn to mask their symptoms in order to blend in with the crowd [7]. Due to the lack of trained specialists in prisons, these inmates cannot receive the care and attention that they require and deserve.

Staff also fail to recognize a prominent characteristic of autism: hypersensitivity, or heightened senses. Autistic inmates experience sensory overload in prison due to fluorescent lights and overwhelming odors. That being said, the opposite also exists. Many autistic individuals possess hyposensitivity, or diminished senses [7].

Autistic inmates continue to struggle in prison environments. Prisons do not fulfill the promise that the Americans with Disabilities Act (ADA) makes of equal access to programs and services in correctional facilities. The ADA does not adequately protect incarcerated individuals with disabilities. Despite advocates documenting the cruel treatment and conditions faced by those with disabilities, little has changed. One reason for this may be that many states don't adequately identify prisoners with developmental disorders. A reliable and valid screening tool should be formulated and circulated within prisons to screen for developmental and intellectual disabilities. The Marshall Project sent 50 questions to all 50 state corrections departments asking whether and how they screen for developmental or intellectual disabilities. Of the 38 agencies that responded, 25 reported using screening protocols that don't meet professional standards according to mental and legal health experts. There are reports in the literature citing the testing of screening tools [9,10].

Conclusion

People with disabilities are overrepresented in the criminal justice system, and they rarely receive the proper care that they need. Those on the autism spectrum already face challenges in social settings and with authority figures, so these obstacles are only exacerbated in the prison setting. The Americans with Disabilities Act (ADA) is supposed to prohibit discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and state or local government programs and services. Therefore, the ADA applies to all state prisons and local jails. The proactive approach of the government for proper implementation of screening protocols in prisons cannot be overemphasized.

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