

# Unseen and Misunderstood

## Autism in Teens and Adults Who Mask or Are Undiagnosed

### A 30-Minute Training for Public Defenders

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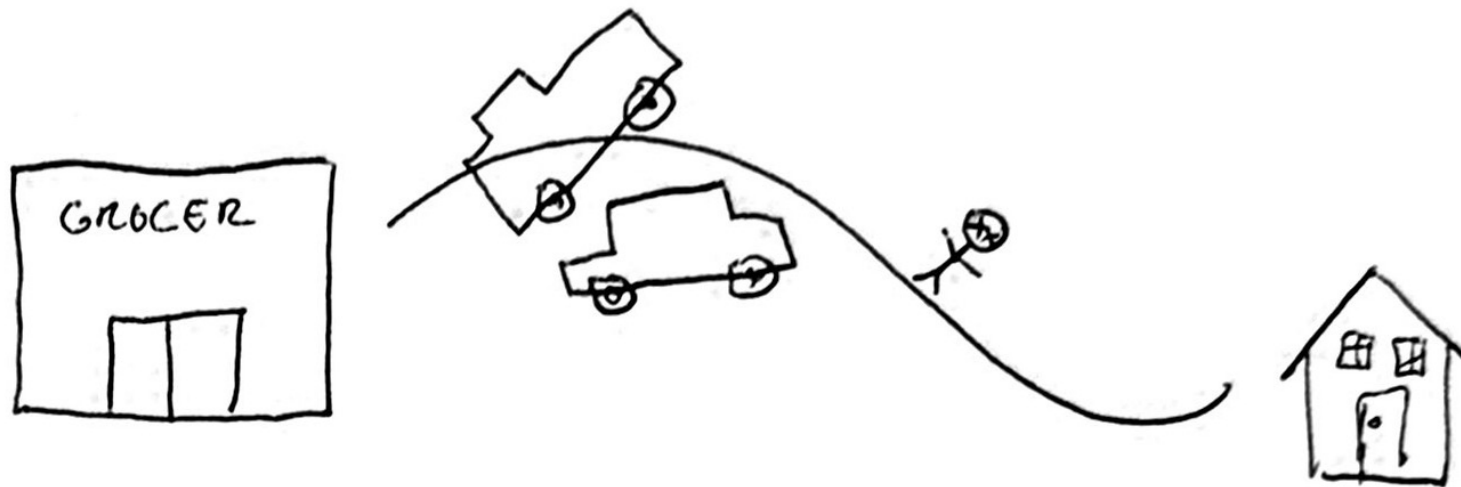
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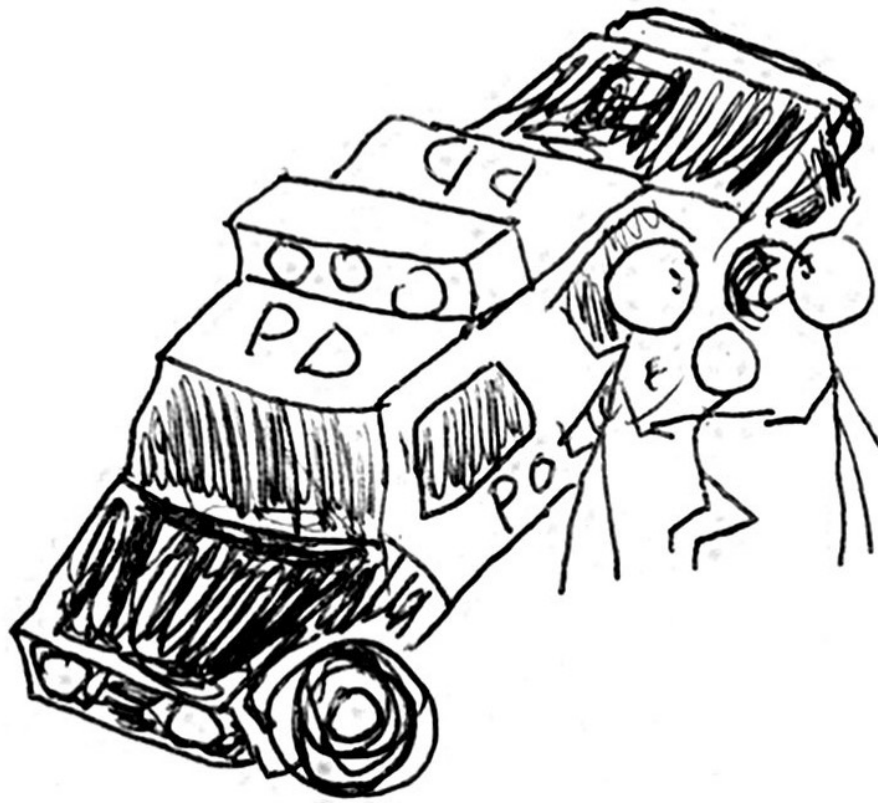
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## Case: Vehicular Homicide

- Driving the usual route
- Doesn't process hitting the pedestrian
- Thinks the incident = being stopped later





## Case: Vehicular Homicide

- Falling down, stumbling as if drunk

## Case: Vehicular Homicide

- Seems uncaring, looks guilty to detectives
- Immature responses to learning of the death
- Denies then confesses, including to things that did not happen
- Charged with vehicular manslaughter, fleeing the scene, and DUI



# Why This Matters

- Autism affects behavior, communication, and perception
- Teens/adults may mask or be unaware of their diagnosis
- Misunderstood traits can lead to unfair legal outcomes

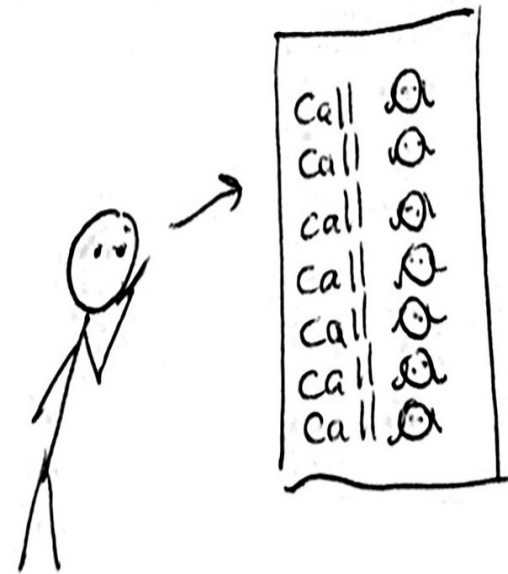
# Autism 2025

- Social communication
  - Restricted range of interests
  - 1/31 in US; 1/19 in CA (CDC 2025, for 2022)
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- Sensory and Motor challenges
  - Can appear odd, easily bullied
  - Prone to agitation

# How Autism May Present

- Communication: formal, flat, or overly literal speech
- Sensory: easily overwhelmed by noise or light
- Motor: little facial expressiveness, floppy, stiff, pacing, tics, flapping, and other odd movements
- Social Behavior: poor eye contact, awkward in using and reading nonverbal cues
- Routines: rigid habits, perseverative behavior, distress with change
- Executive Function: difficulty with attention, planning, or time management

*Uncanny valley*



# What is Masking?

- Concealing autistic traits to appear neurotypical
- Motivated by lifelong critiques, and by fear of bullying, social rejection, or discrimination
- Leads to exhaustion, anxiety, and identity confusion

*How well does it work?*

# Legal Implications

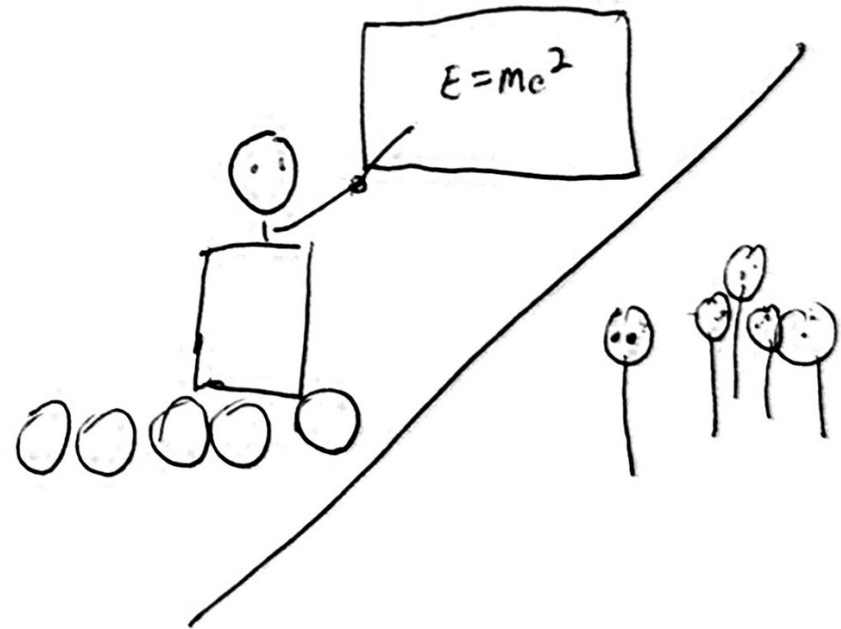
- Behaviors mistaken for threat, guilt, defiance, or lack of remorse
- Risk of false confessions and poor courtroom performance
- Need for appropriate evaluations (including for competency to stand trial) and accommodations (eg ear protectors, beanbag chairs, allow to pace)

# Tips for Public Defenders

- Look for verbal vs. functional mismatches: *'High Functioning' ≠ functional or competent*
- Ask about school, bullying, sensory issues, motor problems (low tone, poor coordination) or misdiagnoses
- Check for conservatorships and supported decision-making statements
- Use literal language, allow extra time for people to respond
- Preparing autistic witnesses: Ironically, use masking? *Say one sentence well*
- Request forensic autism evaluations when needed

## How we managed the defense

- Not having the person testify
- Explaining autism to the court
- Clarifying that people can do well at school and driving but be prone to falling when upset, appear uncaring, and easily manipulated in interviews
- Outcome: Misdemeanor, not felony



# Conclusion

- It's not just justice denied—it's misdiagnosed.

What looks like defiance may be distress. What looks like guilt may be masking. If we fail to see autism, we risk punishing people for who they are, not what they've done.

- You might be the first person to see them clearly.

A public defender may recognize their struggles not as noncompliance or threat, but as signs of unmet needs. That recognition can change the course of a life, not just a case.

# Responder & Interrogation Resources

<b>VirTra</b>	<a href="https://www.virtra.com/overview-le/autism-awareness">https://www.virtra.com/overview-le/autism-awareness</a>
<b>IBCCES</b>	<a href="https://ibcces.org/law-enforcement">https://ibcces.org/law-enforcement</a>
<b>Hopkins Medicine</b>	<a href="https://www.hopkinsmedicine.org/all-childrens-hospital/services/autism-center/autism-training-for-first-responders">https://www.hopkinsmedicine.org/all-childrens-hospital/services/autism-center/autism-training-for-first-responders</a>
<b>IACP</b>	<a href="https://www.theiacp.org/IDD">https://www.theiacp.org/IDD</a>
<b>Blue Envelope Program</b>	<a href="https://www.sdsheriff.gov/community/blue-envelope">https://www.sdsheriff.gov/community/blue-envelope</a>
<b>Autism Risk Management</b>	<a href="https://autismriskmanagement.com">https://autismriskmanagement.com</a>
<b>Blue Bridge Training</b>	<a href="https://bluebridgetraining.com">https://bluebridgetraining.com</a>
<b>Be Safe The Movie</b>	<a href="https://besafethemovie.com">https://besafethemovie.com</a>
<b>Take Me Home Registry</b>	<a href="https://www.sdsheriff.gov/community/take-me-home-registry">https://www.sdsheriff.gov/community/take-me-home-registry</a>