

Not Criminally Responsible: Autism and Forensic Healthcare

ACT's 13th Annual Focus on Research Conference
Mental Health – Looking Beyond Autism
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Learning Objectives

1. Learn about international research outcomes relating to forensic healthcare and ASD
2. Learn some risk and protective factors for individuals with ASD before, during, and after contact with the forensic healthcare system
3. Recognize practice complexities, challenges, and gaps in forensic and psychiatric healthcare service delivery for individuals with ASD

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Forensic Healthcare

- Subspecialty of mental health care and criminal justice system
- Consultation, assessment, outpatient, and inpatient supports
- Provincial Review Boards governed by Criminal Code of Canada
- Inpatient programming in Canada (Livingston, 2006)
 - 25 inpatient programs with 1523 beds
 - 88.7% male



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Forensic Healthcare and ASD

- Some research and clinical attention for individuals with intellectual and developmental disabilities
- ASD has only recently gained some attention, and has not yet been explored in the Canadian context
- Prevalence outcomes are limited and inconsistent
- ASD in itself does NOT increase risk of engagement in criminal behaviours



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Forensic Healthcare and ASD: Risk and Protective Factors

- Potential Risk Factors
 - Co-occurring personality disorder, substance use, or psychosis
 - Executive functioning, emotion regulation, sensory sensitivities
 - Theory of mind
 - Rigidity, narrow interests
 - Social isolation/bullying
 - Later age of ASD diagnosis
 - Family history and context



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Forensic Healthcare and ASD: Risk and Protective Factors

- Potential Protective Factors
 - Less likely to engage in alcohol and drug use (in study of forensic clients)
 - Less likely to engage in pre-meditated crime
 - More amenable to affirm guilt
 - Rule adherence
 - Evidence-based interventions
 - Family system
 - Community involvement



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Forensic Healthcare and ASD: Practice Challenges

- **Diagnostic challenges**
 - Overlap/misunderstanding symptom presentation
 - Gaps in professional knowledge of ASD
- **ASD characteristics**
 - Variety in presentation of ASD
 - Social Communication
 - Routine/structure
 - Sensory differences
- **Criminal Responsibility**
- **Limited evidence-base to inform practice**



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Take Home Messages

- Consider preventative interventions that enhance protective factors and address risk factors prior to involvement in criminal behaviours
- Increase supports for individuals with ASD already in forensic system to address diagnostic challenges, treatment considerations, and systemic barriers
- Advocacy and education for forensic and psychiatric clinical and research professionals
- Increase conversations between individuals with ASD, their families, communities, and mental health professionals. What are the individual experiences?

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For more information

Chapter 5
**Mental Health, the Autism Spectrum, and the Forensic System:
Implications for Social Work Practice**
In:
Social Work, Intellectual and Developmental Disabilities in Canada

Morris, R. (2017). Mental health, the autism spectrum, and the forensic system: Implications for social work practice. In K.P. Stoddart & A. Schormans (Eds.), *Social Work, Intellectual and Developmental Disabilities in Canada*. Waterloo, ON: Wilfrid Laurier University Press.

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Cited references available upon request.



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