

“This Giant Steamroller That’s Moving Inexorably Towards You,
But Very, Very Slowly”:

An Interpretative Phenomenological Analysis

of Autistic Adults’ Experiences

of the Aotearoa New Zealand Criminal Justice System

Tanya Breen

2021

A thesis submitted to Auckland University of Technology

in fulfilment of the requirements for the degree of

Doctor of Health Science

Abstract

The past two decades have seen increasing social science and legal interest in the relationship between autism and criminal justice. Most publications have been case study or legal analyses, or focussed on quantitative topics (for example prevalence or offence type). What is noticeable by their relative absence are the voices of autistic people, especially those who have been suspected of or charged with a crime, and for whom legal proceedings occurred in the regular criminal system. This runs counter to the goals of the autism rights movement and critical autism studies which value the experiences and opinions of autistic people, and promote research that will make a positive difference to their lives. This research investigates the lived experience of 10 autistic adults subject to the Aotearoa New Zealand criminal justice system. Through interpretative phenomenological analysis, six superordinate themes were identified. Illustrated through participant quotes, these were: unease with New Zealand Police; overwhelming legal processes; encounters with mental health professionals; the impact on self and others; recommendations from the participants; and adversity across the lifespan. The thesis also identified four factors, power, process, perception and participation, that both influenced how the participants made sense of their CJS experiences and were compelling forces for change.

2.4	Procedural Justice	42
2.4.1	Emergence in research and definition	42
2.4.2	The social engagement model	43
2.4.3	Legitimacy and compliance.....	44
2.4.4	Procedural justice research with specific groups.....	45
2.4.5	Section summary	47
2.5	Research into Autism, Criminal Justice and Offending	47
2.5.1	Speculation of a link between autism and criminal offending.....	47
2.5.2	Offending prevalence and rate of contact with the CJS.....	49
2.5.3	Contemporary conceptualisations of offending by autistic people	51
2.5.4	The impact of autism in legal proceedings	53
2.5.5	Autism knowledge, understanding and accommodation in the CJS.....	54
2.5.6	Autistic offending.....	57
2.5.7	Section summary	60
2.6	Autistic Perspectives in the Criminal Justice System	61
2.6.1	The personal account.....	61
2.6.2	Emergence of autistic voices in research on police, justice, and criminal offending.....	62
2.6.3	Contact with police and police custody processes	66
2.6.4	Court attendance and contact with legal professionals	68
2.6.5	Imprisonment or detention in high secure psychiatric services	69
2.6.6	Autists' accounts of their offending.....	70
2.6.7	Section summary	71
2.7	CJ-Involved Autists in Aotearoa New Zealand	72
2.7.1	Number of CJ-involved autists in Aotearoa New Zealand.....	72
2.7.2	Reported legal cases involving CJ-involved autists	72
2.7.3	Section summary	74
2.8	Summary of Literature Review	74
Chapter 3 Methodology and Method		77
3.1	Research Methodology: Interpretative Phenomenological Analysis	77
3.1.1	Rationale and description	77
3.1.2	Phenomenology, the first foundation of IPA	80
3.1.3	Hermeneutics, the second foundation of IPA.....	82
3.1.4	Idiography, the third foundation of IPA	84
3.1.5	IPA strategies for data analysis	85
3.1.6	Criticisms of IPA	87
3.1.7	Scientific rigour in qualitative research and IPA	89
3.1.8	Why IPA is right for this thesis	90
3.2	Research Preparation and Participant Recruitment	91
3.2.1	Ethical approval.....	91
3.2.2	Identification of the researcher's preconceived ideas and assumptions... 92	

3.2.3	Risk to participants and researcher	92
3.2.4	Consultation.....	93
3.2.5	Research advisory group.....	93
3.2.6	Familiarisation with the CJS	94
3.2.7	Recruitment and sampling.....	94
3.2.8	Inclusion and exclusion criteria.....	96
3.2.9	Informed consent.....	97
3.2.10	Interview preparation	98
3.2.11	Identification of data collection accommodations	99
3.3	The Participants	100
3.3.1	Socio-demographics and autism diagnosis	100
3.3.2	Accommodations during data collection	102
3.3.3	Encounters with the Aotearoa New Zealand criminal justice system.....	104
3.3.4	Interpretative narratives.....	107
3.4	Data Analysis.....	118
3.4.1	Transcription, and preparation of transcripts for annotation.....	118
3.4.2	Additional information from three participants	119
3.4.3	Reading and re-reading.....	119
3.4.4	Hand analysis and initial noting	119
3.4.5	Developing themes, and searching for connections across themes	120
3.4.6	Bringing it all together for each participant.....	120
3.4.7	Looking for patterns across cases	121
3.4.8	Two levels of interpretation.....	121
3.4.9	Data quality checks	121
3.4.10	Consideration of autism during interviews and in data analysis	122
3.4.11	Lessons learned.....	123
3.4.12	Reflective review of data analysis.....	125
3.5	Summary of Methodology and Method	129
Chapter 4 Findings and Interpretation		130
4.1	Participant Findings	131
4.1.1	Overview of superordinate themes and themes	131
4.1.2	Superordinate Theme 1: Unease with New Zealand Police	132
4.1.3	Superordinate Theme 2: Overwhelming legal process	140
4.1.4	Superordinate Theme 3: Encounters with mental health and disability professionals.....	156
4.1.5	Superordinate Theme 4: Impact on self and others	160
4.1.6	Superordinate Theme 5: Recommendations from the participants	170
4.1.7	Superordinate Theme 6: Adversity across the lifespan	179
4.2	Researcher Interpretation	183
4.2.1	Overview of factors.....	183
4.2.2	Factor 1: Power	184

4.2.3	Factor 2: Process	186
4.2.4	Factor 3: Perception.....	189
4.2.5	Factor 4: Participation.....	192
4.2.6	Summary of researcher interpretation	194
4.3	Summary of Findings.....	194
Chapter 5 Discussion.....		196
5.1	Discussion of Findings	197
5.1.1	Difficulties anticipated and realised.....	197
5.1.2	Previous adverse experiences.....	200
5.1.3	Important relationships	201
5.1.4	Importance of autism to all participants' CJS journeys.....	204
5.1.5	Relevance of procedural justice	211
5.1.6	Reflections on consistency with policy and guidelines	214
5.1.7	The contribution of power, process, perception and participation	217
5.1.8	Qualitative research with autistic people and universality of experience.....	219
5.2	New policy framework and context	219
5.3	Implications for policy and practice	221
5.3.1	Overview of implications	221
5.3.2	Redress autistic disadvantage.....	222
5.3.3	Ensure fair and respectful CJS experiences.....	224
5.3.4	Recognise autism within the CJS and facilitate diagnostic assessment ...	226
5.3.5	Refer CJ-involved autists to mainstream and autism-specific support	228
5.3.6	Utilise autism knowledge and appropriate accommodations	229
5.3.7	Application of autism knowledge to offender management and therapy.....	230
5.4	Considerations for autistic people and autism allies	231
5.5	Strengths and Limitations	232
5.5.1	Strengths.....	232
5.5.2	Limitations	238
5.6	Future research.....	242
5.6.1	Deeper understanding of CJS experiences.....	242
5.6.2	More valuing attitudes and professional development in autism	243
5.6.3	Development of a more therapeutic CJS	243
5.6.4	Autism prevalence in the CJS and screening.....	244
5.6.5	Perceptions of procedural justice in the autistic community	244
5.7	Conclusion.....	244

References	248
Table of Statutes	299
International Covenants and Declarations	299
Glossary	300
Appendices	301

List of Tables

Table 1. Socio-demographic characteristics of participants	101
Table 2. Diagnosis of autism	102
Table 3. Data collection, accommodations, and interview.....	104
Table 4. Encounters with the CJS.....	106
Table 5. Superordinate themes and themes.....	132
Table 6. Factors.....	184

List of Appendices

Appendix A: Ethics Approval.....	301
Appendix B: General Principles and General Obligations of the CRPD	302
Appendix C: Invitation to Participate in Research	305
Appendix D: Distribution of Recruitment E-mail	306
Appendix E: Information Sheet.....	307
Appendix F: Questions and Answers Form	310
Appendix G: Consent Form	312
Appendix H: Interview Schedule	314
Appendix I: E-mailed Questions	316
Appendix J: Transcriber Confidentiality Agreement	318
Appendix K: Developing Themes	319

Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

10 December 2021

Signature

Date

Acknowledgements

This thesis would not have been possible without my wonderful support team. Firstly, my thanks go to Professor Kate Diesfeld and Associate Professor Brigit Mirfin-Veitch for their exacting standards and thoughtful supervision. You were always there when I needed you, and I couldn't imagine completing this journey without each of you.

Thanks also to Shoba Nayar for transcribing the interviews, and Sue Knox for the formatting help.

Next, I have to thank my husband, Trefor. Yet again, you've supported me through a thesis. But unlike last time, you were with me from the beginning of this one, and I didn't need you to draw graphs! Like I have said many times, you are my rock. Without your patience, understanding and love, I would be lost.

There are other important people in my family to thank. Tanwen, it's been great sharing our doctoral journeys, and still making time for fun. Chris, thanks for being patient while Tanwen and I spoke at length about autism, research methods and methodology, and that damned data analysis. Taliesin and Maria, even though you are far away, our weekly video calls have been wonderful. Cheryl, my big sister, thanks for all of you encouragement and confidence. You all mean the world to me.

Thanks to Upwards and Onwards, especially Kath, Lizzie, Sarah and Anne C. Our DHSc check-ins were a highlight of my week. I'm also including you, Amanda and Anne H. (Thing 1 to my Thing 2).

I have lots of wonderful friends to thank. There is not enough room to list what you did, but you were integral to my team. So, thanks to Tara, Amanda, Frances, Sharonn,

Sue, Karen D., Karen T., Bernard, Lia, Rachel, Steve, Marita, and everyone at book club.

Please forgive me if I have missed anyone off this list.

My sincere thanks my autistic friends and wonderful participants. I hope that I have risen to the challenge that you set. Next time, let's research together!

Ethics Approval

Ethical approval (17/168) was granted by the Auckland University of Technology Ethics Committee (AUTEC) on 9 October 2017 for a term of three years, until 9 October 2020 (see Appendix A: Ethics Approval). An amendment to the ethical application was granted on 13 March 2019, to enable inclusion of data provided during a participant's interview, by their support person, and with the participant's consent.

List of Abbreviations

ASD	Autism Spectrum Disorder
CAS	Critical Autism Studies
CJS	Aotearoa New Zealand Criminal Justice System
CRPD	United Nations Convention on the Rights of Persons with Disabilities (Holman et al., 2018)
CPMIPA	Criminal Procedures (Mentally Impaired Persons) Act 2003
DSM	Diagnostic and Statistical Manual of Mental Disorders
Guideline	New Zealand Autism Spectrum Disorder Guideline
ICD	International Classification of Diseases
IDCCRA	Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003
IPA	Interpretative Phenomenological Analysis
MHCATA	Mental Health (Compulsory Assessment and Treatment) Act 1992
MHDP	Mental Health and Disability Professionals
LGG	New Zealand Autism Spectrum Disorder Guideline Living Guideline Group
NZDS	New Zealand Disability Strategy: Making a World of Difference: Whakanui Oranga

Chapter 1 Introduction

1.1 My Journey into Doctoral Studies

There are days that unexpectedly change your world. This thesis came from one of those days. I was sitting at my desk when the telephone rang. It was a defence lawyer with whom I had worked with once before. He called to see if I could help out on an unusual case that he had just taken on. A person had seriously injured a family member in circumstances that were hard to understand. If found guilty, a long term of imprisonment was likely. Years earlier, a psychologist had suspected that the person might be autistic. My brief was to carry out a comprehensive psychological assessment of the person. I had to identify any relevant diagnoses and consider how any diagnoses may have contributed to the person's behaviour at the time of the alleged offending and police interrogation. Also needed were recommendations for offender management and treatment.

At that stage, I had been a clinical psychologist for over 25 years. I had worked in intellectual disability and head injury services for much of that time. However, I enjoyed working with people who fell between services. People with intellectual challenges, but were ineligible for intellectual disability services. People with cognitive problems but were not brain injured. People whose behaviour and emotional states challenged others but did not fit easily into a mental health diagnosis. People who had been labelled unmotivated or treatment-resistant when their responses to medication or therapy were atypical. I also developed an interest in autism and was on the writing team of the New Zealand Autism Spectrum Disorder Guideline (Ministries of Health & Education, 2016). In time I realised that many clients who had fallen between services were actually autistic.

After considerable reflection, I decided to accept the referral. True to the scientist-practitioner model of psychology in which I was trained (Baker & Benjamin, 2000), I looked to the academic literature on autism and offending. Although I found a small number of articles, few were scientifically robust. I was shocked. However, I drew upon what was there and got on with the job. Long after those legal proceedings were over, my astonishment at the dearth of good quality research on autism and offending remained.

Several years on, my practice moved to have an even stronger focus on autism. In addition to seeing autistic clients and their families/whānau, I acted as the clinical consultant for Altogether Autism (an autism-specific information and advisory service funded by Aotearoa New Zealand's Ministry of Health), provided autism training to other professionals, and liaised closely with members of the autistic community. I loved my work, but I was tired and frustrated. It seemed that every day I was contacted by mental health and disability professionals who lacked autism knowledge or confidence. I was busy at the bottom of the cliff but wanted to effect change at the top. Doctoral research in autism seemed likely to be my ladder. I hoped that it would recharge me, and give me the skills and qualifications to take on a broader role in helping other professionals develop autism expertise. However, I also wanted my research to be meaningful to the autistic community in Aotearoa New Zealand. After consulting with several autistic friends, I found significant support for research into autism and the Aotearoa New Zealand criminal justice system (CJS). I enrolled, and my doctoral journey started. This thesis describes my research and learning journey.

1.2 The Research

This research sought to identify autistic adults' experiences within the CJS and articulate their understandings of those lived experiences. I was interested in the experiences of autists who had been suspected or convicted of criminal offending (henceforth I will use the term 'CJ-involved'), how they made sense of their involvement with the CJS, and their suggestions for how processes within the CJS could be more appropriate for autistic people. I hoped to demonstrate the value of autistic expertise to the CJS by considering the whole participant group's shared experiences. I believed that autistic expertise could influence positive changes for all autistic people in contact with the CJS and potentially the broader population of Aotearoa New Zealand. Finally, I considered that the research could contribute to the international literature on autism and criminal justice.

The research breaks new ground because the participants were legally competent adults, living in the community, and not drawn from prisons or mental health in-patient services. They processed through the regular CJS, and, if convicted, most (but not all) of their sanctions were community-based. Philosophically, the research draws upon a relatively new discipline, critical autism studies (CAS) (O'Dell et al., 2016; Orsini & Davidson, 2013). Methodologically it is located in interpretative phenomenological analysis (IPA) (Smith et al., 2009). This, too, is novel as IPA in autism research is an emergent field, recently encouraged in a leading autism journal (Howard et al., 2019). The combined use of IPA and CAS emerged only in 2008, with half of the 16 studies that fulfilled the criteria of a recent systematic review published post-2015 (MacLeod, 2019). Furthermore, I could not identify any research on autism and criminal justice that combined IPA and CAS or took place in Aotearoa New Zealand.

1.3 Terminology

Autism is known by many names. The current diagnostic label is autism spectrum disorder (ASD) (American Psychiatric Association, 2013; Ministries of Health & Education, 2016; World Health Organization, 2018). ASD has subsumed several earlier diagnostic terms: childhood autism, atypical autism, and Asperger's syndrome (Wing, 1981; World Health Organization, 1992); autistic disorder, Asperger's disorder, and pervasive developmental disorder - not otherwise specified atypical autism) (American Psychiatric Association, 2000); and autistic psychopathy, Kanner's disorder, and childhood schizophrenia (Volkmar, 2015).

This thesis uses the inclusive term 'autism' and the identity-first terms 'autistic person', 'autistic' and 'autist' to be consistent with the preferences of most autistic people (Bagatell, 2010; Kenny et al., 2015; Lowery, 2015; Mendability, 2015; Sinclair, 1999). However, formal diagnostic labels are used when specified in the scholarly work cited.

The use of te Reo Māori (Māori language) in Aotearoa New Zealand is increasing, and many Māori words are moving into everyday speech. Furthermore, several government departments are now known by two names, one English and one in te Reo Māori. For clarity, this thesis provides definitions of Māori when used but refers to ministries and organisations in English. However, Aotearoa New Zealand's founding document, te Tiriti o Waitangi (the Treaty of Waitangi), is referred to in te Reo Māori as this has become common practice.

Regarding Māori words for autism, it is acknowledged that takiwātanga was created and included in a glossary of Māori language use in the mental health, disability and addiction sectors (Opai, 2018). Used in research on autism in Aotearoa

New Zealand (Bowden et al., 2020), *takiwātanga* derives from “*tōku/tōna anō takiwā*”, a phrase the originator considered representative of autism because it translates into “my/his/her own time and space” (Opai, 2017, p. 13). Although this development indicates an awareness of autism amongst Māori, *takiwātanga* (or any alternative Māori term) has not been universally accepted.

1.4 Organisation of the Remainder of the Study

Chapter 2 (Literature Review) weaves together seven areas that historically, socio-politically, and academically locate the thesis. The first section provides information on autism and traces the journeys of autistic people living in Aotearoa New Zealand, from invisibility and institutionalisation to community living. The emergence of autistic advocacy follows, and the research priorities of autists are summarised. CAS, the thesis's theoretical approach, is addressed in the second section. The third section outlines the New Zealand CJS and focuses on the impact of the United Nations Convention on the Rights of Persons with Disabilities. The fourth section provides a critical overview of procedural justice, an area of research the relevance of which only became apparent during data analysis. Next, the fifth and sixth sections present a critical review of the academic literature on autism and criminal justice and the small body of research that reported what autistic people have said about offending and criminal justice. Here the gap filled by this study is identified. Finally, section seven provides information on how many autistic people are likely to encounter the CJS in this country, illustrated with selected case reports.

Chapter 3 outlines the methodology and method. First, it introduces the reader to IPA and justifies IPA as an appropriate methodological choice for this research. Then it describes how the study was undertaken. Next, group information on the

participants is summarised, alongside anonymised interpretative narratives of each participant's experience. The final section describes data analysis and ends with a reflective review.

Chapter 4 (Findings and Interpretation) presents the participant findings and the researcher's interpretation. Both are illustrated with relevant quotes from the participants. Being true to CAS, much of this chapter's focus is on the meanings that the participants made of their criminal justice experiences, which are presented as six superordinate themes and 16 themes. The final interpretation section identifies four factors that became meaningful to the researcher and links the participants' CJS experiences. They are power, process, perception, and participation.

Chapter 5 (Discussion) presents a critical analysis of the study. The findings and interpretation are located within the wider field of study, and the study's unique contribution to knowledge is identified. Implications for changes in policy and practice follow. Consistent with CAS, they start wide, addressing societal changes, then narrow down to focus on policy and practice with impacting directly on autistic people convicted of criminal offending. After considering the study's strengths and limitations, suggestions for future research are presented. The conclusion provides a summary of the thesis that reiterates its contribution to the academic field. The chapter ends with optimism that, in the future, CJ-involved autistic people will participate in a CJS that is fair, informative, respectful and therapeutic.

Chapter 2 Literature Review

This research sought to identify autistic adults' experiences within the Aotearoa New Zealand criminal justice system (CJS), and articulate their understandings of those lived experiences. The researcher was interested in how the participants experienced and made sense of the CJS, and their suggestions for processes of the CJS could be more appropriate for autistic people. It was anticipated that this thesis would demonstrate the value of autistic expertise to the CJS, influence positive changes for autistic people in contact with CJS, and the broader population of Aotearoa New Zealand. The research also has the potential to contribute to the international literature on autism and criminal justice.

This chapter has seven sections. The first introduces autism, then shows the emergence of autistic people in Aotearoa New Zealand from invisibility and institutionalisation into community living and participation. The second section addresses critical autism studies (CAS), the theoretical basis for the research. It identifies the components of CAS, its' philosophical underpinnings, and the processes utilised in CAS research. How CAS influences research follows.

The CJS is the focus of the next (third) section. After a brief summary, advances in human rights are linked to criminal justice and social policy developments in Aotearoa New Zealand. The fourth section addresses procedural justice.

To locate the research in the broader field, a review of the research literature on autism and criminal justice appears in the fifth section. However, first-hand views of autistic people do not appear in this section. They make up the sixth section, which addresses research on autism and criminal justice that contained autistic voices. Section seven provides information on how many people convicted of criminal

offending in Aotearoa New Zealand may be autistic, refers to case reports for examples of autism being considered in recent legal proceedings.

An estimate of the population of CJ-involved autistic adults in Aotearoa New Zealand appears in the final section. It makes reference to selected criminal case reports involving autists and shows that autism is a relevant factor in this country's criminal courts.

The chapter summary recaps the literature, and identifies the gap within which this unique research fits. It also demonstrates that the research is both timely and appropriate.

2.1 An Introduction to Autism

2.1.1 *Diagnosis, prevalence, gender and ethnicity*

Autism is commonly considered a lifelong, developmental disability that impacts human functioning across most, if not all, spheres of activity (Ministries of Health & Education, 2016). Referred to as autism spectrum disorder (ASD) in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5), the diagnostic criteria comprise of persistent deficits in social communication and social interaction, and restricted and repetitive or stereotypical patterns of behaviour, interests or activities (American Psychiatric Association, 2013). Hyper- or hypo-reactivity to sensory stimuli is also part of the diagnostic criteria. The 11th version of the International Classification of Diseases (ICD 11) (World Health Organization, 2018) contains a similar description of ASD.

It is important to note that the DSM 5 criteria for ASD deviate significantly from earlier editions. Notable changes include the conceptualisation of autism as a spectrum, removal of the distinction between autistic disorder and Aspergers

syndrome, and modifications that contributed to the precision and clarity of the diagnostic criteria (Lord et al 2014). However, the modifications attracted considerable debate, with concerns expressed about the evidence upon which they were made, their usefulness, and the implication for service provision and identity. This discourse is beyond the scope of the thesis, however interested parties are referred to Grzadzinski et al. (2013), Smith et al. (2015), and Volkmar and Reichow (2013).

In this thesis participants were required to specify that they had been formally diagnosed as autistic, and provide information on the profession of the diagnostician(s). Permission was provided for the researcher to gather further information should doubts develop about the accuracy of diagnosis.

Prevalence rates of autism have changed over time, but the most recent United States Centres for Disease Control estimate of autism in 8-year-old children is one in 54 (Maenner et al., 2020). More males than females are diagnosed with autism. A recent meta-analysis of 54 prevalence studies from across the world of autism in children indicated a gender ratio close to 3:1, in favour of males (Loomes et al., 2017).

The prevalence of autism in Aotearoa New Zealand in 2021 is unknown. However, two recent studies shed some light on this country's autism cases, gender ratio, and autism by ethnicity. Utilising information from three linked administrative and national data sources, Bowden et al. (2020) suggested that the rate of autism in Aotearoa New Zealand's 8-year-olds was one in 102. That figure was very low when compared to the one in 54 found by Maenner et al. (2020). Importantly, Bowden et al. (2020) considered the data sources limited, not least because until 2014 autism was absent from the eligibility criteria for disability support. In contrast, a study based in Wellington's Hutt Valley found autism in 1 in 67 people (Drysdale & van der Meer, 2020). That study was investigating the population of people aged from birth to 19,

and newly diagnosed with autism. Whilst not as high as Maenner et al. (2020), the Drysdale and van der Meer (2020) figure was comparable.

Regarding the gender ratio of autism, findings of the two studies were much closer. The male to female ratio was 3.6:1 in Bowden et al. (2020), and 4:1 in (Drysdale & van der Meer, 2020). Both were within international estimates.

Interestingly, the percentage of Māori with autism diagnoses was less than expected given the sample populations in Bowden et al. (2020), but more than expected in Drysdale and van der Meer (2020). This could reflect barriers that Maori encounter when seeking diagnostic services (Bevan-Brown, 2004). The data in the one was drawn from national databases, whilst practice in Hutt Valley made access relatively easy for Māori.

Clearly research is needed to establish the prevalence of autism in New Zealand, with accurate estimates of gender and ethnicity. For the purposes of this study it was calculated that there were likely to be 94,000 autists in Aotearoa New Zealand, with 16,000 being Māori. These figures were based on the current population (over 5.1 million) (Stats New Zealand Tatauranga Aotearoa, 2021a), Māori ethnicity of 17.1% (Stats New Zealand Tatauranga Aotearoa, 2021b), and autism prevalence of one in 54 (Maenner et al., 2020). A gender ratio of approximately 4:1 male to female was expected.

Given the preceding information, it seemed likely that more men than women would express interest in participating, and that the number of interested parties of Māori ethnicity would be very small. Moreover, issues regarding autism diagnosis were also predicted.

2.1.2 Access to autism diagnostic services

The section below critically examines access to diagnostic services in Aotearoa New Zealand. Diagnosis was not the focus of research, but participant reports of diagnosis later in life, perhaps associated with CJS involvement, were expected.

The first edition of the New Zealand Autism Spectrum Disorder Guideline (the Guideline) indicated that in 2008 there could be more 40,000 autistic people in New Zealand, most of whom would undiagnosed adults. The Guideline attempted to rectify lack of clarity regarding diagnostic pathways and processes by recommending the establishment of an ASD coordinator role and describing good assessment practice (Ministries of Health & Education, 2008). In following 10 years, pathways and processes for children and adolescents improved (Thabrew & Eggleston, 2018), but not without problem. Participants in a collaboration between Autism New Zealand and the Australian-based Autism Cooperative Research Centre noted long waiting lists in the public service, high costs for private assessments, and regional variability in assessment processes (van der Meer & Evans, 2021).

Unfortunately diagnostic pathways and processes for adults in this country appear to have changed little since 2008. van der Meer and Evans (2021) found that access to diagnostic assessment was much harder for adults (van der Meer & Evans, 2021). In this respect, the diagnostic experiences of autistic adults in Aotearoa New Zealand may be akin to their international counterparts, as diagnostic pathways and processes was one of six themes identified in a scoping review of 82 articles on autism diagnosis in adults published between 2008 and 2018 (Huang et al.). Articles from 13 countries were included in the review, with most from the United Kingdom (39%), United States (12%) and Sweden (10%). The other five themes concerned prevalence,

gender, psychosocial characteristics, co-occurring conditions, and experience of diagnosis.

2.1.3 Conceptualisations of autism

The conceptualisation of autism is a matter of debate. The diagnostic term ASD, used by DSM 5 and ICD 11, typifies the dominant medical model of autism. This model locates autism within the individual, encourages the search for biological or genetic causes, and promotes prevention, treatment and cure (Orsini & Davidson, 2013). It could be argued this very process identifies autism as a variation from what some call 'normal'. Whilst the biological basis of autism attracts much research time and funding (den Houting & Pellicano, 2019), the cause (or causes) of autism remain unclear (Amaral, 2017), it seems likely that no one biological mechanism will explain all cases of autism, and that there may be a wide range of causal factors.

In contrast, many autistic advocates and allies conceptualise autism as a naturally occurring difference, neurological variation or condition (Bagatell, 2010; Clough, 2015). They draw upon the social model of disability, which asserts that disability occurs when people with impairments experience impediments to participation in society (Oliver, 2004). Accordingly, many autistic advocates and allies challenge seek social change to overcome disability by removing what Oliver (2004) called "economic, environmental and cultural barriers" (p. 23). An example of this concerns language. What the medical model calls symptoms or diagnostic criteria, the social model reframes as characteristics or traits (Urbanowicz et al., 2019). Reference to communication differences or intense focus on specific topics is preferred over significant deficits in communication and repetitive and restricted behaviours (Autistic Self Advocacy Network, 2016a). Although many in the autism community prefer

strengths-based language, they caution against disregarding the significant difficulties that some autistic people experience (Urbanowicz et al., 2019).

The autism community's view of autism is consistent with the contemporary human rights approach to disability that appears in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) (United Nations, 2006). According to the CRPD, "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others." (United Nations, 2006, p. 4). Not only does the CRPD definition of disability therefore include autism, but it also captures conditions described in DSM 5 and ICD 11 (and earlier editions) as mental disorders. This is an exciting way of thinking that challenges mental health and disability professionals to extend their skills beyond biologically-based interventions and psychological therapy, towards social processes, meaningful support, and human rights. Grounded in social and human rights approaches to autism, this thesis refers to autism in autism-first and strengths-based language.

2.1.4 From invisibility and institutionalisation to community living

In Aotearoa New Zealand, the shift from medical to social conceptualisations of autism mirrors the move of autistic people from positions of invisibility and powerlessness, to community living and participation. This social and political history is shared by autistic people in Aotearoa New Zealand, including this study's participants. It is summarised below to contextualise this thesis, and because of the social and political history's likely impact on experiences and perceptions of this study's participants.

During Aotearoa New Zealand's European settlement (commencing in 1769), families were expected to care for family members who needed support and could not live independently (Brunton & McGeorge, 2017). Accordingly, autistic people lived with their families. For Māori, this was a continuation of a pre-colonial practice that considered people with mental and behavioural irregularities to be supernatural and cared for them within their whānau and iwi groups (Brunton & McGeorge, 2017). Similarly, Māori who 'offended' were managed in traditional ways, without imprisonment (Clayworth, 2012). Aotearoa New Zealand did not have any jails until the 1840s (Clayworth, 2012).

The state began to acquire power to institutionalise people with mental health conditions in the 1840s (Brunton, 2011). This likely included autistic people, although 100 years would pass before autism was named and described in publications by Leo Kanner (Kanner, 1943) and Hans Asperger (original 1944, English publication 1991). Autism was not an official diagnosis until 1967 (Ousley & Cermak, 2014). Effecting those autistic people invisible amongst people with a mental health condition, the Lunatics Act of 1844 paved the way for institutional care (Brunton, 2011). In 1844 Aotearoa New Zealand's first mental health facility was established (Clayworth, 2012). Attached to an early jail, conditions there were harsh. Between 1854 and 1887, eight 'lunatic asylums' opened (Brunton, 2011). In those years, most people considered to have an intellectual disability were still living with their families/whānau (Sullivan, 2011; Tennant, 1996). Accordingly, if they did not fit easily into the mental health community, some autistic people likely avoided life in the early institutions. However, imprisonment of undiagnosed autistic people who committed offences was likely, as Aotearoa New Zealand opened four prisons and 30 minor jails between 1850 and 1880 (Clayworth, 2012).

Linked to the social policies of eugenics and racial fitness, institutionalisation of people considered to have an intellectual disability began early in the 20th century, (Tennant, 1996). Legislation enabled the state to remove people deemed not to have achieved acceptable levels of learning or social behaviour from their families, and place them in 'mental hospitals' (McClure, 2017; Stace, 2007). Like prison inmates, institutionalised people had little or no contact with their family/whānau (Brunton, 2003; McClure, 2017). Between the 1950s and 1970s, most people believed to have mental health conditions or intellectual disability resided in hospitals (Brunton & McGeorge, 2017; Tennant, 1996). They were frequently disconnected from families/whānau, and unable to have personal clothing, possessions, or real control over their lives. Interestingly, a powerful account of institutional life at that time can be found in the writing of Janet Frame, an Aotearoa New Zealand author controversially considered by some to have been autistic (Abrahamson, 2007).

As the number of people in institutions grew, so did concerns about health, welfare and institutional care costs. From the 1950s parents and families of institutionalised New Zealanders started to call for the dis-establishment of institutions (Brunton, 2003; Stewart & Mirfin-Veitch, 2008). Their disquiet amplified in the following decades, as the international thinking on normalisation (Wolfensberger et al., 1972), social role valorisation (Thomas & Wolfensberger, 1999), and the social model of disability (Oliver, 2004) spread to Aotearoa New Zealand. (Critique of normalisation, social role valorization and the social model of disability is beyond the scope of this thesis, however the interested reader is referred to Wolfensberger (1999), Oliver (1999, 2013), and Race et al. (2005)). Concurrently, parents of autistic children in this country began to network and advocate for more appropriate support for their offspring (Stace, 2016).

Institutional care in Aotearoa New Zealand peaked in the 1960s, but in 1963 the government stopped building new institutions. In 1973 the government ceased creating additional beds for people with mental health conditions or intellectual disability. By then, 13 psychiatric hospitals existed (most also containing intellectual disability wards), alongside four institutions exclusively housing people with intellectual disability (Brunton, 2003; Brunton & McGeorge, 2017). In the 1970s, care in the community became Aotearoa New Zealand's preferred mental health and intellectual disability policy (Brunton, 2011; O'Brien & Kydd, 2013).

Deinstitutionalisation in Aotearoa New Zealand began in earnest in the 1980s (Brunton, 2003). Although still mostly undiagnosed, and often hidden within intellectual disability and mental health services, previously institutionalised autists moved into the newly developing community services, whilst most autistic children remained with their families. Other than prisons, most long-stay institutions were closed by the 1990s. In 2006 Aotearoa New Zealand's final institution for intellectually disabled people closed its doors (Stewart & Mirfin-Veitch, 2008). Since then most people with intellectual disability or mental health needs have received support and services in the community (Brunton, 2011). Most people now live in their own or family homes, but some reside in houses managed by mental health or disability service providers. Obviously, transgression and rule breaking in the community can trigger CJS contact.

Concern about autism specifically became a dominant disability news story in Aotearoa New Zealand in 1997, when Casey Albury, a 17-year-old autistic woman, was killed by her mother (Werry, 1998). The case highlighted service issues for autistic people and their families, and contributed the portrayal of autism as a severe affliction, causing extreme hardship to parents and families. Casey Albury's death

triggered two significant pieces of work: an interdepartmental review of autism services (Curry, 1998), and what has come to be known as the 'Werry Report' (Werry, 1998). The Werry Report reviewed the health and disability services provided to Casey Albury, and made recommendations to improve the quality of service for autistic people and their families. Together, these documents' findings laid the groundwork for the Guideline (Ministries of Health & Education, 2008), and subsequent service development.

In 1993 funding and responsibility for the support of people with disability transferred from the Department of Social Welfare to the Ministry of Health (Ministry of Health, 2003). The Ministry of Health already administered mental health. Disability and mental health became independent directorates within the Ministry of Health, but this division contributed to confusion about administrative responsibility for autism policy, service development, and funding (Stace & Sullivan, 2020). Consequently, some autistic people received services overseen by one or both directorates, while those who were not intellectually disabled or diagnosed with a severe mental illness often had difficulty accessing support. This matter was clarified in 2014 (Stace & Sullivan, 2020). At that time Ministry of Health policy changed, and opened disability support needs assessment and service coordination services to all autistic people regardless of their cognitive level (Ministry of Health, 2018; New Zealand Government, 2014).

Responsibility for autistic people who commit crimes is complicated. Those autists whose offending is related to serious mental illness generally come under the jurisdiction of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (MHCATA), from which intellectual disability was excluded. This gap was filled in 2003, when the Criminal Procedures (Mentally Impaired Persons) Act 2003 (CPMIPA), and Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (IDCCRA) were

passed. (The relationship of this legislation to the regular CJS is addressed in section 2.3). Nevertheless, autistic people who offend but did not reach the threshold required by MHCATA, CPMIPA or IDCCRA are subject to regular CJS processes.

This preceding social and historical context informed the thesis of the experiences of autistic people in Aotearoa past and present. Institutionalisation was within living memory for several participants, although none reported it as an experience. This was likely due to the timeframe within which Aotearoa New Zealand moved from institutional care to community living and the study's exclusion of autists with intellectual disability or significant mental health issues. However, some participants had been involved with community-based mental health or disability services, and many reported experiences of stigmatisation due to their different way of thinking. No participants were subject to MHCATA, CPMIPA or IDCCRA.

2.1.5 Autistic advocacy

In recent decades, autistic people have networked and many are now involved with advocacy groups. Steps towards autistic advocacy commenced in the 1980s, emerging from a wider social movement that advocated for people with a disability. Still strong today, the disability rights movement (Beckett & Campbell, 2015) strives to achieve rights and opportunities for people with disabilities equivalent to those enjoyed by people without disability.

The autism rights movement challenges society to accept and value autistic people (Bagatell, 2010; Solomon, 2008). It recognises that autistic people have areas of difficulty that may benefit from support, but autism rights activists (often autistic people, parents, support people, and professionals) encourage recognition of unique autistic experience and the value brought to the individual and society by that

experience. Calls for autism awareness and understanding common in the movement's early years have now broadened to include autism acceptance and appreciation (Clerkley, 2015; Hamilton, 2012). The autism community does not merely want people to know what autism is and understand its impact on the individual. The autism community wants all people to recognise that autistic people are worthwhile members of humanity who contribute meaningfully to society.

Living as proudly autistic, with support to maximise the opportunity for self-defined meaningful participation, is the primary goal of the autism rights movement (Bertilsson Rosqvist et al., 2015). Autistic advocates expect to consult on autism policy, service development, and research (Bumiller, 2008; Henry, 2013). They also challenge parents' rights to speak for autistic people. The slogan of the Autistic Self Advocacy Network, 'Nothing about us without us' (Autistic Self Advocacy Network, 2016b) is both a statement and a demand.

Aotearoa New Zealand has a long history of disability advocacy (Watene et al., 2021). Advocacy and participation are fundamental to the values of local organisations like Autism Spectrum Kiwis Trust, and Autistic Spectrum New Zealand. Members from these organisations supported the research described in this thesis.

This thesis revealed the relatively recent development of the autism rights movement which has now become a potent force in the Aotearoa New Zealand autistic community. Given the momentum and advocacy of the movement, this research was timely and appropriate.

2.1.6 Research priorities of autistic people

Identification of the research priorities of the autism and autistic communities in Aotearoa New Zealand is currently underway (Emerson et al., 2021). However, when

the proposal for this thesis was developed, the research priorities of autistic people in other countries were consulted. In the United Kingdom the autism and autistic communities advocated for research into supports and services that could help autistic people of all ages have happier, healthier, and more fulfilling lives right now (Pellicano et al., 2014; Wallace et al., 2013). In contrast, most autism research until that time had instead focussed on symptoms, interventions, causes and diagnosis (Charman & Clare, 2004, in Krahn & Fenton, 2012), and risk factors and biology (Interagency Autism Coordinating Committee, 2010). The autism community also sought more research on adult issues (Howlin & Taylor, 2015; Interagency Autism Coordinating Committee, 2017), and the needs and concerns of older adults with autism (Piven & Rabins, 2011). Perhaps reflecting this demand, a journal emerged in 2019 that focuses solely on adult issues (Nicolaidis, 2019). It is called *Autism in Adulthood*.

Although other members of the autism community (e.g., parents and researchers) may have different perspectives, most of the autistic people surveyed want autism research to be collaborative and involve them as stakeholders and co-researchers (Fletcher-Watson et al., 2019). The majority expected consultation on what research occurs, its methods, recommendations, and implementation. Illustrating this, attendees at a series of seminars held in the United Kingdom highlighted five essential components of participatory autism research (Fletcher-Watson et al., 2019). The first was respect, and related to autistic people being involved throughout the research process. Authenticity was the next key component, asserting that autistic input should be meaningful and not tokenistic. The participants wanted research that challenges assumptions, particularly the deficit model of autism. They stressed the need for researchers to utilise a supportive infrastructure that welcomes autistic

people and supports their participation. Finally they advocated for research that demonstrates empathy towards the perspectives of autistic people.

Although Fletcher-Watson et al. (2019) was published after data collection for this thesis occurred, aspects of the research presented in this thesis were consistent with the components. This thesis addresses an area of concern to autistic adults, namely involvement with the CJS.

2.1.7 Section summary

Although autism is a medical classification, the identity was reclaimed and reconceptualised by autistic people as they moved from invisibility to community life. Autistic people in Aotearoa New Zealand and internationally have organised, and now demand that their voices are heard. They expect consultation on all matters affecting them, particularly policy, service development, and research. These expectations were consistent with the researcher's own views.

2.2 Critical Autism Studies: The Theoretical Base

2.2.1 Explanation and development

CAS (Davidson & Orsini, 2010; Orsini & Davidson, 2013) is an emergent and multidisciplinary field of scholarly thought, closely aligned to critical disability studies (Goodley, 2013; Meekosha & Russell, 2009). It developed from shared concern amongst some autism scholars that autism research should be more inclusive of autistic people, focus on topics different to that undertaken by most mainstream researchers, and yet be both relevant to autistic people themselves and less disabling of them (Davidson & Orsini, 2010; Orsini & Davidson, 2013).

Proponents of this developing theoretical orientation are concerned with making a positive difference in the lives of autistic people, and highly value the lived experience of autistic people and their families (O'Dell et al., 2016). Critical autism scholars' values coincide those of many autism advocacy and self-advocacy networks (O'Dell et al., 2016).

CAS encourages people to consider autism as a socially-defined condition (O'Dell et al., 2016). In doing this, people are encouraged to consider how power, portrayal and participation have led to autism being identified as a disorder, disability or difference, and how they impact in the experience of autism. CAS is also political, because it supports a contemporary view of autism and disability that challenges more medical and positivistic conceptualisations.

CAS recognises that, unless there are great advances in knowledge and perhaps technology, some autistic people may always experience barriers to full participation. In those cases, CAS values the participation of more able autists, over the more conventional practice of interviewing only parents and caregivers. In CAS, the emphasis is clearly on autism expertise.

CAS reconceptualises disability as a condition through which people with impairments become disabled by non-valuing societal belief and practices. It is complementary to CAS, and the two approaches strive for research, and changes to policy and practice, that results in better lives. However, while critical disability theory focusses upon people with physical, sensory and intellectual disability, CAS focusses on those diagnosed as autistic (O'Dell et al., 2016). The two approaches differ in another meaningful way: most critical disability scholars accept that disabled people have an actual impairment (Mallett & Runswick-Cole, 2014), whilst many (but not all) CAS

scholars consider autism to be one of many different and valid ways of being human (Gillespie-Lynch et al., 2017). To them, autism is a difference and not a disability.

The experiences and well-being of autistic people whose autism characteristics are associated with significant communication support needs are also important in CAS, and CAS does not overlook their reality. Indeed, CAS researchers are encouraged to identify and utilise innovative strategies through which the participation of all autists can be identified (O'Dell et al., 2016). Furthermore, there is a preference for CAS research to engage with autists who can participate, even if their support needs are not as significant the peers they may be representing, as opposed to excluding autistic perspectives by involving only non-autists (e.g., parents, teachers, caregivers, and professionals).

2.2.2 Key components of CAS

There are three key components to CAS (O'Dell et al., 2016; Orsini & Davidson, 2013). First, CAS requires scrutiny of the power relationships within autism, ranging from individual experience to the social community media, and autism research and policy. CAS questions whose voice is regarded, which research priorities are investigated, and how and why the state develops specific policies that impact on the lives of autistic people.

The second component of CAS concerns the portrayal of autistic people in society (O'Dell et al., 2016; Orsini & Davidson, 2013). Rather than accepting the prevailing deficit-based construction of autism (Dinishak, 2016), CAS encourages positive narratives about autism. CAS publications champion what autistic people can and have achieved, and highlight the benefits of learning from and including autistic people in all spheres of life. This action aims to positively influence how autism is

considered by all society members, from individuals and groups to media organisations and the government. In doing so, the hope is to engender an understanding of humankind's complexity and variety, recognising that there are many different ways of being 'normal', and that diversity itself is a valued characteristic.

The third CAS component concerns research and scholarly thought (O'Dell et al., 2016; Orsini & Davidson, 2013). CAS emphasises the need to develop research methods and theoretical approaches to autism that are inclusive and valuing, and to undertake research on topics valued within the autistic community. Ideally, in CAS, autistic people and their families identify the research topics (Fletcher-Watson et al., 2019; Pellicano et al., 2018). CAS recognises autists as experts in their condition (Gillespie-Lynch et al., 2017), and supports participatory autism research (Cusack, 2017). It has contributed to developing programmes that teach autistic and non-autistic people how to research together, such as the Australian-based Cooperative Research Centre for Living with Autism (2020) and The Participatory Autism Research Collective (2019) in the United Kingdom. Importantly, CAS stresses the need for compassionate and considerate autism research, and the importance of attending to the "views and voices of autistic people themselves" (Davidson & Orsini, 2010, p. 131). The latter includes research where autists with less support needs represent their peers whose support needs seriously challenge their ability to participate.

2.2.3 Philosophical underpinnings

Central to CAS is Canadian philosopher Ian Hacking (O'Dell et al., 2016), and his interest in how people of difference are classified and categorised. Hacking (1995) formulated the theory of looping. Looping is an operation that not only converts classifications and categories, but also alters the people who are defined by them.

2.2.4 *Processes used in CAS*

Due to its emergent nature, CAS scholars are not bound to strict processes to demonstrate their analyses and investigations (O'Dell et al., 2016). Instead, they are encouraged to contribute to autism scholarship by identifying novel lines of enquiry with the potential to expand understanding of the autistic experience (Orsini & Davidson, 2013). To this end, four suggestions were made to further CAS research and analysis (O'Dell et al., 2016).

The first suggestion was that CAS scholars appreciate that autism is both a diagnostic classification and a lived experience (O'Dell et al., 2016). This underscores the importance of understanding the context within which autism is located, and recognising the influence of the values and worldview of whoever may have identified autism. In this thesis, autism is referred to as both a classification and a lived experience. However, the emphasis is on the latter.

Through the second suggestion, CAS directs autism scholars to reconsider the socio-cultural context within which autistic identity is produced (O'Dell et al., 2016). The views and experiences of autistic people who challenge the prevailing definitions and categorisations of autism are considered particularly important. For example, CAS supports hearing from self-diagnosed autists (Lewis, 2016; Sarrett, 2016), and autists and professionals who challenge medical models that label autistic traits as deficits (Urbanowicz et al., 2019). Accordingly, this thesis considers the CJS in the light of the socio-cultural context of autism in Aotearoa New Zealand, and identifies potential change strategies located at the society level.

Thirdly, CAS supports consideration of how and what the state provides for autistic people, alongside the economics of support and welfare (O'Dell et al., 2016). CAS recognises the influence of prevailing views of humanity, citizenship, rights and

responsibilities on the support and welfare of autistic people. It considers that these factors can change within and across geographical and political regions, leading to variations in autism support and welfare. Fittingly, this thesis investigates autistic support and welfare in the criminal justice context of Aotearoa New Zealand.

The fourth suggestion was to investigate interventions that target autism, and seriously consider which group (or groups) may have determined the need for interventions and defined the desired outcomes (O'Dell et al., 2016). Consequently, this thesis considers what might need to change for the CJS to better accommodate autistic people. The study's emphasis on worthwhile CJS accommodations and changes is an alternative way of considering autism interventions.

Also highlighted in the development of CAS was concern that most autism research and academic investigation occurred in the northern hemisphere (O'Dell et al., 2016). Accordingly that the views and experiences of autistic people located in the global south were considered unrepresented. Obviously, this study is undertaken in the under-researched southern hemisphere.

2.2.5 CAS as the philosophical base of this research

CAS was considered the appropriate theoretical base for this research because, consistent with the study aims, it highly values the lived experiences of autistic people, and champions their voices. Moreover, CAS provides a framework to consider the wielding of power within the interface between autism and the CJS. CAS also encourages consideration of how autistic people believe they are portrayed within society and the CJS, and the degree of participation that autistic people have when interacting with the CJS. The CAS emphasis on positive accounts of autistic experience

necessitates identification of success and progress, in a field where it would be easy to focus on the negative, and attribute blame to issues related to autistic characteristics.

CAS strives for positive change, consistent with the beliefs of the researcher. It follows that attending to autistic people may help identify policy change and practical strategies that could improve the criminal justice experiences of autistic people in this country and beyond. Furthermore, the results could benefit the broader communities of neurodiverse and neurotypical people. Finally, autism research undertaken in Aotearoa New Zealand helps counter the dominance of voices from the equator's northern side.

The discipline of clinical psychology has traditionally prioritised conceptualisations of diversity and difference that prioritise medical model thinking. One example of this is integrative epistemic pluralism (Kendler, 2005). While this approach would have supported complex formulations of autistic experience, due to its derivation from psychiatry integrative epistemic pluralism is closely aligned to the medical model and would not have been acceptable to many within the autistic community.

2.2.6 Section summary

CAS is a theoretical approach that values and champions the opinions and experiences of the autistic community. Drawing on philosopher Ian Hacking's work, CAS is concerned with the dynamics of power, portrayal, and participation as they impact the autistic community (O'Dell et al., 2016). CAS is the theoretical base for this research.

2.3 Overview of the Aotearoa New Zealand Criminal Justice System

The following overview informs the thesis of the key agreements, processes and policies upon which the CJS is based.

2.3.1 *Derivation and te Tiriti o Waitangi*

The CJS derived from the Westminster system (Ministry of Justice, 2019). However, pivotal to the CJS is te Tiriti o Waitangi (the Treaty of Waitangi), Aotearoa New Zealand's founding document (Orange, 2015; Te Puni Kōkiri, 2001). Signed on 6 February 1840, and subject to legal discussion and interpretation since that time, the fundamental principles of te Tiriti o Waitangi are partnership, participation, and protection. Partnership means that Māori and the Crown must have a relationship of integrity, understanding, and mutual respect, and that decision-making must be shared. To facilitate participation, the Crown and Māori must collaboratively work to guarantee that Māori participate in decision-making at all levels. Under its obligation of protection, the Crown must improve Māori well-being and protect Māori property and identity in accordance with tikanga Māori (customary practices and values). All laws, policies and formal processes in Aotearoa New Zealand are required to reflect the principles of the fundamental principles.

There are te Tiriti o Waitangi obligations for researchers. How these were considered in this study is addressed in Chapter 3 (Method and Methodology) and Chapter 5 (Discussion).

2.3.2 *Structure and objectives*

The CJS has three parts (Ministry of Justice, 2019). New Zealand Police (also called Nga Pirihimana O Aotearoa) is responsible for crime prevention, response, investigation, and resolution (New Zealand Police, 2019a). The Ministry of Justice

(Tāhū o te Ture) administers criminal case process (i.e., prosecution and defence, support for the court, and victim support), the courts, legal aid systems, and the Public Defence Service (Ministry of Justice, 2018). Finally, the Department of Corrections (Ara Poutama Aotearoa) is responsible for sentence management, and offender rehabilitation and reintegration (Department of Corrections, 2018, 2019). This is administered through Community Corrections, Psychological Services, and Prisons. The judiciary is independent.

Each component of the CJS has objectives. New Zealand Police's mission is to 'prevent crime and harm through exceptional policing' (New Zealand Police, 2020a). The Ministry of Justice strives to ensure that Aotearoa New Zealand is a 'safe and just society' (Ministry of Justice, 2020a), and creating 'lasting change by breaking the cycle of re-offending' is the goal of the Department of Corrections (2019). This thesis raises the question of whether each component of the CJS is achieving its goal with respect to the autistic people of Aotearoa New Zealand.

2.3.3 New Zealand's criminal justice pathways

The criminal pathway for most CJ-involved people in Aotearoa New Zealand starts when a crime is reported, and the police open an investigation (McElrea & Thompson, 2019). If charges are laid, the court process (or criminal case process) begins (Ministry of Justice, 2013). This initiates a court hearing where, if the defendant enters a guilty plea and the offence category is at the lower end of seriousness, they may have an immediate outcome (e.g., perhaps a fine). A series of hearings that address, bail, admissibility of evidence and case review can follow for defendants who plead not guilty or fail to plead. Cases are heard in the District or High Court, as judge-alone hearings or jury trials. There can be further pre-trial hearings on admissibility of

evidence, remand/bail, and scheduling before the trial. This process is governed by the Criminal Procedure Act 2011, the Evidence Act 2006, and the Criminal Procedure Rules 2012. The criminal pathway described above was the experience under investigation in this study.

Aotearoa New Zealand has a Youth Court for CJ-involved people under 18 years old (Ministry of Justice, 2020c), and three therapeutic courts (Ministry of Justice, 2020c). Two are Alcohol and Other Drugs Courts, especially for people whose offending is driven by addiction. The third, the New Beginnings Court or Te Kooti o Timatanga Hou, provides for homeless people in the Wellington region.

Other pilot courts are in development. Auckland and Wellington are piloting a Sexual Violence Court (The District Court of New Zealand, 2020), and in Porirua there is pilot called the Young Adult List (Doogue & Walker, 2020). It is testing a different approach to CJ-involved people aged between 18 to 25 years, with particular focus on those with neurodisability.

The focus of this study was on autistic adults processing through the regular CJS. Although one participant referred to his Youth Court experience, the research did not set out to investigate experiences of the Youth Court or any of the therapeutic courts or recent pilots.

Aotearoa New Zealand has alternative pathways for CJ-involved adults who have severe mental health conditions (Visser, 2011), intellectual disability (Brookbanks, 2019), or are otherwise unfit to plead, stand trial, and participate in their defence (Visser, 2011). They are governed by MHCATA, CPMIPA, and IDCCRA. Furthermore, forensic mental health court liaison nurses are available in courts to screen people for intellectual disability or significant mental health issues (Te Pou, 2021). Due to this

study's interest on ordinary autistic people living in the community, autists who been processed through MHCATA, CPMIPA, and IDCCRA were excluded from this research.

2.3.4 The United Nations Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) (United Nations, 2006) exerts significant influence on Aotearoa New Zealand's social policy, law, and service provision for persons with disabilities (including those with autism).

Development

Aotearoa New Zealand had a leading role in the development of the CRPD (Bell et al., 2015; United Nations, 2006). Due to New Zealand's influence, the CRPD was developed in partnership with disabled peoples' organisations from across the world (Frost, 2007). Furthermore, qualitative interviews with disabled New Zealanders who participated in the CPRD development process largely experienced it positively (Moriarity & Dew, 2011). In recognition of New Zealand's part in the development of CRPD, the Honourable Ruth Dyson, then Minister for Disability Issues, addressed the United Nations at the opening of the signing process (Dyson, 2007).

New Zealand signed the CRPD on 30 March 2007, ratified it on 25 September 2008, and the CRPD came into force in this country in May 2008 (Hickey & Gledhill, 2011). Present at the CRPD Entry into Force ceremony was Matt Frost, an autistic New Zealander (Dyson, 2008; Frost, 2007). Frost represented the Disabled Persons Assembly, and his presence was made possible by New Zealand winning the 2008 Franklin Delano Roosevelt International Disability Award for its achievements in making New Zealand a more accessible and inclusive.

New Zealand acceded to the Optional Protocol of CRPD on 5 October 2016. This enabled complaints to the United Nations Committee on the Rights of Persons with Disabilities by individuals or group who believe that their rights have been breached (Gordon, 2018).

Principles and obligations

Grounded in the social model of disability, the CRPD obligates member states to promote, protect and ensure the civil, political, economic, social and cultural rights of disabled people. The CRPD did not introduce new human rights, but instead affirmed that rights that had been identified previously applied equally to persons with disabilities (Bell et al., 2015). The CRPD reaffirmed the:

universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination (United Nations, 2006, p. 1).

In line with CAS, the theoretical orientation of this thesis, the CRPD asserted that:

persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them (United Nations, 2006, p. 2).

The CRPD also specified the substance of the rights, and identified the obligations that arose (see Appendix B: CRPD General Principles and General Obligations). CRPD requires Member States to develop and implement systems by which the rights are fully and equally enjoyed, and through which the inherent dignity of disabled people is respected (United Nations, 2006). Member States are required to measure progress towards achieving the obligations of the CRPD, inform the United Nations accordingly, and their progress is scrutinised.

Article 13 and its relevance to this thesis

Of most relevance to this thesis is Article 13 (Access to justice). It reads:

State Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff. (United Nations, 2006, p. 11)

Accordingly, Art 13 (1) requires the CJS to ensure that disabled people in contact with the CJS at any stage, and in any capacity, are supported to engage fully. It indicates that disabled people have the right to reasonable changes of process and to access to specific help to overcome any disability-related barriers to full participation. The participants' experiences of changes to usual processes and the provision of support were therefore of interest in this research. Further, their comments and suggestions for accommodation related directly to Art 13 (1).

Training is the focus of Art 13 (2). The CRPD requires that CJS personnel (e.g., police, lawyers, judges, correctional staff, mental health and disability professionals associated with the CJS) engage in professional development to recognise and understand what is required to ensure that disabled people have access to justice. Art 13 (2) is the gateway through which the people working within the CJS could learn about autism. Recommendations for professional development that emerged from this thesis are supported by Art 13 (2).

Some criticisms of CRPD

Although the goals of the CRPD were commendable in that they provided disabled people with “hope” and the opportunity to “flourish” (Appelbaum, 2019, p1), serious concerns exist. These centre on legal capacity, liberty, and protections and benefits under the law. Detailed discussion of criticisms of CRPD is beyond the scope of this thesis, but three criticisms are outlined below.

According to the CRPD’s Article 12 (Equal recognition before the law), all persons with a disability have legal capacity on the same basis with other people in regard to all aspects of life (United Nations, 2006). Article 12 requires State Parties to provide support to disabled people to exercise their legal capacity, to ensure that there are appropriate and effective safeguards to prevent abuse, and the wills and preferences (as opposed to best interests) of the person are properly taken into account (i.e., without bias or conflict of interest). CRPD indicates that guardianship and substitute decision making on behalf of persons with disabilities, on the grounds of their disability, is a practice that should stop. In practice, this is problematic. For example, adherence would make it difficult for any person to make decisions in the best interests of a person who has lost capacity due to dementia, brain damage, or active and severe mental illness (Appelbaum, 2016, 2019). It prevents people from making important decisions on behalf of people who may never have developed the capacity to understand and communicate decisions about their own welfare, such as those with profound intellectual disability (Mirfin-Veitch, 2016). The CRPD’s challenge to New Zealand’s Protection of Personal and Property Rights Act 1988 (PPPRA) triggered significant work on the legal and medical assessment of capacity, recently culminating in a website with an interactive toolkit for assessing capacity (<http://www.alisondouglass.co.nz/>), and text (Douglass et al., 2020). For more detailed

analysis of Article 12, see Arstein-Kerslake (2017), Celik (2017), (Freeman et al., 2015) Gooding (2015), and Mirfin-Veitch (2016)

Through Article 14 (Liberty and security of person) and Article 15 (Freedom from torture or cruel, inhuman or degrading treatment or punishment) the CRPD prohibits treatment without consent, and the deprivation of liberty on the grounds of disability (United Nations, 2006). This runs contrary to the mental health provisions of a number of countries, including Aotearoa New Zealand, which make decisions about involuntary treatment based on the degree of risk to self and others, and the likely treatability of the condition (Appelbaum, 2016; Bell et al., 2015; McSherry, 2011). For example, aspects of both the MHCATA and IDCCRA are inconsistent with CRPD (Bell et al., 2015; O'Brien & Thom, 2014).

Finally, full implementation of Article 14 (Liberty and security of person) would make it impossible to defend a person with disabilities on the basis that their disability impacted upon their criminal responsibility (Appelbaum, 2016). It would negate the defences of insanity and diminished capacity. This would significantly impact criminal trials in New Zealand, and require changes to the MHCATA, IDCCRA, Crimes Act 1961 and Criminal Procedures (Mentally Impaired Persons) Act 2003 (CPMIPA).

New Zealand Disability Strategy

Aotearoa New Zealand's mechanism for promoting and monitoring progress towards the goals of CRPD is the New Zealand Disability Strategy: Making a World of Difference: Whakanui Oranga (NZDS) (Minister for Disability Issues, 2001). According to the NZDS, all government departments must develop and implement work plans to achieve the plan's objectives and report back to Parliament on them annually. In 2016, the NZDS was revised (Office for Disability Issues, 2016). To implement the NZDS, the Disability Action Plan 2019-2023 (Office for Disability Issues, 2019) identified disability-

specific and mainstream work programmes in eight areas: education; leadership; employment; choice and control; health and wellbeing; rights; accessibility; and attitudes. The work programme for the Ministry of Justice appears in the 'rights' section of the NZDS. It requires that justice system services be accessible and easily understood. This thesis sheds light on the experiences of CJS accessibility and comprehensibility of its 10 autistic participants.

2.3.5 Māori Perspectives of Autism Spectrum Disorder

In 2004, *Māori Perspectives of Autistic Spectrum Disorder: Report to the Ministry of Education* identified Māori viewpoints from Māori on autism and perceived barriers to participation in autism services (Bevan-Brown, 2004). The report suggested that autism was underdiagnosed in Māori, a matter that could be an issue for this study. It also concluded that Māori had difficulty accessing diagnostic services, linked to a dearth of Māori-specific autism information and problems negotiating 'red tape'. Furthermore, staff within Māori-led services had insufficient training and experience in autism, whilst staff within general autism services had insufficient knowledge of Tikanga Māori (Māori culture and customs), essential to adequate service provision to Māori.

It has been 17 years since the publication of *Māori Perspectives of Autistic Spectrum Disorder: Report to the Ministry of Education* (Bevan-Brown, 2004), and in these years autism has been conceptualised by some Māori as *takiwātangi* (Opai, 2017, 2018). Whilst this document is still important, given its publication before the policy developments summarised below and since the rise of the autism rights movement, the opinions contained in it may no longer be representative Māori autists and their

whānau. More research to identify and understand Maori perspectives on takiwātangi is indicated.

2.3.6 New Zealand Autism Spectrum Disorder Guideline

First published in 2008, the New Zealand Autism Spectrum Disorder Guideline (“the Guideline”) (Ministries of Health & Education, 2016) guides autism policy and support. Work on the Guideline commenced in 2002, with a steering group comprised of autists (Jen Birch and Dave Lennard), representatives from Autism New Zealand, the government, and professionals. The three workstreams that developed the guideline were led by the Paediatric Society, Ministry of Education Special Education, and Ministry of Health Disability Services Directorate. The original guideline development process did not include representatives from Māori and Pasifika (Ministries of Health & Education, 2016). The Māori section was written after a Māori advisory group was formed, and five hui (consultation meetings) occurred in November 2005. The Pasifika section was written in 2004, following one consultation meeting. As above, Guideline content on Māori and Pasifika is overdue for review.

Aotearoa New Zealand led the world on World Autism Day, 2 April 2008, when it released the Guideline (New Zealand Government, 2008). No other ‘all of life’ autism guideline existed (Stace, 2011). A working party assisted the government in prioritising the guideline recommendations (Minister for Disability Issues, 2009). Initial implementation focussed on improving diagnostic services in childhood (Minister for Disability Issues, 2011). Attention then moved to communication and behaviour support, developmental coordination within child health services, professional and parent education, support in schools, and disability information advisory services. However, not only did funding issues, hamper implementation, but the disjoint policy

in which the Guideline existed was context which described by one commentator as a “wicked problem” ((Stace, 2011, p. 152).

Review of publications for inclusion in the Guideline ended in December 2004 (Ministries of Health & Education, 2016). However, in recognition that autism research was growing, provision was made to keep the Guideline current. Accordingly, a ‘living guideline’ process commenced. Led by INSIGHT Research Limited, a small group of autism professionals and two representatives of the autistic community meet annually to identify areas of research progress and update the guideline. Since its inception, the LGG has developed new or updated guideline sections, and in 2016 a second edition of the Guideline was published (Ministries of Health & Education, 2016). There are problems, however. The LGG is tasked with updating sections of the original guideline, which does not provide the opportunity to incorporate research in areas that were not addressed in the 2008 edition (e.g., intimate relationships), and recent areas of autism scholarship (e.g., accommodating autism in therapeutic practice).

The Guideline contains a brief subsection relevant to the CJS. Here strategies with the potential to prevent autistic offending were summarised, alongside advice for the autism community when in contact with the police (Ministries of Health & Education, 2016). The Guideline called for research: firstly into the prevalence of autism in prison and secure settings; and secondly in strategies to minimise the stress experienced by CJ-involved autists. This thesis responds to the latter. The Guideline also encouraged the autism community to ensure that autistic young people and adults knew their legal rights, and develop resources accordingly. Training for family members and carers on how to support autistic people who come into contact with police was also recommended, followed by referral of autistic suspects believed to have an intellectual disability to the IDCCRA. The Guideline recommendations on

justice were rated only as expert opinion, reflecting their supporting evidence. The LGG have expressed interest in this thesis and updating the justice section of the Guideline.

2.3.7 Aotearoa New Zealand's work implementing the CRPD in the CJS

Aotearoa New Zealand's early work towards achieving the aims of CRPD focused mainly on Art 4 (1) (f)) and Art 13 (1), but did not target the autistic community. Changes were made to the physical accommodations for legal proceedings, the use of remote access facilities for court attendances, the provision of sign language interpreters, and legal aid funding (Office for Disability Issues, 2011, 2018). It was considered possible that this study's participants would comment on the use of autism-accommodations during their CJS encounters. Summarised below are several developments likely to have more direct and positive impacts for autistic people subject to criminal proceedings.

In 2012, the New Zealand Law Foundation commissioned research that addressed the CJS experiences of people with an intellectual disability, and the related experiences of lawyers and judges (Mirfin-Veitch et al., 2014). With relevance to Articles 12 and 13 of the CRPD, the findings influenced policy (Office for Disability Issues, 2019) and professional development (Allan & Mirfin-Veitch, 2015). For example, they led to the development of Benchmark, a website of evidence-based guidelines, case law, and resources designed to assist legal professionals when they are in contact with vulnerable people (Benchmark Project Team, 2021). Unfortunately, at the time of writing this thesis, Benchmark did not contain guidance specific to autism.

Although theoretically possible since the passing of the Evidence Act 2006, the first criminal case in Aotearoa New Zealand that involved communication assistance for a vulnerable witness (complainant) occurred in 2012 (Howard et al., 2020b). Qualitative research on the experience of communication assistance in the New Zealand Youth Court indicates support from CJS personnel (Howard et al., 2020a), and young people and their families (Howard, 2021). Anecdotal reports and the researcher's personal experience indicate that communication assistance has been provided to autistic adults involved with the CJS, but no scholarly publications on this were identified.

In 2014, the Youth Court of Aotearoa New Zealand reported a recent investigation by the United Kingdom's Children's Commissioner on neurodiversity and linked it to Aotearoa New Zealand's legal system (Peirse-O'Byrne 2014). Following this, and consistent with Art 13 (2) of the CRPD, the Dyslexia Foundation hosted a Neurodisabilities Forum on how vulnerability intersects with justice (Lynch, 2016). Attended by representatives from justice, health, education, social development and disability, participants at the forum recommended that the Aotearoa New Zealand government recognise and respond to neurodisability issues in both youth justice and adult criminal law.

In August 2018, the Aotearoa New Zealand Government held a Justice Summit in Wellington (He Waka Roimata) with broad consultation (therefore consistent with Article 29 of CRPD, Participation in political and public life) (New Zealand Ministry of Justice, 2021). The purpose was to start public discussion on the CJS, which would trigger proposals designed to address its failings (Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019). He Waka Roimata also received 200 submissions. Seven problem areas were identified: the experiences of victims of

crimes; overrepresentation of Māori in crime statistics; societal and family violence; failures of formal justice processes; the focus being overly punitive and lacking in the areas of rehabilitation, reconciliation and repair; individuals and families feeling unsupported, while the system constrains opportunities for support; and lack of needed support for people experiencing mental distress. Disabled people were perceived as particularly vulnerable, amongst several categories. This thesis's findings add autistic perspectives to the findings of He Waka Roimata.

In 2020, two developments advocated for appropriate responses to autistic people, and others with disabilities or vulnerabilities who are involved in CJS. First, the Office of the Prime Minister's Chief Science Advisor published a discussion paper on brain and behaviour, in which autism was one of seven vulnerabilities addressed (Lambie, 2020). The report highlighted the difficulties that autistic and other vulnerable people can experience when involved with the CJS. Shortly afterwards, the Young Adult List (mentioned above) was proposed (Doogue & Walker, 2020). Drawing from models of social justice used in Aotearoa New Zealand's Youth Court and various other countries, the Young Adult List had wide consultation.

2.3.8 Section summary

Although derived from the Westminster system, Aotearoa New Zealand has a unique CJS with obligations to the te Tiriti o Waitangi, and processes tailored towards special populations. Committed to its obligations under CRPD, through the NZDS, this country has embarked upon a range of processes to ensure that the human rights of persons with disability are upheld and protected. This includes policy and service development in autism and related areas. Autism is being considered within Aotearoa New Zealand courts. Through the Young Adult List, a pilot is underway to assess an

alternative legal process for young people who may have neurodisability. There is also interest in updating the Guideline section related to autism and the CJS. Accordingly, this research is well-placed to influence CJS policy and practice related to autism. It's findings and conclusions may also inform other countries with similar criminal justice systems or the same obligations under CPRD.

2.4 Procedural Justice

2.4.1 *Emergence in research and definition*

Procedural justice is a branch of social justice theory that relates to how fairly people think that institutions of authority and the people representing those institutions have treated them (Gonzalez & Tyler, 2007). It is distinct from distributive justice which concerns the fairness of the allocation of rights or resources, and fairness in the punishment of wrongdoing (Tyler, 2011b). Procedural justice is often studied with respect to the criminal justice system.

The term procedural justice is attributed to John Thibaut and Laurens Walker whose research in 1970s United States investigated whether peoples' perception of fairness was related to their willingness to accept the outcomes of the decision-maker (Tyler, 2011b). As the research area became the focus of American psychologist, Tom R. Tyler, notions of procedural justice moved from fairness in social exchange to consideration of the interactions between individuals and institutions involved in justice encounters (Tyler, 2011a). Accordingly, procedural justice was defined as the "evaluation of the fairness of decision making (neutrality, transparency, factuality, allowing opportunities for input) and of interpersonal treatment (treatment with respect for dignity, respect for rights)" (Tyler, 2011b, p. 73).

With relation to the criminal justice system, the definition of procedural justice was simplified by reference to its four key elements (Mazerolle et al., 2014). Firstly, whether the person having the encounter with a legal authority was treated with *dignity and respect*. Secondly, whether they believed that the legal authority had *trustworthy motives*. Thirdly, whether they considered that the decision-making was *neutral and objective*, and fourthly, whether and they had *voice* (i.e., to be able to communicate and for that communication to be considered). In this research, concerns related by the participants addressed all four elements of procedural justice.

2.4.2 The social engagement model

Group dynamics are integral to procedural justice. In trying to understand why procedural justice appeared to be very important to people, Tyler and colleagues developed the social engagement model (Gonzalez & Tyler, 2007; Tyler & Blader, 2003). They posited that when components of procedural justice are present in an encounter between a person and an authority figure, they communicate to the person that the authority figure considers them to be a valuable member of the group. The more procedural justice elements present, the higher the status being perceived. For example, an encounter between an autistic person in Aotearoa New Zealand and a police officer that clearly contains all of components of procedural justice would communicate to the autistic person that their place in mainstream Aotearoa New Zealand society was valued.

The social engagement model of procedural justice is not without critics. Although deep consideration of this criticism is beyond the scope of this thesis, one aspect is relevant to this thesis given that the social history of autistic people in Aotearoa New Zealand. The criticism is that the social engagement model of procedural justice, and

its supporting research, is too simplistic (Bottoms & Tankebe, 2012, 2021). The model and research implies that simply one encounter with an authority can have a significant impact on perceptions. The argument is made that people's perceptions are, instead, the products of their social history, prior experiences, environments and community.

Procedural justice is a powerful process. Research undertaken in Australia suggested that even if police demonstrate only one of the principles of procedural justice during police-initiated encounters, people are more likely to report confidence and satisfaction in the police, and be cooperative and compliant (Mazerolle et al., 2013). Powerful too is procedural *injustice* (Tyler, 2017), which occurs when police or legal professionals clearly act in an unjust manner. Findings of two reviews indicated that the outcomes of procedural injustice were reluctance to comply with authority and little interest in working to achieve goals held by the majority of group members (MacCoun, 2005; Miller, 2001).

2.4.3 Legitimacy and compliance

In the criminal justice setting, procedural justice contributes to perceptions of the legitimacy of institutions like the police, courts, and prisons. By legitimacy, theorists mean the degree of trust and confidence that people have in those legal institutions. Put another way, legitimacy is “the right to rule and the recognition by the ruled of that right” (Jackson et al., 2012, p. 1).

Legitimacy is linked to compliance. If people believe that a police force has the legitimate right to enforce the law, they are likely to comply with the directions of a police officer. Conversely, if perceptions of legitimacy are low, people may not do what is asked of them. According to Tyler (2006, 2011b), views on the importance of

compliance have moved from a focus on adhering to rules, laws and legal decisions, to cooperation with the police and other legal authorities to reduce crime and achieve secure communities. Certainly, this move is reflected in the objectives of the CJS, that were identified above. Extrapolating from Tyler (2006, 2011b), providing police with information on crime and criminals is one way that the public can help the CJS achieve its goals. Another way is by taking up opportunities to network with police in community events and participate in initiatives like neighbourhood watch.

Common themes relating to police legitimacy have been identified in research from Australia (Murphy, 2009), European countries (Hough et al., 2013), and other countries with a democratic system of government (Bradford & Jackson, 2018). Given that the police force is the justice institution that people are most likely to have contact with, most procedural justice research has focussed on the police (Bradford et al., 2017). Nevertheless, procedural justice research has also addressed people's perceptions of the wider justice system and its many players (Bradford et al., 2017; Jackson et al., 2012).

2.4.4 Procedural justice research with specific groups

A large body of research investigated how specific groups experience the police and institutions of criminal justice. Consistently age, ethnicity and recency of police contact are identified as factors associated with attitudes towards police (Bradford et al., 2017; Brown & Benedict, 2002). Trust and confidence in the police is consistently higher in older age groups, while people from ethnic minorities and people with recent police experience report lower levels of trust. In Aotearoa New Zealand, concern about police was identified amongst Māori (Te Whaiti & Roguski, 1998), young African people (Nakhid, 2017), and other ethnic minorities (Ho et al., 2006). Interestingly though,

research suggests that, in Europe, more recent immigrants are less likely to rate the police as legitimate (Bradford & Jackson, 2018). Similarly, indigenous people in Chile who perceived the police as acting in a fair and just manner gave higher legitimacy ratings, were more cooperative with police, and were more tolerant of the use of violence by police (Gerber et al., 2018).

Findings from research involving mental health consumers is contradictory. For example, Māori mental health consumers report concern about police contact (Holman et al., 2018). However, mental health consumers from some other countries expressed more satisfaction with their criminal justice experiences, regardless of the outcome, if they felt the process has been procedurally just (Cascardi et al., 2000; Watson & Angell, 2007).

Little research on procedural justice and autism exists. However, two studies that reported the lived experience of autistic people in contact with the police utilised survey questions related to procedural justice. Autistic participants' ratings of procedural justice were low in both Australia (Gibbs & Haas, 2020) and Canada (Salerno & Schuller, 2019). While one possible explanation is that there was significant negativity within encounters between autists and police in both countries, the explanation is likely more complex. For example, research in the United States (Bertrams, 2020, 2021) and Great Britain (Bertrams, 2021) suggested that the cultural context within which autistic people live has a far greater relationship with the general belief in a just world than the degree of autistic traits. In the two studies, autists in the United States had lower confidence in a just world than autists living in Great Britain. Perhaps the belief in a just world is also lower in Australia and Canada, and it is that, not the quality of encounters, that variable that explains views of police reflected in Gibbs and Haas (2020) and Salerno and Schuller (2019). Accordingly, how the

participants in this study described the quality of their encounters with the CJS could be similarly complex. Their accounts could reflect a range of factors (e.g., their world views, previous life experiences, political leanings, education) in addition to what actually occurred.

2.4.5 Section summary

The relevance of the procedural justice literature to the research became obvious only during data analysis. That this important field of study did not arise during review of the literature on autism and criminal justice is telling. Until recently (i.e., the work of Gibbs & Haas, 2020; Salerno & Schuller, 2019), autistic experiences of police and criminal justice were not investigated through the procedural justice lens. This may well reflect the medical approach taken to autism in much criminal justice research, and the only recent emergence of autistic voices shaping research. Nevertheless, the field of procedural justice provided insight into the participants' experiences, and a mechanism from which to consider positive change.

2.5 Research into Autism, Criminal Justice and Offending

2.5.1 Speculation of a link between autism and criminal offending

During the 1980s and 1990s, clinicians speculated that a causal link existed between autism characteristics and offending behaviour. Several case studies led this practice. One study linked anxiety due to impending change and unpredictability to the fire-setting of a teenage boy with Asperger syndrome (Everall & Lecouteur, 1990). In another, the continued detention in a special hospital was considered justified because of the autistic person's strong interest in chemistry and desire to poison another human being (Mawson et al., 1985).

Two case studies took this clinical work into the legal realm. Considering forensic assessments in Aotearoa New Zealand and Australia, Barry-Walsh and Mullen (2004, p. 98) raised the issue of moral culpability when they linked “deficits in social relatedness and rigidity in thought and behaviour” with the offending of five men with Asperger syndrome. Similarly, questions about criminal responsibility were raised in a case study that linked the violent offending of three Israeli men hospitalised with Asperger syndrome to their difficulties understanding social situations and seeing things from another person’s perspective (Katz & Zemishlany, 2006).

Lawyers and legal scholars also became interested in the field. Focussing on autistic people as perpetrators and victims, Mayes (2003) showed how issues of competency, capacity, defence, sentencing and evidence were addressed in cases in the United States (Mayes, 2003). The review demonstrated that simply being diagnosed as autistic was insufficient for autism to impact legal decisions significantly.

Scholarly interest in the nexus of autism and criminal justice has since evolved. Relevant literature was identified through a two-stage process. First, literature databases (SCOPUS, Web of Science, PsychINFO and PsycEXTRA) and other online search engines (e.g., Google scholar) were used to identify research and academic opinion addressing autism, offending, and the CJS. Search terms were: *autis**, *Asperger*, and *crim**, *justice*, *offend**, *prison*, and *police*. Backwards citation searches were then undertaken with literature identified in the first stage. The searches were in place throughout the course of this thesis.

Consideration of the resultant articles revealed six broad areas of academic interest. Five were: offending prevalence and rate of contact with the CJS; contemporary conceptualisations of offending by autistic people; the impact of autism in legal proceedings; autism knowledge, understanding and accommodation within the

CJS; and autistic offending. The context of the thesis is illustrated in the subsections below. However, due to its relevance to the research undertaken in this thesis, the sixth identified area, autistic perspectives on the CJS, is addressed in a separate section.

2.5.2 Offending prevalence and rate of contact with the CJS

No one knows how many autistic people commit crimes (i.e., the prevalence of offending amongst autists), nor how many CJ-involved people are autistic (i.e., the prevalence of autism in offender populations). Early research undertaken in the United Kingdom's special hospitals suggested that autistic people were present in that population at a higher rate than the general population (Hare et al., 1999; Scragg & Shah, 1994). However, research that compared rates of law-breaking of community-based autist and non-autists in the United Kingdom found much lower CJS contact in the autistic group (Woodbury-Smith et al., 2006). Clearly, the research as produced contradictory results. It is therefore unsurprising that systematic reviews of prevalence studies state that there is no convincing evidence that autistic people are more likely to commit criminal offences than people without autism (King & Murphy, 2014; Railey et al., 2020a). Nevertheless, the number of autistic people detained during criminal proceedings in the United Kingdom increased significantly in the first 20 years of this century (Woodbury-Smith, 2020). Woodbury-Smith (2020) attributed this trend to improved autism recognition, rather than increased criminal offending.

Interestingly, research suggests that the rate of contact between autistic people and police is high. For example, examination of data from a nationally representative sample of young people in the United States found that almost one fifth of those identified as autistic (n=920) were stopped and questioned by police by the

time they were 22 years old (Rava et al., 2017). While in Canada, one sixth of 284 autistic young people and adults surveyed had experienced police contact, often following aggressive behaviour (Tint et al., 2017). A consistent finding in both studies was that *actual arrest* rates were much lower (4.7% and 4.2% respectively). In a survey of 35 Canadian autists, all over 18 years old, more than three quarters had been in contact with police at least once in their lives, and just over a half (53%) had four or more interactions with police in their lifetime. Further, twice as many autists reported arrest than controls (18% compared to 9%) in an international online survey of 426 autistic adults and 268 controls (Griffiths et al., 2019).

There are likely numerous factors contributing to higher rates of contact with police for the autists than non-autists. Tint et al. (2017)'s Canadian research indicated that aggression, living away from the family home, parent or caregiver stress, and parent or caregiver financial problems predicted increased contact with police. Similarly, contact with emergency services (including police) was predicted in another Canadian study by autistic adolescents' emergency department contact in the previous year, history of violence to others, and lack of structured daytime activities (Lunsky et al., 2015). In the United States, contact with police is one of the outcomes commonly triggered during autistic children's (Kalb et al., 2017) and adults' (Vasa et al., 2020) mental health crises. Police encounters can also be triggered by neglect and abuse, which many autists reported in Griffiths et al. (2019)'s survey. There victimisation was a common experience amongst autists. Furthermore, a systematic review and meta-analysis indicated that autistic youth were frequently bullied (Maïano et al., 2016), and reviews of children with disabilities (Nowak, 2015) and adults with developmental disabilities (Petersilia, 2001) reported high rates of victimisation.

Although none of the research above was undertaken in New Zealand, it brought attention to the likelihood that some participants may have had encounters with police before becoming involved with the CJS. Indeed, that was the case for several participants. This also helped understand why one participant reported several encounters with the police, but no arrests.

2.5.3 Contemporary conceptualisations of offending by autistic people

As noted above, early work on autism and offending suggested a link between autistic characteristics and crimes committed. This practice may still be important, and good examples of it are presented in (Brewer & Young, 2018; Murphy, 2017). However, as in the wider population of justice-involved people, contemporary conceptualisations of offending by autistic people have become more sophisticated. Autism, or more specifically autism characteristics, may be risk factors for offending (Brewer & Young, 2015), but the influence of co-occurring conditions, and socio-environmental factors may also be important (Brewer & Young, 2015; Murphy, 2013, 2017). Current conceptualisations challenge the assumption that autism and criminality are directly related, consider risk factors, and identify targets for rehabilitation and therapy. To complete the context within which some autistic people offend, co-occurring conditions and socio-environmental factors are briefly described below.

Metanalyses and systematic reviews suggest that many mental health conditions can co-occur with autism. For example, 25.7% of autistic people have ADHD (Lugo-Marín et al., 2019). Between 14.4% (Hudson et al., 2018) and 37% (Hollocks et al., 2019) of autists experience depression in their lifetime, and 37% have an anxiety disorder (Hollocks et al., 2019). Also, 12.6% of autistic people develop a personality

disorder, 11.8% have schizophrenia spectrum disorders, and 8.3% have substance use disorders (Lugo-Marín et al., 2019). It is easy to envisage how some of these conditions might impact on autistic offending. For example, a highly anxious autistic person could respond to a perceived threat with a fight or flight response, or an autistic person with a substance use problem might engage in robbery to fund their habit. Research also suggests that co-occurrence of ADHD and conduct disorder is higher in samples of autistic people who behave violently, than non-violent autists (Im, 2016; Newman & Ghaziuddin, 2008).

Socio-environmental factors also deserve consideration with regard to offending by autistic people. In the general population, increased risk of criminal offending is one of several long-term factors associated with adverse childhood events (Finkelhor et al., 2015). Accordingly, it is relevant to note that autistic children commonly experience physical neglect, and physical, sexual and emotional abuse (McDonnell et al., 2019). Moreover, autistic adolescents frequently report rejection, bullying, and other forms of victimisation (Maïano et al., 2016).

Just as in the general population, adverse experiences and situations in adulthood have also been associated with increased risk of criminal behaviour by autistic people (Brewer & Young, 2018). Unfortunately, adults with disabilities (including autism) experience interpersonal violence far more frequently than people without disabilities (Hughes et al., 2011). Autistic people also experience high rates of sexual, physical, emotional or financial abuse, and threatening behaviour within intimate relationships (Griffiths et al., 2019). Unemployment and under-employment are common in autism, even among autistic people who have been successful academically (Roux et al., 2015; Shattuck et al., 2012). Not surprisingly, many autistic adults experience financial hardship (Howlin & Magiati, 2017). Moreover, research

suggested that as many as 20% of homeless people in an unspecified urban area of the United Kingdom were likely autistic (Churchard et al., 2019). Again, it is not difficult to recognise how hardship and unmet support needs could contribute to autistic offending. The participants in this study made comments about childhood adversity and hardship in adulthood, which feature in the study's analysis.

Contemporary conceptualisations of autism that take into account autistic characteristics, co-occurring conditions and socio-environmental factors can help make sense of autistic offending. This useful information had implications in legal proceedings, and for therapy and rehabilitation. However, it is important to note that this thesis does not attempt to explain the nature of experience and its causal role in crime and other problems. The intention of this research was to identify and describe the experiences and perceptions that autistic adults had with the NZ CJS. It was not concerned with the crimes that they may, or may not, have committed, and any aspect of causality.

2.5.4 The impact of autism in legal proceedings

Legal analysis has established that autism can and does impact legal proceedings. One of the most influential legal scholars in this field is Ian Freckelton SC OA. In a series of publications that summarised literature on autism and analysed legal cases from Australia, Canada, the United Kingdom, and Aotearoa New Zealand (Freckelton, 2011a, 2011b, 2013b; Freckelton & List, 2009), Freckelton showed that autism could be important to criminal responsibility and criminal culpability. Freckelton's analyses have wider application. He drew attention to the impact that autism could have on police interviews, communication with counsel and in court,

fitness to stand trial, the evidence presented during court, arrangements for a fair trial, perception of the defendant by the judge and jury, and sentencing, and disposition.

Several articles published contemporaneously with Freckelton's work extended consideration of autism to the US legal system (Cea, 2014; Cohen et al., 2013; Strickland, 2013). Again, autism was found to be likely to have significant relevance to some criminal and other justice matters. Furthermore, legal analyses have also focused upon specific types of offending by autistic people and the judge's role. For example, Creaby-Attwood and Allely (2017) considered three cases of sexual offending in England, and demonstrated the crucial role of judges' case summaries in drawing attention to autism-related factors. Similarly, legal analysis of nine cases of online sexual offending from Australia showed how autism was introduced in legal arguments and demonstrated autism's importance to judicial decisions about disposition and supervision (Allely et al., 2019).

2.5.5 Autism knowledge, understanding and accommodation in the CJS

For the appropriate accommodation of autism in the CJS, autistic people first need to be recognised. Then, the people holding power within the CJS must understand that autism can impact legal proceedings, and be willing to take appropriate action. Therefore, access to autism accommodations is inextricably linked to autism awareness and understanding.

For most people, the first CJS contact they have is with the police. It has been two decades ago since calls began in the United States for police officers to undergo professional development in autism (Debbaudt, 2002; Debbaudt & Rothman, 2001). Over ten years ago, a former senior police official in the United Kingdom also advocated for police to have training in autism (Chown, 2010). Recommendations for

professional development have also arisen in surveys of police and autistic people undertaken in the United Kingdom (Blackhurst, 2012; Crane et al., 2016), Australia (Gibbs & Haas, 2020; Haas & Gibbs, 2020), and Canada (Salerno & Schuller, 2019; Salerno-Ferraro & Schuller, 2020).

The breadth of recommended training topics for police is vast. It includes identification of autistic traits (Gibbs & Haas, 2020; Hepworth, 2017); co-occurring conditions (Copenhaver & Tewksbury, 2018); challenging myths and misunderstanding about autism (Mogavero, 2019); interview accommodations (Gibbs & Haas, 2020); understanding autistic communication and behaviour (Copenhaver & Tewksbury, 2018; Salerno-Ferraro & Schuller, 2020); handling confrontations in an autistic-sensitive manner (Copenhaver & Tewksbury, 2018); sensory accommodations (Gibbs & Haas, 2020); and more.

The success of autism training for police is not yet established. Whilst a systematic search identified 606 articles with keywords related to autism and law enforcement training, only two were suitable for inclusion in the subsequent systematic review (Railey et al., 2020b). Both articles related to police officers, and, disappointingly, both had significant limitations. The authors recommended further development and evaluation of autism training for police officers.

Interesting were the results of a recent investigation of the autism knowledge of 400 undergraduate criminal justice students studying at four universities in the United States (Mogavero, 2019). At best, they had only a moderate degree of autism knowledge. Furthermore, the length of time in their programme was not associated with increased autism knowledge. Instead, contact with autistic people was the factor that affected increased knowledge.

No articles were identified that addressed the training needs of lawyers with autistic clients. However, research by Christine Berryessa suggested that members of the Californian judiciary had autism training requirements very similar to those noted above (Berryessa, 2014a, 2014b, 2016). Furthermore, legal analysis of an employment matter involving an autistic person in the United Kingdom generated valuable advice for members of the judiciary in that country (Cooper & Allely, 2017). The suggestions centred on ensuring that legal process is procedurally fair. Pending publication is a toolkit intended for judges in the United States involved in cases with autistic defendants (Berryessa, 2021). It addresses the identification of autistic defendants, judges' role in evaluating matters like fitness to stand trial, the criminal elements of an offence, and sentencing. The toolkit also has recommendations on expert witnesses, accommodations and sentencing.

Numerous other autism-related changes to criminal justice policy and procedure have been made. One was the development of evidence-based autism guidelines for police (Crane et al., 2016; Hepworth, 2017). Research by Norris et al. (2020) generated recommendations for adaptations to police interviews of autistic witnesses and defendants. The value of health agencies and the CJS in England and Wales sharing information on autistic individuals was considered, and also the use of autism alert cards supported (Hepworth, 2017). Research from Australia encouraged police to liaise with key people known to CJ-involved autists (Gibbs & Haas, 2020). Finally, recommendations from autism and criminal justice research undertaken in the United States (Copenhaver & Tewksbury, 2018) and England and Wales (Crane et al., 2016) supported meaningful engagement between the CJS and autistic community.

Academic scholarship has also addressed the attitudes of jurors in trials with autistic defendants (Allely & Cooper, 2017; Berryessa et al., 2015), prison officers'

awareness and accommodation of autism (Lewis et al., 2015; McAdam, 2009), and guidance for expert witnesses (Berryessa, 2017; Freckelton, 2012, 2013a). Whilst informative, these matters were considered beyond the scope of this thesis.

The participants in this research described experiences with the professionals they had contact with during their CJS journeys that indicated poor autism awareness and understanding. Furthermore, they also addressed their experiences of the use (or absence) of autism-related CJS accommodations.

2.5.6 Autistic offending

In this research, the focus was on what was meaningful to participants about their CJS journey and not the participants' (alleged) conduct. Accordingly, data on offence type was not collected. This was a conscious decision, reflecting the researcher's commitment to CAS. Due to the participants living in the community, it was expected that the charges against them had been at the less severe end of the offence spectrum. Nevertheless, to complete this overview of the context in which the study is located, research on offence patterns and five types of criminal offending commonly associated with autistic people is summarised below.

No clear pattern of offence type in autism exists (King & Murphy, 2014; Railey et al., 2020a). Research of autistic people resident in prisons or high-security forensic services, or those attending specialist clinics, found the autists had committed sexual offending, murder or arson (Murphy, 2017). That seems logical though, as people who commit crimes that harm or endanger others are more likely to be imprisoned or hospitalised. In contrast, in research in the United Kingdom that invited participants living in the community to self-report crimes they had committed, autistic people reported similar levels of theft and violence as non-autists, but more criminal damage

than controls (Woodbury-Smith et al., 2006). Again this is logical, because such crimes tend to attract community-based sentences if people were not badly hurt or property destroyed or badly damaged.

Autism alone does not increase the risk of *violent offending* (Im, 2016). As noted above, co-occurring conditions, adversity and situational factors are influential. Violence perpetrated by autists is also associated with male gender, higher intellectual functioning, parental criminal or mental health history, lower socioeconomic status and delayed diagnosis of autism (Heeramun et al., 2017). Nevertheless, careful analyses of three autistic perpetrators who committed highly publicised and violent acts in the United States (Allely & Faccini, 2017, 2019) and Norway (Faccini & Allely, 2016) may help identify people at risk of committing serious violence. Allely and Faccini developed a model which identified pathways towards intended violence that they suggested could also identify appropriate preventative interventions. It is important to note that some of the work of Allely, Faccini and associates was criticised for contributing to negative stereotypes of autistic people. This debate is beyond the scope of this thesis, but for further information see Allely and Faccini (2018); Allely et al. (2017); Chown et al. (2018); Maras et al. (2015).

There has been very little research on *fire-setting and arson* committed by autistic people. For example, a recent systematic review of the area identified only 11 articles (Allely, 2019). Six were case studies, and five were empirical research. The author found that autistic people may set fires and commit arson more often than the general population.

At least four reviews since 2013 addressed the *sexual offending* of autistic people. Two reviewed all articles on sexual offending by autists (Allely & Creaby-Attwood, 2016; Sevelever et al., 2013). The others focussed on treating autists

convicted of sex offences (Higgs & Carter, 2015; Schnitzer et al., 2019). The researchers' hypotheses often explained offending by identifying the characteristics of autism (i.e., deficits in social and emotional reciprocity, low empathy). Risk was also associated with immaturity, inappropriate behaviour in public, limited intimate relationships, and poor impulse control (Sevlever et al., 2013). Poor fit between autistic characteristics to the requirements of typical treatment approaches for people convicted of sexual offences was also identified (Higgs & Carter, 2015). For example, group therapy is standard, but requires levels of introspection and personal sharing than many autistic people would find challenging. An alternative model for understanding the sexual offending of autistic people with co-occurring intellectual disability was proposed (Worthington, 2019). No research articles were identified that contained recommendations on adapting therapy for sexual offending to suit the needs of autistic people who do not have a co-occurring intellectual disability.

With the rise of the internet, child pornography has developed an extensive digital component. Despite the interest that many autistic people show in computer technology, crimes involving *digital child pornography* by autists have received little attention (Allely & Dubin, 2018). Again, social difficulties and strong, highly specialised interests were identified as factors that could contribute to autistic peoples' vulnerability to committing digital child pornography offences. Furthermore, issues for treatment and legal defence (e.g., whether they had required intent) were predicted in cases where the autistic person's apparent motivation did not contain a sexual component (Allely, 2020; Allely et al., 2019).

There is no clear connection between autism and *cyber-crime* (Payne, Russell, et al., 2019). Nevertheless, the media has often focussed on the cyber-crimes of autistic people. For example, widely reported was the English case of Gary McKinnon,

who hacked into computers of the United States military and NASA (Freckelton, 2011a, 2011b; Mackenzie & Watts, 2010; Seigfried-Spellar et al., 2015). In a local example, media reported on Owen Walker, a New Zealand teenager who orchestrated cyberattacks on the University of Pennsylvania (Freckelton, 2011a, 2011b; Schell & Melnychuk, 2011). Interestingly, results of some cyber-crime research are contradictory. For example, whilst American university students who self-identified as hackers scored no higher than non-hackers on a measure of autism (Seigfried-Spellar et al., 2015), attendees at five computer hacking conferences in America and Canada had elevated autistic traits (Schell & Melnychuk, 2011). Furthermore, an anonymous survey of internet users found that being diagnosed with autism was associated with a lower risk of cyber-crime than having autistic-like traits (Payne, Russell, et al., 2019).

To reiterate, the information presented above on autistic offending was included to provide context to the this study's location in research on autism and criminal justice. Participants were not required to explain, or even identify, the suspicions or charges against them.

2.5.7 Section summary

Scholarly consideration of autism, the CJS, and offending has a short history. In approximately 30 years it has moved from case studies linking offending to autistic characteristics, to consider broader issues like contributing factors, workforce professional development, required accommodations, and specific types of autistic offending. The medical model of autism dominates this corpus, as autism was often portrayed as a condition to be dealt with by powerful professionals who administer the CJS and identify research priorities.

This study represents a departure from the research dominating this field of study. Its location is within the investigations of autistic perspectives on the CJS, a smaller body of work addressed below.

2.6 Autistic Perspectives in the Criminal Justice System

From the CAS perspective, research about autistic experiences should identify and value what autistic people say about the phenomenon under investigation. Twenty one articles containing the voices of autistic people were identified. One was a personal account (Gordon, 2002), and the remainder were research articles into autism and justice. The articles are summarised below. First presented is the personal account. Then the emergence of autistic voices in criminal justice research is demonstrated, alongside the research methods and methodology used. Finally examined are the experiences and opinions of the participants. They fall into four categories: contact with police and police custody processes; imprisonment or detention in secure forensic services; court attendance and contact with legal professionals; and autists' accounts of their offending.

2.6.1 *The personal account*

The earliest publication was a personal account (Gordon, 2002). Convicted of murder at 18 years old, when the author was already diagnosed with schizophrenia and antisocial personality disorder. He explained that his Asperger syndrome diagnosis, made after 22 years in the UK prison system, was the one positive thing from his imprisonment. Gordon linked his adverse childhood events and social difficulties of autism to the antisocial behaviour that he subsequently developed. He presented the murder and subsequent imprisonment as seemingly unavoidable destinations:

I had what others describe as a traumatic childhood during which I was abused physically, emotionally and sexually ... Almost inevitably I drank, took drugs and turned to a life of petty crime to finance my 'using'. I knew that life was much easier for me when I was drunk or stoned because it did not seem to matter that I was different and people blamed my 'using' for my lack in social and communication skills. This lifestyle led to me being given a life sentence for murder (Gordon, 2002, p. 2)

The author believed that prison officers had considered him unemotional and antisocial and behaved negatively towards him accordingly. Attempting to appear normal, he copied the behaviour of other inmates. However, his difficulty understanding others' behaviours and intentions contributed to problematic encounters. These resulted in periods of solitary confinement, which he enjoyed.

Gordon's expressed intention was to raise awareness of autism within prisons, and make positive differences for other autistic inmates, including autists not yet undiagnosed. The article also drew attention to the risk of undiagnosed autistic people being misunderstood and developing antisocial and criminal behaviour. Obviously, Gordon's views were his own, and did not necessarily reflect the experiences of other CJ-involved autistic people. However, his account showed that at least some autistic people who are convicted of serious crimes can reflect upon their life experiences, including those associated with criminal offending, and that their points are worthy of consideration. The example of reflection that Gordon set was replicated by all participants in this study.

2.6.2 Emergence of autistic voices in research on police, justice, and criminal offending

Qualitative research investigating the criminal justice experiences of autistic people was slow to develop, but appears to have gained momentum. Only four articles (Allen et al., 2008; Blackhurst, 2012; Paterson, 2008) and one thesis (Morris, 2009)

containing the voices of CJ-involved autists were published before 2015. However, at least 16 articles have been published since then. Of those, nine appeared in the five years starting 2015 (Crane et al., 2016; Ellem & Richards, 2018; Helverschou et al., 2018; Maras et al., 2017; Melvin et al., 2020; Murphy & Mullens, 2017; Newman et al., 2015; Payne, Maras, et al., 2019; Salerno & Schuller, 2019), and the remaining six were published in 2020 or 2021 (Calton & Hall, 2021; Gibbs & Haas, 2020; Haas & Gibbs, 2020; Holloway et al., 2020; Salerno-Ferraro & Schuller, 2020; Vinter et al., 2020). Relevant to autistic court experience was another article that explored autistic experiences of the United Kingdom's family court (George et al., 2020). This increased interest in autism and justice, especially criminal justice, could well be a response to encouragement of research in this area by King and Murphy (2014). However, the rise of the autism rights movement may well have an effect, alongside the demand by autistic people advocating for research and direct consultation on matters that affect them.

Research on autism and justice started in the Northern hemisphere, and largely remains there. In Wales, Allen et al. (2008) conducted semi-structured interviews with six men with Asperger syndrome involved with the CJS. In the United Kingdom, the prison experiences of two young men with Asperger syndrome were canvassed (Paterson, 2008), and 11 autistic people participated alongside 47 police officers in research investigating police contact (Blackhurst, 2012). In the United States of America, four men and one woman, all with Asperger syndrome, were interviewed about being in prison (Morris, 2009).

Since 2015, eight publications emanated from the United Kingdom. They addressed: contact with police (Crane et al., 2016); the police custody process (Holloway et al., 2020); the family court (George et al., 2020); attending court and

contact with legal professionals (Maras et al., 2017); imprisonment (Vinter et al., 2020); detainment in high secure psychiatric care in the United Kingdom (Murphy & Mullens, 2017); and offending behaviour/treatment (Melvin et al., 2020; Payne, Maras, et al., 2019). Research on the criminal justice experience was undertaken in Norway (Helveschou et al., 2018), and investigations into contact with police occurred in Canada (Salerno & Schuller, 2019; Salerno-Ferraro & Schuller, 2020). The only autism and criminal justice research from the southern hemisphere providing first-hand accounts of autistic experience hailed from Australia. It addressed imprisonment (Newman et al., 2015), and contact with police (Ellem & Richards, 2018; Gibbs & Haas, 2020; Haas & Gibbs, 2020). (Please note that Ellem's research participants were 15 to 20 year olds with cognitive difficulties including autism). None of the research identified was from Aotearoa New Zealand.

Over time, the voices of autistic people in this research have become louder. In early research, autistic opinions were relatively brief and presented descriptively (e.g., Allen et al., 2008), or embedded in analyses that gave prominence to information from non-autistic informants and files (e.g., Paterson, 2008). The short and concrete responses collected by one researcher led her to doubt the usefulness of undertaking one-off qualitative interviews at all with CJ-involved people with Asperger syndrome, without relationship development in advance of the interviews (Morris, 2009). That the results could have been due to researcher factors (e.g., experience in interviewing, question form, researcher's role within the correctional system) seemed not to have been considered. Fortunately, the phenomenological work of Newman et al. (2015) and Vinter et al. (2020) produced rich experiential accounts by autists of imprisonment. The interviews were lengthy, and modified to take autism characteristics into account. Equally informative accounts have addressed the CJS

experience (Helverschou et al., 2018), and police custody processes (Holloway et al., 2020). Clearly, CJ-involved autistic people can and will participate in lengthy participant interviews.

Many reports of the lived-experience and opinions of autistic people involved with the CJS have appeared in articles where the primary research method was surveying. This data was sometimes collected through open survey questions, which invited more detailed responses. An example of this was the Canadian research on police contact undertaken by Salerno and Schuller (2019). Similarly, in their Australian research, Gibbs and Haas (2020) used short, semi-structured interviews after survey completion. These qualitative findings typically illustrate survey results. However, the risk exists that the content and form of survey questions could influence the narratives of autistic participants. Due to this thesis' interest in autistic adults' lived experiences of the CJS, including what was meaningful to them, the data in this research was collected through interviews not survey.

An innovative approach to obtaining autistic perspectives on police custody was undertaken in England by Holloway et al. (2020). Neither of the two study participants had any experience of arrest or police detention. Their thoughts and responses to arrest and custody were recorded during and after a walk-through of the custody experience. The research produced enlightening accounts and demonstrated that, with careful planning, the collection of experiential data might be possible while criminal justice processes are ongoing.

Unlike this study, none of the articles that provided experiential information from autistic people in contact with the CJS identified CAS as a theoretical base. However, the growing influence of the autism rights movement was present. For instance, Vinter et al. (2020) and seven other articles used identity-first language. Two

paid attention to participants' communication preferences (George et al., 2020; Haas & Gibbs, 2020), and one recognised likely sensory needs (Vinter et al., 2020).

Importantly, research from one team involved autistic people and the autism community in developing questions put to participants (Salerno & Schuller, 2019; Salerno-Ferraro & Schuller, 2020).

The following sections summarise what autistic people have said about their experiences of criminal justice systems and professionals. Critical review of these publications brought the space for this study into focus.

2.6.3 Contact with police and police custody processes

Contact with the police was the topic most commonly studied. Surveys of autistic people (i.e., witnesses, complainants, offenders, and people not involved in criminal justice) in Australia (Calton & Hall, 2021; Gibbs & Haas, 2020; Haas & Gibbs, 2020) and Canada (Salerno & Schuller, 2019; Salerno-Ferraro & Schuller, 2020), and Australian 15 to 20 year olds with cognitive disabilities (including autism) identified their autism characteristics as both causes of police contact and factors that complicated interactions with police.

There was also a common theme of dissatisfaction with the police. This concern was raised both by autistic people convicted of offending (i.e., Crane et al., 2016), and the broad groups of autists who responded to surveys about police contact (Calton & Hall, 2021; Gibbs & Haas, 2020; Haas & Gibbs, 2020; Salerno & Schuller, 2019; Salerno-Ferraro & Schuller, 2020). It was also present in interviews of youth with cognitive disabilities (Ellem & Richards, 2018).

There were many causes of dissatisfaction. Participants in the United Kingdom perceived that some police officers held negative attitudes (Allen et al., 2008), and said

they had not been appropriately informed during arrest and processing (Allen et al., 2008; Crane et al., 2016). Complaints also addressed the form, structure and number of police interviews (Allen et al., 2008; Crane et al., 2016). In cases where police were told the person was autistic, police were criticised for not making relevant accommodations in their processes (Crane et al., 2016). Participants were also ambivalent about disclosing their diagnosis to police, often due to fear of discrimination or being perceived as mentally ill or incompetent (Calton & Hall, 2021; Crane et al., 2016; George et al., 2020; Gibbs & Haas, 2020; Maras et al., 2017; Salerno-Ferraro & Schuller, 2020). Some claimed to have been physically assaulted by police officers (Gibbs & Haas, 2020; Salerno & Schuller, 2019). Others expressed reluctance to contact police ever again, even as victims (Salerno & Schuller, 2019). The emotional cost of police contact was considered high (Salerno & Schuller, 2019). A Canadian research participant's account is representative of many autists' experiences:

Terror, trauma, lack of trust knowing I can be arrested for something I didn't actually do but that when I've reported crimes they get ignored entirely (Salerno & Schuller, 2019, p. 22).

Nevertheless, not all comments about the police were negative. Some participants commented positively on their arresting officers' behaviour, describing fair treatment (Helverschou et al., 2018) or delivery of required support (Allen et al., 2008).

Common were recommendations that police officers should be trained in autism (Crane et al., 2016; Salerno & Schuller, 2019), and that procedures should be adapted to accommodate autism better (Gibbs & Haas, 2020; Haas & Gibbs, 2020). Numerous suggestions addressed how police could adjust the custody process to be more responsive to the needs of autistic people (Holloway et al., 2020).

Although there was overlap amongst the participants of the studies reported above and those of this study, the voices from this research were unique. The

participants were CJ-involved autistic adults. They commented on experiences in Aotearoa New Zealand, with its distinctive CJS.

2.6.4 Court attendance and contact with legal professionals

Only four studies addressed the experience of attending court and having contact with legal professionals. Reports about the court experience were mixed. For example, in Norway, four participants of Helverschou et al. (2018) said they understood what was happening in court, and that the process was fair. The remaining five participants were challenged by what occurred, and expressed discomfort with the processes used. Attendance at criminal courts in the United Kingdom (Allen et al., 2008) and Norway (Helverschou et al., 2018), and the family court in the United Kingdom (George et al., 2020) was associated with heightened anxiety and fear. Some participants attributed this to poor understanding of the characteristics of autism by legal professionals (George et al., 2020).

While a small number of participants appreciated their lawyers' support, participants identified issues related to the adequacy of communication, information provision, understanding, and representation of the autistic view in court (Allen et al., 2008; Helverschou et al., 2018). In the United Kingdom, legal professionals, parents, and autistic people raised concerns about a lack of understanding of autism within the legal profession (Maras et al., 2017). Interestingly, the autistic people in Maras' research were significantly more critical of the legal practice in cases involving autistic people than the legal professionals were of their own practice. Unsurprisingly, the participants wanted legal professionals representing and adjudicating cases involving autistic people in the criminal (Maras et al., 2017) and family courts (George et al., 2020) to have post-qualification training in autism.

In this research, the experience of liaising with lawyers featured largely in the participants' accounts. However, fewer comments related to appearing in court.

2.6.5 Imprisonment or detention in high secure psychiatric services

Despite imprisonment or detention in secure forensic services being amongst the most severe of criminal offending outcomes, the lived experience, as reported by autistic people and documented in the literature, has been equivocal. As illustrated below, there seemed to be both negative and positive aspects of every variable noted.

For some autistic inmates, loss of freedom was counterbalanced by reduced financial stress, access to medication, structured routines and time to think about life (Morris, 2009). Imprisonment typically reduced contact with family (Allen et al., 2008; Helverschou et al., 2018), and exposed participants to different, sometimes more dangerous, social demands (Paterson, 2008; Vinter et al., 2020). However, imprisonment also generated opportunities to develop supportive relationships with inmates, prison staff (Vinter et al., 2020), and mental health professionals (Murphy & Mullens, 2017). Some participants valued opportunities to self-isolate in their cells (Vinter et al., 2020), or transfer to the safety of secure units and high-security facilities (Morris, 2009). The range of activities on offer (Helverschou et al., 2018) or assignment to a valued job (Vinter et al., 2020) could moderate loss of access to interests and hobbies.

Although learning and adjusting to prison routines and structure was initially stressful (Newman et al., 2015), the result was typically valued (Vinter et al., 2020). However, participants also noted that prison structure and fixed routines were an illusion. In prison, changes can happen daily, without warning, and for no apparent or

logical reason (Newman et al., 2015; Vinter et al., 2020). The impact of imprisonment on any autistic person may therefore not be easy to predict.

Not surprisingly, the experiences of autistic people detained in high secure psychiatric services were similar to those of autists detained in prison (Murphy & Mullens, 2017). However, high secure psychiatric services emerged as preferable. This seemed to be due to access to diagnostic services and the self-knowledge gained by an autism diagnosis, the therapeutic opportunities, and increased understanding by staff due to autism training. Across both environments, autism training for mental health (Murphy & Mullens, 2017) and custodial staff (Helverschou et al., 2018; Vinter et al., 2020) was strongly recommended.

Although all of this study's participants were living in the community, autistic opinions of prison and secure services were included in this review because they are one of the few topics that CJ-involved autistic people have been invited to comment on. Furthermore, autists who had experienced imprisonment were not excluded from this study. Indeed, one participant had been imprisoned. Due to the exclusion of CJ-involved autists who had proceeded through alternative pathways, none of the participants had experienced high secure psychiatric services.

2.6.6 Autists' accounts of their offending

Three research articles included autists' accounts of factors that caused or affected their offending. Participants from England and Wales linked their offending to a build-up of stress combined with poor coping skills (Allen et al., 2008). Participants in Norway identified revenge, misunderstandings, idiosyncrasies, obsessions, victimisation, and excitement as antecedents (Helverschou et al., 2018). Some English autists reported that their sexual offending was motivated by social difficulties, poor

relationship skills and sexual knowledge, problems with impulse control, and negative emotions (Payne, Maras, et al., 2019).

Factors that may have preceded an act can be relevant to criminal responsibility and culpability issues. They may also have relevance for sentencing, offender management within prisons or probation, and therapeutic and criminogenic interventions. Accordingly, proper identification of these factors is essential.

Therefore, it is concerning that the research of Helverschou et al. (2018) noted inconsistency between what autistic people convicted of criminal offending and their independent forensic psychiatrists viewed as contributory factors. The psychiatrists failed to identify stress and excitement as antecedent factors, though the autistic participants did. Furthermore, although the experts commonly rated rigidity and naiveté as relevant factors, none of the autists did.

2.6.7 Section summary

According to publication numbers, academic interest in the criminal justice experiences of autistic people has tripled since 2015 compared to the 15 preceding years. Simultaneously, there appears to have been a move towards taking up the challenges of the autism rights movement by implementing research designs that enhance the ability of autistic people to be heard, use identity-first language, and involve autistic people in the design of the research.

Research that provided participants with the opportunity to talk freely was more fruitful and produced more nuanced accounts than survey research. Starting with the personal account, and moving through the various research designs and methodologies used, it is clear that autistic people can and do want to share their lived experience of the CJS. This literature supported the decision made in this thesis to

showcase the experiences and opinions of autistic participants and to utilise a phenomenological approach.

2.7 CJ-Involved Autists in Aotearoa New Zealand

2.7.1 *Number of CJ-involved autists in Aotearoa New Zealand*

No data currently exists on how many CJ-involved autists there are in this country (Office for Disability Issues, 2018). However, during 2019, 70,944 adults in Aotearoa New Zealand were charged with at least one offence (Ministry of Justice, 2020b). Based on the autism prevalence of 1 per 54 (Maenner et al., 2020), over 1,300 of these people could have been autistic. Nevertheless, as will be clear from the analysis below, few cases involving autistic people convicted of criminal offenses were reported. This situation likely arose because not all charges result in a conviction, and when offenders plead guilty they do not have a defended hearing. (Please note that although there are statistics available are for the period 1 January 2020 to 31 June 2020, due to the COVID-19 pandemic, it covers multiple periods of local and national lockdown. Accordingly, 1 January 2019 to 31 December 2019 was considered likely to be more representative).

2.7.2 *Reported legal cases involving CJ-involved autists*

To ascertain how Aotearoa New Zealand courts have considered autism, and provide further context to this thesis, the LexisNexis legal database was searched using the terms autism, autistic, and Asperger. (This thesis is not, however, a legal analysis nor an interpretative phenomenological analysis of Aotearoa New Zealand legal cases involving autism. This section was included to provide context only). The search period was 1 January 2015 to 31 December 2020 and considered reports from the Supreme

Court of New Zealand, Court of Appeal of New Zealand, High Court of New Zealand and District Court of New Zealand.

Of the 107 reported cases, 63 involved people known or suspected to be autistic. Due to some of these people being involved more than one proceeding, the 63 cases involved 44 individuals.

There was an increase in cases involving autists over the six years investigated, which could signal growing awareness of the relevance of autism in criminal matters. For example, comparison of 2015 and 2020 showed a doubling of autism cases from five to ten. However, the trend was erratic: in both 2016 and 2017 there were 12 reported autism cases; in 2018 there was 16; and in 2019 there was only eight.

Freckelton's assertion that autism can influence every stage of the criminal justice process (2011a, 2011b), was born out in the Aotearoa New Zealand cases identified. Following are just a few examples of this. For example, information on autism affected change in the charges laid in *R v Waititi* [2015] NZHC 1211. Whether autism could be considered insanity was the issue addressed in *R v Tu* [2016] NZHC 1334, and the impact of the defendant's undiagnosed autism during investigative interviews and trial was the focus of *Walker v R* [2017] NZCA 188. The impact of autism on intent (*mens rea*) arose in *Merritt v R* [2018] NZCA 610, and the role of autistic thinking about consent to sexual activity was the issue in *Nixon v R* [2016] NZCA 589. Sentencing and mitigation were addressed in *Smith v New Zealand Police* [2018] NZHC878 and *Laing v Police* [2020] NZHC 1875. Risk of reoffending was raised in *New Zealand Customs Service v Urquhart* NZDC 9822. Clearly, autism is relevant within Aotearoa New Zealand criminal courts. Furthermore, the findings of this brief analysis suggested that the experiences of CJ-involved autists living in the community were unlikely to be commonly understood by Aotearoa New Zealand's legal professionals.

2.7.3 *Section summary*

The number of autistic people convicted of criminal offences in Aotearoa New Zealand is unknown. However, as many as 1,300 autistic people annually may be involved with the CJS. As fewer cases proceed to defended hearings, it seemed likely that the participants' CJS experiences would occur outside the court arena, and focus more on police contact and criminal case process than defended hearings. The Aotearoa New Zealand court system has considered autism with increasing frequency over the past six years, but legal professionals may well have little understanding of most CJ-involved autists' experiences in this country.

2.8 Summary of Literature Review

This literature review set the scene for the research described in this thesis.

During the past 250 years, autistic people in Aotearoa New Zealand (including those involved with the CJS) have been invisible, institutionalised, classified, and medicalised. Recognition of autism, and community participation by autists is more recent. Autistic people in Aotearoa New Zealand have networked with autists internationally, who are calling for autism research to address topics relevant to everyday life and adulthood. Recognition of the rights and humanity of autistic people influenced the development of CAS. This theoretical approach champions autistic people and examines the power dynamics that impact autistic lives, their portrayal in society and their degree of participation.

Like every other group in society, some autistic people commit criminal offences. In Aotearoa New Zealand, most CJ-involved people progress through regular criminal justice processes. As the CJS has begun to respond more appropriately to the needs of disabled people convicted of criminal offending, there has been growing

interest in the CJS needs of autistic people. One perspective is that accommodation is occurring and that justice might become fairer for autistic people. However an alternative conceptualisation could be that attempts to control (or normalise) CJ-involved autists through the regular CJS and neurotypical therapy were of limited effectiveness, and the state is moving to a more bureaucratic system of identifying and diagnosing autistic people who have committed crimes in order subject them to more effective, autism-adapted interventions.

Autism and criminal justice has been researched abroad, mainly in the northern hemisphere. There appears to be a great need for increased autism awareness and understanding in the CJS, although the influence of CRPD is evident in policy and procedural change. However, also consistent with Hacking's stages of looping, the bulk of the international research addresses prevalence (counting), offence type (quantifying), and comparing CJ-involved people with and without autism (norming). In the research offending was also attributed to autistic characteristics (correlating), when connection with adverse life events may have been more appropriate. More recently, research has started to address clinical issues, like treatment (normalising), with very little attention to the first-hand experiences and opinions of autistic people who want to be consulted. The challenge is to ensure that the CRPD inspired changes really make a positive difference for autistic people, and are not merely a 'bureaucratising' strategy.

Issues of bias and representativeness exist in the small body of research that reported the words of autistic people. In the first instance, most autistic participants were not invited to talk about what was most meaningful to them. Instead, they answered surveys or semi-structured questions developed by the researchers (albeit in

a few cases with autistic input). The questions themselves may have narrowed and framed the issues then prioritised by the participants.

In the second instance, the autistic participants were frequently from very specialised groups. They had committed serious crimes, been imprisoned or detained in secure mental health services, autistic people in receipt of formal disability support, or members of broad groups (i.e., any autistic person who wanted to complete an online survey). Accordingly, this research may not have captured the experiences of most CJ-involved autistic people. Furthermore, the studies may not have reflected the views of CJ-involved autists without co-occurring intellectual disability or severe mental health conditions.

Autistic people do have contact with the CJS. However, because few go on to defended hearings or appeals, it is unlikely that most CJS professionals would be familiar with their experiences.

The next chapter introduces interpretative phenomenological analysis (IPA), the research methodology, and shows why IPA was an appropriate choice for this study. It then describes how the study was undertaken – the study's method.

Chapter 3 Methodology and Method

This chapter contains a description of interpretative phenomenological analysis (IPA), the methodology considered appropriate for the research. It summarises IPA's theoretical foundations, how IPA data is analysed and addresses IPA criticisms. Attention is drawn to IPA's appropriateness as the research methodology for the research, especially in combination with the theoretical approach, critical autism studies (CAS). These are summarised in the final subsection following restatement of the research question.

The chapter then addresses ethical approval and method. Identification and development of the research question are then explained before moving into recruitment, interview preparation, and data collection accommodations.

The participants are the focus of the next section. It presents group information on socio-demographics, autism diagnosis, preferred interview accommodations, and encounters with the Aotearoa New Zealand criminal justice system (CJS). Brief interpretative narratives then honour each participant.

Data analysis is the focus of the final section. It outlines the analytical stages and ends with the researcher's reflective review.

3.1 Research Methodology: Interpretative Phenomenological Analysis

3.1.1 *Rationale and description*

Research methodologies must be suited to the research question. This thesis sought to identify autistic adults' experiences within the CJS and articulate their understandings of those lived experiences. This question fits into the overarching category of qualitative research, because it relates to aspects of social life, and

peoples' experiences, and the meaning they make of them (Bricki & Judith, 2007). The data of qualitative research consists of participants' words, rather than numbers, and attempts to generate deep understanding about what and experience was, how it was experienced, and why it was meaningful to the participants. Qualitative research is particularly suited to research into human experience about which little is known.

Some query the boundaries of what a person can describe and know about their mental states. Certainly self-reports can be affected by many factors, including memory and forgetting (Kelley, 2014), suggestibility and compliance (Gudjonsson, 2013), and negativity bias (Vaish et al., 2008). Accordingly, the researcher acknowledges that it is impossible to fully identify and understand the experiences and perceptions of another person. Nevertheless, perceptions of personal experience remain important. They constitute what remains when an event is over, and what people may share afterwards. Perceptions of experience influence emotions, and can be the focus of psychological therapy. Many organisations consider stakeholder accounts when reviewing services, and developing policy, as occurred recently in New Zealand with regard to the justice system (Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019). Finally, persuasive first hand statements can bring research to life and contribute to meaningful change (Mertens, 2009). Qualitative research recognises the importance of experience and perception, and both embraces and manages its subjectivity.

IPA is a qualitative research methodology that emerged from health psychology, and that examines lived experience in detail (Smith et al., 2009). Its three foundations are discussed in more detail below, but essentially IPA is committed to understanding how people make sense of significant, often transformative, life experiences (Eatough & Smith, 2017). The first person perspective is integral to IPA,

which considers research participants to be experiential experts. It follows that IPA researchers typically use participants' voices (usually in the form of excerpts from interview transcripts) to illustrate the phenomenon being investigated, and to demonstrate the researcher's interpretative analysis, both at the individual and group level. IPA was therefore a research methodology aligned strongly with both the research question (i.e., autistic adults experiences and perceptions of their journeys through New Zealand's CJS) and the philosophical stance of critical autism studies (CAS).

Further support for IPA's use in this study recently appeared in the academic literature. After reviewing ten research articles, Howard et al. (2019) concluded that IPA is suited to autism research because it enables participants to be involved in sense-making, and, through this, can identify autistic experiences missed by other approaches. Whilst similar claims could be made by other qualitative methods (e.g., grounded theory), Howard et al. (2019) considered IPA's flexibility of method well-suited to research in autism, where standard data-gathering techniques may not be well-suited to autistic participants' sensory, social and communication preferences. Furthermore, due to IPA's emphasis on participants as experts in their own experiences, and the need for deep personal reflection by researchers, the authors felt that IPA processes would guard against double empathy. The 'double empathy problem' (Milton, 2012), a process of misunderstanding between autistic and non-autistic people, can damage the legitimacy of qualitative research with autistic people. Interestingly, however, Howard et al. (2019) warned that IPA emphasis on autists as experts in their own experiences could challenge researchers trained in empirical methods that emphasise a positivistic approach to epistemology.

The foundations of IPA are discussed in the following section. Please note that Husserl and the five other philosophers whose work underpin IPA, Heidegger, Merleau-Ponty, Sartre, Gadamer, and Schleiermacher, were active many years ago. The researcher relied on interpretations of their work made by preeminent phenomenologists and contained in secondary sources. The original works of the philosophers were not consulted.

3.1.2 Phenomenology, the first foundation of IPA

The roots of IPA are in phenomenology, founded by Edmund Husserl (1859-1938) (Grüny, 2015). Phenomenology is a philosophical approach that posits that knowledge and understanding arise from everyday human experience.

Phenomenologists investigate how people understand and make sense of their experiences, trying to capture the somewhat elusive essence of an experience. Hence phenomenologists consider experience from in many different perspectives (e.g., body, space, language, relationships etc) (Clark, 2011) in order to identify and understand.

In Husserl's descriptive phenomenology, human experience is carefully examined to identify how the phenomena under investigation appeared to people through their personal experiences (Pietkiewicz & Smith, 2014; Russell, 2006). Recognising that their pre-existing knowledge and opinions might influence philosophers and researchers, Husserl wanted these to be identified and bracketed off to avoid affecting the findings. Husserl aimed to identify the essence of an experience. However, Smith et al. (2009), asserted that IPA has "the more modest ambition of attempting to capture particular experiences as experienced for particular people" (p. 16).

Martin Heidegger (1889-1962), who had been Husserl's student early in his career, believed that knowledge could not exist without interpretation (Clark, 2011). According to Clark (2011), Heidegger considered interpretation essential to understanding experience, and his focus was on the lived world. Heidegger believed it was critical to focus upon things, people, relationships, language, and the relationship between the world and the person. The contribution of Heidegger's phenomenology to IPA is twofold: the recognition that people are part of a lived world consisting of things, relationships and language; and the meaning people make of experience is influenced by their perspectives and locations in time (Smith et al., 2009).

The phenomenological work of Maurice Merleau-Ponty (1908-1961) also influenced IPA (Smith et al., 2009). Merleau-Ponty made the link that individuals' understandings of the world derive from the habitation of their own bodies, through which they observe and experience the world (Diprose, 2014). Therefore, knowledge of a specific phenomenon will always differ from person to person.

In addition, the work of Jean-Paul Sartre (1905-1980) shaped IPA (Smith et al., 2009). According to Cox (2014), Sartre advanced the notion that people are always changing, as they process the world around them and their experiences, and "become". He also noted that "nothingness" (i.e., what is not there or not perceived), sensory mechanisms, and positions through and from which we perceive a phenomenon contributes to personal meaning.

IPA is a form of phenomenology developed by psychologists (Smith et al., 2009). In IPA it is not description or lived experience alone that is important. With its overt focus on the participants' experiences and meanings made, and separation from the researcher's interpretations, IPA differs from other phenomenological approaches. It focusses on participants' significant and transformative experiences, with the goal of

understanding the meaning attributed by the participants. IPA investigative processes are overt, and seek clarity, whereas other forms of phenomenology can be less transparent. Nevertheless, even in IPA, researchers consider the data from various positions (Wagstaff et al., 2014). Accordingly, the phenomenological foundation of IPA was essential to this thesis. It enabled the research to focus on the first-hand accounts of the participants, all of whom were suspected or convicted of criminal offending, and to understand and articulate their lived experience of being subject to the CJS.

3.1.3 Hermeneutics, the second foundation of IPA

The second foundation of IPA is hermeneutics (Smith et al., 2009), the methodology of interpretation (Scholz, 2015). Three particular philosophers' work has contributed significantly to IPA (Smith, 2007; Smith et al., 2009). The first of those was Friedrich Schleiermacher (1768-1834). In a recent interrogation of Schleiermacher's work, van Aarde (2019) emphasised that Schleiermacher saw interpretation as occurring through two mechanisms: grammatical interpretation, related to textual meaning; and psychological interpretation, related to an individual's own, unique language and spirit.

Next is Heidegger's hermeneutic phenomenology, which considers not only the thing or experience that is perceived but, through analysis, the way that it comes to light and is understood (Clark, 2011). In his text on the work of Heidegger, Clark (2011) noted that hermeneutic phenomenology requires careful consideration of the context in which a phenomenon is experienced, and recognition that different individuals experiencing the same phenomenon will do so in different ways, and form different understandings. Unlike Husserl, Heidegger thought that bracketing out previous experiences and preconceptions was impossible. His approach calls for these to be

explicitly noted, managed, and considered. Similarly, IPA research also requires transparent interpretation within an analysis, as this is essential to understanding how participants made sense and meaning of the phenomenon (Smith et al., 2009).

Hans-Georg Gadamer's (1900-2002) work also influenced IPA (Eatough & Smith, 2017; Smith et al., 2009). Gadamer described the influence of history and tradition on interpretation (Simms, 2015). He expanded hermeneutics and demonstrated how phenomena could make themselves heard during repeated engagement and analysis.

IPA researchers recognise a 'double hermeneutic', that exerts influence on interpretations, and must be addressed in the analysis (Eatough & Smith, 2017). The double hermeneutic explains that the accounts that researchers learn from participants are invariably interpretations made by the participants, which the researcher then has to interpret, recognising that the researcher's interpretation is itself influenced by his/her own experiences and preconceptions. This reflexive interpretation, through which researchers identify and question the role of their basic assumptions, guards against the Milton's (2012) 'double empathy problem'.

The hermeneutic circle, an idea common across most hermeneutic philosophers, is critical to IPA (Eatough & Smith, 2017). It posits that a researcher's understanding of an experience (or understanding of the transcript of a participant's experience) can only be understood as a whole by referring to the individual parts of the experience, and that the individual parts can only be understood by referring to the whole. The practical application of this for IPA researchers is to move back and forth, in and out of different analysis stages (Smith et al., 2009). This process resembles a scientist repeatedly changing the focus of a microscopic lens. IPA researchers consider the phenomenon, the data, at different levels, through a changing relationship with what they are analysing, and from differing perspectives.

The hermeneutic foundation of IPA was integral to the thesis, given that the participants' experience and interpretations were the data collected. The researcher was mindful that the double hermeneutic could influence the analysis and undermine the voices of the autistic participants. Whilst there was some interpretation within the findings (e.g., identifying themes and superordinate themes), it was decided to separate the interpretation into two parts in Chapter 4 (Findings and Interpretation): participant superordinate themes and factors identified through researcher interpretation.

3.1.4 Idiography, the third foundation of IPA

The third foundation of IPA is idiography. Concerned with the particular, idiography focusses upon the detail of an experience from the perspective of the people who experienced the phenomenon and within the specific context (Smith et al., 1995). It contrasts with psychological research interested in establishing facts and laws of behaviour that apply on a group level. IPA researchers, however, consider both the meaning of the phenomenon for the individual, in close detail, and the contribution that the various individual experiences made to the understanding of the experience of the whole (all of the participants' experiences) (Eatough & Smith, 2017).

Due to its commitment to be idiographic, IPA research typically involves small participant groups, selected purposively due to their shared characteristics or homogeneity. Sample sizes of three to six participants are common, and studies involving eight or more participants are considered large (Smith, 2011b). Given that idiography is concerned with the particular, it is possible to conduct meaningful research into only one participant's experiences.

In this thesis, the idiography of IPA is made explicit in two ways. Firstly, through the inclusion of interpretative narratives of each participant in this chapter, and secondly by the emphasis and space given to participants' accounts in Chapter 4 (Findings and Interpretation).

3.1.5 IPA strategies for data analysis

The analytic process of IPA is very flexible, with no proscribed process other than to focus upon the participant's "attempts to make sense of their experiences" (Smith et al., 2009, p. 79). Nevertheless, Smith et al. (2009) recommended the following strategies to assist novice IPA researchers:

- Reading and re-reading the data, becoming very familiar with the data, listening to audio files, and being mindful of tone, volume, fluency of speech, emotional expression, and what is not said.
- Initial coding that involves making three types of comments: descriptive comments, that address content; linguistic comments, that centre on language use; and conceptual comments, that ask questions of the data, and identify concepts.
- Developing emergent themes, through review of the comments made in an individual's data set.
- Searching for connections across emergent themes, which may be assisted by considering techniques of abstraction, subsumption, polarisation, contextualisation, numeration, function, and ways of bringing it all together.
- Moving on to the next case, implying that all of the analysis to this point is completed on each participant before moving on to the next participant.
- Looking for patterns across cases, identifying superordinate themes.

Smith (2011b) provided further guidance on data analysis within a discussion of what constitutes acceptable and good IPA analyses. First he maintained that analyses must clearly adhere to the three theoretical principles of IPA (i.e., phenomenology, hermeneutics and idiography). They must communicate what was done so that steps

can be followed. Finally, the analysis should be clear, credible and interesting, and provide sufficient examples of participants' statements to indicate how commonly a theme occurred. To Smith, good quality analyses are engaging, demonstrate insight, and provide deep interpretations.

IPA researchers are also alert to the possibility of finding a gem within transcripts, where one participant says something that resonates with the whole participant group (Eatough & Smith, 2017; Smith, 2011c). Gems can be “suggestive” in that they only become apparent as the researcher moves through the hermeneutic circle, “shining”, in that they are readily apparent, or “secret” requiring a great deal of consideration before they appear (Smith, 2011c, pp. 10-12). A gem discovered in this research will become apparent in the subsequent chapters.

The IPA literature also contains guidance on data analysis developed by co-authors of Smith, other experienced researchers, and novice researchers following the stages outlined above. For example, the processes of giving voice to participants' concerns and making sense of their claims was demonstrated in Larkin et al. (2006), and Larkin and Thompson (2012) provided practical examples of noting, coding and developing themes. Finlay (2014), an experienced phenomenological researcher, developed ten tips on how to ensure that a phenomenological analysis is engaging. These included suggestions on identifying and managing preconceptions, identifying hidden meanings, avoiding becoming trapped in themes, identifying the remarkable components of a transcript, and revitalising an analysis. A novice researcher's compelling account of the challenges and highlights of IPA's analytical process appears in Gee (2011), and includes a step-by-step guide to analysis. Finally, Huff et al. (2014) provided the detailed reflexive account of another researcher new to IPA, which addressed the philosophical component of IPA and the process of data analysis.

Although the strategies recommended for novice IPA researchers appeared relatively straight-forward, that was not the case for this thesis. Summarised in later in this chapter, each stage was repeated multiple times as the researcher moved in and out of the hermeneutic circle, reflecting on the data from multiple angles. The researcher deeply considered the advice and strategies identified above during data analysis.

3.1.6 Criticisms of IPA

IPA has been subject to significant criticism by its detractors, and counterclaims by those defending it as a research methodology and method. The most long-standing criticism is that IPA is not phenomenological. Willig (2008) suggested that IPA was not compatible with phenomenology because it concerned cognition. Giorgi (2010) advanced that IPA has little in common with descriptive phenomenology. He considered the definition of phenomenology used in the sources he reviewed to be content only (i.e., IPA claims to be phenomenology because it investigates individuals' experiences). Giorgi continued that discussions of IPA's theoretical basis by Smith and associates were of insufficient detail, a position advanced earlier by Sousa (2008). In response, Smith (2010) and Shinebourne (2011) identified more detailed literature on IPA to which Giorgi had not referred. Nevertheless, Giorgi maintained his contention (Giorgi, 2011).

In their considerations of IPA, other theorists discussed the breadth of phenomenology, and how tightly it should be defined (Chamberlain, 2011; Finlay, 2009). Subsequent articles provided more detail on IPA's phenomenological underpinnings (Shinebourne, 2011; Smith, 2011b), but van Manen (2017) returned to the debate on whether IPA is phenomenology. After describing what he felt were basic

tenets of phenomenology, van Manen cited IPA as an example of a research methodology that he believed did not meet the standard set. Smith (2018) defended IPA and claimed it had been misrepresented. However, Zahavi (2018) felt that neither definition offered in these two articles aligned with “phenomenology in its original sense” (p. 2).

Giorgi (2010) also criticised how Smith and associates suggested researchers undertake IPA. He described the advice as contradictory, in that offered research steps, but claimed not to be prescriptive. Giorgi contended that IPA was not reliable nor replicable because of this, and therefore not sufficiently scientific. In his response, Smith (2010) referred Giorgi to the recently published text on IPA (Smith et al., 2009), suggested that he and Giorgi had different definitions of science, and explained that in qualitative research the most meaningful criteria are commitment, transparency and plausibility. Giorgi (2011) did not accept Smith’s argument. However, other authorities made favourable comments about how IPA fulfils scientific criteria for qualitative psychological research (Chenail, 2009; Shinebourne, 2011).

Despite the criticisms, IPA has strong support within qualitative psychology (Chamberlain, 2011; Chenail, 2009), healthcare in general (Pringle et al., 2011), and health psychology in particular (Shaw, 2011). The text by Smith et al. (2009) was described as an informative, accessible and practical guide for qualitative researchers (Chenail, 2009; Clarke, 2010). Commentators consider that IPA made qualitative research approachable (Kaptein, 2011; Todorova, 2011) and open to diversity (Todorova, 2011).

IPA's transparency and approachability also factored into its selection as an appropriate methodology for this study. Given the historical invisibility of autism, it

was important that the methodology enabled the voices of autistic people who had encountered the CJS to be prominent.

3.1.7 Scientific rigour in qualitative research and IPA

Qualitative researchers recognise that participant accounts are subjective, and that it is impossible to be sure that researcher interpretations of this data truly reflect the participants' intended meanings. This is an issue of scientific rigour. In quantitative research, the components of scientific rigour are reliability, validity, and generalisability. However, in qualitative research (including IPA), scientific rigour is referred to as trustworthiness (Willig, 2008). The four components of trustworthiness are summarised below.

The first element of trustworthiness is credibility. Also referred to as authenticity, this is the fit between the participants' views and the researcher's representation of the same. In good IPA research, the participants and people with similar backgrounds and experiences, will see themselves in the interpretations (Smith, 2011a). This resonance is sometimes referred to as the "phenomenological nod" (Munhall, 1994, in Nelms, 2015).

Transferability is the second component of trustworthiness. In good IPA, transferability is achieved when the phenomena under investigation are so well-described that the findings can help make sense of other, similar, situations and people. Transferability is not generalisability (Smith, 2011a). IPA research does not seek to generalise its findings beyond the group of participants involved in the research at hand.

The third component of trustworthiness is dependability. In dependable qualitative the research process and decision trail is clearly laid out, and easy to follow.

In addition to clarity of method, reflective reviews are commonly included in IPA research in order to address this element (Smith, 2011a).

Findings and discussion section in qualitative research are frequently detailed, and, in IPA, rich with participant quotes (Smith, 2011a). This action establishes confirmability, the fourth component of trustworthiness. In confirmable qualitative research, the data, findings and interpretation are clearly explained and linked.

This thesis sought to be trustworthy, by demonstrating credibility, transferability, dependability, and confirmability. It did not seek to demonstrate the quantitative concepts of reliability, validity and generalisability.

3.1.8 Why IPA is right for this thesis

The research sought to identify autistic adults' experiences within the CJS, and articulate their understandings of those lived experiences. The researcher was interested in how the participants experienced and made sense of their CJS involvement, and what suggestions they had on how processes within the of CJS could be more appropriate for autistic people. Situated in CAS, it was anticipated that this thesis would demonstrate the value of autistic expertise to the CJS, influence positive changes for autistic people in contact with the CJS, and the broader population of Aotearoa New Zealand. The research also had the potential to contribute to the international literature on autism, neurodiversity, and criminal justice.

Accordingly, IPA was considered an appropriate methodology for the thesis because it enabled deep exploration (Pringle et al., 2011) of the lived experiences that the autistic participants had with the CJS, the meaning they made of those experiences, and because IPA promoted and valued intensive and authentic interpretative narratives. Through IPA, the researcher could use a CAS lens to explore a

phenomenon about which little is known (Pringle et al., 2011; Smith et al., 2009), such as the CJS experiences of everyday autistics (e.g., those living in the community, whose experience were with the regular CJS, and whose offending did not lead to imprisonment or detainment in high secure psychiatric services) . The combination of IPA and CAS was compatible, and through the subsequent transparency, makes the thesis approachable by autists and academics alike.

Several alternative methods and methodologies were considered and set aside during the development process of this thesis. In brief, thematic analysis (Braun & Clark, 2006; Clarke & Braun, 2014) may not have achieved the depth that was sought. The desire to showcase and provide detail on the voices of the autistic participants seemed likely to be problematic with hermeneutic phenomenology (Clark, 2011). Finally, had grounded theory (Glaser & Strauss, 1967) been utilised, hypothesis development would have been necessary. However, this research was exploratory, with no intention to develop or test hypotheses.

3.2 Research Preparation and Participant Recruitment

3.2.1 *Ethical approval*

Ethical approval (17/168) was granted by the Auckland University of Technology Ethics Committee (AUTEK) on 9 October 2017 for a term of three years, until 9 October 2020 (see Appendix A: Application for Ethics Approval). The final participant interview occurred in May 2018, and no contact with the participants occurred after 2018.

An amendment to the ethical application was granted on 13 March 2019, to enable inclusion of data provided by a support person at a participant's interview, with the participant's consent.

The final due date for the thesis changed several times, twice on request of the researcher, but also due to the COVID-19 pandemic. The final due date is 27 January 2022.

3.2.2 Identification of the researcher's preconceived ideas and assumptions

During IPA interviews researchers need to set aside their pre-existing values, expectations, and hypotheses about the research topic, and focus the interviews on the participants' experiences of the phenomenon being investigated (Chan et al., 2013; Smith et al., 2009). Typically questions within the interview are generated from the accounts the participants give, not from what the researcher expected to hear before the interview commenced. It is therefore considered good practice in IPA for researchers to engage in a "bracketing" interview with an experienced IPA researcher to identify any pre-existing values, expectations, and hypotheses.

Dr Brigit Mirfin-Veitch, one of the supervisors, interviewed the researcher and drew upon bracketing questions described by Callary et al. (2015). The interview lasted for 70 minutes. The researcher reflected upon the interview recording during later stages of data analysis and was satisfied that the themes and factors emerged from the participants' accounts, and not the researcher's preconceptions.

3.2.3 Risk to participants and researcher

The participants were not at risk of physical harm. However, the researcher predicted that some participants might experience discomfort or embarrassment when recounting experiences of the CJS. Participants residing in the greater Auckland region could access three free counselling sessions via AUT Health, Counselling and Wellbeing. Participants in other regions were eligible for three sessions with private

counsellors in their geographical area, funded by the researcher. Nevertheless, no participants requested counselling.

Due to the sensitive nature of the area under investigation, the relatively small community of autistic people in Aotearoa New Zealand, and the potential consequences for participants should their identities become known, participants were assured that information with the potential to identify them would be anonymised or presented in group summary form.

Due to participants being able to choose the interview location, including personal homes, the potential for risk to the researcher was identified. Accordingly, a researcher safety protocol was developed, approved by AUTEK and followed. However, no problematic events occurred during any of the interviews.

3.2.4 Consultation

Before enrolling in the Doctor of Health Science programme, the researcher consulted with three prominent members of the autistic community (names and contact detail on file with author), to ascertain if support existed within the Aotearoa New Zealand autistic community for her (a neurotypical) to undertake research in autism. All were supportive. Also discussed were areas of autism research that they thought would be appropriate, given the researcher's professional experience and networks. This process was an essential first step, consistent with the values of CAS (O'Dell et al., 2016; Orsini & Davidson, 2013).

3.2.5 Research advisory group

A four-person research advisory group was established during the research development phase to provide autism and cultural advice. The group consisted of two autistic people, Matt Frost and Paula Jessop, and one neurodiverse person, Beth

Freeman, all of whom were involved in autism and neurodiversity support, advocacy, and policy development. The fourth member was Dr Armon Tamatea, Clinical Psychologist and Lecturer in Psychology at the University of Waikato. Dr Tamatea provided cultural advice.

The Research Advisory Group provided feedback on recruitment, data collection methods, locations for interviews, participant vulnerability, autism-specific accommodations, the research questions, the interview schedule, and cultural issues.

3.2.6 Familiarisation with the CJS

Due to experience as a clinical psychologist undertaking legal assessments and appearing as an expert witness in court, the researcher was familiar with many CJS processes before this research commenced. However, during pre-enrolment and before embarking on the study, she familiarised herself more formally with CJS processes by consulting relevant legal texts (Bell & Brookbanks, 2017; Brookbanks & Simpson, 2007; Dawson & Gledhill, 2013; Simester & Brookbanks, 2012). She also consulted the websites of New Zealand Police, the Ministry of Justice, the Department of Corrections, and the CRPD. This scholarship ensured that she understood technical language used, and recognised the stages of the CJS when referred to by the participants.

3.2.7 Recruitment and sampling

IPA researchers determine the number of participants from the depth of analysis, the richness of each participant's experience, whether comparison between participants is being undertaken, and practical issues, such as how many people with the required experience are available (Pietkiewicz & Smith, 2014; Smith & Osborn, 2015). Significantly, Smith et al. (2009) recommend small participant numbers. They

suggest that between four to ten participants is appropriate for professional doctorates. Hence 10 was determined as the maximum number of participants for this research.

Due to the researcher's extensive networks in autism, disability, mental health, psychology and criminal justice, many people were aware of this research before recruitment commenced. Accordingly convenience sampling (Saumure & Given, 2012) was the natural choice for recruitment, and e-mails containing the Participate in Research (Appendix C) were distributed to nine autism networks, ten agencies that provide autism information or support to autistic people and their families or support teams, five professional associations, and 132 individuals known to the researcher (see Appendix D: Distribution of recruitment e-mail). The invitation subsequently appeared on the Facebook and social media pages of many organisations contacted and in their newsletters between January and March 2017.

Eight weeks after recruitment commenced, the number of likely participants was too low for the research to proceed. Whilst considering alternative recruitment strategies, the researcher contacted 14 people active within the Aotearoa New Zealand autism community and asked them to recirculate the invitation. Within one week, there was sufficient interest for the research to proceed.

Fifteen people responded to the Invitation to Participate in Research by telephone or e-mail. Within one working day of contact, they were sent the Information Sheet (Appendix E), a screening form used to determine if they met the inclusion and exclusion criteria (Appendix F: Questions and Answers Form), and Consent Form (Appendix G). Interested parties had 20 days to indicate their willingness to participate by returning their completed Consent Form and Questions and Answers Form. After 20 days, one prompt was sent to those who had not responded.

Eleven interested parties returned the Consent Form and Questions and Answers Form. Due to this small number, planned purposive sampling (Palys, 2012) was not required. The first ten people were invited to participate, and the 11th person asked to be kept on a waiting list in case a chance to participate came up. During data collection, the researcher discovered that one person's CJS experiences had occurred in another country, and as a complainant, so they were not eligible to participate. At that point, the 11th interested person became the 10th participant.

3.2.8 Inclusion and exclusion criteria

Specific inclusion and exclusion criteria were established to ensure that the participants' were autistic, and that their contact with the CJS would be akin to most other adults residing in the community in Aotearoa New Zealand.

An autism diagnosis was essential, and participants provided information on the profession of the diagnostician/s, and agreed that the researcher could seek further diagnostic information should there be concerns that they were not autistic. Only participants willing and able to communicate independently in person, or in writing via e-mail or instant message were included.

Due to interest being in experiences and perceptions of Aotearoa New Zealand's regular CJS (not Youth Justice, which ends at 17), the minimum age for participation was 20 years. However, participants with both regular CJS and Youth Justice CJS were eligible. To ensure that participation would not complicate ongoing legal matters, expressions of interest to participate were invited only from autists whose CJ-involvement had already ended, and who were residing in the community.

The justice involvement of participants must have occurred within Aotearoa New Zealand, with the person suspected, accused or convicted of criminal offending.

Interested parties whose CJS experiences were through the alternative pathways of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (MHCAT), the Criminal Procedures (Mentally Impaired Persons) Act 2003 (CPMIP), and/or the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (IDCCR) were excluded. This was they had been diverted away from the regular CJS, and likely significant mental health difficulties or intellectual disability that could complicate informed consent and information gathering.

Finally, to ensure that there was no conflict of interest or potential coercion, no interested parties were accepted if the researcher had worked on their case as an expert witness, or worked with them in her role as a clinical psychologist during the five years before recruitment.

All 10 participants were adults (e.g., at least 20 years old), and had been suspected or charged with an offence. The CJS proceedings they had been involved in were finished, and they were not serving a sentence, in custody, or under compulsory treatment. No participants had been subject to proceedings under the Mental Health (Compulsory Assessment and Treatment) Act 1992, the Criminal Procedures (Mentally Impaired Persons) Act 2003, or the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

3.2.9 Informed consent

People interested in participating were sent an Information Sheet (Appendix E) that explained: what the research was about; why it was being done; who the researcher and her supervisors were; who could participate; what participation would

involve; how their well-being and privacy would be protected; benefits and costs associated with participation; how they could indicate a willingness to participate; and how to raise concerns about the research. They were also sent a Consent Form (Appendix G), and a Questions and Answers Form (Appendix F: used to identify whether they met the inclusion criteria), to complete and return if they wanted to be considered for participation. Consent was readdressed during telephone calls and e-mails following receipt of the forms, and at the beginning of data collection for each participant.

Interested parties were not required to provide information on what crimes they had been suspected, accused or convicted of. This decision was made deliberately, and for three reasons. Firstly, a body of research investigating crimes committed by autistic people already exists. Secondly, the focus of the current research was on the participants' experiences and perceptions of the CJS, and not on what they may have triggered their CJ-involvement. Thirdly, compulsory collection of information on offending was considered disrespectful to the participants, and publication of this information in the thesis likely to increase the risk of identification within the relatively small autism population in Aotearoa New Zealand.

3.2.10 Interview preparation

Semi-structured interviewing is the most commonly used data collection method in IPA (Smith et al., 2009). This interview approach enables the researcher to gather data that address the research questions and allows participants to provide rich, sometimes unexpected, data.

The researcher was an experienced interviewer. Nonetheless, due to being new to conducting research interviews, general guidance on qualitative interviewing was

consulted (Smith et al., 2009; Turner, 2010). The recommended interview strategies were very familiar to the researcher, so practice interviews were considered unnecessary.

An interview of 60 to 90 minutes duration was planned. Four topics were identified as relevant to the research question. Four open-ended questions (or invitations to speak) were developed and approved by the Research Advisory Group.

These were:

1. Please tell me about your experience with the CJS.
2. Tell me about the good and bad things that happened during your contact with the CJS.
3. How do you think your life would be now if you hadn't had this CJS involvement?
4. What, if any, suggestions do you have for changes to the CJS system in order to support autistic people?

Several prompt questions were developed for each main question, to use if participants found it difficult to answer. Questions/prompts were also designed to start the interview and create rapport, and to bring the interview to an end. The full interview schedule, with prompts, appears as Appendix H: Interview Schedule. The interview schedule was converted into nine questions, with the prompts as explanations, for the participant who provided data via e-mail (see Appendix I: E-mailed Questions).

3.2.11 Identification of data collection accommodations

On the recommendation of the autistic members of the Research Advisory Group, and in recognition that autistic people can be selective in their preferred means of communicating, participants were offered a range of contact options for data collection: interview in person, interview via telephone or Skype, or engaging in a

written interview by e-mail, Skype instant message or Facebook Messenger. Research on cancer support groups (Vilhauer, 2014) and prosthetic limb use (Murray, 2009) supported the use of e-mail as a form of IPA data collection.

Efforts were made to ensure that the participants were as comfortable as possible during data collection. Accordingly, the participants were invited to inform the researcher of any sensory issues or autism-related accommodations they wanted to be incorporated into the interviews. They were also invited to identify cultural practices that they wanted to occur during the interview (e.g., use a Māori interpreter or cultural advisor, adherence to Māori protocol, data kept by kaitiaki), and all participants could have a support person present during the interview.

Participant information on availability informed the development of a timetable for interviews. None of the participants lived in the same city as the researcher, so car and air travel was required.

3.3 The Participants

3.3.1 Socio-demographics and autism diagnosis

The participants ranged in age from 22 to 60 years old (see Table 1. Socio-demographic characteristics of participants). The mix of eight men to two women reflected both the 4:1 ratio of males to females found in a recent Aotearoa New Zealand study (Drysdale & van der Meer, 2020), and the gender ratio found in New Zealand's unique offender statistics (New Zealand Police, 2020b). The diversity of nationalities that inhabit Aotearoa New Zealand was apparent. Eight participants were New Zealand Europeans, and two were from other countries where English was the dominant language. However, no people of Māori or Pasifika ethnicity were included in the participant group, as none had expressed interest in participating.

Table 1. Socio-demographic characteristics of participants

Socio-demographic variable	Number of participants (N=10)
Gender	
Male	8
Female	2
Ethnicity	
New Zealand European	8
Country 1	1
Country 2	1
Age in years	
20-29	3
30-39	1
40-49	2
50-59	3
60-69	1

Consistent with the diagnostic practices in Aotearoa New Zealand (Ministries of Health & Education, 2016), every participant reported being diagnosed as autistic by at least one psychologist or psychiatrist (see Table 2. Diagnosis of autism). Two were diagnosed in childhood (0 to 9 years), two were diagnosed in adolescence (10 to 19 years), and the remaining six were diagnosed in adulthood (20 years and over). Although there was no barrier to self-identified autistic people participating, none expressed interest in participating.

The timing of autism diagnosis in relation to CJS involvement differed amongst the participants (see Table 2. Diagnosis of autism). Four participants obtained their autism diagnosis before involvement with the CJS. Two were diagnosed during their CJS involvement, and three were diagnosed afterwards. Finally, one participant was diagnosed between separate CJS encounters. This diversity was important, given the importance of diagnosis to developing self-understanding and accessing support.

Table 2. Diagnosis of autism

Diagnostic variable	Number of participants (N=10)
Life stage at diagnosis	
Childhood (0 to 9 years)	2
Adolescence (10 to 19 years)	2
Adulthood (20 years and over)	6
Professions of diagnosticians	
Psychologist only	3
Psychiatrist only	3
Psychologist & psychiatrist	3
Psychologist & social worker	1
Psychologist, paediatrician, speech-language therapist & occupational therapist	1
Timing of diagnosis in relation to CJS proceedings	
Before any CJS contact	4
During CJS proceedings	2
After CJS processes complete	3
Between separate CJS proceedings	1

3.3.2 Accommodations during data collection

Consistent with autistic selectivity in preferred means of communication, as noted by the Research Advisory Group, eight participants chose to be interviewed in person, and one each chose Skype and e-mail (see Table 3. Data collection, accommodations, and interview). Eight participant interviews were conducted within a two week period, and the one e-mail response was also received within this time frame. The 10th participant was interviewed five weeks later.

One participant had a support person present during the interview (see Table 3. Data collection, accommodations, and interview). Three participants had family pets with them during the interview, but none indicated this was for support purposes.

One participant wanted opening and closing karakia (Māori prayer, typically used to invoke spiritual guidance and protection). After contacting Dr John Perrot, Mātauranga Māori Engagement Manager at AUT, the researcher provided an appropriate karakia and took it to the interview in written form (in te Reo Māori and English). At the interview, the researcher and participant recited karakia together. The participant's adoption of traditionally Māori protocol demonstrates a practice becoming increasingly common in Aotearoa New Zealand (Bell, 2016).

As expected, sensory reactivity was an issue for half of the participants. Three participants requested that the researcher not wear perfume, and one asked that the researcher not wear red coloured clothing. One participant requested that the researcher not attempt to shake hands or touch in any way, and another participant explained that they frequently experienced severe pain due to another condition. One participant stressed that the interview needed to occur in a very quiet space. These accommodations were made.

Interviews of 60 to 90 minutes were planned, but only three were completed within this timeframe. One interview was less than 60 minutes long. Two interviews were 91 to 120 minutes long, and three were between 121 to 150 minutes in duration. When interviews appeared likely to exceed 90 minutes, the researcher checked with the participants that they wanted to continue and assured them that they could stop at any time.

Interviews were recorded and transcribed the month following the interview.

Table 3. Data collection, accommodations, and interview

Data/interview variable	Number of participants (N=10)
Chosen style of data collection	
Interview in person	8
Interview via Skype	1
Interview via e-mail	1
Support person present	
Yes	1
No	9
Pet present	
Yes	3
No	7
Cultural accommodations	
Karakia to open/close interview	1
No cultural accommodations	9
Autistic accommodations	
No perfume	3
No red-coloured clothing	1
Do not shake hands or touch	1
Be mindful of pain	1
Quiet environment	1
Length of interview	
Less than 60 minutes	1
61-90 minutes	3
91-120 minutes	3
121-150 minutes	2
Not applicable (e-mail only)	1

3.3.3 Encounters with the Aotearoa New Zealand criminal justice system

The experiences of the CJS that the participants noted in the Questions and Answers Form were diverse (see Table 4. Encounters with the CJS). Three participants reported only one CJS encounter. Seven participants disclosed two or more encounters with the CJS, and one participant noted over 80 encounters.

All participants reported police contact and interviews, and eight had consulted with a lawyer. Nine were charged, but one indicated that he had never been charged. Of the nine participants who had appeared in court, only eight consulted with a lawyer. One participant was self-represented. Three participants noted at least one defended hearing.

Eight participants indicated that they had pleaded guilty, three reported they were found guilty, and two reported a not guilty finding. Participant responses to the Questions and Answers Form also indicated that charges against five participants were dismissed, or they were discharged without conviction. No information regarding the nature of the charges was solicited.

In cases where participants pleaded guilty or were found guilty, the most frequent sentence that the participants noted was probation/supervision (five participants). Three participants were fined. Diversion, community service, community detention, and imprisonment were each experienced by one participant only.

Three participants indicated that they were assessed by mental health professionals because of their CJS experience, and three were directed to anger management or psychological therapy.

The information summarised on the following page showed the breadth of participant experience. It reflected that participants' largely community-based CJS contact, and their contact with different legal and related professionals and criminal case process.

Table 4. Encounters with the CJS

CJS Variable	Number of participants (N=10)
Number of CJS encounters	
One	3
Between 2-10	6
Over 80 (2)	1
Timing of CJS encounter/s	
Within previous 12 months	2
1-2 years	3
2-5 years	3
5-10 years	3
Over 10 years	3
Type of contact with CJS	
Police visited home/work	9
Police interview	10
Never charged	1
Charged	9
Consulted lawyer	8
Appeared in court	9
Defended hearing	3
Mental health assessment (referred by police, lawyer or Court)	3
Outcome of CJS proceedings	
Pleaded guilty	8
Found guilty	3
Found not guilty	2
Charges dismissed, or discharged	5
Diversion	1
Fine	3
Probation/supervision	5
Directed to therapy	3
Community service	1
Community detention	1
Imprisonment	1

3.3.4 *Interpretative narratives*

The participants in this research were keen to share their experiences and perceptions and generous with their time. They welcomed the opportunity for autists and non-autists to learn from their CJS journeys, with the overall goal of influencing the CJS to be more responsive to the needs of autistic and other neurodiverse people. Given the idiographic component of IPA (Eatough & Smith, 2017), and the emphasis of lived experience that CAS encourages (O'Dell et al., 2016), a decision was made to honour each participant through the inclusion of an interpretative narrative, and set the scene for Chapter 4: Findings. Inclusion of narrative descriptions of participants sometimes occurs in IPA research (e.g., Easter, 2019). In this thesis, the interpretative narratives are not findings. They are the researchers' impression of each participant, and they were crafted to maintain participants' anonymity (e.g., information on ages, locations, family members, pets and interests was either changed or excluded). Inclusion of these narratives countered the risk that important idiographic and contextual information could be diluted or lost during the development and explanation of group themes.

Quotations from the participants (using pseudonyms chosen by the participants) were used to ground the findings within the participants' lived experiences. Some quotes were edited for clarity, and the use of '...' represents missing data. Additional explanations are included within '[]'.

Andrew

While Andrew did not enjoy being arrested and prosecuted, in hindsight, he was glad it happened. Participating by e-mail, Andrew recognised that he had needed help managing everyday life demands, but had not known where or how to access it. In his view, being arrested stopped him from moving on to more serious offending,

and being sentenced to supervision enabled him to get support. Andrew summarised the impact of his CJS experience as follows:

If I hadn't had this particular involvement, I would eventually have had some involvement later in time - my mixture of undiagnosed issues I needed help with, mental health problems, and dysfunctional family and social life at that time would guarantee it. Likely if I didn't have this particular involvement I would have had a worse outcome, more in future life prospects and ability to generally function, than I have now. (Andrew)

However, of over-riding concern to Andrew was his experience of a probation-appointed psychiatrist. The possibility that Andrew was autistic had been raised but was firmly dismissed by the psychiatrist. Diagnosed as autistic years later, Andrew was angry that psychiatrist's actions had prevented him from accessing autism-appropriate support and understanding. He was particularly aggrieved that "the psychiatrist later admitted that I could actually be autistic, and they did not know how to test this", and that the psychiatrist had failed to consider other events in his life. In particular Andrew referred to his,

(F)ear leaving the home except to familiar places, preferring [my] own company and not having any friends, no job, very childlike mentality, desiring to remain at home like a teenager, obsession/addiction to computer games and how this played a role avoiding scary things I needed to face... (Andrew)

While completing his term of supervision, Andrew was obliged to be in therapy with the psychiatrist. He found aspects of therapy unhelpful and was upset when the psychiatrist discharged him due to unsatisfactory therapeutic response. Andrew remains extremely angry with the psychiatrist, and does not believe this person to be "fit to practice".

Angela

Angela never felt like she fitted in. Her appearance marked her as different from other children, and a target for bullies. Interested in “tomboy” pursuits, Angela said she “tended to hang out with guys more than girls”. Standing out became a serious problem when teenage Angela and her friends committed a relatively minor crime. As Angela explained, “Once you get a record you know like um, um, you tend to be treated differently then, by the police, then, you know, then the average person”.

Eventually, Angela felt that she could not go anywhere without local police stopping, and often mistreating, her. One incident had enduring consequences when Angela refused to get into a police car. She had not been arrested, nor did she believe there was just cause for arrest. However, Angela said the police officer picked her up, threw her into the car, took her to the station, and arrested her because she resisted. When the charge was dismissed at court, Angela’s long-term problems started. She reported,

*(T)he officer ... accused me of making him look like a fool in court. Justifiably, my response was, ‘no you made yourself look like a fool’. The officer then stated, ‘I’ve told the boys half a dozen for every arrest they can put on you’. Of course this changed my life forever. If I verbally defended myself, against the torment and accusations, they would arrest me for disorderly behaviour. I would be, without reason, stopped, whether driving or walking, up to three times a day.
(Angela)*

Before long, Angela felt that staying home was her only means to protect herself from police harassment. Her home became her prison.

In time Angela successfully avoided police attention. However, her peace ended when an officer who recognised Angela from her youth was given a senior role at her local police station. Random stops and searches resumed, triggering enormous stress. Angela maintained that sometimes the police knowingly charged her with

offences that she had not committed, to enable restrictive bail conditions to be imposed on her.

The stress of bail and attending court was so aversive that Angela would plead guilty, even when the allegations were false. Angela enlisted help from lawyers only for serious charges, or when the principle was important to her.

Angela's fear of police prevented her from contacting them at times of need. Her reasoning was, "they [police] don't see me as a victim. They don't see me as a person. They, see me as something below people".

Bob

On the warm afternoon of Bob's interview, all the windows were closed, and the net curtains were tightly drawn. These were strategies that Bob used to manage his extreme sensory reactivity. Similarly, he warned the researcher in advance not to shake his hand. During the interview, Bob was distressed by his budgie twittering, people knocking on the front door, voices in the driveway, and the hum of a distant aeroplane. At one point, Bob said, "I want to cancel this. I can't pay attention. There's too many noises", but then changed his mind. At Bob's request, his mother was present during the interview. Her focus was primarily on ensuring that Bob was comfortable and not overheated. However, her ministrations seemed to contribute to the aura of irritability that emanated from Bob.

Bob had never been charged with a crime. However, he wanted to bring attention to the attitudes and behaviour of police officers who had visited, typically after concerns were raised about Bob's conduct. More than once, Bob was restrained by police, taken in a police car, and questioned at the station.

Bob's primary concern was that police officers repeatedly failed to consider his autism and hypersensitivity to touch and sound. His requests not to be touched were

ignored, and police had not sought information about him from his mother. Bob believed most police officers were ignorant of autism and general disability matters, and not interested in their jobs. His antipathy police was so strong that Bob identified with a person who killed a police officer. He said,

Police go to his house without a warrant. Police asked to knock on his door and the police walk into his house and the person, [name], has every legal right to turn around say please leave my house. And, they did not leave his house so, therefore he opened fire on a police officer. It's like someone breaking into your house. And then, you're telling the burglar get out of my house, out of my house. [He] opened fire on a police officer that was not even allowed to be in the house. (Bob)

In addition, Bob had no confidence that police would ever protect him. He reported twice telephoning them for help, but the response was so slow it was no use at all.

Christine

Christine felt intimately linked to her environment and this was evident from how her gaze was drawn to the snow-capped mountain that dominated her lounge window. She indicated that she had lived with this view all her life, and implied that it had supported her through numerous transformations as she moved from childhood to adulthood. As Christine's story unfolded, the significance of the thought evoked by her location shined through.

Christine grew up believing that the world was filled with clear distinctions. Behaviours were right or wrong, and people were good or bad. Feeling different to other girls, Christine self-identified as bad, "I knew I was different and, and the church, the church thinking black/white, bad/good, bad people/good people. I knew I wasn't like them and I knew they were good people so I figured I must be bad".

This view was reinforced by police officers, who displayed no empathy when they questioned teenage Christine about her clothing choice after she reported sexual

assault. Christine said she then started to associate with other “bad” people, absorb their beliefs, and learn from her experience of belonging to a group of young people monitored closely by local police officers.

Christine reflected that motherhood triggered her to reflect upon attitudes she had developed towards the police and the law. Following her autism diagnosis, Christine redefined herself. Recognising the decades of injustice experienced by autistic people and others of difference, Christine wanted all professionals to work in ways that take into account the rights and needs of all neurodiverse people.

Jack

Skyping from his bedroom, Jack was happy with the direction his life had taken in recent years. However he described his teenage self as “out of control”, and the police were frequently called to his house. Jack believed that the support he received from three CJS professionals stopped him from going to prison. Firstly, the psychologist who diagnosed him with autism. Secondly, the probation officer who held Jack to account, and provided anger management. He said,

(S)he was really lovely she, she helped me a lot. She gave me steps on how to, how to not do what I did in the past ... So she just gave me little, little steps if I got angry and wanted to do what I did again. She was like ‘you can do this’ and it was like little side track steps that I could do if I was angry... (Jack)

The third supportive professional was a local police officer whom Jack believed had particular responsibility for working with autistic people. As Jack explained, “I’ve actually got a woman here in the [town] police who deals with predominantly people with autism. And she, she’s really lovely ... Oh she’s a family friend”. Illustrating how Jack linked his more recent, law-abiding adult life directly to the help he had received, Jack said, “I’ve done a full 180-degree turn”.

Martin

Martin had prepared for the interview by rearranging his vast collection of model aeroplanes, making space at the dining room table, and ensuring that all documents related to his criminal justice experiences were at hand. Before settling down to talk, he pointed out rare and valuable items in his collection and summarised their histories.

Martin regretted having offended. However, he linked his offending with a significant change in his beliefs and improved family relationships. Before being arrested, Martin was intolerant of children, and thought of them as “pests”. Expressing his prior views, Martin said, “... they’re just a nuisance, they get in the way. I mean you know, um, I want to read a book and they come and ask me something. I mean what? Really?”.

Pragmatically, Martin realised that, without significant change, his life could become very complicated. In his search for help, he accidentally joined a support group for men estranged from their children due to custody and access issues. In the following weeks, Martin’s exposure to the grief the other fathers shared changed him.

Martin explained,

I think it as just hearing story after story like that and I’m thinking ‘my god, you know these people really care about their kids’ you know and what it’s like not to be with them, and I think it just kind of woke something up in my brain about, actually, these ... guys aren’t just a pest that you’ve just got to avoid, they’re actually something precious... I realised the preciousness of children. (Martin)

Martin realised that children, like his valuable aeroplanes, should be treasured and protected. Anything else was illogical. His family relationships improved, as did his self-understanding. Reflecting on the insight that he developed into how other people feel Martin said, “I definitely noticed in the last two years I’m becoming much more,

yeah, what is that word? I don't know if it's empathetic but just kind of have some idea of what the impact I have on other people."

Richard

Richard explained that he'd been at home (as usual), the evening the police knocked on his door. Going to the police station, he stepped into three years of excruciating stress that threatened his marriage, employment, liberty, security, and life.

For most of that time, Richard was not convicted of anything. But he felt that his life was on hold, and his future was unpredictable and uncertain. Richard experienced the events from his arrest to his conviction as highly punitive, and he seriously considered suicide. In contrast, the formal punishment of community detention seemed negligible and meaningless to Richard. He explained,

(W)e did have a little joke at the time that if they really wanted to punish me, they would send me off to go to the pub every night and make me talk to people! Um for me be, being told to stay home and not go out was ... a dream come true. (Richard)

A deep thinker, Richard had reflected upon the CJS, and investigated international practices. He considered the CJS seriously flawed. Due to his financial resources, Richard had been able to engage a barrister, and pay for a psychological assessment. He observed that the support he had would be beyond most other autistic people's reach, given the high rates of unemployment and under-employment in autism. Richard opined that the "arbitrary" rules of the CJS fail to deter offending behaviour, and commented that imprisonment might not be particularly punitive for homeless, hungry and lonely people. Richard wanted the current system disestablished, and replaced with one that minimises harm to complainants, defendants, and their families. Richard reasoned that giving CJ-involved people

responsibility and support would help build a stronger and safer community for all. In an e-mail sent after his interview, Richard wrote (information in brackets inserted by Richard),

*I mentioned the fact that the 'justice system' makes a decision to deal with an offence, and then proceeds without regard to any consequential harm (especially to innocent third parties) that may result from that action. This (proceeding without regard to consequences) is of course exactly the sort of behaviour they seek to deter in the people they deal with, and the larger population.
(Richard)*

Tom

Interviewed at a neutral venue, Tom arrived very early and stayed very late. He seemed compelled to ensure that every detail of his CJS experience was conveyed, recorded, and acknowledged. Tom's emotions were so intense that he stuttered, repeated himself, and cried. Yet Tom turned down opportunities to stop. "Horrendous", "filthy", and "wounding" were the adjectives that Tom repeated as he described his experiences. Although two years had passed since the police entered Tom's home "uninvited", the pain of that "invasion" was still palpable.

Tom's encounter with the police coincided with a difficult time in his life, as something important to him was ending and his future was uncertain. What could have been a brief conversation catapulted into detention, mental health assessment, and arrest, primarily because a police officer did not knock on Tom's door and wait. Instead, he entered, surprised Tom, refused to leave, restrained Tom, and then arrested him. Hours later, Tom was charged with an offence that he strenuously denies. Tom's initial distress transformed into trauma as lawyers and family members advised him to "Just accept it, suck it up", and plead guilty to end the proceedings swiftly. But pleading guilty contravened Tom's firmly held sense of right and wrong. In his attempt to prove that he was mistreated and wrongly charged, Tom researched

police procedure and the law and delayed proceedings for months. Convinced that the police force and judiciary were in “cahoots”, Tom closely followed legal news.

Referring to a speech by Dame Sian Elias, then the Chief Justice of New Zealand, he said,

(D)id you read her blimen speech to the criminal bar association? Man she's got some real concerns about, about the criminal justice system and I share, from my experience, a lot of them. (Tom)

Eventually discharged without conviction, Tom could not move forward. His concerns about police behaviour were unresolved, and he ruminated about the untested New Zealand Police Summary of Facts. Tom was considering making formal complaints about the arresting police officer and the judge.

After the interview, Tom sent the following text, “Thanks for hearing my criminal justice story. I found our meeting today therapeutic and I’m feeling a little lighter on my feet this afternoon”.

Tony

Tony chose to participate in the research because his most recent experience of the CJS had been mostly positive, and effected significant change in his willingness to accept responsibility for his actions. He said:

I've changed my ways now, it's like, I would rather walk away than, have any problems so... I prefer to just get away from the situation and then come back and, if they're still annoyed then I don't bother talking about it but if they want to talk about it then I will. But not at that time. Because it's um, when people are both angry. Things can be said, things can be misheard, things can be um, misinterpreted [sic]. And then you can get in big trouble. (Tony)

A proud man, Tony was frightened by the other people in the cells. He said, “(Y)ou don’t know what everyone’s done or what they’ve been accused of. There’s a lot of criminals there”. He did not regard himself as an offender. His preferred identity

was a working man. Employed fulltime, Tony prioritised work above all other activities. He believed that the judge and probation service did too because he was sentenced to supervision and anger management, rather than imprisoned. Tony explained,

(T)hey wanted to do a community-based sentence and also a sentence that wasn't going to affect me that much or affect um, but still be punish, punitive ... They, in the criminal justice system the judges look at, people that if you're just on a benefit, there's a higher chance that you're going to re, recommit offence or do something. But if you're kept busy and you're working, the criminal justice system thinks, that you're actually helping the community by working. (Tony)

Tony believed that his probation officer had organised, and reorganised, supervision appointments to minimise interruptions to Tony's work duties. He was confident that the experiences of autistic people with the CJS would improve if all probation officers value their clients' work. He said, "they should say try and minimise the effect it [supervision] has on your work ... So it doesn't affect your work".

Vincent

Vincent described himself as the "normal data point" of the research. He expected that other participants would provide negative accounts of the CJS, while his contact had been neutral.

Vincent's offending commenced several years after his autism diagnosis. He was arrested, detained in custody, and appeared in court twice. Vincent recalled being treated respectfully by police officers, helped by the duty solicitor, and commended by the judge for steps he had taken to address his offending. Vincent did not disclose his diagnosis during legal proceedings, and was proud that he successfully navigated the system without autism being mentioned.

During much of the interview, Vincent insisted that modifications to the legal process to cater for autistic people were unnecessary. He reasoned that autists must function within neurotypical conditions because the world is mostly neurotypical.

Vincent likened this to “survival of the fittest”. Opposed to autism ever being a defence for offending, Vincent argued that an autism defence would reward autists who offended and damage all autistic people's reputations.

As the interview progressed, Vincent considered that knowledge of autism in the CJS, and accommodation of the support needs of autistic people might be beneficial in complex legal situations. Vincent generalised the need for accommodations for people from a range of neurodiverse groups, including “so-called normals” whom he believed display great within-group variation.

Summary of interpretative narratives

The narratives above illustrate the range of criminal justice experiences the participants had and set them within their personal contexts. They provide a solid basis for the analysis that follows and ensure that the participants' humanity is honoured.

3.4 Data Analysis

3.4.1 Transcription, and preparation of transcripts for annotation

Due to the length and detail of many of the interviews, a professional transcription service was utilised. To maintain confidentiality a Transcriber Confidentiality Agreement was signed (Appendix J). Words or segments of the audios that the transcriber was unsure of were noted in red in transcripts, alongside the time they occurred in the corresponding audio. The researcher enumerated the transcripts, listened to them alongside each audio, and made corrections where necessary. Details were also anonymised. Adjusted transcripts (including the e-mail correspondence for one participant, hereafter referred to as a transcript) were sent back to participants for review and approval within one month of their interviews. In most cases, no changes

were made, and those that occurred were minimal. All participants approved their transcripts.

3.4.2 Additional information from three participants

Three participants contacted the researcher after their interviews. One texted within minutes of the interview ending. Another e-mailed the day of the interview to briefly express a thought that had crystallised after the researcher left. Five months after their interview, a third participant e-mailed the researcher a two-page summary of key aspects of their CJS experience that they had felt compelled to write. These additional inputs were added to the transcripts and included in data analysis.

3.4.3 Reading and re-reading

The transcripts were read and re-read at least three times before hand analysis commenced. The interview audio files were listened to in their entirety once. The tones that participants used, their verbal fluency (or lack thereof), and expressions of emotion were noted on the transcripts.

3.4.4 Hand analysis and initial noting

Each transcript was reformatted into a three-column table: the first column was for emergent themes; the second contained the transcript; and the third was for initial noting. Initial noting and analysis were undertaken on each transcript up to, but not including, the point of looking for patterns across cases. Notes relevant to descriptive, linguistic and conceptual content were entered into column three. Pens of three colours were used to differentiate between types of content. Text that posed conceptual questions were highlighted, as were excerpts that seemed to be pivotal quotes.

3.4.5 Developing themes, and searching for connections across themes

Transcripts were then considered, with the emphasis on the notes and comments made rather than the text. Comments or excerpts frequently translated easily into themes and were recorded in column one. These were edited as the researcher moved back and forth through each transcript. Themes and notable excerpts from each transcript were transferred on to sticky notes and arranged and rearranged in groups on large (A1) sheets of paper that reflected themes (see Appendix K: Developing Emergent Themes). Photographs were taken during this process to capture the different ways that content could fit into themes.

3.4.6 Bringing it all together for each participant

Next, an account of each participants' CJS experience was written. Only when the account of one participant was complete did the researcher start work on another participant's transcript.

Informal accounts of each participants' experience had been made three times before the compositions presented above were compiled. The first set of notes was intentional: immediately following each interview or e-mail encounter, the researcher recorded how the participant presented, the main themes of the interview, observations of recurring patterns of behaviour, hypotheses about the experience's meaning, the researcher's emotional responses, and her reflections of the data collection process. However, during the reading and re-reading phase, the researcher experienced vivid dreams about the participants and recorded her dreams and impressions upon waking.

The second and third notes on each participant were made without reference to the earlier notes. However, after good progress searching for connections across

themes, the three notes for each participant were typed and compared. Consistency and changes in themes, observations and questions were noted, and attention focussed upon both the participant's intended message and any hidden or unintentional communication. Quotes from each participants' transcript were arranged by themes. This enabled further theme refinement and provided a resource to draw upon for quotes.

3.4.7 Looking for patterns across cases

Patterns across cases were identified when the sticky note sheets and idiographic accounts of each participant were considered as a group. However, numerous superordinate themes were identified, they often overlapped, and there were multiple ways that the themes and data contained within could be arranged. The superordinate themes evolved as the thesis was written.

3.4.8 Two levels of interpretation

Data analysis produced two levels of interpretation. Although the difference between the two is subtle, it is important. The first set of interpretations, henceforth referred to in this thesis as 'participant findings', represents what the researcher identified to be the meaning the participants made of their experiences, and wanted to convey. The second level of interpretation, henceforth referred to as 'researcher interpretation', draws from the participant findings and the researcher's knowledge, expertise and understanding of the social and political system.

3.4.9 Data quality checks

Telephone contact was made with at least one supervisor on several occasions during data collection, to debrief, and share the researcher's thoughts and

understandings of each participant's lived experience. Anonymised interview transcripts were sent to the supervisors as they became available. Positive feedback was received from the supervisors on how the interviews were conducted, and the breadth and depth of data collected.

Both supervisors worked through all ten transcripts themselves, and the researcher's individual accounts and sticky note sheets were also shared with them. The supervisors made their own initial comments and discussed the researcher's themes and interpretations with her. Although one supervisor shared a small number of initial observations with the researcher, these were not consulted until the researcher had independently completed data analysis. Furthermore, to avoid influencing the researcher, the supervisor consciously stopped sharing her observations. Supervisors referred to their notes during discussions about participants, themes and interpretations. They expressed confidence that the researcher's analyses were consistent with their impressions of the data.

3.4.10 Consideration of autism during interviews and in data analysis

In addition to consultation with the Research Advisory Group, which guided development of the method, including the interview schedule, strategies were implemented to ensure that the characteristics of autism were taken into account during interviews and data analysis. For example, during data collection interviews, the researcher was attentive and non-judgemental, listened carefully, paraphrased, and clarified meaning when it was unclear. It was important to give participants sufficient time to consider their responses, and this sometimes involved lengthy silences. The vocabulary and sentence structure used by the researcher during interviews was autism-appropriate. Thus, inquiries were made of opinions and beliefs, rather than

feelings. Furthermore, when the participants were talking about emotionally-laden topics, the researcher was attentive to autistic traits conveyed through fluency of speech, tone, gesture and facial expression. Finally, recognising that eye contact can be difficult for some autistic people, the researcher was mindful not to engage in intense eye contact with participants, and deliberately angled her body away from the participants to minimise use of eye contact.

The data analysed in this research was transformed into written transcripts. Though characteristics of autism were evident in some of the written words, many signs of autism faded in this process. To some readers, the interview finding could seem to have few signs of autism. It should be noted, however, that transcripts alone do not convey the richness of autistic characteristics that were observed in all participants during the interviews.

3.4.11 Lessons learned

Several issues arose during the course of the research that proved valuable lessons for the researcher and may be of interest of other researchers. Issues were noted in an issues log, and discussed during supervision. The most concerning problem arose during recruitment. The researcher assumed that interested parties would either use regular mail, or have access to printing and scanning facilities. However, some interested parties wanted to complete and return forms entirely electronically. In response, forms were transformed into documents that could be completed online. Unfortunately, this contributed to a breach of confidentiality for one interested person, because the form did not auto-clear. Immediately upon the breach being identified, the problem was rectified and the interested person was contacted. The supervisors were informed, and Auckland University of Technology's

Ethics Committee was notified. The matter was resolved with no further intervention, and the interested person was satisfied with the outcome. In future research, a more secure and confidential method of electronically completing and returning forms will be used from the outset.

Concerns also arose during participant interviews. In the first instance, a participant irritated by sensory stimuli, wanted to end the interview very early. Although this could have contributed to a gap in the data, the researcher thanked the participant for joining in the interview thus far, and praised him for being assertive. As the researcher was about to leave, the participant changed his mind and indicated a desire for the interview to resume. The interview continued for another 50 minutes. Likely the researcher's actions demonstrated that the participant was the power-holder, and this empowerment contributed to the participant's decision to continue. During another interview, the researcher was asked to comment on the practice of another professional active in the autism community. She declined to do so, on the grounds that to pass comment would be inappropriate in her role as researcher. This explanation was accepted.

Finally, one participant had moments of being highly distressed during the interview. The participant responded well to de-escalation strategies and declined an offer to end the interview early. The same participant also telephoned the researcher several times after data collection, to reiterate points made during the interview and to ask if the researcher would become the participant's psychologist. These calls were treated with respect and patience, and free counselling at AUT was offered. This difficulty occurred because of the researcher's dual roles of researcher and clinical psychologist. In future, information to participants will specify that participation will

exclude the possibility of the participant consulting with the researcher in her capacity as a clinical psychologist.

3.4.12 Reflective review of data analysis

The following reflection is written in the first person, to illustrate the thoughts and emotions that the researcher experienced as she conducted data analysis.

I found it very helpful to read and re-read transcripts and compare them against the audio recordings. Listening to each interview in this way deepened my understanding and recollection of what had transpired. However, as noted above, I was challenged during the process of identifying superordinate themes. While my first attempt at identifying superordinate themes by topic appeared logical, I realised that the groupings were descriptive and not interpretative. They organised the experiences the participants had, and their recommendations for change, but did not easily account for the ways that their experiences had impacted on them at a more conceptual level.

In my second attempt to identify superordinate themes, I focussed upon how characteristics of autism manifested during the CJS experiences. However, I grew uncomfortable with this analysis because of its inconsistency with my critical autism stance. Focussing on autistic characteristics seemed akin to accepting the medical model of autism and seemed to be leading to conclusions that found fault in the participants.

For some time I hoped that superordinate themes would materialise if I considered the titles of superordinate themes contained in the body of IPA literature, such as those articles considered by Smith (2011b) as good examples. I developed lists of superordinate themes, themes, and subthemes, and searched for patterns. Sudden

inspiration did not happen, but I started to see that the themes in each research article were generated by the participants within that study. Two IPA articles were exceptionally informative and reassuring: Gee (2011) and Wagstaff et al. (2014). As noted above, Gee (2011) described how she interpreted and applied the guidance provided in Smith et al. (2009). The article helped me understand the suggested stages of analysis. Next, the confusion I experienced whilst moving between individual and group themes was normalised when I considered the experiences of the eight IPA researchers summarised in Wagstaff et al. (2014). They gave an elucidating account that likened the double hermeneutic to an accordion, and the myriad of interconnecting themes to a deep bowl of spaghetti. This helped make sense of the eventual six superordinate themes and 16 themes, which, due to aspects of some themes overlaying and entwining with one another, were not mutually exclusive.

I moved on to thinking about the organisation and goals of the CJS. A perusal of New Zealand Police websites, the Ministry of Justice, and the Department of Corrections reminded me that each arm of the CJS has mission statements, slogans, objectives, and goals. For a time, arranging superordinate themes according to three goals common to these organisations (i.e., safer communities, access to justice, effecting better lives) seemed reasonable. However, I struggled to write passages that illustrated the themes and remained true to the essence of the participants' accounts. Alongside this was a growing realisation that what I had identified as superordinate themes had not been generated from the data, but been imposed on the data, and the fit was not good. I therefore abandoned this structure.

Next, I set aside all notions of organisation and immersed myself yet again in the individual accounts. I reviewed my initial noting and dwelt on the large pieces of paper with sticky notes that I had developed after analysing each transcript. Using

dictation software, I transferred the notes, developing themes, and relevant quotes into a Word document, and started to cluster them, like with like. I tried to think about the data again from the participants' perspectives. I made a list of the questions that I thought the participants expected to see answered in the thesis. The list included, "What was my experience of the CJS like?", "What happened to me, and what sense did I make of it?", "What was the impact of the journey on me?", and "What was important for me to share about my CJS journey my thoughts thereafter?".

Utilising the multilevel list function, I identified higher-level themes, subthemes and talking points. I considered theme titles that reflected the roles participants had had during their CJS experiences, such as suspect, offender, and inmate. However, when I realised that these labels were given to the participants by the CJS and were not, therefore, identities that the participants used to describe themselves, I moved on to considering the experiences that the participants had actually had. I then made a list of verbs that reflected these experiences, and what the participants had been subjected to during their encounters with the CJS (e.g., encountering New Zealand Police; negotiating for justice; engaging in psychological assessment and therapeutic interventions; changing as a person; and recommending autism-related improvements). The findings section was written using these superordinate themes.

Nevertheless, when I first started writing the discussion chapter of the thesis, I realised that the analysis as written was descriptive, not interpretative. Whilst it documented what the participants had said, it did not make sense of their experiences and perceptions. I began looking for common issues within the findings as they were written at that time. Several opposing concepts surfaced: trust/distrust, confidence/doubt, protect/harm, and strength/vulnerability. I started to ask questions about what trust in the police might look like, what factors mediate confidence in a

justice system, and how people might be affected if they feel unsupported in their encounters with legal professionals. Trying to find answers, I read an article titled "Trust in Justice" (Bradford et al., 2017), which introduced me to the interdisciplinary field of social justice research. With sudden clarity, I realised that the participants had taken me on a journey into procedural justice, an area of scholarly thought that I had failed to identify as relevant whilst developing my research proposal. Whilst I had read about therapeutic jurisprudence early in my doctoral journey, I had not read about social justice, the broader field in which it is located.

Social justice had not emerged as an important consideration during my review of the literature related to autism, offending, and the CJS. Yet, when I began to consider the participants' experiences and perceptions through a social justice lens, I started to comprehend what had been meaningful to the participants about their criminal justice experiences. When I linked their commonalities with the participants' voices, they took life, and the superordinate themes and themes were generated.

Two further processes assisted data analysis. The bracketing interview was the most important. It helped me identify the views I held before starting the research. Accordingly, during data analysis, I was able to identify any preconceptions that arose and set them aside to maintain deep consideration of the participants' perspectives.

The second strategy was using a personal journal to note and consider emotional responses that I had to the participants and their accounts, and those elicited during data analysis. I could separate my private responses from those linked to my clinical psychologist and researcher identities. Through the journaling of emotional reactions, I was able to identify and strengthen appropriate personal, professional, and research boundaries.

3.5 Summary of Methodology and Method

This study sought to identify autistic adults' experiences within the CJS, and articulate their understandings of those lived experiences. The qualitative research methodology of IPA was considered an appropriate approach for developing an understanding of the phenomenon under investigation and showcasing the participants' voices.

Data were collected through nine in-depth individual interviews (one by Skype), and one e-mail. Semi-structured open-ended questions were utilised. The interviews were recorded and transcribed, and then all data was analysed and interpreted, guided by the process suggested Smith et al. (2009). The researcher then reflected upon data analysis.

Composition of the participant group reflected the adult autistic community in gender but unfortunately did not include participants of Māori ethnicity. Accommodations due to sensory reactivity were made for all participants who requested this. The participants had diverse experiences of autism diagnosis and contact with the CJS. To be consistent with critical autism studies and the IPA's idiographic foundation, and honour the participants, anonymised interpretative narratives were included.

The following chapter presents the findings of the research. It is made of two parts. First the participants' voices are championed and presented as six superordinate themes and 16 themes. Then the researchers' interpretation of the participants' experiences is presented.

Chapter 4 Findings and Interpretation

This chapter presents the findings and interpretation of the experiences of autistic adults who have engaged with the Aotearoa New Zealand criminal justice system (CJS). It comprises of two main sections. The participant findings are the first level of interpretation, and the longest section. It is organised by superordinate theme and theme, and the participants' voices are prominent. This section highlights what participants appeared to consider meaningful and important about their experiences.

The next section is the second level, deeper researcher interpretation. Closely aligned to critical autism studies (CAS), this section identifies factors and subfactors that seemed to influence the participants' experiences and perceptions. If understood and taken into consideration, these factors could lead to more responsive criminal justice practice and better experiences for CJ-involved autistic people. This section also illustrates IPA's double hermeneutic (Eatough & Smith, 2017) in that it presents the meaning that the researcher made of the meanings that participants made of their experiences. The interpretation adds a rich dimension to the thesis. It has intentionally been separated from the participant-led findings to maintain the authenticity of the participants' voices and as a way of optimising the accessibility of the findings for the autistic community.

As before, quotations from the participants grounded the group findings within the participants' lived experiences. Some quotes were edited for clarity, and the use of '...' represents missing data. Additional explanations are included within '[]'.

References to lawyers also include barristers and solicitors.

4.1 Participant Findings

4.1.1 *Overview of superordinate themes and themes*

Six superordinate themes and 16 themes were generated from the analysis (see Table 5. Superordinate themes and themes). Three illustrated how participants perceived their experiences of the CJS from initial contact with a police officer, through to resolution of the criminal issues. The impact of their experiences was then considered, and followed by the participants' recommendations for how the system might more appropriately address the needs CJ-involved autists. The seventh superordinate theme provided more contextual information about hardships experienced by the participants. Divergent experiences are provided where themes applied differently to participants.

The superordinate themes were: unease with New Zealand Police; overwhelming legal processes; encounters with mental health professionals; the impact on self and others; recommendations from the participants; and adversity across the lifespan. Eight of the themes illustrated the participants' experiences of police, legal professionals, mental health and disability professionals (MHDP), and the CJS itself. Six themes addressed the impact of the CJS experience on the participants and their families/whanau, and on the participants' recommendations for change to the CJS. The remaining two themes addressed childhood adversity and hardship in adulthood.

Table 5. Superordinate themes and themes

Superordinate themes	Themes
Unease with New Zealand Police	<ul style="list-style-type: none"> • The expectation of unreasonableness • Concern about the incorrect application of procedures, abuse of power and use of violence
Overwhelming legal processes	<ul style="list-style-type: none"> • The powerful and punishing criminal justice system • Variable legal representation • Appearances before a judge • Supervision by Community Corrections
Encounters with mental health and disability professionals	<ul style="list-style-type: none"> • Autism assessments • Mental health support, counselling and therapy
The impact on self and others	<ul style="list-style-type: none"> • Lasting emotional and behavioural change • Impact on partners and family • Safety and vulnerability • Risk of future offending
Recommendations from the participants	<ul style="list-style-type: none"> • Professional development in autism • System and structural changes
Adversity across the lifespan	<ul style="list-style-type: none"> • Childhood and adolescent adversity • Hardship in adulthood

4.1.2 Superordinate Theme 1: Unease with New Zealand Police

The participants shared unease about New Zealand Police. They provided numerous examples of unhelpful, even abusive, encounters with police officers that contributed to their disquiet, and influenced their perception of the police force as a whole. These fell into two themes: the expectation of unreasonableness; and concern about incorrect application of procedures, abuse of power and use of violence.

The expectation of unreasonableness

More than half of the participants expected officers of New Zealand Police to behave unreasonably. Sometimes this view preceded being suspected of offending. For example, Bob and Tony, both diagnosed as autistic in childhood indicated a life-long sense of unease with police officers. Angela and Vincent formed this view in

adolescence, after experiencing police attention due to the people they associated with, the places they frequented, or their contributions to noise or traffic. Sadly, another participant's low opinion of the police was formed after being sexually assaulted. Christine said that the police officers who took her statement treated her "like absolutely shit", and acted "robotic ... like they had no feelings". She reflected that this experience was shaped her opinion of police officers.

For Tom and Martin, the expectation of unreasonable police behaviour did not crystallise until they offended. Both men's confidence in the police force was undermined by what they perceived as improper police behaviour. Martin's experience was striking. Before offending, he had a long-standing and positive working relationship with the New Zealand Police. However, his views changed when he felt that the police officers acted insincerely. It was then Martin realised that "if you're on the wrong side of the law ... you definitely ... see quite a different picture". Concerned that police use "any means fair or foul" to obtain a conviction, conceded, "I guess that's how you solve a crime ... I guess if you look at the bigger picture okay you, you lose credibility, but you solve crimes". Martin's loss of confidence in the police force was profound.

The presumption of innocence is fundamental to criminal justice, yet several participants were convinced that police officers believe that all suspects are guilty. Representative of these participants was Tony, who said, "in New Zealand, they (the police) believe you're guilty until proven innocent". He and four others described encounters with stern and authoritarian police officers. They perceived the officers to be uninterested in their versions of events, or unwilling to resolve matters without arrest. These participants variously likened arrest to punishment without trial, and

their experiences of detainment, fingerprinting, being charged, bailed with conditions, or remanded in custody consolidated their opinions.

Christine and Bob shared a sense of being patronised by police officers. Both considered that police officers had treated them like children. Christine was concerned because officers contacted her parent without permission, and Bob was affronted at being reprimanded, rather than given a formal warning. He explained,

Yeah real strict and telling me that I'm in the wrong ... Starts going off at me. Was really annoying ... Tells me off. I'm like police officers don't tell people off. They give them warnings. They don't go and slap them on the wrist and tell you've done wrong. That's not for him to do that. (Bob)

Both participants felt that the officers involved in their case had exceeded their role, firstly by contacting a parent, and secondly, by acting like a parent.

There were mixed views on whether knowing that a person was autistic would improve officers' attitudes or behaviour. Pessimistically, Christine speculated that officers would "snigger" if she disclosed her diagnosis. Angela said that when her lawyer presented her diagnosis in court, the police prosecutor made a disparaging noise, then "stood up and said oh this is ridiculous, no Angela's not autistic". Similarly, Bob considered that he was deliberately mistreated because the police officer knew he was autistic. Nevertheless, Bob praised an officer for learning about disability,

Only one police officer that I do trust I know has done courses with autism and disabilities is [name] ... Because I met him before I knew he was a police officer. I knew him from my old teacher, from high school and he learned all sorts about disabilities. He attended a course, he worked in the community with people with disabilities. He knows what to say ... He did it because he wanted to do it. He did it not because his boss said he did it but because he wanted to learn. Which is very good, he's a police officer that likes his job. (Bob)

Bob formed a positive perception of this man before becoming aware of him being a police officer. In Jack's case, the opposite occurred. Jack elevated the status of

a police officer he knew to "family friend" after she acquired autism knowledge and implemented autism-friendly practice. Interestingly, both Bob and Jack assumed that the officers had undertaken the training for personal, rather than professional, reasons.

For some participants, what was positive about police behaviour was that they had not behaved in the unreasonable manner that the participant had expected. For example, Christine commended police officers for providing her with a blanket on a cold night in the cell and ensuring that an officer of the same gender searched her. Four others were thankful that they were not handcuffed or tasered. So strong were the participants' expectations of negative police behaviour that two participants were surprised, even amused, when they encountered the opposite. For example, Vincent laughed when he said,

He was, I mean, stern but not unreasonable like he had a stern tone of his voice like if I can, you know recall he's like "if you do it again you will be arrested", he said it kind of like that ... his tone was, you know pretty standard cop tone not quite, you know unfriendly or anything but not wasn't overly welcoming but I mean I wouldn't have said it was a bad experience anyway ... This particular officer had this kind of bobbiness to him, you know like a British bobby even when they're fucking bringing you in, they're somehow friendly. Um so that was, that was okay. (Vincent)

This relatively neutral contact with a police officer had been so unexpected, that Vincent found the police officer's courteous behaviour quaint and humorous.

Participants praised individual officers who took a stand on their behalf and listed their actions amongst the few positive outcomes of their involvement with the CJS. Representing this view was Andrew, who explained, "The detective had realised I was genuinely remorseful for my actions and appeared at court as a supportive action".

Unfortunately, accounts of police officers failing to act on behalf of participants were more common. For example, Tom's confidence in New Zealand Police became undermined when he felt that an inexperienced police officer had failed to support Tom's contention that a higher-ranking officer had made a "false statement". Similarly, Angela was disappointed when the police officer she thought was her friend failed to challenge his colleagues for ridiculing and targeting her. She concluded that "there are only bad cops and those that allow them ... to be bad cops", an opinion unfortunately shared by several other participants.

Two participants referred to a well-known police publicity campaign when referencing their lack of confidence and trust in the New Zealand Police. Christine and Bob both scoffed at police for "blowing on pies", and suggested that helping people would be a better use of police officers' time. "Blowing on pies" is a reference to a Police Ten 7 episode from 2009 when a police officer tried to use humour during an encounter with a suspected car thief. Shared widely, it is iconic in Aotearoa New Zealand culture (Deguara, 2019).

Concern about incorrect procedures, abuse of power and use of violence

Half of the participants expressed concern about police officers not following official procedures, abusing their power, or using violence.

Incorrect application of procedures

Despite expecting unreasonable police attitudes and behaviour, most participants expected police officers would know and consistently follow all policies and behave within the law. Experiences to the contrary significantly undermined the participants' confidence and trust, not just in the police officer concerned, but the whole police force. For instance, Tom was so aggrieved by his arresting officer's

conduct that he went to great lengths to acquire and study procedures manuals.

Illustrating some of the questions he hoped the manuals would answer, Tom asked,

What are the police supposed to do in this situation? Are they supposed to drag someone away or you know are they allowed to enter? I didn't know. She says oh he's executing his duty by walking into his house and staying in there after he's been told to leave. Oh is he allowed to that? In what circumstances is he allowed you know what? And I think they thought oh maybe he is and I didn't seem to think that he's, did he have a warrant? Did he have justification what? And um, and so I was just looking for clarification and, and so he didn't follow any of the police procedures. (Tom)

Whilst Tom's concerns were the most extreme, other participants were displeased when police made procedural mistakes or were inconsistent. For example, Martin informed the police officer what he believed was the appropriate charge to avert being charged with the wrong offence. Martin did this even though the replacement charge could have more severe consequences for him. Martin was also seriously concerned about inconsistency when a higher-ranking officer overturned the decision made by Martin's arresting officer. He explained,

The lack of integrity if want to use that word of, how can this happen you know? One this guy has just told me this is what's going to happen and now it's been reassessed and yeah I just couldn't accept that in, in my own head and I still can't now that somehow that, I just thought if you're training a guy to be a police officer and attend and he obviously shouldn't say anything more than he's able to say that's what I felt you know if he's a professional. (Martin)

Participants expected police officers to have faultless recall of all procedures and consistently apply them. Failure of this occurring undermined the reputation of New Zealand Police.

Another participant shared her perception was that police officers could not be trusted to record accurately and fairly present information collected during their interactions and interviews. Illustrating this, Angela commented, "police statements um, you know like, they should be based on fact. The Summary of Facts, it's called the

Summary of Facts, but it's not a summary of facts. It's the summary of their opinion of the facts". Tony's scepticism of police officers' truthfulness was evident when he said, "Best to stay quiet because the police twist their stories". Accordingly, he wanted to warn other autistic people of the risk of being interviewed by police without a lawyer present.

Abuse of power

Some participants claimed that they had been the victim of false charges laid by police. Tom and Angela each believed that this happened to them when vexatious officers were trying to justify harsh restraint. Angela also thought that some of the charges brought against her were deliberate tactics by police to implement or extend restrictive bail conditions. She maintained that police sought unnecessary court adjournments to extend her bail conditions for as long as possible. Unsurprisingly, in circumstances where penalties were likely to be minor, Angela preferred to plead guilty to avoid being subject to bail conditions, even if she believed the charges against her were false. Angela described bail in particular, and the CJS overall, as intolerable and said, "I have pleaded guilty to charges I am not guilty of because the system is unbearable and I can't cope with the long, drawn-out process" (Angela). To her, the police were unscrupulous in their abuse of power.

Use of violence

Almost half of the participants believed that police officers had used unnecessary force during their arrests. In particular, Tony reported that officers had punched and kicked him, hit him in the ribs and knees, and deliberately broken his mobile phone. This view was shared by Tom,

(H)e [the police officer] decided that um, that he'd come in after me and assault me, jump on me and blimmen cuff me ... he'd come in

behind me and grabbed me, grabbed me by the arm and put it up my back and the other guy come in with him ... And doubled me over and pushed me against the wall and just um ... Yeah well yeah like one of them yeah one of them was holding me and the other one cuffed me I don't know like it was behind me, I don't know what they were doing. But it was pretty horrendous. (Tom)

Tony and Tom both believed that the police officers had made explicit decisions to cause damage to them or their property. However, Angela made the most concerning allegations of deliberate physical harm by police officers. Claiming to have been harassed by police for most of her life, she described numerous incidents of assault by police. Two of these incidents stood out due to their gravity,

The police manhandled me often with no reason. If I was asked to get out of my car and wasn't fast enough ... they would drag me out. They would handcuff me behind my back which was painful. After telling an officer I was uncomfortable that was why I was fidgeting, he slammed my face into the car window and held me there until we reached the police station. (Angela)

A police sergeant threw me to the ground without telling me I was under arrest and stood on my head because he couldn't get my hands from under me. Then dragged me to my feet and swung me around in a circle while handcuffed, trying to trip me up with his leg. (Angela)

According to Angela's accounts, the conduct could be considered police brutality and criminal breach of procedures. Angela knew that she could have made formal complaints. However, she worried that the police officers would fabricate more charges against her. Instead, to avoid further police attention, Angela stayed silent.

Summary of superordinate theme: Unease with New Zealand Police

Most of the participants described unsatisfactory encounters with officers from New Zealand Police. These ranged from perceiving police's attitudes as patronising to allegations of deliberate harm and sustained harassment. Interestingly, participants attributed the relatively rare instances of positive police encounters to the specific police officer's character or knowledge. In contrast, adverse experiences were

generalised to the entire police force. Some participants' lack of confidence and trust in New Zealand Police was associated with encounters that occurred long before they became suspects. In one case, inconsistency between police officers undermined the long-held high regard that a participant had held in New Zealand Police. Overall, the participants' accounts indicated low confidence or trust in New Zealand Police.

4.1.3 *Superordinate Theme 2: Overwhelming legal process*

After being arrested, participants typically moved through a complex process of finding and instructing lawyers and appearing in court. If convicted, their journeys continued as they fulfilled the obligations of their sentence. From these experiences, which most participants indicated were overwhelming, four themes were identified: the powerful and punishing criminal justice system; variable legal representation; appearances before a judge; and supervision by Community Corrections.

The powerful and punishing criminal justice system

The CJS itself arose from the participants' experiences as a powerful and punishing entity. They perceived the machinations of the system, from charging to the final resolution of proceedings, as controlling their lives. The gem (Smith, 2011c) of this research was identified when Richard summarised the collective experience as follows,

It was like you're sort of, standing in front of this giant steamroller that's moving inexorably towards you but very, very slowly and not really knowing what the outcome would be. (Richard)

Steamrollers are heavy construction vehicles. Used to flatten aggregate and create a smooth road surface, they are powerful, slow, and dangerous. By using the "giant steamroller" metaphor to describe the criminal justice system, Richard illustrated both the vulnerability of CJ-involved people and the strength of the justice

system. Indeed, like the aggregate under the steamroller, half of the participants felt crushed by their "unbearable" (Angela) and "foul" (Tom) experiences.

During the pre-trial phase, two participants reported that they came perilously close to taking their own lives. They conveyed a sense of being pushed to the edge of endurance. Richard commented, "one day I phoned Lifeline six times ... had things fallen in a slightly different way, I don't doubt that I wouldn't be here speaking to you today" (Richard).

Several additional factors contributed to the participants' unfavourable perception of the CJS. While participants were accused, but not convicted, they had little agency and felt trapped in a state of uncertainty. As Richard explained, "the worst was really not knowing what was going to happen for such a long time and the ... various possible outcomes which we didn't know". Furthermore, the waiting was lengthy for some participants. Most wanted to be processed "more quicker" (Tony). As noted above, a few participants even indicated that they would plead guilty to move proceedings along. However, Tom preferred to stay in this uncomfortable place rather than plead guilty to something he believed he had not done. For Tom, justice had to be right and fair, even if Tom's quest for this extended his suffering.

As previously mentioned, the experience of bail was very difficult for Angela. However, she was not alone in this. Tony said that, for two years,

I had to be like on a curfew and be home at a certain time and they [police] could come check-up in the night. And it was quite difficult when I was working if they came in the middle of the night they'd wake me up. (Tony)

Nocturnal police checks disrupted sleep and impacted participants' abilities to work and function the following day. Furthermore, reporting to a police station on a specific day, by a particular time, was difficult for participants with high anxiety and

compromised self-management skills. Describing how difficult he found it to organise himself to report to the police station by a certain time on a specific day, Tom said,

I wasn't coping, I was not managing my life at all ... I missed one ... I went the following morning because I wasn't there by 4 o'clock... But they said "oh look if this happens again you'll, you'll, you'll be in front of judge for breach of your bail and you don't want that"... I just wasn't managing ... like I knew that I was supposed to be there, but I just wasn't managing it, doing the best I could with ... I was finding it punitive that I was having to, to conform to that order. (Tom)

Clearly the notion of being punished by the process, before being found guilty of any crime, came through these accounts.

Also challenging were successive court appearances for each stage of the court process. These painfully extended the experience. Participants were already carrying psychological burdens associated with communication, organising life, anticipatory anxiety, and the time spent waiting between appearances contributed to their loads.

Richard referred to the impact of the inescapable and relentless process,

I mean the fact that it was over such an extended period and, throughout all that time even, even when nothing's happening there's a sort of cloud hanging over you, that, that won't go away. The stress doesn't leave you. Um you can't escape from it and, the sort of feeling of like impending doom if you like that, that you know is, is coming up um, and you know I mean if it had all been over in, a few weeks, would have been much ah easier to deal with but over such an extremely long period it was um, it was very difficult to deal with. (Richard)

Again, Richard's steamroller metaphor seems apt. Like a steamroller, to Richard (and other participants) the CJS moved too slowly, yet was an inescapable harbinger of doom. So crushing were Tony's encounters with the 'steamroller of justice', that he warned autistic people against even seeming to offend,

(I)f you didn't do the offence, but you've been accused of it, then you still have to go through the court process. Be proven innocent or not guilty ... It's all time consuming, stressful. And it can affect your lifestyle. So like if someone accuses you of doing something because they're angry with you, even though you might know that you haven't

done it, you still have to go through the criminal justice system and if you're found not guilty then that's all good but you've still had to do, those few months of questioning and through court. (Tony)

In this excerpt, Tony extended his belief that police always assume that suspects are guilty to the plight of being subject to criminal proceedings whilst completely innocent. Tony's advice has the potential to seriously alienate autistic people from the police.

Variable legal representation

There was significant variation in the participants' reflections of their experiences with lawyers. Whilst the participants identified positive encounters, unsatisfactory experiences also occurred.

Most of the eight participants represented by lawyers initially relied on duty lawyers at courthouses or whose names were on lists kept in police stations. The participants expected that they could depend upon all lawyers and receive sound advice. Indeed, that was Vincent's experience,

I came to court and I had no idea what the hell I was doing so um, a [duty lawyer] noticed me and he'd probably seen that look of confusion many times before in his career and probably knew immediately I was going to need to talk to him. So this guy snatches me up and starts explaining everything and what can go on... (Vincent)

Vincent's lawyer provided him with excellent advice, which facilitated a positive outcome when he appeared before the judge. It was curious, though, that Vincent referred to the lawyer "snatching" him up after recognising his confusion. In doing so, Vincent seemed to consider the lawyer as heroic, by lifting him out of the path of certain danger. However, an alternative interpretation is that Vincent was referring to the lawyer identifying him as a new client.

Concerningly, the advice two participants received from duty lawyers fell at the problematic end of the spectrum. Their lawyers advised them to participate in suspect interviews without legal representation. Whilst Bob's interview led to no charges, Richard was charged with a serious crime. He said,

I phoned [a duty lawyer] completely out of the blue, spoke to them for a few minutes. And this person said I should just tell the truth. And later on um after I'd secured the services of a barrister and he said to me that, advice that I was given was tantamount to legal malpractice. So that I should of been told, don't say anything, get a lawyer and then be interviewed with a lawyer present. And um as it was, so I just went ahead and spoke to the police on my own which I really shouldn't of done um. (Richard)

This excerpt illustrates the risk that exists for people who are inexperienced with the CJS. Not knowing any lawyers, Richard trusted a name on a list. He expected the lawyer to act in his best interests, and he followed the advice given. However, Richard later discovered he had been wrongly advised. He felt badly let down by the duty lawyer system, and worried that other autistic people could have a similar experience.

Variable quality of communication was the most commonly identified issue with lawyers. All of the participants wanted information on the CJS process, their options, and the choices that would have to make. Discussions were valued, as were the supplementary written notes or pamphlets that most received.

Several participants expressed concern that their lawyers rushed communication. Participants wanted sufficient time to comprehend and consider the information and advice given. Jack advised lawyers, "Yeah don't rush with the client because, because if they rush the client, if they try and rush with the client it's like you're going to get nowhere, you're going to go nowhere fast". He recognised that without enough time, legal clients were at risk of making poor choices, or not choosing

at all. Another participant considered her lawyer's pressure to end consultations quickly quite differently. Angela stated,

(T)he lawyer that they assigned me, was difficult to work for me to work with. Because, he was like rushed through something, and then take off so he could go and talk to the sergeants before court started. And he was more interested in having a conversation with the sergeants than my case. (Angela)

Angela thought that the lawyer was more interested in socialising with the police officers, than ensuring she understood or had sufficient time to make decisions. She equated her perception of his behaviour with a lack of commitment to her case.

Timeliness in communication was also a concern Richard raised. The excerpt below shows how the lack of swift and thorough responses to his e-mails contributed to Richard's level of stress,

The one shortcoming I would say was that ... he wasn't just focussed on [my] case throughout that whole period, he had a lot of other things going on so, it was quite difficult at times to get answers to questions ... things we didn't understand about the process or about exactly what this or that meant or stuff like that. And ... sometimes ... if I sent him some questions in an e-mail, for instance, he'd be busy doing other things so it would take some time to get a response and maybe he'd respond to one question but not some of the others ... it would have been nice to be able to have a better understanding it would have maybe reduced our stress somewhat ... I can understand them not wanting to play nursemaid to somebody who has a whole lot of questions but on the other hand, knowing the answers to these would ... help to put the client's mind at rest about things as they were. (Richard)

Richard felt he needed the lawyer to focus closely on his case, provide detailed information, swiftly respond, and systematically work through every question. While he recognised that the lawyer had competing demands, Richard emphasised that his stress and dependency would have lessened had communication been better.

Communication is a two-way process. In addition to receiving information, the participants wanted to provide information. They were frustrated when lawyers did

not listen, were reluctant to read their written accounts, or failed to develop insight into the participant's point of view. Jack wisely advised lawyers: "Make sure you listen to the client. Because their input is important just as important as your guys' input. Because it's... their future". Two participants' accounts suggested that their futures were "screwed up" (Jack) due to not being heard. One recounted,

I felt trapped in the system because my lawyer had left and asked somebody else to represent me and she was busy talking with another lawyer and wasn't even interested in my case. And when I, she stood up and said um defendant pleads guilty and then the court process went along and I didn't have any say... It wasn't my intention to plead guilty to all the charges, no. (Angela)

Being inappropriately represented was not a one-off occurrence for Angela. She e-mailed months after the interview, and reported, "I have been convicted of crimes that I didn't... plead guilty to, because of inadequate representation. When I spoke up I was told to be quiet".

Tom changed lawyers more than once, searching for a lawyer who would listen carefully enough to understand his need for justice. He felt he needed to be represented by someone who understood how emotionally injured he was by the police officer he believed laid false charges against him. In syntax that demonstrated how distressed Tom became, he said,

I'd had, eventually after ten months, I fired the lawyer that was representing me I didn't, he although he was, he, he was, um, he was willing to defend me. Um. He, I, I wasn't, I wasn't able to communicate well with him and he didn't, he, he didn't, he wasn't very confident about, about the outcome. Even though, like he, he'd, I don't know why. I don't know why people who have been to law school for so many years don't understand um, that, that, you know that it's not lawful for the police to do what they did. (Tom)

Tom's account suggests that, by that stage, he had lost confidence in the legal profession's ability to understand him and to stand up for what he believed to be right

and fair. Tom and Angela's experiences illustrated the critical relationship between good communication and confidence in the legal profession.

Participants speculated about their lawyers' motivations. Some participants believed that their lawyers wanted to win the case, end legal matters quickly, or make more money. In some respects, Andrew's observation was representative of the wider groups' views. He wrote, "I felt some odd negative emotion I cannot describe, I think this was from [the lawyer's] approach more to 'winning' the case than actually helping or healing their client" (Andrew). The participants wanted lawyers to be on their team, in their corner, and work with them to achieve a good outcome. As Tony noted, "If you've got a good lawyer they're out in your interest, to get the best possible outcome"

To most participants, the best outcome was not necessarily being found not guilty. Several participants commented that being convicted had provided them with access to therapy and support that made their lives better. For example, Tony praised his most recent legal team for taking the time to get to know him, and becoming attuned to his emotional support needs,

(M)y lawyers went out for lunch with me and ... they're very supportive so if they, if they know you're going through a stressful time, they at that time, they might recommend ... you need to see a counsellor or [ask] "do you need to see someone?". They'll try and discuss and see how you are at that time as well. Not, they don't just talk about the case. So they start, seeing about how your life is as well. (Tony)

Like Tony, the participants commented on the importance of the relationship between lawyers and their clients. In the absence of a real relationship, lawyers may resolve cases, but meaningful and constructive change may not follow. The quality of the relationship between lawyer and client was important to the participants, as good relationships led to understanding, which led to the best outcomes for all.

Not surprisingly, participants reported that it was distressing when their lawyers withdrew from or passed on their cases. When this happened, participants considered their investments in the relationships wasted and they felt abandoned. Furthermore, changes of lawyer could extend the time that a person was subject to criminal justice processes, as Tony explained,

I had problems with my lawyers because, not that they were bad. I had good lawyers. But two of my lawyers went overseas so I had to keep looking for a new lawyer... They were doing an overseas trip or something like that ... an OE ... you might be coming up to the trial date and you've only just got a new lawyer like about, a month before the trial date. So, then you have to, postpone it again, and wait another month or so, while you get to know this new lawyer and she gets to know, she gets the facts (Tony)

The change of lawyer that Tom experienced when his counsel suddenly moved overseas left him wary of the newly assigned lawyer's skills. He said,

... (T)his [lawyer] who ended up moving [overseas] ... suddenly just dropped everything, all his cases ... it was handed to someone else who had been brought [in] ... I was really concerned that I didn't believe that if they needed, if they needed urgently to replace this guy, that [the firm] would have sent their finest solicitor to come and fill that gap. (Tom)

Tom reasoned that it would be unlikely for a competent lawyer to suddenly be available to take over a colleague's work.

On occasion, the participants themselves initiated the change in legal representation. This was generally due to poor communication, not feeling understood or listened to, or believing they received poor advice. Participants sought lawyers upon whom they could rely. Richard engaged a barrister. Others were assigned to a different lawyer from the Public Defence Service, and a few tried to get legal aid so they could hire lawyers in whom they were already confident. The common issue here was money. The participants were dissatisfied that CJ-involved autists have little choice over their representation unless they can afford to pay privately. The cost of high-

quality legal assistance led Martin to represent himself. While he conceded, "that's not the smartest thing to do", he thought "how hard can it be?". Fortunately, Martin had the advantage of already being familiar with the law.

The last words in this section go to Angela. She captured most participants' perspectives when she said, "I need someone that's familiar with my condition and the way I think you know, and I have to do that every time to get the lawyer I need. Not just the lawyer I want, the lawyer I need".

Appearances before a judge

A criminal courtroom is a stately place, presided over by the judge, to whom every person in attendance must defer. Formal behaviour is the norm, with bowing, the use of titles, and control of who speaks, when and how. The court environment was intimidating for several participants. For example, Andrew wrote, "The courtroom was scary, especially having to stand before the judge. I never want to go through that again, at all". Yet, Andrew's experience of the reality of court was far less worrisome than his preconceptions. In conceding this, Andrew wrote, "it was oddly uplifting to realise the dark tone set in movies, tv and the news is rare and most times it is quite banal". Similarly, communicating surprise at the matter-of-factness of his court appearance, another participant said,

So I mean that was pretty straightforward. Alright, guilty, I did it, yes. Not going to contest ... so [the] judge was pretty blasé about it you know. He wasn't, I can't really comment much on his behaviour it was just typical really um ... Yeah just you know dah, dah, dah, this happened, did you do it? Okay. Doosh. This is when we need you to come back Mr [Name] you know. Once again, just like he just seemed like a judge going about his day. (Vincent)

These accounts suggest that the participants had expected traumatic court appearances, based on what they had learnt from television and media.

All of the participants recognised the immense power that judges hold.

Angela's description of judges as "formidable", and having "supreme authority" was echoed by other participants. They recognised the importance of having a judge who was procedurally correct and fair preside over their case. But their confidence in the judiciary was so compromised that several participants equated appearing before a fair judge to "pot luck" (Tony) or "a roll of the dice" (Richard).

Despite this, few participants reported what they perceived as improper behaviour by their judges. One exception was Tony, who believed that his judge had pre-determined the outcome and penalty before hearing the evidence. He explained,

So he, the judge is supposed to read the report and assess, assess the report on, and hear from both parties if it's gone to trial how things are. And who he believes, but he can't from the start just go, oh yeah I believe the other guy. He can't like say oh this guy's been in court before, and stuff this other guy hasn't and. So, they have to like have an open mind. Fair mind. It seemed like he had already made his decision that I was guilty before, he even um, listened to my version of events. (Tony)

Another participant considered filing a formal complaint against a judge because, after many court attendances, the judge dismissed the case against him. Rather than being pleased that his ordeal was over, Tom was distressed because he did not have the opportunity to disprove the charges against him. By dismissing the case, Tom felt that the judge had "presumed me guilty without listening to any defence". His sense of injustice was enormous.

Perceived friendships or collusion between judges, police, prosecution, and probation concerned several participants. Angela considered criminal justice professionals to be a "cliquey group", and felt that judges were inherently biased towards believing police officers. In her experience not all police officers told the truth, yet judges believed them. She said,

Well the judges, the judges commend police officers, they see them in um, um a good light. They see them as professionals ... But you know, they're only human. And there is good and bad in every, all society, in all areas of society ... judges in court will acknowledge the police's hard work and that. And they will, you know identify with what they police say as true and accurate immediately right. (Angela)

Tom appeared too agreed with Angela, and opined that judges give police officers too much latitude. He stated,

They're in cahoots ... I think there's real hesitancy to challenge the police, [judges believe] that they need to be given um, ah need to be allowed leeway to, to operate efficiently or effectively and not to be held to account. (Tom)

Tom's perception of collusion included close proximity of offices. He said, "they're associated like [this area] police and justice they're really, they're in the same building", and worried about friendships between police, lawyers and judges. The result for these participants was pessimism in judges' ability to be unbiased and make impartial and fact-based decisions that might not concur with those of police or lawyers with whom they were friends.

Richard provided a contrasting example of his judge reprimanding Community Corrections for not following the judge's direction, and Tony indicated confidence in the independence of the judiciary,

If the judge and the police, have got different perspectives, the judge normally has better understanding ... Because they [judges] know that, the police are quite extreme in their views. (Tony)

Tony perceived judges as a steadying and impartial force within the criminal justice system.

Finally, participants appreciated judges who took their autistic characteristics into account. They saw value in the judge knowing about their diagnosis and believed this facilitated understanding of their behaviour. Several participants felt that their

judges had considered autism during the hearings and sentencing. According to Martin,

She [my counsellor] wrote a letter explaining that I'm Aspergers and um, to the judge. And he read that, and I think he just, kind of from that moment on, just treated me differently so ... Well I thought the approach of the judge was really good so I'd really encourage that, that was a very, very positive first experience of the thing, this guy showing some understanding and respect (Martin)

Unsurprisingly, most participants recommended sharing information about autism with judges during criminal proceedings.

Supervision by Community Corrections

Probation officers working for Community Corrections supervised half of the participants. While supervision (formerly known as probation) was somewhat disruptive of everyday life, participants recognised it as preferable to imprisonment. Interestingly, Tony, who believed that "the criminal justice system thinks, that you're actually helping the community by working", was convinced that he was sentenced to supervision, rather than imprisonment, specifically so that he could continue with his employment.

Perceptions of the participants who experienced supervision suggested two different types of practitioners: those interested in helping a CJ-involved autistic person have a better life, and those who were not. Angela, who had both recent and historical supervision experiences, believed that probation officers had become less caring. She observed,

(B)ack in the early day the probation officers ... were there to help you adjust out of the crime situation. They weren't there as a disciplinary entity. They were there ... to support you ... And they were, they were people that cared about you ... But now, they are part of the system ... when I was [recently] interviewed by a probation officer, for sentencing, she treated me like um like I was a criminal even though I'd been out of trouble, for [many] years ... (Angela)

Angela generalised her perception of change in Community Corrections, from her recent experience of one probation officer. That she felt treated like a criminal suggests that rapport was missing in the interaction.

Jack's experience of probation was quite different. Referring to his probation officer, he said,

(S)he helped me a lot. She gave me steps on how to, [and] how to not do what I did in the past ... So she just gave me little, little steps if I got angry and wanted to do what I did again. She was like "you can do this", and it was like little side-track steps that I could do if I was angry ... Just really being able to talk to someone about what I did and keeping me accountable with my actions. Just having that like er to say "hey look I screwed up. What can we do not to do that again?". (Jack)

Convinced that he could have a better life, Jack experienced supervision as therapeutic. He perceived that the probation officer had developed a personal connection with him. She cared for him, wanted the best for him, and accordingly he described her as "really lovely".

The remainder of the participants who experienced supervision identified actions that were not helpful or concerned with their well-being. Most common was the disruption to work due to attending supervision. This was apparent in Tony's account,

I still have to take time off once every fortnight, just oh not the whole day just in the afternoon to um, go to that meeting which takes about half an hour ... (Tony)

Another participant did not believe that his probation officer was sufficiently skilled to provide the support he needed. He wrote,

Probation was not equipped to handle issues related to mental health including how to resolve actions or behaviour issues linked to mental health. Probation officers' main concerns was my compliance with any notices or standing orders, and general actions which made it less likely I could re-offend, but not getting to the core stuff which motivated offending in the first place. (Andrew)

In the vacuum created by not addressing Andrew's underlying issues, the probation officer focussed instead on rule adherence. Yet, as the excerpt below shows (bracketed information inserted by Andrew), honesty about compliance almost got Andrew into trouble,

(R)ealising while out driving I was briefly, and unintentionally, driving behind the car of a victim, then reporting this to probation (expectation to be honest), the officer interrogating me (assumption of bad intent), and eventually understanding I actually meant no harm and the whole thing was a coincidence. (Andrew)

Andrew demonstrated the insight that he gained into the thinking processes of his probation officer and himself. However, his excerpt also suggests that the probation officer may not have ensured that Andrew fully understood his obligations at the time.

Misunderstanding set the scene for another negative encounter that Andrew had with a probation officer. According to Andrew's recollection,

After being assigned a new probation officer, on their second day, we were talking like ordinary people when they let slip their home [town] and street during the camaraderie. I was reassigned to a new officer, stricter, more frequent reporting. We discussed what had happened, I realised my naivety (sic), apologised and took a much stricter approach to probation expectations. (Andrew)

Based on Andrew's account, what seems to have occurred was an everyday conversation between two people, in which an inexperienced probation officer had a lapse in judgement and disclosed personal information. With hindsight linked to reassignment and stricter supervision, Andrew learnt not to have such familiar conversations with probation officers.

Richard related two further troubling acts by Community Corrections. First, a staff member from Community Corrections threatened Richard with prison when technical difficulties rendered a judge's order for electronic monitoring impossible.

Convinced that his subsequent stress was due to the probation officer's attitude, Richard said, "the person we were dealing with who was an officious um authoritarian rather bolshie person". According to Richard, the probation officer was reprimanded in chambers by the sentencing judge. Richard's consternation amplified afterwards when he perceived Community Corrections to have completely lost interest in his case. Richard could not understand how Community Corrections could initially consider his risk sufficient for imprisonment, then suddenly downgrade it to minimal. He said, "Corrections behaved really quite strangely ... they didn't set up the electronic monitoring, didn't make any effort to and then, then they seemed to have sort of like lost the plot" (Richard). Accordingly, Richard was left doubting the degree of commitment that Community Corrections had to community safety and sentence compliance.

Richard's second concern related to Community Corrections' responsibility to ensure that he completed a 12-month term of psychological counselling. The sentencing judge had imposed counselling with a particular, autism-experienced, psychologist. However, the psychologist worked in private practice, and Community Corrections was required to pay. Despite Richard making good progress, some months into the arrangement Community Corrections declined to fund further sessions. As Richard explained,

Corrections decided that they didn't think this was such a great idea anymore ... said no, we're not going to pay for this ... I was a bit sort of stunned I mean they didn't even refer back to the judge ... (Richard)

Richard was appalled when Community Corrections decided to end the court-imposed therapeutic relationship without consulting him, the psychologist, or the judge. Furthermore, he considered that the reason behind the decision was purely financial and unrelated to his psychological well-being. In keeping with fellow

participants, the event suggested to Richard that Community Corrections was uninterested in the well-being of CJ-involved people.

Summary of superordinate theme: Overwhelming legal process

Most participants were highly anxious during their journey from the police station to regaining their freedom. On the whole, they experienced the legal process as highly punishing (akin to a “giant steamroller”), especially before the determination of guilt. The participants had variable experiences with lawyers and commonly identified problems with communication. Unlike with their perceptions of police, the participants did not blame the entire legal profession when one lawyer was found wanting. Worryingly, participants believed that their assignment to a just, autism-informed judge was due to luck, not design. Furthermore, several participants were concerned about lawyers and judges being friends, colluding with each other, or being motivated by factors not necessarily in the participants’ best interests. Finally, participants expected the probation officers who worked with them to be interested in their overall well-being, and were disappointed when the focus of Community Corrections was on offender management and sentence compliance. Together these combined factors undermined the participants' trust and confidence in the criminal justice system.

4.1.4 Superordinate Theme 3: Encounters with mental health and disability professionals

Many of the participants recalled being assessed by MHDP associated with the CJS. These were typically psychologists or psychiatrists. Some of these encounters were compulsory mental health or capacity assessments, and two participants were referred for diagnostic assessment of autism during CJS proceedings. However, participants also had contact with counsellors and therapists outside of the CJS. Two

themes were observed: autism assessments; and mental health support, counselling and therapy.

Autism assessments

The experience of being identified as autistic was significant for all participants. Autism diagnosis helped participants make sense of their life experiences and acquire critical knowledge and skills. Perhaps this was why the two participants diagnosed as they processed through the CJS identified their diagnosis as a key positive outcome. Richard's experience is representative of their views. He described,

When I got the um, the diagnosis in the end, it was the best thing for me ... having an understanding and looking back on my previous life, and understanding why and how things had been as they were throughout all those years when, when I had no real clue that this was an issue at all. Because, um, yeah when you, when you don't know, what your difference is, it can be very hard to understand why something's happened or why some things are the way they are and um, having a, having a diagnosis can then put that in a, in perspective. (Richard)

Richard had not realised that he was different from most other people. Until diagnosis, he had little understanding why some aspects of his life were difficult. Being identified as autistic provided Richard with insight into everyday life experiences and his offending. Richard commented on what it was like for him to read the psychological report that addressed his offending,

I guess it was ... in black and white and it was the sense that I was not trying to make excuses for myself, but it was somebody else looking at me through this lens and saying well these are the facts as I see them and it's sort of having a confirmation, if you like, of the things that you had suspected, but didn't really know for sure. Um. I mean having, having an extra level of certainty if you like. (Richard)

Richard felt validated and comforted by the concordance of the formulation with his understanding of what had happened. He also believed that the psychological report helped the judge see him, "more clearly as a person and um, all aspects of (my)

psychology" and to recognise that "I'm not just a bad person. I'm a somewhat flawed person" (Richard).

Given the importance of being diagnosed with autism, it was unsurprising that Andrew was angry that his autism was missed. Andrew's probation officer had referred him for an autism assessment. However, he was not diagnosed with autism until years later. Andrew wrote,

The psychiatrist, I still have plenty of anger to how my treatment was handled. Misdiagnosed, incompetent assessment, failing to listen to the client and help them with issues, poor advice on social skills and stress management, failing to follow up assessment when realising they may have made a mistake, bias, and giving up and abandoning their client. Yes, I still feel angry at how this one person handled their role, and (Andrew)

Andrew felt that he had lost years of autistic self-knowledge, better understanding by others, autism-adapted therapy, and autism-related support. Andrew wrote, "I believe they do not deserve to be a psychiatrist", and most other participants shared his concerns about a lack of autism expertise amongst psychologists, psychiatrists and other MHDP.

Another participant's misdiagnosis contributed to a loss of respect for mental health professionals. Likening his experience to those of other autistic people, Martin said,

I also had the interesting thing which ties in nicely with the Asperger's of having a trainee psychologist um in that place um giving me, free counselling so to speak and I think I had about 20 sessions and after 20 sessions I sort of said to her, 'well what do you think?'. You know um diagnosis. 'Oh, you're a narcissist' And um, I sort of just kind of just smiled and just thought, 'oh yeah'. But then it ties in so well with later on learning about the Asperger's and how can it be misdiagnosed. (Martin)

Martin followed up by saying, "I don't have that much respect for professionals", and suggested that mental health professionals need much more training in autism.

Mental health support, counselling and therapy

Before their autism diagnoses, several participants received support from mental health services or sought therapeutic help from counsellors, psychologists or psychiatrists. Some of these were after referral by New Zealand Police, or on the direction of the Court. Worryingly, most participants considered these therapeutic engagements to have been of limited use. They shared the view of Tom, who said that "it [mental health support] didn't really, give me a life worth living or whatever". Their opinions made sense of Tom's refusal of mental health support at arrest. He simply said, "no, I haven't found you guys helpful in the past".

Andrew and Martin had both engaged in extensive therapy before their autism was diagnosed. Neither was satisfied. Whilst Andrew gained some understanding of his historical victimisation, he felt blamed for not making progress as quickly as his therapist expected. Similarly, Martin said that the trainee psychologist who erroneously diagnosed him as a narcissist had attributed his lack of progress in therapy to narcissism. Martin had also attended two years of group therapy for social anxiety, following a personal crisis. While he acquired some coping strategies, Martin was "very disappointed that [the therapist] didn't really focus on the cause of the breakdown. It was more like well, this is what you are I'm going to try and fix you". Years later, with the knowledge that he is autistic, Martin considered that group therapy would have been more useful had it been autism-adapted. Andrew and Martin shared Richard's view that, "if you are on the autism spectrum, seeing somebody who is not experienced with that is, is a bit useless".

Summary of superordinate theme: Encounters with mental health and disability professionals

Participants had contact with MHDP both during their CJS journeys, and apart from them. They only valued mental health assessments when their autism was diagnosed. Diagnosis helped them understand their life experiences, and better grasp the behaviours that had led to offending. For some, diagnosis helped them understand that they were not bad people, just flawed people. The participants wanted MHDP to be aware of the limitations of their training and experience, and to refrain from providing diagnostic opinions to the court if they had inadequate autism knowledge.

In the absence of a correct diagnosis, the participants considered therapy to be of limited use. They found therapy most helpful when it was autism adapted. The participants objected to therapists blaming them for lack of progress, rather than the therapist recognising their own autism-skills deficits.

4.1.5 Superordinate Theme 4: Impact on self and others

All participants underwent a degree of transformation stemming from their criminal justice system involvement. Changes were for better, and for worse. Four themes were generated from the analysis: lasting emotional and behavioural change; impact on partners and family; safety and vulnerability; and risk of future offending.

Lasting emotional and behavioural change

Obviously, from many of the accounts above, the participants commonly experienced anxiety when in contact with police and going through the criminal justice process. For most participants, the resolution of their legal issues was followed by feeling much calmer and happier. Several participants thought they were more skilled in managing intense emotions, like stress and anger, and expressed determination to

keep implementing the skills they had learnt from counsellors and probation officer. Typical of these was Jack who said, "I don't really want to go back [to losing my temper and offending]. I don't really want to take, I've taken so many steps forward I don't want to take so many steps backwards". Interestingly, within Jack's account, there was also a hint about the impermanent nature of change. Jack feared returning to his "old ways".

Tony also decided to make a better life for himself, by ceasing offending,

I've set personal goals for myself since being part of the criminal justice system, and it's really, devastating when you get, another case against you ... Some people want to stay in [the system] but most people try to stay out of it and if, you've made a goal "I don't want to ever come back" and then you get caught again doing something or then it's really devastating. But I believe if I wasn't part of the court case, I would of, travelled more. Had a better job. And um, oh what's it called? Treated my girlfriend better. (Tony)

Tony showed insight that his life may have been more successful had he never committed a crime. He recognised that changing his behaviour would be difficult, and seemed to consider that he did not have the power to change. Yet change was vital to him because the consequences of further offending were so serious.

Another participant seemed to have experienced a permanent change in a direction some would consider unlikely for a person with autism. After accidentally joining a group for fathers separated from their children, and repeatedly witnessing their grief, Martin developed insight and empathy. He explained,

Um and so yeah and so I, I think what this, these, both these incidents have, have done is um, somehow matured my brain in some sense ... I realised yeah, that yeah somehow that if you love something or it's precious doing that sort of thing to them you know you might think it's a good idea, in other words, your brain is saying I would like that or this must be fun, it gave me some insight that actually no that the other person even may not see it the same way as you see it. So it's a breakthrough in a sense, but I think all breakthroughs are probably through crisis, aren't they? (Martin)

Martin had previously attended an anger management group. With its cognitive-behavioural focus, therapy had required members to identify and challenge their thoughts and feelings. Martin found that approach unhelpful. In contrast, at the group for fathers separated from their children, Martin listened to group member after group member talking about the loss of contact with their children, and saw their distress. He said that this experience affected considerable change in him. Insightfully, Martin gradually realised how "precious" his children were to him.

As noted in an earlier section, the emotional impact of being subject to the CJS weighed so heavily on participants that, in two, it triggered thoughts of suicide. Reflecting on the whole CJS experience, including how close he came to ending his life, Richard exclaimed, "I don't know if I'll ever feel normal again". Lasting emotional distress was evident for other participants, although one (Tom) did not talk about this directly. Instead, he was hypervigilant to perceived criticism and impatience, and frequently cried during the interview. Convinced that his CJS experience had ruined his life, Tom seemed mired in a state of anger and anxiety, with a strong sense of having been treated unjustly.

Adverse life events can cause trauma, and trauma can impact on personality. According to Angela, who described decades of police harassment, illegitimate control, and brutality, her character changed. Angela related,

I was always happy, always positive person ... a bit of a clown. You know. Joking around all the time ... But eventually ... I became the unhappy person, that unhappy person that's stressed, really. You could see the stress on me physically, you know the way I walked, and you know just my face. (Angela)

Angela felt that her personality, behaviour, and health were directly and significantly damaged by contact with the police and criminal justice system. She

detailed this in an unsolicited e-mail sent months after the interview. Angela wrote that she had become,

(A) prisoner in my own home, terrified to leave and unless necessity forces that I do. Physically it has affected me with - premature ventricular contractions, a form of arrhythmia where my heart stops for three or four beats then with a thump restarts. Post-traumatic stress disorder. Which means I get overwhelmed in their [police] presence. Anxiety induced stop breathing. To the extent of when I think about or talk to police I pass out. This is an involuntary action, I am unaware I have stopped breathing. Fitting and seizures in court ... Stroke. Which has endangered my health and my will to live. (Angela)

Nevertheless, Angela's future seemed brighter. Like several other participants, Angela wanted to have a better life moving forward. For Angela, however, this was not pointedly linked to the cessation of offending. Recognising the adversity that she had endured, Angela maintained "I'm not going to be a victim all my life".

Impact on partners and family

Several participants commented on how their experience with the CJS impacted their partners or family. Just as a steamroller will crush whatever is in its path, some partners and family members sustained harm. In addition to their lives being affected by bail conditions and curfews, the participants' relationships became strained, with their emotional and physical well-being compromised. Several participants' families/whānau experienced financial hardship, and future planning halted. Richard reported that his partner was so adversely affected that she consulted a psychologist.

After his interview, Richard e-mailed an observation to the researcher, that spoke to the indiscriminate, crushing impact that the CJS could have in a broader group of people. He wrote (brackets inserted by Richard),

I mentioned the fact that the 'justice system' makes a decision to deal with an offence, and then proceeds without regard to any consequential harm (especially to innocent third parties) that may

result from that action. This (proceeding without regard to consequences) is of course exactly the sort of behaviour they seek to deter in the people they deal with, and the larger population. (Richard)

Richard seemed to accuse the CJS of not considering the welfare of all people affected by it. He equated the damage done with the crimes that the system was supposed to respond and prevent.

Two participants were concerned that they might have passed on their negative feelings about the police to their children. Angela felt terrible that her adult child was scared of talking to the police after witnessing a terror attack in an overseas country. Similarly, Christine wanted her children to grow up with pro-social attitudes and be willing and able to go to the police in times of need. She said,

I'm better now with that [my attitude to the police] because I, I think when I was young, I didn't consider people in those positions of power as human with their own lives. And their own existence and their own worries ... I instil with my children, with teachers, police officers, anyone, that anyone can be having a bad day and they could be going through other stuff themselves ... (Christine)

For her children's sake, Christine challenged herself to model a more positive attitude towards police.

Interestingly, in several cases, the participants' criminal justice experiences led to a positive change in their relationships with their partners and family members. Jack's development of emotion management skills improved his relationships with his parents and siblings. In a similar vein, Martin described how his relationship with his mother had improved. Having to be out of his home for several days, Martin stayed with his mother. After recovering from the initial shock of being out of his usual environment, Martin got to know his mother better and found he enjoyed her company. A weekly routine of visits developed, and Martin and his mother became

closer. Demonstrating insight into the positive impact of his regular visits on his mother, he said.

(F)or mum it's actually quite useful yeah and, and, and been going there every week and me just being with her and just realising she quite appreciates it. (Martin)

Martin also considered that improvements in his relationships with his partner and children resulted from being subject to the system, albeit indirectly through the development of insight and an understanding of empathy.

Another participant's marriage strengthened. Richard attributed the improvement to the understanding he acquired by having his autism diagnosed during his criminal justice journey,

In a way we were fortunate in that because of the diagnosis that I got, and, various stuff that [my wife] went through ... in the end it actually strengthened our relationship, made us understand each other a lot better. So in a sense we actually personally came out of it better. (Richard)

It seems that Richard and his wife came to understand each other's thoughts, feelings and behaviour much better, with positive consequences. Similarly, another participant identified an indirect, positive change. Long after Andrew completed his sentence, and after being identified as autistic, he re-entered a therapeutic relationship. He observed,

It wasn't until years later in counselling, when the matter came up, and I was prompted to examine how my parents' behaviour during my upbringing contributed to my mental health, that I was able to look more neutrally at my parents and wider whanau, and talk seriously about the arrest and such, that I was able to rebuild good relations with my parents. But that wouldn't have happened if I didn't go through the justice experience. (Andrew)

Many years after Andrew's criminal justice experience was over, he considered it pivotal to the improvement in his relationship with his parents.

Yet there was one participant who blamed breakdowns in her relationships with her spouse and children directly on the CJS. Angela, changed in so many ways due to the stress of long-term police attention, contrasted her life as the mother of young children (when she was often unnoticed by police), with her life after police refocused their attention upon her,

I had a, a wonderful life. You know I was married with children and you know I was, had a, had a wonderful ... It's effected um, me ... I lost my marriage. I have difficulty relating to my [adult children] because of, because I, because of the person that I became. (Angela)

Safety and vulnerability

Due to their contact with New Zealand Police, and their criminal justice journeys, few participants felt safe in their communities. Instead, they feared further contact with the police, even as victims of crime. Representative of the milder views was Andrew, who wrote, "Police were frightening to deal with, and to this day remaining frightening to deal with in any way, even when on my side". Yet despite his fear, Andrew was willing to interact with the police if he needed to.

Feeling able to interact with the police was not always the case for Christine. She did not become fully aware of New Zealand Police's role in helping victims and protecting innocent people until well into her adulthood. Christine described her growing awareness as follows,

I think that my first encounters as a teenager and then that arrest. It certainly didn't um, it certainly didn't make me feel secure with police. Um and I think that's really unfortunate because there's not a lot of security or you know there's not a [lot of] places you can go for, to ask for help. And there probably would have been times in my life when that would have been beneficial for me because the police aren't just policing people, they do have a lot of other, services that are useful but because of that, yeah those sort of initial encounters, I never thought of them like that. I just thought of them as the, the ones that, enforced the rules um. I've been in situations where it would have been helpful [to call the police for help]. (Christine)

Seemingly, there were occasions earlier in Christine's life when input from the police may have assisted or supported her, and not calling them compromised Christine's safety. Fortunately, with knowledge, her views have changed.

Unlike Christine, Angela's fear of contact with New Zealand Police did not recede. It elevated both her vulnerability and risk of victimisation. For many years, Angela's strategy to manage unwanted police attention was reclusiveness and social isolation. She stopped leaving her home, and gradually lost contact with friends and family. However, her fear of the police and reluctance to have contact with them became common knowledge amongst local criminals, and she became the victim of their offending. Angela explained,

I had a home invasion, and I didn't go to the police ... I lost all my inheritance yeah. I can't go to the police ... Because, because they don't see me as a victim. They don't see me as a person. They see me as something below people ... In fact um, because of the way that the police treated me and the criminals knew that the police wouldn't listen to me or wouldn't help me, they, turned on me because they [other offenders] knew I was an easy target because I wouldn't go to police. (Angela)

Angela did not report crimes against her in fear of attracting unwanted police attention. She had no confidence that police would act in her best interests.

In contrast, on the two occasions that Bob was assaulted in the community, he did call the police. However, these experiences had left him with little trust in the police, nor any confidence that police would respond to any complaints he made in a timely fashion. He explained it as follows,

I don't trust the police if I want to call for help, I don't call for help. If someone breaks into the house I'm not going to call for help, they're not going to help me. They're just going to say sorry can't help ... Higher chance of calling Spiderman for help than police. There's a chance he might just pop out of nowhere. (Bob)

Like Angela, Bob became less safe in the community due to his police contact.

The vulnerability of many autistic people when encountering the CJS was another risk to safety illuminated by the participants. Richard highlighted the uncertainty of outcome when he said, "if you imagine somebody without the resources I was able to bring to play, going into a system like that, they might of ended up in front of a judge and, who knows what would have happened to them". He, and other participants, recognised that autistic, and other neurodiverse people, are at risk of less favourable criminal justice outcomes due to being misunderstood, communicating differently, often having less education (or less success in education), being un- or under-employed, and having fewer financial resources.

Risk of future offending

Most of the participants reflected on whether their risk of future offending had altered. Those participants who believed they were less of a danger to the community attributed their change to one or more of three factors: realising that they had been engaging in illegal behaviour; identifying circumstances that had contributed to their offending; or learning strategies to manage offending risk. Representative of these participants, Andrew noted,

This particular incident was really the first time someone listened to me about self-concerns and need for help. I had been aware for a long time of differences between me and other people, of fear of the wider world and personal problems, but no one I tried to talk to listened. It wasn't that going to court "straightened" me out, I wasn't deliberately going out of my way to hurt others, but it got me the support and acknowledgement to handle issues which were preventing me from functioning in the first place. (Andrew)

Like other participants, Andrew valued the therapeutic help he received from the criminal justice system. In his view, counselling, not the conviction, reduced his future offending risk.

Presumably, reducing recidivism is a key reason for the court imposing penalties. Yet two participants reported that the sentences imposed on them were not meaningful nor deterrent. Christine felt "altruistic" after being required to donate money to a charity. She did not consider that the penalty had any impact on her offending likelihood. Similarly, Richard experienced his sentence as weak and ineffectual. He explained,

(I)n terms of the punitive aspect it was a slap on the wrist with a wet bus ticket. So I ended up getting six months [of] what they call community detention. Which meant I had a curfew from 10 pm 'til 5 am. Um which for a non-social person like me, was pretty non-existent really. (Richard)

Whilst in each case, the punishment may have fitted the crime, the penalty did not match the CJ-involved person.

One participant explained that her risk of offending *increased* after she came to the attention of the CJS. As mentioned earlier, Angela said local police officers targeted her and charged with crimes she did not commit. However, her sense of injustice due to the attention she attracted also triggered offending. Angela explained that the surveillance had "started off a cycle because you know I was consumed with how unfair you know it was". Bob and Tom may also have become more likely to commit an offence due to their CJS contact. Like Angela, both felt persecuted by New Zealand Police. Although neither admitted to further offending, both men expressed anti-police attitudes and distrusted New Zealand Police.

Summary of Superordinate: Impact on self and others

Through the participants' accounts, it is clear that involvement with the police and CJS profoundly impacted their lives. Some participants experienced such negative change that they felt they would never recover. However, others identified direct and indirect positive influences.

Participants were concerned that due to their CJS involvement, their family/whānau members were harmed. Some likened their family/whānau to innocent bystanders, crushed by a powerful and indiscriminate CJS. Two participants worried that they had passed negative attitudes towards police on to the next generation.

Although autistic people could benefit from the support and protection of New Zealand Police, most participants were frightened of ever again having police contact. In an extreme case, one participant preferred victimisation by other members of the community to contact with New Zealand Police. It seemed that for some participants, contact with New Zealand Police rendered them less safe and more vulnerable.

When the participants felt that their CJS experiences had reduced their risk of future offending, they attributed this to realising they had engaged in illegal behaviour, identifying what may have led to offending, and learning to manage stress. They did not consider that being arrested or sentenced were effective deterrents to offending. The participants were unimpressed by sanctions that did not take into account their autistic thinking.

4.1.6 Superordinate Theme 5: Recommendations from the participants

After reflecting upon their journeys within the CJS, the participants made suggestions about how the system could better meet the needs of CJ-involved autists. Their comments fell into two themes: professional development in autism, and system and structural changes.

Professional development in autism

Autism and neurodiversity awareness

The most frequent recommendation was for all people working within, and closely aligned to, the CJS to have professional development in autism and other

neurodiverse conditions. Christine wanted all personnel to automatically work in "a neurodivergent care cautious way" with all people. She was concerned that many neurodiverse conditions are invisible to the casual observer, including members of the CJS. Referring to the lasting impact of first and early perceptions, Christine also wanted people within the CJS to recognise the importance of treating all people with respect, in all contexts.

Most participants conceptualised autism as a disability, and those professional working in or with the CJS to do the same. They also wanted police and legal professionals to be able to identify autism characteristics, and recognise that these could be misinterpreted. For example, Richard explained that due to being alexithymic, he felt that the police officers interviewing him presumed him to be emotionally distant. His concern was shared by Andrew, who wanted police to be aware that,

When the autistic person is a suspect, be cautious with getting confessions and interrogation. We are very honest without understanding how another person may respond badly to this, how they may misinterpret why we are doing this, and we can be gullible or lack the social skills to understand the agenda or perspective of the arresting officer or interviewer. Have a strong evidence basis for charges - collate with other eyewitness accounts, forensic evidence, etc before gunning directly for a confession. Double-check and avoid bias. (Andrew)

Several other participants extended Andrew's advice beyond autism, and to all people involved with the CJS.

If autism was suspected, many participants wanted the suspect or offender to be referred by police, legal professionals or corrections personnel for diagnostic assessment. However, they were mindful that MHDP need more comprehensive autism training. They encouraged MHDP to acknowledge the limitations of their autism knowledge and seek expert input accordingly. Participants hoped that MHDP

would refrain from blaming autists for problems related to professionals' lack of autism-awareness.

Autism accommodations

Every participant offered practical suggestions on how legal professionals could better accommodate autistic people. Most proposals focussed on communication, and Vincent advised lawyers working with autistic clients to "Be calm. Be assuring. And clear". In the excerpt below, Angela showed the impact of stress on the ability of autistic people to communicate,

(B)eing autistic I'm not that um fluent. And when I'm stressed, and under pressure, I'm even less fluent, you know ... My autism affects my ability to communicate, and I find it hard to transform my thoughts into words. (Angela)

Similarly, several participants recommended that police seek communication information or assistance when called to attend to an autistic person. Explaining how verbal language can be hard to understand during times of intense stress, Bob requested that police officers,

Talk to my mum before they [police] talk to me, talk to my mum about it and then my mum can explain. Instead of talking to me about it. Because it's like talking to a brick wall, the brick wall's not going to respond. I'm not going to respond if I don't hear what you're saying. Talk to the support person. It's easier to do that because they can understand how to talk back to the person. Even though I speak the same language as everyone else, English, sometimes I don't understand what someone else is saying. (Bob)

Interestingly, although Bob wanted police to talk to his mother, he also belonged to the group of participants who complained of police officers being paternalistic.

Bob drew upon his experiences as a civil litigant when he recommended accommodation of the communication needs of autistic people in criminal matters. A

speech and language therapist had assessed Bob's communication skills before the hearing and provided advice to the court. Commenting on the effect of this, Bob said, "They [the judge and lawyers] were very friendly. They took their time. They don't, speak fast they took their time making sure I under, that I understand what's going on". Bob's mother explained that "really straightforward language" had been used in court. Furthermore, the speech and language therapist had acted as Bob's communication assistant in court, providing Bob with explanations, ensuring that he could read when required, and signalling to the court when Bob became restless or agitated. Bob wanted all legal professionals to have communication training, and for communication assistance be available for all autistic and disabled people required to attend court, in whatever capacity.

Bob's reference above to him being a "brick wall", illustrates how some autistic people temporarily lose communication skills during episodes heightened stress and might need accommodation. Like Bob, autists might hear what is said to them, but not respond because they do not understand it at the time. Tom demonstrated the struggle he had communicating with his defence lawyer,

I was, I, I struggle sometimes, often, and, and just given, given the weight and the, and the, the, um, the, the my brain was just not working and like I couldn't talk and I couldn't and, and it, and sometimes um, I, I used to be able to think but not be able to. Um. Structure a sentence and to, to be a, to, to be clear and whatever. And, and I tend, tend because of the frustration, to like to raise my voice and to wind people up and to, and I try not to. I really do but um. Yeah. (Tom)

Tom explained that although the lawyer was very patient with him, he changed lawyers because "there was no rapport". Emphasising the importance of good relationships and understanding between lawyer and autistic client, Tom explained, "if someone gets me I, I find it far easier to communicate". These views were consistent

with several other participants, who also commented on the value of working with a lawyer who understood them as individuals, accommodated for their autistic characteristics, and had a good knowledge of autism.

Clearly, there considerable support for police and legal professionals to learn how to recognise the characteristics of autism, accommodate accordingly, and refer on for diagnostic assessment. Interestingly though, Vincent initially opposed any accommodations for autistic people. He said,

Now a lot of my peers in recent years have started this idea that autism is not a disability it is a difference. Fucking prove it. If it's just a difference, then you should be able to handle getting punished for your misdeeds the same as everyone else. That is a very necessary part of not being dysfunctional is if you fuck up that you can deal with, dealing with the legal system. (Vincent)

Vincent's views reflected both the neurodiversity debate challenging whether autism is a difference or a disability and Vincent's picture of himself. A proudly autistic, high achiever, Vincent did not identify with the disabled label. Charged with a relatively minor offence, he navigated the system without disclosing his diagnosis and initially thought that all other autistic people should do the same. However, when Vincent considered the support he might have required had his offending been more serious, his views changed. Vincent supported accommodations for autists facing serious criminal charges, or with significantly greater support needs than himself

Vincent maintained, however, that autistic people should face the same punishments as anyone else. In his view, accommodating autism to the point of having different disposition options would be a disservice to autistic people on two counts: their "bad behaviour" would be rewarded, and community mistrust of autistic people would increase. Related to this, Vincent and Tony stopped short of recommending that autism be considered a legal defence in itself. In Vincent's words, they did not want

autistic people to be able to "play their autism card and get out of jail free". In this they agreed with Martin wanted "no exceptions for autism".

Attention to autistic differences during formal interviews and assessments

The participants also recommended awareness by police and legal professionals of the impact of autistic differences in formal and informal police interviews and mental health assessments. They were wary of being interviewed when they were tired, and cautious of lengthy interviews, due to the mental effort required to understand the questions and think through their answers. Explaining the cognitive processes that she goes through when being interviewed, Angela said,

*(I) If they ask me a question, I go through the scenario of why are they asking me this question, what's behind the [question], you know, and even if I've got the answer straight away, I go into all the analytical behind it and then answer you know um, but to them um, that's suspect. So you've got to allow um, time they've got to allow time for our brain to work through the situation or through the question ...
(Angela)*

In addition to being an example of mental processing, the quote shows that some autistic people recognise that interviewers may find aspects of autistic responding in verbal communication suspicious. Cognisant of this, Angela wanted to provide written accounts of events and give any evidence she had, without questions interrupting her flow.

Training to understand meltdowns

Training to understand autistic meltdowns (i.e., stress- or sensory-induced emotional dysregulation) (Belek, 2019; Montague et al., 2018; Samson et al., 2015) was also a strong recommendation. Representative of this view was Vincent, who said,

I would um advise the police to maybe watch a couple of videos of autistic meltdowns so that they can recognise what they're looking at and not do harm to somebody that shouldn't necessarily need it to come to them. I mean a belligerent suspect's a belligerent suspect but

*autistic people can be seen belligerent when they're really just scared.
(Vincent)*

Vincent was concerned that without training, police officers could easily mistake the autistic anxiety for deliberate, aggressive behaviour. His view corresponded with most participants who advised police to let autistic people calm down, demonstrate patience, and be mindful of sensory issues that could trigger or exacerbate meltdowns. On sensory grounds, several participants advised against handcuffs and Tasers.

Martin wanted police to learn that, for some autistic people, danger ends when an incident or meltdown is over. As noted previously, when police responded an incident at his home, Martin had to leave his house. He was surprised, and reported,

(I)ust that idea of being told [to leave home], because obviously this incident happened ... my version is just, like, I lost my temper or whatever happened. And then the moment it finished, it was ended. It was just over it was just like just didn't exist. Whereas for the police it was more like well there's a potential, that you know something could happen again or, you know this is all just standard practice. (Martin)

Unlike most neurotypical people, some autists do think about a stressful event once it has ended. Martin could not understand why he had to leave his home because he was no longer at risk of offending. Furthermore, leaving his home was incredibly anxiety-provoking for Martin, whose home surroundings and routines were his "security".

System and structural changes

Views on changes to the CJS in Aotearoa New Zealand varied widely. Most participants made specific suggestions. However, Richard recommended a complete system transformation. Having researched criminal justice and offender management,

Richard identified rehabilitative systems from Norway and the Netherlands that he thought could inform a future CJS for Aotearoa New Zealand. He explained,

The whole business of locking people up is such a farcical expensive failure. Now if you took that money that they're spending, and actually spent it on serious actual harm reduction and, perhaps some sort of fund to try and shout down those idiots who say oh it's a, it's a holiday camp or whatever, you know you're treating them with kid gloves and these people really need a good kick up the pants. And actually dealt with harm reduction you know you would, you would be in a far better place, you'd be spending less money, you'd have far lower rates of repeat offending um, with just an intelligent non-knee jerk um, justice system, we'd be far better off. (Richard)

The new system that Richard advocated would ensure access to high-quality assessments and representation for all people, regardless of education or income level. Further, it would address mental health and substance abuse issues, provide educational and vocational programmes, and support all people according to their individual needs and diversity. Richard considered that a focus on "harm minimisation" would benefit offenders, victims, and all community members.

Most other participants made structural recommendations that could be accommodated within the existing criminal justice system. One was for the police to have a register of autistic people that would contain useful information on each individual, such as their communication and sensory needs. The participants suggested that autistic people, or their supporters, could alert police to their being on the register, or that autism-informed police would recognise autistic characteristics and check the register accordingly. As Andrew explained, "The intent is that police understand beforehand if a suspect or person of interest has autism and how to best approach interacting with them". However, some participants identified two issues concerning a register. Firstly, it would be a significant breach of privacy, and secondly,

foreknowledge of a suspect's autistic status might trigger disrespectful behaviour in police officers.

The establishment of autism, disability or neurodiversity liaison officers at police stations or courthouses was another suggestion made by several participants. Like forensic mental health court liaison nurses, people with neurodiversity expertise could identify the autistic and neurodiverse, and help them in practical ways. Furthermore, neurodiversity liaison officers could facilitate recognition and understanding of neurodiversity, and advise police, lawyers, judges, and court staff accordingly.

Participants also advocated for specific changes to arrangements for autistic people in court. For example, Tony was concerned about the vulnerability of autistic people in police cells. He described his experience as,

(Q)uite scary because you don't know what they've done or could be sitting next to a killer or you could be sitting next to someone who's innocent. (Tony)

Tony proposed appearing in court from home, via an electronic link as a more acceptable alternative. He was part of a large group of participants who advocated for special courtrooms and arrangements for autistic and other neurodiverse people. Drawing from and extending arrangements already in Aotearoa New Zealand that cater for the mental health and addictions population, youth, and Māori, the participants wanted fewer people present in court, less formality, and minimal sensory distraction.

Summary of superordinate theme: Recommendations from participants

Having experienced the CJS, the participants were a valuable source of ideas on how to affect positive change. These fell into two broad areas: professional development in autism, and system and structural changes to the CJS.

The list of topics that the participants considered that legal and mental health professional involved in the CJS required training in was extensive. It ranged from general autism knowledge, through specific information on the accommodations that they thought autistic people would benefit from during CJS involvement, to learning to work in a manner that considers all neurodiversities.

The participants shared suggestions on how the CJS could change to better support CJ-involved autists. Some of the suggestions were relatively simple (e.g., fewer people present in court), but others would likely require significant system revision and resourcing.

4.1.7 Superordinate Theme 6: Adversity across the lifespan

The participants all referred to experiences of adversity. Some of these negative events directly related to their journeys through the CJS, and appear in the superordinate themes above. However, included in this superordinate theme are difficulties and traumas of childhood and adulthood that initially seemed unrelated to the participants' criminal justice experiences. Yet as the analysis developed, it became clear that many of these adverse experiences contributed to the participants' perceptions of their lives, including their CJS experiences. The issues fell into two areas: childhood and adolescent adversity and hardship in adulthood.

Childhood and adolescent adversity

Half of the participants referred to unease with their families or social networks that dated back to childhood or adolescence. Andrew, Angela and Tom did not feel emotionally safe or connected to their families. While both men referred more generally to family discomfort or disconnection, Angela provided more detail. She recalled her mother telling her, "you're built like a brick shit house and you walk like a

horse”, and described the woman as “not very endearing at all”. According to Angela, the “nicest thing” her father ever said about her was that Angela “takes everything in her stride”.

In contrast, Christine described a loving and caring relationship with her parents. Nevertheless, in an experience shared by Andrew as an adult, in adolescence Christine found she could not live up to the expectations of behaviour associated with her parents’ religious faith (see the her quote as detailed in in Chapter 3). Whilst Christine blamed herself, Andrew experienced harsh and harmful judgements by church members until he left the church.

Three participants reported victimisation. Christine was sexually assaulted, whilst Andrew said he experienced “very extensive past bullying and peers abuse in school”. Angela was humiliated by children and adults because her gait and posture were affected by a physical condition.

Four participants reported adversity associated with adolescent rule or law-breaking. Previously noted was the attention that Angela and Christine received due to socialising with other young people who came to the attention of the police. However, to rehabilitate Christine, one parent became harsh and used “tough love”. Similarly, after Tony’s parents divorced, and neither wanted him to live with them, Tony moved into a “boarding home”. While Tony was not legally compelled to live there, that was not the case for Jack. He said that teenage offending saw him “shifted around” various Youth Justice residential facilities. Vincent also got into trouble with the police in adolescence before moving to Aotearoa New Zealand. He said that, after being arrested at 14 years of age, the police “brought me by all the friggin prison inmates to make a bunch of comments to try and scare me straight”.

Hardship in adulthood

In adulthood what for the participants had been to unease with their families or social networks transformed into social isolation or relationship difficulties. Andrew and Angela both referred to social isolation, and, as aforementioned, Angela locked herself away from the world. Of the five participants who had formed long-term relationships or marriages, four had experienced separation or divorce. When Tom's marriage finally ended, he lost everything. He had no money, no car, and no home. Whilst their current relationships were intact, two participants referred to "relationship stressors" (Richard), like unemployment (Martin).

Participants shared a long-term sense of otherness when compared to non-autistic people. Vincent likened the strength of his autistic characteristics when younger to "a neon fucking sign over my head saying Aspergers". Nevertheless, he thought that he had eventually "learned to wear the mask, as it were, and integrate normally" (Vincent). In contrast, Richard said that he had "always been different to other people". Being diagnosed and accessing autism information lessened the otherness to a degree because participants found an identity that made sense to them. Not surprisingly, though, delayed or incorrect diagnosis was problematic and angered participants like Andrew (reported earlier).

Hardship associated with employment was raised by four participants. This included both unemployment and under-employment. Andrew was unemployed because he was extremely anxious about taking on adult responsibility, whilst Tom's business had failed. Martin's unemployment followed years of severe workplace bullying, which left him anxious and "clinically depressed for about five years". Martin said,

I had my breakdown ... it was quite a severe one. Um, so, um, yeah I just, couldn't go even past my workplace. That type of thing or when I saw [a former colleague] ... or a [work] car ... or something to do with the [job], it ... just gave me um, some sort of trauma. (Martin)

As Martin recovered, his previously supportive wife could not understand why he was not back in full-time work. He said that she would “lay it on me ... you're better, you should be full-time working”. Eventually, Martin returned to the workforce, but in a capacity well beneath his skills level. This under-employment was rehabilitative for Martin. In contrast, Vincent was highly frustrated by his under-employment. Educated to Master's degree level, Vincent likened himself to

Marvin in ... [the] Hitchhiker's Guide to the Galaxy ... Marvin is this character which, as he explains, is a robot with a brain the size of a planet ... But all he does is operate the doors and stuff upon a spaceship, and it makes him depressed. I was getting the same issue it's like, why am I getting minimum wage doing something so mindless with [my qualifications] it's just not something I can do forever. (Vincent)

Vincent wanted to work at total capacity, and under-employment thwarted this goal.

Despite being adults, four of the participants were not as independent as they wanted. Bob and Jack lived with their parents, although each had lived away from home. For Jack this was a supportive arrangement while he learnt vocational skills and until was able to afford to live outside the family. However, Bob's foray into independent living failed when his needs and interests triggered complaints from neighbours. Tony was in a residential service, although he worked full-time. While he was happy with his current living arrangements, he described being “starved [denied food] for punishment” in a former residence. At the time of the interview, Tom, who had lived independent for many years, was moving between short stays with relatives and mental health residential care.

Finally, six participants brought up mental health difficulties. Like Martin's depression and anxiety referred to above, references to mental illness appear earlier in this chapter. Anxiety and depression were common, but two participants described long-term use of illicit drugs. Angela used cannabis to manage chronic pain and had convictions for possession, and Christine "pharmaceutically lobotomised" herself with other substances.

Summary of superordinate theme: Adversity across the lifespan

Although the participants were interviewed about their CJS experiences, they all referred to adversities that initially seemed separate from the CJS. However, it will be shown in Chapter 5 (Discussion) that these difficulties provided some context to how the participants perceived their CJS experiences.

4.2 Researcher Interpretation

4.2.1 *Overview of factors*

During data analysis the researcher also identified four factors that appeared to influence the participants' CJS experiences, and their understanding of those experiences. These were power, process, perception, and participation (see Table 6. Factors). In addition to their influence on CJS encounters that have already occurred, it is conceivable that each factor could be differently fashioned to improve the CJS experiences of autistic people in Aotearoa New Zealand.

Table 6. Factors

Factors	Sub-factors
Power	<ul style="list-style-type: none"> • The steamroller of criminal justice • Any means “fair and foul” • Acquiring power
Process	<ul style="list-style-type: none"> • Ponderous, crushing process • Knowing what the process is • Knowing how the process is implemented • Lengthy process • Breach of process • Communication • Change of lawyer
Perception	<ul style="list-style-type: none"> • Attitudes towards autism • Perception of behaviour by legal and mental health professionals • Accurate perception needed by court • Pre-existing negative perceptions of police and legal professionals • Popular media
Participation	<ul style="list-style-type: none"> • Lack of agency • Challenges to everyday life • Involvement in research and policy

4.2.2 Factor 1: Power

Power was the first factor that appeared to influence the participants' experience and perceptions of the CJS. The CJS is, by necessity, powerful. It is the legitimate entity that enables police officers to investigate and respond to crime, lawyers to advise and represent their clients, and gives judges the authority to oversee cases, impose conditions and punishments, and restrain or remove a person's liberty. Furthermore, the CJS empowers MHDP to assess and treat CJ-involved people, and correctional staff to implement sentences and conditions.

Drawing upon Richard's metaphor, the gem unearthed in the IPA analysis, the power of the CJS is represented by the steamroller and by its enormous size. Steamrollers are big pieces of machinery in any case, and the use of that as a metaphor

signals that a belief that CJ-involved people have little power. However, being giant-sized, Richard's steamroller amplified the power imbalance that he, and perhaps the other autistic participants perceived were present within their CJS encounters.

The experience of most participants in this study was that aspects of power of the CJS were not applied in a fair and balanced manner. Participants experienced actors within the CJS as seeking to obtain or maintain power over them through "any means fair or foul" (Martin).

The participants identified two means of acquiring power when in contact with the CJS. The most common means was through the legal and mental health professionals involved in their case being, or becoming, aware of the participant's autistic identity. Participants believed that knowledge of autism could help professionals and participants understand the reason for offending, the contributing factors, and their support and rehabilitation needs. However, participants could be disempowered by problems accessing competent autism assessments. In Aotearoa New Zealand, there are few funded avenues for adults to access autism assessments, and the autism-related professional development needs of the adult mental health workforce are significant (Ministries of Health & Education, 2016). Accordingly, participants either self-funded autism diagnostic services, or were referred to court appointed mental health professionals. In neither scenario was there surety that the autism diagnostic skills of the mental health professional they consulted were adequate.

The second means by which participants acquired power was by engaging criminal lawyers with seniority or strong reputations, lawyers knowledgeable in autism, or lawyers with whom they had already developed good working relationships. The participants wanted choice over their representation, and valued lawyers with

knowledge, experience, and communication styles that matched or compensated for their own. However, the participants felt that it was difficult to secure good legal representation. Some participants expressed concerns about the experience and quality of lawyers employed by the Public Defence Service and difficulty obtaining adequate funding for an independent lawyer of their choice due to the legal aid rules.

Overall, the participants recognised that it was appropriate for the CJS to be powerful, but they expected power to be used fairly by all people involved in the CJS. Anxiety about contact with the police was high, and participants' attempts to gain power within the CJS had variable success.

4.2.3 *Factor 2: Process*

Process was the second factor that contributed to the participants' experience and view of the CJS. The processes of the CJS are well-established and formal. Whether enacted by police officers, lawyers, judges, prison or probation officers or MHDP, formal processes exist. They are policies, procedures, regulations, laws, or clinical or best-practice guidelines. As such, the participants expected them to be applied consistently and smoothly. Nevertheless, the experiences most participants described were of inconsistent, uncertain and ponderous processes that, like the giant steamroller, crushed them or their loved ones.

It was important to some participants that they knew *what* the formal CJS process impacting their situation was. The accounts of two participants demonstrated this. One sought information on the process from his barrister, and was aggrieved when some of his questions went unanswered. He said that "a better understanding [of process] would have maybe reduced our stress" (Richard). Similarly, another said he "did an official information request for the policy and procedures manual" (Tom),

and doubted the reliability of information available on the New Zealand Police website.

Participants expressed dissatisfaction with *how* processes were implemented by legal and MHDP associated with the CJS. One corrected the police officer who charged him with the wrong offence, even though the consequences of the correct charge were more serious. Another participant considered that the duty lawyer who advised him to answer police questions without a lawyer present had engaged in malpractice. Furthermore, the mental well-being of a third participant was significantly compromised when he concluded, after consulting policies, that his arresting officer “didn’t follow any of the police procedures” (Tom).

Implementation of formal processes can be slow, and contribute to a backlog in Aotearoa New Zealand courts. Most participants found the time required by the CJS to work through criminal case process extraordinarily slow. *Lengthy process* was associated with intrusive or restrictive bail conditions, multiple court attendances, and one participant pleading guilty to what she believed were false allegations. Furthermore, the uncertainty of the outcomes of the CJS and the lengthy time taken to move through criminal case process, conflicted with many participants’ drive for predictability. The resultant stress was significant, and for one participant, became associated with suicidal thoughts.

Perceived *breach of process* was an issue for some participants. For example, Martin was troubled that the assurance provided by the arresting police was overturned by a senior police officer. He expected that all police officers would apply the law in the same way. Martin seemed not to have considered that the inconsistency between the arresting officer and his superior could have been due to the senior officer having a better understanding of the procedures and regulations.

Instead, he judged New Zealand Police as a whole to have behaved inconsistently. In Angela's perception, breach of process was a widespread problem within New Zealand Police. She was afraid to report police misconduct and other crimes committed against her. Instead, she became reclusive. So important was it that processes were followed, that Tom retrospectively compared the behaviour of the officer who arrested him against the formal written procedures that he went to lengths to access.

The complex process of *communication* was a focus of great concern by the participants. Significant differences in social communication is one of the diagnostic symptoms of autism (American Psychiatric Association, 2013), and communication within the CJS is neurotypical-led and primarily verbal. Participants worried that police and other legal professionals made faulty assumptions about them, based on their communication style. They spoke of difficulty achieving meaningful and timely communication and understanding, and poor communication could factor in Tom's distress after the dismissal of his case. It is also possible that no legal professional explained the meaning of "dismissal" to Tom, or explained it in a manner consistent with his communication needs.

The participants were concerned with the impact on the criminal case process when they experienced a *change of lawyer*. In addition to slowing down and extending the process, participants perceived lawyer-initiated case reallocation as lack of commitment or professionalism. Indeed, when one participant's lawyer resigned from his position, the participant worried the replacement would be inferior. He seemed not to have considered that law firms and public defenders may have processes in place to manage change appropriately, nor that the departing lawyer may have worked out a reasonable notice period and fully briefed his replacement.

In summary, adherence to streamlined and predictable formal process was critical to the participants. They expected CJS personnel to know the relevant formal processes, and apply them consistently and swiftly. Trust and confidence in the CJS were undermined when participants perceived that formal processes were not adhered to. The participants also experienced the criminal process as highly stressful, even punitive.

4.2.4 Factor 3: Perception

The third factor was perception. Perception relates to the attitudes that participants believed were held about them *by* people working within or alongside the CJS, and to what the participants perceived to be the characters and roles *of* those people. Again, the steamroller metaphor is relevant here. Steamrollers are machines. The lack of similarity between steamrollers and humans represents a disconnection between the people working for and within the CJS, and the autistic participants who were subject to the CJS. Whilst aspects of the disconnection could be due to the different roles they occupied (i.e., police officer, legal or mental health professional, versus CJ-involved person), the differences between autistic and neurotypical people seemed more relevant.

Most participants expressed concern about how they, or their behaviour, was perceived *by* legal and mental health and disability professionals. Their misgivings were sometimes linked to their autistic characteristics. For example, one participant was convinced that the police officers who conducted his suspect interview had formed the perception that he was guilty, and treated him more harshly, because he was not emotionally demonstrative. Similarly, several other participants were worried that police officers confused sensory reactivity with intentional aggression. However,

the participants also raised issues about being patronised by police officers, treated like children, or considered to be a risk to others when in fact they were very vulnerable. In an extreme case, one felt dehumanised by police because of her criminal record. She said, “They don’t see me as a person” (Angela), and continued “They, see me as something below people”.

Several participants were concerned about perceptions and attitudes towards autism held by CJS personnel. One thought that police would snigger if they were told she was autistic, and another described the scepticism of a prosecutor to learning that she was autistic. Fear of scepticism or misunderstanding of autism could well have factored subconsciously into another participant’s decision not to tell his lawyer of his autism diagnosis.

Nevertheless, the majority of participants wanted to ensure that the court had an accurate perception and understanding of their unique autistic character, especially if the charges against them were serious. With some similarity to the power factor (described above), participants hoped that autism diagnosis would help others understand them. They also gained self-knowledge from these diagnostic reports, which elevated diagnosis to one of the few good outcomes of being subject to the CJS. Interestingly though, one participant opposed autism being used as a defence in criminal matters because he thought that the practice could contribute to negative stereotypes that some community members hold about autism.

Some participants appeared to develop unhelpful perceptions *of* police and legal professionals in isolation from their CJS journeys. Two who were diagnosed as young children, grew up uneasy with police, although neither provided information on why this was the case. Another considered the police uncaring, after her interview as a sexual assault victim. Reinforcement of her negative perception occurred when, like

another participant, her behaviour and that of her friends was closely scrutinised by authorities.

Predictably, participants also seemed to form perceptions of the characters of legal professionals and MHDP following their CJS contact. Some of these included the beliefs that police always assume a suspect is guilty, and that many lawyers are motivated more by success, money or speedy resolution than fair justice. Half of the participants feared judges, and two were pleasantly surprised when judges were impartial or kind. Finally, MHDP with limited understanding of autism were considered to have no real value.

Interestingly, bad experiences with a police officer influenced some participants' perceptions of New Zealand Police as a whole, but good experiences with individual police did not. These participants considered that an officer's positive qualities were outside their professional role. For example, one favourably viewed the police officer whom he believed had attended disability training out of personal interest, and another attributed the friendly police officer's behaviour to his Christianity. Neither participant seemed to have recognised that each officer may have been simply doing their job.

Two participants worried that they may have conveyed their negative perceptions of police to their children. They wanted the best for their children, and feared that their own lack of confidence and trust in police may have disadvantaged them. Both realised that the police have a valuable role in community protection, and were dismayed that their children might not realise this.

The influence of popular media also seemed to have impacted upon how the participants viewed people working with the CJS. Two participants noted that the fear they had developed about being in court, presumably derived from media, television

and film, was far worse than the reality. However, positive depictions of New Zealand Police circulated in social media triggered sceptical responses from two other participants.

In summary, the participants feared being that police, legal and mental health and disability professionals had negative perceptions of autism. They wanted understanding, and most felt this could be achieved if their autistic characteristics were recognised and named. However, many of the participants' perceptions of people working within the CJS were negative. Sometimes these were overturned after positive experiences, but often the participants' views were reinforced, and, in two cases, were passed on to their children. These negative perceptions held by the participants *of* and *by* personnel of the CJS indicates a worrying degree of distrust and pessimism.

4.2.5 Factor 4: Participation

Participation was the fourth factor that identified from the participant findings. Participation can be linked to Richard's metaphorical positioning of himself in front of the steamroller – not in the vehicle and certainly not in the driver's seat. Most of the participants in this research felt that had very limited opportunities to drive, direct, or influence what happened to them when they encountered the CJS. Furthermore, that this lack of agency could extend to everyday matters was distressing for a number of participants.

Participants wanted to be active within their CJS journeys. They wanted to negotiate with police officers, and be involved in their own defence. They valued strategising with their legal representatives, and one even tried to gather evidence to support his case. Some of the participants wanted the opportunity to express their

versions of events in court, albeit in their own way (e.g., reading a prepared statement, not being questioned verbally). Participants reported that their CJS journeys were more positive when they were included and consulted, and unfavourable when collaboration was prevented. Understandably, one participant was very upset when she “didn’t have any say” (Angela) and her lawyer entered a guilty plea against her wishes.

Most participants wanted to be able to be active in everyday life despite being subject to the CJS. When this occurred, the participants perceived the CJS as caring and therapeutic. However, when involvement in everyday life was compromised or thwarted, being subject to the CJS was a greater burden. Being unable to be present to care for family members, having their sleep disturbed by police checks the night before working, and being prevented from engaging in leisure activities with family members were just some of the limitations that the participants described. What contributed to their sense of injustice was that these constraints occurred when they were under suspicion, and technically innocent. The participants expected to be allowed to fulfil their roles as spouses, parents, employees, and members of the community before determination of guilt occurred.

The research also showed that this group of autistic people wanted to participate in research on the CJS. Unlike the findings of Morris (2009), the participants provided rich accounts, and similar detail to more recent phenomenological research in this sphere (i.e., Newman et al., 2015; Vinter et al., 2020). Furthermore, the participants made numerous suggestions on strategies that could improve the CJS system for autistic people. Two participants had even made deep consideration of the CJS, including one who had researched criminal justice across the world. The

participants needed little encouragement to share their experiences and perceptions, and the meanings they made of these were illuminating.

In summary, participation was highly valued by the participants in this study. When it was enabled within their CJS journeys and everyday lives, their perceptions of their journeys were positive. However, participants related accounts of being prevented from participating that, when they were technically not guilty, were experienced as punitive. The findings also indicated that the participants were interested in how the CJS worked, and willing and able to engage in associated phenomenological research, had many suggestions on how to develop a more autism-appropriate criminal justice system in this country.

4.2.6 Summary of researcher interpretation

This interpretation identified four factors that seemed to influence the ability of the CJS to achieve its goals with respect to the autistic participants in this study. These were power, process, perception and participation.

The interpretation illustrates that value of the critical autism perspective in considering autistic experiences of the CJS. For critical autism researchers, consideration of power relationships is a key component of their scholarship. So too is the analysis of how autistic people are portrayed (perception), and their degree of participation in society. In this research, process was also important, as it represented the procedural justice issues that many participants identified during their interviews.

4.3 Summary of Findings

The participant findings gave life to six superordinate themes and 16 themes. Most illustrated how participants experienced and perceived their experiences of the CJS and included their suggestions on strategies to make the system more responsive

to the needs of autistic people. However, one superordinate theme addressed their recommendations for change, and another provided context by introducing the adversities that the participants spontaneously shared. The participants' voices were compelling, and brought the superordinate themes and themes to life. The gem of the analysis was the steamroller metaphor. Although the participant was referring specifically to CJS process, the presence of the steamroller was apparent throughout the findings and interpretation.

Power, process, perception and participation are not just factors. They are powerful forces that could be used to facilitate transition of the CJS into an entity that is more responsive to the needs of autistic suspects and offenders. Deeper consideration of this appears in Chapter 5 (Discussion).

Chapter 5 Discussion

Although academic research into autism and criminal justice is growing, few voices of autistic people with criminal justice experiences have been heard. Globally, little research reported autistic people's views of criminal justice systems. Instead, most focus has been on quantitative factors, like the prevalence of autism in prison, offence type, and, more recently, approaches to reducing recidivism in certain types of offending by autists. By neglecting the experiences and perceptions of autistic people, what could be valuable insights and recommendations existing within the autistic population could be missed.

The research set out to identify autistic adults' experiences of Aotearoa New Zealand's criminal justice system (CJS), and articulate their understandings of those lived experiences. Located within critical autism studies (CAS) and utilising interpretative phenomenological analysis (IPA), it showcased the stories of eight men and two women who traversed through the regular CJS. All participants were living in the community when their data was collected.

This chapter discusses the findings, and locates them within existing research. Implications for policy and practice follow, drawing on power, process, perception, and participation as change mechanisms. The strengths and limitations of the research are then identified, and recommendations for further research presented. The chapter ends with the conclusion to the thesis.

5.1 Discussion of Findings

5.1.1 *Difficulties anticipated and realised*

The most significant finding of the research was that the majority of participants anticipated difficulties with the CJS even before becoming involved with the CJS, and their fears were later realised. Whilst the most obvious examples in the participant accounts related to the police, legal professionals and mental health and disability professionals (MHDP) were also implicated.

Apprehension towards police was clear, especially amongst those participants who referred to police contact during childhood or adolescence. Regardless of their purpose, these early police encounters seemed to have undermined the participants' confidence in the police force.

Lack of trust in police and institutions of justice is a serious social concern (Jackson & Bradford, 2010; van der Meer & Evans, 2021). Not only do negative perceptions of police contribute to the risk of criminal offending, but they also reduce the likelihood that people will cooperate with police and report crime. This situation is unsatisfactory, given that autistic children and young people often need police assistance due to being lost or wandering (Debbaudt, 2002; Solomon & Lawlor, 2013), experiencing mental health crises (Vasa et al., 2020), and being victimised (Griffiths et al., 2019; Maïano et al., 2016; McDonnell et al., 2019). Furthermore, whilst no Aotearoa New Zealand research has been undertaken on how often autistic young people are stopped by police, the contact rate could be high. In the United States almost 20% of autistic youth are stopped and questioned by police by the time they are 21 years old (Rava et al., 2017). During any police contact autistic people should be

confident of fair and respectful treatment (Bradford et al., 2009; Hough et al., 2010).

This applies equally to autistic people.

If participants had not already developed feelings of fear or antipathy towards police, legal professionals, and MHDP before coming to police attention, most participants developed these feelings during the criminal justice journey. The machinations of the CJS itself (e.g., bail, probation conditions, court appearances and timing) contributed to the participants' stress, as did the perceived attitudes and behaviours of actors aligned to the CJS. .

Most participants provided accounts of perceived bias, incorrect application of procedures, abuse of power and use of violence by police officers. Concerns were also expressed that some lawyers, judges and CJS personnel were biased against all CJ-involved people, engaged in collusion, behaved officiously, and did not properly attend to the participants' opinions and needs. Similarly, critical comments were made about MHDP who worked alongside the CJS. These ranged from lack of recognition of signs of autism, to poor diagnostic skills, ineffective therapy, client blaming, and unprofessional behaviour. Overall, whilst encounters with New Zealand Police generated the most negative reports, judges, lawyers, correctional personnel and MHDP were not free of criticism.

Exacerbating the participants' perception of unfair treatment, most negative experiences occurred when they were technically innocent (e.g., before determination of guilt). The preponderance of adverse accounts could be a function of negativity bias (Vaish et al., 2008), in that people remember, learn from, and report negative experiences more often than positive ones. Alternatively, it could also be due to self-selection into the research by autists who wanted to air grievances. However, neither

option negates the seriousness of the participants' accounts, and the possibility of autism-specific problems within the CJS, or wider system.

There is research that suggests that autistic people often experience difficulties negotiating criminal justice systems and interacting with police, legal professionals, CJS personnel and MHDP. Anxiety about police contact in any capacity was expressed by autistic adults in Canada (Salerno & Schuller, 2019) and Australia (Calton & Hall, 2021; Gibbs & Haas, 2020). Based on autists' experiences with lawyers, judges and correctional personnel, autists in England and Wales (George et al., 2020; Gordon, 2002; Maras et al., 2017) made numerous recommendations for the autism-specific professional development.

The body of evidence suggesting that the participants' adverse experiences could be due to systemic issues in the CJS is strong. Compared to other minority or marginalised groups in society, the participants' grievances about the CJS and its professionals were unremarkable. Similar concerns about police were raised by young people (Sindall et al., 2017), black Muslim immigrants in Canada and the United States (Ellis et al., 2020), ethnic minorities such as the indigenous people of Chile (Gerber et al., 2018), and people with mental health conditions in Australia (Boscarato et al., 2014; Jones & Thomas, 2019). Furthermore, in Aotearoa New Zealand apprehension about police exists amongst Māori (Te Whaiti & Roguski, 1998), mental health consumers (Holman et al., 2018), some ethnic minorities (Ho et al., 2006), and young African people (Nakhid, 2017). Perhaps what is relevant here is intolerance of difference and systemic marginalisation of people who do not fit into the dominant group in the society, rather than simply being born autistic.

5.1.2 Previous adverse experiences

Interestingly, the need to include information on unprompted adverse experiences unrelated to the CJS was not identified until well after data analysis seemed complete. Deep consideration of the findings revealed that the participants had imparted a precious gift. They wanted people to know more about other significant events in their lives. Not only did attending to non-CJS adversity fulfil the obligation made to the participants to let their voices be heard, but it revealed similarity between autistic and non-autistic experience.

As they were growing up, several participants experienced neglect, abuse and instability experiences within their families, schools, and social contexts. Adulthood added workplaces to the list, and issues related to finding and securing employment, financial stability and housing. Interestingly, many of the participants' challenging experiences replicated those of 426 adult, autistic participants in an international online survey of experiences of vulnerability, mental health and life satisfaction (Griffiths et al., 2019). In contrast, the participants did not verbalise problems related to social services or adult domestic abuse that Griffiths et al. (2019) included in their questionnaire. That does not mean that the participants did not have problems in these areas, just that they did not spontaneously mention them.

Adversity was not the research focus, and the participants' desire to talk about challenging experiences that appeared unrelated to the CJS was surprising. Brief information on adversity had been included in Chapter 2 (Literature Review) to give context to the participants' lives, and to show why adversity may be meaningful to understanding the behaviour of autistic people who offend. It was also included to show that just as victimisation and hardship experiences can contribute to offending in the general population (Heffernan & Ward, 2017), they do the same in the autistic

population (Brewer & Young, 2018; Murphy, 2017). Accordingly, participant accounts of adversity linked to criminal justice experiences were expected, but reflections on unrelated hardships were not.

On reflection, accounts of seemingly unrelated adversity should have been expected. Firstly, the researcher was an experienced clinical psychologist. She had worked with people (autistic and otherwise) for many years, and was well-practised in interviewing, non-judgemental listening, and helping people contain emotions. These skills likely contributed to the rapport that the researcher developed with each participant, facilitating trust and disclosure. Secondly, it is common for participants in qualitative research to relate highly personal and even previously untold stories to researchers once trust is established (Dickson-Swift et al., 2007).

The participants' pre-existing experiences of adversity were very concerning. They suggest that the participants could have been disadvantaged by unmet needs for support and protection before they were suspected of offending. Combined with the of their CJS journeys, the adversity-load on their well-being was likely high. This suggests that before, during and after CJS encounters, many autistic people could have a far greater need for support than is currently understood and provided.

5.1.3 Important relationships

In this study, the importance of relationships to the participants was clear. Contradicting a common stereotype of autistic people being introverted and withdrawn (Wood & Freeth, 2016), or not wanting relationships with other people (Purkis, 2016), the participants' accounts support research that indicates that many autistic people value social relationships highly (Crompton et al., 2020). For example, several participants referred to relationships with police officers, legal professionals or

MHDP that became important to them during CJS journeys. Sometimes these relationships were fleeting (e.g., the arresting officer giving a positive account of the participant in court). However, other times the relationships were longer lasting, and seemed linked to the participants' long-term outcomes. For example, two participants attributed motivation to cease offending directly to positive relationships with police officers who were interested in them or cognisant of autism and disability issues, and probation officers and lawyers whom they believed cared about them. Conversely, two other participants felt badly let down in relationships that they respectively had with a police officer and a psychiatrist, whom they felt betrayed by.

The participants also made frequent references to valued family members and friends. They identified improvement in these relationships as one of the positive outcomes of CJS involvement, even if the link was indirect (e.g., diagnosis led to better understanding between spouses). In addition, the harmful impact of criminal justice proceedings on family was a significant grievance. Several participants worried that legal restrictions prevented them from fulfilling family or work obligations and disadvantaged the people concerned. More specifically, two participants feared that negative attitudes they held towards police had compromised the safety or liberty of their children.

The finding of the importance of relationships highlights the benefits that could be achieved if police, legal professionals and mental health professionals focussed in two areas. Firstly, the development of positive relationships with CJ-involved autists is very important. While it is important to maintain professional standards, energy spent on getting to know and understand autistic clients is an investment that can facilitate mutual respect and cooperation. Secondly, considering CJ-involved autists as people within a social context, and recognising the importance of the other people in the

autists' lives, may minimise inadvertent harm to other people, and reduce the likelihood of resentment developing. This echoes the importance that relationships were to people with intellectual disability when interviewed about their experiences of the Aotearoa New Zealand legal system (Mirfin-Veitch et al., 2014).

Another relationship-related aspect of several participants' accounts concerned the participants' judgements of groups of professionals. It was fascinating that just one bad experience with a professional could tarnish the participant's opinion of a whole profession. Yet, in contrast, positive encounters were far less influential. This phenomenon, referred to as asymmetry in the impact of encounters (Skogan, 2006), was most apparent with respect to police officers. In an extreme example, despite having had a long, significant and positive relationship with New Zealand Police, the force lost credibility for one participant after he was given contradictory information at his arrest. Further demonstrating asymmetry, several participants spoke highly of individual police officers, but the impact of those encounters had little or no impact on the participants' fear or dislike of New Zealand Police. Instead of recognising that these positive encounters could be examples of good policing, the officers' behaviours were attributed to personality, faith, and personal interest in disability studies. It appeared that trust and confidence in CJS professionals (especially police officers) was, in the words of Oliveira et al. (2020, p. 1) "hard to win and easy to lose".

Interestingly, the legal profession seemed less vulnerable to the asymmetry phenomenon than the police. Whilst some participants encountered lawyers and judges whom they did not respect, no participants suggested that all lawyers or judges would act badly. Indeed, one participant continued to speak highly of lawyers after he changed lawyers multiple times because none could understand his reasons for refusing to plead guilty. Likewise, two participants attributed encountering a difficult

judge to bad luck. Nevertheless, two subgroups of the legal profession seemed at increased risk of losing the participants' confidence. These were the Public Defence Service and those on duty lawyer lists. Some participants doubted that lawyers working for these agencies would have reliable legal expertise or autism understanding. Other participants wanted the power to choose their own lawyers. These participants wanted lawyers who not only recognised and attended to their communication needs, but were patient and willing to understand events from the participants' perspective. Furthermore, when participants felt that a particular lawyer had worked well with them, they wanted that lawyer to represent them until CJS proceedings were over, and in the future.

5.1.4 Importance of autism to all participants' CJS journeys

Autism recognition and diagnosis

Knowing they were autistic was important to all participants. No matter how participants felt about being autistic, like others in the autistic community (Arnold et al., 2020; Bertilsdotter Rosqvist, 2012), diagnosis provided the participants with a way to understand themselves and the people around them. Furthermore, diagnosis facilitated access to autism information, other autistic people, formal autism support, and increased understanding by others. In the CJS context, diagnosis helped participants understand the behaviour that brought them to the attention of the police, provided a means through which others could understand and accommodate their needs, and had the potential to influence the outcomes of proceedings.

Given the importance of autism diagnosis, it is logical that identification of autism was one of the positive outcomes some participants identified from the CJS journeys. That explains the long-standing anger one participant expressed towards the

CJS-appointed psychiatrist who assessed him but excluded autism. The psychiatrist's negative finding not only prevented the participant from accessing the knowledge and understanding that a positive autism diagnosis could have brought to his CJS journey, but its impact continued for six years afterwards. Sharing this participant's concern were other participants who had engaged with mental health and addictions services without practitioners recognising, diagnosing or, by extension, accommodating for autism traits. These participants also recognised that, in the context of CJS proceedings, being autistic but undiagnosed, wrongly diagnosed, or having autism excluded by a professional could have serious and long-lasting consequences. Accordingly, high in the participants' list of recommendations for the CJS was widespread training to recognise autistic traits, and referral for assessment by a MHDP with appropriate autism expertise.

In Aotearoa New Zealand, it is much more difficult for adults to access autism diagnostic services than for children and young people (van der Meer & Evans, 2021). Furthermore, few fully funded diagnostic opportunities are available for adults who may be autistic. Accordingly, 47 of the 70 autistic adults in New Zealand who responded to a recent survey circulated by van der Meer and Evans (2021) indicated that the diagnostic service they accessed was private, not public. Due to this inequity, diagnostic assessment within the CJS context could be a welcome opportunity for autistic adults. It is no surprise then that some participants' viewed lack of diagnostic referral, missed diagnosis, and incorrect diagnosis as failures of the mental health profession, and a valuable opportunity lost.

Comprehensive professional development in autism across the CJS

Professional development in autism across the CJS was the number one priority from the participants. Drawing from their CJS experiences, the participants saw value

in police, legal professionals, CJS personnel, and MHDP being attuned to each autistic person's unique characteristics during all stages of the CJS. In that sense, the participants' perceptions and experiences were consistent with legal analysis which has shown how autism can impact on the whole criminal justice process (Cea, 2014; Freckelton, 2011a, 2011b).

The recommended scope of training was wide and consistent with introductory texts on autism, and the New Zealand Spectrum Disorder Guideline (the Guideline) (Ministries of Health & Education, 2016). In addition, the need for knowledge on autism-CJS interactions was also identified. The participants' views reflected those of the autistic participants from several relevant research studies (e.g., George et al., 2020; Gibbs & Haas, 2020; Maras et al., 2017; Salerno-Ferraro & Schuller, 2020). In the cited research, participants wanted police and justice personnel to have more understanding of how autism characteristics might impact on how people during arrest, in formal interviews and at court. Additional training on communication, and using autism accommodations during arrest and criminal court procedures was also recommended. Comments on autism training and knowledge made by participants in this study about the judiciary supported Aotearoa New Zealand developing specific information and training on autism, akin to the toolkit for judges in California who oversee cases involving autistic defendants (Berryessa, 2021).

Significantly, the participants' recommendations extended the findings of previous research in two ways. In the first instance, several participants advocated professional development to extend to all disabled or neurodiverse people involved in the CJS. As above with regard to relationships, this consideration for other groups challenges the common stereotype that autistic people are self-focussed. Not only was there support for disabled and neurodiverse people, but two participants wanted the

CJS to be more responsive to the individual needs of every person. The participants' consideration of other groups reflects a desire for fairness and equitable access to social justice. Secondly, their identification of MHDP as a group in need of more autism knowledge and skills was notable and is addressed below.

Additional autism training for mental health and disability professionals

Recognising the roles that MHDP have in diagnosis, support and therapy, the participants wanted additional training for these professions. The participants expected all MHDP to know how to recognise autistic characteristics, especially in adults. They wanted MHDP to be proficient autism diagnosticians, and willing to consult with autism-specialists or refer on. The participants' concerns about the autism expertise of MHDP went further than the CJS. Like 60% the 655 autists from 13 countries surveyed online (Lewis, 2017), and participants in the study of diagnostic experiences in New Zealand (van der Meer & Evans, 2021), the participants in this research reported dissatisfactory experiences with MHDP. Several considered MHDP to have limited or no value if they were unable to recognise autism, refer on or diagnose, and take autism characteristics into account in formulations and interventions.

The need for widespread professional development in autism for MHPD was identified in the New Zealand Autism Spectrum Disorder Guideline (Ministries of Health & Education, 2008, 2016). However, despite some progress in the diagnosis of children and young people with autism (Minister for Disability Issues, 2009), few opportunities for thorough autism training that includes autism in adulthood are available in Aotearoa New Zealand. Furthermore, with Ministry of Health responsibility for autism located within disability and not mental health (Stace & Sullivan, 2020), autism training is difficult for practitioners in mental health to prioritise.

The importance of specialist knowledge in autism held by MHDP working as expert witnesses for the court was introduced by several participants. Like Freckelton (2013a), who challenged expert witnesses in autism cases to conduct competent and defensible diagnostic assessments, the participants wanted expert witnesses to carefully consider the role or impact of autism on the behaviour of concern and legal process. Unlike Freckelton (2013a), the participants did not identify the need for expert witnesses to consider the influence of co-occurring developmental or mental health alongside conditions. However, they considered that expert witnesses should address misbeliefs that that police, judge or jury could develop from uninformed observation of the autistic person's behaviour. Freckelton (2013a) also emphasised the need for expert witnesses to communicate diagnostic information in a clear and accessible manner. Significantly, several participants' concerns about public perception of the autism community concurred with Freckelton's (2013a) call for expert witnesses to present their opinions in a way that does not devalue the autistic, and the wider autistic community. The participants views also concurred with 19 expert witnesses from the United States who were canvassed on the role of experts in autism cases (Berryessa, 2017). Insights from Berryessa's (2017) study could expand the list of recommendations from Freckelton and this study's participants to include careful attention to professional supervision requirements.

Utilise autism knowledge and support diagnostic disclosure

All participants wanted police, legal professionals, CJS personnel and MHDP to utilise autism knowledge during contact with CJ-involved autists. They were concerned, however, that for this to all need to recognise signs of autism (addressed above) or know that a CJ-involved person is autistic. In the absence of a database that enables access to diagnostic information (a development some participants

recommended, whilst noting issues of privacy), knowledge that a person is autistic relies on disclosure.

Whether or not to disclose autism within CJS proceedings was an important issue for several participants. Consistent with research findings regarding autists' contact with police (Calton & Hall, 2021; Gibbs & Haas, 2020; Salerno & Schuller, 2019), disclosure was dependent on how the participants felt they would be perceived and treated. One participant reported that her diagnostic disclosure was challenged by opposing counsel, and two participants feared ridicule if police were informed of the participants' autism. Autists subject to the CJS are not alone being concerned about disclosure. Disclosure-related anxiety is common amongst many autistic people, whether this be amongst family, friends, at school, or in a workplace (Thompson-Hodgetts et al., 2020).

Although no research on CJS attitudes towards autism has occurred in Aotearoa New Zealand, research from the United States (with university students) suggests that negativity is common (Butler & Gillis, 2011; Gillespie-Lynch et al., 2021). Accordingly, one of the goals of professional development in autism for CJS and allied professionals must be the development of more valuing beliefs about autism. This would support diagnostic disclosure. But more than professional development is needed. Despite receiving autism information and training, the negative attitudes towards autism detected in another group of university students from the United States were resistant to change (Jones et al., 2021). Whilst not entirely applicable to our CJS, this research suggested knowing autistic people was more effective for trainee CJS professionals than receiving autism training.

Little reference to specific autism accommodations

Interestingly, few participants raised the need for specific autism accommodations within criminal justice processes. Instead, as noted above, they wanted the CJS to be more responsive to the individual needs of all people coming within its orbit, and especially those with disability or neurodiversity. The few accommodations that went beyond further education in autism and incorporating autism knowledge in all encounters were the use of a communication specialist, being able to attend court by video-link, were being able to communicate in written form in court, and development of an alternative court system for the neurodiverse. Legal provisions that enable access to the first two of these exist in the Evidence Act 1980, and trial of the Young Adult List for neurodiverse people involved with the CJS and aged between 18 to 25 is underway (Doogue & Walker, 2020).

Autism for mitigation and disposition, but not defence

As a group, the participants supported the use of autism to identify mitigating factors and guide disposition, but not for use as a stand-alone defence. Most participants agreed with legal commentators (Cea, 2014; Freckelton, 2011a) that autistic defendants would have better experiences if the court was provided with information regarding their autism. Four participants had experienced this, and one stood out. Consistent with recommended psychological and psychiatric practice (Berryessa, 2017; Freckelton, 2013a), this participant's report not only detailed the diagnosis, but explained how the alleged offending could be better understood in the light of autistic traits. The participant remarked on how enlightening and helpful it had been for him to read the expert's formulation.

Curiously, support amongst the participants for autism to be available as a stand-alone defence for criminal offending was not detected in this research. On the

contrary, most participants wanted autists to obey the law, just like all people. In opposing autism as a defence in itself, several participants disagreed with Strickland (2013), a legal scholar from the United States, who supported autism as a defence in cases where the person was severely disadvantaged by autistic traits. These participants' opposition to an autism defence seemed rooted in pride in being autistic, and concern to avoid actions that could damage the reputation of the autistic community.

5.1.5 Relevance of procedural justice

The relevance of procedural justice to this research became evident during analysis of the findings because it made sense of many of the participants' experiences. Procedural justice is concerned with the fairness of decision making and the quality of interactions with agencies or people with power (Tyler, 2011b, p. 73). In criminal justice research it has four key elements: being treated with dignity and respect; the belief in trustworthy motives; neutral and objective decision-making; and voice (Mazerolle et al., 2014). Procedural justice theorists suggest that the presence of these elements in encounters signal that those in authority consider the person concerned a valuable group member (Gonzalez & Tyler, 2007; Tyler & Blader, 2003). Logically, the perceived absence of procedural justice creates a sense of being devalued, and can lead to loss of confidence and trust in the CJS (Bradford et al., 2017).

Procedural justice was not a topic identified in the systematic reviews of autism and the criminal justice system completed by either King and Murphy (2014) or Railey et al. (2020a), or recommended for research. In establishing the academic field of autism and criminal justice, most researchers did not seek opinions or experiences from autistic people. They focussed instead on prevalence (Hare et al., 1999;

Woodbury-Smith et al., 2006), and speculated on links between autism and offending (e. g., Barry-Walsh & Mullen, 2004; Overall & Lecouteur, 1990). Whilst legal scholars considered the impact of autism in legal proceedings (Cea, 2014; Freckelton & List, 2009), other researchers assessed the autism knowledge of professionals within the police and criminal justice systems (Berryessa, 2014b; Railey et al., 2020b). More recently, research has moved on to address specific types of offending by autists (Allely & Creaby-Attwood, 2016) and violence (Im, 2016).

Autistic perceptions of procedural justice in the CJS seem only to have arisen as autistic participants have been provided with opportunities to identify what was meaningful to them in their CJS encounters, such as in in the work of Gibbs and Haas (2020) and Salerno and Schuller (2019). In retrospect, a wider view of the academic literature that considered the CJS experiences of minority and marginalised groups could well have identified the likely importance of procedural justice. However, the absence of a procedural justice perspective in the development and data collection phases of this thesis ensured that the participants were not influenced towards commenting on procedural justice. Nevertheless, an exploration of how the participants' experiences fit within the procedural justice model is presented below.

Regarding being treated with dignity and respect, a key component of procedural justice (Tyler, 2011b), the participant group provided numerous accounts of receiving unfair treatment and abuse, feeling disparaged, and discriminated against. Some, like other autistic research participants (Gibbs & Haas, 2020; Huws & Jones, 2008), were reluctant to disclose their diagnosis. There was some similarity between the participants' concerns about not being treated with dignity and respect, and the perception of how they were, or could be, viewed within the CJS. The participants did

not want to be disadvantaged because of being identified as autistic, nor did they want involvement with the CJS to reflect badly on the autistic community.

Several of this study's participants were not convinced that the police, in particular, and other associated professionals had trustworthy motives.

Trustworthiness is another component of procedural justice (Tyler, 2011b). In addition to the allegations of police abuse, doubts were expressed about police and professionals' honesty, presentation of facts, attitudes towards any person involved with the CJS, decision-making, and motivations. Most participants felt rather helpless, locked in a system where they did not trust those in power.

Voice, having the opportunity to speak, be heard and participate fully (Tyler, 2011b), was the final procedural justice area of concern to many participants. With respect to communicating with autistic people, the participants felt that police, legal professionals, MHDP and CJS personnel had a lot to learn. However, in addition, several participants were displeased that they were not provided with appropriate opportunities to be heard, air their grievances, or participate fully in CJS proceedings.

Clearly, most participants lacked confidence that the CJS was procedurally just. It is understandable then, that they advocated for changes to make the CJS more responsive to autists. Lack of confidence in the CJS also sheds light on one participant's call for a completely different CJS focussed on harm minimisation.

The inclusion of the procedural justice literature brought to this study further appreciation that there are more similarities between autistic and non-autistic people than differences. It also provided an additional lens through which to make sense of the participants' experiences and perceptions. In turn, this study demonstrates the need for procedural justice research to consider the experiences of people from the autistic community.

5.1.6 Reflections on consistency with policy and guidelines

A very concerning finding of this research was the dearth of examples of practice consistent with policies and guidelines that could make the CJS more responsive to the needs of CJ-involved autistic people. This raises the question of whether relevant autism policies and guidelines are being implemented by police, legal professionals, CJS personnel and MHDP. Some work in this area is very recent (e.g., Lambie, 2020) or being tested (e.g., Doogue & Walker, 2020), and did not exist when the participants were involved with the CJS. However most participants' CJS contact occurred after 2008, the year that Aotearoa New Zealand ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) (United Nations, 2006) and published the first edition of " Guideline (Ministries of Health & Education, 2008). Signs of implementation of CRPD and the New Zealand Spectrum Disorder Guideline recommendations within the participants' accounts are addressed below, and followed by observations on the correspondence of the participants' experiences and the findings of Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (2019).

The CRPD reaffirmed the civil, political, economic, social and cultural rights of disabled people. Four of the eight General Principles listed in Article 3, are respect for dignity, autonomy and independence, non-discrimination, full participation, and respect for and acceptance of difference. Yet, as is clear from the preceding discussion, not feeling respected was a significant issue for most participants. Furthermore, communication issues were a barrier to full participation. This suggests that at a broad level, the values and practices reaffirmed by CRPD have not yet embedded in the CJS, or the wider community. This situation could be due to such significant changes requiring many years to be adopted by most people, but it may also reflect deeper

difficulties within the CJS, and lack of prioritisation or funding of changes by the New Zealand Government.

Article 13 of CRPD, Access to Justice, is most relevant to the rights of disabled (including autistic) people subject to the CJS. It reiterates the rights of disabled people to receive support (i.e. reasonable process accommodations, specific assistance) that facilitates their full engagement in justice processes. Yet the perception shared by most participants was of having to fit into a powerful CJS that rarely accommodated individual needs. The only process changes or accommodations some participants identified were being able to provide the judges with reports on their autism, probation officers prioritising the participant's work commitments, and some professionals being mindful about communication. Interestingly, one participant did share a positive experience of formal communication support. However, this occurred when the participant was a civil litigant. Accordingly, there was little information identified in this study that indicated that Aotearoa New Zealand's commitment to Article 13 had made a positive impact on the participants' CJS experiences. Again, such change could take a long time, reflecting systemic issues within the CJS, or be a function of prioritisation and funding. Nevertheless, the participants' experiences demonstrated the need for more attention to implementing Article 13 in the CJS.

The Guideline (Ministries of Health & Education, 2008) draws attention to the stress that autistic people experience when subject to the CJS, the importance of autists being aware of legal rights, and the value (albeit in reference to the Family Court only) of assistance from solicitors and advocacy services with autism knowledge. Yet, most participants' accounts suggested that the Guideline too had little impact on autists' contact with the CJS. Participants experienced significant stress, and knowing one's legal rights and ensuring that all lawyers have professional development in

autism were high in their recommendations. Perhaps the relatively early state of scholarly thought and research on autism and criminal justice at the time the Guideline was developed could explain its lack of impact. However, this could also be attributed to the absence of representation from the CJS in development of the Guideline, and the CJS recommendations not being prioritised for implementation.

The participants were not alone in their dissatisfaction with the CJS. Their experiences echoed many of those described in criminal justice summits held in 2018, and submissions to Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (2019). They corresponded with four of the seven areas of concern identified in the subsequent report, He Waka Roimata (Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019). These were the impact and outcomes of criminal justice processes (referred to as “failures” in He Waka Roimata), the need for much more attention to rehabilitation, the punitive impact of proceedings on family and loved ones, and the lack of support, especially for people with autism. Just as He Waka Roimata identified the urgent need for significant change to the CJS in this country, so did the participants. The similarity between the participants’ accounts, and the submissions summarised in He Waka Roimata suggest that autism is not at the root of the participants’ concerns, but the CJS is.

Promisingly, despite the discordance between policy, guidance and the participants’ experiences, the participants largely supported the objectives of the different components of the CJS. Like New Zealand Police (New Zealand Police, 2020a), the participants wanted crime to be prevented, and policing to be exceptionally good. Like the Ministry of Justice (Ministry of Justice, 2020a), the participants yearned for Aotearoa New Zealand society to be safe and just. Like the Department of Corrections, the participants wanted re-offending to cease (Department of Corrections, 2019). This

vision, shared with the CJS and the diverse groups who contributed to He Waka Roimata, is a firm foundation upon which a stronger and more autism-responsive CJS could develop.

5.1.7 The contribution of power, process, perception and participation

This thesis identified four factors that influenced how the participants made sense of their CJS experiences. Power, process, perception and participation were derived from the participants' accounts, during the interpretation phase of data analysis. However, the factors were more than sense-making mechanisms. Each could also be a compelling force that could help the CJS transform from a giant steamroller to a nifty electric vehicle that the people of Aotearoa New Zealand could use to address crime whilst being responsive to the needs of all people subject to it.

Despite the arguably necessary power imbalance in the CJS whereby suspects can be investigated, charged, assessed, convicted, sentenced, and detained, the power of the CJS could be shared. This research showed that autistic people, and perhaps representatives of other neurodiverse populations and marginalised groups, could contribute to positive and meaningful change in the CJS if they move from being relatively powerless to positions in which their views are fully respected and valued equally alongside other experts.

The processes of the CJS were the focus of many of the participants' concerns. Their experiences illuminated the importance of the CJS developing more valuing and respectful processes that recognise individual characteristics and support needs. However, the participants indicated that more than change of process is needed. Attention to process, and proper application of process is crucial. Only with changes in

both aspects of process will the CJS be experienced as appropriately responsive and less harming to all people involved with it.

Perception has two components. It refers to how people perceive one another, and to how people believe that they are perceived. Accuracy of perception was important to most participants, who wanted all in the CJS to better understand autism. But training alone is unlikely to be sufficient. Without opportunities to build relationships with one another, perception will remain a problem for both the autistic community and the CJS. Accurate perception could pave the way to trusted and respectful encounters.

Crucial to positive change is participation. For the participants to consider the CJS fair and appropriately rehabilitative, autists and other people subject to the CJS should truly be heard, and be supported to be active, during their CJS journeys. However, more influential participatory experiences are needed too. Autistic people should be active in policy, process, and professional development and implementation. In addition to being outside the CJS, autistic involvement in the CJS as police officers, legal professionals, MHDP and correctional personnel should be supported and showcased. Only with participation at all levels will the CJS truly reflect the values of CRPD and Aotearoa New Zealand.

The factors contribute to CAS (O'Dell et al., 2016) by extending analysis to consideration of process and two-way perception. They also fit well with procedural justice (Tyler, 2011b), as operational mechanisms through which to consider its components of dignity and respect in CJS encounters, trustworthy motives, neutral and objective decision making, and voice (Mazerolle et al., 2014).

5.1.8 Qualitative research with autistic people and universality of experience

This research added to the body of literature that supports qualitative research, especially phenomenological approaches, undertaken with autistic participants (Howard et al., 2019; MacLeod, 2019). Like other qualitative research in autism and criminal justice (Helverschou et al., 2018; Newman et al., 2015; Vinter et al., 2020), the participants engaged well in the research. The accounts they provided were so deep, detailed and thoughtful that they could surprise people unfamiliar with conversing with a wide range of autistic people. Drawing from personal experiences, the participants' comments were reflective and informative. Furthermore, they made recommendations for change that, if adopted and taken up, would help the CJS be more responsive to the needs of autistic people.

A striking, but not unexpected finding of this research, was the universality of human experience. The participants were autistic, but their accounts had much in common with people from many different groups, including the people of Aotearoa New Zealand whose experiences are reflected in He Waka Roimata (Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019). With the research focus on what was personally meaningful about the participants' criminal justice experiences, the participants showed something that is rarely seen in more specifically-focussed autism research. From the CAS perspective, the participants are far more than a product of their autistic characteristics. They are people with a right to be heard.

5.2 New policy framework and context

During the course of this research, responsibility for autistic adults was located in the Ministry of Health, shared between disability and mental health. The division caused concern for many autistic people and their allies (Stace & Sullivan, 2020).

However, the New Zealand Government recently announced that from 1 July 2022, Aotearoa New Zealand will have a Ministry for Disabled People (Sepuloni & Little, 2021b). This development will alter the policy context for many of the recommendations of this thesis. Accordingly, the new framework is summarised below.

Located within the Ministry of Social Development, the Ministry for Disabled People promises to operationalise much of the Disability Action Plan 2019 – 2023 (Office for Disability Issues, 2019), which derives from the New Zealand Disability Strategy (Minister for Disability Issues, 2001). The new ministry is guided by Aotearoa New Zealand's commitment to te Tiriti o Waitangi, CRPD (United Nations, 2006), and the Declaration on the Rights of Indigenous Peoples (United Nations, 2007).

Through the Ministry for Disabled People, the government plans to roll out the Enabling Good Lives (EGL) approach to disability support across the country (Sepuloni & Little, 2021a). EGL is a partnership approach to supporting disabled people and their families (Office for Disability Issues, 2017). Based on the social model of disability (Oliver, 2004), through EGL government agencies and the disability sector work with disabled people and their families to achieve self-determination (e.g., disabled people maintaining control over their lives). EGL is person-centred, promoting disabled people to tailor their support to their individual needs and goals. The approach aims to begin early in the lives of the disabled person and their whānau, and utilise mainstream support before disability services. EGL is committed to supporting disabled people to obtain ordinary life outcomes commensurate with other people at a comparable stage of life. It seeks to be mana (reputation, esteem) enhancing, by recognising and respecting the knowledge, skills and participation of disabled people. The EGL

approach strives to be easy to use, and is focussed on strengthening the relationships between disabled people, their whānau and the community.

News about the Ministry for Disabled People was greeted with optimism by members of the disabled community (Grant, 2021; Trnka & Muir, 2021). If the ministry stays true to EGL principles, autistic people should achieve more power, and have the ability to influence process in a more autism-appropriate direction. Furthermore, the inclusion of disabled people in the governance of Ministry for Disabled People provides an opportunity for high-level autistic participation. At both the individual and governance levels, autistic people will be supported in opportunities to shine, with outcomes improving the perception of autism in the community.

There are concerns, however, about the funding of the Ministry for Disabled People, and its location within the Ministry of Social Development (Ford, 2021). Furthermore, what impact this development may have on autistic adults not currently eligible for Ministry of Health funded support, and autistic adults subject to the CJS remains to be seen. Concerningly, there was no reference to disabled people subject to the CJS in the documents released when the ministry was announced. To make headway in areas recommended below, a joint approach between the Ministry for Disabled People and the CJS is crucial.

5.3 Implications for policy and practice

5.3.1 *Overview of implications*

Following are six implications for policy and practice generated from the research. Threaded through them are power, process, perception, and participation. Consistent with the CAS approach and the Ministry for Disabled People, the implications focus upon making a positive difference in the lives of autistic people, and

valuing the lived experience of autistic people and their families (O'Dell et al., 2016). Although progress on the implications has the potential to support autistic people in some actions, they, like the participants in this research, are a subgroup of the people the implications target. Furthermore, some implications address the CJS itself.

The implications start wide, at the society level. By redressing autistic disadvantage, Aotearoa New Zealand will be more valuing of autistic people who live here, and minimise adversity and victimisation. Next, by ensuring that all people coming into contact with the CJS have fair and respectful experiences, autists will also have better experiences. The plight of undiagnosed autistic people follows, as a role for the CJS in recognising autism and facilitating diagnostic assessment takes shape. Diagnosis is the gateway for autism-related support currently provided outside of the CJS, and autism support that could be provided within the CJS. Then focus moves to people suspected or convicted of criminal offending and known to be autistic, and how the actors within the CJS could utilise autism knowledge and appropriate accommodations. Strategies to implement autism-appropriate offender management and therapy complete the implications for policy and practice.

5.3.2 Redress autistic disadvantage

The first implication for policy and practice is to redress autistic disadvantage within Aotearoa New Zealand caused by historical invisibility and institutionalisation, prejudice, and ignorance. The participants alluded to challenges faced by many autistic people in accounts of adversity. Redressing autistic disadvantage has the potential to deliver significant positive change for the approximately 94,000 autistic people in Aotearoa New Zealand right now (see Chapter 2: Literature Review). It has wide

benefits for autistic people, across the lifespan and in different contexts. Associated improvements in opportunity and quality of life could avert contact with the CJS.

The first step to equity is supporting autistic people to identify and develop autistic representatives with leadership, governance and consultation skills. These leaders could work with Government, its Ministries, and with non-governmental organisations to influence all policy that effects autistic people. There is also scope within the proposed Ministry for Disabled People for autistic leaders to have key roles in shaping policy, service provision, and service delivery. Autistic consultants should be accorded equivalent status to other consultants, and be paid accordingly.

Work to identify and develop the autism-skills of mainstream services is also needed. These services should be available for members of the autistic community to access, without barriers due to age, intellectual level, mental health, or financial constraints. Whilst more services specialising in autism might be needed, attention to the capacity and autism-training needs of services that already exist and support the general public (e.g., ACC, Oranga Tamariki, Mental Health and Addictions Services) is indicated. Protection from harm, therapy for trauma or adversity, financial assistance, and preventing homelessness and other inequities would go a long way in supporting autistic people before, during, and after CJS encounters (should they ever become subject to the CJS).

Aligned to service development is reconsideration of the recommendations of the Guideline (Ministries of Health & Education, 2016), including the supplementary papers produced by the Living Guideline Group (Broadstock, 2020). Like the Guideline's recommendations in the justice section, many Guideline recommendations were not implemented, yet remain relevant. They should not be forgotten.

Gains for the autistic community would also come from a nation-wide publicity campaign promoting autism awareness, acceptance and appreciation that is informed by autistic people and their allies. The campaign could draw expertise developed through “Like Minds, Like Mine”, a strategy that made significant inroads towards destigmatising people with mental health issues (Ministry of Health and Health Promotion Agency, 2014; O’Hagan, 2003).

5.3.3 Ensure fair and respectful CJS experiences

Ensuring that autistic people have fair and respectful criminal justice experiences is the intent of the second area of implications for policy and practice. It derives from the numerous accounts of inappropriate and inconsistent treatment shared by the participants that indicated issues of power, process, perception, and participation. Given that these findings are consistent with a large body of research investigating the criminal justice experiences of marginalised or minority groups (e.g., Ho et al., 2006; Holman et al., 2018; Nakhid, 2017; Te Whaiti & Roguski, 1998), implications for policy and practice are not solely confined to how the CJS interacts with CJ-involved autists. Improving the criminal justice experiences of all people will improve the experiences autistic people.

The values of New Zealand Police are professionalism, respect, integrity, commitment to Māori and the te Tiriti o Waitangi, empathy and valuing diversity (New Zealand Police, 2021). Purportedly, these values guide all police policy and action (New Zealand Police, 2019b). Although they encompass the key elements of procedural justice, most participants did not experience all police actions in this way. This suggests disconnection between how police are trained, and the way some officers carry out their duties. Similar could be said about legal professionals and CJS personnel. There is

no simple answer to this problem. It arose in submissions to Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (2019), and will undoubtedly be targeted in future developments.

The participants were concerned that not all autistic people would be aware of, or able to assert, their legal rights. Public information about the rights of arrestees is readily available in police stations and on the government website (New Zealand Government, 2020). Although written in simple English, some of the concepts may be difficult for some autistic people to understand (e.g., the legal right to not make a statement; reference in the complaints process to police having poor attitude, being impolite or lacking empathy). Collaboration between the CJS and autistic community could identify areas of potential confusion, and lead to the development of autism-appropriate versions supplemented with explanatory visuals. Once redeveloped, this autistic-appropriate version could be widely promoted within the CJS and the autism community, hosted on relevant websites (as, indeed, different language versions are already available), and used with all suspects and arrestees known or suspected to be autistic.

Building relationships with marginalised or minority groups in society, including the autistic community, is another strategy through which fairer and more respectful CJS experiences could develop. The participants valued good relationships with police, legal professionals, CJS personnel and MHDP. A strong relationship between the CJS and autistic community could improve the perceptions each has of the other, with benefits all. Relationship-building opportunities include the CJS reaching out to the autistic community through autistic leaders. Representatives from the CJS could attend and present at autism network meetings and conferences, and be present in autism forums and publications. The CJS and autistic community could work on joint initiatives

(e.g., developing training, reviewing the legal rights explanation). Finally, affirmative action policies could ensure appropriate employment opportunities and career pathways for autists exist within the CJS, and address barriers to full participation.

5.3.4 Recognise autism within the CJS and facilitate diagnostic assessment

The third of area of policy and practice area concerns the more formal role that the CJS could take in recognising autism, and facilitating diagnostic assessment. Poor recognition and barriers to autism-informed diagnostic services were serious concerns of the participants, who saw a role for the CJS with respect to CJ-involved people who might be autistic.

Recognising autism and facilitating assessment depends upon good autism knowledge, and the need for personnel working for (or with) the CJS to have professional development in autism is well-established (e.g., Berryessa, 2021; Chown, 2010; Hepworth, 2017; Ministries of Health & Education, 2008, 2016). Yet, no systematic and comprehensive autism training for the CJS was identified in the course of this research. In collaboration with representatives of the autistic community, such training could be developed, delivered, and evaluated. It would be further consolidated if the learning outcomes were linked to the core competencies of individuals and their roles, and agency performance indicators.

Although Aotearoa New Zealand has some written guidance on autism and the CJS, it is problematic. The justice section of the Guideline is dated, and was written without input from the CJS (Ministries of Health & Education, 2008, 2016). Guidance developed by Aspiehelp (Brooking, 2014, 2015) is difficult to access. Lambie's (2020) excellent discussion on autism was created for a different purpose, as part of a wider discussion on brain, behaviour and the Aotearoa New Zealand justice system. There is

unmet need for specific information on autism and the CJS that is current, easily accessible, and tailored to the needs of people in Aotearoa New Zealand. Something akin to developments in the United Kingdom (e.g., National Autistic Society, 2020; The Advocate's Gateway, 2016) may fit this gap. In addition to involvement from the CJS and autistic communities, input could come from the Living Guidelines Group (Broadstock, 2020) and Benchmark Project Team (2021). Obviously, due to the link between training and written resources, professional development and written guidance could be components of the same project.

Although some participants advocated for an autism register or information sharing between agencies, such processes would significantly challenge privacy and confidentiality. An alternative could be the development of systematic and respectful processes to enquire about diagnosis and screen people for autism. Although some screening does occur (e.g., forensic mental health court liaison nurses), autism expertise is crucial. Furthermore, given the difficulties that can occur when autistic and neurotypical try to communicate with one another, police, legal professionals, CJS personnel and MHDP must be alert to signs of autism. Again, implementation of screening processes could be part of a bigger project that addresses autism professional development and relevant resources.

Screening is a beginning, not an end. In many cases positive screening should be followed by referral, and competent diagnostic assessment. For this to occur well, three issues must be addressed. Firstly, police, lawyers and CJS professionals must have the authority to refer for diagnostic assessment. This may have funding implications. Secondly, police, lawyers and CJS professionals need to know where to refer for diagnostic assessments. Diagnostic services could be addressed in resources developed at the national level. Thirdly the diagnosticians, typically psychiatrists and

psychologists, must be competent in diagnosing autism, and adhere to autism best practice guidelines (e.g., Ministries of Health & Education, 2008, 2016; National Institute for Health and Care Excellence, 2012). Consistent with MDHD ethical guidelines, they must only practice within their scope, and have regular professional supervision.

5.3.5 Refer CJ-involved autists to mainstream and autism-specific support

The fourth area for change in policy and practice concerns referral for mainstream and autism-specific support. Many autistic people have unmet support needs (Ministries of Health & Education, 2016), and the participants in this research were no different. Furthermore, newly diagnosed autists will not be aware of the range of support that they could access. The CJS must provide information on how to access required support for autistic people, and perhaps even seek the autistic person's permission to refer.

Currently, autistic adults with a formal diagnosis can be referred for (or request) support needs assessments and service coordination (Ministry of Health, 2018). If deemed eligible, they could also qualify for funding to meet disability-related needs (Ministry of Health, 2014). Whilst needs assessment and service coordination agencies are rarely able to fully fund every support need, they can help people connect with mainstream services (e.g., budgeting services, counselling), and the specialist services they may be eligible for (e.g., behaviour support, supported employment). Yet, consistent with the experiences of other disabled people in Aotearoa New Zealand, there are barriers to accessing support (Sepuloni & Little, 2021a). This system will likely change as the Ministry for Disabled People comes into effect.

Finally, CJ-involved autists should be provided with information that helps them connect with national autism organisations (e.g., Autism New Zealand, Altogether Autism), regionally based autism service providers (e.g., Enrich+), and networks established by autistic adults (e.g., Autism Spectrum New Zealand, Voices from the Spectrum Trust).

5.3.6 Utilise autism knowledge and appropriate accommodations

The fifth area for change in policy and practice is for the CJS to utilise autism knowledge and appropriate accommodations. The autism professional development curricula for CJS and allied mental health professionals should include information on how characteristics of autism can present and impact on each stage of the criminal justice process (Freckelton, 2011a). Formal guidance on autism and the CJS should not only alert CJS professionals to appropriate accommodations (e.g., communication assistance during any interview and court, how to manage sensory reactivity during arrest), but provide information on how to arrange accommodations (e.g., relevant policy and legislation, such as the Evidence Act 2006). Again, this could be part of the larger project of work noted above.

In situations of particular complexity or seriousness, engaging an expert witness may be an appropriate step (Freckelton, 2012). Many legal professionals already do this, but the participants' experiences suggested unmet need. Legal professionals and MHDP many not be aware of the specialist knowledge that expert witnesses require. Not every diagnostician would be a competent autism expert witness, and identifying a suitable professional can be difficult. Experienced expert witnesses in autism should develop best practice guidelines, and consider strategies to guide legal professionals towards appropriate expert witnesses. Whilst these moves

could be initiated by interested individuals, leadership from professional bodies is recommended (e.g., New Zealand Psychological Society, New Zealand College of Clinical Psychologists, Royal Australian and New Zealand College of Psychiatrists, Australian and New Zealand Association of Psychiatrists, Psychologists and the Law).

5.3.7 Application of autism knowledge to offender management and therapy

The final, yet very important, implication is the application of autism knowledge to the management and therapy of autistic people who have been convicted of criminal offending. The court should be made aware of all circumstances relevant to an autist's offending, disposition and rehabilitation. Providing such information to the court is not treating autists differently. Courts routinely receive information that helps make sense of the offence behaviour, informs sentencing and identifies appropriate rehabilitation options. Incorporating autism knowledge with the information provided on an individual will also guide arrangements made in probation or correctional services (e.g., reporting conditions, choice of correctional facility or wing). Further, documentation of how autism presents in a specific person will help probation and correctional staff understand the person concerned, and manage their supervision or custody appropriately.

Reducing re-offending is a key objective of the Department of Corrections (Department of Corrections, 2019). Psychological therapy is one strategy that the Department uses to reduce re-offending. It is offered to eligible autistic people through group and individual therapy. However, as noted by the participants, autistic people do not necessarily respond as expected to therapy that is not adapted to their needs. Accordingly, the Department of Corrections must ensure that all therapy offered to autistic people is consistent with best practice in autism, and provided by

therapists with additional autism training and experience. This initiative is well within the remit of the Department of Corrections' Psychological Services. This office should be tasked with ensuring that offence-related therapy for autists is informed by current scholarship (e.g., Allely & Creaby-Attwood, 2016; Im, 2016), and adapted to suit this country's unique culture and values. Furthermore, Psychological Services personnel should consider the role of therapist factors (e.g., knowledge and experience in autism, theoretical orientation, choice of intervention methods, and use of supervision) when considering autistic therapeutic engagement and reporting on progress.

5.4 Considerations for autistic people and autism allies

In the recommendations for policy and practice above, the subjects of the recommendations are the Aotearoa New Zealand Government, Aotearoa New Zealand society, the CJS itself, police and legal professionals, and MHDP working with CJ-involved autists. However, members of the autistic community could have a role in improving the experiences that autistic people have with the CJS.

Accordingly, and respectfully, the researcher encourages the autistic community to advocate for opportunities to develop leadership and consultation skills within the autistic community, and identify autistic representatives who are willing and able to be involved in policy and practice. Autists are also encouraged to seek roles within the Ministry for Disabled People, and expect autistic participation in all forums that impact on the lives, well-being, and human rights of autistic people. Autistic input is valuable, and should have expert status and appropriate remuneration.

The autistic community could support its members by working with the CJS to develop and disseminate guidance for autistic people subject to police investigation or other legal action, and accessible information on the roles and functions of all

components of the CJS. Furthermore, all autistic people have the potential to benefit from the autistic community engaging with the CJS and allied mental health professionals to develop mutual understanding, trust and respect by all parties.

5.5 Strengths and Limitations

5.5.1 *Strengths*

The significance of autistic experience

This research showcased experiences that 10 autistic adults had of the CJS of Aotearoa New Zealand. Their accounts were meaningful and, in some respects, deeply concerning. However, much of what they conveyed has been previously reported by other minority and marginalised groups in this country (e.g., Holman et al., 2018; Nakhid, 2017; Te Whaiti & Roguski, 1998) and beyond (e.g., Bradford & Jackson, 2018; Gerber et al., 2018). Nevertheless, whilst not unique, the experiences of the autistic participants are significant in two respects.

Firstly, the accounts demonstrate the essential humanity of autism. The fact that the participants' experiences aligned with those of other groups suggests that autistic and non-autistic people are more alike than different. In common with other people, factors such as communication, respectful interactions, and information, were highly relevant, as were experiences of childhood trauma and adult adversity. Accordingly, this thesis suggests that with respect to the CJS, most of the changes that would better support autistic people would also better support many non-autistic people.

Secondly, the concordance of the participants' autistic experiences of the CJS with those described by other groups (e.g., Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019) provides support for calls for significant CJS

changes. The overlapping experiences point to the problems of the CJS being located within, necessitating system change. On a more positive note, if CJS policy and procedure developers heed the voices of the participants and people from the wider community who have had justice involvement, the CJS of Aotearoa New Zealand would move closer to achieving the goals of the CRPD, and perhaps provide a model for other countries to learn from.

Consistency with critical autism studies

Another strength of this study was its commitment to CAS (O'Dell et al., 2016) and promotion of the voices of the participants. To recap, CAS encourages research on topics relevant to autistic people, undertaken in a manner that less disabling of them (Davidson & Orsini, 2010; Orsini & Davidson, 2013). Good CAS research is conducted in areas consistent with autistic priorities. It examines power relationships, promotes autistic voices, and addresses state policies that impact on the lives of autistic people.

This research focussed on criminal justice, an important issue for autistic adults. Further, the research was located in the community rather than in prison or forensic mental health services. Criminal justice, adulthood, and life in the community are research priorities identified by autists involved in international studies (Pellicano et al., 2014; Wallace et al., 2013). In addition, at the time of writing, this study was the first to approach autism and the CJS through the combined lens of CAS and IPA.

The research implemented aspects of recommended practice in participatory research in autism (Fletcher-Watson et al., 2019), in that autistic people guided selection of the research area, and were key stakeholders. Through involvement in the Research Advisory Group, autistic people advised on recruitment, question development, the interview process, and ensured accommodation of the participants' needs during data collection.

Participants were able to choose when, where, and in what form to provide the data, and participants had agency over the timing of the interviews. Whilst an estimated timeframe was shared with them, they could talk for longer if they wanted, and several did. In addition, the researcher was willing to stop the interview early, when a participant expressed concern.

The participants were considered experts in autism and criminal justice. Accordingly, analysis focussed on participant experiences of the CJS, and maintained the dignity of the participants by not enquiring about the alleged offending, nor linking autistic characteristics with criminal offending. Although some participants did link offending to autistic traits, it was their perceptions of their CJS experiences that informed the findings and interpretation.

The participant accounts demonstrated that, with relation to the CJS, autistic people are more like other people than different. They share universal concerns about the CJS that feature in research with different groups (Brown & Benedict, 2002), and in other countries (Bradford & Jackson, 2018; Gerber et al., 2018). The research revealed similarity, not difference.

The research also demonstrated that the participants were complex and that all had experienced the CJS differently. While there were common themes, there were also obvious and nuanced differences between the participants. For instance, one participant spoke highly of New Zealand Police and considered an officer to be his friend, whilst another described several decades of police maltreatment, and accounts from two participants demonstrated that autistic people can challenge and change long-held beliefs about the police's role. Clearly, the participant accounts showed that there is no such thing as a typical or average autistic person.

The participants' views led the data analysis. Mindful of preconceptions identified during the bracketing interview, the researcher went to lengths to ensure that the superordinate themes and themes were identified in the data. To be true to IPA, a conscious decision was made not to involve the participants in data analysis or consult with them on the thesis outcomes. There is, however, the potential for autistic participants to be involved in data analysis in future research.

The participants' voices are strong in this thesis. Presented with minimal interpretation in Chapter 4 (Findings and Interpretation), and clearly separated from the researcher's interpretation, the participants' authentic voices illustrated the superordinate themes and themes. Although aspects of the findings described difficult experiences, presentation of this information was respectful to the participants, and tempered with positive accounts and useful recommendations.

This thesis took the extra step of providing a brief, but crafted and anonymised, narrative of each participant in Chapter 3 (Methodology and Method). These did reflect the researcher's interpretation of each participant. Their purpose was to emphasise the universal humanity of the participants, and to reflect the idiographic nature of IPA (Eatough & Smith, 2017). Furthermore, the narratives addressed the risk that important contextual information could be diluted or lost during the development and explanation of group superordinate themes.

The participants in this research were keen to share their experiences and perceptions and generous with their time. They welcomed the opportunity for autists and non-autists to learn from their CJS journeys, with the overall goal of influencing the CJS to be more responsive to the needs of autistic and other neurodiverse people.

Finally, more emphasis was placed on what the Aotearoa New Zealand government, and by extension, the CJS and future Ministry for Disabled People could

do to better support autistic people, rather than changes the autistic community might make. This approach was consistent with the social model of disability upon which the CRPD (United Nations, 2006) is based. With its consideration of CRPD, and in particular, Article 13 regarding the access to justice, this analysis has international relevance.

Choice of IPA as the methodology

Another strength was the choice of IPA as the methodology for this research. Due to IPA's emphasis on verbatim accounts, the participants' voices featured strongly. The participants' illustrative and compelling accounts brought their experiences to life, and provided a sound platform from which to advocate for positive changes. The richness of the personal experiences, combined with the shared superordinate themes and factors, demonstrated the impact of the CJS on each participant, and the group.

Researcher experience

The experience that the researcher brought to the study was also a strength. With over 25 years practice as a clinical psychologist, working in clinical practice, policy development, and with autism organisations, the researcher had extensive networks. Accordingly, she was cognisant of the expectations of many autistic advocates in Aotearoa New Zealand, and able to shape the research accordingly. It was through these networks that the research consulted on research topic, and identified the Research Advisory Group.

Understanding and using IPA came relatively easily to the researcher, given that the methodology originated from the work of health psychologists. The researcher's considerable interview experience helped her move easily from clinical to research

interviews. With extensive autism experience, the researcher quickly established rapport, and used minimal verbal prompts to elicit the participants' CJS accounts.

The therapeutic skills of the researcher were also useful. She recognised and responded to early signs of anxiety and distress observed in the participants, and was able to deescalate rising emotions. While all participants were able to access post-interview counselling, none needed to.

In addition to academic supervision, the researcher was engaged in regular clinical psychology supervision, which provided her with a forum to address personal issues that arose for her during the research process. Given the information above, it is possible that not only was the researcher's experience a strength for the study, but that the study could not have been undertaken without this experience.

Uniqueness of the study

The research was unique. In a field where autistic people are often written about but not heard, the participants' autistic voices were championed, and four factors with practical application were generated. These were power, process, perception and participation. Furthermore, the research being located in the relatively new discipline of critical autism studies (O'Dell et al., 2016; Orsini & Davidson, 2013), and utilising IPA as its methodology (Howard et al., 2019; Smith et al., 2009). The combination of CAS and IPA in autism research has previously appeared (Howard et al., 2019), but this study is the first of its kind to investigate criminal justice.

The participants in this research were all legally competent adults, residing in the community. Unlike much of the published research on autism, offending, and criminal justice, the participants were not recruited from prisons, secure mental health in-patient services, or disability support services. Instead, the participants were processed through the regular CJS, and, if convicted, the imposed sanctions were

largely community-based. Finally, this research was undertaken in Aotearoa New Zealand, part of the global south considered under-researched by critical autism scholars.

5.5.2 Limitations

Failure to recruit Māori participants

A significant limitation of the study was the absence of Māori participants. Māori make up 16.7% of Aotearoa New Zealand's population (Stats New Zealand Tatauranga Aotearoa, 2021b), yet constitute 38% of people charged by police, 42% of convicted adults, and 57% of imprisoned adults (Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019). As indicated in Chapter 2 (Literature Review), at least 1,300 of people charged with a criminal offence during 2019 were likely autistic. If 38% of these people were Māori, the 2019 population of people both autistic and of Māori ethnicity, and charged with criminal offending was approximately 500.

While recruitment of autistic people involved with the CJS who were also Māori may well have been difficult, even with a recruitment plan focussed on Māori, successful recruitment of even one Māori participant would have added an important cultural dimension to the study. Regrettably the Invitation to Participate in Research was not translated into Māori, nor did the recruitment plan include any direct strategies to facilitate Māori support and interest in the research. In that sense the research presented barriers to Māori participation, similar to those identified for Māori participation in autism services (Bevan-Brown, 2004).

Small sample and self-selection bias

Given its qualitative orientation, there was no expectation that the findings of this research would be generalisable to all community-based autistic people who have been subject to the CJS. Nevertheless, the participants' experiences are meaningful, and like most IPA research, shed some light onto an important experiential phenomenon.

Linked to the small sample size is the fact that the participants self-selected for the research. They may have expressed interest in participating because they had grievances about the CJS that they wanted to air. However, not all accounts provided by the participants were negative, and one participant self-selected for the purpose of providing a positive account. Furthermore, it is noted that submitters to Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (2019) reported similar experiences of the CJS, and the concerns were consistent with those expressed by many participants in procedural justice research in Aotearoa New Zealand and beyond. Whilst bias is one possible explanation for this, another is that there are significant problems within the CJS and that the participants' accounts were truly reflective of that.

Interview length

Whilst based on IPA recommendations (Smith et al., 2009), the 90 minute timeframe for the interviews that was included in the Information Sheet (Appendix E) was inaccurate. Only four of the nine interviews were completed within this timeframe. Two interviews were between 91 to 120 minutes in length, and three were between 121 to 150 minutes. This could suggest that when conducting interviews with autistic people on topics they have personal experience or feel strongly about, estimations of interview length should be generous.

Interestingly, interview lengths contrast with the advice of one participant for short interviews within CJS proceedings. However, that participant was referring to formal investigative or assessment interviews, which may well be more demanding of autistic people than semi-structured research interviews with open questions.

Relevance to the current CJS

Arguably, some of the participants' insights may have limited traction now, given that three of the CJS experiences relate to events that occurred 10 or more years before the interviews. However, the majority of the participants' experiences were more recent. Given that the culture of institutions changes slowly, it is likely that many aspects of the experiences shared during the interviews remain relevant. In defence of the inclusion of participants with experiences 10 or more years in the past, was no time-frame requirement for submissions to Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (2019). Clearly, the Government of Aotearoa New Zealand was willing to consider all submissions.

Lack of verification of autism diagnosis

Finally, the research could be critiqued for not verifying the participants' autism diagnosis by file review, diagnostic screening or assessment. The Invitation to Participate in Research did not specifically recruit people who had a formal autism diagnosis. Instead, the participants' information that they were autistic was trusted. The research study plan considered how to respond if an interested party indicated self-diagnosis: the participant's interview data would have been included, alongside literature on the validity of self-diagnosis. The inclusion of self-diagnosed autists in research is consistent with other contemporary autism research, such as Gibbs and Haas (2020) and Salerno and Schuller (2019). However, this issue did not arise.

In fact, all of the participants reported diagnosis either by a paediatrician, psychologist, or psychiatrist, or a team of people that included one of those professionals. Whilst the participants provided consent for the researcher (who is highly trained and experienced in autism diagnosis) to access original diagnostic reports if they presented in a manner that was not indicative of correct autism diagnosis, none did. No participants presented in a manner that raised doubts about diagnostic accuracy.

Identification of themes and factors

Data analysis in this thesis identified two levels of analysis, and generated six superordinate themes and four factors. Arguably, a different structure could have been adopted which incorporated all themes and factors together. However, that process could have diluted the participants' voices, and undermined the researcher's commitment to critical autism studies which champions the voices of autistic people.

Failure to link demographical information with participants

In this thesis demographical information was not linked to each participant. Although such linking is a common practice in qualitative research, and could help make sense of participants' experiences and perceptions, failure to do this was deliberate. Had the demographic detail been attached, it could have been easy for some people within the autism and wider communities to identify the participants. The portion of the autistic community in Aotearoa New Zealand who have disclosed their autism status and are engaged with support groups and social media is relatively small. Accordingly, the researcher made an undertaking to participants that potentially identifying demographics would not be linked to their accounts.

5.6 Future research

This study is the first of its kind to investigate the experiences that autistic adults have with the CJS in this country. The research also contributes to a small but developing body of international research addressing the autistic experiences of criminal justice processes and facilities. Accordingly, the research lays the foundation for further research in Aotearoa New Zealand and abroad.

5.6.1 Deeper understanding of CJS experiences

The participants spoke about what was most meaningful to them about their CJS journeys. Nevertheless, their accounts did not capture the full range of CJS experiences. Indeed, most participants spoke primarily about police contact, and working with lawyers. Future research that investigates other types of CJS involvement would deepen understanding of the experiences and perceptions of CJ-involved autists in this country, and influence practice. Accordingly, research is needed into recent autistic experiences and perceptions of suspect interviews, jury trials, defended hearings, formal communication assistance, expert witness assessments and reports, probation, imprisonment, and therapeutic programmes. In this subsequent research, attention to the crimes that autistic participants are suspected or convicted of committing could also be revisited for an Aotearoa New Zealand perspective.

The study shed light on what it was like for a small group of autistic people to experience the regular CJS. Whilst the participant accounts were illuminating, certain autistic voices are missing. Further research is needed to gain an understanding of the CJS experiences of autistic people of Māori and other ethnicities (e.g., Pasifika), and autists who do not speak. Moreover, qualitative research should also focus on autists who have experienced specialist courts (e.g. the Young Adult List), or been taken

through the alternative pathways of the Mental Health (Compulsory Assessment and Treatment) Act 1992 , Criminal Procedures (Mentally Impaired Persons) Act 2003, and the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

5.6.2 More valuing attitudes and professional development in autism

The participants identified the need for CJS professionals to have a more valuing attitudes, and appropriate professional development in autism. To those ends, research needs to address the attitudes towards autism and level of autism knowledge held by officers of New Zealand Police, and CJS professionals.

The results of research into attitudes and knowledge would inform subsequent that develops and evaluates professional development in autism for CJS professionals. Within this research plan autists must be involved in programme development, delivery and evaluation. In addition to attempting to measure attitude change, evaluation by autists of changes in practice is crucial.

The participatory research that the aforementioned recommendation requires is one step towards improving relationships between autists and the CJS. To take this further, participatory research must consider how to build positive relationships between autists and the CJS.

5.6.3 Development of a more therapeutic CJS

Conveyed by most participants was the hope for a more therapeutic CJS. The participants gave several examples of how this might be achieved (e.g., referral for diagnostic assessment and autism support; help to understand why they offended, and how to prevent reoffending). Combined with the deep consideration several participants had made to this topic, further research on autism-led and autism-appropriate therapeutic strategies within the CJS is indicated.

5.6.4 Autism prevalence in the CJS and screening

To support the establishment and implementation of strategies designed to enhance autism understanding and knowledge within the CJS, it would be helpful to know how many autistic people interact with the system. There is a clear need for research into the prevalence of autism within Aotearoa New Zealand's offender populations, living both in the community and in custody, and on the prevalence of CJS involvement amongst autistic communities.

Research on screening and identification strategies is needed. The identification of autistic people during the early stages of criminal proceedings could identify a larger population of autistic people whose offending may not seem particularly serious, but whose well-being or risk of future offending could be seriously affected by lack of autism understanding within the CJS.

5.6.5 Perceptions of procedural justice in the autistic community

This research did not investigate procedural justice directly, but a procedural justice lens was applied to the findings. Accordingly, it was not possible to identify which elements of procedural justice were more or less important to the participants. Future research of this kind could include more specific questions and measures on procedural justice.

5.7 Conclusion

This thesis journey started with the ringing of a telephone, when the researcher was asked to become an expert witness in a criminal case involving an autistic defendant. Neither of the voices involved in that call were autistic, and at the time very little was known about what autistic people thought of the criminal justice system. The chain of thinking triggered that day led to this thesis, "This Giant

Steamroller That's Moving Inexorably Towards You, But Very, Very Slowly": An Interpretative Phenomenological Analysis of Autistic Adults' Experiences of Police and Criminal Justice in Aotearoa New Zealand.

In 2019, the last calendar year before the COVID-19 pandemic altered the world, over 70,000 people in Aotearoa New Zealand were charged with at least one offence (Ministry of Justice, 2020b). Based on autism prevalence rates and Aotearoa New Zealand's population at the time, approximately 1,300 of those people could have been autistic. Yet Aotearoa New Zealand had no autistic accounts of what it was like to traverse the CJS, or what supports or alterations might be helpful to autistic people. This thesis aimed to bring attention to that gap. Located within the theoretical framework of CAS, the research showcased the voices of autistic adults, and identified their experiences and perceptions of the CJS. With its strong focus on the voice and lived experience, IPA was the selected methodology.

Ten autistic people participated in this research. All were adults living in the community, and capable of engaging in the qualitative interviews verbally or in writing. Participant experiences were with the regular CJS, not the alternative pathways available to people with significant intellectual disability or mental health conditions. The researcher was interested in the experiences of community-based autists, not incarcerated autistic people or those potentially effected by intellectual disability or serious mental illness.

The participants shared their experiences and perceptions with consideration and generosity. From the hundreds of pages of transcripts, six superordinate themes were generated. These were: unease with New Zealand Police, overwhelming legal process, encounters with mental health professionals, impact on self and others;

recommendations from the participants; and adversity across the lifespan. Much of the content of these themes was grim.

To protect the integrity of the participants' voices, the researchers' interpretations were presented separately. Clearly influenced by CAS, four factors influencing the participants' perceptions of the CJS were identified: power, process, perception, and participation. These elements to the thesis can function as influential change processes.

Regarding the CJS, the participants shared concerns held by other autists in other countries (Allen et al., 2008; Gibbs & Haas, 2020; Helverschou et al., 2018; Salerno & Schuller, 2019), marginalised and minority groups (Bradford & Jackson, 2018; Gerber et al., 2018; Nakhid, 2017; Te Whaiti & Roguski, 1998), and by people in Aotearoa New Zealand who made submissions to Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group (Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group, 2019). Not only did this concordance demonstrate shared human experience, where autistic people are more alike than different from non-autistic people, but it located the problems that CJ-involved people encounter within the CJS and independent of diagnosis or definition.

The participants feared the CJS, and that fear seems justified. They were vulnerable, and for some the encounters with the CJS made this worse, not better. The participants shared the aspirations of the CJS - they wanted safer communities, fair justice, and reoffending prevented. The participants signalled that autism training and accommodations, better adherence to procedural justice principles, and efforts by those within the CJS to develop meaningful relationships with autistic individuals would make the CJS more responsive to the needs of all autistic people. To achieve this change, Aotearoa New Zealand needs to continue the work of Te Uepū Hāpai i te Ora -

the Safe and Effective Justice Advisory Group, bring autistic people into the conversation, and be guided by them. However, the answer to the problem is not simply within the CJS. The concerns identified in this thesis raise questions about Aotearoa New Zealand's commitment to the Convention on the Rights of Persons with Disabilities (United Nations, 2006).

Consistent with the CAS approach, the implications for policy and practice identified in this thesis did not focus entirely on CJ-involved autists. Instead they indicated changes needed at the society level, and moved towards autistic people in a step by step approach. After redressing autistic disadvantage in general, the CJS was the focus of recommendations intended to ensure that all CJ-involved people have fair and respectful CJS experiences. The plight of undiagnosed autistic people followed, as a role for the CJS in recognising autism and facilitating diagnostic assessment took shape. Diagnosis is the gateway for autism-related support that could prevent offending, or at least mitigate the impact of adversities often associated with risk of criminal offending. The remaining implications addressed actions intended to put autism knowledge into practice within the CJS. Participation by autistic people was an integral component of most implications. Aligned with the implications for policy and practice were future directions for research.

The voices of the participants were loud in this thesis. It is the hope of the researcher that the wider community and the CJS will listen, work to add more voices, and make positive changes accordingly. Rather than the autistic experience of this country's CJS being like "standing in front of this giant steamroller that's moving inexorably towards you but very, very slowly and not really knowing what the outcome would be", CJ-involved autists people could participate in a process that is fair, informative, respectful and therapeutic.

References

- Abrahamson, S. (2007). Did Janet Frame have high-functioning autism? *New Zealand Medical Journal*, 120(1263), 63-96. <http://www.nzma.org.nz/journal/120-1263/2747/>
- Allan, D., & Mirfin-Veitch, B. (2015). *Criminal law: Working with intellectually disabled clients*. Continuing Legal Education, New Zealand Law Society. <https://www.lawyerseducation.co.nz>
- Allely, C. S. (2019). Firesetting and arson in individuals with autism spectrum disorder: a systematic PRISMA review. *Journal of Intellectual Disabilities and Offending Behaviour*, 10(4), 89-101. <https://doi.org/10.1108/JIDOB-11-2018-0014>
- Allely, C. S. (2020). Contributory role of autism spectrum disorder symptomology to the viewing of indecent images of children (IIOC) and the experience of the criminal justice system. *Journal of Intellectual Disabilities and Offending Behaviour*, 11(3), 171-189. <https://doi.org/10.1108/jidob-11-2019-0026>
- Allely, C. S., & Cooper, P. (2017). Jurors' and judges' evaluation of defendants with autism and the impact on sentencing: A systematic preferred reporting items for systematic reviews and meta-analyses (PRISMA) review of autism spectrum disorder in the courtroom. *Journal of Law and Medicine*, 25, 105-123. <http://usir.salford.ac.uk/id/eprint/44869/>
- Allely, C. S., & Creaby-Attwood, A. (2016). Sexual offending and autism spectrum disorders. *Journal of Intellectual Disabilities and Offending Behaviour*, 7(1), 35-51. <https://doi.org/10.1108/JIDOB-09-2015-0029>

- Allely, C. S., & Dubin, L. (2018). The contributory role of autism symptomology in child pornography offending: why there is an urgent need for empirical research in this area. *Journal of Intellectual Disabilities and Offending Behaviour, 9*(4), 129-152. <https://doi.org/10.1108/jidob-06-2018-0008>
- Allely, C. S., & Faccini, L. (2017). "Path to intended violence" model to understand mass violence in the case of Elliot Rodger. *Aggression and Violent Behavior, 37*, 201-209. <https://doi.org/10.1016/j.avb.2017.09.005>
- Allely, C. S., & Faccini, L. (2018). Rare instances of individuals with autism supporting or engaging in terrorism: a reply. *Journal of Intellectual Disabilities and Offending Behaviour, 9*(1), 64-66. <https://doi.org/10.1108/jidob-07-2017-0015>
- Allely, C. S., & Faccini, L. (2019). Clinical profile, risk, and critical factors and the application of the "path toward intended violence" model in the case of mass shooter Dylann Roof. *Deviant Behavior, 40*(6), 672-689. <https://doi.org/10.1080/01639625.2018.1437653>
- Allely, C. S., Kennedy, S., & Warren, I. (2019). A legal analysis of Australian criminal cases involving defendants with autism spectrum disorder charged with online sexual offending. *International Journal of Law and Psychiatry, 66*, Article 101456. <https://doi.org/10.1016/j.ijlp.2019.101456>
- Allely, C. S., Wilson, P., Minnis, H., Thompson, L., Yaksic, E., & Gillberg, C. (2017). Violence is rare in autism: When it does occur, is it sometimes extreme? *Journal of Psychology: Interdisciplinary and Applied, 151*(1), 1-20. <https://doi.org/10.1080/00223980.2016.1175998>

- Allen, D., Evans, C., Hider, A., Hawkins, S., Peckett, H., & Morgan, H. (2008). Offending behaviour in adults with Asperger syndrome. *Journal of Autism and Developmental Disorders*, 38(4), 748-758. <https://doi.org/10.1007/s10803-007-0442-9>
- Amaral, D. (2017). Examining the causes of autism. *Cerebrum: The Dana Forum on Brain Science*, Jan-Feb, cer1-17.
- American Psychiatric Association. (2000). *Diagnostic and statistical manual of mental disorders* (4th Text Revision ed.). American Psychiatric Association Press.
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). American Psychiatric Publishing.
- Appelbaum, P. S. (2016). Protecting the rights of persons with disabilities: An international convention and its problems. *Psychiatric Services*, 67(4), 366-368. <https://doi.org/10.1176/appi.ps.201600050>
- Appelbaum, P. S. (2019). Saving the UN Convention on the Rights of Persons with Disabilities – from itself. *World Psychiatry*, 18(1), 1-2. <https://doi.org/10.1002/wps.20583>
- Arnold, S. R. C., Huang, Y., Hwang, Y. I., Richdale, A. L., Trollor, J. N., & Lawson, L. P. (2020). “The Single Most Important Thing That Has Happened to Me in My Life”: Development of the Impact of Diagnosis Scale—Preliminary Revision. *Autism in Adulthood*, 2(1), 34-41. <https://doi.org/10.1089/aut.2019.0059>
- Arstein-Kerslake, A. (2017). *Restoring voice to people with cognitive disabilities: Realizing the right to equal recognition before the law*. Cambridge University Press.

- Asperger, H. (1991). 'Autistic psychopathy' in childhood. In U. Frith (Ed.), *Autism and Asperger Syndrome* (pp. 37-92). Cambridge University Press.
<https://doi.org/DOI: 10.1017/cbo9780511526770.002>
- Autistic Self Advocacy Network. (2016a). *About autism*. Autistic Self Advocacy Network. <http://autisticadvocacy.org/home/about-asan/about-autism/>
- Autistic Self Advocacy Network. (2016b). *Position statements*. Autistic Self Advocacy Network. <http://autisticadvocacy.org/home/about-asan/position-statements/>
- Bagatell, N. (2010). From cure to community: Transforming notions of autism. *Ethos*, 38(1), 33-55. <https://doi.org/10.1111/j.1548-1352.2009.01080.x>
- Baker, D. B., & Benjamin, L. T. (2000). The affirmation of the scientist-practitioner: A look back at Boulder. *American Psychologist*, 55(2), 241-247.
<https://doi.org/10.1037/0003-066X.55.2.241>
- Barry-Walsh, J. B., & Mullen, P. E. (2004). Forensic aspects of Asperger's Syndrome. *Journal of Forensic Psychiatry and Psychology*, 15(1), 96-107.
<https://doi.org/10.1080/14789940310001638628>
- Beckett, A. E., & Campbell, T. (2015). The social model of disability as an oppositional device. *Disability and Society*, 30(2), 270-283.
<https://doi.org/10.1080/09687599.2014.999912>
- Belek, B. (2019). Articulating sensory sensitivity: From bodies with autism to autistic bodies. *Medical Anthropology*, 38(1), 30-43.
<https://doi.org/10.1080/01459740.2018.1460750>
- Bell, A. (2016). Decolonizing conviviality and 'becoming ordinary': Cross-cultural face-to-face encounters in Aotearoa New Zealand. *Ethnic and Racial Studies*, 39(7), 1170-1186. <https://doi.org/10.1080/01419870.2015.1103883>

Bell, S., & Brookbanks, W. J. (Eds.). (2017). *Mental health law in New Zealand*.

Thomson Reuters.

Bell, S., McGregor, J., & Wilson, M. (2015). The Convention on the Rights of Disabled

Persons: A remaining dilemma for New Zealand? *New Zealand Journal of Public and International Law*, 13(12), 277-296. www.heinonline.org

Benchmark Project Team. (2021). *Benchmark: Best practice - best evidence with vulnerable people*. <https://www.benchmark.org.nz>

Berryessa, C. M. (2014a). Judicial perceptions of media portrayals of offenders with high functioning autistic spectrum disorders. *International Journal of Criminology and Sociology*, 3, 46-60. <https://doi.org/10.6000/1929-4409.2014.03.04>

Berryessa, C. M. (2014b). Judiciary views on criminal behaviour and intention of offenders with high-functioning autism. *Journal of Intellectual Disabilities and Offending Behaviour*, 5(2), 97-106. <https://doi.org/10.1108/JIDOB-02-2014-0002>

Berryessa, C. M. (2016). Brief report: Judicial attitudes regarding the sentencing of offenders with high functioning autism. *Journal of Autism and Developmental Disorders*, 46(8), 2770-2773. <https://doi.org/10.1007/s10803-016-2798-1>

Berryessa, C. M. (2017). Educator of the court: the role of the expert witness in cases involving autism spectrum disorder. *Psychology, Crime and Law*, 23(6), 1-26. <https://doi.org/10.1080/1068316X.2017.1284218>

Berryessa, C. M. (2021). Defendants with autism spectrum disorder In criminal court: A judges' toolkit. *Drexel Law Review*, (Forthcoming). <https://ssrn.com/abstract=3730822>

- Berryessa, C. M., Milner, L. C., Garrison, N. A., & Cho, M. K. (2015). Impact of psychiatric information on potential jurors in evaluating high-functioning autism spectrum disorder (hfASD). *Journal of Mental Health and Research in Intellectual Disabilities, 8*(3-4), 140-167.
<http://www.ncbi.nlm.nih.gov/pubmed/26843900>
- Bertilsdotter Rosqvist, H. (2012). Normal for an Asperger: Notions of the meanings of diagnoses among adults with asperger syndrome. *Intellectual and Developmental Disabilities, 50*(2), 120-128. <https://doi.org/10.1352/1934-9556-50.2.120>
- Bertilsdotter Rosqvist, H., Brownlow, C., & O'Dell, L. (2015). 'An association for all'- Notions of the meaning of autistic self-advocacy politics within a parent-dominated autistic movement. *Journal of Community and Applied Social Psychology, 25*(3), 219-231. <https://doi.org/10.1002/casp.2210>
- Bertrams, A. (2020, Dec 23). Less illusion of a just world in people with formally diagnosed autism and higher autistic traits. *Journal of Autism and Developmental Disorders. <https://doi.org/10.1007/s10803-020-04831-7>*
- Bertrams, A. (2021). Cultural context and the relationship between autistic traits and belief in a just world. *Personality and Individual Differences, 173*.
<https://doi.org/10.1016/j.paid.2021.110642>
- Bevan-Brown, J. (2004). *Maori perspectives of autistic spectrum disorder: Report to the Ministry of Education*. Ministry of Education.
<https://www.educationcounts.govt.nz>
- Blackhurst, J. (2012). The involvement of the police in the lives of people with Asperger syndrome: What are the perspectives of both parties? *Good Autism Practice, 13*(1), 22-30.

- Boscarato, K., Lee, S., Kroschel, J., Hollander, Y., Brennan, A., & Warren, N. (2014). Consumer experience of formal crisis-response services and preferred methods of crisis intervention. *International Journal of Mental Health Nursing*, 23(4), 287-295. <https://doi.org/10.1111/inm.12059>
- Bottoms, A., & Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *The Journal of Criminal Law and Criminology*, 102(1), 119-170. <https://www.jstor.org/stable/23145787>
- Bottoms, A., & Tankebe, J. (2021). Procedural justice, legitimacy, and social contexts. In D. Meyerson, C. Mackenzie, & T. MacDermott (Eds.), *Procedural justice and relational theory: Empirical, philosophical and legal perspectives*. (pp. 85-110). Routledge.
- Bowden, N., Thabrew, H., Kokaua, J., Audas, R., Milne, B., Smiler, K., Stace, H., Taylor, B., & Gibb, S. (2020). Autism spectrum disorder/Takiwātanga: An integrated data infrastructure-based approach to autism spectrum disorder research in New Zealand. *Autism*. <https://doi.org/10.1177/1362361320939329>
- Bradford, B., & Jackson, J. (2018). Police legitimacy among immigrants in Europe: Institutional frames and group position. *European Journal of Criminology*, 15(5), 567-588. <https://doi.org/10.1177/1477370817749496>
- Bradford, B., Jackson, J., & Hough, M. (2017). Trust in justice. In E. M. Uslaner (Ed.), *The Oxford handbook of social and political trust*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780190274801.013.21>
- Bradford, B., Jackson, J., & Stanko, E. A. (2009, 2009/03/01). Contact and confidence: revisiting the impact of public encounters with the police. *Policing and Society*, 19(1), 20-46. <https://doi.org/10.1080/10439460802457594>

- Braun, V., & Clark, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology, 3*(2), 77-101.
- Brewer, N., & Young, R. L. (2015). *Crime and autism spectrum disorder: Myths and mechanisms* Jessica Kingsley Publishers.
- Brewer, N., & Young, R. L. (2018). Interactions of individuals with autism spectrum disorder with the criminal justice system: Influences on involvement and outcomes. In J. L. Johnson, G. S. Goodman, & P. C. Mundy (Eds.), *The Wiley handbook of memory, autism spectrum disorder, and the law* (1st ed., pp. 231-244). John Wiley & Sons Ltd. .
<http://ebookcentral.proquest.com/lib/aut/detail.action?docID=5391737>.
- Bricki, N., & Judith, G. (2007). *A guide to using qualitative research methodology*. Medecins Sans Frontiere. <https://fieldresearch.msf.org/handle/10144/84230>
- Broadstock, M. (2020). *Living guideline group*. INSIGHT Research. Retrieved 13/1/21 from <http://www.insightresearchltd.com>
- Brookbanks, W. J. (2019). Protecting the interests of vulnerable defendants in the criminal justice system: The New Zealand experience. *The Journal of Criminal Law, 83*(1), 55-70. <https://doi.org/10.1177/0022018318814360>
- Brookbanks, W. J., & Simpson, S. (Eds.). (2007). *Psychiatry and the law*. LexisNexis NZ Limited.
- Brooking, J. (2014). *Asperger syndrome in the criminal justice system*. Aspiehelp.
- Brooking, J. (2015). Asperger syndrome in the criminal justice system. *Altogether Autism Journal, Summer*, 8-9.
https://issuu.com/parenttoparentnz/docs/aa_journal_feb2015_nocrop

- Brown, B., & Benedict, W. R. (2002). Perceptions of the police: Past findings, methodological issues, conceptual issues and policy implications. *Policing: An international journal of Police Strategies and Management*, 25(3), 543-580. <https://doi.org/10.1108/13639510210437032>
- Brunton, W. (2003). The origins of deinstitutionalisation in New Zealand. *Health and History*, 5(2), 73-103. <https://doi.org/10.2307/40111454>
- Brunton, W. (2011, 21/6/2018). *Mental health services*. <http://www.TeAra.govt.nz/en/mental-health-services/print>
- Brunton, W., & McGeorge, P. (2017). Grafting and crafting New Zealand's mental health policy. In H. Minas & M. Lewis (Eds.), *Mental Health in Asia and the Pacific*. Springer Science+Business Media. https://doi.org/10.1007/978-1-4899-7999-5_18
- Bumiller, K. (2008). Quirky citizens: Autism, gender and reimagining disability. *Signs*, 33(4), 967-991. <https://doi.org/10.1086/528848>
- Butler, R. C., & Gillis, J. M. (2011). The impact of labels and behaviors on the stigmatization of adults with Asperger's disorder. *Journal of Autism and Developmental Disorders*, 41(6), 741-749. <https://doi.org/10.1007/s10803-010-1093-9>
- Callary, B., Rathwell, S., & Young, B. W. (2015). Insights on the process of using interpretive phenomenological analysis in a sport coaching research project. *The Qualitative Report*, 20(2), 63-75. <http://nsuworks.nova.edu/tqr/vol20/iss2/6>
- Calton, S., & Hall, G. (2021). Autistic adults and their experiences with police personnel: a qualitative inquiry. *Psychiatry, Psychology and Law*, 1-16. <https://doi.org/10.1080/13218719.2021.1904455>

- Cascardi, M., Poythress, N. G., & Hall, A. (2000). Procedural justice in the context of civil commitment: An analogue study [Article]. *Behavioral Sciences and the Law*, 18(6), 731-740. <https://doi.org/10.1002/bsl.421>
- Cea, C. (2014). Autism and the criminal defendant. *St John's Law Review*, 88, 495-529.
- Celik, E. (2017). The role of CRPD in rethinking the subject of human rights. *International Journal of Human Rights*, 21(7), 933-955. <https://doi.org/10.1080/13642987.2017.1313236>
- Chamberlain, K. (2011). Troubling methodology. *Health Psychology Review*, 5(1), 48-54. <https://doi.org/10.1080/17437199.2010.520113>
- Chan, Z., Fung, Y., & Chen, W. (2013). Bracketing in phenomenology: Only undertaken in the data collection and analysis process. *The Qualitative Report*, 18(30), 1-9. <http://nsuworks.nova.edu/tqr/vol18/iss30/1>
- Chenail, R. J. (2009). Making phenomenological inquiry accessible: A review of Jonathan A. Smith, Paul Flowers, and Michael Larkin's Interpretive Phenomenological Analysis: Theory, Method, and Research. *The Qualitative Report*, 14(2), 156-160. <http://nsuworks.nova.edu/tqr/vol14/iss2/15>
- Chown, N. (2010). 'Do you have any difficulties that I may not be aware of?' A study of autism awareness and understanding in the UK police service. *International Journal of Police Science and Management*, 12(2), 256-273. <https://doi.org/10.1350/ijps.2010.12.2.174>
- Chown, N., Beardon, L., & Cossburn, K. (2018). Rare instances of individuals with autism supporting or engaging in terrorism: A response to Lino Faccini and Clare Allely. *Journal of Intellectual Disabilities and Offending Behaviour*, 9(1), 59-63. <https://doi.org/10.1108/jidob-06-2017-0012>

- Churchard, A., Ryder, M., Greenhill, A., & Mandy, W. (2019). The prevalence of autistic traits in a homeless population. *Autism, 23*(3), 665-676.
<https://doi.org/10.1177/1362361318768484>
- Clark, T. (2011). *Martin Heidegger* (2nd ed.). Routledge.
- Clarke, V. (2010). Review of the book "Interpretative Phenomenological Analysis: Theory, Method and Research". *Psychology Learning & Teaching, 9*(1), 56-57.
<http://www.psychology.heacademy.ac.uk/s.php?p=55>
- Clarke, V., & Braun, V. (2014). Thematic analysis. In C. Michalos (Ed.), *Encyclopaedia of Quality of Life and Well-Being Research*. Springer.
- Clayworth, P. (Ed.). (2012). *Prisons*. Te Ara: the Encyclopaedia of New Zealand.
<http://www.teara.govt.nz/en/prisons/page-1>.
- Clerkley, C. (2015). *The Autism Society promoted "awareness and appreciation" in April 2015*. The Autism Society of America. <https://www.autism-society.org/news/the-autism-society-promotes-awareness-and-acceptance-in-april-2015/>
- Clough, B. (2015). 'People like that': Realising the social model in mental capacity jurisprudence. *Medical Law Review, 23*(1), 53-80.
<https://doi.org/10.1093/medlaw/fwu024>
- Cohen, J. A., Dickerson, T. A., & Forbes, J. M. (2013). A legal review of autism, a syndrome rapidly gaining wide attention within our society. *Albany Law Review, 77*(389-423).
- Cooper, P., & Allely, C. S. (2017). You can't judge a book by its cover: Evolving professional responsibilities, liabilities and 'judgecraft' when a party has Asperger's Syndrome. *Northern Ireland Legal Quarterly, 68*(1), 35-58.

Cooperative Research Centre for Living with Autism. (2020). *Autism CRC*.

<https://www.autismcrc.com.au>

Copenhaver, A., & Tewksbury, R. (2018). Interactions between autistic individuals and law enforcement: A mixed-methods exploratory study. *American Journal of Criminal Justice*, 44(2), 309-333. <https://doi.org/10.1007/s12103-018-9452-8>

Cox, G. (2014). Life and works. In S. Churchill & J. Reynolds (Eds.), *Jean-Paul Sartre: Key concepts*. Routledge.

Crane, L., Maras, K. L., Hawken, T., Mulcahy, S., & Memon, A. (2016). Experiences of autism spectrum disorder and policing in England and Wales: Surveying police and the autism community. *Journal of Autism and Developmental Disorders*, 46(6), 2028-2041. <https://doi.org/10.1007/s10803-016-2729-1>

Creaby-Attwood, A., & Allely, C. S. (2017). A psycho-legal perspective on sexual offending in individuals with autism spectrum disorder. *International Journal of Law and Psychiatry*, 55, 72-80. <https://doi.org/10.1016/j.ijlp.2017.10.009>

Crompton, C. J., Hallett, S., Ropar, D., Flynn, E., & Fletcher-Watson, S. (2020). 'I never realised everybody felt as happy as I do when I am around autistic people': A thematic analysis of autistic adults' relationships with autistic and neurotypical friends and family. *Autism*, 24(6), 1438-1448. <https://doi.org/10.1177/1362361320908976>

Curry, D. (1998). *Autism services in New Zealand*. Autism Services Project Team: Ministry of Health. <http://www.moh.govt.nz>

Cusack, J. (2017). Participation and the gradual path to a better life for autistic people. *Autism*, 21(2), 131-132. <https://doi.org/10.1177/1362361316680155>

Davidson, J., & Orsini, M. (2010). The place of emotions in critical autism studies.

Emotion, Space and Society, 3(2), 131-133.

<https://doi.org/10.1016/j.emospa.2010.10.005>

Dawson, J., & Gledhill, K. (Eds.). (2013). *New Zealand's Mental Health Act in practice*.

Victoria University Press.

Debbaudt, D. (2002). *Autism, advocates, and law enforcement professionals:*

Recognizing and reducing risk situations for people with autism spectrum disorders. Jessica Kingsley Publishers Ltd.

Debbaudt, D., & Rothman, D. (2001). Contact with autism: Effective resolutions. *FBI*

Law Enforcement Bulletin, 70(4), 20-24.

Deguara, B. (2019). *It's been 10 years since the iconic 'always blow on the pie' advice*

from police. Stuff. <https://www.stuff.co.nz/oddstuff/112406261/always-blow-on-the-pie-top-cop-advice-resurfaces-10-years-on>

den Houting, J., & Pellicano, E. (2019). A portfolio analysis of autism research funding

in Australia, 2008-2017. *Journal of Autism and Developmental Disorders*, 49(11), 4400-4408. <https://doi.org/10.1007/s10803-019-04155-1>

Department of Corrections. (2018). *Statement of intent 2018-2022*. Author.

<https://www.corrections.govt.nz>

Department of Corrections. (2019). *Our vision, goals and priorities*.

<https://www.corrections.govt.nz>

Dickson-Swift, V., James, E. L., Kippen, S., & Liamputtong, P. (2007). Doing sensitive

research: what challenges do qualitative researchers face? *Qualitative Research*, 7(3), 327-353. <https://doi.org/10.1177/1468794107078515>

Dinishak, J. (2016). The deficit view and its critics. *Disability Studies Quarterly*, 36(4), 1-

27. <https://dsq-sds.org/article/view/5236/4475>

- Diprose, R. (2014). A guide to Merleau-Ponty: Key concepts. In R. Diprose & J. Reynolds (Eds.), *Merleau-Ponty: Key Concepts* (2nd ed.). Routledge.
- Doogue, J., & Walker, J. (2020). *Proposal for a trial of young adult list in Porirua District Court: Procedural fairness for the young and the vulnerable*. The District Court of New Zealand. <https://www.districtcourts.govt.nz/>
- Douglass, A., Young, G., & McMillan, J. (2020). *Assessment of mental capacity: A New Zealand guide for doctors and lawyers*. Victoria University of Wellington Press.
- Drysdale, H., & van der Meer, L. (2020). Rates of autism spectrum disorder diagnoses for children and adolescents in the Hutt Valley Region of New Zealand between 2012 and 2016. *Research in Autism Spectrum Disorders, 73*.
<https://doi.org/10.1016/j.rasd.2020.101547>
- Dyson, R. (2007). *Speech at UN Disability Convention signing*. New Zealand Government. <https://www.beehive.govt.nz/speech/speech-un-disability-convention-signing>
- Dyson, R. (2008). *Celebration of acceptance of the Roosevelt Award*
<https://www.beehive.govt.nz/speech/celebration-acceptance-roosevelt-award>
- Easter, A. (2019). *'Time on my side': Experiences of accelerated students who entered university early in Aotearoa New Zealand* [University of Waikato]. Hamilton, New Zealand.
- Eatough, V., & Smith, J. (2017). Interpretative phenomenological analysis. In C. Willig & W. Stainton Rogers (Eds.), *The SAGE handbook of qualitative research in psychology*. SAGE Publications Ltd.
- Ellem, K., & Richards, K. (2018). Police contact with young people with cognitive disabilities: Perceptions of procedural (in)justice. *Youth Justice, 18*(3), 230-247.
<https://doi.org/10.1177/1473225418794357>

- Ellis, B. H., Lincoln, A. K., Abdi, S. M., Nimmons, E. A., Issa, O., & Decker, S. H. (2020). "We All Have Stories": Black Muslim immigrants' experience with the police. *Race and Justice*, 10(3), 341-362. <https://doi.org/10.1177/2153368718754638>
- Emerson, L., McLay, L., & Monk, R. (2021). *Autistic co-led autism research priorities for Aotearoa New Zealand: A partnership with Autistic people, families and whānau, service and support providers and researchers*. University of Canterbury. https://researchprofile.canterbury.ac.nz/Project.aspx?projectid=406&fbclid=IwAR0nxI2dyHAWyRFbFzsey2DS-BEJVhrOcOO8zkEvN1kCQS_0HCTIFabM4qI
- Everall, I. P., & Lecouteur, A. (1990). Firesetting in an adolescent boy with Asperger's syndrome. *British Journal of Psychiatry*, 157(2), 284-287. <https://doi.org/10.1192/bjp.157.2.284>
- Faccini, L., & Allely, C. S. (2016). Mass violence in individuals with autism spectrum disorder and narcissistic personality disorder: A case analysis of Anders Breivik using the "Path to Intended and Terroristic Violence" model. *Aggression and Violent Behavior*, 31, 229-236. <https://doi.org/10.1016/j.avb.2016.10.002>
- Finkelhor, D., Shattuck, A., Turner, H., & Hamby, S. (2015). A revised inventory of Adverse Childhood Experiences. *Child Abuse and Neglect*, 48, 13-21. <https://doi.org/10.1016/j.chiabu.2015.07.011>
- Finlay, L. (2009). Debating phenomenological research methods. *Phenomenology and Practice*, 3(1), 6-15. <http://www.ualberta.ca>
- Finlay, L. (2014). Engaging phenomenological analysis. *Qualitative Research in Psychology*, 11(2), 121-141. <https://doi.org/10.1080/14780887.2013.807899>

- Fletcher-Watson, S., Adams, J., Brook, K., Charman, T., Crane, L., Cusack, J., Leekham, S., Milton, D., Parr, J. R., & Pellicano, E. (2019, May). Making the future together: Shaping autism research through meaningful participation. *Autism*, 23(4), 943-953. <https://doi.org/10.1177/1362361318786721>
- Ford, C. (2021, 1/11/21). *Ministry for Disabled People: 'Really good start' but there are omissions*. Radion New Zealand. <https://www.rnz.co.nz/news/on-the-inside/454692/ministry-for-disabled-people-really-good-start-but-there-are-omissions>
- Freckelton, I. (2011a). Asperger's disorder and the criminal law. *Journal of Law and Medicine*, June, 677-694.
- Freckelton, I. (2011b). Autism spectrum disorders and the criminal law. In M. Mohammadi (Ed.), *A comprehensive book on autism spectrum disorders* (pp. 249-272). InTech. <http://www.intechopen.com>
- Freckelton, I. (2012). Expert evidence by mental health professionals: the communication challenge posed by evidence about autism spectrum disorder, brain injuries, and Huntington's disease. *International Journal of Law and Psychiatry*, 35(5-6), 372-379. <https://doi.org/10.1016/j.ijlp.2012.09.008>
- Freckelton, I. (2013a). Autism spectrum disorder: Forensic issues and challenges for mental health professionals and courts. *Journal of Applied Research in Intellectual Disabilities*, 26(5), 420-434. <https://doi.org/10.1111/jar.12036>
- Freckelton, I. (2013b). Forensic issues in autism spectrum disorder: Learning from court decisions. In M. Fitzgerald (Ed.), *Recent advances in autism spectrum disorders* (Vol. II, pp. 157-173). Intech Open. <https://doi.org/10.5772/55400>

- Freckelton, I., & List, D. (2009). Asperger's disorder, criminal responsibility and criminal culpability. *Psychiatry, Psychology and Law*, 16(1), 16-40.
<https://doi.org/10.1080/13218710902887483>
- Freeman, M., Kolappa, K., Caldas de Almeida, J., Kleinman, A., Makhshvili, N., Phakathi, S., Saraceno, B., & Thornicroft, G. (2015). Reversing hard won victories in the name of human rights: A critique of the General Comment on Article 12 of the UN Convention on the Rights of Persons with Disabilities. *The Lancet*, 2, 844-850. [https://doi.org/10.1016/S2215-0366\(15\)00218-7](https://doi.org/10.1016/S2215-0366(15)00218-7)
- Frost, M. (2007). The United Nations Convention on the Rights of Persons with Disabilities: A cause for celebration? *Human Rights Research Journal*, 5, 1-13.
https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=F1235641
- Gee, P. (2011). 'Approach and Sensibility': A personal reflection on analysis and writing using Interpretative Phenomenological Analysis. *Qualitative Methods in Psychology Bulletin*, 11(May), 8-22. <https://open.ac.uk>
- George, R., Crane, L., & Remington, A. (2020). 'Our normal is different': Autistic adults' experiences of the family courts. *Journal of Social Welfare and Family Law*, 42(2), 204-220. <https://doi.org/10.1080/09649069.2020.1751928>
- Gerber, M., Gonzalez, R., Carvacho, H., Jimenez-Moya, G., Moya, C., & Jackson, J. (2018). On the justification of intergroup violence: The roles of procedural justice, police legitimacy, and group identity in attitudes toward violence among indigenous people. *Psychology of Violence*, 8(3), 379-389.
<https://doi.org/10.1037/vio0000177>

- Gibbs, V., & Haas, K. (2020). Interactions between the police and the autistic community in Australia: Experiences and perspectives of autistic adults and parents/carers. *Journal of Autism and Developmental Disorders*, 50(12), 4513-4526. <https://doi.org/10.1007/s10803-020-04510-7>
- Gillespie-Lynch, K., Daou, N., Obeid, R., Reardon, S., Khan, S., & Goldknopf, E. J. (2021). What contributes to stigma towards autistic university students and students with other diagnoses? *Journal of Autism and Developmental Disorders*, 51(2), 459-475. <https://doi.org/10.1007/s10803-020-04556-7>
- Gillespie-Lynch, K., Kapp, S. K., Brooks, P., Pickens, J., & Schwartzman, B. (2017). Whose expertise is it? Evidence for autistic adults as critical autism experts. *Frontiers in Psychology*, 8, 1-14. <https://doi.org/10.3389/fpsyg.2017.00438>
- Giorgi, A. (2010). Phenomenology and the practice of science. *Existential Analysis*, 21(2), 3-22.
- Giorgi, A. (2011). IPA and science: A response to Jonathan Smith. *Journal of Phenomenological Psychology*, 42, 195-216. <https://doi.org/10.1163/156916211X599762>
- Glaser, B. G., & Strauss, A. L. (1967). *The discovery of grounded theory. Strategies for qualitative research*. Aldine.
- Gonzalez, C., & Tyler, T. R. (2007). Why do people care about procedural fairness? The importance of membership monitoring. In K. Törnblom & R. Vermunt (Eds.), *Distributive and procedural justice: Research and social applications* (pp. 91-110). Francis Group. <http://ebookcentral.proquest.com/lib.auchland/detail.action?docID=429635>

- Gooding, P. (2015). Navigating the 'flashing amber lights' of the right to legal capacity in the United Nations Convention on the Rights of Persons with Disabilities: Responding to major concerns. *Human Rights Law Review*, 15, 45-71.
<https://doi.org/10.1093/hrlr/ngu045>
- Goodley, D. (2013). Dis/entangling critical disability studies. *Disability & Society*, 28(5), 631-644. <https://doi.org/10.1080/09687599.2012.717884>
- Gordon, R. (2002). Asperger syndrome: One prisoner's experience. *Prison Service Journal*, 143, 2-4.
- Gordon, S. (2018). *United Nations Convention on the Rights of Persons with Disabilities (UNCRPD): A brief overview*. Benchmark. <https://www.benchmark.org.nz>
- Grant, T. (2021, 29/10/21). *IHC welcomes new Ministry for Disabled People*. IHC. <https://ihc.org.nz/ihc-welcomes-new-ministry-disabled-people>
- Griffiths, S., Allison, C., Kenny, R., Holt, R., Smith, P., & Baron-Cohen, S. (2019). The Vulnerability Experiences Quotient (VEQ): A study of vulnerability, mental health and life satisfaction in autistic adults. *Autism Research*, 12(10), 1516-1528. <https://doi.org/10.1002/aur.2162>
- Grüny, C. (2015). Phenomenology: Philosophical aspects. In J. D. Wright (Ed.), *International Encyclopedia of the Social and Behavioral Sciences* (2 ed., Vol. 18, pp. 11363-11369). Elsevier. <https://doi.org/10.1016/B978-0-08-097086-8.63058-1>
- Grzadzinski, R., Huerta, M., & Lord, C. (2013). DSM-5 and autism spectrum disorders (ASDs): An opportunity for identifying ASD subtypes. *Molecular Autism*, 4(1), 12. <https://doi.org/10.1186/2040-2392-4-12>

- Gudjonsson, G. H. (2013). Interrogative suggestibility and compliance. In A. M. Ridley, F. Gabbert, & D. J. La Rooy (Eds.), *Suggestibility in legal contexts: Psychological research and forensic implications*. John Wiley & Sons Ltd.
- Haas, K., & Gibbs, V. (2020). Does a person's autism play a role in their interactions with police: The perceptions of autistic adults and parents/carers. *Journal of Autism and Developmental Disorders*. <https://doi.org/10.1007/s10803-020-04663-5>
- Hacking, I. (1995). The looping effects of human kinds. In D. Sperber, D. Premack, & A. J. Premack (Eds.), *Causal cognition: A multidisciplinary debate*. Oxford University Press.
- Hamilton, R. (2012). *Autism: From awareness to understanding to acceptance and appreciation*. Autistic Self Advocacy Network. Retrieved 4/6/2019 from <https://autisticadvocacy.org>
- Hare, D. J., Gould, J., Mills, R., & Wing, L. (1999). A preliminary study of individuals with autistic spectrum disorders in three special hospitals in England. <https://pdfs.semanticscholar.org/2d26/017411f22bcc1517abf92a816153a7a5032b.pdf>
- Heffernan, R., & Ward, T. (2017). A comprehensive theory of dynamic risk and protective factors. *Aggression and Violent Behavior, 37*, 129-141. <https://doi.org/10.1016/j.avb.2017.10.003>
- Helverschou, S. B., Steindal, K., Nottestad, J. A., & Howlin, P. (2018). Personal experiences of the criminal justice system by individuals with autism spectrum disorders. *Autism, 22*(4), 460-468. <https://doi.org/10.1177/1362361316685554>
- Henry, E. (2013). *Autism speaks does not speak for me*. Retrieved 2/10/16 from <http://feministsonar.com/2013/11/autism-speaks-does-not-speak-for-me/>

- Hepworth, D. (2017). A critical review of current police training and policy for autism spectrum disorder. *Journal of Intellectual Disabilities and Offending Behaviour*, 8(4), 212-222. <https://doi.org/10.1108/jidob-06-2017-0011>
- Hickey, H., & Gledhill, K. (2011). Economic, social and cultural rights of persons with disabilities. In M. Bedggood & K. Gledhill (Eds.), *Law into action* (pp. 242-259). Thompson Reuters.
- Higgs, T., & Carter, A. J. (2015). Autism spectrum disorder and sexual offending: Responsivity in forensic interventions. *Aggression and Violent Behavior*, 22, 112-119. <https://doi.org/10.1016/j.avb.2015.04.003>
- Ho, E. J., Cooper, J., & Rauschmayr, B. (2006). *Ethnic community perceptions of New Zealand Police*. New Zealand Police. <https://www.police.govt.nz/about-us/publications-statistics>
- Hollocks, M. J., Lerh, J. W., Magiati, I., Meiser-Stedman, R., & Brugha, T. S. (2019). Anxiety and depression in adults with autism spectrum disorder: A systematic review and meta-analysis. *Psychological Medicine*, 49(4), 559-572. <https://doi.org/10.1017/S0033291718002283>
- Holloway, C. A., Munro, N., Jackson, J., Phillips, S., & Ropar, D. (2020). Exploring the autistic and police perspectives of the custody process through a participative walkthrough. *Research in Developmental Disabilities*, 97, 103545. <https://doi.org/10.1016/j.ridd.2019.103545>
- Holman, G., O'Brien, A. J., & Thom, K. (2018). Police and mental health responses to mental health crisis in the Waikato region of New Zealand. *International Journal of Mental Health Nursing*, 27(5), 1411-1419. <https://doi.org/10.1111/inm.12440>

- Hough, M., Jackson, J., & Bradford, B. (2013). The drivers of police legitimacy: Some European research. *Journal of Policing, Intelligence and Counter Terrorism*, 8(2), 144-165. <https://doi.org/10.1080/18335330.2013.821735>
- Hough, M., Jackson, J., Bradford, B., Myhill, A., & Quinton, P. (2010). Procedural justice, trust, and institutional legitimacy. *Policing*, 4(3), 203-210. <https://doi.org/10.1093/policing/paq027>
- Howard, K. (2021). 'It was like more easier': Rangatahi (young people) and their whānau (family) talk about communication assistance in the New Zealand youth justice system. *Youth Justice*, 21(2), 210-229. <https://doi.org/10.1177/1473225420923763>
- Howard, K., Katsos, N., & Gibson, J. (2019). Using interpretative phenomenological analysis in autism research. *Autism*, 23(7), 1871-1876. <https://doi.org/10.1177/1362361318823902>
- Howard, K., McCann, C., & Dudley, M. (2020a). 'It's really good...why hasn't it happened earlier?' Professionals' perspectives on the benefits of communication assistance in the New Zealand youth justice system. *Australian & New Zealand Journal of Criminology*, 53(2), 265-284. <https://doi.org/10.1177/0004865819890377>
- Howard, K., McCann, C., & Dudley, M. (2020b). What is communication assistance? Describing a new and emerging profession in the New Zealand youth justice system. *Psychiatry, Psychology and Law*, 27(2), 300-314. <https://doi.org/10.1080/13218719.2020.1719378>
- Howlin, P., & Magiati, I. (2017, Mar). Autism spectrum disorder: Outcomes in adulthood. *Current Opinion in Psychiatry*, 30(2), 69-76. <https://doi.org/10.1097/YCO.0000000000000308>

- Howlin, P., & Taylor, J. L. (2015). Addressing the need for high quality research on autism in adulthood. *Autism, 19*(7), 771-773.
<https://doi.org/10.1177/1362361315595582>
- Huang, Y., Arnold, S. R., Foley, K. R., & Trollor, J. N. (2020). Diagnosis of autism in adulthood: A scoping review. *Autism, 24*(6), 1311-1327.
<https://doi.org/10.1177/1362361320903128>
- Hudson, C. C., Hall, L., & Harkness, K. L. (2018). Prevalence of depressive disorders in individuals with autism spectrum disorder: A meta-analysis. *Journal of Abnormal Child Psychology, 47*(1), 165-175. <https://doi.org/10.1007/s10802-018-0402-1>
- Huff, J. L., Smith, J. A., Jesiek, B. K., Zoltowski, C. B., Graziano, W. G., & Oakes, W. C. (2014). *From methods to methodology: Reflection on keeping the philosophical commitments of interpretative phenomenological analysis*. IEEE Frontiers in Education Conference. <https://www.researchgate.net/publication/283736383>
- Hughes, R. B., Lund, E. M., Gabrielli, J., Powers, L. E., & Curry, M. A. (2011). Prevalence of interpersonal violence against community-living adults with disabilities: A literature review. *Rehabilitation Psychology, 56*(4), 302-319.
<https://doi.org/10.1037/a0025620>
- Huws, J. C., & Jones, R. S. P. (2008). Diagnosis, disclosure, and having autism: An interpretative phenomenological analysis of the perceptions of young people with autism. *Journal of Intellectual and Developmental Disability, 33*(2), 99-107.
<https://doi.org/10.1080/13668250802010394>
- Im, D. (2016). Template to perpetrate: An update on violence in autism spectrum disorder. *Harvard Review of Psychiatry, 24*(1), 14-35.
<https://doi.org/10.1097/HRP.0000000000000087>

- Interagency Autism Coordinating Committee. (2010). *2010 IACC strategic plan for autism spectrum disorder research*. Department of Health and Human Services Interagency Autism Coordinating Committee. <http://iacc.hhs.gov/strategic-plan/2010/>
- Interagency Autism Coordinating Committee. (2017). *2016-2017 IACC strategic plan for autism spectrum disorder*. The United States Department of Health and Human Services Interagency Autism Coordinating Committee. <https://iacc.hhs.gov>
- Jackson, J., & Bradford, B. (2010). What is trust and confidence in the police? *Policing: A Journal of Policy and Practice*, 4(3), 241-248.
<https://doi.org/10.1093/police/paq020>
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., & Tyler, T. R. (2012). Why do people comply with the law? Legitimacy and the influence of legal institutions. *The British Journal of Criminology*, 52(6), 1051-1071.
<https://doi.org/10.1093/bjc/azs032>
- Jones, D. R., DeBrabander, K. M., & Sasson, N. J. (2021). Effects of autism acceptance training on explicit and implicit biases toward autism. *Autism*.
<https://doi.org/10.1177/1362361320984896>
- Jones, L. B., & Thomas, S. D. M. (2019). A pilot study exploring mental health consumers' experiences with the police. *Psychiatry, Psychology and Law*, 26(2), 235-251. <https://doi.org/10.1080/13218719.2018.1504240>
- Kalb, L. G., Stuart, E. A., Mandell, D. S., Olfson, M., & Vasa, R. A. (2017, Oct 1). Management of mental health crises among youths with and without ASD: A national survey of child psychiatrists. *Psychiatric Services*, 68(10), 1039-1045.
<https://doi.org/10.1176/appi.ps.201600332>

- Kanner, L. (1943). Autistic disturbances of affective contact. *Nervous Child*, 217-250.
<https://simonsfoundation.s3.amazonaws.com/share/071207-leo-kanner-autistic-affective-contact.pdf>
- Kaptein, A. A. (2011). Pick up the pieces and go home – on the demise of health psychology. *Health Psychology Review*, 5(1), 39-47.
<https://doi.org/10.1080/17437199.2010.520114>
- Katz, N., & Zemishlany, Z. (2006). Criminal responsibility in Asperger's syndrome. *The Israeli Journal of Psychiatry and Related Sciences*, 43(3), 166-173.
- Kelley, C. M. (2014). Forgetting. In *The SAGE Handbook of Applied Memory* (pp. 127-144). <https://doi.org/10.4135/9781446294703.n8>
- Kendler, K. (2005). Towards a philosophical structure for psychiatry. *American Journal of Psychiatry*, 163(3), 433-440.
- Kenny, L., Hattersley, C., Mollins, B., Buckley, C., Pover, C., & Pellicano, E. (2015). Which terms should be used to describe autism? Perspectives from the UK autism community. *Autism*, 20(4), 422-462.
<https://doi.org/10.1177/1362361315588200>
- King, C., & Murphy, G. H. (2014). A systematic review of people with autism spectrum disorder and the criminal justice system. *Journal of Autism and Developmental Disorders*, 44(11), 2717-2733. <https://doi.org/10.1007/s10803-014-2046-5>.
- Krahn, T. M., & Fenton, A. (2012). Funding priorities: Autism and the need for a more balanced research agenda in Canada. *Public Health Ethics*, 5(3), 296-310.
<https://doi.org/10.1093/phe/phs027>
- Lambie, I. (2020). *What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand*. Office of the Prime Minister's Chief Science Advisor. www.pmcsa.ac.nz

- Larkin, M., & Thompson, A. (2012). Interpretative phenomenological analysis. In A. Thompson & D. Harper (Eds.), *Qualitative research methods in mental health and psychotherapy: a guide for students and practitioners*. (pp. 99-116). John Wiley & Sons. <https://doi.org/10.1002/9781119973249>
- Larkin, M., Watts, S., & Clifton, E. (2006). Giving voice and making sense in interpretative phenomenological analysis. *Qualitative Research in Psychology*, 3(2), 102-120. <https://doi.org/10.1191/1478088706qp062oa>
- Lewis, A., Pritchett, R., Hughes, C., & Turner, K. (2015). Development and implementation of autism standards for prisons. *Journal of Intellectual Disabilities and Offending Behaviour*, 6(2), 68-80. <https://doi.org/10.1108/JIDOB-05-2015-0013>
- Lewis, L. F. (2016, Oct). Exploring the experience of self-diagnosis of autism spectrum disorder in adults. *Archives of Psychiatric Nursing*, 30(5), 575-580. <https://doi.org/10.1016/j.apnu.2016.03.009>
- Lewis, L. F. (2017). A mixed methods study of barriers to formal diagnosis of autism spectrum disorder in adults. *Journal of Autism and Developmental Disorders*, 47(8), 2410-2424. <https://doi.org/10.1007/s10803-017-3168-3>
- Loomes, R., Hull, L., & Mandy, W. (2017). What is the male-to-female ratio in autism spectrum disorder? A systematic review and meta-analysis. *Journal of the American Academy of Child and Adolescent Psychiatry*, 56(6), 466-474. <https://doi.org/10.1016/j.jaac.2017.03.013>
- Lowery, A. (2015). *Am I autistic, or do I have autism?* The Mighty. <https://themighty.com/2015/08/am-i-autistic-or-do-i-have-autism/>

- Lugo-Marín, J., Magán-Maganto, M., Rivero-Santana, A., Cuellar-Pompa, L., Alviani, M., Jenaro-Rio, C., Díez, E., & Canal-Bedia, R. (2019). Prevalence of psychiatric disorders in adults with autism spectrum disorder: A systematic review and meta-analysis. *Research in Autism Spectrum Disorders, 59*, 22-33.
<https://doi.org/10.1016/j.rasd.2018.12.004>
- Lunsky, Y., Paquette-Smith, M., Weiss, J. A., & Lee, J. (2015). Predictors of emergency service use in adolescents and adults with autism spectrum disorder living with family. *Emergency Medicine Journal, 32*(10), 787-792.
<https://doi.org/10.1136/emered-2014-204015>
- Lynch, N. (2016). *Neurodisability in the youth justice system in New Zealand: How vulnerability intersects with justice*. <http://neurodisabilitiesforum.org.nz>
- MacCoun, R. J. (2005). Voice, control, and belonging: The double-edged sword of procedural fairness *Annual Review of Law and Social Science, 1*, 171-201.
<https://escholarship.org/uc/item/011185w5>
- Mackenzie, R., & Watts, J. (2010). Injustice and disabilities: the case against the extradition of Gary McKinnon to the USA. *Tizard Learning Disability Review, 15*(2), 45-51. <https://doi.org/10.5042/tldr.2010.0170>
- MacLeod, A. (2019). Interpretative phenomenological analysis (IPA) as a tool for participatory research within critical autism studies: A systematic review. *Research in Autism Spectrum Disorders, 64*, 49-62.
<https://doi.org/10.1016/j.rasd.2019.04.005>

- Maenner, M. J., Shaw, K. A., Baio, J., Washington, A., Patrick, M., DiRienzo, M., Christensen, D. L., Wiggins, L. D., Pettygrove, S., Andrews, J. G., Lopez, M., Hudson, A., Baroud, T., Schwenk, Y., White, T., Rosenberg, C. R., Lee, L.-C., Harrington, R. A., Huston, M., Hewitt, A., Esler, A., Hall-Lande, J., Poynter, J. N., Hallas-Muchow, L., Constantino, J. N., Fitzgerald, R. T., Zahorodny, W., Shenouda, J., Daniels, J. L., Warren, Z., Vehorn, A., Salinas, A., Durkin, M. S., & Dietz, P. M. (2020). Prevalence of autism spectrum disorder among children aged 8 years - Autism and Developmental Disabilities Monitoring Network, 11 sites, United States, 2016. *Surveillance Summaries*, *69*((SS-4)), 1-12.
<https://doi.org/10.15585/mmwr.ss6904a1>
- Maïano, C., Normand, C. L., Salvas, M. C., Moullec, G., & Aimé, A. (2016). Prevalence of school bullying among youth with autism spectrum disorders: A systematic review and meta-analysis. *Autism Research*, *9*(6), 601-615.
<https://doi.org/10.1002/aur.1568>
- Mallett, R., & Runswick-Cole, K. (2014). *Approaching disability: Critical issues and perspectives*. Routledge.
- Maras, K. L., Crane, L., Mulcahy, S., Hawken, T., Cooper, P., Wurtzel, D., & Memon, A. (2017, Aug). Brief report: Autism in the courtroom: Experiences of legal professionals and the autism community. *Journal of Autism and Developmental Disorders*, *47*(8), 2610-2620. <https://doi.org/10.1007/s10803-017-3162-9>
- Maras, K. L., Mulcahy, S., & Crane, L. (2015). Is autism linked to criminality? *Autism*, *19*(5), 515-516. <https://doi.org/10.1177/1362361315583411>
- Mawson, D., Grounds, A., & Tantam, D. (1985). Violence and Asperger's syndrome: A case study. *British Journal of Psychiatry*, *147*, 566-569.
<https://doi.org/10.1192/bjp.147.5.566>

- Mayes, T. A. (2003). Persons with autism and criminal justice: Core concepts and leading cases. *Journal of Positive Behavior Interventions*, 5(2), 92-100.
<https://doi.org/10.1177/10983007030050020401>
- Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of Experimental Criminology*, 9, 245-274.
<https://doi.org/10.1007/s11292-013-9175-2>
- Mazerolle, L., Sargeant, E., Cherney, A., Bennett, S., Murphy, K., Antrobus, E., & Martin, P. (2014). *Procedural justice and legitimacy in policing*. Springer International Publishing.
- McAdam, P. (2009). Knowledge and understanding of the autism spectrum amongst prison staff. *Good Autism Practice*, 10(1), 19-25.
- McClure, T. (2017, 6/12/17). *The dark, unknown story of eugenics in New Zealand*. Vice. https://www.vice.com/en_nz/article/7xw9gb/the-dark-unknown-story-of-eugenics-in-new-zealand
- McDonnell, C. G., Boan, A. D., Bradley, C. C., Seay, K. D., Charles, J. M., & Carpenter, L. A. (2019). Child maltreatment in autism spectrum disorder and intellectual disability: Results from a population-based sample. *Journal of Child Psychology and Psychiatry and Allied Disciplines*, 60(5), 576-584.
<https://doi.org/10.1111/jcpp.12993>
- McElrea, F., & Thompson, D. (2019). Our traditional criminal justice system. *New Zealand Law Journal*, May, 126-140.
- McSherry, B. (2011). Detention and treatment down under: Human rights and mental health laws in Australia and New Zealand. *Medical Law Review*, 19(Autumn), 548-580. <https://doi.org/10.1093/medlaw/fwr024>

- Meekosha, H., & Russell, S. (2009). What's so 'critical' about critical disability studies? *Australian Journal of Human Rights*, 15(1), 47-75.
- Melvin, C. L., Langdon, P. E., & Murphy, G. H. (2020). "I feel that if I didn't come to it anymore, maybe I would go back to my old ways and I don't want that to happen": Adapted sex offender treatment programmes: Views of service users with autism spectrum disorders. *Journal of Applied Research in Intellectual Disabilities*, 33(4), 739-756. <https://doi.org/10.1111/jar.12641>
- Mendability. (2015). *Autistic person or person with autism*. Mendability. <https://www.mendability.com/articles/autistic-person-or-person-with-autism/>
- Mertens, D. M. (2009). *Transformative research and evaluation*. The Guilford Press.
- Miller, D. T. (2001). Disrespect and the experience of injustice. *Annual Review of Psychology*, 52, 527-553.
- Milton, D. E. M. (2012). On the ontological status of autism: The 'double empathy problem'. *Disability & Society*, 27(6), 883-887. <https://doi.org/10.1080/09687599.2012.710008>
- Minister for Disability Issues. (2001). *The New Zealand disability strategy: Making a world of difference: Whakanui oranga*. Ministry of Health. <http://www.odi.govt.nz>
- Minister for Disability Issues. (2009). *Work in progress 2009*. Office for Disability Issues, Ministry of Social Development, New Zealand Government. <http://www.odi.govt.nz>
- Minister for Disability Issues. (2011). *Achieving a fully inclusive society 2011*. Office for Disability Issues. <http://www.odi.govt.nz>
- Ministries of Health & Education. (2008). *New Zealand Autism Spectrum Disorder Guideline*. Ministry of Health. <https://www.moh.govt.nz>

Ministries of Health & Education. (2016). *New Zealand Autism Spectrum Disorder Guideline* (2nd ed.). Ministry of Health. <https://www.moh.govt.nz>

Ministry of Health. (2003). *New Zealand health and disability sector overview*. Ministry of Health. <http://www.moh.govt.nz>

Ministry of Health. (2014). *Working with people with autism spectrum disorder: A guideline for Ministry of Health needs assessment and service coordination organisations*. Author. <https://www.moh.govt.nz>

Ministry of Health. (2018, 28/5/18). *Autism spectrum disorder support*. Ministry of Health. <https://www.health.govt.nz/your-health/services-and-support/disability-services/types-disability-support/autism-spectrum-disorder-support>

Ministry of Health and Health Promotion Agency. (2014). *Like Minds, Like Mine national plan 2014–2019: Programme to increase social inclusion and reduce stigma and discrimination for people with experience of mental illness*. Ministry of Health.

Ministry of Justice. (2013). *Criminal case process*. Ministry of Justice. <https://www.justice.govt.nz/assets/Documents/Publications/Criminal-case-process-at-a-glance.pdf>

Ministry of Justice. (2018). *Statement of intent: 2017 to 2022*. Ministry of Justice. <https://www.justice.govt.nz>

Ministry of Justice. (2019). *About the justice sector*. <https://www.justice.govt.nz>

Ministry of Justice. (2020a, 6/3/20). *About us*. Ministry of Justice. <https://www.justice.govt.nz/about/about-us/>

- Ministry of Justice. (2020b, 19/3/2020). *Adults convicted and sentences. Data notes and trends for 2019*. Ministry of Justice & New Zealand Government.
<https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/conviction-sentencing-statistics/>
- Ministry of Justice. (2020c). *Criminal*. Ministry of Justice.
<https://www.justice.govt.nz/courts/criminal/>
- Mirfin-Veitch, B. (Ed.). (2016). *Exploring Article 12 of the United Nations Convention on the Rights of Persons with Disabilities: An integrative literature review*. Donald Beasley Institute.
<http://www.donaldbeasley.org.nz/resources/publications/uncrpd/>.
- Mirfin-Veitch, B., Gates, S., Diesfeld, K., & Henaghan, M. (2014). *Developing a more responsive legal system for people with intellectual disability in New Zealand*. Donald Beasley Institute. www.donaldbeasley.org.nz
- Mogavero, M. C. (2019). What do criminal justice students know about autism? An exploratory study among future professionals. *Journal of Police and Criminal Psychology, 34*(4), 428-438. <https://doi.org/10.1007/s11896-018-9302-0>
- Montaque, I., Dallos, R., & McKenzie, B. (2018). "It feels like something difficult is coming back to haunt me": An exploration of 'meltdowns' associated with autistic spectrum disorder from a parental perspective. *Clinical Child Psychology and Psychiatry, 23*(1), 125-139.
<https://doi.org/10.1177/1359104517730114>
- Moriarity, L., & Dew, K. (2011). The United Nations Convention on the Rights of Persons with Disabilities and participation in Aotearoa New Zealand. *Disability and Society, 26*(6), 683-697. <https://doi.org/10.1080/09687599.2011.602861>

- Morris, A. (2009). *Offenders with Asperger's syndrome: Experiences from within prison* [Pacific University]. Forest Grove, Oregon.
<https://commons.pacificu.edu/spp/525>
- Murphy, D. (2013). Risk assessment of offenders with an autism spectrum disorder. *Journal of Intellectual Disabilities and Offending Behaviour*, 4(1/2), 33-41.
- Murphy, D. (2017). Sense and sensibility: Forensic issues with autism spectrum disorders. In B. Barahona Corrêa & R.-J. van der Gaag (Eds.), *Autism spectrum disorders in adults* (pp. 247-266). Springer International Publishing.
https://doi.org/10.1007/978-3-319-42713-3_11
- Murphy, D., & Mullens, H. (2017). Examining the experiences and quality of life of patients with an autism spectrum disorder detained in high secure psychiatric care. *Advances in Autism*, 3(1), 3-14. <https://doi.org/10.1108/AIA-02-2016-0006>
- Murphy, K. (2009). Public satisfaction with police: The importance of procedural justice and police performance in police–citizen encounters. *The Australian and New Zealand Journal of Criminology*, 42(2), 159-178.
<https://doi.org/10.1375/acri.42.2.159>
- Murray, C. D. (2009). Being like everybody else: The personal meanings of being a prosthesis user. *Disability and Rehabilitation*, 31(7), 573-581.
<https://www.scopus.com/inward/record.uri?eid=2-s2.0-67649170439&doi=10.1080%2f09638280802240290&partnerID=40&md5=9bf4cd66e6e80a0f0a159b09efb6a8c8>
- Nakhid, C. (2017). Police encounters with African youth in New Zealand – the impact on the youth, family, and community. *Safer Communities*, 16(2), 64-76.
<https://doi.org/10.1108/sc-01-2017-0001>

- National Autistic Society. (2020). *Autism: A guide for police officers and staff*. National Autistic Society. www.autism.org.uk
- National Institute for Health and Care Excellence. (2012, 14 June 2021). *Autism in adults: diagnosis and management*. Author.
<https://www.nice.org.uk/guidance/cg142>
- Nelms, T. (2015). Phenomenological Philosophy and Research. In M. de Chesnay (Ed.), *Nursing Research Using Phenomenology: Qualitative Designs and Methods in Nursing* (pp. 2-23). <https://doi.org/10.1891/9780826126870>
- New Zealand Government. (2008). *World first autism spectrum guideline launched*.
New Zealand Government. Retrieved 24/10/16 from
<https://www.beehive.govt.nz/release/world-first-autism-spectrum-guideline-launched-0>
- New Zealand Government. (2014). *\$32 million for better support for people with autism*. <https://www.beehive.govt.nz/release/32-million-better-support-people-autism>
- New Zealand Government. (2020, 18/02/20). *Your rights after being arrested*. Author.
<https://www.govt.nz/browse/law-crime-and-justice/courts/your-rights-after-being-arrested/>
- New Zealand Ministry of Justice. (2021). *The Criminal Justice Summit*. New Zealand Government. <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/hapaitia-te-oranga-tangata/the-criminal-justice-summit/>
- New Zealand Police. (2019a). *About us*. <https://www.police.govt.nz>
- New Zealand Police. (2019b). *How we deliver our business: Core competencies*. Author.
<https://www.police.govt.nz/sites/default/files/publications/core-competencies-how-we-will-deliver-our-business.pdf>

New Zealand Police. (2020a). *New Zealand Police overview*. New Zealand Police.

<https://www.police.govt.nz/about-us/nz-police/overview#anchor3>

New Zealand Police. (2020b). *Unique offenders (demographics)*. New Zealand Police.

<https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz>

New Zealand Police. (2021). *New Zealand Police core values*. Author.

<https://www.police.govt.nz/sites/default/files/publications/our-values.pdf>

Newman, C., Cashin, A., & Waters, C. (2015). A hermeneutic phenomenological examination of the lived experience of incarceration for those with autism.

Issues in Mental Health Nursing, 36(8), 632-640.

<https://doi.org/10.3109/01612840.2015.1014587>

Newman, S., & Ghaziuddin, M. (2008, Nov). Violent crime in Asperger syndrome: the role of psychiatric comorbidity. *Journal of Autism and Developmental Disorders*,

38(10), 1848-1852. <https://doi.org/10.1007/s10803-008-0580-8>

Nicolaidis, C. (2019). Autism in Adulthood: The new home for our emerging field.

Autism in Adulthood, 1(1), 1-3. <https://doi.org/10.1089/aut.2018.28999.cjn>

Norris, J. E., Crane, L., & Maras, K. L. (2020). Interviewing autistic adults: Adaptations to support recall in police, employment, and healthcare interviews. *Autism*, 24(6),

1506-1520. <https://doi.org/10.1177/1362361320909174>

Nowak, C. B. (2015). Recognition and prevention of child abuse in the child with

disability. *American Journal of Medical Genetics, Part C: Seminars in Medical*

Genetics, 169(4), 293-301. <https://doi.org/10.1002/ajmg.c.31458>

- O'Brien, A. J., & Thom, K. (2014). United nations convention on the rights of persons with disabilities and its implications for compulsory treatment and mental health nursing. *International Journal of Mental Health Nursing*, 23(3), 193-194. <https://doi.org/10.1111/inm.12071>
- O'Dell, L., Bertilsdotter Rosqvist, H., Ortega, F., Brownlow, C., & Orsini, M. (2016). Critical autism studies: Exploring epistemic dialogues and intersections, challenging dominant understandings of autism. *Disability and Society*, 31(2), 166-179. <https://doi.org/10.1080/09687599.2016.1164026>
- O'Brien, A. J., & Kydd, R. (2013). Compulsory community care in New Zealand mental health legislation 1846-1992. *Sage Open*, April-June, 1-8. <https://doi.org/10.1177/2158244013490175>
- O'Hagan, M. (2003). Let the sunshine in: Planning and evaluating work to counter stigma and discrimination against people with mental illness or distress. *Mental Health Commissioner*, 9-11. <http://www.maryohagan.com>
- Office for Disability Issues. (2011). *First New Zealand report in implementing the United Nations Convention on the Rights of Persons with Disabilities*. Ministry of Social Development. <https://www.odi.govt.nz/united-nations-convention-on-the-rights-of-persons-with-disabilities/>
- Office for Disability Issues. (2016). *New Zealand disability strategy 2016-2026*. Ministry of Social Development. <https://www.odi.govt.nz/assets/New-Zealand-Disability-Strategy-files/pdf-nz-disability-strategy-2016.pdf>
- Office for Disability Issues. (2017, 15/5/17). *Enabling Good Lives*. <https://www.odi.govt.nz/nz-disability-strategy/other-initiatives/enabling-good-lives/>

- Office for Disability Issues. (2018). *The New Zealand Government's response to 'the list of issues prior to submission of the combined second and third periodic review of New Zealand'*. Ministry of Social Development. <https://www.odi.govt.nz/>
- Office for Disability Issues. (2019). *Disability Action Plan 2019–2023: Putting the New Zealand Disability Strategy into action*. Office for Disability Issues. www.odi.govt.nz/disability-action-plan
- Oliveira, T. R., Jackson, J., Murphy, K., & Bradford, B. (2020). Are trustworthiness and legitimacy 'hard to win, easy to lose'? A longitudinal test of the asymmetry thesis of police-citizen contact. *Journal of Quantitative Criminology*. <https://doi.org/10.1007/s10940-020-09478-2>
- Oliver, M. (1999). Capitalism, disability and ideology: A materialist critique of the Normalization principle. In R. J. Flynn & R. A. Lemay (Eds.), *A quarter century of Normalization and Social Role Valorization: Evolution and impact* (pp. 163-174). University of Ottawa Press.
- Oliver, M. (2004). The social model in action: If I had a hammer. In C. Barnes & G. Mercer (Eds.), *Implementing the social model of disability: Theory and research* (pp. 18-31). The Disability Press.
- Oliver, M. (2013). The social model of disability: Thirty years on. *Disability & Society*, 28(7), 1024-1026. <https://doi.org/10.1080/09687599.2013.818773>
- Opai, K. (2017). A time and space for Takiwātanga. *Altogether Autism Journal*, 2017(2), 8. https://issuu.com/lifeunlimited1/docs/altogether_autism_journal_issue_2
- Opai, K. (2018). *Te Reo Hāpai - The language of enrichment*. Te Pou o te Whakaaro Nui. <https://www.tereohapai.nz/>
- Orange, C. (2015). *The Treaty of Waitangi*. Brigit Williams Books Ltd. <https://doi.org/https://doi-org.ezproxy.aut.ac.nz/10.7810/9781877242489>

- Orsini, M., & Davidson, J. (2013). Critical autism studies. Notes on an emerging field. In J. Davidson & M. Orsini (Eds.), *Worlds of autism: Across the spectrum of neurological difference*. (pp. 1-28). University of Minnesota Press.
<https://ebookcentral.proquest.com/lib/aut/detail.action?docID=1498673>
- Ousley, O., & Cermak, T. (2014, Mar 1). Autism spectrum disorder: Defining dimensions and subgroups. *Current Developmental Disorders Reports*, 1(1), 20-28.
<https://doi.org/10.1007/s40474-013-0003-1>
- Palys, T. (2012). Purposive sampling. In L. M. Given (Ed.), *The SAGE encyclopedia of qualitative research methods* (pp. 698). SAGE Publications Inc. <https://doi.org/http://dx.doi.org/10.4135/9781412963909>
- Paterson, P. (2008). How well do young offenders with Asperger syndrome cope in custody? Two prison case studies. *British Journal of Learning Disabilities*, 36(1), 54-58. <https://doi.org/10.1111/j.1468-3156.2007.00466.x>
- Payne, K. L., Maras, K. L., Russell, A. J., & Brosnan, M. J. (2019). Self-reported motivations for offending by autistic sexual offenders. *Autism*, 24(2), 307-320.
<https://doi.org/10.1177/1362361319858860>
- Payne, K. L., Russell, A., Mills, R., Maras, K. L., Rai, D., & Brosnan, M. (2019). Is there a relationship between cyber-dependent crime, autistic-like traits and autism? *Journal of Autism and Developmental Disorders*, 49(10), 4159-4169.
<https://doi.org/10.1007/s10803-019-04119-5>
- Peirse-O'Byrne, K. (2014). Special report: Neurodisability and youth offending: the connection has been made. *The Youth Court of New Zealand*, 67, 7-8.
<http://www.dyslexiafoundation.org.nz>

- Pellicano, E., Dinsmore, A., & Charman, T. (2014). What should autism research focus upon? Community views and priorities from the United Kingdom. *Autism, 18*(7), 756-770. <https://doi.org/10.1177/1362361314529627>
- Pellicano, E., Mandy, W., Bölte, S., Stahmer, A., Taylor, J. L., & Mandell, D. S. (2018). A new era for autism research, and for our journal. *Autism, 22*(2), 82-83. <https://doi.org/10.1177/13623613717748556>
- Petersilia, J. R. (2001). Crime victims with developmental disabilities. *Criminal Justice and Behavior, 28*(6), 655-694. <https://doi.org/10.1177/009385480102800601>
- Pietkiewicz, I., & Smith, J. A. (2014). A practical guide to using interpretative phenomenological analysis in qualitative research psychology. *Psychological Journal, 20*(1), 7-14. <https://doi.org/10.14691/CPJ.20.1.7>
- Piven, J., & Rabins, P. (2011). Autism spectrum disorders in older adults: Toward defining a research agenda. *Journal of the American Geriatrics Society, 59*(11), 2151-2155. <https://doi.org/10.1111/j.1532-5415.2011.03632.x>
- Pringle, J., Drummond, J., McLafferty, E., & Hendry, C. (2011). Interpretative phenomenological analysis: a discussion and critique. *Nurse Researcher, 18*(3), 20-24. <http://search.ebscohost.com/login.aspx?direct=true&db=ccm&AN=104876097&site=ehost-live&scope=site>
- Purkis, J. (2016). *An autistic woman addresses 9 common misconceptions about autism*. Organization for Autism Research. <https://researchautism.org>
- Race, D., Boxall, K., & Carson, I. (2005). Towards a dialogue for practice: Reconciling social role valorisation and the social model of disability. *Disability & Society, 20*(5), 507-521. <https://doi.org/10.1080/09687590500156196>

- Railey, K. S., Love, A. M. A., & Campbell, J. M. (2020a). A scoping review of autism spectrum disorder and the criminal justice system. *Review Journal of Autism and Developmental Disorders*. <https://doi.org/10.1007/s40489-020-00203-0>
- Railey, K. S., Love, A. M. A., & Campbell, J. M. (2020b). A systematic review of law enforcement training related to autism spectrum disorder. *Focus on Autism and Other Developmental Disabilities*, 35(4), 221-233. <https://doi.org/10.1177/1088357620922152>
- Rava, J., Shattuck, P. T., Rast, J., & Roux, A. (2017). The prevalence and correlates of involvement in the criminal justice system among youth on the autism spectrum. *Journal of Autism and Developmental Disorders*, 47(2), 340-346. <https://doi.org/10.1007/s10803-016-2958-3>
- Roux, A. M., Shattuck, P. T., Rast, J. E., Rava, J. A., & Anderson, K. A. (2015). *National Autism Indicators Report: Transition into Young Adulthood*. Drexel Autism Institute. <https://drexel.edu>
- Russell, M. (2006). *Husserl: A guide for the perplexed*. Continuum International Publishing Group.
- Salerno, A. C., & Schuller, R. A. (2019). A mixed-methods study of police experiences of adults with autism spectrum disorder in Canada. *International Journal of Law and Psychiatry*, 64, 18-25. <https://doi.org/10.1016/j.ijlp.2019.01.002>
- Salerno-Ferraro, A. C., & Schuller, R. A. (2020). Perspectives from the ASD community on police interactions: Challenges and recommendations. *Research in Developmental Disabilities*, 105. <https://doi.org/10.1016/j.ridd.2020.103732>
- Samson, A. C., Hardan, A. Y., Podell, R. W., Phillips, J. M., & Gross, J. J. (2015). Emotion regulation in children and adolescents with autism spectrum disorder. *Autism Research*, 8(1), 9-18. <https://doi.org/10.1002/aur.1387>

- Sarrett, J. C. (2016). Biocertification and neurodiversity: the role and implications of self-diagnosis in autistic communities. *Neuroethics*, 9(1), 23-36.
<https://www.scopus.com/inward/record.uri?eid=2-s2.0-84955240857&doi=10.1007%2fs12152-016-9247-x&partnerID=40&md5=c16c14243f9ec8f589b98382b3c309da>
- Saumure, K., & Given, L. M. (2012). Convenience sample. In L. M. Given (Ed.), *The SAGE encyclopedia of qualitative research methods* (pp. 125). SAGE Publications Inc.
<https://doi.org/10.4135/9781412963909>
- Schell, B. H., & Melnychuk, J. (2011). Female and male hacker conferences attendees: Their Autism-Spectrum Quotient (AQ) scores and self-reported adulthood experiences. In *Cyber Crime* (pp. 144-168). IGI Global.
<https://doi.org/10.4018/978-1-61350-323-2.ch5.5>
- Schnitzer, G., Terry, R., & Joscelyne, T. (2019). Adolescent sex offenders with autism spectrum conditions: Currently used treatment approaches and their impact. *The Journal of Forensic Psychiatry & Psychology*, 31(1), 17-40.
<https://doi.org/10.1080/14789949.2019.1659388>
- Scholz, O. R. (2015). Hermeneutics. In *International encyclopedia of the social and behavioral sciences* (Vol. 10, pp. 778-784). <https://doi.org/10.1016/B978-0-08-097086-8.63101-X>
- Scragg, P., & Shah, A. (1994). Prevalence of Asperger's syndrome in a secure hospital. *British Journal of Psychiatry*, 165(5), 79-682.
<https://doi.org/10.1192/bjp.165.5.679>

- Seigfried-Spellar, K. C., O'Quinn, C. L., & Treadway, K. N. (2015). Assessing the relationship between autistic traits and cyberdeviancy in a sample of college students. *Behaviour & Information Technology, 34*(5), 533-542.
<https://doi.org/10.1080/0144929X.2014.978377>
- Sepuloni, C., & Little, A. (2021a). *Disability system transformation: Establishing a Ministry for Disabled People and national implementation of the Enabling Good Lives approach*. New Zealand Government. <https://msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/cabinet-papers/2021/disability-system-transition.html>
- Sepuloni, C., & Little, A. (2021b, 29/10/21). *Government delivers transformative changes for disabled people*. New Zealand Government.
<https://www.beehive.govt.nz/release/government-delivers-transformative-changes-disabled-people>
- Sevlever, M., Roth, M. E., & Gillis, J. M. (2013). Sexual abuse and offending in autism spectrum disorders. *Sexuality and Disability, 31*(2), 189-200.
<https://doi.org/10.1007/s11195-013-9286-8>
- Shattuck, P. T., Narendorf, S. C., Cooper, B., Sterzing, P. R., Wagner, M., & Taylor, J. L. (2012). Postsecondary education and employment among youth with an autism spectrum disorder. *Paediatrics, 129*, 1042-1049.
<https://doi.org/10.1542/peds.2011-2864>
- Shaw, R. L. (2011). The future's bright: celebrating its achievements and preparing for the challenges ahead in IPA research. *Health Psychology Review, 5*, 28-33.
<https://doi.org/10.1080/17437199.2010.524808>
- Shinebourne, P. (2011). The theoretical underpinnings of interpretative phenomenological analysis. *Existential Analysis, 22*(1), 16-31.

- Simester, A. P., & Brookbanks, W. J. (2012). *Principles of criminal law* (4th ed.). Thomson Reuters.
- Simms, K. (2015). *Hans-Georg Gadamer*. Routledge.
- Sinclair, J. (1999). *Why I dislike "person-first" language*. Autism Mythbusters. <http://autismmythbusters.com/general-public/autistic-vs-people-with-autism/jim-sinclair-why-i-dislike-person-first-language/>
- Sindall, K., McCarthy, D. J., & Brunton-Smith, I. (2017). Young people and the formation of attitudes towards the police. *European Journal of Criminology*, 14(3), 344-364. <https://doi.org/10.1177/1477370816661739>
- Skogan, W. G. (2006). Asymmetry in the impact of encounters with police. *Policing and Society*, 16(2), 99-126. <https://doi.org/10.1080/10439460600662098>
- Smith, I. C., Reichow, B., & Volkmar, F. R. (2015, Aug). The effects of DSM-5 criteria on number of individuals diagnosed with autism spectrum disorder: A systematic review. *Journal of Autism and Developmental Disorders*, 45(8), 2541-2552. <https://doi.org/10.1007/s10803-015-2423-8>
- Smith, J. A. (2007). Hermeneutics, human sciences and health: Linking theory and practice [Article]. *International Journal of Qualitative Studies on Health and Well-being*, 2(1), 3-11. <https://doi.org/10.1080/17482620601016120>
- Smith, J. A. (2010). Interpretative phenomenological analysis: A reply to Amedeo Giorgi. *Existential Analysis*, 21(2), 186-192.
- Smith, J. A. (2011a). Evaluating the contribution of interpretative phenomenological analysis. *Health Psychology Review*, 5(1), 9-27. <https://doi.org/10.1080/17437199.2010.510659>

- Smith, J. A. (2011b). Evaluating the contribution of interpretative phenomenological analysis: A reply to the commentaries and further development of criteria [Article]. *Health Psychology Review*, 5(1), 55-61.
<https://doi.org/10.1080/17437199.2010.541743>
- Smith, J. A. (2011c). 'We could be diving for pearls': the value of the gem in experiential qualitative psychology. *Qualitative Methods in Psychology Bulletin*, 12, 6-15.
- Smith, J. A. (2018). "Yes It Is phenomenological": A reply to Max Van Manen's critique of interpretative phenomenological analysis. *Qualitative Health Research*, 28(2), 1955-1958. <https://doi.org/10.1177/1049732318799577>
- Smith, J. A., Flowers, P., & Larkin, M. (2009). *Interpretative phenomenological analysis: Theory, method and research*. SAGE Publications.
- Smith, J. A., Harré, R., & Langenhove, V. (1995). Idiography and the case-study. In J. A. Smith, R. Harré, & V. Langenhove (Eds.), *Rethinking psychology*. Sage Publications.
- Smith, J. A., & Osborn, M. (2015). Interpretative phenomenological analysis. In J. A. Smith (Ed.), *Qualitative psychology: A practical guide to research methods*. (3rd ed.). Sage Publications.
- Solomon, A. (2008). The autism rights movement. *New York Magazine*.
<http://nymag.com/news/features/47225/>
- Solomon, O., & Lawlor, M. C. (2013). "And I look down and he is gone": Narrating autism, elopement and wandering in Los Angeles. *Social Science and Medicine*, 94, 106-114. <https://doi.org/10.1016/j.socscimed.2013.06.034>
- Sousa, D. (2008). From Monet's paintings to Margaret's ducks. *Existential Analysis*, 19(1), 145-155.

- Stace, H. (2007). The long unfinished journey towards human rights for disabled people in Aotearoa New Zealand. *Human Rights Research Journal*, 5, 1-13.
https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=FL1235640
- Stace, H. (2011). *Moving beyond love and luck: Building right relationships and respecting lived experience in NZ autism policy* [Victoria University of Wellington]. New Zealand.
- Stace, H. (2016). *Marion Bruce, 1925-2016: New Zealand autism pioneer*. Public Address. <http://publicaddress.net/access/marion-bruce-1925-2016-new-zealand-autism/>
- Stace, H., & Sullivan, M. (2020). *A brief history of disability in Aotearoa New Zealand*. Office for Disability Issues. Retrieved 22/12/20 from <https://www.odi.govt.nz>
- Stats New Zealand Tauranga Aotearoa. (2021a, 16 Nov 2021). *Estimated population of New Zealand*. <https://www.stats.govt.nz/indicators/population-of-nz>
- Stats New Zealand Tauranga Aotearoa. (2021b, 16 Nov 2021). *Māori population estimates: At 30 June 2021*. Stats New Zealand Tauranga Aotearoa.
<https://www.stats.govt.nz>
- Stewart, C., & Mirfin-Veitch, B. (2008). *The impact of deinstitutionalisation on the families of the Kimberley Centre residents*. <http://www.donaldbeasley.org.nz>
- Strickland, H. A. (2013). Autism and crime: should autistic individuals be afforded the use of an "autism" defense? *University of the District of Columbia Law Review*.
http://www.udclawreview.com/wp-content/uploads/2013/02/Autism-and-Crime_final-2-2.pdf
- Sullivan, M. (2011, 12/7/2018). *Disability and disability organisations*.
<https://teara.govt.nz/en/disability-and-disability-organisations/print>

- Te Pou. (2021). *Practice guidelines for forensic mental health court liaison nurses in New Zealand*. Author. <https://www.tepou.co.nz/resources/practice-guidelines-for-forensic-mental-health-court-liaison-nurses-in-new-zealand>
- Te Puni Kōkiri. (2001). *He tirohanga ö kawa ki te Tiriti o Waitangi: A guide to the principles of the Treaty of Waitangi as expressed by the courts and the Waitangi Tribunal*. Te Puni Kōkiri. : <http://www.tpk.govt.nz>
- Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group. (2019). *He waka roimata: Transforming our criminal justice system*. New Zealand Government. <https://www.justice.govt.nz>
- Te Whaiti, P., & Roguski, M. (1998). *Māori perceptions of the police*. He Pārekereke/Victoria Link Ltd. <https://www.police.govt.nz/about-us/publications-statistics>
- Tennant, M. (1996). Disability in New Zealand: An historical survey. *New Zealand Journal of Disability Studies*, 2, 3-33.
- Thabrew, H., & Eggleston, M. (2018). Spectrum of care: Current management of childhood autism spectrum disorder (ASD) in New Zealand [Article]. *Australasian Psychiatry*, 26(3), 294-298. <https://doi.org/10.1177/1039856217716290>
- The Advocate's Gateway. (2016). *Planning to questions someone with an autism spectrum disorder including Asperger syndrome*. <http://www.theadvocatesgateway.org>
- The District Court of New Zealand. (2020). *Sexual violence pilot court*. <https://www.districtcourts.govt.nz/reports-publications-and-statistics/publications/sexual-violence-pilot-court/>

- The Participatory Autism Research Collective. (2019). *The Participatory Autism Research Collective: A community for people who want to promote autistic involvement in autism research*.
<https://participatoryautismresearch.wordpress.com>
- Thomas, S., & Wolfensberger, W. (1999). An overview of social role valorization. In R. J. Flynn & R. A. Lemay (Eds.), *A quarter century of normalization and social role valorization: Evolution and impact* (pp. 125-162). University of Ottawa Press.
- Thompson-Hodgetts, S., Labonte, C., Mazumder, R., & Phelan, S. (2020). Helpful or harmful? A scoping review of perceptions and outcomes of autism diagnostic disclosure to others. *Research in Autism Spectrum Disorders*, 77, 101598.
<https://doi.org/10.1016/j.rasd.2020.101598>
- Tint, A., Palucka, A. M., Bradley, E., Weiss, J. A., & Lunsy, Y. (2017). Correlates of police involvement among adolescents and adults with autism spectrum disorder. *Journal of Autism and Developmental Disorders*, 47, 2639-2647.
<https://doi.org/10.1007/s10803-17-3182-5>
- Todorova, I. (2011). Explorations with interpretative phenomenological analysis in different socio- cultural contexts. *Health Psychology Review*, 5(1), 34-38.
<https://doi.org/10.1080/17437199.2010.520115>
- Trnka, S., & Muir, L. (2021, 6/11/21). *Why New Zealand's new Ministry for Disabled People is a watershed moment*. SBS News. <https://www.sbs.com.au/news/why-new-zealand-s-new-ministry-for-disabled-people-is-a-watershed-moment/44a9b9ad-ec32-4633-9609-253b833a06b2>
- Turner, D. (2010). Qualitative interview design: A practical guide for novice investigators. *The Qualitative Report*, 15(3), 754-760.
<http://nsuworks.nova.edu/tqr/vol15/iss3/19>

- Tyler, T. R. (2006). *Why people obey the law*. Princeton University Press.
- Tyler, T. R. (2011a). Justice theory. In A. Kruglanski, E. T. Higgins, & P. A. M. van Lange (Eds.), *Handbook of theories of social psychology: volume two* (pp. 344-401). Sage Publications. <http://ebookcentral.proquest.com>
- Tyler, T. R. (2011b). *Why people cooperate: The role of social motivations*. Princeton University Press.
<https://ebookcentral.proquest.com/lib/AUT/detail.action?docID=574451>
- Tyler, T. R. (2017). Procedural justice and policing: A rush to judgment? *Annual Review of Law and Social Science*, 13, 29-53. <https://doi.org/10.1146/annurev-lawsocsci-110316-113318>
- Tyler, T. R., & Blader, S. L. (2003). The group engagement model: Procedural justice, social identity, and cooperative behavior. *Personality and Social Psychology Review*, 7(4), 349-361. https://doi.org/10.1207/S15327957PSPR0704_07
- United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. UN General Assembly. <https://www.un.org>
- Urbanowicz, A., Nicolaidis, C., den Houting, J., Shore, S. M., Gaudion, K., Girdler, S., & Savarese, R. J. (2019). An expert discussion on strengths-based approaches in autism. *Autism in Adulthood*, 1(2), 82-89.
<https://doi.org/10.1089/aut.2019.29002.aju>
- Vaish, A., Grossmann, T., & Woodward, A. (2008). Not all emotions are created equal: The negativity bias in social-emotional development. *Psychological Bulletin*, 134(3), 383-403. <https://doi.org/10.1037/0033-2909.134.3.383>
- van Aarde, A. G. (2019). Multifarious facets in the thinking of the elusive Friedrich Schleiermacher (21 November 1768 – 12 February 1834). *Theological Studies*, 75(4). <https://doi.org/10.4102/hts.v75i4.5509>

- van der Meer, L., & Evans, K. (2021). *The autism diagnostic process in New Zealand: Final report*. Autism CRC. <https://www.autismcrc.com.au>
- Vasa, R. A., Hagopian, L., & Kalb, L. G. (2020). Investigating mental health crisis in youth with autism spectrum disorder. *Autism Research, 13*(1), 112-121. <https://doi.org/10.1002/aur.2224>
- Vilhauer, R. P. (2014). Computer-mediated and face-to-face communication in metastatic cancer support groups. *Palliative and Supportive Care, 12*(4), 287-297. <https://doi.org/10.1017/S1478951513000126>
- Vinter, L. P., Dillon, G., & Winder, B. (2020). 'People don't like you when you're different': Exploring the prison experiences of autistic individuals. *Psychology, Crime & Law, 1-20*. <https://doi.org/10.1080/1068316x.2020.1781119>
- Visser, S. (2011). Assessment and care of offenders with mental impairments. In F. Seymour, S. Blackwell, & J. Thorburn (Eds.), *Psychology and the law in Aotearoa New Zealand* (pp. 193-204). New Zealand Psychological Society.
- Volkmar, F. (2015). *A brief history of autism* (S. Hossein Fatemi, Ed.). Springer. <http://www.springer.com>
- Volkmar, F. R., & Reichow, B. (2013). Autism in DSM-5: progress and challenges. *Molecular Autism, 4*(1), 13. <https://doi.org/10.1186/2040-2392-4-13>
- Wagstaff, C., Jeong, H., Nolan, M., Wilson, T., & Tweedle, J. (2014). The accordion and the deep bowl of spaghetti: eight researchers' experiences of using IPA as a methodology. *The Qualitative Report, 19*(24), 1-15. <https://nsuworks.nova.edu/tqr/vol19/iss24/1>
- Wallace, S., Parr, J. R., & Hardy, A. (2013). *One in a hundred: Putting families at the heart of autism research*. Autistica. <https://mentalhealthpartnerships.com>

- Watene, R. F., Mirfin-Veitch, B., & Asaka, U. (2021). Disabled person-led monitoring: Bringing life to Article 33.3 of the UNCRPD. *Disability and Society*.
<https://doi.org/10.1080/09687599.2021.1921701>
- Watson, A. C., & Angell, B. (2007). Applying procedural justice theory to law enforcement's response to persons with mental illness. *Psychiatric Services*, 58(6), 787-793.
- Werry, J. (1998). *Extracts from the report to the Director-General of Health under s47 of the Health and Disability Services Act 1993 on Casey Albury*.
<https://www.moh.govt.nz>
- Willig, C. (2008). *Introducing qualitative research in psychology* (2nd ed.). Open University Press.
https://resv.hums.ac.ir/uploads/introducing_qualitative_research.pdf
- Wing, L. (1981). Asperger's syndrome: A clinical account. *Psychological Medicine*, 11, 115-129. <https://doi.org/10.1017/S0033291700053332>
- Wolfensberger, W. (1999). A contribution of the history of normalization, with primary emphasis on the establishment of normalization in North America between 1967 and 1975. In R. J. Flynn & R. A. Lemay (Eds.), *A quarter century of normalization and social role valorization: Evolution and impact* (pp. 51-116). University of Ottawa Press.
- Wolfensberger, W., Nirje, B., Olshansky, S., Perske, R., & Roos, P. (1972). *The principle of normalization in human services*. University of Nebraska Medical Centre.
http://digitalcommons.unmc.edu/wolf_books/1
- Wood, C., & Freeth, M. (2016). Students' stereotypes of autism. *Journal of Educational Issues*, 2(2), 131-140. <https://doi.org/10.5296/jei.v2i2.9975>

- Woodbury-Smith, M. R. (2020). Conceptualising social and communication vulnerabilities among detainees in the criminal justice system. *Research in Developmental Disabilities, 100*, 103611.
- Woodbury-Smith, M. R., Clare, I. C. H., Holland, A. J., & Kearns, A. (2006). High functioning autistic spectrum disorders, offending and other law-breaking: findings from a community sample. *Journal of Forensic Psychiatry & Psychology, 17*(1), 108-120. <https://doi.org/10.1080/14789940600589464>
- World Health Organization. (1992). *The ICD-10 classification of mental and behavioural disorders: Clinical descriptions and diagnostic guidelines*. World Health Organization. <https://www.who.int/classifications/icd/en/bluebook.pdf?ua=1>
- World Health Organization. (2018). *International classification of diseases for mortality and morbidity statistics (11th Revision)* <https://icd.who.int/browse11/l-m/en>
- Worthington, R. (2019). The multi-component model of harmful sexual behaviour for people with autism and co-morbid intellectual disabilities – a theory and practice guide. *Journal of Forensic Practice, 21*(1), 1-13. <https://doi.org/10.1108/JFP-07-2017-0027>
- Zahavi, D. (2018, Dec 19). Getting it quite wrong: Van Manen and Smith on phenomenology. *Qualitative Health Research, 1*-8. <https://doi.org/10.1177/1049732318817547>

Table of Statutes

Crimes Act 1961 (NZ)

Criminal Procedures (Mentally Impaired Persons) Act 2003 (NZ)

Evidence Act 2006 (NZ)

Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (NZ)

Lunatics Act 1844 (NZ)

Mental Health (Compulsory Assessment and Treatment) Act 1992 (NZ)

Te Tititi o Waikato (the Treaty of Waitangi) 1840 (NZ)

International Covenants and Declarations

United Nations Convention on the Rights of Persons with Disabilities 2006

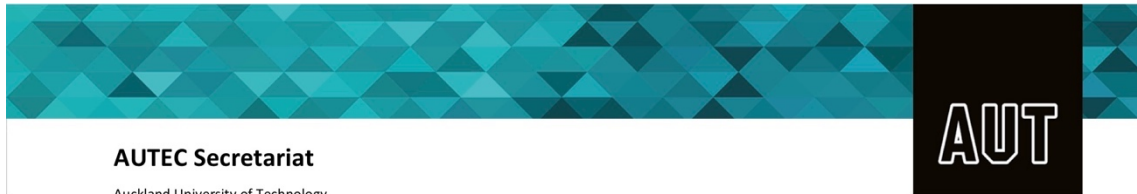
United Nations Declaration on the Rights of Indigenous Peoples 2007

Glossary

Asperger syndrome/disorder	Term formerly used for autism.
Autism	Inclusive term for all autism spectrum disorders that is preferred by many autistic people.
Autism community	Community of autistic people, their families, support people and professionals working in autism.
Autism spectrum disorder	Autism diagnosis contained in DSM 5.
Autist	Person diagnosed as autistic.
Karakia	Incantations and prayers, used to invoke spiritual guidance and protection.
Legal professionals	Lawyers, solicitors, barristers and judges.
Mana	Status or prestige.
Mental health and disability professionals	Psychologists, psychiatrists, and nurses working in health or disability.
Neurodisability	Collective term autism, attention deficit hyperactivity disorder, foetal alcohol spectrum disorder, traumatic brain injury, cognitive impairment, intellectual disability, dyslexia, and brain-related communication disorders.
Neurodiverse	Person whose characteristics are not typical, and display neuro-cognitive variability.
Neurotypical	Person whose characteristics are typical, and not indicative of autism or any other neurodiverse conditions.
Te Reo Māori	The Māori language.
Tikanga Māori	Māori customary practices or behaviour.
Takiwātangi	Proposed Māori word for autism. Translates directly as tōku/tōna anō takiwā, “my/his/her own time and space.

Appendices

Appendix A: Ethics Approval



AUTEC Secretariat

Auckland University of Technology
 D-88, WU406 Level 4 WU Building City Campus
 T: +64 9 921 9999 ext. 8316
 E: ethics@aut.ac.nz
www.aut.ac.nz/researchethics

9 October 2017

Kate Diesfeld
 Faculty of Health and Environmental Sciences

Dear Kate

Re Ethics Application: **17/168 Autistic adults' perspectives on their journeys through New Zealand's criminal justice system.**

Thank you for providing evidence as requested, which satisfies the points raised by the Auckland University of Technology Ethics Committee (AUTEC).

Your ethics application has been approved for three years until 9 October 2020.

Standard Conditions of Approval

1. A progress report is due annually on the anniversary of the approval date, using form EA2, which is available online through <http://www.aut.ac.nz/researchethics>.
2. A final report is due at the expiration of the approval period, or, upon completion of project, using form EA3, which is available online through <http://www.aut.ac.nz/researchethics>.
3. Any amendments to the project must be approved by AUTEC prior to being implemented. Amendments can be requested using the EA2 form: <http://www.aut.ac.nz/researchethics>.
4. Any serious or unexpected adverse events must be reported to AUTEC Secretariat as a matter of priority.
5. Any unforeseen events that might affect continued ethical acceptability of the project should also be reported to the AUTEC Secretariat as a matter of priority.

Please quote the application number and title on all future correspondence related to this project.

AUTEC grants ethical approval only. If you require management approval for access for your research from another institution or organisation then you are responsible for obtaining it. You are reminded that it is your responsibility to ensure that the spelling and grammar of documents being provided to participants or external organisations is of a high standard.

For any enquiries, please contact ethics@aut.ac.nz

Yours sincerely,

Kate O'Connor
 Executive Manager
 Auckland University of Technology Ethics Committee

Cc: tanya@tanyabreen.co.nz

Appendix B: General Principles and General Obligations of the CRPD

General Principles and General Obligations of CRPD

Article 3 General Principles

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. (United Nations, 2006, p. 5).

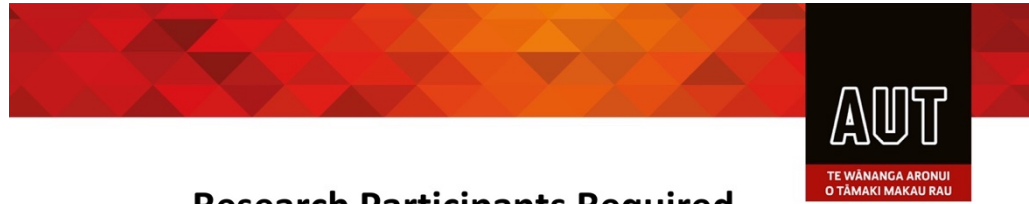
Article 4 General Obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
 - (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

- (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
 - (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
 - (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
 - (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
 - (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
 - (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.
2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.
5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions. (United Nations, 2006, pp. 5-7).

Appendix C: Invitation to Participate in Research



Research Participants Required

Are you an autistic person who's been a suspect, accused person, or defendant in a criminal trial?

Would you like to help make the system better for autistic people?

If so, I'd like to talk with you. I'm Tanya Breen, and I want to know what it was like for you to be suspected, arrested, charged with a crime, tried in court, or sentenced. Even if you did not go to trial, you could still have some very useful things to say, and I'd like to hear from you.

With your help, I want to make New Zealand's criminal justice system work better for autistic people.

I want to hear from people who are at least 20 years old, have past (and not current) involvement with the New Zealand criminal justice system, and are living in the community. People who have been my client in the last five years cannot participate.

If you are selected for the research, we'll meet for a 60 - 90 minute interview, talk by telephone or Skype, or have a written interview by e-mail, Skype instant message, or Facebook Messenger. You get to choose which option suits you best.

We won't be talking about the charges made against you, or any convictions that you may have. Instead, we'll be talking about what it was like for you to be questioned by the police, talk with your lawyer, attend the trial, or go through any other steps.

If you are interested and want to know more, please contact me:

Tanya Breen
07 8494240
tanya@tanyabreen.co.nz

I'll send you information on the research and a consent form. I will only contact you again if you sign and return the consent form.

Participation is voluntary, and your confidentiality is guaranteed.

This study is being conducted by Tanya Breen, a doctoral student at AUT,
the Auckland University of Technology, New Zealand.

Approved by the Auckland University of Technology Ethics Committee on 9/10/17. AUTEK Reference number 17/168.

Appendix D: Distribution of Recruitment E-mail

Distribution of Recruitment E-mail	
Recipient of recruitment e-mail	Number of e-mails sent
Autism networks	9
Asperger Connections Waikato	
Aspie Help	
Aotearoa (NZ) Autism	
Autistic Advocacy Network New Zealand	
Autistic Collective NZ	
Autistic Self Advocacy Network of Australia and New Zealand	
Autism Spectrum Kiwis (ASK) Trust	
Autism Spectrum New Zealand	
New Zealand Autism and Asperger's Awareness	
Agencies providing autism information and/or support	10
Altogether Autism	
Autism New Zealand	
CCS Disability Action	
Disability Connect	
Disabled Persons Assembly	
Enrich Plus	
Explore Services	
National Intellectual Disability Care Agency	
Pasifika Autism Support Group	
Parent to Parent	
Professional associations	5
Auckland District Law Society	
Australian and New Zealand Association of Psychiatry, Psychology, and the Law	
New Zealand Law Society	
New Zealand Psychological Society	
New Zealand College of Clinical Psychologists	
Individuals known to the researcher	
Autistic adults active in the autism community	15
Autism specialists	2
Counsellors	2
Communication specialists/interpreters	2
Judges	4
Lawyers or legal firms	36
Neurotypical adults active in autism community or policy	5
Police officers	3
Psychiatrists	5
Psychologists	62

Appendix E: Information Sheet



Information Sheet

15 May 2017

Project Title

Autistic Adults' Perspectives on their Journeys Through New Zealand's Criminal Justice System

An Invitation

Thank you for being interested in my research. I want to find out what New Zealand's criminal justice system is like for autistic people. I'd like to hear what it was like for you, and what you think could make the system better.

Who is the researcher?

I'm Tanya Breen, a student at the Auckland University of Technology. The research is for my doctoral thesis. I'll also write journal papers on it, and talk about the findings at conferences. I want to use what I learn when I teach lawyers, psychologists, psychiatrists and other professionals about autism. I also hope to make submissions to the NZ Government on how the criminal justice system could better support autistic people.

How was I identified and why am I being invited to participate in this research?

This Information Sheet was sent to you because you contacted me after seeing an advert about the research that I asked agencies and people to circulate.

Who can participate in this research?

People who are autistic, at least 20 years old, and who have been a suspect, accused person, defendant or convicted person in New Zealand. The criminal proceedings must have ended, with no ongoing processes, appeals, or sentences being served. Participants need to have gone through the regular criminal justice system, not the alternative systems for people with an intellectual disability and/or serious mental health problems. Participants cannot have been clients of Tanya Breen, Consultant Clinical Psychologist, within the past five years, nor people whose criminal cases Tanya Breen has worked on.

How do I agree to participate in this research?

You need to complete and return the Consent Form. I will then send you a Questions and Answers Form for you to complete and return. This will give me a little more information on you, and help me figure out if you are right for this research. Participation is voluntary. You don't have to join in, and, even if you say "yes" at first, you can change your mind.

How do I get selected?

If you meet the criteria needed to join in, I'll telephone you to talk about the research, and answer your questions. After that, we will decide how and when I will interview you. If you are not selected, I will write to you and tell you why that happened.

What will happen in this research?

I will ask you about your experiences of NZ's criminal justice system. We'll talk about what it was like for you to go through the different stages of criminal justice system, and what

helped and what wasn't so helpful. You might tell me about parts of it that worked well, and other parts that didn't, and you might have some suggestions for things that could change.

We could do the interview in person, wherever you are most comfortable. This could be at your house, your friend or family member's house, at my office, or at the office of an agency near you. You can have a support person with you if you want.

If you don't want to meet in person, we could talk on the phone, or e-mail, Skype or message each other. You'll probably do this from your home. Some people might choose to have a mixture of meetings, telephone calls, and e-mail/messaging. We could talk for up to 1½ hours, or have several shorter interviews. What you say (or write) will be recorded and written down. I'll send this to you for you to check, correct and approve. After that, our contact will stop.

The next step for me will be to think about your interview very carefully. I'll also compare what you said with what other people said. Things that you say might be repeated in my thesis, anything else I write, or I might quote you in talks I give. I promise not to use your name, or say or write anything that will make it possible for people to figure out that you talked to me. You will be anonymous.

What are the discomforts and risks and how will these be alleviated?

Most people find it stressful to be in trouble with the police and to have to go to court. So, thinking and talking about it might make you feel sad, angry or worried. We will talk about this if it happens. However, I will not be judging you, and I don't need to know what people said you did or what you were charged with. Instead I want to find out how you were treated by police, lawyers and other people, what it was like to go through the different stages, and what suggestions you have.

If you are distressed by the research, and live in Auckland, you can contact AUT Health Counselling and Wellbeing (09 921 9992 for the Auckland City Campus, 09 921 9998 for the North Shore Campus, and 09 921 9992). Let the receptionist know that you are a research participant, and provide the title of my research and my name and contact details. AUT Health Counselling and Wellbeing can provide up to three sessions, free of charge. If you don't live in Auckland, contact me, Tanya Breen (07 8494240, tanya@tanyabreen.co.nz), and I'll arrange up to three sessions elsewhere for you, free of charge.

What are the benefits?

There are no rewards for saying "yes" and participating, and no punishments for saying "no". But joining in will give you a chance to talk about what happened, without dwelling on what people said you did. If I learn that things in the NZ criminal justice system don't work well for autistic people, I'll use what you tell me to try to improve the system.

The research will help me become a Doctor of Health Science. After that, I'd like to join with autistic co-researchers and find out more about legal and adult issues.

This research might help people who don't have autism, like people with disabilities. It will also help NZ fulfil its obligations under Article 13 of the United Nations Convention on the Rights of Persons with Disabilities.

How will my privacy be protected?

If you are interviewed, you'll choose a fake name, which I'll use anytime that I talk about you or quote you. I'll make sure that nothing I write or say will identify you. All the information you provide will be stored in a locked filing cabinet in my office, or on my password-protected computer. When the research has ended, the information will be stored at AUT for six years, then destroyed. If you are not selected, your Consent Form will be destroyed after I have written to you.

What are the costs of participating in this research?

Joining in the research is free. However, it will take up some of your time (probably no more than 2 hours from start to stop).

What opportunity do I have to consider this invitation?

If you want to participate, please complete and return the Consent Form. Then, when it arrives, please complete and return the Questions and Answers Form. The forms can be posted in the stamped and addressed envelope, or scanned and e-mailed to me at tanya@tanyabreen.co.nz.

Will I receive feedback on the results of this research?

Yes, if you want to. Tick the box on the Consent Form, and I'll post or e-mail a summary to you within 20 days of finishing the Doctorate of Health Sciences.

I plan to let lots of people know about the results of the research. I will make Facebook posts, talk at autism self-advocacy forums, offer to present at meetings of Altogether Autism and Autism NZ, and give papers at autism conferences and other professional conferences. I'll also write articles for journals, and I hope to make submission to the Law Commission and New Zealand Government.

What do I do if I have concerns about this research?

Contact my supervisor, Professor Kate Diesfeld, kdiesfel@aut.ac.nz, 09 9219999 ext 7837. If you are still concerned, contact to Executive Secretary of AUTEK, Kate O'Connor, ethics@aut.ac.nz, 09 921 9999 ext 6038.

Who do I contact for further information about this research?

Please keep this Information Sheet and a copy of the Consent Form. You are also able to contact the research team as follows:

Researcher Contact Details

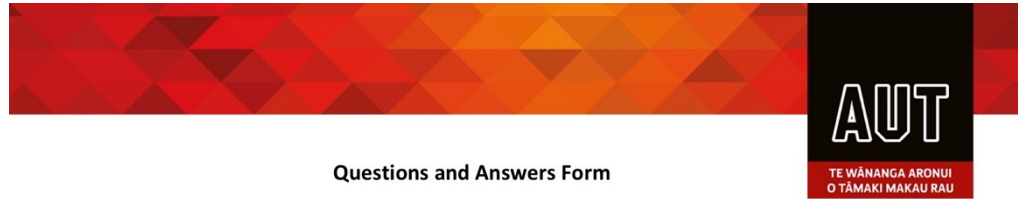
Tanya Breen
07 8494240
tanya@tanyabreen.co.nz
027 3561600

Project Supervisor Contact Details

Professor Kate Diesfeld
Faculty of Health and Environmental Sciences
Auckland University of Technology
kdiesfel@aut.ac.nz
09 9219999 ext 7837

Approved by the Auckland University of Technology Ethics Committee on 9/10/17. AUTEK Reference number 17/168.

Appendix F: Questions and Answers Form



Questions and Answers Form

Project Title: Autistic Adults' Perspectives on their Journeys Through New Zealand's Criminal Justice System

Project Supervisor: Professor Kate Diesfeld, kdiesfel@aut.ac.nz, 09 9219999 ext 7837.

Researcher: Tanya Breen, tanya@tanyabreen.co.nz, 07 8494240, 027 3561600

If you are interested in participating in the research, please provide your details below, and answer the questions about yourself and your involvement with the criminal justice system.

Please return the signed form by _____ in the stamped and addressed envelope, or scan it and e-mail it to tanya@tanyabreen.co.nz.

Name:

Date of Birth:

Telephone:

Mobile Phone:

E-mail :

Address:

How did you come to identify or be diagnosed as autistic? (check as many as appropriate). I was diagnosed by:

- | | | |
|---|--|--|
| <input type="checkbox"/> Psychologist | <input type="checkbox"/> Teacher | <input type="checkbox"/> Speech Language Therapist |
| <input type="checkbox"/> Psychiatrist | <input type="checkbox"/> GP | <input type="checkbox"/> Occupational Therapist |
| <input type="checkbox"/> Pediatrician | <input type="checkbox"/> Social Worker | <input type="checkbox"/> Autism Field Worker |
| <input type="checkbox"/> Self-diagnosed | <input type="checkbox"/> Another autistic person | |

How long ago was your contact with the criminal justice system (check as many as appropriate)

- Still happening 1 – 2 years ago 5 – 10 years ago
 Past 12 months 2 – 5 years ago over 10 years ago

What experiences have you had with the criminal justice system? (check as many as appropriate)

- Police interview Saw a lawyer Seen by a psychologist or psychiatrist
 Charged Plead guilty Found not guilty
 Went to court Trial Found guilty
 Sentenced Imprisoned Found unfit to plead/participate
 Made a care recipient Admitted to forensic mental health care
 Other (specify) _____

If you made a guilty plea, or were found guilty, what happened afterwards?

- Discharged Probation Imprisoned
 Diversion Hospitalised Community service
 Fined Periodic detention
 Other (specify) _____

Question and Answer Forms will be securely stored until participants have been selected and finalised. After that all electronic and hard copies of the forms of non-participants will be destroyed. As required by Auckland University of Technology, participants forms will be securely stored until six years after completion of the research.

Approved by the Auckland University of Technology Ethics Committee on 9/10/17. AUTEK Reference number 17/168.

Appendix G: Consent Form



Consent Form

Project Title: Autistic Adults' Perspectives on their Journeys Through New Zealand's Criminal Justice System

Project Supervisor: Professor Kate Diesfeld, kdiesfel@aut.ac.nz, 09 9219999 ext 7837

Researcher: Tanya Breen, tanya@tanyabreen.co.nz, 07 8494240, 027 3561600

Please read the sentences below, and tick the boxes if you agree:

- I have read and understood the information provided about this research project in the Information Sheet dated 15 May 2017.
- I have had an opportunity to ask questions and to have them answered.
- I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.
- I understand that I will be sent a written copy of the interview, to check, correct and approve.
- I understand that if Tanya Breen develops serious concerns that I may harm myself or others, she will discuss this with me, and may ask permission to contact a someone (e.g., significant other, mental health provider) who can help me. If I do not allow Tanya Breen to contact people who can help, she will discuss the situation with another psychologist, and may still contact someone who can help.
- I agree to Tanya Breen obtaining information from the professional/service that diagnosed me with autism, if confirmation of my diagnosis is required.
- I understand that taking part in this study is voluntary (my choice) and that I may withdraw from the study at any time without being disadvantaged in any way.
- I understand that if I withdraw from the study then I will be offered the choice between having any data that is identifiable as belonging to me removed or allowing it to continue to be used. However, once the findings have been produced, removal of my data may not be possible.
- I agree to take part in this research.
- I wish to receive a summary of the research findings (please tick one): yes no

Participant's Signature:

Participant's Name:

Participant's Contact Details (please include street address, telephone & e-mail):

Date :

Appendix H: Interview Schedule

Interview Schedule

Starting the interview and building rapport.

- Commence recording, thank participant, go over confidentiality/anonymity and limits.
- How would they like to be referred to in the thesis? (i.e., choose a fake name).
- Consent (and if, required, re-sign forms).
- Likely length of interview today.
- How did you find out about the research? What interested you in it?
- What contact/ involvement do you have with other autistic people or autism organisations?
- How and when did you find out that you are autistic?

Topic 1: Please tell me about your experience with the NZ CJS.

Prompts, if required:

- How many different times have you been involved with the CJS? When/how long ago?
- So, what were all the stages involved in your contact with the CJS?
- Tell me about your contact with the police, lawyers, court staff and psychologist/psychiatrist?

Topic 2: Tell me about the good and bad things that happened during your contact with the NZ CJS.

Prompts, if required:

- How did you feel after (what did you think about): being interviewed by the police; charged; seeing your lawyer; appearing in court; seeing the psychologist/psychiatrist; your trial; your sentencing?
- What were the good/positive experiences (if any)?
- What were the bad/negative experiences (if any)?
- How come these were good/positive or bad/negative?
- What were the main differences between what you experienced as good/positive, and what you experienced as bad/negative?

Topic 3: How do you think your life would be now if you hadn't had this CJS involvement?

Prompts, if required:

- Has this experience changed you? If so, in what ways?
- How has it effected your behavior, mood, mental health, sense of self, other?
- How different is your behavior, mood, mental health and sense of self now, compared to before?
- How different would your life have been if you hadn't had the CJS involvement?
- Tell me about the effect of this experience on your relationships with other people.
- Tell me how this experience has impacted upon your ability to work or do things that you enjoy? What is easier to do now, and what is harder?

Topic 4: What, if any, suggestions do you have for changes to the NZ CJS system in order to support autistic people?

Prompts, if required:

- What feedback would you like give to the people involved in the CJS or our law-makers?
 - Should anything different happen when the suspect/defendant is autistic? Is so, what?
-

-
- What suggestions or tips do you have?
 - How come you believe/say that?
 - What do you think should stay the same, and what do you think should change?
 - What would be the smart way the system could change?
 - How come (why) you think that way?

Finishing the interview.

- Thank them for their time and the information they provided.
 - Address any distress or risk issues.
 - Tell them what happens next (transcript made, sent to them, we discuss any comments they have about it, and I might call or e-mail if I need to clarify anything).
 - If not answered above: How would they like to be referred to in the thesis? (i.e., choose a fake name).
 - What are they going to do now?
-

Appendix I: E-mailed Questions

Interview Schedule

Starting the interview and building rapport.

- Commence recording, thank participant, go over confidentiality/anonymity and limits.
- How would they like to be referred to in the thesis? (i.e., choose a fake name).
- Consent (and if, required, re-sign forms).
- Likely length of interview today.
- How did you find out about the research? What interested you in it?
- What contact/ involvement do you have with other autistic people or autism organisations?
- How and when did you find out that you are autistic?

Topic 1: Please tell me about your experience with the NZ CJS.

Prompts, if required:

- How many different times have you been involved with the CJS? When/how long ago?
- So, what were all the stages involved in your contact with the CJS?
- Tell me about your contact with the police, lawyers, court staff and psychologist/psychiatrist?

Topic 2: Tell me about the good and bad things that happened during your contact with the NZ CJS.

Prompts, if required:

- How did you feel after (what did you think about): being interviewed by the police; charged; seeing your lawyer; appearing in court; seeing the psychologist/psychiatrist; your trial; your sentencing?
- What were the good/positive experiences (if any)?
- What were the bad/negative experiences (if any)?
- How come these were good/positive or bad/negative?
- What were the main differences between what you experienced as good/positive, and what you experienced as bad/negative?

Topic 3: How do you think your life would be now if you hadn't had this CJS involvement?

Prompts, if required:

- Has this experience changed you? If so, in what ways?
- How has it effected your behavior, mood, mental health, sense of self, other?
- How different is your behavior, mood, mental health and sense of self now, compared to before?
- How different would your life have been if you hadn't had the CJS involvement?
- Tell me about the effect of this experience on your relationships with other people.
- Tell me how this experience has impacted upon your ability to work or do things that you enjoy? What is easier to do now, and what is harder?

Topic 4: What, if any, suggestions do you have for changes to the NZ CJS system in order to support autistic people?

Prompts, if required:

- What feedback would you like give to the people involved in the CJS or our law-makers?
 - Should anything different happen when the suspect/defendant is autistic? Is so, what?
-

(I am interested in whether being involved with the criminal justice system has changed you. If it has, how has it changed you? Think about the effect it has had on your behavior, mood, mental health, and sense of self. How different are you now, compared to before this all happened?)

9. Tell me about the effect of your criminal justice system involvement on your relationships with other people (like family, friends/intimates, work mates, strangers, community)?
10. Tell me how the criminal justice system involvement has impacted upon your ability to work or do things that you enjoy?

Suggestions (if any) for change to better support autistic people.

11. What feedback would you like give to the people involved in the criminal justice system or our law-makers?

(Consider police, lawyers, judges, psychologist/psychiatrist, communication assistants, court liaison nurses, interpreters, court staff, security, McKenzie friend, amicus curiae/friend of the court, duty solicitor, probation officers, prison officers, and politicians).

12. Should anything different happen when the suspect/defendant is autistic? If so, what suggestions/tips do you have, and why do you want these changes?

Pseudonym

When I am writing the thesis, I may want to refer to something you have told me. To make sure that you are anonymous, I'd like to use a fake name instead of your real name. I can pick one for you, or you can choose one. If you want to choose a name, be careful to choose a name that cannot be linked to you.

- Please pick a name for me: yes / no
- I want my fake name (pseudonym to be): _____

What happens next?

- I will read your answers to the questions, and I might e-mail you with brief follow up questions.
- I will turn your e-mail into a 'transcript' and send it to you for you to read, edit, and approve.
- I'll start going through your transcript, and the transcripts from other participants, and compare what you have all said. I'll write this up in my thesis.
- When my thesis is finished, I will send you a summary of the findings.

Warm regards

Tanya Breen
 Doctoral Candidate, Auckland University of Technology

Appendix J: Transcriber Confidentiality Agreement



Transcriber Confidentiality Agreement

Project Title

Autistic Adults' Perspectives on their Journeys Through New Zealand's Criminal Justice System

Project Supervisor: Professor Kate Diesfeld

Researcher: Tanya Breen

- I understand that all material I will be asked to transcribe is confidential.
- I understand that the contents of the digital recordings can only be discussed with the researchers.
- I will not keep any copies of the digital recordings or transcripts, nor allow third parties to access them.

Transcriber's Name: Shoba Nayar

Telephone: NA

Mobile Phone: +91 9941410696

E-mail : snayar19@gmail.com

Address: 3 Suryakiran Apts
35, 3rd Main Road
Gandhi Nagar, Adyar
Chennai 600020
Tamil Nadu
India

Project Supervisor's Contact Details:

Professor Kate Diesfeld
Faculty of Health and Environmental Sciences
kdiesfel@aut.ac.nz
09 9219999 ext 7837

*Approved by the Auckland University of Technology Ethics Committee 9/10/17. AUTECE Reference 17/168.
Note: The Transcriber should retain a copy of this form.*

