



**AsI Am Submission to An**  
**Garda Síochána's Strategic**  
**Plan 2025-2027**

December 2023

AsIAM Ireland's Autism Charity works to promote understanding, acceptance, and inclusion of Autistic people in Irish society. As an organisation, AsIAM provides information, resources, and support for Autistic people, and families. Our purpose is to advocate for an inclusive society for Autistic people that is accessible, accepting, and affirming. AsIAM welcomes the opportunity to make a submission to An Garda Síochána as the next Strategic Plan is developed for 2025-2027. At the outset, AsIAM would like to acknowledge that An Garda Síochána have been very responsive to cases raised by AsIAM, in particular the Human Rights Office of An Garda Síochána. AsIAM is also a proud contributor to the An Garda Síochána's Human Rights Strategy for 2022-2024, and also maintains an excellent working relationship with An Garda Síochána's Internal Human Rights Legal Advisor.

The way in which Disabled people interact with the criminal justice system can be different to those who do not have a disability. Research shows Autistic people are far less likely to report crime, but that they are more likely to be the victims of crime than those who do not have a disability. This strategic plan provides an opportunity for An Garda Síochána to engage with disability led organisations in supporting and assisting the Autistic community in its pursuit to mitigate crimes against vulnerable communities such as the Autistic community, as well as empower them to engage with the criminal justice system where appropriate, be it as a witness or victim of a crime.

This year AsIAM published its annual Same Chance Report, which is effectively a state of the nation overview of Autistic people's experience within society. A key feature of this report highlighted the systemic barriers that exist in preventing Autistic people and families from actively engaging in society. This year's report highlighted the following *inter alia*:

- 86% of those who had experience of the criminal justice system did not find it accessible or inclusive.
- 4 in 10 did not feel safe or protected in their community.
- 86% do not believe they have the same chance in Irish society.
- 90% did not think that the Irish public understand enough about Autism.
- 38% have experienced discrimination in the last 12 months on the grounds of being Autistic.

Our submission will seek to outline the experiences of Autistic people with the criminal justice system as well as accommodations that can be made to be more inclusive in the next Strategic Plan for An Garda Síochána.

### **Employment and Diversity**

An Garda Síochána's strategic plan for 2022-2024 committed to embracing the full diversity that Irish society has to offer and to embrace shifts in the way people are working. From joint research between AsIAM and IrishJobs.ie, we know that 85% of Autistic people are either unemployed or underemployed. We also know from a recent survey of AsIAM ID cardholders survey, 40% of Autistic people face barriers in accessing employment

opportunities at the very early stages of the job application process. These barriers range from:

- Accommodations not being made by the employer, such as expecting an Autistic person to engage in eye contact and small talk.
- Structural issues around the working environment not being suitable for a person's sensory needs.
- Hiring managers not having enough understanding of Autism.

We also know that at least 1 in 27 people in Ireland are Autistic, which is not reflected in workforces in the public or private sector. It is particularly important for An Garda Síochána to genuinely reflect the communities that it intends to serve and protect. The Autistic community forms part of the larger disabled community. We know from UK research that Disabled people are both more likely to suffer from crime and less likely to report crimes that they have suffered<sup>1</sup>. Both elements of this must be reduced, in terms of preventing crimes from taking place in the first instance, as well as ensuring that disabled people feel empowered to report criminality to An Garda Síochána. A part of this will include Autistic people, and Disabled people more broadly, to see themselves reflected in the makeup of An Garda Síochána on the front line and in civilian roles where appropriate. This means An Garda Síochána will have to engage in making reasonable accommodation to enable the hiring of more Autistic staff. Part 5 of the Disability Act, 2005 details the obligations public bodies have to promote and support the employment of persons with disabilities. In addition to this, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) covers the area of Work and Employment. It specifically mentions the need to promote employment of persons with disabilities in the public sector. This new strategic plan is an opportunity for An Garda Síochána to take the lead by committing to hiring Disabled people as 6% of its workforce by 2025.

In AsIAm/IrishJobs' toolkit for employing Autistic people, it outlines five key steps for engaging with Autistic staff:

1. **Ask the Autistic employee how they would like to communicate.** Some Autistic people may prefer written communication. Other Autistic people may like verbal, visual, or non-verbal communication. Once an Autistic person indicates a preference for how they wish to communicate, try to be consistent in how you communicate with them.
2. **Allow for sensory breaks and alternative workspace.** Sensory regulation is a crucial facilitator of emotion and executive functioning regulation, so supporting this in any workspace is essential.
3. **Where possible, provide advance notice of schedule changes.** Unexpected changes can overload an Autistic person's performance and place increased demands on their

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<sup>1</sup> [https://www.equalityhumanrights.com/sites/default/files/briefing-paper-3-disabled-peoples-experiences-and-concerns-about-crime\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/briefing-paper-3-disabled-peoples-experiences-and-concerns-about-crime_0.pdf)

working day. Therefore, where possible, providing advance notice can make a big difference.

4. **Offer flexible work environments and hours.** Many Autistic people can better manage sensory needs and executive functioning challenges, and leverage hyperfocus strength and productivity when they feel more in control of their work environment.
5. **Engage a Go to Person.** Having a go to person to answer any questions and learn about the organisation's culture can help ease stress and anxiety before an interview or in a new workplace setting and provide Autistic people with clear instructions and guidance to help them learn new contexts.

AsIAM and IrishJobs.ie guide also outlines the strengths that Autistic people can bring to their organisations and how employers can make accommodations for Autistic candidates to provide them with the same chance. You can read the full guide here: <https://asiam.ie/wp-content/uploads/2023/07/SME-TOOLKIT-July-2023.pdf>

### Lived Experience

- AsIAM's Autism Information Line, which has supported over 7000 Autistic individuals and families, has received a number of queries about people's interaction with An Garda Síochána. Queries which covered areas such as: how members of the Autistic community were handled by members of An Garda Síochána on the back of a call that was made by a family member. There are many members of the force do not understand how to engage in situations that require a low arousal approach to a particular circumstance. Some of these queries provide an insight into the need for An Garda Síochána members to undergo a new and renewed level of training on Autism, to support members of the force for engaging and working with members of the autistic community and families in person centered human rights way.

The issues faced by the Autistic community are broad, however it is clear from both the experiences of some of those who AsIAM has supported and from a literature review that there are several structural issues that lead to these problems:

- **Unclear roles and responsibilities:** The roles and responsibilities of different officers are often not outwardly transparent to Disabled people themselves when they report a crime. In Ireland, some Gardaí are trained to conduct specialist interviews with children and people with intellectual disabilities in sexual offences cases, but it is unclear whether these officers are always the ones who deal with such incidents when a person with intellectual disabilities presents at a Garda station to report a crime.
- **Reporting crime:** Autistic people can often be unfamiliar with how to go about reporting a crime, or who to approach. They are often likely to approach a third party in initially reporting a crime, so the likelihood of an incident getting taken further also

depends on the knowledge of friends, family, and service providers of the procedures for reporting a crime. In the case of children who may have Autism, or where the individual is a client of the HSE, procedures set down the *Trust in Care* policy and *Children First* respectively, provide the template for reporting crimes to the Gardaí.

- **The process of engagement:** The processes and procedures involved in giving evidence, whether in terms of being interviewed by Garda or in court (which may involve cross-examination from barristers and the judiciary) have been shown to be problematic for Autistic people. Perceptions of competence and capacity come into play, as does the credibility of the witness (Law Reform Commission, 2011). As research from UCC in 2012 has demonstrated, processes of questioning may not elicit the best evidence from witnesses with intellectual disabilities. A failure to make adjustments in the evidence-giving process – such as not providing regular breaks where a sign language interpreter is being used, or for someone with communication difficulties – can also disadvantage Autistic people.

### **The United Nations on the Rights of Persons with Disabilities**

The UNCRPD (as referenced above) stands for the United Nations Convention on the Rights of Persons with Disabilities. It is an international treaty that aims to protect and promote the rights and dignity of persons with disabilities. The convention was adopted by the United Nations General Assembly on December 13, 2006, and entered into force on May 3, 2008. Ireland signed up to this convention in 2018.

Key features of the UNCRPD include:

1. Comprehensive Scope:
  - The convention covers a wide range of human rights, ensuring that Disabled people enjoy the same rights as everyone else.
2. Principles:
  - The UNCRPD is guided by key principles, including respect for inherent dignity, individual autonomy, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity, equality of opportunity, accessibility, and equality between men and women with disabilities.
3. Civil and Political Rights:
  - It guarantees civil and political rights on an equal basis with others. This includes the right to life, freedom from torture or cruel, inhuman, or degrading treatment, and the right to liberty and security of person.

Article 12 and 13 on the UNCRPD are particularly relevant to policing as they outline:

## **Article 12: Equality before the Law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

## **Article 13: Access to Justice**

1. States 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.
2. 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.

## **Recommendations**

1. An Garda Síochána should make Autism training mandatory for all current members and new recruits. This training must include frontline and civilian staff members.
2. A commitment should be made to work towards the new minimum statutory employment target of 6% for Disabled staff members.
3. The new Strategic Plan for 2025-2027 should be fully compliant with the UNCRPD, Article 27.
4. An Garda Síochána should promote the development of clear communication protocols for interactions with Autistic people. Including adapting communication styles based on the individual's needs and preferences.
5. An Garda Síochána should encourage the implementation of sensory-inclusive practices in all Garda stations across the country during interactions such as in Interviews and questioning etc.
6. An Garda Síochána should engage in community outreach to the Autistic community to better understand the issues experienced by the Autistic community, in order to build better relationships, provide measures for courts to facilitate family members, advocates, 'appropriate adults', and to support Autistic people throughout the court process, if they need it.
7. Ensure that Garda stations have the option to facilitate ways of making engagement less formal and intimidating for Autistic people including the use of NALA's Plain English.
8. Coordinate with relevant stakeholders to ensure that members of Garda Síochána receive timely information about an Autistic person's access needs, including other disabilities or mental health needs.
9. Commit to within this Strategic plan to engage directly with members of the Autistic community in an accessible manner, which allows them to provide feedback to members of An Garda Síochána.

## Works Cited

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