



## **DYSLEXIA CONSULTANCY MALVERN**

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### **The Vulnerability of Adults with Specific Learning Difficulties \* in Police Custody**

#### **All Party Parliamentary Group for Dyslexia and other Specific Learning Difficulties**

\* Specific Learning Difficulties (SpLDs) are a family of overlapping neurodevelopmental conditions, namely: Dyslexia, Dyspraxia, Attention Deficit (Hyperactivity) Disorder and Dyscalculia. Asperger Syndrome is sometimes included, since the associated difficulties are 'specific' rather than 'global' as is often the case with autistic spectrum conditions.

#### **THE STRUCTURE OF THESE BRIEFING NOTES**

- 1. Overarching Considerations**
- 2. Characteristics of SpLDs that can cause vulnerability during police questioning**
- 3. Police Procedures**
- 4. SpLDs: Disorder, Impairment and Disability**
- 5. Relevant Legislation**
- 6. Sources of Support for adults with communication difficulties and other vulnerabilities, and appropriateness for suspects with SpLDs**
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- 9. Extracts from Appropriate Adult training handouts (from M Jameson 2010, 2011)**

#### **1. Overarching Considerations**

When I was commissioned to write a section on Specific Learning Difficulties (SpLDs) for the *Equal Treatment Bench Book* (judicial guidance), a prime consideration was that of '*facilitating reliable evidence*'.

I therefore pose two questions:

1. What measures are needed to 'facilitate reliable evidence' when people with SpLDs are questioned by the police?
2. To put it another way: if an individual with severe difficulties processing information is questioned by the police, how can s/he be enabled to fully participate in this process?

The answer lies in accommodating the vulnerabilities arising out of Specific Learning Difficulties. This matter is explored in the following pages.

## **2. Characteristics of Specific Learning Difficulties that can cause vulnerability during police questioning**

(Overview of individual SpLDs in Section 9.1)

SpLDs are often characterised as an information processing difficulty. Typical problem areas include a poor short term memory, limited working memory (this refers to the capacity to retain the necessary information whilst performing a task). Dates, times and other details may not be recalled correctly, giving an impression of unreliability.

Communication skills can be impaired by poor listening skills, a lack of precision / concision with language (people with SpLDs often see things in visual terms rather than mediated by language). There is a tendency to take things literally, and there may be a 'penny dropping' delay. There is also difficulty structuring what you want to say (or write) and getting events in the right order. Retaining number sequences may also be challenging. References to left and right may be muddled.

All this can lead to hesitations, inconsistencies (both signs of guilt) and inappropriate answers due to misunderstandings, misinterpretations or only responding to part of the question.

In addition, there is generally a limited attention span and a struggle to remain focused: some people with SpLDs say that every noise or movement distracts them so that they 'lose their thread', others report heightened sensitivity to bright lights and noise. Numerous people have used the term 'mental overload' when they are no longer able to process information, and become dysfunctional.

Poor executive function is often mentioned in relation to Dyspraxia. This affects organisation and planning abilities; self-reflection and self-monitoring; working memory; time-management and prioritising; flexibility in choosing strategies; difficulty shifting attention when required, and following a change in the direction of the discourse. This population also struggles with navigation and orientation – and would therefore find it hard to give a detailed account of their movements. 'Reading' maps, diagrams, charts and timetables is also problematic.

Particular problems arise if a suspect has Attention Deficit (Hyperactivity) Disorder, due to poor social interaction, and a range of difficult behaviours. The three strands that typify the condition, inattention, impulsivity and hyperactivity, can all prejudice the suspect. *The Tipping Points*, written by an ex-police officer, outlines the impact of ADHD and includes an appendix for Police Officers. See also: Section 9.4 of these Notes.

### Literacy skills - Reading

Some people with SpLDs read adequately under normal circumstances but still have to re-read in order to 'digest' written information. They are generally unable to skim for meaning, and they confuse similar-looking words. Others are debilitated by Visual Stress, severely affecting reading; symptoms include losing the place, finding that print blurs or moves, and that white paper 'glares'. Reading is laborious and exhausting.

Admitting to poor literacy, and asking to have your statement read aloud to you, may not help, if your working memory is limited and you have already reached information overload. Rather than admit to difficulties, it is less embarrassing simply to pretend to check the statement; this could lead to serious repercussions if it is not an accurate record of your involvement in a crime.

**Please note** that accurate reading at the single word level is no indication of the ability to cope with written documentation.

### Literacy skills - Writing

Poor handwriting, erratic spelling and difficulty structuring what you write are all associated with SpLDs. Effort is diverted into these three areas and away from the all-important area of content.

The final debilitating factor is stress, which has two effects in cases of SpLDs:

1. All problem areas are exacerbated;
2. Coping strategies, which might be very sophisticated, cease to function. It is worth mentioning that devising and maintaining coping strategies requires sustained effort and energy. People with SpLDs who are struggling to function in an unsympathetic environment can therefore become fatigued.

*Heightened susceptibility to the effects of stress is a well-documented feature of Specific Learning Difficulties – see Dyslexia and Stress in SOURCES.*

### **CASE STUDY** from the *Good Practice Guide for Justice Professionals*

I experienced total disorientation, visual and audio isolation. I could hear things going on but nothing seemed to register or make sense. Important questions were garbled and distorted and in some cases the questions didn't even register. I had an overwhelming sensation of being in a tunnel.

I was asked to recall events ..... The order of how I recalled the events was vital. However, I was unable to access my memories of the events clearly and what I did manage to remember I was unable to express in a chronological order or with any clarity.

### Mental illness

In addition to illness brought about by stress, some people with SpLDs may be under their GP due to anxiety or depression.

Asperger Syndrome leads to severe communication problems, due to inherent features of this condition; these include:

- Poor awareness of the consequences of their actions, limited or no empathy.
  - Problems coping with unplanned change, reliance on routines.
  - High levels of stress and anxiety, leading to overload and panic reactions.
  - Sensory hyper-sensitivity leading to discomfort and distraction.
  - Difficulty with social interaction, supplying a literal response if the question is ambiguous.
  - Inflexible thinking, they may stick rigidly to their story despite different angles of questioning and new considerations.
- See also: Section 9.4e of these Notes.

### Prevalence of Specific Learning Difficulties

A government-funded project (*The Incidence of Hidden Disabilities in the Prison Population*, 2005) found that almost 20% of prisoners had a hidden disability/ SpLD affecting learning and employment. It is highly likely that the sample for this project, drawn from all prison categories, is similar to that of police suspects.

**In conclusion**, responding to police questioning requires just those skills that correlate with difficulties associated with SpLDs.

Foremost amongst these is the difficulty coping with heavy demands on language skills (both speaking and listening). Another area of weakness, working memory, is continually called upon during interviews because you have to hold various factors in your head while formulating a response.

If you are hesitant or inconsistent, your credibility could be on the line and you can appear evasive by missing the point of questions – this is all too easy when you are finding it increasingly hard to stay focused.

**For these reasons I would regard most people with SpLDs as being ‘vulnerable’ throughout the criminal justice process. One fifth of police suspects are affected.**

### 3. Police Procedures

#### a) Risk assessment

(I have seen various Risk assessment formats, and it appears that this process is being computerised, leading to simplified Yes / No responses). This tool is unlikely to pick up SpLDs, unless a disclosure arises out of the question on reading and writing difficulties. See section above on Literacy skills - Reading.

#### b) Understanding your rights

Due to a weak working memory, someone with SpLDs is unlikely to retain all information read aloud to them. The fact of it having been read out is therefore no guarantee of understanding and compliance.

#### c) Making a statement

See section above on Literacy skills - Writing

Dictation may be offered as an alternative to writing but, if unable to write, it is also unlikely that a suspect can dictate coherently.

#### d) The role of Healthcare Professionals (HCPs)

Even when an HCP has been called in, they tend to be ill-informed concerning SpLDs. With the exception of Asperger Syndrome and possibly Attention Deficit Hyperactivity Disorder, SpLDs are seen as falling into the educational rather than the medical category, and do not form part of medical training.

#### e) The Early Guilty Plea

In my consideration of vulnerability and SpLDs, grave concerns arise about the Early Guilty Plea. As the suspect struggles to cope with questioning while experiencing mental overload and debilitating levels of stress, anything that appears to shorten the process will seem attractive, regardless of innocence, guilt or partial guilt.

**I conclude that several aspects of police processes disadvantage people with SpLDs.** This is due to innate difficulties associated with SpLDs, inadequate screening / risk assessment tools and lack of training in the awareness and the impact of these very common conditions. This final point relates both to the police and to HCPs.

## 4. SpLDs: Disorder, Impairment and Disability

SpLDs are neuro-developmental conditions, present from birth, and largely heritable. In *The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* Attention Deficit Hyperactivity Disorder is listed; Asperger Syndrome is found under *Autistic Spectrum Disorder*. Dyslexia and Dyscalculia appear within *Specific Learning Disorder*, typified by intellectual ability which is not reflected in performance in age-appropriate tests of literacy and mathematics (barring other explanations). I would add that underperformance in working and short term memory is also a hallmark of SpLDs.

The 'protected characteristic' of Disability will often apply to people with SpLDs, as stated in the following definition in the Equality Act, 2010:

*'a person has a disability if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day to day activities.'*

Once again, this terminology does not represent a 'best fit' for SpLDs – the impairment would be better characterised as 'cognitive' rather than 'physical' or 'mental' (as above). I understand 'cognitive' to relate to learning, mental organisation and thinking processes.

Under the Equality Act a consideration of three requirements arises, for those found to have disability status. These can be summarised as (1) changing the way things are done; (2) making changes to overcome barriers created by the physical features of premises; and (3) providing extra aids and services. They apply in situations where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled. The first and third of these can be relevant to people with SpLDs (the second one could relate to florescent lighting where suspects have light sensitivity). As a public service, the police are subject to these requirements.

The core of equality legislation (relating to disabilities) is the duty to remove barriers for people with disabilities, insofar as this is reasonable, accommodating disability-related difficulties. Hence the term, reasonable adjustments. Section 7a in these notes lists ways of accommodating some of the difficulties that people with SpLDs face during police interviews.

Assistive Technology: Some people with SpLDs rely heavily on various items of technology to function effectively, but these are generally not available to them in custody. Denying the use of these aids during questioning is depriving individuals of what are, essentially, disability aids. This point is included in the 2013 revision of the (judicial) Equal Treatment Bench Book: *Some people with SpLDs have come to rely so heavily on technology for many aspects of their daily lives that they feel quite disabled when they are not allowed to use IT, for example in court*. This is demonstrated by the Case Study below.

### **CASE STUDY** from the *Good Practice Guide for Justice Professionals*

I work for an I.T. company and rely absolutely on my technologies. For example I have three reminder systems to keep me organised. At work they have no problem in allowing me to record meetings / discussions so I can go back over them and check what was said. But when I went to court for my hearing I could not cope at all. I am used to keeping all the information I need in my organiser but in court I had no way of accessing the details they wanted since I could not accurately recall what happened when. If I could have had the questions written down I would have managed better but apparently I kept answering the last part and ignoring the rest..... It was all extremely stressful and frustrating.

## 5. Relevant Legislation and associated Codes of Practice / Guidance

In addition to the Equality Act (discussed in Section 4, above), the following pieces of legislation have a bearing on the issue of vulnerability and disability and therefore relate to provisions for people with SpLDs.

### a) Codes of the Police and Criminal Evidence Act (PACE) 1984

Under the PACE Codes, C, covering detention, treatment, questioning and identification, refers to the assistance of an Appropriate Adult to facilitate communication for those who are 'mentally vulnerable' due to their mental state at the time. The compounding of difficulties inherent in SpLDs with stress and anxiety may well render many people with Dyslexia, Dyspraxia, Attention Deficit (Hyperactivity) Disorder or Dyscalculia 'mentally vulnerable'.

### b) The Human Rights Act, 1998

Article 14, Prohibition of Discrimination, relates to the infringement of rights referred to in the Convention due to a personal characteristic such as disability, and flags up that *special arrangements* may have to be made. I see this as akin to *reasonable adjustments* under the Equality Act, 2010.

### c) The Youth Justice & Criminal Evidence Act, 1999

This Act allows for *special measures* to be provided for *eligible witnesses*.

These measures include the use of an Intermediary, who is appointed to facilitate communication. The eligibility criteria relate to those under 18 and those who suffer from a mental disorder within the meaning of the Mental Health Act, 1983, or who have a *significant impairment of intelligence or social functioning*. 'Impaired social functioning' typifies Asperger Syndrome but could also describe some people with other SpLDs.

I shall consider the use of Intermediaries for suspects with SpLDs in Section 6.

### d) Mental Capacity Act, 2005

People with SpLDs are not seen as lacking mental capacity as described in this Act, which is designed to cover the mental capacity of individuals to make their own decisions.

## **6. Sources of Support for adults with communication difficulties and other vulnerabilities and relevance to suspects with SpLDs**

### **a) Intermediaries**

I recall an occasion when a judge found that a defendant needed the assistance of the Witness Intermediary Scheme to facilitate communication. This is not mentioned in the legislation, but can be required by the court. The term 'Witness Intermediaries' has subsequently been changed to 'Registered Intermediaries'. I note that Non-Registered Intermediaries may be called upon to assist police suspects and defendants in court.

In May 2008, I received the following response to my enquiry to the (former) Office for Criminal Justice Reform on this matter: "I can confirm that people with Specific Learning Difficulties are eligible for intermediary assistance". It was stressed that *Communication* should be given a wide interpretation.

It is worth noting here that the guidance states that the term *communication* should be interpreted widely, and that the individual does not need to be suffering from a particular listed condition. The Witness Intermediary Team information leaflet mentions a number of conditions, including Attention Deficit (Hyperactivity) Disorder, Autism and Dyspraxia. [www.rcslt.org/about/young\\_offenders\\_and\\_criminal\\_justice/witness\\_intermediary\\_team\\_leaflet](http://www.rcslt.org/about/young_offenders_and_criminal_justice/witness_intermediary_team_leaflet)

### **b) Appropriate Adults**

Appropriate Adults, accredited by the National Appropriate Adult Network, and trained in the vulnerabilities and support needs of people with SpLDs, are best placed to assist in police custody.

### **c) Parents**

Parents are generally excluded from the criminal justice process when a suspect is over 18, but may in fact be the people best placed to provide information on needs and disability issues.

A case study in Section 9.3 of this briefing presents 'Steve', a typically immature young man with Dyspraxia who does not mention his condition, and is questioned without the support he needs.

## 7. Recommendations

### **a) Conduct of police interviews**

The following aspects of good practice should assist people with SpLDs during interviews:

- Offer rest breaks, as required, to restore concentration
- When providing complex information, first introduce the topic, then give the details, then summarise if necessary
- As far as possible, deal with issues in chronological order
- Remove all ambiguity in oral (and written) communications
- Explain technical terms as they arise
- Encourage the individual to ask for questions to be repeated or re-phrased without censure or (implied) criticism. S/he may need to check understanding by re-phrasing questions
- When reading information out to someone with Specific Learning Difficulties, insert pauses after each section to help the information to be absorbed
- Make allowances for slow processing of information, misunderstandings and partial answers. Allow thinking time before prompting a response
- Check back, as necessary, to ensure understanding
- Be aware that accurate and consistent recall of details will not always be possible
- Keep distractions to a minimum since background noise and bustle can cause people with SpLDs to lose their train of thought
- Visual thinkers may fare better by drawing a diagram to show their movements than by describing this in words

### **b) Healthcare Professionals**

Medics fulfilling the role of Healthcare Professional (HCP) in custody suites should be given obligatory training in SpLDs, given that these conditions are likely to affect suspects disproportionately.

### **c) Appropriate Support during questioning**

Custody staff and HCPs should be prepared to call in Appropriate Adults when someone declares that they have Dyslexia, Dyspraxia, Attention Deficit (Hyperactivity) Disorder, Dyscalculia or Asperger Syndrome.

This service is also required for adults who display vulnerability as described in Section 2.

Custody staff and HCPs should be prepared to call on the expertise of Intermediaries if the main problem is lack of communication.

The National Autistic Society should advise in cases of suspects with Asperger Syndrome.

### **d) Funding**

Sources of support, in particular the National Appropriate Adults Network, should be properly resourced to cover all regions. Funding should be ring-fenced.

## 8. SOURCES and Author Profile

I have drawn from the sources below in the preparation of these notes.

*Autism: A Guide for Criminal Justice Professionals* (rev. 2008) National Autistic Society  
[www.nas.org.uk](http://www.nas.org.uk)

*Barriers to Justice for People with Dyslexia and related Specific Learning Differences*  
(2015) M Jameson - available on [www.dyslexia-malvern.co.uk](http://www.dyslexia-malvern.co.uk)  
(Paper for the Prisons Minister and Head of the National Offender Management Service)

*Coping with Courts & Tribunals: A Guide for People with Specific Learning Differences*  
(Chapters 1 and 7) M Jameson (2<sup>nd</sup> edition 2014)  
[www.dyslexia-malvern.co.uk/docs/justice/Coping With Courts & Tribunals.pdf](http://www.dyslexia-malvern.co.uk/docs/justice/Coping With Courts & Tribunals.pdf)

*Dyslexia and Stress 2<sup>nd</sup> edition* Edited by T R Miles (2004) Whurr Publishers Ltd

*Good Practice Guide for Justice Professionals. Guidelines for supporting users of the Justice System who have Dyslexia and other Specific Learning Difficulties*  
M Jameson & the British Dyslexia Association (PDF version revised 2013)  
[www.dyslexia-malvern.co.uk/docs/justice/Justice guide to SpLDs.pdf](http://www.dyslexia-malvern.co.uk/docs/justice/Justice guide to SpLDs.pdf)  
(Section 5.1 Police procedures; Appendix 4 on Asperger Syndrome)

Sentence Trouble (2009) *The Communication Trust* [www.sentencetrouble.info](http://www.sentencetrouble.info)

*The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (2013) American Psychiatric Association

*The Equal Treatment Bench Book*, 2013 revision (Guidance for the judiciary)  
[www.judiciary.gov.uk](http://www.judiciary.gov.uk) SpLD section from page 105, Disability Glossary from page 86  
[www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/judicial-college/ETBB\\_all\\_chapters\\_final.pdf](http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/judicial-college/ETBB_all_chapters_final.pdf)

*The Incidence of Hidden Disabilities in the Prison Population* (2005) Report funded by the Learning & Skills Council undertaken by Dyslexia Action

*The Tipping Points: the impact of Attention Deficit Hyperactivity Disorder* P Anderton  
(2007) ADDISS

Visual Stress: Information at [www.dyslexia-malvern.co.uk/visualstress](http://www.dyslexia-malvern.co.uk/visualstress)

### **AUTHOR PROFILE**

**Melanie Jameson is a consultant on Specific Learning Difficulties with a special interest in the justice/criminal justice system.**

**In 2008, she was commissioned to contribute a new section on SLDs for judicial guidance; she has since worked to extend this awareness throughout the sector.**

**Her training work has included (former) Probation Trusts, providers of prison education, HM Courts & Tribunal Services and the Appropriate Adult Network.**

**Melanie sits on the national Prisoner Learning Alliance and is Chair of the Dyslexia Adult Network. She advises SpLD organisations on justice/criminal justice matters and is currently working with the College of Policing (both with the Faculty Lead, Professional Development and Integrity and the Mental Health Co-ordinator).**

**Further information on Melanie's professional background and credentials can be forwarded on request Email: [mj@dyslexia-malvern.co.uk](mailto:mj@dyslexia-malvern.co.uk)**

## 9. Extracts from Appropriate Adult Network training handouts, 2010 & 2011

### 9.1 OVERVIEW OF SPECIFIC LEARNING DIFFICULTIES

**NB** *The difficulties associated with Specific Learning Differences vary from person to person and range from the mild to the severe, as does the individual's ability to employ coping strategies. Some problem areas are associated with more than one SpLD.*

**Attention Deficit (Hyperactivity) Disorder** is typified by inattention, distractibility, impulsivity and disorganisation. Those with hyperactivity are impulsive and overactive mentally, physically and verbally. They may also be accident- and addiction-prone and have little awareness of the consequences of their actions. They do not usually learn from their mistakes and are over-active both mentally and physically.

**Autism Spectrum Condition** refers to a family of developmental conditions which impede the ability to communicate and relate socially. Usually accompanied by unusual behaviours, inflexible thinking and general learning difficulties. Autism Spectrum Condition includes **Asperger Syndrome**, in which the learning disability is not present. Asperger traits include inflexibility and over-reliance on routines, great difficulty seeing someone else's point of view, impaired social skills, inappropriate behaviour, slow processing of information together with a panic reaction when pushed. People with this condition may not appear to have difficulties but will take everything literally and may have obsessive interests in a limited range of areas.

**Dyscalculia:** an inability to understand simple number concepts and to gain basic number skills. There are likely to be difficulties learning number facts and procedures, telling the time, understanding prices and dealing with money and financial matters. Dyscalculia may exist independently as a specific cognitive deficit, or it may co-exist with other Specific Learning Difficulties. Aspects of Dyslexia and Dyspraxia (short term memory, sequential abilities, retrieval of basic facts, language processing, speed of processing and visual spatial ability) commonly affect the acquisition of numeracy skills.

**Dyslexia** often manifests itself as a difficulty with reading, writing and spelling. Even where literacy skills have been mastered, problems remain with skimming or scanning over text and retaining what has been read. Spelling is likely to remain erratic. The core challenges, however, are the rapid processing of language-based information and weaknesses in the short-term and working memory. Associated problem areas include organisation, time management, visual perception, sequencing ideas, word retrieval and concentration. Dyslexia is also linked to a range of skills including innovative thinking, entrepreneurship, creativity and high-level visual spatial abilities.

**Dyspraxia / Developmental Co-ordination Disorder** concerns sensory integration. In addition, poor co-ordination and motor skill difficulties can affect movement, posture, speech (articulation and volume control) and handwriting. Working at speed is difficult. Other areas of difficulty include organisation, orientation, social skills, time management and the ability to manage change. Those affected are often anxious in new situations and have problems coping with maps and directions.

**Visual Stress** has been described as an 'inefficiency in reading' and is often associated with dyslexia, migraines and epilepsy. Symptoms when reading include losing the place; a glare from white paper; the blurring, fading or 'movement' of text and headaches or eye strain.

## 9.2 VULNERABILITY OF DETAINEES WITH SpLDs

### a) Adults with Specific Learning Difficulties speak out...

The difficulties faced by adults with SpLDs can combine to create a formidable challenge. Below is a list of the issues they describe as being problematic in police custody:

- complete loss of mental function due to stress
- a build up of stress, especially when having to wait around
- the experience of sensory overload from fluorescent lighting, bustle etc
- coping with strangers in unfamiliar settings
- following the twists and turns of the questioning / knowing what answer is expected
- producing precise unambiguous answers
- providing consistent information
- remembering what happened when (correct sequencing of events)
- maintaining concentration and focus.

### CONCLUSIONS

“Our credibility is in doubt because we cannot ‘perform’ as expected”

“The system seems almost designed to entrap us because they seize on just those things that we routinely do (hesitate, produce inconsistencies etc.) to discredit us”.

“It is little wonder that police, lawyers, magistrates, judges and court officials show such ignorance when SpLDs have not been included in their training. What can be done?”

**Source: Disability Rights Commission focus group, March 2007**

### b) HOW BEHAVIOUR OF PEOPLE WITH SpLDs GIVES RISE TO MISPERCEPTIONS:

- inconsistencies could imply untruthfulness
- failure to grasp the point of the question comes across as ‘evasive’
- hesitancy can suggest you are ‘unsure about your evidence’
- a lack of eye contact can be mis-interpreted as being ‘shifty’
- an over-loud voice can be mis-interpreted as ‘aggression’
- sudden verbal abuse could be the panic reaction of someone with Asperger Syndrome

**Source: London WTG Consultancy Group, November 2007**

*Sometimes risk assessments by professionals who are not specialists in SpLDs fail to take account of SpLD factors in their documentation; they may draw mistaken conclusions.*

### c) Learning & Skills Council Research Project on Offending and SpLDs.

*Incidence of Hidden Disabilities in the Prison Population (March 2005)*

**CONCLUSION:** Just over half (52%) have literacy difficulties.

**20% have a hidden disability, affecting learning and employment, such as Attention Deficit Disorder.**



### 9.3 CASE STUDIES

Calls to SpLD helplines include the desperate parents of young people with SpLDs.

A common scenario is that a young man with an SpLD, who has been socially isolated at school, finds acceptance - albeit within the 'wrong crowd'. The group becomes engaged in criminal activity and he is arrested while his 'friends' get away. Being naïve and vulnerable he is left to take full blame for something in which he played a very small part. In police custody he admits to whatever is suggested to him.

The SpLD is not mentioned by the individual concerned nor noticed by the police. He therefore comes to the court without any Reasonable Adjustments/Special Measures.

**CASE STUDY: 'STEVE'** (Source: parental call to DANDA helpline)

Steve was assessed as dyspraxic at the age of seven. He did poorly at school, experienced bullying and left with few qualifications. Having done some casual work at the Post Office he was offered a job over Xmas 2008. He did not disclose his condition formally but informed his line manager.

Steve managed well enough for 2 weeks but then the workload increased considerably and the round became so heavy that he was allowed to use his own car, no PO vans being available. Increasingly Steve was unable to finish by 5pm and would keep back letters to deliver the next day. This escalated until he became completely overwhelmed and was keeping piles of letters in the car. When the letters became wet he panicked and buried them in the woods. Although Steve was living at home he did not tell his parents of the crisis.

Unsurprisingly Steve was charged with theft; it made the headlines in the local paper. When he was arrested he did not think to mention his dyspraxia and struggled to follow the questioning. He was feeling so stressed that he simply agreed to everything that was put to him. The police recorded that there was criminal intent rather than an inability to cope with a demanding and overwhelming situation.

His parents contacted the DANDA helpline. Using the *Adult Dyspraxia Checklist* the following difficulties were highlighted as pertaining to Steve:

- cannot cope with stressful situations so avoids them at any cost
- experiences debilitating symptoms, including queasiness and faintness
- poor communication skills - also very poor at lying
- inconsequential style of speaking; problem with presenting events logically
- not succinct in speaking or writing; gets lost in detail; poor recall of details and dates
- impaired social skills; difficulty following rules
- poor planning and organisational skills
- performs badly in situations where there are multiple stimulations and activities
- cannot cope with background noise
- limited attention span; frequently appears in a dream
- frequently experiences mental overload
- poor time recognition and timekeeping
- incorrect sequencing of numbers and letter strings

Steve also showed symptoms of Visual Stress including headaches when reading; seeing print as blurred and distorted; being unable to skim through documents.

**TO CONSIDER: HOW COULD AN APPROPRIATE ADULT HAVE ASSISTED STEVE ?**

## 9.4 TAKING SPECIFIC LEARNING DIFFICULTIES INTO ACCOUNT

### a) Awareness Training

SpLDs affect up to 10% of the population and are twice as common amongst offenders. It is therefore important that all justice professionals and volunteers receive awareness training.

### b) Spoken Communications: General Guidelines

- Give an overview of the topic before going into details
- Break the information into logical sections, with pauses
- Avoid acronyms, jargon and metaphorical language
- Be aware of a limited attention span and poor working memory



### c) Reading & Writing: Points for Consideration

- Can the detainee read with full comprehension?
- Can s/he retain what has been read?
- Does s/he experience visual stress, making reading laborious and exhausting?
- Can detainees dictate coherently if unable to write their statement themselves?

### d) Further issues relating to people with Attention Deficit (Hyperactivity) Disorder

- If the individual is on medication, check they have taken it, especially before an interview
- Point out that inattention, distractibility, interruptions and impulsivity are all part of their condition and increase vulnerability
- Distractibility might lessen if s/he is allowed to doodle or jot during the session
- Be aware of the need for breaks, to restore concentration

### e) Factors relating to people with Asperger Syndrome (AS)

Since they live with a continual high level of stress and anxiety, individuals with AS reach 'overload' very quickly.

Their stress reaction may include verbal or physical abuse.

Questions must be phrased carefully, avoiding any ambiguity – the literal answers they give are not disrespectful. The AA may be able to help by focusing the question.

Detainees with AS must be allowed thinking time.

They are inflexible in their thinking and cope badly with unexpected changes to routine. There is a better chance of success if they are given a set of rules, which are carefully explained, and which they can then follow.

Showing empathy or seeing things from someone else's point of view is rarely possible.

The National Autistic Society has trained mentors and supplies **Attention / Alert cards**.

### f) Reducing Levels of Stress

- Individuals should be reassured that they can check their understanding at any stage
- Individuals should be encouraged to take their time to consider responses
- A break may be needed if they have reached 'overload'
- Can the environment be modified if the detainee suffers from sensory hypersensitivity?

**PLEASE NOTE: People with SpLDs vary greatly.**

**Each individual should be asked what would enable him/her to manage.**

***This good practice will also assist other detainees, in particular the large numbers who do not know that they have Specific Learning Difficulties.***