

Criminal Justice System (CJS)



Ideas that may help if a PDAer is caught up within the CJS (Updated April 2026)

It's widely recognised that the CJS doesn't yet provide enough automatic consideration to the needs of neurodivergent people, especially PDAers, so we may need to ask and seek accommodations on their behalf. Please remember, I'm not a specialist in law and the suggestions shared here are things I've gleaned from personal research that I hope may help as a starting point. **Please always seek legal advice from a qualified professional to support someone involved with the CJS.**

Firstly, it's important that anyone speaking with a PDAer about a legal matter is aware that they are neurodivergent. Explain that PDA is considered a profile of autism and, how this presents for that individual person. **Discuss their needs** as quickly as you can and signpost to or show relevant information about their whole profile.

Remember, PDAers will often struggle to consistently behave appropriately in certain situations, due to experiencing heightened anxiety and a strong need to avoid demands. This can lead to behaviours that appear to not understand what's right or wrong or, are challenging authority. However, this is generally a result of their threat response being triggered and an inability to then access what's expected and perceived as "correct / appropriate" behaviour in the moment.

Secondly, consider what **reasonable adjustments** may be needed and how these can be put in place. These can and should be considered whether involvement is as a victim or alleged perpetrator.

- The Judiciary have what they call an '**Equal Treatment Bench Book**' which is recommended practice and **Pages 284-286** (May 2025) **looks specifically at PDA** and reasonable adjustments. <https://www.judiciary.uk/about-the-judiciary/diversity/equal-treatment-bench-book/>
- Alongside this a solicitor can also consider requesting a delay to proceedings until a **psychiatric* report can be obtained which can highlight the difficulties that the PDAer experiences**. The National Autistic Society also state that "In the International Classification of Diseases, autism comes under the heading of 'Mental and behavioural disorders', and under the sub-group of 'Disorders of psychological development'. This offers the magistrate the option to proceed under mental health rather than criminal legislation."
<https://www.autism.org.uk/advice-and-guidance/topics/criminal-justice/criminal-justice/professionals>

*A Psychiatrist report from someone who understands PDA to explain underpinning needs/difficulties, can be helpful. One clinician who can help is Dr Gloria Dura-Vila but there may be a wait-list: <https://www.psychiatryinlondon.co.uk/>



Other people who may be able to support or offer advice include:

- **Intermediaries** - These who are professionals with an expertise in facilitating the communication of those who are vulnerable, in order to make the process fair and just for all. This site has some good info:
<https://www.theadvocatesgateway.org/intermediaries>.
- **Custody Healthcare/nurse practitioners** can also be asked to support with mental health whilst detained in custody.
- The **Liaison and Diversion Services** which are often part of mental health trust can help too, with access through self-referral, requests at custody suites or courts or, by professionals. If you google this within your local authority you should find a process.
<https://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/>.
- **Youth Justice Worker** - working with 10 to 18 year olds to help reduce reoffending, support rehabilitation, and ensure the needs of vulnerable young people are understood and addressed. Part of the role is to support professionals in their understanding of how PDA presents and offer advocacy to young people in formal processes, such as court or safeguarding meetings. Contacts usually within Local Offer.

With any of the above services keep referring back to the Bench Book because PDA is defined there. Also signpost to the **PDA Society** for current information on PDA:
<https://www.pdasociety.org.uk/what-is-pda/>.

Other resources that might be helpful include:

- **Webinar by the PDA Society - Introduction to PDA focussing on CJS (2024)** - <https://www.youtube.com/watch?v=3-Noh1jif3A>. This webinar also includes links to appropriate CJS research and action points currently in use, and was informed by the work of Dr Judy Eaton**
- **National Autistic Society - Criminal Justice** - <https://www.autism.org.uk/advice-and-guidance/topics/criminal-justice/criminal-justice>
- **National Autistic Society - A guide for police officers and professionals** - please note that the approaches may need considerable adaptation for a PDA profile of autism - <https://www.autism.org.uk/advice-and-guidance/topics/criminal-justice/criminal-justice/professionals>
- **Conviction** - <https://www.conviction.org.uk/services/autism-in-the-cjs>
- **KeyRing** - <https://www.keyring.org/cjs>
- **Youth Justice Legal Centre** - <https://yjlc.uk/resources/legal-updates/how-improve-autistic-childrens-experience-youth-justice-system>
- **Autism Central** - <https://www.autismcentral.org.uk/guidance/criminal-justice>

**Dr Judy Eaton is also well known and has very interesting insights into the CJS from her work and quotes research in her last book to help support change for autistic people - Missed and Misdiagnosed, Identifying, Understanding and Supporting Diverse Autistic Identities – Jessica Kingsley Press: London, UK



Research and journals:

- Identification and support of autistic individuals within the UK Criminal Justice System: a practical approach based upon professional consensus with input from lived experience – April 2024:
<https://bmcmedicine.biomedcentral.com/articles/10.1186/s12916-024-03320-3>
- Prison service journal July 2016 – Young people in custody:
<https://www.crimeandjustice.org.uk/sites/default/files/PSJ%20226%2C%20Autistic%20spectrum%20disorders.pdf>

I'm aware of a couple of families who have referred to some of these resources with positive outcomes and additional support was offered. In one case charges were dismissed and in another a lesser sentence passed based on 'disability'.

A thought regarding repeat offences

If needs and/or lack of support are assisting/causing the offence and this has been the case before; could this repeat behaviour be argued as part of a defence in not fully understanding/processing the situation and consequences? Differences in social communication, understanding verbal and non-verbal cues, sensory needs, executive functioning etc can all change an individual's perception on what is considered right and wrong.

Research & training – PDA Society

Research was commissioned by the PDA Society and published in December 2025 to help inform future training programmes for the CJS. 'Role traps and control conflicts: Autistic Pathological Demand Avoidance (AuPDA) in the Criminal Justice System' by Dr Rachel Worthington & Alice Bennett from Manchester Metropolitan University. A podcast on this work is available via the PDA Society: <https://training.pdasociety.org.uk/product/cjs-podcast/>
Link to research: <https://medcraveonline.com/JPCPY/JPCPY-16-00842.pdf>

**To ensure the best outcomes, please seek qualified legal advice
for matters relating to the criminal justice system.βΣ**

Created by **Odyssey PDA** – connecting PDA families through peer support

For information about the support group & how we can help please see:

<https://www.odysseypda.co.uk/>

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