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Disability-Mediated Offending in Autism Spectrum Disorder: A Medico-Jurisprudential Analysis of the Core Experience Domains (CEDs) Toward Inclusive Justice in Court Proceedings

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ABSTRACT

Disability-mediated offending (DMO) among individuals with Autism Spectrum Disorder (ASD) presents a complex medico-jurisprudential challenge, particularly when courts are required to interpret behaviors shaped by neurodevelopmental differences rather than conventional criminal intent. Although autistic individuals are more likely to be victims than perpetrators of crime, a minority may encounter the criminal justice system due to their behaviors influenced by sensory dysregulation, communication misunderstandings, social naïveté, emotional dysregulation, or co-occurring mental health conditions. Conventional legal systems, however, frequently rely upon neurotypical assumptions concerning communication, emotional expression, and behavioral intent, thereby increasing the risk of misinterpretation and procedural inequity. This conceptual paper examines how Chia's Core Experience Domains (CEDs), namely sensory needs, communication differences, and social interaction patterns, may serve as a medico-jurisprudential framework for understanding DMO among individuals with ASD, especially in court settings. Through a neurodiversity-informed and disability-sensitive lens, the paper explores how the CED framework may assist courts in contextualizing culpability, interpreting courtroom behaviors, informing forensic assessments, and guiding equitable sentencing practices. Key principles for inclusive justice are proposed, including neurodevelopmental contextualization, individualized assessment, procedural accessibility, therapeutic proportionality, and interdisciplinary collaboration. The paper concludes that a CED-informed medico-jurisprudential approach may strengthen inclusive justice by balancing legal accountability with neurodevelopmental understanding, fairness, and dignity for autistic offenders.

INTRODUCTION

The term, Disability-Mediated Offending (DMO), first coined by Chia (2026a, 2026b), is to replace the pejorative term “juvenile offenders with special needs or disabilities” (Keith & Mccray, 2002). DMO refers to “unlawful or rule-violating behaviors committed by children and/or adolescents in which neurodevelopmental, intellectual, or cognitive disabilities substantially mediate the behavior, particularly through impairments in awareness, intent (mens rea), judgment, or behavioral self-regulation. The DMO term is intentionally neutral and mechanism-focused, avoiding assumptions of criminal propensity while highlighting the role of disability related functional limitations in shaping behavior” (Chia, 2026a, pp. 13-14). Therefore, DMO among individuals with Autism Spectrum Disorder (ASD) presents a significant medico-jurisprudential challenge, particularly when courts are required to interpret behaviors that stem from neurodevelopmental differences rather than conventional criminal intent. These challenges can have substantial consequences, potentially affecting individuals' quality of life and daily functioning (Kuzminski *et al.*, 2025). Although individuals with ASD are more likely to be victims than perpetrators of crime (Mouridsen, 2012), a minority may nevertheless come into contact with the criminal justice system due to behaviors arising from communication misunderstandings, emotional

distress, sensory dysregulation, or social naïveté, rather than deliberate criminality (Collins *et al.*, 2023; King & Murphy, 2014; Lerner *et al.*, 2012; Slavny-Cross *et al.*, 2023). Consequently, legal systems face the complex task of distinguishing intentional offending from behaviors that are mediated by autism-related vulnerabilities, ensuring that such behaviors are interpreted within their appropriate neurodevelopmental context.

LITERATURE REVIEW

The American Psychiatric Association (APA, 2022) defined ASD as a neurodevelopmental condition that is characterized by differences in social communication and interaction alongside restricted interests, repetitive behaviors, and sensory processing differences (Lai, Lombardo, & Baron-Cohen, 2014; Lord *et al.*, 2020). However, contemporary perspectives on neurodiversity have been shifting our understanding of ASD: not to treat it solely as a disorder previously defined by its triad of impairments (Wing & Gould, 1979). Instead, ASD should be seen more as a distinct neurotype involving alternative ways of experiencing, processing, and engaging with the environment (Kapp *et al.*, 2013). In this regard, Chia (2025) proposed the framework of the three Core Experience Domains (CEDs) in autistic behavior pattern, consisting of “sensory needs, communication differences, and social interaction patterns” (p. 112), as foundational domains

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shaping autistic functioning and lived experiences (see Figure 1). Rather than conceptualizing ASD exclusively through its classical triad of impairments (Wing & Gould, 1979), the CED framework offers a contextualized understanding of how autistic individuals perceive and respond to environmental and interpersonal demands. The relevance of the CED framework becomes

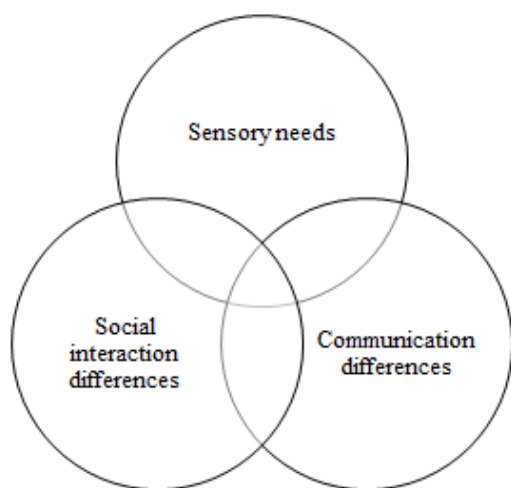


Figure 1: The 3 Core Experience Domains in Autistic Behavior Pattern

particularly crucial within the forensic and legal contexts. Current criminal justice systems often depend on neurotypical assumptions regarding behavioral regulation, communication, emotional expression, and social understanding when evaluating a suspect's credibility, culpability, and intent (Allely & Cooper, 2017). For this reason, defendants with ASD are vulnerable to misunderstanding, especially when their inappropriate behaviors associated with ASD are misinterpreted as evasive, hostile, remorseless, or suspicious. For instance, reduced eye contact, literal communication, delayed responses, or atypical affect observed in individuals with ASD may be wrongly interpreted as dishonesty or lack of remorse, despite these traits reflecting neurodevelopmental differences rather than criminal disposition (Maras, 2021a, 2021b; Maras *et al.*, 2014; Slavny-Cross *et al.*, 2023). Similarly, sensory overload or emotional dysregulation may also contribute to their uncooperative or reactive behaviors, which can be misunderstood as intentional aggression (Helverschou *et al.*, 2015).

More importantly, recognizing DMO does not imply diminished responsibility for all unlawful conduct of individuals with ASD. Rather, the concept of DMO provides a contextualized understanding of atypical behavior by observing and/or examining how disability-related factors may determine offending circumstances and influence culpability (Berryessa, 2016). Individuals with ASD may be perceived as involving in unlawful conduct due to their challenges in interpreting interpersonal boundaries, misunderstanding implicit

social norms, sensory-triggered distress, or vulnerability to coercion and manipulation (Mouridsen, 2012; Slavny-Cross *et al.*, 2023). Thus, legal responses require greater sensitivity to such neurodevelopmental realities that are influencing their behavior.

Against this background, this paper argues that Chia's (2025) CED framework provides a valuable medico-jurisprudential lens for better understanding DMO among individuals with ASD, especially when such cases are brought before the courts. By applying the domains of sensory needs, communication differences, and social interaction patterns to forensic contexts, courts and legal professionals may be better equipped to interpret the autistic behavior pattern, evaluate culpability, and ensure procedural fairness. This paper also proposes guiding principles and practical strategies to strengthen inclusive justice for offenders with ASD while maintaining accountability and public safety.

Accordingly, this paper has three key goals. The first goal is to examine how the CED framework deepens current understanding of DMO among individuals with ASD. The second goal is to explore guiding medico-jurisprudential principles for responding to offenders with ASD in legal settings. The third and last goal is to propose practical strategies to ensure inclusive justice through equitable assessment, courtroom accommodations, and rehabilitation-oriented interventions. Ultimately, aim of this paper is to contribute to a more neurodevelopmentally informed, fair, and humane justice framework that recognizes and appropriately responds to the unique needs and vulnerabilities of offenders with ASD.

MATERIALS AND METHODS

This paper adopted a conceptual research approach, relying on a critical review and synthesis of existing literature to examine DMO among individuals with ASD through the lens of the Core Experience Domains (CEDs) framework (Chia, 2025), consistent with the principles of conceptual research described by Jaakkola (2020). Unlike empirical studies that generate primary data, conceptual papers such as this one synthesize current or existing theoretical, empirical, legal, and interdisciplinary knowledge with the threefold aim: Firstly, it is to develop new conceptual insights. Next, it proposes theoretical frameworks, and finally, identifies implications for policy and practice (Jaakkola, 2020). Therefore, the present paper sought to extend the application of the CED framework beyond educational and developmental contexts. It shifts into forensic psychology and criminal justice by integrating evidence from ASD research, disability studies, forensic psychology, legal scholarship, and neurodiversity-informed practice.

The literature informing this paper was identified through a structured search of peer-reviewed journal articles, books, legal and policy documents, and international guidelines published primarily between 2013 and 2025. Electronic databases (e.g., PsycINFO, PubMed, Scopus, Web of Science, ERIC, and Google Scholar) were

searched using combinations of the following several keywords: autism spectrum disorder, communication differences, court accommodations, criminal justice, disability-mediated offending, forensic autism, inclusive justice, neurodiversity, sensory processing, and social interaction. Through citation tracking and manual searches of seminal publications relevant to autism and forensic practice, additional references were also identified. Priority was given to authoritative professional guidelines, legal analyses, meta-analyses, peer-reviewed empirical studies, and systematic reviews to ensure that the conceptual discussion in this paper was informed by current and credible evidence (Snyder, 2019, 2024).

The analysis followed an integrative conceptual synthesis, i.e., findings from multiple disciplines were critically examined and organized according to the three domains of the CED framework (Chia, 2025): “sensory needs, communication differences, and social interaction patterns” (p. 112). Rather than statistically aggregating findings, by identifying recurring concepts, explanatory mechanisms, and practical implications across diverse sources (Torraco, 2016), the synthesis placed its emphasis on theoretical integration. Subsequently, the collected evidence was reviewed and interpreted within contemporary neurodiversity perspectives. These perspectives emphasize ASD as a naturally occurring form of human neurodevelopmental variation rather than solely a disorder characterized by deficits (Kereszturi, 2023; Leisman & Melillo, 2025). This analytical approach enabled the paper to explore how autistic characteristics may influence legal interpretation, offending behavior, procedural fairness, and rehabilitation, while it maintains the distinction between contextual understanding and legal accountability.

In order to enhance conceptual rigor, the paper drew upon established principles of conceptual scholarship, i.e., clarity of constructs, interdisciplinary integration, logical coherence, and practical applicability (Jaakkola, 2020). The proposed CED framework was evaluated against existing forensic and legal literature to determine its explanatory value in understanding DMO and informing inclusive justice practices. The objective was not to establish causal relationships, but to generate a theoretically grounded framework capable of guiding future empirical research, forensic assessment, judicial decision-making, and policy development concerning individuals with ASD who encounter the criminal justice system.

RESULTS AND DISCUSSION

Understanding DMO in ASD through the CED Framework

DMO among individuals with ASD is best understood from a neurodevelopmental and ecological perspective rather than through purely criminogenic explanations. In addition to core neurodevelopmental characteristics, childhood environmental adversities can significantly influence emotional regulation, adaptive functioning, and

behavioral responses. For example, family disruption, including parental divorce, has been associated with emotional distress, behavioral difficulties, and psychosocial adjustment challenges in children (Almesman, 2022). Among individuals with ASD, these adversities may interact with existing sensory, communication, and social vulnerabilities, highlighting the importance of individualized and context-sensitive assessment.

The concept of DMO acknowledges that certain unlawful behaviors may arise from the interaction between disability-related characteristics and environmental demands, social expectations, or systemic barriers, rather than from criminal intent alone (Berryessa, 2016). In individuals with ASD, behaviors associated with sensory dysregulation, communication difficulties, emotional overload, or social naïveté may increase the likelihood of legal transgressions, even when there is no malicious intent (Collins *et al.*, 2023; King & Murphy, 2014). The CED framework offers a valuable conceptual model for understanding these interactions by identifying three core domains of autistic experience: sensory needs, communication differences, and patterns of social interaction.

The relevance of the CED framework to DMO lies in its emphasis on contextualizing atypical behavior. Criminal justice systems often interpret actions according to neurotypical assumptions concerning emotional regulation, intentionality, and social awareness (Allely & Cooper, 2017). However, individuals with ASD may perceive and/or respond to situations differently due to their neurodevelopmental profile, working to their disadvantage of being misunderstood (Slavny-Cross *et al.*, 2023). Therefore, the CED framework does not excuse unlawful conduct but instead provides an explanation how ASD-related experiences may mediate offending behavior, influence decision-making, and shape legal understanding (Kapp *et al.*, 2013). This contextualized approach strengthens medico-jurisprudential interpretation by enabling courts to differentiate disability-related vulnerabilities from deliberate antisocial conduct. The first domain in the CED framework concerns sensory needs. Sensory hypersensitivity, hyposensitivity, and sensory-seeking tendencies are common among individuals with ASD (Dynea *et al.*, 2023). These needs may significantly affect behavioral responses and emotional regulation (Lord *et al.*, 2020). In forensic settings, sensory overload may precipitate distress, impulsivity, or reactive aggression when individuals with ASD encounter bright lights, crowded environments, loud noises, or unexpected touch (Helterschou *et al.*, 2015; Slavny-Cross *et al.*, 2023). For instance, an individual with ASD reacts physically during police restraint may be responding to overwhelming sensory input rather than intentionally resisting authority. Similarly, sensory-seeking behaviors may occasionally lead to actions that appear intrusive or socially inappropriate (Chia, 2025; Dynea *et al.*, 2023). Chia (2025) emphasized that sensory needs are foundational to autistic functioning and significantly influence emotional-

behavioral regulation, making them particularly relevant when interpreting DMO.

The second domain concerns communication differences. This is highly relevant in any legal context, where language, inference, and interpersonal understanding are central. Many individuals with ASD show atypical expressive styles, difficulty interpreting implied meanings, or literal language processing (Maras *et al.*, 2014). Hence, communication differences may also contribute to DMO when individuals with ASD misunderstand consent, legal boundaries, or social expectations (Maras, 2021a, 2021b; Slavny-Cross *et al.*, 2023). For example, repetitive online messaging or texting motivated by perseverative interests may be interpreted as harassment despite limited understanding of emotional impact or relational reciprocity (Mouridsen, 2012). In addition, during police interviews or court proceedings, individuals with ASD may appear evasive or inconsistent due to delayed processing or literal interpretation rather than deception (Allely, 2022; Maras, 2021a, 2021b; Slavny-Cross *et al.*, 2023). Hence, the communication domain highlights the importance of contextualized legal interpretation.

The third domain concerns social interaction patterns. This includes differences in emotional interpretation, social reciprocity, and understanding of implicit norms (Lai *et al.*, 2020). Social naïveté may raise vulnerability to DMO through misunderstandings of interpersonal boundaries or susceptibility to coercion by peers. For instance, an individual with ASD may become hyper-focused on another person or engage in persistent contact without recognizing how such behaviors may be perceived as threatening or inappropriate (Collins *et al.*, 2023; King & Murphy, 2014). Likewise, people with ASD may unknowingly participate in unlawful activities initiated by others due to their difficulties in recognizing manipulation or appreciating broader social consequences.

Importantly, the three domains in the CED framework rarely operate independently. Instead, DMO often emerges through interactions among communication breakdowns, sensory distress, and social misunderstandings. For instance, sensory overload during a stressful interaction (e.g., during a lesson in classroom) may impair communication and contribute to socially misinterpreted behaviors, e.g., aggression, agitation, or withdrawal (Dynia *et al.*, 2023; Slavny-Cross *et al.*, 2023). Similarly, misunderstandings involving consent or boundaries may involve overlapping communication and social interaction difficulties compounded by anxiety or emotional dysregulation.

Thus, understanding DMO through the integrated lens of the CED framework allows courts and forensic professionals to move beyond simplistic assumptions of criminality toward a more contextualized understanding of ASD-associated behavior. While legal accountability remains crucial, a CED-informed perspective helps to enhance fairness by recognizing how neurodevelopmental experiences may mediate offending behavior, determine

intent, and influence culpability. In this sense, the CED framework offers an important medico-jurisprudential foundation for interpreting autistic offending in ways that are both clinically informed and legally responsible.

Applying the CED Framework to Court Proceedings and the Interpretation of Autistic Offending Behavior

When individuals with ASD enter the criminal justice system, courts are often required to interpret their behaviors, emotional responses, and intentions through legal standards developed largely around neurotypical assumptions. It must be taken note that these assumptions generally presume conventional behavioral regulation, communication styles, emotional expressiveness, and social reciprocity (Allely & Cooper, 2017). As a consequence, defendants with ASD are often vulnerable to being misunderstood, especially when their autistic behaviors are misinterpreted as dishonesty, hostility, indifference, or lack of remorse (Slavny-Cross *et al.*, 2023). In this regard, the CED framework can become a useful medico-jurisprudential tool to contextualize DMO and strengthening fairness in court interpretation. By recognizing the roles of sensory needs, communication differences, and social interaction patterns, courts may better distinguish disability-mediated vulnerabilities from intentional criminal conduct.

One central issue in criminal proceedings involves the assessment of mens rea, or criminal intent. In the conventional legal interpretations, it often assumes that defendants with ASD like the neurotypical possess relatively similar capacities for understanding consequences, interpreting social expectations, and regulating behavior under stress (Berryessa, 2016; Slavny-Cross *et al.*, 2023). This is certainly not possible or true. Individuals with ASD may perceive and interpret situations differently, especially when they are confronted with ambiguity, sensory overload, or emotionally charged environments (Lai *et al.*, 2020). A CED-informed interpretation can help to encourage courts to examine if sensory, communication, or social factors mediated the offending behavior rather than relying exclusively on subjective observable actions.

Under the sensory domain in the CED framework, for example, reactive aggression or non-compliance may arise from sensory dysregulation rather than intentional hostility. Police sirens, bright lighting, physical restraint, or crowded settings may overwhelm individuals with ASD and trigger distress responses that appear oppositional or aggressive (Helveschou *et al.*, 2015; Slavny-Cross *et al.*, 2023). Thus, a defendant with ASD charged with resisting arrest may have been responding to sensory overload rather than consciously seeking to obstruct law enforcement. In such situations, a contextual understanding of sensory processing differences may help courts in evaluating culpability more proportionately. Like the sensory domain, the communication domain is equally significant in legal interpretation. Court processes

rely heavily on verbal communication, inferential reasoning, and rapid questioning, yet many individuals with ASD process language literally and/or require extra time to formulate their responses (Maras *et al.*, 2014). During police interviews or testimony, a defendant with ASD may appear detached, evasive, or inconsistent, due to communication differences rather than deception (Allely, 2022; Maras, 2021a, 2021b). Literal interpretation of questions may also affect comprehension of consent, interpersonal boundaries, or legal expectations. For example, repetitive online contact with another person may legally constitute harassment, while the individual with ASD may perceive the behavior as acceptable friendship maintenance due to their limited awareness of social reciprocity or implicit relational cues (Collins *et al.*, 2023; King & Murphy, 2014).

Social interaction patterns further influence how individuals with ASD are perceived in legal settings. Courts frequently rely upon behavioral cues (e.g., eye contact, emotional expression, and interpersonal responsiveness) when assessing credibility and remorse. However, defendants with ASD may avoid eye contact, communicate in monotone speech, or display flattened affect, despite experiencing genuine emotional distress (Crane *et al.*, 2016; Maras, 2021a, 2021b; Slavny-Cross *et al.*, 2023). Social differences may thus mislead courtroom impressions, especially when judges or juries interpret neurodivergent behavior through neurotypical expectations. A defendant with ASD appearing emotionally detached may nevertheless possess remorse but express it differently from socially conventional norms.

Given these atypical challenges, expert testimony becomes particularly crucial in cases involving DMO. ASD-informed psychologists, psychiatrists, occupational therapists, speech-language therapists, and educational therapists can assist courts in understanding how sensory, communication, and social interaction domains may have contributed to the offense or influenced courtroom participation (Allely & Cooper, 2017). Rather than relying solely on generalized forensic models developed for neurotypical populations, courts should prioritize individualized functional assessments examining sensory triggers, communication styles, emotional regulation, and social reasoning relevant to the alleged behavior.

The CED framework also highlights the importance of procedural accommodations to ensure meaningful participation in legal proceedings. Courtrooms are frequently communication-intensive, sensory-demanding, socially complex environments and that may disadvantage defendants with ASD (Crane *et al.*, 2016). Hence, sensory accommodations should be provided for them in the same way when they are in classroom (Dynea *et al.*, 2023). These may include quieter waiting areas, scheduled breaks, or reduced environmental stimulation. Communication supports may include simplifying spoken/written language, giving more time for information processing, or providing written explanations with visual graphics

on legal procedures. In some cases, ASD-informed intermediaries or advocates can be a great help to bridge misunderstandings between defendants with ASD and legal professionals.

Such special accommodations should never be viewed as preferential treatment; rather, they are useful mechanisms to ensure procedural fairness and equal access to justice. Consistent with disability rights principles, equitable treatment is not always equal to identical treatment. Instead, it requires responsiveness to differing functional needs so that all individuals with ASD can participate meaningfully in legal processes (United Nations Convention on the Rights of Persons with Disabilities [UNCRPD], 2006).

Ultimately, applying the CED framework to court proceedings strengthens medico-jurisprudential understanding by enabling legal professionals to interpret ASD offending behavior within its neurodevelopmental context. By reducing reliance on neurotypical assumptions and encouraging individualized assessment, the framework improves the accuracy of legal judgments, minimizes the risk of misinterpretation, and promotes more inclusive justice outcomes for offenders with ASD while maintaining legal accountability.

Guiding Principles for Ensuring Inclusive Justice for DMOs with ASD

Ensuring inclusive justice for disability-mediated offenders (DMOs) with ASD requires more than acknowledging ASD as a clinical diagnosis within legal proceedings (Chia, 2026b). Rather, it necessitates a medico-jurisprudential approach that recognizes how neurodevelopmental differences may shape behavior, communication, emotional regulation, and legal participation. Criminal justice systems often operate according to neurotypical assumptions regarding intent, social understanding, and courtroom conduct, thereby placing defendants with ASD at heightened risk of misunderstanding and inequitable treatment (Allely & Cooper, 2017). To strengthen fairness while maintaining accountability, courts dealing with such DMOs should adopt guiding principles grounded in neurodevelopmental contextualization, individualized assessment, procedural accessibility, dignity, therapeutic proportionality, and interdisciplinary collaboration.

Table 1 below provides a summary of six guiding principles that creates a framework for achieving more equitable and inclusive justice for offenders with ASD whose behaviors are very much disability-mediated. Rather than weakening accountability, these principles strengthen legal fairness by ensuring that offending behaviors are interpreted within their neurodevelopmental context, thereby promoting justice that is proportionate, humane, and responsive to disability-related realities.

ASD-informed justice should be guided by six interconnected principles as described in Table 1 above: (1) Neurodevelopmental contextualization; (2) Individualized assessment; (3) Procedural accessibility; (4) Dignity and neurodiversity affirmation; (5) Therapeutic

Table 1: Guiding Principles for Ensuring Inclusive Justice for Disability-Mediated Offenders with ASD

Guiding Principle	Description	Relevance to DMO in ASD	Practical Implications for Inclusive Justice
Principle 1: Neurodevelopmental Contextualization	Offending behavior should be understood within the neurodevelopmental realities of autism rather than interpreted solely through moral or criminogenic assumptions.	Sensory overload, emotional dysregulation, communication misunderstandings, or social naïveté may mediate offending behavior.	Courts should evaluate how ASD-related vulnerabilities contributed to the alleged offense and avoid simplistic assumptions of criminal intent.
Principle 2: Individualized and Functional Assessment	Legal responses should be based on individualized forensic evaluations rather than generalized assumptions about ASD.	ASD presents heterogeneously, with varying sensory, communication, emotional, and social profiles.	Forensic assessments should examine sensory sensitivities, communication processing, social reasoning, emotional regulation, and co-occurring conditions relevant to offending behavior.
Principle 3: Procedural Accessibility and Reasonable Accommodation	Legal systems should ensure defendants with ASD can meaningfully participate in legal proceedings through accommodations.	Courtrooms and police environments may overwhelm individuals with ASD due to sensory demands and communication complexity.	Provide sensory-friendly spaces, simplified language, additional processing time, visual supports, and ASD-informed intermediaries where appropriate.
Principle 4: Dignity, Respect, and Neurodiversity Affirmation	Justice systems should recognize ASD as a neurodevelopmental difference and avoid stigmatizing assumptions.	Behaviors such as reduced eye contact, monotonic speech, or atypical affect may be wrongly interpreted as dishonesty or lack of remorse.	Judges, lawyers, and juries should interpret courtroom behavior within an ASD-informed framework and avoid neurotypical bias.
Principle 5: Therapeutic Proportionality and Rehabilitation-Oriented Justice	Sentencing and interventions should remain proportionate while addressing disability-mediated contributors to offending.	Punitive responses alone may not address sensory dysregulation, communication difficulties, or social misunderstanding.	Courts may consider diversionary pathways, therapeutic interventions, restorative justice, and ASD-informed rehabilitation programs where proportionate.
Principle 6: Interdisciplinary Collaboration	Inclusive justice requires collaboration among legal, clinical, therapeutic, and disability professionals.	DMO often involves interacting neurological, psychological, social, and environmental factors.	Encourage coordinated input from psychologists, psychiatrists, occupational therapists, speech-language therapists, educational therapists, and disability advocates in legal decision-making.

proportionality; and (6) Interdisciplinary collaboration. Drawing on Chia's (2025) CED framework, courts should understand offending behavior within the context of ASD-related sensory, communication, and social factors rather than relying solely on criminogenic or moral interpretations. As ASD is highly heterogeneous, individualized evaluations are necessary to assess the functional impact of ASD and its co-occurring conditions on both offending behavior and legal participation. Legal processes should also incorporate reasonable

accommodations that address communication and sensory needs to ensure meaningful participation. Consistent with neurodiversity perspectives, justice systems must avoid stigmatizing assumptions and recognize that individuals with ASD may express emotions, social understanding, and accountability differently from neurotypical norms. Where disability-related factors contribute to offending, rehabilitation-oriented and therapeutic interventions may be more appropriate than purely punitive responses. Achieving inclusive and equitable justice further requires

Table 2: Practical Applications of the CED Framework across the Criminal Justice System for Individuals with ASD

Area of Concern	Key Challenges	CED Domains Applied	Recommended Practices	Expected Outcomes
Area of Concern 1: ASD-Informed Police and First Responder Practices	ASD behaviors (e.g., delayed responses, repetitive movements, sensory distress, atypical body language) may be misinterpreted as resistance, intoxication, or aggression, increasing the risk of escalation.	Sensory Domain: Recognition of sensory distress triggers. Communication Domain: Adapted communication strategies.	Use de-escalation techniques; reduce sensory stimulation; avoid unnecessary physical contact; use clear and direct language; avoid figurative speech; provide additional processing time	Improved cooperation, reduced misunderstandings, and prevention of unnecessary escalation or criminalization.
Area of Concern 2: ASD-Informed Forensic Assessments	Standard forensic assessments may overlook autism-related vulnerabilities and contextual factors influencing offending behavior.	Sensory Domain: Sensory triggers and regulation difficulties. Communication Domain: Literal interpretation and understanding of legal concepts. Social Domain: Social naïveté and vulnerability to coercion.	Conduct individualized autism-informed forensic evaluations; assess sensory, communication, social, emotional, and co-occurring mental health factors	More accurate assessments, greater proportionality, and fairer judicial decision-making.
Area of Concern 3: ASD-Friendly Courtroom Practices	Courtrooms can be sensory-demanding, socially complex, and communication-intensive, disadvantaging autistic defendants.	Sensory Domain: Environmental accommodations. Communication Domain: Accessible communication. Social Domain: Interpretation of autistic social behaviors.	Provide quieter waiting areas, scheduled breaks, and sensory supports; use clear language and simplified questioning; allow extra response time; offer written or visual supports; provide autism-informed judicial training.	Enhanced legal participation, reduced neurotypical bias, and more equitable courtroom experiences.
Area of Concern 4: Diversionary and Rehabilitation-Oriented Approaches	Punitive sanctions alone may not address underlying disability-related contributors to offending and may increase reoffending risk.	Sensory Domain: Sensory regulation needs. Communication Domain: Understanding legal and interpersonal expectations. Social Domain: Social and emotional support needs.	Implement diversionary programs; provide occupational therapy, sensory regulation interventions, communication coaching, social skills support, emotional regulation training, and restorative justice options.	Reduced reoffending risk, enhanced accountability, and improved rehabilitation outcomes.

Area of Concern 5: Professional Training and Community Reintegration	Limited ASD knowledge among justice professionals; offenders with ASD may face stigma, employment barriers, disrupted supports, and mental health challenges after legal involvement.	All CED Domains: Applied through professional competency and reintegration planning.	Provide ASD-focused training for justice professionals; develop community-based supports, vocational services, emotional regulation coaching, and structured social support systems.	Improved professional competence, successful community reintegration, and reduced vulnerability to future offending.
Overall Application of the CED Framework	Risk of misinterpretation and inequitable treatment of individuals with ASD throughout the justice process.	Sensory, Communication, and Social Domains integrated across all stages.	Embed ASD-informed practices across policing, forensic assessment, court procedures, rehabilitation, and reintegration.	More equitable, inclusive, and humane justice outcomes that balance accountability with fairness.

collaboration among legal, clinical, educational, and disability professionals to support informed assessment, decision-making, and intervention planning.

Best Practices and Practical Strategies for Ensuring Inclusive Justice for DMOs with ASD

Police officers and emergency responders are often the first point of contact between individuals with ASD and the criminal justice system, making these initial encounters critical in shaping subsequent legal outcomes. However, law enforcement personnel frequently operate under conditions of significant occupational stress and adversity, which may affect judgment, communication, and decision-making during high-pressure situations (Calusor, 2022). These challenges highlight the need for specialized ASD-informed training, effective de-escalation strategies, and organizational support to facilitate equitable and appropriate interactions with autistic individuals.

Although the six guiding principles provide the conceptual foundation for inclusive justice, translating these principles into practice requires coordinated reforms throughout the criminal justice process. Because offending behavior among individuals with ASD may be disability-mediated, justice systems should adopt ASD-informed approaches that recognize neurodevelopmental differences while preserving legal accountability. Inclusive justice does not exempt individuals from responsibility; rather, it seeks to ensure fair participation in legal proceedings and proportionate responses by acknowledging disability-related vulnerabilities (Berryessa, 2016). Guided by Chia's (2025) CED framework, practical strategies can be implemented across five key stages of the criminal justice continuum: (1) police contact and first response, (2) forensic assessment, (3) courtroom participation, (4) diversion and rehabilitation, and (5) professional training and community reintegration. Table 2 summarizes the major challenges, relevant CED domains, recommended practices, and expected outcomes associated with each of these areas.

As summarized in Table 2, the CED framework provides a practical foundation for implementing ASD-informed practices throughout the criminal justice continuum. The framework begins with the initial interaction between law enforcement personnel and individuals with ASD and extends through forensic assessment, courtroom participation, rehabilitation, and ultimately community reintegration. Following legal involvement, autistic offenders may encounter stigma, disrupted support networks, employment barriers, and mental health challenges that increase their vulnerability to future offending (Maddox *et al.*, 2020). Community-based services, ASD-informed vocational programs, emotional regulation coaching, and structured social supports can address these challenges while strengthening long-term rehabilitation and successful reintegration.

Within policing, ASD-informed practices emphasize de-escalation, sensory awareness, and adapted communication to minimize misunderstandings and prevent unnecessary escalation. During forensic assessment, evaluations should be individualized and examine how sensory, communication, social, emotional, and co-occurring mental health factors may have contributed to the offending behavior. In courtroom settings, reasonable accommodations (including sensory modifications, accessible communication, additional response time, and recognition of autism-related social behaviors) can facilitate meaningful participation while reducing interpretive bias. When appropriate, diversionary and rehabilitation-oriented interventions should address disability-related contributors to offending through individualized therapeutic supports, restorative justice initiatives, and community-based services rather than relying solely on punitive sanctions. Equally important are ongoing professional development programs that enhance ASD competency among justice personnel and community reintegration initiatives that address stigma, employment opportunities, mental health needs, and social support. Collectively, these strategies translate the

CED framework into practical applications that promote equitable, proportionate, and inclusive justice while balancing accountability with fairness for individuals with ASD who become involved in the criminal justice system. Successful implementation of ASD-informed policing also requires recognition of the occupational realities faced by law enforcement personnel. Because occupational stress and adversity can influence officers' communication, judgment, and decision-making during complex encounters with neurodivergent individuals, resilience training should complement ASD-specific education and de-escalation competencies (Calusor, 2022).

Implications for Law, Policy, and Future Practice

The recognition of DMO among individuals with ASD carries important implications for legal systems, criminal justice policy, forensic practice, and disability rights. As argued throughout this paper, the CED framework provides an essential lens through which the medico-jurisprudential understanding of how sensory needs, communication differences, and social interaction patterns may shape offending behavior and legal participation among autistic individuals. However, translating this understanding into inclusive justice requires structural and institutional reform rather than isolated accommodations alone.

One major implication for legal systems concerns the interpretation of criminal intent and culpability. By conventional legal standards, it is often assumed that relatively similar capacities for social understanding, emotional regulation, and behavioral control among defendants (Berryessa, 2016). However, individuals with ASD may respond differently to environmental stressors, interpersonal interactions, or sensory demands (Dynea *et al.*, 2023; Slavny-Cross *et al.*, 2023). As a result, this complicates the traditional assumptions surrounding mens rea. Therefore, courts should adopt more contextualized approaches when deciding whether disability-related factors mediated the alleged offending behavior without undermining legal accountability. ASD-informed expert testimony and individualized forensic assessment should become standard considerations in cases involving defendants with ASD (Allely & Cooper, 2017).

At the level of policy decision-making, criminal justice agencies should establish ASD-informed protocols for police encounters, courtroom participation, detention settings, and rehabilitation services. Many legal systems still lack the structured procedures for identifying and responding to individuals with ASD during legal processes, increasing the risk of misunderstanding and procedural inequity (Crane *et al.*, 2016). Therefore, mandatory ASD training for police officers, judges, lawyers, probation personnel, and correctional staff should be top on the priority. Such initiatives should also acknowledge the occupational stressors routinely experienced by police officers because elevated stress may

affect judgment, communication, and decision-making during encounters with individuals with ASD. Building resilience and adversity management among police personnel may therefore complement ASD-specific training and improve procedural fairness (Calusor, 2022). The CED framework also has important implications for forensic and clinical practice. Standardized risk assessments developed for neurotypical offenders may inadequately capture ASD-related vulnerabilities and the contextual factors underlying atypical behaviour (Collins *et al.*, 2023; King & Murphy, 2014). Forensic professionals should therefore adopt individualized and ecologically informed evaluations that examine how communication difficulties, emotional dysregulation, sensory distress, social naïveté, and co-occurring conditions may have contributed to offending behaviour. Such assessments should also extend beyond neurodevelopmental characteristics to consider significant psychosocial and family circumstances that may influence behavioural functioning. For example, family instability, including parental divorce, has been associated with poorer emotional well-being, reduced coping capacity, and behavioural adjustment difficulties among children (Almesman, 2022). Incorporating these broader contextual influences into forensic evaluations enables courts to develop a more comprehensive understanding of disability-mediated offending while preserving legal accountability. Collectively, these individualized and context-sensitive approaches can enhance the fairness and validity of forensic opinions, support more proportionate judicial decision-making, and inform the development of targeted rehabilitation plans.

From the perspective of disability rights, inclusive justice requires legal systems to go beyond equal treatment and move toward equitable treatment. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006) has placed the emphasis on the need for accessibility to justice and reasonable accommodation for all individuals with disabilities. Accordingly, offenders with ASD should be provided with meaningful opportunities to communicate effectively, participate fully in legal processes, and understand what is going on during the proceedings. Therefore, procedural fairness should not be taken for granted as preferential treatment but as an essential condition for justice.

Future research should further examine how the Core Experience Domains (CEDs) can influence offending behavioral trajectories, courtroom experiences, and sentencing outcomes among individuals with ASD. By conducting empirical validation of ASD-informed forensic assessment models grounded in the CED framework, this would help to strengthen medico-jurisprudential practice. Greater participatory research involving individuals with ASD with lived legal experience may further inform disability-sensitive reforms. Ultimately, in order to achieve inclusive justice for offenders with ASD, it requires systemic reforms grounded in neurodevelopmental understanding,

interdisciplinary collaboration, and procedural fairness. By integrating the CEDs into law, policy-making, and forensic practice, justice systems may better distinguish disability-mediated vulnerabilities from intentional criminality, while, at the same time, promoting outcomes that should be accountable, equitable, and humane.

CONCLUSION

The disability-mediated offending (DMO) among individuals with ASD continues to present a significant medico-jurisprudential challenge for contemporary justice systems. Conventional legal approaches frequently rely on neurotypical assumptions concerning behavioral regulation, communication, emotional expression, and criminal intent, thereby increasing the risk that individuals with ASD may be misunderstood when brought before the courts (Allely & Cooper, 2017). Behaviors associated with sensory dysregulation, literal communication, social misunderstanding, or emotional distress may be incorrectly interpreted as hostility, deception, lack of remorse, or intentional criminality (Slavny-Cross *et al.*, 2023). Consequently, justice systems require more nuanced and neurodevelopmentally informed approaches to ensure equitable legal outcomes.

This paper has argued that Chia's (2025) framework of Core Experience Domains (CEDs) provides a valuable conceptual and medico-jurisprudential lens for understanding DMO among individuals with ASD. By emphasizing the interconnected domains of sensory needs, communication differences, and social interaction patterns, the CED framework enables legal professionals to interpret behavior within its neurodevelopmental context rather than through deficit-based or purely criminogenic assumptions. Importantly, the framework does not negate accountability; instead, it helps to strengthen fairness by supporting more contextualized interpretations of intent, culpability, and behavioral meaning. The discussion further demonstrated how the CED framework may be applied across legal processes, including forensic assessment, courtroom participation, sentencing, and rehabilitation planning. The six guiding principles (i.e., neurodevelopmental contextualization, individualized assessment, procedural accessibility, dignity and neurodiversity affirmation, therapeutic proportionality, and interdisciplinary collaboration) were proposed to strengthen inclusive justice. Practical strategies involving ASD-informed policing, courtroom accommodations, rehabilitation-oriented interventions, and professional training further illustrated how legal systems may operationalize these principles in practice. More importantly, inclusive justice should never be taken as reduced responsibility or preferential treatment for offenders with ASD. Rather, it reflects the recognition that equitable justice requires responsiveness to neurodevelopmental realities and disability-related vulnerabilities. Justice is most effective when defendants with ASD are given their much-needed support to help them comprehend legal processes, communicate

meaningfully, and participate fairly while remaining accountable for any of their unlawful conduct.

In conclusion, achieving inclusive justice for disability-mediated offenders with ASD requires justice systems to go beyond the punitive models toward neurodevelopmentally informed approaches, disability rights, and contextual fairness. By integrating the Core Experience Domains (CEDs) into medico-jurisprudential practice, courts and legal institutions can become better equipped to balance accountability with compassion, public protection with rehabilitation, and legal consistency with individualized justice. In doing so, justice has gradually become not merely punitive, but genuinely inclusive, humane, and responsive to the lived realities of individuals with ASD.

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