



International Journal of Criminology & Justice (IJCJ)

ISSN: 3142-8908 (ONLINE)

VOLUME 2 ISSUE 1 (2026)



PUBLISHED BY
E-PALLI PUBLISHERS, DELAWARE, USA

Disability-Mediated Offending vs Neurodivergent Offending: Towards Conceptual Clarity in Inclusive Criminal Justice

Kok Hwee Chia^{1*}

Article Information

Received: April 07, 2026

Accepted: June 02, 2026

Published: July 13, 2026

Keywords

*Criminal Justice, Disability
Criminology, Disability-Mediated
Offending, Juvenile Delinquency,
Neurodivergent Offending,
Neurodiversity*

ABSTRACT

There is an increasing representation of disabled and neurodivergent individuals within criminal justice systems. As a result, it has prompted greater scholarly attention to the relationship between disability, neurodevelopmental differences, and offending behavior. This paper examines and differentiates the emerging concepts of disability-mediated offending (DMO) and neurodivergent offending (NDO), arguing that although the terms are related, they are conceptually distinct and should not be used interchangeably. On the one hand, DMO is conceptualized as a broader framework that recognizes how disability-related vulnerabilities and disabling social contexts may shape pathways into offending. On the other hand, NDO refers more specifically to offending involving individuals with neurodevelopmental differences such as autism spectrum disorder (ASD), attention-deficit/hyperactivity disorder (ADHD), and learning disabilities (LD). Through hypothetical case illustrations, the paper demonstrates how communication difficulties, executive functioning challenges, trauma, exclusion, unmet support needs, emotional dysregulation, and systemic barriers may interact with environmental risk factors in justice involvement. The discussion further highlights the implications of DMO and NDO for juvenile delinquency, particularly the need for early identification, individualized support, diversionary interventions, and disability-responsive juvenile justice practices to reduce long-term criminalization risks among vulnerable youth. In addition, the paper emphasizes the importance of disability-responsive, neuro-affirmative, and trauma-informed criminal justice practices. Greater conceptual clarity may assist researchers, practitioners, and policymakers in developing more nuanced, rights-based, and rehabilitative approaches to assessment, intervention, and justice responses for disabled and neurodivergent populations.

INTRODUCTION

Today, the relationship between disability, neurodivergence, and offending behavior has attracted growing scholarly attention within criminology, disability studies, and forensic psychology, particularly in light of increasing concerns regarding the disproportionate representation of disabled and neurodivergent individuals within criminal justice systems (Chaplin & McCarthy, 2023; Hofvander *et al.*, 2023). Contemporary research has progressively moved away from deterministic assumptions that disability or neurodivergence directly causes criminal behavior, instead emphasizing the complex interplay of personal, environmental, relational, and systemic factors that may shape pathways into offending (Woodhouse *et al.*, 2024; Wilson *et al.*, 2024). Within this evolving discourse, the concepts of disability-mediated offending (DMO) - a term formally introduced by Chia (2026a) - and neurodivergent offending (NDO), which, to the author's knowledge, has not yet been explicitly defined within the extant literature, offer potentially useful frameworks for understanding how disability-related experiences, neurodevelopmental differences, social exclusion, trauma, unmet support needs, communication barriers, and institutional responses may influence offending trajectories (Rogers, 2025; Macdonald & Peacock, 2026). Although these two terms are increasingly referenced within emerging criminological discourse,

they remain conceptually distinct and therefore warrant closer examination to clarify their meanings, scope, and implications for inclusive justice practices, policy development, and rehabilitative interventions (Chaplin & McCarthy, 2023; Renehan, 2024; Salter & Blainey, 2024). The rationale for this paper arises from the growing scholarly and professional interest in understanding the disproportionate involvement of disabled and neurodivergent individuals within criminal justice systems, alongside persistent conceptual ambiguities surrounding the terminology used to explain offending behavior in these populations. Although concepts such as DMO and NDO have begun to emerge within criminological and forensic discourse, they are often used interchangeably without sufficient conceptual clarity or theoretical differentiation. Such ambiguity may contribute to inconsistencies in research, policy formulation, forensic assessment, and intervention planning. Moreover, it can also risk the reinforcement of deficit-oriented narratives or the inadvertent pathologization of disability and neurodivergence (Macdonald & Peacock, 2025; Rogers, 2025). Accordingly, this paper seeks to clarify and distinguish these two concepts by examining their respective definitions, similarities, and differences. In addition, this paper is further justified by the need to promote rights-based, disability-responsive, and neuro-affirmative approaches to justice involvement.

¹ Academic Chair & Chief Advisor, Merlion Academy and Managing Principal Therapist, Merlion Paediatric Therapy Clinic, Singapore; Adjunct Professor, Zhejiang A&F University, China

* Corresponding author's e-mail: chiakokhwee@gmail.com

Contemporary scholarship increasingly recognizes that offending behavior among disabled and neurodivergent individuals is rarely attributable to disability or neurodivergence alone; rather, it is shaped by a complex interaction of trauma, social exclusion, educational marginalization, communication barriers, unmet support needs, and institutional failures (Hofvander *et al.*, 2023; Wilson *et al.*, 2024). In the absence of nuanced conceptual understanding, criminal justice systems risk adopting punitive or deficit-based responses that fail to account for contextual vulnerabilities, structural inequities, and individualized support requirements. By clarifying the conceptual distinctions and areas of overlap between DMO and NDO, this paper seeks to contribute to the emerging field of disability criminology and to support the development of more informed, equitable, and inclusive criminal justice practices (Tidball, 2024; Woodhouse *et al.*, 2024).

LITERATURE REVIEW

Scholarly discourse on offending behavior among disabled and neurodivergent populations has increasingly shifted away from deterministic and pathology-oriented explanations toward ecological, social model-informed, and neurodiversity-affirmative perspectives (Chia, 2026a, 2026b; Lighthart *et al.*, 2023; Macdonald & Peacock, 2024; Newman-Griffis *et al.*, 2025). Contemporary research emphasizes that justice involvement is best understood through the interaction of structural inequalities, institutional practices, trauma exposure, and environmental barriers, rather than through intrinsic deficits located within disabled or neurodivergent individuals (Wilson *et al.*, 2024). This represents a significant departure from earlier criminological paradigms, which frequently conceptualized offending among disabled persons through deficit-based frameworks that prioritized impaired cognition, psychopathology, or individual dysfunction as primary explanatory factors (Henderson & Bull, 2024; Holland *et al.*, 2023). Such medicalized approaches have since been critiqued for neglecting the broader social and institutional conditions that shape vulnerability to criminalization, including exclusionary systems and inadequate support structures (Lighthart *et al.*, 2023; Rogers, 2025). Within this evolving intellectual context, DMO and NDO can be understood as contemporary conceptual developments that reflect this paradigmatic shift: DMO adopts a broader disability-informed lens that foregrounds systemic and environmental mediation of offending pathways (Chia, 2026b), while NDO focuses more specifically on how neurodevelopmental profiles interact with contextual and structural factors in shaping justice involvement (Macdonald & Peacock, 2024; Wilson *et al.*, 2024).

However, contemporary disability-focused criminology challenges such reductionist assumptions. It argues that offending trajectories among disabled individuals are often shaped by intersecting structural, relational, and institutional disadvantages. These include poverty,

social exclusion, trauma, educational disengagement, discrimination, communication barriers, and unmet support needs (Macdonald & Peacock, 2025, 2026; Rogers, 2025). Within this emerging scholarship, disability is increasingly conceptualized not merely as an individual impairment but as an interaction between embodied differences and disabling social environments that may heighten vulnerability to criminalization.

The development of disability-informed criminology has further highlighted the disproportionate representation of disabled individuals within criminal justice systems and the inadequacy of conventional justice responses in addressing disability-related vulnerabilities. Research studies (e.g., Clare & Gudjonsson, 1995; Young *et al.*, 2013) have shown that individuals with intellectual disabilities, psychosocial disabilities, communication disorders, and neurodevelopmental conditions often encounter procedural disadvantages during police interviews, court proceedings, and custodial environments. These disadvantages frequently arise from difficulties in comprehension, communication, suggestibility, executive functioning, and emotional regulation, compounded by the inadequate provision of procedural safeguards within the criminal justice system (Rahmatillah, 2025; Rogers, 2025; Tidball, 2024). Such vulnerabilities may increase the likelihood of false confessions, misunderstanding of legal rights, and the inappropriate criminalization of behaviors associated with unmet support needs (Carrington *et al.*, 2013; Leotti & Slayter, 2022; Stubbs *et al.*, 2023). Consequently, disability criminologists increasingly advocate for trauma-informed, rights-based, and disability-responsive justice systems that acknowledge the mediating role of disability-related experiences in offending pathways, rather than reducing criminal behavior solely to individual culpability (Macdonald & Peacock, 2026).

Parallel to disability criminology, emerging scholarship on neurodivergence and offending has sought to understand how neurodevelopmental differences intersect with criminal justice experiences. Neurodivergence, commonly encompassing autism spectrum disorder (ASD), attention-deficit/hyperactivity disorder (ADHD), learning disabilities (LD, e.g., dyslexia, dyscalculia and dysgraphia), developmental coordination disorder (DCD, including dyspraxia), and Tourette syndrome, has become an important analytical lens for understanding differences in cognition, communication, sensory processing, emotional regulation, and behavioral responses (Chaplin & McCarthy, 2023).

Although some studies report higher rates of justice involvement among certain neurodivergent groups, researchers consistently caution against simplistic causal assumptions linking neurodevelopmental conditions directly to offending behavior (Hofvander *et al.*, 2023; Wilson *et al.*, 2024). Rather, offending risks, where present, are often mediated through co-occurring adversities such as bullying, school exclusion, adverse childhood experiences, social isolation, mental health challenges,

impulsivity, and limited access to neuro-affirmative support systems (Wilson *et al.*, 2024).

Autistic individuals, in particular, have received increasing scholarly attention in forensic and criminological research due to concerns regarding misunderstandings during legal processes and misconceptions surrounding criminality. Studies suggest that autistic individuals may encounter justice involvement because of literal communication styles, social misunderstandings, sensory dysregulation, or rigid behavioral patterns, yet they are also disproportionately represented as victims rather than perpetrators of harm (Hofvander *et al.*, 2023; Woodhouse *et al.*, 2024). Moreover, forensic scholarship emphasizes that criminal behaviors involving autistic or ADHD individuals should be interpreted contextually, recognizing the interaction between neurodevelopmental characteristics and environmental stressors rather than assuming malicious intent or criminal predisposition (Salter & Blainey, 2024; Woodhouse *et al.*, 2024).

Recent scholarship has also advanced the concept of dis/ableist criminology, which critiques how criminal justice systems may perpetuate structural inequalities and reinforce ableist assumptions regarding competence, culpability, and behavioral norms. According to this perspective, neurodivergent and disabled individuals may experience disproportionate surveillance, exclusion, institutional misunderstanding, and punitive responses due to societal expectations rooted in neurotypical functioning and normative behavior (Macdonald & Peacock, 2025, 2026). Such scholarship highlights the need to reconceptualize offending among disabled and neurodivergent populations through social harm, relational vulnerability, and systemic inequities rather than solely through legalistic or biomedical frameworks.

Despite the growing body of literature, conceptual ambiguity remains regarding the distinctions between disability-mediated offending and neurodivergent offending. Existing literature frequently overlaps in discussing disability, neurodevelopmental conditions, vulnerability, and offending risk without clearly differentiating between broader disability-mediated pathways and those specifically related to neurodivergent profiles (Chaplin & McCarthy, 2023; Renehan, 2024). Consequently, there remains a need for greater conceptual clarity to distinguish how disability broadly mediates offending experiences while also recognizing the unique justice-related implications associated with specific neurotypes. Addressing this conceptual gap may contribute to more nuanced theoretical frameworks, individualized interventions, and inclusive justice practices for disabled and neurodivergent persons.

MATERIALS AND METHODS

This paper adopts a conceptual and narrative review methodology to critically examine and differentiate the emerging concepts of disability-mediated offending (DMO) and neurodivergent offending (NDO) within contemporary criminological, disability, and forensic literature. Rather than employing an empirical or experimental design, the paper utilizes a theoretical-

conceptual analysis to synthesize interdisciplinary scholarship concerning disability, neurodivergence, offending behavior, and criminal justice responses. A narrative review approach is appropriate because the concepts under investigation remain emergent, inconsistently defined, and insufficiently theorized in existing literature, thereby necessitating conceptual clarification rather than statistical testing or causal modelling (Macdonald & Peacock, 2025; Rogers, 2025). Relevant literature was drawn from disability criminology, forensic psychology, neurodiversity studies, criminal justice, and developmental disability scholarship to identify recurring themes, conceptual overlaps, and distinctions related to offending pathways among disabled and neurodivergent populations (Chaplin & McCarthy, 2023; Tidball, 2024).

The paper further employs illustrative hypothetical case analysis as an explanatory strategy to demonstrate how disability-related vulnerabilities, neurodevelopmental characteristics, psychosocial stressors, and systemic barriers may interact with offending trajectories. Hypothetical case examples were intentionally developed to illustrate conceptual applications rather than to generalize offending patterns or reinforce stereotypes concerning disabled or neurodivergent individuals. This approach aligns with contemporary disability and neurodiversity scholarship, which cautions against deterministic interpretations of offending and instead emphasizes ecological, contextual, and relational influences, including trauma, exclusion, unmet support needs, social misunderstanding, and institutional inequities (Wilson *et al.*, 2024; Woodhouse *et al.*, 2024). The use of hypothetical cases or scenarios also enables the discussion of ethically sensitive issues surrounding justice involvement without identifying or pathologizing actual individuals.

A comparative conceptual framework was additionally employed to examine the similarities and distinctions between disability-mediated offending and neurodivergent offending. Through thematic comparison, the paper analyses dimensions such as definitional scope, target populations, contributing risk factors, criminological assumptions, justice system implications, and intervention approaches. This comparative strategy facilitates greater theoretical precision and helps situate neurodivergent offending as either a distinct construct or a subset of disability-mediated offending depending on the disability framework adopted (Macdonald & Peacock, 2026; Renehan, 2024). Given the growing recognition of disabled and neurodivergent persons within criminal justice systems, this methodology allows for an academically grounded yet practice-oriented discussion relevant to policy, assessment, rehabilitation, and inclusive justice practices.

RESULTS AND DISCUSSION

This paper sought to clarify the conceptual distinctions and areas of overlap between DMO and NDO within the context of inclusive criminal justice. While both concepts reject deterministic explanations that attribute offending

directly to disability or neurodivergence, the findings from the conceptual review suggest that they differ in scope, explanatory emphasis, and criminological application. Specifically, DMO provides a broader disability-informed framework for understanding how disability-related vulnerabilities and disabling social conditions may mediate pathways into offending, whereas NDO focuses more specifically on how neurodevelopmental profiles and neurotypes intersect with contextual and psychosocial factors in justice involvement. The hypothetical case illustrations presented in this paper further demonstrate that offending among disabled and neurodivergent individuals is best understood through ecological, relational, and systemic perspectives rather than deficit-based or punitive interpretations. The discussion therefore first examines DMO and its hypothetical case illustration before turning to NDO and its corresponding hypothetical example in order to further elucidate their conceptual implications for disability-responsive, neuro-affirmative, and trauma-informed justice practices

Disability-Mediated Offending

Disability-mediated offending (DMO) refers to offending behavior that is mediated, influenced, or shaped by disability-related conditions, impairments, or disabling social circumstances. According to Chia (2026a), the concept does not suggest that disability directly causes criminal behavior. Rather, it recognizes that disability-related factors (i.e., communication difficulties, impaired executive functioning, trauma, sensory dysregulation, intellectual limitations, social vulnerability, unmet support needs, coercion by others, and exclusionary environments) may contribute to pathways into offending or increased contact with the criminal justice system. Recent disability-focused criminological scholarship by Macdonald and Peacock (2026), as well as Rogers (2025), increasingly emphasizes that offending among disabled persons should be understood within broader social and contextual frameworks, rather than through simplistic deficit-based explanations. These frameworks draw attention to structural factors such as poverty, socio-cultural discrimination, institutional failures, inadequate educational support, and social marginalization. In this regard, the Broken Windows Theory proposed by Wilson and Kelling (1982) is relevant insofar as it posits that visible signs of disorder and neglect can weaken social regulation and contribute to escalating antisocial or criminal behavior. Applied critically, the theory underscores how neglected and exclusionary environments may heighten the vulnerability of disabled persons to criminalization and justice-system contact.

A hypothetical case illustrating DMO may involve a 17-year-old adolescent, Daniel, who has mild intellectual disability and co-occurring ADHD. Coming from a low-income family background, Daniel attends a nearby mainstream school but has experienced repeated social exclusion, academic failure, and bullying due to his communication difficulties and impulsive behaviors.

He also demonstrates limited social judgment and a strong desire for peer acceptance, factors that may heighten vulnerability to peer influence among youth with intellectual and developmental disabilities (IDD; Rahmatillah, 2025; Tidball, 2024). After prolonged disengagement from school and inadequate access to disability-informed interventions, Daniel becomes associated with an older peer group involved in minor theft and vandalism. Seeking belonging and approval, he agrees to act as a lookout during a shoplifting incident and later participates in property damage. During police questioning, Daniel struggles to understand legal language, responds suggestively to leading questions. He admits his involvement without fully comprehending the legal implications of his statements, reflecting concerns raised in recent scholarship regarding procedural vulnerability, comprehension difficulties, and reduced access to justice among individuals with intellectual (cognitive) and developmental disabilities (Rahmatillah, 2025; Tidball, 2024). These disadvantages frequently arise from difficulties in comprehension, communication, suggestibility, executive functioning, and emotional regulation, compounded by the inadequate provision of procedural safeguards within the criminal justice system (Rahmatillah, 2025; Rogers, 2025; Tidball, 2024). Such vulnerabilities may increase the likelihood of false confessions, misunderstanding of legal rights, and the inappropriate criminalization of behaviors associated with unmet support needs (Carrington *et al.*, 2013; Leotti & Slayter, 2022; Stubbs *et al.*, 2023).

In this scenario, Daniel's offending behavior is not caused by disability per se, but is better understood as DMO, whereby disability-related vulnerabilities (e.g., impaired executive functioning, social suggestibility, emotional dysregulation, limited comprehension, exclusionary school experiences, and insufficient support systems) interact with environmental and relational risk factors to shape pathways into offending (Macdonald & Peacock, 2025; Rogers, 2025). Contemporary disability-focused criminology emphasizes that such cases should be interpreted through a social and contextual lens, recognizing how structural inequalities, unmet support needs, social marginalization, and institutional failures may contribute to juvenile justice involvement among disabled school-age individuals rather than reducing offending to pathology or personal deficit (Macdonald & Peacock, 2025; Rogers, 2025).

This hypothetical example also demonstrates why DMO should be distinguished from conventional criminological explanations that focus narrowly on individual culpability (Chia, 2026b). A disability-informed interpretation would likely prompt multidisciplinary assessment, reasonable accommodations during police procedures, trauma-informed interventions, educational reintegration, and family or community supports to reduce recidivism risk. Recent scholarship (Chia, 2026a, 2026b; Macdonald & Peacock, 2025; Rahmatillah, 2025; Tidball, 2024) increasingly argues that criminal justice systems should

adopt disability-responsive and neuro-affirmative approaches, particularly where offenders experience communication barriers, cognitive vulnerabilities, or developmental disabilities that affect legal understanding, behavioral regulation, and procedural participation.

Neurodivergent Offending

In this paper, the term Neurodivergent Offending (NDO) is introduced to refer specifically to offending behavior involving individuals who are neurodivergent. The term encompasses individuals with neurodevelopmental differences, such as ASD, ADHD, LD (including dyslexia, dyscalculia, and dysgraphia), DCD or dyspraxia, Tourette syndrome, and related neurotypes. In criminological and forensic contexts, NDO is used in this paper to describe situations in which neurodevelopmental characteristics may intersect with offending risks, criminal justice encounters, or behavioral patterns.

Importantly, contemporary scholarship cautions against deterministic assumptions that neurodivergence causes crime (Hofvander *et al.*, 2023; Macdonald & Peacock, 2026). Instead, researchers (e.g., Carrington *et al.*, 2013; Holt, 2024; Macdonald & Peacock, 2025, 2026; Stubbs *et al.*, 2023) argue that offending risks, where present, are often mediated by factors, e.g., impulsivity, emotional dysregulation, trauma exposure, co-existing mental health conditions, social misunderstanding, school exclusion, unmet support needs, and experiences of dis/ableism. Neurodivergent individuals are also frequently overrepresented as victims or vulnerable persons within justice systems, and many scholars (e.g., Hofvander *et al.*, 2023; Holt, 2024; Macdonald & Peacock, 2026) argue that systemic failures and stigma contribute significantly to criminalization pathways.

A hypothetical case illustrating NDO may involve a 19-year-old young adult, Adam, who is autistic and has co-occurring ADHD, commonly referred to as AuDHD (Chang, 2024; Powell, 2026; Speed, 2026). Adam demonstrates intense special interests, sensory sensitivities, impulsivity, and difficulties interpreting unwritten social rules and interpersonal boundaries. Following repeated experiences of peer rejection, anxiety, and social isolation during secondary school, he increasingly engages in online communities related to one of his special interests. Over time, Adam develops an inappropriate fixation on a female acquaintance whom he mistakenly believes reciprocates his interest due to his literal interpretation of digital interactions and difficulties reading indirect social cues. Despite repeated subtle indications that communication is unwelcome, he persistently sends messages, appears unexpectedly at places she frequents, and uploads online content indirectly referring to her. Eventually, his behaviors escalate into harassment and lead to police involvement. During police interviews, Adam appears emotionally detached and struggles to explain the emotional impact of his actions on the other person, not because of malicious intent, but due to social communication differences,

impaired perspective-taking, emotional dysregulation, and executive functioning challenges commonly associated with some neurodevelopmental profiles (Woodhouse *et al.*, 2024; Wilson *et al.*, 2024).

In this hypothetical case, Adam's behavior may be conceptualized as neurodivergent offending, where characteristics associated with neurodivergence (e.g., cognitive rigidity, impulsivity, social communication differences, emotional dysregulation, and literal interpretation of social contexts) interact with environmental and psychosocial stressors to shape pathways into offending (Renehan, 2024; Salter & Blainey, 2024). Importantly, Adam's neurodivergence is not interpreted as the direct cause of offending, but rather as one factor within a broader ecological context involving unmet support needs, relational misunderstandings, limited psychoeducation regarding boundaries and consent, and prolonged experiences of exclusion and vulnerability (Macdonald & Peacock, 2026; Wilson *et al.*, 2024). Contemporary criminological scholarship cautions against pathologizing neurodivergent individuals or reinforcing stereotypes that equate autism or ADHD with criminality. Instead, researchers advocate for neuro-affirmative, contextualized understandings of offending that recognize both vulnerability and agency while emphasizing preventative supports and individualized intervention (Holt, 2024; Woodhouse *et al.*, 2024).

From a criminal justice perspective, this hypothetical example illustrates why neurodivergent offending differs from conventional offender profiling and punitive responses. A neuro-affirmative and disability-responsive approach would likely include communication accommodations during legal proceedings, individualized risk assessment, psychoeducation on interpersonal boundaries and consent, emotional regulation supports, and restorative or rehabilitative interventions where appropriate (Salter & Blainey, 2024; Woodhouse *et al.*, 2024). Emerging evidence further suggests that neurodivergent individuals in criminal justice systems frequently experience unmet support needs, procedural misunderstandings, and systemic disadvantages, underscoring the need for trauma-informed and inclusive justice practices (Macdonald & Peacock, 2026; Wilson *et al.*, 2024).

Disability-Mediated Offending vs Neurodivergent Offending

Though the two terms DMO and NDO are related but not identical. Disability-mediated offending (DMO) is the broader umbrella concept, encompassing offending associated with any disability category (e.g., intellectual, psychosocial, physical, sensory, or neurodevelopmental disabilities) and the disabling conditions surrounding them. Neurodivergent offending (NDO) is a subset that focuses specifically on offenders who are neurodivergent or whose neurodevelopmental profiles may interact with offending behavior. In other words, all NDO may potentially be viewed as DMO (depending on one's

disability framework), but not all disability-mediated offending is neurodivergent offending. Conceptually, DMO highlights the mediating role of disability and social barriers, whereas NDO highlights the specific role of neurotypes and neurodevelopmental diversity in justice-related experiences (Chaplin & McCarthy, 2023; Renehan, 2024).

Both DMO and NDO are best conceptualized as interdisciplinary constructs situated at the intersection of criminology, psychology, neuroscience, disability studies, sociology, and legal studies, reflecting the complex interaction between neurocognitive profiles, disability-

related experiences, and justice system processes. Table 1 below provides a tabulated comparison of the similarities and differences between DMO and NDO.

Both DMO and NDO reject simplistic or deterministic accounts of criminality. Instead, they conceptualise offending behavior as emerging through complex, multifactorial pathways shaped by the interaction of individual, social, and systemic conditions. Within this shared framework, both constructs emphasise the mediating influence of trauma, social exclusion, unmet support needs, emotional dysregulation, communication barriers, and broader structural inequities in shaping

Table 1: Similarities and Differences between DMO and NDO

Dimension	Disability-Mediated Offending (DMO)	Neurodivergent Offending (NDO)	Similarity / Difference
Definition	Refers to offending behavior influenced or mediated by disability-related conditions, impairments, vulnerabilities, or disabling social circumstances (Carrington <i>et al.</i> , 2013; Holt, 2024; Stubbs <i>et al.</i> , 2023).	Refers specifically to offending involving individuals with neurodevelopmental differences such as autism, ADHD, dyslexia, dyspraxia, or Tourette syndrome, where neurodevelopmental characteristics intersect with offending risks (Hofvander <i>et al.</i> , 2023; Holt, 2024; Leotti & Slayter, 2022).	Difference
Scope	Broader umbrella concept that includes intellectual, psychosocial, sensory, physical, and neurodevelopmental disabilities (Carrington <i>et al.</i> , 2013; Holt, 2024; Stubbs <i>et al.</i> , 2023).	Narrower subset focused specifically on neurodivergent populations and neurotypes (Hofvander <i>et al.</i> , 2023; Holt, 2024; Leotti & Slayter, 2022).	Difference
Causation Perspective	Does not assume disability directly causes offending; instead emphasizes mediating disability-related and social factors (Holt, 2024; Leotti & Slayter, 2022; Macdonald & Peacock, 2026).	Rejects deterministic assumptions that neurodivergence causes criminality and instead emphasizes ecological and contextual influences (Holt, 2024; Leotti & Slayter, 2022; Macdonald & Peacock, 2026).	Similarity
Key Contributing Factors	Communication difficulties, cognitive limitations, trauma, impaired executive functioning, social vulnerability, exclusion, coercion, and lack of support may influence offending trajectories (Carrington <i>et al.</i> , 2013; Holt, 2024; Macdonald & Peacock, 2026; Stubbs <i>et al.</i> , 2023).	Impulsivity, sensory sensitivities, emotional dysregulation, literal interpretation, cognitive rigidity, social misunderstandings, trauma, and unmet support needs may influence justice involvement (Hofvander <i>et al.</i> , 2023; Holt, 2024; Speed, 2026).	Similarity with contextual differences
Target Population	Individuals with disabilities broadly defined, including intellectual, psychosocial, physical, sensory, and developmental disabilities (Carrington <i>et al.</i> , 2013; Leotti & Slayter, 2022; Stubbs <i>et al.</i> , 2023).	Individuals identified as neurodivergent, including autistic persons and those with ADHD, dyslexia, dyspraxia, and related neurodevelopmental differences (Hofvander <i>et al.</i> , 2023; Holt, 2024; Speed, 2026).	Difference
Conceptual Focus	Emphasizes how disability-related vulnerabilities and disabling environments mediate offending pathways (Carrington <i>et al.</i> , 2013; Macdonald & Peacock, 2026; Stubbs <i>et al.</i> , 2023).	Emphasizes how neurodevelopmental profiles and neurotypes intersect with justice involvement (Hofvander <i>et al.</i> , 2023; Speed, 2026).	Difference

Social Context	Highlights structural inequalities, discrimination, exclusion, poverty, and institutional failures affecting disabled persons (Carrington <i>et al.</i> , 2013; Holt, 2024; Macdonald & Peacock, 2026; Stubbs <i>et al.</i> , 2023).	Highlights stigma, dis/ableism, unmet psychoeducational needs, peer rejection, and social misunderstanding experienced by neurodivergent individuals (Hofvander <i>et al.</i> , 2023; Holt, 2024; Speed, 2026).	Similarity
Justice System Challenges	May involve limited legal comprehension, suggestibility during questioning, communication barriers, and lack of accommodations (Carrington <i>et al.</i> , 2013; Leotti & Slayter, 2022; Stubbs <i>et al.</i> , 2023).	May involve misunderstanding of intent, emotional expression, social communication differences, and procedural misunderstandings in criminal justice settings (Hofvander <i>et al.</i> , 2023; Holt, 2024).	Similarity with contextual differences
Intervention Approach	Supports disability-responsive, trauma-informed, multidisciplinary, and rehabilitative interventions (Carrington <i>et al.</i> , 2013; Macdonald & Peacock, 2026; Stubbs <i>et al.</i> , 2023).	Supports neuroaffirmative, individualized, communication-sensitive, and restorative interventions (Hofvander <i>et al.</i> , 2023; Holt, 2024).	Similarity
Relationship Between Concepts	Serves as the broader conceptual umbrella (Carrington <i>et al.</i> , 2013; Macdonald & Peacock, 2026; Stubbs <i>et al.</i> , 2023).	Can be conceptualized as a subset of disability-mediated offending depending on the disability framework adopted (Hofvander <i>et al.</i> , 2023; Speed, 2026).	Difference with overlap

pathways into justice system involvement. In addition, both perspectives advocate for contextualized, rights-based, trauma-informed, and rehabilitative approaches to criminal justice, shifting emphasis away from punitive or deficit-oriented interpretations toward more supportive, individualized, and responsive interventions.

Despite these areas of convergence, the primary distinction between DMO and NDO lies in their scope and conceptual focus. DMO is positioned as a broader disability criminology framework that encompasses a wide range of disability categories, including intellectual, psychosocial, sensory, physical, and developmental disabilities (Chia, 2026a, 2026b). By contrast, NDO is more narrowly defined, focusing specifically on neurodevelopmental profiles and neurotypes (e.g., ASD, ADHD, LD, DCD, and Tourette syndrome). Accordingly, NDO may be understood as a more specific subcategory within the broader DMO framework, although both retain distinct conceptual and analytical utility depending on the level of analysis adopted.

Table 1 (above) provides a comparative conceptual synthesis of DMO and NDO, highlighting both their points of convergence and divergence. The table situates both constructs within a non-reductionist, contextually informed framework that foregrounds the interaction between individual characteristics and broader social, environmental, and institutional conditions, rather than attributing offending to deterministic or essentialist causes.

Across the dimensions presented, DMO is consistently framed as an umbrella concept encompassing multiple categories of disability, whereas NDO is delineated as a more focused construct centred on neurodevelopmental

difference and neurodivergence. This distinction is evident across definitions, target populations, and conceptual emphases. Specifically, DMO foregrounds disability-related vulnerability within structural and institutional contexts, while NDO emphasises neurodevelopmental characteristics and their intersection with criminal justice system contact.

Notwithstanding these distinctions, Table 1 also demonstrates substantial conceptual overlap between the two frameworks. Both reject deterministic explanations of offending and instead locate risk within mediated and contextual pathways involving trauma exposure, communication difficulties, emotional regulation challenges, social exclusion, and unmet support needs. Both also recognise that justice system processes may be complicated by communication barriers, misinterpretation of behavior or intent, and insufficient procedural accommodations. These shared concerns extend to intervention approaches, with both DMO and NDO advocating for trauma-informed, rights-based, and individually tailored responses aimed at improving justice outcomes and reducing harm.

Finally, the relational positioning of the two constructs suggests that NDO can be understood as a more specialised articulation within the broader DMO framework, depending on the theoretical and analytical lens adopted. Overall, the tabulation clarifies conceptual boundaries while also demonstrating the interdependence of disability and neurodivergence within criminological and forensic contexts, supporting a more integrated and context-sensitive understanding of offending pathways. Implications of DMO and NDO on Juvenile Delinquency The implications of DMO and NDO on juvenile

delinquency (JD) are substantial because both frameworks challenge traditional deficit-oriented and punitive understandings of youth offending by emphasizing developmental, contextual, and disability-related vulnerabilities. Within the context of JD, DMO suggests that delinquent behavior among young persons may not arise solely from intentional criminality or moral deviance, but rather from disability-related difficulties such as impaired executive functioning, communication barriers, emotional dysregulation, intellectual limitations, trauma exposure, social suggestibility, and exclusionary educational environments (Chia, 2026a; Rahmatillah, 2025). Juveniles with intellectual disabilities, psychosocial disabilities, or developmental conditions may become disproportionately vulnerable to peer coercion, manipulation, bullying, and school disengagement, thereby increasing their risk of justice involvement. Consequently, DMO reframes JD as a phenomenon that may be mediated by disability-related vulnerabilities interacting with systemic inequities, unmet support needs, poverty, discrimination, and institutional failures rather than reflecting deliberate antisocial intent alone (Macdonald & Peacock, 2025; Rogers, 2025).

Similarly, NDO has important implications for understanding JD among neurodivergent youths, particularly those with ASD, ADHD, LD, DCD, or related neurodevelopmental profiles. Contemporary criminological research (e.g., Chaplin & McCarthy, 2023; Hofvander *et al.*, 2023) suggests that neurodivergent adolescents may encounter justice involvement not because neurodivergence directly causes offending, but because neurodevelopmental characteristics may interact with environmental adversities and developmental vulnerabilities. For example, impulsivity, emotional dysregulation, literal interpretation of social situations, sensory overload, difficulties understanding social boundaries, peer rejection, adverse childhood experiences, and school exclusion may increase susceptibility to behaviors that are criminalized during adolescence (Wilson *et al.*, 2024; Woodhouse *et al.*, 2024). In this regard, JD involving neurodivergent youths may sometimes reflect unmet psychoeducational needs, inadequate behavioral supports, or misunderstandings of intent rather than purposeful delinquent tendencies. Such an understanding discourages deterministic assumptions that neurodivergent youths are inherently predisposed to offending and instead promotes neuro-affirmative and contextualized interpretations of juvenile misconduct (Salter & Blainey, 2024; Renahan, 2024).

The implications of DMO and NDO further extend to juvenile justice policy, intervention, and rehabilitation. Traditional juvenile justice responses often emphasize punishment, deterrence, and individual accountability. Nonetheless, both DMO and NDO highlight the limitations of these approaches when applied to disabled and neurodivergent youths (Tidball, 2024). Juvenile justice systems may inadvertently criminalize disability-related behaviors, misinterpret communication differences as

defiance, or fail to recognise procedural vulnerabilities during police interviews and court proceedings (Rahmatillah, 2025; Rogers, 2025). These systemic shortcomings may increase the risk of false confessions, misunderstanding of legal rights, and disproportionate sentencing outcomes. Consequently, DMO and NDO highlight the need for disability-responsive, trauma-informed, and neuro-affirmative juvenile justice practices (Macdonald & Peacock, 2026; Woodhouse *et al.*, 2024). These approaches include individualized risk assessments, communication accommodations, diversionary programs, and educational reintegration initiatives (Carrington *et al.*, 2013; Rahmatillah, 2025; Stubbs *et al.*, 2023). They also emphasize family-centred interventions, emotional regulation support, and restorative justice practices aimed at reducing recidivism while addressing underlying psychosocial and developmental needs (Holt, 2024; Woodhouse *et al.*, 2024).

Figure 1 (see page 16) illustrates how DMO and NDO are conceptually interlinked with JD through shared contextual factors, e.g., trauma, social exclusion, unmet support needs, school disengagement, and peer influence. On one hand, DMO represents a broader disability-informed framework encompassing disability-related vulnerabilities and disabling social environments. On the other hand, NDO represents a subset focusing specifically on neurodevelopmental differences such as ASD and ADHD. The framework demonstrates how disability-related and neurodevelopmental characteristics may interact with environmental and psychosocial risk factors to shape pathways into juvenile delinquency (JD), while highlighting implications for disability-responsive, neuro-affirmative, trauma-informed, and rehabilitative juvenile justice interventions.

Broadly speaking, DMO and NDO do imply a developmental and ecological reframing of JD itself. Rather than conceptualizing delinquent youths simply as offenders, these frameworks encourage practitioners and policymakers to understand offending behavior through the interaction of disability, neurodevelopment, trauma, exclusion, social disadvantage, and systemic barriers (Chia, 2026a, 2026b; Wilson *et al.*, 2024). Such a perspective aligns with contemporary rights-based and inclusive approaches to juvenile justice by recognizing that many disabled and neurodivergent youths involved in offending are also vulnerable individuals requiring support, accommodation, and early intervention. Ultimately, the application of DMO and NDO to JD has the potential to promote more equitable, preventative, and rehabilitative responses while reducing the over-criminalization of disabled and neurodivergent young people (Macdonald & Peacock, 2025; Tidball, 2024).

CONCLUSION

In summary, disability-mediated offending (DMO) and neurodivergent offending (NDO) are related yet distinct concepts that provide important lenses for understanding offending behavior among persons with disabilities

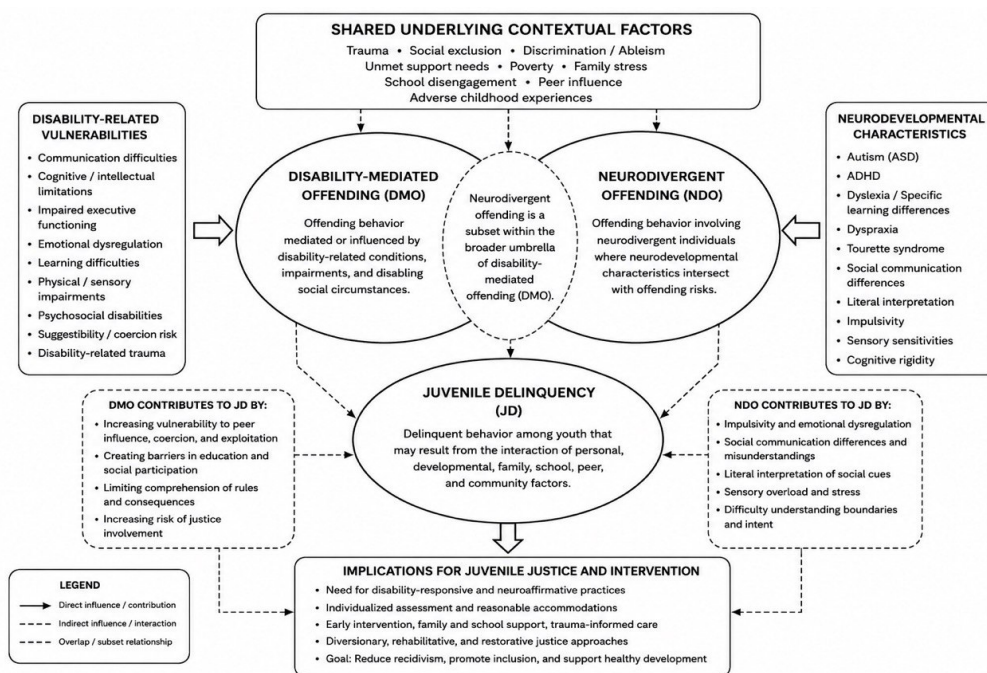


Figure 1: The Interrelationship between DMO, NDO, and JD

and neurodevelopmental differences. DMO serves as a broader framework that considers how disability-related conditions and disabling social environments may contribute to justice involvement, whereas NDO refers more specifically to offending associated with neurodevelopmental profiles, such as ASD, ADHD, LD, or DCD. More importantly, contemporary scholarship cautions against simplistic causal interpretations, arguing instead that offending should be understood through multifactorial pathways involving trauma, exclusion, unmet needs, social vulnerability, and systemic inequities. Greater conceptual clarity between these terms may help researchers, practitioners, and policymakers adopt more nuanced, rights-based, and neuro-affirmative approaches to assessment, intervention, rehabilitation, and criminal justice responses for disabled and neurodivergent populations. In the context of juvenile delinquency (JD), these frameworks further underscore the importance of early identification, individualized support, inclusive educational interventions, and disability-responsive juvenile justice practices aimed at addressing underlying developmental and psychosocial needs while reducing pathways into long-term criminalization.

REFERENCES

- Chaplin, E., & McCarthy, J. M. (2023). The role of subthreshold neurodevelopmental disorder in offending behavior. In J. M. McCarthy, R. T. Alexander, & E. Chaplin (Eds.), *Forensic aspects of neurodevelopmental disorders: A clinician's guide* (pp. 101–111). Cambridge University Press. <https://doi.org/10.1017/9781108955522.009>
- Chang, G. (2024). The tug-of-war of emotion in children with AuDHD. *Berkeley Scientific Journal*, 28(2), 30–36. <https://doi.org/10.5070/BS328264287>
- Chia, K. H. (2026a). From juvenile delinquency (JD) to disability-mediated offending (DMO): A developmental and legal reframing of youth crime. *World Journal of Law*, 2(1), 12–16. <https://doi.org/10.5281/zenodo.18480174>
- Chia, K. H. (2026b). Disruptive behavior disorders, juvenile delinquency, and disability-mediated offending: A multidisciplinary examination with clinical illustrations. *International Journal of Law, Policy, and Social Research*, 8(2), 6–9. <https://doi.org/10.5281/zenodo.19416522>
- Clare, I. C. H., & Gudjonsson, G. H. (1995). The vulnerability of suspects with intellectual disabilities during police interviews: A review and experimental study of decision-making. *Mental Handicap Research*, 8(2), 110–128. <https://doi.org/10.1111/j.1468-3148.1995.tb00149.x>
- Carrington, K., Ball, M., O'Brien, E., & Tauri, J. M. (Eds.). (2013). *Crime, justice and social democracy: International perspectives*. Palgrave Macmillan. <https://doi.org/10.1057/9781137008695>
- Henderson, C. A. F., & Bull, M. (2024). Sentencing and the overrepresentation of people with cognitive disability in the Australian criminal justice system. *Current Issues in Criminal Justice*, 36(1), 81–98. <https://doi.org/10.1080/10345329.2023.2245592>
- Hofvander, B., Nilsson, T., Ståhlberg, O., Claesdotter, E., Moberg, P., Ahlbäck, K., & Karlén, M. H. (2023). Autism spectrum disorders in forensic psychiatric investigations: Patterns of comorbidity and criminality. *Frontiers in Psychiatry*, 14, Article 1168572. <https://doi.org/10.3389/fpsyt.2023.1168572>
- Holland, L., Reid, N., & Smirnov, A. (2023). Neurodevelopmental disorders in youth justice: A systematic review of screening, assessment and

- interventions. *Journal of Experimental Criminology*, 19(1), 31–70. <https://doi.org/10.1007/s11292-021-09475-w>
- Holt, A. (2024). “I’m his safe space”: Mothers’ experiences of physical violence from their neurodivergent children: Gender, conflict and the ethics of care. *The British Journal of Criminology*, 64(4), 811–826. <https://doi.org/10.1093/bjc/azad074>
- Leotti, S. M., & Slayter, E. (2022). Criminal legal systems and the disability community: An overview. *Social Sciences*, 11(6), Article 255. <https://doi.org/10.3390/socsci11060255>
- Ligthart, S., Dore-Horgan, E., & Meynen, G. (2023). The various faces of vulnerability: Offering neuro-interventions to criminal offenders. *Journal of Law and the Biosciences*, 10(1), Article lsad009. <https://doi.org/10.1093/jlb/lsad009>
- Macdonald, S. J., & Peacock, D. (2025). Dis/ableist criminology: Beyond ableism through a zemiological framework. *Critical Criminology*, 33, 463–479. <https://doi.org/10.1007/s10612-025-09843-2>
- Macdonald, S. J., & Peacock, D. (2026). Dis/ableist criminology: Conceptualising the social harms experienced by neurodivergent individuals who have encountered the criminal justice system. *The British Journal of Criminology*. Advance online publication. <https://doi.org/10.1093/bjc/azag035>
- Newman-Griffis, D., Swenor, B. K., Valdez, R. S., & Mason, G. (2025). Disability data futures: Achievable imaginaries for AI and disability data justice. In C. El Morr, Y. El-Lahib, & R. da Silveira Gorman (Eds.), *Beyond tech fixes* (pp. 205–218). Springer. https://doi.org/10.1007/978-3-031-93022-5_16
- Powell, L. (2026). The neurodivergent lens: Surviving and thriving in academia as an AuDHD woman. *Autism in Adulthood*. Advance online publication. <https://doi.org/10.1177/25739581261421101>
- Rahmatillah, R. (2025). Criminal liability and ideal procedural legislation for offenders with mental and/or intellectual disabilities: A comparative study between Indonesia and Japan (Doctoral dissertation, Universitas Islam Indonesia). <https://dspace.uui.ac.id/handle/123456789/58246>
- Renehan, N. (2024). Foregrounding meaning and motive in the domestic abuse perpetration of and response to neurodivergent men. *Deviant Behavior*, 45(12), 1682–1697. <https://doi.org/10.1080/01639625.2024.2319638>
- Rogers, C. (2025). Rape and sexual assault: The criminalised disabled sex offender. *Deviant Behavior*, 46(2), 195–212. <https://doi.org/10.1080/01639625.2024.2338885>
- Salter, J., & Blainey, S. (2024). The effectiveness of interventions for offending behaviors in adults with autism spectrum disorders (ASD): A systematic PRISMA review. *BMC Psychology*, 12, Article 316. <https://doi.org/10.1186/s40359-024-01770-1>
- Speed, T. (2026). AuDHD as a boundary case of non-stabilizable cognition: On the crisis of categorical models in neurodivergence research [Preprint]. *PhilArchive*. <https://doi.org/10.5281/zenodo.19847468>
- Stubbs, J., Russell, S., Baldry, E., Brown, D., Cunneen, C., & Schwartz, M. (2023). Rethinking community sanctions: Social justice and penal control. *Emerald Publishing Limited*. <https://doi.org/10.1108/9781801176408>
- Tidball, M. (2024). *Disabling criminal justice: The governance of autistic adult defendants in the English criminal justice system*. Bloomsbury Publishing.
- Wilson, C., Butler, N., Quigg, Z., Moore, D., & Bellis, M. (2024). Relationships between neurodivergence status and adverse childhood experiences, and impacts on health, wellbeing, and criminal justice outcomes: Findings from a regional household survey study in England. *BMC Medicine*, 22(1), Article 592. <https://doi.org/10.1186/s12916-024-03821-1>
- Wilson, J. Q., & Kelling, G. L. (1982). Broken windows: The police and neighborhood safety. *The Atlantic Monthly*, 249(3), 29–38. <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>
- Woodhouse, E., Hollingdale, J., Davies, L., Al-Attar, Z., Young, S., Vinter, L. P., & Allely, C. (2024). Identification and support of autistic individuals within the UK criminal justice system: A practical approach based upon professional consensus with input from lived experience. *BMC Medicine*, 22, Article 157. <https://doi.org/10.1186/s12916-024-03320-3>
- Young, S., Goodwin, E. J., Sedgwick, O., & Gudjonsson, G. H. (2013). The effectiveness of police custody assessments in identifying suspects with intellectual disabilities and attention deficit hyperactivity disorder. *BMC Medicine*, 11, Article 248. <https://doi.org/10.1186/1741-7015-11-248>