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Testimony before Ohio Senate Government Oversight and Reform Committee
HB 115

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Good morning, Chairman Coley and members of the Ohio Senate Government Oversight and Reform Committee. My name is Carolyn Gutowski, and I present testimony before you today with my colleague, Westerville Assistant Chief Jon Scowden. We testify together today because we work as a team to provide training to police agencies around Ohio regarding police interactions with individuals with Autism Spectrum Disorder (“ASD”) and other communication disabilities. To date, we have provided training to 38 police agencies and nearly 300 officers. While we are proud of our work so far, our goal is to ensure every police officer in the state is trained, and we have a long way to go to educate all 26,000 sworn officers.

HB 115 as introduced is critically important to advancement of our mission, and as we proceed with our second year of training, it is becoming more and more clear that there is no substitute, no level of training we can provide, that would be as effective as HB 115 in protecting individuals with communication disabilities and our police officers. Further, we have seen first-hand the necessity of expanding the bill to include a training component to ensure our officers know how to respond once they recognize an individual has a communication disability, and we would like to outline that issue to you today as well.

HB 115 and Traffic Stops

ASD is a neurodevelopmental disorder characterized by impairments in communication and social skills, and marked by restricted, repetitive, unusual behaviors. For the last three decades, the rates of diagnosis of ASD in children has soared and the CDC currently estimates that 1 in 68 children under age 8 has ASD. These children are predominantly cared for by their parents or guardians, and they are aging at the same rate we all are.

Both Carrie and I are parents to growing sons with ASD, and we face different challenges, all of which highlight the need for the voluntary database that HB 115 would create. My 23 year-old son Tyler was diagnosed with ASD at age 3. Tyler graduated from high school and has grown into a largely independent young man who works, drives, attends church, goes to movies—all of the things a neurotypical 23 year-old would do.

However, because of unique characteristics of ASD, Tyler’s normal (for him) and non-threatening behaviors could be misperceived as impairment. Tyler is a competent and qualified driver, but like all of us, he could potentially engage in a traffic violation (Notably, the rates for

accidents for teens with ASD is lower than that of neurotypical teens). If Tyler was pulled over, a police officer would likely observe that Tyler would not make eye contact, that he seemed nervous, that he could not answer simple questions accurately or at all, that he fumbled to provide his license and registration, and that his speech was slow and slurred.

If the officer asked Tyler to perform the Standardized Field Sobriety Tests (“SFSTs”), he or she would observe that Tyler had gross motor and vestibular impairments that made it impossible for him to pass the test. But Tyler is perfectly safe to drive—the STFS have not been validated on individuals with ASD and there is no evidence of a correlation between the gross motor impairments of ASD and an inability to drive as there is with individuals who are impaired by drugs or alcohol. As a result, an officer may mistakenly arrest Tyler solely based on his disability. Having served as a police officer for over two decades and conducting hundreds of traffic stops, this hits close to home for me. I know that no officer wants to make this mistake.

With HB 115, the officer would know before he or she approached the car that Tyler had a communication disability. Thus, from the very start of this interaction, an officer who is trained to respond to individuals with communication disabilities will recognize that Tyler isn’t drunk or on drugs—he is autistic. And that officer can avoid making a potentially unconstitutional arrest that would have long term, negative emotional effects on both Tyler and the officer.

And although Tyler is not violent or self-injurious, like most individuals with ASD, he is very sensitive to touch—with HB 115, the Officer would know that using the continuum of force with Tyler was likely to escalate into a violent confrontation, and he or she could instead implement the specialized tactics we teach officers to avoid this dangerous result.

HB 115 and the Future for Adults with ASD

My son Leo is four years old and was diagnosed with ASD at age 2, and his care is provided entirely by my husband and myself with assistance from our very helpful 2 year-old daughter Alessandra. Like a quarter of people with autism, he also suffers from epilepsy, in his case a rare form of severe epilepsy called Lennox Gestaut Syndrome, and his medical needs and the associated costs can be overwhelming. Although he can walk and talk and he is my sun and stars, I am slowly coming to terms with the fact that he will likely be dependent for the rest of his life.

But as Leo is aging, so are my husband and I, and we will hit a point where we can no longer care for Leo. We are doing everything we can to raise a strong, loving daughter who will support her older brother when we are gone, but that’s a lot to ask and there are many variables that could disrupt that plan over the next few decades. We are lucky that at this time, Leo does not exhibit some of the violent or self-injurious behaviors of some individuals with ASD that overwhelm exhausted caregivers.

Most communities, including those in Ohio, are not prepared to care for Leo, or the rest of this emerging population of dependent adults with ASD. There is no safety net when the caregivers are gone or overwhelmed. This is a public health crisis that must be addressed, but until it is, our police officers are the ones who are called when an individual with ASD engages in unusual behaviors, is injured because they have no sense of danger, assaults another person because there is no one there to calm them, or becomes a victim of crime because they can’t

defend themselves. HB 115 is a step toward supporting our officers who may come into contact with these individuals, and is an important brick in that foundation we must build to support this community.

Next Steps

As you can probably tell by our testimony, the educational aspect here is critical. Although some officers have familiarity with ASD, we have found overwhelmingly in our trainings that officers do not currently know enough about ASD to have a safe and productive interaction with them. We are scheduled to provide trainings around the state in 2018, but so far there is no mechanism for us to deliver this training statewide. For instance, although we have trained every single officer in the Westerville Police Department, we have not taught a single officer with the largest police departments in the state—Columbus, Cincinnati, and Cleveland. These agencies need to know how to utilize the information HB 115 would provide, and a lawyer and a cop who also have full-time jobs and families can't get 26,000 officers trained the way the law stands now.

Therefore, we ask you to pass HB 115 to ensure our training can be utilized when it is necessary. And we ask that you consider joining Florida, which passed a law in June requiring police departments to provide an effective training component on how to identify characteristics of ASD and how to appropriately respond to them. Florida passed the legislation a few months after the July 2016 shooting of Charles Kinsey, the group home therapist who was shot in the leg by a North Miami Police Officer while trying to help an autistic patient on the street. The shot was intended for the autistic man, whom the officer believed was armed. The apparent weapon turned out to be a silver toy truck, his unusual (but safe and legal) behavior simply a manifestation of his disability.

Thank you for your time, and we are happy to answer any questions.